

Trial Hearing
WITNESS: CAR-OTP-P-0260

(Open Session)

ICC-01/05-01/13

1 International Criminal Court
2 Trial Chamber VII - Courtroom 1
3 Situation: Central African Republic
4 In the case of The Prosecutor v. Jean-Pierre Bemba Gombo, Aimé Kilolo Musamba,
5 Jean-Jacques Mangenda Kabongo, Fidèle Babala Wandu and Narcisse Arido
6 ICC-01/05-01/13
7 Presiding Judge Bertram Schmitt, Judge Marc Perrin de Brichambaut and
8 Judge Raul Pangalangan
9 Trial Hearing
10 Wednesday, 14 October 2015
11 (The hearing starts in open session at 9.31 a.m.)
12 THE COURT USHER: All rise.
13 The International Criminal Court is now in session.
14 PRESIDING JUDGE SCHMITT: Good morning, everybody.
15 Good morning, Mr Witness.
16 Court officer, could you please call the case.
17 THE COURT OFFICER: Thank you, Mr President.
18 The situation in the Central African Republic in the case of The Prosecutor versus
19 Jean-Pierre Bemba Gombo, Aimé Kilolo Musamba, Jean-Jacques Mangenda Kabongo,
20 Fidèle Babala Wandu and Narcisse Arido, case reference ICC-01/05-01/13.
21 We are in open session.
22 PRESIDING JUDGE SCHMITT: Thank you very much.
23 And now to the presentation of the parties.
24 Please, Mr Vanderpuye.
25 MR VANDERPUYE: Thank you, Mr President. Good morning to you, your Honours. We

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- 1 have the same configuration as yesterday.
- 2 PRESIDING JUDGE SCHMITT: Mrs Doucerain.
- 3 MS DOUCERAIN: (Interpretation) Karine Doucerain, duty counsel for the witness.
- 4 PRESIDING JUDGE SCHMITT: And then for the Defence, please.
- 5 MR GOSNELL: Good morning, Mr President. Same appearances as yesterday for
- 6 Mr Mangenda.
- 7 MR POWLES: Good morning, your Honours. The same configuration again for Mr Kilolo
- 8 as yesterday.
- 9 MR TAKU: May it please the Court our Defence team is unchanged. Same like yesterday.
- 10 MR KILENDA: (Interpretation) Good morning, your Honours. The same team on behalf
- 11 of Mr Babala.
- 12 MS TAYLOR: Good morning, Mr President, your Honours. Mr Bemba has the same
- 13 Defence team as yesterday. Thank you.
- 14 PRESIDING JUDGE SCHMITT: Thank you very much.
- 15 And we continue with the examination by the Defence of Mr Kilolo.
- 16 Please, Mr Powles.
- 17 MR POWLES: Thank you very much. Yes. Thank you, Mr President. I don't think my
- 18 microphone was on.
- 19 WITNESS: CAR-OTP-P-0260 (On former oath)
- 20 (The witness speaks French)
- 21 QUESTIONED BY MR POWLES:
- 22 Q. Good morning, sir, Mr Witness.
- 23 A. Good morning, Counsel.
- 24 Q. I'm Steven Powles, and I'm going to be asking some more questions of you on behalf of
- 25 Mr Kilolo, who sits to my right.

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1 You're obviously an educated man, sir. I think you said in your first testimony in the Bemba
2 case that you have (Redacted) ; is that correct?

3 A. Yes.

4 Q. And you are also (Redacted). And I think you've been (Redacted) since 2009; is that correct?

5 A. I've always been (Redacted).

6 Q. I understand. Thank you for clarifying that. So before 2009 you were (Redacted)
7 already?

8 A. It was before 2009, that's when I began (Redacted).

9 Q. I'm very grateful for the clarification, thank you. I'm now going to ask you a few
10 questions about money and money that you've received, first when appearing as a witness for
11 the Defence in the Bemba case and then now as a Prosecution witness in these proceedings.
12 Do you understand?

13 A. Yes, I understand, Counsel.

14 Q. Because obviously you received money when appearing as a witness in the Bemba case
15 to cover certain expenses and similarly you've received money during the course of these
16 proceedings and leading up to these proceedings to facilitate your appearance as a witness
17 here today; is that correct?

18 A. Yes.

19 Q. Now, you told us that before meeting Mr Kilolo, you were expecting and thought you
20 might receive 10 million CFA and that you might be able to relocate to Europe. That's right,
21 isn't it?

22 A. That's right.

23 Q. Thank you very much. And to be clear, you do not say that it was Mr Kilolo who
24 offered you the opportunity to move to Europe or the 10 million CFA?

25 A. Yesterday I was saying that when Mr Arido had met with me and he told me about this

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1 particular deal, the first condition was that if I agreed to give testimony, I would get
2 10 million, and that there would be travel to Europe. So I thought that he was telling me that,
3 but when we came together as a group I was extremely surprised to learn that everyone was
4 given the same promise. And that is why I had agreed to give testimony, testimony to earn
5 the 10 million and 10 million to have this travel to Europe.

6 Q. That's right. And it wasn't Mr Kilolo who offered you that, was it?

7 A. In Mr Kilolo's room at the (Redacted) hotel I was heard, questions were put to me, and when I
8 finished answering the questions and as I was leaving the hotel, that -- he and I, today present,
9 he said to me that I mustn't give the impression that I was interested in Europe because if you
10 give them the impression that it's Europe that interests you, they will quickly understand.
11 And so I said I got it. I've understood. So I went down and he gave me €50 and we
12 went our separate ways. That's what happened.

13 Q. Yes. So he wasn't offering you the opportunity of coming to Europe?

14 A. Counsel Kilolo did not promise me, but that's what he said, he did not promise me the --

15 Q. Thank you very much. Now, you're talking about February 2012 when you met
16 Mr Kilolo and gave an interview to the Bemba Defence. And of course, we've heard some of
17 the recording of that interview with Mr Bemba and his assistant, legal assistant. Now, it's
18 right that after that interview you were given a small amount of money to cover your travel
19 and food by Mr Kilolo?

20 A. Counsel, I would like you to reformulate your question because it's ambiguous.

21 Q. How is it ambiguous, Witness?

22 A. Because you just said a bit earlier that I had met with the Defence team of Mr Bemba
23 and a recording was made --

24 Q. Yes.

25 A. -- of me when I was heard, and that was significant.

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1 Q. Yes. Was my question ambiguous, Witness?

2 A. The recording was done by Mr Kilolo and his assistant. When I got there, no recording
3 was presented to me at that time because, with reference to what you just said, it's as if my
4 contact with Mr Kilolo came to the agreement of a recording, but no recording was made. I
5 was never given a chance to listen to any recording before talking to him, otherwise -- well,
6 you see, my conversation with him led to a recording.

7 Q. Do you understand --

8 PRESIDING JUDGE SCHMITT: Mr Powles, excuse me. I think the witness has not really
9 understood --

10 MR POWLES: Right.

11 PRESIDING JUDGE SCHMITT: -- understood the question. What he thinks is ambiguous
12 is that he thinks you have connected -- he thinks that you have connected in your question
13 what -- the question of the recording of the tape and have related it to giving money. So
14 perhaps you have to rephrase it and separate these things from each other. Thank you.

15 MR POWLES: I'm very grateful, your Honour. Unquestionably more perceptive than I've
16 been in understanding the difficulties. And I'm very grateful for that.

17 PRESIDING JUDGE SCHMITT: To be honest, I think we have not seen it as an ambiguous
18 question, but obviously the witness has --

19 MR POWLES: Yes.

20 PRESIDING JUDGE SCHMITT: -- misunderstood it.

21 MR POWLES: I'm grateful for the pointer.

22 Q. Let's take it in stages, Witness. You gave an interview at the hotel (Redacted) regardless of
23 whether it was recorded or not, maybe you didn't appreciate that at the time according to you,
24 but you gave an interview at the hotel (Redacted) to Mr Kilolo and a legal assistant, a
25 blonde-lady lawyer. Do you remember that?

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1 A. Yes, I do remember that conversation.

2 Q. Thank you very much. And you may not have been aware, according to you, but that
3 interview was tape recorded and a transcript was made of that interview.

4 A. I'm not saying that I didn't know, Counsel. The Registry -- the recording was made in
5 front of me. I saw it. So I don't really want to tell a lie here --

6 Q. Of course not.

7 A. -- or get something wrong.

8 Q. And after that interview, after that meeting, Mr Kilolo gave you some money to cover
9 your expenses for having attended, food, travel, that sort of thing.

10 A. Yes, I acknowledge that.

11 Q. Thank you very much, Witness. Now, at the end of that interview, and we listened to
12 it yesterday, you said something that I'm going to take you to, and it's CAR-D21-0007-0025,
13 and it's at tab 20 -- tab 19, my apologies, tab 19 in the Defence bundle. And this is a
14 transcript that was done more recently, a verbatim transcript of part of that interview. Do
15 you have it, tab 19? And if you could turn to page 7 of that transcript. Yeah, I think that's it.
16 If you turn to page 7. Do you have it?

17 A. Yes.

18 Q. At the top of page 7, there is --

19 THE INTERPRETER: Overlapping speakers.

20 MR POWLES: Sorry.

21 Q. At the top of page 7, line 140, are your initials. I won't read them out.

22 (Interpretation) "Well, tell me what I must do because this is a matter of life, you realise.
23 Giving testimony before the Court is not a minor affair."

24 And then the initials of the person interviewing you: "Mmh."

25 And then you continue: (Interpretation) "I'm well -- I'm willing to do it, but as long as you

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1 give me some guarantees regarding my protection because if I go over to the other side there,
2 that means that even in this country, this country, I won't be coming back ever again."

3 Do you see that? Now, you were saying in that interview in February 2012 that as a
4 result of being a witness, it would create certain difficulties for you, weren't you?

5 A. Yes, Counsel.

6 Q. After that interview in February 2012, where did you go? I mean where were you
7 between then and the next time you saw the Bemba Defence team I think, what, in May 2013?

8 A. After the testimony, (Redacted).

9 Q. Forgive me, I'm sure it was me. After that interview in February 2012 with Mr Kilolo
10 and the legal assistant, the lady, where were you after that interview and the next time you
11 saw the Bemba Defence team I think?

12 PRESIDING JUDGE SCHMITT: Mr Vanderpuye.

13 MR VANDERPUYE: Thank you, Mr President. I just wanted to remind my colleague that
14 we are in public session at the moment, and I'm not sure what the information is that he's
15 eliciting, but it could be potentially identifying.

16 MR POWLES: That -- I am very grateful. That is helpful. Perhaps we should go into
17 private session just for this bit then.

18 PRESIDING JUDGE SCHMITT: Thank you very much, Mr Vanderpuye and Mr Powles.
19 We go into private session.

20 MR POWLES: I'm grateful to Mr Vanderpuye. Thank you.

21 *(Private session at 9.48 a.m.) Reclassified as open session

22 THE COURT OFFICER: We're in private session.

23 MR POWLES: Thank you very much.

24 Q. Yes, Witness, forgive me. I don't want you to identify anything about yourself that
25 may lead to your possible identification. So perhaps we could deal with this in private

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1 session. After that first interview with Mr Kilolo and his legal assistant, where were you
2 from that time in February 2012 until you next saw the Bemba Defence team I think in, what,
3 May 2013 for that year?

4 A. After the discussion with Mr Kilolo and his assistant, I went back to (Redacted).

5 Q. (Redacted)?

6 A. Yes.

7 Q. Did you ever go to Bertois.

8 A. I did not go to Bertois, I stayed in (Redacted).

9 Q. Ever go to Yokadouma, Yokadouma?

10 My pronunciation is appalling. I'm being very helpfully assisted by --

11 PRESIDING JUDGE SCHMITT: I allow Mr Taku assistance in that respect.

12 MR TAKU: Yes. It is Yokadouma.

13 MR POWLES: Fantastic.

14 MR TAKU: Yokadouma.

15 MR POWLES: Yes, there.

16 PRESIDING JUDGE SCHMITT: Mr Taku, please feel free to intervene, but only rarely,
17 please, and only in such circumstances. Thank you.

18 MR POWLES:

19 Q. Did you ever go to that place?

20 A. I never went to that place.

21 Q. So you remained in (Redacted)?

22 A. Yes, yes, I did remain in (Redacted).

23 Q. And you needed to be on hand to the Bemba Defence team, didn't you, you needed to
24 be available to them to be able to contact you at short notice should you need to give your
25 evidence in the Bemba proceedings?

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1 A. Yes, that's right.

2 Q. And they need to be able to contact you, either by phone, or email and at short notice?

3 A. I don't understand the meaning of that question.

4 Q. You're quite right to correct me. During that period -- okay, yes. During that period
5 after that first interview, there was a possibility at some time that you were going to be called
6 to give evidence in the Bemba proceedings; that's correct?

7 A. Yes, that's right.

8 Q. And in order for that to happen you needed to be able to be contactable? The Bemba
9 Defence team needed to be able to get in contact with you?

10 A. Yes, Counsel.

11 Q. You needed to be available at short notice to come and give evidence?

12 A. Yes, Counsel.

13 Q. And during that period from February to -- February 2012 to May 2013, you incurred
14 some expenses, and we've seen some of the emails that you were sending to Mr Kilolo about
15 the need for social assistance and your children's schooling, et cetera.

16 A. Those emails you make reference to, I would like to tell you before this Court that I never
17 received money from Mr Kilolo, no transfers except the money that he sent to the (Redacted).
18 So please, I'm sorry, but not a penny was sent to me from Mr Kilolo ever since the time he was
19 in Belgium here that I would get (Redacted). I would have given you a receipt if that had been
20 the case.

21 Q. Thank you very much, Witness. And please, please don't be sorry, because that's
22 actually the point I was trying to make.

23 Because the next time you saw Mr Kilolo was in Yaoundé in May 2013, and that was
24 prior to your testimony and prior to your handover to the Court.

25 A. Yes, Counsel.

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1 Q. And you had been on call or waiting for all of that period to come and give evidence
2 and now you are being called to come and give evidence?

3 A. Before I could meet with Mr Kilolo in May, I was not in Cameroon. I was in (Redacted).
4 And when I was supposed to go to (Redacted), I crossed the border once and I got a number
5 there that I gave to (Redacted) telling him that if ever the lawyer needed me, well, he could
6 contact me using that particular number, and that's what was done. When I was contacted
7 and the counsel sent me money, so suddenly I went (Redacted) to Cameroon where I met up
8 with him at his hotel.

9 MR POWLES: And I noticed that the witness mentioned a name. I'm reassured because I
10 know we are in private session.

11 PRESIDING JUDGE SCHMITT: We are in private session still.

12 MR POWLES: It's fortuitous because I was going to say we don't need to be. We can
13 remain in private session. I've got maybe another four or five issues to deal with before
14 going into private session again, so we can remain in private session if the Court --

15 PRESIDING JUDGE SCHMITT: I think we should stay in private session.

16 MR POWLES: Thank you.

17 Q. Yes. So you went to go and meet Mr Kilolo in May 2013.

18 A. Yes, that's right.

19 Q. And I'm going to be very clear with you, sir, Mr Kilolo gave you some money. I think
20 you mentioned 550,000, yes, 550,000 CFA. And that money, sir, was to cover the expenses
21 that you had incurred from February 2012 to May 2013.

22 A. I'd like to know whether you want to -- are you putting yourselves -- yourself in
23 Mr Kilolo's shoes to reason in that way? The money was given to me by Mr Kilolo and he
24 told me that the money was a gift that he was giving on behalf of Mr Bemba. And I think
25 I've said that several times here. And that before I could get that money, we were all

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1 together at the (Redacted) hotel, and he asked us, each one of us, to give the name of someone
2 who could be -- who could collect the money and I said immediately that I had no such
3 person and I wanted to receive the money myself directly, and that was done.

4 So when I went to my hotel, once I was at my hotel, I went back, I retraced my steps
5 back to Mr Kilolo's hotel to get the 550,000 francs. So I think that's what I've been
6 saying before this Court and that is what I have explained.

7 Before the OTP representatives who met with me the last time, that money was not to
8 cover the time that I lost since February, from February to May. I was specific and
9 I'm being specific. This is what I have been telling you.

10 Q. Yes. And to be quite clear, Witness, I'm saying to you that that money was to cover
11 your expenses and the inconvenience that you had incurred from February 2012 to May 2013.
12 Now, you've given your answer and I'll move on.

13 You also mentioned yesterday and I think you mentioned it for the very first time, I
14 may be corrected if I'm wrong, but you mentioned a further 100,000 CFA that you
15 were given after your testimony sometime later in the hotel (Redacted). Do you
16 remember saying that yesterday?

17 A. Yes, I remember saying that.

18 Q. And as I say, I may be corrected if I'm wrong, but I don't think in any of your interviews
19 with the Office of the Prosecutor you had ever mentioned that 100,000 before. So yesterday
20 was the first time that you ever mentioned it.

21 A. Well, you know time goes by. And when memories come back, well, you remember
22 something. If that is true, I could only say it. I received that money and I cannot tell a lie or
23 get it wrong. The counsel went to hotel (Redacted) and to console, because you see already,
24 there had been movement, Mr Jean-Jacques had already been arrested at that time. And the
25 counsel was with us at the (Redacted) hotel. And I received the money and the others with me

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1 also received money. There was communication amongst us. I believe (Redacted), who was in
2 (Redacted) now, was not with us. And it was a matter of him sending the money, because he
3 had remained in (Redacted) and I went and met with that person at hotel (Redacted) and I
4 received that sum of money.

