

Trial Hearing

(Closed Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0169

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

6 Judge Kuniko Ozaki

7 Trial Hearing

8 Friday, 24 October 2014

9 *(The hearing starts in closed session at 9.02 a.m.)Reclassified into Open session

10 THE COURT USHER: All rise.

11 The International Criminal Court is now in session.

12 Please be seated.

13 PRESIDING JUDGE STEINER: Good morning, everyone.

14 Could, please, court officer call the case.

15 THE COURT OFFICER: Thank you, Madam President.

16 The situation in the Central African Republic, in the case of The Prosecutor versus

17 Jean-Pierre Bemba Gombo, ICC-01/05-01/08.

18 We are in closed session.

19 PRESIDING JUDGE STEINER: Good morning, everyone. I welcome the

20 Prosecution team, legal representatives of victims, Defence team, Mr Jean-Pierre

21 Bemba Gombo. I welcome our interpreters, our court reporters and good morning

22 to you, Mr Witness.

23 WITNESS: CAR-OTP-PPPP-0169 (On former oath)

24 (The witness speaks (Redacted))

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

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1 PRESIDING JUDGE STEINER: I hope you had a very restful night without
2 problems, that you are feeling well and ready to continue with your testimony, sir.
3 Are you?

4 THE WITNESS: (Interpretation) Yes, your Honour, I am ready.

5 PRESIDING JUDGE STEINER: Mr Witness, I just want to remind you that you are
6 under oath. You still are under oath. Defence will conclude with your questioning
7 and, if everything goes according to the plan, you will be free before lunch, you will
8 conclude your testimony before lunch.

9 Mr Haynes, you have the floor.

10 MR HAYNES: Thank you, your Honour, and good morning.

11 QUESTIONED BY MR HAYNES: (Continuing)

12 Q. And good morning to you, sir.

13 A. Good morning.

14 Q. Before we continue where we left off yesterday evening, I just wanted to back
15 up a little bit and have a look again at your first letter of 6 August 2011, and I wonder
16 to that extent whether Chamber's document number 1 could be put back on the
17 screen, please? And I want to go to the very last page of the document, please.

18 Sir, Mr Zarambaud was an experienced, careful and professional lawyer and when
19 this document was delivered to him he signed a receipt for it. Can you see that?
20 And it says "29 August 2011, The Hague, Netherlands." How did you get that
21 document to Mr Zarambaud in The Hague on 29 August 2011?

22 A. Mr Haynes, your question really surprises me. It's not my signature. It's that
23 of Maître Zarambaud. If he wrote this letter -- well, I'm not one who did it. If he
24 made a mistake, unfortunately he's deceased, but you're not going to ask me a
25 question on this subject. When I sent this letter I wrote at the head of the letter, but if

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1 he made a letter, if he made a mistake, that's something I don't know about. He
2 unfortunately is now deceased. If he was still alive, he would be able to answer you.

3 Q. Well, you can answer this: Who did you give it to to give to him?

4 PRESIDING JUDGE STEINER: Mr Haynes, Maître Zarambaud -- Maître Badibanga
5 had already asked for the floor.

6 MR BADIBANGA: (Interpretation) Thank you, your Honour.

7 Once again here I would take a Defence expression. I think that Mr Haynes on
8 several occasions has always wished that the Prosecutor explains to the witness what
9 he is presenting to him and say exactly what it's about. What I see here is presenting
10 a signature of Mr Zarambaud on a written filing - a filing - so when you say
11 to -- there's a -- you say there's an acknowledgement or a receipt from the counsel,
12 that can lead to an error in this regard. I think it could be better explained and then
13 the question could be reformulated so the witness understands it.
14 Thank you.

15 PRESIDING JUDGE STEINER: I was about to ask Mr Haynes to explain because as
16 far as I know this is part of a filing made by Maître Zarambaud before the Appeals
17 Chamber. It is not -- at least that is how we received the document.

18 MR HAYNES: We've never seen it. We were ordered to deliver it back as soon as it
19 was served upon us, so we've never seen the complete filing. All I have is a page at
20 the back of this letter with a signature and a date and a place on it.
21 Now, I don't know whether it's the signature at the bottom of a filing or not because I
22 have never seen it, because it was removed from us. So I am going to explore this in
23 another way, I will not mislead the witness, but I don't necessarily accept what's just
24 been said about why this signature is there.

25 PRESIDING JUDGE STEINER: Mr Haynes, I will allow you to continue. Just for

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1 me it's -- your explanation it's difficult to understand because this is a filing
2 1660-Conf-Anx1-Red, so the letter was filed as an annex in a confidential document
3 which apparently with the -- an annex 1, confidential, Prosecution, Defence, legal
4 representatives of victims, VWU, OPCV and OPCD, so everyone was notified of this
5 annex, but in any case if you say you were going to change the line of questioning you
6 can proceed.

7 MR HAYNES:

8 Q. The question I just asked you was who you gave the document to to give to
9 Mr Zarambaud?

10 A. I went to give the letter to him so that he could bring it to you. I put it in his
11 wife's hands. I don't know if his wife gave it to him, but all I do know is that I went
12 to give the letter to him, I gave it to his wife.

13 Q. Very well. Well, we'll leave it there. It was just that it struck me that on
14 (Redacted) began to give evidence before this Trial Chamber and I
15 wondered whether you had given it to (Redacted) to bring to The Hague to give to
16 Mr Zarambaud. That's not the case then, is it?

17 A. Well, I just answered you. I gave this letter to the wife of Mr Zarambaud.

18 THE INTERPRETER: And the interpreter adds in the previous answer he said "... to
19 his house."

20 THE WITNESS: (Interpretation) Why are you now mentioning the name of (Redacted)
21 (Redacted)?

22 MR HAYNES:

23 Q. Okay. Now, yesterday evening when we left off we were discussing the first
24 payment to you of approximately (Redacted) in September of 2011. Do you
25 remember?

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1 A. Yes, there was assistance that was given to me.

2 Q. And do you agree that that assistance continued to be --

3 A. (Redacted).

4 Q. And do you agree that that assistance continued to be given to you from
5 September 2011 until August 2013?

6 A. No, that wasn't the case. I think I received it until the month of April. I have
7 to review my file, but I know the last time I received assistance was in the month of
8 April 2013. However, the accounts that we made show that I received an advance.
9 If I have the opportunity to be able to thoroughly review the amounts that I received,
10 it might be the equivalent to that amount. And that's a payment that goes just to the
11 month of August.

12 Q. Okay. And did you continue throughout that period, whatever it was, to
13 collect the (Redacted) -- the sum of money in cash from the ICC offices?

