

Trial Hearing
WITNESS: CAR-OTP-P-0801

(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 Tuesday, 1 June 2021
- 10 (The hearing starts in open session at 9.32 a.m.)
- 11 THE COURT USHER: [9:32:03] All rise.
- 12 International Criminal Court is now in session.
- 13 Please be seated.
- 14 PRESIDING JUDGE SCHMITT: [9:32:29] Good morning, everyone.
- 15 Could the court officer please call the case.
- 16 THE COURT OFFICER: [9:32:39] Good morning, Mr President, your Honours.
- 17 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: [9:32:53] Thank you.
- 21 The appearances of the parties. Mr Vanderpuye first.
- 22 MR VANDERPUYE: [9:32:58] Good morning, Mr President, your Honours. Good
- 23 morning, everyone. Today the Office of the Prosecutor is represented by Yassin
- 24 Mostfa and myself, Kweku Vanderpuye. Good morning.
- 25 PRESIDING JUDGE SCHMITT: [9:33:08] Mr Narantsetseg.

Trial Hearing
WITNESS: CAR-OTP-P-0801

(Open Session)

ICC-01/14-01/18

1 MR NARANTSETSEG: [9:33:10] Good morning, Mr President, your Honours. For
2 the common Legal Representative of Victims of other crimes, Mr Dangabo Moussa
3 Abdou, Ms Mouhia Asso, Mr Enrique Carnero Rojo, and myself
4 Orchlon Narantsetseg. Thank you.

5 PRESIDING JUDGE SCHMITT: [9:33:29] Mr Suprun.

6 MR SUPRUN: [9:33:31] Good morning, Mr President, your Honours. The former
7 child soldiers are represented by myself Dmytro Suprun, counsel at the Office of
8 Public Counsel for Victims. Thank you.

9 PRESIDING JUDGE SCHMITT: [9:33:39] Thank you.

10 I turn the Defence. Ms Dimitri.

11 MS DIMITRI: [9:33:42] Good morning, Mr President, good morning your Honours.
12 Good morning everyone. This tomorrow Mr Yekatom, who is present in
13 the courtroom, is represented by Ms Wilhelmina Whittingham, Ms Sabine Bayssat,
14 and myself Mylène Dimitri.

15 PRESIDING JUDGE SCHMITT: [9:33:56] Mr Knoops.

16 MR KNOOPS: [9:33:58] Good morning, Mr President, your Honours. I am assisted
17 today by Ms Chiara Giudici, case manager; Ms Despoina Eleftheriou, case manager;
18 and Mathilde Veronesi, she is intern. And Mr Ngaïssona is present here.

19 PRESIDING JUDGE SCHMITT: [9:34:16] Allow me to ask, everything okay?

20 MR KNOOPS: [9:34:20] Very kind of you, Mr President. The doctor did a perfect
21 job. He removed the blockage. So I'm free to hear again. I'm a free man.

22 PRESIDING JUDGE SCHMITT: [9:34:28] Free to hear and to speak, of course.

23 MR KNOOPS: [9:34:31] Thank you. Freedom of hearing.

24 PRESIDING JUDGE SCHMITT: [9:34:32] That's a nice one.

25 And welcome to our witness, Mr Kokaté, and to Mr Bangaguere, his counsel at the

Trial Hearing

(Open Session)

ICC-01/14-01/18

WITNESS: CAR-OTP-P-0801

1 video-link location.

2 Mr Knoops, I think you had -- not so much, I assume, but you have some questions
3 left.

4 MR KNOOPS: [9:34:50] Yes, I think, Mr President, maybe half an hour, 40 minutes
5 maximum. Thank you.

6 PRESIDING JUDGE SCHMITT: [9:34:56] Okay.

7 WITNESS: CAR-OTP-P-0801

8 (The witness speaks French)

9 (The witness gives evidence via video link)

10 QUESTIONED BY MR KNOOPS: (Continuing)

11 Q. [9:35:08] Good morning, Mr Witness. Good morning, sir.

12 A. [9:35:14] Good morning. Good morning, Counsel.

13 Q. [9:35:20] Thank you. I just have some questions left, Mr Witness, and maybe
14 you recall yesterday afternoon we concluded with a review of your military career.
15 Can you recall that in your statement to the Office of the Prosecution you informed
16 the investigators that in 1992 you were sanctioned for one year for, what you said to
17 the Office of the Prosecution, late return of the weekend. Absence beyond hours.

18 That's CAR-OTP-0094-0056. And the reference to the date of 1992 is

19 CAR-OTP-0094-0066.

20 And in that same interview, Mr Kokaté, you informed the investigator that
21 the sanction was lifted after one year and it was around 1993. And the question was
22 at that time were you at that point a *sous-lieutenant*, and you said "*Oui, oui.*" That's
23 CAR-OTP-0094-0067, lines 1 and 2. After which you informed the Office of
24 the Prosecution that you were even advanced in rank after the sanction was lifted and
25 you became lieutenant when President Patassé arrived - you don't remember

Trial Hearing

(Open Session)

ICC-01/14-01/18

WITNESS: CAR-OTP-P-0801

1 the date - and later on even the rank of captain. That's on CAR-OTP-0094-0068 till
2 0069. That was, briefly, your evidence of 2018.

3 Now, as you can recall, Mr Witness, we informed you that we were provided, by
4 a high-ranking officer in the Central African Republic, a document from the Ministry
5 of the Defence signed by Raymond Mbitikon -- Mbitikon, 21 October 1993. And
6 again, I would like to show you the document because I have some questions which
7 were not yet posed to you yesterday in its full scope. That is tab 76 of our binder
8 and it's CAR Defence document 30, 3-0, 0006-0016.

9 You see, Mr Witness, this document, a decision number 246. Relevance for
10 the authenticity is on the left top of the document, *Ministere de la Defense Nationale et*
11 *des Anciens Combattants*. If you look under the word "Decide", "Le Soldat de 2 Classe :
12 *Kokate Joachim, ancien élève-Officier ...*" (Interpretation) "is removed from the Central
13 African forces, and returned to civilian life as from the date of signature of the present
14 decision." (Speaks English) And if you look at the bottom of this document, you see
15 that its signed 21 October 1993 by Mr Raymond Mbitikon on behalf of the ministry.

16 So the decision does not say that the sanction you received for the (Interpretation)
17 serious misconduct against discipline (Speaks English), that it was just for one year,
18 but the decision says that you were permanently removed from the service of the
19 African -- Central African Defence Force and returned to private civilian life.

20 And I give you a chance to comment on this document, and specifically what you
21 have to say about your statement you first gave to the Office of the Prosecutor. You
22 were really extensively questioned, even by the Prosecution, on your military career,
23 but you never mention this decision and implications for your position in the African
24 forces.

25 PRESIDING JUDGE SCHMITT: [9:42:04] I think it's better, again, one after the other.

Trial Hearing

(Open Session)

ICC-01/14-01/18

WITNESS: CAR-OTP-P-0801

1 First of all, this document suggests, Mr Kokaté, that you have been in 1993 "*Soldat de 2*
2 *Classe*", first question. What do you say to that?

3 THE WITNESS: [9:42:31](Interpretation) Thank you, Mr President. This is
4 a document which was signed by the minister of defence. And yesterday, Counsel,
5 you asked me to produce evidence, I think, and you have just said that you contacted
6 a high-ranking officer in order to obtain this document. I do not know how you
7 proceeded to contact this high-ranking officer. But I would suggest to you to contact
8 the minister of defence, and I will also tell my counsel to get in touch with
9 the minister of defence so as to have all the necessary materials on my military career.
10 I fully understand your strategy because you are trying to say here that I'm a liar.
11 Yesterday you asked me to produce evidence, and I'm asking you to contact
12 the minister of defence, and my counsel can also contact the minister of defence.
13 That's the official channel to be used to have the details of my military career.
14 But I can tell you that in this country there are high-ranking officers that were
15 demoted, and even became second class soldiers and then dismissed from the army.
16 So when it comes to that question yesterday asking for evidence, I say contact
17 the minister of defence. And henceforth I prefer to remain silent until we have those
18 materials relevant to my military career.

19 Thank you.

20 PRESIDING JUDGE SCHMITT: [9:45:11] I -- Mr Kokaté, the Defence has produced
21 and has submitted this document. And it's not the duty of the Defence to make
22 further investigations if they don't want to. And you, you cannot suggest to them or
23 oblige them to do anything. So, but we take it that you remain silent on that matter;
24 is that correct?

