

Trial Hearing
Witness: CAR-D04-PPPP-0055

(Closed Session)

ICC-01/05-01/08

- 1 International Criminal Court
- 2 Trial Chamber III - Courtroom 1
- 3 Situation: Central African Republic
- 4 In the case of The Prosecutor v. Jean-Pierre Bemba Gombo - ICC-01/05-01/08
- 5 Presiding Judge Sylvia Steiner, Judge Joyce Aluoch and Judge Kuniko Ozaki
- 6 Trial Hearing
- 7 Wednesday, 31 October 2012
- 8 *(The hearing starts in closed session at 9.06 a.m.) Reclassified as Open session
- 9 THE COURT USHER: All rise.
- 10 The International Criminal Court is now in session.
- 11 Please be seated.
- 12 PRESIDING JUDGE STEINER: Good morning.
- 13 Could, please, court officer call the case.
- 14 THE COURT OFFICER: Thank you, Madam President.
- 15 Situation in the Central African Republic, in the case of The Prosecutor versus
- 16 Jean-Pierre Bemba Gombo, ICC-01/05-01/08.
- 17 PRESIDING JUDGE STEINER: Good morning and welcome the Prosecution team,
- 18 legal representatives of victims, the Defence team, Mr Jean-Pierre Bemba Gombo.
- 19 Good morning and welcome our interpreters and court reporters.
- 20 We will continue and conclude today the testimony of Witness 55, and for that
- 21 purpose I ask, please, court usher to bring the witness in.
- 22 (The witness enters the courtroom)
- 23 WITNESS: CAR-D04-PPPP-0055 (On former oath)
- 24 (The witness speaks French)
- 25 PRESIDING JUDGE STEINER: Court officer, can we turn into open session, please.

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1 (Open session at 9.08 a.m.)

2 THE COURT OFFICER: We are in open session, your Honours.

3 PRESIDING JUDGE STEINER: Good morning, Mr Witness.

4 THE WITNESS: (Interpretation) Good morning, your Honour.

5 PRESIDING JUDGE STEINER: Mr Witness, it's very likely that we will conclude this

6 morning your testimony. We will have today the legal representatives of victims

7 putting some questions to you and maybe Defence still needs some further

8 clarifications or follow-up questions.

9 Before I give the floor to the legal representatives, I need to remind you that you are
10 still under oath. Do you understand that, sir?

11 THE WITNESS: (Interpretation) I understand that.

12 PRESIDING JUDGE STEINER: I also need to remind you about our rules, very
13 simple rules, meaning that you are expected to speak slower than normal and to give
14 the five seconds after a question is put to you and before you start giving your answer.

15 I need to remind you of that, mainly because legal representatives will also be
16 questioning you in French and it's easy, in that situation, to forget that we have
17 translation for the Judges. So please be aware and try to help us in facilitating the
18 work of our interpreters and court reporters.

19 Is that fine with you, sir?

20 THE WITNESS: (Interpretation) Yes, it is, your Honour.

21 PRESIDING JUDGE STEINER: Thank you very much.

22 I'll now give the floor to Maître Zarambaud. Maître Zarambaud.

23 MR ZARAMBAUD: (Interpretation) Thank you very much, your Honour, your
24 Honours.

25 QUESTIONED BY MR ZARAMBAUD: (Interpretation)

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1 Q. Good morning, Witness.

2 A. Good morning, Counsel Zarambaud.

3 Q. I'm Counsel Assingambi Zarambaud and I work for the Central African

4 Republic Bar and I'm here, as the Presiding Judge has just said, I am one of the legal

5 representatives of victims. As you'll know, in our francophone judicial system, we

6 are the lawyer of the civil party, that's what we are called.

7 As the Presiding Judge also indicated to you right from the start of your examination,

8 as far as we are concerned, the legal representatives, we can only ask you questions

9 which have been authorised in advance by the Chamber. Nevertheless, we can also

10 put follow-up questions with regards to the answers that you give to the questions, as

11 well as the Defence and the Office of the Prosecutor.

12 Now, where it concerns the questions that I prepared for you, I fear that a large part

13 of them have become void for two reasons: The first reason in principle is because,

14 contrary to what we have asked about with regards to the Prosecution witnesses,

15 there was a dossier - an interview dossier - for the witness which was prepared by the

16 Office of the Prosecutor which made it possible for us legal representatives, given this

17 record of the interview, to put our questions to the Chamber at least seven days

18 before the day of the hearing.

19 Now, as far as your situation is concerned, not only have we just received one sheet

20 relating to your testimony, but above all, with regards to this paper, only one

21 question is indicated and that is, namely, (Redacted), but that's not

22 presented as the (Redacted), so that

23 means that we haven't been able to ask all the questions. So, quite simply, I will ask

24 you follow-up questions.

25 For that, your Honour, I will ask for us to go into private session.

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1 PRESIDING JUDGE STEINER: Court officer, please turn into private session.

2 *(Private session at 9.14 a.m.) Reclassified as Open session

3 THE COURT OFFICER: We are in private session, your Honours.

4 PRESIDING JUDGE STEINER: Yes, Mr Witness?

5 THE WITNESS: (Interpretation) Thank you for giving me the floor, your Honour.

6 If I followed Counsel Zarambaud correctly, who I warmly greet because it was

7 envisaged that legal representatives meet with me, but they unfortunately were not

8 able to meet me.

9 Now, if I've understood what he said what this means, as he said clearly, is that

10 (Redacted) came to testify here because you said "the other party, the witness."

11 When -- if I understood well what you said, that means that if you -- if you could go

12 back to what you said, that means (Redacted), so I could have confirmation on that just

13 to follow what you said.

14 PRESIDING JUDGE STEINER: Mr Witness, not only Maître Zarambaud has not

15 said that, but it's not of your concern which other witnesses came to testify in this

16 Court. Just for your knowledge, there are many people that were interviewed by the

17 Prosecution, that gave statements to the Prosecution and were never called to testify

18 in court. So they were witnesses in the pre-trial phase, many people, so it's not of

19 your interest to know who came here, who came not. So you are not entitled to put

20 questions to the parties, but otherwise the parties are here to put questions to you.

21 So let's follow the procedure, Mr Witness.

22 THE WITNESS: (Interpretation) Yes, okay.

23 PRESIDING JUDGE STEINER: Maître Zarambaud, you have the floor.

24 MR ZARAMBAUD: (Interpretation) Thank you, your Honour.

25 Q. Witness, we're in open session. I therefore couldn't say (Redacted) and that's

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1 the reason why if I had said (Redacted) it would have led to your identification. So
2 you do confirm -- no, well, I'll leave it with what the President said. I think we can
3 continue.

4 Indeed, I would ask you in the first place questions which are essentially questions by
5 way of precision. With regards to the essential part these questions have already
6 been put to you and for the Chamber, your Honour, I refer to the transcript 264 of
7 29 October 2012, page 14, lines 26 to 28, and there's a reference. The witness stated
8 the following: "I worked in the (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 MR ZARAMBAUD: (Interpretation) Thank you very much, Witness. Your
16 Honour, all my references will be relating to the same transcript, 264.

17 Q. So on page 15, lines 23 to 25, you said, (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted) Five seconds, if you

23 would be so kind.

24 A. Well, I don't know what to say. I mean exactly the month I held different
25 functions, I don't know which month, but I went into the (Redacted)

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1 (Redacted).

2 Q. (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted) well, I don't

7 even remember if it was before or after. I don't remember the events, whether it was
8 before or after, but I entered in (Redacted). It could be March 2003. I'd have to look
9 through my documents. I don't have everything in my mind.

10 Q. Of course, Witness, you have the right to forget, as everyone does, voluntary or
11 not. I don't think it's voluntary in your case. On page 26, lines 11 and 12, speaking
12 about (Redacted), you stated, (Redacted)

13 And on page 28, lines 14 and 15, you stated, (Redacted)

14 (Redacted) And what I want to know is if you know -- if you know this (Redacted)
15 relationship, when -- well, what was the relation when you were in the Congo, or did
16 this relationship start after the Congo?

