

Trial Hearing
Witness: CAR-OTP-PPPP-0209

(Open Session)

ICC-01/05-01/08

1 International Criminal Court
2 Trial Chamber III - Courtroom 2
3 Situation: Central African Republic
4 In the case of The Prosecutor v. Jean-Pierre Bemba Gombo -
5 ICC-01/05-01/08
6 Presiding Judge Sylvia Steiner, Judge Joyce Aluoch and
7 Judge Kuniko Ozaki
8 Trial Hearing
9 Wednesday, 1 June 2011
10 (The hearing starts in open session at 9.39 a.m.)
11 THE COURT USHER: All rise. The International Criminal Court is now in session.
12 Please be seated.
13 THE COURT OFFICER: Good morning, your Honours, Madam President. We are
14 in open session.
15 PRESIDING JUDGE STEINER: Good morning. Could, please, the court officer call
16 the case.
17 THE COURT OFFICER: Situation in the Central African Republic, in the case of The
18 Prosecutor versus Jean-Pierre Bemba Gombo, case reference ICC-01/05-01/08.
19 PRESIDING JUDGE STEINER: Thank you very much. Good morning and
20 welcome to the Prosecution team, the legal representatives of victims, Defence team,
21 Mr Jean-Pierre Bemba Gombo. Good morning to our interpreters and court
22 reporters.
23 We will start today with the questioning of Witness 209 by Defence, but the
24 Chamber was -- the Chamber first needs to inform the parties in relation to an update
25 on the state, the physical and mental state of the witness and, as well, the

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1 Chamber was informed that the Prosecution needs to make a submission before the
2 questioning starts.
3 So I first ask court officer to turn into private session.
4 *(Private session at 9.41 a.m.)Reclassified as Open session
5 THE COURT OFFICER: We are in private session, Madam President.
6 PRESIDING JUDGE STEINER: Thank you very much. The Chamber received, or
7 as a matter of fact the court officer was informed by VWU, and the court officer
8 informed the Chamber, that VWU had a long meeting with the witness; that the
9 witness is really feeling tired and wants to go home is the only thing that the witness
10 wants, is to go home. And the witness is kind of moody, meaning that sometimes
11 there is a feeling that he's been asking repetitive questions, that he's really tired of
12 saying the same things at the same time. He has some concerns about his
13 questioning by the Defence and he wants to go home.
14 VWU explained again, in continuation of the familiarisation that apparently didn't
15 work quite well with this witness, that he needs to stay to the end of his questioning
16 by the Defence and that the Chamber could give him some more breaks in order for
17 him to take some rest, not to feel so tired.
18 The VWU is of the view that the morning sessions can continue the way they are
19 planned, with two sessions of one-and-a-half hours, and says that the main problem
20 for the witness is the afternoon sessions because in the afternoon he feels more tired.
21 So VWU suggested that the session in the afternoon, the one and-a-half hour, is
22 broken in two sessions with a 15-minutes break in order to give the witness the
23 opportunity to have a coffee or a glass of water or to walk a little bit.
24 Finally, VWU said that sometimes the witness changes his explanations to what he's
25 feeling, so he's not really easy to understand or to make a final assessment on the

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1 reasons why the witness is complaining, but that we should at least try to follow the
2 suggestions and see what the witness's reaction is going to be.

3 So if the parties are agreeable to that, we will continue with the morning sessions, two
4 sessions of one-and-a-half hours, and in the afternoon we have instead of one session
5 of one-and-a-half hours we break in two sessions of 45 minutes with a 15-minutes
6 break in between.

7 So you don't need to give me an answer right now if you are not prepared to, but
8 maybe before the beginning of the next session the Prosecution and Defence are ready
9 to make any observations on this proposal. Ms Kneuer?

10 MS KNEUER: Madam President, your Honours, the Prosecution agrees to that
11 proposal.

12 PRESIDING JUDGE STEINER: Mr Haynes, do you comfortable in giving
13 Defence's views on that?

14 MR HAYNES: Certainly. I think I could give them now, but we might all get on
15 and do a session and we'll come back to you at 11.30.

16 PRESIDING JUDGE STEINER: Of course, the Chamber will be open to get the legal
17 representatives' views on that, as well. Maître Liriss.

18 MR LIRISS: (Interpretation) Your Honour, I am somewhat concerned about the
19 opinion regarding -- rather, the opinion that the witness has regarding the
20 Defence that he expressed yesterday. He said he might lose his temper, he said he
21 was very worried about the questions that would be put to him by the Defence. My
22 concern is that this could perhaps - perhaps - lead the Chamber to be more rigorous,
23 or severe, with regard to the questions put by the Defence, but I entirely defer to your
24 wisdom in this regard.

25 PRESIDING JUDGE STEINER: Thank you, Maître Liriss, for your intervention.

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1 You are a very experienced counsel, as well as the other members of your team, and
2 I'm sure that you are used to dealing with witnesses and their concerns. Mainly,
3 when we talk about Prosecution witnesses, usually they have concerns in relation to
4 the questioning by the Defence. This is something natural. And as experienced
5 counsels, I'm sure that Defence team will be able to deal with the witness's concerns
6 in the beginning of its questioning.

7 The other point, Maître Liriss, is that you are a very experienced counsel, as well as
8 the other members of your team, to notice that some of our witnesses, they don't have
9 a broad level of understanding on, for instance, why questions need to be repeated,
10 why Prosecution or Defence need to go to such a level of details. They are not very
11 educated people. I think these factors should be taken as well into consideration
12 and both Prosecution and Defence - and here I include legal representatives of
13 victims - should be extremely tolerant and patient, objective. VWU many times
14 instructed the parties to put to the witness direct, short questions. And all these
15 measures can help.

16 The Chamber has as an obligation to ensure the witness's physical and mental
17 well-being. Of course, Maître Liriss, if need be, the Chamber will intervene. We
18 hope we don't need to do it, and I hope the Defence understands that we need to find
19 the proper balance, because a distressed witness cannot help at all. Nor the
20 Prosecution, nor the Defence, nor the Chamber can benefit from a witness that, at one
21 point, decides to refuse to be questioned, or to complain, or to feel headaches every
22 half-an-hour. So, we need to be very patient and to adapt our way of addressing the
23 witness in accordance with the witness's capacity and possibilities. So we count on
24 the Defence for that purpose, and I'm sure we will succeed.

25 Ms Kneuer, the Chamber was informed that you wanted to make some submissions.

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1 You have the floor. Do you want to do it in private session or in open session,
2 Ms Kneuer?
3 MS KNEUER: I would like to do it in private session, Madam President. Thank
4 you, Madam President, your Honours, for giving me the floor.
5 I would like to address three issues related to the list of documents submitted by
6 Defence team.
7 The first issue relates to the three days' time-line that the Chamber had imposed on
8 the Defence in its decision 1023, paragraph 16(ii). The Prosecution had brought to
9 your Honours in the past several times that the Defence is not always complying with
10 that three days' time-line and your Honours had reminded the Defence team to do its
11 utmost to comply with this instruction.
12 I believe that one of the arguments in the past was that the schedule of a witness is
13 changing and it's difficult to calculate the three days. I would like to reiterate that
14 the Prosecution is submitting a weekly schedule to your Honours by the end of the
15 week and it's shared with the parties and participants. It reflects, to the best of our
16 ability, a tentative schedule and I believe from that schedule the three days could be
17 calculated.
18 If the witness appears earlier, I think nobody would raise his or her voice; if the
19 witness appears later than anticipated, there isn't a problem at all.
20 The Prosecution has always stated that if there are reasons that the list of documents
21 need to be amended based on the oral testimony, the Prosecution has no reservations
22 to that. And, also, since we are human beings, if a party simply forgets a document,
23 there is also no problem from our side.
24 However, taking into consideration your Honours' most recent decision, and I'm
25 referring to 1470, and specifically to paragraph 7(A), the Prosecution may face a

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1 problem: If the Defence will not comply with the three days' time-line, the
2 Prosecution would not be in a position to comply with your Honours' instruction to
3 submit its observations on potential objections prior to the testimony of the witness
4 via email.

5 The Prosecution understand that it's not precluded to raise any objections during the
6 course of the testimony but, of course, we would like to comply with your Honours'
7 instructions. And one of the reasons why we would like to do so is because we
8 understand that this regime put in place by your Honours is meant to facilitate the
9 proceedings and to expedite - meaning, if the parties have time, to conduct a legal
10 analysis even before we start with the questioning of the witness and to propose
11 meaningful objections - it would contribute to a fair and expeditious proceedings.
12 So any guidance the Prosecution could seek from your Honours to that extent, we
13 would most appreciate it.

14 The next topic I would like to address is the email that the Defence team sent
15 yesterday at 4.55 p.m. to the Chamber and the parties and participants. This is, for
16 me, an example of the exception where the Prosecution would not raise any
17 reservations; however, I'm slightly concerned because I believe that the transcript is
18 not properly reflected, or referred to. The Defence is proposing, and I'm quoting
19 from the email, "Today during the testimony of the present witness,
20 CAR-OTP-WWWW-0209, the witness spoke of the distance between Gbadolite and
21 Damara. As such, the Defence requests the authorisation of the Chamber to add the
22 following map to its updated list of documents for the present witness,
23 CAR-OTP-0030-0132."

24 It's the Prosecution's observation that the witness provided the following testimony,
25 and I'm referring to transcript 120, confidential, English version, edited version, on

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1 page 14, lines 12 onwards, and specifically line 13, "The geographical situation in the
2 Central African Republic and the Democratic Republic of the Congo is such that if
3 you note on a map, when you look at Damara and the prefecture thereof and the
4 subprefecture of Gbadolite, they are bordering and, as such, there is a distance of
5 around 59 kilometres."