5 Q. I'm going to suggest to you, Witness, that that's a complete fabrication.

6 A. Mr President, I have not come to this Court today to look for words or ideas with which
7 I can incriminate someone. I have come here because you have summoned me to tell the
8 truth regarding my participation in what transpired.
9 If I come here and my memory is refreshed and I remember something, or maybe I
10 did not tell the representatives of the OTP something, and I happen to remember it
11 here, God be my witness, I will say so. Now, if I did not collect that money, well, I
12 know that God is witness to this.

13 Q. Yes. You mentioned your memory being refreshed, sir. Have you been speaking to
14 other witnesses in this case about what you might say in these proceedings or about what
15 they might say in these proceedings? We are in closed session, so you can name them.

16 A. Do I need to discuss this with any other witnesses? I have told you right from the
17 beginning of my testimony that there are some names that are recurrent that come up again
18 and again. And these are the names of the persons with whom we testified in the Bemba
19 case for the first time. I am therefore mentioning these names, these names in order to
20 highlight the fact that we received a briefing, that this was a unit that was set up for the
21 purpose of that testimony.

22 I am talking about the people with whom we testified here, and that is why I am telling you as
23 clearly as possible that among ourselves as witnesses, all of us, we talked to each other. We
24 had an agreement. We saw each other.

25 I don't have anything else to add today. I cannot hide that truth. It is the truth.

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1 Q. So the truth is you've been speaking with other witnesses in this case about what you
2 might say in these proceedings before coming to court today; is that what you're saying? I
3 just want to clarify that.

4 A. I am not talking about the content of what I came here to testify about. When I referred
5 to these colleagues, I was simply establishing the fact, well, you see that at some point in time
6 the Court became aware that some people were or at least received money in order to become
7 witnesses and appear before this Court for that purpose. The Court went on to investigate --

8 Q. Mr Witness, can I stop you there because I just -- it's a simple question. Have you been
9 in contact with them prior to giving testimony today? It's a simple yes or no answer at this
10 stage.

11 A. I did not discuss the content of my testimony with anybody whosoever.

12 Q. Have you been in contact with them, any other witnesses in these proceedings?

13 PRESIDING JUDGE SCHMITT: Mr Vanderpuye.

14 MR VANDERPUYE: Two problems with this question. One, he hasn't established a basis
15 for the witness to know who the witnesses are in these proceedings. Two, he hasn't
16 established a time frame for which the witness can answer the question, no when or what
17 period of time is he talking about and who?

18 MR POWLES: I'm very grateful.

19 MR VANDERPUYE: How would the witness know?

20 MR POWLES: Thank you.

21 PRESIDING JUDGE SCHMITT: That is --

22 MR POWLES: That point.

23 PRESIDING JUDGE SCHMITT: I would sustain this only in part. It's perfectly clear now I
24 think and you have established there that you are talking about these proceedings in this
25 courtroom and that is enough of a time frame in my opinion. But you could of course tell the

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1 witness about which persons --

2 MR POWLES: Absolutely.

3 PRESIDING JUDGE SCHMITT: -- we are talking about.

4 And then, Mr Witness, you could answer the question if there has been contact with these
5 persons that Mr Powles is going to tell you.

6 MR POWLES:

7 Q. I'm going to ask you about, for example and as an example, (Redacted). Have you
8 been in contact with (Redacted) in advance of these proceedings, in the lead-up to these
9 proceedings about your testimony?

10 A. Yes. (Redacted) was in contact with me. He is the one who remained on the list.
11 The others had already left.

12 Q. And did you discuss your testimony with (Redacted) or his testimony in these
13 proceedings and what you might say?

14 A. (Redacted) is in (Redacted) and I remained in (Redacted).

15 Q. How did you know that he was in (Redacted)?

16 A. This is somebody I'm in contact with. When the OTP wanted to meet all those who
17 had testified in the country where I come from, each one of us received a telephone call from
18 the director general of the police asking us to show up in order to be linked up to -- or, with
19 members of the OTP. So among all five of us, we talked to each other by telephone. Then
20 three of us left, they went away, and only (Redacted) and myself remained. So (Redacted)
21 (Redacted) was summoned and I was also summoned. So I had contact with (Redacted).

22 Q. Yes. And did you talk about with each other what you might say at that stage or any
23 other stage?

24 A. Well, no. We -- we did not know what we were going to say given that we had not yet
25 met with the representatives of the OTP. We did not know what kind of questions they were

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1 going to put to us. So when they received us individually, I believe that (Redacted)

2 was received first before he left for (Redacted).

3 Now, when the representatives of the OTP contacted me, (Redacted) was no longer

4 with us so I gave them my own version of the facts and I gave them to understand

5 that I would be available and ready if they deemed it appropriate to testify before this

6 Court. And I said it would be fine if he didn't bother them. So I have come here

7 out of my own conscience. I was not forced to come here. I came here voluntarily.

8 I came here because I am at peace in my mind. And that is why I am here.

9 THE INTERPRETER: Overlapping speakers.

10 MR POWLES: Sorry to overlap, but I wanted to bring that to an end.

11 Q. Now, very briefly, I want to go over some of the money that you've been given by the

12 Office of the Prosecutor and the VWU in advance of your giving testimony in these

13 proceedings. Do you understand?

14 A. Please, could you be specific in your question because I -- I have not understood your

15 question.

16 Q. Let me be specific. The VWU, the Victims and Witnesses Unit, have given us a

17 document stating that you have received, or that money has been spent on you, the sum of

18 €7,176, a little under 5 million CFA. Does that figure sound about right to you? Probably

19 would have rather received it in cash, but I think it was used to pay for various things.

20 A. I am -- well, I really just -- I don't -- I don't get where you're headed. You see the -- can

21 I -- can I conclude? Can I go on?

22 You see, when you refer to the money from VWU, well, that money was given to me by VWU

23 while I was testifying, and the money wasn't given to me in hand, except the daily allowance

24 that I received. What happened was that the Court itself paid the hotel bills and paid for my

25 food. I didn't receive this money in cash. So when you put the question that way, the

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- 1 impression is given that the 5 million or whatever it is was given to me in cash and directly
2 representing some kind of money which I may have received for testifying on behalf of
3 Mr Bemba. That's why I'm a little bit confused --
4 Q. Well, that money was used --
5 A. -- and I do not quite understand your question.
6 THE INTERPRETER: Overlapping speakers.
7 MR POWLES:
8 Q. That money was used to pay for meals, subsistence, medical expenses, tuition fees, rent,
9 those sort of things; is that right?
10 A. Yes, Counsel. But what is the link between that and my testimony as a false witness?
11 Q. (Overlapping speakers)
12 PRESIDING JUDGE SCHMITT: Please, Mr Witness, don't ask the counsel question. The
13 counsel is in the position to ask questions.
14 And I would urge Mr Powles --
15 MR POWLES: Yes.
16 PRESIDING JUDGE SCHMITT: -- not to overlap --
17 MR POWLES: Right.
18 PRESIDING JUDGE SCHMITT: -- constantly because I -- I have a better view. You don't
19 have your --
20 MR POWLES: Yeah.
21 PRESIDING JUDGE SCHMITT: -- eyes at your back, but I'm always get -- receive signals by
22 the interpreters that they have problems with that.
23 MR POWLES: Thank you.
24 PRESIDING JUDGE SCHMITT: Thank you.
25 MR POWLES:

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1 Q. You asked at today's transcript, page 18, line 4, "But what is the link between that and
2 my testimony as a false witness?"

3 Well, Witness, what I'm suggesting to you is the link between that money and the
4 money that you've received to give evidence as you say as a false witness is that that
5 money and the assistance you have received is your motivation for testifying as a, in
6 your words, false witness.

7 PRESIDING JUDGE SCHMITT: Mr Vanderpuye.

8 MR VANDERPUYE: Mr President, Mr Powles' initial question linked the money to his
9 testimony in these proceedings as I have it in the transcript page 17, line 3. The witness's
10 answer was in response to the money he received with regard to his testimony in those
11 proceedings, that meaning his testimony in the Bemba trial.

12 So it seems to me that there is some confusion either between the question --

13 MR POWLES: I'm grateful to my learned friend.

14 MR VANDERPUYE: -- or the -- or the answer.

15 MR POWLES: Let me clarify it.

16 MR VANDERPUYE: Thank you.

17 MR POWLES:

18 Q. Let me be very clear with you witness, let me be very, very clear with you. What I am
19 suggesting to you is that your aim in being a witness, whether for the Prosecution or for the
20 Defence, has been entirely selfish, to get money for you and, you say, for your family. And I
21 see you're smiling.

22 PRESIDING JUDGE SCHMITT: This was, of course, not a question in the -- this was more
23 a --

24 MR POWLES: A proposition.

25 PRESIDING JUDGE SCHMITT: -- a proposition, yeah.

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1 MR POWLES:

2 Q. Do you accept that or reject that, Witness, that your aim is to get money, that has always
3 been your aim? From the first 10 million that you thought you might receive until now, your
4 aim has been to get money?

5 A. No, Counsel. The first time, yes. But the second time it was out of my own
6 conscience.

7 Q. Let's look at some of the money that you've received then. And I'm going to refer to
8 the OTP SCMS database. It's not something to bring up. And this is notes made by the
9 investigator of your contacts with the OTP. It's not going to come up. But I'm going to take
10 you through some of them and see if you can confirm that these contacts are correct. It's not
11 going to come up on your screen. You don't need to look, you can just listen to me and we
12 can go through them.

13 2 May 2014, Prosecution received a contact from you explaining that you'd been
14 receiving from the VWU about 1,248,000 CFA per month for the hotel room and food
15 since the last year of your testimony; is that right?

16 A. Yes, that amount was paid out for my accommodation (Redacted)
17 (Redacted). I think this amount was paid out by the Court based on
18 its internal organisation (Redacted)
19 (Redacted)
20 (Redacted)

21 Q. And the first payment you received from redacted after you left was more than that,
22 1,400,000 CFA before dropping later. But you asked for more for your family, but they did
23 accept this. I don't know if that's a typo, but maybe it's not.
24 But you certainly asked for more than 1,400,000; is that right?

25 A. I have never asked for money from the Court. When I was made available to the

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1 representatives of the Court who came the first time around, they know what they have to do
2 within their own internal structures; (Redacted)
3 (Redacted). It is in that context that some money was
4 disbursed. If I say that this is what happened, it is because I was indeed at that hotel and the
5 payments were made on my behalf until I met the representatives of the OTP. Up until that
6 time it is the Court that paid out these moneys.

7 Q. You said you never asked for money from the Court; is that -- is that your evidence,
8 Witness?

9 A. It is only once that I asked for money from the Court and that was when I needed to
10 register my children in school because they weren't attending school. I called VWU and they
11 asked me to go to the schools -- the schools where I wanted my children to be admitted and
12 obtain pro forma invoices, which I did, and I sent them to VWU. And the money was
13 provided, and that is how my children are able to be in school today. The amount of money
14 was around 800-or-so thousand francs.

15 Q. I'm going to try to move on quickly and deal with some of the things that you did ask
16 for in addition to that, according to this contact note. You're struggling, 8 -- 2 May,
17 struggling, now finding it very difficult, ready to resume work but cannot just do it like that
18 without means. So asking for money. Do you remember that, yes or no? You won't find it
19 in any documents. Do you remember that? It is a simple yes or no.

20 A. Counsel, if there is no document, I cannot admit it because I -- I -- well, if there is truth,
21 if there is evidence, well, I can -- I can accept, but since there is no -- yes.

22 Q. 10 May 2014, contacted the OTP saying that you would like to take (Redacted)
23 (Redacted), that you've been waiting to hear about from the VWU before you
24 make any further move. Did you ask for money to do (Redacted)? This is the
25 (Redacted).

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1 A. I did not ask for money to go to school, Counsel. I have no such recollection.

2 Q. I'm not going to go through all of these. Maybe that we can deal with them by way of a
3 stipulation with the Prosecution in due course.

4 11 November --

5 PRESIDING JUDGE SCHMITT: Mr Vanderpuye.

6 MR VANDERPUYE: I'm not sure what Mr Powles is referring to exactly, but if he's putting
7 to the witness that the document states that he asked for money for school, perhaps he can
8 indicate where it says that and what it says.

9 PRESIDING JUDGE SCHMITT: To be honest it would be also be, for the Chamber, for the
10 information of the Chamber, it would be good to have the exact wording. I understand that
11 you read it out, out loud. And of course we trust you that you do not misstate anything, but
12 then I would ask you to frame the questions according to what you have read exactly --

13 MR POWLES: Let me -- let me --

14 PRESIDING JUDGE SCHMITT: -- and not interpret them.

15 MR POWLES: Let me read it all out then. CAR-OTP-0091-0742, entry 16: "(Redacted) called
16 back at 12:29. P-260," that's you, "would like to take (Redacted) and is asking if
17 he has to wait to hear from VWU before" making "any further move.

18 (Redacted) asked him to live plan his activities independently from the ICC and if he
19 would like to something he should move ahead naturally.

20 P-260 is also worried about the implication of having to move because of the cost. He is
21 worried about the expensive nature of housing in" redacted.

22 (Redacted) told him that" it "would all be taken into account but he should find reasonable
23 housing" so that he can -- "he can be supported by him if there is no assistance from the ICC."

24 Q. Were you in that call asking for money to do (Redacted) and move?

25 I see you're laughing.

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1 A. Yes, Counsel, you have refreshed my memory and I laugh because I have an answer. I
2 simply want to point out to you that when (Redacted) met me, we talked about my having to
3 come and testify at the court.

4 When I raised this issue with him, it was not in relation to my testimony. I simply
5 was discussing with him the possibility of my admission to (Redacted)
6 (Redacted) in order (Redacted). I therefore
7 was simply seeking clarification.

8 Now, if it were possible for me to register and take those courses, it would have been
9 something that I would have liked to do. That is the context in which we had the discussion.
10 I was not asking him for money, or (Redacted) for money. We were simply talking about the
11 possibility of registration (Redacted) and that such admission would not interfere with
12 my testimony if I had to testify, and I therefore felt that if I went to school and I had to testify,
13 there would be lost earnings and things of that nature. In fact, I did not ask him for money.

14 Q. Now, sir, as (Redacted), which you've been for many years you've told us at the beginning
15 of my questioning today, you obviously appreciate the importance of telling the truth.

16 A. Counsel, obviously it is because I'm (Redacted) and because I have a troubled conscience in
17 relation to what I did before that I am here before the Court today. I have come here
18 therefore to deal with that previous situation.

19 MR POWLES: Mr President, I realise that we're still in closed session. I'm fairly confident
20 for the remainder of my questions we don't need to be.

21 PRESIDING JUDGE SCHMITT: Then we go into open session, please.

22 (Open session at 10.26 a.m.)

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

24 PRESIDING JUDGE SCHMITT: Mr Powles, just one question, of course. I think you know
25 what I am going to ask.

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1 MR POWLES: I think.

2 PRESIDING JUDGE SCHMITT: What does the remainder of your questions mean if we put
3 it in a time frame?

4 MR POWLES: Yes. I'm fairly confident I should be able to finish by the 11 o'clock break.

5 PRESIDING JUDGE SCHMITT: But then this has been much longer as envisaged for the
6 Kilolo Defence. I will not -- I see that we have an important stage of the examination, but I
7 would really urge the Defence teams to liaise afterwards or if you haven't done it before,
8 perhaps you have done it before, and we want to finish the examination of this witness this
9 week.

10 MR POWLES: Yes, Mr President, yes.

11 PRESIDING JUDGE SCHMITT: And also to have a prospect, time prospect for the
12 Prosecution for a re-exam, not an extensive re-exam, I would not allow it, but please have that
13 in mind. We finish this witness this week, yeah?

14 MR POWLES: Mr President, absolutely.

15 PRESIDING JUDGE SCHMITT: This is our goal and we will do that.

16 MR POWLES: May I assure the Court that we have been in consultation with other Defence
17 teams and are very grateful to my learned friend from the Bemba Defence team Ms Taylor for
18 indicating that we can have all of their time or certainly the lion's share of it.

19 PRESIDING JUDGE SCHMITT: But I understand of course that I cannot interrupt you at the
20 moment, that's perfectly clear. So please continue.

21 MR POWLES: No. Mr President, please forgive me if I am --

22 PRESIDING JUDGE SCHMITT: Please continue. Yes, please continue.

23 MR POWLES: -- if I am -- certainly if I'm being repetitive.

24 May I invite Mr Vanderpuye, I know we're in open session now and I'll try to ensure
25 that we don't stray into any confidential sensitive areas. If we do, may I please invite

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1 Mr Vanderpuye to interject and steer us into the safety of a closed or private
2 proceedings.

3 Q. Now, sir, on Monday you gave an oath to this Court, that oath being to solemnly declare
4 that you shall speak the truth, the whole truth and nothing but the truth. Do you remember
5 that?

6 A. Yes, I do.

7 Q. And at the end of your testimony at that day you said you have great respect for this
8 august Chamber?

9 A. That is correct.

10 Q. Now, on 12 June 2013 you took an identical oath when giving evidence to another
11 august Chamber in the Bemba proceedings. Do you remember that?

12 A. That is correct.

13 Q. And notwithstanding taking that oath in those proceedings, you say you lied to that
14 Trial Chamber about being a soldier and a whole load of other matters.

