

Trial Hearing
Witness: CAR-OTP-PPPP-0169

(Open 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 Wednesday, 22 October 2014
8 (The hearing starts in open session at 11.02 a.m.)
9 THE COURT USHER: All rise.
10 The International Criminal Court is now in session.
11 Please be seated.
12 PRESIDING JUDGE STEINER: Good morning. Good morning, everyone. Welcome back.
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 Jean-Pierre
16 Bemba Gombo, ICC-01/05-01/08.
17 We are in open session.
18 PRESIDING JUDGE STEINER: Thank you very much.
19 I welcome the Prosecution, legal representative of victims, Defence team, Mr Jean-Pierre
20 Bemba Gombo. I welcome our interpreters, our court reporters.
21 To begin with I would like to ask the attendees to introduce themselves, starting by
22 the Prosecution?
23 MR BADIBANGA: (Interpretation) Good morning, Madam President, your Honours.
24 Here representing the OTP are Shkelzen Zeneli, Sylvie Vidinha and myself, Jean-Jacques
25 Badibanga, and I'm very honoured to have this opportunity to speak on behalf of the OTP.

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1 PRESIDING JUDGE STEINER: Thank you very much.

2 Maître Douzima?

3 MS DOUZIMA LAWSON: (Interpretation) Thank you very much, Madam President, your
4 Honours. I am Marie-Edith Douzima Lawson, legal representative of victims. Here with
5 me today are Virginie Roche and Carine Pineau. Thank you.

6 PRESIDING JUDGE STEINER: Thank you, Maître.

7 Mr Haynes?

8 MR HAYNES: Good morning, your Honour. Peter Haynes, together with my co-counsel,
9 Kate Gibson, for Mr Bemba today. We're supported by case manager and legal assistants,
10 Natacha Lebaindre and Cécile Lecolle.

11 PRESIDING JUDGE STEINER: Thank you, Mr Haynes.

12 Today the Chamber will hear a witness recalled by the Chamber pursuant to its powers under
13 Article 64(6)(b) and (d) and 69(3) of the Rome Statute, Witness CAR-OTP-PPPP-0169.

14 The witness will testify, but before the witness is brought into the courtroom, the Chamber
15 has an oral decision to deliver and it is the oral decision on the application to question
16 Witness 169 by the legal representatives of victims.

17 On 10 October 2014, the Chamber received an application from Maître Douzima to question
18 Witness P-169 - it's filing 3162 confidential - on behalf of the victims that she represents. The
19 application contains a list of 22 sets of questions.

20 Having considered the reasons given by Maître Douzima as to why she believes the personal
21 interests of the victims she represents are affected, the Chamber grants her application and
22 allows her to put all her questions to the witness.

23 And in accordance with what was announced in Chamber's decision 3157, paragraph
24 10, the Chamber grants Maître Douzima a maximum of 2 hours to question the
25 witness.

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1 Before we proceed and as a preliminary issue, the Chamber would like to express its
2 discontent with the Prosecution's noncompliance with the Chamber's clear
3 instructions in decision 3157, paragraph 7. Given the limited time available for the
4 testimony of the witness, the Chamber specifically requested the parties to
5 communicate in advance whether they intend to submit any item into evidence and
6 include all information relevant to the three-part test of relevance, probative value
7 and potential prejudice.

8 A TBD, to be determined, indication - without any further information - as submitted
9 by the Prosecution in relation to certain documents contained in its list of documents
10 does not comply with the Chamber's instructions.

11 As to the protective measures to be enjoyed by the witness, the Chamber notes that in
12 its oral decision of 29 June 2011 - it's transcript 134 confidential, page 26, line 5, to
13 page 28, line 2 - the Prosecution's request for protective measures to Witness P-169
14 was granted, and the Chamber authorised the entirety of the witness' testimony to be
15 conducted in closed session.

16 Pursuant to Regulation 42(1) of the Regulations of the Court, the protective measures
17 previously ordered continue to have full force.

18 Nevertheless, the Chamber requested the Victims and Witnesses Unit to conduct a
19 similar -- a security assessment of the witness in order to determine whether it was
20 necessary to alter its original decision.

21 Taking into account the VWU's recommendations, the Chamber does not consider it necessary
22 to alter its previous decision. Accordingly, the testimony of the witness will continue to be
23 presented in full closed session.

24 Court officer, please turn into closed session.

25 (Closed session at 11.09 a.m.) * Reclassified into Open session

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1 THE COURT OFFICER: We are in closed session, Madam President.

2 PRESIDING JUDGE STEINER: Court officer, please could you bring the witness in.

3 (The witness enters the courtroom)

4 PRESIDING JUDGE STEINER: Good morning, Mr Witness.

5 WITNESS: CAR-OTP-PPPP-0169

6 (The witness speaks (Redacted))

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

8 PRESIDING JUDGE STEINER: Mr Witness, I was just explaining to the public that the
9 protective measures that you were granted before continue to have full force. For that
10 reason, you will testify in full closed session. Were you informed about that, Mr Witness?

11 THE WITNESS: (Interpretation) Yes, thank you. I agree.

12 PRESIDING JUDGE STEINER: Mr Witness, you already know the procedure. It's the
13 second time you appear before this Chamber. You may have in front of you a card
14 containing the solemn undertaking. Could you please read out the words of the card.

15 THE WITNESS: (Interpretation) I solemnly state that I shall tell the truth, the whole truth
16 and nothing but the truth.

17 PRESIDING JUDGE STEINER: Mr Witness, now that you have taken the oath, can you
18 please confirm that you understand what the oath means?

19 THE WITNESS: (Interpretation) Yes.

20 PRESIDING JUDGE STEINER: Do you understand it to mean that you are supposed to tell
21 the truth to the best of your knowledge and belief?

22 THE WITNESS: (Interpretation) Yes. I shall tell the truth.

23 PRESIDING JUDGE STEINER: Mr Witness, I would like to remind you that in accordance
24 with Article 70(1)(a) of the Rome Statute, giving false testimony when testifying under oath,
25 because you are under the obligation to tell the truth, is a criminal offence punishable under

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1 the Statute.

2 Do you understand that, sir?

3 THE WITNESS: (Interpretation) Yes.

4 PRESIDING JUDGE STEINER: Mr Witness, I would also like to remind you that because we
5 speak different languages, there is interpretation so that we can understand each other.

6 Because of this it is important, Mr Witness, that you speak slower than normal in order to give
7 our interpreters sufficient time to translate what you say and to allow the interpreters to do
8 their job.

9 It is also important, Mr Witness, that after a question is put to you, before you start giving
10 your answer, you wait five seconds in order to allow the interpreters to conclude the
11 translation of the question. We call that our "five-seconds golden rule." So you can notice

12 that I'm speaking very slowly, and this is what we expect you to do during your testimony.

13 Since this seems unnatural, it's likely that you start speeding up. In that case I will
14 have to interrupt you in order to ask you to slow down. Please don't take offence.

15 It's just for practical purposes and should not discourage you from speaking.

16 Do you understand these rules, Mr Witness?

17 THE WITNESS: (Interpretation) Yes.

18 PRESIDING JUDGE STEINER: (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 THE WITNESS: (Interpretation) (Redacted)

7 PRESIDING JUDGE STEINER: (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 THE WITNESS: (Interpretation) (Redacted)

16 PRESIDING JUDGE STEINER: (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 I would like to remind everyone that pursuant to Chamber's decision 3157 of 8

21 October 2014, paragraph 3, the order of questioning during this part of the testimony

22 of Witness 169 will be as follows: Firstly, the Chamber will question the witness.

23 Following the Chamber, the Prosecution will be given the opportunity to question

24 him. Then, in accordance with the oral decision previously issued, the legal

25 representative of victims may question the witness. Finally, the Defence will be

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1 given the opportunity to question the witness in accordance with Rule 140(2)(d) of the
2 Rules.

3 In line with the Chamber's usual practice, the Chamber may intervene at any time
4 during the parties' or participants' questioning in order to pose additional questions,
5 or require clarifications from the witness.

6 For everyone's information - and in order to inform you, Mr Witness - today we will
7 have three sessions. We will have one session of two hours this morning, then we
8 have a lunch-break of one-and-a-half hours and in the afternoon we'll have two
9 sessions of two hours each with a 30-minute break in-between. If for any reason,
10 Mr Witness, you need an extra break, just let us know and a break will be given.

11 Before we start, do you have any question, Mr Witness?

12 THE WITNESS: (Interpretation) No, I don't have any.

13 PRESIDING JUDGE STEINER: Mr Witness, you should have been informed by the Victims
14 and Witnesses Unit that the Chamber decided to recall you in order to discuss a series of
15 allegations raised by you after your testimony in court (Redacted). You testified from (Redacted)
16 (Redacted) Your testimony is on transcripts (Redacted)

17 The Chamber thanks you for appearing today before us, and we will start now with
18 the questioning and we would like to explore your different allegations
19 chronologically.

20 Throughout the questioning I ask you, please, to focus your answers exactly on the
21 questions asked. At a later stage you may have the opportunity to add something,
22 but at this point I want you, please, to focus on answering to the questions that are
23 going to be put to you by the Chamber.

24 Do you understand that, sir?

25 THE WITNESS: (Interpretation) Yes.

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- 1 PRESIDING JUDGE STEINER: Mr Witness, (Redacted) about a month after you
2 concluded your testimony, the Prosecutor informed the Chamber of a series of complaints
3 you had (Redacted). For the parties and participants, I am referring to the
4 Prosecution filing 1623. Mr Witness, I'm going to ask you please to describe those incidents
5 to us in more detail. The first incidents relates to a conversation you would have had on (Redacted)
6 (Redacted)
7 (Redacted) after you returned to Bangui after your testimony.
8 Can you please tell the Chamber who (Redacted) is?
- 9 THE WITNESS: (Interpretation) Yes.
- 10 PRESIDING JUDGE STEINER: So who is he?
- 11 THE WITNESS: (Interpretation) (Redacted) is someone from the (Redacted); someone
12 from the (Redacted) in the locality of (Redacted).
- 13 PRESIDING JUDGE STEINER: How did you happen to know (Redacted)
- 14 THE WITNESS: (Interpretation) I met him because, you see, I was rich. (Redacted) he
15 bought the medication, palm oil, and at that time he was working for (Redacted) a fellow who
16 was also rich. A man - a rich man - who lives in (Redacted). He was (Redacted). That is how
17 it came to be that I had contacts with him and his family members.
- 18 PRESIDING JUDGE STEINER: After concluding your testimony at the court, did you speak
19 with (Redacted)
- 20 THE WITNESS: (Interpretation) No, I never had any discussion with him in relation to my
21 testimony. All that happened is that (Redacted) I was given accommodation at
22 (Redacted), and I was outside (Redacted) when I saw him. He was going into the (Redacted) along
23 with someone else. Then he immediately turned towards me, came towards me to greet me.
24 (Redacted)
25 (Redacted) That is how it happened that my daughter arrived at the

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1 location and we were having a discussion.

2 Later on, or shortly thereafter, the VWU staff also arrived in a vehicle. (Redacted) and

3 (Redacted) were those who came, and they also came towards me to greet me. Mr

4 (Redacted) was there sitting down. Then they called me, and I followed them, leaving my

5 daughter outside (Redacted). I had a discussion with them, following which they left and we

6 also left.

7 I met (Redacted) and we sat down together, but my daughter had left. She came back

8 later on to find me at the same location, so we sat down and that gentleman then left.

9 The next day in the evening another gentleman known as (Redacted) called me.

10 Someone from VWU was also present who had taken me to that meeting and took me

11 back. So those VWU staff asked me, "Who is that person?" and I said, "It is (Redacted)

12 someone from (Redacted)."

13 (Redacted) was the (Redacted) Now, (Redacted) then said,

14 "You were not there. When are you going to come back?" He said to me rather

15 "When did you come back?" and I said, "Oh, where did I travel to?"

16 So he told me, or -- "You have come back and you are now a changed man. You are

17 white. What did you bring back for me?" and we were speaking in (Redacted) at the

18 time.

19 PRESIDING JUDGE STEINER: Mr Witness, let's go step by step. I want to come back a

20 little bit in your explanations. After you met (Redacted) at the (Redacted), did he

21 call you the same day or another day? Did he call you on your telephone?

22 THE WITNESS: (Interpretation) He called me on another day on the phone.

23 PRESIDING JUDGE STEINER: What he wanted?

24 THE WITNESS: (Interpretation) He called me to warn me. "So it is you and we know

25 everything you have done," he said. (Redacted) and we

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1 will see how you are going to make your way to (Redacted) You would have to travel by air or
2 by some other means in order to be able to do so. We are aware and we know everything
3 that you are doing, and (Redacted)."

4 PRESIDING JUDGE STEINER: Did you (Redacted)
5 (Redacted)

6 THE WITNESS: (Interpretation) Yes. Yes, I gave them a (Redacted)

7 PRESIDING JUDGE STEINER: You also informed that -- VWU that you received some
8 anonymous calls in July 2011 and August 2011 from the telephone number (Redacted) Is
9 this the number (Redacted) Can you describe to the Chamber the context of these
10 phone calls?

11 THE WITNESS: (Interpretation) The first time around there were (Redacted) The second
12 time even more (Redacted) I did not provide a negative answer. Then there was another time
13 when they sent a message. They did so to me and to my wife. The messages that were sent
14 to my wife and to myself I -- I did not answer those messages, but I informed VWU of them.

15 PRESIDING JUDGE STEINER: The second number (Redacted) is the
16 number that belongs to this (Redacted)

17 THE WITNESS: (Interpretation) Yes.

18 PRESIDING JUDGE STEINER: Mr Witness, we received information that in relation to
19 (Redacted) the first phone call was given by you to him and not otherwise; is that
20 correct?

