

1 International Criminal Court
2 Trial Chamber VII - Courtroom 1
3 Situation: Central African Republic
4 In the case of The Prosecutor v. Jean-Pierre Bemba Gombo, Aimé Kilolo Musamba,
5 Jean-Jacques Mangenda Kabongo, Fidèle Babala Wandu and Narcisse Arido
6 ICC-01/05-01/13
7 Presiding Judge Bertram Schmitt, Judge Marc Perrin de Brichambaut and
8 Judge Raul Pangalangan
9 Trial Hearing
10 Thursday, 29 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 Could the court officer please call the case.
16 THE COURT OFFICER: Good morning. Yes, Mr President. The situation in the
17 Central African Republic in the case of The Prosecutor versus Jean-Pierre Bemba
18 Gombo, Aimé Kilolo Musamba, Jean-Jacques Mangenda Kabongo, Fidèle Babala
19 Wandu and Narcisse Arido, in the case reference ICC-01/05-01/13.
20 For the record, we are in open session.
21 PRESIDING JUDGE SCHMITT: Thank you. I ask for the appearances of the parties.
22 Please, Mr Vanderpuye.
23 MR VANDERPUYE: Thank you, Mr President. Good morning to you, your
24 Honours, everyone. Today the Prosecution is represented by Ruth Frolich, seated to
25 my left; behind her, Colleen Gilg; and to her right, Sylvie Vidinha. I'm Kweku

1 Vanderpuye.

2 PRESIDING JUDGE SCHMITT: And if we look at our left we see a new face, to put
3 it this way. I assume you are Mr Hjalmarsson, is this correct?

4 MR HJALMARSSON: Yes. Good morning, your Honours. My name is Göran
5 Hjalmarsson. I'm a Swedish lawyer and I'm legal advisor for (Redacted).

6 PRESIDING JUDGE SCHMITT: Thank you very much.

7 Now for the Defence, as always procedure every day you could say.

8 MR GOSNELL: Good morning, Mr President. Christopher Gosnell and Rita Yip
9 for Mr Mangenda.

10 MR DJUNGA: (Interpretation) Good morning, Mr President. Good morning,
11 your Honours. The only change today is the presence of Madame Rosalie Mbengue,
12 who is our case manager. She is with us today.

13 PRESIDING JUDGE SCHMITT: Mr Taku or Mr Kilenda.

14 MR KILENDA: (Interpretation) Good morning, Mr President. Good morning,
15 your Honours. Our team has remained the same.

16 MR TAKU: The same situation with us, your Honours, our team remains the same.

17 MS TAYLOR: Good morning, Mr President, your Honours. The Defence for
18 Mr Bemba has doubled and is represented by myself and Ms Ines Pierre de la Brière.
19 Thank you.

20 PRESIDING JUDGE SCHMITT: Thank you very much.

21 Before we start, for your information, the Chamber wishes to announce when we will
22 sit in the next two weeks. Next week the Chamber will, let me put it this way, only
23 sit from the 2nd until the 5th November, meaning Monday to Thursday. The
24 Chamber will not sit on 6 November.

25 For the week of the 9 November, the Chamber will sit on the 9 November for

1 two-hour sessions from 9 until 11 and 11.30 until 13.30.
2 The Chamber will then not sit from the 10th until the 12th of November because there
3 are other commitments of judges on the bench, judicial commitments. On 13
4 November 2015, that is a Friday, the Chamber will sit during the normal hearing time.
5 And then I think I can also announce that the week after, I think that's the 16th until
6 the 20th of November, we will sit every day and have the procedure as usual.
7 So there are in the next two weeks, there are plenty of -- there are a couple of free
8 days, to put it this way.

9 The Chamber turns now to the upcoming testimony of Witness 20. We will discuss
10 the issue of protective measures and Rule 74 assurances. For this we need to go into
11 private session, please, court officer.