15 A. That's right, Counsel.

16 Q. And you say to ease your troubled conscience, you started telling the truth when
17 interviewed by the Office of the Prosecutor.

18 A. Counsel, I believe that I am an adult. And as an adult, I should not speak like a child.
19 In the Bemba trial the last time, I was a false witness. I repeat, I was a false witness. And
20 today before the Court I have come to say that I did give false testimony, that I was a fake.

21 Q. Yes. And you started saying that, that you're a fake in your interviews with the OTP,
22 the Office of the Prosecutor; is that right?

23 A. I never said that I told a lie to the representatives of the OTP, but I said to the OTP staff
24 that during the previous trial I had lied. That is why I revealed everything that had been
25 fabricated and invented so that I could give testimony as a false witness.

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1 Today before the Court I can state by giving testimony that I had been a false witness
2 in the past, and that is why you see the Court thought I had obstructed the course of
3 justice. That is why I was called upon to come here.

4 Q. I'm going -- I'm going to interrupt you sometimes now, because I'm aware that time is
5 pressing. So forgive me if I interrupt you. Would you forgive me if I do that occasionally?
6 Did you contact the Office of the Prosecutor and tell them that you wanted to tell
7 them about the false testimony that you had given, or did they approach you?

8 A. The OTP realised that there were witnesses who had been encouraged to give false
9 testimony. And everyone knows that, even on the net people know that. So they
10 conducted their investigations and they realised that I was amongst the people who had given
11 false testimony. So, you see, I was suspected and --

12 Q. Is the answer then -- I interrupted you. You were suspected I think you were saying.
13 Sorry, I should let you finish.

14 A. Yes. But when the OTP approached me, you see, they wanted me to cooperate with
15 them and tell the truth.

16 Q. On Monday you told us that before you gave your interview with the Office of the
17 Prosecutor you wanted a guarantee about your security. It's page 48, line 17, you said this,
18 and this is before your interviews:

19 "I had requested the assistance of this counsel for reasons of security first and
20 foremost. So I explained this to him in order for me to be in a position to speak with
21 the OTP members. I had to have guarantees."

22 Now, those guarantees you wanted, what were they before you would in your words
23 speak the truth?

24 A. I knew that during the first trial which was held the role I played was related to a series
25 of lies. And once I was no longer -- I was going to tell the truth to the OTP members and

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1 thus I was going to have to reveal exactly how I had behaved during the first trial.

2 Today if you put me questions as a lawyer from the other side, you see what that

3 means. We are diametrically opposed to one another in that I am giving testimony

4 on the Prosecution side, and you are counsel for the person against whom I am

5 testifying. That's the difference. That's why I had asked for guarantees.

6 Q. And what do you mean by guarantees?

7 A. This trial is not a trial like other trials that we know in this world. This trial and the

8 counts within this trial and the problems that are being dealt with here are of considerable

9 importance. When I decided to give testimony for the first time on behalf of Mr Bemba, it

10 was a matter of setting up a series of arguments so that I could testify, and everything that we

11 said in the first trial the Court realised that something was going on somewhere, and when

12 the Court sent representatives to us asking us to come and give testimony, we had to be able

13 to tell the truth. And telling the truth means retracing exactly what happened the last time.

14 And you must, you must realise --

15 Q. Mr Witness, would you forgive me for interrupting you to try and move this on so that

16 we can focus your answers to the questions that I'm asking? Does that make sense?

17 Would you agree to do that to help me try and get through my questions in the short time we

18 have left available?

19 What did you mean by "guarantees"? Did you mean guarantees about your security?

20 Is that what you were concerned about?

21 A. Yes, counsel.

22 Q. And you wanted to have that in place before you would speak to the Office of the

23 Prosecutor or a guarantee of it?

24 A. But you must realise, when someone needs to say something, if that person senses that

25 what he is going to say could compromise him, he asks for the assistance of a lawyer, and that

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1 is what I had asked for from the OTP, that I wanted that --

2 Q. Yes, you wanted assistance in case you were going to be compromised. Is that because
3 you thought as a suspect you might be prosecuted yourself? Do you appreciate that?

4 A. That's not so. It's because in the first trial I had not told the truth. In the first trial, and
5 since we had all heard here, I -- you see, I put -- I passed myself off as a sub lieutenant and I
6 wasn't. But you see --

7 Q. Yes, we know that. On Monday you told us that at page 46, line 14, about this
8 interview: "I am not a genuine witness. I'm a suspect."

9 Did you appreciate that for the false testimony you say you had given in the Bemba
10 case that you could be prosecuted for that and punished for it? Did you appreciate
11 that?

12 A. If you want to file suit against me, do so. I'm before the Court right now.

13 Q. I'm just asking you, before you started giving your interviews --

14 PRESIDING JUDGE SCHMITT: Mr Witness, please answer the question. The question was:
15 Did you have in mind when talking to the Prosecution that you could yourself be prosecuted
16 for what you have testified in the Bemba case?

17 THE WITNESS: (Interpretation) That's right, your Honour, and that's how I answered the
18 way I did.

19 PRESIDING JUDGE SCHMITT: Please move on, Mr Powles.

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

21 Q. Witness, and with the assistance of your lawyer, you entered into an agreement with the
22 Office of the Prosecutor before you gave your interviews with them, didn't you? Is the
23 answer to that "yes" or "no"?

24 Let me circumvent it, the answer to that is yes, because we've seen the agreement.

25 That might speed things up a little bit. I'm going to ask you to turn to the agreement.

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1 That's CAR-OTP-0078-0303.

2 I'm going to try to deal with this quickly. Could you have a look at paragraph 2,
3 please, Witness.

4 Was it your understanding that the Prosecution pursuant to this agreement would not
5 use anything you said to them against you except in the situation described below in
6 paragraphs 3 and 4? Did you understand that to mean that the Prosecution would not
7 use anything you said in your interviews against you, i.e., that they would not
8 prosecute you and use those words that you said in those interviews against you? Is
9 that your understanding or was that your understanding?

10 A. That's right.

11 Q. Paragraph 5, it starts at the bottom of the page and over the page onto
12 CAR-OTP-0078-0304. Was it your understanding that that meant that if the Prosecution
13 became aware that you had not told the truth in your declaration to them, that the
14 Prosecution would not be bound by the agreement and that they could use your words in that
15 interview against you as they wished, i.e., they could use your words to prosecute you? Was
16 that your understanding?

17 A. Yes, I understand that.

18 Q. And the final sentence of paragraph 5, that it's the Prosecution that will have the
19 discretion to determine whether you had hidden the truth or did not disclose information, the
20 last sentence of paragraph 5.

21 A. I read it here.

22 Q. Now, in the final 15 minutes, if we can move through this quite quickly please, Witness,
23 because this is important, I want to talk to you about your chronological fresco at tab 12. Tab
24 12 of the Prosecution bundle, sorry, my mistake, CAR-OTP-0079-1530.

25 PRESIDING JUDGE SCHMITT: Could we put this on the monitor, because we don't have it

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1 in the binders anymore.

2 MR POWLES:

3 Q. Now, Witness, do you have it, Witness, your chronological fresco? Do you have it?

4 Can you see it? Do you know the document I'm talking about?

5 A. The document is not up yet. We're just on the first page.

6 Q. There should be a hard copy in front of you at tab 12 of the Prosecution bundle of --

7 PRESIDING JUDGE SCHMITT: I think this is the Defence bundle what you are looking.

8 MR POWLES:

9 Q. Tab 39, in that bundle it's tab 39, Witness. If that's the Defence bundle, please turn to
10 tab 39. You should see your chronological fresco. Do you have it now, Witness?

11 A. Yes, counsel.

12 Q. Now, you call it a fresco, and I'm going to suggest to you that that is an apt description
13 of it, because it really is a piece of art. It's a fabrication. Do you agree with that?

14 A. It is only a fabrication as you say, yes, a fabrication, but of us all.

15 Q. You told us yesterday that you produced this in May 2013 to remind yourself of what
16 you discussed with Mr Kilolo. Is the answer to that yes?

17 A. That's a closed question. Could you rephrase it?

18 Q. You told us yesterday that you produced this in May 2013 to remind yourself of what
19 you discussed with Mr Kilolo. You did tell us that. So is the answer to that yes?

20 A. Yes, counsel.

21 Q. Now, to be clear, Witness, to be clear --

22 A. Yes, counsel.

23 Q. Thank you. To be clear, when Mr Kilolo met you in May 2013, he gave you a written
24 transcript of the audio of your interview that had been conducted in February 2012, and he
25 gave that to you and you may have discussed together aspects of it. But to be clear, he never

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1 told you to say anything false. He never told you to lie about contacts with him, and he
2 never told you to lie about money. That's right, isn't it, Witness?

3 A. If I'm supposed to answer that question you've put, I have to give you to understand,
4 counsel, that this document was prepared in common agreement with the lawyer. I cannot
5 tell a lie here. I must tell you the truth. If it was not done, I mustn't say things here perhaps
6 to incriminate Mr Kilolo.

7 These documents that you have before me, and I thank you for harking back to that,
8 when you take the first annex, the second, the first point, 25 October 2002 to
9 30 October, namely five days, "I, François Bozizé, with his soldiers in" -- those were
10 the words that Mr Kilolo quoted to me after going through the document.

11 He said to me remember that on 29 October 2002, that's when the MLC troops arrived,
12 and that 30 October was when the joint operation began to drive back Bozizé. And
13 you will realise indeed that the substance of what I have written here is entirely
14 different to the other documents. And when you compare that with the -- what we
15 heard yesterday here, these two are completely opposite.

16 So I said chronological fresco, how I should tackle or approach the problem with the
17 counsel. There were -- there were adjustments here. We talked, for example, about
18 looting recorded, and he told me that the looting had to be --

19 PRESIDING JUDGE SCHMITT: (Microphone not activated)

20 MR POWLES: Thank you.

21 Q. I'm putting to you that you did not create this document as a result of or after your
22 discussions with Mr Kilolo. You were first interviewed by the OTP in April, 2 April 2014.
23 And you produced this document at a subsequent interview on 29 April 2014, so some weeks
24 later. And we can look at how you describe your production of this document at your
25 interview on that day, CAR-OTP-0079 -- sorry, CAR-OTP-0080-494. And if we turn to page

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1 0504, it's at tab 9 of the Prosecution's bundle. So it should come up on the screen,

2 CAR-OTP-0080-494 at page 0504.

3 Do you see it, lines 350 to 357? The crucial part, 355 to 357.

4 You produced this in order to convict someone.

5 You've got your hand up, Witness. Yes, sir?

6 PRESIDING JUDGE SCHMITT: Yes, Mr Witness?

7 THE WITNESS: Your Honour, with your leave, I would like to discuss matters with my
8 lawyer.

9 PRESIDING JUDGE SCHMITT: Of course. This is allowed, yes, we can do that, of course.

10 That suggests that we make the break now and we resume at 11.30. And you have
11 in the meantime, you have the possibility to talk to your lawyer.

12 THE COURT USHER: All rise.

13 (Recess taken at 10.52 a.m.)

14 (Upon resuming in open session at 11.31 a.m.)

15 THE COURT USHER: All rise.

16 PRESIDING JUDGE SCHMITT: Mr Witness, you had the possibility to speak with
17 Mrs Doucerain; is that correct?

18 THE WITNESS: (Interpretation) Yes, your Honour.

19 PRESIDING JUDGE SCHMITT: Thank you. I think we can continue with the examination
20 by Mr Powles.

21 I would be grateful if you could repeat your last question so that we are all reminded what it
22 was about and then the witness can answer. Thank you.

23 MR POWLES: Rule one, press the microphone on. Rule two, I must apologise formally to
24 the interpreters and the transcribers. I was reminded during the break that the problem is
25 overlapping questions, so I --

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1 PRESIDING JUDGE SCHMITT: And in hindsight, to be honest, if we reflect on the Bench,
2 the last one and a half hour in the courtroom you have been the one, to be honest, who mostly
3 has to be reproached for overlapping. So we would be very grateful if you could adapt to
4 this procedure that we are -- all have to adapt to. Thank you.

5 MR POWLES: Mr President, yes. And again my apologies to those that --

6 PRESIDING JUDGE SCHMITT: Yes.

7 MR POWLES: -- we've caused difficulties to.

8 Q. So I've been asked to repeat the question that I asked you just before the break before
9 you took an opportunity to consult with your lawyer. Unlike my learned friend,
10 Mr Vanderpuye, I won't ask you what you discussed with your lawyer in the break, but I will
11 repeat the question and now it may be that you can answer it.

12 You were first interviewed by the Office of the Prosecutor on 2 April 2014 and you
13 produced these documents after some weeks on 29 April 2014. And when you were
14 interviewed on 29 April 2014 in relation to this document, the fresco, you say this, at
15 CAR-OTP-0080-0504, and I think this is what you were reading just before the break,
16 the interviewer asked you a question, at line 350, and you responded, at line 355 to
17 357, and I can read it out for you: (Interpretation) "But later on when I understood
18 the need to have evidence because as you see you cannot convict someone on the
19 basis of assumptions."

20 My question was you produced this document in order to have someone convicted,
21 didn't you?

22 A. I did not produce this document with a view to having someone convicted. I, however,
23 know that the law requires evidence and that is why I felt that these documents were in my
24 possession and that I needed to produce them.

25 Q. And produce them you did. And over the page at CAR-OTP- -- I wonder if I was too

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1 quick again -- no. Over the page at CAR-OTP-0080-0505, at lines 389 to 396, we see the view
2 and the question of the interviewer and then your response. Can you just read that to
3 yourself, please, Witness.

4 Have you read that, Witness?

5 A. Yes, I have.

6 Q. And we see your response to the suggestion that you may have manufactured this
7 document at lines 359 to 396 and that's exactly what you did, isn't it, Witness, you
8 manufactured this document to try and incriminate Mr Kilolo, didn't you?

9 A. No, Counsel. The document here was written because I had a role to play, and because
10 of that Maître Kilolo, the Defence lawyer, had to be the team leader, so to speak, and he
11 needed to be sure that what I said or what I would say was contained in the document. So
12 the purpose of the document was not to bother Mr Kilolo, in fact it is Mr Kilolo who advised
13 me to proceed in this manner in order to have the appropriate mental preparation before
14 entering the courtroom.

15 Q. You are no stranger to preparing false documents, are you, sir?

16 PRESIDING JUDGE SCHMITT: Could you please specify what you're referring to.

17 MR POWLES: Yes, certainly, Mr President.

18 Q. Witness, you've told us already that you were someone who was quite prepared to dip a
19 document in tea to try and make it look old and original. That's something you did, isn't it,
20 Witness?

21 A. No, it is not so. What you have raised as a question is only an interpretation. With
22 your leave, let me explain to you how it came about that the paper was dipped into tea, but
23 it's an entirely different matter. It's an entirely different question.

24 Q. Explain please.

25 A. On the first time -- or rather, when I talked with the representatives of the OTP for the

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1 first time it was in relation to the briefing with Mr Arido. At that time we were looking at
2 the possibility of presenting documents to Mr Kilolo which were of a certain age so to speak.
3 So after our discussion with him, after I was put in contact with Maître Kilolo, he then told me
4 to take that document, to boil some tea and to dip the paper in the tea so that we can have a
5 document that would be good enough to present to Mr Kilolo.

6 So when you look at this document and the other subsequent documents, you will realise that
7 not all the documents were dipped in tea like you seem to be saying.
8 So the document that is before me was drawn up to together with Mr Kilolo and I am not
9 lying about this.

10 Q. I'm not suggesting that you dipped this document in tea, I'm just suggesting that's
11 something that you have done to try and disguise the authenticity, or lack of it, of a particular
12 document, and you've just confirmed that is -- that is something that you did. Can I just ask,
13 does it work dipping documents in tea?

14 A. Well, you have that document before you. And the document that we are looking at
15 right now, well, the comparison that you seem to establish between the two documents is not
16 valid. You see, the document before me now was -- Mr Kilolo never asked me to dip that
17 document in the tea. This document simply outlined a summary of the role that I had to
18 play, and he as lawyer was the one who would guide me through the process. And that is
19 the kind of guideline that he provided, he said that if I was going to testify this is what
20 I would be expected to do.

21 So this mental preparation which I'm talking about, if you refer to my first testimony in the
22 first case, you would see the answers I provided, but I have never been a soldier, I have never
23 been in the army. Now, if you listen to my testimony, however, in the first trial you would
24 come off it with the impression that I was a soldier and it came across that way clearly in my
25 testimony because I was prepared for it. It is like, like a play where an actor is playing his or

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1 her role. My role is reflected in this document.

2 Q. I'm not suggesting --

3 PRESIDING JUDGE SCHMITT: Mr Powles, I politely remind you of the time, please.

4 MR POWLES: May I politely remind the witness to keep his answers short and focussed.

5 Q. I'm not suggesting, Witness, that you dipped this document, your fresco, your beautiful
6 fresco in tea, what I'm suggesting is that you are a man who has a propensity to create and
7 fabricate documents. Do you understand? You don't need to answer.

8 Let's look at another example, or maybe these are the same documents

9 CAR-OTP-800-0472, it's tab 15 of the Prosecution bundle, tab 42 of the Defence bundle.

10 And it's at page 482 -- sorry, the 800-472, and if you would be so kind to turn to page
11 482 of that document at tab 15 of the Prosecution's, tab 42 of the Defence bundle. Do
12 you have that, Witness? Do you have it, Witness? No?

