

Trial Hearing
Witness: CAR-OTP-P-260

(Open Session)

ICC-01/05-01/13

1 International Criminal Court
2 Trial Chamber VII - Courtroom 1
3 Situation: Central African Republic
4 In the case of The Prosecutor v. Jean-Pierre Bemba Gombo, Aimé Kilolo Musamba,
5 Jean-Jacques Mangenda Kabongo, Fidèle Babala Wandu and Narcisse Arido
6 ICC-01/05-01/13
7 Presiding Judge Bertram Schmitt, Judge Marc Perrin de Brichambaut and
8 Judge Raul Pangalangan
9 Trial Hearing
10 Tuesday, 13 October 2015
11 (The trial hearing starts in open session at 9.34 a.m.)
12 THE COURT USHER: All rise.
13 The International Criminal Court is now in session.
14 PRESIDING JUDGE SCHMITT: Good morning, everybody.
15 Good morning, Mr Witness.
16 Court officer, please call the case.
17 THE COURT OFFICER: Thank you, Mr President.
18 The situation in the Central African Republic in the case of The Prosecutor versus
19 Jean-Pierre Bemba Gombo, Aimé Kilolo Musamba, Jean-Jacques Mangenda Kabongo,
20 Fidèle Babala Wandu and Narcisse Arido, case reference ICC-01/05-01/13.
21 We are in open session.
22 PRESIDING JUDGE SCHMITT: Thank you.
23 May I ask then for the appearances of the parties, as short as possible as always,
24 please.
25

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1 Mr Vanderpuye.

2 MR VANDERPUYE: Good morning, Mr President, your Honours, everyone. We
3 have the same configuration as yesterday.

4 PRESIDING JUDGE SCHMITT: Thank you.

5 MR GOSNELL: Good morning, Mr President, your Honours. The appearances are
6 the same as yesterday for Mr Mangenda.

7 MR DJUNGA: (Interpretation) Mr Kilolo's team remains unchanged.

8 MR LAROCHELLE: (Interpretation) Good morning, your Honours. The
9 composition of Mr Arido's team is the same as yesterday.

10 MR KILENDA: (Interpretation) Mr Babala is being assisted by the same counsel.

11 MS TAYLOR: Good morning, Mr President, your Honours. The team for
12 Mr Bemba is the same as yesterday. Thank you.

13 PRESIDING JUDGE SCHMITT: Thank you very much.

14 Then we should, of course, I'm reminded of this fact, we should not forget the duty
15 counsel, Mrs Doucerain. Please also for the record introduce yourself again.

16 MS DOUCERAIN: (Microphone not activated)

17 THE INTERPRETER: Microphone, please.

18 MS DOUCERAIN: (Interpretation) Karine Doucerain, duty counsel for the
19 witness.

20 PRESIDING JUDGE SCHMITT: Thank you very much.

21 The Chamber will now issue an oral decision on the Prosecution -- I quote, on "The
22 Prosecution urgent motion for clarification on decision on Rule 74 assurances."

23 On 12 October 2015, the Prosecution requested clarification or guidance on the scope
24 of its Rule 74 assurances ruling for P-261, this is filing 1362. Specifically the

25 Prosecution wishes to know the scope of matters which may be discussed in open

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1 session once Rule 74 assurances have been issued.

2 The Chamber does not consider it inevitable that witnesses in this case with Rule 74
3 assurances must testify completely in private session. Indeed, yesterday the
4 Chamber rejected a request for the witness to testify entirely in private session while
5 still granting Rule 74 assurances.

6 Private session is necessary at times in order to protect witnesses' identities as noted
7 by the Prosecution in its motion. However, Rule 74 also requires that if assurances
8 under the provision are given, then, first, evidence which is self-incriminating to the
9 witness must be kept confidential and not be disclosed to the public or any State;
10 Second, this evidence must be given in-camera if necessary; and
11 Third, the record of the proceedings must be sealed to give effect to the assurances
12 given.

13 As such, sometimes private session may also be needed to give effect to Rule 74
14 assurances, even if a line of questioning does not identify the witness.

15 As the Chamber made clear yesterday, whether private session is necessary for a
16 particular part of the questioning can only be determined on a case-by-case basis and
17 trusting the guidance of counsel, including Mrs Doucerain.

18 This concludes the Chamber's ruling on request 1362.

19 Mr Witness, are you feeling well this morning?

20 WITNESS: CAR-OTP-P-0260 (On former oath)

21 (The witness speaks French)

22 THE WITNESS: (Interpretation) Yes, I'm feeling well.

23 PRESIDING JUDGE SCHMITT: Vielen dank. Merci beaucoup.

24 Now I'm confusing. The next language that I use is Spanish perhaps, no.

25 So we are continuing now the examination by the Prosecution.

1 Mr Vanderpuye, you have the floor.

2 MR VANDERPUYE: Thank you very much, Mr President. Good morning to you
3 again, your Honours, everyone.

4 QUESTIONED BY MR VANDERPUYE: (Continuing)

5 Q. And good morning to you, Witness. Yesterday when we left off I had asked
6 you a question about whether you knew if the information that was shared among
7 you and other members of your group concerning the circumstances under which
8 you were to testify was true, and you indicated that that information was not true
9 with respect to those members of your group; do you recall that?

10 A. Yes, I do remember that quite well what I said yesterday.

11 Q. I'd like to just follow up on a couple of things. You said yesterday, in fact, that
12 it was a group of lies that had been organised and put together with respect -- with
13 respect to your meeting and discussions with the group of individuals who you
14 ultimately met with Mr Kilolo with. I want to ask you how was this group
15 organised, or why do you say that it was organised?

16 A. I was saying that this group was organised because when I met with you and I
17 told you every -- that everything that I had said was false testimony, it means that we
18 organised ourselves. I never was in the army. And the people that I testified with,
19 we testified on the basis of mental preparation. You see, briefings were given and
20 after the briefing or during these various briefings, we testified the last time. And I
21 recognize that what we did and what we said the last time was not the truth.

22 As you know, I myself am not a soldier, and so what was said was information that
23 was all put together and provided to us during these briefings. And we used the
24 information as witnesses on behalf of Mr Bemba the last time.

25 Q. Okay.

1 Mr President, I'd like to go into public session if we can, or open session. We are in
2 open session. Excellent.

3 Let me ask you this, Witness: I want to ask you about these specific briefings and
4 about when they occurred. So if you could, to the best of your recollection, tell the
5 Chamber when it was that the first briefing among the group of individuals you've
6 talked about happened?

7 A. First of all, when I met Mr Arido he explained to me in great detail what I was
8 supposed to say, me myself, personally. So I wanted to copy it again because
9 sometimes I would forget things, so I wanted to write it out to prepare myself
10 mentally, and I said to myself that -- something I was not used to. You see, if I wrote
11 it down on paper, I would be able to remember.

12 So on the day that he was supposed to put me in contact with Mr Kilolo that same
13 day he said to me, "Listen, as of today you are now a sub lieutenant and this is what
14 you are going to say: You are a member of the youth wing of the MLC and you were
15 trained in Karako, you're in the habit of being with the president or in the compound
16 of the president, and during the last coup d'état that took place there, your assistance
17 was good and you were trained there in Karako."

