

Trial Hearing
WITNESS: CAR-OTP-P-0020

(Private 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
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 Friday, 30 October 2015
11 *(The hearing starts in private session at 9.33 a.m.) Reclassified as Open session
12 THE COURT USHER: All rise.
13 International Criminal Court is now in session.
14 PRESIDING JUDGE SCHMITT: Good morning, everyone. Good morning,
15 Mr Witness.
16 Court officer, could you please call the case.
17 WITNESS: CAR-OTP-P-0020 (On former oath)
18 (The witness speaks French)
19 THE WITNESS: Merci.
20 THE COURT OFFICER: Good morning. Yes, Mr President.
21 Situation in the Central African Republic in the case of The Prosecutor versus
22 Jean-Pierre Bemba Gombo, Aimé Kilolo Musamba, Jean-Jacques Mangenda Kabongo,
23 Fidèle Babala Wandu and Narcisse Arido, and the case reference ICC-01/05-01/13.
24 And for the record we are in private session.
25 PRESIDING JUDGE SCHMITT: Thank you.

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1 I ask for the appearances of the parties. Please, Mr Vanderpuye.

2 MR VANDERPUYE: Good morning, Mr President, your Honours. Good morning
3 everyone. Today the Prosecution is represented by Ruth Frolich, seated to my left;
4 behind her Colleen Gilg; to her right, Sylvie Vidinha; and in the third row, from the
5 right to the left, Olivia Struyven; Sylvie Wakchom; and Ekaterina Kopylova. I'm
6 Kweku Vanderpuye.

7 PRESIDING JUDGE SCHMITT: Thank you very much.
8 Mr Hjalmarsson.

9 MR HJALMARSSON: Mr President, your Honours, good morning. My name is
10 Göran Hjalmarsson I'm representing the witness as a legal advisor.

11 PRESIDING JUDGE SCHMITT: And the Defence teams, please.

12 MR GOSNELL: Appearances are the same for Mr Mangenda as yesterday. Thank
13 you, Mr President.

14 MR DJUNGA: (Interpretation) Good morning, Mr President, your Honours. Our
15 team remains unchanged.

16 MR TAKU: May it please, your Honours. I appear for Mr Arido. With me,
17 Mr Tibor Bajnovic and Mr Tharcisse Gatarama.

18 MR KILENDA: (Interpretation) Good morning, Mr President, your Honours.
19 Our team remains unchanged.

20 MS TAYLOR: Good morning, Mr President, your Honours. The Defence for
21 Mr Bemba has the same configuration as yesterday.

22 PRESIDING JUDGE SCHMITT: Thank you very much.

23 I've been informed that in the English transcripts, there are blank spaces when people
24 start to speak. The reason of course is that everybody is starting too early with a new
25 question or the witness sometimes with an answer. So I have been told that I should

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1 remind everybody to respect the three-second rule. I know that it is difficult, but I
2 think we need a transcript, also an English transcript that is as early, as complete as
3 possible.

4 With this in mind, I give Mr Vanderpuye the floor.

5 MR VANDERPUYE: Thank you, Mr President.

6 QUESTIONED BY MR VANDERPUYE:

7 Q. Good morning to you, Witness.

8 A. Thank you.

9 Q. Yesterday, Witness, during your cross-examination, at page 63, you indicated
10 that since returning to (Redacted) after your testimony you had had only one contact
11 with Mr Kilolo and that was to inform him that you had safely arrived.

12 Do you recall giving that evidence yesterday?

13 A. Yes, I know that I said that yesterday. And it's just Mr Kilolo, it's also the
14 people from security.

15 Q. And you said that since 20 October 2012 to date, you've not had any contact
16 with Maître Kilolo; do you recall giving that evidence?

17 A. Of course. Since I returned to (Redacted), I have not had any contact with
18 Mr Kilolo.

19 Q. I want to show you a document which I showed you before. It's at tab 51 of
20 your Chamber's binder. The ERN number is CAR-OTP-007 -- 0090-0630. And
21 again, these are the call sequence tables that I showed you earlier. In that document
22 we'll need to go to page ending 0720.

23 We have it now on the screen. And I would like, if I may, to focus you on line -- I'm
24 sorry, row 21. And what you should see there is an entry with a date
25 20 October 2012, time 12.50.59, and two columns over you'll see a telephone number.

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1 Do you recognize that telephone number, sir?

2 A. Of course I recognize this telephone number.

3 Q. And if you look at the row that follows immediately beneath that one, do you
4 see a telephone number (Redacted) Do you see that number, sir?

5 A. Yes, I do.

6 Q. Do you recognize that number?

7 A. Mr Prosecutor, yesterday I told you that I recognize the number (Redacted).

8 That is the number that I recognize. I had several numbers, but that is the number I
9 recognize. And this is what I told you yesterday.

10 Q. Okay. We have that number indicated for you that was presented to us by the
11 Registry of this Court. But let me focus you further down on the next row, row 23.
12 And there you can see a telephone number which ends (Redacted), and if you go two
13 columns over you'll see the number that you identified ending (Redacted). Do you see
14 that, sir?

15 A. Yes, I see it.

16 Q. What you can see then is that they're entries from row 23 in this document clear
17 on through to row 30 of this document, all of which reference your telephone number.
18 Do you see that? And by the way, that's for 27 March 2013.

19 A. You're referring to March 27th, 2013?

20 Q. Yes. In the document you have in front of you, you should see that there are
21 telephone contacts in rows 23 through 30 for 27 March 2013?

22 PRESIDING JUDGE SCHMITT: Mr Djunga.

23 MR DJUNGA: (Interpretation) Thank you, Mr President. First of all I would like
24 to say that we have a problem with our screen. We are not able to follow.

25 But if we can follow, we see there are calls of zero or 3 seconds. So I don't know if it's

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1 appropriate to say to the witness that there was a contact, given the length of the
2 communication. Can this be made clear to the witness?

3 And we do have a problem with our screen. Thank you.

4 PRESIDING JUDGE SCHMITT: I think we have to fix first the technical problem and
5 then we can go over to the objection.

6 (Pause in proceedings)

7 PRESIDING JUDGE SCHMITT: Mr Hjalmarsson.

8 MR HJALMARSSON: Mr President, I also have some technical problems with my
9 screen here.

10 PRESIDING JUDGE SCHMITT: So you have the same right to have a screen that
11 perfectly reflects what is going on. So we have to fix this too.

12 MR HJALMARSSON: Thank you.

13 (Pause in proceedings)

14 PRESIDING JUDGE SCHMITT: Mr Hjalmarsson confirms that his screen is okay
15 now. So this gives us hope that we can solve the problem also for the Defence of
16 Mr Kilolo.

17 (Pause in proceedings)

18 PRESIDING JUDGE SCHMITT: Do we need a break to fix this, or ...
19 Then we'll have a break of 10 minutes.

20 THE COURT USHER: All rise.

21 (Recess taken at 9.47 a.m.)

22 *(Upon resuming in private session at 10.08 a.m.) Reclassified as Open session

23 THE COURT USHER: All rise.

24 PRESIDING JUDGE SCHMITT: I understand that the technical problem with the
25 monitors has been fixed. There is still the objection by Mr Djunga.

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1 Mr Vanderpuye, you have the floor.

2 MR VANDERPUYE: Mr President, I wanted to raise something with the Chamber,

3 and I think it's actually fine that it's in the presence of the witness.

4 The next witness has a pretty serious time constraint in terms of giving evidence.

5 We've lost now, it looks to me, about almost 40 minutes or so, 40 some odd minutes,

6 and I think that if I continue with redirect examination of this witness for the next half

7 an hour or 40 minutes, that will set us back too far to be able to complete the witness

8 who is operating under certain time constraints. So I wanted to inquire with you and

9 obviously with the witness to see whether or not it might be more feasible to continue

10 his redirect examination for that brief period, it really is 45 minutes, something like

11 this, on Monday. And I've spoken to Rule 74 counsel who has indicated that he can

12 be available, so that we can put on the other witness and hopefully complete him

13 today and then take up with this witness on Monday, but that also obviously depends

14 on his availability.

15 PRESIDING JUDGE SCHMITT: I would like a clarification what these time

16 constraints consist of.

17 MR VANDERPUYE: My understanding is that his Rule 74 counsel has an

18 engagement, I think he has to be in court actually next week, so he's not available to

19 be of service to the witness on Monday. So if this -- well, P-243, if his testimony gets

20 pushed into Monday, then he'll lose his Rule 74 counsel in the midst of his -- of giving

21 evidence in the case.

22 But I think if we start with him, if it's okay with the Chamber and obviously okay

23 with the parties and the witness, if we start with him soon, then I think we will get

24 him done and we could continue potentially with this witness on Monday.

25 PRESIDING JUDGE SCHMITT: Any comments by the Defence in that respect?

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1 Ms Taylor.

2 MR KILENDA: (Interpretation) Merci.

3 MS TAYLOR: Thank you, Mr President, your Honours. The Defence for Mr Bemba
4 is somewhat concerned to see that the Prosecution is anticipating a redirect of
5 40 minutes given that the entirety of this witness's statement was admitted through
6 Rule 68(3) and the Prosecution was then given a further opportunity to pose
7 follow-up questions or clarify issues arising from that statement.
8 So given these specific circumstances, we would consider that a more limited redirect
9 would be warranted. Thank you.

10 PRESIDING JUDGE SCHMITT: Mr Kilenda.

11 MR KILENDA: (Interpretation) I thank you, Mr President. We find that it is not a
12 decent way to proceed to divide up his testimony into pieces. I do not see how, as
13 Counsel Melinda says, the redirect of the Prosecution should take as much time.
14 And secondly, this does pose a number of temporary constraints for the next witness
15 to explain, notably, that his counsel has other engagements. There are more than
16 300 counsel on the list of counsel, so everything should be done for the counsel
17 appointed for -- the witness should be made available to serve the work of the Court.

18 PRESIDING JUDGE SCHMITT: Mr Gosnell.

19 MR GOSNELL: Very quickly, Mr President. I agree entirely with the sentiments of
20 my colleagues previously expressed. Redirect is not an open invitation to ask
21 questions about every subject that may have been broached during the
22 cross-examination. So, speaking for myself, I couldn't enter -- I can't imagine why
23 there would be a 45-minute redirect.

24 PRESIDING JUDGE SCHMITT: Mr Vanderpuye, please, short.

25 MR VANDERPUYE: Mr President, it's been 45 minutes and I've asked only one

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1 question. I think it's obvious that the length of the redirect examination isn't
2 necessarily restricted to the length of the questions that are posed by counsel.
3 There are obvious other constraints to take into consideration, such as objections
4 made by counsel without grounds, such as technical problems that arise from time to
5 time, and with respect to my colleagues, Ms Taylor's argument, and Mr Gosnell's
6 argument and indeed Mr Kilenda's argument, this is not an exercise of conducting the
7 direct examination anew, as they well know, it is restricted and limited to matters that
8 are broached on cross-examination, and that's exactly what I intend to do, but I do
9 reasonably anticipate, given the circumstances, given that there are five Defence
10 counsel, nine in fact because each is represented by two with the exception of
11 Mr Bemba and each takes the floor in respect of any given witness with respect
12 concerning their client.

13 That's how long it will take. And I don't think that's unreasonable at all in the
14 circumstances. But I defer to the Chamber, and I also would invite the Chamber to
15 inquire with the witness as to whether or not it would be feasible to proceed in this
16 way.

17 PRESIDING JUDGE SCHMITT: I have two comments on that. We have two
18 different issues. First the issue of the length of the redirect, to put it this way: I also
19 think, I also do not see why it should take 45 minutes, but of course the longer we
20 discuss about that the longer it will take. For example, allow me the remark that the
21 last issue we talked about meaning contact seven, eight month after the testimony of
22 the witness in the main case, it could be questioned in how far this is relevant for the
23 case.

24 The second thing is the sequence of the witnesses, if we interrupt this witness's
25 testimony. I am not very inclined to let this witness out of the courtroom and wait a

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1 couple of days because counsel of another witness says he is not available next week.

2 I think this is not -- we are often using the word "fairness" and I do not like the

3 inflationary use of it, but this would I think not be fair to the witness.

4 I remind everybody that the presence of Rule 74 counsel is not required during the

5 testimony according to our protocol. We have done this. We have practised it.

6 We could think about a solution for next Monday for the next witness if we need more

7 time than today for him, but I'm -- I think we should now finish the redirect with this

8 witness.

9 And Mr Vanderpuye, be mindful of what I have said; be as quick as possible and then

10 we see how far we get with Witness 243.

11 And as I sense the atmosphere in this courtroom in the last four weeks, nobody will

12 prolong it unnecessarily, nobody from the Defence, nobody from the Prosecution. So

13 we do what we can, but we cannot force anything.

14 Please continue with the examination.

15 MR VANDERPUYE: Do you want me to deal with the objection that's on the floor?

16 PRESIDING JUDGE SCHMITT: We can deal with that, I allow this -- I allow that

17 you show the witness this call data records, but be mindful of what I said about the

18 relevance.

19 MR VANDERPUYE:

20 Q. Sir, during your cross-examination you testified that since October 20th of 2012,

21 you've not had contact with Mr Kilolo. What I'm showing you are records which

22 indicate your telephone number as you've previously identified it. What I invited

23 you to look at, before the objection was made, were rows 23 through 30 of this

24 document. Do you recognize your phone number in those rows?

25 A. Yes, Mr Prosecutor. As I was saying, I do recognize my telephone number.

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1 Q. Let me draw your attention to row number 30 of the document. This is a
2 telephone contact 27 March, 22.28.55 for a duration of 148 seconds. Do you see it?

3 PRESIDING JUDGE SCHMITT: Mr Djunga.

4 MR DJUNGA: (Interpretation) Mr President, I really do apologise for having to
5 take to my feet, but my initial concern with regard to the effectiveness of this contact
6 has not been addressed. But as the witness has been saying since yesterday, he never
7 had any contact with Maître Kilolo, but if today he was -- he is being told that there
8 were conversations, why not just present him with these conversations because he has
9 been saying to us that there never was any contact.

10 PRESIDING JUDGE SCHMITT: I think we can put it this way: Of course when we
11 have a three-second contact, we could not rely on that. Now Mr Vanderpuye has
12 asked about the 148 seconds. What he can do is he can ask the witness if this -- if
13 presented to him there has been his telephone number and another telephone number
14 attributed to Mr Kilolo, and then he can ask the witness, and I would like you to do
15 that, Mr Vanderpuye, if this triggers a memory in the witness. And as I said, we are
16 talking about a period half a year after the testimony in the main case.

17 MR VANDERPUYE: I see that, Mr President. My question was whether he could
18 see it on the screen. That's what Mr Djunga is objecting to, is whether or not the
19 witness could see the call to which I was referring.

20 PRESIDING JUDGE SCHMITT: And please ask the witness if seeing this on the
21 screen triggers a memory that he had another contact or more contacts with Mr Kilolo
22 or not.

23 MR VANDERPUYE: That's what I'd like to do.

24 Q. Do you see this call that I referred to on the screen in front of you, sir,
25 148 seconds, 27 March, 22.28.55 seconds?

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1 A. Yes. Is that on 27 March 2013. Where was Kilolo? Where did I call him? I
2 don't know. I know that he is present here in the courtroom. You can ask him.
3 You can ask him whether on 27 March 2013 -- 27 March 2013, I was already in (Redacted).
4 On 27 March 2000 -- in Paris -- I was in (Redacted). Where would I
5 have come across his number in order to call him?

6 Q. This record shows a call to you from him. Do you see the call on the screen or
7 not?

8 A. I'm not sure. I don't recognize it.

9 PRESIDING JUDGE SCHMITT: I think we have to move on then, Mr Vanderpuye.
10 You will not get the answer that you perhaps aspire to elicit.