25 THE WITNESS: [9:45:45](Interpretation) Yes, Mr President. If such is the case, I

Trial Hearing
WITNESS: CAR-OTP-P-0801

(Open Session)

ICC-01/14-01/18

1 will ask my counsel to contact the military authorities of my country to secure all
2 the materials. I understand the strategy of counsel and I prefer to remain silent on
3 this matter. Thank you.

4 PRESIDING JUDGE SCHMITT: [9:46:11] Mr Vanderpuye, so if any documents are
5 produced, of course they can still be submitted if it is new material.

6 So, but I think at the moment, Mr Knoops, you would -- we have to accept it. But we
7 have this document and we have no answer to it. But as I understand it, it is not, at
8 the moment, not contested that -- that it is a -- an authentic document. I take it for
9 the moment.

10 MR KNOOPS: [9:46:41] Yes, Mr President.

11 PRESIDING JUDGE SCHMITT: [9:46:43] That might come perhaps, but at the
12 moment I don't see it.

13 MR KNOOPS: [9:46:47] No. Of course this is apparently a document which is
14 provided by an officer affiliated with the Ministry of Defence, otherwise we would
15 not have received it.

16 But may I ask the Chamber to ask the witness whether he is not willing to answer
17 questions because he is afraid to incriminate himself. I know, by the way, that it's an
18 offence in the national jurisdiction of the CAR, article 40849, to give a false title,
19 military title. Is this the reason why the witness does not want to answer, or is he
20 simply refusing because it's not convenient to him? I think we're entitled to ask you,
21 Mr President, to --

22 PRESIDING JUDGE SCHMITT: [9:47:27] No, you're right. I think you're right.

23 You have heard, Mr Kokaté, what counsel has said and what counsel has suggested.

24 So my question would be, you may object to making statements - I have said that
25 several times - that might incriminate you. Is that the reason why you don't want to

Trial Hearing

(Open Session)

ICC-01/14-01/18

WITNESS: CAR-OTP-P-0801

1 answer this -- questions with regard to this document?

2 THE WITNESS: [9:48:09](Interpretation) Mr President, yesterday counsel asked that
3 I should produce evidence. The documents that he presented here, this one that he
4 showed today I did not make a comment on it, but I simply ask that he himself should
5 follow the official channels. I heard what you have said, which is why I asked my
6 counsel to be the one to be responsible for seeking or searching out those documents
7 from the ministry on my career profile. That is why I prefer for everything to be in
8 order so as not to argue with counsel. And I will be available soon as all
9 the materials are made known.

10 PRESIDING JUDGE SCHMITT: [9:49:23] I think you can proceed, Mr Knoops.

11 MR KNOOPS: [9:49:25] Yes.

12 PRESIDING JUDGE SCHMITT: [9:49:26] we can assess this by ourselves.

13 MR KNOOPS: [9:49:30] Yes, I just have one question.

14 PRESIDING JUDGE SCHMITT: [9:49:32] Of course.

15 MR KNOOPS: [9:49:32] And I don't think that would incriminate the witness, but
16 that's of course to him.

17 Q. [9:49:37] Mr Witness, in this document you see above the word "*Decide*", you
18 see - if the court officer could scroll up a little bit - you see the last sentence, so
19 the sentence above the word "*Decide*", you see: (Interpretation) "Considering
20 the report of the technical investigation commission and operations of the Central
21 African Armed Forces dated 15 October ..." (Speaks English) 1993.

22 Now my question is: Is it correct, Mr Witness, that you had to appear before
23 a commission of enquiry for this disciplinary offence, and it had nothing to do with
24 coming to work too late or not returning from the weekend, and it had to do with
25 insubordination against the forces?

Trial Hearing

(Open Session)

ICC-01/14-01/18

WITNESS: CAR-OTP-P-0801

1 A. [9:51:14] Counsel, I have just told you that I do not challenge or dispute that
2 document. But this decision was taken in my absence. I did not appear before
3 anything.

4 And secondly, you are going to have the necessary documents. I am going to ask
5 my counsel to provide the documents to the Court when he finds them.

6 Q. [9:51:46] Thank you. We leave it at that.

7 PRESIDING JUDGE SCHMITT: [9:51:48] Yeah.

8 MR KNOOPS: [9:51:49] Just for the Court record, we would like to submit two
9 documents pertaining to this decision.

10 PRESIDING JUDGE SCHMITT: [9:51:56] Yeah, but I think the submission procedure,
11 haven't we -- have another procedure for that.

12 MR KNOOPS: [9:52:02] Okay.

13 PRESIDING JUDGE SCHMITT: [9:52:02] Because if we put everything on the record
14 during the hearing --

15 MR KNOOPS: [9:52:06] Okay. We will -- then I will do differently, Mr President.

16 Q. [9:52:12] Mr Witness, the abbreviation RAC, which we -- you can find and then I
17 call up document -- it's tab 78, tab 78. That's Defence document 30, 3-0, 006-0019. It
18 was -- it's a (Interpretation) position form for Joachim Kokaté. (Speaks English) And I
19 ask your attention to (Interpretation) "military situation". (Speaks English) That's
20 the third column of that document, page 1. You see there, Mr Witness, under
21 the second class, 1987, 1 October, you see the abbreviation RAC 20 October 1993,
22 which matches with the decision we just showed you. And you see there in the left
23 column after the word "Grades", "*Grades*", "*Grades 2 classe*" (Speaks English) and
24 afterwards - no, it's on the right side, you were correct, Ms Court officer - RAC.
25 You know what this abbreviation stands for, Mr Witness, RAC?

Trial Hearing

(Open Session)

ICC-01/14-01/18

WITNESS: CAR-OTP-P-0801

- 1 A. [9:53:58] Not only don't I work in the first bureau of the general staff
- 2 headquarters, I do not know what that means. In the army, each service has its
- 3 method of work. So military situation, this is a document of the first bureau. So,
- 4 Counsel, once again, I think my counsel will take care of those documents, issues.
- 5 And for the time being, I prefer to remain silent.
- 6 Q. [9:54:40] If I put to you that the abbreviation RAC, which information was also
- 7 provided us by the same high-ranking officer, is "*remise au corps*", "*remise au corps*" just
- 8 for your information. Maybe it can be translated for the Chamber. (Interpretation)
- 9 Returned to his corps.
- 10 (Speaks English) Okay.
- 11 PRESIDING JUDGE SCHMITT: [9:55:11] Well, this -- please continue.
- 12 MR KNOOPS: [9:55:15]
- 13 Q. [9:55:15] Mr Witness, there's another document we would like to show you
- 14 which was already put to you by the Prosecution in -- on 24 May. This is the French
- 15 transcript, lines -- it's page 35, lines -- sorry, it's page 35 till 38, and the English
- 16 transcript is page 36 of 24 May, line 13 and further. It's CAR-OTP-2089-0936 and it's
- 17 tab 59 in the Prosecution binder.
- 18 You were questioned on 25 May by the Prosecution on this document, which you
- 19 recognised. It's a document, a mandate to conclude the peace agreement between
- 20 the CPJP and the government in 2012, 25 July 2012.
- 21 Maybe the court officer could call this document up. It's tab 59 of the Prosecution
- 22 binder.
- 23 You were questioned about this document, but the Prosecution did not ask you one
- 24 important question, which relates to the -- your military position. If you look at
- 25 number 3 of the document -- you may have to scroll down a little bit. Yeah.

Trial Hearing

(Open Session)

ICC-01/14-01/18

WITNESS: CAR-OTP-P-0801

- 1 You see there, Mr Witness, number 3 (Interpretation) "The coordinator for Europe,
2 Colonel Kokaté Joachim."
3 (Speaks English) So in 2012 you made quite a speedy career. You were granted
4 position as captain you said in 2000, year 2000. And in 2012 you rose to the rank of
5 colonel. So can you please explain the Court how fast-tracked your career was, how
6 did it happen that you became a colonel in 2012?
7 A. [9:58:27] Counsel, I think that you have a different way of understanding things.
8 That is what I really think. The CPJP was not a regular army. It was
9 a politico-military movement. It was not a regular army. And in a politico-military
10 movement, people are free to do what they want. Even the signatory of that
11 document indicated his rank as "general".
12 Now you are asking me a question on a document that I myself did not sign. Yes, I
13 admit that our two movements, CPJP and the collective of officers, joined together
14 and there was a mandate to discuss with the authorities of the country. So the CPJP
15 is not a regular army, it is a politico-military movement.
16 So in this type of movement, people self -- grant themselves the ranks of generals and
17 so on. I did not sign that document, but I recognise the document, because we were
18 given the authority to discuss with the authorities of my country on the basis of this
19 document. But after that, in the other documents, are you -- did you see me referred
20 to as "Colonel Kokaté"? No, I was referred to as "minister". So you have to
21 understand the differences. There was a regular army, and this was totally different
22 from the movements participating in the negotiations. Thank you.
23 Q. [10:00:43] So we understand your evidence such that, for the CPJP, you
24 self-proclaimed yourself as colonel. And for the other movements, you qualified
25 yourself as minister.

