

Trial Hearing

(Open Session)

ICC-01/14-01/18

1 International Criminal Court

2 Trial Chamber V

3 Situation: Central African Republic II

4 In the case of The Prosecutor v. Alfred Rombhot Yekatom and Patrice-Edouard

5 Ngaïssona - ICC-01/14-01/18

6 Presiding Judge Bertram Schmitt, Judge Péter Kovács and

7 Judge Chang-ho Chung

8 Trial Hearing - Courtroom 1

9 Wednesday, 24 March 2021

10 (The hearing starts in open session at 2.06 p.m.)

11 THE COURT USHER: [14:06:26] All rise.

12 The International Criminal Court is now in session.

13 Please be seated.

14 PRESIDING JUDGE SCHMITT: [14:06:51] Good afternoon.

15 Could the court officer please call the case.

16 THE COURT OFFICER: [14:06:57] Good afternoon, Mr President and your Honours.

17 The situation in the Central African Republic II, in the case of The Prosecutor versus

18 Alfred Yekatom and Patrice-Edouard Ngaïssona, case reference ICC-01/14-01/18.

19 And for the record, we are in open session.

20 PRESIDING JUDGE SCHMITT: [14:07:14] Thank you.

21 I ask for the appearances of the parties.

22 The Prosecution, please.

23 MS STRUYVEN: [14:07:19] Good afternoon, Mr President. For the Prosecution we

24 have today Kweku Vanderpuye, senior trial lawyer; Claire Henderson, trial lawyer;

25 and myself, Olivia Struyven, trial lawyer.

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1 PRESIDING JUDGE SCHMITT: [14:07:35] Thank you.

2 And for the Legal Representatives of the Victims.

3 MS DOUZIMA LAWSON: [14:07:41] (Interpretation) Thank you, Mr President.

4 Thank you, your Honours. The victims of the other crimes are represented today

5 here by Ms Paolina Massidda and myself, Marie-Edith Douzima. Thank you.

6 MR SUPRUN: [14:07:57] Good afternoon, Mr President, your Honours. Appearing

7 today on behalf of the former child soldiers, Nadia Galinier, associate legal officer;

8 and myself, Dmytro Suprun, counsel at the Office of Public Counsel for Victims.

9 Thank you.

10 PRESIDING JUDGE SCHMITT: [14:08:10] And now to the Defence, Ms Dimitri for

11 Mr Yekatom.

12 MS DIMITRI: [14:08:15] Good afternoon, Mr President, your Honours.

13 Mr Yekatom this afternoon is represented by our co-counsel Mr Thomas Hannis; our

14 legal consultant, Mr Florent Pages-Granier; and myself, Mylène Dimitri. Thank you.

15 PRESIDING JUDGE SCHMITT: [14:08:27] Thank you.

16 And we turn now to the Defence of Mr Ngaïssona.

17 MR KNOOPS: [14:08:33] Good afternoon, your Honours. The Defence team of

18 Mr Ngaïssona is this afternoon represented by Ms Phoebe Oyugi, she is legal assistant,

19 and Ms Despoina Eleftheriou, who is case manager. Thank you.

20 PRESIDING JUDGE SCHMITT: [14:08:46] Thank you.

21 And the two accused are also in the courtroom.

22 MR KNOOPS: [14:08:49] Yes.

23 PRESIDING JUDGE SCHMITT: [14:08:50] I think we are all aware that we have

24 a delayed start and the Chamber has been informed of the problems yesterday

25 evening at 20.50.

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1 Mr Vanderpuye, we would appreciate it if you could explain what has happened or
2 what had happened. I think everybody would like to have a sort of explanation at
3 least.

4 MR VANDERPUYE: [14:09:21] Good afternoon, Mr President and your Honours.
5 I think what has happened is that there was a failure of communication, a failure of
6 notice or timely notice to the United Nations with respect to the provision of
7 a representative to assist in the testimony of P-0287. And I think it was a -- sort of
8 a perfect storm, if you will, of misinformation. Part of it on our end, I would say,
9 with respect to the timely notification of the UN officials concerning the scheduling of
10 this testimony. And in addition to that, I think there was some miscommunication
11 with respect to who was actually present here to assist with the witness. Our
12 understanding is that there was indeed somebody who had travelled here for that
13 purpose, but that was erroneous and I think that was a result of miscommunication.
14 And in respect to the timing of the notification to the Chamber, what I did was I took
15 on board the Chamber's previous advice, which was to not only flag the problem but
16 to try to come up with a solution, and that's what I had been -- I have been doing for
17 the better part of the evening until it appeared that there was really no possibility to
18 resolve the matter by the morning. And that's -- that's why it was late, and I
19 apologise for that, Mr President.

20 PRESIDING JUDGE SCHMITT: [14:10:54] Okay. Thank you very much. I think
21 we can leave it like that. I have said it several times already that everyone in this
22 courtroom knows and understands that under the current circumstances scheduling
23 poses extraordinary challenges and problems to the calling party. However, this
24 does not apply to foreseeable necessary preconditions for the hearing, but we leave it
25 at that.

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1 I think we should now continue.

2 And I have to praise the work of the Registry who on very short notice has managed
3 to make this afternoon session at least possible.

4 We can now bring the witness in, please.

5 (The witness enters the courtroom)

6 PRESIDING JUDGE SCHMITT: [14:12:37] Good afternoon, Mr Llorca, I hope you
7 understand me well.

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9 (The witness speaks French)

10 THE WITNESS: [14:12:43] (Interpretation) Good afternoon, I can hear you clearly.

11 PRESIDING JUDGE SCHMITT: [14:12:45] On behalf of the Chamber I would like to
12 welcome you in the courtroom. You are called to testify and assist the Chamber in
13 the case of the Prosecutor against Mr Yekatom and Mr Ngaïssona.

14 You should have a card in front of you with a solemn undertaking. I would like to
15 ask you to read this out aloud.

16 THE WITNESS: [14:13:10] (Interpretation) I solemnly declare that I will speak
17 the truth, all the truth and nothing but the truth.

18 PRESIDING JUDGE SCHMITT: [14:13:15] Thank you, Mr Llorca, you are now under
19 oath. I remind you that, as you have just sworn, you have to speak the truth, of
20 course, and also that it is an offence within the jurisdiction of the Court if you give
21 false testimony.

22 I have a few practical matters. You are aware that everything we say here is written
23 down and interpreted. To allow for the interpretation we have to speak at
24 a relatively slow pace and please let some seconds, two or three seconds pass when
25 you are asked before you answer.

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1 Before I give the floor to the Prosecution, I would like to recall, and you know that of
2 course that you have to establish the preconditions for Rule 68(3) and then with that
3 you can start with your testimony -- with your examination.

4 MS STRUYVEN: [14:14:02] Thank you, Mr President.

5 QUESTIONED BY MS STRUYVEN:

6 Q. [14:14:07] Good afternoon, Mr Llorca. We have met, my name is
7 Olivia Struyven, and I will be asking you questions today on behalf of the Office of
8 the Prosecutor.

9 Before we start, I have two remarks. First, as you know, the Chamber has allowed
10 your testimony to proceed under the conditions sought by the United Nations and, as
11 such, with the consent or authorisation of the Chamber, at any time you can consult
12 with the UN representative. And of course UN representative can also flag that he
13 wants to consult with you.

14 The second remark is about the situation where my questions are not clear, feel free at
15 any point in time to seek clarification or to raise any other issue that you think is
16 necessary.

17 Now, regarding your questioning, I will first ask you some basic questions about your
18 identity. Then I will ask you a few questions about the statement you gave to
19 the Office of the Prosecutor in -- and that deal with your work for the Panel of Experts.
20 And finally, I will also ask you some clarifications about the annexes to the reports
21 that you drafted in that capacity.

22 As mentioned already, I expect this testimony to be conducted completely in public
23 session. However, if for whatever reason you would like to raise something that you
24 believe should not be heard by the public, feel free to raise your hand and to ask us to
25 seek the authorisation to go into closed session.

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1 Now, for the record, can you give us your full name.

2 A. [14:15:57] My name is Aurélien Llorca.

3 Q. [14:16:04] And can you give us your date of birth.

4 A. [14:16:08] I was born on 9 October 1979.

5 Q. [14:16:13] (Overlapping speakers) Now, as part of this procedure that deals with
6 the submissions of your statement, I'm going to ask you a few questions about the
7 statement you gave to the Office of the Prosecutor. Is it correct that you gave
8 a statement to the office between 24 and 28 September 2018?