11 MR VANDERPUYE: I just want an answer to the question. I'm not looking for
12 anything in particular, Mr President. Thank you.

13 Q. You were asked some questions about a meeting that took place with Mr Kilolo.
14 You were asked about where you stayed, where he stayed, how long you met
15 yesterday by the Kilolo Defence lawyers, Mr Djunga and Mr Powles respectively, and
16 they showed you a document that was in red. Do you remember that?

17 A. Mr Prosecutor, which question is that? Could you please repeat it?

18 Q. Do you remember being shown a document that was in red concerning the
19 expected or anticipated expenses that were to be made by the Bemba Defence with
20 regard to the mission to (Redacted) to meet you?

21 If we could have in eCourt please CAR-D20-0001-0008 in eCourt please.

22 A. Yes, yesterday there was a document with regard to the Defence. I explained
23 this to you yesterday. You asked the question, I shed light on the matter with regard
24 to what Mr Kilolo had sent to me to pay for transport and what I paid, notably the
25 guest house. I explained all of this to you yesterday, Mr Prosecutor.

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1 Q. Can we go, please, to page ending 0009, bottom half of the page, please. Do
2 you remember seeing this document yesterday? Mr Djunga showed it to you and so
3 did Mr Powles. Do you remember?

4 A. Yes, I did see the document yesterday, but it doesn't concern me. It doesn't
5 concern me.

6 Q. Who does it concern? Who is the (Redacted) that it concerns in this document?

7 A. In 2012 I was (Redacted). I was (Redacted). I'm
8 not (Redacted), Mr Prosecutor.

9 PRESIDING JUDGE SCHMITT: I also may remind you, I was not very happy
10 yesterday when this, Mr Djunga will remember, when he showed it to the witness
11 because the witness has not produced this document. So to ask, to ask him if it is
12 about him is I think something that is also not very fair to the witness. You can put
13 information out of this that is contained in this document and derive from that a
14 question that you put to the witness, I would say.

15 MR VANDERPUYE:

16 Q. You said this document doesn't concern you just a moment ago, right?

17 A. Yes, I can see my name, (Redacted). In 2012 I was (Redacted). I've been
18 (Redacted). And in 2012 I was still (Redacted).

19 I can see (Redacted) Well, are all these expenses incurred by myself? I
20 shed light on the matter yesterday as to what I got from Mr Kilolo, notably the
21 (Redacted), the equivalent of (Redacted) odd, that's what I received in order to pay for
22 transport from (Redacted) in order to meet Mr Kilolo.

23 Upon arrival in (Redacted), I met with Mr Kilolo in his hotel and we discussed
24 matters at length. And then I went to have something to eat where before travelling
25 back. I can see (Redacted). I don't understand any of this. Mr Kilolo is present in

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1 the courtroom. You can put the question to him. I know nothing about this.

2 Q. Thank you, sir. Thank you, sir. That wasn't my question. When you met
3 with Mr Kilolo, was he alone or was he with other people?

4 PRESIDING JUDGE SCHMITT: Mister -- Mr Gosnell, please.

5 MR GOSNELL: Objection. Beyond the scope of the cross-examination. Way
6 beyond the scope of cross-examination. This question was asked during the direct
7 examination. This issue is addressed in the 68(3) statement. And this document
8 was not used to address the issue now being raised on redirect whatsoever.

9 PRESIDING JUDGE SCHMITT: Sustained. Please continue, Mr Vanderpuye.

10 MR VANDERPUYE:

11 Q. You were asked about where you stayed during the course of your encounter
12 with Mr Kilolo. I take it my friend has no objection to that question? Do you recall
13 that, sir?

14 A. Well, Mr Prosecutor, as I was saying, I went to meet Mr Kilolo. He put a
15 number of questions to me as to what occurred in the CAR. He put questions to me,
16 I answered them. And a few hours later, I went to have a pizza in a restaurant. I
17 bought a pizza, ate it and came back to meet Mr Kilolo again. We resumed our
18 conversation until the evening. And as it was night, I couldn't go home. And I
19 rented a room in a guest house for (Redacted) for the night. I slept there.
20 The next day I came back. We continued our discussions. He went to the (Redacted)
21 (Redacted) with me and paid for my ticket home. I don't know whether in
22 the -- (Redacted) he paid I think.

23 Q. Mr Witness.

24 A. Yes, I can hear you.

25 Q. Thank you. I have a limited amount of time that I can ask you questions. So

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1 what I'd like for you to do, if you can, and to the extent that you can, is just to respond
2 to the question that I ask you. If I ask you what happened during the meeting, then
3 please feel free to describe that as fully as you can, but if I ask you if you remember
4 having said that there was a meeting or having testified about that, then I would
5 appreciate it if you could restrict your answer to a response to that question only
6 because otherwise I'll run out of time and I won't be able to elicit the evidence that is
7 necessary for the fair and just adjudication of the matter that this Chamber has before
8 it, okay?

9 A. Yes. Thank you, Mr Prosecutor. I have understood you.

10 Q. Was the meeting that you had with Mr Kilolo recorded?

11 A. Well, Mr Prosecutor, I believe that Mr Kilolo might have recorded our
12 discussions I believe.

13 Q. During the course of your meeting with Mr Kilolo, was he the only person
14 present?

15 PRESIDING JUDGE SCHMITT: I -- Mr Vanderpuye, I have -- the last objection of
16 Mr Gosnell addressed directly this issue, and I said sustained and I would like you to
17 continue and not repeat the same question. If you have any information that
18 addresses this issue that results out of the examination by the Defence, for example,
19 the document that the Defence presented, please refer to this information.

20 MR VANDERPUYE:

21 Q. The document that's in front of you still on the screen as represented by the
22 Defence indicated the Defence plans with respect to the mission to interview you.

23 PRESIDING JUDGE SCHMITT: Mr Djunga.

24 MR DJUNGA: (Interpretation) Mr President, we discussed these documents earlier
25 and, as you said, we presented this document as an indication. It was an internal

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1 document for the Bemba Defence team. I have the same question regarding this
2 document, is the witness in a position to comment this document? He said that he
3 was not (Redacted), that he was (Redacted), and yet we're coming back to
4 the document to elicit a comment from the witness. I think that this is a problem for
5 us and your concern has not been satisfied.

6 PRESIDING JUDGE SCHMITT: But mister -- that is only in part correct, Mr Djunga.
7 You presented this document. So if this document contains information that can be
8 put into a question by the Prosecutor directly, please, new information, then of course
9 I would allow it. But I really want now to see where this heads to. I have an idea,
10 but I'm not -- I'm not going to question it myself.

11 MR VANDERPUYE: For the record, Mr Djunga's question to the witness at page 69
12 of yesterday's transcript says: "I wanted to draw your attention on what the Defence
13 team was anticipating."

14 Q. My question to you, sir, is when you met with Mr Kilolo, did you meet with any
15 other individual indicated on this document?

16 A. Mr Prosecutor, that day I met with the person I recognized, Mr Kilolo. We met.
17 We discussed. You know in (Redacted), it's like in (Redacted), there are (Redacted)
18 in the hotel. There were (Redacted) who were there who were passing by. And some
19 (Redacted) in the hotel. So I made contact with Mr Kilolo. We talked as I told
20 you. Aside from Mr Kilolo, I knew nobody.

21 Q. Do you recall being asked in your statement whether Mr Kilolo was
22 accompanied by anyone during the course of your meeting with him?
23 For the Chamber's reference that's CAR-OTP-0077-0074, at page ending 0081, lines 20
24 through -- 220 through 224.

25 A. Mr Prosecutor, I said I found Mr Kilolo alone. Who he was accompanied by?

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1 I don't know because I don't know any names. If I knew the name of the person, I
2 would tell you. I have one name. There is one name that I know and that is
3 Mr Kilolo. But the other one, who is it? I have not met with anybody else. I only
4 met with Mr Kilolo in (Redacted). And that day there were other (Redacted) in the
5 hotel, (Redacted) who were passing through, but the only person that I knew was
6 Mr Kilolo.

7 Q. Thank you again, but again that was not the question that I put to you. My
8 question was do you remember being asked about it and what you said in the course
9 of the statement that you gave to the Office of The Prosecutor?

10 PRESIDING JUDGE SCHMITT: Mr Vanderpuye, this could have been addressed
11 during your questioning of the witness, first questioning I think.

12 MR VANDERPUYE: I didn't raise it, Mr President; it was raised by the Defence. It
13 was raised by the Defence; the length of the meeting, where it happened, who slept
14 where. It was the Kilolo Defence that introduced the receipts, indicating how many
15 rooms were booked and all of that stuff.

16 PRESIDING JUDGE SCHMITT: Mr Gosnell.

17 MR GOSNELL: Mr President, none of those elements are mysteries. None of those
18 elements are matters of surprise for the Prosecution. They're in 68(3) statement.
19 The Prosecution asked questions about that subject. It's the burden on the
20 Prosecution if it wants to elicit more details about these matters to have done so
21 during the direct. And why is that important? So that if there are matters that
22 require response in a cross-examination, the Defence is in a position to prepare and
23 ask questions. And if that doesn't happen, and it only comes up now, then we are
24 prejudiced and that's not fair, Mr President.

25 MR VANDERPUYE: Mr President, Mr Gosnell is confusing the standard for rebuttal

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1 case with the standard for redirect examination. And he well knows the difference.
2 It is not required that the Prosecution anticipate what the Defence position will be in
3 order to present its direct, his evidence indirect. This is direct evidence. It's redirect
4 evidence. It's not re-cross-examination. And it's not rebuttal. The issue was not
5 raised by the Prosecution; it was raised squarely by the Defence which he doesn't
6 deny. And it is appropriate for the Prosecution to address those issues as a matter of
7 redirect examination to the limited extent that it was raised by the Defence.
8 The Defence proceeds at its peril if it opens the doors to redirect examination. And
9 I'm sure that each and every one of these experienced counsel are well aware of what
10 those perils are. I did not present this red document at any point in the direct
11 examination. It was presented squarely by the Defence twice over our objection on
12 top of it.

13 PRESIDING JUDGE SCHMITT: There is no -- there is no -- no need to get -- to get
14 emotional, to put it this way. We have clarified and it's perfectly clear that the
15 Defence presented this document. And I said I allow questions that derive from this
16 document. And why don't you refer to information that is contained in this
17 document and ask the witness if this triggers a memory in him for example. I don't
18 see it as my exercise to do.

19 MR VANDERPUYE: Mr President, with all due respect that was exactly my
20 question.

21 PRESIDING JUDGE SCHMITT: Now it -- now it's the turn of Mr Gosnell.

22 MR GOSNELL: Mr President, I followed very closely the questions that arose out of
23 the document that presented by the Kilolo Defence. And the only questions that
24 were put arising from that document were about money.

25 And now what we see the Prosecution doing is trying to go beyond that subject to

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1 other issues. So I would suggest, even though there are, and I agree with you,
2 Mr President, there are elements that can be taken out of that document by the
3 Prosecution and -- imagine if it was a 10-page document what would happen on this
4 redirect.

5 So I would suggest that what matters is what issue was raised by the Kilolo Defence,
6 and of course there can be redirect on the issue, but we're going beyond the issue that
7 was raised.

8 PRESIDING JUDGE SCHMITT: That is too strict for me, Mr Gosnell, because we
9 don't have -- we don't have a 10-page document. We have 3, 6, 8 -- eight lines of
10 information.

11 And we do now two things. The first thing I would like to say and point out is that
12 the witness has several times pointed out how many people he met at the time. So I
13 would allow one last question that directly refers to information that you could, if you
14 want to, derive from these eight lines that we have here on the screen and then we
15 continue to another issue.

16 MR VANDERPUYE:

17 Q. Do you recognize any of the names that are on the screen in front of you aside
18 from your own?

19 A. Mr Prosecutor, I see the name of Mr Kilolo and my name, just my last name.
20 There is not my first name. And (Redacted) is wrong.

21 Q. And do you recall being asked in the statement that is before the Chamber
22 whether Mr Kilolo was accompanied by anyone when you met with him?

23 PRESIDING JUDGE SCHMITT: Mr Gosnell.

24 MR GOSNELL: Objection. Now we are beyond the scope because this is a matter
25 for direct examination. It is not arising out of redirect -- excuse me

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1 cross-examination.

2 PRESIDING JUDGE SCHMITT: No, no. I take over now. I think we have to finish
3 that.

4 So, Mr Witness, let me put one or two questions to you.

5 Please look on the screen to this document which is underlined in red. And look into
6 the line where you see on the right side a sum of (Redacted).

7 And if you read this line, does this --

8 THE WITNESS: (No interpretation)(Overlapping speakers)

9 PRESIDING JUDGE SCHMITT: No, this line where we have, it's under where you
10 read "Budget mission (Redacted)." The second line. And if you read this line, does
11 this trigger any memory to you whom you met at the time?

12 THE WITNESS: (Interpretation) Thank you, Mr President. On this paper, I see
13 the name of Kilolo, whom I know, and I see my name. And the others I do not know
14 them.

15 PRESIDING JUDGE SCHMITT: Have you met any of -- any other people without
16 Mr Kilolo -- except Mr Kilolo?

17 THE WITNESS: (Interpretation) Mr President, as I said before, the only person I
18 met with was Mr Kilolo. I did not meet any other person.

19 PRESIDING JUDGE SCHMITT: Next issue please, Mr Vanderpuye.

20 MR VANDERPUYE: Thank you.

21 For the Chamber's record, I would refer the Chamber to CAR-OTP-0077-0074, page
22 ending 0081, lines 220 through 224. You have that statement. I just want to make
23 sure you don't lose this one.

24 Q. Witness, I have a couple of other questions for you. You said repeatedly
25 throughout your evidence on cross-examination that you never negotiated with

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1 Mr Kilolo. Do you remember that?

2 A. That is correct, I never negotiated with Mr Kilolo.

3 Q. It is true that you never refused the money that he gave you; isn't it?

4 A. No, I did not refuse the money they gave me. He had sent to me (Redacted) to
5 pay for transportation from (Redacted) to go to meet with him and a sum
6 that he sent. It was not Kilolo who sent it, it was another person who sent it. That
7 is what I said.

8 The name of the person, I wrote down that name on a piece of paper and I gave it to
9 (Redacted) when I was preparing to leave for The Hague. And it was after I left that
10 (Redacted) received the money. This is not money that was negotiated.

11 Why would I negotiate a sum when I was coming to shed light on matters before the
12 Court? I never negotiated any sums when Mr Kilolo -- and Mr Kilolo I know is here
13 present in the Court, and he can answer and confirm this as well. But I can say that I
14 never negotiated any sums with Mr Kilolo.

15 Q. All right. Thank you. You never returned that money; is that fair?

16 A. S'il vous plaît?

17 Q. You never returned the money that you received, right?

18 A. No.

19 Q. And you never told the Chamber that you were expecting to receive it or that
20 you sent (Redacted) to go pick it up three days before you told the Chamber that you
21 never received money from the Defence; right?

22 A. Mr Prosecutor, as I told you yesterday, there is no point in saying to the
23 Prosecutor that I had the money.

24 PRESIDING JUDGE SCHMITT: Please, Mr Witness, stop here. We have heard this
25 lengthy yesterday, so we don't want to hear it a second or third time.

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1 Excuse me, Mr Witness, that's no critic to you because you have been -- this question
2 has been put to you, but we have heard that and you don't have to repeat it.

3 THE WITNESS: (Interpretation) Thank you, Mr President.

4 MR VANDERPUYE:

5 Q. You were asked some questions about (Redacted) by several of the
6 Defence counsel, (Redacted). Do you recall that?

7 A. Yes, of course. Yesterday I told the Court that (Redacted)
8 (Redacted)
9 (Redacted)

10 Q. Did you discuss with (Redacted) the circumstances under which (Redacted)
11 gave (Redacted) statement to the Office of The Prosecutor?