18 THE INTERPRETER: Could the witness be requested to slow down.

19 THE WITNESS: (Interpretation) Then we got to Douala and we came together in
20 the room that we were in and Captain Kokate came and at that time each one of us
21 was supposed to review our testimony. I don't know when he must have briefed the
22 others, but right then and there we reviewed everything that everyone was supposed
23 to say that particular night.

24 And even then at that specific moment, Captain Kokate said, "Listen, you have this
25 opportunity that will allow you to change countries, and the money that you're

1 asking for, you shouldn't look at that or think of that because once you're here you
2 will have an opportunity to require the money to be handed over to you before you
3 go into the courtroom to give testimony." That was the second briefing.

4 MR VANDERPUYE:

5 Q. Let me just interrupt you for a second and I'm sorry to do that, but I just want to
6 know if you can recall for the moment when that happened. If you don't remember,
7 that's fine, and then we'll get into the substance of it as well. Is that okay?

8 A. Well, I wanted to tell you earlier that that happened in Douala when we were in
9 the room together. I believe that what I'm saying here, I'm saying it in French. We
10 found ourselves in Douala where we were at a -- the Grand Moulin hotel. That is
11 where the briefing occurred.

12 Q. That's fine. There may be a translation error, but what I'm asking you is when
13 in French, quand. Not where, but when, if you can remember.

14 A. It was in February 2012. February 2012 when we were in Douala.

15 Q. Okay. And that was the first briefing; is that -- is that right? Or the second?

16 A. Earlier before I was talking to you about the briefing I told you that I had a first
17 briefing myself with Mr Arido, and a briefing, a group briefing, you see, with the
18 other soldiers that we were going to testify with. And that was in Douala in
19 February 2012.

20 Q. When and where was the first briefing?

21 A. Are you talking about the briefing between me and them first, or are you talking
22 about the group briefing? Because I don't understand the meaning of your question,
23 sir.

24 Q. That's no problem. Where was it that Mr Arido first approached you and
25 when about the prospect of testifying in the Bemba case, if you can remember? And

1 if you don't, just let us know, that's no problem.

2 A. Yesterday I told you that we found ourselves at a particular crossroad that's

3 called MEEC. Now the date, the exact date, I don't remember the exact date.

4 What's for sure is that we found ourselves at that particular crossroads and he

5 explained to me the role that I was supposed to play.

6 When I agreed, then he was going to call Mr Kilolo, who was at that time the lawyer

7 of Mr Bemba, to put him in touch with me. Once we were in touch with Mr Kilolo,

8 I believe one month after, he came to Douala in February, but the exact date, the date

9 on which he gave me the first briefing, or I was put in touch with Mr Kilolo, I can't

10 remember that honestly.

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 MR VANDERPUYE: Yes, Mr President.

20 PRESIDING JUDGE SCHMITT: I think now that we are mentioning all sorts of

21 names, I think, and I still understand we are in open session, I think we should go to

22 private session.

23 MR VANDERPUYE: Okay.

24 PRESIDING JUDGE SCHMITT: And I'm not sure, but I think I have a faint

25 recollection that yesterday this has been addressed who has been present.

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1 MR VANDERPUYE: Yes, that's correct.

2 PRESIDING JUDGE SCHMITT: And I think it has been answered, but excuse me
3 that I don't have every line in my mind what has been said yesterday. So I think we
4 can move to another point relatively quickly, I would say.

5 MR VANDERPUYE: Yes, Mr President. I'm simply trying to orient the witness so
6 I can get a relative chronology of the meetings as you can -- as you can probably tell.

7 PRESIDING JUDGE SCHMITT: I understand it, but I also say, and I think I'm not
8 misled when I say that this has been answered yesterday.

9 MR VANDERPUYE: We go to private session then, I guess, Mr President.

10 (Private session at 9.53 a.m.)

11 (Redacted)

12 (Redacted)

13 (Redacted)

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21 (Recess taken at 11.02 a.m.)

22 (Upon resuming in open session at 11.32 a.m.)

23 THE COURT USHER: All rise.

24 PRESIDING JUDGE SCHMITT: I understand that we are in open session.

25 Anything to say about that? Any suggestions that we go to private session?

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1 MR VANDERPUYE: Thank you, Mr President. Well, I think so. I think we do
2 have to go to private session. I intended to pick up where we left off before the
3 break, and I think we were in private session at that point.

4 PRESIDING JUDGE SCHMITT: Then we go to private session.

5 (Private session at 11.34 a.m.)

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19 (Redacted)

20 (Redacted)

21 (Open session at 12.13 p.m.)

22 THE COURT OFFICER: We are in open session.

23 MR DJUNGA: (Interpretation) Thank you, your Honour. I did say that I had a
24 few questions, and I may ask my colleague, Mr Steven Powles, to assist.

25 QUESTIONED BY MR DJUNGA:

1 Q. Good morning.

2 A. Good morning.

3 Q. Of course, as you must realise, it is now the turn of the Kilolo Defence team to
4 ask you a few questions.

5 Now, we met a few days ago, and at that time my colleague Steven wasn't with me.

6 I had the case manager with me. And it seems to me that the atmosphere or at least
7 the weather was not very favourable to you. I hope it's a bit better now.

8 I do have a few questions for you, but I have some certainties in my mind. Now, a
9 great many things have been said, and I would point out to the Chamber and to all
10 present that you said this: As of the time when you signed the agreement with the
11 OTP, everything that you said was the truth, you said only the truth. We can agree
12 on that point? That's what you said yesterday, wasn't it?

13 A. Yes, that's what I said.

14 Q. Now today towards the end of your testimony during the examination-in-chief,
15 and I'll have to go slowly, that you had respect for this august institution, this Court,
16 and that you had only told the truth. That's what I gathered.

17 Now, let me put this in easy simple terms. I refer you to your statements, because at
18 least we can all agree that that was the truth. You said to the Prosecution on 3
19 April 2013 -- for the Chamber I shall give the references, tab 33, CAR-OTP-0080-0100,
20 page 0103, lines 87 to 91. And then the same reference number, page 0109.

21 Witness -- I would like to be assured that the witness has his binder. That way he
22 can easily make reference.

23 Witness, you said the following to the Prosecution: "In Yaoundé at the Mont-Febe
24 hotel Mr Kilolo gave us to understand that the link would be cut between us. In
25 other words, once we were handed over to court officials, we would no longer be in

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1 contact with him."

2 Now, Mr Witness, were those your words? Were those your own words?

3 A. Those were the words that I gave.

4 Q. Thank you. So you can confirm that today, Mr Witness?

5 A. When I received -- when I was received by the members of the OTP team who
6 had come there, it was a matter of my explaining to them how we had come to this
7 agreement to give --

8 Q. I am going to interrupt you, Mr Witness. I'm asking you specific questions.
9 Could you be so kind as to answer? I've just put your own words to you. Can you
10 confirm that these words were indeed what you said?

11 A. I can confirm, I can confirm --

12 THE INTERPRETER: Overlapping speakers.

13 MR DJUNGA: (Interpretation)

14 Q. I will refresh your memory and I will put a number of other words to you.

15 You said this -- same tab, tab 33, 010-0100, page 1003.

16 You said this: "Mr Kilolo didn't know that I hadn't declared those telephones to the
17 VWU. I kept those telephones on my own initiative."

