

Trial Hearing
Witness: CAR-OTP-PPPP-0169

(Closed Session)

ICC-01/05-01/08

1 International Criminal Court
2 Trial Chamber III - Courtroom 1
3 Situation: Central African Republic
4 In the case of The Prosecutor v. Jean-Pierre Bemba Gombo - ICC-01/05-01/08
5 Presiding Judge Sylvia Steiner, Judge Joyce Aluoch and Judge Kuniko Ozaki
6 Trial Hearing
7 Thursday, 23 October 2014
8 *(The hearing starts in closed session at 2.47 p.m.) Reclassified into Open session
9 THE COURT USHER: All rise.
10 The International Criminal Court is now in session.
11 Please be seated.
12 PRESIDING JUDGE STEINER: Good afternoon and welcome.
13 Could, please, court officer call the case.
14 THE COURT OFFICER: Thank you, Madam President.
15 The situation in the Central African Republic, in the case of The Prosecutor versus
16 Jean-Pierre Bemba Gombo, ICC-01/05-01/08.
17 We are in closed session.
18 PRESIDING JUDGE STEINER: Thank you very much.
19 Good morning. I welcome Prosecution team, legal representative of victims, the
20 Defence team, Mr Jean-Pierre Bemba Gombo. I welcome our interpreters, our court
21 reporters.
22 Mr Witness, good afternoon.
23 WITNESS: CAR-OTP-PPPP-0169 (On former oath)
24 (The witness speaks (Redacted))
25 THE WITNESS: (Interpretation) Good afternoon, your Honour.

Trial Hearing
Witness: CAR-OTP-PPPP-0169

(Closed Session)

ICC-01/05-01/08

1 PRESIDING JUDGE STEINER: Mr Witness, we heard that you had some health
2 problems, but the doctor said that you were now feeling better and ready to continue
3 with your testimony.

4 I wanted to remind you that you are still under oath. Do you understand that, sir?

5 THE WITNESS: (Interpretation) Yes, I've understood, your Honour.

6 PRESIDING JUDGE STEINER: So before I give the floor to Maître Douzima, and
7 just in order to have a complete record of the case, as informed to the parties and
8 participants by email this morning on the issue of redactions to items
9 CAR-OTP-0083-1327-Red2 and ICC-01/05-01/08-3160-Conf-Exp-AnxB, the Chamber
10 decided the following:

11 As to the document CAR-OTP-0083-1327, taking into account Prosecution's
12 submissions in court yesterday, transcript 361, page 46, line 17, to page 52, line 11,
13 and those contained in filing 3172-Conf, the Chamber authorises, pursuant to Rule
14 81(2) of the Rules, the redaction on one email address appearing twice in the
15 document.

16 However, considering that the identity of the individual who generated and handles
17 the said email account is information that should be disclosed to the Defence
18 pursuant to Rule 77 of the Rules, the Chamber orders the Prosecution to provide such
19 information to the Defence without delay.

20 Second, as to document ICC-01/05-01/08-3160-Conf-Exp-AnxB, taking into account
21 the Prosecution's submissions by email of 23 October 2014 at 9.54 to the Chamber, the
22 Chamber authorises, pursuant to Rule 81(4) of the Rules, the redaction of the mobile
23 telephone number of (Redacted) appearing in the document.

24 Just for the information of parties and participants, taking into account the many
25 delays we had in the hearing today and taking into account that there is no option

Trial Hearing
Witness: CAR-OTP-PPPP-0169

(Closed Session)

ICC-01/05-01/08

1 other than concluding with this testimony by tomorrow at 12 o'clock, the
2 Chamber -- and thanks to the interpreters and court reporters who agreed to sit for
3 extended hours. The Chamber will sit today from quarter to 3 to quarter to 5, have a
4 half-an-hour break, resume at 5.15 and sit until 7.15 in the evening.
5 Tomorrow the hearing will start at 8 in the morning. The Chamber will sit from 8 to
6 10, have a half-an-hour break and then from 10.30 to 12. Of course, this second part
7 if need be.

8 Maître Douzima, you have the floor to continue with your questioning of Witness
9 169.

10 MS DOUZIMA LAWSON: (Interpretation) Thank you, your Honour.

11 QUESTIONED BY MS DOUZIMA LAWSON: (Interpretation) (Continuing)

12 Q. Good afternoon, Witness.

13 A. Good afternoon.

14 Q. Witness, yesterday when the Prosecution asked you for information about
15 (Redacted), you answered saying that, "All those people were known to (Redacted).
16 I don't know them. I don't know where they live. I've never been to their homes.
17 I don't have their contact information. He's the only one who knows them."

18 Now when you talk about "those people," are you talking about the other witnesses
19 who are listed whose (Redacted) are found on the list that (Redacted) gave you?

20 A. Thank you, Ms Douzima. I will answer by saying this: (Redacted);
21 (Redacted) I include myself in that. But other people?

22 I don't know them. I never saw them. It was (Redacted) who gave me that list.
23 What's more, he has that list.

24 Q. Are you in touch with (Redacted)? Do you have contacts with him?

25 A. I no longer speak to that person ever since he called me, ever since he asked me

Trial Hearing
Witness: CAR-OTP-PPPP-0169

(Closed Session)

ICC-01/05-01/08

1 to his home and to visit him. I don't know whether I'm mistaken or not, but I think
2 that that occurred a long time ago. What would I have to say to him because, you
3 see, I was opposed to that? So there you have it.

4 Q. Who invited you to his home?

5 A. (Redacted) He was the one who invited me to his home at (Redacted).

6 Q. Did you know him beforehand?

7 A. No, I had never met him before. I had not seen him before except for that day
8 when we met; (Redacted). At that meeting he learned that I am a
9 (Redacted), that I (Redacted), so -- so that's all. And when he invited me to
10 his house, I think he wanted me to provide him with some assistance as he had
11 said -- as he had said that the soldiers - the (Redacted) - had looted his possessions. He
12 asked me for my assistance and said he would pay me back. I wouldn't say that we
13 know one another. From that time up until now we have not met again. He
14 doesn't call me. I don't call him either.

15 Q. So it was at this meeting (Redacted) that was organised by . (Redacted),
16 that is when you met (Redacted); is that correct?

17 A. Yes.

18 Q. Yesterday the Prosecution asked you some questions about the contents of your
19 last letter, the one dated 5 August 2014, regarding the ICC witness that apparently is
20 willing to provide evidence of what you called interference with witnesses, or
21 corruptly influencing them, and you said that you were not happy with that
22 statement made by (Redacted). I suppose you're speaking about (Redacted).
23 And you added this: You said, "He was the one who was the promoter, or the
24 sponsor." I'm referring to page 57 of the edited version of the transcript. You
25 added, "He was the one who was promoting the idea and I was opposed." What did

Trial Hearing
Witness: CAR-OTP-PPPP-0169

(Closed Session)

ICC-01/05-01/08

1 you mean by that?

2 A. (Redacted) was the one who was promoting this idea. He was the one who invited
3 all the people, including myself.

4 Q. Now, why was it that (Redacted) had you write everything that you wrote in the
5 various letters?

6 A. Ms Douzima, we are talking about witnesses. I mentioned his name in relation
7 to this matter having to do with the witnesses. It was him. You asked me to tell the
8 truth.

9 Q. Witness, could you try to be clearer? Now, everything that you said in your
10 various letters that were intended for the Presiding Judge, or for the
11 Secretary-General of the United Nations, in those letters you talked about influencing
12 witnesses, about corruptly influencing them. Are we to understand that (Redacted),
13 who was the man behind the scheme, does he have some sort of link, or what does he
14 have to do with your remarks and everything that you have spoken out against?

15 A. I think the answer is yes. The idea of our meeting was his initiative, and he
16 was the one who provided the idea of speaking out against the wrongdoing of the
17 VWU, all the things they had done to us, and during that meeting he provided all
18 those ideas.

19 Q. On the same page you stated, lines 26 to 28, that you were speaking out against
20 evil and that you were not afraid. What were you not afraid of? Whom were you
21 not afraid of?

22 A. Could you please ask your question again? I haven't understood.

23 Q. Yesterday you stated in reply to a question from the Prosecution that the Judge
24 had summoned you and asked questions and you had said that you were speaking
25 out against evil and that you were not afraid. So my question is this: You're not

Trial Hearing
Witness: CAR-OTP-PPPP-0169

(Closed Session)

ICC-01/05-01/08

1 afraid of what? You're not afraid of whom?

2 A. Thank you. Yesterday towards the end of the sitting, I didn't want to say that

3 I was ill. I must have forgotten some things because I was in a lot of pain.

4 Now, you say that I was afraid. Of what? All I know is that I said that I was not

5 satisfied with the actions of (Redacted). He gave me that information first.

6 I was the one who got the information from him first. I was not the first person to

7 denounce him.

8 THE INTERPRETER: Correction from the (Redacted) interpreter.

9 MS DOUZIMA LAWSON:

10 Q. You also stated at page 69 of the edited version of the transcript, "I wouldn't

11 want to deceive people and have problems, no." That's what you said yesterday.

12 Now, who do you mean when you say "people"?

13 A. Thank you. I will explain my answer to you. It was the VWU staff. I told

14 you that I know about many things that the VWU has done, but I did not come here

15 to denounce anyone. So there you have it.

16 Q. Be that as it may, Witness, you also stated yesterday, page 72 of the transcript,

17 "He called me" - and you were speaking about (Redacted) - "And he said to me, you

18 see, those people from VWU are bad. See how they mistreat us. Don't you know

19 that they deceived us. They talked to us about large amounts of money and I saw it

20 was -- I thought it was true and that's why I went to that meeting, but later I saw that

21 it was not the case and that is why I revealed the secret."

22 Now, when did you see that it was not a good thing?

23 A. Thank you, Counsel. After our meeting and after talking - as you just said,

24 I am a human being so I know about good and evil - if I see that something is good,

25 I can do it. If it's something evil, I'm not going to do it. So I refused his proposal.

Trial Hearing
Witness: CAR-OTP-PPPP-0169

(Closed Session)

ICC-01/05-01/08

1 Counsel, as for this man, he involved me in wrongdoing and he didn't want to pay
2 me my money and I complained about him. I am different from him. We are two
3 separate people. God will pay him for his wrongdoing and God will reward him for
4 his good work.