12 (Private session at 9.34 a.m.)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

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- 1 (Closed session at 9.41 a.m.)
- 2 (Redacted)
- 3 (Redacted)
- 4 (Redacted)
- 5 (Open session at 9.42 a.m.)
- 6 THE COURT OFFICER: We are in open session, Mr President.
- 7 PRESIDING JUDGE SCHMITT: Thank you.
- 8 Good morning, Mr Witness.
- 9 WITNESS: CAR-OTP-P-020
- 10 (The witness speaks French)
- 11 THE WITNESS: (Interpretation) Thank you.
- 12 PRESIDING JUDGE SCHMITT: You are going to testify before the International
- 13 Criminal Court. On behalf of the Chamber I would like to welcome you in the
- 14 courtroom, Mr Witness.
- 15 THE WITNESS: (Interpretation) Thank you.
- 16 PRESIDING JUDGE SCHMITT: This Chamber has been established to try the case
- 17 of the Prosecutor against Mr Jean-Pierre Bemba Gombo and others. You are called to
- 18 testify to assist us in our search for the truth.
- 19 Mr Witness, there is a card in front of you with a solemn undertaking to tell the truth.
- 20 Could you please read out loud this card?
- 21 THE WITNESS: (Interpretation) I solemnly declare that I shall speak the truth, the
- 22 whole truth and nothing but the truth.
- 23 PRESIDING JUDGE SCHMITT: Thank you, Mr Witness. You are now under oath.
- 24 You have already been informed about the importance to speak the truth.
- 25 Nevertheless, I want to reiterate to you that as you have just promised, you have to

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1 speak the truth, and it is an offence within the jurisdiction of this Court to give false
2 testimony.

3 Can we please go now into private session.

4 (Private session at 9.44 a.m.)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

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17 (Redacted)

18 (Open session at 10.22 a.m.)

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

20 MR VANDERPUYE: May I proceed, Mr President?

21 Thank you, Mr President.

22 Q. Mr Witness, I'd like to know if since testifying in the case against Mr Bemba

23 you've been contacted by any of the Defence teams in this case, that is, either by the

24 Defence team of Mr Kilolo or Mr Mangenda or Mr Babala, Mr Arido or Mr Bemba?

25 A. I've never been in contact with them.

1 Q. And what I'd like to know is -- what I'd like to know is prior to your testimony
2 in the case against Mr Bemba, in October of 2012, you were contacted by members of
3 Mr Bemba's Defence?

4 A. Yes, it is true. I met with Mr Kilolo in (Redacted), but only with him. There
5 were not two or three of them. He is the only person I met with in (Redacted).

6 Q. And were you in contact with him by telephone prior to your testimony in
7 October of 2012?

8 A. No. It was in June of 2012 Mr Kilolo came to (Redacted). He called me on the
9 telephone and asked me if I could come and meet with him. He was Mr Bemba's
10 lawyer. I accepted. I told him that yes, I could meet with him. That is what it
11 was.

12 Q. Do you recall what telephone number you used at that time?

13 A. You know that I have several telephone numbers. When I am in (Redacted), I
14 use these numbers. But when I go to (Redacted), I do not use these numbers. And I
15 do not keep the same telephone number. I change from time to time.

16 PRESIDING JUDGE SCHMITT: I think when we're asking telephone numbers, we
17 have to go into private session. I think we are in open session still, so I would
18 suggest we go into private session.

19 MR VANDERPUYE: Thank you, Mr President.

20 (Private session at 10.26 a.m.)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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- 9 (Recess taken at 12.14 p.m.)
- 10 (Upon resuming in private session at 2.02 p.m.)
- 11 (Redacted)
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- 13 (Redacted)
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- 18 (Redacted)
- 19 (Redacted)
- 20 (Redacted)
- 21 (Redacted)
- 22 (Redacted)
- 23 (Open session at 2.03 p.m.)
- 24 THE COURT OFFICER: We're in open session, Mr President.
- 25 PRESIDING JUDGE SCHMITT: So, Mr Djunga, Maître Djunga has the floor.

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1 MR DJUNGA: (Interpretation) I thank you, Mr President.

2 QUESTIONED BY MR DJUNGA:

3 Q. Good afternoon, Mr Witness.

4 A. Good afternoon.

5 Q. As you will have understood, it is now the turn of the Defence of Mr Kilolo to
6 put a number of questions to you.

7 A. Thank you.

8 THE INTERPRETER: Message from the English booth: Both people are speaking
9 the same language. Could they please observe a pause?