6 It's our observation that the witness actually didn't refer to the distance between
7 Gbadolite and Damara; it appears to be, rather, the distance between Damara to the
8 closest border with the subprefecture of Gbadolite. In any event, it's unclear from
9 the record, so the Prosecution has no reservations but I would emphasise that the
10 Prosecution would prefer that the witness is quoted properly.

11 The third point I would like to raise, Madam President, your Honours, is with regard
12 to the list of documents that is currently before the Chamber, and I have two concerns:
13 The one is with regard to the transcribed statements of (Redacted) and the other one
14 relates to the (Redacted) that Witness 63 provided to the
15 Prosecution and which were introduced during the course of his testimony.

16 With regard to the statements of (Redacted), my first observation is, it is unclear to
17 the Prosecution what specifically triggered the Defence to amend the list based on the
18 oral testimony which was not already clear by the witness statement. The entire
19 testimony of Witness 209 centres about (Redacted) so I cannot
20 understand this.

21 But the other concern I would like to address is that the Prosecution will raise
22 objections during the course of the testimony if the Defence would try to introduce
23 the statements through this witness.

24 I'm specifically referring to a ruling of the Chamber, Madam President. It is
25 transcript 107, English edited version, and I'm referring to an argument that started

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1 on page 60, line 23, and specifically I would like to draw your attention to two
2 statements. It's on page 64, line 2 to 3, and I quote, "The Chamber will not allow the
3 Defence to read the full content of any statements just in order to put it on the record,
4 on the public record of the case."
5 The second quotation is further down that page, lines 7 to 9, "So the only thing the
6 Chamber will not allow is that, through a privileged witness, you try to introduce
7 statements of other witnesses in this case, because they are not witnesses in this case,
8 at least not until their statements are tendered into evidence."
9 The other concern we have is with regards to the (Redacted) that Witness 63 provided.
10 The Prosecution is, of course, unaware how the Defence counsel is planning to use
11 these (Redacted) during the questioning of Witness 209. However, we thought it
12 may be helpful to raise our concerns before the witness will be brought into the
13 courtroom.
14 The concern that the Prosecution has is that, if these (Redacted) are shown to -- sorry,
15 the (Redacted) of Witness 63 are (Redacted) this witness, Witness 209, it may lead to
16 the identification of Witness 63, and the Prosecution believes that it's our obligation to
17 protect Witness 63 first of all to be exposed to the public and, secondly, being exposed
18 in a third way which I will describe in a minute.
19 With regards to exposing Witness 63 to the public, this could be solved by a private
20 session, but the witness could also be exposed in a different way. Witness 63 stated
21 that (Redacted) during the course of the conflict and he referred specifically to
22 Damara. It may be that this witness is in a position to identify Witness 63 either now,
23 or it may come up to his mind at a later stage, he is returning to the Central African
24 Republic and inadvertently is exposing him.
25 So we believe that particular attention needs to be brought to this issue, and I'm also

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1 raising our concerns at this very early stage because the Defence may very well
2 intend to use, as of now, these (Redacted) for all other OTP witnesses. So it would be
3 a reoccurring problem, and the more often the (Redacted) to witnesses it would
4 also increase the risk to identify Witness 63 and to undermine the protective measures
5 that your Honours put in place.
6 So basically what the Prosecution would be interested in is which safeguards the
7 Defence is planning to put in place to contribute to a non-exposure of Witness 63 to
8 the public, to this witness and to foresee potential other risks by inadvertent exposure
9 through this witness in the Central African Republic.
10 It may also reach out to any redactions that may need to apply to (Redacted)
11 There were (Redacted) It's also a
12 question of how to protect these (Redacted) towards someone who didn't (Redacted)
13 at the relevant time.
14 The Prosecution is asking for any measures which would guarantee that the
15 protective measures that are in place right now would be also effective in the future.
16 Thank you, Madam President, your Honours.
17 PRESIDING JUDGE STEINER: Thank you, Ms Kneuer. Before I give the floor to
18 the Defence, I would like to ask whether the legal representatives have anything to
19 add?
20 MS DOUZIMA-LAWSON: (Interpretation) Thank you very much, your Honour.
21 We have followed what was said with a lot of attention, particularly the explanation
22 given by the Prosecutor here. We consider, your Honour, that these explanations
23 are relevant with regards to the identification of the Witness 63, who on several
24 occasions complained during this hearing that he was afraid about being -- afraid of
25 being identified.

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1 He even gave the case of somebody who had (Redacted) with the

2 investigators, and he was afraid that (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted) and I think that there is an interest in

7 protecting this Witness 63.

8 When (Redacted) at the same time that the Witness 209 is also from Damara,

9 there are (Redacted) in Damara, there is a high

10 possibility that the Witness 209 can identify him, but we leave that in the wisdom of

11 the Chamber to take any measures that are appropriate.

12 PRESIDING JUDGE STEINER: Thank you, Maître Douzima. I ask the

13 Defence whether the Defence wants to make submissions on the three points raised

14 by the Prosecution before the Chamber issues guidances in respect of these matters.

15 MR LIRISS: (Interpretation) Your Honour, we weren't notified of these concerns.

16 There are at least five concerns and, with your leave, could we have a break in which

17 we -- and after that break we could be able to answer you, because with regards to the

18 first 30 minutes would just concern issues of a general nature that were put forward

19 and which do not affect the four points raised by the Defence -- by the Prosecution, if

20 that is agreeable to you?

21 PRESIDING JUDGE STEINER: If I have the assurance that the Defence will not refer

22 in the time we have left for the morning session to any of the documents referred to

23 by the Prosecution - meaning the (Redacted) - I think

24 we can start with the questioning of the witness and the Defence will have the time

25 during the break to prepare its observations on the issues raised by the Prosecution,

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- 1 which are some procedural ones I think are easier to be dealt with, but the ones
2 related to Witness 63's protection are substantive. So I hope Defence comes with its
3 views in order to help the Chamber to issue its guidances.
- 4 So I'm going to order the witness to come in for his testimony to start, and I will as
5 always fully rely on the good sense of the Defence in order not to refer to any of these
6 (Redacted)
- 7 In relation to the map, if the Defence intends to start by using the map I think the
8 Defence should provide the Chamber with the accurate quotation from the transcript
9 that justifies the late reference to this map as part of the list of documents from the
10 Defence, but in any case maybe we don't need to use the map as well in this first part
11 of today's hearing.
- 12 Court officer, please turn into closed session in order for the witness to be brought
13 into the courtroom.
- 14 *(Closed session at 10.11 a.m.)Reclassified as Open session
- 15 THE COURT OFFICER: We are in closed session, Madam President.
- 16 (The witness enters the courtroom)
- 17 PRESIDING JUDGE STEINER: We can turn into open session, please.
- 18 (Open session at 10.12 a.m.)
- 19 THE COURT OFFICER: We are in open session, Madam President.
- 20 PRESIDING JUDGE STEINER: Thank you. Good morning, Mr Witness.
- 21 WITNESS: CAR-OTP-PPPP-0209 (On former oath)
- 22 (The witness speaks Sango)
- 23 THE WITNESS: (Interpretation) Good morning, your Honour.
- 24 PRESIDING JUDGE STEINER: Did you manage to rest during the night?
- 25 THE WITNESS: (Interpretation) Yes, your Honour, I was able to rest well.

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1 Yesterday I had a good night, last night, after the dentist took the stitches out. I was
2 able to rest well at night.

3 PRESIDING JUDGE STEINER: That's very good, and we are glad to know that
4 you're feeling better. Also, VWU informed this morning that you were feeling better
5 and able to continue giving your testimony; is that correct?

6 THE WITNESS: (Interpretation) Yes, I feel well, apart from the cold. The
7 temperature is difficult for me, but I'll try to answer your questions.

8 PRESIDING JUDGE STEINER: Thank you very much. Today the Defence will
9 start questioning you but, before I give the floor to the Defence, I need to remind you
10 that you are still under oath. Do you understand that, sir?

11 THE WITNESS: (Interpretation) Yes, I understand, your Honour.

12 PRESIDING JUDGE STEINER: I also would like to remind you of the protective
13 measures. In open session you must not give any information that could lead to
14 your identification, your functions, your meetings with other people, names of
15 neighbours, of family members, information like that. If need be we go into private
16 session. Do you understand that, sir?

17 THE WITNESS: (Interpretation) I understand, your Honour.

18 PRESIDING JUDGE STEINER: And, finally, if you need a break for any reason you
19 just let us know. We will try to have more breaks in order to give you some time to
20 rest. We don't want you to feel tired. So let us know if, for any reason, you need a
21 break. Is that fine with you, sir?

22 THE WITNESS: (Interpretation) That is fine by me, your Honour.

23 PRESIDING JUDGE STEINER: Mr Haynes, you have the floor.

24 MR HAYNES: Thank you, your Honour.

25 QUESTIONED BY MR HAYNES:

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1 Q. Well, good morning, sir.

2 A. Good morning, Counsel.

3 Q. Let me introduce myself to you. My name is Peter Haynes and I come from
4 the United Kingdom. Have you heard of that?

5 A. I have heard of that country in geography but I think it's certainly a European
6 country.

7 Q. Yes, it is. And it may surprise you to hear that I actually think the weather is
8 quite good at the moment.

9 A. Counsel, I think that every human being has a place which is destined by God
10 for that person. For me, the climate here is not right for me.

11 Q. I understand. We've got about 40 minutes until you get a break, and so that
12 you understand I'm just going to ask you some general questions about yourself and
13 about the place where you live. Do you understand?