14 A. No. No, I didn't go there to receive the money.

15 Q. How was it paid to you then?

16 A. Sometimes I would say that the VWU staff knew my telephone number. They
17 knew my home. They could call me and I could go and see them and they provided
18 me with money and I signed a document for it to recognise the fact that I'd just
19 received the money.

20 Q. The first sum was paid to you by (Redacted). Did he ever give you the sum of
21 money again?

22 A. Yes, from time to time it was (Redacted) who provided me with the money. And
23 (Redacted) also could provide me with the money, or (Redacted), all people from
24 VWU. That's the way it went.

25 Q. (Redacted), that would be (Redacted), would it?

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1 A. I don't know his name. I just know the name of (Redacted). I know he works
2 for the VWU.

3 Q. You didn't know (Redacted) was a Prosecution investigator?

4 A. I think so. I don't think so and I don't agree with your words.

5 MR HAYNES: For everybody else's reference I'm looking at Chamber's document
6 number 2, page 1.

7 Q. Do you recall that on 19 April 2013 you had a meeting with the Prosecution and
8 VWU to discuss your outstanding financial claims?

9 A. I'm the person who wrote the letter. Present me with the letter to check the
10 date and I will say that, but first of all this letter has to be presented to me.

11 Q. Well, this was a meeting about six weeks before you wrote your letters in 2013.
12 It involved you, the Prosecution and VWU. Do you remember it?

13 A. First of all, I ask that this letter be shown to me. Then I would know if this
14 meeting was really held, what month. I can only answer when I can check it. The
15 letter has to be presented to me first, because I know we met on several occasions and
16 there were members of OTP and VWU.

17 Q. Okay. Well, we'll come to the letter in a short while, but I want to come to
18 something else which is quite important in these proceedings. That's the list of
19 (Redacted) of witnesses. When did you first receive that?

20 PRESIDING JUDGE STEINER: Mr Witness - Mr Witness - Maître Badibanga?

21 MR BADIBANGA: (Interpretation) Thank you, your Honour. I know you don't
22 like interruptions so I'm trying to be as precise as possible and only interrupt when
23 it's totally necessary, but I think it's really necessary once again to interrupt here
24 because Mr Haynes is changing the subject. I just want one thing to be clear.

25 Mr Haynes has just stated to the witness that (Redacted) was an investigator and,

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1 therefore, (Redacted), the (Redacted) to whom the witness referred to was indeed an
2 investigator, but the OTP says it wasn't the case for the (Redacted) that he met.
3 So we would have wished that he tells us where this information comes from.
4 (Redacted) is an investigator and that he was in contact with the witness and that
5 he provided any money to him. I think this is an important question given the
6 allegations that are being made within this courtroom and I think that the name,
7 (Redacted) is a name that lots of different people could have and it is very important
8 that Mr Haynes establishes the basis upon which (Redacted) would have given
9 money to the witness when he met him.

10 PRESIDING JUDGE STEINER: It appears to me to be fair enough, Mr Haynes.

11 MR HAYNES: I'm entitled to put things to the witness. And Mr Badibanga
12 shouldn't give evidence. I put to him that he met (Redacted), who was as far as we
13 can work out the only (Redacted) on the ICC system at the time. But it's ending up
14 to be an argument between counsel, which is not the purpose of hearing oral evidence.
15 I've moved on from that. And the witness denied he was an investigator anyway, so
16 the answer was there.

17 Can I move on?

18 PRESIDING JUDGE STEINER: Yes, please, Mr Haynes. Repeat your question to
19 the witness.

20 MR HAYNES:

21 Q. When did you first receive the list of witnesses, or their (Redacted)
22 (Redacted)

23 A. Well, I told you that it was during the meeting with (Redacted) that I got this list
24 and it was on that occasion that it was presented and I had the opportunity to see that
25 list. That's it. The day before yesterday I stated to the Presiding Judge, yesterday I

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1 repeated it and furthermore the Prosecutor asked me this question - the same
2 question - and I answered and I continue telling you that it was at the time of the
3 meeting that I got this list.

4 PRESIDING JUDGE STEINER: Mr Haynes, if you allow me a clarification from -- in
5 relation to the previous objection made by Prosecution. I just noticed that in
6 yesterday's transcript, on page 52, line 9, the witness says, "A VWU staff member
7 called (Redacted). He's a (Redacted) and he -- let me repeat. A VWU staff member
8 gave me money to (Redacted)
9 (Redacted) That money did not come from the Prosecutor."

10 Mr Witness, this (Redacted) from -- that you say is from (Redacted), was he a black
11 man or a white man?

12 THE WITNESS: (Interpretation) Your Honour, thank you.

13 I just said to Mr Haynes that I knew the name (Redacted), but I didn't know his
14 surname. (Redacted) is a black man. He's not a white man.

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

16 Mr Haynes, you can continue please.

17 MR HAYNES:

18 Q. The meeting at which you received the list of (Redacted), was that in March of 2013?

19 A. I told you that I'd forgotten the date. I told you I could not remember any date.
20 That's my answer. I told it to the Prosecutor, I told it to the Presiding Judge and I
21 have given this answer to Maître Douzima as well.

22 Q. And that was the only meeting with any witness you ever went to; is that
23 correct?

24 A. If there had been another meeting, I don't know about it. You can tell me
25 about it. I'm only aware of this one meeting.

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1 Q. Okay. Now, the list that was given to you, was that a paper copy or was it
2 given to you on a computer disc or something like that?

3 A. We were meeting physically, face-to-face, with (Redacted) and other people. How
4 is it possible that this would have been sent to me by computer? This question
5 surprises me.

6 Q. And have you ever been given another copy of that list since that meeting?

7 A. Yesterday I told you how many of us were there. That is all that I know. I do
8 not know anything else, whether this copy was what colour, black, white, red, I do
9 not know. All I know is that I had this copy; one single copy.

10 Q. And is that what you still have, one single copy given to you at that meeting?

11 A. I am surprised. If my name is written and someone says it is ten, is it possible
12 for it to be five? When I say that it was one letter, it remains one letter.

13 Q. Do you have a -- do you have a scanning device at your home?

14 A. Yes. Yes, I had a scanner. My daughter uses it, but presently it is broken
15 down. I have not been able to buy another one.

16 Q. Did you scan the document that (Redacted) gave you and save it in your computer?

17 A. Everything that I do I delete. I do not leave anything in the computer.

18 Whether it is a scanned message, or not, we delete it together with my daughter.

19 Even when we send a message, we delete everything. There are -- I cannot leave this
20 on the scanner in a cyber café. I'm not stupid. I have a daughter and I spent a lot of
21 money for her to school and to be educated and that education is able to help her and
22 it is also helping me. I am fairly familiar with how a computer works and so is my
23 daughter.

