

COURT

Q When "Mike" put on the stockings and the sandals, where was Evelyn?

WITNESS

A When he put on the stocking and the sandal on me, we were in the big room where Evelyn was. She was just looking at us.

ATTY PABRIGA

Q After you wore that sexy dress and "Mike" made you wore that stocking and sandal, what happened?

A He then brought me to the small room where he took pictures of me.

Q After he took pictures on you on that sexy dress, what happened?

A He then instructed me to remove the sexy black dress, but, then I refused to do so and I was already afraid, getting scared during that time.

Q Did you agree to his instructions to remove your clothes?

A Yes, I was forced to oblige because he was a big man and I was already afraid of him. I am only 5cm and 5kg taller and heavier than the two women.
Was sind das für doofe Aussagen? I'm scared. He is a big man usw.

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ATTY PABRIGA

Q So, while you were removing your black dress, what happened?

WITNESS

A He continued taking pictures of me while I was removing my clothes.

Q After that, what happened?

A He told me to remove my panty.

Q And, did you remove your panty?

A Yes, I did.

Q Were you wearing bra that time?

A No.

Q Why?

A He does not want me to wear bra.

ATTY PABRIGA

Q You mentioned that he instructed you to take off your panty, why did you do so?

WITNESS *Was für eine deppige Aussage ist das?
She is scared, but don't run away?*

A Because I was already scared that he would hit me. And, he seems already getting mad, if I don't obey him.

Wenn dies wirklich alles so war, warum laufen die bicken Frauen dann nicht weg?

Q So, after you took off your panty, what happened?

A He continued to take pictures on me.

COURT

Q Are you trying to say that after your panty was taken off, you were naked the whole body?

A Yes, Your Honor.

Q And then, where was Evelyn at that time?

Tolerando my Atty. did a research to this rooms, and he found out, that you cannot lock the doors. Again a lie what will be ignored from the court.

A Evelyn was at the big room while "Mike" and I were inside the small room which was closed by "Mike" and Evelyn was not able to see us what "Mike" was doing in the small room.

Also Evelyn was possible to hear and see what's going on, because the door has small holes.

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COURT

Für meinen deutschen Anwalt.

Q On this January 19 incident were "Mike" texted Evelyn, my question is, you have already your own cellphone, did "Mike" text you directly?

WITNESS

A No, he did not send me a text message, Your Honor, considering that I was using a Sun cellular number and Evelyn and "Mike" were both using a Smart cellular number.

Welche Telefonnummer habe ich?

COURT *Nun frage ich mich, woher das NBI meine Nummer kennt, die diese dem BKA übergaben?*

Continue. *Obwohl die Handys von den beiden Frauen kaputt gingen? Und das NBI weder die Handys sicherstellten noch die SMS sicher-*

ATTY. PABRIGA: *stellten. Ich, noch weder meine LG, gab mir an, welche*
Q Now, how did you feel while "Mike" was taking pictures on you, naked? *Handynummern*
an das NBI weiter.

A I was humiliated and at the same time I was scared and I wanted to cry. *Why she don't run away then?*

Q Were you expecting on him to take pictures on you naked?

A No, I was not.

Q And, what were you expecting?

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WITNESS

A We were just expecting that our pictures be taken like regular models with clothes on.

ATTY PABRIGA

Q After he took photos of you naked, what happened?

A He made me wear another dress.

Q And then, after that, what happened?

A Again, he then took pictures on me.

Q After that, what happened?

A Again, he made me removed the second dress.
She is scared and do all again?

Q Then?

A He made me removed my panty again.

Q He was already taking pictures of you that time?

WITNESS

A Yes, Ma'am.

ATTY PARRIGA

Q After that, what happened?

A Then, we went out.

Q When you say out, where?

A We went out of the small room and we went to the big room.

Q And, what happened to the big room?

A I was supposed to remove the dress I was wearing and put on my own clothes but then he threw my clothes and then he told Evelyn to go to the small room?

Evelyn sagt aus, daß ich sie (Evelyn) sofort in den kleinen Raum ging.

Q And then, what happened after that?

A I kept on calling Evelyn's name repeatedly because I was very sure that he was going to use me.

Evelyn hände nichts, obwohl Luftschlösser in der Tür sind?

Q What do you mean when you say, use?

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WITNESS

A To have sex with me.