12 A. Mr Prosecutor, on that day (Redacted) was (Redacted) and we were not together,
13 we were questioned separately. We were not together to recognize (Redacted) statement.

14 Q. My question is: Did you discuss with (Redacted) at any point what (Redacted) told
15 the Office of The Prosecutor and the circumstances under which (Redacted) gave
16 information to the Prosecutor?

17 A. No, I did not ask any questions to him.

18 Q. So since 22nd or 23 January 2014 till today, you've never spoken to (Redacted)
19 about what (Redacted) said to the Office of The Prosecutor; is that your testimony, sir?

20 A. In accordance with the statement that was made -- well, I didn't see it, I didn't
21 read it. But (Redacted) was -- (Redacted) said that (Redacted) was asked several questions, that
22 (Redacted) didn't even understand the purpose of these questions. (Redacted) did not understand why
23 these questions were being asked. (Redacted) did not know anybody. (Redacted) did not know
24 Mr Kilolo. (Redacted) knew nobody. And this problem had nothing to do with (Redacted).

25 Q. So you discussed it with (Redacted) before today, what (Redacted) told the Office

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1 of The Prosecutor and the circumstances under which (Redacted) gave that
2 information, is that your answer, sir?

3 A. Mr Prosecutor, I just told you that I did not read that statement, so everything that
4 (Redacted) said I don't know what it was that (Redacted) said. (Redacted) told me that
5 (Redacted) had answered questions. (Redacted) had been asked many questions, some
6 of which (Redacted) answered, some I which (Redacted) didn't.

7 Q. Did (Redacted) tell you that (Redacted) told the Office of The Prosecutor that
8 (Redacted)
9 (Redacted) and it concerned the
10 money that (Redacted) sent -- that was sent to you?

11 For the Chamber's benefit, you'll find that behind tab 15, CAR-OTP-0075 --

12 PRESIDING JUDGE SCHMITT: Mr Djunga.

13 MR VANDERPUYE: -- 0009.

14 MR DJUNGA: (Interpretation) Mr President, I almost need to apologise for asking
15 to speak. The witness has answered this question. He says that he did not read the
16 statements made by (Redacted), that (Redacted) had been asked many questions.
17 Now he is being asked questions about (Redacted) would have said.

18 MR TAKU: Your Honours, with the utmost respect, your Honours, I do not know
19 the purpose of -- or, the purpose of this question. Is he trying to refresh the witness?
20 Is he trying to impeach him with the (Redacted) statement? What is the purpose for
21 which -- asking this question to this witness who has clearly stated that what he
22 discussed with (Redacted) with regard to this statement, that he didn't read it. I
23 don't seem to understand, your Honour. This is -- this is his own witness that he
24 called here.

25 PRESIDING JUDGE SCHMITT: Mr Vanderpuye.

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1 MR VANDERPUYE: Just bear with me one moment, Mr President. I'm trying to
2 catch up with my colleague, Mr Taku's, objection.

3 Questions were put to this witness by several of my learned friends implying or
4 insinuating that the evidence that was provided by the witness's (Redacted) to the
5 Prosecution was either uninformed, ill-informed, pressured or coerced.

6 I'm asking him whether he discussed the circumstances of what (Redacted) said, I
7 mean under which (Redacted) provided information to the Prosecution and, in the
8 context of that, whether he discussed with (Redacted) the subject matter of the
9 information (Redacted) provided the Prosecution, which is directly responsive to the
10 insinuations that the Defence counsel raised in -- in assailing (Redacted) and the
11 circumstances under which (Redacted) was -- (Redacted) provided that information.

12 PRESIDING JUDGE SCHMITT: Mr Gosnell.

13 MR GOSNELL: Now I'm understanding, Mr President, it appears to be a reference
14 to my two questions, which have actually been badly misrepresented here because,
15 first of all, as to what I asked and, secondly, the purpose of the question.

16 What I asked was about not so much (Redacted) , but (Redacted).

17 And there is a reason why that question is relevant having to do (Redacted)
18 (Redacted). It doesn't -- there is no insinuation, there

19 was no suggestion about pressure or anything of the kind; it's just about (Redacted)
20 (Redacted). That's all.

21 PRESIDING JUDGE SCHMITT: I recall that -- I don't know exactly if it was

22 Mr Gosnell, but from the -- from the Defence there came the argument and there
23 was -- has been asked (Redacted).

24 So I understand that the Prosecutor wants to follow this path but, on the other hand,
25 the witness has said he has discussed it with (Redacted). And I do not -- to be honest,

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1 I do not see, from all what we have heard, I do not see a real problem there. So I
2 would really like to relatively quickly go through this and then finish the
3 examination.

4 MR VANDERPUYE: Mr President, there is two things: One is that he now has
5 indicated that he did discuss some parts of this statement with (Redacted), and I'm
6 asking him what (Redacted) said, rather than the statement itself, and I'm asking him
7 what they discussed. Did (Redacted)-- did you discuss X, or Y or Z? That's what I'm
8 asking him.

9 The second thing in response to my learned colleague's argument is that the statement
10 itself indicates the circumstances under which this (Redacted) had the capacity to
11 understand what was recorded, and I think my colleague well knows that as well, and
12 therefore I would say that that particular information belies the argument that he's
13 presented to the Chamber.

14 PRESIDING JUDGE SCHMITT: Mr Gosnell.

15 MR GOSNELL: I don't like the insinuation that these arguments are being made in
16 bad faith. And that is the insinuation that's being made. I'm perfectly aware of the
17 circumstances in which the document was translated to the witness, and there is a
18 difference between that and the witness (Redacted)
19 (Redacted). Those are matters for the merits, but it's not an argument made in bad.

20 MR VANDERPUYE: The statement provides --

21 PRESIDING JUDGE SCHMITT: No, no, no. Let me -- let me. I said --

22 MR VANDERPUYE: -- explicitly, Mr President, that it was read to the witness.

23 PRESIDING JUDGE SCHMITT: Mr Vanderpuye, I'm speaking now. I sense
24 a -- today, I sense a little bit, perhaps it has to do something we are nearing the
25 weekend, I sense a little uncomfortable situation in the courtroom, and the Bench does

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1 not like that because there is no need for that.

2 I will allow this one question, but I also agree with Mr Gosnell that if there is an
3 insinuation of bad faith, I would not underline that. And I see no need at all for
4 being excited or offended whatsoever. I think the whole procedure until now has
5 been in a very professional exercise from everybody here, in a very professional
6 manner, and we want to continue like that.

7 MR VANDERPUYE: What would you like me to do, Mr President?

8 PRESIDING JUDGE SCHMITT: Ask the question again, the witness answers and
9 then you continue to the next issue or you finish your examination.

10 MR VANDERPUYE:

11 Q. Did (Redacted) that (Redacted) told the Office of The Prosecutor that (Redacted)
12 received - hang on a second - that (Redacted)
13 (Redacted)
14 (Redacted) and it concerned money sent to you?

15 A. Yes, Mr Prosecutor. I was saying yesterday that prior to coming to The Hague,
16 as I told you, I wrote down on a piece of paper for (Redacted) instructions to go and
17 get the money that was being sent from (Redacted). I think I was clear yesterday. I
18 said -- I left with (Redacted) this piece of paper because I was getting ready to leave
19 for the airport to come to The Hague.

20 And even if (Redacted) had received the phone number, it is because I had given the
21 telephone number to Mr Kilolo. I do not know if it is Mr Kilolo who gave that
22 number to somebody else in (Redacted) who was going send me the money. That, I
23 do not know.

24 Q. Did you discuss the (Redacted). That's my question, Mr Witness. I heard a
25 very long response but I didn't hear anything that said (Redacted) in it. So I'm

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1 asking you the question: Did you discuss (Redacted)

2 statement to the Office of The Prosecutor with (Redacted) prior to today?

3 A. Well, Mr Prosecutor, I no longer recall this (Redacted), but I did tell you prior to
4 this that I gave (Redacted) number and I believe that it was to this number that
5 (Redacted) was sent. I don't know whether I'm being clear.

6 PRESIDING JUDGE SCHMITT: Please move on, Mr Vanderpuye.

7 MR VANDERPUYE: That's about as clear as I expect him to be.

8 Mr President, I have no further questions for the witness. That concludes my
9 (Overlapping speakers).

10 PRESIDING JUDGE SCHMITT: Thank you very much. And I think there is no
11 better point in time to have a break. Or, Mr Gosnell, do you -- you don't want it?

12 MR GOSNELL: I would really enjoy a break, Mr President, but I would have about
13 three minutes of questions for the witness arising out of the Prosecution's redirect.

14 PRESIDING JUDGE SCHMITT: I allow that, yes.

15 Mr Kilenda, you too?

16 MR KILENDA: (Interpretation) Mr President, we won't have any more than five
17 minutes.

18 PRESIDING JUDGE SCHMITT: Then Mr Gosnell, please start.

19 MR GOSNELL: Thank you, Mr President.

20 QUESTIONED BY MR GOSNELL:

21 Q. Good morning again, Mr Witness. Earlier today in response to a question by
22 my learned friend across the floor from the Prosecution, you were explaining the
23 circumstances in which you met Mr Kilolo in (Redacted). And what you said in part
24 of your response, and I'll read it in English very slowly was, quote, "I have not met
25 with anybody else. I only met with Mr Kilolo in (Redacted). And that day there

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1 were (Redacted) in the hotel, (Redacted) who were passing through, but the only
2 person that I knew was Mr Kilolo."

3 And I think you made a reference to (Redacted) at some point, which doesn't appear
4 in the transcript.

5 Mr Witness, do I understand that what you are trying to say is that you may dimly
6 recall that someone may have been introduced to you in passing by Mr Kilolo before
7 you sat down and you had your interview with him? Is my understanding or
8 perception of your answer correct?

9 A. Yes, thank you, Counsel. Mr Kilolo did not introduce anybody to me. The
10 only individual I met and had a conversation with was Mr Kilolo, nobody else.

11 Q. And that goes not only for when you initially met in the lobby, but also when
12 you sat down and had the interview; is that correct?

13 A. Counsel, during the discussion, well, I only had a discussion with Mr Kilolo,
14 nobody else.

15 Q. Thank you, Mr Witness.

16 MR GOSNELL: Thank you, Mr President.

17 PRESIDING JUDGE SCHMITT: Then, yeah, you have the floor.

18 MR RODOMA: (Interpretation) Mr President, I do thank you. I would suggest
19 that we address the Court now before the break because we will not be very lengthy.

20 PRESIDING JUDGE SCHMITT: You have the floor, please, Mr Rodoma.

21 MR RODOMA: (Interpretation) I thank you, Mr President, your Honours.

22 QUESTIONED BY MR RODOMA: (Interpretation)

23 Q. Good morning, Mr Witness, once again.

24 A. Good morning.

25 Q. Mr Witness, yesterday when I was putting a number of questions to you, the

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1 Prosecution asked you how you had come about the name of Mr Babala, to which you
2 answered, and this is the French transcript, page 25, line 15.

3 THE INTERPRETER: The interpreter does not have it in front of her.

4 MR RODOMA: (Interpretation)

5 Q. "But you know that I do not know Mr Babala. He called me from (Redacted) in
6 order to give me this name, he gave me a little bit of money and he sent it in -- to the
7 name of (Redacted)-- in the name of (Redacted)." Can you then confirm -- therefore
8 confirm that you had a telephone conversation with Mr Babala?

9 A. Thank you, Counsel, that is what I said yesterday. I received a telephone call
10 from (Redacted), but I did not know the individual on the end of the line. Was it
11 Mr Babala or was it somebody else? I do not know. But he told me that the money
12 had -- or, the money was being sent. That's what I said to you yesterday.

13 Q. I thank you, Mr Witness. During the cross-examination or re-examination,
14 Mr Prosecution -- the Prosecution talked about the statement that (Redacted) made,
15 and in the document referred to (Redacted) does not make any mention of (Redacted),
16 rather, refers to having received (Redacted)
17 (Redacted).

18 So my question is quite simple: Was it (Redacted)?

19 PRESIDING JUDGE SCHMITT: Mr Vanderpuye.

20 MR VANDERPUYE: I'm not sure what my colleague is referring to specifically, if he
21 has a specific passage in the statement that he's referring to? My recollection is that
22 that's not what the statement says.

23 PRESIDING JUDGE SCHMITT: So of course we would have to have the reference
24 point, please.

25 MR RODOMA: (Interpretation) I do thank you, Mr President. I shall provide you

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1 with a reference. It is a document to which Mr Vanderpuye made reference barely
2 five minutes ago, it is 15, tab 15 in the list of Prosecution documents, and it is
3 paragraph 9 of our (Redacted) statement, which says as follows, in English:

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Interpretation) And this was a document that the Prosecution was referring to. So
8 I shall repeat my question.

9 Q. Was it (Redacted)?

10 A. I thank you, Counsel. The problem about (Redacted) -- well, you know, I don't
11 know, it's three years ago now. I no longer recall. But yesterday I was saying that I
12 had received (Redacted) that (Redacted)

13 (Redacted) because I was getting ready to go to the airport to take

14 the plane to go to The Hague. That's what I said yesterday. I think I was clear

15 yesterday. And this business about (Redacted), maybe I might have forgotten.

16 MR RODOMA: (No interpretation)

17 PRESIDING JUDGE SCHMITT: Thank you very much.

18 This concludes the testimony of this witness.

19 Thank you very much, Mr Witness. You are released.

20 Thank you also very much, Mr Hjalmarsson. You have been witness today of a quite
21 animated session, and you will go back to (Redacted) I think with this in mind.

22 And now we'll have a break until 11.45, and then we continue with Witness 243.

23 (The witness is excused)

24 THE COURT USHER: All rise.

25 (Recess taken at 11.12 a.m.)

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1 *(Upon resuming in private session at 11.46 a.m.) Reclassified as Open session

2 THE COURT USHER: All rise.

3 PRESIDING JUDGE SCHMITT: I see that we have a new face in the courtroom, so to
4 speak. It's -- I assume it's Mr Edelberg. Welcome in the courtroom. And could
5 you please kindly introduce yourself for the record.

6 MR EDELBERG: My name is Birger Edelberg. I'm counsel for the Witness 243 in
7 this case. Thank you.

8 PRESIDING JUDGE SCHMITT: Thank you very much, Mr Edelberg. I would like
9 to inquire your availability. I understand that you are available today until we finish
10 with the session at 4 o'clock. What about Monday?

11 MR EDELBERG: Next week I'm unavailable. I'm in a court in (Redacted) the whole
12 next week.

13 PRESIDING JUDGE SCHMITT: Would there be the possibility to contact you via
14 telephone if need be because we -- I can explain to you, according to the protocol that
15 we put in place, it is not necessary that counsel be present during the testimony of the
16 witness? And we would not want to interrupt for a couple of weeks in the middle of
17 the examination. That would not be fair, not be good for the witness, and also not
18 for the parties to be honest, because the immediate impression of a testimony of a
19 witness would be interrupted.

20 So would it be possible in case a question arises that you'll be contacted via telephone
21 next week?

22 MR EDELBERG: That would be a possibility, sir.

23 PRESIDING JUDGE SCHMITT: So I can say we will handle it this way; we will have
24 your -- the Registry will have your telephone number and then we contact you if a
25 question arises. With your predecessor, to put it this way, Mr Hjalmarsson, nothing

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1 arose, so it is of -- it is only that we want to have the option to do it like this way.

2 Thank you very much.

3 MR EDELBERG: (Microphone not activated)

4 PRESIDING JUDGE SCHMITT: Thank you very much.

5 We turn now to the upcoming testimony of Witness 243. And we will discuss of

6 course with Mr Edelberg the issue of protective measures and Rule 74 assurances.