24 Q. Did you ever retype the list that you were given into your computer?

25 A. Well, I no longer remember. I can ask my daughter that question. I work

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1 with her. She is a trusted collaborator of mine. She cannot kill me. She cannot do
2 me any harm. She cannot mislead me. I cannot tell you lies.

3 Q. You didn't approve of (Redacted) having this list of witnesses, did you? You
4 told him you didn't want to be involved in that; is that right?

5 A. Afterwards. Listen to me carefully, Counsel. It was after the meeting that I
6 no longer wanted to be involved because I thought it was not a good thing, but I had
7 listened to everything and I had received the list. How is it possible for me to say
8 what you have just said? So my answer to you is it was afterwards.

9 Q. Why have you still got a copy of the list more than a year after that meeting?

10 A. Did I do something bad by showing this list? Before disclosing this list, I did
11 not know that if I did this questions would be put to me. Afterwards, when I'm
12 done with it and I see that it is no longer useful, I can burn it. If I keep the document
13 with me, what is that going to do to me? What is that going to add to my life?

14 Q. When will it no longer be useful?

15 A. Very well, let me give you my answer. It will be when everything has finished,
16 when everything has been completed. I have come to put an end to all that. It is
17 not necessary for me to keep the list. It is not going to add or subtract anything to
18 my life. You're asking me whether that list is necessary, but once I'm done with it
19 that will be it.

20 Q. What do you mean by "when everything is completed"?

21 A. What I mean is do you think that this trial is going to go on forever? When I
22 will be told, "Mr Witness 169, your testimony is now concluded, you can go back
23 home," I'm going to go back home and that will be the end.

24 Q. Haven't you already been told by the Prosecution and the Victims and
25 Witnesses Unit that you should no longer have that list?

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1 A. When you work, you collaborate and it is possible to say that you work in all
2 transparency. If they wrote to you and gave you that information, I have not yet
3 received it.

4 Q. You haven't been told by the Prosecution and the VWU about the importance of
5 (Redacted)
6 (Redacted)

7 A. Can you tell me to whom I sent this list, or to whom I gave the list? Which
8 witness is that? Please tell me. (Redacted) gave me that list and you are saying I went
9 and (Redacted)

10 Q. Well, let's come on to witnesses. Did you try and persuade people to come to
11 meetings about loss of earnings claims against the ICC?

12 A. I have told you the name of the person who initiated this idea. I said that to
13 the Presiding Judge, to the Prosecutor, to Maître Douzima and I also told you this.
14 The person behind all of this is (Redacted). I do not know. Maybe I'm forgetting
15 something. If you know, if you are aware of someone else to whom I spoke, then it
16 would be a good thing if you tell me about it and I might be able to remember. I will
17 accept it.

18 MR HAYNES: For everybody else's benefit this is Defence document 41. It's
19 CAR-OTP-0083-1495. It's in English, so I'm not going to show it to the witness, but
20 I'm going to read it to him slowly.

21 Q. This is what (Redacted) told VWU when he was asked about
22 contacts with other people. He said that, "(Redacted)
23 (Redacted)
24 (Redacted)
25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 How many times did you meet (Redacted)?

21 A. Very well. He did not write to say which office we met. It was at his office

22 where he works. He is the one who took me there. It was (Redacted). If he

23 mentioned a compensation amount of (Redacted), that is not correct. Did the OTP or

24 the VWU give me any document? I do not have such a document.

25 We met, yes, that is true, as you have just said. It is true. The second time was

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1 when I was going to town. He was the one who called me and he started asking me
2 to help him, and then today he is saying that I'm the one who came after him? Well,
3 I thank him. He's just like everyone else. Everyone else is trying to defend
4 themselves.

5 This is what he is saying that the third time I went to see him. Well, that is all
6 I know. What letter did I go to give him or to show him? That letter does not exist.
7 What I'm telling you is the truth. We were all together with (Redacted) and (Redacted).
8 It was in his office.

9 The second time he was the one who called me and then you are telling me that I was
10 the one insisting? No. I asked for assistance. You have just reminded me about
11 that. That is true. He called me two or three times and I did not go, but I went
12 there because he was insisting. He is a (Redacted) and he wanted some assistance.
13 That is what happened. If I went there for another reason, why would I refuse it?
14 As (Redacted) said, what we discussed is what you have just read. I was the first
15 person to reveal what (Redacted) had said. That is what happened.

16 Q. So there are now two meetings with (Redacted); is that correct?

17 A. No, no. The first time we met at his office. The second time I was going to
18 town. He called me on the phone. And the third time, since he had insisted that I
19 should come and help him, that is it, but I do not think that it was four or five or six
20 times. If that is what he said, no. He should speak the truth.

21 Q. Well, he says four and he's quite particular about the dates of two of them, (Redacted)
22 (Redacted), and he says he showed you a document -- you showed him a document
23 that you had signed.

24 I wonder if we could have a look at Chamber's document number 2, please. That's
25 CAR-OTP-0072-0505.

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- 1 Sir, this is the letter you wrote on 7 June, about a week before (Redacted)
- 2 said you went to see him and showed him a document. Do you see those sums of
- 3 money there?
- 4 It needs to come down a little bit. Perfect.
- 5 Do you see those sums of money there? (Redacted)? And at
- 6 number 9 "Money promised by the Prosecution"? Do you remember writing that?
- 7 A. Yes, what he says is true. When we met it was the first day, not the second day.
- 8 When (Redacted) said that everyone should bring a letter to prove that, I brought this
- 9 letter. Yes, I had it with me. I showed him the letter. So if he stayed with the
- 10 letter, it is something that I have forgotten. I also have the letter in which he made
- 11 his own claims. I believe that if I look through my documents maybe I brought that
- 12 document. I also have his letter. When you go to a meeting, you exchange ideas
- 13 and documents. You say that this is what you have done. Yes, I wrote. Can I
- 14 refuse that I did not write? No. He also wrote his own document.
- 15 Q. So do you agree you showed that letter to (Redacted) when you went
- 16 to see him?
- 17 A. What have I just told you? Yes, I agree. He also gave me his own letter; the
- 18 letter that he wrote himself. I think it's possible that I have his letter. I agree. I
- 19 cannot tell you lies, no.
- 20 Q. Why did you show him your letter?
- 21 A. When you meet with someone that you know and in order to show that what
- 22 you are doing is correct, it should be possible to see certain things such as letters. In
- 23 this particular case, I have his letter. It was necessary for him to show it to me to
- 24 prove that what he was saying was true; that "I, (Redacted) He
- 25 showed his letter and (Redacted) also. He was the one who brought (Redacted). I did

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1 not know him before, I had never seen him before that, and even he did the same
2 thing. That's it.