18 Can you see that there? Witness, have you seen that?

19 A. I didn't see that paragraph there.

20 Q. I will read out the paragraph to you. So I was saying I can repeat the
21 references. I can do that once again. Otherwise, I believe you have it up on the
22 screen.

23 PRESIDING JUDGE SCHMITT: I also prefer if -- also with the Prosecution I said
24 that before, I would prefer if we give the witness the chance to read it him or herself
25 and not read it out loud, which is more suggestive of course. We all know that. But

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1 the witness of course has been asked and he has to tell us if he has it on the monitor,
2 and then he can answer the question, please.

3 MR DJUNGA: (Interpretation)

4 Q. This is line 1219 to 1221.

5 A. Yes, Counsel, I see that.

6 Q. Witness, once again, are these your words here? Is that what you said?

7 A. Well, yes, I said that.

8 Q. Can you confirm these words today?

9 A. Well, the question that was put to me which I answered here was whether when
10 I was providing or when I had the telephone, whether Kilolo was there to see whether
11 or not I had handed over the --

12 THE INTERPRETER: Overlapping speakers.

13 MR DJUNGA: (Interpretation)

14 Q. We're going to get there. I'll try to be very specific. I do have another
15 statement that I might wish to add and maybe that will help you understand. I will
16 give the reference. Tab 34, CAR-OTP-0080-135, page 0140, lines 160 to 174.

17 So, Witness, please just make a gesture once you've found the particular excerpt.

18 A. It's not up on my screen yet.

19 Q. Lines 160 to 164.

20 PRESIDING JUDGE SCHMITT: I suggest that we go into private session, to be
21 honest. I would just think this could be a good idea under the circumstances. So
22 we go into private session.

23 (Private session at 12.24 p.m.)

24 (Redacted)

25 (Redacted)

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7 (Recess taken at 1.01 p.m.)

8 (Upon resuming in open session at 2.32 p.m.)

9 THE COURT USHER: All rise.

10 PRESIDING JUDGE SCHMITT: Before we continue with the test --

11 MR TAKU: May it please, your Honours, Lea Kulinowski has just joined us

12 replacing Mr Tharcisse Gatarama who was with us this morning.

13 PRESIDING JUDGE SCHMITT: Thank you very much, Mr Taku.

14 Before we continue with the testimony, two short issues. The Chamber notes that

15 the Prosecution has requested, by way of email on 12 October 2015 for Witness P-243

16 to testify by video link. Could the Prosecution please inform the Chamber as to

17 whether it requires video link for any other upcoming witness?

18 MR VANDERPUYE: Mr President, first let me just say that we have made further

19 inquiry with the --

20 THE COURT OFFICER: Just for the record, we are in open session.

21 MR VANDERPUYE: We have made further inquiry with the Victims and Witnesses

22 Unit and we understand that it would not be possible to establish a video link

23 testimony for the anticipated date for Witness P-243. So we're going to have to go

24 back to the drawing board and we'll keep the Chamber apprised of what we can

25 realistically accomplish in the coming week. We just -- we just found that out,

1 Mr President.

2 PRESIDING JUDGE SCHMITT: So I understand that the Chamber simply has to
3 wait what you can present us in the next days?

4 MR VANDERPUYE: Yes and no. We have the possibility of, we believe, enforcing
5 the Chamber's order regarding the summoning of two witnesses. And we are
6 trying to find out from the units responsible for implementing that order whether or
7 not it's possible to do that, and that would be the week of the 19th. If it's possible to
8 do that, then we should be okay. We have -- we have to finish this witness. We
9 have 245 who is coming next. And we have another witness I believe also lined up
10 for the week of the 19th and hopefully, if we can also have one of the summonses, or
11 both, enforced at that time, we should be all right, but I don't know at this moment.
12 I don't want to make that representation.

13 PRESIDING JUDGE SCHMITT: So I understand this request according to Witness
14 P-243 is moot for the moment, so we don't have to decide anything.
15 The second issue the Chamber wishes to provide some information from the Registry
16 to all of the parties. Due to resource constraints for the weeks this case sits at the
17 same time as another case - this Court is very busy at the moment as you probably
18 know - we are not able to receive edited - edited - transcripts in both working
19 language in the time we have been used to receiving them in the past. So the
20 impossible, as I always say, cannot be achieved, so we have to adapt to this situation.
21 From 19 October 2015 that is -- must be the end of next week, I think, and
22 20 November 2015, the transcripts will be provided as follows: First, realtime
23 transcripts will still be available in both English and French. That is the good news.
24 Second, edited transcripts in French will be available on a normal schedule, also good
25 news.

1 And third, edited transcripts in English will only be available on a delay and this can
2 last several weeks. That is not good news and also of course also not for the
3 Chamber but, as I said, the impossible cannot be achieved and since we have a couple
4 of cases running parallel the situation is as it is and we cannot change it.

5 Thank you for this, for listening to this. And we can now continue with the
6 testimony. And again Mr Djunga has the floor.

7 MR DJUNGA: (Interpretation) Thank you, Mr President. Thank you, your
8 Honours. I shall try and go very slowly. I received comments from the interpreters
9 once again. And I shall really be trying to go a little bit more slowly.

10 Q. Mr Witness, before we took the break, I was asking you whether you recognized
11 voices, the voices spoken or speaking over the recording that we presented to you.
12 Now, to be more specific, I ask the question again underscoring whether you recall
13 the names of the individuals who were putting the questions?

14 A. Yes, Counsel. Earlier I was telling you that the first recording I heard -- on the
15 first recording I heard my voice and that of Maître Kilolo. And on the second
16 recording, it was the voice of his assistant whose name I do not know.

17 Q. Very well, Witness. Do you know where that recording was made?

18 A. This recording was made in Douala.

19 Q. And do you recall the date of the recording.

20 A. I do not recall the date, but it was on the occasion of the first meeting I had with
21 Maître Kilolo.

22 Q. It might have been in 2012, might it not?

23 A. I said that in 2012 I met Maître Kilolo.

24 Q. Now, Mr Witness, the information that you gave to Maître Kilolo and his
25 assistant, where did you glean them from or glean it from?

1 A. If you listened to me well, Counsel, when I started my testimony here, I
2 explained that I was in contact with Mr Arido who gave me to understand that there
3 was a deal that they had come to. And Captain Kokate was the person who had
4 hatched this deal and he wanted me to be part of this, he wanted me to be one of
5 those who was chosen to testify. So we had to have a briefing and he explained to
6 me what I could say and what role I would play and what rank I had or I occupied, if
7 you followed me well.

8 So the first briefing was made by Mr Arido.

9 Q. Very well. Whatever the case may be, Mr Witness, you did clearly state that
10 you were second lieutenant and that you took part in the events in the Central African
11 Republic between October 2002 between the -- and March 2003 for the MLC militia,
12 you declared that clearly?

13 A. I believe, Counsel, that I gave you to understand that before meeting
14 Maître Kilolo there were a number of arrangements that had been made. Mr Arido
15 gave me to understand that from the moment when I undertook to testify, I was to
16 behave as a second lieutenant. And when I accepted, he then called Maître Kilolo for
17 me to be put in contact with him. That does not mean that I was in fact a soldier.
18 You might be able to check the military record or the staff headquarters of my country.
19 You will never find a registration number saying this.

