

Trial Hearing
Witness: CAR-OTP-P-198

(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 - ICC-01/05-01/13
6 Presiding Judge Bertram Schmitt, Judge Marc Perrin de Brichambaut and
7 Judge Raul Pangalangan
8 Trial Hearing
9 Thursday, 22 October 2015
10 (The hearing starts in open session at 9.41 a.m.)
11 THE COURT USHER: All rise.
12 The International Criminal Court is now in session.
13 PRESIDING JUDGE SCHMITT: Court officer, could you please call the case.
14 THE COURT OFFICER: Good morning. Yes, Mr President.
15 Situation in the Central African Republic in the case of The Prosecutor versus
16 Jean-Pierre Bemba Gombo, Aimé Kilolo Musamba, Jean-Jacques Mangenda Kabongo,
17 Fidèle Babala Wandu and Narcisse Arido, in the case reference ICC-01/05-01/13.
18 And for the record, we are in open session.
19 PRESIDING JUDGE SCHMITT: Thank you very much.
20 Now we ask for the appearances of the parties. Please, Mr Vanderpuye.
21 MR VANDERPUYE: Good morning, Mr President, your Honours, everyone. The
22 Prosecution is represented today by Olivia Struyven seated to my left. Behind her is Silvie
23 Vidinha and behind me Ekaterina Kopylova. I'm Kweku Vanderpuye.
24 PRESIDING JUDGE SCHMITT: Okay. Mr Nève.
25 MR NÈVE: (Interpretation) Good morning, Mr President. I am there to assist Witness 245

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1 PRESIDING JUDGE SCHMITT: And for the Defense, please.

2 MR GOSNELL: Good morning, Mr President.

3 Mr Mangenda and I are joined by legal assistant Nikki Sethi.

4 Thank you.

5 MR DJUNGA: (Interpretation) Good morning, your Honours. Mr Kilolo is represented
6 by his usual team.

7 MR LAROCHELLE: (Interpretation) Good morning, Mr President, your Honours. The
8 Defence for Mr Arido, Mr Taku, Léa Kulinowski and myself, Philippe Larochelle.

9 MR KILENDA: (Interpretation) Good morning, your Honours. Our team has not
10 changed.

11 MS TAYLOR: Good morning, Mr President, your Honours. The Defense for Mr Bemba's
12 team is composed of myself and Ms Yuqing Liu. Thank you.

13 PRESIDING JUDGE SCHMITT: And now we go into private session, please.

14 *(Private session at 9.43 a.m.) Reclassified as open session

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

16 PRESIDING JUDGE SCHMITT: Thank you. For the parties, there is nothing mysterious in
17 the procedure here. We just -- the Chamber wants to address the witness who is visible via
18 video link here directly since this witness has appeared today on a faraway place. So I see
19 that the video link is established.

20 Mr Witness, good morning.

21 THE WITNESS: (Via video link)(Interpretation) Good morning, Mr President.

22 PRESIDING JUDGE SCHMITT: Thank you very much that you appeared today. The
23 Chamber wants you to inform directly that we are able to continue with another witness.

24 This means for you that you are released for today, and that you can conduct and organize the
25 (Redacted) as you have said you have to do. We assume that you will be available on Monday;

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1 isn't that correct?

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 PRESIDING JUDGE SCHMITT: Thank you very much, Mr Witness. I assume that you will
8 inform the staff of the Court, who is present with you and so that the Court knows how we
9 can continue on Monday or eventually on a later day. Thank you very much, and you are
10 released for today.

11 THE WITNESS: (Via video link) (Interpretation) Thank you, Mr President.

12 PRESIDING JUDGE SCHMITT: So we now can bring in -- go into closed session and bring
13 in Witness 245, please.

14 *(Closed session at 9.47 a.m.) Reclassified as open session

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

16 PRESIDING JUDGE SCHMITT: I think in the meantime I can say, Mr Powles, that your
17 problem -- that your problem with your client and Mr Djunga has been solved.

18 MR POWLES: Absolutely, yes. Thank you very much for that. Thank you.

19 PRESIDING JUDGE SCHMITT: So this is obviously not closed session, not yet, at least.

20 THE COURT OFFICER: Okay. Mr President, I confirm that we are in closed session now
21 and, in any case, nothing has been broadcasted before. It was just a technicality with the
22 blinds.

23 (The witness enters the courtroom)

24 PRESIDING JUDGE SCHMITT: Good morning, Mr Witness. We are glad to see that you
25 are feeling better.

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1 WITNESS: CAR-OTP-P-245 (On former oath)

2 (Redacted)

3 THE WITNESS: (No interpretation)

4 PRESIDING JUDGE SCHMITT: Before we continue with the examination by the Defence,
5 one short remark to what Mrs Taylor has addressed yesterday.

6 In response to Mrs Taylor's concern that P-198 should be given any, and I cite,

7 (Redacted)

8 (Redacted) the Chamber does not consider these to be relevant materials for

9 the familiarisation protocol. The Chamber fails to see why the witness needs to
10 review such materials in advance of testifying.

11 The Chamber also notes that (Redacted)

12 (Redacted) raising any request to access any particular kind of materials.

13 Nevertheless, the Chamber will remain mindful of the fact that P-198 and his legal

14 advisor have not reviewed these materials in advance of his testimony or even into
15 public session.

16 Mr Larochelle.

17 MR LAROCHELLE: Since I referred to (Redacted) maybe it's preferable to stay in the
18 closed session for now, I guess, out of caution.

19 PRESIDING JUDGE SCHMITT: To go into private session then, yes.

20 *(Private session at 9.51 a.m.) Reclassified as open session

21 MR LAROCHELLE: (Interpretation) Good morning, Mr Witness.

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

23 QUESTIONED BY MR LAROCHELLE: (Interpretation)

24 Q. When we finished on Tuesday when you felt unwell, we were talking about the
25 agreement with the OTP. Do you remember?

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1 A. Yes, I remember that.

2 THE INTERPRETER: There is a problem with the microphone, please.

3 MR LAROCHELLE: (Interpretation)

4 Q. And we were asking whether during your meeting (Redacted)

5 (Redacted)

6 (Redacted)

7 A. I remember, but I would like to point out that we rather focused on (Redacted)

8 Q. And you told those who were interviewing you about (Redacted)

9 (Redacted); is that correct?

10 A. Yes, that is correct.

11 Q. And when you were telling them that, were they taking down notes or recording what
12 you were saying? Were they taking note of the details that could (Redacted)

13 (Redacted)?

14 A. They were recording what I was saying, and they were also taking down notes.

15 Q. They were taking down notes throughout the duration of the interview, that is, over the
16 period of two days?

17 A. That is correct. Everything was noted down and recorded.

18 Q. Who was taking down notes, both of those people interviewing you or not?

19 A. Both of them were taking notes.

20 Q. What was their reaction when you told them that (Redacted)

21 (Redacted) What was their answer to you?

22 A. They told me that the decision was not theirs to take, that it was their job simply to take
23 down notes, and it was the Court which was empowered to take the necessary decisions.

24 Q. Did they at least promise you that they would convey your concerns to the relevant
25 organs of the Court who would be in a position to resolve your problems?

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1 A. They merely told me that they could not make any promises, that they would simply
2 report my concerns to the Court, and it would be up to the Court to take the necessary
3 decisions.

4 Q. Are we to understand that you absolutely requested nothing in relation to benefits,
5 whether you were going to stay at the hotel, (Redacted) that you would be
6 given pocket money? You never mentioned any of those things?

7 A. We didn't discuss that. (Redacted) All I told them was
8 that they needed to give me certain guarantees. I also told them that I did not wish our
9 discussion to be discussed, that it could only be shared between the OTP and the judges.
10 They told me that the contents of the interview would be disclosed to the accused person.

11 Q. And which were those guarantees that you requested?

12 A. Well, in fact, it is what I've just told you. I asked them to ensure that the contents of
13 our interview should not be disclosed and that they should be made available only to the
14 Court staff, but that it should not be disclosed to the accused persons.

15 Q. So I believe you're saying that for two days you provided a statement to the people from
16 the OTP who were with you; is that correct?

17 A. Yes, that's right.

18 Q. And then after that you went back to the hotel where you were staying, the hotel that
19 (Redacted); is that correct?

20 A. Yes, that's right.

21 Q. Did you tell the people from (Redacted) that you had just given a
22 two-day statement to OTP representatives?

23 A. Well, at that time the number that I was using just wasn't getting through. The calls
24 weren't getting through. They were calling me. And I said to myself that the Prosecution
25 team could provide them with the information.

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1 Q. Now, at any time before your meeting with the Prosecution on 28 February and 1
2 March 2014, did you ever say to (Redacted) that you had important things to
3 tell the Prosecution?

4 A. Did I know that I was going to meet with the Prosecution team? I didn't know. I was
5 at home when I received the call asking me to go and meet with the people from the
6 Prosecution. The (Redacted) did not call me to ask me to meet with the Prosecution team. I
7 didn't know. I had no information about the arrival of that team, so I could not inform the
8 (Redacted)

9 Q. Perhaps there was a translation problem. I wanted to ask you this: Now, before the
10 time when the (Redacted) called you, at any time before that, did you tell
11 people from (Redacted) that you wanted to meet with the Prosecution? I would put it to you
12 that you did not.

13 A. No -- oh, yes. Now I remember. I called them. I do remember. I called them and I
14 told them that I had received a call. They asked me to go and to answer the call. So it is
15 true, yes, I did inform them.

16 Q. And this call you received, was that before the call from the police officer or after?

17 A. I can't remember that detail. Was it before or after? I can't really remember accurately.
18 All I know is that I called (Redacted) to inform them of the situation, but I'm not in a position
19 to tell you whether it was before or after.

20 Q. I understand your testimony. You are saying that before you got to the office of the
21 (Redacted) and you met with the Prosecution staff, you didn't know that the OTP was going
22 to be meeting with you. You had no idea; is that correct?

23 A. That's right.

24 Q. Are you sure you didn't talk to the other witnesses about this, people like (Redacted)
25 (Redacted) You didn't talk to them before you received that call from the police officer?

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1 A. Before I was called by the police officer, it was (Redacted) who called me and told me to be
2 careful because apparently he had been informed that the OTP team would be coming to
3 (Redacted) I didn't call. It was (Redacted) who called me to tell me that.

4 Q. And (Redacted) even told you that he, too, had been called by the (Redacted)
5 isn't that so?

6 A. No, he didn't say that to me. Rather, it was (Redacted) who told me that he had been
7 called by (Redacted). It was not (Redacted), rather, it was
8 (Redacted)

9 Q. And even though you had all that information, you are still saying that when the
10 (Redacted) called you, you had no idea that he was calling to put you in touch
11 with the OTP staff; is that what you are saying?

12 A. No. I didn't know. When the police officer called me, he didn't tell me that the
13 reason -- what the reason for the meeting was. I didn't know.

14 Q. And immediately after giving your statement on 28 February and 1 March, you say that
15 you went back to the hotel. Now, did you see (Redacted) afterwards that day or the day
16 after, after you had given your statement to the OTP representatives?

17 A. (Redacted). We did not meet one another physically.
18 It was after my meeting with the OTP team that (Redacted) called me and I told him
19 that -- well, rather, I told him that I hadn't responded to the invitation from the (Redacted)
20 (Redacted) and that I was in my village with -- visiting my in-laws.

21 Q. I didn't mention (Redacted). I was talking about (Redacted)
22 Let me put the question to you again. Did you see him the same day after you
23 finished your statement to the OTP or the day after?

24 A. After meeting with the OTP team, (Redacted) called me and told me that he had been
25 summoned, that he had been summoned by the (Redacted).

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1 And I didn't tell him that I had been summoned by that police officer. I just advised him to
2 go and answer that call.

3 Q. After you gave your statement to the Prosecution, you continued to be in regular contact
4 with (Redacted); isn't that so?

5 A. Yes, that's right, even on the telephone.

6 Q. Did you continue going on walks with him, having meals with him, talking to him
7 regularly?

8 A. At that time I didn't have time. I was working at (Redacted). I didn't have time to
9 meet him and do anything. We just would call one another on the phone.