21 THE WITNESS: (Interpretation) I no longer remember whether I am the one who actually
22 called him first or whether he is the one who called me first. I no longer remember, but I had
23 accused him -- (Redacted) and he called me to
24 apologise saying that he knew nothing of the matter. (Redacted)
25 (Redacted)

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1 Now, as to who called the other first, it may have been myself, it may have been I.

2 You see, he was a rich man. Now, when I returned from here -- in fact, even before I
3 came here, I had a good rapport with (Redacted) We had good relations and (Redacted)
4 was doing well. That is it.

5 PRESIDING JUDGE STEINER: Mr Witness, let's try to be a little bit more precise. The
6 Chamber wants to know whether as soon as you went back to (Redacted) after your testimony,
7 did you take the initiative to call (Redacted) for any reason?

8 THE WITNESS: (Interpretation) Madam President, I must say that I do not remember
9 clearly. These things happened several years ago and I need to think about it. If I am the
10 one who called him and I do remember I would say "Yes," but if I am not the one and I do
11 remember, I would say no.

12 PRESIDING JUDGE STEINER: Did at any time (Redacted) you?

13 THE WITNESS: (Interpretation) No.

14 PRESIDING JUDGE STEINER: And after your testimony, in the months after your
15 testimony, did you have many contacts with (Redacted)

16 THE WITNESS: (Interpretation) I could never have told (Redacted) my secrets. I know the
17 man. When I returned from here, how could it have been possible for me to go and tell him
18 these things whereas I know him very well? I could never have done that. I can never do
19 that.

20 PRESIDING JUDGE STEINER: But he knew that you had testified before the Court?

21 THE WITNESS: (Interpretation) Yes.

22 PRESIDING JUDGE STEINER: How could he?

23 THE WITNESS: (Interpretation) Thank you. When I returned to (Redacted)
24 (Redacted) which is a business or trading centre, there was a lady there known as (Redacted)
25 (Redacted) who used to live with one of my neighbours in (Redacted) That lady is (Redacted)

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1 sister-in-law. She was in the habit of coming to (Redacted) from (Redacted) It is
2 when she came that we met and this is what she told me, "Good morning, sir. How are you?
3 It's been a while since you travelled. You travelled to Europe and came back."
4 Then I was surprised. She said, "Don't be surprised. Many things have happened
5 in (Redacted) concerning you. Please don't quote me in this matter."
6 So I told her, "No, I will not quote you nor mention your name," and she said, (Redacted)
7 (Redacted)
8 (Redacted)

9 PRESIDING JUDGE STEINER: Mr Witness, again, let's go step by step. You are one step
10 forward, and I still couldn't understand exactly the sequence, the chronological sequence, of
11 some facts.

12 You informed VWU that you received some anonymous calls from a certain telephone
13 number. (Redacted) there was an investigation, and this was the
14 number of (Redacted) So I want you to explain to the Chamber why you said to
15 VWU that you received anonymous calls and at the end (Redacted) was the
16 number of (Redacted). That's why I'm asking whether (Redacted)
17 you or gave you anonymous calls. Could you clarify that for me, please?

18 THE WITNESS: (Interpretation) Thank you. I know (Redacted) voice. The
19 telephone number was not his. The first telephone number is not his number. He called me,
20 that is (Redacted), he called me on another number or from another number. I have
21 already crosschecked the telephone numbers to determine whether -- or this telephone
22 number to determine whether it was his telephone number or someone else's. Well, you
23 know, people might have different telephone numbers. That is it.

24 PRESIDING JUDGE STEINER: Did you have any conversation with (Redacted) before your
25 testimony or prior to your testimony in 2011?

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- 1 THE WITNESS: (Interpretation) Before I came to testify, I was in (Redacted)
2 (Redacted) He would come to the place
3 where I stayed. No, I don't think so. I never discussed that with him and I could not have.
4 You see, he's someone whom -- whom I know. I know good things about him. I also know
5 bad things about him. I know his -- his character. I could not have done so.
- 6 PRESIDING JUDGE STEINER: Also according to the report of Victims and Witnesses Unit,
7 you expressed some concerns about the fact that you were contacted by a person called (Redacted)
8 (Redacted) Can you please explain to the Chamber who (Redacted) is.
- 9 THE WITNESS: (Interpretation) Thank you, Madam President. (Redacted)
10 (Redacted) I -- before -- before I returned to (Redacted), something happened to (Redacted) in
11 (Redacted) I don't know whether it is true or false, but I learnt that (Redacted) had come to my
12 place to find out where I was in order for (Redacted) to do something in (Redacted) This
13 surprised my wife immensely and she wondered how it is that they were asking her what
14 asking her what her husband had gone to do, or what kind of an intervention her husband
15 was on. And so who am I? Who was I to be on that type of mission, or intervention? That
16 is it.
- 17 PRESIDING JUDGE STEINER: But have you ever had any conversation with (Redacted)
18 before or after your testimony before the Court?
- 19 THE WITNESS: (Interpretation) I knew (Redacted) very well. I knew him very well - I repeat
20 that - even during the period when there were the troubles; the incidents that took place in the
21 town of (Redacted). He was one of the (Redacted) at the time and, furthermore, (Redacted)
22 (Redacted) I was a witness of everything that happened. What could prevent me?
23 What could force me to reveal my secret?
- 24 PRESIDING JUDGE STEINER: Mr Witness, all this information we discussed is contained in
25 a letter, dated 6 August 2011, apparently signed by you. I would like you to see this letter.

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1 This is document number 1 of the Chamber's list, ICC-01/05-01/08-1660-Conf-Anx1-Red2.

2 Court officer, could you please show the document to the witness.

3 Mr Witness, can you see the first page of this letter in your screen?

4 THE WITNESS: (Interpretation) Yes.

5 PRESIDING JUDGE STEINER: Can you see that this letter is addressed to "Madame le juge

6 président" and, since myself I never received this letter, could you please confirm to whom

7 did you actually post or send the letter among all those persons that are mentioned here?

8 THE WITNESS: (No audible response)

9 PRESIDING JUDGE STEINER: Did you -- I will try to be clearer in order to help you. Did

10 you send -- first of all, let's go please, court officer, to the last page of the letter. It's page 5/6

11 of the letter.

12 Is this your signature, Mr Witness?

13 THE WITNESS: (Interpretation) Yes.

14 PRESIDING JUDGE STEINER: You confirm that you did -- did you personally write and

15 sign this letter?

16 THE WITNESS: (Interpretation) Yes.

17 PRESIDING JUDGE STEINER: Did you send -- you confirm that you sent this letter to the

18 (Redacted)

19 THE WITNESS: (Interpretation) I sent a copy to him, but I -- I had a copy for him, but I

20 didn't send it.

21 PRESIDING JUDGE STEINER: Did you send a copy to the (Redacted)

22 (Redacted)

23 THE WITNESS: (Interpretation) Yes, that figures on this letter, but I didn't send a copy of

24 this letter to that person.

25 PRESIDING JUDGE STEINER: Did you send a copy to the (Redacted)

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1 (Redacted)

2 THE WITNESS: (Interpretation) I kept a copy for that person, but I didn't send it.

3 PRESIDING JUDGE STEINER: Did you send a copy of this letter to (Redacted)

4 (Redacted)

5 THE WITNESS: (Interpretation) I kept a copy for her, but I didn't send it.

6 PRESIDING JUDGE STEINER: Mr Witness, what is your relationship with (Redacted)

7 (Redacted)

8 THE WITNESS: (Interpretation) Your Honour, I grew up in a family which carried out

9 (Redacted) but today I no longer have any strength. I no

10 longer have any money to make it possible for me to carry out my own (Redacted). And

11 (Redacted) is somebody who I knew first as a (Redacted), and I got to know him better when his wife

12 sold me wood that I sent to (Redacted). And I continued to see him, and get to know him better,

13 during the period of the troubles which there were in Bangui which involved MLC members.

14 That's it.

15 PRESIDING JUDGE STEINER: Mr Witness, were you in contact with (Redacted) before,

16 during or after your testimony before this Court in July 2011?

17 THE WITNESS: (Interpretation) Yes.

18 PRESIDING JUDGE STEINER: Can you please explain the reasons for your contacts with

19 (Redacted) during that time?

20 THE WITNESS: (Interpretation) I said that I'm a (Redacted) and it is thanks to (Redacted)

21 that we met and saw each other. So I (Redacted). He could tell me what to

22 (Redacted), I could also give him (Redacted) the same and the situation continued in this

23 way until I came here.

24 Afterwards, after I returned, I continued to have contact with this individual, yes, and

25 I learnt -- I found out that among the names that I mentioned his name was also there.

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1 He also came here.

2 PRESIDING JUDGE STEINER: Before you came to give testimony, did you know that
3 (Redacted) was a witness? He told you about that?

4 THE WITNESS: (Interpretation) He didn't tell me that. However, I mentioned names,
5 names of people that I saw who were (Redacted) at that time. The name of (Redacted) was
6 among them, but I don't know if it's true or false. You can check that.

7 PRESIDING JUDGE STEINER: Mr Witness, I did not understand your answer. You say
8 that you mentioned names. You mentioned to whom? Which names you mentioned? I
9 did not understand your answer. Could you please rephrase your answer?

10 THE WITNESS: (Interpretation) During the interviews they ask you questions, what you
11 saw in the company of these enemies, what did you see at that point, and it's within this
12 framework that I gave this answer, I mentioned these names.

13 PRESIDING JUDGE STEINER: Mr Witness, is that true that as soon as you came back to
14 (Redacted) you called (Redacted)?

15 THE WITNESS: (Interpretation) Your Honour, it's a long time ago. It's possible that I
16 called because when I found out -- well, there were (Redacted), people would call me on the
17 phone, and I thought, well, (Redacted) and the family of (Redacted) could tell me something so I
18 could call them to know more. And it has been that framework that, yes, it's possible that I
19 did call him. When the sister of (Redacted) came to speak to my wife it bothered me, but she
20 did it secretly and it was in that context that I could have called her.

21 PRESIDING JUDGE STEINER: Mr Witness, I will try again. Did (Redacted) know that you
22 were a witness before this Court?

23 THE WITNESS: (Interpretation) Later. Later, after I returned, yes. I don't know who
24 gave him this name but he found out later, but I thought that if I was able to get to know the
25 truth then I would give it.

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1 PRESIDING JUDGE STEINER: For the parties and participants, I'm just for clarification, the
2 questions I'm asking are related to VWU's report filing 1816, Annex 1.

3 In this there is a report that presented to the Chamber, Mr Witness, that shows that
4 before your testimony you had an extensive contact with (Redacted) and that during
5 the whole period from January to August 2011, even more extensive contact with
6 (Redacted) and with (Redacted) lots of telephone calls and SMS.

7 Could you please, Mr Witness, explain again to the Chamber the context of your
8 relationship with these three individuals that according to you belonged to the (Redacted)

9 THE WITNESS: (Interpretation) Your Honour, I've just told you where it concerns my
10 contact with (Redacted) it was with regards to (Redacted). That's the same for (Redacted) I can't
11 give myself a knife cut. I told you that I knew these two people, knew them very well.
12 They're (Redacted) I can't give them my secrets.

13 Furthermore, when I was with (Redacted) in (Redacted) I stayed with a member of my
14 family. I never told anyone anything. Only my wife and my brother were aware of
15 anything. I couldn't do that. And I repeat, I know these two people very well, and
16 I'm not mistaken. Perhaps I could be mistaken. It's a very long time ago. It was a
17 very long time ago. Perhaps these people made a mistake. I don't know.

18 PRESIDING JUDGE STEINER: So you're talking here about two persons, (Redacted)
19 and (Redacted) and about (Redacted) What was the reason for so many contacts between
20 you and (Redacted) before and after your testimony?

21 THE WITNESS: (Interpretation) I'll repeat what I've just said, madam, your Honour. The
22 wife of (Redacted) bought wood for me, wooden planks. And (Redacted) could give me
23 information about (Redacted), and my wife she went to (Redacted) to give him things to be (Redacted)
24 Even today she still continues to do that.

25 It's true, I can call him. We can have contacts with each other. I can send him a

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1 message, an SMS. That's possible. And it could be the case that I'm mistaken. I'm
2 a human being. It was all a very long time ago. However, on my return from there,
3 after my testimony, I can't say that I didn't have phone contacts with him.
4 Furthermore, I had problems with the family of (Redacted) very recently. We didn't get
5 on anymore. Nothing worked between him and myself. And the situation is as
6 that was, as is, it's the same until today.

7 PRESIDING JUDGE STEINER: Mr Witness, we are going to discuss now some more issues
8 arising out of other letters that the Chamber has received and that were allegedly written by
9 you. Apart from the letter of 6 August 2011, this one that we have just discussed, we have
10 two letters from June 2013 and one letter from 2014. There is also another letter from 2014
11 recently disclosed by the Prosecution, but the Chamber will not discuss it with you, at least
12 for the time being, because probably the parties will refer to it.

13 So I would like now to discuss with you the letters from 2013, and these are
14 documents number 2 and 3 of the Chamber's list, items CAR-OTP-0072-0504_R01 and
15 CAR-OTP-0072-0508_R01.

16 Could please the court officer display the first document, the first letter of 2013 to the
17 witness? Yes, clarification is R02. It's the second, lesser redacted version.

18 Court officer, please display the first page of the letter.

19 THE COURT OFFICER: The document is being displayed, Madam President.

20 PRESIDING JUDGE STEINER: Thank you.

21 Mr Witness, as you can see, this is a letter dated 7 June 2013.

22 First, I would like to ask court officer to go to the next page.

23 Mr Witness, do you confirm that this is your signature?

24 THE WITNESS: (Interpretation) Yes.

25 PRESIDING JUDGE STEINER: Do you confirm that you personally wrote and signed the

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1 letter?