ATTY PABRIGA

Q Was he able to have sex with you?

A Yes. (simultaneous answer)

ATTY TOLENTINO
(simultaneous)

Leading, Your Honor.

ATTY PABRIGA

She is a minor, Your Honor.

COURT

Reform.

ATTY. PABRIGA

Q What happened after that?

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We talk here about the January 19, 2011. I should rape her on this day. In the affidavit of the NDI and her (not) father, it says I raped her on January 26, 2011. What day should her rape her then. Jenny, NDI and her (not) father are not agree on one day, when I should rape her? Few days later the medical exam. He then have sex with me. on Jenny says, there is no rape evidences on her body. Not even one single mark of a rape. The judge what handle the rape file, deny the rape case of the med. exam. ATTY PABRIGA and the confusing and different statements of the NDI, Jenny and her (now) father Teofilo Catayus. But the court still going on, even there are no witnesses, no evidences and lies from the.

Q When you say he had sex with you, what do you mean? women.

Also I was from 18.1. - 22.1.11 on Bohol Island not on Cebu Island. How can I rape then Jenny?

A What I meant was, he raped me. He was so strong, he immediately inserted his penis into my vagina. Warum ignorant das Gericht diese Falschaussage?

Q After he raped you, what happened?

A After he had sex with me, I noticed that there was a third that came out of his genitalia and I think, that he took a video of the sexual encounter because before that I already saw him arranged the video camera and while he was doing that to me, the video camera was focused on us. Where is the video of this statement?

Q And after that, what happened?

A After that I went straight to the bathroom and I washed my external genitalia where I noticed there was blood on it.

Q Did he give you money for that?

fm

WITNESS

A Yes, he gave me only four hundred (Php400.00).

And she accept it after a rape?

*Kann mir bitte mal jemand eine vergewaltigte Frau zeigen,
die nach der Vergewaltigung Geld nimmt?*

ATTY PABRIGA

Q Did you tell anybody about the rape incident?

A Yes, I told Evelyn's sister about this.

And Evelyn didn't hear the rape?

In her (Evelyn) testimony, she says she hear and noticed it.

Q Can you still recall what happened on February 02, 2011
around 11:00 o'clock in the morning?

A Again, on that day Evelyn received a text message from
"Mike" asking to meet up with me at the parking area of the
Mall. I told Evelyn, I don't want to meet up with "Mike"
again because of what happened. But, then "Mike" said that
he just wanted to meet up with me because he wants to
apologize with me, that's all.

*Welches
Mall?*

*Welches Kauf-
haus?*

*Nochmals, wem hat dann das NDI meine Telefonnummer, die
es dem BKA übergab? Obwohl die beiden Frauen die Handy nicht*

Q Did you agree seeing "Mike" that time? *dem NDI zeigen, noch vor dem
3.2.2011 Kontakt hatten?*

A Yes, I did. *After I should rape her?*

Q Why did you agree meeting up with "Mike" again?

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TSN - Espartero *From the long distance way Geisano Tabunich (Shopping Mall) to the Hotel Queensland. Jenny Baran and Evelyn Asintaba never try to open the car door or car window? Never? To try to call for help? On so many traffic sign "Stop", many traffic lights and traffic jams? Why she not try to call for help? Or go out of the car?*
WITNESS *Was für einen Blödsinn erlaubt das Gericht die ganze Zeit?*

A I agree to meet up with him because I really thought that he was just going to apologize and then I'll be going home right away. *Gehts noch dümmerher?*

ATTY PABRIGA

Q So, what happened when you meet up with him?

A He said, he is embarrassed to be talking outside so he invited us to get inside the car in order to talk. And, when we were already inside the car, I was surprised when the car's engine started and then we moved forward until we reached Queensland Hotel.

Q What was your reaction when he was already traversing the road to Queensland Hotel?
From where she already know I will go to Queensland Hotel?

A I was really scared and I said to myself that he was really lying, because at first he said that we will just talk inside the car. It was obvious that we were already heading to Queensland Hotel.

An all den Ampeln, Kreuzungen, Stoppschildern kannten oder wollten die beiden Frauen das Auto nicht verlassen?

Q So, when you arrived at Queensland, what happened?

WITNESS

A Again, he handed to me a shave.

ATTY PABRIGA

Q For what?

A Again, he wanted me to shave my pubic hair.