10 MR DJUNGA: (Interpretation)

11 Q. (Redacted) for
12 whom you served, you were a witness of great importance as you witnessed the
13 armed conflict in the Central African Republic between October 2002 and March 2003,
14 is that correct?

15 A. That is correct.

16 Q. Thank you. And when you met with Maître Kilolo in June 2012, you provided
17 him with a great deal of information with regard to what unfolded during the conflict
18 in the 2002-2003 conflict in the Central African Republic?

19 A. That is correct.

20 Q. Mr Witness, there was never any agreement between Maître Kilolo and yourself
21 for you to take his defence in or during your testimony before the Court in 2013, was
22 there, there was never any agreement?

23 A. 2012, you mean, not 2013?

24 THE INTERPRETER: Message from the English interpreter: This has to be stopped.
25 They are overlapping speakers. We cannot --

1 PRESIDING JUDGE SCHMITT: We are both obviously too fast. It applies to
2 Maître Djunga and it applies to the witness. Please observe the 2 or 3-seconds rule.
3 Once you have finished your answer, Mr Witness, then Mr Djunga waits 3 seconds
4 and vice versa.

5 MR DJUNGA: (Interpretation) I thank you, Mr President. I believe that this is my
6 eternal issue, and I shall improve, I reassure you in that regard.

7 Q. Now, Mr Witness, I was putting the question to you, this question: There was
8 never any agreement, was there, between yourself and Maître Kilolo for you to take
9 his Defence in or during your testimony, was there?
10 For the Court, I do have a reference to provide you with, it is CAR-OTP-0077-0121 to
11 124, and that's line 100 to 101, and that's number 6 on the Prosecution's list of
12 documents.

13 And you said as follows, and I'm going to be trying to refresh your memory --

14 THE INTERPRETER: The interpreter does not have the excerpt on the screen.

15 MR DJUNGA: (Interpretation) "So I shall have to come to The Hague to tend his
16 defence or this or that. No, no."

17 Now, my question was that you had not made, had you, any arrangement with
18 Maître Kilolo for you to come and defend him by providing him with your support in
19 the context of your testimony, had you; is that correct?

20 A. (Redacted)

21 (Redacted). And certain events unfolded in 2002 and 2003.

22 And it was in 2000 -- well it was on the 14th or 15th of June in 2012 that I met Kilolo,
23 Mr Kilolo. I do not know -- well, I didn't know him before that. I don't know who
24 it was who gave him my telephone number. But as soon as he arrived in (Redacted),
25 he called me and he said "Can I contact him?"

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(Private Session)

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1 PRESIDING JUDGE SCHMITT: I think we have to go into private session because
2 constantly the witness -- it's for your protection, Mr Witness, that I interfere. I don't
3 want to interrupt you, of course. But I think in the flow of his narrative, he is giving
4 away information.

5 (Private session at 2.09 p.m.)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

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Witness: CAR-OTP-P-0020

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13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Open session at 2.21 p.m.)

21 PRESIDING JUDGE SCHMITT: We have a little bit of problem when it comes to

22 location also for the witness. Bear that in mind, you see what I mean by location?

23 Where he lives sometimes we are --

24 MR DJUNGA: (Interpretation) Well, I'll ask my colleague to keep an eye on that.

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

1 MR DJUNGA: (Interpretation)

2 Q. So, Mr Witness, when you freely accepted to come and testify before the Court
3 in order to shed light as you so say, you did not append any financial conditions to
4 your agreement to come to testify? There was never any question of money being
5 handed over for you in exchange of your testimony.

6 A. How could money be given to me for me to come and testify? Why? I came
7 to testify of my own volition before the International Criminal Court. I did not
8 negotiate with anybody. I did not negotiate.

9 Q. So that means that you did not even know that subsequently you were going to
10 receive money from Maître Kilolo or from whomsoever?

11 A. Counsel, I do have something to say to you. I know that Maître Kilolo is in our
12 midst. Since 19 October 2012, upon returning to (Redacted), I believe that it was on
13 the 20th, the next day I called Mr Kilolo. I called the security personnel in order to
14 inform them that I had got home okay.

15 And since 20 October 2012 to date, I have not seen or had any contact with Maître
16 Kilolo. I don't even have his telephone number. That is from the 20th of
17 October 2012 until today, I have not seen him. This is the first time I have seen him.
18 I have not been in constant contact with him.