7 The Chamber notes that the witness testified as a Defence witness in the case of the

8 Prosecutor versus Jean-Pierre Bemba Gombo under the pseudonym (Redacted).

9 Trial Chamber III granted the following protection measures: The use of image and
10 voice distortion, the continued use of pseudonyms, as well as the use of private
11 session where necessary to protect his identity.

12 The VWU has recommended retaining these measures in an email sent to the
13 Chamber. And according to Regulation 42(1) of the Regulations of the Court, the
14 same protective measures shall apply in proceeding before this Court, before this
15 Chamber with a clarification that the pseudonym that has been attributed by the
16 Prosecution in this case, namely P-243, will be used.

17 The Chamber will now discuss the matter of assurances pursuant to Rule 74 of the
18 Rules for Witness 243.

19 Mr Edelberg on 28 October 2015 has submitted a filing requesting such Rule 74
20 assurances and, as we always do, the question to the Prosecution, what are your
21 views on that matter?

22 MS STRUYVEN: No objections, your Honour.

23 PRESIDING JUDGE SCHMITT: Any comments by the Defence? I do not assume
24 so.

25 (Trial Chamber confers)

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1 PRESIDING JUDGE SCHMITT: The Chamber will now render its decision on the
2 requested assurances mindful of the factors specified in Rule 74(5) of the Rules: The
3 Chamber has decided to provide assurances pursuant to Rule 74 of the Rules of
4 Procedure and Evidence in order to enable the witness to testify truthfully without
5 fear of the consequences of self-incrimination. These assurances are granted with
6 respect to Witness 243 under the conditions specified in Rule 74(3)(c) and 74(7).
7 This means that the witness can still be prosecuted under Article 70 and 71 for his
8 future conduct such as testifying falsely before this Chamber in this case. However,
9 the witness's testimony as to his past conduct cannot be used against him in a
10 subsequent court Prosecution.
11 This concludes this ruling of the Chamber.
12 The Chamber will now render a short oral decision with respect to Rule 68:
13 On 17 September 2015, the Prosecution requested that the prior recorded testimony of
14 P-243 be admitted according to Rule 68(3) of the Rules. The request is contained in
15 filing 1262. The Defence teams for Mr Babala, Mr Bemba and Mr Kilolo provided
16 their responses on 24 September 2015. They are contained in filings 1283, 1293 and
17 1294.
18 The Chamber provisionally grants the request provided that P-243 does not object to
19 the submission of his previously recorded testimony. The Chamber will provide a
20 fully reasoned decision in due course.
21 To bring in the witness we will have to go into closed session, please.
22 *(Closed session at 11.53 a.m.) Reclassified as Open session
23 PRESIDING JUDGE SCHMITT: In the meantime, thank you very much Mr Edelberg
24 that you make yourself sort of available next Monday, which really helps the
25 Chamber and everybody here in this room. Thank you.

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- 1 MR EDELBERG: Thank you, your Honour.
- 2 THE COURT OFFICER: We are in closed session, Mr President.
- 3 (The witness enters the courtroom)
- 4 PRESIDING JUDGE SCHMITT: Could we then go please into open session.
- 5 (Open session at 11.54 a.m.)
- 6 THE COURT OFFICER: We are in open session, Mr President.
- 7 PRESIDING JUDGE SCHMITT: Thank you.
- 8 Mr Witness, good morning. You are going to testify before the International
- 9 Criminal Court. On behalf of the Chamber, Mr Witness, I would like to welcome
- 10 you in the courtroom.
- 11 WITNESS: CAR-OTP-P-0243
- 12 (The witness speaks French)
- 13 THE WITNESS: (Interpretation) I thank you, Mr President.
- 14 PRESIDING JUDGE SCHMITT: This chamber has been established to try the case of
- 15 The Prosecutor against Mr Jean-Pierre Bemba Gombo and others. You are called to
- 16 testify to assist us in our search for the truth.
- 17 Mr Witness, there is a card in front of you with a solemn undertaking to tell the truth.
- 18 Could you please read out loud this card.
- 19 THE WITNESS: (Interpretation) Yes, Mr President. I solemnly declare that I shall
- 20 speak the truth, the whole truth and nothing but the truth.
- 21 PRESIDING JUDGE SCHMITT: Thank you, Mr Witness. You are now under oath.
- 22 As you have just promised, you have to speak the truth. It is an offence within the
- 23 jurisdiction of this Court to give false testimony.
- 24 And I think we should now go into private session for the protection of the witness.
- 25 *(Private session at 11.56 a.m.) Reclassified as Open session

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

2 PRESIDING JUDGE SCHMITT: Mr Witness, I'm soon going to explain to you what

3 this means when we speak about private session, closed session and open session.

4 Now, we know that you have already provided testimony before this Court in

5 another case. This Chamber wants you to testify truthfully without any fear of

6 consequences of self-incrimination. This is why this Chamber has granted you

7 assurances.

8 Nothing that you say during your testimony before this Chamber can be used against

9 you in proceedings before this Court. This includes anything that you tell this

10 Chamber with regard to your testimony before the other Chamber. As long as you

11 tell the truth and follow the directions of this Chamber, you can be assured that

12 nothing you say will be used against you by this Court.

13 However, should you not tell the truth to this Chamber, this means that there can be

14 future Prosecutions against you for falsely testifying before this Chamber. I want

15 you to have this in mind when you are going to testify now.

16 Do you understand that?

17 THE WITNESS: (Interpretation) Yes, Mr President.

18 PRESIDING JUDGE SCHMITT: Thank you.

19 Now we can't guarantee you that there will be no prosecutions against you in

20 domestic jurisdictions for what you say here. The Chamber does not have the power

21 to do this. But what we will do in order to protect you is that nothing incriminating

22 you say will be disclosed to a State or anyone outside of this courtroom.

23 Every time you say something that is potentially self-incriminating, we will go into

24 what we call private session. And we are now in private session. That means that

25 this will not be broadcast outside of the courtroom and only the people in courtroom

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1 can hear it.

2 The Chamber's ruling today means that the lawyers and everybody else in the
3 courtroom are not allowed to disclose your identity or anything self-incriminating
4 you say.

5 There can be proceedings against anyone who does not obey this order. Do you
6 understand this?

7 THE WITNESS: (Interpretation) Yes, Mr President.

8 PRESIDING JUDGE SCHMITT: Let me now explain to you how the protective
9 measures work that the Chamber has put in place for your testimony.

10 First, face distortion has been put in place, which means that no one outside the
11 courtroom can see your face during the testimony on the screen. There will also be
12 the use of a pseudonym. In accordance with that, we all refer to you only as
13 "Mr Witness" as I do at the moment to make sure that the public does not know your
14 name.

15 When you answer questions that will not give away who you are or might incriminate
16 you, we will do so in open session.

17 This means that the public can hear what is being said in the courtroom. You can see
18 that we are in open session if the light in front of you on the desk is red.

19 When you are asked to describe anything that relates specifically to you or you are
20 asked to mention facts that might reveal your identity, for example, any locations
21 where you live or persons close to you, we will do this in a private session. The light
22 in front of you will then be green.

23 As I have already explained to you in private session is no broadcast and no one
24 outside the courtroom can hear your answer.

25 If ever anything gets said during open session which should have been said in private

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1 session, we will do our best to protect this information. Your testimony will be
2 broadcast on a delay, and we can remove any such remarks from the broadcast which
3 will be heard by the public. As well, we can remove it from the public transcripts of
4 the proceedings.

5 The Chamber recognizes that your security and well-being is very important during
6 the course of the trial. If at any point you feel that you would like a brief break from
7 giving your testimony or if you feel unwell, do not hesitate to let us know.

8 I know these are very long preliminary remarks, but I have a few more for you
9 concerning practical matters.

10 Everything we say here in the courtroom is written down and interpreted into English
11 and French. It is therefore important to speak clearly and to speak at a moderate or
12 rather slow pace. Everybody in this courtroom every once in a while has a problem
13 with that, and you are for the first time here in the courtroom, but I want to remind
14 you please have it in mind, speak slowly and clearly, because then it is made sure that
15 your words can be well understood by the interpreters and then by the rest of us.

16 Speak into the microphone please and only start speaking when the person asking
17 you the question has finished. To allow for the interpretation, everyone has to wait a
18 few seconds before starting to speak. This is also an issue that is very difficult for
19 many of the people in this courtroom.

20 If you have any questions yourself raise your hand so we know that you wish to say
21 something. We will then give you the opportunity to speak.

22 Have you understood all that, Mr Witness?

23 THE WITNESS: (Interpretation) Yes, Mr President.

24 PRESIDING JUDGE SCHMITT: Thank you. We will then start your testimony.

25 Prosecution, you have the floor. And I assume that it will be Mrs Struyven.

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1 MS STRUYVEN: Thank you, Mr President. We have a binder for the witness also.

2 QUESTIONED BY MS STRUYVEN: (Interpretation)

3 Q. Good morning, Mr Witness. My name is Olivia Struyven, I'm from the Office
4 of The Prosecutor and I shall be putting questions to you today. I would like to
5 begin with your identity. Mr Witness, can you please give us your full name?

6 A. My name, my name is (Redacted).

7 Q. What is your date of birth?

8 A. My date of birth is (Redacted).

9 Q. Do you currently reside in (Redacted)?

10 A. No, I currently live in (Redacted).

11 Q. How long have you lived in (Redacted)?

12 A. Since (Redacted).

13 Q. What was your profession before you left (Redacted)?

14 A. I was (Redacted).

15 Q. When you arrived in (Redacted), what profession did you exercise?

16 A. When I arrived in (Redacted), I (Redacted)
17 (Redacted). After that, I worked as (Redacted).

18 Q. When did you start working?

19 A. I worked until 2011 and then I stopped and I started a course of study.

20 Q. Are you still a student today?

21 A. No, I am working.

22 Q. Are you married?

23 A. No. I am divorced.

24 Q. Do you have children?

25 A. Yes, Madam Prosecutor.

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1 Q. How many children do you have and can you tell us how old they are?

2 (Redacted)

3 (Redacted)

4 Q. Mr Witness, do you remember having met with a representative of the Registrar
5 on September 15th, 2015?

6 A. Yes.

7 Q. Could I ask the Registrar to show us the document under tab 25,

8 ICC-01/05-01/13, 1272, page 2. As I said, this is tab 25 for the Judges and the witness.

9 Mr Witness, do you see this document on page 2?

10 A. Not very well.

11 Q. Have you turned to tab 25?

12 A. Maybe I could be helped.

13 Q. Mr Witness, do you recognize this document?

14 A. Yes, I do.

15 Q. At the bottom of the page on the left-hand side, there is a signature. Do you
16 recognize the signature?

17 A. Yes, of course.

18 Q. Is this your signature?

19 A. Yes, I can confirm that it is.

20 Q. Before you signed this document, were you able to read your recorded
21 testimony that was recorded on the 22nd and 23rd January 2014 as is mentioned in
22 paragraph 3 of this document?

23 A. Yes.

24 Q. Is it correct that on September 15th you certified that the content of this
25 document to the extent of your knowledge and to the extent that you recall truthful

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1 and accurate?

2 A. Yes, I discussed this with the Prosecution team. When I read it, where I saw
3 some minor mistakes, I pointed them out and I was told that this was of no
4 importance. If I wanted to add any explanations, then that would require a different
5 procedure and everything would have to be started over from the beginning.

6 Q. When you reread through your statement, did you find that it was necessary to
7 make any corrections?

8 A. Yes, just a few minor things that I wanted to correct. And I was told --

9 THE INTERPRETER: And the witness trails off.

10 MS STRUYVEN: (Interpretation)

11 Q. What do you mean by some minor things? Are we talking about spelling
12 mistakes? Are we talking about things that have to do with the content, with the
13 substance?

14 A. I'm referring to the answers that I had given during a meeting with a first team
15 that I met with in (Redacted).

16 Q. But when you say today that you wanted to make some smaller minor
17 corrections, what kind of corrections did you ask to be made?

18 A. Thank you. I am referring of corrections such as when (Redacted) put
19 questions to me. I was so disturbed that day, as I had said, because of the way I was
20 taken. I gave some answers, and then when I reread the document, I -- I found that
21 some of the responses to the questions -- well, if you read it, when I was asked for
22 instance in 2012 in (Redacted) and I
23 answered (Redacted), it's because I was very stressed. I no longer knew what I was
24 saying on that day.

25 And even when I was being asked questions about Mr Kilolo, I would answer

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1 Mr Bemba. And fortunately the person conducting the questioning stopped me and
2 he said what connection is there between you and Mr Bemba?
3 So when we ask you questions about Mr Kilolo, instead of answering with the name
4 Kilolo, you use the name of Bemba. And of course I caught myself. And I
5 understood that I was giving -- I was answering in that way because I was very
6 disturbed.

7 Q. To be absolutely clear on this, is it true that you were able to make these minor
8 corrections, for instance in those situations when you referred to Bemba? So is it fair
9 to say that when you made this statement before the representatives of the office of
10 Prosecution we were able to introduce these corrections subsequently but during the
11 same deposition?

12 A. Yes, that is exactly how it happened.

13 Q. So in light of this, can you confirm what was confirmed on September 15th
14 before the representative of the Registrar that when you read your whole deposition,
15 your whole statement, it is truthful to the best of your recollection?

16 A. Yes, I had made that answer and I said that that is my statement.

17 Q. Before coming here today to testify, have you had an opportunity to read again
18 through your statement?

19 A. Yes.

20 Q. Mr Witness, do you have any objection to your testimony that was recorded and
21 made before representatives of the Office of The Prosecutor on January 22nd and 23rd
22 of 2014 be introduced into the proceedings?

23 A. Madam Prosecutor, can you please repeat your question?

24 Q. Do you have an objection as to having your statement introduced into the
25 proceedings?

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1 A. Yes, Madam Prosecutor.

2 Q. The question is do you have objections or not?

3 A. Have objections? I don't completely understand.

4 PRESIDING JUDGE SCHMITT: I think we have -- perhaps you have been informed
5 by Mr Vanderpuye what happened, I think it was yesterday, sometimes I lose a sense
6 of time a little bit. And it was Mr Gosnell who correctly pointed out, and I followed
7 him, that we first try -- try it with the wording of the legal text, but now I think we are
8 at a moment where we have to explain a little bit what this means. And if need be,
9 we give the witness time to confer with his counsel.

10 MS STRUYVEN: (Interpretation)

11 Q. Is it a problem for you if this deposition that you made in January of 2014 is
12 added to the case so that it can be taken into account by the Court?

13 A. Yes, I do have an objection.

14 Q. You have an objection or you don't have a problem?

15 A. No, I have an objection.

16 PRESIDING JUDGE SCHMITT: Then please tell the Chamber what your objection is.
17 Could you please tell us that?

18 THE WITNESS: (Interpretation) The problem is -- is related to the explanations I
19 just gave you, that I had said, in response to questions I had mentioned the name of
20 Bemba instead of Kilolo, or when I gave (Redacted) I was mistaken.
21 So this is what I don't quite understand how this relates to your question.

22 MS STRUYVEN: (Interpretation)

23 Q. So your statement in its entirety, including the corrections that you made during
24 that deposition, do you have any objections as to all of your deposition and statement
25 be taken into consideration by the Court?

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1 A. Yes, Madam Prosecutor. Now I understand.

2 Q. So are you still opposed or do you still have an objection?

3 A. No.

4 MS STRUYVEN: (Interpretation) Mr President, we will then request the statement
5 be introduced into the proceedings. I don't know if this needs to be done in writing.

6 PRESIDING JUDGE SCHMITT: No. And for the clarification for the witness, this
7 means that these depositions are part of your testimony before this Court. So you
8 have understood correctly what you have been asked I think. Is it so? Do you
9 understand that?