10 Q. And I put it to you that you spoke to him immediately after you gave your statement to
11 the Prosecution in the hours following or the next day; isn't that so?

12 A. No, that's not so. He and I, we only talked over the telephone. We did not meet one
13 another physically.

14 Q. And you spoke to him on the telephone during the hours immediately following your
15 statement to the Prosecution, yes or no?

16 A. No. When I finished with the OTP, he was the one who called me and, he said to me
17 that he had been summoned by (Redacted). And I did not tell him that
18 I had already met with the OTP team; rather, it was he who called me later to say that he had
19 met with the OTP.

20 Q. Well, you told (Redacted) about the (Redacted) calling you; isn't that
21 so?

22 A. Yes, that's right.

23 Q. And that first evening after your statement on 28 February 2014, you called
24 (Redacted) to tell him that you had met with the Prosecution; isn't that so?

25 A. No, that's not right. I did not call him.

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1 Q. Now, you are saying that he called you when he had been summoned by (Redacted); is
2 that your testimony?

3 A. (No translation)

4 Q. He was summoned by (Redacted) about one month before you met with the
5 Prosecution -- correction -- after. Did you know that?

6 A. No, no. It wasn't a month. I believe it was only a few days after.

7 Q. So I understand that you are denying that you met with (Redacted) in the hours
8 following your meeting with the OTP; is that what you are saying?

9 A. I am not denying, but your question -- well, you said that -- you asked me whether I had
10 called (Redacted) directly after my meeting with the OTP team on 28 February 2014, and
11 that is why I said no.

12 THE INTERPRETER: Please, a request from the (Redacted) interpreters: Could the witness
13 please be asked to slow down and to observe the 5-second rule. Many thanks from the
14 interpreters.

15 PRESIDING JUDGE SCHMITT: Please, Mr Witness, the interpreters ask you especially to be
16 more slowly so that they can follow the interpretation and understand everything what you
17 say and can translate it.

18 THE INTERPRETER: Many thanks from the interpreters.

19 PRESIDING JUDGE SCHMITT: Mr Larochelle, you can continue.

20 MR LAROCHELLE: (Interpretation)

21 Q. Now, you say that you didn't speak to him after the 28 February 2014. And after that
22 next day, (Redacted), after that meeting, after signing an agreement with the OTP, surely you
23 must have called (Redacted) to talk about what had happened over the phone?

24 A. No, that's not right. I signed a document with the OTP on 28 February, not on 29
25 March. And what happened with the OTP, I did not report that back to (Redacted)

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1 However, he called me after he met with the OTP, and he told me that the OTP team wanted
2 to see him. And I advised him to accept the invitation and to tell the truth. But I did not
3 give him a report about my meeting with the OTP.

4 Q. I put it to you that during the hours following your state -- your discussion with the
5 OTP, you had quite a fulsome discussion with (Redacted)

6 A. I did not meet (Redacted) when he was summoned to report to (Redacted)
7 (Redacted) There he met with the OTP team, and then he called me and said to me that
8 the OTP people wanted to meet with him for a discussion, an interview. And I advised him
9 to agree and to tell the truth. But I did not call him to give him a report about what had
10 happened between myself and the OTP. He was the one who called me.

11 PRESIDING JUDGE SCHMITT: I think, Mr Larochelle, we have exhausted that subject, so
12 perhaps you can move on to another issue.

13 MR LAROCHELLE: If I'm allowed just one question to wrap it up.

14 PRESIDING JUDGE SCHMITT: Of course, just one. But I think you see by yourself that --

15 MR LAROCHELLE: I would like you to go to document, it's at tab 49 of our binder, and it's
16 document CAR-OTP-0091-0899.

17 (Interpretation) I beg your pardon.

18 The document starts at 0091-0892, and I'm at page 0899.

19 MR LAROCHELLE: (Interpretation)

20 Q. Now, what we see here, Witness, is that two days after your interview with the OTP,
21 you called (Redacted) back. Do you remember that?

22 Do you remember calling the person back, the person who had interviewed you,
23 (Redacted) two days after the end of your interview? Your interview ended on the
24 1st of March, and you called him back on the 3rd. Do you remember that?

25 A. I don't remember.

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1 Q. You called him to add something to your statement. Does that refresh your memory?

2 A. Yes, I remember. I called him because when we had our interview, I had told him
3 clearly that if I remembered some information, I was supposed to call him back and keep him
4 informed.

5 Q. Do you remember the item of information that you wanted to add to your statement,
6 this item for which you called (Redacted) back? Do you remember?

7 A. I remember.

8 Q. And what was this item of information?

9 A. It was the words by (Redacted). He had said that it wasn't for money. In his
10 mind, it was just Senator Bemba after his release would be able to help him carry out a coup
11 d'état and overthrow Bozizé. That is what it was. That is why I called (Redacted) and
12 I informed him. I told him about that detail.

13 Q. I put it to you that it was (Redacted) who gave you that information.

14 A. No, it wasn't (Redacted) who gave me that information. When we met with (Redacted)
15 in Douala, I was indeed there. So it wasn't (Redacted) who gave me the information. I
16 was there. I was present at the meeting. I was aware of that particular detail. But when I
17 gave my statement, it was a detail that went out of -- that I forgot. So I decided to call him
18 back to give him that detail. It wasn't (Redacted)

19 Q. And do you remember that around (Redacted) you began to receive benefits from the
20 Prosecution? Do you remember that?

21 A. What month are you talking about? I haven't understood your question.

22 Q. (Redacted). You were given much more generous allowances (Redacted)
23 (Redacted) You remember that at one point your fortune, if
24 I could put it that way, changed for the better?

25 A. No, that's not the case. (Redacted)

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1 (Redacted) It wasn't such a high amount.

2 Q. Do you remember that you received money directly from (Redacted) in the weeks
3 following your statement to the OTP?

4 A. When I met with (Redacted), I showed him the contract that I had with the
5 (Redacted) And he paid
6 me money for some transportation. Now, after I moved, (Redacted) came along with a
7 person who worked (Redacted), and the two of them were responsible for
8 covering the costs. He did not give me money -- he did not give me actual cash.

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 Q. Now, let me come back to the account of the events that you gave to the Prosecutor on
9 28 February and 1 March. I believe that everything started with a telephone call from Mr
10 Arido to you; is that correct?

11 A. Yes, that is correct.

12 Q. Mr Arido is someone that you had never known at all, you had never met before
13 according to your testimony; is that correct?

14 A. Yes, that was my testimony. I never knew Mr Arido at all, (Redacted)
15 (Redacted)

16 Q. Would you agree with me that (Redacted)
17 (Redacted)

18 A. Yes, that is correct.

19 Q. People appear and disappear, the people who used to belong to militia groups, so I am
20 putting it to you that it is a high-risk community; is that correct?

21 A. Yes, that is correct.

22 Q. I, therefore, suppose that when you meet with other people coming from the same
23 country, you have to be very cautious in your conversations and avoid revealing your identity
24 so as not to put yourself at risk; is that correct?

25 A. I did not quite understand your question. Can you kindly repeat?

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1 Q. During your stay in (Redacted), when you met with people from (Redacted)
2 (Redacted) that you did not know, I suppose that you would have been very cautious with
3 them; is that correct?

4 A. Yes.

5 Q. You would not immediately recount to them your life story; is that correct?

6 A. Yes, that is correct.

7 Q. And now you received a phone call from Mr Arido, and then you met with him for the
8 first time subsequently; is that correct?

9 A. I do not understand. He's the one who called me. He's the one who approached me
10 and then he spoke to me. I had no need to recount my life and my career profile to him.
11 He's the one who called me.

12 Q. He called you and then he set up an appointment with you; is that correct?

13 A. Yes.

14 Q. And you met with him for the first time; is that correct?

15 A. Yes.

16 Q. I suppose that that first meeting would have been rather brief, right?

17 A. When we met for the first time, we had a rather lengthy conversation.

18 Q. That is your testimony today. You say that during your first meeting, Mr Arido
19 proposed that you should falsely represent yourself as a soldier; is that your testimony today?

20 A. Yes, that is correct.

21 Q. And yet when you described that first meeting to the OTP on 28 February and 1 March,
22 your account was different. So let us go to tab 8, CAR-OTP-0078-0206, and I am on pages
23 0210 and 0211, specifically lines 118 to 160.

24 Your Honour, would you like me to read out the exchanges to the witness, the
25 conversation to the witness?

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1 Q. Do you have the document? Can you see the document and can you read French
2 without any difficulty?

3 A. Yes, I can read it.

4 PRESIDING JUDGE SCHMITT: In that case, I think it's better to let the witness read himself;
5 otherwise, I would of course, it would have been of course better if you read it to him.

6 Mr Witness, please tell us when you have finished with reading. And if you have
7 problems with that, if you do not understand anything, then please tell us.

8 THE WITNESS: "Arido told me that, my brother, we have an opportunity to eat" --

9 PRESIDING JUDGE SCHMITT: You can read in silence. You can read in silence, and then I
10 assume that Mr Larochelle will continue with the question that he is going to put to you. As
11 I said, read it in silence and then tell us when you have finished, please.

12 MR LAROCHELLE: (Interpretation)

13 Q. When you reach the bottom of the page, please indicate so that we should turn over the
14 page for you to continue on reading.

15 Have you completed reading page 0210 and can we move on to 0211?

16 A. Yes.

17 Q. Are you through with it?

18 A. No.

19 Q. Are we okay now?

20 A. Yes.

21 Q. Page 0213, the same document, as from line 236, I think we can begin at 239.

22 PRESIDING JUDGE SCHMITT: Until?

23 MR LAROCHELLE: (No interpretation)

24 THE INTERPRETER: Overlapping speaking. We didn't get the correct page from counsel.

25 PRESIDING JUDGE SCHMITT: Could you repeat it, because there must have been an

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1 overlap with the speakers.

2 MR LAROCHELLE: (Interpretation) Right up to line 265 on page 0214.

3 Q. Have you finished?

4 A. Yes.

5 Q. Now, when you gave this first account to the OTP, you never mentioned that Arido had
6 asked you to pass yourself off as a soldier; is that correct?

7 A. I didn't quite understand the question. Can you kindly rephrase?

8 Q. Let me try another way. You read the statement, and what I understand is that Arido
9 made an appointment with you and proposed to put you in contact with some soldiers; is that
10 correct?

11 A. Yes, that is what he told me.

12 Q. And you told him that you, yourself, were not a soldier, correct?

13 A. That is what I told him.

14 Q. But you told him that you knew a soldier by the name of (Redacted); is that right?

15 A. That is not what I said. I told him the following: (Redacted) told me that he knew
16 someone who was a soldier. I did not say that I knew a soldier by the name of (Redacted).

17 Q. So you told him that you knew someone known as (Redacted) who for his part knew a
18 soldier; is that what you would have us believe today?

19 A. No. You didn't understand me correctly. I said that I knew someone whose name
20 was (Redacted), and I was told that he was a soldier.

21 Q. I read what was in the statement, Mr Witness.

22 A. I told Arido that I knew someone called (Redacted), but I had heard that that person was
23 a soldier.

24 Q. And throughout the excerpt that we have read, you never mentioned to the Prosecutor
25 that Arido at this point had actually requested you to pass yourself off as a soldier; is that

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1 correct?

2 PRESIDING JUDGE SCHMITT: Mr Vanderpuye.

3 MR VANDERPUYE: Mr President, I think the statement speaks for itself. And if my
4 colleague wants to put the question to him, he can simply read out the statement and ask him
5 if he stated it. I don't see the need to be coy about it. He can simply put the question to the
6 witness as it is in the statement.

7 PRESIDING JUDGE SCHMITT: This is sustained. I think you should do that. The
8 witness had the possibility to reread it again. And of course, what has been said is open to
9 interpretation like always. So I would like to address it directly.

10 MR LAROCHELLE: (Interpretation)

11 Q. I put it to you, Mr Witness, that it is only now, it is only today that you are saying that
12 Arido told you during your first meeting to pass yourself off as a soldier; am I correct?

