

Trial Hearing
Witness: CAR-OTP-P-245

(Open Session)

ICC-01/05-01/13

1 International Criminal Court
2 Trial Chamber VII - Courtroom 1
3 Situation: Central African Republic
4 In the case of The Prosecutor v. Jean-Pierre Bemba Gombo, Aimé Kilolo Musamba,
5 Jean-Jacques Mangenda Kabongo, Fidèle Babala Wandu and
6 Narcisse Arido - ICC-01/05-01/13
7 Presiding Judge Bertram Schmitt, Judge Marc Perrin de Brichambaut and
8 Judge Raul Pangalangan
9 Trial Hearing
10 Tuesday, 20 October 2015
11 (The hearing starts in open session at 9.30 a.m.)
12 THE COURT USHER: All rise.
13 The International Criminal Court is now in session.
14 PRESIDING JUDGE SCHMITT: Good morning, everybody.
15 Good morning, Mr Witness.
16 Court officer, please call the case.
17 THE COURT OFFICER: Good morning. Yes, your Honour.
18 Situation in the Central African Republic in the case of The Prosecutor versus
19 Jean-Pierre Bemba Gombo, Aimé Kilolo Musamba,
20 Jean-Jacques Mangenda Kabongo, Fidèle Babala Wandu and Narcisse Arido, in the
21 case ICC-01/05-01/13.
22 And for the record, we are in open session.
23 PRESIDING JUDGE SCHMITT: Thank you very much.
24 I ask now for the appearances, as I do every day in the morning. Please,
25 Mr Vanderpuye.

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1 MR VANDERPUYE: Good morning, Mr President, your Honours. We are the
2 same configuration as yesterday.

3 PRESIDING JUDGE SCHMITT: Mr Nève.

4 MR NÈVE: (Interpretation) Good morning, Mr President.

5 PRESIDING JUDGE SCHMITT: Thank you. Mr Gosnell and so forth.

6 MR GOSNELL: (Interpretation) Good morning, Mr President, your Honours.

7 Our team is the same as yesterday. Thank you

8 MR DJUNGA: (Interpretation) Good morning, Mr. President, your Honours. Our
9 team is the same.

10 MR LAROCHELLE: (Interpretation) Good morning, your Honour. Good
11 morning, your Honours. For Arido we have Mr Taku, Mr Goncalves, and myself,
12 Philippe Larochelle.

13 MR KILENDA: (Interpretation) Good morning, your Honours. For Mr Fidèle
14 Babala Wandu sitting to my right, the team remains the same.

15 MS TAYLOR: Good morning, Mr President, your Honours. The Bemba team
16 remains unchanged. Thank you.

17 PRESIDING JUDGE SCHMITT: Thank you very much. We now continue with the
18 examination by the Prosecution.

19 I would like to remind Mr Vanderpuye that you have until now used three hours of
20 the four that you promised that you would need for the examination-in-chief. Please
21 continue.

22 MR VANDERPUYE: Thank you very much, Mr President. Good morning to you
23 again, your Honours.

24 QUESTIONED BY MR. VANDERPUYE: (Continuing)

25 Q. Good morning to you, Witness.

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1 Just a couple of things I would like to clarify from yesterday, if I may. You
2 mentioned at transcript page 5, lines 1 through 3, that when you were interviewed by
3 Mr Kilolo and the white woman you said he was with in February of 2012, that you
4 spoke in (Redacted), and that Mr Kilolo translated what you were saying. Is that
5 your recollection?

6 WITNESS: CAR-OTP-P-245 (On former oath)
7 (Redacted)

8 A. Yes, I remember.

9 Q. And did you interview with Mr Kilolo in and around that period on more than
10 one occasion?

11 A. I was interviewed on a single occasion, that is, during our first meeting.

12 Q. All right. Thank you for that clarification.

13 During the course of that interview, if I can just ask you, did Mr Kilolo ask you for
14 any document or any item indicating or showing that you were a military person,
15 such as a photograph or an ID or diary or something like that?

16 MR LAROCHELLE: Just for the record, this is leading, your Honour.

17 PRESIDING JUDGE SCHMITT: I think I overruled that because it's a question that
18 the witness can easily answer, and I think we all know the answer, so we can continue
19 with that.

20 I don't know how much weight this fact, if at all, will have, but we continue with that.
21 Please answer the question.

22 THE WITNESS: (Interpretation) No, he did not ask me to produce any document
23 or any other piece of paper indicating that I was a soldier.

24 MR VANDERPUYE:

25 Q. And what about the woman that he was with, did she ask you any such

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1 question during the course of your interview?

2 A. No, she did not ask any questions. I was interviewed by Mr Kilolo. The
3 white lady was simply noting down whatever I said.

4 Q. Thank you for that clarification.

5 MR VANDERPUYE: Mr President, can we go into private session, please.

6 PRESIDING JUDGE SCHMITT: Private session.

7 *(Private session at 9.37 a.m.) Reclassified into open session

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

9 MR VANDERPUYE:

10 Q. There are just a couple of clarifications I'd like to get from you, Witness. First
11 is do you know (Redacted) last name?

12 A. Yes, I do.

13 Q. Can you tell the Chamber what his last name is?

14 A. His last name is (Redacted).

15 Q. I would also like to ask you, because I don't think I have, how it is that you
16 came to know Mr Arido in the first place?

17 A. I already testified in this courtroom yesterday that I met Arido after he called
18 me on the phone.

19 Q. And maybe the question wasn't clear, but can you tell the Chamber how it is
20 that Arido, Mr Arido, had your phone number to begin with?

21 A. When he called me, he told me that it was (Redacted), that is (Redacted), who
22 had given him my phone number.

23 Q. Do you know (Redacted)?

24 A. Yes, I know (Redacted). Furthermore, we (Redacted)

25 (Redacted)

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1 Q. Do you know (Redacted) name?

2 A. I know only (Redacted).

3 Q. After the meeting that occurred in February 2012 where you met Mr Kilolo for
4 the first time and the white lady, did you meet with Mr Kilolo after that?

5 A. Yes. I met him again after that first meeting, and this was in May 2013.

6 PRESIDING JUDGE SCHMITT: May we go into open session again? But I leave it
7 to your assessment.

8 MR VANDERPUYE: If I could just get the location of the meeting and a few details,
9 I think we might be able to do that.

10 Q. Could you briefly tell the Chamber where it was that you met Mr Kilolo in May
11 of 2013?

12 A. I met him at the (Redacted) in Yaoundé Cameroon.

13 Q. And just before we move into open session, can you tell the Chamber on that
14 occasion were you present at the (Redacted) alone, or did you come with other
15 individuals there to meet Mr Kilolo?

16 A. I went there alone on the first day; however, on the second day when I went
17 there, there were five other people, (Redacted).

18 Q. Could you just name those people once again, please?

19 THE INTERPRETER: Correction from the interpreter. The last person was (Redacted)
20 (Redacted).

21 THE WITNESS: (Interpretation) On the second day, there was (Redacted)
22 (Redacted). There were five of us.

23 MR VANDERPUYE:

24 Q. Let me just show you a document very quickly. It's behind tab 43 for the
25 Chamber's benefit. The ERN number is CAR-OTP-0088-2917.

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1 PRESIDING JUDGE SCHMITT: Mr Gosnell.

2 MR GOSNELL: I object to using this document before the details, in fact, one very
3 important and salient detail is elicited from the witness, because otherwise it's
4 leading.

5 PRESIDING JUDGE SCHMITT: Sustained. Please prepare to show this document
6 through questions that you put to the witness.

7 MR VANDERPUYE:

8 Q. Do you remember what day this meeting was held, the two days that you met
9 with Mr Kilolo?

10 A. I no longer remember the date of the first meeting, but I believe the first meeting
11 took place in February 2012. The second meeting was in May 2013, but I no longer
12 remember the precise date. I only remember the month and the year.

13 MR VANDERPUYE: Could I have the witness please shown CAR-OTP-0088-2917?
14 We'll have to go to the next page, which is 2918.

15 Q. Do you have this document on the screen in front of you, sir?

16 A. Yes, I see it.

17 Q. Can you tell the Chamber what that is?

18 A. This document is an acknowledgment of receipt which I wrote for Mr Kilolo
19 that is representing the amount of €250 that I received for my transportation fare.

20 Q. Does this document help refresh your recollection as to approximately when it
21 was that you met with Mr Kilolo in May of 2013?