2 Court officer, please turn back --

3 THE WITNESS: (Interpretation) Yes.

4 PRESIDING JUDGE STEINER: -- to the first page? Sorry. I apologise to the interpreters.

5 Could you please, court officer, turn back to the first page?

6 Mr Witness, again, my first question is in this letter you say, "Transmis copie pour
7 information." Can you confirm whether you sent this letter to the general secretary
8 of the United Nations?

9 THE WITNESS: (Interpretation) I set aside a copy, but I didn't send it.

10 PRESIDING JUDGE STEINER: And in relation to the (Redacted)

11 THE WITNESS: (Interpretation) I set aside some copies for those people, but I was not able
12 to send them to them. I said to myself that if I wrote like that it was to place pressure upon,
13 but I didn't send the copies.

14 PRESIDING JUDGE STEINER: At the end, to whom you sent the letter?

15 THE WITNESS: (Interpretation) My letters I send them only using the address of the ICC,
16 but to say that I sent them to a particular person I swear to you that no. I sent one to an
17 email address to the Secretary-General of the UN, but the message didn't actually leave. It
18 came back to me. But to say that I sent it to another person, whatever person, that person
19 would have to tell me that I had received that letter and I could say how I sent that person
20 that letter.

21 PRESIDING JUDGE STEINER: Could please, court officer, display the first page of the
22 second letter which is CAR-OTP-0072-0509_R02 I suppose?

23 Mr Witness, this is a second letter. It's dated 8 June 2013.

24 Could please, court officer, display the second page?

25 Mr Witness, do you confirm that this is your signature?

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1 THE WITNESS: (Interpretation) Yes.

2 PRESIDING JUDGE STEINER: Court officer, turn back to the first page. Mr Witness, do
3 you confirm that you personally wrote and signed this letter as well?

4 THE WITNESS: (Interpretation) Yes.

5 PRESIDING JUDGE STEINER: Mr Witness, was the decision to write these letters taken by
6 you alone?

7 THE WITNESS: (Interpretation) Madam President, with everything that happened to me I
8 can no longer go back to the (Redacted) and I'm telling you the truth. What
9 did I do? (Redacted), I have to (Redacted) and I have to
10 (Redacted) I can no longer manage. What (Redacted) can I do now?
11 If I wrote this letter it's because I was asking for help.

12 THE INTERPRETER: Interpreter correction: In the reply the witness said he can no longer
13 go back to the (Redacted) not the (Redacted)

14 PRESIDING JUDGE STEINER: Mr Witness, I don't know if I understood well your answer.
15 My question was whether the decision to write these letters was taken by you alone? It was
16 your decision? You alone took the decision to write these letters, or were you influenced by
17 someone else or received some advice from anyone else?

18 THE WITNESS: (Interpretation) Your Honour, I think I've explained things properly to
19 you. I told you this. Who am I to take such a decision? How many people came and
20 talked to me to find out what happened to determine what I heard? Even if there had been
21 some kind of commission that had gone to (Redacted) They called me. So I said to myself,
22 who can I turn to to ask for help or to cry? I just told you I can no longer (Redacted)
23 (Redacted) At home now I have to pay (Redacted) myself.

24 PRESIDING JUDGE STEINER: Mr Witness, again --

25 THE WITNESS: (Interpretation) These -- I can no longer (Redacted) I can't (Redacted)

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1 (Redacted) any more.

2 PRESIDING JUDGE STEINER: Mr Witness, we will have time to discuss all these facts that
3 you are alleging. Now I'm just asking you questions about the letters.

4 You said -- you said that you personally wrote and signed the letter. The letters are
5 written in French, and apart from some mistakes, in a very good French. So did you
6 write these letters yourself in French?

7 THE WITNESS: (Interpretation) Your Honour, I know a little bit of French, but as for the
8 question of whether I wrote the letter or not, I just said that I was the one who wrote the letter
9 and that I was the one who signed it. That is my signature.

10 PRESIDING JUDGE STEINER: Again, Mr Witness, I did not understand your answer. You
11 say that you know a little bit of French. My question is who wrote the letter for you, or on
12 your behalf?

13 THE WITNESS: (Interpretation) Let me read it over. Perhaps some things have been
14 changed in it, but the signature is mine.

15 Okay, I believe that I wrote it. That's true. There was a delegation that came to
16 (Redacted) and within that delegation there was (Redacted) I also believe a lady by the
17 name of (Redacted) and I mentioned it to them and they said I had to write something
18 and I had to send a letter. So I wrote the letter and I sent it and that -- this is the
19 letter here.

20 PRESIDING JUDGE STEINER: Okay. So you wrote the letter yourself? This is your
21 answer?

22 THE WITNESS: (Interpretation) Yes.

23 JUDGE ALUOCH: Mr Witness, did any of these addressees, the people you addressed, did
24 any of them get back to you and confirm that they received your letter? Any of them in all
25 these letters?

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1 THE WITNESS: (Interpretation) As for receiving a reply from them, I did not have any
2 reply from them. Well, I can say that I did not really understand the question from the Judge.
3 If you could repeat your question, please?

4 JUDGE ALUOCH: Mr Witness, it was a very simple question, whether you
5 received -- whether any of the addressees confirmed to you that they received your letter? A
6 very simple question.

7 THE WITNESS: (Interpretation) Yes, nothing was done from the time that I wrote that
8 letter.

9 THE INTERPRETER: Message from the interpreters: Part of the last reply was not
10 interpreted. It was as follows: "Yes, they answered saying that they had received the letter,
11 but nothing was done since the time that I received that I received ..." -- correction, "... since
12 the time that I wrote that letter."

13 JUDGE ALUOCH: If your answer is that they answered, can you tell us who answered,
14 please, to say they had received your letter?

15 THE WITNESS: (Interpretation) Thank you, your Honour. I believe that normally one
16 doesn't answer in writing. No one can tell you whether he or she received the letter or not
17 and people don't give their name, but perhaps they might give you a call, or VWU calls you
18 on the phone to tell you one thing or another.

19 PRESIDING JUDGE STEINER: Mr Witness, was this letter written in a computer? You
20 have a computer?

21 THE WITNESS: (Interpretation) Yes.

22 PRESIDING JUDGE STEINER: Mr Witness, in these two letters that we saw in our screens,
23 we would like to discuss with you two issues. One relates to your financial allegations.
24 The second is the issue of your contact with other witnesses of the case.

25 (Trial Chamber confers)

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- 1 PRESIDING JUDGE STEINER: Mr Witness, we are supposed to have our lunch-break in
2 four minutes, so before I start with the specific issue of your financial complaints and your
3 contacts with other witnesses we will suspend. You have time to have lunch, to take some
4 rest and we'll be back at 2.30.
5 The hearing is suspended.
6 THE COURT OFFICER: All rise.
7 (Recess taken at 12.57 p.m.)
8 (Upon resuming in closed session at 2.31 p.m.) * Reclassified into Open session
9 THE COURT USHER: All rise.
10 Please be seated.
11 PRESIDING JUDGE STEINER: Good afternoon and welcome back, Mr Witness.
12 THE WITNESS: (Interpretation) Good afternoon.
13 PRESIDING JUDGE STEINER: Did you have the opportunity to take some rest
14 during the break?
15 THE WITNESS: (No interpretation)
16 PRESIDING JUDGE STEINER: So can we continue with your --
17 THE WITNESS: (Interpretation) Yes.
18 PRESIDING JUDGE STEINER: I'm so sorry. Could we continue with your
19 testimony?
20 THE WITNESS: (Interpretation) Yes, I can go on. I agree.
21 PRESIDING JUDGE STEINER: Mr Witness, before the break I was saying that there
22 are two issues that we would like to discuss with you in relation to these letters,
23 mainly the ones from 2013.
24 The first issue relates to your financial allegations. I told you that we would come to
25 this at a certain point.

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1 The second issue is the issue of your contacts - alleged contacts - with other witnesses
2 of the case.

3 So let's start by the first issue, Mr Witness. As regards your financial allegations, you
4 claim in these letters that you have the right to some payments and that your
5 demands have not been attended.

6 You allege, and I quote - and I quote in French - (Interpretation) "In actual fact,
7 subsequent to our discussion on 19 April 2013 with OTP, VWU and myself to gain
8 clarifications regarding payment of the amounts due to me, but my demands have not
9 been met by VWU."

10 (Speaks English) Can you please detail for us the demands that you believe have not
11 been met and explain to us why do you think that you are entitled to them?

12 THE WITNESS: (Interpretation) Thank you. I said that to the VWU. I spoke to
13 (Redacted) when those two people got to (Redacted) Those two people saw
14 that I had suffered and they also saw that this was an entitlement for me because the
15 VWU staff in the (Redacted) had driven me away and they told me that I was a volunteer.
16 They said that even if something might happen to me that that was no longer their
17 concern. That is why (Redacted) said that to me, that I should write this letter,
18 and so I did and I sent it.

19 I am surprised because those people summoned me and we had discussions. Those
20 people told me that they were going to pay for the rent, the rent of my house, but
21 one-year-and-four-months later I paid my rent myself. I myself had to pay for two
22 years' worth of (Redacted) They sent someone to go and see the
23 place where I was renting my house. I'm pleased about that. I had told them that
24 I was paying (Redacted) and I alerted the entire world. And they saw that
25 the people that -- who had gone to see the house where I was renting realised that

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1 I was paying my rent, but those people changed their tune and he said to the owners
2 of the house that the (Redacted) was paying the rent of my house each month and the
3 amount was (Redacted) I wasn't in a position to pay for the house. The people went
4 and told them that.

5 THE INTERPRETER: Correction: "This person went and told them that."

6 THE WITNESS: (Interpretation) When the (Redacted) received that
7 information, he was not pleased and he called here. He asked me (Redacted)
8 I wrote a letter. I sent the letter to the OTP. The information was sent here asking
9 for an amount of money to be paid to me.

10 PRESIDING JUDGE STEINER: Let's go step by step. You are going too far. Let's
11 start by my first question and I will try to put it in another way. What do you think
12 the Court should pay to you and why do you think the Court should pay to you?

13 THE WITNESS: (Interpretation) That wasn't my idea, but when I said to VWU that
14 I was having problems in my (Redacted), which was the case at that time, so
15 that I could pay the (Redacted) after saying that they
16 agreed.

17 Your Honour --

18 PRESIDING JUDGE STEINER: Let's go very slowly here because we need - the
19 Chamber needs - to understand. You said to VWU that you were having problems
20 in your (Redacted) and you were having difficulties in paying for (Redacted)
21 (Redacted) Were you having these difficulties for which
22 reason and which difficulties were these ones? What difficulties you are talking
23 about?

24 THE WITNESS: (Interpretation) Thank you, your Honour. Since I can no longer
25 (Redacted) because I received telephone calls, I'm (Redacted) of everything that

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1 happened. You sent a delegation to go and see. Now, this person who you sent
2 who said that they were going to give me something --

3 PRESIDING JUDGE STEINER: Mr Witness - Mr Witness - do you remember the
4 name of the person or persons that went to see you and that said that they would give
5 you something? Do you remember the names of these persons?

6 THE WITNESS: (Interpretation) Yes.

7 PRESIDING JUDGE STEINER: Could you please tell the Court the name of these
8 persons.

9 THE WITNESS: (Interpretation) It was (Redacted)

10 PRESIDING JUDGE STEINER: And at the end, what -- what did you receive? Let's
11 first deal with what you did receive.

12 THE WITNESS: (Interpretation) Very well. First of all, they gave me an amount
13 of money. From last year, as of the month of April that -- they gave me an amount
14 that covered (Redacted) In addition to that, they also
15 gave me an amount that represented (Redacted) and also an amount of money
16 (Redacted) and they said to me that they were going to give me an amount of
17 money that would represent (Redacted)

18 and they paid only (Redacted) What's more, myself, I covered the (Redacted)
19 (Redacted) To provide that (Redacted) they agreed to give me
20 the money (Redacted) but I did not receive anything.

21 Now, ask them --

22 THE INTERPRETER: Correction, "I asked them."

23 THE WITNESS: (Interpretation) I paid my rent myself for one year and four
24 months. How could that be possible that ever since I came back to (Redacted) and ever
25 since I had all those problems, ever since I arrived there, they said to me that I had

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1 lied, saying that I had paid my rent for an amount of (Redacted) They said it wasn't a lie.
2 I had paid that. I am paying (Redacted) I pay for the water and the electricity and all
3 the other items, for example, a domestic worker. That is what is represented by the
4 amount of (Redacted) but they were not convinced. They also said to me that I had
5 volunteered. I really have nothing to say. I have no strength. So that's -- that's
6 what happened.

7 What's more, to get my (Redacted) going again - I don't have any
8 resources - so they said to me, they said to write, put something in writing, "Ask for
9 them to buy you a (Redacted)" and I said "Very well."

10 Madam President, I bought my own (Redacted). It is a large (Redacted) and I bought
11 it for practically nothing. I bought (Redacted) also very cheap because I didn't have
12 any money. I did that so I could support (Redacted)

13 THE INTERPRETER: Correction from the (Redacted) interpreter: "I sold my (Redacted) and
14 I sold my (Redacted) at cut-rate prices so that I could support (Redacted)

15 THE WITNESS: (Interpretation) You see, I have children, I have (Redacted) children who
16 are orphans. Some of these children are orphans and then my own children as well.
17 So that is what has happened to me.

18 PRESIDING JUDGE STEINER: We have, Mr Witness, some reports giving account
19 that you have received some considerable amounts of money from the Court. This
20 item EVD-T-D04-00074, number 11 of the list, page 2. And my question is - first I
21 want to go back a little bit in time, on the time - you said that you could not (Redacted) to
22 do (Redacted), but before your testimony, as far as I know, you were already a
23 (Redacted) weren't you? But even being -- sorry, answer
24 your question.