9 A. [14:16:32] Yes, I can confirm that.

10 Q. [14:16:34] And for the record, the statement bears the ERN CAR-OTP-2115-0239.
11 Mr Llorca, is it correct that a few days ago you met with representatives of the
12 Victims and Witnesses Unit and that you are provided with this statement as well as
13 what -- with other documents which we refer to as associated documents and, more
14 specifically, the three Panel of Experts reports?

15 A. [14:17:17] Yes, indeed I received the statements and this morning I met
16 a representative of the civil party, but we did not meet with any representative of
17 the Defence.

18 Q. [14:17:31] Yes, and this question was really in relation to whether you had an
19 opportunity to read your statement again in the last few days?

20 A. [14:17:42] Yes, I was able to reread my statements over the last few days.

21 Q. [14:17:50] (Overlapping speakers) And do you believe that the statement that
22 you gave in 2018 is still true and accurate?

23 A. [14:17:57] Yes, I can confirm that the statements of 2018 indeed are the same as
24 my statements of that time.

25 Q. (Overlapping speakers) objection to the submission of your statement into

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1 evidence?

2 A. (Overlapping speakers)

3 THE INTERPRETER: [14:18:08] Mr President, could counsel be advised to pause for
4 answers.

5 PRESIDING JUDGE SCHMITT: [14:18:12] Ms Struyven, you are a little bit too quick,
6 yeah. You should also wait two or three seconds so that the interpreters can follow.
7 Thank you.

8 MS STRUYVEN: [14:18:26] With his answer, your Honours, we assume that the
9 conditions of Rule (Overlapping speakers)

10 THE INTERPRETER: [14:18:30] The interpreters missed the last answer,
11 Mr President.

12 PRESIDING JUDGE SCHMITT: [14:18:34] I think, I think we missed the last answer,
13 not we, I didn't miss it because I understood it, but I think for the record we have to
14 do it again because the interpreters said that they didn't get it.

15 MS STRUYVEN: [14:18:49]

16 Q. [14:18:49] So, Mr Llorca, the question is do you have any objection for -- to
17 the submission of your statement into evidence?

18 A. [14:19:00] No, I have no objection.

19 MS STRUYVEN: [14:19:03] Thank you.

20 Your Honours, one more -- one additional point. We have provided the witness
21 with two binders which contain the hard copies of the documents that were on our
22 examination list. The Defence has no objection. So when we discuss the statement
23 or the documents, we would ask the witness to just look at the hard copies.

24 PRESIDING JUDGE SCHMITT: [14:19:23] Fine, fine. Please proceed.

25 MS STRUYVEN: [14:19:32]

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1 Q. [14:19:32] So, Mr Llorca, I will now ask you questions about your work for

2 the Panel of Experts, starting briefly with your background.

3 Is it correct that you obtained a first degree and a master degree in political science?

4 A. [14:19:54] Yes, that is correct.

5 Q. [14:19:55] And that you started your career in the French police, where you

6 stayed for seven years?

7 A. [14:20:03] Right.

8 Q. [14:20:04] And after that you worked for four years as a member of the

9 Monitoring Group of the Security Council Committee on Somalia and Eritrea?

10 A. [14:20:17] Yes, for three years, to be exact.

11 Q. [14:20:19] And after that, in February 2014 you were appointed as the expert on

12 armed groups in the UN Panel of Experts on the Central African Republic?

13 A. [14:20:33] That is correct and I was the coordinator.

14 Q. [14:20:37] (Overlapping speakers) Exactly. So as the coordinator of the panel,

15 a position you held until February 2016?

16 A. [14:20:48] Yes, that is correct. That is correct, yes.

17 Q. [14:20:49] And then after -- lastly, after working for UNHCR as a field security

18 advisor covering various African countries, you were appointed as an expert on

19 mission on the Panel of Experts for Mali in 2018, a position you still hold today?

20 A. [14:21:11] Yes, that is correct.

21 Q. [14:21:15] So I will now ask you a few questions about the working of the Panel

22 of Experts.

23 Can you explain to the Chamber, briefly, how the creation of the UN Panel of Experts

24 on the Central African Republic came about.

25 A. [14:21:37] It is in the context of the violence that occurred in 2013 that

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1 the Security Council met on 5 December 2013 to adopt a resolution to create
2 a sanctions regime. That resolution was followed in January 2014 by another
3 resolution to set up the Panel of Experts and the committee and to outline the various
4 criteria pertaining to the sections -- to the sanctions.
5 Following that second resolution, the Secretary-General appointed the panel and we
6 were deployed for the first time in March 2014 in New York. And then, thereafter,
7 our first missions in the Central African Republic occurred in the same month for
8 about 10 days.
9 After that first mission, we were able to regularly return to the Central African
10 Republic and we made every effort to ensure that there was some kind of permanent
11 presence in the Central African Republic. We were a team of five and it was
12 therefore difficult for all of us to be present on the Central African soil at all times.
13 We, however, tried - and I think this is outlined in our reports - we tried to maintain a
14 presence over several months there in 2014 and 2015, that is presence on the territory
15 of the Central African Republic.
16 During our missions, the purpose of the Panel of Experts was primarily to meet with
17 most of the actors involved in the Central African crisis, given that
18 the Security Council had asked us to ensure that various resolutions which I referred
19 to of 2013 and 2014 were implemented. Those resolutions called on us to
20 particularly identify the stakeholders who were a threat to peace and stability.
21 Obviously, I can refer you to those resolutions so you can see the details and
22 the criteria that guided the sanctions committee of the Security Council to take
23 sanctions against various individuals and entities.
24 The methodology of the Panel of Experts focused primarily on meeting with
25 the various stakeholders, gathering their testimonies, documenting and gathering all

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1 documents -- all documentations pertaining to evidence that can subsequently help us
2 to work with the sanctions committee of the Security Council with a view to
3 establishing the responsibilities of those who threaten peace and stability.

4 As a matter of principle, we consistently tried to work in a team of two. So for each
5 of the meetings undertaken by the panel group, we made it a rule to always be two
6 present, at least, or more, in view of the circumstances, but mindful also of the
7 logistical challenges.

8 Our meetings and the various documents, whether they are written or photographic,
9 which we gathered, have been compiled into a report. As the coordinator, this
10 material was sent to me. My role as a coordinator obviously was to ensure that all
11 the team members had the necessary information for their work and also to ensure
12 that all logistical matters and methodological matters were also addressed, as well as
13 controlling the application of the methodology pursuant to the rules of the
14 Security Council according to a document that is included in my report.

15 Q. [14:26:21] Thank you for that answer. That was very complete. I think I have
16 only a few follow-up questions.

17 If I understand it correctly, you were appointed as the expert on armed groups. You
18 mentioned that there was five panel members. Did each of those five panel
19 members have a specific area of expertise?

20 A. [14:26:47] Yes. The expertise was determined before our appointment. So
21 within the group we had an expert on armed groups, that's myself; we also had
22 a regional expert or panel member who was in charge of all political matters at
23 national and regional levels; and then we also had an expert on finance and natural
24 resources who focused mainly on the issue of exploitation of natural resources and
25 funding of armed groups; then we had an expert on humanitarian and human law

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1 aspects in relation to those aspects of our mandate and these covered areas much
2 broader than could be assumed to be included in that title; we also had another expert
3 whose main duty was to have focus on arms, particularly in relation to the embargo
4 on arms decided by the Security Council in relation to the Central African Republic.

5 Q. [14:28:10] Thank you. And could you explain to the Chamber what the -- so
6 you were appointed as the expert on armed groups. Could you explain to the
7 Chamber what the selection criteria were for such an appointment, if you know?

8 A. [14:28:29] Yes, of course. The Security Council asks the secretariat of the UN to
9 handle all administrative matters pertaining to experts. In that regard,
10 the secretary-general in the division responsible for these things does handle
11 recruitment of experts and this recruitment is done pursuant to established standards
12 and norms. Experience, for example, in the area of armed groups was relevant in
13 my case and this was verified by the team, the recruitment team of the secretariat of
14 the United Nations.

15 Q. [14:29:16] You talked briefly about methodology and you also talked about
16 a Security Council report I think that was mentioned in your statement and that is
17 also mentioned in the -- in the reports.

18 If I may ask the court officer to show a Defence document, which
19 a CAR-D29-0005-0147. This one is not in the binders, this one is a document from
20 the Defence. If we can show it on the screen.