17 A. Well, I mentioned this relationship. Well, we met here. Well, I don't know
18 (Redacted) from the Congo. We met here. That's what I said. When I arrived at the
19 (Redacted) I met him and you're African. You know the warmth of the
20 welcome when you meet somebody who's from your home, young people who
21 received me.

22 Q. Indeed, Witness, I do not doubt that you felt this warmth, this African human
23 warmth. Just what I wanted to know is if you knew (Redacted) in the Congo, or if you
24 only got to know him when you (Redacted) My next question is to ask you
25 whether during the events that took place in the Central African Republic -- well, first

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1 of all, I'm going to quote the passage, page 68, lines 17 and 18. You stated, "In
2 2002/2003 I lived in (Redacted) During
3 this same period, did you also go to Zongo, Gbadolite, or to the Central African
4 Republic?

5 A. I think -- please excuse me. I was taken by speed. I think I was clear and I
6 said that I'd never been to the Central African Republic. This is what I've said on
7 several occasions that I've never been there.

8 Q. I answer (sic) you, but I asked you for three locations: Zongo, Gbadolite and
9 the Central African Republic. You have already replied for the Central African
10 Republic. If you would be so kind as to also reply concerning Zongo and Gbadolite?

11 A. Negative.

12 Q. So you were never during the period of interest to us, October 2002 to
13 March 2003, you were never either in Zongo or in Gbado or in the Central African
14 Republic and you do not know (Redacted). So you know nothing about what
15 happened in the Central African Republic from October 2002 to March 2003?

16 A. I said a moment ago I was never in all these areas that you've just mentioned. I
17 was never there and I did not see the events, but I could have information as I have
18 had from (Redacted). Whether it's correct or not, I had information. You've had
19 information from victims. That's also how I've had information as well.

20 Q. Your information, if you had that from (Redacted) that means that you've had this
21 information from 2006 because it was from 2006 that you met?

22 A. Well, I told you that I was with (Redacted). He knew -- well, after we met he
23 knows the work that I was doing, he knew the work I was doing in the Congo, and
24 also to say that no information -- well, I'm an intellectual. I follow news. I know
25 this, that and the other took place via the radio. For example, as a human rights

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1 activist I could have some information, but it wasn't a dossier that I'd been working
2 on or that I'd gone into depth on while I was working in the (Redacted)
3 (Redacted) or while I was in the Congo, but I did have information and I told you
4 the reasons that took (Redacted).

5 Q. Thank you, Witness. If I asked you the question in this manner, it is because
6 you said you had been informed by (Redacted). Now, you say that you also --

7 THE INTERPRETER: Overlapping speakers.

8 MR ZARAMBAUD: (Interpretation)

9 Q. If there is other information then that is something I note and I continue.

10 A. Okay.

11 Q. As I was saying to you, Witness, as I said, Witness, in the paper that we were
12 provided with in order to put questions to you, (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted). This is something you said on page 22, line 25, page 23, lines 1 and 2. (Redacted)

16 (Redacted)

17 A. Thank you for the question. I would like to say perhaps that you had (Redacted)

18 in front of you yesterday and the day before. I think you saw it. It was (Redacted)

19 (Redacted)

20 (Redacted)

21 PRESIDING JUDGE STEINER: Maître Zarambaud, would you mind if I put a

22 follow-up question before we -- I got lost here?

23 Mr Witness, after two days, it's the first time that we hear what you just said on page

24 9, that -- not that you are an intellectual, because you repeated that many times, but

25 that you follow news, that you know this, that and other things that took place and

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1 you knew via the radio, and for example "As a human rights activist, I could have
2 some information." This is on page 9, lines 21 to 25.

3 Now, I'm curious to know what information you heard on the radio, or as an
4 intellectual and human rights activist, about what happened in Central African
5 Republic in 2002/2003? I know that you did not have a dossier. I want to know
6 what information you heard from people, or on the radio, on newspapers, et cetera.

7 THE WITNESS: (Interpretation) I just heard that there had been a rebellion in the
8 Central African Republic, a rebellion against the former president, President Patassé,
9 a rebellion led by Bozizé who is the current President of the CAR, and President
10 Patassé allegedly asked for assistance from the MLC troops. Like this was
11 information that was on the radio, on the television, the news. That's what I heard,
12 but I really didn't delve into the details of this particular issue. This was an issue
13 relating to the CAR. We listened to the news but, you know, that's pretty much all
14 I can say.

15 PRESIDING JUDGE STEINER: Have you ever heard in the radio that MLC troops
16 were committing crimes in the territory of Central African Republic, or not?

17 THE WITNESS: (Interpretation) Well, if I had heard that MLC troops had been
18 committing -- well, personally I would say in all honesty I really hadn't looked at this
19 issue in any detail, but I do know that some troops left to liberate, but what I -- as I
20 (Redacted)

21 (Redacted) and -- but

22 personally I didn't know. What happened in the field, I couldn't -- I can't tell you
23 about something that I don't know about, because I wouldn't want to give you
24 incorrect information. I heard on the radio, but you see this was an issue that was
25 not of any particular personal concern to me, so I really didn't delve into the issue.

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1 PRESIDING JUDGE STEINER: Mr Witness, I'm not talking about dossier. I want
2 to know what you heard on the radio at that time.

3 THE WITNESS: (Interpretation) I heard on the radio that, well, Bozizé was leading
4 a rebellion in the Central African Republic and Patassé had had recourse to MLC
5 troops. That's what I heard. I had heard some comments to the effect that the MLC
6 had gone to help the troops that were loyal to President Patassé, and after that I
7 learned that Patassé apparently fled, left the country, and that the situation was not
8 good in the Central African Republic; namely, well, as to the details I don't know, but
9 the situation wasn't good. There had been disturbances and, well, you know, I'm
10 from the Congo and we too have had disturbances and troubles and, your Honour, I
11 really can't give you any more details than that.

12 PRESIDING JUDGE STEINER: So the (Redacted)
13 never received any information about what was going on even after the events?
14 Other NGOs apparently were making -- were denouncing that many crimes were
15 committed in CAR, but (Redacted), no, your (Redacted)
16 was not aware, were never informed, about what happened in CAR?

17 THE WITNESS: (Interpretation) (Redacted) Well, I don't know. You
18 asked me whether (Redacted) had ever been informed, but you see the (Redacted)
19 (Redacted) had an entire assembly. I did not take part in that
20 assembly, but that assembly was made up of -- I think there was discussion, the
21 NGOs talked about, but I was never involved in that issue at the (Redacted)
22 (Redacted). There were many, many.
23 There were -- the staff was quite large. There were different sections, but with all
24 those contacts that (Redacted) had, but I didn't hear at any time about a public
25 meeting or anything like that in our offices, or anything -- any meeting devoted to

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1 that issue at the (Redacted).
2 Now, you see the (Redacted) you must realise it was an
3 institution set up during the transitional period with a view to promoting law and to
4 make people aware of the law during the period of transition in the Democratic
5 Republic of the Congo.
6 (Redacted) as I've told you worked in the Congo.
7 And during the short period of time, well, I left and it was to get experience, but there
8 were people at the (Redacted) who handled different files, issues, and the
9 council actually had formal discussions and not everyone had access to those
10 deliberations, but you see there was an assembly and there was -- well, rather the
11 (Redacted) had representatives from all the various parties and
12 representatives had been chosen by the provinces, for example.
13 I believe there were eight parties involved in the conflict, I'm talking about the MLC,
14 and there were 11 people who came from various provinces and they were members
15 of this assembly. So the total was 19 people in all, but I was working on other things.
16 (Redacted), but in -- honestly, if it wasn't dealt with in the assembly, I
17 did not see any particular work done on the occurrences in the CAR. It was
18 mentioned. (Redacted) never dealt with that issue,
19 to my knowledge.
20 PRESIDING JUDGE STEINER: Thank you very much. Maître Zarambaud, sorry
21 for the interruption. You have the floor.
22 MR ZARAMBAUD: (Interpretation) Not at all, your Honour.
23 Q. Witness, my last question: In response to my last question, you confirmed that
24 (Redacted). You also said at
25 page 23, lines 1 and 2, you indicated that you were the only one who could have

