

Trial Hearing
Witness: CAR-D24-P-0001

(Open Session)

ICC-01/05-01/13

1 International Criminal Court
2 Trial Chamber VII - Courtroom 1
3 Situation: Central African Republic
4 In the case of The Prosecutor v. Jean-Pierre Bemba Gombo, Aimé Kilolo Musamba,
5 Jean-Jacques Mangenda Kabongo, Fidèle Babala Wandu and Narcisse Arido - ICC-01/05-01/13
6 Presiding Judge Bertram Schmitt, Judge Marc Perrin de Brichambaut and
7 Judge Raul Pangalangan
8 Trial Hearing
9 Monday, 21 March 2016
10 (The hearing starts in open session at 9.34 a.m.)
11 THE COURT USHER: All rise.
12 The International Criminal Court is now in session.
13 PRESIDING JUDGE SCHMITT: Good morning everyone. Please be seated.
14 Could the court officer please call the case.
15 THE COURT OFFICER: (Interpretation) Good morning. Situation in the Central African
16 Republic in the case of The Prosecutor versus Jean-Pierre Bemba Gombo, Aimé Kilolo
17 Musamba, Jean-Jacques Mangenda Kabongo, Fidèle Babala Wandu and Narcisse Arido, in the
18 case reference ICC-01/05-01/13.
19 And, your Honour, we are in open court.
20 PRESIDING JUDGE SCHMITT: Thank you very much. And I will ask for the appearances
21 of the parties. First, please, Mr Vanderpuye.
22 MR VANDERPUYE: Good morning, Mr President, your Honours. Good morning
23 everyone. Today the Office of the Prosecutor is represented by Hesham Mourad, seated to
24 my right; behind him, Olivia Struyven; to her left, Sylvie Wakchom; and to my left, Sylvie
25 Vidinha. I'm Kweku Vanderpuye. Good morning again.

1 PRESIDING JUDGE SCHMITT: For the Defence teams please, we start like always with the
2 Defence team of Mr Kilolo.

3 MR DJUNGA: (Interpretation) Good morning, Mr President. Good morning, your
4 Honours. The Defence for Mr Aimé Kilolo Musamba is provided by his two usual counsel
5 assisted by Lueka Grogga, the case manager.

6 PRESIDING JUDGE SCHMITT: And then for the defense of Mr Arido.

7 MS LYONS: Yes. Good morning, your Honours. The Arido Defence is represented by
8 Chief Taku and myself, Beth Lyons, associate counsel. We have three case managers with us
9 today; Tibor Bajnovic, Kiel Walker, and Michael Rowse; and Tharcisse Gatarama, our legal
10 assistant; and our client is here.

11 PRESIDING JUDGE SCHMITT: Thank you.

12 Mr Kilenda.

13 MR KILENDA: (Interpretation) Good morning, Mr President. Good morning, your
14 Honours. The Defence for Mr Fidèle Babala Wandu has two case managers this morning,
15 Maria-Adriana Manolescu, who is sitting by the side of Mr Babala; Antoine Robert; Maître
16 Azama Shalie Rodoma, co-counsel; and myself, Jean-Pierre Kilenda.

17 PRESIDING JUDGE SCHMITT: Thank you very much.

18 Mr Mangenda -- excuse me.

19 MR. GOSNELL: Thank you very much, Mr President. Indeed, it is Christopher Gosnell
20 representing Mr Mangenda today, accompanied and assisted by Maître Vercken and Isabelle
21 Xavier. Thank you, your Honours.

22 PRESIDING JUDGE SCHMITT: And finally, the defence of Mr Bemba.

23 MS TAYLOR: Good morning, Mr President, your Honours. Melinda Taylor on behalf of
24 Jean-Pierre Bemba, together today with Mr Joshua Bishay and Ms Yuqing Liu. Thank you
25 very much.