25 THE WITNESS: (Interpretation) Yes --

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1 PRESIDING JUDGE STEINER: Okay.

2 THE WITNESS: (Interpretation) Yes, I was a (Redacted)

3 (Redacted)

4 PRESIDING JUDGE STEINER: But before your testimony, even being a (Redacted) you
5 used to (Redacted) is that correct?

6 THE WITNESS: (Interpretation) Yes, that's right.

7 PRESIDING JUDGE STEINER: We have received also some information from VWU,
8 it's in document 2912, confidential, that you provided VWU with some documents
9 and allegations that were not genuine, that you exaggerated in relation to (Redacted)
10 (Redacted) In relation to the

11 (Redacted) you appointed to a new owner of the (Redacted) and the person informed VWU that
12 he never -- that he had never bought this (Redacted). So there are some informations that
13 you gave to VWU that apparently were not correct. Why these discrepancies,
14 Mr Witness?

15 THE WITNESS: (Interpretation) The VWU never told me that they did
16 investigations. I was never asked by the VWU --

17 PRESIDING JUDGE STEINER: Mr Witness. Mr Witness, sorry, the VWU did not
18 have to inform you. They had the obligation to investigate once you were asking for
19 some reimbursements. So it is another problem. What I'm saying is that is that true
20 or not that you provided VWU with non-genuine information, that you exaggerated
21 your earnings and your losses in order to obtain more assistance from the Court?

22 THE WITNESS: (Interpretation) Your Honour, please listen to me. I am not
23 angry. I swore that I would tell the truth. Some people have not yet built a house
24 with an upper storey, but may the Lord forgive those people. I know everything.
25 Those people have worked but they have not yet built such a house. I know

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1 everything. I see everything. I sent letters about my (Redacted) I sent the letters here.

2 I sold property at very low prices. That was a long time ago.

3 Everyone knows the property that I owned, including the (Redacted) However, I know

4 the intention of those people. I did not come here to accuse anyone, your Honour.

5 If you give me enough time to explain myself, I will begin with this example, with one

6 example.

7 PRESIDING JUDGE STEINER: Mr Witness, I will give you time to give examples

8 and to say whatever you want. Now I'm asking you questions very specific about

9 money, about financial support that you claim you are entitled to and you have not

10 received. So for the time being, you just answer to my questions.

11 Court officer, please display the second letter, the final, 0509.

12 Can you see this letter on the screen, Mr Witness?

13 THE WITNESS: (Interpretation) Yes.

14 PRESIDING JUDGE STEINER: You confirm again that you yourself wrote this letter

15 in your computer and signed it; is that correct?

16 THE WITNESS: (Interpretation) Yes.

17 PRESIDING JUDGE STEINER: Here you were asking to VWU to give you a (Redacted)

18 and you describe with a lot of details the kind of (Redacted) you want. Have you received

19 this (Redacted) Mr Witness?

20 THE WITNESS: (Interpretation) No, I did not receive this (Redacted). I instead was

21 given a (Redacted) and a receipt also, I signed that receipt. That is all that they gave

22 me.

23 PRESIDING JUDGE STEINER: Could please, court officer, display the fourth letter,

24 the one received in August 2014, 0083-1212?

25 Mr Witness, this is another letter received in 5 August 2014 and addressed to the

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1 Secretary-General of the United Nations in New York.

2 Could please, court officer, display the second page?

3 Is this your signature, Mr Witness?

4 THE WITNESS: (Interpretation) Yes.

5 PRESIDING JUDGE STEINER: Is there any reason why in this letter you spelled
6 your name in a different way?

7 THE WITNESS: (Interpretation) Those are my names. I did not add any other
8 name.

9 PRESIDING JUDGE STEINER: Mr Witness, it is only in this letter that your name is
10 spelled differently. It is spelled (Redacted) Why you changed the way
11 of spelling your name, Mr Witness?

12 THE WITNESS: (Interpretation) I did not realise that there was a difference. In
13 (Redacted) sometimes my name is written (Redacted) and on my identity card it is written
14 (Redacted) and that is the name that I use. Even on my (Redacted) this is how
15 it is written.

16 PRESIDING JUDGE STEINER: Okay, Mr Witness.

17 Court officer, please turn back to the first page of this letter.

18 Mr Witness, did you send this letter to the Secretary-General of the United Nations?

19 THE WITNESS: (Interpretation) Your Honour, this is what I said: With regard to
20 the previous letters, I had tried on several occasions to use the address of the
21 Secretary-General, but it did not work. Even though I wrote it the way you see it
22 there, I didn't send the letter to all those people. This is a secret of mine. I sent the
23 letter only to the International Criminal Court.

24 PRESIDING JUDGE STEINER: Court officer, please turn to the second page of the
25 letter.

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1 Mr Witness, here you again mention the (Redacted) the President of the
2 International Criminal Court, (Redacted) But what is interesting is that
3 you mentioned that you sent the letter to the (Redacted) Is that
4 true that you sent this letter to the (Redacted)

5 THE WITNESS: (Interpretation) If the (Redacted) has evidence
6 to that effect, then he should produce it. I never sent the letter to the (Redacted)
7 (Redacted) and I would never do that. I swear to that. I would rather die
8 than send this letter to the (Redacted) and I will never do it.

9 PRESIDING JUDGE STEINER: Mr Witness, I'm just asking you because you say in
10 your letter that you copied the (Redacted) You said that, not me.
11 I'm reading here in your letter. That's why I'm asking if you really sent it. If you
12 say you didn't, why his name or his position is here in the letter? Can you explain to
13 the Chamber?

14 THE WITNESS: (Interpretation) Very well. As far as I am concerned, that was a
15 formality. I sent the letter only to this Court. It was a way of exerting pressure. I
16 never sent this letter to that person. I would never do that. I know how to get in
17 contact with them if it is necessary for me to ask whether I actually sent that letter to
18 them or -- and by what means.

19 PRESIDING JUDGE STEINER: Mr Witness, in the letter here it appears also a
20 reference - and I will spell - (Redacted) sorry. What means that? What
21 organisation is that, (Redacted)

22 THE WITNESS: (Interpretation) Very well. (Redacted)
23 (Redacted) I
24 mentioned this organisation in the letter, but I did not send the letter to (Redacted)
25 (Redacted) All those mentioned in copy I can tell you frankly that I never

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1 sent the letter to those people and those organisations. I only sent the letter to the
2 International Criminal Court as usual.

3 PRESIDING JUDGE STEINER: Thank you for the clarification.

4 Court officer, please turn back into the first page of the letter.

5 Mr Witness, if you need time to read the letter we will give you the time, but I can tell
6 you that in this letter you continued to claim for the non-payment of some money due
7 in reason of your testimony before the International Criminal Court.

8 So you refer to the fact that you were a témoin -- a witness here before this Court, you
9 give the dates that you testified, you again mentioned that the agents of VWU à
10 (Redacted) promised you something, that after the visit of the VWU you started receiving
11 some (Redacted) So it's almost the same content of the other letters, but there is
12 something that was before not in the letter and now it is in this one.

13 At the bottom of the page you say that you should receive (Redacted)

14 (Redacted)

15 (Redacted)

16 and finally, and this is what I want you to explain, you mentioned -- you mentioned
17 "l'argent versé par le procureur près la CPI ..." -- (Interpretation) "The money
18 paid ..." -- "The money paid by the Prosecutor of the ICC to victims," or rather "... to
19 witnesses." (Speaks English) What money versé par le procureur au bénéfice des
20 victimes you were talking about?

21 THE WITNESS: (Interpretation) Very well. Your Honour, please listen to me.

22 Before coming to testify, I did not receive any financial assistance at all from the
23 Prosecutor. When I arrived here and after my testimony, when I returned home I
24 did not receive a single dime from the Prosecutor, nothing at all, and that is the truth.

25 As far as I'm concerned, it is possible for the Prosecutor to think about the witnesses

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(Closed Session)

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1 and help them by giving them something. However, it is not true that I received any
2 money from the Prosecutor. That never happened.

3 PRESIDING JUDGE STEINER: Mr Witness, has the Prosecutor ever promised you
4 any money?

5 THE WITNESS: (Interpretation) I have the fear of God and at no time did the
6 Prosecutor -- well, I can even tell you he does not even know me. How could this
7 have happened and with whom? Who am I? To tell you the truth, I do not know.

8 PRESIDING JUDGE STEINER: Mr Witness, I'm not accusing you of anything. I'm
9 following for the time being your letter. It's you in your letter who says that you
10 wait from the Prosecution the money that was established in the benefit of the
11 witnesses. It's you that say, not me.

12 And further in the second page of your letter, Mr Witness - and please, court officer,
13 display the second page - you go even further. You say that, if you don't receive the
14 money you think you owe, you will see yourself in the obligation (Interpretation) "...
15 to contact national and international media," (Speaks English) but more than
16 that - more than that - (Interpretation) "... commit a lawyer to reconsider my
17 testimony, which could be ..." -- "... which seems to be a confused situation."

18 (Speaks English) I want -- Mr Witness, I want you to explain in a very objective and
19 direct way what you meant by "reconsider your testimony"?

20 THE WITNESS: (Interpretation) Your Honour, the VWU staff in (Redacted) lie all the
21 time. Lying to them is second nature. I have just been called to appear here before
22 you and be confronted with that first letter in order to determine whether I did write
23 the letter. If I didn't do it I would have known, but what can one say when it comes
24 to my rights?

25 Madam President, they gave me a letter which I signed. That letter was from (Redacted)

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1 My lost earnings were (Redacted) I was given that letter as a copy to keep and I was
2 supposed to wait in order to receive that money, but to this day I'm wondering where
3 that money is.

4 PRESIDING JUDGE STEINER: Mr Witness, you did not answer to my question and
5 so I will put the question again. You have in front of you - in the screen in front of
6 you - a letter dated August 2014, so three months ago, less than three months ago.
7 You said it is your signature. This letter, was it written by you personally?

8 THE WITNESS: (Interpretation) Yes. Madam President, you have not quite
9 understood me.

10 PRESIDING JUDGE STEINER: Mr Witness --

11 THE WITNESS: (Interpretation) I shall answer you.

12 PRESIDING JUDGE STEINER: -- exactly because I did not understand you, it's
13 better if we go step by step. So you wrote the letter and you signed the letter and
14 you sent the letter to the Court; is this correct? In this letter --

15 THE WITNESS: (Interpretation) Yes.

16 PRESIDING JUDGE STEINER: In this letter that you say you wrote, you signed and
17 you sent to the Court, you were saying that you were going to reconsider your
18 testimony if you don't receive a certain amount of money. And my question is:
19 What you meant by "reconsider your testimony"? This is what -- exactly what I want
20 you to explain.

21 THE WITNESS: (Interpretation) Thank you. In answer to your question, I would
22 say as follows: I cannot reconsider my testimony as is written here. Rather, this
23 was a certain amount of pressure that was exerted upon me and that is why I gave an
24 example. I said that after having seen how I had been treated by VWU -- well, that is
25 why I came to write the letter. VWU is lying. They have lied to me on a number of

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1 occasions and I have a number of examples to illustrate that. I did not think that
2 they had the right to do that. I can give you some examples.
3 I can't write that I'm going to reconsider my testimony. I can't do that. This was
4 just because pressure was put on me. Otherwise why would I be here before you
5 today, Madam President. You asked me to come for me to tell you the truth. I was
6 given a certain sum of money. I don't know whether this is all they're going to give
7 to me, but I know what the calculation is. I know that one plus one equals two.
8 So having noted that nothing was working, I had to resort to you, Madam President,
9 for you to listen to my complaint and my demands.

10 PRESIDING JUDGE STEINER: Mr Witness, in the same letter, in this second page
11 that is in front of you, you said that other witnesses that appeared before the Court
12 met (Redacted) and these witnesses would be ready to bring evidence
13 (Interpretation) "... of corruptly influencing witnesses. " (Speaks English) What is
14 that? What you meant by saying that?

15 THE WITNESS: (Interpretation) Corruptly influencing? Well, in order to lose
16 money? No, no.

17 PRESIDING JUDGE STEINER: Mr Witness, you want me to read to you your own
18 letter? I can do it.

19 THE WITNESS: (Interpretation) No. No. I shall answer your question. I shall
20 answer you.

21 PRESIDING JUDGE STEINER: Let's -- Mr Witness, let's try to do it slowly. Put
22 your glasses on, please, and read to the Chamber this paragraph of your letter that
23 starts with "Enfin je vous informe que ..." Read it loud for the Chamber, please.

24 THE WITNESS: (Interpretation) "Finally I can inform you that the ICC witnesses
25 were gathered together by (Redacted) they are ready to bring evidence of

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1 witnesses having been corruptly influenced and all the mistreatment they were
2 subjected to by the VWU. See the (Redacted) ..."- "... the list of their (Redacted) annexed."

3 PRESIDING JUDGE STEINER: Now I repeat my question.

4 THE INTERPRETER: Microphone please, Madam President. Microphone, please.

5 PRESIDING JUDGE STEINER: I will repeat my question: What do you meant by
6 "...preuve de subordination des témoins" (Interpretation) "Evidence of witnesses
7 having been corruptly influenced"?

8 THE WITNESS: (Interpretation) Thank you. To my mind, this means all the
9 mistreatment that the witnesses were subjected to by VWU.

10 PRESIDING JUDGE STEINER: (Speaks English) Mr Witness, I'm not Francophone,
11 but I know the difference between "subordination et mauvais comportements". I
12 want you to explain what you meant by "subordination des témoins".