21 Is this the document you were referring to?

22 A. [14:30:18] Yes, indeed.

23 Q. [14:30:25] And so if I -- if I understand correctly, there was three reports that
24 were produced. Just for the record, I will refer to them as the 2014 interim report,
25 which is available at CAR-OTP-2001-0835; the 2014 final report, which is available at

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1 CAR-OTP-2001-5386; and the 2015 final report, which is available at

2 CAR-OTP-2023-0032.

3 Mr Llorca, can you confirm that all three reports followed this methodology?

4 A. [14:31:19] Yes, I can confirm that.

5 Q. [14:31:24] And did anyone or any organisation censor the reports in any way?

6 A. [14:31:39] No. The expert group reports were sent directly to
7 the Security Council and it's only the conference division which formats the report so
8 that they correspond to the typographical standards and drafting protocol of the
9 Security Council.

10 Q. [14:32:05] So would it be correct to say that the panel acts independently?

11 A. [14:32:14] Exactly so, we're entirely independent.

12 Q. [14:32:21] One last question about the methodology. In the panel reports you
13 have compiled several lists of incidents or statistics that refer as a source to
14 the database of incidents or the panel of expert database. Can you explain to us
15 briefly what that database was and how the information in the database was
16 compiled?

17 A. [14:32:56] Yes, so that particular database was established, maintained by
18 the humanitarian expert and the human rights expert within the panel, according to
19 the methodology established by the Security Council, which means that each incident
20 that is entered into that incident database has been corroborated by at least two
21 independent sources and it's, as such, that these incidents feature in the database.

22 Q. [14:33:33] Thank you.

23 I will now seek a few clarifications in respect of your statement.

24 And if it's -- if it's authorised by the judge, I would maybe invite the witness to take
25 the statement which is in the binder to clarify specific wordings of -- of the statement.

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1 PRESIDING JUDGE SCHMITT: [14:34:05] Yeah, I'm fine with that.

2 MS STRUYVEN: [14:34:06]

3 Q. [14:34:07] So if you can go to tab 40 in I suppose the first binder, but I'm not

4 a hundred per cent sure if it's the first or the second binder. And for the record,

5 the statement bears the ERN CAR-OTP-2115-0239.

6 And so I will simply refer to the paragraph numbers when I ask the specific

7 clarifications.

8 If I can ask you first to go to page 8 of your statement, it's paragraph 37 and it is at

9 0246. And I'm interested in the -- in the sentence on the next page, the last sentence

10 of the paragraph, where you explained that ComZones were "under the coordination

11 of area coordinators, the military coordinator, and subsequently the coordination

12 Ngaïssona." And my question is if you recall what you meant by "subsequently"?

13 A. [14:36:16] Well, the findings that we made on the ground and through

14 the witness testimony, we could establish this structuring of the roles of each echelon,

15 if you will, within the Anti-Balaka movement. And the word here, "subsequently",

16 was designed to explain a hierarchical order.

17 Q. [14:36:51] And so if I understand you correctly, Ngaïssona would be on the top

18 of that hierarchy?

19 A. [14:36:59] Exactly so, yes.

20 Q. [14:37:05] And then in the next paragraph, paragraph 38, the third sentence, and

21 I'll read out, it says:

22 "In my analysis, Ngaïssona - as a founding member of COCORA and the minister of

23 youth under Bozizé, could have been instrumental in mobilising the Anti-Balaka

24 later on."

25 Can you explain to the Chamber what you meant by that in particular?

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1 A. [14:37:39] Well, in this sentence reference is being made to a -- a structure at that
2 time no longer existed, the COCORA, and the COCORA had been used at the time
3 when Mr Ngaïssona was minister of young -- of youth under President Bozizé to
4 marshal the youth in the framework of certain incidents that were orchestrated by
5 the COCORA, incidents mentioned here under Mr Ngaïssona's authority. And it
6 was at these events that reference is being made here because this ability to marshal
7 and mobilise, if you will, had already been called upon in the past. And so once
8 again we're saying that he used this ability afterwards to marshal and mobilise
9 the youth.

10 Q. [14:38:39] In the next paragraph, in paragraph 39, you explain that the Mokom
11 family and Ngaïssona had several houses, in particular in the Boy-Rabe
12 neighbourhood, that were used by the Anti-Balaka leadership. Can you explain to
13 the judges what the true significance of that was?

14 A. [14:39:04] Well, we knew at that particular time that Mr Ngaïssona was linked to
15 the Mokom family. The Mokom family is Bernard that is being referenced -- this
16 reference is made to here, but Maxime is his son and this is something that we had
17 established. So here in this sentence we're referring to that coalition, if I can put it
18 that way, or an alliance between Mr Ngaïssona and the Mokom family, in this
19 particular instance, to occupy certain properties that they owned in the Boy-Rabe
20 neighbourhood.

21 Q. [14:39:52] And you also explain in your statement that sometimes providing
22 a house or -- to others in the same rebellion would provide a certain advantage.
23 Could you explain that to the Chamber.

24 A. [14:40:18] Yes, exactly. We learned throughout 2014, 2015 that on a number of
25 occasions the international forces on the ground under the Security Council's

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1 mandate, primarily the MINUSCA, the African Union forces and the French forces at
2 the same time they sought, particularly -- well, they tried to arrest Mokom and so that
3 there, if they had the ability to switch from one property, one house to the next, that
4 would help them escape the attempts to arrest them by the international forces.

5 Q. [14:41:01] Now moving to paragraphs 46 to 48, and that would be at page 11 of
6 your statement, and the ERN number would be CAR-OTP-2115 at 0249.

7 In those paragraphs you explain that the youth in Bangui would set up barricades.
8 Having been numerous times in Bangui, can you explain to the Chamber what
9 the significance of those barricades is in a city like Bangui?

10 A. [14:41:50] So, erecting barricades by these mobilised youth, these Anti-Balaka
11 youth primarily made it possible to block any traffic on the road arteries in the capital,
12 bearing in mind that Bangui is a small town, I would say, relatively speaking. And
13 some major arteries, if they are blocked, well, then it would be possible to block any
14 road traffic across all the capital. So these major avenues, these major arteries fall
15 into two categories, one which goes to the airport and another set that go to PK12,
16 outside the city proper, primarily off towards Cameroon.

17 Q. [14:42:52] And what would be the impact of blocking those roads through
18 barricades?

19 A. [14:43:01] These barricades had a twofold purpose, as I was saying, to stop any
20 road traffic, which would stop any commercial traffic on one hand, and on the other it
21 would prevent the circulation of vehicles used by the international forces.
22 Particularly so that, given the fact they're using young people, it made it very difficult
23 for these international forces to remove these barricades without that sparking bodily
24 harm.

25 Q. [14:43:53] In paragraph 47 of the statement you explain that the barricades

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1 provide political leverage or leverage politically. Can you explain to the Chamber
2 what you mean by that?

3 A. [14:44:15] The rationale of these barricades - and we've seen this in the past even
4 with the roads leading to Cameroon, in other words, outside Bangui - the fact that
5 you're stopping any commercial circulation, this stops the capital of the country to
6 receive supplies, so that's food, that's fuel, that's everything that a capital needs to
7 function properly, for the international forces, the UN, the *administration and what
8 have you, and obviously, the local population it goes without saying. So, yes, this
9 was significant leverage to be able to draw upon the ability to stop or let free flowing
10 these various road arteries.

11 Q. [14:45:04] And were you aware of any negotiations in that sense?

12 A. [14:45:16] We were aware, yes, of the context in which these barricades were
13 erected and how important this was for the government and for the UN to actually
14 have them removed.

15 Q. [14:45:35] And did you hear about any of -- you have mentioned that
16 the Anti-Balaka put in place those barricades. Were you aware of any negotiations
17 in that sense between the Anti-Balaka and the government or the United Nations?

18 A. [14:45:53] We knew that there was a to-and-froing, if you will, between
19 the Anti-Balaka and the government communication-wise. But, obviously, we
20 weren't present to properly determine the words exchanged during that negotiation
21 process.

22 Q. [14:46:17] Now going to paragraph 49, and that's on the next page, it's page 12 of
23 the statement and the ERN ends on 0250. Here you mention that the capacity of the
24 Anti-Balaka increased throughout 2014 and that in terms of the military capacity,
25 the local hunting groups or youth or self-defence groups had no military capacity on

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1 their own until they joined the Anti-Balaka. Did you come to understand how
2 the Anti-Balaka was effectuating the recruitment?