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1 (Redacted), and on page 31,
2 lines 20 to 24 you said, (Redacted)
3 (Redacted) and so you were the one that had the proper
4 tools from an intellectual point of view for (Redacted). So you (Redacted)
5 (Redacted)
6 (Redacted)
7 (Redacted)
8 (Redacted)
9 (Redacted)
10 (Redacted)
11 (Redacted)
12 Q. Thank you, Witness. At page 23, line 8, you wrote the following, or rather you
13 said the following --
14 PRESIDING JUDGE STEINER: Maître, I'm sorry again. Judge Aluoch needs a
15 clarification before you proceed.
16 JUDGE ALUOCH: Mr Witness, can I seek a clarification? When you say on page
17 15, it's -- I can't quite get the line, but I think you referred to -- when you referred to
18 (Redacted)
19 (Redacted)
20 (Redacted)
21 (Redacted)
22 (Redacted)
23 (Redacted)
24 (Redacted)
25 (Redacted)

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1 (Redacted)
2 (Redacted)
3 (Redacted)
4 (Redacted)
5 (Redacted)
6 (Redacted)
7 (Redacted)
8 (Redacted)
9 (Redacted)
10 (Redacted)
11 (Redacted)
12 (Redacted)
13 (Redacted)
14 (Redacted)
15 (Redacted)
16 (Redacted)
17 (Redacted)
18 (Redacted)
19 (Redacted)
20 (Redacted)
21 (Redacted)
22 (Redacted)
23 (Redacted)

24 Q. Thank you, Witness. Now, just the mere opportunity - the mere possibility - of
25 coming with a witness, accompanying a witness, would that have meant -- does that

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1 mean you would have taken on everything that he experienced that you yourself had
2 not experienced?

3 A. As I've been saying, I had no interest of my own in taking this on myself. I
4 said this yesterday. Rather, (Redacted), I think, I believe, and I am sure
5 that the OTP already knew that I was not a witness. I was a person who had been
6 contacted and Mr Badibanga confirmed that point when he asked me, (Redacted),
7 (Redacted) And I believe that already that was a correction
8 made by the Office of the Prosecution.

9 Q. Thank you for making that correction, but that comes after the fact, but when
10 (Redacted), that's what interests me
11 here. Why is it -- now, you had not experienced what the witness had experienced
12 himself, so why did you -- you did not experience these events. (Redacted)
13 (Redacted)

14 A. Thank you, but I don't know whether you really would want to continue. I
15 have said that I (Redacted) for that goal.

16 Now, I don't know about the procedure. Like I said, I don't know, but (Redacted)
17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 Q. Thank you, Witness. So in order to guide this probable witness, because you
3 didn't know whether he was going to come and give testimony or not, you are saying
4 that in light of the massacres, rapes and other barbaric acts committed in the Central
5 African Republic by the MLC troops. (Redacted), you also
6 mention the sad outcome of this operation and you also take note of the orders,
7 remember the orders given to the troops before they entered the CAR. What did you
8 know about all this?

9 A. Well, earlier I said that I think -- well, when you ask me "What do you know?",
10 I've already answered that question. I've -- you've put questions to me and I've said,
11 "I wasn't in Zongo, nor was I in Gbadolite. When the troops left, I was not there,"
12 but I've told you, "But I have information from (Redacted) and in good faith I believed
13 in him, but later, when I realised he had a hidden agenda, that's when I said that I
14 didn't want to go and do something that would not assist justice. You have to do
15 things properly. You have to do the right thing. I was contacted. He said to
16 me he knew. He was from the MLC. He had contacts, as I said. He had his
17 friends who he called often in (Redacted). He would chat with them. They're in
18 exile.

19 THE INTERPRETER: Inaudible.

20 THE WITNESS: (Interpretation) (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 Q. Thank you, Witness. I don't have my French dictionary here with me in The
4 Hague, but I'll try to provide you with a definition. Generally speaking, a lie is
5 defined as one tries to pass off something as true when it is actually false, and
6 vice-versa. The mistake is to do the same thing -- a mistake is to do the same thing
7 but not knowing that something is true or false. A fabulation is to make something
8 up; that's something you don't know. So, in your particular case, is this a lie, is this
9 the truth, or is this something you've just dreamt up? I'm talking about your
10 statements, not the statements of (Redacted).

11 A. Perhaps you've had contact with (Redacted) and you're familiar with his
12 statements, but what I'm saying is that I'm telling you about what I experienced. I'm
13 saying these things to you in all sincerity. I'm sorry, you can't trot out these
14 definitions of lies to me, because I didn't come here to lie. I didn't come here for that.
15 Now, to show you, I've been honest right from the beginning, and even the email to
16 Badibanga -- no, I sent it to the OTP, so that shows, if you want to believe me. I've
17 done my part. I've tried to set the record straight, I think, and you are entitled to ask
18 me questions. That's your job. You're a legal person. You have the education, the
19 tools, everything you need. You can take me at my -- by my word. You are doing
20 your work, but believe me, if (Redacted) -- if you had been with him, if he's told you
21 something, I can assure you, to me -- I'm not saying for the Court. Well, it's for the
22 Court to decide. This is -- it was all concocted or dreamt up for other reasons, for
23 other objectives.

24 Q. Thank you. Just to be specific, when I mention statements or affirmations,
25 these are the statements or the affirmations (Redacted), not things that I might have

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1 received or gathered from other sources.

2 The second point I want to correct you on is that I did not call you a liar. I gave a
3 definition, the definition of what a lie is, the definition of a fabrication, and so I put a
4 question to you.

5 Now, my second last question is this: You met (Redacted) in 2006. Now, in relation to
6 the events that occurred between October 2002 and March 2003, why did you wait
7 until 2009, so three years after you met (Redacted), practically many years after the
8 events, why did you wait to (Redacted) which is dated (Redacted)?

9 A. That's a good question. (Redacted)

10 (Redacted)

11 (Redacted)

12 Mr Zarambaud, I wanted to help you. Why would I take that approach? You
13 wouldn't do that for me if I were to come and see you. If you didn't have any idea
14 about something, well, I don't know. I don't know if -- am I making myself clear?

15 Q. Quite so, and this will be my last question, and I'll remind you of the quote of
16 page 22, line 25, page 23, lines 1 and 2, page 31, 22 to 24. You said, (Redacted)
17 (Redacted)

18 At page 31 you said, (Redacted)

19 (Redacted) so how can you can explain this?

20 Since you had more (Redacted) than he did, why did you say on page 48, line 20,
21 that you fell into the trap? How could this person, this person who was less
22 educated than you, how did he trap you?

23 A. Yes, perfect. You're right and do you know why? It's because you're a lawyer
24 and you're doing your job. You have had many more cases than this one, but there
25 are cases that have gone to appeal. There are cases on which decisions are

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1 overturned. Now, don't you think that people who are intellectually more equipped
2 can be trapped? Don't you think that when justice revisits a decision it is normal?
3 We have seen in the US, for example, where people have been convicted and the
4 conviction overturned 40 years later because the truth has emerged. You're aware of
5 that. You may have even more examples in these situations than I, so you know that
6 these things can happen and I have no further explanations to offer.

7 MR ZARAMBAUD: (Interpretation) Thank you, Witness, for kindly answering my
8 questions.

9 Madam President, that will be all and I thank you.

10 PRESIDING JUDGE STEINER: Thank you very much, Maître Zarambaud.

11 Mr Witness, now I will give the floor to Maître Douzima Lawson, legal representative
12 of victims, that was also authorised to put some questions to you.