Trial Hearing

(Open Session)

ICC-01/14-01/18

WITNESS: CAR-OTP-P-0801

1 A. [10:01:08] Counsel, I did not self-proclaim myself. It -- it was a rebel movement
2 at that time, and in rebellions there are no rules. People do whatever they want.
3 People give themselves ranks. But I was in France when that document reached me
4 so that I should come and work with the Bangui authorities. And the document was
5 given to BINUCA and to the minister responsible for DDR under Bozizé. And when
6 I arrived Bangui, I was welcomed by the Bangui authorities. I am saying that I did
7 not sign the documents. The person who signed the documents *is Abdoulaye and he
8 was free to assign ranks to whomever he wanted. It is not an official regular army.
9 Thank you.

10 Q. [10:02:21] But when you saw this document, Mr Witness, did you call this
11 individual and say, "Look, I'm not a colonel. You made this title yourself," or you
12 thought it was convenient that you had this title at that moment, even in a rebel
13 movement?

14 A. [10:02:46] I was clear and I answered your question already.

15 PRESIDING JUDGE SCHMITT: [10:02:50] Please move on, Mr Knoops.

16 MR KNOOPS: [10:02:52] Okay.

17 Q. [10:02:53] Still speaking of military ranks and careers, Mr Witness, in the Bemba
18 case, you did ask witnesses to portray themselves as soldiers, military soldiers, while
19 they were not; is that correct?

20 PRESIDING JUDGE SCHMITT: [10:03:21] Again, this is a question --

21 Mr Witness, this is again a question --

22 THE WITNESS: (Overlapping speakers)

23 PRESIDING JUDGE SCHMITT: Witness, please wait. Please wait, Mr Witness, out
24 of fairness to you. This is again a question, I think we have talked that before, that
25 you may -- if the answer, statement, would tend to incriminate you, you may object to

Trial Hearing

(Open Session)

ICC-01/14-01/18

WITNESS: CAR-OTP-P-0801

1 it. And I think we -- haven't we had this, that the Bemba case he said he will not

2 answer?

3 But please tell us what you -- how you want to proceed.

4 THE WITNESS: [10:03:58](Interpretation) Thank you, Mr President. I have said on

5 several occasions that I will keep my silence in anything relating to the Bemba case.

6 PRESIDING JUDGE SCHMITT: [10:04:07] Then please no further attempt,

7 Mr Knoops. That is -- that is wasting time.

8 MR KNOOPS: [10:04:11] Then we put this information later in the -- on the record.

9 Q. [10:04:15] Mr Witness, you were asked yesterday by the Presiding Judge when I
10 confronted you with a Facebook message of 20 December, CAR-OTP-2102-6699. It's
11 the English real-time transcript of yesterday, page 51, line 7 till 9. And the question
12 of the Presiding Judge starts at line 25:

13 "Witness, do you know Mr Bouragoro?" And the Facebook message refers to Jean
14 Alesco Bouragoro.

15 Answer of the witness, page 52, English real-time transcript, lines 2 till 4.

16 The witness: "Mr President, I've told you I don't -- I do not even know him, I don't
17 even know him. The people I -- the people I that are talked about me I don't even he
18 know them." So that's actually the transcript.

19 It's clear, Mr Witness, that your answer was quite clear. You testified yesterday you
20 don't know this gentleman. You stand by this statement?

21 A. [10:06:13] I told you I don't know these people. If I don't know them, I don't
22 know them.

23 Q. [09:21:00] Okay. Then we --

24 A. [10:06:23] How can I know people I don't know?

25 Q. [10:06:25] That's clear. That's clear.

Trial Hearing

(Open Session)

ICC-01/14-01/18

WITNESS: CAR-OTP-P-0801

- 1 Then we show you, first, tab 7 of our list of materials. That's CAR-OTP- --
- 2 MR VANDERPUYE: [10:06:38] Mr President, if I -- if I may.
- 3 PRESIDING JUDGE SCHMITT: [10:06:39] Yeah.
- 4 MR VANDERPUYE: [10:06:40] I'm not sure that I agree with Mr Knoops'
- 5 characterisation of the prior testimony because what I can see in the transcript here is
- 6 that the witness referenced an individual named Alesco, who was a police
- 7 commissioner that he knows was in exile in Cameroon. And that's at transcript
- 8 reference page 64, lines 20 through 22. And let me just look quickly so I give you
- 9 the date. It's transcript number 34. I'm trying to see the date just now.
- 10 PRESIDING JUDGE SCHMITT: [10:07:10] But it can -- yeah.
- 11 MR VANDERPUYE: [10:07:12] 25 May.
- 12 PRESIDING JUDGE SCHMITT: [10:07:13] It doesn't matter. This costs too much
- 13 time now. I'm getting a bit (Overlapping speakers)
- 14 MR VANDERPUYE: [10:07:15](Overlapping speakers) it's just a question of
- 15 (Overlapping speakers)
- 16 PRESIDING JUDGE SCHMITT: [10:07:16] -- getting a little impatient now.
- 17 MR VANDERPUYE: (Overlapping speakers) just a question of representation of the
- 18 question (Overlapping speakers)
- 19 PRESIDING JUDGE SCHMITT: Yes. Yes. Yes. Yes.
- 20 So is it so difficult to ask this question? So we have a person Jean Alesco Bouragoro.
- 21 For the last time, Mr Witness, do you know him or not? It cannot be so difficult.
- 22 THE WITNESS: [10:07:40](Interpretation) Mr President, I have said I know
- 23 a Commissioner Alesco, but I don't know Alescu (phon). I know a Commissioner
- 24 Alesco. That's what I told the OTP, a certain Mr Alesco. But Bouragoro, no, I don't
- 25 know. *Commissioner Alesco I do know, but that's all I know. If it's the same person

Trial Hearing

(Open Session)

ICC-01/14-01/18

WITNESS: CAR-OTP-P-0801

1 or not, I don't know.

2 PRESIDING JUDGE SCHMITT: [10:08:05] So please proceed.

3 MR KNOOPS: [10:08:07] Yes.

4 Q. [10:08:09] Tab 7 of our list of materials are two Facebook messages of
5 16 November and 19 November 2013. CAR-OTP-2102-6699, starting at 6856. And
6 you see there, Mr Witness, that Mr Jean Alesco Bouragoro refers to a proposal you
7 made to him to testify in the Bemba trial.

8 Is this the commissioner you refer to?

9 A. [10:09:02] Not at all.

10 Q. [10:09:06] So this is a Mr Bouragoro you denied knowing yesterday based on
11 questions of the Presiding Judge. That's correct, isn't it?

12 A. [10:09:19] Sir, when I say -- when I don't know, I don't know. Stop asking me.
13 I don't know this Bouragoro.

14 Q. [10:09:30] Then I give you (Overlapping speakers)

15 PRESIDING JUDGE SCHMITT: [10:09:33](Overlapping speakers) Well, we, we -- I
16 think -- what we see here, Mr Kokaté, that this person, Jean Alesco Bouragoro, says
17 that he was with you.

18 So how, how -- do you have an idea how such a person says that he has been together
19 with you? If I understand it correctly. My French is not so good, but I think I
20 understand it correctly.

21 THE WITNESS: [10:10:02](Interpretation) Mr President, I don't know this Bouragoro.
22 I know Commissioner Alesco.

23 Now, the people who talk on internet, Facebook, these -- I don't know all these people.
24 I don't know this Bouragoro. Yesterday, when the counsel went through the list and
25 the photos of the Facebook, and I think they were saying stories, because they said in

Trial Hearing

(Open Session)

ICC-01/14-01/18

WITNESS: CAR-OTP-P-0801

1 February I tried a *coup d'état*, I fled with the minister Bara. Those people are just
2 talking like that loosely on Facebook.