5 Q. Well, the question is this: When did you find out or when did you realise that
6 what he was doing was bad?

7 A. I just answered you saying that after our meeting -- well, first of all, he called us
8 before he gathered us together, and after the meeting, everything was put in place.

9 Q. I haven't understood your reply, Mr Witness.

10 A. I will repeat what I just said. After our meeting, (Redacted),
11 I realised that what he had said was not good, was not right.

12 Q. At page 73 you said this, that you had not worked together with him to
13 influence the witnesses. Now, did (Redacted) tell you that he had been able to
14 influence the witnesses?

15 A. Counsel, I've just answered. He did what he had to do and he did it in his way.
16 He called me just as he had invited the others. That's everything.

17 Q. You stated on page 58 the following: "I arrived at the end speaking about
18 subordination in speaking about witnesses who would be ready. It's with regard to
19 our meeting at this time. And afterwards, nothing happened because myself I put
20 an end to it. I forbade (Redacted). I asked him to let that go."

21 Could you tell us when you asked him to drop that? And did he do that?

22 A. I'm repeating the same answer. It was after the meeting that the situation
23 changed. So I was opposed to them -- to what was being said, and afterwards I
24 remember very well I reproached them strongly. And, furthermore, my wife also
25 reproached them. We didn't want that to have consequences for me. That's my

Trial Hearing
Witness: CAR-OTP-PPPP-0169

(Closed Session)

ICC-01/05-01/08

1 answer. I warned that person on several occasions and that's the reason why I

2 complained (Redacted) because of the money I was owed.

3 Furthermore, I presented documents in that regard. All of that to show the truth, to

4 tell the truth. We no longer get on due to this problem.

5 Q. Since what year do you no longer get on with (Redacted)?

6 A. I think it was just after this incident and also after I reproached him, but I can't

7 tell you exactly when it was. If not, that would be a lie.

8 Q. So speaking about truth here, on page 65, Witness, you stated the following:

9 "I am here today because I came to testify and tell the truth."

10 A. Yes.

11 Q. Okay. I refer to your letter of 5 August 2014. Do you remember what was

12 stated in this letter?

13 A. Yes.

14 Q. According to your statement of yesterday, do you confirm that you never had

15 contacts with the ICC witness -- witnesses; the witnesses on the list which you

16 provided (Redacted) with?

17 THE INTERPRETER: "... which (Redacted) provided you with," corrects the

18 interpreter.

19 THE WITNESS: (Interpretation) I confirm that. I never had contacts with them.

20 It's true that I had a list on my person. I wrote this letter in order to show my

21 discontent because I wasn't given the money, but we had made a request. I've still

22 got the document. I've got it, but that does not mean that I had contact with that

23 person, Maître Douzima. If I did have such contact with that person, it would be

24 better if I told you the truth than to lie and to undergo the consequences thereof. No,

25 I have to tell you the truth.

Trial Hearing
Witness: CAR-OTP-PPPP-0169

(Closed Session)

ICC-01/05-01/08

1 Q. You therefore confirm that you didn't know any of the 21 witnesses figuring on
2 that list?

3 A. I quoted (Redacted) as well. And God
4 hears me, the President hears me, you can all hear me. I would say that I never met
5 any other witness. Apart from the (Redacted), if I met another witness - if I met
6 any other witness - may that person be presented to me.

7 Q. Witness, you stated a moment ago that you had contact with (Redacted)
8 and you spoke about (Redacted). Was that with regard to the latest events in the (Redacted)
9 (Redacted)?

10 A. When we met, it's true they went to his house. It's true. They attacked him
11 and that was with regard to (Redacted). He asked me for a small service, that was all.
12 Since the day we met, since the day we met up, (Redacted) asked that a letter be written?
13 No. He was the person who chaired the meeting. That was all.

14 Q. Witness, you repeated that you're here to tell the truth. On 11 July 2011, at the
15 end of your testimony - and here I'm referring to the edited version thereof, 142, page
16 40 - you stated, "I came here to tell the truth, nothing but the truth. That's all."
17 That's what you stated, Witness, on 11 July 2011. Is this statement still valid today?

18 A. Counsel Douzima, anyone can get lost or make a mistake. For me the truth is
19 worth more than anything else. Where it concerns myself, if one is to say the truth
20 before God I have to do that. What would I lie to you to gain? If I make a mistake
21 in my words, that's something that can happen. I can ask for pardon, but the truth
22 remains the truth and I swore to tell the truth and I repeat what I have said. That's
23 it.

24 Q. Mr Witness, I'm not accusing you. I'm just commenting of your -- on your last
25 letter, 5 August 2014. I asked you a short while ago whether you remember the

Trial Hearing
Witness: CAR-OTP-PPPP-0169

(Closed Session)

ICC-01/05-01/08

1 contents of that letter and you said "Yes," but in that letter you threatened to recant
2 your testimony of July 2011. Considering that yesterday you stated that you came
3 here to tell the truth, I am asking you whether that statement is both valid for your
4 testimony now and your testimony of July 2011. Do you understand me?

5 A. Thank you, Counsel. I understand you. With regard to that threat, what I
6 regret is what the VWU staff members did to me. It is for that reason that I made all
7 that noise, but I cannot refuse to speak the truth or to change my testimony. No.
8 I am here to reconfirm what I already said. The truth shall always remain the truth.
9 I cannot change.

10 MS DOUZIMA LAWSON: (Interpretation) Thank you, Mr Witness.

11 Madam President, I have no further questions. Thank you.

12 PRESIDING JUDGE STEINER: Thank you very much, Maître Douzima.

13 Mr Witness, now the Defence counsel - Defence team - will start questioning you.
14 For that purpose I'll give the floor to Mr Haynes.

15 QUESTIONED BY MR HAYNES:

16 Q. Good afternoon, sir.

17 A. Good afternoon.

18 Q. We haven't --

19 A. Good afternoon, Mr Haynes.

20 Q. We haven't met before, apart from during your familiarisation yesterday, so I'll
21 introduce myself. My name is Peter Haynes and I'm one of the counsel who
22 represent Mr Bemba. I'm going to take things fairly chronologically with you, but I
23 just wanted to finish off or start off where Ms Douzima Lawson finished. Are there
24 occasions when it's okay not to tell the truth in your view?

25 A. Counsel, the truth shall always be the truth.

Trial Hearing
Witness: CAR-OTP-PPPP-0169

(Closed Session)

ICC-01/05-01/08

1 Q. Well, yes, but is it important to tell the truth, for example, when you write a
2 letter to the Presiding Judge of the Trial Chamber you've just given evidence in front
3 of?

4 A. Counsel, I personally wrote that letter and the whole world knows that.

5 Q. Well, actually, they don't. Very few people know that. Was the letter you
6 wrote to the Presiding Judge of this Trial Chamber in August 2011 the truth?

7 A. You have just asked me the same question again. How many times do I have
8 to repeat what I said?

9 Q. I've only asked you two questions and they weren't the same. Was the letter
10 you wrote to the Presiding Judge of this Trial Chamber on 6 August 2011 the truth?

11 A. My answer to you is that I am the one who signed it so why should I refuse it?

12 Q. So it's true, is it, that letter you wrote on 6 August 2011?

13 A. Please, Counsel, let us move ahead. I'm telling you that it is true. It is the
14 truth.

15 Q. Thank you very much. Now, the letter you wrote to the Prosecutor of the
16 International Criminal Court on 7 June 2013, was that true as well?

17 A. Counsel, let us not waste time. When you read all those letters, you will see
18 that I'm the one who wrote them and I signed them. This means that it is true I'm
19 the one who wrote those letters.

20 Q. You know what I'm asking you. Are the contents of those letters true?

21 A. You can read extracts and, after having read them, you can put the question to
22 me and I will tell you whether it is true. So please read an extract, and you put a
23 question to me and then I will answer you.

24 PRESIDING JUDGE STEINER: Mr Haynes, I think we -- we advance in the
25 questioning, Defence questioning, if you are more specific. There has been a kind of

1 difficulties in concepts here. He thinks that you are asking whether the letters are
2 true, now about the content he's saying that he wants to know what content you are
3 talking about. Maybe the letter has true and untrue contents. I'm giving an
4 example. So maybe it's easier if you go step by step.

5 MR HAYNES:

6 Q. Do you want to say something?

7 A. I'm waiting on you, Mr Haynes. Please proceed.

8 Q. We're going to come back to that, I just wondered whether we could take it a bit
9 more shortly.

10 Where were you born?

11 A. I was born at (Redacted). I am a member of the (Redacted) tribe. My
12 father is (Redacted) and my mother is (Redacted). I am originally from the (Redacted)
13 (Redacted).

14 Q. So --

15 A. If you have another version, please tell me about it.

16 Q. What nationality do you describe yourself as?

17 A. Mr Haynes, I have just told you that I come from -- perhaps it's the interpreter
18 who is not able to tell you what I am saying. I was born in (Redacted) in a place
19 called (Redacted). My tribe is (Redacted). My father was a big businessman. He married my
20 mother, (Redacted) from the (Redacted). She speaks (Redacted)
21 from (Redacted). So, please, give me your version so that I can know who is my
22 father and who is my mother.

23 Q. Do you tell people you are (Redacted)?

24 A. Mr Haynes, if you know my mother, my grandfather and my father, tell us what
25 you know about them.

Trial Hearing
Witness: CAR-OTP-PPPP-0169

(Closed Session)

ICC-01/05-01/08

1 Q. Did you tell (Redacted) you were (Redacted)?

2 A. (Redacted) You make me laugh, Mr Haynes. We met. How is it
3 possible for me to have told him my life story? What I'm telling you is the truth
4 before the Presiding Judge and before God. So what I'm telling you is what I know.
5 Is (Redacted) my uncle? Is he my father? Who is he? I spent a very
6 short period of time with him. What should I have told him?

7 I think we should set such questions aside. They are distractions. What I've just
8 told you, you can go to the (Redacted) in the (Redacted) and the (Redacted),
9 you can go there and ask questions. If you want me to give you another address,
10 I can tell you where to go in order to find out that I am telling you the truth. That is
11 my answer.

12 Q. Well, I don't want there to be any confusion. Do we take it that you didn't tell
13 (Redacted) you were (Redacted)?

14 A. I would like to tell you this: What I am saying today is true, I am (Redacted).

15 Q. Very well. We'll move on. You've been asked quite a lot of questions about
16 one of your daughters, the one who helped you with writing letters on the computer.
17 Would that be your daughter (Redacted)?

