

Trial Hearing

(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  
6 Narcisse Arido - ICC-01/05-01/13  
7 Presiding Judge Bertram Schmitt, Judge Marc Perrin de Brichambaut and  
8 Judge Raul Pangalangan  
9 Trial Hearing  
10 Wednesday, 7 October 2015  
11 (The trial hearing starts in open session at 9.32 a.m.)  
12 THE COURT USHER: All rise.  
13 The International Criminal Court is now in session.  
14 Please be seated.  
15 PRESIDING JUDGE SCHMITT: Court officer, could you please call the case.  
16 THE COURT OFFICER: Thank you, Mr President.  
17 The situation in the Central African Republic in the case of The Prosecutor versus  
18 Jean-Pierre Bemba Gombo, Aimé Kilolo Musamba, Jean-Jacques Mangenda Kabongo,  
19 Fidèle Babala Wandu and Narcisse Arido, case reference, ICC-01/05-01/13.  
20 We are in open session.  
21 PRESIDING JUDGE SCHMITT: Thank you.  
22 Would counsel please present themselves and their clients.  
23 Prosecution, please.  
24 MR VANDERPUYE: Thank you, Mr President. Good morning to you,  
25 your Honours. Good morning, everyone. Today the Prosecution is represented by

1 Nema Milaninia, to my left; Colleen Gilg behind me to my left; Sylvie Vidinha, our  
2 case manager, behind me; and I'm Kweku Vanderpuye. Good morning.

3 PRESIDING JUDGE SCHMITT: Good morning.

4 Mr Nève.

5 MR NÈVE: (Interpretation) Good morning, your Honour, I'm Nève and I assist the  
6 witness that the Court is hearing today.

7 PRESIDING JUDGE SCHMITT: Thank you. Defence in an order that they can  
8 decide amongst themselves.

9 MR DJUNGA: (Interpretation) Good morning, your Honour. The Defence of  
10 Aimé Kilolo is carried out by Steven Powles, lawyer; myself, Paul Djunga, lead  
11 counsel; and we are assisted by our case manager, Rosalie Mbengue.

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

14 PRESIDING JUDGE SCHMITT: I appreciate this shortage, to put it shorter in this  
15 way.

16 MR TAKU: May it please the Court, my learned colleague, Mr Phillipe Larochelle, is  
17 here today. He represents Mr Arido who is here. And with us is  
18 Mr Michael Rowse, our case manager.

19 PRESIDING JUDGE SCHMITT: Thank you.

20 MR KILENDA: (Interpretation) Good morning, your Honour. Good morning,  
21 your Honours. Mr Fidèle Babala Wandu is assisted by Maria Adiana Manolescu and  
22 Rodoma Azama, associate counsel, and myself, Jean-Pierre Kilenda, lead counsel.

23 MS TAYLOR: Good morning, Mr President, your Honours. The appearances for  
24 Mr Bemba are also the same as yesterday. Thank you.

25 PRESIDING JUDGE SCHMITT: Thank you very much.

1 Excuse me. First we have a housekeeping matter. That is a nice expression that is  
2 to be used in what means is a matter of courtroom keeping, to put it this way.  
3 Since we are still at the beginning of the Prosecution case the Chamber wishes to  
4 establish some best practices in order to assure that the proceedings run as smoothly  
5 as possible.  
6 With regard to the usage of audio or audio video material in the courtroom the  
7 Chamber instructs the parties to assure that there is a verbatim transcription prepared  
8 of what is being played in the courtroom.  
9 Should the played material be in a language other than one of the other working  
10 languages of the Court, that is English or French, the parties are to provide a verbatim  
11 transcript of what is being said as well as a translation into one of the working  
12 languages of the Court.  
13 The English or French transcripts or the translations of the transcripts have to be  
14 uploaded into eCourt and provided to the interpreters before the session to assure the  
15 accuracy of the transcript.  
16 This concludes this ruling of the Chamber.  
17 I add the following for today: It is perfectly clear that this ruling cannot be  
18 implemented straight away and perhaps not implemented for today, so we will  
19 continue with the questioning of the Defence of Mr Kilolo like he wishes to do so and  
20 in the manner that we have established yesterday. But this ruling should be obeyed  
21 in the future for everybody with future witnesses.  
22 We then can continue I think with the questioning of the Defence.  
23 Mr Djunga, I have a question, have we agreed on a pseudonym that is to be used?  
24 Just to remind me that I'm on the state of mind what we had yesterday.  
25 MR DJUNGA: (Interpretation) Thank you, your Honour. So we agreed on the

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1 pseudonym of Bob.

2 PRESIDING JUDGE SCHMITT: Then please continue with your examination.

3 MR DJUNGA: (Interpretation) Thank you, your Honour. I hope that we're in  
4 open session.

5 Your Honour, we're going to continue with our cross-examination, we're going to  
6 play three recordings, CAR-D21-006-003; D21-006-005. The first will last five  
7 minutes, the second four minutes, and the last one nine minutes.

8 (Playing of the audio excerpt)

9 PRESIDING JUDGE SCHMITT: Please, wait a moment, please. Please wait a  
10 moment. Please stop.

11 I wondered if this is something which we should really play in open session because  
12 I don't know what there will be, the talk about, and if it not -- could identify people,  
13 so I have a little bit my doubts. I would be interested especially what Mr Nève has  
14 to say to this.

15 MR NÈVE: (Interpretation) Indeed, your Honour, if we don't know the details,  
16 then I think you have to presume that there could be a risk, and if we presume there's  
17 a risk, then I think we have to follow your advice.

18 PRESIDING JUDGE SCHMITT: So excuse me that this comes 10 seconds too late,  
19 but please start again and first we go into private session and then please start again.  
20 Thank you.

21 (Private session at 9.41 a.m.)

22 THE COURT OFFICER: We are in private session, Mr President.

23 (Playing of the audio excerpt)

24 PRESIDING JUDGE SCHMITT: Excuse me, there is no English translation at all, so  
25 we have again to interrupt. This is not a very good situation, but I think together we

1 will cope it, we will manage it. So we have of course first to assure that we also have  
2 English translation, although many of us will understand the French, but this is not  
3 the point.

4 THE INTERPRETER: Your apologies, your Honour. Our understanding from your  
5 ruling was that there was a transcript. Please, could you confirm that the  
6 interpreters are meant to be interpreting this? This wasn't clear or our  
7 understanding from the decision. I apologise, your Honour.

8 PRESIDING JUDGE SCHMITT: I think you have been present yesterday also, so we  
9 proceed as we have done yesterday afternoon. I said this an exception of the rule to  
10 be established from now on, so we do it like we did it yesterday afternoon. This is a  
11 pragmatic approach, because otherwise we could not proceed today, and the  
12 Chamber does want to proceed. Thank you.

13 THE INTERPRETER: I'm very grateful for the instruction, your Honour.

14 PRESIDING JUDGE SCHMITT: For you, we have to start this again I think. I think  
15 we should start from the beginning, although this may cause for you some  
16 disturbances, but please try it again.

17 (Playing of the audio excerpt)

18 THE INTERPRETER: "So do you hear you're at the same time as the recording.  
19 There are two voices and the person won't be able to hear well. So my question is as  
20 follows: What was your most advanced line?"

21 PRESIDING JUDGE SCHMITT: Please, could you confirm, or could you answer the  
22 question, please, the advanced line. I cannot -- I cannot say it. Where do we start  
23 from to be ... (Microphone not activated)

24 MS MBENGUE: I'm sorry, Mr President, should we start from the beginning or --

25 PRESIDING JUDGE SCHMITT: Yes, but please --

1 MS MBENGUE: Yes.

2 PRESIDING JUDGE SCHMITT: Please tell us and also the interpreters where we  
3 start from exactly. Have I understood this correct? You want to know where we  
4 start from exactly.

5 MS MBENGUE: We're starting from the tenth minute of the recording.

6 PRESIDING JUDGE SCHMITT: That is where? Can you help us in words, please?

7 MS MBENGUE: Sorry, I have to check.

8 MR GOSNELL: Mr President, while that's being checked, could I just offer one  
9 suggestion?

10 PRESIDING JUDGE SCHMITT: Of course.

11 MR GOSNELL: It possibly could be helpful if there was a periodic pause in the  
12 playing of the audio to give the interpreters a bit of time to catch up.

13 PRESIDING JUDGE SCHMITT: That is a good idea, but -- it is a good idea,  
14 but -- there is a big but -- the interpreter does not want it. And since this is the realm  
15 of the interpreter I think and he is the expert in that respect, I think we'll let it go.  
16 Okay, thank you.

17 So, madam, could you please tell us in words as I said where we are?

18 In the meantime I can say to the interpreters thank you for the understanding. It is,  
19 of course, an intermediary time that we have today, but I think once we have started  
20 with this one it will -- the problem for today will be solved, so we know in the future,  
21 we know how to proceed.

22 THE INTERPRETER: Thank you, your Honour. If we could be -- Thank you,  
23 your Honour. If we could be indicated the place within the documentation that we  
24 were provided with?

25 PRESIDING JUDGE SCHMITT: Yes. We are just searching for the place, and I

1 think we will get the information soon.

2 MS MBENGUE: Sorry, Mr President. So we're going to play the last part, I think,  
3 of the recording, because I cannot seem to find the other one, so in the meantime it is  
4 going to start from CAR-D21-004-00 -- 06, sorry, 83. And it will go until the end.

5 PRESIDING JUDGE SCHMITT: Okay, thank you.

6 MS MBENGUE: Thank you, Mr President.

7 (Playing of the audio excerpt)

8 THE INTERPRETER: To the Chadians he's -- he's -- where were they? And did  
9 they also undertake manoeuvres and they were fighting? That was the Chadians,  
10 was it?

11 (Continuing audio excerpt in English):

12 Do you have any other question?

13 Yeah. Just one question. For the second progression, were they helped or joined by  
14 the other FACA troops who came to join you in the previous (indiscernible)?

15 On the second (indiscernible)?

16 Yeah.

17 (Continuing audio excerpt)(Interpretation):

18 But the question was knowing that during this second progression, which took  
19 (indiscernible) to power, were there other additional rallies of FACA soldiers who  
20 joined your ranks during the crossing towards Bangui?

21 Answer: So when we took back the town, those who were volunteers, those who  
22 were in the detachment, they joined us.

23 They didn't have the choice, they had to join us, whatever the case. And also there  
24 was reinforcement from Chadians.

25 We think we've gone through everything with you, unless you think that there is an

1 important detail to add or that we've forgotten to answer a question.

2 Answer: What annoys me or what shocks me, what are people looking for when  
3 you have abuses which continue until today?

4 Massi was killed and he was taken just like that.

5 Who is he?

6 Answer: President Massi. Massi is a politician, a member of a political party. He  
7 was taken at the border and he was killed. His wife is French and he was repatriated.

8 And it continues. It's the Banyamulenges who sat people in Central Africa, they are

9 Central Africans. [REDACTED] well, I've got a headache, please excuse me. What

10 can I do here? Well, what can I do? I'm used to working. What am I going to do

11 from morning to night? It's bad for me. It hurts. You're there from the morning

12 until the night. You reflect, what am I going to do? We have lost -- listen, stop

13 distracting us. I would have wished that you bring the camera, that you film me

14 from there and you show the image. When there are women on the television and

15 then you don't know what they're saying, and that annoys us. [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 [REDACTED] That's what I'd like to do one day.

19 Question: [REDACTED]

20 [REDACTED]

21 Answer: [REDACTED]

22 [REDACTED] I'm going to have a lawyer like others, to the other

23 victim families and up to the -- the truth hasn't been shown. [REDACTED]

24 [REDACTED]

25 That's it. That's more or less it. But we received orders to pillage from himself who

1 is there, President Bozizé, to pillage. He said when he left, it pillaged his house. All  
2 his children fled. And when we returned, we had to pillage the houses of others, the  
3 house of Demafouth, Koyambounou, the houses of major politicians. These people  
4 stole money from the country. That's what he said. And they were claiming it was  
5 other people who had done the stealing, and that's how they were installed in power.  
6 But one day they will face justice. I think that's it for the moment.

7 Thank you very much. Just a last question that I'd like to put to you. Have you  
8 received threats or pressure obliging you to cooperate with the Defence of Jean-Pierre  
9 Bemba?

10 Answer: In fact, I'm there since December 2004. When I was contacted to meet you,  
11 I didn't want to. My telephone -- you never called me. And I'm telling you the  
12 truth today.

13 Why didn't you call?

14 Because you didn't have the telephone number.

15 [REDACTED]  
16 [REDACTED] I didn't want to expose my life. And that's  
17 it. I don't need a centime -- I don't need a centime from anyone in order to tell the  
18 truth.

19 Question: And what convinced you to cooperate with Jean-Pierre Bemba's Defence?  
20 In the name of the truth and so that the weakest can be given their rights. The strong  
21 men are there, but only the truth can defend the weak. I am testifying the truth for  
22 Mr Bemba and also for my compatriots. They are laughing at the dead. Those who  
23 have killed, those who were raped, those who were pillaged, they are there. They  
24 are. I followed the declaration of Patassé. And he said: Let me come to The  
25 Hague.

1 Against whom?

2 Well, it was against Bozizé. May his soul rest in peace.

3 Question: We thank you for your collaboration.

4 Answer: I would also like to thank you."

5 MR DJUNGA: (Interpretation) Your Honour, we have a second recording. I'll

6 give you the reference, and that's going to last for less than five minutes;

7 CAR-D21-0004-0661. And that starts with Mr Kilolo's question.

8 Now that you've described --

9 If you would allow me, your Honour, I didn't want to interrupt you.

10 (Playing of the audio excerpt)

11 MR DJUNGA: (Overlapping speakers)(Interpretation) private session. I didn't

12 want to interrupt you, but I wanted to assure you that we took the precaution of

13 listening to this audio recording and there were the extracts that we -- there was no

14 risk that names are mentioned in order to highlight the identities of people, but I

15 wanted to submit for your assessment the decision, but the Defence team of Mr Kilolo,

16 we do not mind it being shown in public session as far as our Defence team is

17 concerned.

18 PRESIDING JUDGE SCHMITT: Any comments by the Prosecution?

19 Mr Nève?

20 Perhaps first Mr Nève and then the Prosecution.

21 MR NÈVE: (Interpretation) I don't have the transcript, so I haven't been able to

22 check whether it's founded or not. I've heard the Defence, but myself I haven't been

23 able to check the text, so I haven't heard the text that's going to be shown, basically, in

24 a few minutes.

25 MR VANDERPUYE: Thank you, Mr President. I share my colleague's view to

1 some extent. I do have the text, but I do note also that the text is not a verbatim  
2 transcript of what's actually on the tape. So my concern is that notwithstanding  
3 having reviewed the text and determining that there is not apparently on the text any  
4 indication that it contains material -- that the tape contains material that could  
5 identify the witness, I'm not assured of that because it's not a verbatim transcript. So  
6 my concern is that something may be in that tape that's not on this transcription that  
7 could.

8 But I would accept my -- I would accept my colleague's assurances that they have  
9 reviewed the tape carefully and that there is no risk. So I would defer to the  
10 discretion of the Chamber in light of my colleague's representations.

11 (Trial Chamber confers)

12 MR LAROCHELLE: (Interpretation) I'm sorry, your Honour. Your Honour,  
13 before deciding, I'd just like to draw your attention to the fact that distortion -- voice  
14 distortion measures were implemented for the witness and I think these -- there will  
15 be a problem with these distortion if then the voice of the witnesses is then displayed  
16 publicly.