19 After my testimony in The Hague, I called him to tell him that I had arrived home
20 safely. I called the security section to tell them that I had arrived home in one piece.
21 And to date I have not had any contact with Maître Kilolo or anybody for that matter
22 since 2012. And this is the first time that I have seen Maître Kilolo since then. If I
23 have lied, well, the president can ask and you can confirm that I have had no contact
24 with him since October 2012.

25 Q. Thank you, Mr Witness. We have understood you.

1 You did indeed tell us that he had sent you \$106, the equivalent of €60. So I wanted
2 to know whether you had had any reimbursements for your hotel, for your
3 sustenance, for your taxi, et cetera? Did you not receive anything on that day? That's
4 in June 2012 when you met him. We understood that he paid for your transport, but
5 that you paid out of your own pocket for the hotel, and you had to pay for a number
6 of other things, and that you did not receive anything from Maître Kilolo that day,
7 did you?

8 A. I paid for the transport with the money that Maître Kilolo had sent to me and
9 for the guest house, too. You're talking about a hotel, but it was a guest house. It's
10 not the same thing. There is a difference. (Redacted)
11 (Redacted).

12 PRESIDING JUDGE SCHMITT: I think we go into private session. We don't -- I
13 think we don't have to explain it. And we are on the safe side.

14 (Private session at 2.26 p.m.)

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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(Open Session)

ICC-01/05-01/13

1 (Redacted)

2 (Open session at 3.21 p.m.)

3 MR RODOMA: (Interpretation) Fear not, Mr President, we shall not be mentioning
4 any places or names.

5 THE WITNESS: (Interpretation) I thank you.

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

7 MR RODOMA: (Interpretation)

8 Q. Mr Witness, during this morning's session, many questions were put to you by
9 the Office of the Prosecutor, do you recall?

10 A. By the Office of the Prosecutor?

11 Q. By Mr Prosecutor representing the office of Madam Prosecutor opposite.

12 A. Of course.

13 Q. During these questions, a telephone number was mentioned. This is the
14 number ending with the figure 34.

15 A. 4834?

16 Q. Indeed. And during the question put to you, this is in fact the French
17 transcript, it's T-31, lines 20 to 28, and for the English transcript, page 41, lines 12 to
18 22.

19 Are we there?

20 A. No, I do not have it before me.

21 Q. But you do recall though?

22 A. No, you may continue.

23 Q. Now, during the questions that were put to you, the Prosecution asked you as
24 follows:

25 "Mr Witness, I am showing you an item of evidence that was tendered into the case,

Trial Hearing
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(Open Session)

ICC-01/05-01/13

1 and this is an annex to a report. It is a sequential table for some of your -- some
2 telephone calls and some information pertaining to those telephone numbers. I'd
3 like to call your attention or draw your attention to row number 1220, and I'd like to
4 ask you whether you recognize that telephone number, your telephone number at
5 line 20?"

6 And your answer is as follows --

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

8 MR RODOMA: (Interpretation)

9 Q. For the record, the telephone number ending 4834.

10 "Yes" was your answer; that's correct?

11 A. Yes, that is my telephone number.

12 Q. Very well. Thank you.

13 And the Prosecution continued, referring to a transfer that was made at the time
14 when you were leaving for the airport on your way to The Hague, we will agree on
15 that?

16 A. Um.

17 Q. And at that time the Office of the Prosecutor asked you to situate in time the
18 transfer of said money, to which you responded, and this is still transcript that is T-31
19 in the French version, page 23, you answered as follows:

20 "The transfer took place on the 16th, that is the same day that I travelled from
21 (Redacted) to The Hague. We do agree on that?"

22 A. Yes.

23 Q. Thank you. And you went on in response to the Prosecution saying -- well,
24 you were asked to locate in time the moment at which you received or the moment at
25 which you allegedly received a call from Kinshasa.

1 A. Yes, of course, that was before I left for the airport. I received a telephone call
2 from Kinshasa.

3 Q. Thank you. And your answer was as follows:

4 And for the Court, this is still the French version of the transcript T-31, and in the
5 English version it's page 40, lines 10 to 15, and your answer is as follows, Mr Witness:
6 "Yes, if I am not correct -- if I'm not mistaken, it was between 9 and 10 o'clock."