13 Maître Douzima.

14 MS DOUZIMA LAWSON: (Interpretation) Thank you, Madam President.

15 QUESTIONED BY MS DOUZIMA LAWSON: (Interpretation)

16 Q. Good morning, Mr Witness.

17 A. Good morning, madam.

18 Q. Witness, let me introduce myself again. My name is Marie-Edith Douzima
19 Lawson. I am a legal representative of victims who have been authorised to
20 participate in these proceedings. Your testimony is of interest to the victims I
21 represent and that is why I asked leave of the Court to put some questions to you in
22 order to enable the victims to understand exactly what happened.

23 Witness, I am not going to revisit the recommendations about the use of language.

24 Since you and I are speaking in the same language, we must observe the golden rule
25 of five minutes, rather five seconds, and so you and I should try to comply with that

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1 five-second rule.

2 Mr Witness, your testimony unfolded almost entirely in closed session, so because of
3 the risk of your identity being known to the public we shall proceed accordingly. So
4 let me ask you the first question in relation to the hearing of 29 October, page 15, lines
5 23 to 28. The question has already been put to you, but I will put it to you from
6 another angle because what I seek to obtain from you is not exactly the same thing as
7 was sought by those who examined you before me.

8 You say you worked at the (Redacted) and that
9 successively you held the positions of (Redacted)

10 (Redacted) Then at page 17, from lines

11 27 to 28, and page 18, line 1, you testified that the mission of the (Redacted)

12 (Redacted) is to promote and protect human rights in the DRC, as well as to

13 assist people towards a greater awareness of human rights. Then at page 18, lines 13

14 to 28, you testified that you had experience in the area of human rights beyond the

15 boundaries of the DRC and that the (Redacted) had worked

16 with other human rights institutions such as the (Redacted)

17 (Redacted), which are external to the DRC. You also said that you had been

18 involved in many things, so you had done a lot within the (Redacted)

19 (Redacted) and that you had a lot of experience and you had been involved in many

20 things.

21 Now, my question to you is what was your method of work at the (Redacted)

22 (Redacted)

23 A. I thank you for the question. You want to know about the method of work in
24 the area of human rights, is that it? Well, what we do is we gather information.

25 When people come with information, we gather such information, then investigations

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1 are conducted going by the reports that we receive in much the same way as what we
2 are doing here. In some cases field investigations are conducted relating to any
3 demonstrations that may have taken place. Such demonstrations may be monitored,
4 followed up and information gathered accordingly. I cannot provide more detail
5 than that. There were different units and services at the (Redacted)
6 and each service did its job. I was involved in my own job, but what I have told you
7 is really in broad strokes the manner in which work was carried out at the
8 (Redacted).

9 Q. Very well then. Did you or do you document evidence in the area of human
10 rights violations and breaches?

11 A. Are you talking about me doing -- gathering any documents, or about the
12 (Redacted)

13 Q. I am talking about the (Redacted) at which or in
14 which you were a member?

15 A. Well, you know as well as I do that an institution of that nature cannot work
16 without building up documentary materials.

17 Q. Did you produce or prepare any reports?

18 A. (Redacted) does produce reports and that's only
19 normal. Yes, (Redacted) does produce reports. For example, when it
20 goes to (Redacted), do
21 you think that they go there empty-handed? They always have a report. When
22 they go to a (Redacted), do you think that they go there
23 without reports? Of course they have reports. They do have reports.

24 Q. Mr Witness, I want to remind you that you are a witness and if I put any
25 questions to you please answer them, rather than put further questions to me. How

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1 did you prepare your reports?

2 A. I have already told you that it happens much in the same way as things happen
3 here at the ICC. At the (Redacted) there were a number of teams, different teams,
4 handling such-and-such aspect, one thing or the other, and just like here at the ICC all
5 persons are not involved in the same thing. Maybe there are teams of lawyers which
6 produce reports.

7 Now, what I have told you is that reports were produced, but you are not going to
8 ask me how those reports were produced because indeed there were different
9 sections, different services, each specialised in one area or the other, involved in this
10 work, but in a nutshell the (Redacted) was involved in ensuring that
11 all those who worked at the observatory became increasingly aware and were trained
12 in the area of human rights and that's about it, but there were specific teams. The
13 (Redacted) had a team of experts. I do not consider myself
14 to have been an expert like just I -- as I would not expect to do the work that Maître
15 Douzima does. So the (Redacted) had several units and they were
16 doing their work.

17 Q. Witness, I will be more specific. You were a member of the (Redacted)
18 (Redacted) and you said that your (Redacted) produced documents, it
19 produced reports. I'm not saying that you as an individual should have done that.
20 I'm saying that as a member of the organisation you should have known the way in
21 which the organisation works.
22 Now, let me assist you by giving you an example. If people came, for example, to
23 narrate to you what may have happened by way of some event in some location, X, Y,
24 Z, you would then have to prepare a document or a report on the event that has been
25 brought to your attention. Now, how did you proceed to prepare that kind of report,

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1 and when I say "you" I'm referring to the (Redacted)

2 How did it proceed in such circumstances?

3 A. (Redacted) had an office where complaints

4 would be lodged. If an individual came in with a complaint, such a

5 complaint -- such individual would be received and a complaint registered and

6 handled by the appropriate office. There was an office in charge of complaints.

7 Then when an individual came to that office, they would be asked what they had

8 experienced. They would be asked whether they had any witnesses to the event and

9 they would be asked if there are other persons who can be contacted to cross-check

10 and to determine or corroborate what they have said. They can be asked at what

11 time the event occurred. They can be asked what location, at what location, at what

12 time and so on and so forth. So this is what I know that the observatory was

13 involved in.

14 Q. In order to find out the truth, did the (Redacted) conduct investigations?

15 A. (Redacted) had an investigations office.

16 Q. So you would prepare your reports after an investigation; is that the case?

17 A. In principle, yes. It would be after an investigation that a report would be

18 drawn up at the (Redacted), but in any event, the information could already be made

19 available to the extent that something had happened, you see, and investigations

20 might be ongoing for three/four months or so, but even before the conclusion of the

21 investigations a preliminary report could have been issued and that was the case

22 quite often.

23 Q. Witness, you said that you used to work with human rights institutions, you

24 mentioned the (Redacted) and other such human rights institutions. Now, did the

25 (Redacted) make any contributions to reports

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1 prepared by these other international human rights organisations?

2 A. You asked whether the (Redacted) contributed to

3 reports? Well, regarding the problems that occurred in the Congo, I think that the

4 (Redacted) made some contributions, but allow me to revisit this point and

5 to tell you that, you know, in principle I'm not a jurist, but I have some basic training

6 and concepts in that area.

7 You see, when a (Redacted) is set up, in principle that

8 commission if I am not mistaken, and I stand to be corrected, I believe that in the

9 Rome Statute the provision is that members of political parties, for example, cannot

10 belong to the assembly of a human rights organisation. However, in the Congo, the

11 situation was rather special and exceptional to the extent that members of political

12 parties were members of that institution.

13 You see, it was not for I, (Redacted), to make that call, but that is how things

14 happened, and so this institution ran into a number of problems because each

15 member was defending his or her own interests, so to speak. So maybe things didn't

16 work and maybe there are things that some of us who were workers -- by the way, I

17 was not a member of the assembly. I was a worker at the assembly, but I was not a

18 member of the assembly, because the assembly was made up of various political

19 parties. Each party had appointed its representatives from various regions. So, you

20 see how difficult the whole equation was.

21 And then later on there was the (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted), but I'm just attempting to answer your questions.

2 Please don't take it that I knew everything, because even the reports were opaque.

3 There was no sifting of the information, so we began to wonder why we had to keep
4 working for such an institution. You see, you may ask me several questions about
5 the institution, but there will be a number of grey areas which, you know, I thank
6 you.