3 A. [14:47:09] Yes, as time went by and through our interviews and our research on
4 the ground, it -- we were able to understand how the movement was structured, in
5 other words, imposing a particular structure on a movement, how that was done.
6 That was important, how they structured the movement, and we think that that was
7 the purpose of the leadership in Bangui. This structuring of the movement - and we
8 detail this in our report - this was done by sending from Bangui members of the
9 Anti-Balaka movement into the provinces where their role was to structure units
10 which were local in nature. So this structuring of the movement was done primarily
11 through these people sent from the capital into the provinces.

12 Q. [14:48:12] I don't have the English transcript here, but when you say "*encadrer*",
13 can you explain to the Chamber what you mean by that?

14 A. [14:48:26] Well, the rationale in terms of structuring that we're describing here
15 was the role fulfilled by the former members or current members that were available
16 of the FACA or the Central African security forces, whose role was, as
17 non-commissioned or commissioned officers, holding position in the FACA, their role
18 therefore was to provide structure, both military and otherwise of the Anti-Balaka
19 movement.

20 Q. [14:49:15] And when you say "*forces de sécurité*", do you mean the presidential
21 guards or is it another group that you referred to?

22 A. [14:49:28] No. Security forces is used primarily for gendarmes, because there
23 are a number of cases where there were lots of former soldiers who were available,
24 but also gendarmes.

25 Q. [14:49:45] And did this also entail the provision of weapons and ammunition or

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1 any materials, to your knowledge?

2 A. [14:49:59] From what we were able to establish through testimonials, was that it
3 was primarily money and telephone units, credits, and ammunition. Unless I'm
4 mistaken, in our reports I don't think we ever saw a case of weapons being supplied.

5 Q. [14:50:29] And just to be clear, those would have been sent from Bangui to
6 the provinces via these missionaries?

7 A. [14:50:50] Sorry, I didn't follow your question.

8 Q. [14:50:52] And so to understand you correctly, those would have been sent, so
9 the money, the telephone credit and the ammunition would have been sent from
10 Bangui to the provinces?

11 A. [14:51:11] Yes, that's right.

12 Q. [14:51:15] One last question about this paragraph. At the end of the paragraph,
13 the last sentence, you -- it says that you "identified an increased number of cases
14 where Anti-Balaka commanders and elements coming from Bangui were involved in
15 incidents in the provinces." Can you explain to us what kind of incidents you
16 refer to?

17 A. [14:51:49] Yes. Increasingly during our field missions outside of Bangui,
18 therefore in the provinces, increasingly we were seeing witnesses talking about
19 the involvements of these people from Bangui being involved in these incidents. So
20 this is cases of violence, incidents connected to attacks, so armed incidents, incidents
21 involving weapons that produce victims.

22 Q. [14:52:30] So I will now ask you a few questions about your interview with
23 Mr Ngaïssona on 3 May 2014. In your statement, and I refer to paragraph 57, which
24 is at page 13 of your statement and it's -- the ERN ends on 0251.
25 You indicate that you ask Ngaïssona about the violence and exactions committed by

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1 the Anti-Balaka. From your conversations with him, can you tell us to what extent
2 he was aware of these exactions being committed by the Anti-Balaka?

3 A. [14:53:18] What Mr Ngaïssona told me during that interview was that what we
4 were -- attributed to Anti-Balaka as violent incidents for him they were just acts of
5 violence either committed by false Anti-Balaka or by elements that were out of
6 control.

7 Q. [14:53:48] And in the same paragraph you also mention -- and this is just
8 a question of the wording. The last sentence of paragraph 57 you say: "He himself
9 had not taken any specific measures." Did Ngaïssona tell you that he himself had
10 not taken any measures or was it the panel's conclusion that he had not taken any
11 measures?

12 A. [14:54:20] This sentence is in actual fact an answer to a subsidiary question
13 about these incidents, and if my memory serves, it was, "Have you ever tried to stop",
14 in other words, "to stop these Anti-Balaka or these false Anti-Balaka or these out of
15 control elements?" And in response to that he said no, he hadn't been able to stop
16 those acts.

17 PRESIDING JUDGE SCHMITT: [14:54:51] May I say to -- may I ask you something:
18 To be able -- not to be able to stop someone is not the same as saying that you have
19 not taken any measures, I would say. Would you agree with me that's not the same
20 thing? You know, when you say "I tried, but I was not able" so you would
21 not -- would not formulate "I have not taken any specific measures by myself". So
22 did you understand if he tried himself to do that and it failed or did you -- did he tell
23 you that he did not take any specific measures?

24 THE WITNESS: [14:55:38] (Interpretation) If memory serves, I don't think he
25 indicated or stated having tried. I think he was saying that he wasn't able, in other

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1 words, he couldn't stop said acts.

2 PRESIDING JUDGE SCHMITT: [14:55:49] I think I don't want to be too, too petty, so
3 to speak, with words, but that is not exactly the same as is written down so it was
4 good that you brought it up, I think.

5 And perhaps another question: The sentence before that, we are still at paragraph 57,
6 you said: "I asked him about measures he would have taken and he explained me
7 that [he] had asked the international forces in a press communication to arrest
8 the fake Anti-Balaka."

9 Do you recall that?

10 THE WITNESS: [14:56:26] (Interpretation) Yes, exactly, yes.

11 PRESIDING JUDGE SCHMITT: [14:56:28] Okay.

12 Please proceed.

13 MS STRUYVEN: [14:56:30] Thank you, Mr President.

14 Q. [14:56:35] In that same paragraph, at the beginning, during your conversation
15 the statement says that you -- that Mr Ngaïssona indicated that the Anti-Balaka were
16 not sufficiently represented in the transitional government. Did you discuss with
17 him what he intended to do about that or how to react to that fact?

18 A. [14:57:07] I think, yes, that this was part of our discussion. Unfortunately,
19 I can't remember how that was worded exactly.

20 Q. [14:57:38] Maybe I'll link it to something we already discussed. We already
21 discussed the political leverage that -- that you mentioned before. Was this
22 something that you knew at the time was being considered?

23 A. [14:58:01] Yes, and we state this in the report, that for us there was this desire to
24 exert pressure on the government through the Anti-Balaka in order to obtain political
25 leverage, political capital.

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1 Q. [14:58:27] On that subject, because you explain in your statement, you
2 explain -- and I'll bring you to the paragraph, it's in paragraph 66, and this is at
3 page 15, 0253 for the record. You explain the idea of relevance of the different levels
4 and the hierarchy and the give and take kind of.

5 Can you explain to the Chamber exactly how that worked.

6 A. [14:59:10] Yes, of course. And I would add in relation to this statement that
7 was done in September 2018 that my opinion is also grounded on my three-year
8 experience on armed groups in Mali.

9 This structuring process is very important. So we've got a local level where you're
10 going to find the people wielding the weapons, and then you have a hierarchy that
11 goes up to the political echelons, and then there's an interdependency between these
12 various echelons, because from a political perspective you only exist through
13 the people you have on the ground, hence the -- the desire to inflate the number
14 of -- of people wielding weapons on the ground. And you see that in a number of
15 countries.

16 So the political gains are much greater if you can show that you have a significant
17 number of armed combatants. And then locally, at the level of these people on the
18 ground with the weapons, belonging to a group which has political visibility,
19 increases their importance on the ground. So it's a win-win, if you will, between
20 the local echelon and the political echelon operating in the capital.

21 Q. [15:00:48] And was this true also for the Anti-Balaka?

22 A. [15:00:58] Yes, that was part of our analysis that you can find in our report.

23 Q. [15:01:04] And you refer to the possible gains that one has at the different levels.
24 Can you explain to the Chamber concretely what kind of gains were available, so to
25 speak?

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1 A. [15:01:23] The main gain was participation in government at different levels.

2 This was seen with the first transition government of Madam Samba-Panza in which
3 certain appointments were made based on belonging to the Anti-Balaka. Our report
4 further explains that these appointments, though they did not directly concern
5 the part of the Anti-Balaka controlled by Mr Ngaïssona, they reflected another wing
6 of the Balaka that became more present in the transitional government.

7 Q. [15:02:12] (Overlapping speakers) And so this is from the side of the higher level.
8 What would be the typical gains for the local level, the local foot soldiers, so to speak?