7 A. Yes, it was between 9 and 10 o'clock, because I was hurrying to go and get the
8 bus to go to the airport.

9 Q. I thank you. And so I therefore deduce that were there to have been a
10 telephone call, it would have come to your number finishing with 34?

11 A. Yes, that's right. I had two or three numbers. But it was that number that I
12 remember.

13 Q. The 34?

14 A. Yes, 34.

15 Q. Now, for the Court, if the Registry would be so kind as to call up upon the
16 screen tab 51 of the Prosecution documents, CAR-OTP-0090-0630, page 720.

17 PRESIDING JUDGE SCHMITT: When we are starting to mention complete
18 telephone numbers, it would be critical, we are aware of that, yes?

19 MR RODOMA: (Interpretation) Fear not, Mr President, I will not provide any full
20 telephone number.

21 Q. Mr Witness.

22 A. Yes?

23 Q. Can you see it on the screen?

24 A. Yes, I can.

25 Q. Can you draw your attention to two lines, that is line 18 and 19 of the document,

1 please.

2 A. 18 and 19? I don't understand. Are these phone calls or what?

3 Q. Without going into any details, the table that you have before you is a table
4 recapping or listing the telephone conversations in the period referenced in the
5 document.

6 A. Well, I don't understand. From -- well, one moment, please. On the 16th and
7 the 17th and the 18th and the 19th, I didn't have any telephone on me, so how could I
8 have made any calls?

9 Q. Well, I might specify the question is not that. On the 16th, you were travelling
10 from your place of residence to the headquarters of the Court, is that not correct?

11 A. Yes.

12 Q. And you said, something which you have just confirmed, that the telephone call
13 that you allegedly received at the time when you were leaving from your country of
14 origin to the seat of the Court is a call that is said to have been placed between 9 and
15 10 o'clock, is that correct?

16 A. Is that the call from --

17 Q. If we are in open session, so do not provide us with the origin of the call, please.
18 We do understand each other, don't we? I just am trying to show you here the
19 period during which that call was allegedly -- and I'm using the condition tense
20 here -- made.

21 And to help you, with the leave of the Court, the Chamber, please, Mr Witness, look
22 on this document at line 3, which is just after the date, and if you consult line 18, you
23 have "Voice" in the first column, then you have the date, and in the third column you
24 have the time at which this telephone call took place.

25 A. Well, I do not have this number before me. I just have 12 to 32.

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1 PRESIDING JUDGE SCHMITT: There is a misunderstanding obviously. I think
2 counsel means you have to look at 18 and 19, but row 3, I think. I don't want to
3 interfere, but -- or "column," "column" is the better word, yes.

4 Mr Witness?

5 THE WITNESS: (Interpretation) Mr President, can we go to closed session? I'm
6 asking if we can go to closed session?

7 PRESIDING JUDGE SCHMITT: Yes, we do, we go into closed session. We should
8 do so, yes.

9 THE WITNESS: Merci.

10 (Private session at 3.32 p.m.)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

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7 (Open session at 3.42 p.m.)

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

9 MS TAYLOR:

10 Q. Good afternoon, Mr Witness. My name is Melinda Taylor, and I'm the counsel
11 for Mr Bemba. We met yesterday afternoon. I was the one speaking very bad
12 French to you. Do you remember?

13 A. Yes, I know.

14 Q. I will try to be very brief. Mr Witness, I would like to bring you back to the
15 date of your testimony in the main case, and we've established today that was the
16 17th of October; that's correct?

17 A. Somewhere around the 17th or the 18th.

18 Q. Thank you. And that you arrived on the 16th and --

19 A. Yes, that is correct. Of course I arrived the 16th.

20 Q. And at some point after your arrival but before you started testifying,
21 representatives from the Office of the Prosecutor came to meet you, didn't they?

22 A. Yes, of course they came to greet me.

23 Q. And was it your understanding from this meeting that they wished to question
24 you; do you recall?

25 A. The Prosecutor's office? Yes, of course. The day I arrived, the 16th, well, the

1 next day, people from the Prosecutor's office wanted to put some questions to me,
2 and I answered no. I said that I preferred to be in the courtroom. I didn't want to
3 be confused, and this is why I said to the Prosecutor I would prefer if you ask your
4 questions directly in the courtroom, because otherwise it can be disturbing and
5 confusing.