13 A. No, it is not only today that I am saying this. I'm simply giving you an account of what
14 Arido told me. He even told me to tell Mr Kilolo that we were members of his group of
15 fighters at the border between Cameroon and the Central African Republic.

16 Q. Mr Arido told you to claim that you belonged to the same unit as himself; is that what
17 you are telling us?

18 A. No, that is not what I said. Arido told us, that is all of us who met with Mr Kilolo, that
19 we had to tell Mr Kilolo that we were combatants belonging to Mr Arido at the border
20 between Cameroon and the CAR. I did not say that I and him belonged to the same
21 movement.

22 Q. And you are saying that Mr Arido told you all that in the course of your first meeting?

23 A. It was not during the first meeting. It was while we were in Douala. It was during
24 that meeting that he told us this, that is, all of us in that group.

25 Q. And he told you that in the presence of (Redacted)?

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1 A. No. (Redacted) was not present. When we had this meeting with him, (Redacted) had
2 not yet arrived.

3 Q. We can look at your testimony side by side with your statement. Was (Redacted)
4 (Redacted) present during that meeting?

5 A. You're talking of (Redacted) Who is that? I do not know him.

6 PRESIDING JUDGE SCHMITT: It must be a translation issue, I think. Mr Larochelle,
7 please repeat the question. I think that there has been now an issue with the translation.

8 MR LAROCHELLE: (Interpretation)

9 Q. Was (Redacted) present when Mr Arido told you to say that you all belonged to
10 a unit under the orders of Mr Arido?

11 A. Yes, he was indeed present. All of us were present.

12 Q. (Microphone not activated)

13 THE INTERPRETER: Counsel's microphone.

14 MR LAROCHELLE: (Interpretation)

15 Q. I suppose that during that first meeting, Mr Arido told you that he was trying to locate
16 soldiers to act as witnesses in the Bemba case; is that correct?

17 A. No, that is not what he said. He said that he was looking for soldiers, not soldier
18 witnesses, simply soldiers.

19 Q. When Mr Arido told you that, I suppose that you knew at that time who was Mr
20 Jean-Pierre Bemba; is that correct?

21 A. I had never known him. It is true that I had heard his name mentioned while I was in
22 Congo. I cannot say that I know him physically, but I learned about him from newspapers
23 and the television.

24 Q. So you were obviously aware that Mr Bemba was a very wealthy individual; is that
25 correct?

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1 A. All I know about Mr Bemba is that he was a vice-president. I wasn't interested in
2 knowing whether he was wealthy or not. What would be my business in that? I have no
3 idea about that.

4 Q. So you were not aware? Your testimony is that you did not know that Mr Bemba was
5 very wealthy; is that correct?

6 A. No, I did not know.

7 PRESIDING JUDGE SCHMITT: I think, Mr Larochelle, we can have now the break until
8 11.30. So break and we will resume at 11.30.

9 THE COURT USHER: All rise.

10 (Recess taken at 10.59 a.m.)

11 *(Upon resuming in private session at 11.31 a.m.) Reclassified as open session

12 THE COURT USHER: All rise.

13 PRESIDING JUDGE SCHMITT: We are still in private session. I leave it to the assessment
14 of Mr Larochelle if we can continue in open session or if we should remain in private session.

15 MR LAROCHELLE: For the next few minutes I will be asking questions about (Redacted)
16 So if we agree on, I don't know, Jack or like we did for (Redacted), if we agree on a code name
17 with the witness and with everybody, I think that we can venture into trying to remain safely
18 into an open session. So I don't know, Jack, maybe?

19 PRESIDING JUDGE SCHMITT: I would appreciate it, and why not Jack; but, of course, I
20 have to ask the Prosecution if they have any complaints.

21 MR VANDERPUYE: No complaints, Mr President.

22 PRESIDING JUDGE SCHMITT: Then, Mr Witness, you have heard what counsel has said.
23 When we are talking about (Redacted), we name him "Jack," so that we can go into open
24 session. Please be mindful of that fact. And, of course, it's also your responsibility that
25 when you mention other names that you before that, you tell us that we go into private

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1 session.

2 MR LAROCHELLE: And just before we go just to be -- just before we go, just to be sure,
3 there are transcripts where the name appears. I know I had a slip of the tongue the other day.
4 I will -- let's try to be careful not to broadcast the transcript and also be careful when we refer
5 to the transcript not to give out the name.

6 Q. So Jack is (Redacted). You understand that?

7 PRESIDING JUDGE SCHMITT: Then we go into open session.

8 THE WITNESS: (No interpretation)

9 THE INTERPRETER: Message from the interpreters --

10 PRESIDING JUDGE SCHMITT: Perhaps we should ask the witness directly -- I should have
11 done it. Have you understood that we from now on, when we talk about (Redacted), we talk
12 about Jack?

13 THE WITNESS: (Interpretation) Yes, I understand.

14 PRESIDING JUDGE SCHMITT: Then we go into open session.

15 (Open session at 11.34 a.m.)

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

17 PRESIDING JUDGE SCHMITT: Mr Larochelle has the floor.

18 MR LAROCHELLE: (Interpretation) Thank you, your Honour.

19 Q. Witness, now we are going to talk about Jack. Is that all right with you?

20 A. Yes, fine.

21 Q. So in your mind, you understand who Jack is. Is that -- you've got it?

22 A. Yes, yes, that's fine.

23 Q. Jack was a person that you knew; isn't that so?

24 A. Yes, that's right.

25 Q. Now, I realise that you had worked with him to some extent at the place where you

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1 were living, but please be careful not to mention the actual place where you were living
2 because we are in open session right now.

3 A. Yes.

4 Q. Now, did you see this person regularly?

5 A. We did not see one another regularly.

6 Q. But you did see this person several times, didn't you?

7 A. I saw him, but not several times, because he was not there at the place where I was
8 living, but he would travel to that place. So I really can't say that I saw him often.

9 Q. Now, before your first meeting with him -- correction -- your first meeting with Arido,
10 you had already met this person several times, this famous person known as Jack?

11 A. Yes, that's right.

12 Q. And I suppose that you knew when you met Arido that Jack (Redacted); isn't that so?
13 Don't give more detail than what is strictly necessary. But you knew that he was a soldier,
14 didn't you?

15 A. Yes, that's true.

16 Q. And, once again, please don't give a lot of details because we don't want to reveal the
17 identity of Jack, but you knew, I suppose, who he had fought for when he was a soldier; isn't
18 that so?

19 A. Yes, that's true. I knew who he had fought for.

20 Q. I suppose you learned that during the various conversations you had had with him
21 before you met Mr Arido; isn't that so?

22 A. Yes, that's right.

23 Q. And you knew a fair bit about Jack, and so you were able to refer him to Mr Arido when
24 he said that he was looking for soldiers; isn't that so?

25 A. I did not have a lot of information about Jack. He was a person who kept to himself,

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1 reserved. Before I met him, I was told that -- well, he didn't tell this to me particularly, but I
2 was told that he had worked for a particular person, a particular authority.

3 MR LAROCHELLE: I guess we would clarify who that particular authority is when we go
4 into a closed session so that we can preserve the anonymity of --

5 PRESIDING JUDGE SCHMITT: Do you want to clarify it at the moment?

6 MR LAROCHELLE: That's okay. I think everybody here knows --

7 PRESIDING JUDGE SCHMITT: Yes.

8 MR LAROCHELLE: (Interpretation) -- precisely, so we can confirm it when we get into a
9 closed session.

10 MR KILENDA: (Interpretation) Just to save some time, perhaps a scrap of paper could be
11 given to the witness, and he could write down the name of that authority, and he could write
12 it down rather than us going into private session.

13 MR LAROCHELLE: (Interpretation)

14 Q. Witness, soon we will have to go into private session because we will have to discuss a
15 number of people whose identities should not be mentioned in public so --

16 PRESIDING JUDGE SCHMITT: I understand a shortcut would be that we go now into
17 private session I think to not complicate matters too much, so we go into private session and
18 then you can continue with names.

19 *(Private session at 11.42 a.m.) Reclassified as open session

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

21 MR LAROCHELLE: (Interpretation)

22 Q. So the authority that you made reference to was actually (Redacted); isn't that so?

23 A. Yes, that's right.

24 Q. And to conclude, when you met Arido, you knew -- you had information to the effect
25 that Jack had worked as a soldier. He had worked for (Redacted) as a soldier; is that correct?

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1 A. At first I didn't know that.

2 Q. Earlier you told us that you knew when you met Arido for whom Jack had worked.

3 Are you changing your testimony?

4 A. Yes, that could have been told to me, but it wasn't him who told me that directly.

5 Q. Who told you this?

6 A. I heard that mentioned (Redacted). That's how I heard about it. But I don't
7 remember exactly who told me that.

8 Q. Did you check with Jack to find out whether he, indeed, had worked for (Redacted)

9 A. No, I didn't ask him the question. Our first contact was at the (Redacted)
10 At that time, I was looking for someone to help me do some work, a job. You see, I had a
11 contract to do some painting at a lady's house, and I contacted (Redacted) to get him to help me
12 do the work. And so when we were working together, that is when (Redacted) told me what
13 he was doing alongside (Redacted). He even showed me some photographs, photographs of
14 him with (Redacted)

15 Q. Just to be clear, this contract you had to do some painting, that was before you met
16 Arido; is that the case?

17 A. No, it was after.

18 Q. So after. Now you're saying after?

19 A. Yes, unless I'm mistaken. The events occurred a long time ago. I don't have any
20 specific memory of each particular detail.

21 Q. I put it to you that in your statement to the Prosecution, you said that this contract to do
22 some painting was before, and you had gotten to know him a bit because of that. Does this
23 refresh your memory?

24 A. Yes, I remember that.

25 Q. So we can agree the contract to do some painting was before meeting Arido. Can we

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1 agree on that?

2 A. I'm not in a position to confirm that because I'm not sure about the specific events.

3 Q. In any event, you can confirm that the painting contract was before the second meeting
4 with Mr Kilolo in May 2013. Can you confirm that?

5 A. I haven't understood. You're talking about the second meeting? When I met Kilolo
6 for the second time, (Redacted) was not there. Please, counsel, please rephrase your question.

7 Q. I'm trying to understand your testimony. I'm trying to find that moment in time when
8 (Redacted) told or -- correction -- showed you photos of him (Redacted). And I would put
9 it to you that you seem to be having a hard time remembering exactly when that happened.
10 I would put it to you that in any event -- well, do you remember your testimony? You said
11 that you had seen Kilolo the first time in February 2012 and the second time in May 2013. Do
12 you remember that?

13 A. Yes, I remember that.

14 Q. And my question was this: When did you have this exchange with (Redacted) during
15 which he showed you some pictures, some photographs of him (Redacted) I would put it
16 to you that it was before the meeting in February 2012. Do you remember?

17 A. Yes, it was before meeting Mr Kilolo.

18 PRESIDING JUDGE SCHMITT: If you see --

19 MR LAROCHELLE: (No interpretation)

20 PRESIDING JUDGE SCHMITT: Mr Larochelle, wait.

21 MR LAROCHELLE: I'm sorry, your Honour.

22 PRESIDING JUDGE SCHMITT: If you see a possibility to go into open session, you know
23 better what your line of questioning will be, but be aware of that. If you are not going to
24 mention names that could -- that should have been hidden from the public, we could go to
25 open session.

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1 MR LAROCHELLE: Let's try open session then, your Honour.

2 PRESIDING JUDGE SCHMITT: Open session, please.

3 (Open session at 11.52 a.m.)

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

5 MR LAROCHELLE: (Interpretation)

6 Q. Now that you seem to have a better memory of that time when Jack showed you that
7 photograph with an authority, do you remember whether that was before the first meeting
8 with Mr Arido?

9 A. That's right. He showed me those photographs well before that point in time.

10 Q. Now we're getting somewhere. So you knew, when you met Mr Arido the first time,
11 you knew very well who Jack was; isn't that so?