17 PRESIDING JUDGE SCHMITT: That is the advantage when you have so many  
18 counsel in the courtroom, and this is of course perfectly true. So please understand,  
19 Mr Djunga, that we stay in private session. This is of course a compelling argument.  
20 Thank you very much, Mr Larochelle.

21 MR DJUNGA: (Interpretation) Thank you, your Honour.

22 PRESIDING JUDGE SCHMITT: You can play now the second part.

23 (Playing of the audio excerpt)

24 THE INTERPRETER:

25 We went to Mongoumba. Then I said hello, good-bye and see you again. Then I

1 did not see what was happening. Some people were speaking Lingala. They said,  
2 "Yo mama" and what have you. Things of that nature.

3 Question: The inhabitants of the villages, the Central Africans, were they able to  
4 recognize by accent whether somebody was Central African or not?

5 Well, let me tell you that in the Central African Republic those who speak Sango are  
6 in a specific area and they can be identified, and those who can make that distinction  
7 are probably those who live along the banks of the river in Bangui and what have you,  
8 but those in Damara and elsewhere have not had contact with Lingala.

9 Now what happened at PK12? At PK12 and Fou there is -- there's a distance  
10 between the two locations. Those people there do not speak Lingala. I'm not -- I'm  
11 not discriminating in any manner whatsoever, but what I'm saying is that those who  
12 live in Boy-Rabé, Gobongo, in Fou and around Benz-vi are those who come from  
13 Bwambende and Nanamembere (phon). They are the Kagabandoro from Bozoum  
14 and that area. Those people don't have easy contact with those people who speak  
15 Lingala. Those are therefore not in a position to distinguish between Lingala and  
16 Sango.

17 In any event, Sango is spoken throughout the country, even in the most remote  
18 villages of the Central African Republic. So these people would say, "Yo" and full  
19 stop, and then you would know these people are from Zaire. But if you hear "Yo,"  
20 regardless of where you are, people would say you are from Zaire. And this is  
21 exactly what the case was. And if you heard "Yo," it was a Zairian. Once we hear  
22 "Yo" we know that -- we knew that this person was from Zaire.

23 Another question, you also explained that the Chadian soldiers mostly received  
24 training when they were with Bozizé and that in part explained why they spoke  
25 Lingala. What about the military and civilian Central Africans?

1 [REDACTED]  
2 [REDACTED]  
3 [REDACTED]  
4 [REDACTED]

5 [REDACTED] Most Central Africans are people who have worked in the army.  
6 They use their boats to cross the river. So Zongo, Bangui, Zongo, Bangui. They are  
7 involved in transportation of goods and persons and to and fro.

8 Question: Did you also enroll people who were involved in small businesses in  
9 Bangui like shoeshiners and what have you?

10 Oh, yes, yes. We took people. We enlisted many people. Some of them were  
11 small traders like shoeshiners and most of them came from Zongo.

12 Does this mean then that within the ranks or among the Central African civilians  
13 there were also Central Africans from the Congo?

14 MR DJUNGA: (Interpretation) Thank you, Mr President. I think following what  
15 we have just heard, I will give up playing these audio excerpts because there is no  
16 proper coordination. We handed in these excerpts yesterday. Essentially I think  
17 that what we intended to present to the Court has already been established. I will,  
18 therefore, not use the last excerpt.

19 I'll turn to the witness now and start off by showing courtesy to the witness and  
20 extending my apologies and saying good morning to him.

21 WITNESS: CAR-OTP-P-0261 (On former oath)

22 (The witness speaks French)

23 QUESTIONED BY MR DJUNGA: (Continuing)

24 Q. Once again, good morning, Mr Witness.

25 A. Good morning.

1 Q. You have just listened to these audio excerpts, Mr Witness, and I have one first  
2 question for you: Were you able to recognize the different voices of those who spoke  
3 on that audio recording?

4 PRESIDING JUDGE SCHMITT: Can we go into open session now? Any  
5 objections?

6 MR VANDERPUYE: Mr President, I have no objection.

7 PRESIDING JUDGE SCHMITT: We go into open session.

8 MR NÈVE: (Interpretation) No objection, Mr President.  
9 (Open session at 10.06 a.m.)

10 PRESIDING JUDGE SCHMITT: Thank you. Please --

11 THE COURT OFFICER: We are in open session, Mr President.

12 PRESIDING JUDGE SCHMITT: Yes.

13 Please continue, Mr Djunga.

14 MR DJUNGA: (Interpretation)

15 Q. I put the following question to the witness: Mr Witness, were you able to  
16 recognize the various voices of the persons who spoke on that audio recording which  
17 we have just listened to?

18 A. Yes, I was able to recognize the voices.

19 Q. Thank you. Do you know when and where that interview took place?

20 A. I don't know when. It's difficult to say when, but I know where the interview  
21 took place.

22 Q. Can you tell us where that interview took place?

23 A. Yes. It was at the [REDACTED].

24 Q. Witness, who else was present at that interview or at the recording of that  
25 interview?

1 A. Who else? What do you mean?

2 Q. I would like to ask you who was present with you during that recording?

3 A. Myself, Maître Kilolo, the white lady and -- I think that during the recording  
4 these were the people who were present, but subsequently [REDACTED] showed up in  
5 his suit and then I left.

6 MR VANDERPUYE: Thank you, Mr President. Can we go into private session,  
7 please?

8 PRESIDING JUDGE SCHMITT: Yes, this has some -- this makes sense since we are  
9 constantly in, to put it this way, in danger that places are mentioned, that people are  
10 mentioned, so it will be very difficult to constantly interrupt and turn from open  
11 to -- from open session to private session, so we go into private session. I follow that,  
12 yes. Thank you.

13 (Private session at 10.09 a.m.)

14 THE COURT OFFICER: We are in private session.

15 MR DJUNGA: (Interpretation)

16 Q. Mr Witness, I would like to ask you whether you recognized the voices of the  
17 people you heard in the excerpt we have just listened to?

18 A. Yes, I recognized the two main voices; mine and that of Maître Kilolo, and I do  
19 recognize those voices. But in the background there was the white lady who, though  
20 not speaking to me directly, spoke through Maître Kilolo and I was only able to hear  
21 her voice in the background. I was, however, able to recognize my voice and Maître  
22 Kilolo's voice. Those are the two main voices on the recording.

23 Q. Thank you, Mr Witness.

24 Next question: The white lady you mentioned, was she English speaking or French  
25 speaking to the best of your knowledge?

1 A. I think I stated earlier that she was English speaking.

2 Q. Thank you for your answer, Mr Witness. Another question for you: All that  
3 you stated on that day, was it before or after Maître Kilolo gave you the \$100 to cover  
4 your taxi fare as you testified?

5 A. I think I was very clear from the beginning. I don't know whether you're  
6 asking the same question for -- in any event, I'm under a duty to answer you and this  
7 is my answer: It was after the discussion. On my way back -- you see, when you  
8 talk about reimbursement for a fare, well, except I'm contradicting myself. It is when  
9 we finished the interview and I was on our way -- and I was on my way out that he  
10 gave me the \$100. I hope I'm not contradicting myself.

11 Q. Thank you. That is true, you did in fact say so, but you would also understand  
12 that we need clarification. This might be a little bit repetitive for you, but in order  
13 for the truth to emerge we need to clarify these things and that's why I want to move  
14 on to the next question, Mr Witness.

15 On that day, everything that you said, was it before or after Mr Kilolo gave you the  
16 computer?

17 A. The computer came after. It came after. That was the first contact.

18 Q. Thank you, Witness. Another question for you: Maître Kilolo is said to have  
19 given you \$600 or 350,000 francs CFA. Did that happen before or after that  
20 interview?

21 A. I believe that if you followed the chronology of my testimony, this is what I said:  
22 In the first -- regarding the first statement, the \$100, the laptop and the 3 to 400,000  
23 francs CFA were all given to me after that first contact. The recording or the audio  
24 video or whatever recording took place at the first contact. I am not able to  
25 determine the exact nature of the recording, but it occurred at the first contact.

1 Q. Thank you very much, Witness. That's clear.

2 Now while you were providing them with that information, did you know that

3 Mr Kilolo was going to give you \$100 and a computer or anything else prior to that

4 interview? Did you know that he was going to give you \$100 and the computer and

5 anything else since you have testified that he gave you those items after the

6 interview?

7 A. How was I to know that? I had no idea that he was going to give me anything.

8 It is when we were going -- when he was seeing me off that he took out his wallet and

9 gave me \$100 as taxi fare, reimbursement for my taxi fare and then I took off.

10 Q. Witness, where do you draw all this information from, the information that you

11 provided to Mr Bemba's Defence team during that interview? What is the source of

12 your information?

13 A. [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 [REDACTED]

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1 [REDACTED]  
2 [REDACTED]  
3 [REDACTED]  
4 [REDACTED]  
5 [REDACTED]  
6 [REDACTED]  
7 [REDACTED]  
8 [REDACTED]  
9 [REDACTED]  
10 [REDACTED]  
11 [REDACTED]  
12 [REDACTED]  
13 [REDACTED]  
14 [REDACTED]  
15 [REDACTED]  
16 [REDACTED]  
17 [REDACTED]  
18 [REDACTED]  
19 [REDACTED]  
20 [REDACTED]  
21 [REDACTED]  
22 [REDACTED]  
23 [REDACTED]  
24 Q. Thank you, Mr Witness. I don't think I have too many more questions to put to  
25 you because you have basically taken the wind out of my sail, so to speak. But one

1 question for you, Mr Witness: [REDACTED], during the Bemba hearing, without  
2 delving into details, everything you said, does it correspond -- did it correspond to  
3 what you said to Mr Bemba's Defence team during that first interview? Do you  
4 think in very broad strokes that this actually corresponds to the information that you  
5 yourself provided to Mr Bemba's Defence team?

6 PRESIDING JUDGE SCHMITT: Yes, please, Mr Vanderpuye.

7 MR VANDERPUYE: Thank you, Mr President. I think the question is framed a  
8 little bit too broadly. The witness testified over [REDACTED], over several topics and I  
9 would appreciate if my learned colleague could perhaps frame the question more  
10 narrowly so the witness can answer in an more intelligent way.

11 PRESIDING JUDGE SCHMITT: I think there is some merit in what Mr Vanderpuye  
12 is saying. Be a little bit more specific I would advise you. Thank you.

13 MR DJUNGA: (Interpretation) Mr President, I'll move on. I'll move on to the next  
14 question.

15 Q. Let me now turn to the interview you had with a French general. You said that  
16 Maître Kilolo could not have been aware of your background and that he -- mindful  
17 of what you had said was sure that you were a soldier. Now, when you met  
18 General Jacques Séara, a French military expert, can you tell us when it is that you  
19 met him for the first time? Do you remember?

20 A. Yes. Yesterday I told you that I remember when I had that first interview  
21 with him.

22 Q. Mr Witness, during that interview did General Séara put any questions to you?

23 A. Yes, he did.

24 Q. Was Maître Kilolo present with you at that time when you had the interview  
25 with the French general? Was he present with you?

1 A. I told you that Maître Kilolo was not present. What he did was to simply come  
2 to the location. The general had already -- was already there and Maître Kilolo took  
3 me to the general and then went away. The interview was conducted between the  
4 general and myself only.

5 Q. Can you remember the types of questions that the general put to you,  
6 Mr Witness?

7 A. I have already told you that I was of the view that I was dealing with an expert  
8 and I did not want to delve into details during that interview. He asked me where  
9 I was trained and I knew that he is someone who knew the Central African Republic  
10 very well because he had been on duty in the Central African Republic. [REDACTED]

11 [REDACTED]  
12 [REDACTED]  
13 [REDACTED]  
14 [REDACTED]  
15 [REDACTED]  
16 [REDACTED] Those are the questions he put

17 to me. Not too many questions.

18 But he then said, "Well, I just wanted to make sure that the person I am talking to is  
19 the person I really need to talk to." So I didn't spend much time with him during  
20 that interview.

21 Q. Mr Witness, do you really think that he was actually cross-checking or trying to  
22 determine whether you were indeed a soldier? Do you think that he was trying  
23 indeed to find out if you were a soldier?

24 A. I'm sorry, you don't have to put this question to me.

25 PRESIDING JUDGE SCHMITT: Mr Vanderpuye.

1 MR VANDERPUYE: I see the witness has answered the question in any event,  
2 Mr President.

3 PRESIDING JUDGE SCHMITT: Yes. And I would have allowed the question, so  
4 please continue.

5 MR DJUNGA: (Interpretation)

6 Q. Thank you, Witness. Maybe one last question on --

7 Mr President, it would appear that he did not answer the question.

8 PRESIDING JUDGE SCHMITT: Mr Vanderpuye.

9 MR VANDERPUYE: Mr President, he did answer the question. He answered it on  
10 line 17 on page 23. At least in the English transcript that's what it says.

11 PRESIDING JUDGE SCHMITT: With all respect this is of course not an answer, so  
12 I -- and as I have said, I would allow the question, although it is asking the witness to  
13 utter an impression that he had.

14 Perhaps you can word it a little bit more on a factual way, a little bit more to elicit  
15 really information and not an impression out of the -- out of the witness, then I would  
16 allow it and then we can continue and then I would ask the witness to answer the  
17 question, please.

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

19 Q. Mr Witness, my question was the following: Is it true that the French general  
20 wanted to cross-check your military knowledge?

21 A. Well, that question should have been put to him, but in any event, if I were to  
22 answer I would say that if someone asks you about where you were trained, about  
23 whether or not you are a soldier, about where you were trained and so on and so  
24 forth, the conclusion I can come to is that he was trying to find out if I was really a  
25 soldier. But if you want to have a clearer answer, you should put the question to

1 him and ask him whether he wanted to check whether I was a soldier or not, or  
2 whether we were just having a simple discussion.

3 Q. Now, let us talk about the person who put you in touch with Mr Bemba's  
4 Defence team. And we will refer to that person as "Bob." In that regard, I would  
5 like document CAR-D21-0003-0216 to be displayed. That's document number 9 for  
6 the Chamber.

7 PRESIDING JUDGE SCHMITT: Mr Vanderpuye.

8 MR VANDERPUYE: Mr President, I see that we are in private session, so I don't  
9 know that there is a need to use a pseudonym at this juncture, but I just wanted to  
10 bring that to your attention. Perhaps we would have a clearer record if we didn't, if  
11 we were in private session, as we are, but otherwise I just wanted to point that out.

12 PRESIDING JUDGE SCHMITT: Any comments by Mr Djunga especially?

13 MR DJUNGA: (Interpretation) Mr President, it is difficult but, you know, like I  
14 said yesterday, going into and out of private session is a little bit disturbing,  
15 sometimes I lose the train myself, but in any event I believe that we could go into  
16 open session and I would make the best effort to avoid mentioning the name. And it  
17 is for that reason that I actually suggested we use Bob as a pseudonym.

18 PRESIDING JUDGE SCHMITT: Absolutely. I think we should go then into open  
19 session and be mindful of the problems that this could pose. And we have enough  
20 counsel here and we have Mr Nève sitting here who can intervene. But I also of  
21 course understand that if we constantly go between private and open session that this  
22 can also disrupt the questioning of counsel. I understand this problem.  
23 So we go into open session for the moment.

24 (Open session at 10.29 a.m.)

25 THE COURT OFFICER: We are in open session.

1 MR DJUNGA: (Interpretation)

2 Q. Witness, I hope that the document is being shown on the screen. Do you see  
3 this document? This is an email that Mr Bob addressed to Mr Kilolo.