6 So it was not out of ill will that I said no. I simply said that I would rather come and
7 testify directly, and that's how it happened. So it wasn't really out of ill will.

8 Q. Thank you, Mr Witness. Now, I'd now like to move on to another issue, and I
9 would just like to remind you not to mention any information concerning the country
10 I'm discussing with you or the place of residence. But if you feel uncomfortable,
11 please let me know and we can move into private session.

12 I'd like to bring you back to January 2014 and what you have described today as the
13 worst day of your life, Mr Witness.

14 And earlier today you testified that your wife was also taken forcibly on this day.

15 You were both questioned on the same day and you were together. Do you recall
16 saying that this morning, Mr Witness?

17 A. Yes, I do.

18 Q. So you were both arrested in front of your children?

19 PRESIDING JUDGE SCHMITT: Mr Vanderpuye.

20 MR VANDERPUYE: The witness never testified he was arrested. He was
21 specifically asked that question and he said he was not, and he described what
22 occurred, and I think my learned colleague well knows that.

23 PRESIDING JUDGE SCHMITT: Sustained.

24 MS TAYLOR: I apologise, Mr President.

25 Q. I believe you might have used the words "military fashion," is that correct?

1 "Police were involved in a military fashion" in bringing you to the police station, is
2 that correct?

3 A. I had explained these things this morning. I was clear. This is what
4 happened.

5 Q. Mr Witness, when you're at the police station, could you see your wife?

6 A. No. She was taken to a different part, and we were not together.

7 Q. So you didn't know what was happening to her?

8 A. No. But the police came with two vehicles. They took my wife in one of the
9 vehicles, and I was taken in the other one, and we went to the police station. She
10 was taken to one side of the station and I was taken to the other. That's the way it
11 was done.

12 Q. And this morning you testified that your wife didn't go to high school. She
13 just did the first two years of primary school. So would it be correct or fair to say
14 that you would have been anxious about her?

15 A. Yes, my wife did not go to secondary school. She stopped after the second or
16 third year of primary school. So when we were taken, we didn't know that this
17 involved people from the ICC. The policemen just took us forcibly. And I was in
18 fact still wearing my pyjamas, and I refused to go, and I insisted to be allowed to get
19 dressed before getting into the vehicle.

20 I did not know what the reason was. And I asked them: "Did I steal something?
21 Did I kill somebody? I don't know."

22 Then we were there for 20 minutes, and that is when we were told what was going on
23 by the people who had come from The Hague. That is how it took place. I didn't
24 know that they were there. I didn't know. Maybe it was another problem.

25 Q. And while -- I should wait. Sorry. And while you were at the police station,

1 were your children at home alone?

2 A. Well, the older ones had gone to school. After we left, the children went to
3 school. My mother was there, and my eldest who lives in France was there at the
4 time. So after we were taken to the police station, the children went to school.

5 Q. After this happened in front of your children, were you anxious about them?

6 A. Counsel, the police, the gendarmerie or the military come and take you away
7 forcibly and you don't know why. My children had to be worried. What did
8 daddy do? What did mommy do? Why are they being taken away? That's how it
9 is.

10 Q. Mr Witness, do you recall -- and if you don't, that's fine; we can bring it up on
11 the screen -- but it was an extract from your statement that my colleague read to you,
12 and it's a section where the -- I'm not going to name the nationality -- but the police
13 inspector informed you that if you would like a lawyer, they would have to call the
14 Court in -- I'm not going to mention the city -- and then they have to decide which
15 lawyer. Then the lawyer must come here. It would take a long time.

16 Do you recall that?

17 PRESIDING JUDGE SCHMITT: Mr Vanderpuye.

18 MR VANDERPUYE: I think the specific question was posed by my learned
19 colleague Mr Gosnell. The answer is on the record, and this is repetitious, and I
20 think the record is clear.