12 A. Yes, I knew.

13 Q. And that is why you referred him to Mr Arido; isn't that so?

14 A. That was the reason. But after I gave -- I gave him -- I gave the number to Mr Arido,
15 and Mr Arido only knew his first name. And let me specify, he knew him well before.
16 They knew one another well before. I gave him his first name. And during their meeting,
17 they knew each other. They knew one another well before that particular meeting.

18 Q. And you, after that meeting with Mr Arido, did you contact Jack and tell him about the
19 meeting you had had with Mr Arido?

20 A. Yes, I called him to talk to him about that.

21 Q. And you even met him to talk about it?

22 A. Yes, I met with him.

23 Q. Did you meet with him more than once to talk about this?

24 A. Before meeting Mr Arido -- well, I met with him just once, and I told him everything
25 that Arido had said to me. But it would be better to meet Arido personally, and so Arido set

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1 up an appointment at the same time -- correction -- at the same place, and Arido told the same
2 thing, then I don't know. I didn't know what they talked about.

3 Q. What do you mean exactly when you said that you didn't know what Arido and Jack
4 had talked about? What do you mean exactly?

5 A. Well, I meant that when we met one another, Arido called him by his first name. And
6 well after that we met Mr Kilolo. Mr Kilolo came and met us at the same place, and I didn't
7 know. He called me and criticized me saying that I hadn't behaved well. He asked me
8 whether I was in another town. I said no, I'm in the same town, the same place. And so I
9 realized that what had happened between the two of them, well, I didn't even know. He
10 called me to give me information that I didn't have.

11 Q. What information did he give you?

12 A. After our first meeting with Kilolo, he changed towns, and we hardly ever saw one
13 another anymore. Awhile after that, he called me for the first time and told me this: What
14 you and Arido are doing, I don't agree.

15 And I said to him: Well, what have I done?

16 And he said to me: You are in the same town as me.

17 And I said: No.

18 He said: Okay. Fine.

19 That's what he told me the first time.

20 As for the second time, after the departure of Mr Arido, he called me and he asked me
21 about Arido and I said, no, I didn't have any news of him.

22 And he told me that Arido apparently was in Europe. And I would like to specify
23 that he was the one who gave me some information and I didn't know what was
24 going on, what was going on between Arido and he -- him.

25 He asked me about going to Arido's home to see whether he was there, and I said I

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1 didn't know where he lived.

2 Q. Why did you want to go to Mr Arido's house?

3 A. I did not say that I wanted to go to his house. It was (Redacted) who called me to tell me
4 that what I and Arido were doing was not correct and that Arido was already in Europe and
5 that I could go to his house and confirm it. I told him that I didn't know his house and I
6 couldn't go there to confirm it.

7 Q. Earlier on in your testimony you said that at one point Jack had threatened you. Do
8 you remember that?

9 A. Yes. He threatened me on several occasions. He told me that I was the one who had
10 introduced him, but that subsequently I betrayed him, I betrayed his boss or his leader, and
11 then Arido had dropped us, and given that I was the one who had introduced him to Arido, I
12 should be careful. So he threatened me several times.

13 Q. And these threats that you are talking about, do they relate to the meeting that you have
14 just described with Jack?

15 A. We spoke on the phone, if I'm not mistaken. After my testimony before the Court, we
16 met, and that was for the last time.

17 Q. You have just said that Jack blamed you or accused you of having introduced him to
18 Arido; is that correct?

19 A. No. It is because I'm the one who introduced him, who involved him in that business.
20 But they knew each other, him and Mr Arido, well before that. But I was the one who
21 involved him in this business, and that is the reason why he threatened me.

22 Q. Do you remember when you mentioned Jack in your first statement to the OTP and you
23 said that it was only in Douala during the meeting with Mr Arido that you learned who Jack
24 was and for whom he was working? Do you remember having said that?

25 A. No, I do not remember.

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1 PRESIDING JUDGE SCHMITT: Can we perhaps have the reference?

2 MR LAROCHELLE: (Interpretation) It is in any case, it is CAR-OTP-0078-0206, page 0212.

3 It is tab 8, and it is lines 181 to 183.

4 Q. Have you seen it?

5 A. No, not yet. Can I have a few more seconds?

6 Q. It's only two lines, Mr Witness.

7 A. No, it's not two lines. It's an entire page. I have to read the entire page. I can't see
8 just the two lines.

9 PRESIDING JUDGE SCHMITT: Mr Witness, you have only to read 181 until 183, and these
10 are three lines.

11 THE WITNESS: (Interpretation) Yes, I acknowledge having said that.

12 MR LAROCHELLE: (Interpretation)

13 Q. Would I be correct, therefore, to say that you didn't want to reveal to the Prosecutor that
14 you knew who Jack was well before your meeting in Douala in February 2012 with Mr Kilolo?

15 A. No, I did not conceal that from the Prosecutor. I believe that a short while ago I said
16 that the information that I did not reveal depended on the period. I have nothing to hide. I
17 may be a little bit confused regarding the dates, but I believe that I told the truth.

18 Q. I put it to you that you did not wish to reveal that to the Prosecutor because, in fact, you
19 had prepared for the meeting with Mr Kilolo well before the meeting of February 2012 and
20 discussed it with Jack; is that correct?

21 PRESIDING JUDGE SCHMITT: Mr Vanderpuye.

22 MR VANDERPUYE: Thank you, Mr President. I object to the question on a couple of
23 grounds. First, it appears from what's displayed in eCourt that the only thing that's shown
24 to the witness is the answer and not the question that was put to him.

25 Second of all, Mr Larochelle hasn't shown him the lead-up to the question that was

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1 put to the witness to put the question that he's eliciting in context. So I think it is an
2 appropriate line of examination without having done that first.

3 PRESIDING JUDGE SCHMITT: I don't have any objections against the question as such, but
4 perhaps we can do it like suggested. We show the question also to the witness, that cannot
5 be a problem, and then you can ask your question again.

6 MR LAROCHELLE: (Interpretation) Mr President, I think that objection is totally baseless.
7 If the Prosecution believes that I've omitted presenting something to the witness, he can do
8 that in re-examination, but in that case --

9 PRESIDING JUDGE SCHMITT: But, Mr Larochelle, I don't see a problem really in showing
10 the witness also 175 until 177, and then can you put your question again?

11 MR LAROCHELLE: (Interpretation)

12 Q. Mr Witness, in document CAR-OTP-0078-0206 and page 0211, read the question, lines
13 175 to 177.

14 PRESIDING JUDGE SCHMITT: Mr Larochelle, I think we can relatively easily agree that it is
15 shorter to do it this way than to say Mr Vanderpuye should address this in the re-exam.
16 That was the reason why I said that. We all have it in front of us and we know what has
17 been asked, and then you can put your question again.

18 THE INTERPRETER: Mr Larochelle had not waited for interpretation, so his question was
19 not heard by the interpreter.

20 MR LAROCHELLE: (Interpretation)

21 Q. You read the question that has just been shown to you, did you?

22 A. Yes, I read it, but I did not see the answer on the document.

23 Q. Does that change anything in your testimony?

24 A. A question was put to me, and I gave an answer. Here I can only see the question, but
25 I don't see the answer. I realise that you are asking me the same questions. I believe that I

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1 said that a statement that I gave to the OTP covered from the beginning to the end.

2 Q. 181 to 183, that is the answer. Is that sufficient for you?

3 PRESIDING JUDGE SCHMITT: I think you're allowed now to ask -- to put your question to
4 the witness.

5 MR LAROCHELLE: I confess I have forgotten it, but let me -- (Interpretation)

6 Q. I put it to you that you did not want to reveal to the Prosecutor that you had known Jack
7 well before February 2012 because you did not want to let it be known that you had spoken
8 with him and discussed with him about the meeting of February 2012; isn't that correct?

9 A. No. I have nothing to hide. I did not organize anything, someone else did that, so I
10 have nothing to hide.

11 Q. What was the duration of the meeting that you claim to have had with Jack and Arido,
12 that is, after your first meeting with Mr Arido? Do you understand my question?

13 A. Yes, I've understood it. I met with Arido and then after a few days -- I'm not really
14 sure, but it was not more than one week later that we had the meeting with Jack.

15 Q. And that meeting with Jack and Arido, was it a long meeting or was it rather brief?

16 A. Yeah, yes, it lasted for quite some time, and that is because we had a lot of things to say.
17 There were certain recommendations. And during our conversation, his phone rang, and
18 then he told us that it was Mr Kilolo calling. He had a conversation with him, and then he
19 told Mr Kilolo that he was together with his elements.

20 Q. What you are saying is that just by coincidence during your meeting with Jack and
21 Arido, Arido's phone rang and it was Kilolo?

22 A. No, I cannot say that it was a coincidence. I do not know whether it had been
23 prearranged or not. But in any case, the phone rang and Arido told us that it was Kilolo at
24 the other end of the phone. The conversation took place in French, and he told Kilolo that he
25 was together with certain members of the group, and he used the term "elements," that it was

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1 his elements.

2 Q. Did you discuss that with -- well, we are in open session. Did you discuss that with
3 that person?

4 A. No, I did not discuss with that person, and I had never had any previous contact with
5 Mr Kilolo. Our first meeting was in February at the (Redacted) Hotel. He was the one who
6 was on the phone and speaking with Mr Kilolo.

7 Q. I was referring to the person that you took walks with together that you were discussing
8 Mr Arido with and discussing certain other things. Do you remember the person that I'm
9 referring to?

10 A. Yes. After my testimony I had the opportunity to discuss with all those who had
11 testified here. In fact, I would request that we go into private session so that I can provide
12 the names of the people with whom I discussed.

13 MR LAROCHELLE: (Interpretation) I think it would be preferable, your Honour, to go to
14 private session so as to have some clarity.

15 PRESIDING JUDGE SCHMITT: Then we'll go to private session.

16 *(Private session at 12.22 p.m.) Reclassified as open session

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

18 MR LAROCHELLE: (Interpretation)

19 Q. I was referring to (Redacted). Did you understand that?

20 A. Now I understand. But, counsel, what do you want me to talk about (Redacted)

21 Q. With (Redacted), you stated that Kilolo had called him or Arido during that meeting
22 with Arido, during your first meeting together with Arido.

23 A. I don't believe I quite understood your question. Can you please repeat it?

24 Q. This detail relating to the call from Kilolo during your meeting with Arido, (Redacted)
25 (Redacted) provided that same detail, and I am putting it to you that you discussed that

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1 detail together and agreed on it.

2 A. There was never any discussion between the two of us on that matter. When that
3 happened, (Redacted) was not there. I was there with (Redacted) and Mr Arido. That is
4 when the call came in. I did not discuss this with him.

5 Q. Let me now move on to your first meeting in Douala, February 2012. Is that okay?

6 A. Very well.

7 Q. You repeated during your testimony that you arrived Douala at 10 p.m. Do you
8 remember that?

9 A. Yes, I do.

10 Q. And you stated exactly the same thing in your statement to the Prosecutor. Do you
11 remember that?

12 A. Yes, I remember.

13 Q. How many times did you reread your statements to the Prosecutor before coming to
14 testify?

15 A. I read it only once. (Redacted)

16 They made it possible for me to reread that statement, and I read it only once.

17 Q. (Redacted)

18 A. (Redacted)

19 Q. And you claim that you reread it only once; is that your testimony?

20 A. Yes, I confirm that I read it only once.

21 Q. I can tell you that I read it several times, and there are certain excerpts that you repeated
22 word for word as they appear in your statement, so I'm putting it to you that you read it
23 several times.

24 PRESIDING JUDGE SCHMITT: Mr. Vanderpuye.

25 MR VANDERPUYE: I think you know my objection, Mr President. It's been asked and

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1 answered a couple of times already.

2 PRESIDING JUDGE SCHMITT: Yeah, I think so too. It has been asked and answered.

3 MR LAROCHELLE: (Interpretation)

4 Q. You arrived in Douala in February 2012 at 10 p.m., is that correct?

5 A. Yes.

6 Q. How long does it take to travel from (Redacted) to Douala by bus?

7 A. It depends on the travel agencies. There are agencies that comply with the speed limits
8 while others go even faster, so the duration is not the same.