7 Q. Witness, I note that you really have not answered my question, but I'll move on.

8 Mr Witness, the Defence pointed out that you were going to talk about (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 On 29 October, at that hearing, at page 21, lines 18 to 25, you said the following: The
13 first contact you had with Maître Badibanga was when he contacted you following a
14 (Redacted)

15 to the OTP. Maître Badibanga then contacted you thereafter and put a number of
16 questions to you. You told him, or you provided some answers to him, and then he
17 asked you why you were doing that, and you said that, "It was in order to assist
18 international justice. I am a human rights militant. Why should -- or activist.
19 Why should I not help international justice?"

20 Now, Mr Witness, (Redacted) and designed by you and in it you talk
21 about massacres, rape and other barbaric acts committed in the CAR by MLC troops
22 and your purpose is to help the victims of the CAR. It is for that reason that you
23 decided to testify before the ICC.

24 Now, Witness, were you talking about these massacres, rapes and other barbaric acts
25 committed in the CAR by the MLC troops? Did you discuss these points with

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1 Maître Badibanga?

2 A. Madam, what is your question? Can you be more specific? What do you
3 expect me to answer? What is the question?

4 Q. You testified that Maître Badibanga contacted you in relation to (Redacted)
5 (Redacted) and that he asked you a number of questions to which
6 you answered. Now, the questions and answers you provided, did they relate to the
7 massacres, the rapes and other barbaric acts committed in the CAR by MLC troops as
8 mentioned (Redacted) which you (Redacted)?

9 A. Well, Maître Badibanga put a number of questions to me, I agree, but I think I've
10 already answered the question you are putting to me because I have already told you
11 that in the discussion with Maître Badibanga, well, we talked and Maître Badibanga
12 came to the conclusion that I was not a witness in this matter and that I was simply
13 (Redacted). He put the question to me over and over again, and you
14 are not a witness and you are not a witness, and he kept saying, "And so you are not a
15 witness" and I kept saying "Yes" over and over again.

16 Q. Once again, Witness, I note that you are not answering my question. I simply
17 want to find out from you what your discussion was with Maître Badibanga in
18 relation to the (Redacted) which talks about killings and
19 other things.

20 A. Let me repeat myself. We had a discussion, Maître Badibanga and myself.
21 He asked me a number of questions about (Redacted), and with him we came to the
22 conclusion that I wanted to help that (Redacted) to tell the story which he claimed
23 was the truth. I wanted to help him to bring that to the International Criminal Court.
24 (Redacted)
25 (Redacted).

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 Now, initially, Maître Badibanga asked me whether I was ready to travel with

7 (Redacted) to come here, and I think I said "yes," but when Maître Badibanga contacted

8 (Redacted) said the following to me, that he had simply

9 used me to help him and that can be testified to by (Redacted).

10 Q. Very well, Witness. We shall revisit (Redacted). You were a human rights

11 activist. You were in charge of missions. (Redacted)

12 (Redacted) Were you aware of any acts of violence and abuses committed in the

13 CAR by MLC troops between October 2002 and March 2003?

14 A. If I had been aware of those things? Well, I had discussions with (Redacted) and I

15 have been sincere in my testimony, even in answering the question from the

16 Presiding Judge. You see, what I said is the following: During that period I have

17 never -- I'm not even aware of the abuses that -- all I know is that the MLC troops

18 were in the CAR to help Patassé. I know that there were disturbances, there was

19 disorder, but I cannot give you any details as to what happened there.

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 Q. Witness, according to (Redacted) it was then that you were
2 informed by (Redacted). This morning at page 14, this is what you said in relation to
3 what you had learnt, "I did not see any work done on what was done or what was
4 committed in the CAR, but people talked about it," namely within your organisation,
5 which is the (Redacted).

6 Question: What did you talk about at the (Redacted)? What did you talk about
7 when you say people were talking about it?

8 A. Can we go back to that page which you have referred to a short while ago?
9 Can we go back to that part which you just mentioned a short while ago?

10 Q. Let me repeat myself. The Presiding Judge asked you whether within your
11 organisation, that is the (Redacted), whether you talked
12 about the events in the Central African Republic.

13 A. I told you --

14 Q. At page 14, this was your answer, this was your answer, "I did not see any work
15 done on what had been committed in the CAR, but we talked about it." That was
16 your testimony, and my question to you is what were you talking about? What did
17 people talk about at the (Redacted) in relation to the acts that had been committed in
18 the CAR?

19 A. Madam, you have omitted part of it. I said that people talked about it, we
20 talked about it, but we also listened to the radio and we were aware of information,
21 but that's -- that's what happens at work. No, I think that it is easy for you to have
22 access to some information such as documents that may have been provided to the
23 ICC when the (Redacted), showing how (Redacted) is
24 set up. I told you that I used to work for the (Redacted) but I was not a member of
25 (Redacted). I did not see any reports. People

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1 talked about it, just like people would share ideas and thoughts in the corridors.
2 You say, "Oh, did you hear what's happening in the CAR? Oh, there is a rebellion
3 there. There's a power shift," and so on and so forth, a power tussle or struggle.
4 Now, now you are putting questions to me and, Counsel, you see the risk is that
5 when I say that we used to talk about these things at the (Redacted)
6 (Redacted) I am not saying that in 2000, when I was there -- you see, there is a host
7 of questions coming at me and I might mix up things a little bit, but let me state the
8 following: When I say that we talked about it at the (Redacted), it could have been
9 also that it was discussions with friends. This is between 2002 and 2003.
10 You see, the (Redacted). That is when the facilities
11 were put in place. I do not know the date on which the MLC troops went to the
12 CAR. When the (Redacted) became functional, this is the time frame we
13 are looking at, so when I say that I did not hear all of that, it is quite normal, because
14 (Redacted) was set up in 2003 and at that time maybe the events were already
15 behind us and so it was no longer, should I say, topical to discuss the issue at the level
16 of the (Redacted), if I am not mistaken.
17 I think that it was in March 2003 that (Redacted), and at that time this issue
18 was not really quite topical and that is probably why I do not remember exactly.
19 And again it may have not been one of the issues that the (Redacted) had
20 to deal with. I do recall, however, that the (Redacted) was set up at the
21 time of the transition, and when the various parties came together in 2003 - I think it
22 was in 2003 - at that time we started to work together, and I can say that that issue
23 was rather irrelevant at that time when the (Redacted) was just set up, because
24 I don't know whether it was looked into by the commission or by the assembly. I do
25 not think so.

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1 If I go into these issues, it is just to say that there might be some confusion at that level.

2 So, Counsel, what I'm saying is that I might be answering questions but mixing up the
3 time frames. So I thank you, Counsel.

4 Q. Thank you, Witness, for your explanations. So yesterday, during the hearing,
5 page 67 to 68, you spoke at length about the MLC, (Redacted) President Bemba,
6 et cetera. Do you know Mr Jean-Pierre Bemba?

7 A. You're asking me the question whether I know Jean-Pierre Bemba, but that's
8 clear. I mean, I have to know him as the Vice-President of the Republic. He is -- he
9 was Vice-President of the Republic and you also know that, you know, you see him
10 on television, Vice-President Bemba, and another thing that I could add, Mr Bemba,
11 he is somebody of a large -- from a large family. People know the family from
12 childhood, and in what sense do I mean this? Bemba's father, he was a major trader
13 known in the Democratic Republic of Congo and who could not know -- who could
14 claim they didn't know Bemba? Even when you're small, you knew his father, who
15 was a major businessperson, and he became the Vice-President of the Republic. And
16 as son of a major businessman --

17 Q. Witness, when you spoke about Jean-Pierre Bemba, you spoke about him within
18 the framework of the MLC. Did you know his role within the MLC?