18 A. I have never seen (Redacted). I do not know
19 that person. I have never seen the person. My daughter's name is not (Redacted), no.

20 Q. You have a daughter who is about (Redacted) years of age. The information you
21 gave to the Prosecution in 2009 was that her name was spelt (Redacted). It might be
22 my pronunciation, but I think that's (Redacted).

23 A. Very well. It is not (Redacted), it is (Redacted). She is an orphan having lost both
24 parents. It is you who killed her father and her mother. You killed their father and
25 their mother. Now, tell me, when did you have a conversation with that child?

Trial Hearing
Witness: CAR-OTP-PPPP-0169

(Closed Session)

ICC-01/05-01/08

1 I adopted her because her father is no longer alive, her mother is no longer alive.

2 And I'm suffering a lot with those children. So please explain to me if you have

3 spoken with her, it's a good thing, then it would be up to you to tell us. Her father is

4 (Redacted) and her mother is (Redacted). So if you have something to say, please say

5 it.

6 Q. You lived most of your life in (Redacted), didn't you? (Redacted) was born in

7 (Redacted). Were you living there when she was born?

8 A. I would like to ask you to speak about the contents of the letter. But the

9 question that you have just asked me, tell me whether you saw that in the letter.

10 Q. It's a simple enough question. Were you living in (Redacted) when (Redacted) was

11 born?

12 A. Counsel, those are questions that are traps that you are laying for me. You are

13 not going to catch me with that. (Redacted) is the daughter of my (Redacted). And you

14 want to know whether I was in (Redacted)? I travel to all parts of the (Redacted).

15 I spent most of my life, a great part of my life in the (Redacted). My father was a

16 businessman in (Redacted).

17 So please do not confuse things by saying I did this or that. I became a (Redacted) in

18 2002, but before that I travelled all over the (Redacted). So I would like to tell you to speak

19 about matters that are relevant and set aside points that are pointless.

20 Q. Good. So you became a (Redacted) in 2002. Did you (Redacted) as a (Redacted) when

21 you became a (Redacted)?

22 THE WITNESS: (Interpretation) Your Honour, regarding the questions being put

23 to me by Mr Haynes, does he want to ask me questions about the letter or something

24 else? I do not know. He should ask me questions about the truth and I am going to

25 tell him the truth by giving him the correct answers. He should not tire me out.

Trial Hearing
Witness: CAR-OTP-PPPP-0169

(Closed Session)

ICC-01/05-01/08

- 1 PRESIDING JUDGE STEINER: Mr Witness, I don't know why the Defence is asking
2 these kind of questions to you, but Defence is entitled to put some questions about
3 your life, where did you work. These kind of questions they can put and you should
4 answer in a very simple and objective way. If you were in (Redacted) or not, you just
5 say. If you don't remember, you say, but you have to answer to the questions.
6 If Defence puts any question that the Chamber deems totally nonsense, then the
7 Chamber will intervene. But for the time being, Mr Witness, try to cooperate, then
8 we can finish as soon as possible with your testimony, and just answer in a very
9 simple way to the questions that Defence is addressing to you. Is that fine,
10 Mr Witness? Do you understand that?
- 11 THE WITNESS: (Interpretation) Yes, Madam President, I have understood you
12 very well. What I am refusing, it's because I have already been had in this way.
13 After this, I'm going to start having problems because of the truth that I am telling
14 you. People will use my statements and try to crucify me because I told the truth.
15 That is it. I have already realised that this is the case. And I know those people,
16 once they have received the information that has been provided by me, they will use
17 that as an opportunity to crucify me. I cannot tell everything. What they know
18 right now is enough. They can keep that.
- 19 PRESIDING JUDGE STEINER: Mr Witness, I just wanted to remind you that you
20 are giving your testimony in closed session. Nobody outside this courtroom can
21 hear to what you say. And the persons that are inside this courtroom, they have a
22 duty of confidentiality. Nobody here, Prosecution, Defence, legal representative, the
23 Judges, the interns, the court officers, nobody here can mention to anyone anything
24 you say.
25 So please try to do your best and answer to the questions put by the Defence in a very

Trial Hearing
Witness: CAR-OTP-PPPP-0169

(Closed Session)

ICC-01/05-01/08

1 objective and direct way and then you will be very soon free to go back home.

2 Mr Haynes.

3 MR HAYNES: Thank you.

4 Q. I assume you're talking about becoming a (Redacted) in the (Redacted)
5 (Redacted), aren't you?

6 A. Yes.

7 Q. And did you (Redacted) in the (Redacted) shortly after
8 you arrived there?

9 A. You know, it is a very long procedure. You have to apply for (Redacted) and then
10 you are given a few days. After that, you appear before the (Redacted),
11 after which you are given a document, (Redacted). All that cannot be done in a
12 day or two.

13 Q. Takes about four months?

14 A. No. It can take longer than four months. It can even take years waiting for
15 the (Redacted) to decide. In order for that, a lot of people have to meet.

16 Q. How long did you wait?

17 A. It was a long time. Well, it happened a long time ago. I waited for a long
18 time, a very long time.

19 Q. You see, the (Redacted) you provided to the Prosecution was a
20 (Redacted) which has two dates on it, a
21 date of issuance in March 2005 and a date of delivery in July 2005. Can you help us
22 as to why those are the dates on your (Redacted)?

23 A. I'll explain it to you. Before receiving the document, it takes time. To obtain
24 the (Redacted), it also takes time. You present an (Redacted) for the first time, then a
25 second time, a third time, up to (Redacted) waiting for the (Redacted) to

Trial Hearing
Witness: CAR-OTP-PPPP-0169

(Closed Session)

ICC-01/05-01/08

1 decide. Thereafter, you will obtain a document called (Redacted).

2 Even to obtain that document it takes time. It's a document which is temporary, this

3 (Redacted), and when it expires, you have to renew it and get another document.

4 That's it.

5 Q. Why did you at this stage in your life go to (Redacted)?

6 A. I just told you the following: You have to present the first (Redacted) up to ten

7 of them and after each (Redacted) you have to renew it to get another (Redacted).

8 I've got a massive amount of them. I don't know if the children have thrown them

9 away. Afterwards, there is a (Redacted) which is responsible for that. You have to

10 wait (Redacted) even. After the (Redacted),

11 you will obtain the (Redacted).

12 Q. That wasn't really what I was asking you. I was asking you why you (Redacted)

13 (Redacted)?

14 A. (Redacted)

15 (Redacted)

16 (Redacted)

17 I'll tell you the following, first of all. I was in the (Redacted). If you want me

18 to give you the addresses, even the (Redacted) address - the address of (Redacted) - I will

19 give you to you. I've got it. I can give it to you. In 1989 I was a (Redacted)

20 (Redacted) If you want the story, I'll give it to you. Whatever the case, try and look for

21 something else. Let drop what you're using.

22 Q. I imagine when you (Redacted), whenever

23 that was, your circumstances were not very good?

24 PRESIDING JUDGE STEINER: Mr Haynes, I'm sorry if I interrupt you. I have a

25 photographic memory and I can see Maître Kilolo on his feet objecting to a question

Trial Hearing
Witness: CAR-OTP-PPPP-0169

(Closed Session)

ICC-01/05-01/08

1 put by the Prosecution to a Defence witness about why the witness had (Redacted)
2 and Maître Kilolo saying that the (Redacted) does not allow for the
3 person to explain or to say why the (Redacted) was (Redacted). So before I have the
4 reference, I would please ask you to skip the question and then you can come back to
5 it.

6 MR HAYNES: Well, I think I've already asked that question. This is a rather
7 different one.

8 PRESIDING JUDGE STEINER: Yes, but I was afraid that you were trying to go in
9 too deep on the explanation on why the witness (Redacted) and I would like first
10 to make it sure that the witness has the obligation to answer to this kind of question.

11 MR HAYNES: Well, he's asserted quite a lot about his wealth during the course of
12 his evidence and this is a rather different question which is what his circumstances
13 were when he arrived in (Redacted).

14 PRESIDING JUDGE STEINER: So please put the question in a clear form for the
15 witness.

16 MR HAYNES: Yes.

17 Q. Sir, were your circumstances quite poor when you arrived in the (Redacted)
18 (Redacted) whenever that was?

19 A. My condition when I arrived in the (Redacted)? My condition?
20 If my condition was difficult? How do you know? If you say that, that supposes
21 that a (Redacted) is a poor person. No. When I was in the (Redacted), do you know what
22 I was doing as an activity? (Redacted)
23 (Redacted)
24 (Redacted) When I was (Redacted), I had goods.
25 What do you want to say to me? You should know I wasn't a poor person. The

Trial Hearing
Witness: CAR-OTP-PPPP-0169

(Closed Session)

ICC-01/05-01/08

1 small amount that God gives to the birds he also gave to me.

2 Q. When did you first meet (Redacted)?

3 A. I know (Redacted) -- I know (Redacted) as a (Redacted). He was responsible for making my
4 (Redacted) and had been for a long time.

5 Q. How long after you arrived in the (Redacted) did you meet him?

6 A. I no longer remember, but I've known him for a long time.

7 Q. Did you meet him before you were interviewed by the Prosecution in 2009?

8 THE INTERPRETER: Overlapping speakers cut off the (Redacted) booth.

9 MR HAYNES:

10 Q. Did you meet him before you were interviewed by the Prosecution in 2009?

11 A. Yes. Yes. Even when there was conflict in the Central African Republic, yes, I
12 met him.

13 Q. Now, he knows you're a witness in this case and you know he's a witness in this
14 case. How did that happen?

15 A. Is that what (Redacted) said to you? Is it really? Mr Haynes, I was with
16 (Redacted). I'm telling you the truth. (Redacted) Is it not him, the leader of
17 the (Redacted)? The person who was responsible in the (Redacted)? At that time I could also
18 see people, couldn't I? What's the question that you want to put to me? I saw
19 people. I met a lot of people. Some of them I know. Some of them I don't. Some
20 have already died. I don't understand your question. I came to testify with
21 what -- with regard to what I saw. That's all.

22 Q. Sorry. Are you saying that you saw (Redacted) at that time and therefore
23 knew he was a witness?

24 A. Well, I just told you. I said that I met him when he was a witness. Don't mix
25 things up. I knew -- I found out afterwards.