4 Now, the first line says this is the list of FACA soldiers who participated in the events  
5 of 25 October 2010. Have you seen it?

6 THE COURT OFFICER: Mr Djunga, could you please indicate which page you  
7 would like to have published.

8 MR DJUNGA: (No interpretation)

9 THE COURT OFFICER: Thank you.

10 MR DJUNGA: (Interpretation) Document number 7, CAR-D21-003-014.

11 PRESIDING JUDGE SCHMITT: Excuse me. This -- I really have to excuse for that,  
12 but when we now display documents and there are email addresses and so on, so  
13 it's -- I think really we should stay with the private, we will -- the private session and  
14 finish it like that. So of course there may be one or two questions that could be  
15 asked and answered in open session, but we constantly go between private and open  
16 and this is especially -- I can imagine that especially for you can put a problem with  
17 your line of questioning and your constant flow of questioning that you intend to do,  
18 so we go into private session and for the moment we will stay there.

19 (Pause in proceedings)

20 Then there is another information, so I did not know that, the documents are not  
21 published I'm informed outside the courtroom, so we can leave it as it is for the  
22 moment. I didn't know that. I apologise. Thank you for the moment. Then  
23 please continue. And I hope this is the last time that we have to address this matter  
24 for the moment.

25 MR DJUNGA: (Interpretation) Your Honour, I'm sorry, it is true, so I think that

1 private session. If we want to produce these documents, they do have names, so  
2 that's necessary.

3 THE COURT OFFICER: I would like to inform the parties present in the courtroom  
4 that the document that are published inside -- that the documents are published  
5 inside the courtroom but not outside the courtroom. Just to be sure, do not tell any  
6 personal email address then. Thank you.

7 PRESIDING JUDGE SCHMITT: So with this precondition I think we continue in  
8 open session. And you are aware of the problems when it comes to names, when it  
9 comes to email addresses and when you talk about them, so please avoid that.

10 MR DJUNGA: (Interpretation)

11 Q. Witness, you've seen the document. I was saying that this is a document that  
12 Mr Bob addressed to Mr Kilolo to announce that he was going to present the FACA  
13 Central African officers who participated in the events of 25 October 2010?

14 THE COURT OFFICER: Mr Djunga, I'm very sorry but you have provided us with  
15 two different ERN number; the first one ending with 216, and the second one ending  
16 with 214. Could you please tell us which one you would like to have published.

17 MR DJUNGA: (Interpretation) Apologies, your Honour. CAR-D21-0003-0221,  
18 document 8 in your binder.

19 Q. Witness, you've seen the document?

20 Have you seen the document, Witness? I've got a first question to put to you.

21 A. Yes, I've read this document.

22 Q. (No interpretation)

23 A. I didn't know.

24 Q. Now that you see this document, what do you think?

25 PRESIDING JUDGE SCHMITT: Of course we should not -- we should not ask the

1 witness solely what he thinks about a document which he was not involved in,  
2 obviously, so could you please rephrase the question.

3 MR VANDERPUYE: Mr President, I also wanted to add that it appears to be a  
4 two-page document and I don't know if the witness has had a chance to see the  
5 second page either.

6 PRESIDING JUDGE SCHMITT: Yes, yes. That's also correct, yes, indeed.  
7 So please be more specific, please, Mr Djunga.

8 MR DJUNGA: (Interpretation) Thank you very much, your Honour. I'm going to  
9 be a bit more precise as requested. Well, I'm going to read a passage, the first  
10 passage.

11 "Good morning, Mr Kilolo. I've decided to bring my contribution to showing the  
12 truth on the role of the upper hierarchy of the Central African army during the period  
13 of the events of 25 October 2002 until the arrival of the rebel troops of General  
14 François Bozizé in power."

15 Q. Witness, when you accepted to come to give information to the Defence team of  
16 Mr Bemba, did you also want to contribute to highlighting and showing the truth?

17 A. Yes. I said -- I clearly said that there were a lot of things, a lot of things that  
18 happened in the Central African Republic. A lot, a lot. And [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]. [REDACTED]

22 [REDACTED]

23 [REDACTED] [REDACTED]

24 [REDACTED]

25 [REDACTED]

1 [REDACTED] And for me this was a way I thought when I arrive I'm going to  
2 take advantage of the situation to be able to (indiscernible) that. That's what it was.

3 And I think that I tried to mention that whenever the question was put to me.

4 Q. Thank you very much, Witness. I'm now going to go into the contacts that you  
5 had with Maître Kilolo within the framework of the main case, but I'd like to ask you  
6 a first question, Witness: How many SIM cards do you currently have?

7 A. Currently I have three cards. There is one which was lost and at the time,  
8 before the identification -- well, if you don't use the three cards -- if you don't use the  
9 SIM card for three months then they take the number away, but I've still got three  
10 cards. Three or four because the SIM's a bit twisted and one -- one SIM card is  
11 difficult to use.

12 Q. Thank you very much, Witness. How many did you have in 2012 and 2013  
13 when you were in contact with Mr Kilolo?

14 A. Three, three or four. Principally, mainly three.

15 Q. Witness, I understood the witness. Why do you still have so many SIM cards?  
16 Why do you have so many SIM cards? About three or four currently. You had  
17 three or four in 2012. Why still have so many SIM cards precisely?

18 A. I think that I had already given an answer to that question. Sometimes when I  
19 travel I am in the (indiscernible) this is a service that we provide, so sometimes you  
20 have a point you go to, you have to go there, for example, and you go somewhere else,  
21 two weeks, I go there. And sometimes when I lose the telephone and you know that  
22 it's the problem of decentralisation within the sector of telecommunications. So  
23 sometimes you lose the SIM card, but in order to reactivate it, you don't find the  
24 centre where you can reactivate it, you are obliged to get another SIM card to get it to  
25 work. And when you go one or two months later, weeks later to the centre, you

1 reactivate the number.

2 When I buy a SIM card, I -- it's difficult for me. If I've got the SIM and I've got the  
3 possibility to reactivate it, then I keep my number. And sometimes you have a  
4 problem with the telephone, you've only got one and then you change. It's just that.  
5 It's just that.

6 Q. Witness, how did you obtain the SIM card which had the telephone number on  
7 which Maître Kilolo called you during your testimony?

8 A. It was my own SIM card. How was I meant to get it? I got it as I get -- as I got  
9 all the others. If you could maybe go back to the question.

10 Q. Witness, you stated to the Prosecutor that when Mr Kilolo called you, and I'll  
11 give you the reference here, CAR-OTP-0085-2036, page 25, line 956.

12 For the Chamber, number 34.

13 And this is what you said to the Prosecutor. "(Indiscernible) sometimes there was a  
14 problem of a network, there was a noise on it and I wasn't available. If you could  
15 call me afterwards, and this was also done with you, it wasn't in a bad sense."

16 What did you mean by that?

17 A. If you've never called even here in Europe, even in Africa there's always a  
18 problem with the network. When you call somebody sometimes you've got a  
19 difficulty in communicating. It's just that that I wanted to say. And I said I'm not  
20 available. That's -- it's not necessarily -- well, when you call me you don't have a  
21 camera to call me if I'm available to receive you or not. It's not that. I could be  
22 occupied. Excuse me, I could be occupied. I could say, "Listen, well, I'm not  
23 available to speak to you here." I could be eating, I could be with other people and  
24 I can't speak, say -- I can't say what I want to say in public. Just that.

25 Q. 0014-69, page 14.

1 A. There's a bit in the answer, "even with you too." Yes, I think that it was the  
2 investigator I was saying it to that sometimes he called me and to find if I was  
3 available and I would say, "Call me tomorrow from 8 o'clock in the evening."

4 I would take precautions to be somewhere where I would be eased to talk to you.  
5 And that's why I said "even with you." I don't know if I'm clear about that.

6 PRESIDING JUDGE SCHMITT: Mr Djunga, please repeat the CAR number.

7 MR DJUNGA: (Interpretation) Thank you. For the next question I was giving a  
8 reference CAR-OTP-0088-1469 -- 1470. 35, number 39, in English, 39.

9 Q. They asked -- the Prosecutor asked you on 20 March you spoke to -- during all  
10 these calls, you spoke to Mr Kilolo. I read your answer, or I will read your answer.  
11 He told me that you have to keep sang froid. The day went well. You have to keep  
12 cool. The day went well. It continued along the same line. Don't be scared, don't  
13 we worried, people have already become familiarised with it and they've spoken  
14 about everything and we were laughing.

15 Now, there's a question: Could you confirm that?

16 A. Yes, I confirm that -- you want me to confirm that I said that; is that it?

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 A. Could you repeat the question.

22 THE INTERPRETER: Microphone. Microphone, please.

23 MR DJUNGA: (Interpretation) Please excuse. I'll repeat the question.

24 Q. [REDACTED]

25 [REDACTED]

1 [REDACTED]  
2 [REDACTED]  
3 [REDACTED]  
4 [REDACTED]  
5 [REDACTED]  
6 [REDACTED]  
7 [REDACTED]  
8 [REDACTED]  
9 [REDACTED]  
10 [REDACTED]  
11 [REDACTED]  
12 Q. Thank you, Witness.  
13 Another question: I'm now going to mention the conversation on [REDACTED]  
14 that you had with Mr Kilolo. Now, you stated the following to the Prosecutor.  
15 And for the Chamber CAR-OTP-0087-226, page 2515, and that's tab 34.  
16 You stated the following to the Prosecutor: "Speaking of Mr Kilolo, he asked me a  
17 question, 'Do you know the composition of the general staff?' I said, 'Yes.' I am the  
18 person who said yes. There's Mbaye, Ndoutinga, Francis."  
19 Do you confirm that?  
20 A. Indeed.  
21 Q. Witness, who informed you that Mbaye, Ndoutinga, Francis was part of the  
22 general staff of Bozizé's rebellion?  
23 [REDACTED]  
24 [REDACTED]  
25 [REDACTED]

1 [REDACTED]  
2 [REDACTED]  
3 [REDACTED]  
4 [REDACTED]  
5 [REDACTED]

6 PRESIDING JUDGE SCHMITT: Mr Vanderpuye.

7 MR VANDERPUYE: I'm sorry, Mr President, can we go to private session for a  
8 moment?

9 PRESIDING JUDGE SCHMITT: Why?

10 MR VANDERPUYE: I believe there is information on the record or it has been  
11 broadcasted that shouldn't have been.

12 PRESIDING JUDGE SCHMITT: Then we go into private session.

13 (Private session at 10.55 a.m.)

14 THE COURT OFFICER: We are in private session, Mr President. And the  
15 redaction order is being draft.

16 MR VANDERPUYE: Thank you.

17 PRESIDING JUDGE SCHMITT: So please continue, Mr Djunga.

18 Mr Witness.

19 THE WITNESS: (Interpretation) Well, I think I had the floor. I hadn't finished. I  
20 hadn't finished speaking. Yes? Well, well, if you don't mind, if you don't mind just  
21 to --

22 PRESIDING JUDGE SCHMITT: No, I don't mind, but I think we should also advise  
23 you, with all respect, to keep the answers as focused as you can do and keep the  
24 answers, especially a little bit shorter perhaps. Thank you. But please you can  
25 continue now.

1 THE WITNESS: (Interpretation) [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 MR DJUNGA: (Interpretation)

20 Q. Witness, would it be correct to say that Maître Kilolo never said to you to add  
21 the name of Sambate to the composition of the general staff?

22 A. No. To say to add it, no. He asked me a question and like any good  
23 researcher, please, I try to arrange my memory. That's it.

24 Q. Witness, could one say that it was by your own initiative that you added this  
25 name during your testimony?

1 A. From -- on my own initiative, I would say yes. Why am I saying yes? When I  
2 took the decision to testify myself, it was myself, so you had to have the necessary  
3 information. But when I had information, automatically I improve it, I arrange  
4 things to tell the truth at the time.

5 PRESIDING JUDGE SCHMITT: I think we have now reached a point not only in  
6 time, but I could imagine also when it comes to your questioning. Well, we can have  
7 a break until half past 11. Thank you.

8 THE COURT USHER: All rise.

9 (Recess taken at 11.00 a.m.)

10 (Upon resuming in open session at 11.34 a.m.)

11 THE COURT USHER: All rise.

12 PRESIDING JUDGE SCHMITT: As you will easily recognize, the witness is not in  
13 the courtroom, and this is for a reason, to be more precise, it is because we have to  
14 talk about an unpleasant surprise, to put it this way.

15 We received an email by VWS and I'll read it out loud:

16 "The VWS would like to inform you that Witness P-361 informed us that due to other  
17 commitments, he will not be able to testify on Thursday, 8 October. The witness  
18 indicated that he will be available to testify on Friday, 9 October and on Monday  
19 morning, 12 October. The Prosecution is informed of this matter. Kind regards."

20 The first question that I would like to put in this regard to the Prosecution is when  
21 did you get to know this information?

22 MR VANDERPUYE: Thank you, Mr President. We got to know this information a  
23 little while after the VWU indicates in the email that they provided. We'd asked the  
24 VWU to see if it was possible to encourage the witness to testify on Thursday. And I  
25 raised it this morning to address the Court as a preliminary matter regarding the

1 scheduling since we didn't have -- we didn't have precise estimates as to the length of  
2 the cross-examination of this case. So I intended to raise it this morning with the  
3 Chamber so that we could fix the appropriate schedule with this witness.  
4 PRESIDING JUDGE SCHMITT: I'm not willing and the Chamber is not willing to  
5 easily accept such a cryptic explanation for not attending tomorrow like "other  
6 commitments," to be honest.  
7 So what the Chamber expects is that the Prosecution inquires to what extent  
8 commitments, "other commitments" means.  
9 I cannot imagine "other commitments" than compelling private ones not to attend a  
10 trial hearing, to be honest. So I would really urge you, to put it this way, to come  
11 back after the lunch-break with information in that respect.  
12 And as I said, we are not willing to accept other reasons, other so-called commitments  
13 that are not really compelling for us. So if we would accept such an explanation that  
14 says nothing in the end what it's really about, then we could not really continue with  
15 our schedule at all.  
16 And I have to remind, especially also the Prosecution, that we changed the sequence  
17 of witnesses, experts on application of the OTP. We took submissions. We made a  
18 ruling and we allowed for a good reason the Defence expert to be present tomorrow,  
19 also for a reason, because this -- this was to give the Defence expert the possibility to  
20 have an immediate impression, he could also of course have the transcripts, that's  
21 okay, but it is of course best, better, and it serves the fair trial for the Defence better, if  
22 their expert is present tomorrow.  
23 So as I said, we continue like follows: We want you to clarify the reasons, the  
24 so-called commitments until after the lunch-break. And again, only as a really last  
25 resort, we want to know, meaning that there are really compelling reasons for the

1 witness, for the expert not to attend tomorrow, we want to know how the Prosecution  
2 envisaged to continue with this case.

3 MR VANDERPUYE: Mr President, I will do that. I just want to be clear that I -- I  
4 want to be clear that we have dispensation to contact the witness directly concerning  
5 his appearance here because my understanding has been all along that we had to  
6 proceed through the Victim and Witnesses Unit, which is what we have done.

7 I met with the witness during the meet and greet late last week, I think it might have  
8 been -- or, early this week, I can't remember.

9 MS GILG: Friday.

10 MR VANDERPUYE: It was Friday. We were -- and it was in the presence of the  
11 Victims and Witnesses Unit. We were given the assurance that the witness was  
12 available on Thursday. In fact, the witness indicated that he was going to be just  
13 around the corner over here at the KPN building and available on short notice.  
14 Between that day and yesterday we heard no other information or contradictory  
15 information concerning the witness's scheduling.  
16 I would also add that I informed counsel, particularly Mr Bemba's lawyer about the  
17 potential -- about in fact -- not the potential, but the actual scheduling issue that arose  
18 this morning, and intended to raise it this morning.