22 A. Yes. This document reminds me of the precise date.

23 Q. For the record, can you state to the Chamber what the precise date was that you
24 had the meeting or met with Mr Kilolo in May of 2013?

25 A. I met Mr Kilolo on the 25th of May 2013, and that was at (Redacted) in

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1 Yaoundé.

2 Q. Thank you for that clarification.

3 MR VANDERPUYE: I think we can go into open session, Mr President.

4 PRESIDING JUDGE SCHMITT: Open session, please.

5 (Open session at 9.49 a.m.)

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

7 MR VANDERPUYE:

8 Q. Witness, can you tell the Chamber how it is that you came to meet Mr Kilolo in
9 May of 2013? How was it arranged?

10 A. This meeting was organised by Mr Kilolo before his arrival. In January or
11 February 2013, he sent me an email, and this is what he said: "(Redacted), we will be
12 travelling to Cameroon in February. I have tried to contact you without success.
13 And if you receive this email, you should get in touch with me and also contact your
14 companions."

15 And when I received that email, I immediately called him.

16 MR VANDERPUYE: Can we go into private session for a moment please,
17 Mr President.

18 PRESIDING JUDGE SCHMITT: Private session.

19 *(Private session at 9.51 a.m.) Reclassified into open session

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

21 MR VANDERPUYE: Thank you. Mr President, I asked to come into private
22 session because I believe the witness may have inadvertently named himself during
23 the course of his evidence in open session, so I'll ask, I haven't identified --

24 PRESIDING JUDGE SCHMITT: Part of his name, yes.

25 MR VANDERPUYE: Yes. All right.

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1 Q. So let me just say, Witness, when we're in open session, please try to refrain
2 from identifying yourself. And if there is a question that I asked you that requires
3 you to do so, just let me know so that I can ask the Judge if we can proceed in private
4 session, okay?

5 PRESIDING JUDGE SCHMITT: But as an information for Mr Witness, this will not
6 be broadcast, of course, in the end, yeah.

7 THE WITNESS: (Interpretation) That's okay with me.

8 MR VANDERPUYE:

9 Q. Okay. We'll proceed a little bit in private session in case you need to name
10 some names, and we'll see how we go; is that all right?

11 A. That's fine.

12 Q. You said you received an email from Mr Kilolo in January or thereabout of 2013.
13 And is that how it is that you came to meet him in May of 2013?

14 A. He had tried unsuccessfully to reach me by phone, and it is for that reason that
15 he sent me an email. After the meeting of February 2012, he sent me a message to
16 organize the second meeting.

17 Q. How did you -- well, let me clarify something. Your answer to my question in
18 English is that Mr Kilolo asked you to organize the second meeting. So my first
19 question is can you confirm that that's what you said?

20 A. In his email, he said that he had tried unsuccessfully to reach me and that if I
21 received his message, I should call him.

22 And when I got that message, I did indeed call him. Then he told me that he was
23 going to arrive during the month of February 2013, and that if I knew the phone
24 numbers of the other people in the group, I should send those numbers to him or call
25 them directly.

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1 Q. Did you do that?

2 A. Yes, I did that.

3 Q. Did you call any particular individual, or did you forward any particular
4 individual's number to Mr Kilolo to be called?

5 A. I had only the phone numbers of three people, (Redacted).

6 Those were the three numbers I sent to him. I personally called (Redacted)
7 (Redacted).

8 At that time (Redacted)

9 (Redacted). And when he returned, he called me, and I'm the one who sent his
10 number to Mr Kilolo.

11 Q. Tell us about the meeting in May 2013 with Mr Kilolo. You met him, you said,
12 on the 25th of May. Was he alone? Was he with other people? Can you tell us
13 about that circumstance?

14 A. I believe I have already stated that on the 25th I met him alone. It was on the
15 following day, that is, the 26th of May 2013 there was myself, (Redacted)
16 (Redacted). I repeat, it was on the 26th of May 2013, and this is
17 indicated in the document that has been posted on the screen.

18 Q. Thank you. My question was: Was Mr Kilolo alone when you met him?

19 A. He was not alone. The first time I saw him, he introduced someone to me as
20 Maître Jean-Jacques, who was responsible for our protection. So there were two
21 people, Mr Kilolo and Mr Jean-Jacques.

22 Q. When you met with Mr Kilolo on the 25th of May, what, if anything, did you
23 discuss with him?

24 A. On the 25th of May he gave a document to me. And there was the seal and the
25 marking "Confidential" on the document, and the document had been issued by the

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1 Court. He gave me €150. There were some telephones in a bundle, and he asked
2 me -- he asked Jean-Jacques to bring the telephones, and he said that I had to use a
3 different SIM card because (Redacted)
4 (Redacted).

5 So that's what the discussion that we had was all about.

6 Q. You said that he asked Maître Jean-Jacques to bring the telephones. Where
7 was Maître Jean-Jacques when you had the discussion with Mr Kilolo about what
8 (Redacted)

9 A. He himself was there. We were in the waiting room. When he sent
10 Jean-Jacques to go and get the telephones, the passes were in their rooms, and he just
11 said to go get the phones. So we were there with him and Mr Jean-Jacques, and I
12 had to get what was suitable for me.

13 THE INTERPRETER: Interpreter correction. The witness said, "I don't know
14 whether it was in their chamber -- in their room."

15 MR VANDERPUYE:

16 Q. Okay. Did Mr Jean-Jacques or Maître Jean-Jacques bring the phones?

17 A. Yes. He had brought the telephones, and I chose the one that I wanted.

18 Q. Okay. Thank you for -- thank you for clarifying that.

19 And you mentioned something about some documents with a seal. They were
20 marked confidential. Were those documents ever given to you or explained to you
21 what they were?

22 A. He showed us the document, and I myself read it. It was a document issued
23 by the ICC to the Cameroonian authorities. Since it was a question of my preparing
24 myself to give testimony before the Court, it was normal for such a document to be
25 issued so that I could give testimony. And you see, this document, that was the

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1 document that he gave to me.

2 Q. Okay. And the €150 he gave to you for what?

3 A. It was for my transportation. He gave me the €150 on the 25th in the evening;
4 and the next day, on the 26th, he gave me more money, €100, which I received, and I
5 gave him a receipt.

6 Q. I see. And that is the receipt that I showed you before for €250; is it that
7 receipt?

8 A. Yes, that's right.

9 Q. Did you discuss anything else with Mr Kilolo on the 25th when you met with
10 him in the presence of Mr or Maître Jean-Jacques?

11 A. Well, what we talked about in the presence of Mr Jean-Jacques was what I told
12 you. Other than that, we did not discuss any other topic.

13 Q. Okay. Can you tell us about the next day, 26 May 2013, did you meet with
14 Mr Kilolo then?

15 A. Yes. On the 26th of May I did meet him. There were five of us. Those of us
16 who were supposed to be testifying for the Defence, there were five. And if we add
17 Mr Kilolo and Mr Jean-Jacques, that comes to a total of seven. We were all there
18 together.

19 Q. And what happened on that day?

20 A. On that day he brought out all of our previous statements, that is to say, the
21 statements we had made in February 2012. He distributed all these documents to
22 each one of us so that we could remember what we had said.

23 As for myself, I was off to the side a bit with him, and he began to read the document
24 to me. After reading the document, he started to tell me what was supposed to
25 happen here at the Court. He said to me that if I got here and if I were asked

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1 questions, and if I didn't know the answer, I shouldn't say anything.

2 As for the entry of the MLC troops in the CAR, he said that I should remember the
3 various dates in 2002. I was also supposed to remember the date on which (Redacted).
4 (Redacted)

5 Those were the things that he told me that day.

6 Q. Were these things that you had previously mentioned in your statement to
7 Mr Kilolo, that is, the specific dates and the specific troop movements and the specific
8 events? Did you mention all of those things to Mr Kilolo in February of 2012 when
9 you interviewed with him and the woman that was working with him?

10 A. In February 2012, I had not given him the date on which the MLC troops had
11 arrived in Bangui, nor did I talk about (Redacted). It was on the 26th of
12 May 2013. In actual fact, he was the one who gave me that date.

13 THE INTERPRETER: (Redacted). That happened on 26
14 of May.

15 MR VANDERPUYE:

16 Q. I see. Do you remember testifying in the Bemba trial about whether you knew
17 Mr Arido?

18 A. No, I didn't say that. I just remember something he might have said. He said,
19 I think, that if I got here, I had to say that I didn't know Mr Arido. That's what
20 Mr Kilolo told me to say.