3 And when the counsel said I'm not consistent, I start to get worried, because in
4 February I -- I had nothing to do with the -- who was -- I had nothing to do with
5 the powers that were ruling at that time.

6 PRESIDING JUDGE SCHMITT: [10:11:05] Mr Vanderpuye.

7 MR VANDERPUYE: [10:11:07] Mr President, it seems to me that the gravamen of
8 the issue is whether this Jean Alesco Bouragoro is the Alesco police commissioner
9 who he knows. So I think Mr Knoops can simply put to him -- (Overlapping
10 speakers)

11 PRESIDING JUDGE SCHMITT: [10:11:22] No, I was -- I was -- just before you stood
12 up, I was just putting to the witness.

13 Mr Witness, Mr Kokaté, could it be that this person you see here, Jean Alesco
14 Bouragoro, is the person with the name Alesco that you know? Is this possible?
15 Can you think of it that this is -- that this might be the case?

16 THE WITNESS: [10:11:46](Interpretation) Mr President, I've just said I know
17 Commissioner Alesco. I don't know his family name. But if, if that's his name,
18 I've -- I saw him in Douala, but that's it. We didn't speak about anything. But if
19 he's talking to the others on Facebook, their chats only involves them. In their chats
20 in Facebook, they *talked of General Lengbe. *They talked of General Service alias
21 Lapajo. They talked all sorts of things. But he was never in Cameroon during
22 the period when I was there. So these are just chats on Facebook. If -- if it's him,
23 then it only involves him and those people, because *I think they talk about Service
24 (phon.), and Lengbe, and Ngaife (phon.) and others. But I haven't had really contact
25 with them. Thank you, Mr President.

Trial Hearing

(Open Session)

ICC-01/14-01/18

WITNESS: CAR-OTP-P-0801

- 1 MR KNOOPS: [10:12:52] Mr President, I did ask already, and the Prosecution
2 should read the transcript. It's in lines -- page 70, line 11. I did ask whether this
3 Alesco was the commissioner. He said, "Not at all." That is what --
4 PRESIDING JUDGE SCHMITT: [10:13:11] Yes, I recall, I recall the answer. Now
5 we have a second answer.
6 MR KNOOPS: [10:13:14] So ...
7 PRESIDING JUDGE SCHMITT: [10:13:15] So this, Mr Kokaté, when this question
8 was first put to you, you said, "Not at all." From your second answer one could
9 sense that you would not exclude it, but you don't know what they are talking about,
10 these people? That was my question.
11 THE WITNESS: [10:13:48](Interpretation) Mr President, it is now in this Court that
12 I am confronted with this. I don't know if this is Bouragoro or not. I don't know
13 Bouragoro. For the messages which they have on Facebook, Mr President, I'm not
14 aware of them. As far as I know, since Defence of Ngaïssona supposes that I'm part
15 of these messages and chats on Facebook, it's not correct. * What I want to say is that,
16 in their chats, they said that Kokaté was parachuted, Lengbe was parachuted, Lapajo
17 was parachuted, and all sorts of things. Those are stories that they are making up
18 in Facebook. Thank you, Mr President.
19 PRESIDING JUDGE SCHMITT: [10:14:39] Thank you. I think, Mr Knoops, we
20 (Overlapping speakers)
21 MR KNOOPS: [10:14:42](Overlapping speakers)
22 PRESIDING JUDGE SCHMITT: [10:14:43] And I think we should slowly but
23 certainly come to an end.
24 MR KNOOPS: [10:14:47] Yes.
25 Q. [10:14:51] A final question, Mr Witness.

Trial Hearing

(Open Session)

ICC-01/14-01/18

WITNESS: CAR-OTP-P-0801

1 Mr Witness, you recall that the elections in 2000 - I think it was '16 - happened after
2 the Nairobi talks in preparation of the Bangui forum and, at that event, a new
3 coordinator for the Anti-Balaka was to be found since Mr Ngaïssona was at that point
4 leading the so-called PCUD. Can you recall that situation back in 2015?

5 A. [10:15:52] As far as I know, Ngaïssona remained coordinator of the Anti-Balaka,
6 because after our return from Nairobi, and as soon as we returned from Nairobi, there
7 was the Bangui forum. When there was the Bangui forum, there was
8 a misunderstanding between the Anti-Balaka who had returned from Nairobi with
9 those from Nairobi. If I'm not mistaken, in June -- if I'm not -- if I'm not mistaken, it
10 was May or June 2015 and Mr Ngaïssona represented the Anti-Balaka delegation in
11 the Bangui forum.

12 After that, there was a meeting as regards the office or bureau of mediation from an
13 international point of view. I was present at that meeting. And at that meeting
14 there was discussion about having another Anti-Balaka coordination. And in that
15 Anti-Balaka coordination, there was discussion of having Mokom, Maxime Mokom,
16 as general coordinator of the Anti-Balaka. And I would become the deputy
17 coordinator, but I refused this position.

18 I said that I did not wish to have several coordinators. And to my big surprise, some
19 days later, it was published at the radio Ndeke Luka, and there was Mokom who was
20 coordinator.

21 During that, they said that Kokaté was the deputy general coordinator. I was
22 walking around in my area and there were friends in Bangui who said -- who were
23 following on the radio what was being announced, that there is a new coordination
24 for the Anti-Balaka. Coordinator general is Mokom and you are the deputy.

25 I said no, I'm not -- I'm not in favour of that.

Trial Hearing
WITNESS: CAR-OTP-P-0801

(Open Session)

ICC-01/14-01/18

1 Q. Thank you.

2 A. [10:18:29] I went immediately, the very same day, the very same day -- I haven't
3 finished. The very same day when they had that message, I went to the radio station
4 and say, and state, that I am not deputy general coordinator of Anti-Balaka. I do not
5 recognise that. And as from then, I do not want them to speak about me as
6 a coordinator of the Anti-Balaka. I said that in public on the radio for everyone to
7 hear.

8 Thank you.

9 Q. [10:19:05] Thank you, Mr Witness. Does this mean that you had no aspirations
10 to become either the general coordinator of this movement, Anti-Balaka?

11 A. [10:19:21] I've just told you my explanation.

12 Q. [10:19:26] Okay. I take it that's a "no."

13 A. [10:19:26] I'd had no intentions at all.

14 PRESIDING JUDGE SCHMITT: [10:19:29] I think that's enough (Overlapping
15 speakers)

16 MR KNOOPS: [10:19:31] Yes.

17 Q. [10:19:34] Finally, Mr Witness, now we have heard your -- your explanation.

18 Let me inform you that there is a -- no, before I do so, Mr Witness, can you recall that
19 when you were on your way to Nairobi for the Nairobi talks, December 2014,
20 April 2015, where you apparently stayed for three months, that on your way to
21 Nairobi you offered individuals affiliated with the Anti-Balaka money so that they
22 should vote for you, for you to become national coordinator, and not Mokom.
23 Mokom didn't offer money, apparently.

24 Can you recall doing this?

25 A. [10:20:45] Already I'm going to answer you in a different way. When I left for

Trial Hearing

(Open Session)

ICC-01/14-01/18

WITNESS: CAR-OTP-P-0801

1 Nairobi, I think I said to the president, when I go to Nairobi, it's Mr Ngaïssona who
2 called me and I followed him. And Mr Ngaïssona said that, in the following days,
3 there is going to be a consultation between the Anti-Balaka and the anti-Séléka which
4 will take place in Nairobi. And as Ngaïssona had a ban and wasn't allowed to travel,
5 he is going to put me into contact with the mediation team in Nairobi so that I could
6 go to that meeting. And once I arrived in Nairobi, I could take the floor to ask that
7 Ngaïssona could also come.