19 A. Please excuse me. Those are obvious questions. You're asking me obvious
20 things. How is it that at my age I was in Congo? I mean, he's a major person.
21 I know that there were problems in our country. There was war. There were
22 different political parties. I knew that Jean-Pierre Bemba was President of the
23 Movement for the Liberation of Congo, and this was a formal -- former
24 politico-military movement. It became a political movement and that's also how I
25 knew (Redacted),

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1 (Redacted). I know almost all the people. I
2 can't remember his name, but I do know these people. These are Congolese. It was
3 a Congolese problem. I have to know them.
4 You know something else as well? When the transition government was formed, I
5 said that the government was composed of different movements, MLC, RCD, the
6 parties in power, PPRD. That's something that's obvious. And you know in our
7 country there is -- when there are elections, there's a lot of publicity. I remember my
8 son said, for example, when they saw the song "Vote for Kabila and the others who
9 caught Jean-Pierre Bemba," so these are little words just to say that vote Kabila,
10 Jean-Pierre Bemba, Congo. All of this advertising was on television. People -- I
11 didn't know him as a person. I didn't speak to him. I never had physical contact
12 with him, but I knew him as the Vice-President of the Democratic Republic of Congo
13 during the transition period.

14 Q. Witness, you say it's an obvious question, perhaps for you, but not for us. If it
15 was obvious, we wouldn't have asked. So you say it's obvious. Is it obvious that he
16 was the person who commanded the MLC troops?

17 A. Who commanded the MLC?

18 Q. Was he the person who commanded the MLC troops?

19 A. In fact I --

20 PRESIDING JUDGE STEINER: Maître Kilolo?

21 MR KILOLO: (Interpretation) Your Honour, I think there we're going into a series
22 of leading questions that has to be rectified.

23 PRESIDING JUDGE STEINER: Maître Douzima, try not to put leading questions.

24 Although the Chamber has been quite flexible on that, including towards the Defence,
25 but try to avoid leading questions, Maître.

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1 MS DOUZIMA LAWSON: (Interpretation) Very well, your Honour. I shall put
2 my question differently.

3 Q. Who led the MLC troops?

4 A. Thank you, madam, for the question. You're asking me a question to compare
5 night and day. I don't know. I was never in the MLC. I never worked in the MLC,
6 so I can't tell you who commanded the MLC troops.

7 Q. Witness, I'm going to ask you another obvious question; another question. It's
8 got nothing to do with the last one. As a Congolese person, do you know Article 15?

9 A. Which Article 15?

10 Q. There is an article called "Article 15," which is known by Congolese from the
11 Democratic Republic of Congo, which comes up all the time. My question is you,
12 you're Congolese. Do you know this article?

13 A. Which Article 15? Of the constitution, or what? I don't know.

14 Q. I just note that you state you don't know Article 15. I'll then go on to another
15 question.

16 Do you know -- as a Congolese person first, thereafter as a human rights activist, and
17 given the fact that within the (Redacted) there were exchanges on
18 what was committed in the Central African Republic, do you know if a court-martial
19 took place in Gbadolite on the initiative of President Bemba, with a view to trying
20 MLC troops who were said to have committed crimes in the Central African
21 Republic?

22 A. I would like to rectify something. You said that we spoke at the (Redacted)
23 (Redacted) about that. I would just like to make a correction. The date at which
24 we started to work, but I don't know, but what I want to say quite simply is that if I
25 remember one thing I would like to tell you quite simply that once I -- in speaking

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- 1 with (Redacted) he just told me something perhaps that I didn't mention. (Redacted)
- 2 (Redacted)
- 3 (Redacted)
- 4 (Redacted)
- 5 (Redacted)
- 6 (Redacted)
- 7 (Redacted)
- 8 (Redacted)
- 9 (Redacted)
- 10 Q. Thank you, Witness. A moment ago I said we would go back to (Redacted)
- 11 (Redacted)
- 12 (Redacted)
- 13 (Redacted)
- 14 (Redacted)
- 15 (Redacted)
- 16 (Redacted)
- 17 (Redacted)
- 18 (Redacted)
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- 25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 Witness, where it concerns his functions, this is something we spoke about at length

6 yesterday, but it doesn't prevent me from coming back to that. In the document,

7 nowhere did you mention -- well, you're the person who (Redacted)

8 (Redacted)

9 A. Yes.

10 Q. You said that he is a (Redacted) of the

11 former Vice-President of the Democratic Republic of the Congo, Mr Jean-Pierre

12 Bemba, so that means that it is the (Redacted) that you gave him in order to be able to

13 (Redacted) because in yesterday's hearing when Counsel Badibanga asked you at

14 what time (Redacted) had told you that he was the (Redacted)

15 (Redacted) of Bemba, before or after (Redacted), you said that it was before.

16 So with regards to this point, Witness, can we say that (Redacted) told you that he

17 was rather a (Redacted) of the former Vice-President of the

18 Democratic Republic of Congo as you mentioned in (Redacted)?

19 A. I think that I answered this question yesterday. (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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- 1 (Redacted)
- 2 (Redacted) or whatever, he told me that he was the
- 3 (Redacted) of Jean-Pierre Bemba and today I can tell you with
- 4 precision, because I know I have the account what he -- (Redacted)
- 5 (Redacted).
- 6 So there are a lot of things. The fact that he was (Redacted)
- 7 (Redacted)
- 8 (Redacted)
- 9 (Redacted)
- 10 (Redacted)
- 11 (Redacted)
- 12 (Redacted)
- 13 (Redacted)
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- 21 (Redacted)
- 22 (Redacted)
- 23 (Redacted)
- 24 (Redacted)
- 25 PRESIDING JUDGE STEINER: Mr Witness, we have to go into the break. The tape

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(Closed Session)

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- 1 is almost finishing.
- 2 Court officer, please turn into open session.
- 3 (Open session at 11.00 a.m.)
- 4 THE COURT OFFICER: We are in open session, your Honours.
- 5 PRESIDING JUDGE STEINER: Mr Witness, we'll have now our half-an-hour break.
- 6 It's 11 o'clock. We'll be back at 11.30.
- 7 I ask, please, the court officer to turn into closed session for the witness to be taken
- 8 outside the courtroom. In the meantime, we will suspend and resume at 11.30.
- 9 *(Closed session at 11.00 a.m.) Reclassified as Open session
- 10 THE COURT OFFICER: We are in closed session, your Honours.
- 11 (The witness stands down)
- 12 THE COURT OFFICER: All rise.
- 13 (Recess taken at 11.02 a.m.)
- 14 *(Upon resuming in closed session at 11.33 a.m.) Reclassified as Open session
- 15 THE COURT USHER: All rise. Please be seated.
- 16 PRESIDING JUDGE STEINER: Welcome back. Could, please, court usher bring
- 17 the witness in.
- 18 (The witness enters the courtroom)
- 19 PRESIDING JUDGE STEINER: Court officer, please turn into open session.
- 20 (Open session at 11.34 a.m.)
- 21 THE COURT OFFICER: We are in open session, your Honours.
- 22 PRESIDING JUDGE STEINER: Mr Witness, welcome back.
- 23 THE WITNESS: (Interpretation) Good morning.
- 24 PRESIDING JUDGE STEINER: We are almost there, Mr Witness.
- 25 Maître Douzima, you have the floor.

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Witness: CAR-D04-PPPP-0055

(Private Session)

ICC-01/05-01/08

1 MS DOUZIMA LAWSON: (Interpretation) Thank you, your Honour.

2 Q. Witness, we've almost finished, as the Presiding Judge was saying. Now, I'd
3 just like to ask you a few questions to clear some things up.

4 PRESIDING JUDGE STEINER: Just to remind you that we are in open session.

5 MS DOUZIMA LAWSON: (Interpretation) Thank you for the reminder. I think
6 we need to go into private session.

7 PRESIDING JUDGE STEINER: Court officer, please turn into private session.

8 *(Private session at 11.36 a.m.) Reclassified as Open session

9 THE COURT OFFICER: We are in private session, your Honours.

10 MS DOUZIMA LAWSON: (Interpretation)

11 Q. Witness, as I was saying, I'd just like to ask a few questions to elicit additional
12 information about all your various statements, the statements you made just before
13 the break.