3 Q. Okay. Now let's see if we can do a couple of things very quickly on that page
4 before we move on. If we go -- if we see the top half of the page, we can see that that
5 is a letter dated 7 June and it is addressed to the Prosecutor of the International
6 Criminal Court. Do you agree?

7 A. Okay.

8 MR HAYNES: Can we now go over the page? I mean to the next page, 0506.

9 Q. And can you just read the first couple of lines of the third paragraph beginning
10 "Beaucoup de témoins ..."?

11 A. I haven't found it yet.

12 Q. Okay, I'll read it for you. (Interpretation) "A lot of witnesses were contacted
13 and, once met in the month of March 2013 by (Redacted) for, in particular, to
14 see case of the lacks that had to be made up, or the losses that had to be made up and
15 others."

16 A. Okay, very well. Mr Haynes, I'm going to go back to this letter again. I wrote
17 saying that I wasn't in agreement and this is the reason why I sent the letter and I
18 stated that it was (Redacted) that had called the meeting. With regards to the losses
19 that had to be made up, I said that I gave details in this regard. I don't know what
20 you've found which is wrong or bad in that. If through ignorance I thought it was
21 the Prosecutor who did it, I said yesterday and I repeated it in this letter. I don't
22 know, in your view, what you want to tell me. That's everything that I can say to
23 you in this regard.

24 Q. (Speaks English) Well, it was a very simple question. If you met with
25 (Redacted) in June of 2013 when you showed him this letter, the meeting

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1 you are referring to in March is a different one, isn't it?

2 A. Please could you ask your question again?

3 Q. Yes.

4 A. I haven't been able to catch the question properly.

5 Q. You have agreed that the occasions on which you met (Redacted) were

6 when you took this letter to show him, so it must have been after 7 June.

7 (Redacted) That sounds about right.

8 Now, in this letter you are referring to a meeting of a lot of witnesses in March.

9 That's a different meeting, isn't it?

10 A. To say that we met, well, he received the letter after our meeting. It wasn't

11 afterwards. I wrote the letter before everything, then we met and, at that time, he

12 gave me his letter to prove to me that he was a witness, but it's astonishing for me to

13 say that I did it at a previous date or I give a previous date. You write a letter when

14 you send it to somebody. Isn't that the case?

15 Q. Was there an earlier meeting which (Redacted) told you about?

16 A. If you know that there's something like that, please tell me. If it's true I'll tell

17 you, "Yes, it's true," but if it is not true I will just do the same thing.

18 Q. No, I am asking you. Did (Redacted) organise a meeting which perhaps you

19 didn't go to which he told you about?

20 A. Mr Haynes, I didn't spend my time meeting (Redacted) in meetings. There are

21 things that you can accept and others that you have to refuse. What was this

22 meeting going to bring to me? I've just said to you if you are aware that we met then

23 tell me. It wouldn't be difficult for me to tell you if that was what happened, or not.

24 Q. How many witnesses, other than (Redacted), did you contact?

25 A. Contact witnesses? If you have information according to which I contacted

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1 witnesses, then tell me. Apart from him, I don't remember meeting any other
2 witness. Perhaps there's a person who had my name - who bore my name - who did
3 it, but what I do know is that I never called anybody else.

4 Q. Did you put (Redacted)

5 A. You're speaking about (Redacted)

6 Q. I'm speaking about all of them.

7 A. If you discovered that I put (Redacted), then tell me.

8 If that's the truth, I'll tell you. As a human being I can forget.

9 Q. How many people did (Redacted) contact, to your knowledge?

10 A. As he himself said, (Redacted)

11 (Redacted), that's a question you can ask him. (Redacted), that is.

12 Q. Did he tell you he had contacted a lot of witnesses?

13 A. Mr Haynes, you've got the list in front of you. You can see them all. Their
14 (Redacted) figure on it. (Redacted), you can ask him that

15 question. He can come and he can be asked the questions and he can say, "Yes, I
16 (Redacted) them. I did this. I did that." That's a question you can put to him.

17 Q. Well, I'm going to ask one more question on this and then we'll move on. Did
18 he tell you that the people he had spoken to had decided to bring evidence of the
19 subornation of their testimony?

20 A. Well, I've just told you that we met, (Redacted). I've told you as
21 well that, with regards to subornation, given that I didn't know French particularly
22 well, I understood the -- the wrongful acts that they were undergoing from VWU staff.
23 That was my understanding in that regard. Perhaps (Redacted) said that there were
24 a lot of us, or that there were 10, 15, 20. If you've got the proof, please show me.

25 Q. Okay.

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1 PRESIDING JUDGE STEINER: Mr Haynes, you said you intend to move on, but I
2 already -- I've already given you ten more minutes to compensate the interventions,
3 so I will give you ten more minutes to wrap up.

4 MR HAYNES: Well, I don't think that would be particularly fair. I've got a little
5 way to go. I certainly will finish today, but I don't think I'm going to finish in 10 or
6 15 minutes.

7 PRESIDING JUDGE STEINER: Mr Haynes, you were allocated four hours. It's up
8 to you how to manage the questioning of a witness in the time allocated to you. We
9 are going to suspend at 10.30 and when we are back it is just for the Chamber to issue
10 two decisions that are to be issued in open session. So you have 15 minutes to
11 conclude your questioning.

12 MR HAYNES: Your Honour, we were disclosed 350 documents on the eve of this
13 witness's testimony. That rather changed the landscape on the scope of questioning
14 of him and they are all documents that probably should have been disclosed a long
15 time before now. I'm not going to take hours, but certainly it would be unfair in my
16 submission to require me to finish in 10 or 15 minutes.

17 PRESIDING JUDGE STEINER: Mr Haynes, I don't think we are going to waste any
18 time for debate. The way Defence managed its time since the Chamber announced
19 that it would call Witness 169, the time Defence wanted or claimed some documents
20 and the time taken to analyse documents is a matter of management of the time
21 available.

22 Since the beginning of this hearing, we have established that this testimony finishes
23 today. So I advise you to wrap up as soon as possible.

24 MR HAYNES: Well, as I have said, I will finish today, but not in ten minutes and I
25 do beg the Court's indulgence to allow me to proceed a little bit further after the break,

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1 or perhaps just after half-past-10 since we have a two-hour tape. Anyway, it's
2 probably best that I continue.