14 A. I understand, Counsel.

15 Q. And you can be absolutely sure that I will not ask you any question which
16 might give away details of who you are to the public. Do you understand that?

17 A. I understand, Counsel.

18 Q. And if I have to ask you questions about who you are, and what you do or what
19 you have done, we will go into private session and I will remind you that we are in
20 private session so that you can tell us those details. Do you understand that?

21 A. I understand you, Counsel.

22 Q. But the other side of that coin is I will also warn you when the public can hear
23 what you are saying and when you give you that warning, you must be careful not to
24 say things that give away or might give away your identity. Do you understand
25 that?

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1 A. I understand that well, Counsel.

2 Q. Okay. Then I think we're going to get along just fine. So we're going to start
3 with some questions about you and your job, so I'm going to ask the President if we
4 can go into private session.

5 PRESIDING JUDGE STEINER: Court officer, please.

6 *(Private session at 10.21 a.m.)Reclassified as Open session

7 THE COURT OFFICER: We are in private session, Madam President.

8 MR HAYNES: Thank you very much.

9 Q. Sir, you were telling us about the positions you have held. Can you tell us
10 what position, if any, you held in 2009?

11 A. Counsel, in 2009 I was the (Redacted)

12 Q. Thank you. And is that a position where you had to (Redacted)

13 A. In the Central African Republic the (Redacted)
14 (Redacted)

15 Q. Thank you very much. And is it a position for which you received a salary?

16 A. Counsel, yes, I was paid.

17 Q. And which particular (Redacted)
18 (Redacted)

19 A. I was (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 Q. Thank you. And can you give us the name of the person who (Redacted) you?

25 A. The name of the (Redacted) me, is that what you want or do you

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1 want the names of all the (Redacted)

2 (Redacted)

3 (Redacted) also took place. In fact, if you could be more precise,

4 it would help me answer the question.

5 Q. Well, you actually anticipated my next question which was, how long is each

6 (Redacted)

7 A. The (Redacted) five years, but if you are (Redacted)

8 (Redacted) five years.

9 Q. Thank you very much. Well, do you remember who (Redacted) in 2005?

10 A. In 2005 the (Redacted) I can't remember his name but I think it was

11 (Redacted) if I am not wrong, because there were two (Redacted) who succeeded

12 each other at that time and one of them (Redacted) If I remember

13 well, it is (Redacted) in 2005. You know, things go back a long time, so I might have

14 forgotten the name.

15 Q. Don't worry about that. But when you were (Redacted) in 2005, was there a

16 (Redacted) accompanying your (Redacted)

17 A. The (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 Q. And do you remember in broad terms what that (Redacted) is?

23 A. (Redacted), as you know, even here before the Court you have an (Redacted), so I (Redacted)

24 (Redacted)

25 (Redacted)

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1 MR HAYNES: Thank you very much. I think we can now go into open session,
2 your Honour.

3 PRESIDING JUDGE STEINER: Mr Witness, we are going to open session. So,
4 again, the recommendation that you take care and not mention anything that could
5 lead to your identification. Court officer, please.

6 (Open session at 10.30 a.m.)

7 THE COURT OFFICER: We are in open session, Madam President.

8 MR HAYNES: Thank you.

9 Q. Sir, I'm going to ask you some questions now about the interviews you had
10 with the investigators from the ICC. Do you understand?

11 A. I understand you, Counsel. You can continue.

12 Q. Thank you very much, sir. Do you recall that you first met investigators from
13 the ICC in October 2009?

14 A. That's right, I met with the investigators from the OTP on 31 December 2009;
15 that was the date on which they called me. Thanks to a telephone, an investigator
16 called me from Damara, and then I went to the place where the interview was
17 conducted.

18 Q. And without going into details of precise location, was that in Bangui?

19 A. That's right, it was indeed in Bangui.

20 Q. And at that first meeting, how many investigators were present?

21 A. There were two of them.

22 Q. And, again, without going into too much detail, were they men or women?

23 A. It was two women.

24 Q. And did you meet them on one day, or more than one day?

25 A. It was over the course of one single day.

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1 Q. Thank you very much, sir. And were you able to observe whether on that first
2 occasion your interview was recorded in any way?

3 A. I don't know whether they had some kind of recording equipment, but I was
4 questioned verbally. And the interview did not last two hours; it was
5 one-hour-and-a-half.

6 Q. Thank you very much. Did you notice whether anybody was writing anything
7 down during the course of that interview?

8 A. Of course. One of the women was writing things down on a pad of paper.

9 Q. And when the interview was over, did you have the opportunity to read over
10 what had been written down or did anybody read back to you what had been written
11 down?

12 A. During the preliminary investigation, when we met, they took note, they wrote
13 down everything that was said, but it was not read back to me. On the other hand,
14 they did promise that they were going to call me back; otherwise, the document was
15 not read back to me, no.

16 Q. And do you recall whether on that -- the occasion of that first interview, you
17 were asked to sign anything?

18 A. During the first meeting, during the first meeting with the investigators, I was
19 not asked to sign anything. They just asked me what my name was, where I was
20 born, and other questions, and I answered those questions. Then we went our
21 respective ways: They went to their hotel and I went back to my home.

22 Q. Thank you very much, sir. Now, we know that you went back and were
23 interviewed over several days. Do you recall how long that was after the
24 preliminary interview?

25 A. I think that in 2010 - I don't remember the exact date - they called me. So I

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1 went to Bangui to have a statement taken. That time, there was a man and a woman,
2 and those two people were the ones who took a statement from me.

3 Q. Thanks. And was the woman one of the same women who had conducted
4 your preliminary interview?

5 A. Exactly.

6 Q. And just so that I'm clear, is it your recollection that the preliminary interview
7 was in December 2009 and then the taking of your statement was in 2010?

8 PRESIDING JUDGE STEINER: Ms Kneuer?

9 MS KNEUER: Madam President, I don't have a problem with the question as such,
10 just with the term "preliminary interview," which appears to me a little bit
11 unspecified. I think the Statute provides for a statement under Rule 111, but not for
12 the preliminary interview. And my fear is that it may confuse the witness at one
13 point. Thank you, Madam President.

14 PRESIDING JUDGE STEINER: I agree with Ms Kneuer. I'm really confused about
15 what you were talking when you mention "preliminary interview" and "the
16 interviews," and maybe the witness doesn't know exactly what you meant.

17 MR HAYNES: Well, I'm using the terms he used to me, I think. That's why I used
18 them, because it's the phrase he used to me, and I thought that way he did
19 understand. Rather than imposing a term of art from the Statute or my own words,
20 I'm using his own words back to him. So I'm pretty clear that he does understand
21 what I am talking about, but if you would prefer me to use a different term of art, I
22 will.

23 PRESIDING JUDGE STEINER: No, I would prefer the Defence to ask the witness;
24 otherwise, I will ask what he meant by "preliminary interview." I would like
25 Mr Haynes to remember that sometimes we have some interpretation problems, so

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1 sometimes what the witness says is not exactly what appears in the transcript. So it
2 would not -- it would not be a problem if we understand what the witness meant by
3 "preliminary interview," please.

4 MR HAYNES: Well, this is the question I propose to put to him now. If anybody
5 has any objection to it, would they say so?

6 Q. Sir, do I understand you correctly that your recollection is that your first
7 meeting with investigators was in December 2009 and your second meetings with
8 investigators were in 2010?

9 A. Yes, that's right.

10 Q. And when you had the second series of meetings with investigators, did it
11 appear to you that they had some sort of record in front of them of what you had said
12 during the first meeting?

13 A. During the second meeting with the investigators, there was a man and a
14 woman; the first time, it was two ladies. The first investigators, the female ones,
15 took my identity, and the second investigator asked me if that was, indeed, me. And
16 I said, yes, it was me. The second time they had the references that I'd given them.
17 The same female investigator who had seen me the first time was there the second
18 time, but that time she had another person, a gentleman, with her. They had my
19 name, my identity. They had that information at hand.

20 Q. Okay. Thank you. But did they have the notes from your first meeting?

21 A. Counsel, I've told you that they had my contact information. They said,
22 "Where were you born? What is your profession? Where do you currently live?"
23 That was the questions they asked the first time. So they had that information when
24 they talked to me the second time.

25 Q. Okay. Well, we'll leave that there for the moment. (Redacted)

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1 (Redacted)

2 (Redacted)

3 How many people live in Damara?

4 A. Damara has a population of 32,600 inhabitants. That's what I can tell you.

5 Q. Thank you very much. And was it approximately the same in 2002?

6 THE INTERPRETER: Interpreter's correction: 32,850 inhabitants.

7 THE WITNESS: (Interpretation) Counsel, we have a constitutional requirement

8 whereby we have to organise a general census of the population - a municipal

9 census - that must be taken. The mayor has an obligation to send staff into the field

10 to conduct this census. If you leave 2002 and go to 2009, well, I think you should see

11 a change.

12 MR HAYNES:

13 Q. Okay. (Redacted) can you help us as to

14 what approximately the population was in 2002?

15 A. I don't remember. I mustn't come here and tell a lie.

16 Q. No, okay. And can you help us as to approximately what geographical area

17 the town covers?

18 A. Counsel, I am worried. If I give that information, it would be as if I were

19 revealing -- it would be like revealing my identity. I have to be very careful about

20 my own safety.

21 Q. Well, we'll leave the question to one side for the moment, if you're

22 uncomfortable with it. Can you tell us about the ethnicity of the people who live in

23 Damara?

24 A. There are two major ethnic groups in Damara: The Banda and the

25 Mbaka-Mandja. As well there are other smaller groups alongside the Kamanja, the

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1 Gbaya and many Congolese people as well live in Damara.