14 Now, when I asked you a question about (Redacted), you said that he was the (Redacted)
15 (Redacted) of Jean-Pierre Bemba, (Redacted)

16 (Redacted)

17 (Redacted) Line 22 you said the following, and I'm reading out, (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted) and I'm quoting from page 41, and he said, (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted) That is your reply to me.

2 Mr Witness, let me hark back to my question. According to you, he told you that he
3 was (Redacted) for Mr Bemba, whereas he wasn't, and then (Redacted)
4 that he entrusted you with, which I've just read out, are these the two things that led
5 you to think that (Redacted)

6 A. Thank you for your question, and I would like to say that earlier I said -- now, if
7 I remember something, I said, indeed, what you have just read out. (Redacted) -- well,
8 this is my personal analysis, and if you have a different analysis, if the Court does its
9 own analysis, or the Defence, I don't know, the OTP, but I am telling you, after
10 analyzing the situation, (Redacted)

11 Let me repeat. Because I remember once again, we are making progress. Now, this
12 is something that occurred over a long period of time. (Redacted)

13 (Redacted) I can't give you an actual
14 timeline or chronology, but when you tell me that, and regarding all these
15 contacts -- and I think a melody emerges.

16 At one point he came and spoke to me, and he asked me, if I'm not mistaken,
17 whether -- whether the Court paid a certain amount of money to a witness. I do
18 remember that. I'm remembering a few little things. So you can see how
19 everything is coming together. All these statements, everything he did, it all came
20 together, it all focussed on money.

21 I've already said and I've given examples for analysis. So when you ask me
22 questions, I remember more things. (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted) The

8 commitment, the undertaking I took, was -- you, your task is to defend the victims,

9 and to do that you need specific information, but not information that perhaps will

10 lead you in the wrong direction or mislead the Court.

11 I'm not asking for people to believe me. I'm giving you an opportunity to investigate

12 and to see whether what I'm saying is true or not. You have your opportunity. I do

13 know, I may have forgotten, I may have omitted things, I may have got some things

14 wrong, but at least I am certain that what I am telling you is being said sincerely, in all

15 honesty.

16 Q. Indeed, what is your contribution?

17 A. My contribution? You're asking me what my contribution is? Well, it's what

18 I'm telling you. This will allow you -- I, here, may have an influence on a decision of

19 the Court. You have these items of information, you have everything, you're going

20 to do your work and, well, I have made my contribution. I've done what I could.

21 I don't think it was a bad thing to make a contribution, because many people would

22 not want to come and give testimony. Even myself, before I came here I was quite

23 afraid and I said to myself, "Why do I want to do this?"

24 Do you think it's fun for me to set aside my work and all these days? You know,

25 during all these days that -- I'm not paid. I'm paid on a daily rate and there are

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1 certain benefits I get, and, you know, I haven't been working for a week and so I
2 won't be getting those benefits.

3 (Redacted)

4 (Redacted) Do you think that

5 was fun? I could have stayed at home. I could have -- I could have not come and
6 the ICC wouldn't come and fetch me from (Redacted).

7 I've done -- I've come in good -- following my conscience. I mean, you are entitled to,
8 but let's just wait and see whether any other information -- perhaps more light will be
9 shed on all these matters, because this trial still has a long way to go, and if you need
10 me I'll be willing -- I'm more than willing to come and help you.

11 Q. In other words, Mr Witness, you are questioning everything that (Redacted) told
12 you; everything that you (Redacted)

13 A. I would say so. That is on my conscience. I say to myself, well, there are two
14 people perhaps who might think that -- well, I don't know. I say to myself
15 personally, even psychologically, I say to myself I can't contribute personally
16 something I didn't see or experience, but I'm sorry. I'm very sorry that I made that
17 mistake in this whole story. It can happen to anyone, even to you, a lawyer, but I
18 was somewhere. I saw that I was not able to master, or overcome, this manipulation
19 that the (Redacted) subjected me to.

20 Q. At page 40, line 14, of this morning's transcript, you said the following, (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 I still am certain of that, even with that minor incident with Mr Zarambaud. I didn't
14 quite -- I didn't quite understand, but I don't think he came, because he confided in
15 me that he was not going to come and give testimony. He understood my advice.

16 Q. Now, to conclude, on the basis of the advice you gave him, do you still trust him
17 entirely?

18 A. On the basis of the advice I gave him, if I trust him entirely? It's a bit difficult
19 to answer that question. Even my children at home, if they do something and I sense
20 that the child has done something, then I don't want to say that the child has repented
21 unless I see proof of that. That's a very good clue. It's a piece of advice you're
22 giving me. So the next time -- that really is the advice that would come from a
23 mother who has children, I believe. Until next time, and I will be able -- well, I
24 want -- because when I go back we will see one another and I will -- but I won't
25 entirely trust him, even if he's my child. I will be able to help him perhaps to rebuild

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1 his life, or how should I put it, help him become a better person, but that doesn't
2 necessarily mean I'm going to trust him completely. It's as if my wife -- as if -- if I
3 saw her with a gentleman and then after I would pardon her, forgive her, but the
4 trust - but the trust - would always be multiplied by a coefficient of less than one, so
5 the percentage would always be lower, but I would do everything to help her so that
6 would not -- so that would not happen again.

7 MS DOUZIMA LAWSON: (Interpretation) If you don't mind, your Honour, one
8 last question?

9 Q. When you confide --

10 THE INTERPRETER: Inaudible.

11 MS DOUZIMA LAWSON: (Interpretation)

12 Q. -- did you say that you were coming to testify?

13 A. Well, you see, I can't tell him that I am going to come and give testimony, and if
14 he had come he wouldn't say to me either. So I can't say to him that I'm coming to
15 give testimony. How could I do that? And then even yesterday I was saying, if it
16 gets out, I know him. I know what he's like. I know his reaction. If a little scrap
17 of information leaks out it will be -- it will be passed on, and I know him.

18 MS DOUZIMA LAWSON: (Interpretation) Thank you, Mr Witness.

19 Your Honour, I have concluded.

20 PRESIDING JUDGE STEINER: Court officer, turn into open session, please.

21 (Open session at 11.54 a.m.)

22 THE COURT OFFICER: We are in open session, your Honours.

23 PRESIDING JUDGE STEINER: Thank you, Maître Douzima.

24 I now ask whether Defence would like to redirect?

25 MR KILOLO: (Interpretation) Not at all, your Honour.

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1 PRESIDING JUDGE STEINER: Mr Witness, that concludes your evidence before
2 this Chamber. Before you leave the Court, I would like on behalf of the Chamber
3 and on behalf of the Court to thank you very much for the time you have taken to
4 come to this country and give evidence at this trial.

5 In order for the Judges to find the truth, it is critical that witnesses such as yourself are
6 prepared to give evidence and to assist us on the relevant issues of the case. We are
7 aware that this may have been inconvenient for you. You stayed for many days far
8 from your home, from your work, in The Hague, and you therefore leave us with our
9 thanks for your co-operation with the Court.

10 Before you leave the Court, Mr Witness, I would like to ask you if there is anything
11 you would like to address to the Judges? If you so wish, this is the time and you
12 have the floor.

13 THE WITNESS: (Interpretation) Thank you, your Honour.

14 PRESIDING JUDGE STEINER: We are in open session, just to remind you of that.

15 THE WITNESS: (Interpretation) Yes. Well, what I can say, this has been difficult
16 for me before the departure. Even to come here, I had doubts. I got to the boarding
17 gate and I had doubts about coming, but I'd like to say one thing.