19 I addressed that as well with the legal officer to raise as a preliminary issue.

20 But I do want to point out that we're doing our utmost to get these witnesses  
21 scheduled. And to the extent that we have dispensation of the Chamber to engage  
22 directly in that process, we will do it. But I've been under the impression since the  
23 beginning, which is the reason why we don't have 245 here and other witnesses  
24 scheduled, that we were to refrain from that interaction, or at least proceed in that  
25 interaction through the VWU -- through the VWU.

1 And to the extent that we defer to them, we're doing our best to try to make sure that  
2 we have, like I said, a consistent flow of witnesses for the Chamber.

3 But I will contact the witness myself today and see if I can provide an explanation to  
4 the Chamber at least as to the basis or the nature of the engagement that he has  
5 because we don't know, we didn't get that information from VWU any more than you  
6 have.

7 PRESIDING JUDGE SCHMITT: I would also remind especially again, because it's  
8 your expert or witness, would remind that it makes a difference if we have witnesses  
9 that have to be brought from Africa, for example, with all these organisational  
10 problems that arrive from that, or if we have a witness from The Netherlands, who, as  
11 you said, is potentially around the corner.

12 I don't have any objections against you contacting, but only for the sole purpose to  
13 inform you what these commitments are. And I would also of course very much  
14 urge you to give the information and the impression and the approach that the  
15 Chamber has towards these commitments to the witness.

16 So any comments, please, by the Defence I don't assume.

17 So we will have to wait on the information that is going to be given to us after the  
18 lunch-break.

19 Then we can go into closed session and bring the witness again in.

20 (Closed session at 11.42 a.m.)

21 THE COURT OFFICER: We are in closed session, Mr President.

22 (The witness enters the courtroom)

23 PRESIDING JUDGE SCHMITT: I think we can then go to private session, I think,  
24 yes.

25 (Private session at 11.43 a.m.)

1 THE COURT OFFICER: We're in private session, Mr President.

2 PRESIDING JUDGE SCHMITT: Please, Mr Djunga, continue with the examination.

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

4 Q. Mr Witness, I have a few further questions to put to you. I think it won't be  
5 very lengthy. We will be finished soon. If you have any further information that  
6 you would like to contribute, we are in private session and you will be able to do so  
7 freely. We are all mindful of protecting your identity, and that is the truth.

8 So I shall be continuing now with the conversation of [REDACTED].

9 For the Chamber, we are still at tab 34 CAR-OTP-0087-2486, page 2515, lines 1116 to  
10 1119.

11 Mr Witness, would it be correct to say that during this conversation you explained to  
12 Maître Kilolo by retracing what happened during the rebellion from Sido to Sibut and  
13 you traced the tracks of the rebellion under Bozizé; is that correct? Would that be  
14 correct to say?

15 A. I apologise. Well, talking precisely, well, that would seem a little bit strong to  
16 say, to say precisely. Well, what I would like to say, I believe that he was seeking  
17 knowledge and he was putting questions to me. I was wondering why he was  
18 putting such questions to me.

19 Now to actually say precisely, you know, what we talked about on that very day  
20 that's going to be difficult for me, but I do know that we did discuss this in the  
21 interview. He put the question to me. On that first day I tried to walk him through  
22 what I knew about the region. There we are.

23 Q. Would it be correct to say that Maître Kilolo, when you were recounting all of  
24 this to him, was attempting to ascertain that you were not missing out any salient  
25 points from your testimony?

1 A. Precise. Well, I'd like to draw your attention to this word "precise." If he was  
2 seeking to ascertain whether I could or not, I can't define. This is his way of  
3 attempting to ascertain whether what I am going to contribute is precise or not.  
4 There we are.

5 Q. What was the reaction of Maître Kilolo when you said for example that you did  
6 not know [REDACTED], an inhabitant of [REDACTED].  
7 That is for the Chamber tab 39, CAR-OTP-0088-1469, lines 531 to 553, page 1483.  
8 "I asked what Maître Kilolo's reaction was when you said that you did not know [REDACTED]  
9 [REDACTED], an inhabitant of [REDACTED]."

10 A. Yes. I told you at the outset that when he asked me whether I knew [REDACTED]  
11 I said no, I did not know him. He did not open his mouth. And then I asked my  
12 question subsequently. I asked him who is [REDACTED]? And most people who  
13 knew him said that he had died and they started to explain to me who [REDACTED]  
14 was.  
15 But when he put the question to me himself and I said I did not know who he was, he  
16 did not say anything as such.

17 Q. Very well. And, Mr Witness, during this very same conversation, which  
18 response did you provide when Mr Kilolo asked you whether the former Chadian  
19 soldiers were part of Bozizé's troops?  
20 For the Chamber, this is tab 34, CAR-OTP-0087-8486, page 2519, line 1264.  
21 And the reference is CAR-OTP-0087-2486, 2486, page 2519.

22 A. I apologise, Counsel, but I believe that you should put yourself in my position  
23 to understand that I am under a lot of pressure when being questioned. Ask me a  
24 question. Give me time to answer before providing the references. And you're still  
25 talking after having put a question to me and I'm losing myself here. So please

1 reiterate the question.

2 Q. Yes, indeed. That's how we'll do things. During that same conversation what  
3 response did you provide when Maître Kilolo asked you whether the former Chadian  
4 soldiers were part of the composition of Bozizé's troops?

5 A. Well, I can say now that that was the normal state of affairs because Bozizé had  
6 taken up his rear base in Chad on the frontier so as such he also had former Chadian  
7 soldiers in their midst, in his midst. That's what I said.

8 THE INTERPRETER: Microphone, please, Counsel. Microphone, please, Counsel.

9 MR DJUNGA: (Microphone not activated)(Interpretation) Tab 35,  
10 CAR-OTP-0087-2521, page 2526, lines 177 -- 187 to 188 and 192 to 195.

11 Q. Witness, you stated to the Prosecutor that Maître Kilolo told you as follows and  
12 I quote: How do you feel? How is your family? Try and be specific. Try and be  
13 brief when you're talking. When a question is put to you, wait for a while and then  
14 react.

15 Can you confirm this?

16 A. Sorry, is there no possibility? Let me see.

17 Q. If we could please bring up this passage, this excerpt on the screen, please.

18 THE INTERPRETER: Message from the English booth: Could counsel please allow  
19 the interpreter time to find the reference.

20 MR DJUNGA: (Interpretation) I would like to go to line 177 -- 187.

21 THE INTERPRETER: Apologies from the interpreter. Correction once again. Line  
22 177.

23 MR DJUNGA: (Interpretation)

24 Q. Have you seen this, Mr Witness?

25 A. Yes, I have. Line 177, 178, is that what you're saying?

1 Q. And 192 to 195.

2 A. That's on the next page. 192 to 195.

3 Q. I shall read it back to you.

4 A. Let me see.

5 Q. It's coming up on the screen.

6 A. Very well.

7 Q. Can you confirm that this is what you said?

8 A. Yes, these are my words, yes.

9 Q. Very well, Mr Witness. Now, what were you actually talking about with  
10 Maître Kilolo during this discussion? I am still at the date of [REDACTED].

11 Allegedly you had got to 41 minutes?

12 A. I believe that despite this call, well, we had many calls, these are the same things  
13 as I explained to you, don't try to make me embellish or add to anything what I said  
14 to you at the outset. So I really have very little to say, please.

15 Q. Very well, Mr Witness. But I will put a last question to you, because we're  
16 referring here to a conversation of [REDACTED]. I'll be very brief and precise. You  
17 stated to the Prosecutor on that day -- and I will give the reference for the Chamber,  
18 tab 35, CAR-OTP-0087-2521, page 2526, lines 221 to 223.

19 You stated to the Prosecutor on that day, and I quote: This is just by way of thanks.  
20 I would think -- I think that that is on the last date of your testimony. Can you  
21 confirm that?

22 A. That is line 221 to 223? Indeed, that's right.

23 Q. Very well. This will be my last question on this series. Mr Witness, have you  
24 already heard speak of a [REDACTED]

25 [REDACTED] I'm saying this in English. [REDACTED]

1 [REDACTED]

2 A. You -- very well. You said it in English. I would like you to explain this a  
3 little bit because I haven't understood. [REDACTED]

4 Q. You were a witness in the main case, were you not? [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 A. [REDACTED]

9 [REDACTED]

10 Q. Very well. Thank you. Mr Witness, has the Office of the Prosecutor already  
11 called you to ascertain whether you are well, whether you and your family members  
12 are in good health?

13 A. Well, it's rare. If I say that -- well, when I call, sometimes [REDACTED] says,  
14 "How are you, [REDACTED]? How is your wife and [REDACTED]?" He asks me sometimes.

15 Q. So he did indeed call you to ask you news of your family and your health?

16 A. Well, when he gives me a call to ask me information, then he makes the most of  
17 the situation, or sometimes when I call him, you know, there are problems with the  
18 telephone. But when -- well, so when I want people -- if I want to move around and  
19 I then use that SIM card, there is no point in calling around willy-nilly and trying to  
20 get hold of him. So when I call him he says, [REDACTED], yes. Well, I've noted down  
21 or when I added my [REDACTED] SIM, these are one of the reasons and I apologise. I think  
22 you need to be patient for me to add that one of the reasons why he pushed me to  
23 change my SIM card, well, why was that? I didn't tell you this at the outset and I'm  
24 going to come back to your answer.

25 [REDACTED]

1 [REDACTED]  
2 [REDACTED]  
3 [REDACTED]  
4 [REDACTED]  
5 Now, coming back to the question that you just put to me as to whether he --  
6 Q. Did he call you and ask you any news about your family or your personal  
7 health?  
8 A. Well, yes. Well, when I sometimes said to him, I said, well, I'm using  
9 such-and-such a number, he would make the most of it and say, "Well, you know,  
10 how is your family? Is everyone okay? How is your wife?" Et cetera.  
11 Q. Perfect. I'm going to read a statement you made on 18 December 2014.  
12 For the Prosecutor and the Chamber, tab 35, CAR-OTP-0087-2554, page 2559, line 199.  
13 This is what the investigator of the Prosecutor said during your interview on 18  
14 December 2014, and this is rather what you said to the Prosecutor.  
15 There were a lot of telephone exchanges particularly with regards to documents to be  
16 made which can't be mentioned here. And this is within the framework of what we  
17 have to do to make things progress. There were a lot of telephone exchanges. And  
18 it's true that the circumstances of certain persons are precise, but could you say what  
19 subject the Prosecutor was calling you about so much other than being for documents  
20 to be made?  
21 A. Well, I confirm to you today that I didn't want to meet the Office of the  
22 Prosecutor. That's the first thing I'd like to say. Now here I have to tell the truth. I  
23 didn't want to meet the OTP. [REDACTED]  
24 [REDACTED]  
25 [REDACTED]

1 [REDACTED]

2 [REDACTED]

3 [REDACTED]

4 [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 So that means that there were a lot of telephone calls. And when I met that person,  
11 he called me and he'd make an appointment. And he called me and then he said  
12 we're going to see until we came to an agreement. But for -- [REDACTED]. And that's  
13 it.

14 Q. Witness, at a particular time, did you feel threatened if you didn't cooperate  
15 with the Prosecutor? Did you feel threatened?

16 A. Feel threatened? Well, that's saying a bit much. The problem -- where is the  
17 problem? Myself, I never dealt with justice in this way. I can leave you free to look  
18 at that. I'm available. [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 So when anything against justice, I would immediately explain myself. And that is  
23 the reason why. When he called me, I think that it could take time for nothing. It's  
24 taking my time for nothing, and I can't know how much time it's going to take, and I  
25 can't tell you what a shock I had since I started with this thing in my family, I can't tell

1 you that.

2 I've had problems with my wife - with my wife - because sometimes you go away,  
3 you come back. She doesn't know. It's not the place where I want to go into that.  
4 But I -- I just wanted to be, you know, left alone basically. And he insisted on seeing  
5 me, so I went. But they weren't threats as such. No, I couldn't -- it would be going  
6 too far to call them threats.

7 Q. I'm going to read a passage with regards to what the Prosecutor said to you,  
8 tab 37, CAR-OTP-0087-2554, 2562, 288 to 297.

9 Now, the investigator of the Prosecutor told you the following: He said that you  
10 have my telephone number and the telephone number of the office. This is another  
11 way for us to stay in regular contact with you. Don't forget that the final aim is that  
12 you come to explain all of this before the Judges. We have the obligation to stay in  
13 contact with you.

14 At that time did you feel threatened?

15 A. My fear was general. The word "threat" -- well, my fear was general. I don't  
16 know if you put yourself in my position. Today I'm too close to the Court and I can  
17 measure the size of it and the scope of it of what I'm doing now. Do you see that?  
18 But when I got into it, I -- my wish was to be a bit more in contact with them to know  
19 when I could finish with it, when I could be done with it. So you can't play hide and  
20 seek. That wouldn't serve anything. And then he just gave me the number and he  
21 said -- well, I don't know what spirit it was given in. He's the one who would have  
22 to answer that.

23 Did you do it in a healthy way, or did you do it in a threatening way? Thank you.

24 Q. I'm now going to read another statement during your testimony with the Office  
25 of the Prosecutor.

1 And I'm going to give the reference for the Chamber, tab 37, CAR-OTP-0087-2554,  
2 page 2555, line 36 to 67.

3 Witness, the investigator of the Office of the Prosecutor asked you: What made you  
4 accept undertaking this adventure?

5 And you answered as follows, and here I am going to read your answer. You said  
6 that your heart is wounded and I know that even if this case of 2001 isn't taken into  
7 account today, account can be taken of it tomorrow. [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 [REDACTED] It's not any crumbs that I'm proposed  
12 which will corrupt me with these amounts.

13 Do you confirm that, Witness?

14 A. Yes, that's my statement.

15 Q. What do you mean by that?

16 A. I think I'm quite clear. I think I'm quite clear in this regard. I don't know  
17 what you want me to add to that.

18 Q. Okay, I'll continue. The question by the Office of the Prosecutor, speaking  
19 generally: Did you receive promises in recompense for your testimony?

20 And your answer was to say: No promise.

21 Could you confirm that and I'm going to give the reference for the Chamber. And  
22 this is tab 35, CAR-OTP-0087-2521. So 2521, page 2538, lines 600 to 603.

23 I was saying that when the Office of the Prosecutor put the question, did you receive  
24 promises in exchange for your testimony. And your answer was to say: No  
25 promise.

1 Do you confirm that?

2 A. Yes, that's my answer. I was a person -- this is a Prosecutor's team who  
3 recorded that and I gave that answer.

4 Q. You are confirming that Maître Kilolo never promised you anything in  
5 exchange for your testimony?

6 A. I don't know what type of question you're putting to me. Is this a closed  
7 question? Is it an open question? You're pushing me to say "Yes" or "No"?

8 PRESIDING JUDGE SCHMITT: Mr Witness, you are not in the position to question  
9 the counsel. The question was relatively clear, so please answer it.

10 THE WITNESS: (Interpretation) Please, could you ask the question again.

11 MR DJUNGA: (Interpretation)

12 Q. Witness, is it correct to say today, look at your statement, to the investigators of  
13 the Office of the Prosecutor that Maître Kilolo promised nothing to you in exchange  
14 for your testimony?