21 Q. Is that what you testified to in the Bemba trial, to your recollection?

22 A. Yes, I remember that. When I was asked, I didn't say that I knew Mr Arido.

23 Q. And do you recall being asked about (Redacted) during the course of your
24 testimony in the Bemba trial?

25 A. That day I said that I did not know him.

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1 Q. "That day" meaning the day you testified, I guess?

2 A. That's what I said when I gave testimony via video link. I was asked questions
3 about (Redacted), and I had said that I didn't know him.

4 Q. Why did you say that?

5 A. It was at the instructions of Mr Kilolo. He told us to tell the Court that we did
6 not know any of those people.

7 Q. Do you recall being asked in your testimony in the Bemba trial about whether
8 you received any payment from the Defence or anyone acting on behalf of the Bemba
9 Defence?

10 A. Yes, I remember that.

11 Q. What did you testify in respect of the question put to you about whether you
12 received any payment from the Defence or anyone else acting on behalf of the Bemba
13 Defence?

14 A. Well, as for the money, I said that I did not receive anything from Mr Bemba's
15 lawyers.

16 Q. Do you remember being asked about whether you received any money for
17 reimbursement of travel expenses, food and things of that nature in the course of your
18 testimony in the Bemba trial? Do you remember that question?

19 A. I don't exactly remember.

20 Q. Would it help you remember to see the question that was put to you or the
21 answer put to you or if I read it to you; would that help you?

22 A. Yes, if I'm shown the document, I might remember.

23 Q. All right. Let's give that a try then. If we could have in eCourt please, it's a
24 transcript reference in the main case 01/08, transcript number 330 for your Honours'
25 benefit. In the English it's behind tab 1 -- tab 21, I'm sorry, of your binders in the

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1 English, I said; and in the French it's tab 22. Transcript lines are -- or page, rather,
2 page 21 in the English, lines 23 through page 22, line 4. And in the French it's page
3 23, lines 15 through 21.

4 THE COURT OFFICER: I am sorry. With your leave, Mr President, may I have an
5 ERN number, or should I retrieve this document from TRIM?

6 MR VANDERPUYE: I think you'll have to retrieve it from TRIM. Sorry about that.
7 If there is no objection, I can just read it into the record. It might save some time, Mr
8 President.

9 PRESIDING JUDGE SCHMITT: Are there any objections if Mr Prosecutor reads it?
10 I think this really facilitates and shortens things. Please.

11 MR VANDERPUYE: Thank you. At page 22, transcript 330 in the English, starting
12 at line 1, it says:

13 "So when you met Mr Kilolo the first time, you weren't reimbursed for any travel
14 expenses or food; is that correct?"

15 And your answer is, "No, I did not receive anything. When he contacted me, I was
16 in (Redacted). I was there. I did not receive anything from him."

17 Previous to that question beginning at page 21, line 23, the question was put to you:

18 "Mr Witness, have you received any type of payment from the Defence or anyone else
19 acting on Mr Bemba's behalf?"

20 And your answer was: "No, never. The only person who gave me money was
21 (Redacted)."

22 Do you remember giving that answer -- those answers to those questions?

23 A. Yes, I acknowledge that.

24 Q. And the Chamber has just seen the receipt that you signed and heard your
25 testimony about the €50 you received for taxi fare following the first meeting. Why

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1 is it that you told the Chamber that you didn't receive any money from the Defence or
2 anyone acting on behalf of the Bemba Defence when you testified?

3 A. Mr Kilolo told me this: "Once you get to the Court, if you are asked about my
4 contacts with Mr -- you have to tell them that I received all these contacts in (Redacted),
5 and you mustn't say that you received money." So I only repeated what Mr Kilolo
6 had said to me.

7 Q. I see. And separately from the money that I've just indicated or you, rather,
8 testified about, the €50 for the taxi fare and then the €100 plus 150 that's reflected in
9 the receipt, did you receive any other money from Mr Kilolo?

10 A. Yes. As for the €250, he gave me 149 -- 540,000 CFA francs.

11 Q. And when did he give you this 540,000 CFA francs? Was it before or after your
12 testimony in the Bemba trial?

13 A. He promised me on the 26th when we met one another, because we asked him
14 to be clear with us. We said: "What's going to happen?" We told him that Arido
15 had come to lie and to promise that we would be able to go to Europe. And we said
16 this time it's not going to be like before, that we were going to meet him personally.
17 But before going to testify, each person would receive 600,000 francs.

18 After Senator Bemba was released -- would be released, he would meet each one of us
19 individually in Kinshasa. That is what he said to encourage us, motivate us.
20 At the hotel he called me and wanted me to come and get what I was owed, and that
21 was at midnight at (Redacted). When I got there, rather than giving me
22 600,000, I received 540,000 francs.

23 Q. Did you discuss with him what was to be made of the balance of that 600,000?

24 A. Receiving that amount, I asked him the question. But before you were
25 talking -- I said to him, rather, "You were talking about 600,000 francs, but I only got

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1 540,000 francs."

2 He said to me, "Well, it was a problem with exchanging the money and I should calm
3 down" and afterwards he would take care of it.

4 Now, that day he gave me the money, and there were just two of us that day.

5 Q. All right. Which two of you were there that day? Just you and him,
6 Mr Kilolo, or you and someone else? It's not clear in the record.

7 A. There was no one. What I meant was Mr Kilolo and myself were at (Redacted)
8 (Redacted) in the waiting room. There was no one else.

9 Q. When you received the money from Mr Kilolo, was that before or after you met
10 with representatives from the Victim and Witnesses Unit?

11 A. It was after. He called me on the telephone and I gave him the number of my
12 telephone, and so that is how he called me to give me that money. And I should
13 specify that that was after our meeting with the VWU.

14 Q. When you discussed the 600,000, you mentioned that there was a group of you.
15 I think you used the word "us," he promised "us." First of all, I want to clarify for the
16 record who do you mean by "us"?

17 A. He promised us, the five of us who were supposed to testify, (Redacted)
18 (Redacted). We were in a group. It was not just me. But
19 when he gave me the money, I was with him, alone with him.

20 Q. And when you discussed this payment or promise of 600,000 with the group,
21 Mr Kilolo and the group, where was Maître Jean-Jacques?

22 A. Jean-Jacques was present.

23 Q. When you were given over to or presented to the members of the VWU, the
24 Victims and Witnesses Unit, (Redacted)?

25 A. Yes. (Redacted)

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1 (Redacted)

2 Q. You mentioned something a little bit earlier about discussing with Mr Kilolo
3 what Mr Arido had said. And I jotted it down, I'm not sure if I can find it in the
4 transcript right away, but it said something like Arido had come to lie and promised
5 that we could go to Europe. Do you remember having said that?

6 A. Yes, I remember. That's what I said to him.

7 Q. All right. So what did you mean by that, that Arido had come to lie and to
8 promise that we would be able to go to Europe? When you said that to Mr Kilolo,
9 what were you conveying to him or trying to tell him?

10 A. We had made a commitment to come and give testimony. So, you see, it was a
11 contract. It was a deal. And we went. We realized that -- well, you see, one
12 person was not able to -- it was (Redacted) couldn't finish his testimony, and they
13 took advantage of us. They went away. And we wanted to know more. We wanted to
14 have a clear picture before we came and gave testimony.
15 So we realized that Arido had betrayed us. And so we were left empty-handed.
16 And so we wanted everything to be clear before we would go and give testimony.
17 So Mr Kilolo reassured us saying that he knew where Arido was, but we shouldn't
18 follow. And Mr Kilolo gave a commitment, he guaranteed that he would take care
19 of each and every one of us individually.

20 Q. Did you explain the deal to Mr Kilolo in the course of that conversation?

21 A. When we met with Mr Kilolo, there was no promise made to us. Arido was
22 our leader. And I did not know what they had agreed amongst themselves. What
23 was of interest to me was what was going to happen and what I was going to receive
24 after my testimony. That is why he promised me that amount of 600,000 francs.
25 He told us that after Bemba would have been released from prison, we were going to

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1 meet with him in Kinshasa.

2 Q. Okay. Do you know if besides yourself any other -- any of the group of
3 individuals you were with, the five individuals you mentioned, besides yourself, did
4 anyone else receive money from Mr Kilolo, if you know?