8 And I've told you that when Ngaïssona had that information I left for France. When
9 he said -- he said, as soon as that happens, you can go. I was careful to inform
10 General Essongo, who was the representative of the international mediation team,
11 and I told him so that he was aware of what was going on. I took my flight and I left
12 for France. And as soon as I arrived in France, one day later (Overlapping speakers)

13 MR KNOOPS: [10:22:35] Mr Witness (Overlapping speakers)

14 PRESIDING JUDGE SCHMITT: [10:22:37] Mr Witness (Overlapping speakers)

15 MR KNOOPS: [10:22:38] I'm now going to intervene. It's --

16 PRESIDING JUDGE SCHMITT: (Overlapping speakers)

17 MR KNOOPS: No, no, the question is very simple, Witness.

18 PRESIDING JUDGE SCHMITT: [10:22:40] Mr Knoops -- Mr Witness, the question
19 was if you have promised on your way to Nairobi money to certain people. We
20 don't know about that, but that was the question by Mr Knoops. You could answer
21 yes or no to that question.

22 THE WITNESS: [10:22:53](Interpretation) Thank you, Mr President.

23 I never offered any money to anybody.

24 PRESIDING JUDGE SCHMITT: [10:23:01] Thank you.

25 Mr Knoops.

Trial Hearing

(Open Session)

ICC-01/14-01/18

WITNESS: CAR-OTP-P-0801

1 MR KNOOPS: [10:23:02] Okay. Then finally, can the court officer show up on
2 the document, not for the witness to be displayed, a statement from a Prosecution
3 witness. It's tab 50, 5-0, of our binder, CAR-OTP-2031-0241-R02. It's tab 50 on our
4 defence list of materials, and about paragraph 112. So just display paragraph 112.
5 Not to the witness.

6 Q. [10:23:42] Mr Witness, there is a statement taken by the Office of the Prosecution
7 of one of their witnesses, and that individual -- so these are not my words, but this is
8 coming from a Prosecution witness saying that "Mr Kokaté on his way to Nairobi
9 offered us money so that we vote him as National General Coordinator and not
10 Mokom who did not offer us anything."

11 And this gentleman says that he told his man, Anti-Balaka, that a man buying our
12 vote could not be trusted, referring to you, that you tried to bribe these individuals to
13 have their vote. And this gentleman, this Prosecution witness, said, "We humiliated
14 Kokaté by supporting Mokom. Kokaté did not want to be his Deputy so he left
15 the movement and went back to Ngaïssona."

16 So I give you a chance to respond. It's my final question. Again, it's a Prosecution
17 witness who was saying this specifically about you, Mr Kokaté.

18 A. [10:25:07] Counsel, I have just told you that the Mokom bureau was set up after
19 Nairobi. It wasn't before Nairobi. It was after, when we returned. If I remember
20 correctly, what was set up after the forum of Bangui in June 2015. If I left the post of
21 general coordinator and they made me the deputy coordinator, and why I didn't
22 accept, I refused that offer. I made a statement on Radio Ndeke Luka and I said
23 I didn't want to be -- belong to any armed group and not the Anti-Balaka. So I didn't
24 do that. I wanted -- I didn't want to be in an armed group. That is the statement
25 that I made.

Trial Hearing

(Open Session)

ICC-01/14-01/18

WITNESS: CAR-OTP-P-0801

- 1 PRESIDING JUDGE SCHMITT: So to sum it up (Overlapping speakers)
- 2 MR KNOOPS: [10:26:18] Thank you, Mr President.
- 3 I know, Mr Witness (Overlapping speakers)
- 4 PRESIDING JUDGE SCHMITT: [10:26:19] (Overlapping speakers) what you see
- 5 here on the screen is not true?
- 6 THE WITNESS: [10:26:27](Interpretation) Sorry?
- 7 PRESIDING JUDGE SCHMITT: [10:26:29] To sum up, to sum it up what you said,
- 8 what we see here on the screen, and you also see it, this paragraph 112, the allegations
- 9 here, they are not true in your opinion?
- 10 THE WITNESS: Mr President, frankly speaking, it's not true. Because all this was
- 11 set up after the Bangui forum. So it's not true. If I gave money, then I would have
- 12 been general coordinator. It's just not true. It's not true.
- 13 MR KNOOPS: [10:27:06](Overlapping speakers) The Chamber -- the Chamber can
- 14 assess the implication of the statement, because it's clearly saying that there was an
- 15 offer on the way to Nairobi.
- 16 Q. [10:27:18] So, Mr Witness, your evidence is that you also didn't offer money on
- 17 your way to Nairobi to individuals to vote for you and not for Mokom? So it's your
- 18 evidence you didn't pay, but you didn't offer anything?
- 19 A. [10:27:45] I didn't offer money before leaving for Nairobi. It is Ngaïssona who
- 20 sent me to Nairobi. And in Nairobi there was no question of talk about a general
- 21 coordinator. We left for our dialogue, a consultation between the Anti-Balaka and
- 22 the Séléka. That's all. And I didn't do anything relating to this money.
- 23 PRESIDING JUDGE SCHMITT: [10:28:16] So we leave this subject now, I would say.
- 24 MR KNOOPS: [10:28:18] Thank you, Mr President.
- 25 Thank you, Mr Witness. These were our questions on behalf of our Defence team. I

Trial Hearing
WITNESS: CAR-OTP-P-0801

(Open Session)

ICC-01/14-01/18

1 thank you for your patience.

2 PRESIDING JUDGE SCHMITT: [10:28:26] Thank you, Mr Knoops.

3 I understand, Mr Vanderpuye, that you have questions on -- additional questions.

4 MR VANDERPUYE: [10:28:34] Thank you, Mr President.

5 I -- I anticipated having some questions and, in particular, in relation to the meeting in
6 August in Paris, but I see that wasn't the subject of any cross-examination. So I don't
7 have any questions for -- for the witness.

8 PRESIDING JUDGE SCHMITT: [10:28:53] Okay. Fine. So then this concludes
9 the testimony of Mr Kokaté.

10 Mr Kokaté, thank you for being available and so patient as a witness for many days
11 and answering the questions of the parties and the Chamber. May I also thank you
12 to Mr Bangaguere at the video-link location.

13 (The witness is excused)

14 PRESIDING JUDGE SCHMITT: [10:29:13] Before we start with the next witness, I
15 think we need an hour to set everything up.

16 So we reconvene at 11.30.

17 THE COURT USHER: [10:29:25] All rise.

18 (Recess taken at 10.29 a.m.)

19 (Upon resuming in open session at 11.35 a.m.)

20 THE COURT USHER: [11:35:47] All rise.

21 International Criminal Court is now in session.

22 Please be seated.

23 PRESIDING JUDGE SCHMITT: [11:36:12] Good morning, again.

24 The case has already been called this morning, so I simply want to know what
25 changes we have in the appearances.

Trial Hearing

(Open Session)

ICC-01/14-01/18

WITNESS: CAR-OTP-P-2027

1 And as I see it, there's -- no, there are several, so first we start with the Prosecution.

2 MR IVERSON: [11:36:29] Kweku Vanderpuye, Claire Henderson and Eric Iverson
3 for the Prosecution.

4 PRESIDING JUDGE SCHMITT: [11:36:36] I don't see any changes -- thank you.

5 I don't see any changes with regard to the Representatives of the Victims. But,
6 but -- okay, so Ms Dimitri.

7 MS DIMITRI: [11:36:48] Yes. Good morning, again, Mr President. For
8 Mr Yekatom we now have Dr Lena Casiez, legal assistant, we have our legal intern,
9 Yousra Lamqaddam, and myself, again, Mylène Dimitri.

10 Mr Knoops, I think this is the same.

11 MR KNOOPS: [11:37:06] No, Mr President, we have one change.

12 PRESIDING JUDGE SCHMITT: [11:37:09] Of course, I see.

13 MR KNOOPS: [11:37:10] Ms Sara Pedroso, she is joining us today.

14 PRESIDING JUDGE SCHMITT: [11:37:16] Yeah, yeah, I know.

15 MR KNOOPS: [11:37:16] Thank you.

16 PRESIDING JUDGE SCHMITT: [11:37:17] Thank you.

17 And we have the next witness. This is Prosecution Witness P-2027.

18 I see that the witness is at the video-link location.

19 Mr Witness, good morning. Can you hear and understand me well?

20 WITNESS: CAR-OTP-P-2027

21 (The witness speaks French)

22 (The witness gives evidence via video link)

23 PRESIDING JUDGE SCHMITT: [11:37:40] I don't know if -- yeah.

24 THE WITNESS: [11:37:45](Interpretation) Yes, I can hear you very well.

25 PRESIDING JUDGE SCHMITT: [11:37:50] On behalf of the Chamber, I would like to

Trial Hearing

(Open Session)

ICC-01/14-01/18

WITNESS: CAR-OTP-P-2027

1 welcome you. You are called to testify to assist this Chamber in the case of
2 Mr Yekatom and Mr Ngaïssona. And I assume the witness, if there is no problem at
3 the video-link location, if -- and if he feels comfortable with it, can put off his mask, I
4 would say. If you want to. It's up to you. But we could see you better if you
5 would take off your mask.