2 Q. Thank you very much. And what languages are spoken in the town?

3 A. The people speak Sango, which is the national language, in addition to the
4 language of each ethnic group. If the person is a Banda person, obviously that
5 person also speaks Banda in addition to Sango. If they're Kamanja, the same thing
6 holds true.

7 Q. Is the language of the Kamanja people Mandja?

8 A. I haven't understood the question, Counsel. Could you repeat it?

9 Q. Certainly, and I will put it a different way. What language do the Kamanja
10 people speak?

11 A. The people from the Kamanja ethnic group speak Mandja.

12 Q. Thank you. And the Congolese people, do they speak Lingala?

13 A. That's really a difficult question. Now, if the Congolese find themselves
14 amongst themselves they may speak to one another in Lingala, but these people have
15 spent some time in our country and so they were able to speak Sango.

16 Q. I just want to check something you said yesterday. What proportion of the
17 population of Damara spoke Lingala?

18 A. Counsel, your question is both difficult and easy. In our part of the world, we
19 don't apply such a policy of discrimination based on ethnic origin. (Redacted)
20 (Redacted) how many disabled people there were, how many other people there
21 were, I might give you an answer, but when you start going into ethnic
22 considerations it's difficult for me to give a reply; an appropriate reply.

23 Q. It's okay. It's just that in yesterday's transcript it was recorded that you said
24 that 50 per cent of the population of Damara spoke Lingala. Was that right, or was it
25 not a fair record of your testimony?

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1 PRESIDING JUDGE STEINER: Reference, please, Mr Haynes.

2 MR HAYNES: Can I give it in due course?

3 Q. Let's move on to something else while we are waiting for that, sir. Were there
4 government institutions in Damara in 2002?

5 A. If there weren't any government institutions there I wouldn't have been in
6 Damara, but this was at a specific point in time. That is when everything changed
7 and activities no longer were underway.

8 Q. Well, before the arrival of Mr Bozizé's troops, were there units of the Central
9 African Army stationed there?

10 A. There were only the gendarmes, and these gendarmes -- and then there were
11 also the justice officials and the forestry rangers. There was no military attachment
12 in Damara before Bozizé's troops arrived.

13 Q. Thank you. And you've mentioned some government institutions. What
14 others were there, other than the gendarmes, the forestry officials and the justice
15 officials?

16 A. Counsel, I haven't really understood your question. These people were
17 officials - government officials - sent by the central government to represent the
18 government in that locality. These officers were -- if someone committed an offence,
19 the person would be summoned to the -- to City Hall and they would deal with him.
20 If someone was poaching, for example, the forest rangers would summon the person
21 and punish the person, but they lived -- they were on good terms with the
22 population.

23 Q. Thank you. Now, when General Bozizé's forces first arrived in Damara, was
24 there fighting to take the town?

25 A. The objective of Bozizé's troops was not to take the town of Damara, but rather

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1 to overthrow President Patassé. They only went through Damara and were heading
2 towards Bangui. When they were repelled from Bangui, that is when they withdrew
3 to Damara.

4 Q. Thank you. Do you remember how his soldiers were dressed?

5 A. Are you talking about their military uniforms?

6 Q. Yes.

7 A. Yes, they were wearing military uniforms. They had come from Chad and
8 they had military uniforms. They were wearing military uniforms.

9 Q. Do you remember anything else about the way in which any of them were
10 dressed?

11 A. I haven't understood that question. Could you be more specific so that I can
12 answer?

13 Q. Absolutely. Do you remember anything about the headwear any of them were
14 wearing?

15 A. I saw them wearing military uniforms with military headgear. They were
16 armed and they were moving towards Bangui. When they met up with resistance,
17 they came back and went to Damara. That is what I saw.

18 MR HAYNES: Thank you. I think that's time for a break.

19 PRESIDING JUDGE STEINER: Mr Witness, we will have now our first break, a
20 half-an-hour break, in order for you to take some rest. It's 11 o'clock. We'll resume
21 at 11.30.

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

24 *(Closed session at 11.00 a.m.)Reclassified as Open session

25 THE COURT OFFICER: We are in closed session, Madam President.

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- 1 (The witness stands down)
- 2 THE COURT OFFICER: All rise.
- 3 (Recess taken at 11.01 a.m.)
- 4 (Upon resuming in open session at 11.36 a.m.)
- 5 THE COURT USHER: All rise. Please be seated.
- 6 THE COURT OFFICER: We are in open session, your Honours.
- 7 PRESIDING JUDGE STEINER: Thank you. Welcome back. Is the Defence willing
- 8 and able to make observations on the points raised by the Prosecution?
- 9 MR LIRISS: (Interpretation) Yes, Madam.
- 10 PRESIDING JUDGE STEINER: Should we go into private session?
- 11 MR LIRISS: (Interpretation) Yes, your Honour.
- 12 PRESIDING JUDGE STEINER: Court officer, please.
- 13 *(Private session at 11.37 a.m.)Reclassified as Open session
- 14 THE COURT OFFICER: We are in private session, Madam President.
- 15 PRESIDING JUDGE STEINER: Maître Liriss.
- 16 MR LIRISS: (Interpretation) Thank you, Madam President. The Defence would
- 17 like, first of all, to say that it regrets that the Prosecutor chooses this time to raise all
- 18 these issues without having notified Defence accordingly to enable it to provide
- 19 responses, appropriate responses, which would have enabled us not to waste time.
- 20 That notwithstanding, we -- whenever we have any matters to raise we are cautious
- 21 enough to notify the Chamber, and the Prosecution as well, by providing summary
- 22 details at least as to the matters we intend to raise. Should the Prosecution have
- 23 done that, it would have enabled us to not lose that much time.
- 24 The Prosecution raised a number of problems. One, the delay in the transmission of
- 25 reference documents or disclosure of reference documents. First of all, your Honour,

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1 Madam President, the documents that we submitted were disclosed in a timely
2 manner. What simply happened is that a few additions were made as the
3 proceedings and hearings unfolded.
4 You may want to notice that in relation to the original statements the witness
5 subsequently made several other statements which contradict the prior statements
6 requiring, therefore, that we needed at all times to adjust the documents accordingly.
7 Let us take one example, the map. Yesterday, the witness testified not only on the
8 basis of the data in the transcript that were read by Madam Kneuer. Let me refer to
9 the real-time transcript, as well, of yesterday at page 40, line 28, or even from line 24:
10 "Counsel, you know that part of Zaire borders the CAR, particularly the Damara
11 subprefecture. I told you that if you were to look at the road map of the Central
12 African Republic there is a road or a path which leads directly to the Democratic
13 Republic of the Congo - Oumba - and Oumba is in Damara. Oumba is opposite
14 Mpando. And in Mpando you have Gbadolite town, which is in Équateur province."
15 This led us then, on the basis of those two statements - particularly this letter - to
16 propose that a map of Congo be produced, that is a map of Congo and the Central
17 African Republic, to determine whether what the witness said is correct. And he
18 went on to say that this path or road covered a distance of 58, or rather, 29 kilometres.
19 I do not see, therefore, how this matter of the map could have been prejudicial. I
20 rather take it to be a better or greater contribution towards the emergence of the truth
21 for the benefit of the Chamber.
22 As for the delay, therefore, I have already stated, and I repeat, that it was simply in
23 connection to documents that were introduced following the unfolding of
24 proceedings and changes made by the witness to his original statement.
25 Regarding the (Redacted) Madam President, it might be interesting to look at one

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1 example, with your leave, were you to allow the Registrar to project (Redacted)
2 (Redacted) on the screen and this will enable you, I believe, to understand my point
3 better. With your leave, Madam President.
4 THE INTERPRETER: Correction from the English booth, it's (Redacted)
5 (Redacted) at line 5, page 32.
6 MR LIRISS: (Interpretation) Madam President, your Honours, you may recall that
7 in his statement the witness said that Mr Bemba arrived in Damara aboard an aircraft
8 and that he landed on highway number 3, national highway number 3. So (Redacted)
9 (Redacted) highway national number 3.
10 We would like to use this (Redacted), for example, which by the way is and remains
11 confidential, we would like to know whether it is possible for an aircraft to land on
12 (Redacted) and the witness will have to describe that aircraft for us because (Redacted)
13 the national road number 3.
14 Therefore, Madam President, how can this point be an element of danger that may
15 disclose the identity of witness number 63? This (Redacted) is not signed; there are no
16 specific references about (Redacted)
17 (Redacted) It is even possible nowadays to (Redacted)
18 (Redacted) so how does this amount to danger?
19 This (Redacted) could also have been material produced by a previous or another
20 witness, and we should have the right to be able to contradict a witness at hand with
21 such material, mindful of the rules of security and safety.
22 You, Madam President, your Honours, are professional judges and you know clearly
23 and very well that this material does not amount to any danger whatsoever in terms
24 of identifying the (Redacted) or even referring to the possibility that such a
25 (Redacted) would have been a witness, let alone witness number 63. That is what

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1 I can say about the (Redacted) I do not see how they amount to any danger, using
2 this particular (Redacted) as an example.
3 Now, to conclude, Madam President, as for (Redacted) statements, the witness
4 before you has clearly testified that it was by hearsay, through (Redacted), that he found
5 out that the person who landed from that plane, and who took away all the stolen
6 property from the 20,000 inhabitants of Damara, was Bemba. It is his testimony that
7 it is (Redacted) who gave him that information, so it is hearsay.
8 It is not, therefore, to the Prosecutor that we are making these submissions but,
9 rather, to the Chamber, so that the Chamber may assess the value of this hearsay
10 testimony by listening also to what (Redacted) said regarding this very matter. This
11 would enable you to assess the value of the hearsay.
12 But you may want to recall, your Honour, that regarding (Redacted) during 009's
13 testimony this very issue was raised and you made a decision, stating that (Redacted)
14 was not a witness and, therefore, it was possible to proceed by questioning another
15 witness on (Redacted) statement without any risks of security on the condition that,
16 one, the references will be provided and, two, that the transcript will not be read but
17 simply by giving an overview of the transcript and then putting it to the witness
18 whether such material corroborates or does not corroborate and, finally, as condition
19 not to file the said statement as an exhibit.
20 This is the issue before us and we have complied. (Redacted) told you this, but we are
21 in possession of the following material and information from the Prosecutor whereby
22 (Redacted) allegedly said something else.
23 What do you say to that? How can this be a problem for the Prosecutor. Is it not
24 rather material that helps in the emergence of the truth, thereby enabling the
25 Chamber to come to a determination on information received by the witness which

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1 amounts to hearsay. That will be all our submissions, Madam President.