Q And did you do it, as instructed?

A I have second thoughts but I was already scared because he sounded angry but he directed his anger towards Evelyn not to me. So, I'll have to obey, I'll have to do it because I was afraid that being the big man that he was, he might physically harm us or maul us. *What is maul in german? Somebody can explain me, please!*

Q After you shave your pubic hair, what happened?

Auf den NDI Fotos ist Jenny nicht im Schambereich zu sehen! Falschaussage von Jenny, was das Gericht ignoriert.

A Again, he made me wear a black sexy tube dress without a bra only the panty. He also made me wear sandal with heels.

Q So, after that, what happened?

A He then took pictures of me.

Q Where did he take pictures of you?

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*I didn't make pictures of her? On the pictures
she is glad and happy and smiling. Who smiles on
picture, if you are scared? Gets noch deppiger?
It is clear and straight that the FBI Agents did this pictures
after the arrest.*

A In the small room.

ATTY PABRIGA

Q And, where was Evelyn at that time?

A In the big room.

Q After "Mike" took pictures of you in that sexy black dress,
what happened?

A He asked me to do the same thing, he made me removed that
black dress.

Q What were you wearing when you removed that black dress?

A Only panty.

Q And, what did "Mike" do to you after that?

A He continued to take pictures of me.

Q After that, what happened?

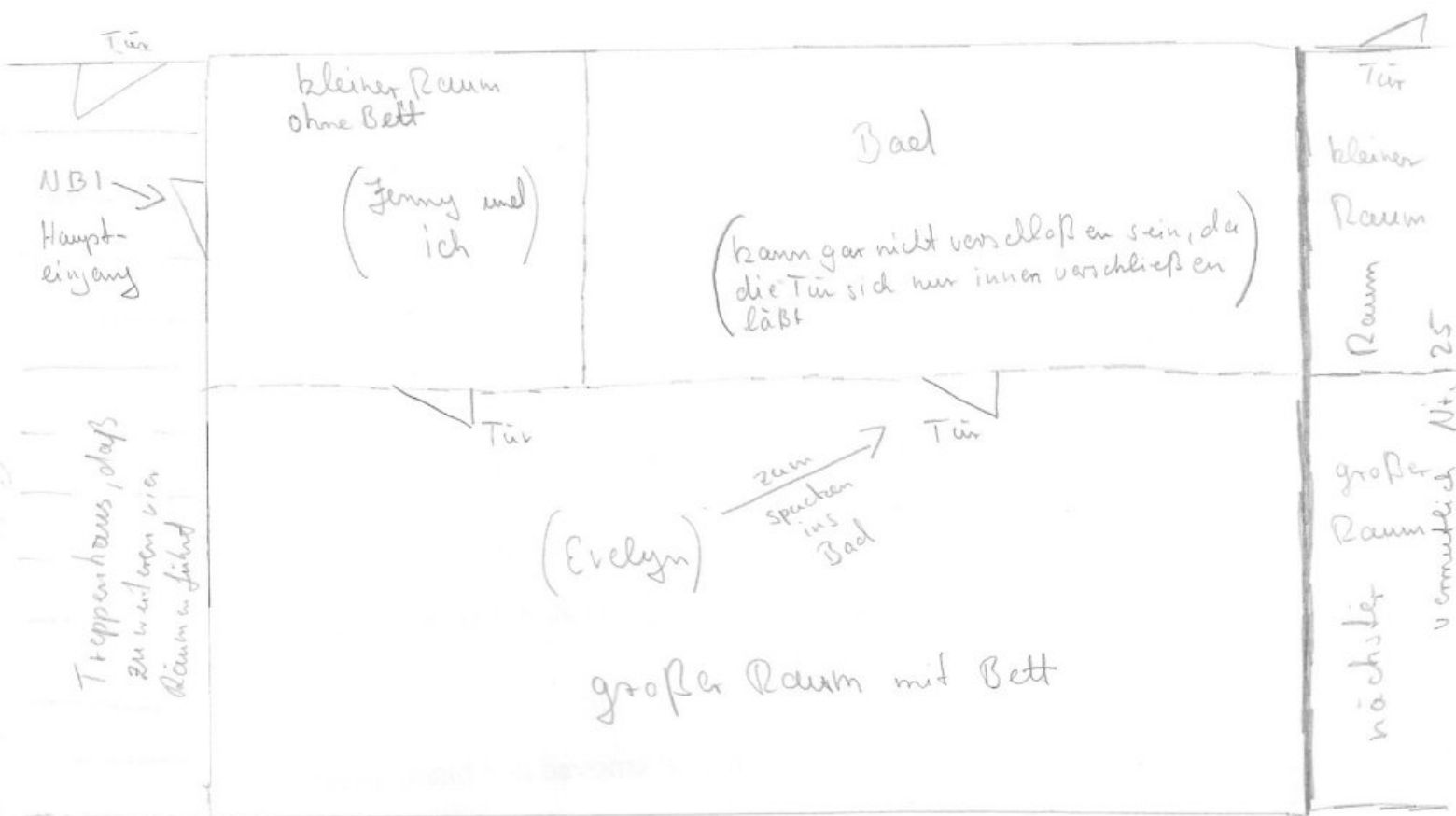
A He made me take off my panty, but, I would not have wanted
to do so.