21 PRESIDING JUDGE SCHMITT: Let me have a look into the question again.

22 MS TAYLOR: Mr President, I haven't actually put a question.

23 PRESIDING JUDGE SCHMITT: If you have another question in that respect --

24 MS TAYLOR: Yes, yes.

25 PRESIDING JUDGE SCHMITT: -- then I would allow it.

1 MS TAYLOR: Yes.

2 PRESIDING JUDGE SCHMITT: But it is of course the same, if it was of course the
3 same question that Mr Gosnell has already put, then not.

4 MS TAYLOR: No, it's not, Mr President. It was just so the witness would
5 remember the specific part of his statement I'm referring to.

6 Q. Now, Mr Witness, would it be fair to say that you were at a police station.

7 Your wife was at a police station. Your children had seen you being brought into
8 this police station and were perhaps anxious. Would it be fair to say that you would
9 have been reluctant to wait a long time for a lawyer to come?

10 A. As soon as we arrived in the police station, I did not know that the investigators
11 were there. They were introduced a few minutes later. We met. I didn't even
12 know what the problem was. So how could I try to find a lawyer? I didn't even
13 know what was at issue. I wanted to be asked. Did I need a counsel? I could
14 have taken one automatically. But I didn't even know why I was there. So I didn't
15 ask for counsel. I didn't know why I was there. I don't know if I'm being clear.

16 PRESIDING JUDGE SCHMITT: This is of course an answer again.

17 MS TAYLOR: Yes. Thank you, Mr President.

18 Q. If I could just ask one final question leading on from that, which I don't believe
19 you answered. Would it be fair to say that you would not have wanted to prolong
20 your stay in the police station?

21 A. I did not want to -- I did not want to take counsel at that point because I didn't
22 know what the issue was. It was clear, I explained it, I didn't know why I was there.
23 Why would I automatically want to have counsel? And that's why I automatically
24 asked. A counsel costs money. How would I find the money to pay for a counsel?
25 And then I was told that I would have counsel. It would be paid for by the State.

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1 And I said: Try asking your questions. If I'm not able to, then I can decide to get a
2 lawyer.

3 And then I was heard during 48 hours without counsel.

4 PRESIDING JUDGE SCHMITT: I think, Mrs Taylor, I think --

5 MS TAYLOR: Yes, yes, Mr President.

6 PRESIDING JUDGE SCHMITT: There is -- I could imagine that you want to put
7 questions to the witness?

8 MR VANDERPUYE: I do, Mr President.

9 PRESIDING JUDGE SCHMITT: Not today.

10 MR VANDERPUYE: But I'm a creature of experience, that's right.

11 PRESIDING JUDGE SCHMITT: No, no. That's clear. So we will do that
12 tomorrow and you can remain standing I think, because I would like to inquire what
13 else can we expect tomorrow and the next days?

14 MR VANDERPUYE: Okay. Tomorrow, Mr President, we have another witness
15 who will start immediately after this one, P-243 I believe is ready, that's right. And
16 then next week we have I believe P-267 followed by P-214. P-214 is a little tentative
17 yet, but that's the plan.

18 PRESIDING JUDGE SCHMITT: Thank you for the information. (Microphone not
19 activated)

20 PRESIDING JUDGE SCHMITT: Excuse me. I start again. I had not had my
21 microphone on.

22 This concludes the testimony of the witness for today. We thank you for answering
23 the questions, Mr Witness. Tomorrow we will continue with your testimony. In
24 the meantime please have in mind you must not, and I repeat, you must not discuss
25 your testimony with anyone, neither with family nor with friends or with anyone you

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1 are in contact with. Do you understand this, Mr Witness?

2 THE WITNESS: (Interpretation) Yes, it is clear, Mr President.

3 PRESIDING JUDGE SCHMITT: Thank you very much, Mr Witness. Have a good
4 rest. We will see you again tomorrow.

5 Thank you for the moment for everybody, and also Mr Hjalmarsson, and we will see
6 you also tomorrow I think.

7 Please, Mr Witness?

8 THE WITNESS: (Interpretation) I would like to thank you very much, Mr
9 President, and everybody else who is present here today.

10 PRESIDING JUDGE SCHMITT: Thank you again. That concludes today's hearing.
11 We resume tomorrow at 9.30.

12 THE COURT USHER: All rise.

13 (The hearing ends in open session at 3.58 p.m.)