2 JUDGE ALUOCH: Mr Liriss, can I seek a clarification? Is (Redacted) the same person
3 as (Redacted)

4 MR LIRISS: (Interpretation) Yes, yes, Madam. Yes, it is (Redacted), indeed. Well,
5 reference being made to late disclosures are documents pertaining to (Redacted) and
6 the references, we are not going to read them but the trial - the Chamber should be in
7 a position to see and read those documents. That is my submission.

8 PRESIDING JUDGE STEINER: Thank you, Maître Liriss. I would like to know
9 whether the Prosecution would like to reply.

10 MS KNEUER: I would appreciate that opportunity, Madam President. I am not
11 sure if the interpretation from English to French went wrong or if there was a
12 misunderstanding or misinterpretation of what I said.

13 First of all, specifically with regards to the map, I emphasise that the Prosecution
14 considers this document as the exception from the Prosecutor's perspective to be
15 submitted after the three-day's deadline because it was triggered by the oral
16 testimony.

17 The point that the Prosecution tried to make was that it would appreciate, if
18 something is put to the witness, it should be the accurate quotation from the
19 transcript. And I referred to what the Defence team had put in its email addressing
20 that it is about the distance between Gbadolite and Damara. And the reference that I
21 had provided earlier is the reference that addresses exactly this topic.

22 If there is another quotation in the transcript, the Prosecution does not have any
23 reservations but it is critical that accuracy plays a huge role in these trial proceedings.

24 With regards to the (Redacted) the Prosecution will listen carefully how the Defence
25 will establish and lay the foundation that the (Redacted) national highway number 3.

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1 And the Prosecution very well understands the objective that the Defence counsel is
2 trying to achieve in this particular case with this (Redacted) but, unfortunately, the
3 Defence has not addressed at all what safeguards they are proposing to effectively
4 protect the security of the witness and to contribute to keep measures already granted
5 by your Honours effectively in process.
6 If it's about the national highway, I'm sure there are a number of (Redacted)
7 the national highway. So there are other ways to reach or accomplish the objective
8 without taking any risk for Witness 63. I don't know, like the Defence counsel, how
9 many (Redacted) there were. I don't know if Witness 209, for example, was
10 present when this (Redacted) We don't know all of
11 these things, but we need to take this into consideration with regard to witness
12 protection. And, unfortunately, the Defence counsel is not addressing any of the
13 other (Redacted)
14 With regard to (Redacted) again, there was a misunderstanding or a misinterpretation
15 of what the Prosecution had submitted. We made two points: The one was that,
16 from our perspective, the oral testimony didn't trigger the amendment of the list of
17 documents with the transcribed statements of witness -- of (Redacted). It was already
18 clear by the written statements what the witness would testify or at least what is in
19 his knowledge with regard to (Redacted).
20 The other point that we are making is simply that we will object, based on the
21 Chamber's ruling, if the Defence would try to get in these statements on the record
22 without following the proper procedure.
23 With regard to the submission my learned colleague made on page 33, lines 21 to 23,
24 and I quote, "So that the Chamber may assess the value of this hearsay testimony by
25 listening as to what (Redacted) said this very matter." I just want to emphasise,

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1 although I think it's known to the Bench, we need to distinguish between the written
2 statement and the potential oral testimony of (Redacted) in this Court. And the
3 Prosecution will address any issues related to the probative value in the closing brief.
4 Thank you, Madam President.

5 PRESIDING JUDGE STEINER: Maître Liriss, of course we'll give the opportunity to
6 Defence to very briefly assess the issues mentioned by the Prosecution in its reply but,
7 apart of procedural issues, I insist that the example given by the Defence in relation to
8 (Redacted) at least in principle was not 100 per cent convincing if it is balanced with
9 the need for protecting the identity of Witness 63 and the fact that Witness 63 was a
10 witness.

11 We don't have answers to some of your own questions. It's not important to know
12 whether he was, or not, (Redacted) in Central African Republic, but I
13 don't think there were (Redacted) in Damara (Redacted)
14 or with (Redacted) I
15 would like the Defence to please address this concern of the Chamber in its
16 response -- in its reply to the Prosecution's reply.

17 MR LIRISS: (Interpretation) Thank you, your Honour. I only have one thing to
18 say to the Prosecution: At no time were (Redacted) statements, or could have
19 during -- could have been changed during testimony. I think you'll recall that in the
20 statement there was one single example. The witness stated that he had seen Bemba.
21 He even said that (Redacted)
22 (Redacted) And now he
23 is saying that he didn't see him, but then later he stated that it was Bemba, and that it
24 was (Redacted) who had said to him. That's just one example, to see that -- to
25 demonstrate the lack of consistency here.

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1 As for the (Redacted) of national road number 3, your Honour, the Defence is of the
2 opinion that if one cannot -- well, we are willing to accept any measures of security
3 set by the Chamber, in order to ensure that Witness 63's identity is not revealed, but I
4 can't see any other argument, other than the fact that, well, that these are just
5 conjectures. When people say, "Oh, well, one might think that there was (Redacted)
6 (Redacted) was known by the current
7 witness." Now, this is not about (Redacted) this is more about the road, and I think
8 the Registry can certainly help us by presenting the material in such a way that only
9 the road, national road 3, (Redacted)
10 As for these other documents, the other (Redacted) your Honour, there are no
11 (Redacted) Witness 63. The (Redacted) on this list
12 are (Redacted) the inhabitants, of the alleged commanders, and for the most part
13 (Redacted) military clothing.
14 I will go even further, in actual fact. You're asking me to explain why we want to
15 (Redacted) In relation to this witness, it is in relation to the dates. I
16 think you'll recall that Witness 63, the people that (Redacted) apparently were
17 the so-called Banyamulengue, and I think you recall that the witness gave the date at
18 which the Banyamulengue arrived. And if these (Redacted) prove the contrary in
19 relation to Witness 63, and if these (Redacted) by MLC soldiers
20 themselves, if there is no other (Redacted) who was in a position, who was
21 allowed, well, soldiers of the MLC could have (Redacted) might have been
22 (Redacted) and there are other hypotheses. There is not one single
23 hypothesis, namely, that of Witness 63. What's more, we accept the security
24 measures that you may choose to impose.
25 Consequently, I am quite sure of the interest to the Defence and the Chamber and for

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1 the establishment of the truth and, furthermore, there is no risk of identifying Witness
2 63, absolutely no such risk.

3 I have concluded, your Honour.

4 PRESIDING JUDGE STEINER: Thank you very much for the submissions of the
5 parties. The Chamber will deliberate on the various issues during the lunch break
6 and, therefore, for the time being, the request that Defence does not refer to the
7 (Redacted) or to (Redacted) statement remains. So the Chamber will come back with a
8 decision after the lunch break.

9 And just to add one information. At least, Maître Liriss, one (Redacted) the
10 witness, at least one, as far as I remember. And many (Redacted) people from
11 the village, not the soldiers, and these people of the village can easily identify (Redacted)
12 (Redacted) So we will try to find the proper balance, and you can be sure that
13 when we talk about protecting the rights of the Defence, we have to go to concrete
14 situations and not just to the abstract allegation that some measures could lead to a
15 violation of the rights of the Defence.

16 The Chamber will take into account your concerns, for sure, as well as the concerns of
17 the Chamber - and not of the Prosecution, of the Chamber - in relation to witness's
18 protection because, according to the Statute, it is a court's obligation to ensure
19 witness's protection.

20 For the time being, we continue with the questioning of Witness 209 by the Defence
21 without reference to these materials that are still pending decision of the Chamber.

22 Maître Liriss.

23 MR LIRISS: (Interpretation) Your Honour, I beg your pardon, just a correction. I
24 don't think I mentioned any violation of the Defence's rights; I said it was in the
25 interests of the truth, both for the Defence and for the Chamber, and this with a view

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1 to establishing the truth. I believe if there were any violation of the Defence's right, I
2 would be the first to raise the matter and protest.

3 In the final analysis, your Honour, there are no (Redacted)
4 you that would be a concern such as the concerns you are setting out. Thank you.
5 PRESIDING JUDGE STEINER: Thank you very much, Maître Liriss. I ask, please,
6 Mr Haynes --

7 MR HAYNES: Sorry, I don't want to delay matters unduly. I assume the same
8 injunction applies to the (Redacted)

9 PRESIDING JUDGE STEINER: Prosecution?

10 MS KNEUER: Madam President, your Honours, of course it applies equally to the
11 (Redacted) In particular, if I recall correctly, there were even (Redacted)
12 and it may be assumed that this was his family, or at least people from the village
13 where the witness lived or where (Redacted) So it could equally lead to his
14 identification.