9 Q. Would you say a few hours? I'm sorry, I really have no idea.

10 A. If I'm not mistaken, it is between (Redacted)

11 PRESIDING JUDGE SCHMITT: Can we think about going into open session? What do you
12 think, Mr Larochelle?

13 MR LAROCHELLE: Let's wait just a little more because I'm about to refer to other names, so
14 I think it would be wiser to remain in private session for now.

15 PRESIDING JUDGE SCHMITT: Then please continue.

16 MR LAROCHELLE: (Interpretation)

17 Q. When you got to Douala, I suppose you were tired after that long trip?

18 A. Of course, I had to be tired. You realise it was a trip, a journey.

19 Q. When you got to Douala, you went and had something to eat with the people who were
20 with you; isn't that so?

21 A. When we got to Douala, we went directly to the motel that had been chosen by Mr
22 Arido. (Redacted) and I were sharing the same room, and Arido and (Redacted) were in their
23 rooms as well.

24 Mr Arido gave 4,000 francs to each one of us. (Redacted) and I ate
25 together.

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1 Q. Did you go out to eat together?

2 A. No. We weren't together with Mr Arido.

3 Q. Am I to understand that after he gave you the 4,000 francs, you just saw him the next
4 day with the six other people?

5 A. When he gave that money to us, he left and the next morning people began to come one
6 after another. The first person to arrive was (Redacted), and I remember he was always with
7 (Redacted) when they were in Douala, and then later the others arrived.

8 THE INTERPRETER: Overlapping speakers.

9 MR LAROCHELLE: (Interpretation)

10 Q. So after he gave you the money, you went off and you ate with (Redacted); is that what
11 you are saying?

12 A. No. It was with (Redacted)

13 Q. Did you stay at the hotel to have a meal, or did you go out to have a meal?

14 A. We did not eat at the motel. We went and had some grilled fish in a bar.

15 Q. And then after that you went back and you slept at the hotel?

16 A. Well, where else was I going to spend the night? It was at the hotel. You know full
17 well that it was the first time I had ever been there. Of course I was sleeping at the hotel.

18 Q. In your room?

19 A. I told you that (Redacted) and I shared the same room. It was normal for us to share the
20 room, because he and I had been chosen for that particular room. Maybe the idea was that
21 (Redacted) would give me a briefing about our -- about our meeting before the arrival of
22 Mr Kilolo.

23 Q. Maybe. But I'm just trying to understand the sequence here in the evening. You
24 arrived at the hotel. Arido gave everyone 4,000 francs. You went off and ate with
25 (Redacted). You came back to the hotel and then you met up with (Redacted) in your room.

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1 Was he already in the room when you arrived?

2 A. I was with (Redacted) when we went and ate. We went off together and we came back
3 together.

4 PRESIDING JUDGE SCHMITT: Mr Larochelle, we would be grateful if we relatively on
5 short notice could see the relevance and where you're heading at, please.

6 MR LAROCHELLE: (Interpretation) I apologise, your Honour, but I find that the sequence
7 of events being provided here is a bit nebulous.

8 Q. Now, I realise that Mr Arido and (Redacted) went off and ate together. The two
9 of them went off on their own. Is that what you are saying?

10 A. I said here that there were three of us, and we went off and ate together, and
11 (Redacted) was in the group. I did not say that (Redacted) and Arido had gone off on
12 their own. I did not say that.

13 Q. So after Mr Arido gave you the 4,000 francs when you got to the hotel, you didn't see
14 him later on that evening; is that what you are saying?

15 A. I don't exactly remember what happened. I don't know whether I ran into him or not.

16 Q. And the next day in the morning, the six other people arrived, the six others that you
17 mentioned; is that correct?

18 A. That's right.

19 Q. There was (Redacted); is that right?

20 A. Yes, that's right.

21 Q. And I think that you were the only person -- the only person that you knew in that
22 group was (Redacted); is that correct?

23 A. I said that I knew (Redacted), but then (Redacted) said that he knew me, he had met me in
24 (Redacted) but I didn't know him. I said that the only person that I knew personally within
25 the group was (Redacted).

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1 Q. And so you met up together. All of you were together for the first time; is that correct?

2 A. Yes, it was the first time that we all came together as a group.

3 Q. Now, at the time of this meeting, in your mind did you know that you were going to
4 give false testimony such as that one?

5 A. Yes, I knew. That is what the leader of the group had told us.

6 Q. And yet, when you mentioned the meeting to the Prosecution in your statement, you
7 said that everyone had said that they were a soldier and that it was your turn. You said that
8 you were angry, and you said that you were not a soldier. Do you remember telling the
9 Prosecution that?

10 A. I did not say that. What I said was this: When Arido came to see me, I answered
11 Arido, and I said I was not a soldier. What could I do?

12 And he said to me he didn't have a problem with that, that he was a soldier, and he
13 would know what to do. And he asked me to give testimony as a soldier. It was
14 Arido who told us to do this or to do that.

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 Q. But in your testimony, you said that Arido had said right from the very beginning that
19 you should pass yourself off as a soldier, and you hadn't yet understood when you got there
20 in Douala, you hadn't yet understood that you were supposed to say that you were a soldier;
21 is that your testimony?

22 A. Yes, I knew. They had told me that already. They knew why I was going to Douala.
23 How could people not know? It had already been said. Why would I have travelled to
24 Douala? I knew why I was going there. That day he handed out the military stripes to each
25 one of us, the insignia, and we had to figure out who had which rank and so on. He already

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1 explained it all to me.

2 Q. Now, I don't understand whether he told you that that day in Douala or earlier. Could
3 you give us a clear answer?

4 A. That's not what I said. Arido said to me during our first meeting and I said to him that
5 I was not a soldier. He answered me saying that there was no problem and that he had been
6 a soldier and he knew, he knew what to do. That was in Douala that he assigned us the
7 various ranks. He introduced (Redacted) and said that (Redacted) was a lieutenant.

8 Q. But earlier when you described your first meeting with Arido, we saw that you had
9 immediately said that you were not a soldier and that you had been briefed. So it was the
10 second time that he explained to you what you were supposed to do; is that your testimony?

11 A. I think these questions are repetitive. I said here before the Bench that when I met
12 Arido for the first time, I told him that I was not a soldier, and he said to me that he did not
13 have a problem with that. He was a soldier, and he knew what to do. He told me to come
14 and that is what happened. And that is what happened with the other members of the
15 group in Douala.

16 PRESIDING JUDGE SCHMITT: I think, Mr Larochelle, this has been exhausted, this subject.

17 MR VANDERPUYE: And, Mr President, I don't know if it's just a problem with my screen,
18 but the French transcript hasn't moved in about 6 or 7 pages, so I'm wondering if there is a
19 technical problem.

20 PRESIDING JUDGE SCHMITT: Perhaps we can clarify that.

21 My French colleague tells me that it works, so it must be your screen.

22 MR GOSNELL: Just for the record, I have the same problem.

23 PRESIDING JUDGE SCHMITT: Then do we have privileged monitors here?

24 MR KILENDA: (Interpretation) We have the same problem. It's not working.

25 PRESIDING JUDGE SCHMITT: Since we do not want to be privileged in that respect, we

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1 have to clarify that, of course.

2 (Pause in proceedings)

3 MR LAROCHELLE: (Interpretation) I suppose we will receive some sort of signal once the
4 problem has been solved?

5 PRESIDING JUDGE SCHMITT: I'm very confident, Mr Larochelle.

6 So it should be working now. And because of that, Mr Larochelle, you can continue.

7 MR LAROCHELLE: (Interpretation)

8 Q. During that first meeting, were you the only person who said: Watch out, be careful,
9 I'm not a soldier and I know nothing about the army? Are you the only person who said
10 that?

11 A. I spoke about my own particular case. I can't talk about what happened with the
12 others. I'm talking about myself. That is what I said to Arido. That is what I'm reporting
13 to you here.

14 Q. But you were present. Did other people openly object in front of all the others saying
15 that they, too, were not soldiers?

16 A. I find that your question is honestly -- well, I don't know what to say. I told you -- I
17 told you that it was during our first meeting with Arido. That was when we talked about
18 how we were supposed to behave in front of Mr Kilolo. That was during our first meeting
19 with Arido.

20 PRESIDING JUDGE SCHMITT: Do you allow, Mr Larochelle? Do you allow?

21 But, Mr Witness, you could tell the Chamber if you have heard that any of the other
22 persons present have acted like you and have told during a meeting or during a
23 discussion that they have not been soldiers. When you were present, you could have
24 perceived something, and I think that was the background of the question.

25 THE WITNESS: (Interpretation) Yes, they did. How did I know the work being done by

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1 (Redacted)? (Redacted) told me that he was not a soldier. (Redacted), I knew that he was not a soldier,
2 that he had never been a soldier. (Redacted)
3 (Redacted). We all knew that before. We knew, we
4 knew that we were not soldiers, even the ones who I hadn't seen before, they told me, they
5 told me that they were not soldiers. Even (Redacted), he told me.

6 MR LAROCHELLE: (Interpretation)

7 Q. A few lines ago, you said that (Redacted) was a soldier. Are you changing your
8 testimony?

9 A. No, I didn't say that. I said before the Office of the Prosecution, I said that (Redacted)
10 (Redacted)
11 (Redacted). I never knew him as a
12 soldier.

13 Q. But we haven't had an answer to that question; and yet, all the same, it's a simple one.
14 During that first meeting, did the others also say in front of the others that they were not
15 questioned -- soldiers either? I'm putting a simple question to you. Just answer.

16 A. But I think I've answered your question. I said during that meeting that we did not
17 talk about that. We said this: We decided to come together, and we worked together before
18 we met Mr Kilolo. Do you see what I'm getting at? It was only after that I realized or that I
19 found out about the lives of the others. I told you that (Redacted) was not a soldier. But the
20 others themselves talked about it when we were talking to one another, they spoke about that.

21 Q. Of course, you realise that it doesn't make a lot of sense to say that during the first
22 meeting you allegedly alerted the others that you were not a soldier. What I am
23 understanding is that it was only later you said that to some of the others; isn't that so?

24 PRESIDING JUDGE SCHMITT: Mr Vanderpuye.

25 MR VANDERPUYE: Yes, Mr President. I think we've gone over this a couple -- couple of

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1 times around already, and I just don't see that -- I just don't see that we're going anywhere
2 with this particular line of questioning. Maybe Mr Larochelle can focus the witness on a
3 specific meeting or specific time, but I just don't see that this is progressing at all.

4 PRESIDING JUDGE SCHMITT: No. I think it's clear that when we are talking about the
5 first meeting, we have talked about extensively about first meeting and second meeting. No,
6 no, no, Mr Larochelle. I allow this question as the last one in that respect.

7 But, again, now that we had a discussion about it, it would make sense if you repeat it
8 and the witness asks this question and then we move to another point -- answers this
9 question, not asks this question, the witness.

10 MR LAROCHELLE: If I may, your Honour, first of all, I'm not very comfortable to discuss
11 that before the witness. But I think the record is not clear yet. I mean, he said, he just said
12 now after we have tried for a few pages to elicit the answer, he just said, "We didn't talk about
13 that." I'm at line 3 and 4. So I, myself, am presently at loss as to, you know, whether he was
14 actually the only one or actually if anybody mentioned during that first meeting that they
15 were not soldiers.

16 PRESIDING JUDGE SCHMITT: But I have said I think that I allow this question, so I
17 overrule the objection of the Prosecutor.

18 MR LAROCHELLE: (Interpretation)

19 Q. Now, did anyone during that first meeting say that he was not a soldier, including you?

20 A. I don't remember.

21 PRESIDING JUDGE SCHMITT: Before you fall in desperation, Mr Larochelle, should we go
22 into the lunch-break, perhaps, just as a suggestion?

23 MR LAROCHELLE: Yes, okay. I guess food will be very welcome.

24 PRESIDING JUDGE SCHMITT: This was just a spontaneous reaction by myself. So we're
25 going to lunch-break until 2.30. But what I would like to ask you and the Defence of Mr

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1 Arido is what your plans are in time, how long the questioning will continue?