10 THE WITNESS: (Interpretation) Yes.

11 PRESIDING JUDGE SCHMITT: Please continue, Mrs Struyven.

12 MS STRUYVEN: (Interpretation)

13 Q. Mr Witness, you testified for the Defence in the Bemba case on (Redacted)
14 (Redacted); is that correct?

15 A. Yes, it is.

16 Q. This was under the pseudonym (Redacted); is that correct?

17 A. Yes, it is.

18 Q. In 2012, the year in which you testified, did you have a mobile telephone?

19 A. Yes, I did.

20 Q. What was your mobile telephone number?

21 A. I do not remember.

22 Q. Do you recall the number of the mobile number that you gave to the Court as a
23 contact number in connection with your testimony?

24 A. No. I no longer recall that. I gave a number but I do not remember what that
25 number was.

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1 Q. If I show you a document, will this help to refresh your memory?

2 A. Perhaps.

3 Q. I would like to ask the Registrar to put on the screen CAR-OTP-0077-0942. This
4 document is under tab 22.

5 Mr Witness, this document was prepared by the Victims and Witnesses Unit. It is a
6 list of telephone numbers that the Bemba Defence team, or the witnesses for the
7 Defence themselves, gave to the VWU as their contact number. I will ask you to look
8 at line 9. You can see your code, which is (Redacted). And you see a telephone number, a
9 telephone number that ends with (Redacted). Do you recognize this number?

10 A. Yes, I do.

11 Q. Is this your telephone number?

12 A. It was my telephone number that I no longer use.

13 Q. When did you stop using this telephone number, if you can recall?

14 A. I lost that number when I lost the telephone, but I couldn't tell you the date.

15 Q. In your testimony in October of 2012, did you have this telephone number then
16 in order to be reachable by the VWU?

17 A. Yes.

18 Q. Mr Witness, I will be putting other questions to you, but I think we can go to open
19 session. I simply want to make one comment. If you want to refer to (Redacted),
20 you can simply say "The place where I reside." And if you want to refer to the city of
21 (Redacted), you can simply refer to (Redacted) as "the capital" in order not to reveal to
22 the public that this is where you currently reside.

23 PRESIDING JUDGE SCHMITT: We go into open session then.

24 (Open session at 12.27 p.m.)

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

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1 MS STRUYVEN: (Interpretation)

2 Q. Mr Witness, do you remember when you had your first contact with a member
3 of the Bemba Defence team?

4 A. Yes, I do.

5 Q. With whom were you in contact?

6 A. It was with Mr Bemba's counsel.

7 Q. What was his name?

8 A. Aimé Kilolo.

9 Q. Was this first contact in person, via email, or by phone?

10 A. It was by phone.

11 Q. Can you remember approximately how long this phone conversation lasted?

12 A. No.

13 Q. Was it a long conversation or was it a rather short one?

14 A. It was short.

15 Q. Do you remember what you discussed during this first contact?

16 A. Yes, I do.

17 Q. What did you discuss?

18 A. Mr Kilolo called me. He introduced himself to me. He said that he was
19 Jean-Pierre Bemba's lawyer and that he wanted to talk to me regarding Mr Bemba's
20 case because he had learned that at the time I had worked (Redacted).

21 Q. During this first contact, did you discuss the events that took place in Bangui in
22 2002 and 2003?

23 A. I no longer remember, but the contact was not very long.

24 Q. One last question regarding this telephone call. Do you remember
25 approximately when it took place?

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1 A. No, I no longer recall today.

2 Q. Subsequently, did you have any other contacts with Mr Kilolo or with any other
3 person on the Defence team for Mr Bemba?

4 A. Yes, I did.

5 Q. Was this contact in person or was it by phone?

6 A. It was a meeting in person in the capital.

7 Q. Did you meet Mr Kilolo alone or was he accompanied by somebody?

8 A. I met with him alone.

9 Q. And on the occasion of this second contact, how much time did you spend
10 together approximately?

11 A. We spent more than one or two hours. Between an hour and a half and two
12 hours together.

13 Q. Do you remember what you talked about?

14 A. Yes, Madam Prosecutor, but not in its entirety.

15 Q. Could you say in general terms what it is that you discussed?

16 A. Yes, it's as I said earlier; this was the first time that Mr Kilolo and I had seen
17 each other in the flesh and he, once again, introduced himself to me saying that he
18 was counsel for Mr Bemba and he wanted to enter into contact with individuals who
19 (Redacted) when there were troops
20 of Jean-Pierre Bemba present on the Central African soil.

21 Q. And was this meeting recorded, if you remember?

22 A. I no longer recall, Madam Prosecutor, because it was lengthy.

23 Q. Very well. No problem. Could you tell us -- without giving us the name of
24 the city, could you tell us where this meeting occurred?

25 A. It was in a hotel.

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1 Q. And how did you travel to the capital on that day?

2 A. I went there by train.

3 Q. And did you take that train on the very same morning of that day?

4 A. Yes, I took the train on that same day and I returned on the same day.

5 Q. So if I understand you correctly you made the return journey on that very same
6 day?

7 A. Affirmative, Madam Prosecutor.

8 Q. And do you recall the price of the return journey, same day return journey ticket
9 to the capital on that day?

10 A. Yes, Madam Prosecutor. And Mr Kilolo -- I no longer recall as I said between
11 (Redacted). I really don't remember the precise amount. And it was
12 armed with this money that I made the trip from (Redacted), that
13 return journey.

14 PRESIDING JUDGE SCHMITT: You know what I wanted to say, so you are aware
15 of it. And perhaps you can indicate it to the witness that perhaps be careful.
16 You understand, Mr Witness? Don't give away information.

17 THE WITNESS: (Interpretation) I thank you, Mr President.

18 MS STRUYVEN: (Interpretation) Yes. And just to reassure you this piece of
19 information will be redacted from the public transcript.

20 Q. Now, another question, on that day when you made the return journey, did you
21 incur any further expenses such as refreshments or meals that you paid for yourself?

22 A. No, Madam Prosecutor.

23 Q. And you said that Mr Kilolo reimbursed you the cost of that trip. Do you
24 remember the date at which he made that reimbursement?

25 A. No, Madam Prosecutor. I didn't say that he reimbursed it; rather, he was the

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1 one who had sent me the money for the travel before I departed.

2 Q. And do you remember when it was that he advanced the said sum to you?

3 A. I no longer recall, Madam Prosecutor.

4 Q. Would it maybe refresh your memory were I to show a document to you on the
5 subject?

6 A. Maybe, Madam Prosecutor.

7 Q. Could you please return to tab 21 in the binder. This is document
8 CAR-OTP-0074-0855, and more specifically, that would be tab 40, line 23. So for the
9 Bench and for the witness that's tab 21. Oh, I apologise. Sorry, it is tab 21. If you
10 see line 53, you can see a name in column C, which is Kilolo, and in column F you see
11 a date. Can you see that? Can you see the document?

12 Could the court officer or court usher please show this to the witness? That is tab 21
13 in your binder. And for broadcast on the screen, we are looking for the electronic
14 tab 40, and that's line 53 thereof. Sometimes it's a little bit difficult with all these
15 documents.

16 So here, Mr Witness, you can see the name of Mr Kilolo and you can see a date in
17 column F. Is this the date at which the transfer was made?

18 A. I do believe so, Madam Prosecutor, but I do not remember exactly.

19 Q. So you do believe that it was on 14 June 2012?

20 A. Affirmative, Madam Prosecutor.

21 Q. And if you turn the page, and now I'm looking at column U, you will see an
22 amount of (Redacted)?

23 A. Yes, Madam Prosecutor.

24 Q. Was that the amount that was transferred to you?

25 A. Yes, indeed.

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1 Q. And you said that you did not have any other expenses incurred in association
2 with that trip. Did Mr Kilolo ask you that very same question, notably that you had
3 any further expenses incurred?

4 A. No, Madam Prosecutor, I can't recall.

5 Q. A last question with regard to the date of the transfer, that is to say 14 June 2012.
6 Do you recall whether the meeting occurred on the next day, two days later, three
7 days later, or a week later?

8 A. I do not remember, Madam Prosecutor.

9 Q. No problem.

10 After this meeting in June 2014 -- no, I'm sorry, in June 2012, did you have any other
11 contacts with the members of Mr Bemba's team?

12 A. Yes, Madam Prosecutor, still Mr Kilolo.

13 Q. And how many instances of contact did you have after your testimony? So
14 after the meeting in the capital until your testimony took place in October 2012?

15 A. I no longer recall, Madam Prosecutor, but I do remember that after our contact,
16 Mr Kilolo called me to say that he had handed my contact details over to the security
17 team that would be calling me in order to prepare my travel documents to come here.

18 Q. And the security team, do you mean thereby the VWU?

19 A. No, Madam Prosecutor. What I meant thereby -- well, the security team, they
20 had given me a name, (Redacted).

21 MS STRUYVEN: (Interpretation) Mr President, might we move into private
22 session, please, because I'm going to put a few questions on this.

23 PRESIDING JUDGE SCHMITT: Agreed. We go into private session.

24 *(Private session at 12.44 p.m.) Reclassified as Open session

25 THE COURT OFFICER: We're in private session, Mr President.

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1 MS STRUYVEN: (Interpretation)

2 Q. And before handing over the contact details of (Redacted), did you have any other
3 contact with Mr Kilolo?

4 A. As I said, Madam Prosecutor, I no longer remember the number of contacts that
5 I had with Mr Kilolo.

6 Q. But do you remember whether it was one, or five, or ten? Do you know
7 approximately how many?

8 A. I really don't remember.

9 Q. And on the occasion of said contacts for which you no longer recall the number,
10 what did you discuss with Mr Kilolo?

11 A. Nothing further, Madam Prosecutor, only what he had announced, notably that
12 I would be coming to testify before the Court and that there would be a security team
13 that would make contact with me in order to send me the travel documents. And I
14 no longer remember any further contacts or any further topics of conversation.

15 Q. I'm going to be more specific maybe. After your meeting in (Redacted) until he
16 gave you the contact details for (Redacted) in connection with your testimony, did
17 you continue to discuss the events that unfolded in Bangui in 2002 and 2003?

18 A. No, Madam Prosecutor.

19 Q. Now, you said that he had called you in order to give (Redacted) contact details.
20 Do you recall approximately how many days it was before your testimony?

21 A. No, Madam Prosecutor, I no longer recall.

22 Q. Do you know whether it was the day before you travelled to come and testify, or
23 was it a week before? Could you try and situate us in time? Could you assist us?

24 A. Madam Prosecutor, as I said, I no longer recall the dates or the number of times I
25 had contact with (Redacted). He called me. He asked me for my email address for

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1 him to be able (Redacted) to my email account for me to be able
2 (Redacted), and then I recall that he called me to say that he (Redacted)
3 (Redacted)
4 (Redacted). Now, as for other contacts and anything else that
5 was said, I no longer recall.

6 Q. But (Redacted) is the individual you have just talked about; is that not correct?

7 A. Yes, Madam Prosecutor.

8 Q. Very well. Then I shall put questions to you on the subject of your journey to
9 The Hague. Now, a general question: How did you travel to The Hague in order to
10 come and testify in the Bemba case?

11 A. Yes, Madam Prosecutor, as I said earlier, (Redacted), and (Redacted)
12 (Redacted) that I made the journey here.

13 Q. And did you say that (Redacted) accompanied you? And when did you meet
14 him?

15 A. I met (Redacted) at the airport in (Redacted).

16 Q. And do you remember whether it was the morning, lunch-time, afternoon or
17 evening when you met (Redacted)?

18 A. I believe that it was before midday. I no longer really recall, Madam
19 Prosecutor.

20 Q. And did you travel by train once again from your residence to (Redacted)?

21 A. Yes, indeed, Madam Prosecutor.

22 Q. So if I understand you correctly, you took the train on that morning, did you
23 not?

24 A. Yes, indeed.

25 Q. And in order to situate us in time, how long does the journey by train take -- or,

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1 rather, how long does the journey from your front door to (Redacted) airport take?

2 A. Two hours approximately.

3 Q. And so did you conduct the check-in with (Redacted)?

4 A. Affirmative, Madam Prosecutor.

5 Q. And once you had landed in Amsterdam, did you immediately go to some form
6 of accommodation or did you go to the Court directly?

7 A. We travelled directly to the Court.

8 Q. Now, in your prior statement you said that at a given moment in time you had
9 (Redacted) to the VWU. Do you remember when that was that you
10 (Redacted) to (Redacted)?

11 A. I didn't (Redacted) to (Redacted); rather, it was Mr Kilolo who
12 (Redacted) to (Redacted).

13 Q. However, in your statement you said that once you had arrived, you (Redacted)
14 (Redacted) to the representative of your VWU, (Redacted).
15 Do you remember when it was that you (Redacted)?

16 A. No, I do not recall.

17 Q. Maybe I shall put the question to you differently. During the journey did you
18 have (Redacted)?

19 A. Affirmative, Madam Prosecutor.

20 Q. And that was (Redacted) that we have seen in the
21 document just now with your contact number?

22 A. I do believe that is correct, Madam Prosecutor, but I no longer recall.

23 Q. Do you remember whether (Redacted) had called you that day (Redacted)?

24 A. Indeed. It was (Redacted)
25 (Redacted).

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1 Q. So at a given moment in time were you (Redacted)

2 (Redacted) during your stay in The Hague?

3 A. I no longer recall, Madam Prosecutor, but I had received explanations and

4 instructions telling me (Redacted) and that (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted). So we gave up.

9 We just tried that one time.

10 (Redacted). And I do not remember (Redacted)

11 (Redacted). I no longer recall.

12 Q. Now, with regard to the expenses incurred by this journey to The Hague, who

13 paid for the journey if you recall?

14 A. I believe it was the Court, Madam Prosecutor.

15 Q. So if I understand you correctly, the hotel, the refreshments, the meals, the

16 transport costs, once in The Hague were paid for by the Court or did you disburse any

17 money?

18 A. No, I did not pay for anything, Madam.

19 Q. And did the Court reimburse you for loss of earnings during your stay here in

20 The Hague?

21 A. No, Madam Prosecutor. What is more, I was not in employment at the time. I

22 was a student. And they explained everything to me. They said that if (Redacted)

23 (Redacted)

24 (Redacted)

25 I was clear, I said that I wasn't working at the time, that I was (Redacted)

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1 (Redacted).

2 Q. Now, (Redacted), did (Redacted)

3 suffice for you and your family to live?

4 A. Yes, it was sufficient, Madam Prosecutor.

5 Q. Now, do you remember the date at which you arrived here in The Hague with

6 (Redacted)?

7 A. No, Madam Prosecutor. I believe that it was before the 17th, but I no longer

8 recall exactly.

9 Q. If I show you a document on the subject, might that refresh your memory?

10 A. Yes, of course, Madam Prosecutor.

11 Q. Could you please consult tab 23 in your binder. And for us that would be

12 documents CAR-OTP-0078-0290. And could you please look at the second line.

13 And this shows your code once again which ends with (Redacted). And in the third

14 column you see a date, an arrival date and a departure date. Does this jog your

15 memory with regard to the date of your arrival and also the date of your departure in

16 view of the fact that we are consulting this document now?

17 A. Might somebody be of assistance?

18 Q. So this is tab 23. And if you look at the second line, that is your code, (Redacted),

19 and in the third column you can see a date, a date of arrival and the fourth column

20 shows a date of departure. Does this jog your memory with regard to your date of

21 arrival and date of departure?

22 A. Yes, Madam Prosecutor.

23 Q. So you arrived on (Redacted) and you left on (Redacted)?

24 A. That is correct, Madam Prosecutor.

25 Q. A last question in this regard: And on (Redacted), did you go home to

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1 your residence on that very same day of (Redacted)?