13 THE WITNESS: (Interpretation) To my knowledge, apart from my limited
14 knowledge of the French language, and I can't contradict you, when we met it was
15 (Redacted) who had gathered us together and there weren't many of us present. I can't
16 lie to you about that. (Redacted) And I stated this because I was not at
17 all happy with what was going on, so I no longer have good relations with (Redacted) I
18 fled the place where I was living because I was afraid. I was afraid of his
19 brothers-in-law, the (Redacted) that is.

20 I castigated him and, what is more, I called the OTP in order to tell them about it and
21 I believe that the Office of the Prosecutor also told him off because of the way he had
22 behaved.

23 Madam President, to my mind, the term "corruptly influencing witnesses" means
24 mistreatment, the mistreatment notably that we were subjected to by the VWU.

25 I cannot provide you with any other answer to this question with a view to providing

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1 you with a meaning for this term.

2 PRESIDING JUDGE STEINER: I see, Mr Witness, that you say that you have a
3 limited knowledge of the French language. On the other hand, you wrote at least
4 four letters to the Court in a very good French, so your knowledge apparently is not
5 so limited. You say -- you just said that you went to a meeting with (Redacted) and
6 how many other witnesses?

7 THE WITNESS: (Interpretation) (Redacted) I do not know how he got
8 in touch with them, but we met at that location. There were (Redacted) and that is all.
9 I think that the Court is in a better position to provide explanations in this regard.
10 With regard to the term "corruptly influencing witnesses" that is what I explained to
11 you, at least to my knowledge. I wrote this letter with a view to saying everything
12 that had happened.

13 JUDGE ALUOCH: Mr Witness, you have just said there were (Redacted) Apart
14 from yourself, who were the (Redacted) please?

15 THE WITNESS: (Interpretation) There was (Redacted) I do not know his last
16 name. There was (Redacted) And there was also (Redacted)

17 PRESIDING JUDGE STEINER: Mr Witness, in annex to your letters you added a list
18 of many, many (Redacted) and you mentioned --

19 Could please the court officer display the third page of the letter, 0083-1214, only the
20 top of the page, please.

21 You say that these are the (Redacted) of witnesses (Interpretation) "... who are claiming
22 their rights and their loss of earnings."

23 (Speaks English) Do you know if any of these persons complained before the Court
24 about manque à gagner or you just think they do it?

25 THE WITNESS: (Interpretation) On this list, well, it is in fact (Redacted) who gave me

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1 the list. (Redacted) gave me the list in its present form and I sent this list to the
2 Prosecutor.

3 PRESIDING JUDGE STEINER: Have you had any contact with any of these persons
4 after your testimony?

5 THE WITNESS: (Interpretation) Yes.

6 PRESIDING JUDGE STEINER: With whom?

7 THE WITNESS: (Interpretation) (Redacted)

8 PRESIDING JUDGE STEINER: And he told you about any complaint about manque
9 à gagner?

10 THE WITNESS: (Interpretation) It was (Redacted) who broached this subject.

11 (Redacted) called me to his house because he wanted me to give him a little bit of
12 money in view of the difficulties he was encountering. We all broached this subject
13 and the person who --

14 PRESIDING JUDGE STEINER: Yes, Maître Badibanga?

15 MR BADIBANGA: (Interpretation) I do apologise, Madam President, but I just
16 wanted to help the Court and make sure that the record is correct. I have the
17 advantage of understanding (Redacted), and I'm not entirely sure that what
18 the witness said was correctly interpreted. I'm referring to his last sentence. The
19 witness says that it was (Redacted) who organised all of this. I'm brief here because I
20 just have the English version before me, but then subsequently he says "he called me
21 because he needed money." And in the interpretation I heard that it was
22 (Redacted) who called the witness.

23 I wanted us to be specific on this point. I'm not sure that it was the witness said it
24 was (Redacted) who called him. He said "he," so it could be interpreted as either
25 (Redacted) or (Redacted) but I'm not sure. I thank you and I apologise.

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1 PRESIDING JUDGE STEINER: I thank you very much, Maître Badibanga. It's a
2 good opportunity for the witness to try to clarify this point. You said that you
3 received a phone call from whom? Who called you?

4 THE WITNESS: (Interpretation) (Redacted).

5 PRESIDING JUDGE STEINER: What (Redacted) wanted --

6 THE WITNESS: (Interpretation) (Redacted)

7 PRESIDING JUDGE STEINER: Just one minute, Mr Witness. We are waiting for
8 the transcript. You said you received a phone call from (Redacted); is that correct?

9 THE WITNESS: (Interpretation) Yes.

10 PRESIDING JUDGE STEINER: What did he want?

11 THE WITNESS: (Interpretation) He was in the habit of calling me to ask me for
12 money in order to resolve his problems, for example, (Redacted)

13 (Redacted) and he told me that he was going to receive some money

14 and that he would be paying me. We argued on the subject of (Redacted)

15 I have some documents, a receipt. And what is more, (Redacted)

16 (Redacted) and I have all the relevant

17 documents.

18 PRESIDING JUDGE STEINER: And in relation to (Redacted) were you the one
19 who called him for a meeting?

20 THE WITNESS: (Interpretation) It was (Redacted)

21 PRESIDING JUDGE STEINER: And what (Redacted) said in this meeting that
22 you say you held with (Redacted) and (Redacted)

23 THE WITNESS: (Interpretation) Initially (Redacted) wanted to accept and then
24 claim his rights as (Redacted) had called us, so I reprimanded him, and that is why our
25 relations were declining. I got very much involved in order to calm the situation

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1 down and try and reconcile them somehow. So that's why we have been on bad
2 terms ever since and that is why to date he has still not paid me the money that I lent
3 to him.

4 PRESIDING JUDGE STEINER: Did (Redacted) told you how did he get the (Redacted)
5 other allegedly witnesses?

6 THE WITNESS: (Interpretation) No, to date he has not told me.

7 PRESIDING JUDGE STEINER: Who is this person called (Redacted) that was in the
8 meeting?

9 THE WITNESS: (Interpretation) This is a gentleman (Redacted)
10 knows him well. I saw him for the first time and for the last on that occasion.

11 PRESIDING JUDGE STEINER: But what was he doing in that meeting?

12 THE WITNESS: (Interpretation) To my mind, well, I thought he was a witness, but
13 I was not able to ask in order to ascertain whether he was a witness or not.

14 PRESIDING JUDGE STEINER: And after that meeting, you never met him again?

15 THE WITNESS: (Interpretation) Yes, until today.

16 (Trial Chamber confers)

17 PRESIDING JUDGE STEINER: Mr Witness, in order to conclude, what exactly do
18 you think the Court still should pay you? What are your claims in this moment?
19 Could you please specify for us?

20 THE WITNESS: (Interpretation) Thank you, Madam President. I can't say that
21 the ICC has to pay me. First of all I agree, yes, I am a volunteer. I wanted to say the
22 truth. Secondly, if calculations are to be done today, it's the VWU who gave me the
23 idea and that is my truth. I can't arrest the ICC. Who am I to do such a thing? I
24 came here to provide the truth, to shed light on what happened at the time of the
25 disturbances in 2003 - 2002 and 2003 - what I saw. Today I am having problems and

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1 only the Lord knows and he is the one who will reward me. If I asked for something
2 it was in accordance with what VWU had said in light of what happened, so I will
3 leave it at that.

4 PRESIDING JUDGE STEINER: Mr Witness, what caught the attention of this
5 Chamber, among other issues, is the fact that you said in your letter that you would
6 like or you intended to recant your testimony and this is a matter of concern.

7 THE WITNESS: (Interpretation) Your Honour, I swore that I would tell the truth.
8 I cannot -- and I repeat for the last time -- I cannot change my testimony. Let me
9 repeat: It is because of the problems, so it is the VWU and that is the truth. I am
10 suffering. Who am I? I came here of my own free will. I was not afraid. I
11 wanted to tell the truth and nothing but the truth.

12 JUDGE ALUOCH: Would I be right to say that you still have the (Redacted) You
13 said you did not get a (Redacted), but you got a (Redacted). Do you still have it and using it
14 for (Redacted)

15 THE WITNESS: (Interpretation) Thank you, your Honour. The (Redacted) no
16 longer works. It doesn't work. Sometimes it might (Redacted) for two days and then four
17 (Redacted) so it's a problem. With everything that is going on in the
18 (Redacted) what can you do? I don't refuse, but that's the truth and I
19 accept the facts.

20 JUDGE ALUOCH: I'll ask you one last question, Mr Witness. Do you foresee a
21 time when you will feel that you have been properly or fairly compensated? Do you
22 foresee that time, or will you always have this feeling that, you know, you are
23 suffering as a result of this; of all this? Do you foresee such a time at all?

24 THE WITNESS: (Interpretation) I just said this: You are the ones who are
25 familiar with the law more than me. The promises of the VWU, if you say that they

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1 are going to give you a hundred and today they give you 20 and I had that in mind,
2 but now I see that it's better to count on the Lord because what the Lord gives is
3 better, what he is going to give me. So I'm putting everything into the hands of God.
4 Thank you.

5 PRESIDING JUDGE STEINER: Thank you, Mr Witness. At least for the time being
6 the Chamber is satisfied, finished with its questioning, which means that now we'll
7 give the floor to the Prosecution who also has some questions to put to you.
8 Mr Badibanga, you have the floor.

9 MR BADIBANGA: (Interpretation) Thank you, your Honour.

10 QUESTIONED BY MR BADIBANGA: (Interpretation)

11 Q. Good afternoon, Witness.

12 A. Good afternoon.

13 Q. I won't introduce myself again because I've already had my chat with you when
14 you came here in July 2011 and I think you know me well enough, but just for the
15 record my name is already to be found on the transcript.

16 Witness, perhaps I will conclude with the topic you were discussing with the Judges a
17 few moments ago. You said that you had not lied, you had not come here to tell any
18 lies and you had sworn an oath to tell the truth. When you gave your testimony in
19 2011 here before the Court in July, did you tell the truth then?

20 A. In my opinion what I said was the truth and telling the truth about everything
21 that happened, everything that I saw. That is what I came and did here. I came
22 and told the truth.

23 Q. Please forgive me in advance if I return to issues already dealt with by the
24 Judges, but the Judges did bring up a number of points that I wanted to talk to you
25 about and so I may need to ask you a few questions just to gain additional

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1 information. Is that all right?

2 A. Yes.

3 MR BADIBANGA: (Interpretation) I'd like to begin with the first letter that was
4 shown to you. It is the letter of 16 August 2011 -- 6 August. This is the first
5 document on the Prosecution's list and I believe it's also the first document on the
6 Chamber's list.

7 THE COURT OFFICER: Mr Badibanga, could you please provide us with an ERN
8 number?

9 MR BADIBANGA: I beg your pardon. It is the annex to a filing that bears the
10 number ICC-01/05-01/08-1660-Conf-Anx1, and this is the redacted version of the
11 document I'm talking about.

12 Q. The document is now on the screen. Do you remember this document?

13 A. Yes.

14 MR BADIBANGA: Court officer, could the witness be shown the second page. If
15 you could scroll down, I think we need to look at the paragraph that begins "Il faut
16 signaler."

17 Q. Witness, I will read out the last sentence of this particular paragraph, "The VWU
18 through (Redacted) with the others has informed me that there is an amount of money
19 that has been allocated by the Prosecutor of the ICC that will be paid to you
20 immediately after your testimony."

21 Did you hear that, Mr Witness, that short passage that I just read out?

22 A. I read that and I'm following you.

23 Q. Now, in all the subsequent letters you speak about the money promised by the
24 Prosecutor. Is this what you're referring to?

25 A. Listen to this: Regarding this letter I had said to (Redacted) that there were

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1 mistakes. For example, the name here, (Redacted) that's not right. That's not right.

2 That's not the name. It's not (Redacted) What is written here, that was my imagination,

3 as I just told you. There was no promise. There was nothing else, no.

4 Mr Prosecutor, I said that no time before or after my testimony, at no time on no date

5 did the Prosecutor promise me money. That's what I'm saying. That's the truth.

6 Q. Yes, that has certainly been noted, but you must realise I'm asking you

7 questions so that everything will be perfectly clear to the Judges and everyone else in

8 the courtroom. I may ask you some questions that seem obvious, but I need you to

9 answer them. The answers have to come from you.

10 MR BADIBANGA: (Interpretation) Could the court officer display the last page of

11 this particular document, the second part of the last page. It's the following page,

12 actually, the next page. Perhaps we could blow up the image. I'd like to read out

13 the third from the bottom sentence.

14 Q. I'll read this out to you, Mr Witness. It's the sentence that begins "Request the

15 immediate payment."

16 "Request immediate payment of ..." my -- "... of the amount of money allocated by the

17 Prosecutor of the International Criminal Court to be provided to the witnesses."

18 In relation to what you've been saying since this morning, can you tell us or can you

19 confirm whether, yes or no, money was promised or provided for or allocated by the

20 Prosecutor?

21 A. I just told you. Never did the Prosecutor promise money, be it before my

22 arrival here or even after my testimony as a witness.

23 As far as what this says, what's written here, let me repeat, it was the lie of the VWU.

24 A lie can lead someone to imagine things, and what you see here is my imagination

25 working.

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1 I'd like to say this: They didn't promise me money. They never promised me
2 money, not at any time.

3 MR BADIBANGA: (Interpretation) Could the court officer please display the
4 second document on our list, CAR-OTP-0072-0504_R02. Thank you. If we could
5 scroll down to the bottom of the page. Thank you.

6 Q. Witness, I'd just like to draw your attention to point 9, number 9 on this list
7 found within this letter, and ask you whether your explanation applies to point 9.
8 I'll read it out for you: "The money promised by the Prosecutor for the witnesses."
9 Now, the explanation that you provided about the previous letter, does that
10 explanation apply to this sentence?

11 A. Thank you. My answer is this: Yes, it is the same thing. It was my
12 imagination because of the suffering and because of the lie from the VWU staff.