13 A. No, I am not with you.

14 Q. (Overlapping speakers) it is important to get this right. If you want -- witness, if you
15 want to look in your hard copy, if you take the binder that you have, I think that's the Defence
16 binder, and turn to tab 42. So you're at tab 42, and then turn to page CAR-OTP-0084-0482, at
17 the bottom it's page 10 of that document. It's on the screen now as well. It may be easier to
18 go to the screen, Witness. Yes, I think you've got it on the screen. The important lines are
19 lines 341 to 358. I'll just give you a moment to read that.

20 Have you read that, Witness -- and I know that --

21 A. Yes, I have read it.

22 Q. (Overlapping speakers) think Mr Larochelle may be asking you more detailed questions
23 about this later, so I won't go into any detail and I'm not suggesting that what you say there is
24 necessarily true, but certainly what you do say there is that you are someone who is prepared
25 to sign what you think to be is a false document; is that right?

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1 A. Obviously, in the first trial, going by the roles that we had been assigned, I was ready to
2 do so.

3 Q. And I think these, as an aside, these are the documents that were the subject of a charge
4 possibly against Mr Kilolo which the Pre-Trial Chamber didn't confirm thankfully, I think
5 there was a suspicion they were false and they weren't presented in the Bemba case, but you
6 confirm that?

7 PRESIDING JUDGE SCHMITT: I don't know if the witness can have a recollection in that
8 respect what the Pre-Trial Chamber has done and everything. (Overlapping speakers)

9 MR VANDERPUYE: Indeed, Mr President.

10 PRESIDING JUDGE SCHMITT: Okay, excuse me then.

11 MR POWLES: Okay, then I'll move on to the final, the very final point. This is my last --

12 PRESIDING JUDGE SCHMITT: Yeah, yeah, but you have to rephrase it of course.

13 MR POWLES: Yes.

14 PRESIDING JUDGE SCHMITT: He -- the witness cannot know what the Pre-Trial Chamber
15 has done about what documents --

16 MR POWLES: Yes.

17 PRESIDING JUDGE SCHMITT: -- and exactly we are talking about.

18 MR POWLES: I should have -- I mean, that was more for everyone else's benefit than the
19 witness's benefit --

20 PRESIDING JUDGE SCHMITT: Yeah.

21 MR POWLES: -- and I should have confirmed that. My apologies.

22 Q. Final question you will be pleased to hear and certainly I will be pleased to hear, and
23 certainly the Court will be pleased to hear the last question that I seek to put to you and that's
24 in relation to another section of your interview at tab 41 of the Defence bundle,
25 CAR-OTP-0080-0442 at page 0446, lines 118 to 126. It's not up yet. Is that up on the screen?

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1 Yes, if we can go to 0446 please, lines 118 to 126.

2 You've read that, Witness?

3 A. Yes, I have seen what is displayed on the screen.

4 Q. And you reiterate that if you go on in the same interview, 0451, page 0451, lines 323 to
5 327. Have you read that, Witness?

6 A. Yes, yes, I have. However, however, here we are dealing with questions that were put
7 to me in relation to our discussion with Maître Kilolo in Douala. So look carefully into this.
8 That is in relation to my discussion with Maître Kilolo in Douala.

9 Q. Yes, yes.

10 A. I did not take any notes there. And this is very clear. But when I met him in
11 (Redacted), I took down some notes and that is what you see here.

12 Q. Yes. But the point is, Witness, you're a man who was careful to take notes away -- to
13 not make notes in front of Mr Kilolo, to not give the impression (Interpretation) "because
14 I would have given him the impression that I was not the person."
15 You're always keen to not give the impression that you weren't who you said you
16 were.

17 A. Before I met Maître Kilolo, and I have already told you, Mr Arido and (Redacted),
18 Mr Arido actually informed me that (Redacted) had a deal and he explained the deal to me.
19 So we had to be prepared before meeting Mr Kilolo.

20 So when I met Mr Kilolo, for all the questions that he put to me, there were some tacit
21 answers already, and so while with him I did not take down any notes in his presence.
22 So after our discussion, I had to beef up my second annex, and so the answers that I
23 got through the questions that he put to me were used then to build up the third
24 document.

25 You see, when we went back to the hotel, we had to review that which we had

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1 discussed with Maître Kilolo. So, Counsel, the third document which we are dealing
2 with was actually drawn up in (Redacted) on the spot. You see, I had put together a
3 small document containing everything that I had said to Maître Kilolo and, therefore,
4 I used that document and he pointed out specific aspects of that document to me.
5 There were specific points in that document.

6 For example, the joint operation between FACA and MLC, I have never mentioned
7 that in any other statement that I made in relation to the first document. He is the
8 one who guided me to bring the ideas together in such a coherent manner that they
9 would appear as they are in the third document.

10 So let me repeat before you and before this Court that this material was put together
11 with the lawyer.

12 Q. Witness, final question: You were trying to deceive Mr Kilolo in the same way that
13 you're trying to deceive this Court?

14 PRESIDING JUDGE SCHMITT: Could you please rephrase this question a little bit because
15 this is very suggestive. I understand that -- and I allow of course and you see that I allow
16 leading questions, but this is very suggestive.

17 MR POWLES: Yes.

18 PRESIDING JUDGE SCHMITT: I would urge you to rephrase it.

19 MR POWLES:

20 Q. Witness, you were trying to deceive Mr Kilolo into believing that you were a genuine
21 soldier and a genuine witness and in the same way you're trying to deceive this Court now
22 about the honesty of your evidence?

23 A. I have respect for you, Counsel, but let me point out to you that if you want to speak to
24 and with me, you must also consider how it came about that I had contact with Mr Kilolo.
25 I was contacted to play a role and not to fabricate anything.

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1 (Redacted), I don't know how he met Maître Kilolo and how that connected to
2 Mr Arido and how it ended up involving me. I do not know how it all happened.
3 But if you say that I mislead Mr Kilolo, let me say that I did not mislead him. I
4 received a briefing, guidance. And you may want to note that even before I came to
5 testify, I also received from Mr Kilolo some orientation or guidance. I, therefore,
6 I am not the one who could have mislead him. He is the lawyer, he is the one who
7 should have channelled me to testify before this Court along the lines that I did.

8 MR POWLES: Yes, your Honour, and so at the risk of instigating another lengthy answer,
9 I think I'll draw my questions to a close.

10 PRESIDING JUDGE SCHMITT: Thank you very much, Mr Powles.

11 And we continue with the -- you have finished now?

12 MR POWLES: Yes. I was just merely going to thank the Court for the indulgence in giving
13 me the extra time to ask the questions.

14 PRESIDING JUDGE SCHMITT: It's obviously clear that the Defence teams, to put it
15 cautiously, have a different interest in this witness so we allowed it.

16 MR POWLES: I'm ever grateful. Thank you very much to the Bench.

17 PRESIDING JUDGE SCHMITT: So what would be the next Defence team? I have sort of a
18 feeling.

19 Mr Taku is rising so. So the defence for Mr Arido is the next to question the witness.

20 MR TAKU: Good afternoon, your Honours.

21 QUESTIONED BY MR TAKU:

22 Q. Good afternoon, Witness.

23 A. Good afternoon, Counsel.

24 Q. Since we come from the same sovereignty, your Honour, permit me to give you my full
25 names and title if you wish. My name is Chief Charles Achaleke Taku. I'm counsel for

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1 Mr Arido and I will be putting some questions to you.

2 Let us try to respect the instructions given by the Chamber to keep a pause between
3 the questions and the answers because there are interpreters. And secondly, please,
4 I will want you to give very short answers. I will ask short questions and expect
5 short answers. Do you understand?

6 A. I am at your entire disposition, Counsel.

7 MR TAKU: Your Honours, may I ask for a private session?

8 PRESIDING JUDGE SCHMITT: Of course. We go into private session.

9 *(Private session at 11.59 a.m.) Reclassified as open session

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

11 MR TAKU:

12 Q. Witness, have you ever taken up any other nationality other than (Redacted)
13 (Redacted)?

14 A. I am of -- I'm from (Redacted) and that is my nationality indeed.

15 Q. Now, Witness, I'll be referring to information in the document, that document will not
16 be on the screen, but I will point out the information in that document and I will ask you to
17 react to the information contained in that document about you.

18 On 13 December 2013, the Prosecution communicated the following information to
19 the government (Redacted), and that information regards to some
20 identifying information about you.

21 That information, Your Honours, CAR-OTP-0091-0326 at page 0329, point C.

22 With permission of the Court, let me read that out to you.

23 (Interpretation) "(Redacted), a national of the Democratic Republic of
24 the Congo, who apparently holds the following phone numbers (Redacted) and
25 (Redacted) and who apparently is currently residing in (Redacted) in (Redacted).

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1 (Redacted) apparently holds an identity number bearing the number

2 (Redacted)."

3 Did you hear that, Witness?

4 A. Counsel, the document here is false. With your leave, I would like to clarify this point.

5 The telephone numbers here are truly my telephone numbers. I am not a national of the

6 DRC and in (Redacted) I was not living in (Redacted). The numbers are (Redacted), that

7 means that is my consular identity card. They were referring to my consular identity card to

8 imagine what is here. What we see is a figment of somebody's imagination, it is not me.

9 Q. (Overlapping speakers) this information witness was provided after you've testified in
10 the Bemba case on 12 and 13 June 2013; correct?

11 PRESIDING JUDGE SCHMITT: He -- I know what you want to say, so, Mr Taku, I think the
12 witness cannot know which information was provided without his knowledge, so you should
13 rephrase this question.

14 MR TAKU: Okay. Let me move to the next question, your Honours.

15 Court officer, can you please bring up CAR-OTP-0084-0055, page 2. For the Judges,
16 this is at tab 34 of your binder.

17 Q. Witness, this is a Western Union receipt which you gave the Prosecution on
18 November -- on 5 November 2015. Can you have -- please have a look at the number of the
19 ID card and read it out aloud. Do you recognize it and from which country is this ID card or
20 this ID number?

21 A. Yes, the number of the ID card is the number of my (Redacted) identity card. I have it in
22 my pocket. And if you wish I can show it to you right here in the courtroom.

23 Q. Court officer, can you please bring up on the screen CAR-OTP-0080-0021_R01, page
24 0025.

25 Mr Witness, can you please read lines 125 to 140?

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1 A. (Redacted)

2 Q. Yes. You had told the Prosecution investigators that your entry and stay in (Redacted)
3 were facilitated by that religious group from Congo that came to attend the religious
4 ceremonies in Cameroon 2006; correct?

5 A. That is not correct, Counsel. When the representatives of the OTP met with me, they
6 asked me how much time I had been in (Redacted) for, had I been familiar with the (Redacted)
7 for such a long time. In my discussions with them, I explained that I had known (Redacted)
8 since 1999. And I had gone back there in 2006 when I had accompanied (Redacted)
9 (Redacted). I was the head of the delegation. You have taken part of a sentence here but
10 that's not everything I said. I explained that I had gone with these (Redacted)
11 (Redacted). And 2009 I had gone and then I moved there in 2011. So this is
12 a sentence making reference to what I said about my accompanying (Redacted)
13 (Redacted).

14 Q. By virtue of that opportunity that you started holding out yourself as a Congolese,
15 (Redacted) and a holder of (Redacted)?

16 A. All the diplomas that I have received are from (Redacted) and I brought them with me. I
17 have them right here in this place, this city.

18 I never introduced myself as a being a person from the Congo. I am from (Redacted) and I
19 have some affiliations with the Congo because (Redacted). I can (Redacted) in that
20 country, Gemena, Karawa where (Redacted). And in this case I was along (Redacted)
21 (Redacted). It is (Redacted). And when
22 they went to (Redacted), they crossed by way of (Redacted) and they came to the school
23 where there was this training. And (Redacted) he appointed me
24 head of the delegation because this was the first time that they were to come to (Redacted).
25 And so I needed to show them around so to speak. That is how --

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1 Q. (Overlapping speakers) Yeah, let me repeat that. Court officer, can you bring up
2 CAR-OTP-0084-0157. For the Judges this is at tab 65 of your binder, please.

3 Now, Witness, this is a police report from the director of judicial police, dated
4 11 April 2014, addressed to (Redacted) stating that
5 you used phone numbers (Redacted) registered in the name of (Redacted),
6 and number (Redacted) registered under the name (Redacted). Is this
7 information in the report about you correct, Witness?

8 A. Counsel, first of all, you see, (Redacted) and then as (Redacted). So in
9 my country I am known as (Redacted).

10 Q. So in addition to the other attributes you are (Redacted)?

11 A. I am (Redacted).

12 Q. Witness, what is your legal status in (Redacted)?

13 A. I am (Redacted).

14 Q. At page 32, line 2, of the transcripts of Monday, 12 October, that is at page 33, lines 5 to 6,
15 of the English version of the transcripts, I mean of the proceedings in this case, your Honours.

16 You said, and I quote: (Interpretation) (Redacted)
17 (Redacted)

18 (Redacted)

19 Do you remember saying this, Witness?

20 A. I made that statement and it is true. You can check with (Redacted)
21 (Redacted), you can ask my name. You can do it right here, right then and
22 there.

23 Q. And the question was asked: (Interpretation) "Do you have any other training or did
24 you have any other kind of specialization after that training?"

25 And the answer that you gave was this: (Interpretation) "Yes, I did (Redacted)

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1 (Redacted)

2 THE INTERPRETER: Inaudible.

3 MR TAKU:

4 Q. -- (Redacted)

5 You gave this answer, Witness?

6 A. Yes, I gave that answer.

7 Q. Witness, I would presume, Witness, that in these various capacities (Redacted), as

8 (Redacted) you had profound

9 knowledge of the goings-on in (Redacted), at least from 2001

10 to the present date, do you, Witness?

11 A. Counsel, I told you that between the time when those events occurred I was

12 600 kilometres away from (Redacted). I was not in (Redacted) to take stock of the events that

13 occurred there.

14 Q. (Overlapping speakers) sorry to interrupt you. The question is: Because of your

15 specialty, (Redacted), you

16 have profound knowledge of the goings-on in (Redacted) country? Even if you were not in

17 (Redacted), let's presume you were not there for the purposes of your testimony now, you

18 had profound knowledge to follow the events, to know what's going on maybe as (Redacted)

19 from your -- from your (Redacted) to whom you (Redacted), locations you moved from place

20 to place, (Redacted), the victims that you met as (Redacted), you

21 had those opportunities to know what is happening in your (Redacted), Witness, did you?

22 A. I did not have an opportunity to be informed. And you made reference to (Redacted)

23 (Redacted). And you need to situate yourself in time and space when and where did I get

24 (Redacted) and when I was in contact with those people. I can't tell you here that I had a

25 good idea what was going on in (Redacted) specifically.

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1 Q. (Overlapping speakers)

2 PRESIDING JUDGE SCHMITT: Mr Taku, please --

3 MR TAKU: Sorry.

4 PRESIDING JUDGE SCHMITT: -- continue only when the witness has finished because we
5 have always these problems with the interpreters. Thank you.

6 MR TAKU: Thank you so much, your Honours. I will try as much.

7 And Lea and Philippe, please assist me.

8 Q. Now, Witness, the question is this: In exercise of those functions that you were (Redacted),
9 did you have the opportunity to hear (Redacted) the experiences, people who
10 travelled around the country, or in the course of your (Redacted), you had opportunity, not
11 necessarily in 2003-2004, you had the opportunity of knowing about those events before ever
12 you came to testify in the Bemba case?

13 PRESIDING JUDGE SCHMITT: Mr Vanderpuye.

14 MR VANDERPUYE: Thank you, Mr President. I think the witness has already answered
15 the question at page 50, line 21 et seq. So I'm not sure where my colleague is going with this
16 one.

17 MR TAKU:

18 Q. Did you listen to the radio reports about --

19 PRESIDING JUDGE SCHMITT: I think the problem that we have here is that I would
20 assume that you refer a little bit to (Redacted)

21 (Redacted) as (Redacted) of this country, what such a person knows about
22 what is going on in the country.

23 Is that what you're heading to?

24 MR TAKU: Yes, your Honour.

25 PRESIDING JUDGE SCHMITT: But of course we are then in a very general realm, to put it

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1 this way, so every (Redacted) of course has knowledge of what is going on in (Redacted)
2 country, and how deep this is depends of course also from education that the person has. So
3 if you could be perhaps a little bit more specific what you're heading at and then I think we
4 can go on with the questioning of the witness.

5 MR TAKU:

6 Q. Now, Witness, in your testimony you said that when you left the location where you
7 were in 2002 you settled in (Redacted), you went to live in (Redacted); is that correct?

8 A. At the end of 2003, after I had finished as (Redacted), I was
9 supposed to go back to (Redacted) because I had registered at (Redacted), which is (Redacted),
10 (Redacted). So I went back to (Redacted) where I had
11 registered.

12 Q. Now, Witness, let us start with your studies as (Redacted)
13 (Redacted). In the course of your study, Witness, did you come across or you had
14 the opportunity of learning about the war that occurred in (Redacted) country in 2002?

15 A. I did that training in (Redacted) and I finished in 2014. You are
16 talking -- you are trying to make a link between what happened in my country between 2003
17 and 2004 and (Redacted) the training that I got in 2014. In 2014 I had already testified in
18 the Bemba trial. So I did not yet need to have information (Redacted)
19 (Redacted)

20 Q. When you were (Redacted) in (Redacted) country, you said you (Redacted) as far as Congo,
21 locations in Congo, indicating that you (Redacted) in other areas even outside Central African
22 Republic.