Scann also this, it's important

Aussage Evelyn und
Jenny
Seite 19

Evelyn sagt aus, daß sie ins Bad wollte um zu spucken. Sie war im großen Raum. Warum muß Evelyn dann den kleinen Raum durchqueren um ins Bad zu kommen? Das Bad kann nur von innen verschlossen werden, wenn man im Bad ist. Da aber im Bad keiner war, war auch die Badtür nicht verschlossen. Folglich mußte Evelyn auch nicht den kleinen Raum durchqueren, um zu spucken. Wo wollte sie eigentlich spucken? Im kleinen Raum? Wo ich und Jenny sein sollten? Oder im Treppenhaus? Oder im Flur der zu den ca. 100 weiteren Räumen führt?

Flur der zu ca. weiteren 100 Räumen führt



Evelyn hat zu der Zeit nicht gespuckt. Sie hatte ihr Handy und textete dem NBI in welchen Raum wir uns befanden. Woher sollte sonst das NBI wissen in welchen der ca. 100 Räumen wir uns befanden. Evelyn öffnete auch die Tür fürs NBI.

Laut NBI Agentin Hife waren dann fünf NBI Agenten, zwei Frauen (Jenny + Evelyn), Teofilo Costayas und Ich im kleinen Raum. Wo Hife noch Platz fand Jenny's Körper mit einem Handtuch zu bedecken. Also 9 Menschen auf ca. 1,50m x 1,80m ?!?!?

Gedankengang von mir: Warum soll ich Fotos von Jenny in einem kleinen Raum tätigen. Wo fast kein Platz ist und Evelyn dafür in den großen Raum platzieren? Vom logischen her würde ich Evelyn ins Bad oder in den kleinen Raum verweisen und ich würde mit Jenny für Aufnahmen in den großen Raum gehen.

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ATTY PABRIGA

Q You mentioned that you do not want to follow his instructions to remove your clothes and panty, and, why did you remove those? Warum lächelt sie auf dann auf den Fotos?

WITNESS

A Because he was already getting angry at me and I was afraid he might mauled me being the big man that he was.

Verarschen kann ich mich selber.

Q Now, when you were already naked without your panty and bra and the black dress, what did "Mike" do, if any?

A He continued to take pictures of me in different poses. He even told me how to stand on different kinds poses. He wanted me how to smile also but since I refused, he told me to smile.

How can NBI open the door from outside?

Es werden hier am laufenden Band Lügen aufgetischt und Blödsinn erzählt, was physisch gar nicht sein kann. Aber nichts
Q After that, what happened? *von dem nimmt der Richter Sarmiento für voll. Die Tür öffnet sich von selbst. Die Tatsache, daß Evelyn mit dem Jlanely (SMS sendend) die Tür für das NBI öffnete,*

A While he was taking pictures of me in the small room without my clothes and panty on Evelyn knocked on the door because she would have wanted to go outside to spit. But, then "Mike" did not allow her because "Mike" blocked the door. And then, after that, the door knob was turn and the door was partially opened, we were surprised when somebody suddenly pushed the door. And, we only found out that it was somebody from the NBI. And, when that person from the NBI pushed the door and "Mike" was on the other side of the door "Mike" stumbled on the floor.

nimmt der Richter auch nicht zur Kenntnis.