Trial Hearing
Witness: CAR-OTP-PPPP-0169

(Closed Session)

ICC-01/05-01/08

1 Q. Afterwards what?

2 A. I found out after the testimony.

3 Q. Is that the truth?

4 A. Tell me you met him before the testimony, you met him in a bar in (Redacted), or in
5 (Redacted). Say it. Say it to me, but what I'm telling you that's the truth.

6 Q. In a six-month period leading up to the time when you gave evidence, you were
7 in contact with him every two or three days. Why was that?

8 A. If you ask a clear question, you'll get a clear answer. (Redacted)
9 (Redacted) And he

10 was a (Redacted) and for that reason I met him. I also met his wife (Redacted).
11 How could he come to my house to borrow money? Please continue.

12 PRESIDING JUDGE STEINER: Yes, Maître Badibanga.

13 MR BADIBANGA: (Interpretation) Thank you, your Honour. I just wanted
14 Mr Haynes to give us the reference which supports the question that he's just put.
15 He said to the witness during six months preceding your testimony, you were in
16 contact with him every two or three days. Perhaps I was missing this information in
17 the witness's testimony since he's been pleading. Perhaps Mr Haynes could give me
18 the reference.

19 MR HAYNES: Certainly. It's the (Redacted) which shows
20 he made 58 contacts between January and the time of his testimony.

21 And the next question I'm going to put comes from the same paragraph and is rather
22 more explicit that every two or three days, as an average, of the number of calls over
23 the period of (Redacted).

24 Q. But the next question is this: (Redacted) reveal that
25 when you arrived back in (Redacted) after you gave evidence on 13 July 2011, you called

Trial Hearing
Witness: CAR-OTP-PPPP-0169

(Closed Session)

ICC-01/05-01/08

1 (Redacted). What was that about?

2 A. I spoke to (Redacted) for an hour? If you know what the subject of our talk was
3 tell me. We spoke about a murder? I'm not aware of that. If you know -- if you
4 know the subject of our talks at the time, then tell me what it was and I'll tell you if
5 that's right or not. Just tell me.

6 Q. Sir, you must have still been in the baggage hall. Why did you ring (Redacted)
7 (Redacted)?

8 A. Well, I've forgotten. I can put the question if you know what the subject of our
9 talks were, if there was a plan to kill somebody, or a theft, anything like that?
10 Perhaps I've already forgotten. If you say that, then I can tell you, yes, Mr Haynes
11 you're right, but you don't.

12 PRESIDING JUDGE STEINER: Sorry to interrupt you. Judge Aluoch wants a
13 clarification.

14 JUDGE ALUOCH: Mr Haynes, I have a feeling that the witness does not understand
15 your questioning. He thinks that you are asking him that he talked for one hour, but
16 you are asking him that he made a call within the first hour he arrived. So I think
17 the two of you are not -- yes.

18 MR HAYNES: Judge Aluoch, I'm very grateful for any assistance. I'll see if I can
19 get a little further.

20 Q. When you flew back to (Redacted), do you recall
21 making a telephone call to (Redacted) very shortly after you landed?

22 A. When I arrived, the first person that I called was my wife, the mother of my
23 children. I called her. After, I don't know if I called (Redacted). But tell me if you
24 know what the subject of our conversation was. You're the one who is insisting on
25 that, so tell me and then I can answer you.

Trial Hearing
Witness: CAR-OTP-PPPP-0169

(Closed Session)

ICC-01/05-01/08

1 Q. All we know is that you did make that call, but you don't remember why; is that
2 correct?

3 A. How many times am I going to come back to answering your question? Tell
4 me if I said something bad.

5 Q. Did you meet (Redacted) shortly after you came back from The Hague?

6 A. Yesterday I said the following: Before coming here to The Hague I spoke to
7 him concerning (Redacted), and when I returned I did the same thing, but during the
8 day of our meeting -- or, on the day of our meeting, after he had called the
9 meeting -- Counsel, I don't feel well. Don't take this voice. If I've got a headache, I
10 will ask the Presiding Judge to give me leave to stop. I just ask you to be clear so
11 that I can answer you clearly, I can give you the answers that you want.

12 Q. I don't understand you. Are you saying you feel unwell?

13 A. Yes. Be clear with me so that I don't get tired, so that my mind doesn't get
14 tired. I don't want your questions to push me to ask the Presiding Judge for a rest.
15 Just be clear with me.

16 Q. Yesterday you told us that you are still in a position to contact (Redacted), to
17 send him an SMS; is that correct?

18 A. Yes. If there are messages planning a murder or which concern treason, tell me.
19 Give me some evidence that I've done something wrong. Show it.

20 Q. (Redacted)

21 A. (Redacted)

22 (Redacted)

23 Q. (Redacted)

24 (Redacted)

25 A. (Redacted)

Trial Hearing
Witness: CAR-OTP-PPPP-0169

(Closed Session)

ICC-01/05-01/08

- 1 (Redacted)
- 2 Q. (Redacted)
- 3 (Redacted)
- 4 PRESIDING JUDGE STEINER: (Redacted)
- 5 (Redacted)
- 6 MR HAYNES: (Redacted)
- 7 (Redacted)
- 8 PRESIDING JUDGE STEINER: (Redacted)
- 9 (Redacted)
- 10 (Redacted)
- 11 MR HAYNES: Thank you, your Honour. I'll move on.
- 12 Q. I want to ask you just before the break about somebody else I think you know.
- 13 (Redacted)
- 14 A. I know that person very well, even more than you.
- 15 Q. That wouldn't be difficult. When did you meet him?
- 16 PRESIDING JUDGE STEINER: Yes, Maître Badibanga?
- 17 MR BADIBANGA: (Interpretation) Thank you, your Honour. I can see that
- 18 Mr Haynes has moved on to another question. He has just mentioned (Redacted).
- 19 I don't know whether that falls within the context that you -- that you have set.
- 20 There were witnesses in the letter that this witness sent to the Court, but I have not
- 21 seen that (Redacted) in that list. I don't know whether we can put the (Redacted) of people
- 22 from other sources within the framework of this hearing. Thank you.
- 23 PRESIDING JUDGE STEINER: Do you want to answer, Mr Haynes?
- 24 MR HAYNES: Well, Mr Badibanga has just achieved in that objection the one thing
- 25 I was seeking not to do.

Trial Hearing
Witness: CAR-OTP-PPPP-0169

(Closed Session)

ICC-01/05-01/08

1 PRESIDING JUDGE STEINER: I am completely at a loss, I must confess. I'm sorry.

2 MR HAYNES: The list has a certain word at the top of it, I think it's the third word,
3 and that gives this witness a piece of information he doesn't have and I was
4 desperately seeking not to give him.

5 PRESIDING JUDGE STEINER: Maître Badibanga.

6 MR BADIBANGA: (Interpretation) Madam President, I do not know what
7 Mr Haynes wanted to do and wished me not to do. I do not know which list he is
8 referring to. All I'm saying is that Mr Haynes was asking questions, but then he
9 mentioned a (Redacted). So what I am wondering is whether that (Redacted) was part of the
10 letters that the witness sent. I do not know whether by saying that I have
11 undermined what he wanted to say. He mentioned a (Redacted) and it is not part of the
12 four letters that the witness had sent, so it does not fall within the framework that you
13 have defined. So I do not know what he's referring to.

14 I would like to make a suggestion to assist the Chamber. Maybe we should not deal
15 with this issue now, allow Mr Haynes to finish and then after the break we can start
16 in the absence of the witness to thrash this matter.

17 PRESIDING JUDGE STEINER: Mr Haynes?

18 MR HAYNES: That's the best suggestion. We'll move on.

19 Q. I just want to try and ask you about a couple of other people. (Redacted),
20 you know him?

21 A. I know that person. He is one of the workers at VWU.

22 Q. Yeah. When did you first meet him?

23 A. I know (Redacted). I met him for the first time at the airport when he accompanied
24 me there for my trip to The Hague.

25 Q. Thank you. And when did you last see him?

Trial Hearing
Witness: CAR-OTP-PPPP-0169

(Closed Session)

ICC-01/05-01/08

1 A. They are the ones who were sent to the witnesses by the VWU. That was a
2 long time ago. So I know that he's one of the staff members of VWU, but where he
3 works, well, I think you can ask VWU that question and VWU will be able to tell you
4 where this (Redacted) is.

5 Q. Did he come to the (Redacted) when you arrived back in (Redacted)?

6 A. Mr Haynes, I think that you know how your witnesses go through the
7 procedure. (Redacted)

8 Q. Did you talk to him when he came to you at the (Redacted)?

9 A. We were together. How was it possible not to talk? I told you that he was
10 with me up to the very end.

11 PRESIDING JUDGE STEINER: Mr Haynes, we have three minutes and I think
12 maybe we could release the witness three minutes earlier, if you don't mind.

13 I just wanted to take the opportunity as I mentioned in relation to the questions about
14 the (Redacted), I was relating to the testimony of Witness 0057. It's the transcript
15 256 confidential dated 17/10/2012 on page 58, 59. When Defence witness was being
16 questioned exactly by Mr Zeneli, who is here present, and Maître Kilolo took the floor
17 to say that in principle the (Redacted)
18 (Redacted).

19 So I'm wondering if we might be in violation of the (Redacted) here. And I
20 would also like to stress that in practice when a (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted) So I really don't see where the Prosecution is going with this line of
25 questioning.

Trial Hearing
Witness: CAR-OTP-PPPP-0169

(Closed Session)

ICC-01/05-01/08

1 And at the end the Chamber decided that if the question is just in a very general way
2 and on which grounds it was granted, the question could be put and answered with
3 that limitations. But I think the Defence is right that the details of the (Redacted)
4 (Redacted) are not to be disclosed to anyone. So the person that (Redacted)
5 benefit of the confidentiality of the (Redacted). So I would like you to put the question
6 in a very, very general way, otherwise the question cannot be allowed.

7 So this is on page 59 as from lines 10, just as a matter of reference.

8 Mr Witness, we are having half-an-hour break. If you need to talk to VWU or if you
9 need some medication for your headache, you just ask. It's a quarter to five. We'll
10 be back at a quarter past five. The hearing is suspended.

11 THE COURT USHER: All rise.

12 (Recess taken at 4.45 p.m.)