23 Now, let me put the question first, did you have opportunity of (Redacted) as (Redacted) in
24 different locations in Central African Republic when you went back to (Redacted)?

25 A. When I went back to Bangui, I (Redacted) there.

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1 Q. And when you came back to (Redacted), you came face to face with the devastation about
2 which you testified. You've met the victims face to face. You came face to face with the
3 devastation of the war; is it not true, Witness?

4 A. I did not meet any victim, because when I got there peace had returned. Things were
5 quiet and people were going about their ordinary business, and I don't know what would
6 lead me to seek out the victims and ask them for information. I think no, Counsel.

7 Q. You never had -- you didn't see the devastation that was brought upon (Redacted) country
8 by that war?

9 A. I saw some buildings that had been destroyed. There were marks left by bullets on the
10 walls of the buildings. I did see that.

11 Q. Now, you said that you lived in (Redacted). Did you submit an application to
12 (Redacted), Witness? If yes,
13 what was the outcome of your application?

14 A. Well, what brought me closer to Mr Arido was this problem, this question you put to me.
15 When I got there, I sought him out and so he helped me (Redacted)
16 (Redacted).

17 I had a last meeting or appointment, and while I was awaiting that appointment,
18 Mr Kilolo arrived in Douala. He was supposed to arrive in Douala. So it was
19 necessary to travel to Douala, and so I was obliged, and I explained this to him, and
20 he said: Look at what lies ahead. We never know.

21 And so rather than staying and going to the appointment at (Redacted), instead I
22 went to Douala to meet Mr Kilolo.

23 So on my way back from Douala, when I went to (Redacted) they gave me --

24 THE INTERPRETER: Overlapping speakers.

25 MR TAKU:

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1 Q. Yes, Witness, we'll come to that very shortly. You just mentioned Mr Arido's name.

2 Did you know when Mr Arido left Central African Republic?

3 A. I don't know when Mr Arido left the CAR, but I met with him in (Redacted).

4 Q. Now may I suggest to you, Witness, that he left Central African Republic in 2001.

5 What would you say to that?

6 A. That is not so.

7 Q. So when did he leave Central African Republic?

8 A. I got -- I left (Redacted) I believe in December, towards the end of December 2010, in the
9 time that it took to cross the border there back in January 2011. I was in (Redacted) and a few
10 months after I (Redacted) Mr Arido.

11 Q. Witness, the question is when -- do you know when Arido left the Central African
12 Republic?

13 A. I just told you a few moments ago that I don't know exactly when Mr Arido left the
14 Central African Republic.

15 MR TAKU: Now, court officer, please can you please bring CAR-D24-002-0012 at 0279, for
16 the Judges this is at tab 80 of your binder.

17 Q. Now, Witness, can you look at this document, which is a standard form that (Redacted)
18 (Redacted). When you applied, you filed (Redacted)
19 (Redacted). Did you have to fill this form or a similar form, Witness?

20 A. I'm waiting for your question, Counsel.

21 Q. Did you fill a form, a similar form or this form when you went (Redacted)
22 (Redacted)

23 A. I went, I was heard, I filled out a document, photographs were taken of me. Now, if
24 you want to check what happens in (Redacted), especially (Redacted),
25 you can cross-check that. Before I came here, I also applied (Redacted).

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1 When I was taking -- about to take the plane in (Redacted) to come here, they called
2 me again, and so I told them I was still looking for work. And because I was on my
3 way to The Hague, I could not tell them that I was on my way here, because I
4 don't -- I did not know who was on the line. So what I know is that when I get back,
5 I will reconnect with them.

6 What I can say is that got a denial from them and I applied for a review of my
7 application.

8 Q. 0280 of this document, can you look at this page, Witness. Are you looking at that page?

9 A. Yes, Counsel, I can see it.

10 Q. Can you tell the Trial Chamber, Witness, the profession you provided on your (Redacted)
11 (Redacted)?

12 A. (Redacted), I stated that I was fleeing the war and
13 reprisals from the then head of state, because at the time I was Ange-Félix Patassé's
14 (Redacted) in an area known as (Redacted). So they asked to know what diplomas I had and
15 I provided all photocopies of my certificates from my primary living certificate.
16 Now you are showing me an empty document which does not bear my name, which has
17 nothing relating to me. I would have preferred to have the document, my document here in
18 order to be able to state whether it is my document indeed or not. And I would then be in a
19 position to answer your questions.

20 THE INTERPRETER: Overlapping speakers.

21 MR TAKU:

22 Q. Witness, how did being (Redacted) of Ange Patassé -- first, first, Witness, who is
23 Ange Patassé?

24 A. Ange-Félix Patassé was a former president of the Central African Republic. He is dead
25 today.

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1 Q. How did being (Redacted) in a region in Central Africa constitute a threat to your
2 life to necessitate you (Redacted) from your country?

3 A. Counsel, I do not think I have any answer to offer to that question.

4 Q. May I suggest, Witness, it is because of your participation in the war in 2002 on the side
5 of Ange Patassé against the invading forces of Bozizé that when Bozizé took power you along
6 other combatants, as combatants supporting Patassé (Redacted) other
7 countries in the subregion? May I suggest this to you, Witness?

8 A. There were elections when Mr Ange-Félix Patassé was running as an independent
9 candidate at that time. What I am telling you is that the information relating to the question
10 you asked I am not in a position to provide the answers and I am sorry about that.

11 Q. When the Arido Defence contacted (Redacted) in order to obtain access to (Redacted)
12 (Redacted) stated that your consent was required for information relating to the profession
13 you provided in (Redacted). A request for you to provide that consent was
14 denied by the Prosecutor.

15 Your Honours, I'm referring here to -- I'm referring here, your Honours, to annex 3 to
16 filing 1137 at page 2 confidential and CAR-D24-002-0942 at 0942 and annex 6 to filing
17 1137 at page 3.

18 PRESIDING JUDGE SCHMITT: Is this in your binder, Mr Taku?

19 MR TAKU: Yes.

20 PRESIDING JUDGE SCHMITT: Could you please tell us which tab?

21 MR TAKU: One minute, your Honour. 63, your Honour -- no, 67, 67, 63 and 67.

22 Q. Witness, in order to ascertain the truthfulness of your testimony today, would you be
23 willing to please authorise us to have access to (Redacted) to check what
24 you declared as your profession (Redacted)?

25 A. I don't know what answer I can give you.

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1 PRESIDING JUDGE SCHMITT: I think for the fairness for the witness we should give the
2 witness an opportunity to speak with counsel and make a short break. I think this would be
3 fair to the witness because he cannot perhaps assess everything that is related to this question
4 especially when he answers the question.

5 So let's say a maximum of 10 minutes.

6 THE COURT USHER: All rise.

7 (Recess taken at 12.39 a.m.)

8 *(Upon resuming in private session at 12.49 p.m.) Reclassified as open session

9 THE COURT USHER: All rise.

10 PRESIDING JUDGE SCHMITT: Mrs Doucerain, did you have an opportunity to talk with
11 your client?

12 MS DOUCERAIN: (Interpretation) Yes, Mr President.

13 PRESIDING JUDGE SCHMITT: And then I ask the witness, you had the possibility to talk
14 with Ms Doucerain we have heard -- we have just heard. And the issue was if you consent
15 with respect to (Redacted). And what is your answer to that?

16 THE WITNESS: (Interpretation) Yes, Mr President. I gave my consent.

17 PRESIDING JUDGE SCHMITT: Then please continue, Mr Taku.

18 MR TAKU:

19 Q. Now, Witness, you talked about President Patassé. What was the name of the party of
20 President Patassé that (Redacted)?

21 A. Counsel, the document is not displayed on the screen here.

22 Q. (Overlapping speakers) No, I wanted -- you say you (Redacted) President Patassé.
23 I'm asking the name of his political party, that political party that you say represented.

24 A. Well, President Patassé was, first of all, the president of the MLPC, movement for the
25 liberation of the Central African people. When he stood for the second time he was no

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1 longer president of the MLPC, he ran as a candidate, as an independent candidate.

2 Q. And, Witness, now, please, can you bring out CAR-D24-002-0740, at page 38, which is at
3 tab 79 of the binder. Do you have it on the screen?

4 Now, Witness, before I put the question you agree with me, Witness, that in 2002 President
5 Patassé -- the war in 2002 -- in the war in 2002, let me rephrase that, President Bozizé, his
6 forces, rebel forces, attacked, they tried to overthrow President Patassé and that led to the war
7 in 2002; do you agree, Witness?

8 A. Mr President, the document before me refers to Bokassa and David Dacko and the
9 document is in English.

10 Q. Yes. I will refer to the document (Overlapping speakers) --

11 PRESIDING JUDGE SCHMITT: But -- yeah, but let me phrase it like the following: I let
12 you stay with your line of questioning for the moment, but keep in mind that we do not have
13 the time for going into history lessons, to put it this way, and that we have said that we are
14 not going into the merits of the main case. Please keep that in mind. And I allow it at the
15 moment, but the Chamber I think wants to see relatively quickly where this should lead to.

16 MR TAKU: Yes, your Honours. By the time we ask this question it will be very, very
17 obvious about the role, the allegation he made about our client. And it will be very,
18 very -- this is related to that.

19 Q. Now, Witness, looking at that document just on the screen, CAR-D24-002-0080, can you
20 see that table 7, can you see where you see "XMLPC?"

21 A. Counsel, I am lost. The document on the screen is in English. I see the names of
22 Kolingba, Bozizé, Bokassa and that's why I do not understand your question. If you show
23 me a document relating to what we are discussing, then I can answer you, but you see here
24 reference is being made to Bokassa and that's a matter of history. I see 69 --

25 Q. Wait.

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1 Your Honours, at page -- it's page 0778. I'm sorry. That's what should be on the screen.

2 PRESIDING JUDGE SCHMITT: But this does not solve the problem that the witness cannot
3 read English --

4 MR TAKU: Yes.

5 PRESIDING JUDGE SCHMITT: -- so you -- so we have to -- you have to help him and
6 phrase a precise question, please.

7 MR TAKU:

8 Q. Now, Witness, I put to you that from this document that we put here it is very, very
9 clear that this MLPC Karakos, they were all militias affiliated with Patassé in that conflict in
10 2002?

11 PRESIDING JUDGE SCHMITT: Mr Vanderpuye.

12 MR VANDERPUYE: Thank you, Mr President. A couple of things. One is I don't see
13 what the relevance of this particular line of questioning is to any salient issue in the case.
14 The second thing is I don't think my colleague has identified what this document is, why it
15 might even be authoritative as a basis for the questions that he's putting to the witness. So
16 I would object to it and to the line of questioning as well.

17 PRESIDING JUDGE SCHMITT: That is sustained for the moment. To be honest, I also
18 don't see if we have here a report before us, or a history book, or whatsoever, so
19 I would -- really would like to know what this is about, if it is, as Mr Vanderpuye put it,
20 authoritative, and of course we would like to relatively in short time see the relevance of this
21 line of questioning.

22 MR TAKU: Well, we will come to that in due course, your Honours, with regard to -- when
23 we are dealing with the question of the notes, of the alleged briefing notes. We will come to
24 that, your Honour.

25 Now, your Honour -- we are still in private session, your Honours, because I'm going to deal

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1 with matters that may reveal --

2 PRESIDING JUDGE SCHMITT: I think we are in private session, yes.

3 MR TAKU: Yes.

4 Q. Now, Witness, let's move quickly to the meeting, the alleged meeting that you say you
5 had with Mr Arido (Redacted). Now, you told Prosecution investigators on
6 2 April 2014 -- may the court officer please show him CAR-OTP-0084-0472 at page 0476, lines
7 135 and 139.

8 Your Honours, that's 5 November. Your Honours, 5 November. Sorry about that.

9 Do you have that before you, Witness?

10 A. Well, Counsel, why don't you put your question.

11 MR TAKU: Your Honours, just one minute. Your Honours, let me clarify one point. Your
12 Honour, I'm sorry for the confusion. It is 2 April 2014, at page 0047, lines 135 to 139. I'm
13 sorry about that.

14 PRESIDING JUDGE SCHMITT: Do you have it before you, Mr Witness? I understand that
15 we are talking about 134 to 139; is this correct?

16 MR TAKU: Yes, your Honours.

17 THE WITNESS: (Interpretation) Yes, Mr President, the document is before me.

18 PRESIDING JUDGE SCHMITT: And your question, Mr Taku.

19 MR TAKU:

20 Q. Now let me read that out and I'll put my question. This is what you said:

21 (Interpretation) "So we went to be able to call, he and I."

22 Is that what's before you?

23 A. Counsel, I see 132 to 155 and the part that you are reading is not displayed on the screen.
24 Please help me.

25 MR GOSNELL: I'm sorry, Mr President, I don't think we're on the right page.

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1 PRESIDING JUDGE SCHMITT: No, it's absolutely. We are not on the right page. And I
2 make suggestion, since we have -- we are beyond the 1 o'clock, I think we make the
3 lunch-break and then we resume with this and with the right page, of course. We resume
4 then.

5 So we have a break until 2.30.

6 THE COURT OFFICER: All rise.

7 (Recess taken at 1.02 p.m.)

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

9 THE COURT USHER: All rise.

10 PRESIDING JUDGE SCHMITT: We are in open session because we want to address
11 shortly a procedural issue concerning the sequence of witnesses.

12 And I want to direct a question to Mr Vanderpuye because it is not perfectly clear to
13 everybody on the Bench, do you still want the next witness after 245 to be 272 and
14 that this witness should testify via video link?

15 MR VANDERPUYE: Thank you very much for the invitation, your Honour. We
16 do expect that the next witness after 245 will be 272. I hesitate because it involves a
17 logistical matter that is not within our direct control because of the enforcement of the
18 summonses to appear issued by the Chamber previously, and so there is a logistical
19 issue with respect to setting up video links with regard to those witnesses and that
20 witness.

21 We're still discussing it with the VWU and the Registry. Absent a conflict, we expect
22 though to proceed with 272 immediately after 245, and then we'll -- I'll update the
23 Chamber with respect to the other two witnesses, hopefully shortly.

24 PRESIDING JUDGE SCHMITT: Are there any comments by the Defence? I don't
25 see any comments.

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1 So we proceed then with the questioning of Mr Taku and we go into private session,

2 I understand?

3 MR TAKU: Exactly, your Honour.

4 *(Private session at 2.34 p.m.) Reclassified as open session

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

6 MR TAKU:

7 Q. Good afternoon, Mr Witness.

8 A. Good afternoon once more, Counsel.

9 Q. Before we move to the next line of questioning, let me just put this question to
10 you: You stated that in 2000 -- from 2000 to 2003, you were in a location called

11 (Redacted), and that you were (Redacted). What was the name of that

12 (Redacted), was it (Redacted) or some (Redacted)?

13 A. I was speaking about (Redacted).

14 Q. Witness, do you know (Redacted)? Do you know somebody by
15 that name?

16 A. Counsel, I do not know anybody by the name (Redacted).

17 Q. May I put it to you, Witness, that within that period of 2000 to 2003, that
18 individual was (Redacted), and not you.

19 What do you say to that?

20 A. Counsel, when I arrived in that town, there was a young teacher serving as
21 (Redacted). Thereafter he was absorbed into the civil service. He was a young
22 teacher who had not yet been absorbed into the (Redacted) service.

23 But I had some (Redacted) and I had already been (Redacted)

24 (Redacted), so when I came I brought along my file, which I submitted, and I was

25 the only (Redacted), the only (Redacted) who was remaining given that all the others

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1 had been absorbed into government positions.

2 In those circumstances, I agreed with (Redacted), who asked me to
3 become (Redacted). I asked him to provide me with a number of
4 young people whom (Redacted).

5 Now, if you claim today that I was never (Redacted), I think that I am
6 (Redacted) of the republic. I had taught before going to (Redacted)
7 (Redacted) across the country. Even (Redacted) and others, if
8 you mention my name to them, they will tell you.

9 So indeed what I am saying is that I was (Redacted), and I
10 am the one who gave a boost to that (Redacted). You see, when I became (Redacted), I
11 started (Redacted). Since there is (Redacted) where I
12 gathered some experience, and it is on the basis of my experience that I was given the
13 position (Redacted).

14 Q. This individual's --

15 PRESIDING JUDGE SCHMITT: Not overlapping. I understand that this was a
16 very long answer, and perhaps we have to at some point in time to step in, but please
17 don't interrupt the witness, then we have always this translation problem.

18 MR TAKU: I'm sorry about that, your Honour.

19 Q. Now, this individual as you call (Redacted) and others, who were they,
20 whose (Redacted) you say we can find out from them about the information you gave
21 the Court? Who were -- who were those individuals that you say we can find out
22 from their children?

23 A. What I was saying and which I sought to establish was that my duty was that of
24 (Redacted). I was (Redacted). And I was saying that (Redacted)
25 (Redacted), I had been their (Redacted).

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1 When I was selected to be (Redacted), it was based on my experience.

2 The founder of that (Redacted), and I had (Redacted)

3 (Redacted)

4 Q. I'm sorry, with the permission of the Court, I have to stop you. I asked a very
5 direct question.

6 Now, may I suggest that (Redacted) you talked about were former

7 (Redacted). Would I be right to say that?