15 PRESIDING JUDGE STEINER: I'm glad Mr Haynes reminded us about the (Redacted).

16 MR HAYNES: Yes. For clarity, I only proposed to (Redacted)
17 (Redacted) of the 4th arrondissement and the
18 arrival of Bozizé's troops, that was all, but if the injunction applies, I will obey it.

19 PRESIDING JUDGE STEINER: At least until the decision of the Chamber,
20 Mr Haynes. It's not for so long.

21 I ask, please, court officer to turn into closed session in order for the witness to be
22 brought into the courtroom.

23 *(Closed session at 12.12 p.m.) Reclassified as Open session

24 THE COURT OFFICER: We are in closed session, Madam President.

25 (The witness enters the courtroom)

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- 1 PRESIDING JUDGE STEINER: Can we turn into open session, please.
- 2 (Open session at 12.13 p.m.)
- 3 THE COURT OFFICER: We are in open session, Madam President.
- 4 PRESIDING JUDGE STEINER: Thank you very much. Mr Witness, welcome back.
- 5 THE WITNESS: (Interpretation) Thank you, your Honour.
- 6 PRESIDING JUDGE STEINER: Are you ready to continue giving your testimony?
- 7 THE WITNESS: (Interpretation) I am ready, ma'am.
- 8 PRESIDING JUDGE STEINER: Mr Haynes, you have the floor.
- 9 MR HAYNES: Thank you, Madam President.
- 10 Q. Welcome back, sir.
- 11 A. Good afternoon once again, Counsel.
- 12 Q. Well, again, we've only got about 45 minutes until the next break, so let's see if
- 13 we can make some progress. Do you remember, before we took the break, we were
- 14 talking about the arrival of General Bozizé's forces in Damara the first time and you
- 15 were telling us how they were dressed?
- 16 A. Counsel, you asked me earlier and I told you that they were wearing military
- 17 clothing: Berets, uniforms, Ranger boots. Amongst Bozizé's soldiers there were
- 18 some foreigners; in particular people from Chad.
- 19 Q. Thank you. And the date of their first arrival, as I understand it, was
- 20 27 October 2002, according to your memory?
- 21 A. That's right, Counsel.
- 22 Q. On that occasion, did any of those troops stop in the town of Damara?
- 23 A. Counsel, that day, remember that when they came back the entire town of
- 24 Damara was under their control. They were in Damara, they were in Sibut,
- 25 Kaga-Bandoro, Bogandolo (phon) and Bouka, and so all along the line, all along the

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1 road all the way to Chad, that was their fiefdom.

2 Q. What was the reaction of the local population to the arrival of General Bozizé's
3 forces on 27 October?

4 A. The population reacts like a bird. If you touch one, the bird flies away. The
5 people were afraid. They fled into the bush, but when they stayed they did not
6 touch the possessions of the inhabitants. They did not touch the other people's
7 wives. They restricted themselves to the physical assets or the property of the
8 government.

9 Q. How many people fled into the bush when General Bozizé's forces arrived on
10 27 October?

11 A. Counsel, it is difficult, even impossible. I couldn't give you the number of
12 people who took refuge in the bush. It was up to each individual person. Since
13 they hadn't experienced this situation before, some people were curious and wanted
14 to see how things were going to unfold, but I really couldn't give you a definite
15 figure.

16 Q. Okay. Did they go in one general direction, or did they go in all directions?

17 A. Counsel, I really don't see how people could flee in only one direction. I said
18 that people were afraid. I think I said in my statement that not everyone fled.
19 Some people, because the soldiers had come back, they went towards Bangui. They
20 met up with resistance and they conducted a strategic withdrawal. That was the
21 term that the soldiers used themselves. When they came in, some people fled.
22 Some people fled and some people -- some people fled, other people remained.
23 When they fled, well, not everyone went in the same direction. People fled in all
24 different directions and it depended on the family, or the clan. Each person would
25 find a place to take refuge. I couldn't say here that they all went in one direction.

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1 That would be telling you a lie.

2 Q. Okay, thank you. But these people who fled, did they abandon their houses?

3 A. Counsel, in a house, when someone is very afraid, one isn't concerned about the
4 house. The houses were abandoned.

5 Q. Thank you. And I wonder if you could clarify this for me: On what date was
6 it that General Bozizé's forces came back and occupied Damara?

7 A. The date? Well, it's the date you gave, Counsel, because they came back the
8 first time to Damara. That was in a convoy. Before the 27th they spent two or three
9 days in Bangui, they met up with resistance and then they withdrew on 27 October.
10 That is the date on which they occupied the town of Damara. I don't know whether
11 you have understood me?

12 Q. No, I have now. I thought you were saying that the first time they came
13 through town was 27 October, but it wasn't. It was the second time when they
14 occupied the town that was 27 October, wasn't it?

15 A. Indeed. Once again I repeat: They came the first time, as of the 25th, and
16 they didn't stop. Some people were afraid, but they didn't stop. They continued,
17 headed for Bangui, they spent three or four days there, but the date of their
18 withdrawal, the date they occupied Damara, was 27 October.

19 Q. Thank you. And do you agree that they stayed in the town and occupied the
20 town for about six weeks?

21 A. The date of the occupation of the town of Damara was from 27 to 7 December;
22 the day that the Banyamulengue drove them out of the town.

23 Q. Thank you. And when they came back and occupied the town, did more
24 people leave Damara?

25 A. Counsel, they were human beings. No one was used -- no one could coexist.

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1 No one who could -- they left when confronted with difficulties. When they met up
2 with resistance, they came back and occupied the town. However, the people
3 remained in the bush and they bought some food, food stuffs, and when they saw
4 that there was no problem they came back. They came out of the bush and there
5 was a certain coexistence.

6 Q. (Redacted) of Bozizé's forces about how
7 you were going to coexist during their occupation?

8 A. That's a bit difficult. I think there's some misunderstanding here. At that
9 time (Redacted)

10 PRESIDING JUDGE STEINER: Court officer, please. Witness, please. Let's go
11 into private session.

12 *(Private session at 12.27 p.m.)Reclassified as Open session

13 THE COURT OFFICER: We are in private session, Madam President.

14 MR HAYNES:

15 Q. Sir, that was my fault. I am sorry, I should have thought that that was a
16 question that led to you saying (Redacted) but we are in private session
17 now. (Redacted) of Bozizé's forces about
18 cooperation while they occupied the town?

19 A. At that time I think that Bozizé's soldiers did not trust the authorities at all,
20 because they thought that all the authorities were supporters of the regime of the time.
21 (Redacted) and, two days after the
22 occupation of the town, Bozizé's son in person (Redacted)
23 (Redacted) Someone spoke to me about that. I took refuge in the bush (Redacted)
24 (Redacted) because the first or the second day they (Redacted)
25 (Redacted) Someone told me about that and I took

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1 refuge in the bush (Redacted)

2 (Redacted) until their departure, the 7th.

3 Q. I see. So it's the case, is it, that throughout the six weeks that General Bozizé's
4 troops occupied the town you hid in the bush?

5 A. Indeed, (Redacted) My
6 wife reported that to me. I couldn't come back out.

7 Q. Why not?

8 A. How could I have come out, (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted) When I came out, I think it had been barely a week, and I wasn't -- I

18 hadn't been living in the house that I had been living in previously with (Redacted)

19 (Redacted)

20 On the 7th, I saw that there had been shooting in the day. I couldn't remain at home,
21 so I went to (Redacted) and I came back just in the afternoon to sleep. But my own
22 house, I didn't live in it until the 7th when the Banyamulengue occupied the town of
23 Damara, and I took refuge in the bush and I spent three days there, and then I came
24 back out on the 10th.

25 Q. What conditions were you living in in the bush?

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1 A. Counsel, you may want to know that in our villages we carry out farming
2 according to the prevailing circumstances. Most of (Redacted) live in the villages, in
3 the farms, and when I went to the farms -- when the Banyamulengue -- even at the
4 time the Banyamulengue occupied the town, we did not have any problems getting
5 food. The only things we didn't have were sugar and salt.

6 The only problem we faced, which was significant, was that of mosquitoes; and you
7 may want to know that living in the farms with mosquitoes is a very difficult
8 experience.

9 Q. And who was with you during that period?

10 A. Are you referring to the time I was in the farms or which period are you
11 referring to?

12 Q. Yes, I'm referring to the period we are talking about, when you left Damara and
13 went into the bush.

14 A. I have several children, and my family, well, they did not come to look for me.
15 I simply noticed that the (Redacted)

16 (Redacted) I was frightened and I sought refuge in the
17 bush. Secondly, under Bozizé's regime, we could not -- in fact, (Redacted)

18 (Redacted) so I had to go into the bushes. My wife
19 would come to see with my basic needs. (Redacted)

20 THE INTERPRETER: A request from the Sango booth is that the witness be
21 reminded to slow down in his answers.

22 MR HAYNES:

23 Q. Sir, can you help the interpreters by speaking a little less quickly. It's
24 important that they interpret correctly what you say.

25 A. Agreed.

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1 Q. I'm going to ask you one question which is personal, and then I'm going to try
2 and go back into open session. (Redacted)

3 (Redacted)

4 (Redacted)

5 Q. I'm sorry if this appears a silly question, but do you know what model?

6 A. Counsel, I have already told you that it was a (Redacted) It was a vehicle. I
7 do not know where he bought it from, (Redacted)

8 (Redacted) and that was about one month before

9 Bozizé's soldiers occupied the town. (Redacted)

10 (Redacted)

11 (Redacted)

12 Q. Thank you very much. And I'm going to now ask that we go back into open
13 session, but if you feel that any answer you have to give might lead to your
14 identification please say so before you give the answer. Do you understand?