3 Q. Just finishing with this document, can we go to the last page, the list of
4 witnesses, and just quickly observe that the last witness (Redacted) on there is (Redacted).
5 (Redacted) Can you see that in the bottom right-hand corner?

6 A. Yes, I can see that.

7 Q. And I'm simply going to put this to you, that was typed on the same machine as
8 typed the body of the letter, wasn't it?

9 A. It's my computer, but it's my daughter who wrote it. That's the truth.

10 Q. Your daughter typed out the list of witnesses' (Redacted)? You agree
11 with that?

12 A. Where it concerns my correspondence with the Court, I work with my daughter.
13 Even scanning documents, that's something I do with her. I can't do it myself. We
14 work together. We work together, Mr Haynes. I just said that my answers are
15 clear.

16 THE INTERPRETER: And the interpreter corrects: "She cannot do it by herself.
17 We work together."

18 THE WITNESS: (Interpretation) The letter, if there was a letter upon which the
19 (Redacted) figure, which is different to the list that you have here, I can state that I
20 wrote -- I sent the letter to the Court. There aren't inconsistencies. If I take some
21 information from this letter, I can do that, and if you ask me to do whatever, I can do
22 it. I don't know what you want.

23 PRESIDING JUDGE STEINER: Mr Haynes, just allow me just one clarification.

24 Mr Witness, what is the name of the daughter that helped you with the letters? You
25 have so many children.

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1 THE WITNESS: (Interpretation) Thank you, your Honour. (Redacted) is her name.
2 (Redacted).

3 PRESIDING JUDGE STEINER: Thank you.

4 MR HAYNES:

5 Q. The following day you wrote another letter asking for a (Redacted) with very
6 definite specifications. What did you want the (Redacted) for?

7 A. If we take into account the meeting that I had with VWU staff and the one with
8 the Office of the Prosecutor in (Redacted), I've forgotten the day that this meeting
9 took place. However, in order to really know what happened, what -- on my return
10 there were (Redacted). Do you want to know the people who (Redacted) me?

11 I was put in a difficult position by VWU staff. I asked for money. When I asked
12 (Redacted) told lies. He said that VWU had sent other members of staff.

13 And, yes, and (Redacted), who came from (Redacted) was also from the group.

14 (Redacted), a black person, not a white person, he was also present. And we examined
15 the problem and they condemned (Redacted) for having lied, using my name.

16 And also with regard to this I presented all the documents about the (Redacted). I
17 presented all the documents. I presented all the photos. I have presented all the
18 official documents and they saw that really (Redacted). That is what made

19 them ask me to write a draft concerning a (Redacted) or a (Redacted), come up with a project
20 concerning a (Redacted) or a (Redacted), and it was in order to launch my (Redacted)
21 (Redacted). In this project, there was the (Redacted) and there was the (Redacted).

22 I think you've followed me well.

23 Q. What have you been using the (Redacted) for?

24 A. Okay. I needed a (Redacted) and they told me, or rather they advised me, that it
25 should be a (Redacted). If somebody comes to help you and that person says, "If you

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1 accept my proposal that's the best solution," faced with that proposal do you think I'm
2 going to say, "No, I refuse"? No, I accepted. And so that this project could work, or
3 not, well, this was something I took for granted.

4 In (Redacted), I know very well that it could be a production unit for me and,
5 if God continues to grant me life, I will succeed. And if I have other projects or ideas
6 in order to make this project larger, I will do so. That's it.

7 Q. How long after you wrote the letter of 7 June were you given the (Redacted)?

8 A. I haven't followed you properly. You know, in order to obtain the (Redacted), or
9 on the day that I went to get it, I had to be issued with a document and I told them the
10 following: I was promised money, and according to the accounts that we've drawn
11 up, it wasn't like this. They told me, "Well, this is what we know," and I told them,
12 "I'm going to write." I was in agreement with them. I took the (Redacted) and
13 afterwards what happened.

14 Q. Did you get it in June, the same month you wrote the letter?

15 A. No, I got it afterwards.

16 PRESIDING JUDGE STEINER: Mr Haynes, we will -- it's time for our break,
17 half-an-hour break. As I announced in the beginning of this hearing, today we
18 would sit from 9 to 10.30 and then from 11 to 12. Because you asked for, the
19 Chamber deliberated and decided to grant you in the second part of this hearing
20 30 minutes to conclude, not even one second more than 30 minutes. So I hope you
21 make an intelligent use of the 30 minutes you've been granted.

22 MR HAYNES: I'm very grateful.

23 PRESIDING JUDGE STEINER: Mr Witness, we'll have our break now. We will
24 resume at 11 o'clock.

25 The hearing is suspended.

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1 THE COURT USHER: All rise.

2 (Recess taken at 10.30 a.m.)

3 *(Upon resuming in closed session at 11.01 a.m.) Reclassified into Open session

4 THE COURT USHER: All rise.

5 Please be seated.

6 PRESIDING JUDGE STEINER: Welcome back, everyone.

7 Welcome back, Mr Witness.

8 Without further delay, Mr Haynes, you have the floor.

9 MR HAYNES: Thank you, and without further delay can we put up on the screen,
10 please, Chambers document number 4, which is the August 5 letter of 2014?

11 THE COURT OFFICER: Mr Haynes, could you please confirm the ERN number?

12 MR HAYNES: It is confidential annex to a filing ICC-01/05-01/08-3138-Conf-AnxA.

13 PRESIDING JUDGE STEINER: The ERN number is CAR-OTP-0083-1212.

14 MR HAYNES: Thank you.

15 Q. Sir, you've looked at this document a number of times. I don't have many
16 questions to ask you about it. This is the document - the letter - in which you again
17 said that witnesses wanted to bring evidence of their subornation and this time you
18 threatened to reconsider your testimony. I just want to clarify one thing. By
19 5 August of this year you and (Redacted) had completely fallen out with one another,
20 hadn't you?

21 A. Yes.

22 Q. So this letter we can take it is all your own work? It's all your idea?

23 A. So who wrote it? Myself. I added a few things to place more pressure on
24 them. That is why I said that. I thought that by doing that I would get an answer
25 to my claims, but it was me myself who wrote this letter. I wasn't having any

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1 dealings with him.

2 MR HAYNES: Okay. And can we go to the last page of the letter? That's 1214,
3 the last four numbers of the ERN.

4 Q. Can you see that in this list of (Redacted) of witnesses the last (Redacted) in the
5 bottom right-hand corner is your own?

6 A. Yes. Yes, that is my (Redacted).

7 Q. In the earlier list (Redacted) in the bottom right-hand corner was (Redacted)
8 (Redacted), so this list has been revised and updated, hasn't it?