8 A. Yes, that is correct, Counsel.

9 Q. Now, did you at that point in time, that is 2000 to 2003, ask for what the cause
10 mise en disponibilite?

11 A. Yes, counsel, that is correct, mise en disponibilite, meaning leave of absence.

12 Q. We will come back to that when we get to another section later. Now, let's get
13 to where we stopped at the time and left.

14 Your Honours, I apologise for the mix-up we had.

15 Court officer, please put before the -- yes, show the witness CA-OTP-0080-0043, page
16 47, tab 4 of the Judges' binder, lines 135 to 139. Yes, OTP, OTP binder for Judges,
17 please. OTP binder for Judges.

18 Is it before you, Witness?

19 A. Yes.

20 MR TAKU: Now, with the permission of the Court can I read it out, your Honour?

21 (Interpretation) "Therefore, himself and I, we went away to be able to call, so he
22 called and he linked me up with Mr Kilolo.

23 Then I introduced myself to Mr Kilolo. If I remember properly, I introduced myself
24 as being in charge of the soldiers who were in the field and who may be willing to
25 testify in the case as well, that is within the trial.

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1 I said so without knowing these people who were supposed to be with me today, as I
2 mentioned a short while ago."

3 Q. This is information you gave to the Prosecutor when you were talking about the
4 (Redacted) on unspecified date, Witness. Is that what you
5 told the Prosecutor, the investigators?

6 A. This statement that I gave to the representatives of the Prosecutor reflects how I
7 came into contact with Mr Arido and how everything began.

8 Q. So that declaration is correct?

9 A. Yes, this is my statement.

10 Q. I put it, therefore, to you, Witness, that when you testified on 12 October 2015,
11 before this Honourable Trial Chamber -- that's page 66 of the transcript, lines 15 to 27,
12 at page 68, that's the English transcript, your Honours -- you departed from this
13 version and specified about a new version entirely when you said, you introduced
14 yourself as a sub lieutenant at the urging of Mr Arido. Mr Witness, why, why did
15 you do that?

16 A. Counsel, I have respect for you, but I -- let us remain focused. Here you are
17 showing me a report of my interview with the representative of the OTP and then you
18 go on to refer to the first trial. Could you please clarify the thrust of your question.
19 What do you -- what do you -- what are you seeking from me?

20 Q. Please do not move out of -- do not try to misinterpret the question. You
21 answer the question that I asked. I said the transcripts of your testimony dated
22 12 October 2015, page 66, lines 15 to 27, and at page 68, lines 1 to 13 of the English
23 version of the transcripts, that you said that you presented yourself as the urging of
24 Mr Arido you presented yourself to Mr Kilolo as a sub lieutenant. Witness, why did
25 you do that? Why did you change the story?

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- 1 A. Mr President, counsel has put a question to me which is rather confusing.
2 What we see on the screen here is the report of what I said to the -- the representatives
3 of the OTP. Now he's putting a question to me as to why I introduced myself as
4 Arido's sub lieutenant. I must say that this is the version which I gave at the
5 beginning when I explained how it came about that I got into contact with Mr Kilolo
6 in relation to the briefing that I had received from Mr Arido.
7 The briefing between Mr Arido and myself led up to my having to introduce
8 Mr Kilolo -- myself to Mr Kilolo as the sub lieutenant. He called Mr Kilolo and
9 asked me to introduce myself to Mr Kilolo, and I'm -- I therefore introduced myself as
10 sub lieutenant. And he's the one who spoke first. He said, "I want to introduce you
11 to the sub lieutenant."
12 So Maître Kilolo who was at the other end of the line knew that he was talking to a
13 sub lieutenant.
14 PRESIDING JUDGE SCHMITT: I think the question is answered by the witness.
15 MR TAKU: I wanted just to be sure that the transcripts that were put before him
16 about the interview with the Prosecutor reflected the real transcripts about which the
17 question related, and that was CAR-OTP-0080-0043, page 47, lines 135 to 139. I
18 wanted just to be sure that that's what was put on the screen before him which he
19 confirmed (overlapping speakers).
20 PRESIDING JUDGE SCHMITT: Yeah, I understood that this is clear and that is on
21 the record.
22 MR TAKU: Thank you, your Honour.
23 Q. Now, let's move on from there, Witness. (Redacted) that you talked here, you said
24 (Redacted), you call him (Redacted), you said that you probably have got -- that
25 (Redacted)-- Arido told you (Redacted) had got topo (phon). Is that your testimony?

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1 A. I said that Mr Arido put me in contact with (Redacted).

2 Q. (Overlapping speakers) is you said that (Redacted)-- sorry, your Honour, I'm sorry.

3 Now, did you say that he told you in that event that (Redacted) had one topo; is
4 that your testimony?

5 A. Yes.

6 Q. Now, before I proceed, Witness, we will have been presented with call record
7 data of the intercepted telephone conversations of Mr Arido in Cameroon and those
8 of Mr Kilolo, and in none of those, Witness, was the alleged phone call recorded or
9 found. What do you say to that, Witness? How do you explain that?

10 PRESIDING JUDGE SCHMITT: Mr Vanderpuye.

11 MR VANDERPUYE: A couple of things, Mr President. One is that my learned
12 friend hasn't put the documents to the witness. Second of all, he hasn't established a
13 foundation for the witness to have any basis of knowledge with respect to the
14 telephone numbers that are indicated in that document.

15 PRESIDING JUDGE SCHMITT: Sustained. For the moment sustained, yeah.

16 MR TAKU: Okay, let me rephrase the question, your Honour.

17 Q. Witness, would you be surprised, Witness, if I suggest to you that that call has
18 not been traced in any call data record found before this Court?

19 PRESIDING JUDGE SCHMITT: That is -- that is nearly the same. What you're
20 doing you're rephrasing it a little bit. You have to establish indeed, as the Prosecutor
21 put it, what we are talking about and that the -- or, you have to present it on the
22 screen for the -- for the witness so he can answer it specifically. So he cannot know
23 who was with whom in contact or what the call data records show or do not show.
24 You see? This is not of his knowledge, what the call data records show.

25 MR TAKU: Well, one expert and one member of the Prosecutor's office has been

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1 here to testify about that, so we'll move on.

2 Q. Witness -- court officer, please, can you place before this -- can you bring up
3 CAR-OTP-0075-0738. For the Judges it's at tab 49 of the binder.

4 PRESIDING JUDGE SCHMITT: Just one remark: It's of course clear that we had
5 witnesses insofar and we have the call data records. The Bench has it on the table.
6 So we have recognized it, we have seen it, of course. That is clear. It was what
7 I was talking about and what the complaint was or the objection was about was only
8 that you -- that it's difficult to ask the witness insofar. I think you understand.

9 MR TAKU: Yes, thank you, your Honours. We would have brought it, but because
10 of time constraints, we're trying to manage the time as much as possible.

11 Q. Now, do you have -- sorry.

12 Court officer, have you found that?

13 Witness, have you seen it? That's an email from you to Mr Arido dated
14 27 December 2012.

15 Now, if you've seen that, let me -- let me put another document before you so that I
16 ask the question at once.

17 Now please, court officer, also bring to his attention CAR-OTP-0075-0789 and
18 CAR-OTP-0075-0786, please.

19 Now the next one that I called was an email from you dated 10 April 2013 from
20 Mr Arido and the next one was Sunday, 24 March 2013.

21 Witness, maybe can I read them, or you want to read them. You have them before
22 you. You want to read them. They're your emails.

23 A. Yes, I have read all the documents that have been displayed, Counsel.

24 Q. Do you want to read them for the Court before I ask the question, or you want
25 me to read them?

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1 PRESIDING JUDGE SCHMITT: I think he has read them. I think he has said that
2 he has read them.

3 MR TAKU:

4 Q. Now, there are three documents that I've shown you, the first document dated
5 27 December 2012 you refer to Mr Arido: (Interpretation) "(Redacted) I
6 have just read from you but I am far away from town. By the way, what does the
7 link you sent to me represent? I am unable to open it. May this year be a year of
8 breakthrough and crowns. Be blessed."

9 The next one we have here is on day 24 March 2013, and you said, (Interpretation)
10 "Good morning, (Redacted), I just want to tell you that your analysis have turned
11 out to be correct upon reading. Our Seleka has won the battle. I would like you to
12 remember the last mail that you sent to me and to believe that I rely on you so that we
13 may govern together. Please note that henceforth it is time for us to think about
14 ourselves. If I could be a minister or director of cabinet, I would be ready to support.
15 Don't forget that I am burning with impatience. Where you are please do something
16 for this team that is made up of you and I. In any event, I am waiting impatiently."
17 The one dated 1 April 2013 you write again: (Interpretation) "Good morning,
18 (Redacted), I just want to say that I am concerned about your extended silence.
19 How are you? As for me God is in control. I have just looked at the lists of
20 ministers of the government of national unity. I did not see (Redacted) name. What
21 has become of him? I have written to him and got no answer, but I believe that there
22 is no need to disturb him. I want you to know that I count on you for many things,
23 but please answer so that it can give me a sign to maintain contact. If you think it is
24 not necessary, please let me know. Keep well and may God bless you."
25 Now, I'm going to ask a series of questions flowing from these emails, Witness.

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1 Now, do you agree, Witness, that when you were referring to Mr Arido as
2 "(Redacted)" and he was referring to you as (Redacted) in your email correspondence,
3 that was typical military language by which soldiers from former French colonies
4 referred to their juniors, that Arido was to you?

5 A. Mr President, your Honour, with your permission I would like to say here that
6 the relationship that binds me to Arido, those are (Redacted) relations. It is not
7 because we're before the Court today that I'm going to say that I don't know him and
8 that I'm going to say that he's my enemy. The relations between him and myself, if
9 you live through that, those are (Redacted) relations, but I'm before your Court in
10 order to tell the truth and which truth -- which will make it possible for you to make
11 the law.

12 What I don't want is to say that he's not (Redacted), et cetera. I am here to tell you
13 the truth. And this truth is needed to make the law. Arido, I call him (Redacted)
14 (Redacted), and I continue to say this. And if I insist on that, we have (Redacted)
15 relations, he's (Redacted).

16 Q. Witness, after we explore the emails, the answer to what you just said will be
17 obvious to the Court.

18 But how come you didn't know the name of the wife? You didn't know when Arido
19 fled to Cameroon from the Central African Republic? How come you didn't know
20 this very personal details about the person you call your (Redacted)?

21 A. The wife of Arido is (Redacted). The last time when I was asked this question here,
22 I couldn't remember. But his wife is called (Redacted). (Redacted)
23 (Redacted).

24 Q. And again when did they come to Cameroon? When did they leave
25 Central Africa to come to Cameroon? Have you heard anything about that to know

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1 the answer?

2 A. I told you that I didn't know what time Mr Arido left Bangui to go to Cameroon.

3 Q. Witness, in your testimony of 12 October 2015 before this honourable Trial
4 Chamber, you said about (Redacted), and I quote, (Interpretation) "Before that he
5 had already put me in contact with (Redacted) in another situation. And as the
6 relations weren't really good, had not been very good" -- suggesting that you knew
7 (Redacted) prior to being -- prior to being contacted to testify in the Bemba case; am I
8 right? And let me make the reference --

9 PRESIDING JUDGE SCHMITT: Could you please tell us the reference where --

10 MR TAKU: Yes.

11 PRESIDING JUDGE SCHMITT: -- where we have it in the transcript so that we have
12 it for the record?

13 MR TAKU: 12 October 2015.

14 PRESIDING JUDGE SCHMITT: Yes.

15 MR TAKU: Transcript page 66, lines 18 to 19, and at page 68, lines 4 to 6 of the
16 English transcript, your Honour.

17 THE WITNESS: (Interpretation) I'm waiting for your question, counsel, if you
18 would be so kind.

19 MR TAKU:

20 Q. From that testimony it presupposes, Witness, that you knew (Redacted) before
21 being approached to testify for the Bemba case; correct?

22 A. Yes, Counsel. Mr Arido, he put me in contact with (Redacted). So I spoke to
23 him on the phone. That was within another framework. As you see, this also refers
24 to our first meeting. That's the first time we met, that is. This meeting wasn't
25 physical, but we spoke on the phone.

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1 MR TAKU: Court officer, can you please bring up CAR-OTP-0080-0021 at page 0031.

2 For the Judges it is at tab 11 of your binder. That is the OTP binder, please.

3 Q. Witness, can you look at lines 330 to 331. Let me read that out, quote

4 (Interpretation) "But (Redacted) asked me to supervise his troops as his deputy in
5 the field thanks to you."

6 Was that your evidence, your test -- I mean, did you say that to the investigators,
7 please?

8 A. The question that you put to me, Counsel, makes me have to go back. And if I
9 have to go back in order to explain what linked (Redacted)--

10 MR TAKU: Your Honour --

11 THE WITNESS: (Interpretation) -- that's going to be long because here --

12 MR TAKU: The question is simple: Did he make this statement to the
13 investigators?

14 THE INTERPRETER: Overlapping speakers.

15 MR TAKU: Let him confirm yes or no first.

16 THE WITNESS: (Interpretation) Yes, I stated that.

17 MR TAKU:

18 Q. And isn't it true, Witness, that most of these (Redacted) men were armed rebels,
19 combatants, soldiers who deserted the government forces, conscripted civilians and
20 militiamen and women, and that your mission was to invade and take over power in
21 Central Africa by the use of arms?

22 A. You can't ignore the fact that you can have a rebellion being a soldier or being a
23 civilian. To carry out a rebellion, there are resources. There are people who never
24 go into the field.

25 Here the relation with (Redacted) was that relation, and that is how for the second

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1 time when Mr Arido said to me that it was (Redacted) who had gotten the market, I
2 reacted immediately.

3 Q. Now, Witness, you're again evading the question. The question is that were
4 this not this armed rebellion and that intended to invade the Central African Republic
5 by the use of arms from Cameroon, from Yokadouma in particular and the border
6 areas in Cameroon, is it not true?

7 A. What I said, that these are two different cases, and that's the reason why I give
8 explanations here. I was explaining my indignation. I was speaking with Mr Arido,
9 make him understand that I couldn't collaborate if it was (Redacted) who had taken
10 that market, and that's the reason why I spoke like that here.

11 Now, we weren't preparing a war or doing such a thing in the Central African
12 Republic here.

13 Q. Now, let me put the question again differently if you probably didn't understand.
14 Can you tell the Court what this rebellion of (Redacted) entailed? What was this
15 (Redacted) rebellion that was calling you to come and command his troops in the
16 field?

17 A. Mr President, your Honour, (Redacted) was (Redacted)
18 (Redacted) and, as such, was one (Redacted)
19 (Redacted). And you will remember that the word "Seleka" means alliance. So there
20 was a whole variety of different armed groups who were claiming power in the
21 Central African Republic, and (Redacted) was one of those who had soldiers behind him.
22 So the first time that I was put in contact with him, it was Mr Arido who put me in
23 contact with him and he made me understand that, no, you are (Redacted) or
24 (Redacted) person, you should know that it's not just by taking up arms that you can
25 carry out a rebellion. (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted) And after Mr Arido put me in contact with him.

5 And (Redacted) Mr Arido told me that the field was won, and he told me that

6 (Redacted) had got the deal, but I was indignant, and I said "No, I can't do this" because

7 for the first time I wasn't seen as being in the right. I didn't see how I could continue

8 in that case. And that explains my reaction, my reaction which explains -- which I

9 explained to members of the Office of the Prosecutor. They wanted to establish my

10 career path. They wanted to see how I arrived to being a testimony for Jean-Pierre

11 Bemba. And that's why I had to tell them everything exactly as to how this took

12 place.

13 PRESIDING JUDGE SCHMITT: Mr Taku, do you allow that I step in for a moment

14 with the witness?

15 MR TAKU: Yes, yes, your Honour.

16 PRESIDING JUDGE SCHMITT: Mr Witness, have you still in front of you the lines

17 329 and 330 that the Defence counsel, Mr Taku, has read to you?

18 THE WITNESS: (Interpretation) Yes, your Honour.

19 PRESIDING JUDGE SCHMITT: When you read this, could you understand that

20 somebody who does not know you who reads this for the first time gets the

21 impression that you are not talking about a civilian, but about somebody who has

22 experience whatsoever in the military field?

23 THE WITNESS: (Interpretation) Yes, your Honour.

24 PRESIDING JUDGE SCHMITT: But we have understood, I think, that you are a

25 civilian or aren't you?

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1 THE WITNESS: (Interpretation) Indeed, your Honour.

2 PRESIDING JUDGE SCHMITT: So how do you explain what a supervisor of a troop,
3 as I understand it, but you can correct me, if my French is not good enough, of
4 (Redacted) what this concretely means? Can you explain this to the Court?

5 THE WITNESS: (Interpretation) Your Honour, when you follow the history of the
6 rebellion in the Central African Republic there are civilians who come into the bush,
7 they take up arms and they join a regiment and they have -- are given different ranks,
8 colonel, they get whatever rank they want.

9 And in the case in point (Redacted), once Mr Arido put me in contact with him,
10 he told me on the phone (Redacted)

11 (Redacted)

12 (Redacted) and that is

13 what I was told to say. And by telling me this he wanted me to say I'm a civilian.

14 It's true, and I'm still a civilian today. But by telling me that he made me understand
15 that you're an (Redacted), you know that you can't carry out a rebellion always by
16 taking up weapons, and that is why I accepted his offer.