15 A. Yes, I understand, Counsel.

16 MR HAYNES: Then can we please go back into open session.

17 PRESIDING JUDGE STEINER: Court officer, please.

18 (Open session at 12.39 p.m.)

19 THE COURT OFFICER: We are in open session, Madam President.

20 MR HAYNES:

21 Q. How far was the place you were staying in the bush from the town of Damara?

22 A. Counsel, one could not spend up to three hours between the distance -- the two
23 locations. Maybe nine to ten kilometres. Not too far away.

24 Q. And did you, during the period you were staying there, go back to the town of
25 Damara yourself?

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1 A. Initially, no. I spent maybe one or two weeks in the bushes, but my second
2 wife returned to town and told me that Bozizé's son - called Francis - had taken the
3 car away and it is only thereafter that I came out of the bushes. And even then, I did
4 not return to my usual house or home until the Banyamulengue left. So I went to
5 my third house, where my sons were living at the time.

6 Q. And is that in the town of Damara or outside the town?

7 A. I don't have any house located beyond five kilometres from Damara. I used to
8 live in town. One of my houses was in a neighbourhood, while the other houses
9 were along the road.

10 Q. Why did you return to town on 7 December?

11 A. I did not say that I came out on the 7th. After I fled they were asking for the
12 key, and so I sought refuge in the bushes where I spent two weeks. Later my wife
13 went out to buy some sugar and salt, and they were trying to take that vehicle
14 believing that it belonged to someone else.

15 I, personally, did not have any problems with them, so it was possible for me to go
16 out. It is the sub-prefect who had fled to Bangui, and one of his sons came back and
17 it is at that time that the vehicle was released. Then my wife asked me to come out,
18 but I said, no, that I would not (Redacted) and I was afraid
19 that I would be taken to be a supporter of the regime and that is why I decided not to
20 come out.

21 But when the time came for me to come out of the bush, I did not go back to the other
22 houses; I went to my third house. But I did not spend much time there, because
23 during the days I would go to the farms and then I would come back at night to
24 spend the night at the home.

25 Q. Well, I may come back to that. You told us the other day about the destruction

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1 of government buildings by Bozizé's rebels -- Bozizé's forces. Do you remember?

2 A. Well, a short while ago you put a question to me, and I answered that when
3 they returned to town, they took away government property but they did not rape
4 women and did not take private property.

5 Q. I'm not asking you about that; I'm asking you about the destruction of
6 government property. Do you remember seeing or learning of that?

7 A. Counsel, I was not in town, and therefore could not see what was happening. I
8 heard that the prefectural office was destroyed. The mayor's office was destroyed.
9 The gendarmerie transmission unit was captured. That is what I learned.

10 Q. Yes, I'm coming to understand how you learned of what General Bozizé's
11 troops did. How were these buildings destroyed?

12 A. Counsel, property was seized and things were taken away. Before they could
13 reach that property, doors had to be broken down; motorcycles and bicycles
14 belonging to the council were all taken away, and for that to happen, the doors must
15 have been broken down before those people could get to that property.

16 Q. Well, when you told us just now the prefectural office was destroyed, in what
17 way was it destroyed?

18 A. I did not say the préfet. I said the sous-préfet. Rather, it was the sous-préfet,
19 not the préfet, to clarify matters. Let me be specific. It was the sous-préfet that I
20 was referring to. Although I was not present. But if somebody came here to tell us
21 that the doors of this court have been broken down and that computers have been
22 taken away, wouldn't you understand that people had to break through those doors
23 in order to collect those computers? But I was not present myself.

24 Q. Well, let's try the mayor's office. In what way was that destroyed?

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

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1 *(Private session at 12.48 p.m.)Reclassified as Open session

2 THE COURT OFFICER: We are in private session, Madam President.

3 THE WITNESS: (Interpretation) Yes, Counsel. As for the mayor's office and the
4 sous-préfet's office, all those offices were broken into. I was not present and I cannot
5 provide you details as to whether they used a weapon or anything else to break
6 through the doors. I don't have any further information to provide in that
7 connection because I was not present at the site.

8 MR HAYNES: Okay.

9 PRESIDING JUDGE STEINER: Can we turn back into open session, Mr Haynes?

10 MR HAYNES: Thank you, yes.

11 PRESIDING JUDGE STEINER: This was the kind of question which could lead to an
12 answer -- an inconvenient answer.

13 Court officer, please turn into open session.

14 (Open session at 12.49 p.m.)

15 THE COURT OFFICER: We are in open session, Madam President.

16 MR HAYNES:

17 Q. Can you help us as to the places from which motorcycles and cycles were stolen
18 by Bozizé's forces?

19 A. In my statement I already mentioned that I was not present, but when I came
20 out, I did not go to the inhabitants to find out what had happened when I was away.
21 However, I learnt that the gendarmerie, the mayor's office, and what have you, all
22 those doors were broken down, and I am not in a position today to say that it was the
23 Banyamulengue who took the motorcycles or bicycles. All of those things happened
24 before the Banyamulengue came.

25 Let me take the example of the motorbikes which had been taken away. All of those

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1 things happened before I came out, and all of that happened before the
2 Banyamulengue arrived. So I am not in a position to give you a precise answer to
3 your question. However, what I know is that Bozizé's soldiers broke the doors to
4 administrative buildings, as well as official residences occupied by civil servants, but
5 they did not touch any private homes. They simply attacked the homes of civil
6 servants who were supporters of the government in power.

7 Q. Do you mean the private homes of civil servants who supported the
8 government in power?

9 A. They came to ransack the administrative offices. Let us take the case of the
10 sous-préfet, or even of the mayor. Those people started ransacking administrative
11 buildings, and this meant that the occupants were also affected. But if you look at
12 my case, for example, my home was not ransacked. It is only the gendarmerie office
13 and the residence, as well as the subprefectural office, and that is why my testimony
14 is that it is the administrative buildings that were destroyed.

15 Q. You see, I wondered what you meant by, "They simply attacked the homes of
16 civil servants who were supporters of the government in power." I wanted to know
17 whether you meant the places where those people lived with their families. Is that
18 what you meant?

19 A. I took the example of the residence of the sub-prefect. That residence was
20 ransacked, the gendarmerie camp as well. But they did not destroy the homes of
21 individuals. They only ransacked administrative buildings. The gendarmerie
22 office and the sub-prefect's residence were buildings owned by the state.

23 Q. Did the sous-préfet live in his house with his family, in his residence?

24 A. Usually, the sous-préfet and his family live at that residence, but at that
25 particular time the sous-préfet had just taken up office and his wife had not yet joined

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1 him. He was at his duty station alone. His wife was at Yalouke, but ordinarily the
2 sub-prefect would live in his residence with his family. But all the property in such
3 a residence usually belongs to the state, so when the sous-préfet came, he came alone
4 with his box, and the generator and other household items were also bought by the
5 council.

6 Q. You told us yesterday, at real-time transcript in the English, page 43, line 8, that
7 Bozizé's soldiers slept with the women of the town. Is that correct?

8 A. No, Counsel, I do not remember saying that. I would like you to kindly -- well,
9 what I said -- in fact, I did not say that the soldiers raped women; I said that Bozizé's
10 soldiers attacked administrative buildings, but I did not say that they raped women.
11 You are taking me down a slippery slope, and I do understand that you are doing
12 your job, but even if you put this question to me ten years from today, I will give you
13 the same answer, and I do not agree with what you have just said. I -- that was not
14 my testimony. Please cross-check that excerpt.

15 Q. Did you ever hear that Bozizé soldiers slept with the women of the town?

16 A. Well, even if they slept with the women, my testimony is that I was in the farm
17 at that time, and if that had been the case, my second wife would have told me. I do
18 not remember stating in any of my statements, even once, that Bozizé's soldiers slept
19 with, or raped, women. All I have said is that those soldiers only destroyed
20 state-owned property. You see, I am beginning to feel some tension, and I know
21 that you are a lawyer, I know that you are doing your job, but that type of assertion is
22 not one that I can make. So please, don't think that I am offended, but simply I
23 would like to ask you to proceed. Thank you, Counsel.

24 Q. What is recorded in the transcript yesterday is that you said of Bozizé's soldiers,
25 "They had never been responsible for a murder or rape, their women came

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- 1 themselves to them." What did you mean by that?
- 2 PRESIDING JUDGE STEINER: Ms Kneuer.
- 3 MS KNEUER: Can the reference please be provided? Because the reference that
- 4 was quoted before does neither reflect what learned counsel mentioned before, nor
- 5 does it reflect what he just quoted, and I would appreciate if we could follow.
- 6 MR HAYNES: Well, it's page 43 and it's the same line reference, as far as I am aware,
- 7 but perhaps we can check it over the lunch break. It's lines 10 to 11.
- 8 PRESIDING JUDGE STEINER: We are talking -- both parties are talking about the
- 9 real-time transcript?
- 10 MR HAYNES: Yes, page 43.
- 11 MS KNEUER: Yes, Madam President. I have the real-time transcript in front of me,
- 12 the English version, and I have page 43. Line 8 says, I just quote now line 8, "...
- 13 refused and she was beaten up," and line 10 and 11 say, "... request as well if the
- 14 witness could be advised to slow down and speak clearly, then the Sango interpreters
- 15 would be able to ..."
- 16 PRESIDING JUDGE STEINER: We are in -- it's the right time for our lunch break.
- 17 MR HAYNES: I guess.
- 18 PRESIDING JUDGE STEINER: So Defence will have time to check the quotation it
- 19 has just made.
- 20 Court officer, please turn into open session first.
- 21 *(Closed session at 1.02 p.m.)Reclassified as Open session
- 22 THE COURT OFFICER: We are in closed session, Madam President.
- 23 PRESIDING JUDGE STEINER: I think it was my mistake. I thought I asked for
- 24 open session, but in any case it was time for the witness to be brought outside the
- 25 courtroom.