5 A. Yes, they also received money. They called me and confirmed it. They told
6 me that they had received the same amount of money, that is 540,000 francs CFA, that
7 is what they confirmed to me.

8 Q. And is that everyone, everyone in your group to your knowledge?

9 A. Yes, all five of us, each person received that amount of money.

10 Q. After your testimony, did you have any further contact with Mr Kilolo?

11 A. After my testimony, he called me from time to time to inquire about my health
12 because I was not very well. The last call I received from him was in November 2013.
13 He told me that he was travelling to Kinshasa and that he was going to pass through
14 (Redacted) and that he absolutely wanted to meet with me before continuing on his
15 journey.

16 When he arrived to (Redacted), he called me and he asked me to join him in
17 (Redacted). I told him that I was not well and I could not travel to (Redacted).

18 But (Redacted) to meet him. So he promised
19 to make a gesture. He asked me to give him a name other than the name of my
20 fiancée so that he should send some money. So I sent him the name of (Redacted),
21 (Redacted) and he sent the amount of 100,000 francs to (Redacted).

22 I asked (Redacted) to come from the village (Redacted)
23 (Redacted). That was the last contact that we had.

24 Q. What is (Redacted) name?

25 A. (Redacted) name is (Redacted). I really don't remember (Redacted) last name.

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1 Q. Did he say why you should give a name other than the name of your fiancée?

2 A. Yes. He told me to give him a different name because the Court was aware of
3 the name of my fiancée.

4 MR VANDERPUYE: I'm sorry, if I could just have up in eCourt -- if the Court will
5 bear with me one moment. Thank you, your Honours. It's just behind tab 15 in
6 your binders. The ERN is CAR-OTP-0079-1541. Okay, we can go to the next page,
7 please, 1542. And if we could just blow up the right-hand corner of this -- left-hand
8 corner, I'm sorry, top.

9 Q. Do you recognize the name of (Redacted) in this document?

10 A. Yes, I can recognize the name.

11 Q. Do you recognize -- well, let me ask you. What is this document?

12 A. It is a payment slip for the money transferred by Mr Kilolo to me during his stay
13 in (Redacted)

14 Q. And you mentioned that you spoke to Mr Kilolo. Well, let me ask it: Did you
15 speak to Mr Kilolo before this payment was made?

16 A. Yes. Upon his arrival in (Redacted), he called me to inform me that he was
17 already there. I told him that I was ill and I was unable to travel to (Redacted). It is
18 for that reason that he asked me whether he should give the money due to me to
19 (Redacted) for him to give it to me. I said no. That is why he asked me to give him
20 a name different from my wife -- my fiancée's name so that he should send that
21 person the money. And I sent him the name of (Redacted).

22 Q. Do you remember the telephone number that you used to communicate with
23 Mr Kilolo in and around that period of time after your testimony?

24 A. I no longer remember the phone number. However, it was the number of the
25 SIM card that I put into the phone that he had given me. So I bought a new SIM card

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1 and put in that phone and that is what we used to communicate.

2 Q. Do you recall being asked about this during your interview with the Office of
3 the Prosecutor, about the telephone numbers that you used to communicate?

4 A. Yes, they asked me questions about that.

5 Q. Would it help refresh your recollection as to the telephone numbers you gave if
6 I were to either show you or to read to you what you said during the course of your
7 interview?

8 A. Yes, I think that could jog my memory.

9 MR VANDERPUYE: All right. Then we can go to CAR-OTP-0078-0206. For your
10 Honours' benefit that's behind tab 8 of your binders, lines 343 through 347, at page
11 216.

12 All right. I see we have it up on the screen. If we could go down to the -- yes.

13 Q. At line 347, do you recognize that telephone number, sir?

14 A. Yes, I recognize that number.

15 Q. Was that a phone number that you used to communicate with Mr Arido, with
16 Mr Kilolo and so forth?

17 A. I had this number in August 2012. But the number (Redacted) was the number
18 that I used to communicate with Arido. In 2012, Arido called me on that number,
19 and I told him that the number ending in (Redacted) had some problems, and so I
20 gave Arido the number beginning with (Redacted).

21 When Kilolo arrived, he called me using that number. Subsequently, when Kilolo
22 gave me a new telephone, I put a new SIM card in that telephone, but I do not
23 remember the number of that SIM card.

24 Q. All right. Let me ask you -- first let me show you something. Prior to
25 receiving the 100,000 CFA, did you communicate with Mr Kilolo using your

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1 telephone?

2 A. No. I was not the one who called him. He was the one who called me. After
3 sending me the money, he also sent me an SMS with a Cameroonian number on the
4 other telephone.

5 MR VANDERPUYE: Could I have in eCourt please CAR-OTP-0088-0370. It's
6 behind tab 38 of your Honours' binders.

7 Q. This is a report that concerns certain information that was extracted from the
8 telephone of Mr Kilolo just to orient you as to what it is. Let me take you now to
9 page, ERN page ending 0377. And I just want to focus you first on the bottom of the
10 page where you can see the date reflected, 26 October 2013. Do you see that in the
11 screen there on the bottom left side of the screen? Do you see the date 26
12 October 2013, number 12, on the left bottom side, on the left side of the screen at the
13 bottom?

14 A. Yes.

15 Q. And if we can go to the next page so we can see the accompanying entry
16 regarding that SMS at 9.50 a.m. And if we look in the second column, do you
17 recognize the telephone number that you see there?

18 A. Yes, I recognize it.

19 Q. Is that your phone number?

20 A. Yes, it is my number.

21 Q. All right. We can see here that there is, it says "(Redacted)" and then it gives a
22 name, "(Redacted)." Do you see that there on the third column?

23 A. No, I can't see that. It doesn't seem to be on the document. I can just see the
24 receipt number and a message that I sent asking for the money. I cannot quite see
25 the other things written there.

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1 Q. That's all right. You see the message that you sent?

2 A. Yes, I can see it. I can also see the message he sent to me with the name of the
3 person.

4 Q. The message that you sent is the one that begins with "OK. J'ai reçu le SMS le
5 montant c'est combien." Is that your message?

6 A. Yes, indeed, that is the message that I sent.

7 Q. All right. If we can go down, down this page and we can see that there is an
8 SMS on this page at 9.58 hours, 26 October 2013, item number 14. We'll go to the
9 next page to see what it says.

10 All right. Do you recognize your number on this message, (Redacted)? Do you see
11 that in the second column?

12 A. Yes, I recognize it. It is my phone number.

13 Q. Do you see the amount indicated in column number 3 that you were asking
14 about in your SMS?

15 A. Yes.

16 Q. And in response to that, do you see an SMS that you sent? It seems to say "OK.
17 Merci beaucoup." Do you see it there, 9.59 hours, 26 October 2013?

18 A. Yes, I see that.

19 Q. Okay. What I want to do very quickly is go back to page 377 in this document.
20 PRESIDING JUDGE SCHMITT: Mr Vanderpuye, the Chamber wants to remind you
21 that you are nearly 30 minutes over the time that we had expected for the
22 examination. Please keep that in mind and try to come to an end as soon as possible,
23 please.

24 MR VANDERPUYE: I will, Mr President. Thank you.

25 Q. In the SMS now on the screen before you at page 377, do you see the name of

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1 the expediteur, "(Redacted)." Do you see that on the screen there? It's in the middle
2 of the page.

3 A. Yes.

4 Q. We can just go very quickly back to CAR-OTP-0079-1542.

5 What I would like to do now is just go right to the middle of the screen, that's right
6 there where the mouse was, in the middle of the page. Do you recognize that same
7 name on this receipt?

8 A. Yes, I recognize it.

9 Q. This receipt reflects the payment that you received from Mr Kilolo, does it not?

10 PRESIDING JUDGE SCHMITT: I think we have the point and this is of course a
11 very, very leading question. But please move on; or perhaps it's a good idea to have
12 now the break until 11.30. And as I said, we expect soon the examination by the
13 Prosecution to come to an end.

14 MR VANDERPUYE: Thank you, Mr President.

15 PRESIDING JUDGE SCHMITT: I would like to inquire with the Defence, do you
16 have agreed on a sequence on questioning?

17 MR LAROCHELLE: The agreement is not yet complete, but I will start, and I'm
18 confident that we will take less than the total allocated of eight hours. But my
19 understanding is that we would go first, Maître Djunga and Maître Powles will go
20 after me, followed by, if there is anything left to ask the witness, by Maître Gosnell
21 and then that would be the order.