15 A. Obviously he never said I'll give you this and you're going to do that. That's it.  
16 He never said, well, I will do this or you testify physically on the telephone. He  
17 never said that.

18 Q. Okay, Witness. The investigator of the Office of the Prosecutor asked you  
19 what motivated you in 2013, and you said the following.

20 And before reading this out I will give the reference, it's tab 35, CAR-OTP-0087-2521,  
21 page 2539, lines 652 to 653 and lines 677 to 78.

22 I said that the Prosecutor had asked you what had motivated you to testify in [REDACTED]  
23 and you said the following: Even if you proposed millions and billions to me, I  
24 would not do it. It's not in exchange for anything.

25 Witness, do you confirm that?

1 A. I'd like to see it. Is it possible to see it? That is line --

2 Q. We are looking at 650 to 653.

3 A. I don't have that on the screen.

4 MR DJUNGA: (Interpretation) Your Honour, is it possible to show the lines in  
5 question so that that will give greater clarity.

6 PRESIDING JUDGE SCHMITT: Of course we hope to do so and perhaps you can  
7 soon confirm that it has happened.

8 Does the witness have it on the screen?

9 THE WITNESS: (Interpretation) If it starts with 671.

10 MR DJUNGA: (Interpretation)

11 Q. Could we rather go to line 677.

12 A. Yes, that's my statement.

13 Q. What do you mean by that, Witness: Even if you propose to me millions and  
14 billions, I will not do it. It wasn't an exchange. It is not an exchange for something.

15 A. What do you mean by that?

16 Q. That was my question, Witness.

17 A. Well, what I meant, wanted to say was that what I say, what I've just stated, that  
18 wasn't in exchange for anything. It wasn't because the person would give me  
19 millions to say, well, here's some millions and now you can change your testimony.  
20 Say this, say that. It's just that. I think I took a bit of time to develop it.

21 Q. [REDACTED]

22 [REDACTED]

23 A. [REDACTED]

24 [REDACTED]

25 [REDACTED]

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 Q. [REDACTED]

21 [REDACTED]

22 For the Chamber tab 35, CAR-OTP-0087-2521, page 2532, 377 to 387.

23 I asked if you recalled during this period having called Maître Kilolo with a view to  
24 asking for his assistance with regard to this situation?

25 A. Yes, I remember well. And first of all, I'll read it and see the statement.

1 Q. Witness, yes, please go ahead.

2 A. 300?

3 Q. Page, page 2532, 377 to 383 are the lines.

4 A. Yes, it's true.

5 Q. Witness, would it be correct to say that it was out of humanity that Mr Kilolo  
6 came to help you?

7 A. Yes. That's what I said. When I had problems, I called him, just like I call  
8 other people left and right, I call people, people who can help me, help me. It wasn't  
9 an obligation. If you don't help me, you're not an enemy, I asked brothers, other  
10 people who could help me to help me.

11 Q. [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 A. [REDACTED]

15 [REDACTED]

16 Q. [REDACTED]

17 [REDACTED]

18 And for the Chamber I'm going to state this is document 35, CAR-OTP-0087-2521,  
19 page 2532, lines 406, 407.

20 A. Yes, that's it.

21 Q. (Microphone not activated)

22 THE INTERPRETER: Microphone, please.

23 PRESIDING JUDGE SCHMITT: Microphone, please.

24 MR DJUNGA: (Interpretation) Your Honour, it's true that I'm making an effort to  
25 respect the 5 seconds, not to go too quickly, and so I am really making a big effort

1 here.

2 Q. Witness, you stated the following to the investigators of the Office of the  
3 Prosecutor on 20 March 2015.

4 And I'm going to give you the reference for the Chamber, and this is tab 42,  
5 CAR-OTP-0088-1527, page 1546, line 237 to 243 and line 252 to 254, 266 to 271.

6 And I was saying, Witness, that you had stated the following to the Office of the  
7 Prosecutor: When somebody travels at least the Court in a logical and clear way  
8 must envisage something.

9 Listen, sir, you have a family. I leave it to the family. You don't know what can  
10 happen behind it in the case of health, in the case of problems. If you don't have  
11 money, the family is going to live how? It is humane. If not, it's going to be  
12 received as torture. It's going to be seen as torture.

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 My question is as follows, Witness: These words, are they yours?

18 A. Obviously, yes.

19 Q. Witness, in summary, what message did you want to provide at that time?

20 A. [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 [REDACTED]

1 [REDACTED]

2 [REDACTED]

3 [REDACTED]

4 [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 And when I asked the investigator, he said no, there's nothing foreseen in this regard.

9 We can't go beyond what the text said. There is nothing foreseen for you, planned

10 for you. And I asked to say, to speak specifically, I was really launching an SOS

11 signal to the Court. I was saying this for the others who would come after me, that if

12 the Court could think about this kind of situation, even if a person isn't living, if that

13 person is living, well, that means that that person is eating. It doesn't mean that if

14 you don't work, you know, if you go on a hunger strike for a few days, you're going

15 to fall down, but it's not because of I spent two or three nights in The Hague that have

16 kept me like this. [REDACTED]. This is why I said this, to

17 really send out an SOS signal to the Court so that it would be thought about that if the

18 situation arose in the future, one would think about this.

19 [REDACTED]

20 [REDACTED]

21 [REDACTED] That's what I was saying when I said this, when I said this to the Office of the

22 Prosecutor. And I believe that, and may I say his name, Mr Kweku, the Prosecutor

23 said, well, okay, we listened. This will be put on the record. But we can't do

24 anything right now. There we are.

25 Q. Very well, Mr Witness. Do you recall having spoken about this to Maître

1 Kilolo during your first meeting? Might this recollection return?

2 A. No. You can feel this in what I said to you, what I read to you.

3 Q. Very well. Is it true to say that in the month of December 2014, the Prosecutor  
4 sent you 50,000 CFA, that is to say approximately \$100?

5 A. Yes. That was from the DRC. A lady sent it to me. Her name is I think

6 [REDACTED]. [REDACTED]

7 [REDACTED].

8 Q. How did you use that money in concrete terms? Can you remember?

9 A. [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED] I counted or we counted the money, and I believe that I

21 received 50,000 on two occasions. But, you know, I think I must have reimbursed

22 11,000, 12,000. I left 10 or 11,000 to my wife, and they asked me to reimburse that,

23 because that wasn't taken into accounts, and that had frustrated me somewhat.

24 There we are.

25 Q. Okay. Mr Witness, now, in the framework of this case, did the Office of the

1 Prosecutor lead you to understand or have you understand that the ultimate aim of  
2 what you were coming to say to the Court, what precisely the ultimate aim of your  
3 testimony was, what you were to say to the Court?

4 A. No. He told me to come and say the truth, tell the truth. If what you have  
5 told us is the truth, then you need to stay, stick with the truth. That's what he asked  
6 me.

7 Q. And you said to the Prosecutor, and I'm going to read from your statement, and  
8 I'm going to consult and provide the reference for the Chamber. Tab 38,  
9 CAR-OTP-0088-1456, page 1465, line 347 to 354 and line 398 to 403. I shall be  
10 reading from your statement, and you said as follows.

11 THE INTERPRETER: The interpreter does not yet have it on the screen.

12 MR DJUNGA: (Interpretation)

13 Q. "I shall reserve my answer. It might be an answer that will be bothersome to  
14 you. It might bother you. Maître Kilolo is well inclined. It's not a very good  
15 answer, but I am obliged to let this out of the bag in such a manner. And he was" --  
16 I'm writing -- I'm reading what is said.

17 THE INTERPRETER: The interpreter still does not have it on the screen.

18 PRESIDING JUDGE SCHMITT: Excuse me. There seems to be -- there seems to be  
19 a problem with the transmission, to putting it on the screen for the interpreters. So  
20 perhaps we have to wait until the interpreters confirm that they have it on the screen.

21 THE INTERPRETER: Thank you, your Honour. I would like to say that this has  
22 been a repeated problem this morning. We have been interpreting without having it  
23 on the screen. So I think that needs to be taken into account. I think we need, with  
24 respect, to ask counsel to go more slowly so that we all have time, including the court  
25 officer, to bring it up on the screen. Thank you respectfully.

1 PRESIDING JUDGE SCHMITT: Well, this is obviously a wish to counsel especially  
2 to be even more slowly and also an advice to everybody else in the courtroom that the  
3 interpreters can really follow.

4 Do you have it on the screen now?

5 THE INTERPRETER: We do indeed, your Honour. Thank you.

6 PRESIDING JUDGE SCHMITT: Please proceed, Mr Djunga.

7 MR DJUNGA: (Microphone not activated)

8 THE INTERPRETER: Microphone please, counsel.

9 MR DJUNGA: (Interpretation)

10 Q. As I was saying, Mr Witness, I was just reading to you what you said to the  
11 Prosecutor on that day, and I shall start reading again.

12 "My answer, I would reserve but ask with some reserves. It might be an answer that  
13 is bothersome to you.

14 Maître Kilolo is well disposed. This is not a very good answer, but I am obliged,  
15 however, to let this out of the bag in such a way." End of quote.

16 No. Quote continues: "Was he saying to you, was he talking about behaviour?

17 Maybe that's what you were looking for. We were laughing a bit. But unless he" --

18 THE INTERPRETER: The interpreter cannot find the excerpt now. He has jumped  
19 forward.

20 MR DJUNGA: (Interpretation)

21 Q. "But I would not like to very humbly start to fabricate things that might  
22 tomorrow once again turn against me." End of quote.

23 My question is as follows: Could you please tell us precisely what you were  
24 attempting to say at that moment in time?

25 A. That's what I was saying, counsel. If there is a question that you ask me in two

1 or three ways, I believe I need to remain calm, serene. And I know that when  
2 somebody puts a question, they're attempting to ascertain the truth. There might be  
3 a doubt hovering or maybe they're saying that's not what you said or maybe they  
4 have another source of information, they're saying that that's not what you say. And  
5 then when you feel that that is the case, you stop talking. So that's really the thrust  
6 of this statement.

7 Q. Mr Witness, would it be correct to say therefore that in the light of the statement,  
8 Maître Kilolo never, never instructed you to say anything further than what you  
9 knew?

10 A. I apologise. Well, I believe that the statement that I made is clear. It's clear.  
11 I can't add anything further to what I said, I hope.

12 MR DJUNGA: (Interpretation) Mr President, I think that I have finished with my  
13 examination. Mr Steven Powles will be completing the examination with a few  
14 further questions to the witness.

15 And I thank you, Mr Witness.

16 THE WITNESS: (Interpretation) I thank you.

17 PRESIDING JUDGE SCHMITT: Mr Powles, please continue.

18 I think we can stay in private session or what do you -- what would you suggest?

19 MR POWLES: Thank you, your Honour. I think we can go into public session.

20 There is a portion which I think will be necessary to go into private, but --

21 PRESIDING JUDGE SCHMITT: We'll give it a try with public session.

22 And Mr Larochelle is again observant and tells us if we are going astray in that  
23 respect

24 (Open session at 12.46 p.m.)

25 THE COURT OFFICER: We're in open session, Mr President.

1 MR POWLES: Thank you very much, Mr President.

2 Q. Mr Witness, my name is Steven Powles, and I'm going to ask you some further  
3 questions on behalf of Mr Kilolo. Do you understand?

4 A. Yes, I'm following you well.

5 Q. I understand that this is a difficult process for you and, as you said earlier,  
6 you're feeling a degree of pressure. So I'm going to try and keep my questions  
7 focused and I'd appreciate it if you could try and similarly keep your answers focused.  
8 Is that fair enough?

9 A. Thank you.

10 Q. Now, you told us yesterday, and just to reiterate, that Bob or, should I say, Mr  
11 Bob knew that you were not a soldier; that's correct, isn't it?

12 A. That's correct.

13 Q. Yeah. And obviously you knew that you had not been a soldier.

14 A. Well, my two statements confirm that fact well. Those two statements that  
15 were made by myself confirm this well.

16 Q. Yes. Is the answer to my question yes?

17 A. Well, yes, because when I came here, I said in my first statements that I was a  
18 soldier. Well, I'm not. I was never a soldier.

19 Q. So the answer to my question is yes?

20 A. Of course.

21 Q. Thank you. And you told us yesterday that you did not know and cannot say  
22 whether Mr Kilolo knew or not whether you were a soldier.

23 A. Of course.

24 Q. Now, we spent some time this morning listening to your first meeting with  
25 Mr Kilolo and la dame blanche --

1 A. Well, yes.

2 Q. -- (Overlapping speakers) at the hotel?

3 A. Of course.

4 Q. And it was Mr Bob who had sent you there?

5 A. Yes. He -- it was he who put me in contact with Maître Kilolo.

6 Q. And you not knowing whether Mr Kilolo and the Bemba team knew whether  
7 you're a soldier or not, your objective was to convince them that you were a soldier?

8 A. Well, it all depends on the first contact when I'm told that I was going to testify  
9 as a Central African officer in favour of Jean-Pierre Bemba. Well, convince, I don't  
10 know, but I was told -- Mr Bob told me go and testify. You're going to be testifying  
11 as a Central African officer. I know that you're capable of it. And I put  
12 myself in -- that I was going to be put in contact with a lawyer of Mr Jean-Pierre  
13 Bemba, and that I was going to introduce myself as an officer, and he said I know that  
14 you got the right knowledge and you're going to testify, he said to me. I think that  
15 we test -- we talked --

16 THE INTERPRETER: Overlapping speakers. Please allow the interpreter to finish.  
17 The interpreter has now lost her train of thought. Could the witness be requested to  
18 repeat the end of the answer. I apologise.

19 MR POWLES:

20 Q. Please repeat the end of your answer, Witness. I interrupted you. Perhaps it  
21 might be easier if I want to interrupt you, because sometimes your answers do go on a  
22 little bit, rather than interrupt you orally perhaps I'll put up my hand. If I put up my  
23 hand, could you please stop speaking. Do you understand?

24 A. Yes, I do understand, but I told you, lengthily we talked about this. [REDACTED]

25 [REDACTED]

1 [REDACTED]  
2 [REDACTED]  
3 [REDACTED] [REDACTED]  
4 [REDACTED]  
5 [REDACTED].

6 Q. And when you had that meeting with Mr Kilolo and la dame blanche, you  
7 presented yourself as a soldier, as an officer, and at no stage did you say to anyone of  
8 that team, look, this is all untrue what I'm saying.

9 A. Well, who was I supposed to tell that what I was saying was not true? Which  
10 team?

11 Q. The Bemba team, Mr Kilolo and la dame blanche. You didn't tell any of them  
12 that what you were saying wasn't true, did you?

13 A. We didn't even talk about it. And I didn't tell them that.

14 Q. Well, we've listened to some of the conversation that you had with them, and  
15 we've got a full transcript of that meeting, yes?

16 And in that meeting, and the audio that we have of it, you are telling Mr Kilolo and la  
17 dame blanche that you're a soldier and you're accounting all of your experiences. Is  
18 the answer to that yes?

19 A. Indeed.

20 Q. And your intention was for them to believe that that was true. Is the answer to  
21 that yes?

22 A. I don't know. I haven't really grasped the question. Could you repeat it?

23 Q. It is a very simple question, Witness. At that first meeting, did you intend the  
24 people you were meeting, Mr Kilolo and la dame blanche, did you want them to  
25 believe what you were saying?

1 A. This is a statement that I made. According to my culture, my research,  
2 attempting to convince them, well, I think to my understanding they were sitting  
3 opposite a military man. I didn't need to attempt to convince them in any way.