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- 1 (The witness stands down)
- 2 PRESIDING JUDGE STEINER: So we are going to suspend and resume at 2.30.
- 3 THE COURT OFFICER: All rise.
- 4 (Luncheon recess taken at 1.02 p.m.)
- 5 *(Upon resuming in closed session at 2.37 p.m.) Reclassified as Open session
- 6 THE COURT USHER: All rise. Please be seated.
- 7 PRESIDING JUDGE STEINER: Good afternoon. Welcome back. Could, please,
- 8 court officer turn into private session.
- 9 *(Private session at 2.37 p.m.) Reclassified as Open session
- 10 THE COURT OFFICER: We are in private session, Madam President.
- 11 PRESIDING JUDGE STEINER: Thank you very much. The Chamber will start by
- 12 reading an oral decision:
- 13 The Chamber heard submissions this morning on the late additions to the Defence list
- 14 of documents. The documents include a map and statements given by (Redacted)
- 15 (Redacted) The Chamber also heard submissions on the Defence's use of (Redacted)
- 16 (Redacted) by a previous witness, Witness 63. The Chamber heard
- 17 from the Prosecution, legal representatives of victims and the Defence, and also gave
- 18 both parties the opportunity to reply, which they duly did.
- 19 Having now considered the submissions made, the Chamber issues the following
- 20 decision:
- 21 With regard to the late addition of materials to the list of documents the Defence
- 22 intends to use to question the witness, the Chamber is mindful that, in certain
- 23 occasions, it may be difficult for the Defence to fully foresee which documents it will
- 24 need to use during its questioning.
- 25 Where the Defence is able to demonstrate to the satisfaction of the Chamber why it

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1 was not possible for these documents to be listed within the three-day deadline
2 imposed in decision 1023, the Chamber will allow the late addition of the materials.
3 Reasons which the Chamber may consider valid include a situation in which the oral
4 testimony of a witness reveals a new element which could not be anticipated. The
5 three-day deadline provided for in the decision above mentioned should be
6 calculated on the basis of the Prosecution's weekly witnesses schedule. The
7 Chamber stresses the importance of respecting the deadlines for the communication
8 by the parties of their list of documents, especially in light of the recent order on the
9 procedure relating to the submission of evidence.
10 In the present case, the late addition of the map referred by the Defence is allowed
11 since the Defence had justified the reasons for its use. When using the map,
12 however, the Defence is instructed to quote correctly from the transcript the part that
13 it intends to confront the witness with.
14 In relation to the late addition and use of statements of (Redacted) the
15 Chamber will allow it, in so far as the use respects the Chamber's prior rulings on this
16 issue according to which the Defence must, one, refrain from quoting from these
17 statements; and, second, reveal to the witness that the information contained in the
18 statements was given by (Redacted) Better said, that the Defence will
19 refrain to reveal to the witness that the information contained in the statements was
20 given by (Redacted)
21 With regard to the use by the Defence of (Redacted)
22 (Redacted) by Witness 63, the Chamber in principle will allow the
23 Defence to use them to question Witness 209 provided that, one, the Defence refrains
24 from mentioning the identity of the author of the (Redacted) second, that the
25 Defence refrains from mentioning that the author of the (Redacted) appeared as

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1 a witness before the Court.

2 In addition, depending on the specific (Redacted) that the Defence wants to use and
3 before such (Redacted) to the witness, the Chamber may impose restrictions
4 which it deems necessary for the protection of Witness 63 and/or for the protection of
5 other persons (Redacted) The Chamber may prevent the Defence
6 from using a (Redacted) if its use, in the view of the Chamber, may put its author or
7 other persons at risk.

8 Could please, court officer, turn into closed session in order for the witness to be
9 brought into the courtroom.

10 *(Closed session at 2.43 p.m.) Reclassified as Open session

11 THE COURT OFFICER: We are in closed session, Madam President.

12 (The witness enters the courtroom)

13 PRESIDING JUDGE STEINER: We can turn into open session, please.

14 (Open session at 2.46 p.m.)

15 THE COURT OFFICER: We are in open session, Madam President.

16 PRESIDING JUDGE STEINER: Thank you. Good afternoon, Mr Witness.

17 THE WITNESS: (Interpretation) Good afternoon, your Honour.

18 PRESIDING JUDGE STEINER: Did you have lunch and manage to rest a little bit?

19 THE WITNESS: (Interpretation) Yes, I was able to have my lunch and also to
20 rest, but I wasn't able to sleep. I stayed standing up, until I came here. I'd also like
21 to say that I'm cold.

22 PRESIDING JUDGE STEINER: Mr Witness, I was informed by VWU, because I
23 asked VWU to see what could be done for you, due to the fact that you are feeling
24 cold, and VWU informed me that they offered you a sweater or the use of a T-shirt
25 beneath your shirt, but that you preferred not to use anything. Is this information

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1 correct?

2 THE WITNESS: (Interpretation) Your Honour, I came here into the courtroom to be
3 able to receive this. That's not possible. If you have a look, when I leave the hotel
4 that I -- and I come here, it's not possible to give me that clothing here. That's not
5 normal. You know that the climate isn't good for me and it's today that I've been
6 provided with that clothing. How can it be said that I refused to wear it? I'm
7 someone, I can't just come here into the courtroom and change my clothes in this way.
8 That's what I wanted to say to you.

9 PRESIDING JUDGE STEINER: I fully understand your reasons, Mr Witness, and
10 let's see if from now on in the room in which you take your rest they find a way, if
11 you want, if you so wish, to have your clothes changed and with privacy, in order to
12 avoid you to feel cold.

13 Also, I was informed by VWU that they offered to give you a blanket that you could
14 put on your shoulders. Would that be convenient for you? Or you prefer not to
15 have it? While you are in court, of course.

16 THE WITNESS: (Interpretation) Your Honour, I could perhaps try with the clothing
17 which was proposed to me, but standing in front of this august Chamber with such a
18 blanket, that wouldn't be appropriate. If I could be given a T-shirt which I could
19 wear before putting my jacket on afterwards, that's something which might work. In
20 Africa, in our body we have cholesterol. And when I come here to the Chamber, I
21 stay until 3 o'clock, and if I stay here and it's very cold, I could become ill. I am a
22 personality, a figure. If people say something about that, it has to be put in an
23 objective way. We have all come here, we are people who are responsible. I'm a
24 responsible person and that's why I have to behave in a responsible manner. And I
25 would submit, of course, to you, any orders given.

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1 PRESIDING JUDGE STEINER: Thank you, Mr Witness. Of course, the Chamber is
2 not going to give you any orders. The Chamber just wants you to feel comfortable
3 and not to get ill. So I will ask again VWU to get in touch with you and to find, with
4 you, a solution that you deem appropriate in order for you not to feel cold inside the
5 courtroom.

6 THE WITNESS: (Interpretation) Your Honour, the problem is that the system of
7 heating doesn't exist, there isn't a heating system in the waiting room. If there was a
8 heating system in the waiting room, then coming into the -- when I came out of the
9 courtroom, I would be able to warm up there. But unfortunately, this waiting room
10 does not have a heating system, and whatever clothing I might be wearing, it will
11 never make it possible to resist the cold, so I'm making a huge effort just to be able to
12 ensure that the hearing can reach its end.

13 PRESIDING JUDGE STEINER: We very much appreciate, Mr Witness. I will ask
14 VWU and also the Registrar of the Court to take all possible measures in order to
15 avoid that you feel uncomfortable, you and any future witnesses that come to this
16 Court.

17 Are you ready now to continue giving your testimony, sir?

18 THE WITNESS: (Interpretation) That means that I have to answer the questions of
19 the counsel. That's the reason I came back.

20 PRESIDING JUDGE STEINER: Yes. So can we continue?

21 THE WITNESS: (Interpretation) Yes. Yes, we can continue. Because I have the
22 impression that we haven't been able to make much progress for a while, so it's quite
23 normal that we should be able to start now.

24 PRESIDING JUDGE STEINER: Thank you very much. Mr Haynes, you have the
25 floor.

Trial Hearing

(Open Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0209

1 MR HAYNES: Thank you, your Honour. Can I just check with you when you
2 would anticipate giving the witness his afternoon break? Would it be at quarter past
3 3, or would it be 45 minutes from now?

4 PRESIDING JUDGE STEINER: Could, please, court officer turn into closed session.

5 *(Closed session at 2.54 p.m.) Reclassified as Open session

6 THE COURT OFFICER: We are in closed session, Madam President.

7 PRESIDING JUDGE STEINER: Mr Witness, you'll be escorted outside the courtroom.

8 We have a situation in which we have to suspend the hearing. I ask, please, Defence,

9 Prosecution, legal representatives, to be prepared to leave the courtroom.

10 SECURITY OFFICER: Your Honours, ladies and gentlemen, may I have your

11 attention? We have a confirmed emergency inside the building. Security officers

12 will now escort the public outside the premises. We kindly ask the Court to follow

13 the officers to the assembly points. Please remain calm and start to evacuate

14 immediately.

15 (The hearing ends at 2.56 p.m.)

16 RECLASSIFICATION REPORT

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

18 ICC-01/05-01/08-3038 and the instructions in the email dated 20 June 2014, the version

19 of the transcript with its redactions becomes Public.