Wie kann ich auf den "floor stumeln", wenn fast kein Platz ist zum "stumeln", bei neun Menschen in einem 1,50 m x 1,80 m
Q When the NBI arrived, what did the NBI do? *kleinen Raum?*

Die Tür (Türbrauf) öffnete sich also "partially" von allein! Was für Türen sind das hier auf den Philippinen die sich von allein öffnen? Evelyn sagt aus, daß das NBI die öffnete ohne vorher zu wissen wie uns befinden! Auf Seite 46 sagt Jenny aus, daß sich die Tür von alleine öffnet. Wer hat hier die Tür geöffnet habe

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*My things 121 I didn't bring any-
thing. This "things" planted (unterjubeln von
Beweisen durch die Polizei) from the NBI. I can proof it with the
pictures, taken on February 2nd, 2011 from NBI and the
"evidences" shown on June 4th, 2012. NBI add three blankets
to the "evidences" what were not there on February 2nd 2011.*

WITNESS
A They handcuffed "Mike".

ATTY PABRIGA

Q What did the NBI do, if any?

A They took pictures of "Mike's" things.

Q If a set of pictures will be shown to you, will you be able to identify who is in the pictures?

A Yes, Ma'am.

Q I am showing to you six (6) set of pictures of a girl, naked girl, some pictures with a black panty, can you identify who is this in these pictures?

*This picture taken from the NBI
after my arrest.*

A That's me.

Q In all these six (6) pictures, who is this?

A That is me.

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ATTY PABRIGA

May I ask, Your Honor, that these pictures be marked as Exhibits "B", "B-1", "B-2", "B-3", "B-4" and "B-5", Your Honor.

COURT:

Mark it.

ATTY. PAGRIGA

Q May I ask who took these pictures?

A "Mike".

Q What equipment did he use in taking these pictures?

A A camera, a video camera and lights.

Wo ist dann das Video?

Q You also mentioned that the NBI took pictures of "Mike's" equipment when they entered the room, is that correct?

*Wo sind dann die vier hinzugefügten Bettdecken?
(blau, weiss, gelb, grün)*

A Yes, Ma'am.

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ATTY PABRIGA

Q How did you know that they took pictures of these equipment of "Mike"?

WITNESS

A I saw it myself.

Q If the pictures of these equipment that the NBI took photos of, will you be able to identify the equipment used by "Mike"?

A Yes, Ma'am.

Q In this first picture, there seems to be different kinds of panties, whose panties are these?

A "Mike's".

Wo sind die Beweise, das hier alles mir gehört?

Q How about the set of boxes of shoes?

A Those are "Mike's" shoes.

Q How about these make ups?

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If I bring all this "things", what is not true - Why the two women still following me to the room. On June 4th 2012, I saw the things that NOI showed at the court.

WITNESS *There a big sport bag, a big carton, three big plastic bags, a camera, a camcorder (should be), lights and many shoe cartons.*

A That's his, he was the one who brought those. *How should I carry this things alone to the room?*

ATTY PABRIGA *To show this "things" to the judge on June 4th 2012, there were the need of the NOI Agent Jedaha Hise and the to prosecutors*

Q And, these panties and bras and make ups, what are the purpose of these, if you know? *in need and they have to go twice to bring all to the judge. But I should*

A What I know he was looking for girls to be his models. *so it alone on February 2nd 2011.*

Q You also mentioned a while ago that there's a video, in this picture there's a tripod with a video, is this the video with a tripod that you are referring a while ago? *Denken diese Deppen überhaupt irgendwenn einmal bei ihrer Korruptionen, was sie tun?*

A Yes, that is what I saw which was placed on his side.

Q This tripod with video and the bed, where is this located?

A This is the bedroom. *Fünf NOI Agent waren bei der Verhaftung zugegen. Fünf?*

A *Fünf Leute können diese "things" tragen. Dies ist möglich, aber nicht einer allein.*

Q How about this picture with a tripod, where is this located?

A This is the small room.

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ATTY PABRIGA

May I ask, Your Honor, that these pictures identified by the witness be marked as our Exhibits "C", "C-1", "C-2", "C-3" and "C-4".

COURT

Make the proper markings.

ATTY. PABRIGA

Q Miss Witness, do you recall having executed an Affidavit in connection with this case?


A Yes, Ma'am.

Q If the Affidavit will be shown to you, will you be able to recognize it as your Affidavit?

A Yes, Ma'am.