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1 PRESIDING JUDGE SCHMITT: Thank you very much. As a reminder, the Chamber will
2 only be sitting as you are well aware from 9.30 to 11 and then from 11.30 to 1 o'clock. The
3 hearing will continue on Tuesday with a normal schedule. If need be, we could adjust that
4 tomorrow and on Wednesday, but I think it will not be necessary. We will see.
5 The Chamber has taken note of the message of the Arido Defence concerning the
6 documents the Prosecution has on its lists of potential exhibits. Mr Taku, Mrs Lyons,
7 the Chamber is mindful and vigilant of the issues the Arido Defence raises, but we
8 don't see at the moment a need to make further oral submissions on the matter.
9 When it comes to it, to the cross-examination of the Prosecution, the Chamber will
10 rule on a case-by-case basis, if need be.
11 Now we can bring the witness in, please.
12 MR TAKU: Thank you, your Honours.
13 PRESIDING JUDGE SCHMITT: Yes, Mr Taku.
14 MR TAKU: (Redacted)
15 (Redacted)
16 (Redacted)
17 (Redacted). That was
18 your ruling. The Court said that the Court will remind the witness prior to her testimony.
19 Thank you, your Honour.
20 PRESIDING JUDGE SCHMITT: Thank you very much for the reminder.
21 I see that we have Madam Witness at the video link. Madam Witness, good
22 morning.
23 WITNESS: CAR-D24-P-0001
24 (The witness speaks Sango)
25 (The witness testifies via video link)

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1 THE WITNESS: (Interpretation) Good morning, your Honour.

2 PRESIDING JUDGE SCHMITT: You are going to testify before the International Criminal
3 Court. On behalf of the Chamber, I would like to welcome you to the courtroom.
4 This Chamber has been established to try the case of the Prosecutor against
5 Mr Jean-Pierre Bemba Gombo and others. You are called to testify to assist us in our
6 search for the truth.

7 Madam Witness, there should be a card in front of you with the solemn undertaking
8 to tell the truth. Could you please read out loud this card?

9 THE WITNESS: (Interpretation) The document is in Sango, so I shall read in Sango. Can
10 you hear me? I solemnly declare -- I solemnly declare --

11 THE INTERPRETER: Repeats the witness.

12 THE WITNESS: (Interpretation) -- I solemnly declare to say the truth, the whole truth and
13 nothing but the truth.

14 PRESIDING JUDGE SCHMITT: Thank you, Madam Witness. Let me now explain to you
15 how the protective measures work that the Chamber has put in place for your testimony.
16 For the record, these measures were granted in decision 1725. The following
17 measures are put in place to protect you. Face and voice distortion have been put in
18 place, meaning that no one outside the courtroom can see your face or hear your real
19 voice during your testimony.

20 There will also be the use of a pseudonym. In accordance with that, we will all refer
21 to you only as "Madam Witness" to make sure that the public does not know your
22 name.

23 When you answer questions that will not give away who you are or might
24 incriminate you, we will do so in open session, which means that the public can hear
25 what is being said in the courtroom.

1 When you are asked to describe anything that relates specifically to you or you are
2 asked to mention facts that might reveal your identity; for example, any locations
3 where you live or persons close to you, we will do this in a private session.
4 As I have already explained to you, Madam Witness, in private session there is no
5 broadcast, and no one outside the courtroom can hear your answer. If you are ever
6 unsure if the hearing is in open or in private session, then please do not hesitate to ask
7 the Chamber.
8 Furthermore, if ever anything gets said during open session which should have been
9 said in private session, we will do our best to protect this information. Your
10 testimony will be broadcast on a delay, and we can remove any such remarks from
11 the broadcast, which will be heard by the public and from the public transcript of the
12 proceedings.
13 The Chamber recognizes that your security and well-being is important during the
14 course of this trial. If at any point you feel that you would like a brief break from
15 giving your testimony or you feel unwell, do not hesitate to let us know.
16 Now we have even more matters that we have to address before we can start with
17 your testimony. We are turning now to some practical matters.
18 Everything we say here in the courtroom is written down and interpreted into
19 English and French. And I understand that it is also interpreted from Sango first
20 into French and then into English. It is, therefore, very important to speak clearly
21 and to speak at a moderate or rather slow pace, as I am trying to do it at the moment.
22 We want to make sure that your words can be well understood by the interpreters
23 and then by the rest of us. Please speak into the microphone and only start speaking
24 when the person asking you the question has finished. To allow for the
25 interpretation, everyone has to wait a few seconds before starting to speak. If you

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1 have any questions yourself, raise your hand so we know that you wish to say

2 something. We will then give you the opportunity to speak.

3 We know very well that this has been a lot of information that we have given you.

4 Have you understood all of that?

5 THE WITNESS: (Interpretation) Yes, I've understood well. Thank you.

6 PRESIDING JUDGE SCHMITT: Thank you. We will then start your testimony, and we will

7 go shortly into closed session for that.

8 (Private session at 9.47 a.m.)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

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- 5 (The hearing was adjourned at 12.58 p.m.)