6 Mr Witness, the protective measures of face and voice distortion and use of
7 a pseudonym are put in place. These measures are in place to ensure that your
8 identity is not revealed to the public, and these measures were granted in an email
9 decision by this Chamber from yesterday.

10 I think you have been explained what this means, face and voice distortion and use of
11 a pseudonym. I don't have to repeat that.

12 There should be a card in front of you, Mr Witness, with a solemn undertaking to tell
13 the truth.

14 Could you please read out loud the content of this card.

15 THE WITNESS: [11:39:28](Interpretation) Very well.

16 I solemnly declare that I shall -- I shall speak the truth, the whole truth and nothing
17 but the truth. Thank you.

18 PRESIDING JUDGE SCHMITT: [11:39:48] Thank you, Mr Witness. You are now
19 under oath. You have been informed by the Victims and Witnesses Unit that you
20 have to speak the truth, and you have just taken the solemn undertaking. If -- it is an
21 offence within the --

22 THE WITNESS: [11:40:07](No interpretation)

23 PRESIDING JUDGE SCHMITT: [11:40:07] Yeah. It is an offence within
24 the jurisdiction of this Court to give false testimony, but you know that.

25 THE WITNESS: [11:40:13](No interpretation)

Trial Hearing

(Open Session)

ICC-01/14-01/18

WITNESS: CAR-OTP-P-2027

- 1 PRESIDING JUDGE SCHMITT: [11:40:15] Yeah. We have further practical
2 guidance before we start with your testimony. We all have to speak at a --
3 THE WITNESS: [11:40:21](Overlapping speakers)
4 PRESIDING JUDGE SCHMITT: [11:40:22] -- relatively slow level so that
5 the interpreters can follow. So please speak perhaps a little bit slower than you
6 would normally do, and when you are being asked a question, please allow yourself
7 a couple of seconds before you answer so that the interpreters can follow.
8 Do you understand that?
9 THE WITNESS: [11:40:56](Interpretation) Yes, it is clear.
10 PRESIDING JUDGE SCHMITT: [11:41:00] Okay. Then we can start with your
11 testimony.
12 And there has been a discussion during the break that there is perhaps some
13 translation issues. And the Chamber thinks we can continue, but to minimise them
14 as far as possible, these issues, again, I reiterate to everybody to speak relatively
15 slowly so that the interpreters can follow. It might take a little bit longer then, but
16 nevertheless it's worth the effort.
17 We start with the Prosecution. You know you have to establish the preconditions of
18 Rule 68(3). And you don't have to repeat to the witness that he has to speak slowly
19 and so we don't say that twice or thrice.
20 QUESTIONED BY MR IVERSON:
21 Q. [11:41:51] Good morning, Mr Witness. My name is Eric Iverson and I will be
22 asking you questions today on behalf of the Office of the Prosecutor. Just so you
23 know, and so that everyone else in the courtroom knows, I'm first going to ask you
24 some questions about your identity and some information about the admissibility of
25 your statement, and then I'll ask some clarifying questions about your statement.

Trial Hearing

(Private Session)

ICC-01/14-01/18

WITNESS: CAR-OTP-P-2027

1 And then I'll finish up with having you look at a number of Facebook messages, and
2 then ask you questions about those messages.

3 It should take just under three hours. Do you understand me?

4 A. [11:42:52] Yes, I understand you.

5 MR IVERSON: [11:42:56] Your Honour, could we move into private session just for
6 the identity information, please.

7 PRESIDING JUDGE SCHMITT: [11:43:02] Of course.

8 We go to private session.

9 (Private session at 11.43 a.m.)

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

11 THE WITNESS: [11:43:17](Interpretation) Okay. No problem.

12 PRESIDING JUDGE SCHMITT: [11:43:21] Mr Witness, private session means that
13 the public cannot hear you, cannot hear what is being said, and the reason for that is
14 that the Prosecution wants to ask you first some personal matters about your identity.

15 MR IVERSON:

16 Q. [11:43:39] Sir, could I ask you to please state your full name for the record?

17 A. [11:43:50] Yes, my -- my name is (Redacted).

18 Q. [11:44:01] And your date of birth, please.

19 A. [11:44:12] The (Redacted), but administratively they have changed it into
20 (Redacted).. And I was born in Bangui.

21 MR IVERSON: [11:44:36] Your Honour, I would ask to move back into open session.

22 PRESIDING JUDGE SCHMITT: [11:44:39] We go back to open session.

23 (Open session at 11.44 a.m.)

24 THE COURT OFFICER: [11:44:53] We are back in open session, Mr President.

25 MR IVERSON:

Trial Hearing

(Open Session)

ICC-01/14-01/18

WITNESS: CAR-OTP-P-2027

1 Q. [11:45:01] Sir, you made a statement in this case; is that correct?

2 A. [11:45:19] Is that question for me?

3 Q. [11:45:20] Yes, sir. You were interviewed by Prosecution investigators and you
4 made a statement; is that correct?

5 A. [11:45:37] Yes.

6 Q. [11:45:40] Sir, have you had an opportunity to read through and review that
7 statement?

8 A. [11:45:59] I had already read it. Your colleagues who are here gave it to me. I
9 state -- I read the statement that I had given before and I confirmed it.

10 Q. [11:46:21] And, sir, does your statement fairly and accurately reflect what you
11 told the Prosecution investigators?

12 A. [11:46:40] Yes.

13 Q. [11:46:47] And, sir, do you have any objection to the statement being admitted in
14 this case?

15 A. [11:47:07] You can do with it what you want.

16 PRESIDING JUDGE SCHMITT: [11:47:10] I think that is a yes, I would say. It's
17 a matter of interpretation, but it's clear. So you can proceed with your examination.

18 MR IVERSON:

19 Q. [11:47:23] All right, sir. So those -- those formal legal requirements out of the
20 way, I would just ask, you were in the -- the -- and when I ask these questions, if you
21 please just remember, if there's anything that you want to add that would uniquely
22 identify you, we're in open session. But if you do want to add something that would
23 identify who you are, let me know and I can ask the Chamber if we can go into
24 private session for those details. But I'm going to try to stay in open session with
25 these questions.

Trial Hearing
WITNESS: CAR-OTP-P-2027

(Private Session)

ICC-01/14-01/18

- 1 Now, I understand that you were in the *Forces Armées Centrafricaine*, the FACA.
- 2 Could you please tell the judges in this case the training that you received in -- while
- 3 you were in the FACA.
- 4 A. [11:48:30] (Redacted)
- 5 (Redacted)
- 6 (Redacted)
- 7 (Redacted)
- 8 (Redacted)
- 9 (Redacted). That is what I can tell you.
- 10 MR IVERSON: [11:49:44] Your Honour, could we briefly go into private session,
- 11 please.
- 12 PRESIDING JUDGE SCHMITT: [11:49:47] Yes.
- 13 MR IVERSON: [11:49:49] Thank you.
- 14 PRESIDING JUDGE SCHMITT: [11:49:51] Private session.
- 15 (Private session at 11.50 a.m.)
- 16 THE COURT OFFICER: [11:50:14] We are in private session, Mr President.
- 17 MR IVERSON:
- 18 Q. [11:50:18] So, sir, if I could just kind of go back over your answer just so that
- 19 everybody understands. My question had to do with what training you received.
- 20 And quite understandably you wanted to introduce yourself and kind of give a bit of
- 21 background about positions that you had been in, but when you say that, for example,
- 22 you know, you give specific duty locations, you start to give away who you are.
- 23 (Redacted)
- 24 (Redacted)
- 25 (Redacted). So I just wanted to reiterate, you know, if you do want to

Trial Hearing

(Private Session)

ICC-01/14-01/18

WITNESS: CAR-OTP-P-2027

1 give information about your identity, that's completely fine and appropriate, but just
2 let us know and we can -- I can ask the Presiding Judge to go into private session.
3 I'd like to just stay in private session just for a few questions and then see if we can go
4 back into open session. But let me ask my specific question again.
5 So we've read through your statement and we understand what you've said in your
6 statement, and I'm asking some additional questions about your statement. So my
7 specific question has to do with, specifically, the training that you received in
8 the FACA as an officer in the FACA. Could you kind of just explain that to
9 the Chamber, what types of training you've had over the course of your career.