13 MR BADIBANGA: (Interpretation) Could the court officer please display the
14 second page of this letter, third paragraph. That's what we're going to focus on.

15 Q. Witness, I asked for us to look at this third paragraph because there's a few
16 points I'd like to clear up with you. Now, first of all, the expression "subordination
17 of witnesses," "corruptly influencing witnesses", the second last line of that paragraph,
18 when you talk about corruptly influencing witnesses, now, in light of the explanation
19 you provided earlier, are we to understand that it was -- was it done by the OTP or
20 not by the OTP?

21 A. Thank you, Counsel. In my opinion, if the OTP did not hear my complaints at
22 any time, I believe that I was no longer going to be someone I don't know. What the
23 Court did to me, I don't see that or what misconduct the OTP engaged in against me.
24 What I have said is the truth. When the Presiding Judge said I told her that I was
25 going to tell her everything about what VWU had done, no, it wasn't the OTP who

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1 did that, no.

2 MR BADIBANGA: (Overlapping speakers)

3 PRESIDING JUDGE STEINER: Thank you, Mr Badibanga.

4 MR BADIBANGA: (Interpretation) Thank you. I think it's time to --

5 PRESIDING JUDGE STEINER: It's been very tiring, I know. We'll have a half an
6 hour break. You can have a cup of coffee or tea and rest a little bit.

7 We'll be back at 5 o'clock.

8 THE COURT USHER: All rise.

9 PRESIDING JUDGE STEINER: The hearing is suspended.

10 (Recess taken at 4.27 p.m.)

11 (Upon resuming in closed session at 5.02 p.m.) Reclassified into Open session

12 THE COURT USHER: All rise.

13 Please be seated.

14 PRESIDING JUDGE STEINER: Welcome back.

15 The Chamber was informed that Mr Haynes would like to address the Court without
16 the presence of the witness. So Mr Haynes you have the floor.

17 MR HAYNES: Thank you very much, your Honour. It's a short matter and it

18 relates to the execution of your order of yesterday's date, that's decision 3167,

19 concerning the decision on the Defence urgent motion for disclosure of materials, and

20 in particular paragraphs 2 and 10 of the order, and I'll recite them for ease.

21 At paragraph 2, the Chamber ordered the Prosecution to disclose either an

22 unredacted version of the covering email or a lesser redacted version together with a

23 filing explaining why the remaining redactions are justified. And at paragraph 8, it

24 ordered the Prosecution to comply with the deadline of 10 o'clock on Wednesday,

25 22 October 2014, set in the email sent by the Chamber of yesterday's date.

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1 Disclosure of material has been made to us throughout the course of the day, partially
2 at half-past-10 this morning, 324 documents, some further disclosure was made at
3 1 p.m. and some further disclosure at 4.20. We don't complain about that. We
4 know we are going to have a lot of work to do overnight anyway, but we do complain
5 about the fact that we have been disclosed a redacted copy -- a lesser redacted copy of
6 the covering email. And for everybody's ease of reference it's CAR-OTP-0083-1327.
7 And we've given the Prosecution the whole day to comply with the order I think they
8 should have complied with by 10 o'clock this morning, namely, to file something
9 justifying the continued redaction and they haven't, and so we do ask you now to
10 order them to disclose within a very short period of time an unredacted copy of the
11 email. It's pretty clear we are going to need it tomorrow because this witness
12 appears to be progressing rather quicker than we all feared.

13 PRESIDING JUDGE STEINER: Just for me to make it sure that I understood, which
14 is the -- which cover email you were talking about?

15 MR HAYNES: I'm so sorry, your Honour. That's an entirely justifiable complaint.
16 It's an email which was originally sent I think on 13 June, and forwarded on 1 October,
17 and it covers the June and August 2014 letters from the witness. It's the so-called
18 (Redacted) account which was completely redacted originally and has now been
19 partially redacted, but without any justification for the partial redaction. And we'd
20 like to see the whole email address please. I can hand you a copy, if you want?

21 PRESIDING JUDGE STEINER: It would help, Mr Haynes, because I have so many
22 documents here.

23 MR HAYNES: Yes. I hope -- I hope you'll excuse us. Miss Gibson's actually
24 identified two of the recipients on there, but I don't think it will surprise you.

25 PRESIDING JUDGE STEINER: Document 1327?

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1 MR HAYNES: Yes.

2 PRESIDING JUDGE STEINER: Yes, I have it.

3 Mr Badibanga?

4 MR BADIBANGA: (Interpretation) I'm sorry, your Honour. I am cross-checking
5 something with my team.

6 (Pause in proceedings)

7 MR BADIBANGA: (Interpretation) I apologise, your Honour. The fact of the
8 matter is that on the first point raised by Mr Haynes -- we did indeed receive the
9 order of the Chamber yesterday and we worked through the afternoon and through
10 the night. More than 300 documents were disclosed this morning and we had to go
11 through a very large database.

12 And, Madam President, I believe whenever a payment is paid to a witness, even if it
13 is €5 for a drink it is documented, so we had to go through a lot of documents in order
14 to provide the information requested.

15 We also noted that the Chamber had proposed that regarding the redactions we
16 should later on make a written filing after disclosing the redacted version. Well, this
17 detail actually escaped our attention because when you use an entire email that
18 triggers a whole series of operations, so communicating or disclosing a complete
19 address is a problem. You can give some letters and then indicate that it is (Redacted),
20 but if you disclose the entire address it raises -- it leads to problems.

21 We did disclose a version to the Defence with as little redactions as possible, but there
22 are a few details that should have been communicated and we are going to do that
23 alongside the proposed written filings that we are going to submit.

24 I don't know whether I was clear enough?

25 PRESIDING JUDGE STEINER: Specifically in relation to this document, Maître

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1 Badibanga, taking into account that probably Defence will have to question the
2 witness tomorrow, I think the Chamber should receive the justification for the
3 remaining redactions as soon as practicable. When the Prosecution intends to justify?
4 Otherwise you pre-empt the request, or the subject of the request.

5 MR BADIBANGA: (Interpretation) Your Honour, I have already with me a note
6 that was prepared. As I was saying, I have a note which has already been prepared
7 with the justifications, so we can send it very, very shortly. I can ask a member of
8 the team to send it in a few minutes' time and I can tell you something about it if you
9 wish? Otherwise it should be sent to you in the coming minutes. I'm talking about
10 the justification for the redactions. There is a note that was prepared, including three
11 justifications for the partial redactions.

12 PRESIDING JUDGE STEINER: Mr Haynes, would you prefer to wait for the written
13 justification, or should we have this shortcut and have it orally?

14 MR HAYNES: I'd prefer if you dealt with it on oral argument and I'm simply going
15 to say this: We're in closed session. We probably shouldn't be in closed session for
16 this discussion, but we are going to be in closed session for the whole of this witness's
17 evidence. The only people who are going to see this email address are the witness,
18 who already knows it, and professional people who can be trusted to deal with it
19 sensibly. There's no justification for redacting the full email address.

20 PRESIDING JUDGE STEINER: Mr Badibanga, would you like then to make your
21 justification on the spot?

22 MR BADIBANGA: (Interpretation) Yes, indeed, your Honour.
23 In contact with our technical protection services for the witnesses, this is the
24 information that we received. We also contacted our scientific and forensic unit.
25 It so happens, Madam President, that, to begin with, when you disclose an email

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1 address this may allow somebody to determine how an account operates and it can
2 also make it possible to identify other email accounts that are linked to that address.

3 If you have, for example, jean-jacquesbadibanga@hotmail, if I disclose it to you, it is
4 highly likely that I have another email address badibanga@gmail and so on and so
5 forth, and when -- once you disclose that address it is possible to carry out research
6 and identify addresses using the same address but a different domain. So that is one
7 way of researching email addresses and that can undermine operations. That is if
8 we get into that scenario.

9 Secondly, if an email address is known and it has been used to contact a witness, this
10 address can be used to contact the witnesses. Someone can take this address for
11 example, jean-jacquesbadibanga and use that address to contact the witness and the
12 witness will think that the mail is coming from me. So there might be
13 communication with the witness and the witness does not know who is behind that
14 address. So this can raise difficulties in the area of protection.

15 The third reason is that, for example, you can ask an internet provider for the IP
16 address. So if you have a complete email you can have the IP address which
17 identifies the location of the email from which it was sent, the computer that was used
18 and so on. So there is a whole series of consequences. And it is possible also to
19 identify the internet traffic linked to that email address. So you identify the
20 computer, you identify the email traffic, what site was consulted, who was consulted
21 and so on and so forth.

22 So the disclosure of the email address itself can raise these types of problems. So we
23 understood that the Defence may want to have this information, so we can give the
24 end, for example @hotmail and we don't give the first part, jean-jacquesbadibanga for
25 example, and that would enable us to avoid the risks that I have mentioned and that

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1 is related to our work in the area of protection.

2 That is the explanation I can give you.

3 PRESIDING JUDGE STEINER: The Chamber wishes the -- wants the
4 Prosecution -- or, instructs the Prosecution to make a filing with this justification
5 today with an unredacted copy of the -- of this cover page because even the copy
6 given to the Chamber is redacted so the Chamber's not in a position to decide
7 whether this information should be disclosed to the Defence or not.

8 So please instruct your office to make the filing immediately, with an unredacted
9 copy of this cover page, and the Chamber will decide on Mr Haynes' Defence request.

10 And, by the way, there is another one as well, but since Mr Haynes only referred to
11 0083-1327, for the time being this is the one that is subject to the present order.

12 Could, please, court officer bring the witness in.

13 (The witness enters the courtroom)

14 PRESIDING JUDGE STEINER: Welcome back, Mr Witness.

15 THE WITNESS: (Interpretation) Thank you.

16 PRESIDING JUDGE STEINER: Are you ready to continue with your testimony, sir?

17 THE WITNESS: (Redacted)

18 PRESIDING JUDGE STEINER: Maître Badibanga, you have the floor.

19 MR BADIBANGA: (Interpretation) Much obliged, your Honour.

20 Q. Good afternoon once again, Mr Witness. Before the break we were looking at
21 one of your letters and we are going to continue with document number 4 on the

22 Prosecution list, CAR-OTP-0083-1212. It is a letter dated 5 August 2014.

23 Mr Witness, do you remember this document?

24 A. Yes.

25 MR BADIBANGA: (Interpretation) I would like the court officer to scroll down to

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1 the bottom of the page.

2 Q. The last but one line, and this time around when you make a list of your claims
3 you say the money paid by the Prosecutor of the ICC to the witnesses. In the other
4 mail that we saw, you were talking about money promised by the Prosecutor, but in
5 this letter you are talking about money paid by the Prosecutor. Can you explain
6 what you mean by that?

7 A. Yes. I believe that there is an oversight here. Nothing was given, apart from
8 what I already mentioned, and I would like to repeat once again: There was never
9 any money. That's it.

10 Q. Mr Witness, would this sentence be applicable to the reimbursement of small
11 amounts of money that investigators pay, for example, for a drink? The repayment
12 of such monies, can this sentence be applicable to those?

13 A. I no longer remember, but that is not the case. And I will repeat: I do not
14 remember. At no time did the Prosecutor, or the investigator, hand me any amount
15 of money. This is simply my imagination. I thought that this was my right, but no
16 such thing ever happened.

17 MR BADIBANGA: (Interpretation) Can the court officer present to the witness
18 document number 26 of the Prosecution list? It is CAR-OTP-0043-0404.

19 Q. Mr Witness, before I ask you a question, now does this document mean
20 anything to you? Does it remind you of anything?

21 A. (No audible response)

22 Q. Are you able to read the document, or is the quality not good enough?

23 A. I have read it. I can see that the document bears my signature. I can see the
24 date, but I have forgotten. I do not know.

25 Q. Given the quality of the image on the screen, I will simply read out to you what

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1 is written there, "Reimbursement of taxi fare. Return trip times 2" and the amount is
2 (Redacted) Does that jog your memory, Mr Witness, about this document
3 dated 4 June 2009?

4 A. The signature is mine and I am the one who wrote the date "04/06/2009". This
5 must have been at the time the investigators came to meet with me. They probably
6 did not pay, but I have forgotten.

7 Q. Yes, indeed. This receipt mentions reimbursement for taxi fare. I wanted to
8 show you this document in relation to the letter that you wrote earlier when you were
9 claiming money paid by the Prosecutor to the witnesses. Were you referring to
10 expenses such as this one that you can see on the screen, or were you referring to
11 larger amounts of money paid to the witnesses?

12 A. Initially, I was not aware that VWU -- in fact, they did not really explain things
13 at length to me. I could not make the difference between VWU and OTP. As far as
14 I was concerned, it was the Prosecutor who was the boss and he was the one giving
15 orders and that is what had to happen and the money had to be reimbursed.
16 However, the fact of the matter is that to say that the Prosecutor promised or gave me
17 anything before or after my testimony, well, I never received any amount of money.
18 The truth of the matter is that I was not given anything. I will repeat once again:
19 This was simply my idea because of my ignorance about how things worked.

20 MR BADIBANGA: (Interpretation) Could we please come back to document
21 number 4 on the list of OTP documents, CAR-OTP-0083-1212? This is the letter
22 dated 15 -- 5 August 2014 and it is the second page thereof that is of interest to us.

23 Q. Mr Witness, Madam President asked you questions on the penultimate
24 paragraph where it is written that "... a lawyer should be drafted in in order for my
25 testimony to be reconsidered," and this says that it is -- this is paramount to a bargain

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1 of fools. Could you tell me quite what you meant by that, this bargain of fools?

2 A. I thank you. Mr Prosecutor, if we take into account the lies spun by the
3 personnel of the VWU - and I gave you an example thereof - they do not speak one
4 and the same language. Today they say one thing and the next day they say
5 something quite different, but I am not able to tell a lie. I cannot spin an untruth into
6 the truth and I'm not going to come away from my initial position.