20 THE INTERPRETER: Overlapping speakers.

21 PRESIDING JUDGE SCHMITT: Please only one speaker at a time. So Mr Djunga,
22 only one speaker at a time. The witness has to finish his question and then you can
23 answer the next question, otherwise the interpreters get completely confused and we
24 don't have adequate interpretation and perhaps if we were -- in one or two week on,
25 we will have an unedited version which is difficult to comprehend for a couple of

1 weeks perhaps. So please continue now.

2 MR DJUNGA: (Interpretation) I thank you, Mr President. I shall make sure I do
3 that.

4 Q. Mr Witness, in Douala you told Maître Kilolo that you were ready to testify
5 with relation to what you had heard or experienced; is that not what you told him?

6 A. Yes that is what I told him.

7 Q. Very well. You also said that knew soldiers from the Central African Republic
8 who played a role in what occurred; is that not what you told him?

9 A. Yes, that is what I told him because that is what we arranged.

10 Q. Witness, you confirm, you might have said so, that this exchange took place in
11 the presence of the white lady whom you called his assistant?

12 A. She was present with Mr Kilolo.

13 Q. Very well. Thank you. Mr Witness, I would like to discuss the documents in
14 annexes 1 and 2 with you, which you drew up in Douala in 2012.

15 For the Chamber that is tab 38, CAR-OTP-0079-1522.

16 PRESIDING JUDGE SCHMITT: Yes, Mr Vanderpuye.

17 MR VANDERPUYE: Thank you, Mr President. I note from the red button over
18 there that we are in public session. I just wanted to know whether or not there's
19 anything in the document that shouldn't be broadcast.

20 PRESIDING JUDGE SCHMITT: Yes, this is fair to say.

21 Mr Djunga, what do you think? Private session or open session?

22 MR DJUNGA: (Microphone not activated)

23 THE INTERPRETER: Maître Djunga is speaking without a microphone.

24 MR DJUNGA: (Interpretation) We will be able to stay in open session and we shall
25 make sure that no information is imparted that might reveal his identity, but were the

1 need to present itself to go into private session we will tell you, Mr President.

2 PRESIDING JUDGE SCHMITT: Okay, thank you.

3 MR DJUNGA: (Interpretation)

4 Q. As I was saying, Mr Witness, we shall now be focusing on documents annex 1

5 and annex 2. I might give the reference again or the references; CAR-OTP-0079-1522,

6 that's tab 37. Second reference CAR-OTP-0079-1526 and that's tab 38.

7 Monsieur le témoin --

8 PRESIDING JUDGE SCHMITT: Mr Vanderpuye.

9 MR VANDERPUYE: I do apologise. Is the document being broadcast? It is not.

10 Sorry, I apologize. I wasn't aware of that.

11 PRESIDING JUDGE SCHMITT: So please continue, Mr Djunga, uninterrupted.

12 MR DJUNGA: (Interpretation)

13 Q. Mr Witness, you assimilated the information contained in this document in

14 order to pass yourself up -- off by Mr Kilolo as an individual who took part in the

15 events in CAR from far or close up?

16 A. Yes, indeed.

17 Q. Mr Witness, Maître Kilolo did not see those documents?

18 A. Maître Kilolo did not see the first document.

19 Q. Do you recall having said that you had dunked this document in some tea for it

20 to look old and in order to impress upon Mr Kilolo that you had information in your

21 possession about what happened in the CAR over all those years?

22 A. Yes, Counsel.

23 Q. I shall give the reference for the Chamber, that's tab 36, CAR-OTP-0080-0494,

24 page 0506, line 452 to 459.

25 THE INTERPRETER: Apologetic message from the English booth: Could counsel

1 please be requested to observe a pause between question and answer.

2 MR DJUNGA: (Interpretation)

3 Q. You said, Mr Witness, I lied to Bemba's lawyer saying that I was a second
4 lieutenant, and you provided your name; is that not true, Mr Witness?

5 A. That is true, Counsel.

6 Q. I shall now be focusing on the meeting in Yaoundé. Would it be true to say,
7 Witness, that when you met Maître Kilolo on the second occasion in Yaoundé, in
8 May 2013, Maître Kilolo requested that you tell the truth during the hearing by telling
9 what you had lived and experienced and seen; is that not true?

10 A. Could you please repeat your question.

11 Q. I shall provide you with the reference. This is what you stated to the
12 Prosecutor on the occasion of the second meeting in Yaoundé in May 2013. You said
13 to the Prosecutor, reference, tab 36, CAR-OTP-0080-0494, page 0513, line 714 to 715.
14 You stated to the Prosecutor, I quote: "Maître Kilolo asked me to tell the truth
15 during the hearing by telling what I had seen and experienced."

16 Is that not what you stated to the Prosecutor?

17 A. Counsel, I do not have this document up on the screen here.

18 Q. Could we please bring up the document on the screen? And could we really
19 focus, please, on line 714 to 715.

20 And you continued by saying, and I'm going to provide you with the references, this
21 is tab 34, CAR-OTP-0080-0135, page 0150, and we are at line 523 to 556.

22 If you found it, please tell me.

23 A. Yes, the page is here. Could you just specify --

24 Q. My question was can you confirm that Maître Kilolo asked you to tell the truth
25 during the hearing by recounting what you had seen and experienced?

1 A. Yes, that is what counsel said to me.

2 Q. And you said that to the Prosecutor, did you not?

3 Well, Mr Witness, whatever the case may be, I did follow your answer, you did
4 answer, this is what you stated to the Prosecutor and you confirmed it.

5 A. Please, could you please tell me the number of the paragraph.

6 Q. I have just gave you the numbers. For the second numbers I said lines 523 to
7 556, that's for the second document.

8 Very well. I shall move on, Mr Witness.

9 Mr Witness, when you were in Yaoundé, you didn't talk about the contents of the
10 testimony with Maître Kilolo, did you? I'm talking here about Yaoundé.

11 A. I told it that when we were in Yaoundé, when Maître Kilolo arrived, and as you
12 mentioned earlier, by giving us the recording of our first encounter, Maître Kilolo
13 arrived with a compilation of what I had said at the outset. So we went through this.
14 He asked me to peruse it, which I did. And subsequently he showed me the
15 shortcomings or fissures in my account. So I was then to copy out on a piece of
16 paper what would allow me to prepare myself mentally. And that's what gave rise
17 to annex number 3. I believe that's what I said at an earlier stage.

18 Q. Very well. We shall come back to the document at a later stage.

19 Now, the question that I would like to put to you now, Mr Witness, if you could
20 possibly answer me more directly and more specifically, this will allow us to move
21 forward, during this second meeting, did Maître Kilolo give you any indications,
22 instructions?

23 A. I repeat, Maître Kilolo did give instructions.

24 Q. Thank you. And the instructions that Maître Kilolo allegedly gave you were
25 instructions if we had understood well that were contained in the document that he

1 presented to you, which you referred to the compilation, the question and answer
2 sequence that he gave you; is that true, Mr Witness?

3 A. That is correct, because the document that he had in his possession monitored
4 or controlled everything that I had said at the outset, and there were some things that
5 I was not aware of and he drew my attention to that. So these were things that I was
6 not aware of, that I did not know.