9 A. [15:02:27] As I was explaining, when it comes to the ground units, there is more
10 political visibility, namely there is a political meaning given to the fight, whereas
11 sometimes these auto-defence militia did not have any political weight before. Now,
12 following our interaction with them, we also found that there is also behind it all
13 the hope that there will be some medium or long-term gain through the *DDR
14 process, the demobilisation process.

15 Q. [15:03:07] And one last question about this. At the end of paragraph 66, which
16 is on the next page, it's page 16, you say: "In these types of organisations, these
17 coordination meetings are key to the existence of the organisation." Can you explain
18 to the Chamber why that is?

19 A. [15:03:34] I'm sorry, let me put on my glasses.

20 Well, the coordination meeting has as a purpose to materialise the structuring of the
21 movement, as we -- we described. So emissaries are sent to the provinces, but
22 the effective rallying of these local units to the National Coordination is done
23 effectively during the major meetings that hold in Bangui and which in fact became
24 the concluding phase of the effort to structure the movement.

25 Q. [15:04:39] Before I move to the next paragraph I just have one clarification in

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1 respect of the discussion you had with Mr Ngaïssona about the fake Anti-Balaka or
2 the uncontrolled Anti-Balaka. Did you get to know who these fake Anti-Balaka were?

3 Or what he meant by "fake Anti-Balaka"?

4 A. [15:05:10] * Our analysis of this issue of uncontrolled elements is that an
5 anti-balaka element who acted out of bounds became uncontrolled
6 namely an uncontrolled element could have been controlled the evening before but
7 then became uncontrolled the day on which he or she committed some exaction or
8 some particular act. That was the analysis that we adopted.

9 Q. [15:05:47] And, for example, in your statement you referred to an interview that
10 you had with Mr Thierry Lebene, would he be considered a fake Anti-Balaka, or in
11 your opinion, would he have been a real Anti-Balaka?

12 A. [15:06:05] In our opinion, he was indeed part of the structure of the Anti-Balaka
13 that was coordinated by Mr Ngaïssona.

14 Q. [15:06:15] (Overlapping speakers) And the same question about Mr Mazimbele
15 who you also interviewed?

16 A. [15:06:27] When it comes to Guy Mazimbele's specific case, it is different,
17 because in that case we -- we learnt from Maxime Mokom that he was considered to
18 be an element who was not always under control, so in that specific case they
19 themselves identified the uncontrolled element without us having details as to when
20 or when he was or was not controlled.

21 Q. [15:07:01] So if I understand you correctly, as soon as an Anti-Balaka would
22 commit a crime, he would be considered a fake Anti-Balaka; is that a correct summary
23 of what you testified?

24 A. [15:07:19] Mr Ngaïssona effectively told us that when Anti-Balaka elements
25 committed any exactions, those were -- those exactions were committed by

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1 uncontrolled Anti-Balaka elements.

2 Q. [15:07:36] And moving on to paragraph 105 of your statement, and that is at
3 page 23, for the record, it's 0261.

4 You refer here to a document signed by Ngaïssona dated 17 April 2014. And I
5 would like you to have a look at a document that is available to you at tab 38. And
6 for the record, it is document CAR-OTP-2101-1821.

7 And the question would be, do you recognise this document?

8 MS DIMITRI: [15:08:57] Mr President.

9 PRESIDING JUDGE SCHMITT: [15:08:59] Yes.

10 MS DIMITRI: [15:09:01] I'm sorry, can my client step out for just two minutes?

11 PRESIDING JUDGE SCHMITT: [15:09:04] Of course. And we wait until he's back.

12 MS DIMITRI: [15:09:09] Thank you.

13 PRESIDING JUDGE SCHMITT: [15:09:11] Of course. No problem.

14 MS DIMITRI: [15:09:14] Thank you.

15 (Mr Yekatom exits the courtroom)

16 (Pause in proceedings)

17 (Mr Yekatom enters the courtroom)

18 PRESIDING JUDGE SCHMITT: [15:10:43] Please continue, Ms Struyven.

19 MS STRUYVEN: [15:10:47] Thank you, Mr President.

20 Q. [15:10:50] So moving to paragraph -- yes, so moving to the document that you
21 have in front of you, do you recognise the document?

22 A. [15:11:13] Well, at first sight, no. Do you want to give me a context, please, to
23 how this document was published.

24 Q. [15:11:27] (Overlapping speakers) Yes, it's more in relation to your statement in
25 which you say that you -- that at least Mr Mokom told you that a particular document

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1 was signed on 17 April 2014 and that he was not informed of the signing of it. And
2 it's -- so the question was simply if you would have seen this document in the course
3 of your work, but ...

4 A. [15:12:01] Well, maybe I should ask you whether you know if this document
5 appears in our reports or not.

6 Q. It doesn't.

7 A. [15:12:14] Well, if it doesn't, thank you, thank you very much. I think this is
8 the first time I see this document today.

9 Q. [15:12:19] No problem. And then I'll move to the next paragraph, which is
10 paragraph 115. It's a similar question. And for the record, so that's at page 25 and
11 it's at ERN 0263.

12 So in this paragraph you explain that on 13 -- and this is also in the Security Council
13 report, it's just a mentioning of the fact that on 30 July 2014 "Kamezolaï called upon
14 the army personnel to return to their barracks and to leave the Anti-Balaka
15 movement ..."

16 And I would like you to have a look at tab 4 of your binder, and for the record that is
17 document CAR-OTP-2001-5112, so it's tab 4.

18 And if you can see at the bottom of the page it says that *Le capitaine* -- and I'll quote in
19 French: (Interpretation) "Captain Kamezolaï went even further, acknowledging
20 the crimes of some members of the Anti-Balaka. 'I ask for pardon from the people of
21 the Central African Republic for the abuses committed on them by uncontrolled
22 Anti-Balaka elements.'" (Speaks English) (Overlapping speakers) that citation comes
23 from the bottom of the first page and the top of the second page of this document.

24 And so my question is: Do you remember at the time if this was indeed discussed
25 and, if so, what was discussed?

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1 A. [15:14:32] I'm sorry, I didn't understand your question, discussion between who
2 and whom?

3 Q. [15:14:36] (Overlapping speakers) So in your statement you explain that -- and
4 this is also in one of the reports, there is a mentioning of the fact that on 30 July 2014,
5 Kamezolaï asked the Anti-Balaka to rejoin -- to leave the movement and to rejoin
6 the barracks. And you were told, it says in your statement, that Kamezolaï had not
7 been given the authority from Ngaïssona or from the general coordination of the
8 Anti-Balaka to make such a call. And you can see from the press release that
9 Kamezolaï goes even further, he doesn't only ask the Anti-Balaka to leave
10 the movement, but he also apologises for the crimes they -- they committed. Was
11 this discussed -- at the time in Bangui were you aware of any discussions on this
12 subject?

13 A. [15:15:40] Yes, if I am not mistaken, I myself was in Bangui during or shortly
14 after that statement. And indeed it is for that reason that, on the one hand, what we
15 were told at that time by leaders of the Anti-Balaka movement was that this was an
16 individual initiative taken by Kamezolaï with, obviously, the support of the transition
17 government.

18 So that's what we consigned into our record -- our report, rather, namely that
19 Kamezolaï had been encouraged to distinguish himself and to return to the barracks.
20 And off the cuff I remember that it was at that time that I met him in the barracks of
21 the army -- in Bangui, rather, that I met Mr Yekatom at the barracks of the army and
22 he had come with his group in response to Kamezolaï's call for people to return to
23 the barracks.

24 Q. [15:16:54] And at the time did you -- so you refer to Mr Yekatom. Did you hear
25 about any other reactions from the coordination or from Mr Ngaïssona?

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1 A. [15:17:09] No. From memory, no. The only reaction I had was that reaction,
2 and this was through unofficial channels and through public discontent with that
3 initiative which was said to be have been an individual initiative by Kamezolai.

4 Q. [15:17:35] (Overlapping speakers) get to know why there was this --

5 PRESIDING JUDGE SCHMITT: [15:17:35] You're too quick, Ms Struyven, please.

6 MS STRUYVEN: [15:17:46]

7 Q. [15:17:46] And did you come to know why there was -- the National
8 Coordination was not happy about this call from Kamezolai?

9 A. [15:18:07] This initiative was described to us as being individual, so
10 the discontent arose from the fact that it was not consonant with the line of the group
11 or the leadership of the Anti-Balaka at that time.

