

Trial Hearing
Witness: CAR-D04-PPPP-0007

(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 Monday, 24 September 2012
8 *(The hearing starts in closed session at 11.32 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 and welcome.
13 I welcome the Prosecution team, legal representatives of victims, the Defence team.
14 We are opening this today's hearing just in order to make or to give information to the
15 parties and participants in relation to Witness -- Defence Witness 007.
16 On Friday, the witness has been interviewed by (Redacted)
17 (Redacted) In accordance with the information that was given to the Chamber,
18 the witness was visibly feeling better and made a more relaxed impression. He
19 stated that his testimony is still going reasonably well, although he was slightly
20 disappointed that he did not finish before the weekend.
21 This morning the Chamber received the information that Witness -- the first
22 information that Witness CAR-07 did not show up at the time scheduled for him to be
23 picked up from his hotel. VWU was still enquiring in order to verify the nature of
24 his absence and, therefore, VWU informed the Chamber that Witness 07 would not be
25 available to appear before the Chamber as scheduled and informed that further

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1 update would be forward as soon as possible.

2 A few minutes ago, the Chamber received from VWU the following information: "I

3 would like to inform you that in the last contact between VWU and Witness 07 was

4 during Friday, 21 September. The same day the witness attended a medical

5 appointment accompanied by VWU's support assistant. He was examined by the

6 doctor and received medication, after which he was dropped at the hotel by the driver.

7 As the witness was staying over the weekend, the VWU enquired which kind of

8 activity Witness 07 would like to do accompanied by a VWU support assistant.

9 Witness 07 said he did not require any assistance in this regard. VWU support

10 proposed to visit the witness in his hotel over the weekend to check on his well-being.

11 The witness said he did not require this service. The witness was informed that the

12 VWU support assistant would check on him regularly by telephone during the

13 weekend.

14 In the course of the day, the witness requested his passport from the support assistant,

15 saying that he wished to collect money sent by his wife through Western Union in

16 order to buy a car. The VWU informed the witness that this was not possible due to

17 security issues. The witness was visited by the VWU psychologist and a member of

18 the protection team to reinforce this message. After this meeting, once again the

19 witness was offered a weekend activity but declined.

20 On Monday, 24 September, the driver informed the support assistant that at 7.45 a.m.

21 that witness was absent from the hotel. VWU support assistant called the witness

22 several times with no response. Last phone call from the support assistant was at

23 8.23 a.m.

24 As a matter of urgency this morning, the VWU made further enquiries and

25 established that according to the room key card record the witness accessed to his

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1 room at the hotel last time on Sunday, 23 September, at 10.20 a.m. The room key
2 was not delivered to the reception and the witness did not check out from the hotel.
3 At this point the VWU established that the witness left his clothes, but took his travel
4 bag. The mobile phone of the witness that had been provided by VWU was found in
5 the room, but was switched off. According to the closed circuit television, the
6 witness left the hotel at 10.34 a.m. on the same morning to the bus stop with a travel
7 bag and a white plastic bag. Since that time the witness did not return to the hotel
8 and his key card did not report an access to his room.
9 The VWU protection sub-unit received a copy of the closed circuit television record
10 showing the witness when he left the hotel the last time and his photo at the bus
11 station. The VWU will provide you with a further update as soon as new
12 information becomes available."
13 Having said that, it appears that Witness D-07 got missing. Of course (Redacted)
14 (Redacted) in order to continue the searching for the
15 witness and as soon as the Chamber receives any information the parties and
16 participants will be duly informed.
17 In relation to the continuation of the presentation of Defence evidence, the Chamber
18 also received information that next witness, Witness D04-11, in the best case scenario,
19 could start his testimony on Thursday morning, since the witness had not received
20 yet his travel documents and will be arriving in The Hague only on Wednesday.
21 I would like to know whether any of the parties would like to make any comment on
22 the information given? Maître Kilolo?
23 MR KILOLO: (Interpretation) At this particular point, the Defence has no
24 particular comment. We are just taking in this information.
25 PRESIDING JUDGE STEINER: Ms Kneuer?

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1 MS KNEUER: Madam President, my only comment is related to the scheduling of
2 the witnesses. I think at this time it's pure speculation if or when we would continue
3 with D-7, but with regards to D-11 I understand that we can start at the earliest on
4 Thursday. If I calculate the dates properly, that would leave us two days this week
5 and next week four days because the fifth is a maintenance day for the courtroom, if
6 I'm not mistaken, so that would be six days, which would be sufficient, according to
7 the calculation made by the Defence with the support of the legal representatives and
8 us.

9 However, if the witness would not be able to start on the Thursday, we would run I
10 assume into the situation that his testimony could not be concluded before the one
11 week break and the Prosecution would just suggest that as soon as there is clarity that
12 the Prosecution is being informed as early as possible to -- with regards to
13 everybody's convenience in terms of proper planning.

14 I understand it's very difficult moving witnesses. We experienced similar issues.

15 We have a big understanding, but we also would appreciate to be informed as soon as
16 information is available.

17 Thank you, Madam President.

18 PRESIDING JUDGE STEINER: Thank you very much, Ms Kneuer. Of course the
19 parties and participants will be informed as soon as the Chamber receives any
20 concrete information. As I said, the last information received this morning at 11.06
21 was that the best case scenario the witness can start his testimony on Thursday
22 morning. The Chamber is already analysing possibilities in order to ensure that the
23 testimony finishes by Thursday next week, but in any case the parties will be
24 informed in due time.

25 So the -- at least until further notice, for the record of the case, the testimony of

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- 1 Witness 07 is suspended and the Chamber will sit again on Thursday morning to start
- 2 with the testimony of Witness D04-11. This hearing is adjourned.
- 3 THE COURT USHER: All rise.
- 4 (The hearing ends in closed session at 11.43 a.m.) Reclassified as Open session
- 5 RECLASSIFICATION REPORT
- 6 Pursuant to Trial Chamber III 's Orders, ICC-01/05-01/08-2223 and
- 7 ICC-01/05-01/08-3038, the version of the transcript with its redactions becomes Public.