17 PRESIDING JUDGE SCHMITT: Thank you. Excuse me for stepping in, Mr Taku.

18 MR TAKU: Thank you, your Honour.

19 PRESIDING JUDGE SCHMITT: Mr Vanderpuye.

20 MR VANDERPUYE: Thank you, Mr President. I'm on my feet because I think it
21 might be helpful if my learned friend would orient the witness as to the particular
22 time frame that his question pertains to and I think it would help clarify the issues as
23 well for the Chamber.

24 PRESIDING JUDGE SCHMITT: I think Mr Taku is mindful of this aspect when he
25 continues with his questioning.

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- 1 MR TAKU: Yes, your Honour. I started by saying that even before he was approached
2 to testify in the Bemba case, these contacts with (Redacted) had taken place.
3 I want him to establish that fact. And I think he -- I think he answered, he said yes.
4 Now, court officer, please can you bring up CAR-OTP-0080-0021, page 0029. For the
5 Judges this is tab 11 of the -- I think the OTP binder, yeah. Now, page 0029.
6 Q. Witness, just read lines 264 to lines 265.
7 A. Where -- where should I read, Counsel?
8 Q. One minute, your Honours. Please, one minute.
9 Witness, have you read those lines?
10 A. Please, Counsel, tell me where I should read from.
11 Q. 264 to 265.
12 A. I've read it.
13 Q. Now, is it not true, Witness, that you -- you told the Prosecution investigators
14 that it is when you joined the rebellion that you -- you gave yourself the title of a
15 lieutenant? When you joined (Redacted), you started calling yourself lieutenant; is
16 that not what you said?
17 A. It wasn't in relation to my relations with (Redacted). If you look a bit higher,
18 further up, attribute military title rank, that refers to sub lieutenant. Mr Arido said
19 to attribute it to myself so that when I met Mr Kilolo.
20 Q. Well, Witness, we'll come to that subsequently. Let's move to something else
21 while I locate the document.
22 Now, court officer, please, can you bring up CAR-OTP-0075-0061. For Judges it is
23 tab 50. 071 -- 0075-0061.
24 MR LAROCHELLE: It is 0075-0761.
25 MR TAKU: I'm sorry.

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1 Court officer, can you bring up the next one, CAR-OTP-0075-0062. For the Judges
2 it's at tab 51 of the binder.

3 Q. Have you read that?

4 A. Yes, I received this document from him.

5 Q. Now, court officer, again pull up CAR-OTP-0075-00 -- 00763. For the Judges
6 it's at tab 52 of the binder.

7 Have you read that, Witness?

8 A. Yes.

9 MR TAKU: Court officer, bring up CAR-OTP-0075-0786. For the Judges this is at
10 tab 54.

11 PRESIDING JUDGE SCHMITT: Mr Taku, I think you are going to inform us if we at
12 some point in time can go into public session, but I understand that you are still --

13 MR TAKU: Yeah.

14 PRESIDING JUDGE SCHMITT: Okay.

15 MR TAKU: Yes, your Honours. When we are dealing with relations with
16 (Redacted) and Mr Arido it's also ...

17 Q. Witness, have you read that?

18 A. I think I already read the document a moment ago.

19 Q. Yes, CAR-OTP-0075-0785. For the Judges it's tab 53.

20 You read -- you've read that?

21 A. Yes, I've read it.

22 MR TAKU: Okay. With the permission of the Court very quickly let me read this
23 out and ask questions in order to gain time.

24 PRESIDING JUDGE SCHMITT: If the witness has read it I think you don't have to
25 read it out loud again. That would spare time. Perhaps you could ask your

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1 questions right away.

2 MR TAKU:

3 Q. Witness, do you remember telling anyone that (Redacted)?

4 A. I remember having said to the Court. And even when I met Mr Kilolo, I spoke
5 about my relations with (Redacted).

6 Q. Now, can you tell to the Court why you wanted to be appointed (Redacted)
7 (Redacted) in that email, one of the emails to -- to Arido? Either the position of a
8 minister in the Seleka movement or (Redacted)?

9 A. You will remember, Counsel, I explained to the representative of the Prosecutor
10 that I had relations with (Redacted) and I said that I was indignant because when
11 Mr Arido wanted to put me in contact with him there was a reticence there, but
12 afterwards when we met in Douala the climate had become calm. The
13 misunderstanding that we had had gone. I received encouragement from (Redacted)
14 because when counsel had to go down (Redacted) went before him, before we could
15 be put in contact with him. And once our statements before the counsel had finished,
16 we had to go home and (Redacted) encouraged me personally.
17 (Redacted) I was still in contact with Arido, and it was then that I
18 reminded him of the fact that he, as (Redacted) and myself, we were (Redacted) and
19 we were (Redacted).

20 If (Redacted) today is (Redacted) and is perhaps meant to go (Redacted)
21 (Redacted), I think he has to think of me. It's just that, nothing to be hidden. I had
22 relations with him and these relations -- if (Redacted) became (Redacted)
23 (Redacted) Perhaps Arido would become prime
24 minister or something like that. So I had relations with the -- a relationship with
25 these people.

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1 Q. You had the opportunity, you testified, to meet in Douala, all of you were there,
2 (Redacted) was there, Arido was there, Mr Kilolo was there. Why do you not take
3 the opportunity to challenge Arido or (Redacted) before Mr Kilolo about the 10
4 million, about the promises? Did you -- did you challenge them? Did you bring up
5 that issue to the attention of the three of them or challenge them to get clarification
6 about the alleged promises?

7 A. Counsel, in answer to your question I think I would repeat myself. I said that
8 the first person that I (Redacted) was Mr Arido. When he spoke to me about this
9 I think there was an agreement and a clause. If I testified I should have the right to
10 10 million francs and there be the possibility to be relocated in France once we were in
11 contact with (Redacted). It wasn't just me. Almost all of those who testified
12 had expressed the wish to have the money before testifying.

13 MR TAKU: Your Honours, I think I will stop him there.

14 PRESIDING JUDGE SCHMITT: We are now I think repeating -- excuse me,
15 Mr Witness -- we are repeating what the witness -- or, the witness is repeating what
16 he has said before.

17 MR TAKU: Yes.

18 PRESIDING JUDGE SCHMITT: So I would -- this is also an answer --

19 MR TAKU: Yeah.

20 PRESIDING JUDGE SCHMITT: -- you could say. Please move on, Mr Taku.

21 MR TAKU: Okay, your Honours. Thanks for your wisdom. Let me move to
22 something else.

23 Now, court officer, please show him -- bring to his attention CAR-D24-002-003. For
24 the Judges this is at tab 83 of the binder.

25 Q. Witness, have you -- have you read through that document? Do you recognize

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1 that document, Witness?

2 A. This document I see it bears my name, but the signature is not mine. If you
3 want I can give you my signature right away.

4 Q. We'll come to that, some other person will be looking at that, but do you see the
5 name of (Redacted) in that document, the signature, the next page?

6 PRESIDING JUDGE SCHMITT: If it is there you can help him because he is in front
7 of it, he has it in front of him. It is a two-and-a-half pages document.

8 MR TAKU: Yes, your Honours, that is the -- this other page -- two pages after
9 that -- the last page, your Honour, of that document.

10 PRESIDING JUDGE SCHMITT: Yes, Mr Witness.

11 THE WITNESS: (Interpretation) Mr President, I would like us to go to the first
12 page and look at the title. I want to draw your attention to something on page 1 of
13 this document. Mr President, if you look at this document it says: "Town of
14 Douala. Place of meeting Hotel (Redacted) Douala." I don't know that hotel. First
15 thing.

16 Second thing, I want to point out to you that the signature here is not my signature.
17 I am willing to sign here to show you my signature so you can compare with what
18 appears here. So this document was made up.

19 MR TAKU: Well, your Honours, he has so many other documents written by him
20 before the Court, his signature --

21 PRESIDING JUDGE SCHMITT: I think perhaps we could ask the witness.

22 Do you have an explanation why your name appears here under number 5 on this
23 document. Do you have for yourself, do you have an explanation for that?

24 THE WITNESS: (Interpretation) Mr President, what I'm telling you is that I was
25 never a soldier, I am a civilian, and here I'm being given the rank of a lieutenant

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1 whereas in this case I introduced myself as a second lieutenant. We are all
2 intellectuals and we can see that. I am here before this Court and I want to say that I
3 have never attended any meeting in a hotel known as Hotel (Redacted) in Douala.
4 And the date is Wednesday, 10 February 2010. In February 2010 I was not in
5 (Redacted). Please cross-check and you will find out for yourselves.

6 PRESIDING JUDGE SCHMITT: So please, Mr Taku, show the witness the second
7 document that you wanted to show.

8 MR TAKU: Now bring up CAR-OTP-0079-1522. For the Judges that is tab 23 I
9 think of the Prosecutor's binder -- no, not -- I'm sorry, your Honours. It's our binder.

10 PRESIDING JUDGE SCHMITT: It's 23 of your binder, Mr Taku, yes?

11 MR TAKU: Yes, your Honour.

12 Q. Yes, Witness, I wanted you to compare the handwriting, look at the
13 handwriting of this document and the document that we just showed to you. Do
14 you see similarity in the handwritings?

15 A. Counsel, are you comparing this chronology of events, the writing on this
16 document, you're comparing it with which other writing?

17 Q. On the document about the officers who met in Douala in Hotel (Redacted)
18 in 2010 that I just asked you questions about.

19 A. Mr President, I would like to remind you that the document which was on the
20 screen a short while ago, let me insist that the original be presented to you to enable
21 you to compare with my signature, the signature and the document provided by
22 counsel is an imitation, it is not my handwriting. If I sign here no one can be able to
23 sign my signature. You will see in all documents and everything that has been
24 provided to me by the Court, my signature is unique and cannot be imitated.

25 Q. (Overlapping speakers)

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1 PRESIDING JUDGE SCHMITT: I think we are overlapping again, Mr Taku.

2 MR TAKU: I'm sorry, your Honour.

3 Let me -- let me ask the witness about a few names.

4 Q. Witness, do you know someone by the name Mr Pamadou Pamoto,

5 P-A-M-A-D-U P-A-M-A-T-O. Do you know somebody by that name?

6 A. The late professor of philosophy, Pamadou Pamoto (Redacted).

7 Q. Was he one of the founders of the MLPC that you testified about today?

8 A. Yes.

9 Q. What about Mr Sermoni Tchendo, S-E-R-M-O-N-I T-C-H-E-N-D-O? Do you
10 know that individual?

11 A. Correction, Mr Vermont Tchendo, it's Joseph Vermont Tchendo. Vermont
12 Tchendo (Redacted).

13 Q. (Overlapping speakers) in the MLPC? He was one of the founders, he was
14 secretary general?

15 A. He went into exile and was in France and Belgium for a long time. When
16 President Patassé was democratically elected to office for the first time, he then joined
17 him and became the secretary general of the Mouvement de libération du peuple
18 centrafricain.

19 Q. Now, Witness, the names of these individuals appear in your notes and also
20 appear in your testimony in Bemba and I put to you, Witness, that Mr Arido would
21 never have given you a briefing about people (Redacted)
22 (Redacted) for you to testify about, falsely about. What do you say to that?

23 A. My reaction is the following: The testimony in favour of Mr Jean-Pierre Bemba
24 quite honestly was organised. I believe that right from the beginning of this trial I
25 have revisited this point over and over. How could I, who am a living witness of

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1 events, be asked to say things that were different? I was present. Mr President, my
2 contact with Mr Arido started in the --

3 Q. (Overlapping speakers)

4 PRESIDING JUDGE SCHMITT: No, we do not -- we do not speak at the same time.

5 We have to keep order in this courtroom. I would like to finish first the witness with
6 his -- and to keep it short please and then you have the floor, Mr Taku.

7 THE WITNESS: (Interpretation) Well, when I was with Mr Arido at the time of the
8 briefing there was no one else and I am a living witness and I am the only one who
9 can explain how things unfolded at that time.

10 Now, when it comes to Pamadou Pamoto or the names of Joseph Vermont Tchendo,
11 when questions were put to me in the courtroom at the time of my testimony it was
12 only normal for me to testify in favour of Mr Jean-Pierre Bemba at that time. It was
13 therefore only normal for me to answer those questions.

14 Now when the question was asked as to my relation with the MLPC it was necessary
15 to mention those persons because (Redacted)

16 (Redacted). All that was said, therefore, was information that was put
17 together from bits and pieces here and there in order to come up with something.

18 Mr President, by the way, I think that if Maître Kilolo had been so vigilant from the
19 beginning -- you see, when we arrived we told him that we did not have telephones,
20 that was a way of not getting in touch with him. If he had a way of contacting us, he
21 would have unmasked what was happening. So today I am humbly seeking to free
22 myself of these things before your Court today by telling the truth. My participation
23 in what happened is what I am talking about here before your Court today. I have
24 not come here to incriminate anyone.

25 PRESIDING JUDGE SCHMITT: Yeah, I think we have heard what you want to say.

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1 Mr Taku, perhaps we could move on to another point. Is this possible?

2 MR TAKU: Yes, your Honours.

3 Now, court officer, put before this witness CAR-OTP-0080-0135, at 150. For the

4 Judges it is tab 7 of the Prosecution's binder. Lines 540 to 541.

5 Q. You have it before you, Witness?

6 A. No, Counsel.

7 Q. Page 150.

8 A. I can see what you are alluding to.

9 Q. Let me just read that out: (Interpretation) "He, Kilolo, knew that was a youth
10 of the party and that I had received military training, the Karako military training."

11 Is that what you told the investigator?

12 A. Yes, that is correct.

13 Q. Let's move on very quickly.

14 Now, court officer, please, bring forth CAR-OTP-0080-0069, at 0077. For the Judges
15 this is at tab 9 of our binder. It is an OTP binder, please, OTP.

16 Now, you can read from line 299 where "Parce que lui" until line 315 on the next line
17 "les informations qu'il recherche."

18 A. I have seen what is written here and it is my statement.

19 MR TAKU: Okay, court officer again put before him CAR-OTP-0084-0472, at 0478.

20 For the Judges this is at tab 15 of the Prosecution binder.

21 Q. You read from line 223 to 229, that is the interview of 5 November 2014. Have
22 you read that?

23 A. Yes, I have.

24 Q. Now, Witness, in April you said Arido told you to tell Mr Kilolo that he grew
25 up at Bombayake's place, but in November you said that he told you to tell Mr Kilolo

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1 that he grew up in (Redacted). And the reason I suggest, Witness, that you
2 followed the proceedings in the -- online and you found that the
3 Prosecutor -- the -- Mr Arido was at the time being charged for the false documents
4 about Gambi. So you changed quickly from Mbeti Bangui -- from Bombayake to
5 Gambi in order to incriminate Mr Arido in that particular charge, Witness.
6 I put this to you, Witness, that that's what occurred, that's what explains this change.
7 What do you say to that?

8 A. I believe Maître Kilolo is here in the courtroom. When I was in contact with
9 him, in the conclusion I told him that if he needed further information, he would have
10 to refer to Lieutenant Arido because he is the one who grew up in Gambi's house.
11 Before we could contact Mr Kilolo, he had told me that once I got in touch with
12 Maître Kilolo, he -- I should explain to counsel that he was one of the children who
13 had grown up in the general's house, and that he was in a position to make available
14 to him the information he needed, and that if he wanted to contact him, he should -- if
15 he wanted to contact us, he should do so through Arido.
16 I am not here to incriminate your client. I am here to tell the truth, to explain to you
17 how things actually happened.

18 Mr President, you see, we are beating about the bush, whereas there are truths that
19 are not being spoken simply because nobody wants to address the truth. I am here
20 before your Court to explain to you that which I saw, which I heard or which I
21 experienced. Quite seriously, I am not here to tell lies to the Court.

22 PRESIDING JUDGE SCHMITT: Mr Witness, just to clarify something, we have in
23 the courtroom, we have rules, and one of these rules is that you were first examined
24 by the Prosecution and you are now examined by the Defence. And the Defence has
25 their line of questioning. And if there is any reason to step in or to question this

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1 questioning, to put it this way, the Presiding Judge will do that. So I think we -- this
2 is to make it clear to you.

3 And now we continue with the questioning of Mr Taku.

4 But Mr Taku indeed, perhaps you could give us some prospect, some time prospect
5 when you -- how you will continue with that and how long perhaps this line of
6 questioning you want to continue. That would be good information for the Bench.

7 MR TAKU: Your Honours, I'm making an effort to complete the line of questioning
8 quickly because my colleague has to continue somewhere. You will understand that
9 these two witnesses are actually very, very important for us and --

10 PRESIDING JUDGE SCHMITT: We have said that before that is perfectly clear and
11 that is of course also --

12 MR TAKU: And so we --

13 PRESIDING JUDGE SCHMITT: -- clear for the Bench. But as I always say and
14 I would really want to insist on that, we want to keep it focused, the questioning, and
15 I would suggest that you continue now with what you want to ask the witness. And
16 I have been informed that we could overstep a little bit the 4 o'clock limit, and
17 I would appreciate it if you perhaps could finish your line of questioning before we
18 go into the break for tomorrow. Is this possible?