12 Q. [15:18:25] Now moving to paragraph 132 of your statement, and this is at
13 page 27. For the record, it's 0265.

14 You explain in the statement that your understanding was that the Anti-Balaka's
15 objective generally was to chase out the Séléka, but because they associated the Séléka,
16 Sudanese, Chadians and foreigners, the Anti-Balaka would group them all together as
17 their enemy.

18 Can you explain to the Chamber what you mean by that and what you observed in
19 this respect?

20 A. [15:19:21] Yes, I can. We had the opportunity to meet with a significant
21 number of Anti-Balakas at various levels of their hierarchy. And this issue came up
22 repeatedly, over and over again, being the justification for fighting, the reason why
23 arms were taken up, namely that the intent was to topple and chase out Séléka.
24 The words used were chosen to reflect the intention, whether it was being -- whether
25 things were being said to Mr Ngaïssona and his intermediaries or troops on the

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1 ground. Therefore, the difference in language reflected the same idea, however, that
2 is contained in our report, namely that the Anti-Balaka could have been heard saying
3 that they wanted to chase out all Muslims, whereas in the choice of words by
4 the leadership, reference was only being made to Séléka in order to avoid any
5 amalgamation of issues based on religion.

6 Q. [15:20:52] But do you believe at the time on the basis of your conversations that
7 the leadership was aware of this assimilation between the Séléka and the Muslims or
8 not?

9 A. [15:21:11] * Well, the link that the anti-Balaka on the ground could make between
10 the Seleka and the Muslims was something that was public and common knowledge
11 because it could be observed easily on the radio, for example, where Ndeke Luka
12 radio had an open forum for its listeners and we would -- and this message would
13 repeatedly be heard in public media, on the roads and even in the official media.

14 Q. [15:21:52] At the end of paragraph 132, and this is at page 06 -- 0266, you give an
15 example in Mbaïki, it's the last sentence of this paragraph, and you say you looked at
16 the killing of the deputy mayor in Mbaïki. Do you have any additional information
17 about the killing of this deputy mayor in Mbaïki?

18 A. [15:22:34] No. Unfortunately, it is members of my team who went to
19 the ground and conducted that research. I don't have any additional information on
20 my part.

21 Q. [15:22:48] I will now move to the annexes, to the three reports and so I will ask
22 you a series of questions in respect to the annexes.

23 I will start with the annexes of the 2014 interim report, that's at tab 3, and for
24 the record that would be CAR-OTP-2001-0835. And the first question is about your
25 mission to Bossangoa. It's annex 5.5, it's at page -- so we're at tab 3, annex 5.5, it's at

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1 page 52 of the report and that would be CAR-OTP-2001-0835 at 0886.

2 And I would like you to have a look at the photographs. So we have two

3 photographs on page 0886 and 0887. The first question: Do you recognise these

4 photographs?

5 A. [15:24:33] Yes, I took the photographs myself.

6 Q. [15:24:38] Can you explain or tell us when you took these photographs.

7 A. [15:24:46] I confirm that the pictures were taken on 30 April 2014 --

8 Q. (Overlapping speakers) And can you explain also where they were taken?

9 A. -- on the date indicated in the report.

10 The photographs were taken in Bossangoa in Boro neighbourhood. I was in

11 a vehicle during one of my visits to the field in Bossangoa on that very date.

12 Q. [15:25:14] And if I ask you to look at the second photograph, so that's at page 53,

13 reference 0887, can you see and read the wording that is written on that wall?

14 It's -- it's not very clear, but it's at -- yes, it's at -- it's being enlarged as we speak. It's

15 at the right-hand side of the wall where the arrow is -- yes, there, yeah. Can you

16 read that or do you remember having read it when you were there?

17 A. [15:25:55] Yes, and I also have the original copies of the photograph with better

18 resolution on which you can clearly read the word "Anti-Balaka" and the drawings of

19 machetes all around the word "Anti-Balaka".

20 Q. [15:26:16] Did you come across other buildings that had similar wording, be it in

21 Bossangoa or anywhere else in western Central African Republic?

22 A. [15:26:31] Yes, I remember seeing the "Anti-Balaka" word written on other walls

23 in the Central African Republic.

24 Q. [15:26:42] And do you remember the locations where you saw these wordings

25 on the wall?

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1 A. [15:26:53] No, but I saw it often and in -- in several areas, yes.

2 Q. [15:27:01] Now, moving to the next page, so that would be page 54, it's at 0888,
3 we can see a satellite image from UNOSAT. Can you explain to the Chamber how
4 you used this satellite image during your visit of Bossangoa?

5 A. [15:27:32] UNOSAT had done some work based on several shots or snapshots or
6 negatives which made it possible to identify the destruction of houses that had
7 occurred during a period from slide to slide and the dates were mentioned on
8 the slides used. This portrayal of the destruction of houses by satellite imagery was
9 captured on -- on these various photos and also observed during our mission on the
10 ground.

11 Q. [15:28:15] (Overlapping speakers) And what were your conclusions, meaning
12 how did the satellite image correspond to what you saw during your mission, in
13 particular of that Boro neighbourhood?

14 A. [15:28:33] Well, we remained on the main road, as you can see on the -- on
15 the map. At some point my driver told me that he wasn't very sure that it was safe
16 to remain in that neighbourhood for long, so we stayed on the main road and then we
17 turned around and went back towards Bossangoa, which according to the driver was
18 a safer area at that time.

19 Q. [15:29:05] And did the destruction that you can see on the satellite image, did
20 that correspond to what you saw in person at that time in Bossangoa?

21 A. [15:29:21] Yes, absolutely. But, again, let me say that we basically stayed on
22 the main road. But the destruction reflected by the red points on the UNOSAT
23 photograph did indeed correspond with the photographs that I myself took on the
24 ground.

25 Q. [15:29:41] And when you were in Bossangoa did you get to know who was

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1 responsible for the destruction of these houses, which group?

2 A. [15:29:58] In Bossangoa, the narration or the narrative we got of the events from
3 all our interlocutors was that it is the Anti-Balaka who had driven out the -- or chased
4 out the inhabitants of that neighbourhood *who were mostly of the Muslim faith.

5 Q. [15:30:22] And one last question about this mission.

6 Did you visit any other neighbourhoods in Bossangoa and what did you see in those
7 other neighbourhoods?

8 A. [15:30:35] Yes, we went to the Évêché neighbourhood, which is located around
9 the Bossangoa church. It was a lively area with lots of people, with market activity,
10 people in the street, which was in stark contrast to the Boro neighbourhood.

11 Q. [15:31:01] And was this neighbourhood that you just described, did you also see
12 destroyed houses or properties?

13 A. [15:31:15] In the Évêché neighbourhood, no, I didn't see any destroyed houses
14 there.

15 Q. [15:31:23] I'm now going to ask you a few questions about statistics and
16 numbers that are provided in your report, so I'm going to ask you to look at the same
17 report, the 2014 interim report, which is available at tab 3, and I would like you to
18 have a look at page 2. And for the record it's CAR-OTP-2001-0835 at 0836.

19 It says: "The Panel has documented in its database that, from 5 December 2013 to
20 30 April 2014, 444 incidents occurred that resulted in the deaths of 2,424 civilians."

21 And that "The Panel acknowledges, however, that there is significant underreporting
22 of [the] incidents."

23 My first question is: We have already discussed the methodology in respect of the
24 use of -- including in respect of the provision of numbers and statistics, can you
25 confirm that these findings were also based on that methodology?

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1 A. [15:32:48] Yes, exactly, the database methodology is detailed in a specific annex
2 in the report in a detailed fashion and which does correspond to the work that was
3 done by the Panel of Experts in this particular arena.

4 Q. [15:33:09] Maybe just for the record, I think you're referring to annex 28 of this
5 report, which is available at page 0977. It's almost the end of the report, it's page 143.

6 A. [15:33:46] That's right.

7 Q. [15:33:47] So going back to the question. So in this instance you -- the panel,
8 the panel acknowledges that there is significant underreporting of the incidents.
9 Can you explain to the Chamber why or how that came -- why you concluded that?

10 A. [15:34:20] We reached that conclusion following the human rights humanitarian
11 panel expert's work based on his work using the database. I have no further
12 clarification to provide. This work was done by that particular expert.