2 A. Yes, I did, Madam Prosecutor.

3 MS STRUYVEN: Would this be a good time to break or --

4 PRESIDING JUDGE SCHMITT: I think we could continue until a quarter past 1
5 because we have lost 15 minutes because of the technical problems and, as you know,
6 I would like to use the time as efficiently as possible. So you can continue further 10
7 minutes.

8 MS STRUYVEN: (Interpretation)

9 Q. Mr Witness, aside from the (Redacted) that Mr Kilolo had transferred to you by
10 Western Union, had you received any other money from the Bemba Defence team?

11 A. Thank you. I think that that question was raised the other day when (Redacted)
12 was in (Redacted). In fact, (Redacted) received some money because the question
13 was put to me indirectly. As I said a while ago, I was disturbed. (Redacted) did
14 receive this money. And when the question was put to me directly, that is to say had
15 I been sent some money, and I had answered no, aside from the costs of travel, the
16 money that Mr Kilolo had sent to me personally, that he had not sent me any other
17 money, but it turns out that this was about this money, this sum that was sent to
18 (Redacted). But eventually I did recognize that that money must have come from
19 Mr Kilolo even though it was sent by a third party whom I do not know. This is
20 what we received.

21 Q. Do you remember what the amount was?

22 A. When I got home, if I remember correctly, on that day, and it was probably on
23 that date, the 17th, when Mr Kilolo called me to ask me if (Redacted) was home and I
24 answered that (Redacted) was travelling, he asked is there an adult at home?
25 And that's when I gave (Redacted) name with (Redacted) telephone number, because

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1 he wanted to have a contact while I was away. This is why I gave (Redacted) name
2 and (Redacted) telephone number thinking this is done for -- in the case of all
3 witnesses who come to testify in The Hague.

4 Q. This was before you testified that you had this conversation with Mr Kilolo?

5 A. Yes. I do not recall exactly the date, and I think it may have been when I was
6 already on the train going to (Redacted) that we talked about this, but I don't recall
7 exactly because (Redacted) received the money after I had left.

8 Q. Did you talk about this, the fact that you would be getting some assistance?

9 Was that the first time that you discussed this, or had you talked about it prior to that
10 time?

11 A. No, we had not discussed this prior to this. It was spontaneous. He called me
12 and simply asked me if (Redacted) was at home and I answered no, (Redacted)
13 (Redacted). And then he asked is there a grown up at home? And I said yes, there
14 is (Redacted) and I gave (Redacted) contact information.

15 Q. Do you remember what amount of money was sent?

16 A. This is what (Redacted) said. (Redacted) said that (Redacted) had been sent
17 (Redacted). And (Redacted) called him uncle. And (Redacted)said the same uncle who
18 sent me the money had called me and that he had called again after having gotten the
19 money to ask me how much I had received. And I showed him the amount and he
20 said, "No, that's not right." And right after that the same person, the same individual
21 who sent the money called again to say, "I'm calling you again and I'm going to send
22 you a little bit more money." I don't know why. And this is how it happened.
23 (Redacted) was called and received another (Redacted) from these people. So
24 altogether that was about (Redacted).

25 Q. Would it be of assistance if I showed you a document to know exactly what

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1 amount you received?

2 A. Yes, it would.

3 Q. Please go to tab 20. For the record this is CAR-OTP-0070-0007. Please go to
4 tab 34, line 2 and 3.

5 Mr Witness, can you see this document? On this document -- you apparently do not
6 have the right document. It's tab 20.

7 Mr Witness, can you see the document? Please turn to page 2 -- rather, the back of
8 that page and if you would please look at column Y. This is the person who received
9 the money. Do you recognize this name? You need not repeat it. Can you just tell
10 us if you recognize the name?

11 A. Yes, I do.

12 Q. Who is this person?

13 A. (Redacted).

14 Q. Turning now to page 1, in column A we see two payments. Does this help
15 refresh your memory regarding the amount in dollars?

16 A. Yes.

17 Q. For the record please tell us what the amount is?

18 A. Yes.

19 Q. So (Redacted); is that correct?

20 A. Yes, it is.

21 PRESIDING JUDGE SCHMITT: I think this would perhaps be a good time to have
22 the break. Until 2.30.

23 THE COURT USHER: All rise.

24 (Recess taken at 1.12 p.m.)

25 *(Upon resuming in private session at 2.29 p.m.) Reclassified as Open session

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1 THE COURT USHER: All rise.

2 PRESIDING JUDGE SCHMITT: You still have the floor.

3 MS STRUYVEN: Thank you, Mr President. (Interpretation)

4 Q. Mr Witness, I just have one further small question to put to you. It's the last
5 question I'm going to put to you: And before we took the break, you said that the
6 conversation you had with Mr Kilolo on the subject of the transfer of the (Redacted)
7 took place before your journey and you believe that it was even in the journey on the
8 way to (Redacted). Do I understand correctly that that was on your journey, on your
9 way to come to testify here in The Hague?

10 A. Yes, Madam Prosecutor, that's what I was saying.

11 MS STRUYVEN: I have no further questions, Mr President.

12 PRESIDING JUDGE SCHMITT: Thank you very much.

13 Then we continue with the Defence. Mr Powles is standing. That is a good sign.

14 MR POWLES: It was just -- actually --

15 PRESIDING JUDGE SCHMITT: No?

16 MR POWLES: -- it was in relation to some of the questions that were put by my
17 learned friend before lunch. And now obviously we didn't want to interrupt my
18 learned friend while she was on her feet and during the course of her examination,
19 but we were going to ask that she be careful in relation to leading questions,
20 particularly in relation to the conversations about the money and if there was a
21 departure from what the witness has said in his interview. And we did notice a few,
22 but we didn't want to interrupt at that stage. But certainly in the interview at -- in
23 the transcripts CAR-OTP-0074-1169, at lines 581 to 588, the witness seems to indicate
24 that he had no conversations with Mr Kilolo about the money in advance of receiving
25 it -- or, (Redacted) receiving it, rather.

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1 PRESIDING JUDGE SCHMITT: Of course, then we inquire like always which
2 Defence team wants to start with the examination? Or perhaps we inquire first
3 which Defence teams want to examine the witness and what time you expect this will
4 need.

5 Mr Gosnell -- perhaps we start with Mr Gosnell and then we go around as we do
6 always when we ask for the appearances.

7 MR GOSNELL: If I have any questions, they would be very, very, very few. But I
8 think for this particular witness, probably we wouldn't be first.

9 PRESIDING JUDGE SCHMITT: Most important, of course. It's perfectly clear.
10 Mr Djunga, what do you say?

11 MR DJUNGA: (Interpretation) Yes, Mr President, we will have a few questions to
12 put to the witness. We estimate a duration of one hour questioning.

13 MR TAKU: The Arido Defence has no questions for this witness, your Honour.

14 MR KILENDA: (Interpretation) Mr President, the Defence for Mr Babala has no
15 questions to put to this witness.

16 MS TAYLOR: Thank you, Mr President. At this juncture the Defence for Mr Bemba
17 has no questions to put to this witness.

18 PRESIDING JUDGE SCHMITT: Then perhaps, as I said, we don't want to push
19 anything, perhaps we are able to finish the testimony of this witness today. That
20 would be a very good thing. We cannot exceed the 4 o'clock time today for
21 compelling reasons.

22 We start with Mr Djunga and the Defence of Mr Kilolo. Perhaps you could also
23 indicate open session or private session as always.

24 MR DJUNGA: (Interpretation) I thank you, Mr President. I believe that we are in
25 private session. We can remain there. I have two or three questions then I might

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1 request that we move into open session.

2 QUESTIONED BY MR DJUNGA: (Interpretation)

3 Q. Good afternoon, Mr Witness.

4 A. Good afternoon, Counsel.

5 Q. My name is Maître Paul Djunga. And I shall be putting a number of questions
6 to you on behalf of the Defence team for Mr Kilolo. And certainly my learned friend
7 Mr Powles will have a number of questions to put to you too.

8 Mr Witness, I, from the outset, suggest that you listen to an excerpt and then I shall
9 put some questions to you. The sound excerpt that we intend to broadcast is

10 CAR-D21-0011-0001. And I believe that it is of a duration of two minutes.

11 And with regard to the transcript, CAR-D21-0011-0005. And we shall move from the
12 first line to line 37. And for the second it will be line 43 to line 90.

13 THE INTERPRETER: Could the English booth interpreter please be directed to the
14 precise document that counsel is going to be referring to from the email?

15 MR DJUNGA: (Interpretation) The transcript CAR-D21-0011-0005.

16 THE COURT OFFICER: With your leave, Mr President, counsel for the Defence
17 wants the Registry to play the audio, or will you do it from your own bench?

18 PRESIDING JUDGE SCHMITT: We are going to play an audio. And this has been
19 made clear and Maître Djunga has said now twice the reference, I think. So I think
20 the Defence is in charge, to put it this way, and can play it.

21 (Playing of the audio excerpt)

22 THE INTERPRETER: (Interpretation)

23 Maître Kilolo: Good evening, sir. Could you please introduce yourself. Tell us
24 your name and your profession.

25 (Redacted): Thank you, sir. My name is (Redacted). And for the time being I do

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- 1 not have a profession, but I was formerly (Redacted)
- 2 (Redacted).
- 3 Aimé Kilolo: Thank you. Now in terms of your (Redacted), could you briefly
- 4 tell us (Redacted)
- 5 (Redacted)
- 6 (Redacted)
- 7 (Redacted)
- 8 (Redacted)
- 9 (Redacted)
- 10 Aimé Kilolo: Can you remember in which year you went to (Redacted)
- 11 (Redacted)
- 12 (Redacted)
- 13 (Redacted)
- 14 (Redacted)
- 15 (Redacted)
- 16 (Redacted)
- 17 (Redacted)
- 18 (Redacted)
- 19 (Redacted)
- 20 (Redacted)
- 21 (Redacted)
- 22 (Redacted)
- 23 (Redacted)
- 24 End of excerpt.
- 25 MR DJUNGA: (Interpretation) We are now going to move onto the second excerpt,

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1 Mr President.

2 (Playing of the audio excerpt)

3 THE INTERPRETER: (Interpretation)

4 Maître Kilolo: What pushed you to accept?

5 (Redacted): Well, if other people have accepted to testify, why wouldn't I?

6 Bemba is a human-being and it is not because (Redacted) to

7 speak badly of him or what he did. If he did something bad, or did something

8 against (Redacted), then I will say so, but I have never heard such

9 a thing. And everything I have heard is what I have heard with my very own ears.

10 Mmh. So to say that Mr Bemba did anything else apart from that -- well, I wasn't

11 there at the time. I am speaking as somebody who was by his side, who drove him,

12 who was present on the days when he gathered the MLC soldiers together to talk to

13 them. And that's how things happened.

14 Aimé Kilolo: Very well. Did you come under any pressure or did you receive any

15 threats or any promises of money in -- as some kind of encouragement to accept to

16 testify for mister -- in the Defence of Mr Jean-Pierre Bemba?

17 (Redacted): I have not had any contact from anybody. I have not had any contact

18 with Mr Bemba, with anybody. I don't know how the lawyers of Mr Bemba came

19 across my contact details to contact me. So I'm speaking sincerely. I have not

20 received any promises, and I have no -- it is not in my interest to lie. So I am saying

21 what I experienced. Nobody made any promises to me.

22 Aimé Kilolo: My last question. It is said that when the MLC soldiers arrived at the

23 behest of President Patassé, once they arrived, they spread out in the various

24 neighbourhoods towards PK4, Boy-Rabé, Fou, Gobomgo (phon), PK12. They looted.

25 They raped and they killed civilians and they took the property of Central African

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1 civilians and took it to Congo. What do you say to that?

2 (Redacted): No, really, let's be serious. (Redacted).

3 Somebody who (Redacted) and

4 go into a neighbourhood that is unknown to me and just willy-nilly go around raping,
5 et cetera?

6 The soldiers did not arrive in such a fashion and spread out or dispersed throughout
7 the various neighbourhoods. When they arrived they were grouped together. They
8 would wait for orders. And when the officers, the Central African officers took
9 charge of the soldiers, they then distributed the equipment, the uniform and
10 everything and then they -- they -- they spread out into their various operation posts.
11 They did not come of their own volition and just spread out willy-nilly, otherwise
12 how else would they go out and fight empty handed without any weapons? They
13 had to receive weapons before going out into the field.

14 (Redacted): So I do not believe -- I do not follow that reasoning.

15 Mr Kilolo: Thank you very much for meeting me today. Thank you very much.

16 MR DJUNGA: (Interpretation)

17 Q. Mr Witness, does what you have just heard ring any bells?

18 A. Yes, Counsel.

19 Q. Was it in the capital of your country of residence on the occasion of your
20 meeting with Maître Kilolo in June 2012?

21 A. Yes, Counsel.

22 Q. And did you tell the truth at that moment in time to Maître Kilolo?

23 A. Yes, Counsel.

24 Q. Thank you, Mr Witness. So you were (Redacted)

25 (Redacted); is that correct?

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1 A. Yes, Counsel.

2 Q. So you are a first choice witness. You were (Redacted)

3 (Redacted) when the attack was launched upon the town of Bangui; is that not correct?

4 A. Counsel, please be clear. What attack are you referring to?

5 Q. We're talking about the month of October 2002. You were present?

6 A. Yes, Counsel.

7 Q. Mr Witness, Maître Kilolo told you that he was seeking (Redacted) who had

8 personally experienced the events in the CAR when the MLC troops were present in

9 Bangui in 2002. Do you remember that?

10 A. Yes, Counsel.

11 Q. For the Chamber, I have one reference, CAR-OTP-0074-1112, page 1120, line 274

12 to 276. And I shall just read: "He said to me", and that is you talking about

13 Maître Kilolo "I am seeking people who experienced events when there were Bemba's

14 troops present in Central African Republic, people who experienced the events."

15 And that is what you just confirmed and that is what you said during your

16 conversation with the Office of The Prosecutor?

17 A. Yes, Counsel. I was saying that I had a lengthy conversation with Mr Kilolo

18 and that I did not remember everything we said.

19 Q. Very well. You said that it had lasted a long time?

20 A. Yes, I said that, but this is a long time after the event.

21 Q. Yes, of course. So you furnished Mr Kilolo with a great deal of information

22 with regard to what you personally experienced and saw?

23 A. No, that is not what I said, Counsel. I said that it is a long time since

24 Maître Kilolo and I had that discussion, which means that I do not remember all that

25 was discussed.

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1 Q. That is correct. I was just saying that at that time when you met him you said
2 at an earlier stage that the conversation lasted an hour and a half to two hours. You
3 said that this morning. And I was saying that at that time you had already provided
4 him with information on -- with regard to what you saw and experienced as he was
5 seeking?

6 A. I talked to Mr Kilolo, and, Counsel, I said to you that I did not remember
7 everything that Mr Kilolo and I had discussed on that day.

8 Q. Very well, Mr Witness. Maître Kilolo specified that he wanted you to go to The
9 Hague just to give a few details of what you had personally seen and experienced; is
10 that not correct?

11 A. Yes, maybe, but that -- as I said, this is a long time ago and I don't remember
12 everything that was said.

13 Q. I shall refresh your memory somewhat. This was during the discussion or
14 conversation that you had with the Office of The Prosecutor, CAR-OTP-0074-1124,
15 page 1141, lines 600 to 601.

16 And you say, talking of Mr Kilolo, he specified that it was just to go and testify to
17 what you had experienced and seen; is that correct?

18 A. Yes, Counsel, but I think we've all just listened to this, and I believe that these
19 are the answers that I gave to Mr Kilolo, and we've just listened to it.