2 MR LAROCHELLE: (Interpretation) I don't like to make predictions because often they're
3 not borne out, but I really have almost finished. Definitely things aren't going as quickly as I
4 would have liked, but I think the Court can appreciate the difficulties with interpretation that
5 we're having that slow down the exercise considerably. I'm sorry that things have turned
6 out this way.

7 I'd just like to stress that Mr Taku has some questions as well. But, indeed, I will go as
8 quickly as possible after the lunch-break. I hesitate to give any promises. Sorry.

9 PRESIDING JUDGE SCHMITT: So I think we have to come back to this. Of course, the
10 Chamber fully understands that this is an important witness. It's like with the other one, too,
11 and that we, of course, concede you more time than would normally be, but we have also the
12 situation that we had before, that the Chamber assumes that you borrow time from your
13 colleagues.

14 And it would, of course, be also good to know, for example, from the Defence of
15 Mr Kilolo what they envisage according to the time of questioning.

16 MR POWLES: Yes. Thank you, Mr President. I'm tempted to say two and a half hours;
17 but given the experience of my learned friend, I'm minded to err on the side of caution and
18 say that we'd probably need three hours, but I'd hope to be less than that.

19 PRESIDING JUDGE SCHMITT: Mr Gosnell.

20 MR GOSNELL: Mr President, I just want to make sure that as of now the Trial Chamber is
21 informed that we will also have questions.

22 I also hesitate to give a precise time scale. It would be shorter than, much shorter
23 than was just indicated by my learned colleague on behalf of Mr Kilolo. I think the
24 interpreters have done a heroic job, but it does slow down somewhat the process.

25 PRESIDING JUDGE SCHMITT: Mrs Taylor -- no. Mr Kilenda first.

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1 MR KILENDA: (Interpretation) Thank you, your Honour, for allowing me to address the
2 Court.

3 Given the time, Mr Babala's Defence does not have any question; but, as always, we
4 shall remain very mindful of the dynamics of the trial.

5 PRESIDING JUDGE SCHMITT: Mrs Taylor.

6 MS TAYLOR: At this point in time the Defence for Mr Bemba has no questions.

7 PRESIDING JUDGE SCHMITT: Then let's put it this way, we will be mindful of or we are
8 mindful of the problems with the interpretation. We have seen that, indeed, this is a day
9 where we specifically have to thank the interpreters.

10 What I would like to say is we will finish the questioning of this witness by tomorrow
11 afternoon, and we will not resume the questioning of this witness next week to make
12 it sure. Everything else is open to discretion, is open to deciding on a case-by-case
13 basis, yeah?

14 Okay. We resume at 2.30.

15 THE COURT USHER: All rise.

16 (Recess taken at 1.01 p.m.)

17 *(Upon resuming in private session at 2.31 p.m.) Reclassified as open session

18 THE COURT USHER: All rise.

19 PRESIDING JUDGE SCHMITT: Just for scheduling purposes for next week, as you heard
20 this morning, P-198 will probably be available to commence the testimony next Monday, but
21 we are not sure of that. P-201's first appearance on his summons will also be next Monday
22 morning. So if both witnesses are available to testify on Monday, the Chamber will hear
23 from P-198 first. However, the parties should be prepared to examine either P-198 or P-201
24 next Monday because that's obvious, if P-198 is unexpectedly not available, then the Chamber
25 will want to commence with P-201's testimony.

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1 We continue now with the examination by Mr Larochelle. And please keep in mind
2 what I have said before the break. Be as focused as possible; and that, of course,
3 extends and applies to all of the Defence teams in the future questioning.

4 MR LAROCHELLE: (Interpretation) Duly noted, your Honour.

5 PRESIDING JUDGE SCHMITT: Again, of course, the question, we are in private session?

6 MR LAROCHELLE: (Interpretation) I believe we can go to open session; however, I don't
7 think we will continue dealing with Jack. I think we should talk about Bob, (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 PRESIDING JUDGE SCHMITT: Yes, I think then we can go into public session under these
14 conditions.

15 (Open session at 2.34 p.m.)

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

17 MR LAROCHELLE: (Interpretation) Thank you.

18 Q. Mr Witness, earlier this morning you said that at one point Arido briefed you to say that
19 you, yourself, were one of his elements. Is that what you said?

20 A. Yes, that is correct.

21 Q. He said that you were to claim that he was your superior?

22 A. Yes.

23 Q. Did he also specify that you should claim to have belonged to the Yokadouma battalion?

24 A. I did not understand your question. You have said Yokadouma. What does that
25 mean?

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1 Q. When he gave you those instructions, did he ask you to say you belonged to the
2 Yokadouma battalion?

3 A. He didn't mention Yokadouma to me. He said that we should introduce ourselves to
4 Mr Kilolo as soldiers belonging to the rebel group operating at the border between Cameroon
5 and the Central African Republic.

6 Q. Did he give you further instructions in relation to specific units, your commanders and
7 so on and so forth?

8 A. This is what he told me, if I remember correctly: (Redacted) should introduce
9 himself as a member of the intelligence service in President Patassé's regime. (Redacted) was
10 to play the role of the driver of Mr Bombayake.

11 PRESIDING JUDGE SCHMITT: We are in open session I understand, and now the names
12 are --

13 THE WITNESS: (Interpretation) So these are the two functions that I remember.

14 PRESIDING JUDGE SCHMITT: I think it's better to go into private session, then we're on the
15 safe side. I think it does not make much sense to stay here. It's too complicated for the
16 witness and perhaps also for the person who is interrogating at the moment. That's not a
17 criticism, but that's --

18 MR LAROCHELLE: No, no, no.

19 PRESIDING JUDGE SCHMITT: It's really difficult.

20 *(Private session at 2.39 p.m.) Reclassified as open session

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

22 MR LAROCHELLE: (Interpretation)

23 Q. But if he gave you those instructions, why did you tell the Prosecutor during your first
24 statement that when you discussed with the others, you interrupted, you intervened and said
25 that "I am not a soldier"?

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1 And the reference is CAR-OTP-0078-0218. And I'm referring to page 0225, lines 241
2 to 244.

3 Can you see that?

4 A. Yes, I see it.

5 Q. So your story doesn't hold water. Why is it that you said you were not a soldier before
6 going to Douala and you also say that -- you interjected to say you were not a soldier in
7 Douala; how do you reconcile those two?

8 A. I think the question has not been phrased correctly, because the way I see the question
9 on the screen is as follows, it refers to the time when we had already met with Mr Kilolo. But
10 you're asking me a question relating to the period before we met Mr Kilolo. So in the
11 document this is the answer that I gave when we were preparing the meeting with Mr Kilolo.
12 So the briefing involved attributing a role to each person. I told Arido that I am not
13 a soldier, and that is when he recommended that I should claim to be a (Redacted)
14 That is what I was supposed to tell Mr Kilolo based on the advice of Mr Arido. So
15 the question that was asked is not consistent with the document here on the screen.

16 Q. What you say, Mr Witness, is not correct. Look at the question, 231 to 234. You are
17 clearly referring to the period preceding your meeting with Mr Kilolo, so lines 231 to 234.
18 That is before what you have just read. At that time you had not yet met with Mr Kilolo,
19 contrary to what you are telling us.

20 A. I do not dispute that, but your question has nothing to do with the question that was put
21 to me by the OTP team. I talked to Arido about that in (Redacted). I told him that he was a
22 soldier and that he had to brief me. And when we arrived Douala, he asked me to work in
23 cooperation with (Redacted), because (Redacted), so he was more
24 familiar with those issues and had to brief me on what I had to say.
25 So during the entire day of Sunday, we were in the room in order to prepare the

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1 account that we were going to give to Mr Kilolo. That is why I'm saying that your
2 question is different from the one that was put to me by the OTP. I've started at the
3 end to go back to the beginning.

4 But you're splitting up your questions and asking me questions on different periods,
5 which sort of confuses me.

6 Q. You have just added that while you were in (Redacted), there was a full day of
7 preparation, and I suppose that this was with (Redacted) before your meeting with Kilolo?

8 A. No, I did not say (Redacted). I said Douala. I said that in Douala we spent the entire
9 day of Sunday prior to arrival of Mr Kilolo, we prepared the account that we were going to
10 give to Mr Kilolo. That was my testimony.

11 Q. You never said that before today, Mr Witness, never.

12 With whom did you spend that day of Sunday?

13 A. In fact, as early as Saturday, I started with (Redacted) because we were sharing the same
14 room. He started briefing me because time was running short. And on Sunday, all the
15 people that I have mentioned arrived, and they arrived before (Redacted). We were all
16 together during that meeting.

17 Q. So you started preparing your story with (Redacted) as early as Saturday, immediately
18 after your arrival; is that correct?

19 A. No, I did not prepare the story. It was the leader of the group. He gave this
20 instruction: (Redacted) since you are sharing the room with (Redacted) you have to begin
21 the briefing." This is the instruction that the leader gave (Redacted) because we were sharing
22 the same room.

23 Q. And the following morning when all the others arrived, you had already forgotten what
24 you had prepared; is that correct? You said that you were not a soldier. After a night of
25 briefing with (Redacted) you said you were not a soldier. Is that it?

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1 A. I don't think we are on the same wavelength here. I think there is a problem of
2 understanding here. The first time that I met with Arido, I told him clearly that I was not a
3 civilian. He said that that was not a problem and that (Redacted) was supposed to give me a
4 briefing.

5 THE INTERPRETER: The (Redacted) interpreter corrects: I told him that I was not a soldier.

6 PRESIDING JUDGE SCHMITT: Mr Larochelle, I think we do not get any further with this,
7 so I would ask you to move on.

8 MR LAROCHELLE: (Interpretation)

9 Q. After the round of introductions with everybody, I believe you started discussing
10 money; is that correct?

11 A. That is correct.

12 Q. Is that correct?

13 A. Yes.

14 Q. You said that Arido told everyone to write down what they wanted on a sheet of paper,
15 and he would transmit that information to Kilolo; is that correct?

16 A. Yes, that is correct.

17 Q. What did you write down on your own piece of paper?

18 A. I no longer remember. And that is because the objective was to gather information,
19 that is, name, surname, name of spouse and children and then proposed a country for
20 possible relocation. So that is what was discussed with Arido before the meeting with
21 Mr Kilolo.

22 We met with Mr Kilolo on a Monday. The meeting took place in the room occupied
23 by Mr Arido and (Redacted). We held that meeting before the arrival of
24 (Redacted) because each person had to submit his requests to (Redacted). That is what
25 happened.

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1 Q. You don't remember the amount of money that you wrote down, for example,
2 10 million CFA francs?

3 A. I no longer remember.

4 Q. And which country did you indicate as your preferred country of relocation?

5 A. I really cannot remember precisely, but I think it was an African country.

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 Q. At the time that you were writing down your requests in exchange for giving false
19 testimony, did you discuss amongst yourselves: We should ask such and such an amount,
20 Mr Bemba is very wealthy, and so on? Did you discuss the amounts of money that you had
21 to put down?

22 A. On that day, Arido had told us that all the requests had to be individual; and because of
23 that, there was no way for me to know what the others were requesting. I could not have
24 any idea about what the others wrote down. I only mentioned what was of interest to me.

25 Q. So you said you wrote down what concerns you. Did you tell the other people the

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1 specific amount that you wanted?

2 A. I didn't tell anyone. I did not tell anyone the amount that I wanted. That is what the
3 leader himself had instructed us to do. He, himself, that is Arido, he said he was the one
4 who was responsible for presenting all those requests to Mr Kilolo. It was not up to us to do
5 that.

6 Q. I understand that in the course of that meeting (Redacted) arrived, that is after the meeting
7 had already started; is that correct?

8 A. The meeting had, indeed, started before (Redacted) arrived. He joined us in the motel
9 room where we were lodged.

10 Q. When (Redacted) arrived, did you discuss the issue of money, the amounts that you were
11 asking for?

12 A. After (Redacted) arrival, we asked him to tell us the amount of our financial
13 compensation after our various testimonies. And when I understood that things were not
14 going well, I started threatening to refuse to testify. Immediately after that, (Redacted) told
15 Arido that I was being capricious and that he should not recruit me; and that if the situation
16 persisted, he was no longer going to continue with the people he was recruiting in (Redacted).
17 He would go and recruit people in (Redacted).

