

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 Wednesday, 21 October 2015
10 *(The hearing starts in private session at 10.30 a.m.) Reclassified as open session
11 THE COURT USHER: All rise.
12 The International Criminal Court is now in session.
13 PRESIDING JUDGE SCHMITT: Good morning, everybody. Could the court officer please
14 call the case.
15 THE COURT OFFICER: Good morning. Yes, Mr President. Situation in the Central
16 African Republic in the case of The Prosecutor versus Jean-Pierre Bemba Gombo, Aimé Kilolo
17 Musamba, Jean-Jacques Mangenda Kabongo, Fidèle Babala Wandu and Narcisse Arido, case
18 reference ICC-01/05-01/13.
19 And for the record, we are in private session.
20 PRESIDING JUDGE SCHMITT: Thank you very much.
21 Now I ask for the appearances of the parties, please. Mr Vanderpuye.
22 MR VANDERPUYE: Good morning, Mr President, your Honours, everyone. Today the
23 Prosecution is represented by Olivia Struyven to my left, Sylvie Vidinha behind her to my left.
24 I'm Kweku Vanderpuye.
25 PRESIDING JUDGE SCHMITT: And now for the Defence teams, please. I think we start

1 with Mr Vercken.

2 MR VERCKEN: (Interpretation) Good morning, your Honours. Our team is made up of
3 Ms Nikki Sethi and myself as well as Mr Jean-Jacques Mangenda.

4 MR DJUNGA: (Interpretation) Good morning, your Honours. Mr Kilolo's Defence team
5 remains unchanged.

6 PRESIDING JUDGE SCHMITT: Mr. Taku, please.

7 MR TAKU: May it please your Honours, I appear for Mr Arido. With me today is Mr Kiel
8 Walker, Mr Tharcisse Gatarama. Thank you very much.

9 MR KILENDA: (Interpretation) Good morning, your Honours. Mr Azama Shalie
10 Rodoma, who is a member of the Brussels Bar as well as myself, Mr Kilenda, also of the
11 Brussels Bar as well as further colleagues and Ms Adriana-Marie Manolescu, who is our case
12 manager.

13 PRESIDING JUDGE SCHMITT: Thank you very much. I see that Ms Taylor is alone.

14 MS TAYLOR: Yes, Mr President, I confirm that. Thank you.

15 PRESIDING JUDGE SCHMITT: And we note that Mr Bemba has been excused from P-198's
16 first appearance.

17 I also know that the video link to Kinshasa has been successfully established, and I
18 see that we have other persons on the other side of the video connections. First of all,
19 counsel -- I assume that counsel is present there. Could you kindly introduce
20 yourself for the record.

21 THE COURT OFFICER: (Via video link) (Interpretation) We are here today, your Honour.
22 I will allow the duty counsel to introduce himself.

23 MR SONGA: Professor Mr Raphael Nyabirungu Mwene Songa is assisting this witness.

24 PRESIDING JUDGE SCHMITT: Thank you very much. We are now turning to the
25 summons of the Witness P-198. Mr Witness, good morning.

1 THE WITNESS: CAR-OTP-P-198 (Via video link)

2 (The witness speaks French)

3 (Interpretation) Good morning, your Honour.

4 PRESIDING JUDGE SCHMITT: Mr Witness, you are appearing before this Chamber of the
5 International Criminal Court (Redacted)

6 (Redacted)

7 The Chamber has been established to try the case of the Prosecutor against Mr
8 Jean-Pierre Bemba Gombo and others.

9 You (Redacted)

10 Mr Nyabirungu Mwene Songa has been provided to assist you during your testimony
11 in case there are questions of self-incrimination.

12 Counsel, have you already had an opportunity to consult with the witness and to
13 determine if Rule 74 assurances are necessary?

14 MR SONGA: (Via video link) (Interpretation) We did have an opportunity to speak to the
15 witness, and we believe that at the appropriate time we may apply for protective measures as
16 in accordance with Rule 74.

17 PRESIDING JUDGE SCHMITT: Counsel, in the interest to expedite the proceedings, the
18 Chamber advises you of -- you said you'd think about it, that you file any application to grant
19 Rule 74 assurances for your client informally via email with the Registry who will then
20 transmit it to the Chamber. This way we can facilitate a prompt testimony of the witness.
21 As an alternative, you could also determine on the spot in this moment that you apply
22 for Rule 74 assurances for your client.

23 MR SONGA: (Via video link) (Interpretation) Yes, your Honour. We will make the
24 application and provide conclusions as quickly as possible. Once again, I say on the basis of
25 Rule 74.

1 PRESIDING JUDGE SCHMITT: Thank you very much.

2 Mr Witness, you will not start testifying today; however, (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted). Do you

6 understand this, Mr Witness?

7 THE WITNESS: (Via video link) (Interpretation) Yes, I do understand, your Honour. But

8 I would like to tell the Court that (Redacted)

9 (Redacted)

10 (Redacted). Thus, I will not be able to

11 avoid this particular obligation, and I do hope that the Court will be in a position to make

12 accommodations.

13 PRESIDING JUDGE SCHMITT: We take note of this, Mr Witness. Thank you very much.

14 The personnel of the Court which is on site will remain in contact with you, and you

15 will inform them about events that you think are important for your appearance.

16 Our personnel will assist you in your preparation and answer any questions you

17 might have. Have a nice day. Thank you very much.

18 This concludes our very short session this morning. We will resume at 1 o'clock in

19 the afternoon. We do not know already if we are going to hear 272 or if we continue

20 with 245, but you will be informed as soon as possible, as soon as we know it.

21 Thank you very much.

22 THE COURT USHER: All rise.

23 (Recess taken at 10.39 a.m.)

24 RECLASSIFICATION REPORT

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

- 1 2 September 2015, this lesser redacted public version of the transcript is filed in the
- 2 record of the case.