13 Q. [15:34:39] Thank you. If I can ask you now to move to page 139 of this report.
14 It's annex 26 and it is available at page 0973 and page 0974. It's two charts. And
15 the first one contains the civilians that are killed, the recorded killings of civilians
16 between 5 December 2013 and 30 April 2014. And then if I look at the next page, it
17 identifies the killings per group and it indicates that the Anti-Balaka would have been
18 responsible for 670 killings of civilians in that period.

19 Could you explain to the Chamber how you were able to identify the perpetrators
20 and the -- and the victims, so the perpetrators as being the Anti-Balaka and
21 the victims as being civilians?

22 A. [15:36:00] Once again, I didn't have -- well, I wasn't responsible for this
23 corroborative work related to the reported incidents. I think the methodological
24 annex details the words used, so we are talking about "reported" killings by "alleged"
25 perpetrators; so that wording, that terminology is obviously meaningful.

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1 Now, the corroborative process is also detailed in the annex, but once again I wasn't
2 the author of this table. Consequently, I cannot provide any detailed explanation
3 thereto.

4 Q. [15:36:46] Thank you very much for that.

5 I will move to another annex. It's annex 5.3. It's at page 48, so it's going back a little
6 bit. And for the record it's at 0882 and 0883.

7 Can you explain to us -- so it's at page 48 and 49. Can you explain to us what these
8 are and who, if you know, who took the photographs?

9 A. [15:37:35] So page 48, what we see here is a photo of an Anti-Balaka
10 identification card. To our knowledge, this was at the coordination's initiative with
11 a view to improve the Anti-Balaka's visibility in the field. And this photo was taken
12 by a member of the panel when the individual or the bearer of the badge showed it to
13 the panel expert.

14 Q. [15:38:15] I think we already discussed this to a certain extent. But can you
15 explain to the judges the significance of these badges.

16 A. [15:38:29] These badges are important, I reiterate that. They're important with
17 this idea of structuring the movement and to lend visibility to the local inhabitants,
18 but also in respect of the international forces, to show the scope and the numerical
19 presence on the ground of the Anti-Balaka. So this badge was designed to
20 materialise, symbolise the fact that this person was a member of the group and to
21 show this group was visible over a huge area of the Central African Republic.

22 Q. [15:39:14] And then one last question about the badges. You explained
23 the difference between the -- the understanding of the difference between the fake
24 and the real Anti-Balaka. Did you come across any information of people who were
25 carrying such a badge were or were not committing crimes?

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1 A. [15:39:37] I don't think that information features in my report.

2 Q. [15:39:47] Thank you for that. I'm going to move to annex 5.8 of this report.

3 It's at page 59. And for the record that would be at page 0893.

4 Can you explain to us what this is.

5 A. [15:40:22] Here we have a press release by the Anti-Balaka. From memory,

6 I can tell you that there was a context, a very specific context that this press release

7 sits against: The context of discussions that had been embarked upon with

8 the political transitional authorities.

9 Q. [15:40:56] Now I would like you to look at -- in your binder at tabs 20 to 37 to

10 look at all of these documents. They're short documents. To look at them in one go.

11 These documents cannot be broadcast publicly.

12 I will read out the ERNs. It's CAR-OTP-2080-2491, CAR-OTP-2080-2800,

13 CAR-OTP-2080-2806, CAR-OTP-2080-2816, CAR-OTP-2080-2822,

14 CAR-OTP-2080-2826, CAR-OTP-2084-0146, CAR-OTP-2084-0147,

15 CAR-OTP-2084-0148, CAR-OTP-2084-0150, CAR-OTP-2084-0151,

16 CAR-OTP-2084-0153, CAR-OTP-2084-0155, CAR-OTP-2084-0157,

17 CAR-OTP-2084-0158, CAR-OTP-2084-0164, CAR-OTP-2084-0165, and

18 CAR-OTP-2084-0174.

19 So again I'm not going to ask you to mention any name, we are currently in public

20 session. My first question would be do you recognise these documents?

21 A. [15:43:06] Yes, I do.

22 Q. [15:43:08] Can you confirm that these are your emails?

23 A. [15:43:15] Yes, I can.

24 Q. [15:43:19] And can you confirm that the documents were attached to the emails,

25 the documents that you will have seen at the end of the list, that they were attached to

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1 these emails.

2 A. [15:43:34] Yes, I can confirm that.

3 Q. [15:43:37] Now, if I can ask you to go back to the first email, that would be at

4 tab 22, and that is CAR-OTP-2080-2806. Again I do not want you to mention any

5 name in public session, I just want you to look at the first email, and, at the end of the

6 email, it refers to a name.

7 Without mentioning the name, can you confirm or not that this is the person you were

8 communicating with?

9 A. [15:44:11] Yes, I can confirm that.

10 MS STRUYVEN: [15:44:16] Your Honours, I have a few follow-up questions, but I

11 think it would be safer to go into closed session. It's only going to be a few

12 questions.

13 PRESIDING JUDGE SCHMITT: [15:44:24] If you say so, yes.

14 We go to closed session.

15 Closed session -- private session.

16 MS STRUYVEN: [15:44:39] Private session.

17 PRESIDING JUDGE SCHMITT: [15:44:41] Private session, of course, yes. I simply

18 followed what you said without thinking myself. It can happen.

19 (Private session at 3.44 p.m.) *(Reclassified partially in public)

20 THE COURT OFFICER: [15:44:53] We are in private session, Mr President.

21 MS STRUYVEN: [15:44:59]

22 Q. [15:44:59] So now we're in private session so the public is not hearing what

23 we're saying.

24 Just for the record, the individual that was shown on that email is Alfred Legrand

25 Ngaya. Is that the person you were communicating with?

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1 A. [15:45:19] Yes, I can confirm that.

2 Q. [15:45:21] And in the bottom frame -- in your email to him from 20 May 2014,
3 you refer to the fact that *Comme discuté* -- and, I quote in French:
4 (Interpretation) "As discussed, could you send me the entirety of the 11 press releases
5 sent out by the Anti-Balaka movement of patriots in the National Coordination."
6 (Speaks English)(Overlapping speakers) So again, can you confirm that these press
7 communiqués are the ones that are at the end of the binder that you had a chance to
8 look at earlier?

9 A. [15:46:03] Yes, I confirm that.

10 Q. [15:46:09] And so you refer to a discussion with Mr Ngaya. Can you explain to
11 us what kind of a discussion you had with Mr Ngaya?

12 A. [15:46:25] Mr Ngaya was a political advisor. This was somebody who we had
13 regular contact and, during a meeting, he did commit to send us directly the entirety
14 of the press releases that were -- which had been circulated to other entities in Central
15 African Republic. But I wanted to receive directly from him and this was done by,
16 by him.

17 Q. [15:46:57] And did you -- did Mr Ngaya explain to you what the purpose was of
18 these press releases or did he comment on these press releases?

19 A. [15:47:11] Yes, we had knowledge of these press releases. We talked about
20 them. The emails were simply designed to have them directly from him.

21 Q. [15:47:28] So in -- in the series of emails that you had -- had a chance to look at,
22 you can see that there is one email address being used which is called (Redacted),
23 (Redacted).

24 Was it your understanding that this was Mr Ngaya's email address or were you
25 aware of other individuals using the same email address?

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1 A. [15:48:08] I don't know how any other person could have used that email
2 address. But, in any event, it was using that particular address that this email was
3 sent and this was after discussions that we'd already had with him. So we associated
4 this email address to that particular individual.

5 MS STRUYVEN: [15:48:28] I think we can go back into open session.

6 PRESIDING JUDGE SCHMITT: [15:48:31] Open session.

7 (Open session at 3.48 p.m.)

8 THE COURT OFFICER: [15:48:40] We are back in open session, Mr President.

9 MS STRUYVEN:

10 Q. [15:48:51] So I'm now going to ask you a few questions about the second report,
11 the 2014 final report. It's at tab 5, and for the record it's CAR-OTP-2001-5386. And I
12 first would like you to look at page 2, which is the summary. So for the record that
13 would be at page 5387 and I'm referring to the fifth paragraph down. And it says
14 that -- so in the fifth paragraph:

15 "There have been few direct confrontations between former Séléka and anti-balaka
16 since 5 December 2013, but both armed groups, in particular the anti-balaka, have
17 constantly targeted civilians."

18 And then in the next paragraph, it says:

19 "[...] the Panel assesses that competition among political representatives of armed
20 groups for ministerial positions, as well as among military commanders for control of
21 resources, accounts for the recent [in]fighting between former components of the
22 Séléka and the anti-balaka rival factions. The appointment to the post of Minister of
23 Youth and Sports in the new transitional cabinet of the leader of an armed group
24 called Révolution et justice reinforces the prospect that being the commander of
25 a politico-military movement could lead to top governmental positions and therefore

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1 validates the strategy of political spoilers."