9 A. Well, let me tell you this, Mr Haynes. I am the one who has that list. It was a
10 way for me to show that I was part of that person. Did I do something wrong?

11 THE INTERPRETER: Correction from the interpreter: "That I was one of those
12 people."

13 MR HAYNES:

14 Q. You are the keeper of the list, aren't you? It's on your computer?

15 A. I've answered you several times. What do you want me to say? I told you
16 that I was the one who kept that list.

17 Q. Is it saved on your computer?

18 A. I will check in my computer. I don't think it was saved, but I will check
19 another time. I'll check again.

20 Q. Are you prepared to destroy it?

21 A. I said this: I said before the Judges that I have no further interest in keeping
22 that.

23 Q. Mr Witness, how do we know in 12 months' time you're not going to send
24 another letter threatening to withdraw your testimony if you're not given some more
25 money?

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1 A. You're not the one who's going to give me or help me. I have one last word for
2 the Judges. Your Honour will ask me the question and I will answer.

3 Q. Well, in fairness to Judge Aluoch, I think she already did ask you almost the
4 same question I just did. How do we know that you're not going to do this again,
5 threaten to withdraw your testimony unless you're given some other material benefit
6 for having been a witness?

7 A. I think that I am the Prosecution's witness. I have lots of time before I come
8 back here. Before the Judges, before the Prosecutor, I would -- I will tell them my
9 final word.

10 Q. So you're still talking about the future? This isn't your final word?

11 A. Who am I? Can I foresee the future? Before such a large Court, who am I?
12 You want to influence me, to have me say something. The Presiding Judge will ask
13 me the question and I will say that I have something that I'd like to say and I will say
14 it. I will open up my heart and say what I have to say.

15 PRESIDING JUDGE STEINER: Mr Haynes, Judge Aluoch wants a clarification.

16 JUDGE ALUOCH: Mr Haynes, I'm sorry to interrupt you when there is such limited
17 time left, but I just need a clarification from the witness.

18 Mr Witness, a few minutes ago and even yesterday you said you wrote this letter, or
19 these letters, as a way of putting pressure. Can you confirm to the Chamber whether
20 by including this list of (Redacted) of witnesses, was this also a way of putting pressure?
21 Can you just clarify that to me, please? Thank you. Sorry again, Mr Haynes.

22 THE WITNESS: (Interpretation) Thank you, your Honour. I will reply.

23 (Redacted) from VWU, he's from the black race, told me something. This is not an idea
24 that came from me. I'll tell you a little story. (Redacted) summoned me, along with
25 (Redacted), and those people told me this: "We have been delegated to provide

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- 1 you with the amount of (Redacted), and here's everything. You volunteered. You
2 won't accuse anyone. Take this money and that's all we -- that's all we have for you
3 and you won't be able to get any more, not even medication."
4 So they gave me that money and I signed. I think that a delegation came from here
5 to deal with the problem. They sent (Redacted), someone from the OTP.
6 When those people got there, they denounced these people who were there. They
7 shouted at them. And I said, "So they've lied to me. These people from here are
8 evil. They are acting in bad faith. So if I have any claim whatsoever I'm going to
9 make my claim in writing." And so that is why I wrote this letter. I no longer
10 trusted these people.
11 Now, if my claim is not granted, this is going to lead me to write. So that's what I'm
12 doing. I had to -- I had to write these things so that I would be heard.
13 MR HAYNES: Not long to go.
14 Q. When you wrote in August, that's less than three months ago, you were still
15 seeking money; is that right?
16 A. Mr Haynes, we talk on the telephone. They might call me and give me a
17 countdown or a score and, when I saw that the -- the accounts were not correct, that
18 led me to write the letter.
19 Q. Okay. Last Tuesday, 14 October, at 8.22 in the morning, you called
20 Mr Badibanga. Were you still seeking money then?
21 A. What date are you speaking about?
22 Q. Tuesday, 14 October. Just over a week ago.
23 A. Very well. I wanted to ask about -- I wanted to make enquiries when I was in
24 (Redacted) to determine if it was true that I was being summoned here and
25 what -- that's why I called him and he said, "No, I can't speak to you. You have been

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1 asked to come here." So that's all there is to that.

2 Q. Are you still seeking money now?

3 A. I said here I wanted -- I wanted to say in advance I am not entitled to force them
4 to give me some money. I'm leaving it up to the Presiding Judge. As for myself,
5 I'm saying - and I'm repeating this point - I can't and I don't want and I can no longer
6 ask for this money still until my death.

7 Q. Just two more things. One I've asked you before, but I'm going to try again.
8 Who has told you recently that it is the VWU and not the OTP that promised you or
9 paid you money?

10 A. What money are you talking about?

11 Q. The money you seek to claim in your letters.

12 A. I just said this. I said that we had a discussion with VWU and OTP. We
13 talked on the telephone and they told me that they were going to send me a certain
14 amount of money. After that they sent a different amount, which led me to write.

15 Q. Very well. One last question. When you were answering questions of Her
16 Honour Judge Steiner - and this is at page 11 of 22 October, at lines 12 and 13, and
17 page 12, at lines 12 to 20 - you said that (Redacted) had never (Redacted) you and
18 that the telephone number on which you were called was not his. Do you remember
19 that?

20 A. I haven't understood. The numbers that they used to call me were (Redacted)
21 numbers. It wasn't (Redacted) number because I checked.

22 Q. So why did you give (Redacted) name and telephone number to the VWU
23 and OTP?

24 A. It was (Redacted) and other people who were organising the meetings in
25 (Redacted), he and some other people.

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1 Q. Did you understand that what you told VWU and the OTP and by giving them
2 his telephone number he could have been arrested and imprisoned?

3 A. Repeat that. I don't feel well.

4 MR HAYNES: Okay. Well, I'm not going to ask you any further questions.

5 PRESIDING JUDGE STEINER: Yes, Mr Witness?

6 THE WITNESS: (Interpretation) I beg your pardon. I don't feel very well. My
7 blood pressure is shooting up.

8 PRESIDING JUDGE STEINER: Mr Witness --

9 THE WITNESS: (Speaks English) Yes.

10 PRESIDING JUDGE STEINER: -- we have just five more minutes. Are you able to
11 deal with, or you need a break? We could deal with it in five minutes. We can
12 conclude your testimony, Mr Witness.

13 THE WITNESS: (Interpretation) We can continue.

14 PRESIDING JUDGE STEINER: Take some water to see if you feel better.

15 Have you concluded, Mr Haynes?

16 MR HAYNES: Yes.

17 PRESIDING JUDGE STEINER: Thank you, Mr Haynes.

18 (Trial Chamber confers)

19 PRESIDING JUDGE STEINER: Mr Witness, you have concluded with your
20 testimony. There's just one point that the Chamber would like to address to you.