20 MR DJUNGA: (Interpretation) Mr President, I believe that we can go into open
21 session. I shall be very careful not to mention anything that might (Overlapping
22 speakers)

23 PRESIDING JUDGE SCHMITT: I just wanted to address that myself. So we go into
24 open session.

25 (Open session at 2.54 p.m.)

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

2 MR DJUNGA: (Interpretation)

3 Q. Mr Witness, I have another reference to your conversation with the OTP in
4 order to jog your memory somewhat. And what is more, as you said, you read it
5 prior to coming here, this is CAR-OTP-0074-1112, page 1114, lines 36 to 43.

6 And you say as follows: "When I accepted to go and testify before the International
7 Criminal Court, it was with a view to assisting the Court and shed light on what had
8 happened."

9 My question to you: Your intention was to assist the Court in having a clear idea on
10 what occurred in the Central African Republic in 2002; is that not correct?

11 A. Yes, Counsel.

12 Q. I thank you. I shall give you two or three more references to your statements to
13 the OTP, which we shall examine rapidly, CAR-OTP-0074-1124, page 1127, line 102 to
14 103. And you say as follows.

15 THE INTERPRETER: It is not yet on the screen.

16 MR DJUNGA: (Interpretation) "I could see that it was (Redacted) to go
17 and testify to tell what had happened there."

18 Q. My question is as follows: Is it true to say that you have always considered
19 that it was (Redacted) to explain to the Court what you had
20 experienced and seen?

21 A. Very well, Counsel. Could I put a question to you.

22 PRESIDING JUDGE SCHMITT: Mr Witness, I think you are aware of the fact that in
23 general the witness is the person in the courtroom where other -- where the counsel
24 puts question to and the witness is not allowed to put questions. So only with the
25 leave of Mr Djunga of course. I would not object to that. But normally it is not the

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1 way we do it here.

2 THE WITNESS: (Interpretation) I thank you, Mr President.

3 MR DJUNGA: (Interpretation)

4 Q. Witness, please be reassured, it might be a little bit belaboured listening to
5 repetitive questions, but our intention is to clarify matters. These are things that you
6 said to the Prosecutor and you have most probably repeated them during the hearing
7 today, but it's also for the record of the proceedings and that is why I am conducting
8 this exercise and requesting confirmation of you.

9 A. I thank you, Counsel. I believe that when I said this -- well, initially I had said
10 that -- I had said to the Prosecutor that when Mr Kilolo initially contacted me I was
11 somewhat worried. I was seeking to ascertain why it was that he wanted to contact
12 me. And I was somewhat unwilling upon going home. And even now he
13 contacted me and we met and we had a conversation, as we just heard, and then
14 when we parted ways, I decided, as you just said, to -- that if the opportunity
15 presented itself for me to come and voice what I had experienced, I did not see any
16 impediment to that because the question was put to me as to whether I had received
17 anything or any proposals prior to coming to testify. That is why I said no, that I had
18 subsequently decided to come and testify because it was (Redacted)
19 and also because it allowed the Court to fulfil its task. That's why I testified.

20 Q. Thank you, Mr Witness. I will spare you some of the excerpts because I know
21 you have had the time to reread your statement to the OTP, except you wish me to
22 read them to you.

23 But in light of what you have just said, are you telling us that Mr Kilolo never, never
24 asked you to change your testimony?

25 A. No. Mr Kilolo has never asked me to change my testimony.

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1 Q. Thank you, Mr Witness. Mr Kilolo never, never tried to influence the contents
2 of the testimony that you would be coming to give to the Court; is that what you are
3 saying?

4 A. Mr Kilolo and myself met face to face only once, and we discussed what you
5 have just heard. And we never met each other again. We spoke only once more on
6 the phone and he told me, "Listen, (Redacted), you are going to come to the Court to
7 testify. And I have transmitted your contact details to the unit responsible for your
8 travel documents." And we did not speak about anything else.

9 Q. Mr Witness, I therefore suppose that you told the truth before the Court in the
10 Bemba case in 2002 -- in 2012, correction?

11 PRESIDING JUDGE SCHMITT: Ms Struyven.

12 MS STRUYVEN: Excuse me, your Honours. But he testified not only about the
13 substance of the events that happened in Bangui in 2002-2003 during his testimony, he
14 also testified about contacts with the Defence, he testified about money that he
15 received from the Defence or not. So I think that the way the question is now being
16 asked, it -- it suggests and it's all --

17 PRESIDING JUDGE SCHMITT: It's also -- it's a little bit too general, to put it this
18 way. You should be more specific or move to another point indeed.

19 MR DJUNGA: (Interpretation) Much obliged, Mr President.

20 Q. I talked about his testimony during the Bemba trial in (Redacted). You told the
21 truth, didn't you, that is relating to what you experienced (Redacted)?

22 A. Counsel, I spoke the truth about what I observed.

23 Q. Thank you, Mr Witness. We are going to move onto something else, money.
24 Mr Witness, you have already said this, maybe, I was distracted. Did you ever ask
25 for money from Mr Kilolo in exchange for your testimony?

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1 A. No, I never asked for any money from Mr Kilolo.

2 Q. Thank you, Mr Witness. I agree with you. I believe that is what you said. So
3 at no point was there any financial condition when you accepted to come and testify
4 in the Bemba case in (Redacted)?

5 A. No. Apart from the amount of money that I have explained here, the money
6 that I received from Mr Kilolo, he transferred this money to me in order to pay for my
7 transport costs to the capital. And there was another transfer made in the name of
8 (Redacted). So apart from that, I never received any money from Mr Kilolo or
9 from anyone else.

10 Q. Thank you, Mr Witness. Let us speak of the money in question. As you have
11 just said, when Mr Kilolo told you that money would be sent to your family during
12 your absence, would I be correct to say that the intention was not for you to change or
13 amend your testimony?

14 A. Counsel, I do not know if that was the intention of Mr Kilolo, I'm not in his
15 mind to be able to know that. A short while ago I said that when Mr Kilolo called
16 me to tell me about that, I was already in the train travelling to the capital to meet
17 with the person who was supposed to accompany me here, and that person was
18 already there in the capital. That is what I can tell you.

19 Q. Thank you, Mr Witness. My question to you was based on your understanding
20 when that money was given, was to be transferred, how did you understand it?

21 A. I understood that that is what happens with all witnesses that come to testify
22 here, that during their absences, money would be given to their families. But it was
23 never my understanding that the intention was to convince me to change my
24 statement or my testimony to the Court.

25 Q. Mr Witness, regarding the (Redacted), you stated to the Prosecutor, "This money,

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1 I believe they used it to buy food. And when I came back, they gave me the rest of
2 the money."

3 It's CAR-OTP-0074-1196, 258 -- lines 258 to 259.

4 Was that your testimony to the Prosecutor?

5 A. Yes, Counsel. I accept and I accept it that (Redacted) received money after me,
6 and it was sent in two tranches, in two parts. So when I came, (Redacted) explained
7 that to me.

8 Q. Thank you, Mr Witness. I have no further questions for you. And I will ask
9 my learned colleague to continue with the questions for you.

10 QUESTIONED BY MR POWLES:

11 Q. Good afternoon, Mr Witness. My name is Steven Powles and I'm going to ask
12 you some further questions on behalf of Mr Kilolo. It's on a different topic to the
13 questions you've been asked already by my learned friend Mr Djunga. I'm going to
14 ask you some questions about the interview that you had with the Office of The
15 Prosecutor in January of 2014 in your home country.

16 You were interviewed over two days in January 2014 on the --

17 PRESIDING JUDGE SCHMITT: Can we remain in private -- in open session, do you
18 think so, or is it critical?

19 MR POWLES: I think we can remain in open session provided we don't mention any
20 place names or names of people. And I don't intend to.

21 PRESIDING JUDGE SCHMITT: Especially you have to be aware of that fact of
22 course.

23 MR POWLES: Absolutely. Thank you very much, Mr President.

24 Q. Yes, Mr Witness, I'm going to ask you some questions about the interview that
25 you had with the Office of The Prosecutor over two days on 22nd and

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1 23 January 2014.

2 The interview that you had on the first day, on 22 January 2013 -- sorry, 2014, my
3 mistake, it commenced in the afternoon. I can give you the precise time. Do you
4 remember that it started in the afternoon of that day?

5 A. Yes, that is correct.

6 Q. And you were interviewed obviously by investigators from the International
7 Criminal Court and there were (Redacted) police officers present as well; that's correct,
8 isn't it?

9 MR POWLES: My apologies.

10 THE WITNESS: (Interpretation) Yes, Counsel.

11 MR POWLES:

12 Q. You also had a lawyer present with you, and I understand it's the same lawyer
13 that's in court today; is that correct?

14 A. Yes, Counsel.

15 Q. Now, Mr Witness, before I ask you questions about that interview, I want to
16 take you back a few hours to ask you how you eventually ended up at the police
17 station.

18 It's right that the police from the country you're from came to your home address in
19 the morning; is that right?

20 A. Yes, that is correct.

21 Q. And were they uniformed police officers? When I say "uniformed," were they
22 wearing police uniforms?

23 A. No, Counsel.

24 Q. Did they come in police cars?

25 A. No, Counsel.

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1 Q. When they arrived you were not dressed; is that correct?

2 A. I was in my pyjamas, Counsel. When the police arrived, I was still in my
3 pyjamas because it was early in the morning and I was preparing the children to go to
4 school.

5 Q. Yes. Thank you very much, Mr Witness, you've anticipated my next question,
6 which was going to be given that you were in your pyjamas, it was early in the
7 morning?

8 A. Yes, Counsel, about 7 a.m.

9 Q. And you mentioned you were getting your children ready. So presumably
10 your family were present when the police officers arrived?

11 A. Yes, my family, my children. In fact, I was alone with my children.

12 Q. And it's right, isn't it, Mr Witness, that you had to get dressed in front of the
13 police officers?

14 A. Counsel, this is something that personally shocked me. I also explained that
15 the next day to the Prosecution team which was present.

16 Q. I think that's right, yes, because of course this was the first time, wasn't it, that
17 the police had ever come to your house in the country that you're in?

18 A. Yes.

19 Q. As well as that feeling of shock, what other feelings did this situation evoke in
20 you?

21 A. Counsel, I think it took some time. We tried to overcome that progressively.
22 And so far I think it's okay.

23 Q. I think in your interview -- I think that you mentioned the interview in your
24 second day, you described the decision or the process of picking you up from your
25 home and taking you to the police station, you described it as some event or some

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1 operation; is that correct, Witness?

2 A. Yes, Counsel. If you wish, I can explain briefly what really shocked me in the
3 course of that operation. What really shocked me in the course of that operation was
4 that the police arrived in civilian clothes. They rang my doorbell while I was
5 preparing (Redacted), who was (Redacted) at the time for me to go
6 and drop (Redacted) at school.

7 The police arrived and they showed me their card. They said they were the police
8 from the capital. "And is that you, (Redacted)?"
9 I said "Yes."

10 And then they asked me: "Where is (Redacted) whose name is --

11 Q. Don't say the name, please. I think, Witness, you mentioned your name as well.
12 Could you please, and I know it's difficult, and I made the mistake earlier myself,
13 please for your sake, sir, please don't mention your name or those of your family and
14 of course where you're from. Thank you very much, sir. But please continue.

15 A. Thank you, Counsel.

16 So I took them to the school attended by (Redacted). I told them "It is here." And
17 then they took me directly to the police station. They put me in a small cubicle and
18 then there was a policeman on the other side. There was a small window between
19 myself and a policeman on the other side which we used to communicate. Then they
20 went back to fetch (Redacted) from the school. And I stayed there for more than
21 two hours while they were upstairs questioning (Redacted). And after they
22 finished questioning (Redacted), they took me up.

23 And ever since they had taken me there, I had no idea what it was all about. Now,
24 when they took me upstairs and they asked me the question, "Since this is a criminal
25 matter, would you like to have a lawyer?" I said, "Yes." They took me back down

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1 and they told me, "In this case we are going to contact a lawyer who will come, and it
2 will take about one hour or two."

3 So they took me back downstairs. I stayed there. Subsequently, the lawyer arrived
4 and then the interview began.

5 So what shocked me is that when the children -- when they came, they prevented the
6 children from going to school. They called someone. I think they communicated
7 with someone and asked for authorisation. And so they told the children to leave.
8 And the children ran out of the house. It's really as if they were fleeing from
9 something. That is what was really shocking to me.

10 Q. Witness, let's break that down. I think you said you were in a cubicle. Were
11 you on your own in that cubicle when you were at the police station?

12 A. I said I was not there on my own volition. I was there to wait until I was called.
13 So I could not be left alone. There was a police officer opposite me and we were
14 separated by a window. So he was just there to keep me company while I waited to
15 be called up.

16 Q. I see. Now, let's take this in stages. Let's take this in stages. When you first
17 arrived at the police station, Witness, were you spoken to by anyone when you first
18 arrived? Were you processed and spoken to upon your arrival?

19 A. The team that took me, we went to the police station in the basement. And
20 then there were uniformed police officers who came there and then they opened this
21 little room. There was a chair there for me to sit. And then this policeman went
22 back and sat on the opposite side. We were simply having a conversation. We
23 were joking. But that was it during the entire time I was waiting there.

24 Q. Now, that conversation, did they tell you the reason why you'd been taken to
25 the police station?

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1 A. Not at all.

2 Q. When did you first meet the investigators from the International Criminal Court?

3 At what stage during the day was that?

4 A. I really no longer remember precisely. Perhaps 11 a.m. And it was then that I
5 was asked whether I needed a lawyer, and I said yes. And they took me back
6 downstairs to wait for the lawyer to be contacted.

7 Q. Did they speak to you about anything else or just about whether you wanted a
8 lawyer?

9 A. They told me that it was a criminal matter, so would I like to have a lawyer with
10 me and that is when I said yes.

11 Q. Did they explain to you the nature of that criminal matter, what the criminal
12 matter was about?

13 A. It was when my lawyer arrived when the interview began. It was at that time
14 that they explained the nature of the matter to me.

15 Q. We'll come onto that. Do you remember whether the investigators from the
16 ICC were taking any notes when they were talking to you at around 11 o'clock in the
17 morning?

18 A. I do not recall.

19 Q. When your lawyer arrived -- and I don't want you to tell us what you discussed
20 with him, but did you have a discussion with him before you had your interview with
21 the ICC investigators?

22 A. Yes. We moved to the side with the lawyer and we discussed for a bit before
23 they started questioning me.

24 Q. I understand. Now, again, I don't want you to tell us what you discussed with
25 him, but from your discussions with him, was it apparent to you whether or not he

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1 had spoken to the ICC investigators?

2 A. I do not remember that.

3 Q. Okay. Let's move on to the interview then. And for those who wish to follow
4 us, I don't need it to be brought up for you, Witness, but it's at tab 1,
5 CAR-OTP-0074-1096. And at line 150, your lawyer said this in the interview: "I
6 understand that my client is not here by his free will. He was -- I think he is arrested,
7 isn't he?"

8 And a little bit later on, at line 166, he said: "I can't call it being here on his own free
9 will. He is fetched for interview regarding to (Redacted) rules."

10 Do you remember that being said at the beginning of your interview by your lawyer,
11 Witness?

12 A. Yes, Counsel. In addition to that, regarding the time that I had already spent
13 there, he explained that to them also.

14 Q. So is it right that you were there at that police station against your will?

15 A. Yes, Counsel.

16 Q. Thank you, Witness. When you were being interviewed, Witness, did you
17 understand or consider yourself to be a suspect, i.e., someone who was suspected of
18 having committed a criminal offence, or a possible witness against other people? Do
19 you understand the distinction?

20 A. Counsel, I was so distressed initially. As I have just told you, there were
21 answers that I just gave because I was just present there and I couldn't really be calm
22 and collected. I was listening to what was being said, but not really able to pay
23 attention because the police people were there.