7 Q. I'm not very sure, Mr Witness, whether you answered my question or not.
8 What do you mean by a fools' bargain?

9 A. For me, as I just explained to you, I realised that the staff of the VWU were
10 promising me one thing on one day and then on the next day they would promise me
11 something quite different. So it was in -- all within that framework that I drafted this
12 letter, saying that the VWU staff had lied a great deal.

13 Q. Well, whilst we are still on the subject of this letter, I shall make the most of this
14 opportunity to move on to a different subject.

15 Now, in the following paragraph you say, "Well, I shall inform you that the witnesses
16 of the -- at the ICC were brought together by (Redacted) They are willing and
17 ready to testify to the corrupt influencing of witnesses and the additional
18 mistreatment by the VWU of witnesses. See the list of their (Redacted) annexed." End
19 of quote.

20 Now, Mr Witness, when you say that they are ready to provide evidence of corrupt
21 influencing of witnesses, are you speaking in their name, on their behalf, because they
22 have requested that you do so, or are you saying that they are ready to bring this
23 evidence? Where does that claim come from, notably that they are ready to bring the
24 evidence to the fore?

25 A. I thank you, Mr Prosecutor. In answer to your question, I would say that I am

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- 1 the first person to have informed you of what went on and the manner in which it
2 occurred, but if I have understood your question correctly, and I already said this to
3 Madam President that I was not happy, I was not happy with this statement on the
4 part of (Redacted) and I believe that you followed what I said.
5 Now, with regard to this letter, I was telling myself that I would have the opportunity
6 to voice my suffering. There were witnesses and you followed that fact. All of you
7 did. I was interviewed and subsequently I came up against difficulties. This
8 happened subsequent to a lack of agreement with (Redacted) because we had a
9 disagreement and this is true today. He is the one who promoted the entire idea. I
10 was against it.
11 You talk here about corruptly influencing witnesses. The Judge asked me to come
12 here and put a number of questions to me. I told the Judge that I was denouncing
13 evil. I do not see anything bad about that decision that I made and I am not afraid.
14 I was pointing out what was wrong.
15 Now, if it wasn't for the OTP I wasn't sure what would have happened even with
16 regard to the (Redacted) or the other forms of assistance.
17 THE INTERPRETER: The interpreter from the (Redacted) booth did not catch what the
18 witness said at the end of his last -- overlapping microphones.
19 MR BADIBANGA: (Interpretation)
20 Q. The (Redacted) interpreter is saying that he did not understand what you just said.
21 What we have on the transcript currently, and it stops at the point when you said that
22 "I was denouncing the evil and I do not see anything wrong with the decision that I
23 took." Could you please take what you said just after that in order to complete your
24 answer?
25 THE INTERPRETER: Message from the English booth: Could Maître Badibanga

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1 please be requested to slow down. Thank you. And also to leave a gap and

2 not -- in order to avoid overlapping microphones. Thank you very much.

3 THE WITNESS: (Interpretation) I arrived and at the end I was talking about the

4 corrupt influencing of witnesses. When talking about witnesses, notably who would

5 be ready to level allegations. Now, that was with respect to our meeting, but

6 subsequently nothing happened because I was the one who put a stop to it. I

7 forbade (Redacted) and I asked him to let the whole matter rest.

8 And you are probably wondering why I wrote this. Well, this was a way for me to

9 grieve as to what happened. It was a shout of anger, if you like. There we are.

10 PRESIDING JUDGE STEINER: Maître Badibanga, the interpreters are asking you,

11 please, to slow down and to leave the five -- to respect the five-seconds golden rule.

12 MR BADIBANGA: (Interpretation) I thank you, Madam President.

13 Q. Mr Witness, we are obliged to put questions to you on the basis of what you

14 wrote, so when you wrote a letter -- when you write a letter we try to ascertain

15 precisely what you meant and that is why we are going over the words or terms that

16 you used. Should we understand, Mr Witness, that when you write that the other

17 witnesses are ready to provide evidence, in fact, you know nothing about the other

18 witnesses? You are talking about yourself, but you do not know with regard to the

19 other witnesses, do you?

20 A. Mr Prosecutor, I believe that I have been clear in my response. I was clear

21 when I said that this is something that occurred and it was an idea that was hatched

22 and people were ready.

23 Q. When you write the following sentence -- Mr Witness, when you write this

24 sentence you say, "See the list of their (Redacted) in the annex," and the list is the one that

25 was presented to you at an earlier stage by Madam President. There are 22 (Redacted)

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1 on that list, including (Redacted) There's the (Redacted) of (Redacted) of whom
2 you have already spoken.

3 Now, the 20 other individuals who are on this list, apart from yourself and (Redacted)
4 these 20 other individuals, did they ask you to write on their behalf, or did they ask
5 you to represent them?

6 A. Thank you. If we look at this list you will see that what is written here
7 complies with what I received from (Redacted), but I never saw the other individuals
8 apart from those who were in my company. So that was myself, (Redacted)
9 and (Redacted) That is all. I was never delegated as such. I was never given a
10 mandate to represent anybody whomsoever. There we are.

11 Q. Mr Witness, you said in response to a question put to you by the Presiding
12 Judge today that you made or wrote this email from a computer. Now, the answer
13 wasn't very clear because there were two questions. The first asked you whether
14 you possessed a computer and the second was whether you typed up this letter on
15 your computer. I'd like to separate the two questions. Do you, yourself, possess a
16 computer?

17 A. Yes, I do possess a computer. Mr Prosecutor, I can't put myself out there by
18 going to a cyber café in a country that is living through such disturbances. I can't do
19 that. I can do it with the help or assistance of my daughter at home and that is it.
20 My -- well, I have paid the fees for my daughter's schooling and I have -- or, I am in
21 the habit of reading many a book in the French language, so if I have to write
22 something personal or confidential then I might find it difficult, so that is when I call
23 upon my daughter. But I do possess a computer and anything that is secret remains
24 my secret. I can't give this information to somebody else. No, not at all,
25 Mr Prosecutor.

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1 Q. It was just a point of clarification, Mr Witness. Have you just said that it was
2 you who read many books in French, or was it your daughter? I am not very sure of
3 what I am reading here in the translation.

4 A. My daughter has studied and she knows how to write far better than I do, me
5 her father, but I said that I myself read a lot of books in order to improve myself and
6 improve my French.

7 Q. Madam President put a number of questions to you with regard to the
8 individuals that you have identified in your various letters as being cc'd or copied for
9 information and you answered on each occasion saying that you had not sent the
10 letters to those individuals. But when sending a letter via email - this letter via email,
11 or the letters via email or did you send any of those letters to other people?

12 A. If I am not mistaken - I am telling the truth - I sent one or two or three -- well, I
13 sent letters to the United Nations on one, two or three occasions, but the address was
14 incorrect. Apart from that, I do not believe that I did so. I might be wrong. I
15 might be mistaken. I -- I know each and every person to whom I send emails,
16 notably staff members at the ICC, (Redacted) for example, and if they place my
17 correspondence before me I'll be able to recognise it.

18 Madam President did put questions to me and she said, "With regard to this letter
19 you ..." -- "Well, you wrote to the (Redacted) and she asked me who that was. I
20 answered that question and then she went on to ask me or she went on to talk about
21 the (Redacted) et cetera, and I said, no, I did not send a letter to that
22 individual or to those organisations.

23 And if I am here before you it is because I wanted to send my message because I was
24 mistreated by the VWU staff.

25 Let me provide you with an example. Well, if you promise something to somebody

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1 and if that person has faith in you and if you do not fulfil your promise, then what do
2 you expect that person to think of you, apart from thinking that you lied to them?

3 Q. Mr Witness, I am going to request that we concentrate or focus specifically on
4 the matters of interest to me right now and then we can maybe say something at
5 length later on, but everything that you said this morning was well heard and well
6 recorded.

7 Now, if we can move on to the bottom of the letter and show it to the witness, when
8 Madam President asked you a question and she talked to you about the (Redacted) well,
9 I can see that just below that is written (Redacted) Can you tell us precisely what that is?

10 A. Very well. (Redacted)

11 (Redacted) I wrote the
12 name of this organisation on the letter, but I did not send it to them.

13 Q. You spoke of your daughter and the fact that she was in a position to help you if
14 you needed help writing letters and you talked about the fact that she had
15 studies -- studied. Now, did your daughter or does your daughter go to the (Redacted)
16 or was she a member of the (Redacted) group?

17 A. No, she has never been involved in that. She grew up in my house, and the
18 truth be told, if I see how old she is today, she hasn't yet been with a man, she is
19 living at home with me, so anything to do with her schooling is my responsibility and
20 I clothe and feed her as a parent.

21 Q. Well, the point of my question was, Mr Witness, was with regard to the emails
22 that I put questions to you on previously, you talked about the United Nations
23 address, but it would seem there was also an address on one of the emails for a (Redacted)
24 (Redacted) Maybe you could provide us with an explanation in that regard? Does
25 that ring a bell?

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1 A. (Redacted)

2 Q. No.

3 MR BADIBANGA: (Interpretation) Madam President, maybe I should provide a
4 document, a support document. This was a document we mentioned earlier. This
5 is document CAR-OTP-0072-0508 and I shall give you the reference on the
6 list - immediately on the list - of Prosecution documents. It is the third document on
7 the list of Prosecution documents.

8 Q. Can you see there's some emails? There's one which starts with W,
9 (Redacted) Do you know that? Do you know that address?

10 A. Where it concerns this address, I think that it's an address of somebody who
11 works there and which was found by my daughter, somebody from the ICC. I
12 think -- I think that it's somebody who was mentioned by my daughter and whose
13 address is there.

14 PRESIDING JUDGE STEINER: Judge Aluoch wants a clarification.

15 JUDGE ALUOCH: Mr Badibanga, earlier on you had talked about (Redacted) but
16 from what I know, (Redacted)

17 (Redacted) So maybe the witness didn't quite understand when you
18 said (Redacted) It's both (Redacted)

19 MR BADIBANGA: (Interpretation) Thank you very much, your Honour.

20 Q. Indeed, Witness, that was the sense of my question. These initials (Redacted)
21 if you do an internet research those are the initials of an association of (Redacted) and
22 (Redacted) and that is the reason why I asked you the question whether your daughter
23 was in the (Redacted) or not, and if it's not the case, then how come this address was on
24 the email that was sent?

25 A. My daughter carried out her own research. She told me the following -- I don't

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1 remember what she told me. She didn't tell me anything about the (Redacted) She just
2 said that this address was of somebody who worked at the ICC.

3 Q. In order to summarise this point, Witness, can we understand that it was your
4 daughter who helped you in order to draft these letters and send them? Have I
5 understood that well?

6 A. I've just said this. I collaborate with my daughter.

7 Q. Witness, do you remember when you received the (Redacted) and the amount of
8 money that was spoken about this morning from the VWU? Do you remember the
9 moment or particular time it was?

10 A. Last year, but I don't remember the date, but if I try to refresh my memory, I
11 could remember. But before receiving this (Redacted) I had waited for a long time until
12 it was sent.

13 Q. At the time that you received this (Redacted) and the money from VWU, at that
14 time did you express your satisfaction that it was a way of closing the case, or did you
15 mention that there were still things remaining that were owed to you?

16 A. Thank you very much. Thanks for this question. It's not good to tell lies. It
17 was (Redacted) who gave me this (Redacted). I said to (Redacted) and a member of
18 the Office of the Prosecutor who was present that the calculations that we carried out
19 previously, well, I meant there was an amount to be made up and I am telling you the
20 truth there. What's true is that I obtained the (Redacted) and I got a small amount.
21 Prosecutor, before that I was called in order to tell me that I was going to be given this
22 or that. I didn't receive anything, though. That's the reason why I wrote this letter.
23 I didn't write it for no reason.

24 Q. Witness, did anybody influence you to write this letter of 5 August 2014? Did
25 anybody advise you to write it?

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1 A. Well, I've just told you the truth, Mr Prosecutor, and I said to Madam President
2 that one plus one is two. I asked you to give me permission to tell you the truth,
3 because in fact I was promised this and that, but it didn't happen. Are you going to
4 believe me? If that's the case, tell me that it's not the truth. I can make calculations.

5 Q. The reason for the question, Witness, was to understand your motivation. I'll
6 put the question differently. From the moment that you received a (Redacted) and a
7 certain amount of money, what was your motivation for writing a letter in
8 August 2014 once again pointing out the entirety of the sums that were due to you?

9 A. Very well. I'll repeat what I've just said. Before receiving the (Redacted)
10 Mr Prosecutor, there was a loss which had to be made up in the calculations that we
11 had made, and the day when I received it and before I signed to state that I'd received
12 it, I said to them -- I said something to them and afterwards I received a call from the
13 VWU from here. They called me twice. They called me twice to ask me the same
14 thing that you've asked me.
15 Prosecutor, I couldn't ask for anything else if I had received something; if I had
16 received what had been promised.

17 Q. In this letter of 5 August 2014, there is mention made of the (Redacted)
18 (Redacted) The Presiding Judge asked you questions about that and we understood
19 you said that you didn't send a letter to the (Redacted) Now, my
20 question's different. Before writing this letter of 5 August, did somebody from the
21 (Redacted) for example, or from any other place or group, come to you to ask you to write
22 such a letter?

23 A. Thank you, Prosecutor.

24 Q. Are you okay, Witness?

25 A. I'm here. I'm here today because I came to testify and tell the truth. I left

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1 (Redacted) and I can't return to the (Redacted) I've got orphans. I suffer. I suffer to pay
2 their (Redacted) because of what happened (Redacted) and due to what the MLC
3 did.