13 *(Upon resuming in closed session at 5.20 p.m.) Reclassified into Open session

14 THE COURT USHER: All rise.

15 Please be seated.

16 PRESIDING JUDGE STEINER: Welcome back.

17 So we have here an issue and if I well-understood, Mr Haynes intends to put to the
18 witness questions related to (Redacted); is that correct?

19 MR HAYNES: Yes, your Honour.

20 PRESIDING JUDGE STEINER: Who by a slip of the tongue Mr Badibanga
21 recognised as (Redacted).

22 Mr Haynes, I have the -- some excerpts of the testimony of (Redacted) and I think
23 Defence is entitled to put questions to the present witness in relation to (Redacted).
24 The point is whether we can rely on your ability to put questions in a way that don't
25 give to the current witness the idea that (Redacted)

Trial Hearing
Witness: CAR-OTP-PPPP-0169

(Closed Session)

ICC-01/05-01/08

1 (Redacted).

2 MR HAYNES: I was going to commence any submissions I had to make by saying
3 it's only going to be one or two questions and it's really going to be whether to his
4 knowledge (Redacted), I think it is, and (Redacted) know one another.

5 PRESIDING JUDGE STEINER: Perfect.

6 And, Maître Badibanga, just to remind you that according to the Chamber's decision
7 3154-Conf, paragraph 31, the questioning of the current witness is not restricted to the
8 letters but also to related issues -- to issues related to his credibility. So unless you
9 have something else to add, the Chamber is about to grant Mr Haynes the right to put
10 questions in relation to (Redacted), sorry.

11 MR BADIBANGA: (Interpretation) Thank you, Madam President. Maybe we
12 could say (Redacted) and that would make things easier. The reason for my
13 objection was that quite clearly the credibility of the witness has to be examined
14 during this hearing, but we understood that it was to be done in very general terms
15 and in terms of allusions that were made in his letter relating for example to
16 subordination, in his words, of witnesses, talking about providing money to
17 witnesses and contacts with the 21 other witnesses.

18 We do not know how far Mr Haynes would go, but as soon as he mentions a 23rd
19 person, that would open the door for the whole issue to be revisited.

20 By the way, during the break I looked at the transcript and I saw that for
21 three-and-a-half days this witness has been questioned by Defence and in the
22 questions put to him by Defence in the French version, transcript 142, there are five
23 pages in which he is questioned about (Redacted). Maybe I can find the English
24 version. In any event, transcript 142, page 27 to 32, reference is made to
25 (Redacted).

Trial Hearing
Witness: CAR-OTP-PPPP-0169

(Closed Session)

ICC-01/05-01/08

1 So I believe that the question has been dealt with and I wonder why they have to
2 reopen a testimony that was already given in 2011? That was the ground of our
3 objection, but we are in the hands of the Court and in the hands of the Court's
4 wisdom.

5 PRESIDING JUDGE STEINER: I think all the parties -- perfect.
6 Yes?

7 MR BADIBANGA: (Interpretation) For the English version, it's pages 20 to 30 of
8 transcript 142.

9 PRESIDING JUDGE STEINER: I think the parties are already aware of the intention
10 of the -- what is behind the intention of Defence questioning, and of course with
11 the -- with the observations made by the Chamber in that Defence should not reveal
12 the fact that this person (Redacted) Mr Haynes is
13 authorised to put the questions he intended to the witness.
14 I ask, please, the court officer to bring the witness in.
15 (The witness enters the courtroom)

16 PRESIDING JUDGE STEINER: Mr Witness, welcome back.

17 THE WITNESS: Thank you.

18 PRESIDING JUDGE STEINER: Just to remind you, Mr Witness, that if you give very
19 direct, concise, objective answers we are able to finish your -- with your testimony
20 sooner. So try to be very, very objective and then we can advance.

21 Mr Haynes, you have the floor.

22 MR HAYNES: Thank you, your Honour.

23 Q. And welcome back, sir.

24 A. Thank you.

25 Q. I just want to finish something we were talking about before the break. You

Trial Hearing
Witness: CAR-OTP-PPPP-0169

(Closed Session)

ICC-01/05-01/08

1 told us that when you were in the (Redacted) you saw and talked to (Redacted).

2 Do you remember that?

3 A. Yes.

4 Q. And do you remember anything that you talked to him about?

5 A. He is the one who came to see me and there was someone who works with

6 VWU. We talked about many things. We talked about the travel, return and

7 whenever I felt unwell, he would attend to me. He was sent to attend to me.

8 Q. Did you talk to him about your rights and expectations as a witness?

9 A. All I know is that, yes, indeed (Redacted) was the one who came to meet me and

10 whenever he was sent to me he would come along with other people from the OTP

11 and VWU. So we talked about several things.

12 Q. Did you talk to him about money?

13 A. Yes, I asked him a number of questions about money and also about

14 other -- other things.

15 Q. Okay. We'll come back to that in a short while, but just before we broke you

16 might also remember I was asking you about (Redacted). Do you remember

17 that?

18 A. Yes, I do remember.

19 Q. And you told me that you knew him very well?

20 A. Yes, I know his father. I know his mother. Yes, I know his family very well.

21 Q. Okay. And of course during the course of yesterday and today we've learned

22 that somebody else you know well is (Redacted). What I want to know is did

23 (Redacted) and (Redacted) know one another?

24 A. I don't know. Can you maybe put that question to (Redacted) or to (Redacted)? I'm

25 not in a position to know.

Trial Hearing
Witness: CAR-OTP-PPPP-0169

(Closed Session)

ICC-01/05-01/08

1 Q. You haven't seen them together?

2 A. This is the answer I can give you to that question. Both of them are (Redacted),
3 so it is possible that I may have met them, but I do not necessarily or would not
4 necessarily remember what we talked about. What I know, however, is that during
5 the unrest in the -- or disturbances in the Central African Republic, I would see them
6 in the company of (Redacted) as they went towards (Redacted) if I -- if I am not mistaken.

7 Q. See them together?

8 A. Yeah, we saw each other, or people saw each other, during that period. Now,
9 if I remember correctly, I used to see many people. (Redacted), for example, and if I
10 do recollect properly I think I also saw (Redacted) and I think that I even mentioned this
11 in my -- in my statement. Yes, I used to see him. So I don't know whether I said it,
12 or whether I'm mistaken. In any event, what I know is that many people went to see
13 (Redacted) in (Redacted) in order to buy a few items.

14 THE INTERPRETER: Or rather "... to sell a few items to him," Correction from the
15 (Redacted) booth.

16 MR HAYNES:

17 Q. Okay, well, we'll move on from that. In July of 2009 -- sorry, it might be June
18 of 2009, you spent several days making a witness statement, or being interviewed by
19 the Prosecution; do you recall?

20 A. Yes.

21 Q. How did that come about? How did you come to go to make -- and be
22 interviewed by the Prosecution?

23 A. To this day, I really do not know. I had been seen in the company of those
24 who were being called the Banyamulenge, and I don't know who gave them that
25 name, and I was simply invited to come and tell the truth, and I was not coming to

Trial Hearing
Witness: CAR-OTP-PPPP-0169

(Closed Session)

ICC-01/05-01/08

1 tell a lie. So what I said to the investigators was the truth, at least the truth as I saw
2 it, in relation to what I saw.

3 Q. So you didn't make contact with the Office of the Prosecutor yourself?

4 A. What I'm telling you is that I do not know the person who gave my name.

5 Q. Now, you've lived together with your wife and children in (Redacted) for about
6 13 years. That's right, isn't it?

7 A. Yes, we live there and we continue to live there to this date, to this day.

8 Q. And you've told us something about the cost of living there. A month's rent
9 for a house which can house seven people is about (Redacted) per month; is that
10 right?

11 A. Well, you see, it depends. I used to rent a house. And what I said is that in
12 order to be able to take care of someone, you need to pay their rent. However, over
13 a period of one-year-and-four-months, I paid the rent myself, adding up to about
14 (Redacted).

15 Q. How much did you earn as a (Redacted)?

16 A. I have not understood your question. Do you think that people just gather
17 money from the streets of -- or, that money can be harvested from a bicycle, or a
18 motorcycle like that? If you put a question to me about the type of work that I did in
19 order to earn an income, I'll be able to answer you.

20 Q. All right, let's try and put it another way: According to the figures before this
21 Court you've received since July 2011 about (Redacted)
22 (Redacted)? Do you accept that?

23 A. Well, you're going to have to explain this to me. You have talked about
24 (Redacted)? Well, personally, I have not added up anything, but if I were to do the
25 arithmetic I would provide you with a number, but I think that they may not have

Trial Hearing
Witness: CAR-OTP-PPPP-0169

(Closed Session)

ICC-01/05-01/08

1 been mistaken. I will cross-check and, if it adds up to what you have said, well,
2 sobeit. I'm going to cross-check.

3 Q. Please do. Cross-check this as well: (Redacted) is about
4 (Redacted), isn't it?

5 A. It cannot be equal to that amount, no. (Redacted)
6 (Redacted)? No, (Redacted). Now, let's do the arithmetic.

7 (Redacted) Now, if you add two to it that takes it up to about
8 (Redacted) so that does not even add up to (Redacted). So I'm really

9 surprised at that figure. I would be surprised. I would really be surprised at that
10 figure.

11 You can even ask the Presiding Judge whether that money was ever sent to me. You
12 see, yesterday I -- I saw that she put some questions to me and that was in
13 order -- questions about the (Redacted). You see, a number of things happened. And
14 maybe I will stop at that. That's my answer.

15 Q. Well, let's agree on (Redacted). That's a very large amount of money, isn't
16 it?

17 A. You know full well the answer is yes.

18 Q. I mean to put it into perspective, it's enough to pay the rent on your house for
19 over (Redacted).

20 A. I don't know. Maybe that's what you think. When you pay the rent, you have
21 to pay the electricity, the water and you say to pay all of that -- has it been explained
22 to you how I used that money and why I used that money?

23 Counsel, (Redacted). I have documents. There were some documents that
24 I've lost, but there are some that I still have. Other documents are still in the (Redacted)
25 and I no longer really remember about all those documents, but in actual fact the

Trial Hearing
Witness: CAR-OTP-PPPP-0169

(Closed Session)

ICC-01/05-01/08

1 calculation is not to be done the way you just did it. That money that was given was
2 not to pay for the rent, no.

3 Q. When you went to be interviewed in June of 2009, you only met with people
4 from the Office of the Prosecutor, didn't you? You didn't meet anybody from VWU
5 at that point?