18 Above all, I would like to very much thank the support team that provided support to
19 me psychologically and emotionally during this entire period of time. I would also
20 like to say -- and this is the message that I would like to give perhaps to all of those
21 who may wish to make their contribution to this undertaking, to this young Court. I
22 say to them not to be afraid. Come, come and testify, give their testimony, thereby
23 making a contribution to the truth.

24 As I said, this truth is important for all parties, for the Office of the Prosecutor, and I
25 thank everyone here and all the people who had been in contact with me. I look

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1 over to the Defence side and I also wish to thank them for contacting me. I look at
2 the Registry staff and I thank them for all the work that they did, and you the jury, or
3 rather the Court, I thank you very much.

4 I had been quite afraid about coming here, but sincerely in the name of truth if you
5 wish to obtain information from me about this whole story - this whole matter - if I
6 remember additional information I would be pleased to provide that information and
7 I am entirely available to all parties.

8 I thank Mr Zarambaud and I also thank Ms Douzima Lawson because, even though
9 we met in the courtroom -- at first, I had the impression that they were -- well, I was
10 asked if I was willing to meet everyone and I said yes. In any event, this was a
11 positive experience for me. I thank you and I have nothing further to add.

12 PRESIDING JUDGE STEINER: Thank you very much, Mr Witness.

13 I ask, please, the court officer to turn into closed session for the witness to be taken
14 outside the courtroom.

15 *(Closed session at 12.00 p.m.) Reclassified as Open session

16 THE COURT OFFICER: We are in closed session, your Honours.

17 PRESIDING JUDGE STEINER: Yes, Mr Witness.

18 THE WITNESS: (Interpretation) Yes, just one detail. I gave you a piece of paper
19 which might be confusing. Are we in closed session? Well, when I was writing
20 down these points, I used the (Redacted) and I did some simulations whether we
21 were in public or private session, so I hope that this piece of paper does not confuse
22 you. I'm talking about the names that I provided yesterday.

23 PRESIDING JUDGE STEINER: Thank you for the clarification, Mr Witness.

24 Court usher, you can accompany the witness outside the courtroom.

25 (The witness is excused)

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1 PRESIDING JUDGE STEINER: Court officer, can we go into open session, please.

2 (Open session at 12.02 p.m.)

3 THE COURT OFFICER: We are in open session, your Honours.

4 PRESIDING JUDGE STEINER: Thank you. As parties and participants are aware,
5 we are facing some difficulties in avoiding gaps between one testimony and the other.
6 As a consequence, we don't have any witnesses this week, appearing this week. The
7 last information given to the Chamber is that next week would be available to start on
8 Monday, but we still don't know even which witness will be available to start on
9 Monday.

10 So, in principle, parties and participants need to be available for us to resume on
11 Monday morning at 9 o'clock with the next witness and VWU, together with Defence,
12 will be in charge of ensuring that we have a witness on Monday at 9 o'clock, and
13 remind the Defence to inform parties, participants, and the Chamber, of course, as
14 soon as possible which witness is about to come, or any further difficulties the
15 Defence faces in bringing the next witness. So we hope that VWU and the Chamber
16 are informed as soon as possible, in order to help in finding a solution in order to
17 avoid a gap.

18 I would make a personal request to the Prosecution, and I must say it's really personal.
19 I've noticed that in relation to the -- at least two, three past witnesses, the list of
20 documents for the purpose of examination of the witnesses come with documents
21 that at least in principle have nothing to do with the witness that is about to testify. I
22 give as an example the log books that have been a constant presence in the list of
23 documents and in relation to witnesses that have no relation or no knowledge at all,
24 so I would like to see if possible for the Prosecution to refine. I know that
25 Prosecution is not under the obligation to use all documents, but at least that the

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1 documents listed are likely to be used or relevant for the testimony of the witness;
2 otherwise, we are just printing and printing and printing copies and copies of papers
3 that will not be used at all.
4 I would like -- Maître Badibanga, you have the floor.
5 MR BADIBANGA: (Interpretation) Thank you, Madam President. I wanted to
6 react to the first part of the instructions that you have given to the parties; that is
7 regarding the appearance of the next witness. We are fully aware of at least part of
8 the difficulties that have been encountered. Our position, obviously, is to contribute
9 as much as possible to efficient and expeditious proceedings.
10 However, let me say that during the last status conference we mentioned that regular
11 changes in scheduling raise a number of problems for prepping witnesses. We are
12 doing our level best to be ready, but maybe you want to understand that when we
13 submit the types of lists that we have been doing, we may not be working within the
14 deadlines set by the Court.
15 That is why we would like to appeal to the Chamber to have some understanding as
16 to the difficulties that we can be facing at last minute. So we have taken good note of
17 the mention of the list of documents we want to use, and we will do our level best to
18 address that.
19 But, again, we have, for this witness, for example, one page with one line stating what
20 he is going to say. So we have spent four days with this witness and therefore it is
21 only normal for the OTP to try to cast its view as broadly as possible, to cover much
22 of what may or may not be said by the witness. But we do understand what the
23 position of the Chamber is and we thank you.
24 PRESIDING JUDGE STEINER: Thank you very much, Maître Badibanga.
25 Maître Zarambaud.

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1 MR ZARAMBAUD: (Interpretation) Thank you, Madam President. You have
2 just said that we should be ready to examine another witness on Monday. You were
3 clear that as at now you do not know which witness will be called on Monday.
4 Now, Madam President, regarding legal representatives, we have seven days to
5 submit our filings before a witness appears. Now, between now and Monday, we
6 don't have seven days and therefore we believe that, mindful of these circumstances,
7 the Chamber will also take into account our circumstances if we do not comply with
8 those deadlines. Thank you, Madam President.

9 PRESIDING JUDGE STEINER: You can be sure, Maître Zarambaud, that the
10 Chamber will act in accordance with the Regulations of the Court that authorise the
11 Chamber to modify whatever delays in case good cause is shown, and this is a typical
12 example of good cause, let us say. If even the Chamber has no idea who is going to
13 be the next witness, of course legal representatives are not in a position to comply
14 with the delay, and for sure the Chamber will extend the delays in accordance with
15 the Regulations of the Court.

16 Maître Kilolo, any final -- or Mr Haynes?

17 MR HAYNES: Yes, just so that for everybody's convenience, I know they may have
18 received this information by email, but at the moment the strong possibilities are that
19 the witness next week will either be number 49, number 48, or number 17, and we
20 will keep everybody updated as soon as we have any clearer news on that.

21 PRESIDING JUDGE STEINER: I thank you very much, Mr Haynes, but if I'm not
22 wrong, the Chamber is already informed that it's not possible to have Witness 49.

23 MR HAYNES: You're quite right. So it's a possibility of two.

24 PRESIDING JUDGE STEINER: So the possibility is 48?

25 MR HAYNES: Yes.

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1 PRESIDING JUDGE STEINER: 56 or even 17?

2 MR HAYNES: Yes.

3 PRESIDING JUDGE STEINER: And in accordance with the information I have, legal
4 representatives have already been informed on the possibility of Witnesses 48, 56 or
5 17 to appear and only the applications to question Witness 17 have not yet been filed,
6 but in any case, I repeat that for the filing of the Prosecution list, as well for the filing
7 of the legal representatives' request to question the witness, the delays will be
8 applicable accordingly.

9 So I would like to thank very much the Prosecution team, the legal representatives of
10 victims, Defence team, Mr Jean-Pierre Bemba Gombo. I would like to thank very
11 much our interpreters, our court reporters.

12 We will adjourn and resume, unless otherwise decided, on Monday morning at 9 for
13 the beginning of the evidence to be given by next Defence witness.

14 This hearing is adjourned.

15 THE COURT USHER: All rise.

16 (The hearing ends in open session at 12.13 p.m.)

17 RECLASSIFICATION REPORT

18 Pursuant to Trial Chamber III 's Orders, ICC-01/05-01/08-2223 and

19 ICC-01/05-01/08-3038, the version of the transcript with its redactions becomes Public