4 Q. And I'll repeat a former question. At no point, and we have the transcript and  
5 the audio, at no point during that meeting did you say to any of that team what I'm  
6 telling you is untrue?

7 A. I never said that. I couldn't tell them that.

8 Q. (Overlapping speakers). Thank you. On Monday, Mr Vanderpuye for the  
9 Prosecution asked you if Mr Kilolo ever asked you for military ID or your military  
10 number. Do you remember that?

11 A. Yes, he did put that question to me.

12 Q. In terms of the steps taken by Mr Kilolo to check the truth and the veracity of  
13 what you're saying, it's right, isn't it, that sometime after your meeting with him and  
14 la dame blanche it was arranged for you to see a general, a white general, Séara. Do  
15 you remember that?

16 A. Yes, of course, we talked about this lengthily.

17 Q. And he was an expert in military affairs, that gentleman?

18 A. Well, that's what he said that he was an expert.

19 Q. And he was questioning you to try and establish the truth and veracity of what  
20 you were saying?

21 A. I do not know, but during our discussion he asked me where I had been trained.  
22 He asked me my name, my surname. He asked me where I trained. And when I  
23 gave him an explanation -- well, in view of the fact that he'd gone through the CAR  
24 himself, he travelled through, he knew the entire region virtually, he immediately  
25 understood that I had knowledge. We didn't go into depth. We didn't spend much

1 time with him -- on him. Well, as for the rest of the questions, I believe I need to  
2 remain within the context of the discussion.

3 Q. Just before finishing, before lunch, one final question about that meeting with  
4 the general: Had you taken time off work to go and see him?

5 A. It was a day, an afternoon, I believe.

6 Q. Again, had you taken time off work to go and see him?

7 A. I believe something must be made clear. When -- well, leave, break, time off, I  
8 don't understand. I don't quite know what I was doing at the time. It was an  
9 afternoon, an evening. It was an afternoon, taking leave. For how long and to do  
10 what? It was an hour or two. I do not know quite what this is about.

11 Q. Well, should I help you then, perhaps in the last minute before we break before  
12 lunch, with the Trial Chamber's indulgence. I'm going to read a short section from  
13 your interview with the Office of the Prosecutor which may refresh your memory.  
14 And for the benefit of others, I don't know if it needs to come up on the screen, or  
15 maybe it does, CAR-OTP-0087-2458, and it's at line 1207.

16 And Mr Witness, you'll forgive my French, you say this about that meeting:

17 (Interpretation) Every time I interrupted my work and I came back -- that's a  
18 difficult one. That and all of that, what is that?

19 (Speaks English) Well, that's you speaking. It's right you'd taken time off work,  
20 hadn't you?

21 A. I need to see that. I don't know.

22 PRESIDING JUDGE SCHMITT: I think we have it now on the screen. And, please,  
23 Mr Witness, have a look on it and tell us what you -- if this refreshes your recollection.

24 THE WITNESS: (No interpretation)

25 MR POWLES: (Overlapping speakers) 1207. It starts at 1205. I don't want to

1 deprive anyone of their lunch. Perhaps we can come back after lunch unless --

2 Q. This is your description: (Interpretation) Person interviewed. He was a  
3 specialised general.

4 That's at line 1205. So this is the meeting that you're discussing.

5 And then at line 1207: (Interpretation) Every time I interrupted my work I, I came  
6 back.

7 Do you understand? So it appears there that what you're saying is you had broken  
8 your work to go and see this general. Do you understand that?

9 A. I don't quite know. Just give me a minute or two. Let me read what is  
10 written here and I shall answer you.

11 Q. I'd be very grateful.

12 THE INTERPRETER: Correction from the interpreter: When the witness said  
13 tracasserie, we could say a hassle.

14 MR POWLES: I know the meaning of that word.

15 THE WITNESS: (Interpretation) Yes. I now understand the crux of your question  
16 or the thrust of your question, and I shall answer it. When I said "interrupt my  
17 work," in other terms I can say -- well, I can talk about my personal concerns, because  
18 at that moment in time I no longer remember what, remember what I was doing.

19 I'm talking about my personal concerns. I was deprived of this for a lapse of time.

20 I hope I'm making myself understood here. So, you know, in slang I can say, well, I  
21 interrupted my work. I'm not saying that I actually left my job to one side. It's that  
22 I interrupted my personal matters in order to do, to do this. Thank you.

23 MR POWLES: Thank you.

24 PRESIDING JUDGE SCHMITT: I think this will do for the moment. We will have  
25 a lunch-break until 2.30. And the Chamber would very much appreciate good news

1 after the lunch-break from the Prosecution.

2 THE COURT USHER: All rise.

3 (Recess taken at 1.05 p.m.)

4 (Upon resuming in open session at 2.30 p.m.)

5 THE COURT USHER: All rise.

6 PRESIDING JUDGE SCHMITT: Mr Vanderpuye, could you please provide us with  
7 an update to put it this way.

8 MR VANDERPUYE: Thank you, Mr President. I can. I spoke to the witness as I  
9 said I would and also Ms Struyven spoke to the witness as well. He indicated that  
10 he will be available to testify as of tomorrow afternoon 1.30 or thereabout. He  
11 indicated as well that he had certain obligations, which I conveyed to the Chamber  
12 legal officer. If you would like, I can put that on the record as well. Okay.

13 My understanding from the witness is that he had certain pre-scheduled high level  
14 meetings next door at the KPN building with officials there. My understanding is  
15 that he had the impression that he would be able to reschedule those meetings in  
16 order to accommodate or to meet rather his anticipated scheduling here to testify.  
17 He learned, I think it was yesterday or the day before, that he was not able to do that  
18 and contacted the VWU and the VWU subsequently sent an email to that effect.  
19 I spoke to him within an hour or so ago and he indicated to me that he can move  
20 some meetings tomorrow so that he can be available in the afternoon and he will do  
21 that. He will be available as well on Friday, and he will be available in principle on  
22 Monday if need be for the Chamber.  
23 He had also indicated that he had scheduled -- rescheduled his engagements twice  
24 before, which I'm certain must have happened and he must have done because  
25 originally, as the Chamber will recall, the anticipated prosecution schedule was to call

1 Witness P-433 followed by Witness P-245 and so on and 260. That order was  
2 originally conveyed to the VWU in anticipation, by the way, of the witness order that  
3 was filed with the Chamber on the 30th of June. We discussed this with VWU on  
4 12 June, and to date we don't have a definitive date for the testimony of P-245, which  
5 is what necessitated the juggling and the shifting in the scheduling to begin with.  
6 So tomorrow we can begin with Mr Pluijmers hopefully with the conclusion of the  
7 cross-examination, any redirect examination the Chamber may allow with this  
8 witness. That's it in a nutshell.

9 PRESIDING JUDGE SCHMITT: Thank you, Mr Vanderpuye. The Chamber still  
10 considers this as not a very satisfying course of events and not a very satisfying  
11 explanation, but still. So we will start with this witness tomorrow afternoon. We  
12 will extend the afternoon session for half an hour to gain time, which means that we  
13 will reduce the lunchbreak for half an hour. So we will start at 2 o'clock and we'll be  
14 in the courtroom until 4 o'clock. And we will continue on Friday and on Monday, if  
15 need be, but it can be imagined.

16 But there has -- I have to admit that to the Defence, this has the disadvantage for the  
17 Defence that their expert cannot be present for the whole day. He will be present as  
18 I understood it in the afternoon. We made clear that we will first talk about the  
19 qualification of the expert. I think that would be -- I can imagine that this would be  
20 of the major interest of the Defence, too. So he will -- put it this way, your expert  
21 will be present then. And for the further examination, we will have to refer to that  
22 what we have decided upon.

23 This is as I said, this is not a very pleasant situation, but these things happen. And  
24 yes, we will leave it for the moment to this. (Microphone not activated)

25 Excuse me. Then we can go into closed session and -- no. Go into private session

1 first. Excuse me, I have to read an oral decision, yes.

2 MR KILENDA: (Interpretation) With your leave, Mr Presidents, since we have  
3 come into the courtroom, nothing of what you have said and what the Prosecution  
4 have said has appeared on the French transcript. And I'm talking about this under  
5 the eyes of our dear interpreters. (Private session at 2.36 p.m.)

6 THE COURT OFFICER: We're in private session. And our technicians are looking  
7 into the problem.

8 PRESIDING JUDGE SCHMITT: So I understand that the problem will be solved. If  
9 not, please let me know.

10 [REDACTED]  
11 [REDACTED]  
12 [REDACTED]  
13 [REDACTED]  
14 [REDACTED]  
15 [REDACTED]  
16 [REDACTED]  
17 [REDACTED]  
18 [REDACTED]  
19 [REDACTED]  
20 [REDACTED]  
21 [REDACTED]  
22 [REDACTED]  
23 [REDACTED]  
24 [REDACTED]  
25 [REDACTED]

Trial Hearing

(Open Session)

ICC-01/05-01/13

1 [REDACTED]  
2 [REDACTED]  
3 [REDACTED]  
4 [REDACTED]  
5 [REDACTED]  
6 [REDACTED]  
7 [REDACTED]  
8 [REDACTED]  
9 [REDACTED]  
10 [REDACTED]  
11 [REDACTED]  
12 [REDACTED]  
13 [REDACTED]  
14 [REDACTED]  
15 [REDACTED]  
16 [REDACTED]  
17 [REDACTED]  
18 [REDACTED]  
19 [REDACTED]  
20 [REDACTED]

21 This concludes the Chamber's oral ruling.

22 And we then go into closed session and bring the witness again into the courtroom,  
23 and then we continue with Mr Powles.

24 (Closed session at 2.40 p.m.)

25 THE COURT OFFICER: We're in closed session, Mr President.

1 (The witness enters the courtroom)

2 PRESIDING JUDGE SCHMITT: Welcome again, Mr Witness.

3 I think, Mr Powles, if you do not indicate anything else, we can go into open session;  
4 is this correct?

5 MR POWLES: Mr President, yes, we can go --

6 PRESIDING JUDGE SCHMITT: And we stay with the pseudonyms that we have  
7 agreed upon. So we go into open session then.

8 MR POWLES: Yes, Mr President.

9 (Open session at 2.41 p.m.)

10 THE COURT OFFICER: We're in open session, Mr President.

11 MR POWLES: Thank you, Mr President.

12 Q. Mr Witness, I've been asked to speak slower when asking questions of you, so  
13 forgive me if I'm speaking a little bit slowly sometimes.

14 A. Very well.

15 Q. And even speaking slowly, if we both focus on the questions that I'm asking,  
16 I think we should be able to finish within the next 45 minutes. I see you're nodding.  
17 Thank you.

18 So you had a first meeting with Mr Kilolo and la dame blanche. You had another  
19 meeting with the General Séara, the white general. I think it's right also that  
20 sometime after you first met Mr Kilolo and the white lady, [REDACTED]

21 [REDACTED]

22 [REDACTED] and then again after that you met with Mr Kilolo when  
23 you were being introduced to the Court to give evidence.

24 So there were a number of meetings over the period that you knew the Bemba  
25 Defence that you were having meetings with them?

1 A. Okay. Thank you.

2 Q. When you were away from your family for those meetings, they would  
3 be -- well, there would be no one there to provide for them when you're away from  
4 them. Is that fair to say?

5 A. I see you've asked two successive questions, two questions in succession. If  
6 you allow me I will come back to the question to give you a precise answer. [REDACTED]

7 [REDACTED]  
8 and the second question was when I travelled to go to the location of the meeting,  
9 who was taking care of my family.

10 Well, I shall start giving you an answer to the latter question before answering the  
11 former.

12 I was there on site. I was residing on site in the country where the meeting took  
13 place firstly. And my wife wasn't working, she was supposed to do all the work.

14 You know, well, I would come back in the evening and give her a bit of a hand, we  
15 are modern. But in terms of domestic chores, my wife does most of it, and she takes  
16 care of [REDACTED] in my absence. So this was for one day. So it was for one day.

17 And it wasn't a meeting that lasted 48 hours or 72 hours and I left the family and slept  
18 elsewhere firstly. Now, I don't know quite what type of occupation you were  
19 talking about when you said who is supposed to take care of my family when I'm  
20 away, [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 MR VANDERPUYE: I'm sorry to interrupt, Mr President. I'm sorry to my  
25 colleague.

1 Can we go into private session for a moment, Mr President? I believe there is  
2 something in the record that I need to bring to your attention.

3 (Private session at 2.46 p.m.)

4 THE COURT OFFICER: We're in private session, Mr President.

5 MR VANDERPUYE: Sorry, Mr President. [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 [REDACTED] I see heads shaking.

10 THE COURT OFFICER: Mr Vanderpuye, it has been redacted.

11 MR VANDERPUYE: Okay, all right. I'm sorry about that. Then I thought it was  
12 still in the record. I apologize.

13 PRESIDING JUDGE SCHMITT: No. That's no problem. If everybody is vigilant  
14 in that respect, that is really something that we appreciate.

15 MR POWLES: I certainly appreciate the interruption.

16 PRESIDING JUDGE SCHMITT: Mr Powles, there will be another interruption by  
17 your co-colleague.

18 MR LAROCHELLE: As the authority on protective measures, I would like to make a  
19 suggestion that whenever there is a slip or a little incident like that, if we immediately  
20 jump the gun, I think it may undermine even further the protection measures. So  
21 maybe it would be worth a few minutes at least and then discreetly request the  
22 private session rather than immediately scrambling into it.

23 MR POWLES: For my part I'm certainly grateful for the break in the answer because  
24 it allows me to interject, which is sometimes difficult.

25 PRESIDING JUDGE SCHMITT: I think, I assume we can now go into open session

1 again --

2 MR POWLES: Yes, Mr President.

3 PRESIDING JUDGE SCHMITT: -- because we are still in private session.

4 MR POWLES: Yes, Mr President.

5 PRESIDING JUDGE SCHMITT: So we continue in open session then.

6 THE INTERPRETER: Microphone, please, counsel.

7 PRESIDING JUDGE SCHMITT: Mr Witness, please.

8 THE WITNESS: (Interpretation) Yes, I was saying as follows: That it wasn't a 48

9 or 72-hour journey. It was a just a matter of hours. And, well, as to who was taking

10 care of my family, well, all the domestic chores and taking care of the children was up

11 to my wife. And I didn't tell my wife -- you know, sometimes I go out in the

12 morning and come back in the evening. It's the private domain.

13 PRESIDING JUDGE SCHMITT: We go into open session then again. The witness

14 has misunderstood, has continued with his answer.

15 So we go into the open session and then you, please, Mr Powles --

16 MR POWLES: Thank you very much.

17 PRESIDING JUDGE SCHMITT: -- continue with the question.

18 MR POWLES: Thank you, Mr President.

19 Q. Yes, Witness --

20 (Open session at 2.49 p.m.)

21 THE COURT OFFICER: We're in open session, Mr President.

22 MR POWLES: Thank you.

23 Q. Yes, Mr Witness, I think it's a simple point. You are invited to see the Bemba

24 Defence team on a number of occasions and on all of those occasions your daily

25 routine was disrupted. Whatever you were doing, whether you were working,

1 whether you were looking for work, whether you were looking after your family, on  
2 those occasions when you met with the Bemba Defence team your daily routine,  
3 whatever it was, was disrupted.