10 A. [11:52:21] Thank you. (Redacted).

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

Trial Hearing
WITNESS: CAR-OTP-P-2027

(Private Session)

ICC-01/14-01/18

1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 Q. [11:57:21] And what about training in the law of war and the treatment of

14 civilians on the battlefield? Have you had any training in that area?

15 A. [11:57:45] I underwent a lot of training in humanitarian law, and even till today

16 there are projects that we follow. I know about humanitarian law on the ground and

17 I also implement it in the field. That is humanitarian law.

18 Q. [11:58:20] And, sir, could you explain -- actually, your Honour, I think we can

19 safely go back into open session.

20 PRESIDING JUDGE SCHMITT: [11:58:32] Yeah, I also think so, yeah.

21 Open session.

22 (Open session at 11.58 a.m.)

23 THE COURT OFFICER: [11:58:50] We are back in open session, Mr President.

24 MR IVERSON:

25 Q. [11:58:58] And, sir, could I ask you to explain what is your understanding of

Trial Hearing

(Open Session)

ICC-01/14-01/18

WITNESS: CAR-OTP-P-2027

1 humanitarian law, and in particular with regard to the protection of civilians.

2 A. [11:59:19] Yes. A soldier who is in the field and who does not respect human
3 rights is not well trained. First of all, they have to protect the civilian population,
4 children, women, and they should not destroy churches, mosques, hospitals, hospitals.
5 They have to protect them. Even if an enemy is shooting at you, if he's injured and
6 he hands down his weapon and he puts his hands up, you do not have the right to
7 kill him. You have to take him away to have him treated. That is the duty for
8 the soldiers on the ground. That is the duty of the leaders. And before going to
9 the field, you have to brief your elements of those things that are strictly forbidden.
10 So that is what I know.

11 But if one of the soldiers does not comply with those regulations, he can be taken to
12 the justice system or he can be taken through a disciplinary procedure.

13 Q. [12:01:13] And, sir, has that been your experience in the FACA, that soldiers are
14 briefed about things that are strictly forbidden before conducting any operations?

15 A. [12:01:47] Can you kindly repeat the question, please.

16 Q. [12:01:52] You mention in your answer that soldiers should be briefed, and I
17 just -- I wanted to know has it been your experience in FACA, specifically in FACA,
18 that soldiers are routinely briefed about what is strictly forbidden before engaging in
19 any operations?

20 A. [12:02:24] Yes, that is what I know and that is what I have been doing. I cannot
21 speak for the others. I do not know what they do. I can only speak for myself.

22 Q. [12:02:42] Fair enough. And could I ask you, sir, are you at all familiar with or
23 have you heard about how -- what the typical training was for Anti-Balaka?

24 MR KNOOPS: [12:03:05] Well, I think the first question is whether there was
25 training.

Trial Hearing

(Open Session)

ICC-01/14-01/18

WITNESS: CAR-OTP-P-2027

1 PRESIDING JUDGE SCHMITT: [12:03:09] Ah, yeah. If any, let me put it this way,

2 yeah. Perhaps you repeat the question, "if any". I think everybody is happy.

3 MR IVERSON: [12:03:23] All right.

4 Q. [12:03:25] Are you familiar with or have you heard about what the typical
5 training, if any, was for the Anti-Balaka?

6 A. [12:03:46] The Anti-Balaka didn't have a basic training. The Anti-Balaka is
7 a popular movement. It's people who got together as Balaka, which is -- stands
8 for machete and they came together with machetes, so they did not have military
9 training or other training which they followed somewhere else.

10 Q. [12:04:31] Are you aware, sir, whether the Anti-Balaka would receive a briefing?
11 As you explain for FACA, would they receive a similar briefing about what was
12 strictly forbidden before engaging in operations?

13 A. [12:05:02] I cannot lie. I don't know, because *I am not Anti-Balaka. Nor the
14 other. I am a loyalist, I am a soldier and that's it. The heads of the Anti-Balaka can
15 answer that. But I cannot answer to that question, I can't answer for them.

16 PRESIDING JUDGE SCHMITT: [12:05:29] That's fine, Mr Witness. It's exactly like
17 you say. You only tell us what you really know.

18 MR IVERSON:

19 Q. [12:05:39] So, sir, in your -- in your statement, in paragraph 36 -- or, excuse me,
20 136 of your statement. Let me just refer to the ERN. It is CAR-OTP-2078-0059,
21 paragraph 136.

22 You state the following:

23 "When I came back from exile I saw the Anti-Balaka actions and told some of them to
24 respect humanitarian law because they will end up dead or in prison. I knew all
25 along that things would end badly."

Trial Hearing

(Open Session)

ICC-01/14-01/18

WITNESS: CAR-OTP-P-2027

1 So my question is: With your experience in the FACA, what told you all along that
2 things would end badly?

3 A. [12:07:01] Yes, because I've already received some training, I know what you
4 shouldn't do, what you shouldn't do. And, therefore, you should respect that and
5 not do. When you don't respect the humanitarian law, and I saw what was
6 happening and I thought, therefore, that it was going to end badly. And, indeed,
7 that's happened. Some left and returned to their activities, their former activities.

8 PRESIDING JUDGE SCHMITT: [12:07:58] May I shortly, Mr Iverson.

9 You speak of acts and action that you saw. Could you be more precise, perhaps,
10 give us more information about that.

11 THE WITNESS: [12:08:20](Interpretation) Could you repeat the question, please.

12 PRESIDING JUDGE SCHMITT: [12:08:23] Yes. You said in your statement, "I saw
13 the Anti-Balaka actions," and the Chamber would be interested what kind of actions
14 were these. Could you be more precise and more specific.

15 THE WITNESS: [12:08:56](Interpretation) Yes. I saw killing and looting, and that's
16 not good. It's not everybody, only some who did that. And that's not good.

17 PRESIDING JUDGE SCHMITT: [12:09:15] Mr Iverson.

18 MR IVERSON: [12:09:32]

19 Q. [12:09:33] I'd like to ask just an additional follow-up question based on your
20 previous answer. You say, "I saw what was happening and thought, therefore, that
21 it was going to end badly."

22 So, maybe it's just me, but in my mind that presumes that you're predicting that it's
23 going to end badly, based on something that you see, before it actually ends badly.

24 So what told you that killings and looting would happen before it happened, if you
25 remember?

Trial Hearing

(Open Session)

ICC-01/14-01/18

WITNESS: CAR-OTP-P-2027

- 1 A. [12:10:28] Mr President, if you want to correct something that doesn't work, you
2 have to do better than others. For example, * I said that they were a popular
3 movement. So they rose up against the Séléka.
4 Because the Séléka arrived, they decided to kill thousands of people. I don't know
5 exactly how many. Thousands were killed. They also looted and *raped. And
6 that is something that the population, the Christian population, rose against
7 the Séléka. Okay. What they have against is revenge. They also started to kill.
8 They killed the Muslims. And there we go.
9 When you want to correct something that doesn't work, you have to do better than
10 the other, otherwise you will cause more harm. And that's why at the time I saw
11 that this was happening, be it a Séléka or Anti-Balaka group, and their heads, the
12 chiefs, the president, the transitional president didn't seem to do anything. Even
13 the Anti-Balaka, their coordinator couldn't do anything. And that's why I thought
14 it's going to end badly.
15 They did not respect -- neither side respected the humanitarian element. Both
16 the Balaka, they were angry. They wanted revenge, and that's why I said, from what
17 I saw, because I had just returned from exile, there is no respect of humanitarian law.
18 That's it. And that's what I saw. And, therefore, I thought it would end badly.
- 19 Q. [12:13:44] And then, sir, just an additional follow-up. I just want to clarify
20 something you said. You said, "I saw killing and looting." So I want to ask: Did
21 you personally eyewitness killing on any occasion?
- 22 A. [12:14:15] Yes, when I returned from exile, I was in Bangui, in my house, and I
23 saw what was happening. The -- even when I was in exile, we could see that on
24 the television. We saw what was happening via television. And me and the others,
25 the other officers were very worried because it was not a good thing.