22 PRESIDING JUDGE SCHMITT: Thank you very much for this information.
23 Maître Djunga, do you plan to play an audio recording during your examination?

24 MR DJUNGA: (Interpretation) Yes, Mr President, we have an audio excerpt that
25 will be 20 minutes long.

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- 1 PRESIDING JUDGE SCHMITT: I would ask you to perhaps if it is possible if you
2 think to play the parts when it's your turn of the audio that you are referring to then
3 in your examination. We understand and we have heard two audios. The last time
4 the Chamber had the impression that it had -- perhaps the parts that have been
5 played could have been shortened. So please ask yourself and your team if this is
6 possible.
- 7 Of course, it is perfectly clear that such an audio gives an immediate, so to speak, an
8 immediate impression of the people who are speaking. But as I said, perhaps you
9 can critically ask yourself how it can be possibly contained and restricted a little bit.
10 So we have now our break until 11.30.
- 11 THE COURT USHER: All rise.
- 12 (Recess taken at 11.01 a.m.)
- 13 (Upon resuming in open session at 11.33 a.m.)
- 14 THE COURT USHER: All rise.
- 15 THE COURT OFFICER: Mr President, for the record we are in open session.
- 16 PRESIDING JUDGE SCHMITT: And since we hear nothing else from Mr
17 Vanderpuye, we stay in open session?
- 18 MR VANDERPUYE: I think not, Mr President. Yes, I'm going to try and wrap this
19 up very quickly.
- 20 PRESIDING JUDGE SCHMITT: So we go into private session, I understand?
- 21 MR VANDERPUYE: Yes, please.
- 22 PRESIDING JUDGE SCHMITT: We go into private session, and we trust what you
23 said, that you'll wrap it up.
- 24 *(Private session at 11.34 a.m.) Reclassified into open session
- 25 THE COURT OFFICER: We are in private session, Mr President.

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1 MR VANDERPUYE: Thank you. May I proceed, Mr President?

2 Q. All right. Witness, just a couple of points I wanted to go over with you. The
3 first is that you mentioned that you received a telephone. And I just wanted to
4 confirm with you whether or not the other people that you were with, the members of
5 the group also received telephones. Are you able to confirm that?

6 PRESIDING JUDGE SCHMITT: Just a moment. I have to read it.

7 MR LAROCHELLE: I think I have four observations.

8 PRESIDING JUDGE SCHMITT: Yes.

9 MR LAROCHELLE: It's leading. The witness said that he called the others, and
10 now the Prosecutor is not -- so the Prosecutor is not even using -- putting to the
11 witness a proper record of what he has said in the past. So we had an answer to that.
12 He explained how he called the others to go to that meeting.

13 MR VANDERPUYE: There may be a translation issue. My question has nothing to
14 do with how they got to the meeting or anything else. It has to do with the witness's
15 evidence that he gave earlier that he received, received a telephone as opposed to a
16 telephone call or something of that nature.

17 PRESIDING JUDGE SCHMITT: I can't state it definitely, but I also have the
18 impression that we have addressed this issue yesterday. But to be honest, we would
19 have to look into the transcript to make sure of this.

20 To shorten this up, ask the -- you have established that the witness has received a
21 telephone. The witness has said that, true or not. Perhaps you can near yourself
22 with a few steps to this question. And to be honest, I cannot -- I have a faint
23 recollection as I said that it has been addressed, but of course nobody in this room has
24 exactly in mind what we have talked about yesterday four and a half hours.

25 Please continue.

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1 MR VANDERPUYE: Thank you, Mr President.

2 Q. In the context of your -- I hope this comes out right -- in the context of your
3 meeting in May of 2013, 26, 25 May 2013, you mentioned that you received a phone; is
4 that right?

5 A. Yes, that's right.

6 Q. Were you the only one in the group to receive a phone during the context of that
7 meeting, the 25th, 26 May 2013, to your knowledge?

8 A. I received my telephone on the 25th. The others got theirs on the 26th.

9 Q. All right. And did you see how they got their phones on the 26th, or do you
10 know how they got their phones on the 26th?

11 A. On the 26th, I myself was there when they brought the same bag with the
12 telephones in it, and that's where the telephones were, in the bag. They were
13 distributed out of that bag. Each person chose.

14 Q. When you say they brought the phones in the bag, who are you talking about?

15 A. I no longer recall exactly who. I just know that on that day, the 26th, Mr Kilolo
16 and Mr Jean-Jacques were there. I no longer recall which person had brought the
17 bag.

18 Q. Okay. Would it have been a person other than one of those two, Mr Kilolo or
19 Maître Jean-Jacques?

20 A. There was no one else than those two. So it could only be one of the two, that
21 is to say either Kilolo or Jean-Jacques.

22 Q. Okay. And I just want to ask you a few questions about the circumstances of
23 your testimony or the period in which you were testifying in the Bemba trial. After
24 you were given over to the Victim and Witnesses Unit representatives, did you have
25 further communication with Mr Kilolo or any other member of the Bemba Defence

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1 from that point until the time you finished your testimony in the Bemba trial?

2 A. I haven't understood your question. Could you clarify it, because I haven't
3 understood your question?

4 Q. Sure, I will. You testified earlier that you received some 540,000 francs CFA
5 from Mr Kilolo in May 2013. My question is: After you received that money, did you
6 have further, any further communication or contact with Mr Kilolo up until the point
7 that you finished your testimony in the Bemba trial?

8 PRESIDING JUDGE SCHMITT: Yes, please.

9 MR GOSNELL: Objection, leading, Mr President.

10 PRESIDING JUDGE SCHMITT: Sustained.

11 May I, may I? I'll try to do my best, yes?

12 Do you recall when you were so-called handed over to the VWU?

13 THE WITNESS: (Interpretation) When Mr Kilolo arrived two days later, Max and I,
14 we were there. Unless I'm mistaken, that was the 28th of May, and that was the day
15 that I was handed over to the VWU.

16 PRESIDING JUDGE SCHMITT: And then do you recall when you testified (Redacted)
17 (Redacted) in the other case?

18 THE WITNESS: (Interpretation) Yes, I do remember the date. It was the 18th of
19 June 2013.

20 PRESIDING JUDGE SCHMITT: Mr Vanderpuye, I think you should continue then
21 and perhaps ask the witness about the period in between these two times that we
22 have established via these questions. Perhaps this would be a try that you can do.

23 MR VANDERPUYE: Thank you, Mr President. I'll do my best.

24 Q. Between 28 May 2013 or from 28 May 2013 --

25 PRESIDING JUDGE SCHMITT: Mr Vanderpuye, let me just one more question

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1 perhaps.

2 MR VANDERPUYE: Sure, sure. Thank you, Mr President.

3 PRESIDING JUDGE SCHMITT: Mr Witness, we have now heard from you, VWU,
4 28th of May, your testimony in June, I think, 20th of June you have said. In the time
5 in between, did you have any contact with the people that Mr Vanderpuye wants to
6 know from? He can clarify. I don't want to take over this and I want to finish that
7 here.

8 THE WITNESS: (Interpretation) What person are you talking about?

9 PRESIDING JUDGE SCHMITT: That's a perfectly correct question by the witness.
10 I hoped that Mr Vanderpuye would take over and step in in that respect because, as I
11 said, I'm not going to take all of this over.

12 MR VANDERPUYE: Thank you, Mr President. My question was originally about
13 Mr Kilolo or anyone that represented the Bemba Defence.

14 Q. Are you able to say if you had any contact with anyone from the Bemba Defence
15 or Mr Kilolo after May 28th, 2013?

16 A. The person that I was in touch with was Mr Kilolo. He was the one who called
17 me for me to go and get the money at (Redacted). He would call me regularly
18 on the telephone even before I gave my testimony.

19 Q. Did he call you during the period in which you gave your testimony?

20 A. Yes, he called me.

21 Q. What, if anything -- well, did you have a conversation with him when he called
22 you?

23 A. Yes, we did have a conversation.

24 Q. What was that conversation about?

25 A. Even before I gave my testimony, he called me one evening and he said to me

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1 that if ever the OTP wanted to meet with me, I would have to tell them that I only
2 wanted to speak in front of the judges. The first day of my testimony in the evening,
3 he called me once again, and he congratulated me saying that I had done well for
4 myself in front of the judges. That is what he told me.