18 So Arido accused me of being the one who was trying to upset (Redacted), who was
19 irritating (Redacted)

20 Q. Now, did (Redacted) get angry because you were asking for too much money?

21 A. When he got there, he told us that we weren't supposed to talk about the financial
22 reward, and that we should be patient for a while. And then I said that if that was the case, I
23 didn't want to continue being involved in this whole thing. And (Redacted) then said to
24 Mr Arido that I was very capricious, and I shouldn't be recruited. It was because I had asked
25 for a certain amount. He got all angry.

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1 Q. So apparently he said that you were too demanding, you wanted too much money; and
2 so ultimately you wouldn't be asked to continue. Is that what you are telling us?

3 A. Well, he didn't say that he was going to exclude me from the group. I told you that the
4 argument of (Redacted) only had to do with his own interests, and I had to realise that my
5 interest had been set aside; and if things continued like that, I would not be -- stand in
6 solidarity with them anymore. I didn't give an amount so that he would get worked up
7 because the amount was too high. If that were the case, he wouldn't have put me in touch
8 with Mr Kilolo.

9 Q. A few lines ago you said apparently, according to the translation, that you had asked for
10 a certain amount. But I think earlier you said you hadn't talked about a specific amount.
11 Which version is correct? Did you ask for a specific amount or not?

12 A. Your earlier question was not like the question you just put to me. If you put the
13 question to me clearly, I'll give you a clear answer.
14 I didn't mention an amount. (Redacted) didn't get angry because I had talked about
15 an amount.

16 You asked me whether (Redacted) wanted to exclude me from the group because I
17 was demanding. No. It was me, myself, who decided to withdraw if ever the
18 situation wasn't clear.

19 Q. When you met with the Prosecution, you said that (Redacted) got angry because you were
20 asking for more money. Do you remember telling the Prosecution that?

21 A. I don't remember.

22 PRESIDING JUDGE SCHMITT: Show it to the witness.

23 THE WITNESS: (Interpretation) I remember --

24 MR LAROCHELLE: CAR-OTP-0078 --

25 THE INTERPRETER: Microphone.

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1 MR LAROCHELLE: (Interpretation)

2 Q. 0218 to 0234, lines 538 to 540, tab 9. Now, did (Redacted) get angry during the meeting
3 because you were asking for money?

4 A. He said to all the members of the group -- well, he didn't say that to just me.
5 Now, the question you've asked me is different from the question that the members of
6 the OTP asked me. He had said -- correction -- they -- well, he said you, you in the
7 plural, if you continue asking for money -- because we had been asked to show the
8 amount of money that we would be given after our testimony. I wasn't alone in the
9 group. It was everyone who had made that request.

10 Q. After you wrote down the amount that you don't remember anymore, did Mr Arido
11 pick up everybody's sheets of paper?

12 A. Yes, he picked up all the pieces of paper to convince us that -- he was trying to convince
13 us that he was doing what we wanted him to do and so that we would continue.

14 Q. Did you notice him putting the papers into a brown envelope?

15 A. No, it wasn't an envelope. They were individual sort of sheets of paper that he put into
16 a cardboard file, a file folder. So he put the sheets of paper into a file folder.

17 Q. You said to the Prosecution that -- well, you said something else interesting during that
18 meeting that we're talking about, and I'm still quoting from the same document.

19 THE INTERPRETER: Message from the interpreters, Defence counsel rattling numbers off
20 too quickly.

21 PRESIDING JUDGE SCHMITT: You are rattling numbers off too quickly I hear. I like this
22 expression.

23 MR LAROCHELLE: (Interpretation) Once again, 0218-0229, line 363 to
24 360 -- correction -- 363 to 366.

25 PRESIDING JUDGE SCHMITT: And the question?

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1 MR LAROCHELLE: (Interpretation)

2 Q. Now, (Redacted) gets angry not because you're asking for more money, but rather
3 because you said maybe it's not a good thing to go and lie or something along those lines,
4 "Isn't that going to make problems for us?" Did you also say that during the meeting?

5 A. When (Redacted) got there, I was the person who spoke first, and I asked about what was
6 going to happen. I was not a stupid person to go down one path without knowing where it
7 was going to lead me. I wanted to be sure of the objective and the outcome, because if I were
8 to go off without taking any precautions, I would find myself in a tough spot.

9 I know (Redacted) might use me for their own ends and then
10 abandon me, so I didn't want to be in that dangerous position. So I asked carefully
11 what was going to happen. I knew that it was a risky venture, but it was the
12 proposal that had been made to us, and we decided to run the risk and to get
13 something out of it. That's why I asked the question.

14 Q. So now that we've learned slightly earlier that after this meeting you had a long
15 discussion with (Redacted) to get ready for the meeting with Kilolo the next day, is that what
16 you are telling us?

17 A. (Redacted) and I were living or, rather, staying in the same room. It's not as if we
18 couldn't meet one another. Arido advised us to stay together so that he could brief me. We,
19 the first people to be interviewed by Kilolo, were (Redacted) and myself.

20 Q. And the next day, indeed, you went to this interview with Kilolo; is that the case?

21 A. That's right.

22 PRESIDING JUDGE SCHMITT: Mr Larochelle, I think we've heard that several times now,
23 and you have also to be a little bit mindful of the rights of your colleagues to question the
24 witness. We will come back to that.

25 I have seen, Mr Gosnell, your request.

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1 But you have also indicated, Mr Larochelle, that Mr Taku has questions for the Arido
2 Defence, and I think we have now, I've not looked at the stopwatch, but we have
3 more than four hours with the questioning of the Arido Defence. So you should give
4 over to Mr Taku or relatively soon come to an end with your questioning.

5 MR LAROCHELLE: Will do. I will do, your Honour. (Interpretation)

6 Q. After the interview with Kilolo, you went off immediately to (Redacted) isn't that so?

7 A. No, that's not right. I went back to (Redacted) the next day in the morning.

8 Q. So now you're saying that you spent one more night there in Douala, is that correct?

9 A. Yes. It was the next day because after the meeting with Kilolo, I got to the hotel at
10 about 7.30 in the evening, and it was already dark out. I couldn't go back to (Redacted). And
11 I had some euros on me. I couldn't change that money at night. I had to wait until the next
12 day to change the money into the local currency before I could go to (Redacted). So I am
13 confirming, yes, I went --

14 THE INTERPRETER: Overlapping speakers.

15 MR LAROCHELLE: (Interpretation) CAR-OTP-0078-0104 to 0191 -- 2 -- correction. 268,
16 line 268. 0192.

17 Q. Have you read it?

18 A. I'm reading it now. What line are you asking me to read?

19 PRESIDING JUDGE SCHMITT: So please ask the question.

20 THE INTERPRETER: Overlapping speakers.

21 THE WITNESS: (Interpretation) That's what I said. But there's a mistake here. I didn't
22 go back to (Redacted) the day -- the same day. I stayed at the hotel, and I went back to
23 (Redacted) the next day in the morning. I don't know Douala. I went the next day. (Redacted)
24 (Redacted)

25 MR LAROCHELLE: (Interpretation)

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1 Q. So you went back to (Redacted) and eventually you got a call from Mr Arido; is that
2 correct?

3 A. After I went back to (Redacted) I called him and asked him about the transportation costs
4 and the money that had been promised by Kilolo to cover that. He said that he was still in
5 Douala taking care of his business and he would call later.
6 When he got to (Redacted) later, he called, he called, and he met with me.

7 Q. And you say that you saw him again, and he gave you 10,000 CFA francs?

8 A. Yes, that's right. I met him (Redacted)
9 (Redacted) and he gave me 10,000 francs then to cover my transportation. That was the last
10 time we saw each other. I asked him about the telephone, and he told me that Mr Kilolo had
11 not responded about that. That was the last time that we saw one another.

12 Q. I would put it to you that the 10,000 francs was given to you (Redacted)
13 that so?

14 A. God as my witness, today is Thursday, before this Court I confirm, I say that Arido gave
15 me that money, 10,000 francs for the transportation costs. (Redacted)
16 (Redacted)
17 (Redacted)
18 (Redacted) I did

19 not come here -- no one forced me to come here. I came here to tell the truth.

20 PRESIDING JUDGE SCHMITT: Mr Larochelle, I think we should respect that. This was
21 the answer. We have to assess it in the end, and I would really ask you again and with a
22 little bit more urgency than the last two times to come to an end. We will definitely finish
23 with the examination by the Arido Defence today.

24 MR LAROCHELLE: I'm really nearly done, your Honour.

25 Q. (Interpretation) After that were you in contact with (Redacted)

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1 A. I didn't know him before. It was Arido who introduced me to (Redacted). And
2 when we met one another in Douala, we had shared -- correction -- we had swapped numbers;
3 but before that, I didn't know him. It was only in Douala that we met one another, and that
4 is when I began to have contacts with (Redacted)

5 Q. You had regular contacts with him subsequent to that meeting in Douala, didn't you?

6 A. Yes. I was in touch with him to get a clear idea of what the situation was and how it
7 was changing, because he was close to Arido. Arido, I -- I was trying to sound him out to see
8 what was going on, what was -- how the situation was changing. He was close to Arido.

9 Q. Did he tell you during his contacts that Arido had said to him to be careful and to watch
10 out for Kilolo and the offers made? Did (Redacted) tell you that?

11 A. No. This is the first time I've heard of any such thing. He didn't say that to me.

12 Q. In actual fact, the one who tried to dissuade you was (Redacted) isn't that so? (Redacted)
13 (Redacted) Have I correctly understood your
14 testimony?

15 A. Yes, it was (Redacted)

16 Q. So --

17 PRESIDING JUDGE SCHMITT: You see, we have heard this before. So I think we
18 should -- can really move on. And if you do not want to address something that has not
19 been said and has not been answered, I would really ask you to give the floor to Mr Taku.

20 MR LAROCHELLE: I have two more questions.

21 Q. (Interpretation) For the first time in all of your testimony, you mentioned a Thuraya
22 telephone. Do you remember that?

23 A. Yes, I remember. That's what Arido had told us to tell Kilolo, to say that we didn't
24 have telephones; and since we were in the bush, we had been using Thuraya phones. I
25 remember. That's what I had been told to say.

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1 Q. And the other notable addition to your statement was this: This alleged
2 congratulations call from Arido to (Redacted) after his testimony, I think this is the first time
3 you've made mention of that; isn't it so?

4 A. I just don't understand you any longer. Try to be more explicit so I can answer. What
5 congratulations are you talking about? Who did he call on the telephone? I just -- I don't
6 understand.

7 PRESIDING JUDGE SCHMITT: No, no, no. Mr Larochelle, we have heard this; and if this
8 was the first time and in case it was the first time that the witness has answered this or has
9 told us this, then the judges will have to assess it. We have noticed it, so we don't have to
10 clarify it a second time. Thank you.

11 Mr Gosnell is not leaving? No. No. He's just helping.

12 MR TAKU: Thank you so much, please. Thank you.

13 PRESIDING JUDGE SCHMITT: Mr Gosnell, that would be premature, to put it this way.
14 So Mr Taku has the floor.

15 MR TAKU: Good afternoon, your Honours.

16 QUESTIONED BY MR TAKU:

17 Q. Good afternoon, Witness.

18 A. (No interpretation)

19 Q. Yes. I saw you look at me. This will be a familiar face at least on (Redacted)
20 television.

21 A. Good afternoon.

22 Q. This is Mr Taku from (Redacted). Let me ask you a few questions. Let us move fast,
23 Witness.

24 MR TAKU: Court officer, please, can you bring up CAR-OTP-0078-0178, P-0179.

25 Your Honours, this is tab 4 of your binder.

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1 Q. Now, Witness, can you look at lines 16 to 18?

2 A. Yes, I can see it. I have already read it.

3 Q. Witness, in your interview with the Prosecution, (Redacted)

4 (Redacted); is this correct, sir?