6 A. Well, I'll tell you this: It wasn't the officials from the OTP. You've done a lot
7 of studying, that is quite true, but you mustn't try to disorient me. They were
8 officers from the Office of the Prosecutor. In French they are referred to as
9 enquêteurs, investigators. Those are the people I met with.

10 Q. And did you discuss with them in June of 2009 what rights or benefits there
11 might be for you as a witness?

12 A. At first, at the very beginning, how could you talk to someone about money?
13 Was I supposed to say that I was --

14 THE INTERPRETER: "I told them that (Redacted)," corrects the (Redacted)
15 interpreter.

16 MR HAYNES:

17 Q. Did you talk to them about the possibility of you and your family being
18 (Redacted)?

19 A. Before -- before beginning those investigations, me to ask them that? I don't
20 know what to tell you. I don't know and I don't think so.

21 Q. Well --

22 A. Perhaps I've made a mistake.

23 Q. Are you currently seeking (Redacted)
24 (Redacted)?

25 A. Personally, if I want to (Redacted) I can (Redacted).

Trial Hearing
Witness: CAR-OTP-PPPP-0169

(Closed Session)

ICC-01/05-01/08

1 Q. Well, there's (Redacted). But are you aware that the
2 Prosecution are supporting your (Redacted)
3 (Redacted)?

4 A. Did they already ask me that question and they asked me if I would agree to
5 that or not?

6 Q. No, it's you that have asked the question. You are the one who has asked to be
7 (Redacted), haven't you?

8 A. Listen, many things have happened. One might consider asking for (Redacted),
9 but after thinking about it, one gives up the idea. It is not mandatory to (Redacted)
10 someone or (Redacted). It means that I can ask or I can
11 refuse to ask for that.

12 Q. Well, see if you can give a simple answer to a simple question. Do you want to
13 (Redacted)?

14 A. Well, it's not time yet for you to be asking me that question. What I can tell
15 you now is that you're asking whether I now want to, or if I had the intention to, or if
16 I might have the intention, but the answer I can give you is that now I do not yet have
17 that idea in my mind to do that.

18 Q. Oh, because according to our records the (Redacted)
19 (Redacted). Did you know the Prosecution
20 were (Redacted)?

21 A. This is the first time I've heard of such a thing. I don't know.

22 THE INTERPRETER: Correction: "I did not know."

23 MR HAYNES:

24 Q. Really? Nobody from the Prosecution has told you that they were going to
25 (Redacted)?

Trial Hearing
Witness: CAR-OTP-PPPP-0169

(Closed Session)

ICC-01/05-01/08

1 A. Well, if that time comes, it will come. I suppose I will hear about it when the
2 time comes. Thank you. Thank you for that information.

3 Q. It's quite nice of them to do that, isn't it, don't you agree?

4 A. Please, listen. Within the OTP I will say everything why, good things and bad
5 things. I will say all of that because I was turned down for (Redacted)

6 (Redacted) and that is why I have to agree. So what's that going to bring me? An
7 old man like me at my age with all these children that I have, to (Redacted)

8 (Redacted), forced to (Redacted) at such an old age to do what kind of work? Let's wait.

9 Time -- everything and all in due course.

10 Q. Okay, let's leave that to one side for a moment.

11 Now I want you to look at a few documents with me, so have you got your spectacles
12 available because you're going to have to look at the screen?

13 And I want to start with Defence document number 1, please. For the avoidance of
14 doubt, it's CAR-OTP-0043-0404. And can the document be scrolled down so that the
15 witness can identify his signature?

16 Sir, can you see that?

17 A. Yes, I can see it.

18 Q. And I think you told us yesterday that's your signature. Can we just go to the
19 top of the document and see the name there, (Redacted)? Can you see that?

20 A. Yes.

21 Q. Do you remember who that person was?

22 A. Yes, I remember him. He's an investigator. He was one of the ones who came
23 to carry out the investigation, yes. He gave everyone who was invited some money
24 to cover transportation costs, round-trip, and that's what happened at first. That's
25 what I was thinking of. That's what made me think that it was the Prosecutor who

Trial Hearing
Witness: CAR-OTP-PPPP-0169

(Closed Session)

ICC-01/05-01/08

1 was handling all of that. It's just now - right now - that I realise that that wasn't the
2 case.

3 I don't know whether you've understood? I can repeat, if you like? This document
4 means this. When they invite you to come and speak to the investigators, for
5 example, if you are invited, they will give you the money for transportation to go
6 there and to go back. That's what happened.

7 Q. And how many times did they do that for you?

8 A. Each time they wanted to speak to me, they would call and they would pay for
9 my transportation. They would buy some biscuits for me, because they had wasted
10 my time, and then after that was all. Nothing. Nothing else. Nothing other than
11 that.

12 Q. So today you accept that every time you went for an interview you were given
13 cash for taxis and for food, do you?

14 A. The meals? Even the -- even the VWU did the same thing. Even here, don't
15 they do the same thing here? They ask you to come here to shed light on a number
16 of events. They give you some money for transportation. They put you in (Redacted).
17 It's the same thing.

18 Q. So I want to be clear: Do you now recall that every time you visited the
19 Prosecution investigators, (Redacted) or another investigator or lawyer would give you
20 cash? Do you now accept that?

21 A. I've given you many examples. I told you that it wasn't corruption, no. You
22 see, they saw that they had wasted your time and they had invited you to talk to them.
23 That was the example I gave you. That was the wrong -- that was bad.

24 Q. Yes, but yesterday I don't know how many times you told us that the
25 Prosecution never, never, never gave you a dime or a sous. You want to change that

Trial Hearing
Witness: CAR-OTP-PPPP-0169

(Closed Session)

ICC-01/05-01/08

1 answer now, do you?

2 A. What money did the Prosecutor give me? I've been saying this time and time
3 again and, like I said yesterday, I never -- I never got money from the Prosecutor, be it
4 at the beginning of the investigations, be it after my testimony as a witness. No.
5 What I do know is that the transportation, I was told that came from VWU and I just
6 learned now. That's my answer. You can't say that that's the money that the
7 Prosecutor gave to people. Don't confuse it with what I wrote about.

8 Q. Sorry, you just learned now that it came from VWU. How did you just learn
9 now that it came from VWU?

10 A. That is what I'm telling you. To my mind, the fact -- well, to know that the
11 money came from VWU, it's just now that I've learned that. Before I didn't know
12 that. What I knew I believed that it was the Prosecutor who handled everything and
13 VWU came under their supervision and all their work was under their supervision.
14 A person can't know everything and now I've learned this and that's the truth. And
15 myself I agree that that is the case.

16 Q. So you learned how? By somebody telling you?

17 A. I just told you this. I'm telling you it's just now, during these days, that I just
18 found that out, because when I was writing before I was saying that it was the
19 Prosecutor who was giving the money to the witnesses. It's because I thought that it
20 was the Prosecutor who supervised everything, be it the Court or other functions.
21 You know, someone can always make a mistake. It's just now that things are done in
22 this way or that way. Now I realise that VWU is a separate office and the Judges are
23 a separate office and the Prosecution is a separate office. If the Prosecutor wants
24 something, he asks VWU and VWU does it.

25 What are you going to ask me? Didn't I get the (Redacted)? Do you think that I can't

Trial Hearing
Witness: CAR-OTP-PPPP-0169

(Closed Session)

ICC-01/05-01/08

1 find someone to tell me that things happened in that way?

2 Q. Who did you find to tell you that things happened in that way?

3 A. VWU has a lot of people. There are a lot of people, be it in (Redacted), or here, or
4 even elsewhere. They have a lot of people. When you ask me that question, you
5 say "How?" Well, I'm telling you the truth; the truth that I know. That is what I'm
6 telling you.

7 Q. Yes, but your previous answer was that you had found someone to tell you that
8 that is how things worked. I want to know who the someone was who told you that
9 that was how things worked during the course of these days.

10 PRESIDING JUDGE STEINER: Mr Haynes, could you please give me the reference
11 when he said that he found someone that told him these things? Maybe there is a
12 problem in the transcript. I cannot find it.

13 MR HAYNES: Page 46, line 16.

14 PRESIDING JUDGE STEINER: What I have here is a question. It's not something
15 he said, but it is a question he is putting, "Do you think I can't find someone to tell me
16 that things happened in that way?" Is this the reference?

17 MR HAYNES: Yes.

18 PRESIDING JUDGE STEINER: So then I don't understand your question. I'm
19 sorry.

20 MR HAYNES: Well, I can invert it.

21 Q. When you said, "Do you think I can't find someone to tell me that things
22 happened in this way?" what did you mean?

23 A. It was a question I was putting to you. Mr Haynes, even when somebody
24 wants to buy peanuts in the market, does that person not have to know, or is that
25 person not able to know that this is the person selling such-and-such a product at

Trial Hearing
Witness: CAR-OTP-PPPP-0169

(Closed Session)

ICC-01/05-01/08

1 such-and-such a price and so on and so forth? So this is what I'm trying to tell you
2 and I'm talking about what I know and about what I believe in. You see, this is my
3 understanding of how things are done.

4 Q. So I want to be clear. Are you saying that right up to the point that you came
5 to give evidence here you thought all the money paid to you was paid by the
6 Prosecution, but now you think it's all paid by VWU?

7 A. It is only human to err. Anybody can make a mistake and anyone can also
8 come to an understanding of the truth. Let me repeat: I have not received a single
9 cent, neither before my testimony nor after my testimony, not a single cent from the
10 Prosecutor. This is the mistake I made in the letter and this is what I've been trying
11 to tell you since yesterday. I have said that I am the one who wrote that letter, but at
12 the time I did not know who was responsible for this and who was responsible for
13 that.

14 Now, I have also told you since yesterday - and I'm repeating it again today - that this
15 is my position and I stand by it.

16 Q. So I'll try again. What has happened since you wrote the letter in August to
17 change your understanding of the position?

18 A. It's all the same thing. Ignorance. I wrote that letter out of ignorance. And I
19 repeat again: I did not receive any money before or after my testimony contrary to
20 what is written in my letter. What I know is that the investigators paid for our
21 travel.

22 Q. Very well. Has somebody told you, since August, that the money you were
23 given by OTP investigators was not in fact from the Prosecutor?