5 Q. Did you have any further conversations with Mr Kilolo during your testimony
6 in the Bemba trial?

7 A. Yes. When I was ill, he had called me to ask about my state of health.

8 Q. Are those the only conversations you had with Mr Kilolo while you were
9 testifying in the Bemba trial?

10 MR LAROCHELLE: I'm sorry to interrupt. I really would like to see the end of this,
11 but this is not accurate, because he says "even before I gave my testimony." So the
12 first conversation he refers to clearly happens before the period Maître Vanderpuye is
13 now trying to put it in.

14 PRESIDING JUDGE SCHMITT: I think, I think we can move to another issue. I
15 think he has answered all the questions around possible conversations and we should
16 move to another point, if there is any more.

17 MR VANDERPUYE: There isn't. Thank you, Mr President.
18 Thank you, Witness.

19 PRESIDING JUDGE SCHMITT: Thank you for the moment. We now continue as I
20 understand with the examination by Mr Larochelle. Just a short remark in addition
21 to what I said before the break. Mr Djunga, you have what is perfectly correct, and
22 we appreciate that, you have submitted all these audio recordings yet, so if there
23 would be something that the Chamber would need to clarify, they could hear them
24 themselves completely. I just wanted to remind you and perhaps to reinforce a little
25 bit what I said before the break. I think you know what I mean by that. Thank you

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1 very much.

2 Mr Larochelle, please.

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

4 QUESTIONED BY MR LAROCHELLE:

5 Q. Good morning, Witness.

6 A. Good morning.

7 Q. I think it would be good if we stuck to this period of time, namely, June 2013

8 when you gave testimony in the main case. Is that all right with you?

9 You remember you testified over the course of three days, the 18th and 19th and the
10 20th of June. Do you remember that?

11 A. I remember the beginning. I remember the date I began giving testimony,
12 because I had to stop giving testimony because of my health, and the other days I no
13 longer recall.

14 Q. I think there is a mistake in the error -- in the transcript, the 25th I think. In
15 French I had said the 25th, not the 20th.

16 During that period when you were giving testimony, now I realise that you were
17 staying (Redacted), is that correct?

18 A. That's right.

19 Q. Was it (Redacted)?

20 A. It wasn't (Redacted).

21 Q. Am I to understand that after your testimony (Redacted)

22 is that correct?

23 A. (Redacted).

24 Q. Perhaps there has been a translation error. Could you confirm, Witness, that
25 you (Redacted)? Is that what

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1 you meant?

2 A. (Redacted).

3 Q. I'm asking about after, once you had finished, (Redacted), didn't you?

4 A. That's right.

5 Q. Am I correct that to say that (Redacted)

6 (Redacted), is that correct?

7 A. No, that's not right. (Redacted)

8 (Redacted).

9 Q. (Redacted). I think I heard you say every -- (Redacted)

10 (Redacted), is that what you said, (Redacted)?

11 A. I wasn't just (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 Q. And I think that after the end of your testimony, you must have turned to the

16 VWU so that (Redacted) is that correct?

17 A. I wasn't the one who asked for that. They were the ones who made that

18 decision. They suggested that I (Redacted). It wasn't a decision that

19 came from me.

20 Q. Your testimony was to the effect that the VWU had kindly suggested to you that

21 (Redacted), isn't that so?

22 A. Yes, that's right.

23 Q. And you didn't need to tell them that (Redacted) or that you had

24 not been able to find work or that your situation was such that you needed their

25 support. You didn't need to tell them that now, did you?

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1 A. I haven't understood your question. Could you please rephrase it?

2 Q. No problem. Did you tell the VWU that in order -- did you tell them that

3 (Redacted)

4 (Redacted)

5 A. Yes, I acknowledge that. But I didn't ask them for them (Redacted)

6 (Redacted).

7 Q. Did you tell the VWU that you had no money and that you needed money so

8 that you could make ends meet?

9 A. No, those words don't sound like mine. When Mr Kilolo handed me over to
10 the section, to the unit, he told me that as of that day (Redacted)

11 (Redacted), and that is why I didn't tell them that I had nothing to eat and I
12 needed something so that I could eat, no.

13 Q. Do you remember that the VWU (Redacted)

14 Do you remember that?

15 A. Yes, I remember.

16 Q. And do you remember that in September 2013, it looked as though that

17 (Redacted)

18 (Redacted)

19 A. No, it's just now that I've heard this from you.

20 MR LAROCHELLE: (Interpretation) Could we see, move to tab 49,

21 CAR-OTP-0091-0819.

22 THE INTERPRETER: Interpreter correction: 0892.

23 MR LAROCHELLE: (Interpretation)

24 Q. And in particular, could we go to 0909. Now, it's been completely redacted.

25 Let me move on just to take note of the date. And if we could move on to page 0910.

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1 PRESIDING JUDGE SCHMITT: I don't have it on the monitor. Now I think.

2 Okay.

3 MR LAROCHELLE: (Interpretation)

4 Q. Page 0910. And with the leave of the Judge I'm going to read the document.

5 The Prosecutor is talking about the account that you gave them, and this is what they
6 said, I'll read it in English:

7 (Redacted)

8 (Redacted)

9 MR LAROCHELLE: (Interpretation) I can see that my learned friend is on his feet.

10 PRESIDING JUDGE SCHMITT: Mr Vanderpuye.

11 MR VANDERPUYE: Yes, I'm not sure where my colleague is going with this since
12 the witness has indicated that this is the first time he's heard about that, and I don't
13 see what the document adds to that question.

14 PRESIDING JUDGE SCHMITT: I think a possible line of questioning could be if this
15 refreshes the memory of the witness, because this is something that he has obviously
16 a document from the VWU, and I would allow an additional question in that respect.
17 Please continue.

18 MR LAROCHELLE: (Interpretation)

19 Q. So, Mr Witness, in the final analysis, it is not the first time that you are hearing
20 that today that VWU wanted to (Redacted), right?

21 PRESIDING JUDGE SCHMITT: Mr Vanderpuye.

22 MR VANDERPUYE: Mr President, this is not a VWU document. I think Mr
23 Larochelle knows that. Nor does it recount or purport to have been communicated
24 to the witness. And so the suggestion in Mr Larochelle's question is inappropriate
25 because it suggests to the witness a fact which is not in evidence before the Chamber.

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1 PRESIDING JUDGE SCHMITT: What kind of document do we have in front of us
2 please then?

3 MR LAROCHELLE: Do I need to answer to that? Do I need to answer to that
4 objection? This is a document we received very recently from the Prosecutor where
5 notes are taken by a Prosecutor's investigation about the fact that the witness
6 complains that (Redacted). I don't understand what is the problem.

7 PRESIDING JUDGE SCHMITT: I think then it's perfectly, it's perfectly clear. Ask
8 the witness in respect of what you just have read. We can put it this way, confront
9 the witness with this, what you have read there, and ask him what he says about it
10 and then we finish this point.

11 MR LAROCHELLE: No problem, your Honour.

12 Q. (Interpretation) Mr Witness, based on what we have just read, the OTP
13 investigator noted that in September 2013 you told him -- he noted in May 2014 that
14 you had said that (Redacted) ever since November 2013. Does
15 that jog your memory?

16 A. I do remember that. I was talking about the (Redacted). They
17 (Redacted) in September. But they (Redacted). I was
18 never shown that document. I was called on the phone and was informed that I was
19 (Redacted) as from September. However, on the other hand,
20 they were going to continue (Redacted) and (Redacted). I was given
21 that information by telephone.

22 THE INTERPRETER: And Defence counsel -- from the interpreter -- had actually
23 said "September 2013."

24 PRESIDING JUDGE SCHMITT: So I think we have an answer and we can move
25 then on to another point.

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1 MR LAROCHELLE: (Interpretation)

2 Q. When you met with (Redacted) and the others, I suppose that you discussed
3 your respective problems with the VWU?

4 A. I did not quite understand your question. Counsel, please kindly rephrase.

5 Q. In the same document that we have just read, it is equally stated that VWU had
6 told you that you had (Redacted) in April 2014. Do you remember that?

7 A. I remember that, but I was not the one who said it. People from VWU called
8 me in March to inform me that (Redacted)
9 in April. So they were the ones who informed me about it. I was not the one who
10 said it.