7 And I believe that earlier in my testimony I made reference to the vehicle, to the
8 vehicles, to the equipment, to the weapons, to everything that the MLC soldiers
9 brought and their cohabitation with the Central African army. I think I mentioned
10 that at an earlier stage.

11 I did not have those instructions myself. I did not provide them in the first meeting
12 I had with him. But it was on the occasion of the second meeting that he opened my
13 eyes to this, and then I was able to copy things down again and beef up my prep
14 sheet.

15 Q. Very well, Mr Witness. You are saying that Maître Kilolo added information
16 to your previous statement. That's what you're saying, is it not?

17 A. I believe, Counsel, that when Maître Kilolo arrived, the information, and I really
18 would like to underscore this fact, the information, I'm talking here about the Thuraya
19 and other things, this is not information that came from me, because you do have the
20 recording of the other discussion, and if so, you will be able to refer to the total
21 discussion, and you will see that I gave this information or it was added later.

22 Q. Very well. I'm going to respect those infamous five seconds.

23 You took an oath and you repeated earlier before the Court that you are determined
24 to tell the truth. We listened to the soundtrack, and you listened to some of the
25 information you provided, and we shall be analysing the information contained in

1 annex 3 that Maître Kilolo allegedly gave you.

2 You talked about the weapons provided by the or supplied by the MLC, the
3 ammunition, the vehicles, the radio frequencies, the Thurayas. Yes, you talked about
4 the Thurayas and in your statement. And in the soundtrack did you hear speak
5 about Thurayas? You did hear people speak about Thurayas, did you not, in that
6 soundtrack that we just heard?

7 PRESIDING JUDGE SCHMITT: Mr Djunga.

8 Mr Vanderpuye.

9 MR VANDERPUYE: Yes, Mr President. I don't think the witness has had an
10 opportunity to hear the whole of the tape yet, and I don't know if my colleague
11 intends to play that part of the tape or the whole of the tape for the witness to make
12 that determination.

13 PRESIDING JUDGE SCHMITT: I think we all, and including the witness, have
14 heard the tape. And if you refer specifically or ask directly I would allow the
15 question. If you ask the witness directly if he heard somebody speak about these
16 ethnic group, I understand. I don't know exactly what it is. Please perhaps phrase
17 it a little bit in that respect.

18 MR DJUNGA: (Interpretation) Thank you, Mr President. I will rephrase my
19 question.

20 Q. Mr Witness, in the sound bite we listened to a short while ago, did you hear
21 mention of a Thuraya?

22 A. Maître Kilolo's assistant asked me some questions relating to the use of
23 Thurayas and I answered the question.

24 Q. My question is very specific. Did you hear mention of a Thuraya?

25 A. And I repeat my answer of a short while ago. Mr Kilolo's assistant put a

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1 question to me about Thurayas and I answered the question.

2 Q. Did you confirm -- do you confirm that, Mr Witness?

3 A. Yes, I can confirm that I heard myself talking about the Thuraya.

4 Q. Did you gather that information from the documents that Mr Kilolo brought
5 back to you at the second meeting? Is that the case?

6 A. No, it's not the same version, Counsel.

7 MR DJUNGA: (Interpretation) Mr President, I would now like to refer to
8 document CAR-D21-0004-0463 at tab 3, page D21-0004-0466.

9 Q. I don't know if the document is before you. In answer to the question at line 7,
10 this is what you say by way of answer at line 7. The answer is at line 7, your answer
11 to the question, and I want to read out the passage for you.

12 "They had received uniforms and were put at the disposal of the government of the
13 Central African Republic."

14 Mr Witness, this information is contained in annex 3 of the document. You would
15 notice that the same information is repeated in the document as well as in the prior
16 statement of 2012. Those were your own words in 2012; isn't that the case?

17 A. Yes, that's correct.

18 Q. Thank you.

19 Mr President, let me continue by doing this exercise again, because we need to refresh
20 the witness's memory.

21 Now, Mr Witness, there is another assertion which we can find at CAR-D21-0004-0467,
22 paragraph 2, and this will be at page 5. We move directly to page 5. Mr President,
23 I'm sorry, reference 468, rather, page 5 of the document.

24 Mr Witness, are you there?

25 In answer to a question, the question that was put to you at the beginning of the page,

1 at the top of the page, line 2, this is what you say: "The radio frequencies were
2 changed every now and then. It was necessary for the Central African army to use
3 the same frequency."

4 Are you there? Mr Witness, is that information contained in annex 3 of your
5 document?

6 A. The information that appears here is not the same as the ideas contained in
7 annex 3.

8 Q. Mr Witness, a short while ago you talked about frequencies. Can you find that
9 information here in this document? Would it be the same information that per
10 chance happens to be in your document annex number 3?

11 A. Yes, I talked about frequencies in annex number 3.

12 Q. Thank you, Mr Witness. Let me us now go to page 8 of the same document at
13 which you answer a question: "Who provided them with those weapons?"

14 Are you there? That's paragraph number 4 from the bottom of the page. Now, if
15 you're there, let me read out your answer. "I have told you that they were equipped.
16 When I talk of equipment, I mean that they were provided with equipment."

17 And at the end you say they were equipped or they were provided with equipment.
18 Now, was this information contained in your document annex number 3?

19 A. Yes, that information is contained in the annex.

20 Q. Witness, you have confirmed that these were your statements in 2012 made to
21 Mr Bemba's team when you met them; is that the case?

22 A. Yes. That was a statement I gave to Mr Bemba's team.

23 Q. Thank you, Witness. Let me conclude this exercise quickly by again refreshing
24 your memory which is -- which is a very important thing to do, so I move to page 9 of
25 the same document.

1 The first question to you on these documents -- well, once we have located the
2 passage, I will read through it so that we can move quickly.

3 First question: "Do you know whether they also received ammunitions?"

4 Your answer: "Yes."

5 "Who provided the ammunitions?"

6 Your answer: "I told them they received it from the Central Africa. Those
7 ammunitions and weapons existed."

8 Now, Witness, in your document annex number 3, in 2013, did you make mention of
9 ammunitions and weapons? The information in that regard, was it added by
10 Maître Kilolo on behalf of Mr Bemba's Defence team when he came with his assistant?

11 A. I have talked about ammunition here. Now, in the annex I stated that the
12 ammunitions and weapons were provided by the MLC. If you read annex 3
13 carefully and compare it with this paragraph, you will see that there is some
14 discordance, there is a format which does not dovetail with the other document.

15 Q. Witness, a short while ago when you listened to the audio recording, did you
16 hear mention of ammunitions and weapons, and I'm referring here specifically to the
17 excerpt that we have just listened to?

18 A. The audio excerpt we listened to, well, there was mention of ammunition, but if
19 you were to compare this paragraph to the document annex 3, please I urge you to
20 cross-check whether there is no discrepancy. There is no agreement between the two
21 documents.

22 Q. Thank you, Mr Witness. I will proceed with the exercise and we still are on the
23 same document, same document page number 13, the last two lines from the bottom
24 of the page.

25 This is what you said to Mr Bemba's Defence team: "He had given those vehicles,

1 those four-by-four vehicles which he had given part of them to the MLC troops."