5 A. That is correct.

6 MR TAKU: Court officer, please go to page 0182 of the same document.

7 Q. Now, Witness, have a look at lines 129 to 131. Have you done that, sir?

8 A. Yes, I have read it, and I was the one who said that.

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 So we have a break for a couple of minutes, and then the witness has the chance to
5 consult.

6 MR TAKU: Thank you, your Honours. Thank you.

7 THE COURT USHER: All rise.

8 PRESIDING JUDGE SCHMITT: Let's say 5 minutes.

9 (Recess taken at 3.40 p.m.)

10 *(Upon resuming in private session at 3.46 p.m.) Reclassified as open session

11 THE COURT USHER: All rise.

12 PRESIDING JUDGE SCHMITT: Mr Witness, could you talk with Mr Nève?

13 THE WITNESS: (Interpretation) Yes, I did.

14 PRESIDING JUDGE SCHMITT: And what do you say to the question of Mr Taku, who
15 wanted from you (Redacted)

16 MR TAKU: Yes, your Honour.

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 MR TAKU: Court officer, please can you produce CAR-OTP-0078-0264 at 0281, tab 12.

5 Q. Have you read that, Witness?

6 A. Which lines?

7 Q. 613 to 617.

8 A. I can see that the last line it says 615.

9 Q. No. 613, please, line 613. CAR-OTP-0078-0281. You've got that please, yes. Let me
10 just read that. (Speaks French)

11 A. (No interpretation)

12 THE INTERPRETER: Overlapping speakers.

13 MR TAKU:

14 Q. Have you seen that?

15 A. Yes, I can see that.

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 A. Yes, that is what I said. When I met Mr Kilolo, he recommended that I should
23 self-incriminate myself during my testimony, that I should say that I took part in pillaging.

24 So it was Mr Kilolo who advised me to include that detail that I looted goods. That is why I
25 made that testimony.

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1 Q. May I suggest to you, Witness, that the reason why you were noticed or you were
2 (Redacted) was because you participated in that
3 war and looted his property, sold to members of the public and was seen by everyone. You
4 were recognized. That is the reason you were targeted. What do you say to that, please?

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 Q. Now, Witness, let us explore the number of rules that you testified here that you were
10 briefed to present yourself as having participated. Now, on the transcript of 19 October 2015,
11 page 40, lines 9 to 11 of the English transcript, on page 35, lines 4 to 5 of the French transcript,
12 in answering to the Prosecutor's question, lines 1 to 19 and line 15 in the French transcript,
13 you told the Trial Chamber this: You said that when you were asked about what you were
14 doing in 2002, you said that you volunteered to join the army to support (Redacted)
15 You were asked that question, whether you volunteered to join the army.

16 Your answer at line 21 was: "Yes, that is what I said."

17 Do you remember that?

18 A. Yes, I remember. That is what I said. But this is the story that had been fabricated in
19 order for me to give false testimony. (Redacted)

20 (Redacted)

21 Q. You also testified, Witness, at page 76 of the same transcript --

22 MR TAKU: I'm sorry, your Honours, am I going too fast, your Honours?

23 PRESIDING JUDGE SCHMITT: No, no. I only was reacting to the noise in the back. That
24 was nothing. It had nothing to do with you at the moment.

25 MR TAKU: Okay, your Honour. I'm trying to go as fast as possible.

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1 PRESIDING JUDGE SCHMITT: I can perhaps address, since we have only one minute to
2 4 o'clock is the following: We have a request by the Defence of Mr Mangenda, Mr Gosnell,
3 which sounds reasonable. Mr Gosnell also wants to question this witness, and I think you
4 claim 1.75 hours, yeah? So we think that for the fairness to all Defence teams, we should
5 have to grant this to Mr Gosnell, and to enable this, we have to extend hours. First -- as
6 requested by Mr Gosnell.

7 First of all, we will continue until 4.30 today. I've just been informed about that.
8 Then tomorrow we'll start at 9 o'clock, not at 9.30, and we'll go until 11. Then after
9 the coffee break, we have the second session at 11.30 until 1 o'clock, and the third
10 session will be an abbreviated lunch-break, 2 o'clock until 4 o'clock.

11 So I think this is really a balanced approach to that, I think everybody will agree with
12 me. And this does not mean that the given time has necessarily to be used by
13 everybody.

14 But, Mr Taku, you can continue. But you understand that you also should come on
15 short notice to an end so that we could go over either to the Defence of Mr Mangenda
16 or the Defence of Mr Kilolo. Thank you.

17 MR TAKU: Thank you, your Honour. I really have that at mind. That's why I'm going so
18 fast, quickly.

19 Q. Witness, at page 76 of the same transcripts, lines 1 to 5, on page 67, lines 10 to 14 of the
20 French transcript, you said this: "Arido was the one who brought me to (Redacted). It was
21 (Redacted) who helped me give my statement. He said as he explained that we were part of
22 (Redacted)

23 Do you remember that?

24 A. (Redacted) So he asked me to
25 say that I had been a fighter in a militia (Redacted)

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1 Q. But, Witness, at page 76, line 7 to 13 of the English transcript, and page 67, lines 16 to 21
2 of the French transcript, you said he was the leader who was supervising the group who
3 handed you to (Redacted) to brief you. You were supposed to have to tell Mr Kilolo to
4 understand that (Redacted) and you fought during (Redacted)
5 Do you remember saying that?

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 Q. Are you now saying, Witness, that this testimony which is on record, this
10 different -- this testimony which you provided, which is on record, are you now saying that
11 that's inaccurate?

12 A. What do you mean? It's rather the question that was badly put. That's what I said.
13 But when you say to me that (Redacted). The question is
14 not good at all. It hasn't been put properly.

15 Q. Now, Witness, I refer you to your testimony and the answers that came up. But in any
16 case, let me put this: You said that Arido said that you should say you volunteered. You
17 volunteered to be a soldier, to present as a soldier to (Redacted). You, again
18 the same transcripts I cited said that you were to be (Redacted)
19 (Redacted) am I correct?

20 A. That's right. Why did I say that? If Arido asked me to say that I was part of the CAR
21 army, of course I would be asked for my military registration number. So I needed to be
22 briefed by (Redacted) because (Redacted). That is
23 why I needed to be briefed by (Redacted)
24 All the statements I made, I stand by.

25 Q. So indeed, Witness, the version you retained was no longer that of being a soldier

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1 (Redacted), but the version that (Redacted) gave you, namely, that you were a
2 combatant (Redacted). Is that a version you retained that you told Mr Kilolo about
3 and no longer the one that Arido told you to say you were a soldier in (Redacted)
4 (Redacted), armed forces?

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 PRESIDING JUDGE SCHMITT: I think, Mr Taku, I suggest you move to another point or
10 even come an end.

11 MR TAKU: Okay. I'll move very quickly, your Honour.

12 Q. Now, Witness, very quickly, before I come to an end, as his Lordship has suggested,
13 now, this introduction that was made in Douala, quickly, you said (Redacted)
14 was introduced as a lieutenant. Is that what was your testimony?

15 A. I didn't say it was at Douala. The first time I met (Redacted)
16 (Redacted). I was with (Redacted) and Arido was the one who introduced him to me, saying
17 that he was a lieutenant. It wasn't in Douala. It was in (Redacted).

18 Q. But was (Redacted) at any time introduced by Arido or by (Redacted) as a sub
19 lieutenant?

20 A. No. I didn't know what link there was between (Redacted) and Arido. I just knew
21 that Arido introduced (Redacted) to me and said that he was a lieutenant. I didn't know
22 what links there were between the two. I don't know. That, I don't know.

23 Q. Did you tell the Prosecutor that (Redacted) in Douala introduced himself as an
24 intelligence officer?

25 A. That's what I said during the meeting. It was Arido who introduced him as being a

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1 person from the intelligence service (Redacted) at the time. It was at (Redacted) that I
2 learned that he was a lieutenant. Before that I didn't know him. I had never met him. It
3 was in February 2012 when I saw (Redacted), and it was Arido who introduced him saying
4 that he was a lieutenant from the army. So I stand by what I heard and what I saw and what
5 I told the team from the OTP.

6 MR TAKU: Your Honours, CAR-OTP-0078-0218, that is tab 9, at CAR-OTP-0078-0232, page
7 14.

8 Q. Now, do you have that on the screen before you?

9 A. Oui.

10 Q. Lines 462 to 487. Have you read that, Witness?

11 A. Yes, I've read it. I think that this is just the answer to the question that was put to me.
12 I don't see where the problem is. I've read it.

13 Q. Now, Witness, contrary to the answers you gave previously just some minutes ago, let
14 me read out what you said that is of interest to me here, lines 462 to 463, the question was
15 asked: (Interpretation) "Regarding (Redacted), did you hear the name of (Redacted)
16 At line 472 (Interpretation) "You said that he was introduced to you as a lieutenant.
17 Arido introduced him to you as lieutenant."

18 Line 475 (Interpretation) "Yes."

19 Line 477 (Interpretation) "A lieutenant in which army? Did he specify which
20 army?"

21 Your answer at 482 is, answer line 482, (Interpretation) "He did not provide any
22 specific details."

23 484 to 485, you again said (Interpretation) "He did not specify at all which army he
24 came from; but during the meeting that he held in the room of Arido in Douala that
25 he -- for (Redacted) that's right?"

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1 At line 487 you again said (Interpretation) (Redacted) introduced himself saying
2 that he was an intelligence officer."

3 Is that what you told the investigator, Witness?

4 A. That is what I said.

5 Q. And therefore, Witness, I suggest to you, Witness, that you decided to incriminate Arido
6 in order to have -- to present new evidence in order to reactivate your dormant application for
7 reinstallation. I put this to you, Witness. What do you say to that?

8 MR VANDERPUYE: Mr President.

9 PRESIDING JUDGE SCHMITT: Yes, Mr Vanderpuye.

10 MR VANDERPUYE: I'm sorry to interrupt, but I would object to the question. I don't think
11 there is any basis for it in the record of the case or any questions that have led to it.

12 PRESIDING JUDGE SCHMITT: Sustained. Please rephrase it or put another question or
13 finish the questioning.

14 MR TAKU:

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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Witness: CAR-OTP-P-245

(Private Session)

ICC-01/05-01/13

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25 PRESIDING JUDGE SCHMITT: The same procedure and we finish with that then. We

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1 have 7 or 8 minutes. The witness has again the right I think to consult with a lawyer
2 and -- yes, okay. That's probably the better way, but we -- I want to make sure that we can
3 start tomorrow with the examination of another Defence team.

4 But if this is the case, then we do it this way. The witness has now the possibility
5 when we close the hearing for today to talk with Mr Nève and then can inform us
6 tomorrow or you are informed by Mr Nève or by whom -- whatever about this
7 question. Is this okay, Mr Taku?

8 MR TAKU: It's okay, your Honours.

9 And that will be the end of our cross-examination, your Honours.

10 PRESIDING JUDGE SCHMITT: Then we proceed this way.

11 Mr Witness, you have now the chance to talk with Mr Nève about this matter. I
12 think you also, you need here a lawyer that can estimate or assess what this means for
13 you and for the case, so you should have the right to do that.

14 We then conclude the session, the hearing for today. Tomorrow we start at 9 o'clock.

15 And with whom do we start? Do we know that yet?

16 MR GOSNELL: I think it will be my colleague, Mr Powles, who will be starting tomorrow.
17 Just to very briefly express my appreciation for the measures taken by your Honour
18 in respect of the extended sitting, if I can be shorter, you can be sure that I will be
19 shorter.

20 PRESIDING JUDGE SCHMITT: Well, thank you very much for these words. This is a very
21 consoling end to this hearing.

22 And thank you very much again to the interpreters. Extended hours for them mean
23 also a big strain. I understand that. So until tomorrow at 9 o'clock.

24 THE COURT USHER: All rise.

25 *(The hearing ends in private session at 4.23 p.m.) Reclassified as open session

26

Trial Hearing

(Private Session)

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1 RECLASSIFICATION REPORT

2 Pursuant to Trial Chamber VII's instructions, ICC-01/05-01/13-1209, dated

3 2 September 2015, this lesser redacted public version of the transcript is filed in the

4 record of the case.