4 A. I don't know what you mean by disrupted.

5 Q. In that case don't -- then don't worry about it. You were given -- I see the  
6 witness has raised his hand.

7 PRESIDING JUDGE SCHMITT: Yes, Mr Witness.

8 THE WITNESS: (Interpretation) I do not believe that I should be misled in the -- by  
9 the manner in which counsel is putting the question because, you know, the manner  
10 in which he puts the question might lead me astray. May I ask counsel to put the  
11 question, to give me the time to answer it, and then once I've finished answering, he  
12 can ask another question. You know, the nth question. But if he keeps on jumping  
13 in and I haven't finished what I'm saying then I won't be able to give answers in a  
14 normal fashion.

15 MR POWLES:

16 Q. (Overlapping speakers) With respect, Mr Witness, it may be that my  
17 answers -- my questions are not very clear. And the learned Judges will be the judge  
18 of that. It may be that you're being obtuse. Again, the learned Judges will be the  
19 judges of that. Or it may be a translation issue. I don't know. But certainly time is  
20 limited, so I'd be grateful if you would listen to my questions and answer the  
21 questions that I ask. I'm now going to move on to another to topic in view of the  
22 limited time.

23 PRESIDING JUDGE SCHMITT: And Mr Witness you are not in the position to  
24 judge the questioning of counsel. I -- the Chamber has until now not seen any  
25 reason to interfere with the mode of questioning. The message of course has been

1 reached, Mr Powles, that he should be -- should wait on the answer and the complete  
2 answer of the witness, but I also would underline that you please be as concise and as  
3 short and precise as you can be with your answers.

4 MR POWLES: Thank you very much, Mr President.

5 Q. You were given you say a hundred dollars after your first meeting with the  
6 Bemba Defence team. That's a simple yes or no answer.

7 A. I did not say that somebody gave me a hundred dollars, it was Maître Kilolo  
8 who gave me the hundred dollars after the discussion, after the entire discussion.  
9 And in the stairwell when going home, he said I'm reimbursing your taxi and he gave  
10 me \$100. Thank you.

11 Q. Thank you. Thank you, Witness. You also claim, and maybe this right, that  
12 he gave you -- you weren't quite precise, 300, maybe 350, maybe 400,000 CFA on  
13 another occasion.

14 A. Oui.

15 Q. Yes, thank you.

16 A. Yes.

17 Q. That's the answer. What I'm going to suggest to you, Mr Witness, that you  
18 haven't been very precise about the amount, and if a second amount was given to you  
19 it was certainly less than 300,000.

20 A. No, it is not less than 300,000. It is not less than 300,000. When you refer to  
21 300,000, I think it was 450,000 CFA. But the error that I made at the outset, and that's  
22 what I was saying, please, the mistake I made at the outset was that I don't really  
23 know what the rate is for the dollar. For me it's CFA against the Euro. So I think it  
24 was 450,000 CFA that I got from Maître Kilolo. That's for sure. It was in CFA. It  
25 wasn't in dollars.

1 Q. It was in CFA and you can't remember if it was 300, 350, 400 and now you're  
2 saying 450,000?

3 PRESIDING JUDGE SCHMITT: Mr Vanderpuye?

4 MR VANDERPUYE: Mr President, I think the witness has answered the question  
5 more than once. And the question that Mr Powles is putting to him are statements  
6 that were made by counsel during the course of cross-examination rather than the  
7 witness himself.

8 PRESIDING JUDGE SCHMITT: Objection sustained.

9 Mr Powles, please move on.

10 MR POWLES: Yes, I'll move on. Perhaps now we could go into private session  
11 because I want to go into documents that may be sensitive.

12 PRESIDING JUDGE SCHMITT: Private session, please.

13 (Private session at 2.56 p.m.)

14 THE COURT OFFICER: We're in private session, Mr President.

15 MR POWLES:

16 Q. Mr Witness, what I want to do now is look at some of the payments that you've  
17 received in detail from the Office of the Prosecutor. And there should be a bundle  
18 that's been provided to you with nine pages.

19 And your Honours should have copy as well. And I think the parties have been  
20 provided with a copy as well.

21 THE INTERPRETER: Message from the English booth: Could the interpreters also  
22 please have a copy. Thank you.

23 MR POWLES: A copy for the interpreters. There is a -- there is a copy. I think the  
24 interpreters requested a copy as well. Sorry. Just while that's being passed up  
25 I think we can begin.

1 Q. On the first page, which is CAR-OTP-0090-2122, apparently that was last update  
2 in September of this year and it reflects that a total amount of €873.65 have been given  
3 to you by the OTP for the period from 16 December 2014 until now. I just want to  
4 understand, if I may, when you first came into contact with the Office of the  
5 Prosecutor.

6 I see Mr Vanderpuye is on his feet.

7 PRESIDING JUDGE SCHMITT: Please Mr Vanderpuye.

8 MR VANDERPUYE: Thank you, Mr President. I have the document that Mr  
9 Powles is referring to in front of me, it is CAR-OTP-009-02122, and he's referring to  
10 the amount of €873 in this document, and I believe he can see as well as I can that that  
11 includes a certain amount for [REDACTED]. I think he ought to clarify with the witness  
12 whether or not he was given the money for [REDACTED] before he insinuates that the  
13 money was given to the witness.

14 PRESIDING JUDGE SCHMITT: Yes. That is fair. Of course. Please, Mr Powles.

15 MR POWLES: And it is, of course, right to say that Mr Vanderpuye will have an  
16 opportunity to re-examine the witness in due course and in any event. So if he  
17 wants to take any of these points it may be -- it may move things forward faster if I'm  
18 permitted to ask my questions before interjections.

19 MR VANDERPUYE: I have no -- I have no problem with that just as long as they're  
20 not misleading.

21 MR POWLES: Of course.

22 PRESIDING JUDGE SCHMITT: And the Presiding Judge of this Chamber would be  
23 grateful if we could move on as quick as possible --

24 MR POWLES: Yes.

25 PRESIDING JUDGE SCHMITT: -- and on -- or, to put it this way, on a straight line

1 of questioning.

2 MR POWLES:

3 Q. Yes, I just want -- just quickly witness I wanted to ascertain when you first met  
4 with the office of the pros -- or, were first in contact with the Office of the Prosecutor?  
5 Was it at the end of 2014 or were you first in contact with the Office of the Prosecutor  
6 at the end of 2013?

7 A. Placed in contact with the Office of the Prosecutor? Well, it's difficult. It  
8 could only have been at the end of 2013, which is when I received the first phone call  
9 from [REDACTED]. Everything started from the phone call. And then  
10 subsequently a few months later we met in a hotel in the town in [REDACTED]. And it  
11 was in December that we saw each other again at a later stage in [REDACTED].

12 Q. Yes.

13 A. There we are.

14 Q. I'm grateful. So before that meeting in December of 2014 it's right that you  
15 were sent some money for [REDACTED], we can see that at page 2 of that document, on  
16 8 December you were sent some \$100 [REDACTED], and in that  
17 intervening period, between 8 December when you received that money and your  
18 meeting I think on 17 December, it's right that you -- what I'm going to refer to as a  
19 contact report you don't have it, Witness, but in that contact report it said that on  
20 9 December, so before your meeting with the Prosecution, you mentioned to  
21 [REDACTED] that you'd spent all the money in the expenses [REDACTED]  
22 [REDACTED] and asked if it was possible to receive a  
23 further 20,000 CFA for the rest of your expenses. Is that something that you said on  
24 9 December to [REDACTED]?

25 A. I'm sorry. Please, could you specify your question again?

1 Q. Yes. Did you have a contact -- yes, I think it was specific, but I'll put it to you  
2 again. Did you have a contact or speak with the Prosecution, [REDACTED], on  
3 9 December 2014, so a few days before your meeting, and mention to him that you'd  
4 spent all the money and expenses for [REDACTED]  
5 and asked if it was possible to receive a further 20,000 CFA for the rest of your  
6 expenses?

7 A. Well, I think that the clarity is well. In -- in any event, what he told me when I  
8 met him was if you have some money you might start processing some of the  
9 paperwork so that we can gain some time and you will be reimbursed thereafter. So  
10 later on I called him and I told him [REDACTED]  
11 [REDACTED]  
12 [REDACTED]. So I reminded him that he had promised me of the money that would be  
13 given me in relation to my expenses.

14 Q. That's right.

15 A. That's it.

16 Q. Over the page on CAR-OTP-0085-0488, that's the [REDACTED] transfer  
17 of 9 December, money being sent to you.

18 On page 4, 18 December 2014, details on CAR-OTP-0084-1423, a breakdown of some  
19 of the money that you had received in relation to your [REDACTED]. And there we  
20 can see some of the things that you were spending that money on.

21 Over the page, page 5, a more detailed breakdown of your reimbursements in  
22 relation -- dated 18 December 2014. This is CAR-OTP-0084-1422. There we see  
23 you're claiming at box number, box number 10, it's in English, and I'll read it in  
24 English, "[REDACTED]"

25 So you claim for [REDACTED] with that meeting with the OTP; is that right, Witness?

1 A. Bien sûr.

2 Q. Thank you. You also said --

3 A. Yes. Yes, of course. [REDACTED]

4 Q. Yes. Or you're suggesting you got more?

5 A. According to the calculations we made, I did not want to exaggerate. [REDACTED]

6 [REDACTED]

7 Q. I see.

8 A. [REDACTED]

9 Q. I see, thank you. We also see there that you were given money for [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 A. The money I withdrew was used [REDACTED]. You see, when you submit a  
13 document, the African administrative setup is not -- well, we are making some efforts  
14 in Africa to be on the same page with other administrations, but it is not the same.  
15 Sometimes you submit a document and it takes one week to process something that  
16 could have been done in a day. So one needed to push people a little bit, call them  
17 back, report about a thing or two. If people say that money has been spent, you also  
18 need to be able to report to them about how you spent the money. This is -- this is  
19 what I'm talking about.

20 Q. [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 A. [REDACTED]

24 [REDACTED]

25 Q. I see. Well, we've got the document in front of us, Witness, so I won't trouble

1 you any further with that.

2 Over the page, page 6, another [REDACTED] of some 109 I think it's dollars

3 and 28 cents in March, 6 March 2015, again over the page, that's in relation to

4 [REDACTED] we see at page CAR-OTP-0087-3699, \$100 for [REDACTED].

5 Finally another breakdown of your March expenses, we see there on

6 CAR-OTP-0087-1984, page 8, again a more detailed breakdown. [REDACTED] again

7 at line 6, you claim for [REDACTED] again, that's right?

8 A. Oui.

9 Q. [REDACTED]?

10 A. That's yes.

11 Q. And also for a [REDACTED] it seems at the bottom of the page in section B?

12 A. Yes, indeed. [REDACTED]

13 [REDACTED]

14 [REDACTED] [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 Q. I'm going to stop you, Witness. There is no dispute about this. I just want to

22 be quite clear there is no criticism about you for having claimed for any of these

23 things. My purpose in going through them all with you is simply to demonstrate

24 that there are certain expenses that you incur when appearing as a witness. And in

25 due course, it's not for you now, we'll make a comparison between the amounts you

1 say that you were given by the Defence of Mr Bemba and by the Prosecution for the  
2 purposes of your appearing in these proceedings.

3 And I think I've completed that exercise now, so we can go back into open session.

4 PRESIDING JUDGE SCHMITT: Back to open session, please.

5 (Open session at 3.11 p.m.)

6 THE COURT OFFICER: We're in open session.

7 MR POWLES: Thank you.

8 Q. Now, Witness, the next issue I want to deal with you is whether it was

9 Mr Kilolo or Mr Bob who told you not to mention that it was Mr Bob who introduced  
10 you to the Bemba Defence team. Now, this is not a criticism, but you have said  
11 different things at different times. And what I want to first do is go through the  
12 different things that you've said at different times and then perhaps go on to explore  
13 the reasons why. Do you understand?

14 A. Yes, I do understand you.

15 Q. So on 17 December 2014, when you met with the Office of the Prosecutor and  
16 you were interviewed, if we turn to CAR-OTP-0087-2474, and I wonder if that could  
17 go up on the screen. So this is on 17 September, the first day that you saw or were  
18 interviewed by the Office of the Prosecutor. Is that up on the screen now,  
19 CAR-OTP-0087-2474?

20 THE COURT OFFICER: Could we please have the ERN number of the first page?

21 MR POWLES: I'm so sorry. So the first page is CAR-OTP-0087-2467. My  
22 apologies. And then it's 2474. I see it.

23 Q. So on that page, 2474, on 17 December, when you were interviewed, at line 262  
24 to 269, can you just read that, please, Witness.

25 A. From 262 to 269?

1 Q. Yes. Would you like me to read it out for you or can you read it to yourself?

2 Read it to yourself. Don't read it out, Witness. Do you see that, Witness?

3 THE COURT OFFICER: I would like to remind you that we are open session.

4 MR POWLES: Yes.

5 THE COURT OFFICER: And I'd rather have not the document being read it out,  
6 please.

7 MR POWLES: I asked him to read it to -- I won't read it out then.

8 Q. Witness, have you read that, lines 262 to 269? When you've finished reading,  
9 perhaps you could -- thank you. Thank you very much.

10 So you've seen there that when you were asked who it was who said "Don't say that it  
11 was Mr Bob who put you in touch," you said there at page -- at line 269 that the  
12 person who told you that, I won't read out the name, but you say "C'est Mr Bob,  
13 Monsieur Bob." Do you see that there?

14 A. Yes, of course.

15 Q. Yes. So on 17 December 2014, when asked who had told you not to reveal who  
16 had introduced you to the Bemba Defence when giving evidence, you only mentioned  
17 Mr Bob and no mention of Mr Kilolo; that's right, isn't it?

18 A. I do not think that it is Maître Kilolo who got to know me this way. The  
19 question was: Who put you in touch with Jean-Pierre Bemba's Defence? And my  
20 answer was that it is Mr Bob, and I think that's a normal answer. There was no other  
21 reason to say that it is Mr Kilolo who put me in touch with Mr Bob. That would  
22 have been turning the pyramid upside down, so to speak.

23 Q. Well, we can see at line 264 there's a reference there "Donc, qu'est-ce qui  
24 explique que vous le ... que vous l'aurez nié devant le juge?" So there is discussion  
25 there about what you should and shouldn't say in front of the judge. And you say



1 been surprised when you were asked questions about Mr Bob in the Bemba trial. Do  
2 you understand? I'm not criticizing you for being surprised. It's the opposite.  
3 And before you answer, I'm going to stop you. Please wait, I haven't finished my  
4 question. And the reason you were surprised is because you had never discussed  
5 that issue before your testimony in the Bemba trial with Mr Kilolo?

6 A. [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 Q. Let me be quite clear with you, Witness. I'm not forcing you to say anything  
18 that you haven't said. What I'm repeating to you is something that you did say, all  
19 right. On Monday in this courtroom where you're sitting now you said you were  
20 surprised when a question was put to in the Bemba trial about whether you knew  
21 Mr Bob or not, right? You said you were surprised. My question to you or the  
22 point that I'm putting to you is that the reason you were surprised in the Bemba trial  
23 was because you had had no prior discussion about that issue with Mr Kilolo or  
24 anyone apart from Mr Bob? Do you understand the question now?

25 A. I understand you clearly, but maybe I'm just understanding you my own way.

1 However, if I am to understand you the way other persons may understand, or in the  
2 way that three or four other people may be understanding you in this courtroom,  
3 then the answer that I give you is that from the day on which I was asked the  
4 question, somebody had put me in touch with someone else, and I didn't expect that  
5 such a question would be raised with me at the Court.