ATTY PABRIGA

Showing to you this 3-page Affidavit attached to the record of the case, is this your Affidavit?



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WITNESS

A Yes, Ma'am.

ATTY PABRIGA

Q Whose signature is this?

A That is my signature.

Q And, whose thumb marked is this?

A This is mine.

ATTY PABRIGA

May I ask, Your Honor, that this Affidavit be marked as our Exhibit "D", "D-1", "D-2", the signature above the name Jenny Baran and the signature and thumb mark as Exhibit "D-3".

COURT

Mark it.

ATTY PABRIGA

Q Jenny, how did you feel after everything that happened with you in the hands of "Mike"?

In this affidavit, I, Jenny Baran says I raped her on January 19th 2011. In the affidavit of her (non) father and NDI I should rape her on January 26th 2011. Was braucht die Deutsche Botschaft noch alles zum zu sehen, daß dies ein Set Up (Polizeifalle) und Planting (unter- jabseln von Beweisen) ist?

Also I was from 18.1. - 22.1.11 on Bohol island, with witnesses.

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WITNESS

A I have regrets.

ATTY PABRIGA

Q Why do you say that you have regrets?

A Why I obey his wishes and why I allow him to do so.

Q And now that the case is in court and "Mike" is detained in jail, how do you feel?

A I feel happy because "Mike" will not be able to victimize another person considering that he has already victimized many persons.

ATTY PABRIGA:

*After Vice Gov. Agnis Magpale
influenced Jenny Baran, Eudyn Asistista
and Judge Sarmiento.*

That would be all for the witness, Your Honor.

COURT:

You will cross now?

ATTY TOLENTINO

May I be allowed to cross next time, Your Honor. I will have

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ATTY TOLENTINO

to confer with my client. There are many revelations that I'll have to confer first with my client, Your Honor.

COURT

Okay, question from the Court. On that day, February 02, 2011 incident when "Mike" was taking pictures of you with black dress on without your panty in the small room, where was Evelyn?

WITNESS

A She was in the big room.

Q Okay, you said that she was knocking the door which divides the small room and the big room?

A Yes, Your Honor.

Q Now, what door did the NBI enter?

A The small room has two doors. The other one leads to the big room while the other one is the entrance door where the NBI entered.

Q Now, was the entrance door closed or locked at this time?

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WITNESS

A Yes, it was locked, Your Honor.

COURT

Q Now, how did the NBI enter the room when it was locked?

Siehe Seite 37. Die Tür öffnet sich von allein, nun habe ich die Tür geöffnet. Gehts noch blöder?

A When Evelyn knocked at the adjoining door and then "Mike" allowed her to enter the small room. She asked permission if she could possibly go out to spit because she was having cough during that time. Evelyn wanted to open the door, but, "Mike" pushed it up, the entrance door, the other door, because "Mike" was thinking there are other persons outside. But, when Evelyn tried to open to unlock the door, the NBI agent tried to open it. It was this time that the NBI agents pushed it towards the inside which caused the door to be unlocked and caused "Mike" to stumble

*From where the NBI know in what room we are?
Because Evelyn told them.*

COURT

Okay, the witness is ready for cross examination. As requested by the counsel for the defense, the cross examination shall be conducted on, is there a pre calendared setting?

ATTY TOLENTINO

No more, Your Honor.

COURT

You agree on the next setting.

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COURT INTERPRETER

On May 19, Your Honor.

ATTY TOLENTINO

Okay, Your Honor.

ATTY PABRIGA

Yes, Your Honor.

COURT INTERPRETER

Counsel agreed additional pre calendared setting, Your Honor,
on May 23 and 30, both at 2:00 in the afternoon.

COURT

Okay, so, we are through?

ATTY PABRIGA

Yes, Your Honor.

ATTY TOLENTINO

Yes, Your Honor.

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COURT

Okay, session adjourn.

ATTY TOLENTINO

Thank you, Your Honor, permission to leave.

ATTY. PABRIGA

Thank you, Your Honor, permission to leave.

COURT

You're excused, counsels.

X - - - - -

Certification

I hereby certify that the foregoing transcript of stenographic
notes is true and correct transcription to the best of my knowledge
and ability.

Cebu City, Philippines, April 04, 2011.

Beatriz Cua-Espartero
Beatriz Cua-Espartero
Court Stenographer III