11 Q. And so you had regular contacts with VWU for (Redacted) and so on.
12 You contacted them by telephone or email? How did you communicate with them?

13 A. Yes, we communicated by phone.

14 Q. Let me ask you this question: When you were discussing with (Redacted)
15 and the others, did you discuss together your relationships with VWU?

16 A. Yes. We didn't conceal anything. We exchanged ideas. There were no taboo
17 subjects amongst us.

18 Q. And I suppose that together you tried to find ways and means of continuing to
19 (Redacted), right?

20 A. No, that is not what we discussed. My idea was not (Redacted). We
21 did not agree (Redacted). On this particular issue, I do not know what the
22 others thought about it, but as far as I'm concerned, that was not the case.

23 All I know is that at one point the others (Redacted). But (Redacted)

24 (Redacted)

25 (Redacted)

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1 Q. And I suppose that with your colleagues, including (Redacted), you also
2 discussed your testimonies, that is the testimonies that you gave during the Bemba
3 trial?

4 A. Yes. There were five of us. But why are you focusing only on (Redacted)?
5 Why? There were five of us. Why are you asking questions relating only to
6 (Redacted)? What about (Redacted)?

7 PRESIDING JUDGE SCHMITT: Mr Witness, Mr Witness, it's not up to you to ask
8 questions. It's up to at the moment, it's up to the Defence to ask questions. And if
9 there is anything that the Chamber finds inappropriate in the questioning of Defence
10 or anybody in this room, we will step in.

11 So please continue, Mr Larochelle.

12 MR LAROCHELLE: (Interpretation) Much obliged, your Honour.

13 Q. Are you telling us that you wanted to (Redacted)?

14 A. I did not want to (Redacted). We did not agree with Mr Kilolo for me to
15 (Redacted). I did not (Redacted).

16 Q. Am I to understand that it was the VWU that compelled you (Redacted)
17 (Redacted)?

18 A. I never said that I was forced or compelled. What I said is that I did not wish
19 (Redacted). I did not say that I was forced to stay there.

20 When I was (Redacted) I regularly called Mr Kilolo to inquire about my situation. I
21 asked him why he did not find solutions for my case, why I was (Redacted).

22 Mr Kilolo advised me to save some money. That is what happened. I was not
23 forced (Redacted). I explained everything to Mr Kilolo, and he advised me (Redacted)
24 (Redacted) and save some money, because at one point no further payments
25 would be made to me.

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1 Q. But what prevented you from (Redacted)?

2 A. I stayed (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted).

6 Q. You have stated that you were in regular contact with (Redacted) and some
7 of the other witnesses. Did you discuss Mr Arido amongst yourselves?

8 A. Yes, of course. We talked about Mr Arido. The fact of the matter is that he
9 had exploited us. He had had the opportunity to go to the west, and we were not
10 very happy about that.

11 Q. I understand that you were all very angry against Mr Arido?

12 A. Yes, of course, we were very angry.

13 Q. I suppose that you must have been quite happy when you heard about his
14 arrest in November 2013?

15 A. Why would I be happy with that? I didn't hear anything from him. And if he
16 was arrested, I could not be happy because of his misfortune. Even though I was
17 angry with him, I could not celebrate his arrest. I was angry with him because we
18 had a deal, but he exploited the situation and left. But to go as far as saying that I
19 was satisfied or happy about his arrest is not correct at all.

20 Q. With (Redacted) and the others, you continued discussing Mr Arido after his
21 arrest, is that correct?

22 A. No. When Arido was arrested, I read about the news on the Internet. I called
23 (Redacted) to inform him about it, but apart from that, we no longer discussed Mr
24 Arido.

25 Q. So are you telling us that as soon as Mr Arido was arrested you no longer

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1 discussed him with (Redacted) and the others?

2 A. No, that is not what I said. I know why I was angry. It is because he put my
3 life at risk, and I was threatened by (Redacted). That is why I was angry. Given
4 those circumstances, I started thinking about other things. I could not simply be
5 obsessed with Arido. We had other things to do than to speak about Arido. Our
6 objective with that deal was to be comfortable, to be satisfied. That was it.

7 Q. And when you heard about that arrest, I suppose that -- I suppose that you
8 yourself were not afraid of being arrested, is that correct?

9 A. No, I was not afraid at all.

10 Q. And yet you were aware that you had given false testimony in the case?

11 A. Yes, of course. I was aware that it was false testimony. I was expecting to
12 give an account of the circumstances and how we got to be there. But I did not
13 voluntarily come to give false testimony. I heard about the ICC on the TV and other
14 sources of information. It is Arido who implicated me in this matter. I was not
15 afraid. I was prepared to bear all the consequences, so I was not afraid when I
16 learned about the arrest of Mr Arido.

17 Q. So what you are saying is that it was not your fault? It was Arido's fault that
18 you lied, is that correct?

19 A. No, it was not my fault. It was Arido's fault.

20 Q. What about (Redacted), was that his own position too, that it was not his
21 fault, it was Arido's fault?

22 A. I do not know what (Redacted) was thinking. I cannot read his thoughts.
23 All I can tell you is what I myself think, what I feel, my own point of view.

24 Q. But at least you can tell us what (Redacted) told you. Did he tell you that he
25 also thought that it was Arido's fault that he lied?

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1 A. To say that (Redacted) had the same opinion, yes, indeed, that was the
2 situation. It was Arido's fault.

3 Q. The arrest occurred in November 2013. And in the course of your testimony
4 you stated that it was a burden on your conscience and that is the reason why you
5 decided to go and meet with the Prosecutor, is that correct?

6 A. That is correct.

7 Q. Would you acknowledge that your conscience was helped by the fact that you
8 received a call from the (Redacted)?

9 A. No, not at all. When the (Redacted) called me, he never told me that
10 he was calling on behalf of the OTP. He told me that he had a (Redacted).
11 When I called him back, I asked him (Redacted). He told me that it
12 was not serious. He told me that if it was really something serious, (Redacted)
13 (Redacted). So he did not tell me that I was being called to
14 come and meet with the OTP.

15 Q. Did he tell you that this (Redacted) had to do with something?

16 A. No, he didn't say that to me. He told me to come by and see him the next day
17 at 10 in the morning, (Redacted)
18 (Redacted)

19 Q. Now, when the (Redacted) called you, you were still (Redacted)
20 (Redacted), weren't you?

21 A. Yes, I was still (Redacted).

22 Q. You understand French quite well, don't you?

23 A. Yes, of course.

24 THE INTERPRETER: (Redacted)
25 (Redacted).

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1 MR LAROCHELLE: (Interpretation)

2 Q. So this (Redacted) did not tell you that the people from the OTP wanted to see
3 you, is that correct?

4 A. (No interpretation)

5 MR KILENDA: (Interpretation) I believe I heard one of the interpreters say that he
6 did not hear the reply, page 47, lines 1 and 2, when Mr Larochelle said "You
7 understand French quite well," but apparently the interpreter did not hear the reply
8 from the witness.

9 PRESIDING JUDGE SCHMITT: I had the impression that the witness answered in
10 French, or didn't I? But perhaps we can clarify that. But I had the impression that
11 he, because he was asked about his capability in French, he answered in French. I
12 think it is solved by that. I think he said "bien sur."
13 It's on the transcript, so please continue.

14 MR LAROCHELLE: (Interpretation)

15 Q. Let me hark back quickly to your meetings and your walks in the park with
16 (Redacted) and the others. Do you remember everything that you talked about during
17 that time between June 2013 and February 2014?

18 A. I can't remember completely, but I do acknowledge that I might remember some
19 points.

20 PRESIDING JUDGE SCHMITT: Perhaps be more specific, Mr Larochelle. Nobody
21 will remember over a longer period everything that he has talked about with any
22 given person.

23 MR LAROCHELLE: (Interpretation)

24 Q. You agree that you did speak to Arido?

25 THE INTERPRETER: Correction: About Arido?

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1 PRESIDING JUDGE SCHMITT: Was the question to Arido or about Arido?

2 MR LAROCHELLE: About.

3 THE WITNESS: (Interpretation) We did talk about Arido when he was in that
4 place where he was, perhaps in France. After (Redacted) testimony, he called
5 me to tell me that Mr Arido had called him to congratulate him. And I asked him:
6 How did you find out that you testified before the Court? That is what I said to him.

7 MR LAROCHELLE: (Interpretation)

8 Q. You just made that up, this so-called call. (Redacted) apparently said to you
9 that Arido had called him to congratulate him after his testimony. He never said
10 that. You just made that up just a moment ago.