24 A. Please kindly repeat your question.

25 Q. Yes. You've obviously received some information to change your

Trial Hearing
Witness: CAR-OTP-PPPP-0169

(Closed Session)

ICC-01/05-01/08

1 understanding of things. I'm asking you if somebody has told you that the money
2 you received from OTP investigators was not in fact from the Prosecutor?

3 A. Now, when -- when you know somebody, then you can -- well, the person who
4 was in error or who was confused, so to speak, since yesterday is I. It's me. Now, if
5 you found that I referred to a name which was different from what you know, then it
6 must be in relation to the name of that person.

7 Q. I'm afraid I don't understand your answer. Has somebody told you about the
8 difference --

9 PRESIDING JUDGE STEINER: Mr Haynes, you are insisting, and I think the
10 Chamber has understood the answer. It's the third time I think that the witness
11 said -- uses this expression "since yesterday" and you are dating it back to August.
12 So I think the witness is confused the same way I am. Maybe if you rephrase your
13 question?

14 Mr Witness, now you know that the money came from VWU; is that correct?

15 THE WITNESS: (Interpretation) Yes.

16 PRESIDING JUDGE STEINER: And how did you know that? How do you know
17 that now?

18 THE WITNESS: (Interpretation) Okay. I got to know it because when I arrived
19 here I was given a per diem of €11. So I asked, "Why are you giving me this
20 money?" And they told me, "Have you forgotten that this is what we do here?"
21 You see, even the first time when I came here I was not aware of that and I am telling
22 you the truth. So much has happened and it happened and I didn't question those
23 things. I didn't ask any questions. I simply accepted them.
24 So I wasn't making any distinction between what I received from VWU because I
25 thought that it came from the Prosecutor, but now I know that this money comes

Trial Hearing
Witness: CAR-OTP-PPPP-0169

(Closed Session)

ICC-01/05-01/08

1 from VWU and not from the Prosecutor. It is not the Prosecutor who gives that
2 money, and so it is very clear in my mind now because I know it. So I know that
3 previously I was mistaken. So since yesterday I have been attempting to tell you the
4 truth and that is the truth.

5 PRESIDING JUDGE STEINER: You can proceed, Mr Haynes.

6 MR HAYNES: Can we have a quick look at Defence document 12, please?

7 PRESIDING JUDGE STEINER: Mr Haynes, could you -- Mr Haynes --

8 MR HAYNES: Yes, I'm sorry. I think I may have the document number wrong. It
9 should be CAR-OTP-0062-0030.

10 PRESIDING JUDGE STEINER: Thank you.

11 MR HAYNES:

12 Q. Sir, can you see that document on the screen?

13 A. Yes.

14 Q. Do you recall meeting Mr Badibanga on 1 April 2010?

15 A. Yes, before coming here.

16 Q. What was the purpose of the meeting?

17 A. If I do remember clearly, they came to verify whether the investigators had
18 come through our area and done their work; that is whether the investigators had
19 interviewed us, that is "us" being the witnesses, and whether I had personally been
20 interviewed by the investigators.

21 Now, if you look at that document it's written in French and the entry is "Transport."
22 That was the usual practice. When someone is called up or invited, they would pay
23 for their transportation for the round-trip.

24 Q. So were you handed cash?

25 A. Mr Haynes, can you use dust and stones to pay for transport? You pay for

Trial Hearing
Witness: CAR-OTP-PPPP-0169

(Closed Session)

ICC-01/05-01/08

1 your transport with money, so they gave me money.

2 Q. Thank you. And did you understand who Mr Badibanga was?

3 A. Yes, he is a civil servant of the Court. If I remember correctly, he came with
4 someone whose name was (Redacted).

5 Q. And did they record in any way the conversation you had?

6 A. I no longer remember clearly now but, yes, he explained to me how I was going
7 to appear. And he told me where the Judges would be seated when I get here. He
8 pointed out where the Prosecution team would be seated and where the Defence
9 would be as well. But he didn't give me money for transport. That is it.

10 Q. He didn't give you money for transport, but that's what this form is intended to
11 record, the fact that he did. Are you saying that didn't happen?

12 A. This is what I have been saying and I am going to repeat myself again. It is
13 written here that I was given transport money, but apart from that money I didn't
14 receive anything else. Maybe they had some money which they did not give me.
15 Maybe they hid it. I didn't receive anything else from them.

16 Q. Did you receive any money before you came to The Hague in July of 2011?

17 A. A VWU staff member called (Redacted). And let me repeat:

18 A VWU staff member gave me money to (Redacted).

19 That money was for my wife and my children. That money did not come from the
20 Prosecutor.

21 Q. Good. So you acknowledge that you did receive money before you left for The
22 Hague. Did you expect to receive money when you were here in The Hague?

23 A. No, I did not know. I thought that when I would arrive here or that maybe
24 when I return they would give me something. But I went back, I did not receive
25 anything, and I'm not lying.

Trial Hearing
Witness: CAR-OTP-PPPP-0169

(Closed Session)

ICC-01/05-01/08

1 Q. But when you went back -- I'm sorry, that's a bad question. Before you came
2 here, did you have an expectation that you would receive money when you went
3 back?

4 A. No, they did not make any promises to me. They promised me nothing.
5 They did not tell me that if I came here they would give me money. I was ignorant.
6 I simply imagined a number of things. They did not promise to give me anything
7 whatsoever.

8 Q. Okay, then let's have a look at your first letter in 2011, which is Chamber's
9 document number 1.

10 MR HAYNES: (Microphone not activated) It's confidential annex 1 of
11 ICC-01/05-01/08-1660 and can we just go to the first page, please.

12 Q. In 2011, did you have a computer?

13 A. Mr Haynes, do you think that one needs to have gone to school to be able to use
14 a typewriter or a computer? Computers were not invented only today. Now, if
15 you doubt my ability, bring me a computer and I will show you what I am able to do.
16 I can input a document into a computer by myself.
17 Now, even if my daughter is more apt at it than myself, I am also able to use the
18 computer. You see, the computer was not only invented today. It was invented a
19 long time ago.

20 Now, if you want to talk about the machine that I used, well, I got it from somewhere
21 else, but I brought it to my home and I typed in the document myself. Well, parts of
22 it, but my daughter also helped me and I used my two fingers. And I know that this
23 machine has the -- that it is possible to track what was stored or recorded on that
24 machine, because the documents or the files are still saved on that computer even to
25 this day.

Trial Hearing
Witness: CAR-OTP-PPPP-0169

(Closed Session)

ICC-01/05-01/08

1 Q. Thank you, but you really could have said "Yes" or "No" to that question.

2 Did you have an internet connection in 2011?

3 A. Yes.

4 Q. And do you remember, because we haven't got a covering email to this letter,
5 whether you sent this letter by email or in hard copy?

6 A. Thank you, Mr Haynes. I am happy to note that through this letter the Court
7 will become aware of the truth. I sent the letter through someone who unfortunately
8 passed on and that person took the letter to its addressee. I sent it through late
9 Mr Zarambaud and he hand carried it to the addressee and the letter is here now.

10 Q. Thank you. The form of your letters is always the same, namely that at the top
11 of the text is the name of the person you are addressing the letter to and to the right
12 and above are the list of those for whom it is to be copied for information. Do you
13 see? I think the document will need to be scrolled down a little. You've gone too
14 far. Just down a little. I just want to see the addressees which are on the right-hand
15 side of that page; of that first page. So -- so in this case you addressed Madame le
16 juge président; is that right?

17 A. Yes, that is what I did. Yes.

18 Q. And you copied for information the (Redacted)
19 (Redacted), the Prosecutor of the International Criminal Court, the
20 (Redacted), the (Redacted) and the
21 representative of victims, Mr Zarambaud; is that right?

22 A. No, not to all of them. (Redacted) (Redacted) did
23 not receive a copy. (Redacted) did not receive the copy
24 and I think that the Prosecutor did. I didn't give it to the (Redacted). I gave it to
25 Mr Zarambaud. I don't know who gave the copy to Mr Zarambaud. I don't know

Trial Hearing
Witness: CAR-OTP-PPPP-0169

(Closed Session)

ICC-01/05-01/08

1 who did that.

2 Q. I thought I'd understood what you said, which was that Mr Zarambaud got this
3 letter and it was his job to deliver it to the addressee and the people to whom you'd
4 copied in. Did I not understand that correctly?

5 A. Yes.

6 PRESIDING JUDGE STEINER: Mr Haynes, if you allow me a clarification for the
7 record.

8 Mr Witness, here on page 55, line 3 and 4, first it is written, "I gave it to Maître
9 Zarambaud" and then "I don't know who gave the copy to Maître Zarambaud," so
10 there is some problem here. Did you give or not the copy to Maître Zarambaud?

11 THE WITNESS: (Interpretation) I think that I was misunderstood. I said this: I
12 said that I gave the letter to Mr Zarambaud and he sent it off. I handed it over to
13 him. I mentioned the (Redacted) who did not receive -- correction, the (Redacted) who
14 did not receive a copy of the letter. The person who brought the letter, I don't know
15 whether he gave the copy to the Defence. I don't know, but I was very pleased to see
16 that it was my first letter that arrived that got to the Presiding Judge.

17 MR HAYNES:

18 Q. I know it's a few years ago, but do you remember whether the letter was
19 enclosed in an envelope or whether you gave it to Mr Zarambaud as we see it so
20 Mr Zarambaud could read the text?

21 A. Usually, as a sign of respect, you can't send a letter without an envelope. I put
22 the letter in an envelope and, as I'd asked, I asked him to pass on the letter to the
23 Presiding Judge and I'm very pleased about that. That gives me great happiness that
24 it -- that it did get to its destination.

25 Q. Did Mr Zarambaud tell you that?

Trial Hearing
Witness: CAR-OTP-PPPP-0169

(Closed Session)

ICC-01/05-01/08

1 A. I'm the one saying that, not -- not the late counsel.

2 Q. Very well. We note that one of the people you specifically, or one of the organs
3 you specifically, did not address this letter to is the Victims and Witnesses Unit.

4 That's right, isn't it?

5 A. If they received the letter that is possible, because I understand that here there
6 are no secrets. If they received a copy --

7 Q. But you didn't send them a copy, did you?

8 A. That's right. You're -- if you're accusing someone of something, are you going
9 to set aside a copy for them? No, it has to be a surprise.