2 Then a question was put to you: "Do you know what the registration numbers of
3 those vehicles were?"

4 Your answer, and I read the first line: "These vehicles came from Patassé's fleet.
5 They were Central African vehicles."

6 Now in your document, annex 3 of 2013, you referred to vehicles. Now, is that
7 information that you had already provided to Mr Bemba's Defence team in 2012 when
8 that team was represented by Mr Kilolo and his assistant?

9 A. Well, I like what you're doing, Counsel, but when you take what I said to the
10 Defence team, to Mr Bemba's Defence team, and compare with what is contained in
11 my annex 3, then the -- it must be said that the information was organised.

12 Q. Thank you, Mr Witness. We have the audio, the entire audio document. It is
13 available to the Chamber and to all parties. And I think that we cannot listen to the
14 entire audio recording but, in any event, this material is produced on the case record.
15 Now, let me also try to help you to remember once again something relating to
16 information contained in your annex 3 as compared to the information you
17 spontaneously gave to Mr Bemba's Defence team.

18 In your annex you refer to military information and yesterday, Witness, you testified
19 to this Court that this was information that was not available to you and that you
20 were not in a position to obtain. You testified that this information was given to you.
21 Now, let me turn to page 16 of the same document at paragraph 2. This is what you
22 have to say. I don't know if page 16 has now be displayed. "President Patassé gave
23 orders to the minister of Defence. The minister of defence then gave orders to the
24 chief of general staff of the joint forces who was Mbeti Bangui at the time and who
25 was replaced by Bombayake. Now, this one, or the general chief of general staff

1 would, in turn, give orders to the chief of battalions or battalion commanders who
2 were on the field given that the army had been destabilized."

3 Then further on a question was put to you: "Can you tell us the various units and
4 battalions and the various commanders to whom orders were given?"

5 And your answer: "From the MLC there was a commander," and then you went on
6 to mention names of commanders and you also referred to M16. And so I was
7 talking about military instructions, I'm referring here to military orders or instructions.
8 This is what is contained in your document at annex 3.

9 Now, this information is also found in this document which is your 2012 statement
10 given to Mr Bemba's Defence team. Is it not true, Mr Witness, that this is
11 information that you volunteered by yourself?

12 A. Yes, in part.

13 Q. What do you mean by "in part?" Witness, can you answer my question?
14 When you say "in part," what do you mean?

15 A. When I say "in part," it is because the information that I provided at our first
16 meeting with Mr Kilolo -- well, during the second meeting that information had been
17 augmented and further clarified, but now you are referring to little particles of what I
18 said in my first statement, but you are neglecting the very depth of all that is
19 contained in annex 3. You see, the third annex, or annex number 3, was established
20 for the purpose of refreshing my memory, so when I took that document, I was able
21 to think about things such as logistics, classification and so on and so forth, words
22 that I had never used.

23 Q. Witness, are you saying that you were trying to refresh your own memory
24 about your own statements that were given in 2012?

25 A. No, I am not the one who sought to refresh my memory. When Maître Kilolo

1 arrived, he wanted to ensure absolutely that each one of us was aware of what they
2 had said before. It is in that context that, following his guidance, I was able to come
3 up with what you have seen to be contained in annex number 3.

4 Q. I'll have to conclude on this point. When you talk about guidance or
5 orientation, what do you mean? Can you be more specific? If I give you your
6 statement which reflect to your -- or, which correspond to your notes, what then do
7 you mean when you talk about orientations or guidance? Can you be a little more
8 specific?

9 A. Now, look at annex number 3, if you pick up annex number 3, you would see
10 that it was drafted under Mr Kilolo's control. Let me explain. When he came and I
11 became aware of the document that he had placed before me, he pointed out to me
12 that I needed to look at that document to determine whether it reflected what I had
13 said. So I read through the document. Then he told me the following: "Do not
14 forget that when you testify, you must mention how the troops arrived in Bangui,
15 how they were put at the disposal of the Central African army, what manner in which
16 the two armies coordinated their activities, that they were similar or the same radio
17 frequencies and that when they went beyond the borders or the limits, they would
18 use the Thurayas." So that is how I came up with a compilation of what I needed or
19 I had to say. And that is how the third annex was born, so to speak.

20 Q. Thank you, Mr Witness. Can we, therefore, say that Maître Kilolo wanted to
21 ensure that you did not forget what you had said in 2012 when he presented you with
22 that document, when he pointed out those passages to you? Can we say that what
23 he wanted was to ensure that you did not forget your previous statements?

24 A. I don't know what his thoughts are and I cannot think on his behalf.

25 Q. Thank you, Mr Witness.

1 Now, let us deal briefly with the recording. Today, in today's hearing you said that
2 Maître Kilolo asked you not to mention that your discussion had been recorded. Do
3 you remember saying that today?

4 A. Yes, Counsel.

5 Q. Thank you very much. Now, have you realized today that the interview was
6 actually recorded and you yourself have testified that they had come with a little
7 device which they used for recording?

8 A. When that audio recording was made, he said that the representatives of the
9 Court who had come did not have to be made aware of that recording. So what did
10 you want me to say? That I should tell the Court officials that there had been a
11 recording?

12 When the question was put to me during the testimony, I said there was no recording.
13 Now, if it were possible, please make the entire recording available to the Court so
14 that they may come to a determination.

15 Q. Thank you very much, Witness. Can you be a little more specific? Who told
16 you specifically to testify that your statement with the Defence team, with
17 Mr Bemba's Defence team had not been recorded?

18 A. The counsel, counsel told me personally that when you will be in the courtroom,
19 when you will be in the hands of the representatives of the Court, and you are asked
20 how many times we met, how many telephone contacts we had and whether counsel
21 had recorded any of your discussions, tell them the following: That counsel did not
22 use any recording device, which is what happened, and that is how things unfolded
23 as you have seen yourself.

24 Q. Thank you, Witness. Let me proceed by referring to the document that I want
25 to use, which is at tab 33, CAR-OTP-0080-0100. We'll turn to page 0104 at line 132 to

1 139. And this is what you said in Yaoundé (Redacted): "Maître Kilolo
2 explained to us that he was going to hand us over to the staff of the Court here in
3 Yaoundé, that we would not go to testify in The Hague."

4 A. That is correct.

5 Q. That would mean that it would not be possible for you to be settled in Europe; is
6 that not the case?

7 A. Are you asking me to guess? Or what do you want me to say, Counsel? I
8 don't understand your question. Are you asking me to guess?

9 Q. Thank you, thank you, Witness. Did Maître Kilolo promise to settle you in
10 Europe or to relocate you to Europe?

11 A. Maître Kilolo never promised to relocate us to Europe. However, however,
12 Maître Kilolo reassured us that following our testimony we will not be forgotten.

13 Q. Thank you. Now, let me refer now to document -- to the document at tab 32,
14 (Redacted) page 0076, and I would like to underline lines 239 to 254.

15 PRESIDING JUDGE SCHMITT: Perhaps we give the witness the chance -- perhaps
16 we give the witness a chance to read it by himself, because it's a longer passage I think,
17 and he can read it by himself and then you continue with your questioning, I would
18 suggest.