4 So, Prosecutor, how could you imagine that the (Redacted) could come to tell me something,
5 or to suggest something to me? I couldn't. I could not. Perhaps my body -- my
6 sister, if that was the case, perhaps we would -- they would ensure the education of
7 them if I died, but myself, no, I can't.

8 Q. I'm not imagining anything. I'm just trying to ask you the questions so that it's
9 clear when you leave for everybody when -- when you go we know where we are.
10 We're just trying to get to the truth. It's not about a question about imagining
11 anything.

12 What took my question there was because in the letter you put (Redacted)
13 (Redacted) and people you put down on the list and you also put the (Redacted)
14 (Redacted) in your list and, as you said to the President today, you know a certain
15 number of people who are from the (Redacted) People in (Redacted) You spoke about them.
16 (Redacted) a whole group of people, (Redacted) That's the
17 reason why I asked you that question.

18 A. These people have been there for the long time. They're still there. They're
19 (Redacted) and I know them very well. My wife knows them.
20 My children know them. Even (Redacted)

21 THE INTERPRETER: The (Redacted) corrects the
22 interpreter in the (Redacted) booth.

23 THE WITNESS: (Interpretation) He was driven out of the (Redacted) but he was still his
24 brother-in-law. And all these people still exist. They're still alive. Today the
25 situation is similar and we can be pursued to (Redacted) My family told me that

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1 (Redacted) could pursue us even to (Redacted)

2 MR BADIBANGA: (Interpretation)

3 Q. I'd like to come back to (Redacted) Your Honour -- the President asked you
4 a lot of questions about that. We're not going to repeat what had already been said
5 throughout the day, but I would like clarification from you with regards to the
6 exchanges that you had with him.

7 Is it correct to say that you were in contact with (Redacted) before your testimony,
8 during your testimony and after your testimony here at the ICC? So over all these
9 years you were in contact with him?

10 A. Yes.

11 Q. At any time did you discuss with him the content of your testimony, the
12 testimony you were giving here at the Court in 2011?

13 A. When he called us, (Redacted) we spoke and he asked me to tell him how
14 much money I had received. He asked me -- whether I had bought clothes for
15 myself, did they buy clothes for me, "Did they give you money to give to your family
16 when you travelled?" And that's it.

17 Q. So before you came to testify at the ICC, before 1 July 2011, did you discuss with
18 (Redacted) your testimony that you were going to give at the ICC here?

19 A. No. What did I have to say to him? If you check, if you look at my testimony
20 it's different from his. It's my own secret.

21 Q. Did (Redacted) influence your testimony in any way? I'm talking about the
22 testimony given to the Court from 1 July to 11 July -- no, 10 July 2011.

23 A. I testified in closed session. I don't know if he could have heard what I said.
24 Even if my wife (Redacted) to his home, I don't know if she could speak
25 about my testimony.

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1 Q. By that, Witness, do you mean that you were in contact with him throughout
2 the period but you didn't discuss the testimony that you were giving here at the Court?
3 Could I sum-up in that way? Is that a good summary?

4 A. Yes, that's correct. (Redacted) We can speak about (Redacted) He
5 can (Redacted) the (Redacted) of my wife. Yes, okay. My wife knows him very well. We
6 know him very well, but as for myself as far as I'm concerned I can't. I can't.

7 Q. You stated on several occasions, but it's important that it figures in the
8 transcript, so I'll ask you the question again in a different way: Have you been
9 influenced in any way, or were the slightest promises made from the Office of the
10 Prosecutor with regards to the testimony to be given here at the Court, or in relation
11 to the testimony given at the Court?

12 A. I said before the Judge - the Presiding Judge - nobody before my testimony, or
13 even after my testimony. Nobody. I didn't see or hear anybody. Nobody came
14 and, even if a person came, I could not and I cannot accept that.

15 Q. Mr Witness, I would like you to be shown one last document, the letter of
16 7 June 2013. It is document number 2 on the Prosecution list,
17 CAR-OTP-0072-0504_R02. You have already seen that document before and I would
18 like page 2 to be shown to you. My mistake, it is actually the next page.

19 Mr Witness, what is of interest to me is something you mentioned in the third
20 paragraph from the bottom. I'm not going to read the entire paragraph because it
21 would be too long. It is the expression, you say, "I'm determined to go to the end of
22 my life to have my rights, or not, and if that is not done I will through international
23 media and others denounce this fools' bargain. It is better to break this Léonie
24 contract with the ICC" - that is you mention Léonie contract - "because I have sinned
25 because of too much good."

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1 I simply do not want us to have expressions that are not well-understood, so I wanted
2 you to explain to us what you mean by that "contrant Léonie"?

3 A. Thank you, Mr Prosecutor. As far as I am concerned, what I referred to as
4 Léonie contract it is a contract with the lion and that contract is from whom? VWU.
5 They started quite well and you have just read it out. I do not want to tell lies.
6 VWU and I -- well, as you can see, at the beginning I said, "Madam Prosecutor, my
7 claims are clear and they were clearly stated in my last mail." So I continued writing.
8 I do not have any problem with the OTP, Mr Prosecutor. I do not have any problem
9 with the Court. If what I'm saying is not true, you are going to be able to see that.
10 I'm telling the truth. You are more educated than I am and you asked me to tell the
11 truth, that is why what I'm telling you is the truth before the Presiding Judge and
12 before God. I would not wish to mislead anyone because that would lead to
13 problems. No.

14 Q. Mr Witness, a short while ago you mentioned a certain (Redacted) Can you
15 tell us the nationality of this person?

16 A. Thank you. Mr Prosecutor, it is (Redacted) who knows all those people. I do not
17 know their homes. I have never been to their houses. I do not have their contact
18 details. He's the only one who knows them. We met on that day and that was it.
19 That is what I can say.

20 Q. But on that day which language did this Mr (Redacted) speak?

21 A. All of us spoke (Redacted)

22 Q. You spoke at length about the (Redacted) that you have since morning.
23 Are you aware, Mr Witness, that when you disseminated documents indicating that
24 (Redacted) that that would be put them also at risk? Is this
25 something that you thought about?

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1 A. Well, as far as I'm concerned, I sent this document to you only. It was to you
2 that I sent this document in order to inform you -- well, (Redacted) and I
3 was not happy because it was (Redacted) who included (Redacted)
4 I have a question for you, Mr Prosecutor. I am not the first person to inform you that
5 those events actually happened. I told you what happened. Was that something
6 wrong that I did?

7 Q. The rules mean that I am the one asking the questions and you are the one -- the
8 one giving the answers. But I can say if you came to testify it is a good thing.

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

10 PRESIDING JUDGE STEINER: Thank you very much, Maître Badibanga.

11 Every minute is important, so we still have 20 minutes, we will continue with the
12 questioning of the witness.

13 Mr Witness, the Legal Representatives of Victims, Maître Douzima Lawson, she was
14 authorised to put some questions to you. So I'll give her the floor.

15 Maître Douzima, please.

16 MS DOUZIMA LAWSON: (Interpretation) Much obliged, your Honour.

17 QUESTIONED BY MS DOUZIMA LAWSON: (Interpretation)

18 Q. Good afternoon, Mr Witness.

19 A. Good afternoon, Maître Douzima.

20 Q. Mr Witness, I believe that since I am on my feet after the Chamber and the OTP,
21 most of the questions that I intended to put to you have already been put to you.

22 However, I will dwell on certain points.

23 Mr Witness, throughout your testimony since this morning you have told the
24 Chamber that the lists of witnesses that you appended or annexed to your various
25 mails was given to you by (Redacted) is that correct?

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1 A. Yes.

2 Q. Did (Redacted) tell you how he came about this list of witnesses? Not
3 only (Redacted) Did he tell you how he got hold of that list?

4 A. No. To begin with, just the fact of keeping that list was very difficult for me.
5 It was very difficult for me to keep the list with me. I kept it for a while and
6 immediately sent it to the OTP. There is no one else who has --

7 THE INTERPRETER: Or rather corrects the (Redacted) interpreter, "I do not know of
8 anyone else who received that list."

9 MS DOUZIMA LAWSON:

10 Q. On several occasions you discussed that list. Didn't you even ask him the
11 question just once to find out how he came about that list?

12 A. Thank you, Counsel. I asked him that question. He refused and to this day
13 he has never given me an answer. If he had told me, I believe that the Prosecutor
14 would have been the first person to have that answer. So far he has never told me.

15 Q. Now, considering that you asked him the question and he refused to give you
16 an answer, why did you then go on to use the list?

17 A. Very well. Now, Maître Douzima, as far as I'm concerned with regard to using
18 that list, it is true that we met. VWU caused problems for us. I have several
19 examples of what VWU did to us and it is for that reason -- well, as you know, I'm not
20 the first person to have problems or to be a victim of the lies of VWU. It is those lies
21 that prompted me to send you that letter here. That is my answer.

22 Q. You have just mentioned that you met. You mentioned a meeting. Was it the
23 meeting between (Redacted) that is yourself, (Redacted) a certain (Redacted) and
24 one other? Is that the meeting that you are referring to? That is the last person was
25 (Redacted)

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1 A. Yes.

2 Q. When did this meeting take place?

3 A. On that day, well, it didn't take long. It didn't take up to two days, no. Was it
4 one month? No, it was not one month. Well, I would like to refer to the letter that I
5 sent to the Prosecutor. It is the Prosecutor who knows the date; the correct date. If
6 he gives me the date, that would be my answer.

7 Q. Let me assist you. Which year was it? Do you remember the year? Was it in
8 2011, 2012, 2013?

9 A. I'm sorry, Counsel, regarding the date I wouldn't want to tell you a lie, but it
10 was a long time ago. As I was saying, if the Prosecutor can assist me with the date
11 on which I spoke with him about those events, on the basis of that date I will be able
12 to remember the time you are asking for. I really do not know whether it was one
13 year ago or two years ago. I no longer remember.

14 Q. In any case it was not this year, was it?

15 A. No.

16 Q. The list that was given to you by (Redacted) contains 22 (Redacted)
17 Do you know whether (Redacted) met with the other witnesses; that is apart from
18 yourself and (Redacted)

19 A. No, Counsel, I didn't want to know. However, what I do know is that he
20 called me and he told me, "These people in the VWU are bad people. Look at the
21 way they are mistreating us. Didn't you know that they were fooling us? They
22 mentioned large amounts of money to us." I agreed that this was true and it was for
23 that reason that I attended that meeting. Subsequently, I thought it was not a good
24 thing and it is for that reason that I let the secret out.

25 Q. Yes, indeed, Mr Witness. This morning you testified that (Redacted) who

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1 took part in that meeting, had intended to accept the initiative of (Redacted) but he
2 later withdrew. So why did (Redacted) not finally accept this initiative from
3 (Redacted)

4 A. I believe that he was not happy. That is why he refused. Just like me, I did
5 not agree and that is why I refused.

6 Q. Do you know whether, apart from (Redacted) the other witnesses are
7 aware of (Redacted) initiative, or are they even aware of what you yourself were
8 doing?

9 A. I'm surprised, Maître Douzima, that you should be telling me that the other
10 witnesses were aware of what we were doing with (Redacted) I did not collaborate
11 with (Redacted) to influence any witnesses. No. If I had done that, that is
12 collaborate with him, why would I have let out the secret?

13 MS DOUZIMA LAWSON: (No interpretation)

14 PRESIDING JUDGE STEINER: Thank you, Maître Douzima.

15 Maître Douzima will continue tomorrow morning. We, the Chamber, needs these
16 last minutes for two instructions.

17 The first is in relation to the exchange of emails between Prosecution and Defence, the
18 first being an email from the Defence team asking the Prosecution, in order to
19 facilitate the preparation of the Defence in relation to the testimony, for the
20 Prosecution to provide copy of all identification documents that would be in the
21 custody of the Prosecution.

22 There was the answer of Mr Iverson, saying that the Prosecution is not in possession
23 of identification numbers such as passport ID and the like, but have some documents,
24 and again the Defence insists that Defence would like to have access to these
25 identification documents since they appear to be material for the preparation of the

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1 Defence.

2 Therefore, and due to the urgency of the matter, the Chamber instructs the
3 Prosecution to disclose such documents to the Defence if possible today, or no later
4 than tomorrow early in the morning.

5 The second point is in relation to the document that the Chamber asked the
6 Prosecution to file today, the one containing -- the one without the redactions
7 contained in the copy that was sent to the Judges. We are informed that there will be
8 a late filing on that, but no indication of the time and therefore no notification -- no
9 indication of the time of notification and the Chamber needs to have access to this
10 document as soon as possible in order to take a decision.

11 So the Chamber would very much appreciate if the Prosecution is able to forward to
12 the Chamber an unredacted version by email just in order to allow the Chamber to
13 prepare its decision on the matter.

14 Having said that, Mr Witness, thank you very much. It has been a long day.
15 Tomorrow it's going to be another long day, but if we are lucky we could conclude
16 with your testimony tomorrow. Let's see. So we hope we have -- you have a nice
17 evening, you have a good night's sleep and you come tomorrow morning ready to
18 continue with your testimony.

19 I thank very much the Prosecution team, the legal representative of victims, the
20 Defence team, Mr Jean-Pierre Bemba Gombo. I thank very, very much our
21 interpreters, our court reporters, for another extra effort in order to allow the
22 Chamber to conclude as soon as possible with the current testimony.

23 We will resume tomorrow morning at 9 o'clock.

24 The hearing is adjourned.

25 THE COURT USHER: All rise.

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- 1 (The hearing ends in closed session at 6.59 p.m.) * Reclassified into Open session
- 2 RECLASSIFICATION REPORT
- 3 Pursuant to Trial Chamber III 's Orders, ICC-01/05-01/08-2223 and
- 4 ICC-01/05-01/08-3038, the version of the transcript with its redactions becomes
- 5 Public.