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 Q. Mr Witness, don't worry about what other people may think about what you  
12 say or don't say during the course of these proceedings. That's something that we'll  
13 be making submissions on in due course. You don't you worry about that.  
14 On Monday, after much prompting by the Prosecution, you said at page 63 of  
15 Monday's transcript, at line 7, you were asked did you ever talk to Mr Kilolo about  
16 what to say if asked about [REDACTED]. And you said, I don't believe so. But I believe  
17 that Mr Bob should tell me that." Do you remember that?

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 MR POWLES: I think provided we use the name "Mr Bob" I think we can probably  
22 remain in open session.

23 THE WITNESS: (Interpretation) Counsel, quite humbly I want to -- to request that  
24 you revisit my previous or prior statements. I can't force you to do it, but I would  
25 invite you to bear in mind or take into account the person who put me in touch with

1 Mr Kilolo. [REDACTED]

2 [REDACTED]

3 [REDACTED]

4 [REDACTED]

5 Then he -- if he tells me to act as if I was not the one who put you in touch with him  
6 and asked me to behave as a soldier, as an officer, somebody who behaves in that  
7 manner, I think you ought to bear that in mind as well. You shouldn't forget that.  
8 You must bear that in mind. That's all I wanted to say.

9 MR POWLES:

10 Q. I don't think I'll go through, as I was planning to do, all the things that you said  
11 on Monday. We can examine that in detail in due course. I think I'll just move  
12 straight to the conclusion and it's this, Witness: It was Mr Bob who told you not to  
13 say in Court that it was him who had introduced you to the Bemba Defence team and  
14 not Mr Kilolo?

15 A. I think that to my mind -- anyway, depending -- it all depends on whoever  
16 comes to a final determination. My statement is the following: He said behave as if  
17 you did not know me, behave as if I am not the one who put you in touch with  
18 Jean-Pierre Bemba's Defence. When someone says that to you -- well, if someone  
19 says that to me, I am not a child, I am an adult. I am not a child on a bottle or being  
20 bottle-fed or something like that. I would understand what they mean when they  
21 say those things to me.

22 Q. I'm going to move on to my final issue with you, Witness, and with a bit of luck  
23 we might be able to do it in 10 minutes.

24 On Monday you said that when you were first going to meet with the Prosecution at  
25 the end of 2014, you were afraid and very hesitant.

1 For those who want to check, it's page 23 of the transcript, line 23.

2 Do you remember saying that?

3 A. Yes, indeed, but it was not towards the end of 2014. I think I referred to end of  
4 2013. I don't know. I had said indeed that I was hesitant and that I was afraid --

5 Q. Yes.

6 A. -- because I had never collaborated with them. I told you that.

7 Q. Yes. I think you also said today, page 48, line 10, that you didn't want to meet  
8 with them.

9 A. Obviously. For one thing, I didn't know from what angle they were coming.  
10 I couldn't just jump at it to go meet them. But when they insisted and insisted that  
11 they wanted to meet me, then I took the decision, courageous decision to at least  
12 listen to them to hear what they had to say. And that is what I have been doing to  
13 this very day.

14 Q. Well, whether it was courageous or not others will be the judge of. It's quite  
15 right that you didn't know whether it was you that they were interested in in terms of  
16 the wrongs that you had done, did you? Or did you know?

17 A. I didn't know because they never informed me over the telephone that they  
18 were to meet me and talk about this, that and the other.

19 Q. And you knew that one of the things that they might want to speak to you  
20 about was that you had given, according to you, false evidence in the Bemba trial?

21 A. Well, I didn't have such an idea in mind, but I did know that I had at one  
22 moment in time collaborated with the Court. And if a division of the Court was  
23 seeking to enter into contact with me it must have been in the same line of -- or train  
24 of thought. That's all. But I couldn't divine. I am no magician, you know, to  
25 divine what they were coming to do and say. There we have it.

1 Q. Well, you know that the Prosecution, by virtue of their name, prosecute people.

2 You knew that?

3 A. Yes, well, I know that, I know well that.

4 Q. Yes. And when you saw them in December of 2014, you knew that they were  
5 already prosecuting a number of people in relation to the trial that you say you had  
6 given false evidence in?

7 A. Well, it was broadcast over the RFI, the media broadcast that there was such a  
8 case file. It was not only me.

9 THE INTERPRETER: Message from the English interpreter: Could counsel please  
10 allow the interpreter to finish interpreting the witness's answer before interceding  
11 because there have been repeated overlapping speakers on the transcript and a lot of  
12 the transcript is now missing. Thank you.

13 MR POWLES: I -- yes, I'm very sorry. I'm very sorry.

14 Q. Let's be clear about something, Witness, you didn't come forward voluntarily to  
15 the Prosecution to tell them what you had done, did you? You didn't contact them  
16 and say: I want to come clean and tell you about this awful thing that I've done,  
17 giving false evidence in Mr Bemba's trial?

18 A. There were many witnesses and how could I -- how was I to go and talk to them?  
19 They approached me. They approached me. And as I said to you at the outset, I  
20 did not want to. Well, it was time-consuming and I thought, well, that question --

21 THE INTERPRETER: [REDACTED]

22 THE WITNESS: (Interpretation) -- you know, enough was enough. You can't just  
23 be in -- please, please. And so, well, they -- when they insisted, I thought to myself,  
24 well, I'll meet them and see what they have to say. That's all. So to go so far to say  
25 that I did not come of my own volition, well, I did.

1 MR POWLES:

2 Q. But that's just not right, is it, Witness. You, according to you, lied and lied and  
3 lied about being a soldier in the Bemba trial, misled the Trial Chamber in Mr Bemba's  
4 trial, misled Mr Kilolo about your involvement as a militaire and at no point after that  
5 did you ever come forward to anyone and say "I've done a terrible thing here; I've lied  
6 in Mr Bemba's trial"?

7 PRESIDING JUDGE SCHMITT: Please, Mr Vanderpuye.

8 MR VANDERPUYE: Thank you, Mr President. There is absolutely no evidence in  
9 the record that this witness has testified that he misled Mr Kilolo. So I would ask  
10 counsel to rephrase the question in accordance with the evidence that is on the record  
11 in these proceedings.

12 PRESIDING JUDGE SCHMITT: That is correct. This objection to this part of the  
13 question is sustained.

14 MR POWLES:

15 Q. The simple point, Witness, is after, according to you, giving false evidence in  
16 Mr Bemba's trial you waited for the Prosecution to come to you to tell them what you  
17 had done rather than going to them or anyone else? Is the answer to that question  
18 yes?

19 A. I believe that whatever the manner in which we arrived at this, I think it's useful  
20 to know that the Prosecution approached me and I could continue to tell lies, I could  
21 continue to hide my identity, I could continue to do so, but I didn't. I said what I  
22 said is the truth, but of course that depends on what determination will be made.  
23 I am at peace with my conscience and I am here now.

24 Q. Well, let's just explore what's motivated your conscience, Witness. And the  
25 key to it I would suggest is in the agreement that you made with the Office of the

1 Prosecutor on 17 December 2014 because in simple terms, and please correct me if I'm  
2 wrong, essentially what they were saying to you was: Mr Witness, we know you  
3 have lied. If you tell us what we want to here and if we are satisfied that you have  
4 told us the truth, we won't prosecute you.

5 PRESIDING JUDGE SCHMITT: Mr Vanderpuye.

6 MR VANDERPUYE: Again, I would ask my learned friend to refrain from  
7 mischaracterising the evidence in the case. That agreement is before the Chamber.  
8 It says -- it speaks for itself and his interpretation of that is a completely other matter.  
9 There is absolutely nothing in that agreement that suggests immunity, which is what  
10 my colleague is implying to this witness, and I'd ask for him to clarify the record or  
11 put the agreement in front of the witness so he can read it for himself.

12 MR POWLES: Let me -- let me put the question another way.

13 Q. Witness, what I'm interested is your understanding of that agreement. Did  
14 you understand from that agreement that if you cooperated with the Prosecution you  
15 could escape prosecution of yourself?

16 A. I believe that you're saying this in a professional manner and you might be  
17 putting this question as a practitioner of the law. I told you at the outset that I am no  
18 legal man. And I was taken to slaughter like a lamb. When I took my plane from  
19 my place of residence to the place of the meeting, I was never shown a document that  
20 might protect me so to speak. I never saw a document as such and I was never  
21 spoken to about it. I went there of my own volition. And what pushed me to go,  
22 well, I want to say what I had to say.

23 And it was when we arrived at the location of the meeting that I was presented with a  
24 document before we started. You know, I understood it my way. Please, I'm  
25 telling the truth today and I went to have a discussion with Maître Fataki to try and

1 have this explained in a clear manner, but I wasn't convinced. I had what I had to  
2 say, but I didn't really measure what could happen subsequently. I said what I had  
3 to say. And of course lawyers play with words and sentences and there we are.  
4 I don't know quite what you're driving at if I haven't answered your question  
5 correctly.

6 Q. Perhaps in the last couple of minutes you went to that meeting with the Office  
7 of the Prosecutor feeling like a lamb to the slaughter, to use your words. When you  
8 got there you were presented with a document that presumably would have been of  
9 some comfort to you. And it's right, isn't it, that you were reminded of that  
10 agreement during the course of your interview with the Office of the Prosecutor?  
11 If we could have up CAR-OTP-0087-2481 at page 2482.

12 PRESIDING JUDGE SCHMITT: Which line, please?

13 MR POWLES: Line 27 to 32.

14 Q. What we see there, Witness, is the interviewer reminding you of the accord, the  
15 agreement.

16 PRESIDING JUDGE SCHMITT: Mr witness, could you please indicate when you  
17 have finished reading it and then Mr Powles could ask his question.

18 MR POWLES:

19 Q. It's right, isn't it, Witness, that you are there during the course of your interview  
20 with the Office of the Prosecutor being reminded of the agreement and reminded of  
21 your part in the bargain?

22 PRESIDING JUDGE SCHMITT: Please do not use the word "bargain." Of course  
23 the first part of the question of course is okay, but the second one I would not allow.

24 MR POWLES:

25 Q. You were being reminded of your part in the agreement.

1 A. Well, yes, that is the question put by the investigator. That's what he said.

2 That's what is written down.

3 Q. Last two questions, please, Mr Witness. You accept obviously that when you  
4 gave evidence in the Bemba trial that you lied about being a lieutenant of FACA?

5 A. But I think these are the same questions that are coming back, okay?

6 Q. One last question then. And it's right, isn't it, that when you first met  
7 Mr Kilolo and la dame blanche you similarly lied about being a lieutenant in FACA?

8 A. I think that if that is your last question, I'm going to take the time to answer it.

9 I would like to very humbly once again draw your attention so that you do not lose  
10 your way as to how things began, because if there's a beginning, there's an end, the  
11 genesis as to how I came into this whole story.

12 I told you at the beginning that I do not know Kilolo. I don't even know Jean-Pierre  
13 Bemba's entourage. I'm going to be quite clear. I know nobody and I told you at  
14 the outset that I knew Jean-Pierre Bemba over the television. He's a famous man. I  
15 see him on the TV, President Bemba this, that and the other. And that's how we  
16 know him, who he is. But I know nobody in his entourage.

17 And I told you that you need to be careful about how things happened as to the  
18 person who put me in contact with Mr Kilolo, whom I had never known in my life  
19 and I never imagined that we would come to meet each other.

20 And the individual by suggesting me or suggesting the deal, if I might call it as such,  
21 said: You will be testifying as an officer, a Central African officer. And that's  
22 where things started out.

23 [REDACTED]

24 [REDACTED]

25 [REDACTED]

1 PRESIDING JUDGE SCHMITT: I think in his way, Mr Powles, the witness has  
2 answered the question.

3 MR POWLES: Yes.

4 PRESIDING JUDGE SCHMITT: So I think we need not repeat this again.

5 MR POWLES: Yes.

6 PRESIDING JUDGE SCHMITT: We have heard this before.

7 MR POWLES: Yes, I think, Witness, the short answer to the question is yes.

8 PRESIDING JUDGE SCHMITT: So this concludes the questioning by the Defence of  
9 Mr Kilolo. I understood when you started with the questioning yesterday that the  
10 Kilolo Defence understandably has been given time by the other Defence teams, but  
11 I would of course like to ask the other Defence teams if there are further questions, if  
12 there were further examination planned by the other Defence teams.

13 MR VERCKEN: (Interpretation) For our part, Mr President, we have no questions  
14 for this witness.

15 MR RODOMA: (Interpretation) I thank you, Mr President, your Honours. As far  
16 as we're concerned we have only one question. I know that it is not an easy thing to  
17 testify. We have a question that we would have liked to ask the witness, but he has  
18 just answered the question that we wanted to put to him, notably, his knowledge of  
19 Mr Bemba's entourage. He confirmed, maybe he could confirm to us again, that he  
20 did not know Mr Bemba nor his entourage and that the only knowledge he had was  
21 via the media. Thank you very much.

22 PRESIDING JUDGE SCHMITT: I think this question indeed has been answered, so I  
23 see no need to put it again to the witness and confirm it again.  
24 Defence for Mr Arido.

25 MR LAROCHELLE: Your Honour, we have a small cross-examination. I don't

1 think it will be more than 20 minutes to half an hour. But I can start now, I can do it  
2 tomorrow afternoon. I don't know if the Prosecutor intends to re-examine, in any  
3 case, in which case we may -- this time around I will not ask for your indulgence to go  
4 now, but I wouldn't mind starting tomorrow morning.

5 PRESIDING JUDGE SCHMITT: I think we inquire until the end what the Defence  
6 teams have planned and also what Mr Vanderpuye intends to do.

7 So, Mrs. Taylor, please.

8 MS TAYLOR: Thank you, Mr President. The Defence for Mr Bemba has no  
9 questions for this witness. Thank you.

10 PRESIDING JUDGE SCHMITT: Mr Vanderpuye.

11 MR VANDERPUYE: Mr President, with your leave, I do have some re-examination  
12 for this witness, which I don't think I can achieve before the end of the day,  
13 particularly if the Arido Defence has questions for the witness. So I will take a look  
14 at the record. From what I have on my piece of paper I can estimate that it will take  
15 probably around 40 minutes, assuming that the witness can answer and focus on the  
16 questions put to him. But that's what I expect.

17 PRESIDING JUDGE SCHMITT: So I assume that we will need one session, to put it  
18 this way, for the examination of the Arido Defence and re-exam. I think it's perhaps  
19 to be on the safest side if we start then tomorrow morning at 9.30. Otherwise, there  
20 would be a possibility to have the -- at 11 or 11.30 a session, but I think it's best to start  
21 as planned tomorrow morning at 9.30 and we continue then with the examination by  
22 the Arido Defence and then we see how far we come with your examination. But  
23 I would advise you not to be too lengthy with the re-exam because I do not want to  
24 have it in any case and in any event, but I can understand that you want to have it  
25 here.

1 Yes.

2 MS TAYLOR: I'm sorry to intervene, Mr President, but my client has just informed  
3 me that if we start at 9.30, if you have a substantial break between sessions, he has to  
4 stay here in his cell which causes quite an inconvenience.

5 PRESIDING JUDGE SCHMITT: So this is a situation where we --

6 (Pause in proceedings)

7 PRESIDING JUDGE SCHMITT: I didn't know that this possibility existed, I was just  
8 informed that we can have two sessions for two hours. So we will start at 10 o'clock  
9 until 12 o'clock so we have enough time, sufficient time for both, which should not be  
10 that you have to use it, I should not say that you have to use this time. And in the  
11 afternoon at 14 until 16. So we do it this way.

12 Now we will resume tomorrow at 10 o'clock.

13 THE COURT USHER: All rise.

14 (The hearing ends in open session 3.54 p.m.)