10 Q. So you were planning to accuse VWU of something in August of 2011; is that
11 right?

12 A. Accuse the VWU? Yes, it was a complaint and inform them of threats and
13 everything that happened there. That's all.

14 PRESIDING JUDGE STEINER: Sorry, Mr Haynes, two times or three times the
15 interpreters are saying that you are not giving the five seconds and we have
16 overlapping speakers. So when we finish the translation, the interpretation, please
17 wait a little bit before you put your following question.

18 MR HAYNES: Okay.

19 Q. But we know from the text of the letter that you were actually accusing the
20 Prosecution of something and you were happy for them to get a copy, were you?

21 A. What did I say by way of accusation? Show them.

22 Q. Well, you accused them of having promised you money.

23 A. Mr Haynes, I think that I said that it was my ignorance. I thank you because I
24 said that it was my imagination, my ignorance. I repeat once again, I repeat: The
25 Prosecutor did not give me the money, not a single dime, before coming to give

Trial Hearing
Witness: CAR-OTP-PPPP-0169

(Closed Session)

ICC-01/05-01/08

1 testimony as a witness or even after my testimony. I thought -- check the date. It's
2 clear. It's the first letter. So there you have it.

3 Q. Okay. Well, I --

4 PRESIDING JUDGE STEINER: Maître --

5 MR HAYNES: Oh, it's me again.

6 PRESIDING JUDGE STEINER: Maître Badibanga?

7 MR BADIBANGA: (Interpretation) Thank you, your Honour. I'd like to use one
8 of the Defence's favourite expressions. Out fairness to the witness, could the witness
9 be shown that part of the letter in which an accusation is mentioned regarding the
10 Prosecution? He was asked -- he asked to see the passage and could the Defence
11 actually show the passage in question to the witness?

12 MR HAYNES: That was exactly what I was planning to do. Can we go to the next
13 page, please?

14 Q. Sir, would you do us a favour, please, since it's your writing, and would you
15 read the one, two, three, four, fifth paragraph down which begins "The 25th
16 of June 2011"?

17 A. "On the 25th of the sixth month 2011, I took the flight to The Hague. I got there
18 and I was put up at the hotel for 18 days. When I came back, (Redacted) refused to
19 count my stay in The Hague. According to him, initially I was entitled to (Redacted)
20 (Redacted) per day multiplied by 18 days for a total of (Redacted)
21 received before my departure and that I should be happy to get the difference. I
22 should be content with the difference."

23 Q. I'm going to firstly accept your invitation before moving on to Mr Badibanga's
24 to invite you to comment on the truth of that paragraph. Is that an accurate
25 reflection of the conversation you had with (Redacted)?

Trial Hearing

(Closed Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0169

1 A. Mr Haynes, (Redacted) is a VWU staff member. He's not an investigator from the
2 OTP. At the top I wrote "Complaint against the VWU." How was I going to
3 cite -- quote someone from the OTP? No. We did calculations with (Redacted). He
4 works for VWU. He doesn't work for OTP. So there you have it.

5 Q. Well, we might have to come back to who (Redacted) is.

6 Can we go two paragraphs down, please, and there's a paragraph beginning "Il faut
7 signaler ..." Would you read that out to us?

8 A. "It must be pointed out that in the meantime my stay in The Hague, the
9 calculations of my activities that remained outstanding were produced and spread
10 out over a period of more than two months and a few days, the wishes of the
11 authorities on-site with a view to better calculation. The unit -- the VWU by the lady
12 (Redacted) with the others informed me that there was an amount of money allocated or
13 provided for by the Prosecutor of the ICC that will be paid out to you immediately.
14 After your testimony, you can expect that payment in the weeks following my arrival
15 in (Redacted). Unfortunately, I have been waiting a long time up until now."
16 Let us be clear. Here we see -- well, this is what I remember in my mind. I had
17 some calculations in mind, but (Redacted) never told me that the Prosecutor was going to
18 give me money. It was my imagination. I said that all these ideas come from my
19 imagination. But (Redacted) did not tell me that.

20 Q. So that paragraph of this letter to the Judge is untrue; is that right?

21 A. I beg your pardon?

22 Q. What you said in that paragraph of this letter is untrue; is that correct?

23 A. That is not so.

24 Q. Did (Redacted) tell you anything?

25 A. The only thing that (Redacted) told me is this: She told me if there are some things

Trial Hearing
Witness: CAR-OTP-PPPP-0169

(Closed Session)

ICC-01/05-01/08

1 that you should claim for -- because I was the one who asked her. It wasn't her, it
2 wasn't she who told me, no. The days that I spent in the -- outside of the country
3 that I was going to be compensated for, she said to me, "If you have calculations or
4 compensation to ask for, do it." But everything about the Prosecutor, all that came
5 from my imagination and I've said that over and over again.

6 Q. So (Redacted) did not tell you that the Prosecutor had promised money payable
7 immediately after you'd given evidence?

8 A. No. No. Perhaps it was my mistake, but (Redacted) told me nothing about money.
9 I made the mistake myself. She did not tell me any such thing. I was the one who
10 asked the question.

11 MR HAYNES: Okay. Can we go to the last paragraph on this page, please?

12 Q. Would you mind reading that for us, sir?

13 A. "According to (Redacted) from the VWU local office, ICC, (Redacted),
14 the money for witnesses provided by the Prosecutor of the ICC and only for witnesses
15 who are government officials. How is that so?"

16 That is also my ignorance, or a mistake in the writing. I asked (Redacted) the question. I
17 asked, "Can witnesses receive something?" And his answer was that he didn't know.
18 Perhaps government officials who are witnesses, yes, so I made a mistake in the
19 writing. I don't know. Perhaps - perhaps - officials. So I asked, "Why? How can
20 that be?" You have to understand what I'm writing. I was the one who asked the
21 question. I asked the question of (Redacted) and he answered me saying that he didn't
22 know. Perhaps the -- perhaps government officials, or -- that was the answer. So I
23 asked him, "Why? How can that be?" I don't want you to change my words. If
24 there is a mistake in the writing, I don't want it to be interpreted a different way. I
25 don't want you to interpret it in a different way.

Trial Hearing
Witness: CAR-OTP-PPPP-0169

(Closed Session)

ICC-01/05-01/08

1 Q. So where the letter says that you asked (Redacted) about the money promised to
2 witnesses by the Prosecutor, the letter's untrue?

3 A. That is not true. He answered me. He said that he didn't know and my
4 question was clear here. Perhaps I made a mistake in the writing, but what I'm
5 telling you is the reality.

6 Q. Well, you did ask (Redacted) whether witnesses could get anything even
7 according to you now, didn't you?

8 A. Yes, it's the same thing. He answered me by saying that he didn't know.
9 I don't know whether staff members are paid, but here in the writing there are some
10 mistakes. I wouldn't want you to interpret that. That is the reality even if I accused
11 him, even if he did something bad to me, but I can't give false testimony against him.

12 MR HAYNES: Very well. Can we just have a quick look at the very last page of
13 this document? I'd just like to see the date which is down on the bottom left.

14 Q. Sir, can you see the date there of 29 August?

15 A. Yes, I can see it.

16 Q. Thank you. I'm finished with that. You don't need to look at it any more.
17 Now this letter had an effect, didn't it, because shortly after you sent it and even
18 shorter after Mr Zarambaud delivered it you received a payment of cash, didn't you?

19 A. Counsel, I think that I can no longer use -- I can no longer accuse you, that
20 might be a violation of the regulations, but I will go back to what I said at the
21 beginning. Today it is difficult. It is difficult. I'm going to answer you tomorrow.
22 I hope that God will help me find rest tonight so that tomorrow I can provide an
23 appropriate answer to that question.

24 Q. Could you not just look at one more document for me before we finish,
25 Mr Witness?

Trial Hearing
Witness: CAR-OTP-PPPP-0169

(Closed Session)

ICC-01/05-01/08

1 PRESIDING JUDGE STEINER: Mr Haynes, we have the problem with the tape.

2 When we have a two-hour session, we have to be very strict. I'm sorry.

3 MR HAYNES: Okay, very well. It just is a nice point to finish if he'd just look at

4 Defence document 18.

5 PRESIDING JUDGE STEINER: Court officer, is that possible still? One minute?

6 So please display the document.

7 MR HAYNES: CAR-OTP-0065-0987. CAR-OTP-0065-0987. I think it will have to

8 be tomorrow morning.

9 Q. Sir, can you quickly look at the screen in front of you and tell me this: Do you
10 remember (Redacted)?

11 A. Yes, I know that person.

12 Q. And that's a Prosecution investigator, isn't it?

13 A. Yes.

14 Q. And do you remember collecting in round terms (Redacted) in cash from her
15 or him on 10 September 2011?

16 A. No, it wasn't in November. It was in September. I think that it was the first
17 amount of money that VWU sent when they learned that I was having problems.

18 They sent that person to provide me with the money. It was VWU who sent that
19 money and (Redacted) told me that. At first he called me and I got a call from
20 the VWU from the headquarters, and the person who called me gave me that
21 information and then after that (Redacted) was sent to see me. It was just at the
22 beginning when I wrote.

23 PRESIDING JUDGE STEINER: Mr Haynes, we will have to stop by now.

24 Mr Witness, thank you very much. We've concluded for today. You can now go

25 back to your hotel and take some rest. We hope you have a better night, better than

Trial Hearing

(Closed Session)

ICC-01/05-01/08

Witness: CAR-OTP-PPPP-0169

1 the last one, and that tomorrow you can continue with your testimony.

2 I would like since, Mr Haynes, you took already three hours from the four hours
3 allocated to you, this is good news because meaning that tomorrow we can really
4 starting at 9 instead of 8 and I see some smiles at the faces of our interpreters and
5 court reporters.

6 So tomorrow the Chamber will be sitting from 9 to 10.30. We'll have a break and, if
7 needed, from 11 to 12.

8 I thank very much the Prosecution team, legal representative of victims, Defence team,
9 Mr Jean-Pierre Bemba Gombo. I thank again very much our interpreters, our court
10 reporters, and declare that the hearing is adjourned.

11 THE COURT USHER: All rise.

12 (The hearing ends in closed session at 7.19 p.m.) Reclassified into Open session

13 RECLASSIFICATION REPORT

14 Pursuant to Trial Chamber III 's Orders, ICC-01/05-01/08-2223 and

15 ICC-01/05-01/08-3038, the version of the transcript with its redactions becomes

16 Public.