19 MR DJUNGA: (Interpretation) Thank you, Mr President.

20 THE WITNESS: (Interpretation) Counsel, I have perused the document.

21 MR DJUNGA: (Interpretation)

22 Q. Mr Witness, when you say "In Douala Maître Kilolo gave me €50 in order to pay
23 for the journey home," he said "This is for transport. He knows that I'm going home
24 to (Redacted)

25 Now, with the explanations that I gave him as to my return journey, he was able to

1 assess this amount as €50. Was that not the truth, Mr Witness?

2 A. I received €50 from Maître Kilolo.

3 Q. And was that not for transportation?

4 A. That is correct.

5 Q. And you say in the same excerpt "with the explanations that I gave him as to my
6 return journey."

7 Now, Mr Witness, what precisely are the explanations that you gave to Mr Kilolo
8 with regard to your journey?

9 A. Maître Kilolo asked me the question as to how much transportation cost from
10 Douala to my place of residence, and that is how I came to furnish him with an
11 explanation. I told him that taking the bus from Douala to Yaoundé and from
12 Yaoundé, et cetera, I'd showed him the journey and I told him how much it cost.

13 Q. Very well. Let's move on. That's line 523 to 533, same tab, and you declared
14 as follows, you stated as follows -- and as soon as you have located said excerpt,
15 please tell me. We're still at CAR-OTP-0080-0069, page 0084 and lines 523 to 533.

16 A. Yes, Counsel.

17 Q. So you stated as follows: "Maître Kilolo once again gave 10,000 CFA to Arido
18 to give me for transportation in addition to the €50, but it was for food and the taxi to
19 the station."

20 Is that true?

21 A. What you're reading there is not what I'm reading here.

22 MR DJUNGA: (Interpretation) For the Chamber we are still at tab 32, and I shall
23 repeat the reference because I can't see it on the screen.

24 PRESIDING JUDGE SCHMITT: On the screen we have page 15 I think now.

25 Which line do you want to follow? Which line do you want to follow on page 15?

1 MR DJUNGA: (Interpretation) Line 527, Mr President.

2 THE WITNESS: (Interpretation) Can I answer?

3 MR DJUNGA: (Interpretation)

4 Q. Yes, that was my question.

5 A. Maître Kilolo gave me €50. He handed it to me. And when Mr Arido came
6 back to the hotel, he gave me 10,000 francs. And in response to the question put to
7 me here, I answered the OTP members that the -- as he did the time before, he had
8 given us 10,000 francs to buy food, he -- well, why not ask him why he had given me
9 €50 prior to that and then why he gave me 10,000 francs.

10 He was asking me explanations, why it was that Maître Kilolo had already given me
11 €50 and why he was then giving me 10,000 francs. And I said, well, maybe on the
12 first day he gave me 10,000 francs for food, and the 10,000 francs that he was sending
13 might be considered for food.

14 Q. Thank you, Mr Witness. Could we please know approximately how much the
15 Registry gives you for your transportation and food on a daily basis?

16 A. Why don't you ask the Registry yourself if you want to know that?

17 PRESIDING JUDGE SCHMITT: I think, Mr Witness, if you can give an answer, you
18 should give it. If you don't know it, of course, you can say it. But if you are directly
19 asked and are able and have knowledge to answer the question, the Court would
20 prefer you to answer it.

21 THE WITNESS: (Interpretation) Do you want me to tell you what the Registry
22 gives me for my transportation here in this town? Well, I don't understand your
23 question very well. Is it the money that the Registry gives me for my transportation
24 here or in that other town over there?

25 Q. Mr Witness, I'm going to rephrase my question. I'm very patient. I'm talking

1 about what the Registry gives you in Africa in your location of residence for your
2 food on a daily basis? How much money does the Registry give you?

3 A. In Africa the Registry does not give me a daily food allowance. I do not
4 receive what they call, you know, a daily allowance.

5 Q. Thank you, Mr Witness. As you are an intellectual you would understand the
6 question as to what you were given by month -- or, on a monthly basis, or on a
7 weekly basis, so you will be able to calculate more or less what you are given on a
8 daily basis.

9 A. Counsel, you're asking me to provide you with a calculation here on the spot,
10 and for that I will need a calculator and then I can give you the answer.

11 PRESIDING JUDGE SCHMITT: I think we have exhausted this subject insofar as we
12 or you tried to elicit the information out of this witness. I think there has been
13 provided to the Defence teams information about these ciphers, about these numbers
14 that you probably will put on the table and let the Chamber know in the future I
15 assume.

16 MR DJUNGA: (Interpretation) Very well, Mr President. I understand. I thought
17 it was important. I wanted to hear him say that, but it doesn't matter. We know
18 what the figures are.

19 PRESIDING JUDGE SCHMITT: I would never say that it is not important, but I
20 have the impression that the way you try to elicit this information has come to a point
21 where we cannot expect much more.

22 MR DJUNGA: (Interpretation) Thank you, Mr President.

23 Q. Mr Witness, would it be correct to say that it is you who explained to Mr Kilolo
24 that you did not have the money to pay for a flight to Yaoundé and that he then sent
25 you €250 via Western Union to pay for the overland or over route journey?

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1 A. Yes, I did tell counsel that I did not have the money to pay for the journey to
2 Yaoundé and subsequently he was forced to send me money.

3 Q. Very well, Mr Witness. Let us talk a little about the 550,000 CFA francs. I'm
4 going to request the following document be brought up on the screen,
5 CAR-OTP-0221-007, and that is tab number 6 for the Chamber -- correction D21-007,
6 tab 6.

7 THE COURT OFFICER: Mr Djunga, I apologise, but could you please provide me
8 with the ERN number again.

9 MR DJUNGA: (Interpretation) CAR-D21-0007-0002.

10 Yes, Mr President, I've just been told that this is not in eCourt this document, but
11 courtesy copies have been distributed.

12 PRESIDING JUDGE SCHMITT: Does the witness have a copy? This is important
13 I think.

14 MR DJUNGA: (Interpretation) Yes, indeed in his binder at tab 6, Mr President.

15 THE INTERPRETER: Message from the interpreters: The interpreters do not have
16 a binder. Thank you.

17 THE WITNESS: (Interpretation) Yes, Counsel. I requested financial assistance
18 here from counsel to enroll my kids in school, but this is different from what we
19 received individually. I'd like to be clear on this. I received 550,000 CFA and each
20 of us received 500,000 CFA. And if they were here to tell the truth, the others, they
21 would.

22 Now, as to the money that Maître Kilolo gave me, this was not subsequent to what
23 you are referring to here. If you look at the date when I requested this assistance
24 you will see when I received the money. Would I have been in a position to put
25 these kids into school?

1 MR DJUNGA:

2 Q. Mr Witness, I hadn't yet put a question to you. I don't know what question or
3 which question you just answered, but I shall put a question to you now.

4 Now, did you see or have you seen in email?

5 A. Yes, I have.

6 Q. And why do you say to Maître Kilolo "fraternally?"

7 A. I believe that the contact that I had with Maître Kilolo was a fraternal one,
8 so -- or, it was brotherly, so I was in a position to talk to him in a free and brotherly
9 manner. And I believe that it was in that context that I requested this assistance
10 from maître.