2 Again we have touched on this issue, but can you explain to the Chamber what you

3 meant by -- what was meant by that?

4 A. [15:51:25] Yes, indeed this goes back to what was discussed, namely

5 the expected gains from the leader of an armed group. Expected gains would be

6 political capital. And the example given, the case of Armel Sayo, Revolution and

7 Justice, is an illustration of to what extent that strategy, in his case at least, met with

8 success, because here we have a leader of an armed group with a rather limited scope

9 of activity, but despite that, very quickly he is appointed minister in order to devote

10 his promotion from rebel leader to minister to use particular weapons to further his

11 purposes.

12 Q. [15:52:31] Thank you. If I can ask you to move to annex 10 now, that's at

13 page 79, 80. For the record it's at page 5464 and 5465. It's the list of CLPC attendees

14 dated 18 May 2014; so the first question is, do you recognise the document?

15 A. [15:53:12] Yes, I do.

16 Q. [15:53:16] And can you tell us what type of person, you don't need to name

17 the person but the type of person that gave you the document. And, if you know,

18 what the purpose was of that list?

19 A. [15:53:36] From memory, this is an internal document and it was given to me by

20 a member of the organisation. And from memory once again, this was intended to

21 show that the organisation existed and that all the members of the organisation - and,

22 once again, we have an organisation which claims that these people belong to it - are

23 members of it, and also that these people lay claim to that organisation and hence

24 the importance of this list in our eyes.

25 There's a twofold acknowledgement of the organisation on the one hand and

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1 the individual on the other.

2 Q. [15:54:29] And then if I can go to annex 12, which is two pages further. That's
3 at page -- no, I'm sorry, it's at page 84. For the record it's page 5469. And also
4 the next one which is at page 85, this is a very short question. So these annexes 12
5 and 13, can you confirm that these were the ones you received per email?

6 A. [15:55:14] Yes.

7 Q. [15:55:17] And then I have one more question about this report and that is in
8 annexes 65, 66 and 67, for the record, this is at page 187 to 190, pages 5572 to 5575.
9 Or maybe I'll first bring you to annex 64, which is a page before, it's at page 185, and
10 then if you look at annexes 65, 66 and 67 and the simple question would be, can you
11 confirm that the numbers in these statistics were indeed established following
12 the methodology that you already explained to the Chamber?

13 A. [15:56:35] Yes, exactly so, yes.

14 Q. [15:56:40] I have a few more questions about the last report and so if you can go
15 to tab 16 and that would be the 2015 report. For the record that's
16 CAR-OTP-2023-0032 and it's at page 0087. So that's at page 56 of the third report,
17 the 2015 final report.

18 And I just want you to have a look at the photograph, the one below,
19 the under -- the one at the bottom. And it says that it's a "*Roadblock on the airport*
20 *access road in the Combattant neighbourhood*".

21 From your experience being in Bangui, is this the type of barricades that you would
22 see or would you see also other types of barricades?

23 A. [15:58:10] My experience from being on the ground tells me that, yes, you could
24 see a barricade of that nature, but you could also see more elaborate barricades. It
25 would really depend on the circumstances at hand and the type of barricade, because

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1 a barricade can be removed and re-erected many times during the day, based on
2 the activities in particular of the international forces.

3 Q. [15:58:38](Overlapping speakers) And so just from looking at the photograph, is
4 it correct to say that those would be stones that are being put on the ground,
5 or some -- could you, if you remember, could you explain how those would typically
6 look like?

7 A. [15:59:02] Yes, both these photos on page 56 of our report are materials used to
8 form a barricade, but a barricade, I reiterate, a barricade could be more elaborate. It
9 could be much less easier to cross. It really depends once again. There could be
10 many, many iterations of the same type of barricade.

11 Q. [15:59:37] Thank you. And if you can go to the next annex, which would be
12 annex 2.4, it's at pages 140, 141 of the report. And for the record that would be
13 at 0329.

14 During your statement, you, you say that you discussed this list with Maxime Mokom
15 during your interview with him on 27 June 2015. Do you remember what Mokom
16 said about this list?

17 A. [16:00:40] I think that, from memory, it was about a discussion on the scope of
18 the presence of the Anti-Balaka. And quite often the manner of establishing this
19 presence was through *a list of the zone commanders drawn up by the movement
20 itself. And so we would be able to see what the scope of the territorial control would
21 be, based on lists that were drawn up and submitted to us -- or given to us.

22 Q. [16:01:16] (Overlapping speakers) And then I have the last question about this
23 report, it's annex 5.19. That would be at page 298 of the report. For the record, it's
24 at 0329. And the question is, if you can read the village that is mentioned on the top
25 of the page and the date?

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1 A. [16:02:02] Sorry, I need to find the document.

2 Q. [16:02:06] (Overlapping speakers) So it's at page 298 of the report, which
3 corresponds to the ERN number OTP-2023-0329.

4 A. [16:02:24] Thank you. Could you please kindly repeat the question.

5 Q. [16:02:32] (Overlapping speakers) So the question was if you can -- if you can
6 read the first word on the top of the page.

7 A. [16:02:40] Thank you. I think it's Pissa, yes.

8 Q. [16:02:54] And can you read the date?

9 A. [16:03:00] Yes, 7 March 2015.

10 Q. [16:03:07] And so at the bottom of the page we see three signatures. Was it
11 the third signature, could you confirm whose signature that is?

12 A. [16:03:27] Well, I cannot verify or authenticate it, but it falls under the name of
13 Alfred Yekatom.

14 MS STRUYVEN: [16:03:40] I'm almost done, your Honours, with my examination, if
15 I may, a few more minutes then --

16 PRESIDING JUDGE SCHMITT: [16:03:46] If it is not a problem with the Registry, I
17 think they have been already so accommodating, and the interpreters, I think then we
18 can continue perhaps a couple of minutes, yeah, please, that makes sense.

19 MS STRUYVEN: [16:04:01]

20 Q. [16:04:01] So I've come to the end of my questions, but there is one series of
21 documents, it's only five documents that I would like you to have a look at,
22 unfortunately they didn't print because they're Excel sheets, Excel sheets with names
23 and numbers, so the court officer will kindly show them on the screen.

24 For the record I'll refer to the ERN numbers, it's CAR-OTP-2020-0156. I'll just show
25 the first one and then I'll briefly show the others and ask a question about them. I'm

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1 not going to ask you very specific questions, I'm going to ask you a general question,
2 namely whether you recognise this document?

3 A. [16:04:58] Would you please give me a context that can help me to recognise
4 the document.

5 Q. [16:05:04] (Overlapping speakers) The question is whether you have provided
6 these Excel sheets to the Office of the Prosecutor? If you remember having provided
7 these Excel sheets to the Office of the Prosecutor?

8 A. [16:05:21] Well, I had -- I had a list and, from memory, I don't -- I don't
9 remember now. I don't.

10 MS STRUYVEN: [16:05:30] Your Honours, if I may, my colleagues may still have
11 one or two follow-up questions, so I think this normally ends the examination, but if I
12 may consult with them to see if there's -- or -- or tomorrow morning then --

13 PRESIDING JUDGE SCHMITT: [16:05:44] I think we can also do it, I think if you
14 want to consult, you can do that now and I think we continue tomorrow at 9.30 and
15 you pick up from there. Yeah?

16 MS STRUYVEN: [16:05:54] Thank you, Mr President.

17 PRESIDING JUDGE SCHMITT: [16:05:56] Okay. So this concludes the hearing for
18 today and as already said, we will continue tomorrow at 9.30.
19 Thank you for the moment.

20 THE WITNESS: [16:06:08] *Merci, Monsieur le Président.*

21 THE COURT USHER: [16:06:11] All rise.

22 (The hearing ends in open session at 4.06 p.m.)

23 ~~RECLASSIFICATION REPORT~~

24 Pursuant to the Trial Chamber V's Initial Directions, ICC-01/14-01/18-631, dated 26
25 August 2020, the public-reclassified and lesser redacted version of this transcript is

Pursuant to the Trial Chamber V's Initial Directions, ICC-01/14-01/18-631, dated 26 August 2020, the public-reclassified and lesser redacted version of this transcript is filed in the case.

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1 filed in the case.