19 MR TAKU: Your Honours, you mean to finish the cross-examination today? No,
20 I don't think so, your Honour.

21 PRESIDING JUDGE SCHMITT: No, no, no.

22 MR TAKU: Or the line of questioning, the line of questioning?

23 PRESIDING JUDGE SCHMITT: No, you told us that Mr Larochelle is going into
24 cross-examination.

25 MR TAKU: Yes.

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1 PRESIDING JUDGE SCHMITT: It is clear that you, the Defence of Mr Arido does
2 not finish today. That is perfectly clear to the Bench. But what I am trying to do
3 here is a little bit to give ourselves a time prospect and really to remind you and in
4 advance also Mr Larochelle, who is again hiding a little bit, he's always difficult to see
5 from here, that you keep that in mind and what I've said in the morning that we will
6 finish the questioning of this witness tomorrow. Yes, please keep that in mind.
7 And please continue now, Mr Taku.

8 MR TAKU: Your Honours, if we can go to the open session.

9 PRESIDING JUDGE SCHMITT: Yes, then we go into open session if you suggest
10 that.

11 MR TAKU: And the documents, if any, should not be broadcast, your Honour.

12 (Open session at 3.54 p.m.)

13 THE COURT OFFICER: We are in open session.

14 MR TAKU:

15 Q. Now, Witness ...

16 Please, court officer, can you bring up CAR-OTP-0080-0021, at page 0035.

17 Your Honour, this is at tab 3 of the Prosecution binder. And we are interested in line
18 469 to 470, and 494 to 495.

19 Have you read that, Witness?

20 A. Yes, Counsel.

21 Q. Is that your statement to the investigators?

22 A. Yes, Counsel.

23 MR TAKU: Now, court officer, please, put CAR-OTP-0088-0504, at 059. For the
24 Judges it is at tab 56 of your binder.

25 Q. Is that email before you to Mr Kilolo you sent in June 2013?

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1 A. Yes, I do remember that email.

2 Q. Now, Witness, is it possible you can read that email to the Court, please, so I ask
3 all the questioning at once?

4 PRESIDING JUDGE SCHMITT: I think to read the whole email and let the witness
5 read the whole email is too extensive. I think we should give the witness time to
6 read it by himself and then you put the questions. I would suggest it, to proceed like
7 this way.

8 MR TAKU: Thank you, your Honour.

9 PRESIDING JUDGE SCHMITT: So please, Witness, take your time and tell us when
10 you have finished to read it.

11 MR TAKU: In any case it's in open session, your Honour, so it would not be prudent,
12 it would not be prudent to read it.

13 THE WITNESS: (Interpretation) I have read the document.

14 MR TAKU:

15 Q. And that email was about a week after your testimony in Bemba's case; correct?

16 A. I do not remember exactly.

17 Q. Now, Witness, in order not to waste so much time, you raised every problem
18 there that from -- apart from the question of the 10 million against Arido, you raise a
19 catalogue of grievances against Arido in that email, (Redacted)
20 (Redacted), and you even suggested Arido did not want you to
21 testify, Arido wanted to -- that you shouldn't testify in the main case, and you ended
22 up, Witness, saying -- before then, you accuse Arido of being a danger to your life, in
23 fact you said that, (Interpretation) "I wish to draw your attention to what is
24 happening between Arido and myself which risks costing me my life."

25 (Overlapping speakers) that I find if we were to read, but we read nevertheless in the

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1 course of these proceedings because the truth be known, against Arido's wife, your
2 actions towards (Redacted), and you said that
3 Arido did not want you -- or, (indiscernible) individuals so as not to testify in the
4 main case, you raised financial problems, at the end you ended up saying:
5 (Interpretation) "In this regard, I would like to seize the Court and to ensure that we
6 are relocated without conditions."
7 (Overlapping speakers) Witness, why, why did you display that animosity and hatred
8 against someone, even testifying for two days, was (Redacted), and against (Redacted)
9 (Redacted)? Why, why did you do that and why to Mr Kilolo?
10 A. When you go to the heart of this matter, you will understand why I informed
11 Mr Kilolo, why I kept him informed, because even after our separation, after we
12 separated in Douala, there was more problems which started to arise with regard to
13 this famous 10 million, this money.
14 When I went back to (Redacted), because you were the one who asked me the
15 question, you will allow me to explain it to you if we have time.
16 I went to (Redacted) told me that he was
17 angry due to the fact that when we were at (Redacted) I met the others to
18 say that it was a question of life, we had to have the money and if not we wouldn't
19 testify. And that, frankly, he was very angry about that.
20 So afterwards, he had to go to stay with his girlfriend, a lawyer, who was a -- he was
21 invited with his wife to a marriage ceremony, (Redacted)
22 (Redacted)
23 (Redacted)
24 (Redacted). So when we were there, (Redacted) told me that, (Redacted)
25 (Redacted)

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- 1 (Redacted)
- 2 (Redacted). And that is how I said, (Redacted)
- 3 (Redacted)
- 4 (Redacted)
- 5 So that's what happened. When (Redacted)
- 6 (Redacted)
- 7 So straight afterwards, (Redacted)
- 8 (Redacted).
- 9 Until the day that he had to leave the town, after one night before leaving, he called
- 10 me to say, "Listen, I'm going. I don't want to have anything more to do with this
- 11 case with Kilolo, but stay there Kilolo will come and you bring the others."
- 12 Since that day, I was obliged to say because if I said to counsel, then he's going to
- 13 reconcile us, so -- and that's the reason why I wrote that email to Mr Kilolo.
- 14 Q. Your Honours, we -- there are so many allegations and time frames that that
- 15 animosity dates -- dating back (Redacted)
- 16 (Redacted). So the dates get into so many years, the animosity that
- 17 he put here, we'll examine it one by one to establish the time frames and either
- 18 tomorrow I will continue, or my colleague, or if you want me to continue with this
- 19 line of questioning let me go through, but my learned colleague --
- 20 PRESIDING JUDGE SCHMITT: If you want to establish this time frame, as you said,
- 21 I think perhaps you can continue now and restrict yourself to the essentials if it is
- 22 possible.
- 23 MR TAKU: Yes, your Honour.
- 24 PRESIDING JUDGE SCHMITT: Yes. Okay, thank you.
- 25 MR TAKU:

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1 Q. Now, Witness, this allegation about the (Redacted) of

2 Arido, what year did that happen?

3 A. Counsel, I don't remember, but you're going to produce the document. I don't
4 remember.

5 Q. Surely, when you were back (Redacted)?

6 A. No, we were in (Redacted)--

7 Q. (Overlapping speakers). I'm sorry, my Lord. I'm very sorry about that again.
8 I'm sorry.

9 PRESIDING JUDGE SCHMITT: Always the same.

10 MR TAKU: Yes, I'm sorry.

11 PRESIDING JUDGE SCHMITT: Problem overlapping.

12 MR TAKU: Yeah.

13 PRESIDING JUDGE SCHMITT: So then we lose, we lose in the transcript.

14 MR TAKU: Yeah.

15 PRESIDING JUDGE SCHMITT: And there is disorder in the courtroom, so please,
16 please oblige to that --

17 MR TAKU: Yeah.

18 PRESIDING JUDGE SCHMITT: -- and do not interrupt the witness, yeah.

19 MR TAKU: Let me put the question again. Maybe he's been thinking about Arido's
20 wife.

21 Q. I'm asking about (Redacted) Arido (Redacted), the one you state here that
22 you had -- (Redacted), that
23 was surely while you were in (Redacted) and not when you were in
24 (Redacted)?

25 A. Now you're being precise, Counsel. Now you're being precise --

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1 MR LAROCHELLE: I'm really sorry to interrupt, but maybe it would be wiser to go
2 into a private session.

3 PRESIDING JUDGE SCHMITT: Could you repeat.

4 MR LAROCHELLE: I'm sorry to interrupt the witness. I think we are in a public
5 session. It may be wiser considering the topics we are touching upon to be in a
6 closed session. I wanted to actually intervene before, you know, the fruit fell from
7 the --

8 PRESIDING JUDGE SCHMITT: Since Mr Larochelle is the expert in these matters,
9 the Bench of course follows. We are going into private session. Yes, thank you,
10 Mr Larochelle.

11 MR TAKU: And you also said Arido --

12 *(Private session at 4.08 p.m.) Reclassified as open session

13 THE COURT OFFICER: We are back in private session.

14 MR TAKU:

15 Q. And you also said that Arido and one other individual, (Redacted) wanted you
16 to be eliminated from the deposition, that you shouldn't testify, you beared that
17 complaint to Mr Kilolo, Witness, didn't you in this email?

18 A. Counsel I'm coming back to what I said previously that the tension that there
19 was at that time that's something that you can't measure because the relations that
20 there were between (Redacted) and me should not lead to me having to come to
21 complain here. This email sent to Mr Kilolo was a series of complaints because even
22 those with whom I had testified had problems.

23 When Arido was in France with (Redacted), when he called and we were in the group,
24 if they heard that I was there -- I couldn't even say hello to them. And I think that
25 Mr Kilolo was the only person who could intervene to ensure that this tension would

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1 be reduced.

2 As I speak now, I would say that this tension doesn't exist. If I'm before the Court it
3 is because the Court identified that I was a suspect, that's why I'm here. If I wasn't, I
4 wouldn't be here speaking about Arido. I'm here before the Court because the Court
5 had me come here and I had to tell the truth.

6 So by putting things in context, Mr Arido is not my enemy. Putting things into
7 context, we just have to say the truth. If he was my boy, if it was my girl who was in
8 the situation with me and I had to tell the truth, I'd tell the truth. It's not up to me to
9 assess it. The members of the Court are there. I've said what needs to said. They
10 will assess it. If they think I've lied, they will draw conclusions therefrom. And
11 I don't know what relations there were between us, Kilolo, Arido, these were -- I can
12 expect this, they could break one day, or perhaps I could write to counsel for counsel
13 to intervene.

14 Q. And, Witness, far from what you say you're writing to the learned lawyer to
15 reconcile, you made a request and you said, quote: (Interpretation) "In this regard,
16 I would call upon the Court to ensure that we are relocated without conditions."
17 (Overlapping speakers) purpose, Witness, of you writing this, that was the purpose of
18 this trying to say that Arido had put your life in danger, hated you, that was the
19 reason. You stated the reason here. It was not about reconciliation, Witness, it was
20 about -- why didn't you just say if there was a promise, why didn't you just say, look,
21 there was this promise about relocating me to Europe, this promise about money.

22 Why had you to choose (Redacted)
23 and say outrageous things about Arido to the lawyer in order to seek relocation?

24 PRESIDING JUDGE SCHMITT: Mr Vanderpuye.

25 MR VANDERPUYE: Mr President, I would -- I would ask my learned friend to

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1 refrain from characterizing the witness's evidence. The witness has spoken. What
2 he said is in the record. It is before the Chamber and it is up to the Chamber to
3 assess --

4 PRESIDING JUDGE SCHMITT: (Microphone not activated)

5 MR VANDERPUYE: -- what the witness's evidence is, not counsel.

6 PRESIDING JUDGE SCHMITT: That is correct, but it is of course not, to put it -- at
7 least not unimportant factor.

8 And I would like to hear perhaps the answer to this a little bit differently phrased
9 question because the wording in this email is relatively strong. And we give it one
10 other try of an answer and then I think we have to move on and we have to accept it
11 as it is.

12 So please answer, Mr Witness, this question.

13 THE WITNESS: (Interpretation) Your Honour, my reaction here is totally normal.
14 I get into a situation of false testimony. I told you throughout these proceedings that
15 everything that we've done under the control of the lieutenant is something we've
16 arranged things. And when I noted and saw that this game started to sideline us, I
17 thought, well, already Mr Kilolo knows us. We've had contacts with him. Our
18 names are communicated to the Court. And if ever the situation is such that we
19 don't get on, what is certain is that the Court will get us, and that is a danger. And
20 speaking in this way I knew that we were going to have problems because myself, a
21 civilian, becoming a soldier the next day, going to testify in such a big case, it was
22 quite normal that I could react, and the only person who could stop this was
23 Mr Kilolo. And that's the reason why I address myself to him.

24 MR TAKU:

25 Q. The Court has said I should move to another question: Witness, but before this

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1 Court I think yesterday you testified in at least five pages stressing, showing your
2 anger.

3 In fact let me draw the Court's attention to the transcripts.

4 Yes, please, court officer, CAR-OTP-0080-0135, page 0145. That's 18 October 2015,
5 page 10, line 19 to 26 in the French version. The English version it is page 43, lines 16
6 to 23.

7 Witness, you testified that you were extremely --

8 PRESIDING JUDGE SCHMITT: I think we don't have it yet on the screen and I see
9 from the reaction of the witness that he also has it not on the screen, no?

10 THE COURT OFFICER: Mr Taku, the document being currently published is
11 CAR-OTP-0080-0135.

12 MR TAKU: Yes.

13 THE COURT OFFICER: As asked by you.

14 MR TAKU: Yes.

15 THE COURT OFFICER: These are not transcript dated 18 October 2015.

16 MR TAKU: Okay, thank you. No, that one is the Prosecution's binder and the next
17 are the transcripts of 13 October 2015, which I refer to of the French version.

18 Q. Yes, Witness, you said the same thing in both, you repeated the same thing in
19 both transcripts that have been put before you. Can you see them?

20 A. Please what number, if you'd be so kind, Counsel.

21 Q. The first one, that's the Prosecutor's binder, the one that is number
22 CAR-OTP-0080-0145 and it is lines 354, from -- yes, from lines 354 to 367 -- 355 to 367.

23 PRESIDING JUDGE SCHMITT: I think then we give it a try with this one and then
24 perhaps look how far we get with it.

25 MR VANDERPUYE: If I may be of some assistance, I think if he's referring to the

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1 interview transcript --

2 PRESIDING JUDGE SCHMITT: Yeah.

3 MR VANDERPUYE: -- it's ending 0135, and the page perhaps you're referring to is
4 0145. I think that might make it easier to find it in eCourt, but I'm not sure.

5 PRESIDING JUDGE SCHMITT: Could you clarify this bit, please.

6 MR TAKU: Yes, thank you so much. Thank you.

7 Q. Now, Witness, you gave that -- you gave that information to the investigators
8 and you testified about that in this Court; correct?

9 A. Yes, your Honour. I mean, yes, Counsel.

10 Q. But you testified, Witness, that before Mr Arido left he told you that he had
11 nothing again to do with the Bemba Defence case and I suggest he also sent an email
12 to you telling you that he didn't have anything to do with the case any longer, even
13 before you testified; is that correct?

14 A. This was said, but in the practice I don't know because when they left to come
15 here it was to come to testify.

16 Q. Witness, we're going to come to that. We have information -- we have a
17 document before the Court already from the High Commission for Refugees that
18 explains why Mr Arido ended up in France, why he was sent to France by the
19 Cameroon national security, the information is there, an attempt to kidnap him which
20 they provided information in one of the exhibits which one as I put it before you.
21 That is, your Honours --

22 PRESIDING JUDGE SCHMITT: Is this a question to the witness?

23 MR TAKU: No, no, no. He said that he came to testify and after fled. I'm just
24 putting to him that that is not true, that's a lie. He left Cameroon. I wanted to put
25 to him the evidence, the document to challenge that -- that answer, and if you want it

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1 I can ask that exhibit to be shown to him.

2 PRESIDING JUDGE SCHMITT: Please Mr Vanderpuye.

3 MR VANDERPUYE: Thank you, Mr President. First of all, I don't know why my
4 colleague is saying that that is a lie. And I would actually invite the Defence to state
5 their position for the record in this case because our information is from the Kilolo
6 Defence that that is not the case what Mr Taku has just stated for the record. So
7 I would invite Mr Taku, if not the Kilolo Defence, to state -- and the Bemba Defence to
8 state their position in respect of whether Mr Arido was on his way to testify in the
9 Bemba trial for the purposes of the record in this case because my learned friend's
10 representations should not carry the day in light of the facts that have preceded these
11 proceedings.

12 PRESIDING JUDGE SCHMITT: We are --

13 MR TAKU: We'll respond, your Honour.

14 PRESIDING JUDGE SCHMITT: No, no, no. I'm responding now. I think we
15 have -- this has also disadvantages, obviously, if you overstep the time and I sense a
16 little bit now that we are going into discussions between counsel and I will not
17 tolerate that.

18 And I would also tell you, Mr Taku, not to speak of lies too easily, but just put
19 questions to the witness, the witness answers, the witness answers questions that he
20 has knowledge of when you ask him questions he can possibly have knowledge of
21 and we, the Chamber, is assessing what has been said. That is our duty.

22 And I think it is perhaps a good idea to finish for today. We have -- we have only
23 left a couple of minutes, I think, and it is a good idea to release everybody in the
24 courtroom and we resume tomorrow.

25 We thank the witness for being here, for answering again the questions. You see that

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1 we will resume your examination tomorrow morning. I remind you again that you
2 must not talk to anybody about your testimony in this case, and I see that you
3 understand. So have a good rest. We will see us tomorrow.
4 And that concludes today's hearing. And as I said, tomorrow we continue with the
5 questioning of the witness.
6 And perhaps you can tell us tomorrow morning, Mr Taku, Mr Larochelle, how you
7 envisage to continue in the time -- concerning the time frame, your questioning, and
8 also the other Defence counsel. I trust Defence counsel that they really have liaised
9 with each other and have talked to each other and have managed to get sort of an
10 agreement that the Court can live with tomorrow.
11 So have a good day.
12 THE COURT USHER: All rise.
13 *(The hearing ends in private session at 4.24 p.m.) Reclassified as open session
14 RECLASSIFICATION REPORT
15 Pursuant to Trial Chamber VII's instructions, ICC-01/05-01/13-1209, dated
16 2 September 2015, this lesser redacted public version of the transcript is filed in the
17 record of the case.