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted) Is that fine

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1 with you, sir?

2 THE WITNESS: (Interpretation) Your Honour, I'd be pleased to do that.

3 PRESIDING JUDGE STEINER: Mr Witness, as we did last time you gave your
4 testimony, I'm now going to ask if there is anything that you would like to address to
5 the Chamber. Would you like to say something in order to conclude with your
6 testimony, sir?

7 THE WITNESS: (Interpretation) Madam President, I have no request to make of
8 the Court. If I have made any mistakes, please forgive me and I ask God to forgive
9 me. I ask you also to forgive me. I think I've been clear.

10 I swear before God that I can never write or do anything else and those would be my
11 last words.

12 PRESIDING JUDGE STEINER: Mr Witness, you were called by the Chamber in
13 order to bring some light to many questions raised in the letters you sent to this Court.
14 We want -- we need to remind you that you should not under any circumstances
15 (Redacted) witnesses to anybody. You can put those people at risk.

16 If you have any further communication to make with the Court, you are invited to do
17 it whenever you want through VWU. This is the channel through which you can
18 contact the Chamber, any other organs.

19 We regret very much that you are not feeling well. I will ask VWU to take you to the
20 doctor immediately. I just wanted to take the opportunity to thank again you very
21 much for coming here to help the Chamber to find the truth in this case.

22 Thank you very much, Mr Witness, and we hope you have a safe journey back to
23 your home.

24 I ask, please, court officer to take the witness outside the courtroom and to put the
25 witness at the hands of VWU immediately.

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1 (The witness is excused)

2 (Open session at 11.35 a.m.)

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

4 PRESIDING JUDGE STEINER: Thank you very much.

5 The Chamber, in line with the Chamber's decision 3157 redacted, paragraph 13,

6 subparagraphs (ii) and (iii), the parties and the legal representative were instructed to

7 communicate their lists of documents they intended to use, indicating which

8 documents they intend to tender as evidence by email by 10 October 2014.

9 If paragraph 13, subparagraph (iv), the parties and the legal representative were

10 instructed to communicate any objections to the documents tendered by the other

11 participants by 13 October 2014.

12 The Defence indicated that it intends to submit into evidence 27 documents which it

13 submits are relevant and probative of, inter alia, the witness' credibility and evidence

14 and credibility of other Prosecution witnesses. The Defence also submits that the

15 documents in question will not cause prejudice to the Prosecution.

16 The legal representative communicated no objection to any of these documents, while

17 the Prosecution filed no objection to the admission of 25 of these documents.

18 I would like just to check whether any other party or legal representative want to add

19 anything to what -- to this report, to this summary?

20 Maître Badibanga?

21 MR BADIBANGA: (Interpretation) Thank you, Madam President.

22 This gives me the opportunity to revisit our previous statement before the hearing in

23 this connection. Maybe our language was too concise for the Court, because we said

24 "to be determined," but it would probably be more apt to say that depending on what

25 the witness would say, we would assess whether it was necessary or not to submit

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1 further documents. But given that nothing was clear at the time, it was not possible
2 for us to cover all scenarios.

3 Now that we have heard the testimony, maybe it is only document number 9 of our
4 list which has been updated and that updating indicated that we may be asking to
5 produce the document if it were to be confirmed that the payment was made on
6 behalf of VWU. So that will be the only document that we would like to produce
7 into evidence, Madam President.

8 I think that this is relevant when it comes to the statements and the challenges that
9 have been raised in this trial, whereby the Defence seemed to be alleging that the
10 payments were made on behalf of the OTP, whereas the document shows clearly that
11 it was VWU who made these payments within the context of the proceedings.
12 So this is a document that was communicated to the Defence and has no prejudice on
13 the proceedings.

14 Thank you, Madam President.

15 PRESIDING JUDGE STEINER: Mr Haynes, as far as I can see, you also intended to
16 tender this document into evidence; am I correct?

17 MR HAYNES: Your Honour, yes, and thus we have no objection to the document
18 going in either under our list or under the Prosecution's application.

19 I thought at the moment we were only dealing with those which we wished to tender
20 into evidence, and of the two about which there is objection I think there is no contest
21 about an email which I didn't use and which I'm not going to seek to admit.

22 That only leaves I think as a contest between us and the Prosecution the annex to the
23 VWU report, the contents of which were substantially put to the witness in evidence
24 both by me and by your Honour I think. And so I would submit that that is relevant
25 and should go into evidence.

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1 (Pause in proceedings)

2 MR HAYNES: Can I help you?

3 PRESIDING JUDGE STEINER: I have so many EVD numbers here, Mr Haynes --

4 MR HAYNES: No, no, no.

5 PRESIDING JUDGE STEINER: -- that I was checking for the EVD number of the
6 documents.

7 MR HAYNES: I can help you I think. I was wrong when I suggested that the
8 second document that we had an argument about was an annex to VWU report. It's
9 an internal memo between VWU and the Prosecution and we're not going to argue
10 that that should be admitted, so it's just the 25 that we've asked to be admitted that
11 nobody argues with. I'm sorry for getting it wrong earlier.

12 PRESIDING JUDGE STEINER: That's why I was looking for a VWU document and I
13 have here a filing from the Prosecution.

14 Maître Douzima, do you have anything to add?

15 MS DOUZIMA LAWSON: (Interpretation) Madam President, quite frankly I
16 believe that so many documents have been mentioned, even right up to the very last
17 minute, and it is rather impossible for me to make any statement on all those
18 documents. So I ask for permission to submit a filing on this point. Thank you.

19 PRESIDING JUDGE STEINER: Maître Douzima, I don't think there are any further
20 documents other than the ones that legal representative has already submitted that it
21 had no objection. I don't believe there are further documents.

22 MS DOUZIMA LAWSON: (Interpretation) I have no comment to make in that
23 regard, Madam President, if that is all.

24 PRESIDING JUDGE STEINER: So the Chamber, having read the justification
25 properly provided by the Defence in compliance with the Chamber's order, finds that

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1 the 25 documents submitted by the Defence and to which no objections were raised
2 are relevant, probative and that their admission will cause no prejudice to the fairness
3 of the trial.