11 PRESIDING JUDGE SCHMITT: "Did you make that up?" perhaps as a question,
12 because the witness seems to be confused if you're just contesting something or if
13 you're asking something.

14 MR LAROCHELLE: (Interpretation)

15 Q. You just made that up, didn't you?

16 A. I haven't made anything up. As questions are put to me about Arido, I
17 remember certain things. This is not a fabrication, not at all. (Redacted) called
18 me just after his first testimony, and I remember that Mr Arido was in contact with
19 (Redacted) and the others. The person that he wasn't in contact with was me.
20 Let me repeat, I did not make anything up and I shall not make anything up. I'm
21 here to tell the truth. I'm no longer lying. This is what I saw and heard. That is
22 what I am telling the Court now.

23 Q. Do you know the total number of hours of testimony that you provided to the
24 Prosecutor?

25 A. We began on (Redacted), I began speaking to them on (Redacted)

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1 (Redacted) and we ended on (Redacted). However, I can't remember the
2 number of hours. I can only remember the day and the month.

3 Q. You are correct, we should measure it in terms of days. And during the course
4 of all those days, you never said anything about that incident. And now you've
5 come up with this today for the first time. That is why I am putting it to you that
6 you have made this up.

7 A. It is true that I had spoken to the OTP team, but I can forget some things, and if I
8 do remember, I will tell you so. If there are documents, the documents or the audio
9 recordings available to the OTP, if we could present them, maybe that will allow me
10 to remember. But I'm not making anything up. It's possible that I may have
11 forgotten a few points.

12 Q. In any event, we are now coming to the time when you met the Prosecution in
13 (Redacted). The Prosecution said to you that you were suspected of giving false
14 evidence in the Bemba trial. Do you remember that?

15 A. I remember.

16 Q. So you were still (Redacted). I realise that you felt that threatened, that you
17 were afraid?

18 A. Who could threaten me? I would like you to rephrase your question because I
19 don't understand it properly.

20 Q. Let's get one thing clear, you are saying that you never felt threatened
21 particularly between the time you testified in the Bemba trial and the time you met
22 the Prosecution? You never felt any sense of a threat, of intimidation?

23 A. What I said, what I'm saying is that it was (Redacted) who had threatened me.
24 And I said that to the Witness Protection Unit. My second fear had to do with
25 (Redacted). The other threat was the threat from (Redacted).

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1 Q. You never said -- now did you --

2 A. Yes, I've understood. Let me answer. That's what I said about (Redacted)

3 (Redacted). It

4 wasn't -- that's what I said.

5 And I also specified that in the false testimony I gave, (Redacted), and I

6 was afraid because, you see, (Redacted)

7 (Redacted). I'm not denying that.

8 Q. Now, if I understand correctly, (Redacted)

9 to you when you met with the Prosecution; is that what you are saying?

10 A. After I met with the OTP, I still felt threatened. Why? Because (Redacted)

11 (Redacted)

12 (Redacted), that is what I said.

13 Q. A few lines earlier you said: Who could threaten me? I stopped -- I've

14 stopped counting.

15 Now, are you going to acknowledge that when you met with the Prosecution you felt

16 threatened?

17 A. When you ask me the question -- well, you didn't make any distinction between

18 the remarks about (Redacted) and what I said about or -- correction -- what I said to

19 the OTP team. So when you asked me that question, I hadn't understood. That is

20 why I told you that when I met with them, I was not threatened.

21 Q. Whereas in actual fact you were threatened, is that the case? Yes or no?

22 A. I'd like you to clarify your question. What threat are you talking about? It is

23 true that I felt threatened. (Redacted). It's

24 important for you to specify where the threats you are talking about came from so

25 that I can understand.

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1 PRESIDING JUDGE SCHMITT: I think you could consider to move to another
2 point.

3 MR LAROCHELLE: I was about to do that, your Honour.

4 PRESIDING JUDGE SCHMITT: Okay.

5 MR LAROCHELLE: (Interpretation)

6 Q. When (Redacted) called you, (Redacted)?

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 Q. And I will briefly hark back to one point. When the Prosecution met with you,
18 they told you that you were a suspect. They suspected that you had lied in the
19 Bemba case; is that so?

20 A. They read the article to me and they gave me explanations.

21 Q. And you realized that you were a suspect, yes?

22 A. Yes.

23 Q. And that thus you could be prosecuted, isn't that so?

24 A. Yes, that's what I was told.

25 Q. And you knew that Kilolo, Bemba and the others had been arrested and put in

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1 prison a few months earlier, isn't that so?

2 (Redacted)

3 (Redacted)

4 PRESIDING JUDGE SCHMITT: Then Witness perhaps, can you repeat your last
5 answer? The interpreters had a problem with that. Please try to repeat it.

6 THE WITNESS: (Interpretation) Yes, I knew that I was a suspect.

7 PRESIDING JUDGE SCHMITT: I think perhaps, Mr Larochelle, you repeat the
8 question so that we have it on the record.

9 MR LAROCHELLE: (Interpretation)

10 Q. (No interpretation)

11 A. Yes, I knew that.

12 THE INTERPRETER: Apologies from the English booth. The question was:

13 Kilolo, Bemba and the others had been arrested and put in prison, isn't that so?

14 Apologies from the English booth.

15 PRESIDING JUDGE SCHMITT: So I think now we can move on. Excuse me.

16 MR LAROCHELLE: (Interpretation)

17 Q. I suppose that when the Prosecution met you, you yourself were afraid of being
18 put in prison, isn't that so?

19 A. Well, if I was afraid, I wasn't going to be going in front of them. But if I was
20 afraid that (Redacted)

21 (Redacted).

22 Q. So you talked to the Prosecution about your own situation and the fact that you
23 were willing to give a statement, isn't that so?

24 A. That's right.

25 Q. And at that point in time, did you tell the Prosecution that you were staying

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1 (Redacted) and you were hoping that the Court would continue to take care of you if
2 you gave testimony for the Prosecution?

3 A. No. I don't believe I said anything like that.

4 Q. But all the same, you must have told the Prosecution that you were still staying
5 (Redacted) where you had been placed after your testimony for the Defence?

6 A. The Prosecution people asked me (Redacted)
7 (Redacted).

8 Q. I suppose you also told them that it was the VWU that (Redacted)
9 (Redacted)?

10 A. Yes, that is what I said.

11 Q. You told them that (Redacted)?

12 A. I didn't talk to them about (Redacted). I told them that the VWU was
13 handling (Redacted).

14 Q. You certainly asked them what was going to happen with (Redacted) and the
15 benefits you were getting from the VWU if you were to become a Prosecution
16 witness?

17 A. No, I didn't say that to them. I said to them that I agreed to cooperate with
18 them, but I did not talk to them about (Redacted). I said that I was willing to
19 cooperate. I did not talk to them about after the testimony or anything in exchange.
20 I told them that I wanted to resume my usual life and behave myself, be a good
21 citizen, everything that we had talked about with the Prosecution team.

22 Q. Meeting, the meeting for which we have documents, that meeting was over two
23 days, (Redacted), and I realise that at no
24 time during those days did you talk about protection measures or benefits that you
25 were to become a Prosecution witness, is that correct?

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1 A. I talked to them about my protection. That doesn't mean that I was focusing
2 on (Redacted). I was really stressing my protection because that was very
3 important to me. I also mentioned to them that I wanted to have a lawyer before
4 testifying.

5 Q. In actual fact I would imagine that your protection was the first thing you
6 talked to the Prosecution about when they suggested that you become one of their
7 witnesses?

8 A. No, it wasn't about protection. I really stressed the fact that I wanted a lawyer.
9 I told them that it was very important to have a decision or to have a lawyer beside
10 me so that my statement could not be used against me, and after I told them all of that,
11 I talked to them about my protection.

12 PRESIDING JUDGE SCHMITT: I think, Mr Larochelle, we can stop here for the
13 moment of course only and we have the break until 2.30.

14 THE COURT USHER: All rise.

15 *(The hearing ends in private session at 1.01 p.m.) Reclassified into open session

16 RECLASSIFICATION REPORT

17 Pursuant to Trial Chamber VII's instructions, ICC-01/05-01/13-1209, dated
18 2 September 2015, this lesser redacted public version of the transcript is filed in the
19 record of the case.