24 And I have forgotten one thing that also shocked me. It was when I was at the police
25 station that I remember that the children had practically fled the house and they had

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1 forgotten their key of the house. The copy of the key. So when they returned home,
2 they waited for two hours. And (Redacted) came to the police station and
3 asked the policemen and told them that their father was there, and whether they
4 could have the key. That is when I gave them the key and they went back to open
5 the house.

6 Now, in response to your question about an accused person, that day I really was not
7 myself, Counsel. I gave the answers that I could give, and it was only afterwards,
8 when I reread the answers that I had given, that I realised that I had been saying
9 certain things that I really didn't understand myself.

10 Q. I can fully appreciate your confusion and the feelings that you were having that
11 day.

12 Just for a moment if we may, Witness, let's put that to one side how you felt and what
13 you understood on that day and let's just bring it right back to now.

14 Do you appreciate the difference between someone who is a suspect, themselves
15 having committed a criminal offence, and someone who is a witness against other
16 people for having committed criminal offences?

17 PRESIDING JUDGE SCHMITT: Mrs Struyven.

18 MS STRUYVEN: Excuse me to interrupt again, your Honours, but I think that this is
19 asking the witness to draw legal conclusions that I don't think, with his background,
20 he can do in a proper manner.

21 PRESIDING JUDGE SCHMITT: I don't think so. I don't think that this is a legal
22 conclusion. I think somebody who is questioned by the police could say what the
23 impression at least was in what function he is -- he has been questioned. But of
24 course we know Mr Powles that the witness has given an answer to your last question.
25 So we give it another try and then we move to another, to the next point.

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1 MR POWLES: In fairness to the witness, I think as I was asking my question, or
2 certainly as it was being translated for him, I saw him nodding, as I understood,
3 indicating that he does appreciate the difference. But rather than answering for him,
4 I'll ask the witness again and pass over to him.

5 Q. Witness, you've heard the discussion, but now today, leaving aside how you felt
6 in January 2014, today do you understand and appreciate the difference between
7 someone who is themselves suspected of having committed a criminal offence and
8 someone who is a witness against others who are suspected of having committed a
9 criminal offence?

10 A. Yes, Counsel.

11 Q. Thank you very much, sir. Let's go back then to that first interview on
12 22 January 2014 and try and see what may have given rise to the confusion in your
13 mind as to what status you had on that day. And again it's at tab 1, beginning of the
14 document CAR-OTP-0074-1091, and it's at page 10, line 314 -- or, 312 to 314.

15 And at that stage in the interview, the interviewer, the investigator from the Office of
16 The Prosecutor said to you these words:

17 "As part of our investigation into these offences, we have reason to believe that you
18 may have committed a crime under Article 70(1)(a) of the Rome Statute."

19 So do you see there, Witness, what the investigator is telling you is that they had
20 reason to believe that you had committed a crime? Did you understand that on that
21 day?

22 A. I don't really recall that, Counsel.

23 Q. And then -- perhaps this is what maybe gives rise to the confusion, because a
24 little bit later on in the interview, at page 14, line 458, the investigator says to you this:
25 "The Office of The Prosecutor at this moment in time does not consider you a target,

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1 but our investigations are ongoing."

2 PRESIDING JUDGE SCHMITT: Is this a question, Mr Powles, or --

3 MR POWLES: I'm waiting for it to be translated.

4 MS STRUYVEN: Your Honour.

5 THE WITNESS: Maître --

6 PRESIDING JUDGE SCHMITT: Ms Struyven first. No, please.

7 MS STRUYVEN: He's cutting off half of the sentence. So if he's going to put that
8 sentence to the witness I think it would be fair to read the whole sentence.

9 MR POWLES: I'm very grateful to my friend because actually --

10 PRESIDING JUDGE SCHMITT: Please do that.

11 MR POWLES: -- because if you read on it actually makes the situation even clearer.

12 Q. So later on in the interview, the Office of The Prosecutor said this:

13 "The Office of The Prosecutor at this moment in time does not consider you a target,
14 but our investigations are ongoing and we are here today to give you an opportunity
15 to explain yourself and to tell us the truth."

16 A. Yes, Counsel, as I said, I was ill at ease on that day. And many questions were
17 put to me, even if I did read back through it. As to what was said that day, well, I
18 don't remember. I believe that everything is contained in those documents that you
19 have. And you will be able to see the answers that I provided because you have the
20 documents.

21 Q. You're quite right, Witness, and we can all understand why you might have felt
22 ill at ease on that day. And my question following on from the words of the
23 investigator that I just read to you: Did you feel or have the impression that whether
24 you would end up as a suspect or an accused, or a witness against others depended
25 on what you told the Office of The Prosecutor that day?

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1 A. No, Counsel, that was not my concern on that day. As I said, I was frustrated.
2 Everything else was not of concern to me. As I said at an earlier stage, there were
3 many questions that were put to me. I answered. I was there, well, thinking
4 how -- well, how are the kids going to get home? You know, I was thinking about
5 that. So, please, everything is in the documents that you have and you can peruse
6 them and see what was said.

7 Q. I can fully understand that, Witness. No doubt you wanted to get back to your
8 children and be in a position where you could look after them and care for them.
9 And if we read on at line 475, the investigator says to you this:
10 "We would like to have a truthful account and we believe it's in your interest to
11 cooperate with us fully."

12 Did you feel under pressure to cooperate with the Office of The Prosecutor that day,
13 Witness?

14 A. No, Counsel. When I was being interviewed, I did not feel under any pressure.
15 The only pressure I felt was the manner in which I was picked up early in the
16 morning, as I already explained. There was no further pressure. And I already had
17 counsel assisting me, so there wasn't any pressure. But I was ill at ease in my mind.
18 I was not in a good place to be able to answer the questions put to me.

19 THE INTERPRETER: Overlapping microphone.

20 PRESIDING JUDGE SCHMITT: Mr Powles, I think this subject has been exhausted.

21 MR POWLES: I'm very sorry, Mr President, I couldn't -- there were overlapping
22 speakers at the same -- but I have --

23 PRESIDING JUDGE SCHMITT: I was responsible for the overlapping --

24 MR POWLES: And I --

25 PRESIDING JUDGE SCHMITT: -- not the witness. That was my fault, indeed.

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1 MR POWLES: And I have in mind, without having heard it, I know exactly what
2 your -- Mr President (Overlapping speakers).

3 PRESIDING JUDGE SCHMITT: But you have heard the message at least?

4 MR POWLES: Absolutely. And having heard the message, I can conclude my
5 questions.

6 PRESIDING JUDGE SCHMITT: Thank you very much.

7 MR POWLES: Thank you.

8 PRESIDING JUDGE SCHMITT: Mr Gosnell, do you have further questions?

9 MR GOSNELL: Just two or three with your leave, Mr President.

10 PRESIDING JUDGE SCHMITT: Of course.

11 QUESTIONED BY MR GOSNELL:

12 Q. Good afternoon, Mr Witness. My name is Christopher Gosnell. I represent
13 Mr Mangenda in these proceedings. And as you just heard me say, I just have two
14 or three very short questions to clarify a couple of matters.

15 And the first is, in respect of this meeting, this initial contact that you've just said you
16 had with the investigators of the Office of The Prosecutor at around 11 a.m., can you
17 tell us how long that interaction occurred?

18 A. No, Counsel, I no longer recall.

19 Q. And how many investigators were present?

20 A. There were two individuals who came from the Court, and two inspectors who
21 came from the capital, my counsel and an interpreter.

22 Q. My question wasn't clear. What I meant, Mr Witness, was how many
23 Prosecution investigators were present during this meeting that you've described that
24 occurred at around 11 a.m.?

25 A. I do not understand the question clearly, Counsel.

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1 PRESIDING JUDGE SCHMITT: Mr Gosnell, is it possible that the witness has
2 understood you?

3 MR GOSNELL: It's possible. But the only way to know whether he did or didn't I
4 suppose is to assume that he didn't and try and come back and clarify.

5 PRESIDING JUDGE SCHMITT: Very sophisticated, but indeed.

6 MR GOSNELL:

7 Q. Sorry, Mr Witness, now we're going to have to go back and just clarify our
8 premises. My understanding from what you said earlier, in response to my learned
9 friend's questions to my right, is that before the formal interview that was recorded
10 where your lawyer was present, there was an interaction with members of the Office
11 of The Prosecutor prior to that. And what I thought I heard you say was that this
12 interaction occurred at around 11 a.m.

13 Do I have all that correct, that there was this prior interaction at 11 a.m. that occurred
14 before the formal interview?

15 A. No, Counsel.

16 Q. No, there were no -- there was no separate meeting at around 11 a.m.? Is that
17 what you are saying, Mr Witness?

18 A. No, Counsel.

19 Q. No meeting prior to the arrival of your lawyer?

20 A. I was saying as follows, Counsel, that I was brought back up before the arrival
21 of my counsel, and upon my arrival they announced this to me quite simply, they said
22 that I was associated with some criminal undertaking and they asked me whether I
23 wanted a lawyer. I said yes. And they said very well, go back down again and wait
24 for us to contact a lawyer. And there we have it.

25 Q. Understood. And that conversation that you're referring to where you asked

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1 for a lawyer, that was with investigators of the Office of The Prosecutor of the ICC; is
2 that correct?

3 A. Yes, that is correct, Counsel.

4 Q. Now, coming back to my original question, which I posed before was: How
5 many investigators were present, one, more than one, during that interaction?

6 A. It wasn't an investigator. There were a number of us.

7 Q. And am I right that you don't remember how long that conversation lasted; is
8 that correct?

9 A. That is true.

10 PRESIDING JUDGE SCHMITT: Mrs Struyven.

11 MS STRUYVEN: Mr President, he just told us exactly what was said in that short
12 interaction. I think that that gives us an indication of how long that interaction was.

13 PRESIDING JUDGE SCHMITT: I'm sure that Mr Gosnell will move on.

14 MR GOSNELL: The answer came and it was what I expected and that's fine.
15 Could we turn to page 1106 please of the document that I believe is still on the screen.

16 Q. And I just have two very precise questions for you, Mr Witness, and it pertains
17 to what you see in front of you starting at line 486. Do you see line 486, Mr Witness?

18 A. Yes, Counsel.

19 Q. So it says there "You have the right to remain silent without such silence being
20 considered as a factor in the determination of guilt or innocence. It means you do
21 not have to answer our questions."

22 And then you were asked at line 498 and 499, and I'll read this line in French because
23 this is the important bit: (Interpretation) "Although it is in your interest to
24 cooperate with us, I would like to now ask you, would you like to invoke your right to
25 remain silent?"

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1 And my question is very specific, but you may not remember, we'll see. How did
2 you understand, if you can recall, the relationship between on the one hand your right
3 to remain silent and on the other hand the suggestion to you by the investigator that it
4 was in your interest to cooperate with us?

5 A. Yes, Counsel. If I understand correctly, the investigator wanted me to tell the
6 truth in order to maybe assist them in their work.

7 Q. My question was a bit more specific than that. And it was about how you
8 understood on the one hand the fact that the investigator is telling you that there is no
9 requirement to say anything, that that will not be held against you in any way, but
10 then on the other hand he's also telling you it is in your interest to cooperate with us?
11 How did you understand that, if you understood it at all?

12 A. Well, I think that I didn't really understand it correctly.

13 Q. And prior to your lawyer's intervention at line 508, and the intervention was
14 (Interpretation) "I recommend that you answer the questions that can be answered."
15 Prior to that intervention, had you spoken with your lawyer about your right to
16 remain silent?

17 A. I don't really remember.

18 Q. Thank you very much, Mr Witness.

19 MR GOSNELL: That concludes my questions, Mr President.

20 PRESIDING JUDGE SCHMITT: Thank you very much, Mr Gosnell.

21 Mrs Taylor. But (Microphone not activated) then Mrs Taylor.

22 MS TAYLOR: Thank you, Mr President. I'll be very brief.

23 QUESTIONED BY MS TAYLOR:

24 Q. Good afternoon, Mr Witness. My name is Melinda Taylor and I'm the counsel
25 for Mr Bemba. I will have a few questions for you. And once again, like my

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1 colleagues, I would like to emphasise not to mention names or places.

2 Now, Mr Witness, when you were questioned by my colleague Mr Powles, you
3 mentioned that you went with the police to (Redacted)school. Was it at that
4 point that the police went into (Redacted) school in front of you, or was it when
5 you were at the police station?

6 A. No, Counsel. We parked up with the police in front of (Redacted) school
7 and I said, "This is the school that (Redacted) goes to." And they said, "Fine." And
8 then they took me to the police station.

9 And they took me to that place I just explained. And I think that from there they
10 went back to get (Redacted) because subsequently (Redacted) arrived at home when
11 we had finished at 9 p.m., and (Redacted) said that (Redacted) had been there at 8.
12 So whilst I was down in the cubicle in the basement as I just explained, they were
13 at -- they were upstairs with (Redacted) at that time.

14 Q. Thank you, Mr Witness.

15 Did (Redacted) inform you whether (Redacted) was brought willingly to the police
16 station? Did (Redacted) have a choice?

17 A. No, Counsel. It was the same thing that happened to me, the same thing
18 happened to (Redacted).

19 Q. And did (Redacted) inform you whether (Redacted) had a counsel present while
20 (Redacted) was being questioned?

21 PRESIDING JUDGE SCHMITT: Mrs Struyven.

22 MS STRUYVEN: Excuse me to interrupt again, but I don't think it's in the record that
23 (Redacted) was questioned.

24 PRESIDING JUDGE SCHMITT: That is true. But Mrs Taylor?

25 MS TAYLOR: I think, Mr President, that the witness has said several times that

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- 1 (Redacted) was questioned.
- 2 PRESIDING JUDGE SCHMITT: Please continue. But I understood that you have a
- 3 few questions, yeah, only. Yeah?
- 4 MS TAYLOR: Yes, that's correct --
- 5 PRESIDING JUDGE SCHMITT: Okay.
- 6 MS TAYLOR: -- Mr President.
- 7 PRESIDING JUDGE SCHMITT: Mr Witness, please answer the question.
- 8 THE WITNESS: (Interpretation) No.
- 9 MS TAYLOR:
- 10 Q. Thank you, Mr Witness.
- 11 And again without mentioning (Redacted) name in order to identify (Redacted) , can
- 12 you give the age of (Redacted)? And this is my last question, Mr President.
- 13 A. (Redacted).
- 14 Q. Thank you, Mr Witness.
- 15 PRESIDING JUDGE SCHMITT: Are there further questions by Defence teams?
- 16 That's not the case.
- 17 Mrs Struyven has waived her right, to put it this way.
- 18 So this concludes your testimony, Mr Witness. We thank you very much for being
- 19 here. And you are released. And we wish you a good flight home. And we wish
- 20 also Mr Edelberg and thank him for his presence and wish also you a good flight
- 21 home.
- 22 This concludes today's hearing, but one question I would have, what do we do on
- 23 Monday then, Mrs Struyven or Mr Vanderpuye?
- 24 MS STRUYVEN: We will normally continue within with Witness 267 on Monday.
- 25 PRESIDING JUDGE SCHMITT: Thank you very much.

Trial Hearing
WITNESS: CAR-OTP-P-0243

(Open Session)

ICC-01/05-01/13

- 1 Then we resume on Monday at 9.30. I wish everybody in the courtroom a nice
- 2 weekend.
- 3 THE COURT USHER: All rise.
- 4 (The hearing ends in open session at 3.54 p.m.)
- 5 RECLASSIFICATION REPORT
- 6 Pursuant to Trial Chamber VII's instructions, ICC-01/05-01/13-1209, dated
- 7 2 September 2015, this lesser redacted public version of the transcript is filed in the
- 8 record of the case.