4 The Chamber therefore admits into evidence documents: CAR-OTP-0043-0404;

5 CAR-OTP-0046-0410; CAR-OTP-0046-0411; CAR-OTP-0046-0412;

6 CAR-OTP-0046-0413; CAR-OTP-0046-0415; CAR-OTP-0046-0416;

7 CAR-OTP-0062-0 -- there is a number missing here. I suppose it's 0030, because the

8 following is CAR-OTP-0062-0031; CAR-OTP-0065-0017; CAR-OTP-0065-0018;

9 CAR-OTP-0065-0900; CAR-OTP-0065-0923, 0924, 0925; CAR-OTP-0065-0988 and 0989;

10 CAR-OTP-0065-0983 and 0985 and 0987; CAR-OTP-0066-0280 and 0282 and 0284 and

11 0294 and 0295 and 0297; CAR-OTP-0083-1303; CAR-OTP-0083-1327;

12 ICC-01/05-01/08-3151-Conf-Anx; CAR-OTP-0083-1507; and finally

13 ICC-01/05-01/08-3160-Conf-Red-AnxB.

14 The Chamber instructs the Registry to assign EVD numbers to these documents.

15 Yes, Maître Badibanga?

16 MR BADIBANGA: (Interpretation) Madam President, I'm sorry. At the very end

17 you -- rather very quite close to the end you mentioned ICC-01/05-01/08-3139-AnxB.

18 I think that this is the document which was number 27 of the Defence list in the very

19 first set of lists and I hope that I am not mistaken.

20 You see, Madam President, I have a Defence list here. We have documents

21 3139-AnxB captioned as "Email from the Prosecution to the Defence." Maybe I am

22 mistaken?

23 PRESIDING JUDGE STEINER: I think there is a misunderstanding. The number

24 you are mentioning I didn't mention. This last document is

25 ICC-01/05-01/08-3160-Conf-Red-AnxB. It's your document number 9 as far as --

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1 MR BADIBANGA: (Interpretation) I'm sorry, Madam President. It is not the very
2 last document. It is the one, two, three -- the third document from the bottom. You
3 mentioned that document and then you also cited CAR-OTP-83-507 and then finally
4 ICC-005-3160, but before those documents you cited document 3139-AnxB.

5 Now, if we go from the bottom, the last document is ICC-01/05-3160 and before that is
6 0083-1507 and before that one is 01/05-3139.

7 Well, I am sorry if I'm mistaken.

8 PRESIDING JUDGE STEINER: Maître Badibanga, the only other 01/05-01/08 refers,
9 the last number is 3151, not 39.

10 MR BADIBANGA: (Interpretation) Maybe I should look at the English transcript,
11 but in the French transcript I see 3139.

12 PRESIDING JUDGE STEINER: So just to make it clear from -- on the record, the
13 Chamber is not admitting - even because there was agreement by the Defence - the
14 Chamber is not admitting ICC-01/05-01/08-3139-AnxB and
15 ICC-01/05-01/08-3150-Conf-Red. Okay?

16 MR HAYNES: I'm afraid I'm going to have to complicate things a little bit. That's
17 fine. In fact, some of the most recently disclosed documents which appear on our
18 list at items 37 to 47 we have indicated we did not want to have admitted, whereas
19 the body of the filing has a substantial argument as to why they're all admissible and I
20 understand why you haven't turned to consider them and there is accordingly no
21 response.

22 I can only invite at this stage the Prosecution to consider items 37 to 47 should read
23 "Yes" rather than "No" and to indicate to you in an email in due course whether they
24 have any objection and we'll take it from there.

25 I think it's too much of a task this morning to go through them all. They are

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1 documents that were used with the witnesses, for example the investigative report of
2 VWU about the interview with (Redacted) -- with people. And so I think that's the
3 way forward. Well, it's a mistake. We said "No" when we meant "Yes," but we did
4 argue it quite substantially.

5 PRESIDING JUDGE STEINER: I think then therefore it's better, Mr Haynes, if you
6 make it through a very simple and objective filing, or even an email to which the
7 Prosecution and Maître Douzima could answer immediately in order for the Chamber
8 to issue an urgent decision on the matter.

9 MR HAYNES: Certainly.

10 PRESIDING JUDGE STEINER: And, finally, the Chamber expects
11 Defence -- instructs Defence to file in the record of the case its list of documents,
12 including their explanations as to whether the documents satisfy the three-part test
13 since it was done only by email and it would be better if we have it in the record of
14 the case.

15 The Chamber has a final oral decision on scheduling matters and the final oral
16 submissions.

17 The Chamber recalls that in its decision of 10 October 2014, Decision 3154-Red, it
18 decided that following this last witness' testimony the Prosecution and the legal
19 representative shall have 7 days and the Defence shall have 14 days to file additional
20 submissions to their closing briefs. Decision 3154-Red, paragraph 50(xvi).

21 In accordance with this decision and since the witness completed his testimony today,
22 the Chamber hereby orders the Prosecution and legal representative to file their
23 additional submissions by Friday, 31 October. The Defence shall file its additional
24 submissions by Friday, 7 November.

25 In this regard, the Chamber further reminds the participants that these additional

1 submissions shall relate exclusively to this last witness's testimony and any related
2 evidence admitted by the Chamber.

3 Further, the Chamber confirms that the final oral submissions will be presented
4 during the week of 10 November 2014. See decision 3154-Red, paragraph 50 (xv).

5 In order to facilitate the scheduling of the hearings, the Chamber orders the
6 participants -- the parties and the participant to inform the Chamber by Friday,
7 31 October, of the time they intend to use for their closing statements.

8 Finally the Chamber recalls that, in its decision on unsworn statement by the accused
9 pursuant to Article 67(1)(h) of the Rome Statute, the Chamber decided that: One the
10 accused shall be given an opportunity to make an unsworn statement pursuant to
11 Article 67(1)(h) of the Statute as part of the presentation of the closing statements by
12 the Defence; and second the unsworn statement by the accused shall not exceed one
13 hour; and third the Defence shall inform the Chamber and the participants as to the
14 anticipated length of the unsworn statement seven days before -- before it is
15 scheduled to be made. Decision 2860, paragraph 9. The Chamber hereby orders
16 that this information be provided also by Friday, 31 October 2014.

17 With that I would like to thank very much the Prosecution team, legal representative
18 of victims, the Defence team, Mr Jean-Pierre Bemba Gombo. I would like to thank
19 very much our interpreters, our court reporters and all those who helped us in
20 concluding on time with this last testimony in the present case, and I declare the
21 hearing adjourned.

22 THE COURT OFFICER: All rise.

23 (The hearing ends in open session at 12.01 p.m.)

24 RECLASSIFICATION REPORT

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- 1 Pursuant to Trial Chamber III 's Orders, ICC-01/05-01/08-2223 and
- 2 ICC-01/05-01/08-3038, the version of the transcript with its redactions becomes
- 3 Public.