11 Q. Very well. You talk here about being bothered or disturbed. You said that
12 you didn't want to disturb him?

13 A. I don't quite know.

14 Q. Very well. That's in the email. Mr Witness, did you receive this assistance
15 from Maître Kilolo?

16 A. At that moment in time? No.

17 Q. And why did you sign as second lieutenant and with your name?

18 A. Well, Counsel, that was in the context of the testimony that I was going to
19 provide, Maître Kilolo knew me as a witness and as the individual who was going to
20 testify in favour of Mr Bemba, and as such, he knew me as a second lieutenant. And
21 to date, it is maybe now that he knows that I'm not a second lieutenant, but from the
22 time I entered into contact with him, he knew me as a second lieutenant.

23 Q. Very well. Thank you. Mr Witness --

24 Mr President, I'm going to now consult a document that is under your tab in the
25 binder at tab 5. I shall provide you with the reference, CAR-D21-0007-0001, and this

1 is the email dated 6 November 2012, at 1901.

2 PRESIDING JUDGE SCHMITT: (Overlapping speakers) I assume. I think now -- it
3 should be on the monitor now. It just came on the monitor. Okay.

4 THE INTERPRETER: Correction from the English booth: At 0701.

5 THE WITNESS: (Interpretation) Yes, I have perused said document, Counsel.

6 MR DJUNGA: (Interpretation) I do apologise my microphone was not on,
7 Mr President.

8 Q. Now, my question was why you entitled it "Request for Social Assistance?"

9 A. Well, you know that I am up against a social situation. I needed to enroll the
10 children in school. This was a social event or fact, and by virtue of the fact that I
11 have contact with Maître Kilolo, I thought that I might receive some form of
12 satisfaction from him and that's why I entitled this as social assistance because, of
13 course, enrolling a child in school is social.

14 Q. I shall continue. I just -- I'm seeking clarification here. Why did you then say
15 I was pleased, or I -- why did you say that you were begging him?

16 A. Well, time was going by and the children weren't in school and I had real
17 problems seeing these children who weren't going to school, so I decided to insist
18 upon this with Maître Kilolo for him to come to my assistance.

19 Q. Thank you. Mr Witness, you always signed as a second lieutenant, did you
20 not?

21 A. Yes, Counsel.

22 Q. Mr President, I'm going to now move on to another document, that would be
23 tab number 12, reference CAR-D21-0007-0011.

24 This is an email dated 4 September 2013.

25 MR RODOMA: (Interpretation) Maître Djunga, I do apologise, it's not 4 September,

1 it's 24 September.

2 THE INTERPRETER: Counsel continues without his microphone on.

3 PRESIDING JUDGE SCHMITT: That's correct.

4 MR DJUNGA: (Interpretation) Rather, I believe I'm talking about
5 4 September 2013.

6 Q. Have you seen the document, Mr Witness?

7 A. Please, Counsel, there's 24 September and there's 4 September. I don't quite
8 know which document I'm supposed to be looking at here.

9 Q. I shall provide you with the reference of the page. It is CAR-D21-0007-0013.

10 A. I'm sorry, the document is at the bottom of the page. I can't read it.

11 Q. This is the document that you have before you on the screen.

12 A. Yes, I have seen this document now.

13 Q. So you've seen the document?

14 A. Yes, Counsel.

15 Q. I will, however, take the liberty of reading it to you. Quote: "Brother, how
16 are you? How's work? How's the family and the senator? I am well apart from
17 the fact that you are silent and you haven't called us" --

18 THE INTERPRETER: The interpreter can no longer see this on the screen. The
19 interpreter would request that this be brought up on the screen, please.

20 PRESIDING JUDGE SCHMITT: Excuse me, Mr Djunga, the interpreters inform me
21 that it is not on the screen anymore.

22 You can resume. It's solved now.

23 MR DJUNGA: (Interpretation) I thank you, Mr President. I'm not going to read
24 the whole thing, just a small excerpt.

25 Q. Mr Witness, you say: "Good evening, brother. How are you? How's work?

1 How's the family?"

2 And then you go on to say, "I'm very well apart from the fact that you're silent and
3 you do not call us to see how we are and whether things are moving forward or not
4 and what the various hassles are that we are up against. This leaves us somewhat
5 perplexed. Now, all the arrangements that" -- so and so -- "put in place to
6 accommodate us has just changed. For example, my room costs 25,000 CFA, my
7 daily food costs 15,000 CFA. The advances and costs if I am to add them up come to
8 654,400 CFA. And Yaoundé is a capital and we should avoid sleeping in risky
9 places." End of quote.

10 Mr Witness, what did you mean by that plight?

11 A. After having testified, we were still available to the court and we were still each
12 staying in our hotels, and the gentleman whose name you have before you here had
13 gone home, so somebody was supposed to take his place.

14 And at that moment in time it was difficult. We needed to call repeatedly the
15 various people in charge in the hotels and they didn't want to keep us and they were
16 giving us various conditions that we had to pay for the hotel and also with regard to
17 food, we had to pay out first.

18 So I called the court and the answer was late in coming and as a result I had to resort
19 to Maître Kilolo for him to be able to resolve the situation and that is how I came to
20 write this email to him.

21 Q. Thank you, Mr Witness. So just to specify, who was this gentleman and who
22 was he working for?

23 A. Well, if you did not quote his name, should I quote his name?

24 Q. No, I'm not quoting his name. You've seen his name.

25 A. This is the representative of the Court.

1 PRESIDING JUDGE SCHMITT: We would not -- we would not name this person or
2 we go into private session and then we can name it.

3 MR DJUNGA: (Interpretation) No, Mr President, I have not quoted the name. He
4 has seen the name. I'm just asking him who this individual is.

5 PRESIDING JUDGE SCHMITT: And I think Mr Djunga we have now reached the
6 point we are beyond 4 o'clock, so I think we should interrupt here.

7 Thank you very much, Mr Witness, for answering the questions today. As you are
8 well aware of, we will continue with the examination tomorrow. In the meantime, I
9 reiterate what I have said yesterday afternoon, you have not -- you must not speak to
10 anybody about your testimony in this court, not of what you have said today, not
11 what you have said yesterday. Do you understand that, Mr Witness?

12 THE WITNESS: (Interpretation) Yes, I have understood that, Mr President.

13 PRESIDING JUDGE SCHMITT: Then have a good rest and we will us tomorrow.
14 For Mr Djunga I have the question have you an estimate of how long you want to
15 continue your examination?

16 MR DJUNGA: (Microphone not activated)

17 THE INTERPRETER: No microphone.

18 MR DJUNGA: (Interpretation) Thank you, Mr President. I think that we will be
19 done in maximum one hour.

20 PRESIDING JUDGE SCHMITT: Thank you very much, Mr Djunga.

21 And as I have indicated I think this afternoon we would appreciate it very much if
22 Defence counsel would liaise, to put it this way, and especially with the Arido
23 Defence, who I assume but I don't know, will be the next one to examine or could be
24 the next one to examine, how you handle the division, to put it this way, of time
25 between the different Defence teams.

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- 1 That concludes today's hearing. We will resume tomorrow at 9.30. Thank you to
- 2 everybody in the courtroom today and a special thank you to the interpreters who
- 3 had to deal without binders, who had to deal with audio recordings and who had to
- 4 deal with overlapping speakers.
- 5 So until tomorrow.
- 6 THE COURT USHER: All rise.
- 7 (The hearing ends in open session at 4.03 p.m.)