Trial Hearing
WITNESS: CAR-OTP-P-2027

(Private Session)

ICC-01/14-01/18

- 1 (Counsel confers)
- 2 MR IVERSON: [12:15:10]
- 3 Q. [12:15:11] Thank you, sir.
- 4 MR IVERSON: Your Honour, I would like to ask that we go into private session
- 5 because some of my questions from this point on will specifically elicit identity.
- 6 PRESIDING JUDGE SCHMITT: [12:15:25] Yeah. We trust your assessment and go
- 7 to private session.
- 8 (Private session at 12.15 p.m.)
- 9 THE WITNESS: [12:15:37](Interpretation) Excuse me.
- 10 PRESIDING JUDGE SCHMITT: [12:15:38] Yes. Please speak, Mr Witness.
- 11 THE WITNESS: [12:15:49](Interpretation) I didn't quite follow the last bit.
- 12 PRESIDING JUDGE SCHMITT: [12:15:58] It was that we go to private session.
- 13 That was everything.
- 14 THE COURT OFFICER: [12:16:07] We are in private session, Mr President.
- 15 MR IVERSON: [12:16:12]
- 16 Q. [12:16:12] So, sir, I'd like to turn now to a different topic. And again, I'm going
- 17 to be asking about something you mentioned in your statement. So -- and
- 18 the statement again is CAR-OTP-2078-0059. And in paragraph 69 of your statement,
- 19 you stated that (Redacted)
- 20 (Redacted). Is that -- is that right?
- 21 A. [12:16:52] Yes, Mr President.
- 22 Q. [12:16:58] And in paragraph 71, you stated that you were in permanent contact
- 23 with him, with Wenezoui, that you spoke to him every day. Is that also right?
- 24 A. [12:17:14] Yes.
- 25 PRESIDING JUDGE SCHMITT: [12:17:16] Mr Iverson, the witness has said that he

Trial Hearing

(Private Session)

ICC-01/14-01/18

WITNESS: CAR-OTP-P-2027

1 has read the statement and that the facts that he provides us with are correct. So you
2 don't have to ask him if this is correct again. You can simply build your question on
3 what is written down here.

4 MR IVERSON: [12:17:36] Yes, your Honour. I'm actually not really doing it for
5 the Court's benefit so much as the witness, so I can kind of orient him to the next
6 questions I'll ask.

7 PRESIDING JUDGE SCHMITT: [12:17:47] Yes. That's fine. But then it is sufficient.
8 And this is not -- not a reproach or something like that. But we simply -- and it, I
9 think it would also apply to any other question of any other person here in
10 the courtroom. It simply is enough that you say, you have said at the time that and
11 that, and then you continue. You don't have to ask him is this correct. He has
12 already said it is correct, and he has said he was telling us the truth and everything,
13 so simply continue. It's unnecessary, I think, to have this second step to ask him
14 again and this -- this -- this really correct.

15 MR IVERSON: [12:18:19] Point taken, your Honour. I was completely finished
16 with those questions.

17 PRESIDING JUDGE SCHMITT: [12:18:24] No, no, it's -- I think it seems to be
18 a general issue with the mode of questioning quite often. So it -- I think it makes
19 sense to say it once, and everybody can orientate him or herself on that matter. We
20 simply assume that it is as is written down here and start -- and continue from there.

21 MR IVERSON: [12:18:45] Point taken, your Honour. Thank you.

22 Q. [12:18:56] So, sir, I was asking you about your contact with Wenezoui. And
23 did you use your phone to speak with Mr Wenezoui?

24 A. [12:19:15] Yes, I used my own phone to speak to him.

25 Q. [12:19:21] And did you always use your own phone when you spoke to

Trial Hearing

(Private Session)

ICC-01/14-01/18

WITNESS: CAR-OTP-P-2027

1 Wenezoui at this time?

2 A. [12:19:35] Yes, it's with my telephone that I spoke to him.

3 Q. [12:19:42] And did you always use the same phone number, as well as
4 the phone? And what I mean by that is the same SIM card.

5 A. [12:19:57] Yes, it's with my telephone. It's with my telephone that I spoke to
6 him, so it had the same SIM. Maybe I lost a SIM and I bought another SIM.

7 Q. [12:20:16] Do you happen to remember your phone number at the time, sir?

8 A. [12:20:27] Oh, I don't remember. I don't remember.

9 It was a Cameroon number that I was using at the time.

10 Q. [12:20:48] All right. And another question about your statement. In
11 paragraph 79, you mention that a certain Mr Ngaïkosset was a captain in the army
12 and was trained in Senegal. (Redacted)

13 (Redacted). What was his given name, if you remember? Ngaïkosset.

14 A. [12:21:29] It was Ngaïkosset Eugène, if I'm not mistaken.

15 Q. [12:21:45] All right. And I -- I have a Cameroonian telephone number before
16 me. I'm just going to read it out and I want to ask if that number rings a bell for you.
17 And if not, that's fine. But if so, just let -- let me know, please.

18 So the country code of Cameroon is 237, and then the number is (Redacted).

19 Does that number ring a bell, sir?

20 A. [12:22:32] Could you tell me again.

21 Q. [12:22:34] So the number is (Redacted).

22 A. [12:22:55] Mr President, as regards the numbers, I had -- I -- after two or three
23 months, I can't remember the numbers. So now it's 10 years, so I really can't
24 remember the number anymore.

25 PRESIDING JUDGE SCHMITT: [12:23:13] I think that's fine. And I may remark,

Trial Hearing

(Private Session)

ICC-01/14-01/18

WITNESS: CAR-OTP-P-2027

1 perhaps, that there might be some in this room who do not even know exactly their

2 actual mobile number.

3 MR IVERSON: [12:23:24] Sometimes I have difficulty remembering.

4 PRESIDING JUDGE SCHMITT: [12:23:27] Yeah, so this is really -- actually, you

5 would even expect it after 10 years, that it's impossible to recall that.

6 MR IVERSON: [12:23:36] Absolutely.

7 Q. [12:23:38] Sir, and I'm sorry to go back again. In your last answer - and this is

8 for the transcript - did you say Eugène as in Eugène Ngaïkosset? Is that what you

9 said?

10 A. [12:24:00] Yes, Mr President.

11 Q. [12:24:04] All right. Thank you for that, sir.

12 Okay. So now comes the moment in this examination where we're going to be

13 looking at a lot of Facebook messages.

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

Trial Hearing

(Private Session)

ICC-01/14-01/18

WITNESS: CAR-OTP-P-2027

1 Would you be able to do that, sir?

2 PRESIDING JUDGE SCHMITT: [12:25:33] May I. I think it's too complicated in
3 that -- in that case. I think the Chamber would be more comfortable to have it in -- to
4 continue in private session in that regard.

5 MR IVERSON: [12:25:44] I'll take your instruction, your Honour. It's --

6 PRESIDING JUDGE SCHMITT: [12:25:48] Really it's a good idea, but we have
7 the impression that it might be better to, in this instance, to stay in private session.

8 MR IVERSON: [12:25:57] Then, unfortunately, your Honour, that does mean that
9 the rest of the examination will be in private session, because that's really all I have
10 left is a series of Facebook messages.

11 PRESIDING JUDGE SCHMITT: [12:26:07] Okay. Then be it so.

12 MR IVERSON: [12:26:10] All right.

13 MR KNOOPS: [12:26:12] And the option with the pseudonyms we discussed earlier?

14 MR IVERSON: [12:26:17] Honestly, I assess that to be far too complicated, because
15 there's many names mentioned, and so I don't think that's realistic. (Redacted)

16 (Redacted)

17 (Redacted).

18 PRESIDING JUDGE SCHMITT: [12:26:36] You know, this is really a case-by-case
19 assessment. And we have the impression perhaps in this instance -- Ms Dimitri has
20 perhaps another good idea or perhaps the decisive idea.

21 MS DIMITRI: [12:26:50] Mr President, if I may, if we could at least give it a try. If it
22 doesn't work, we could immediately -- we're not going to object to any redaction
23 request by the Prosecution. And perhaps Mr Iverson doesn't need to mention
24 the witness's name when he's referring or pointing out to the Facebook message.

25 PRESIDING JUDGE SCHMITT: [12:27:10] That sounds at least a compromise that

Trial Hearing

(Private Session)

ICC-01/14-01/18

WITNESS: CAR-OTP-P-2027

1 could be tried. Yeah. Why not?

2 And I also think, since we are, as I understand it, putting on the screen the Facebook
3 messages so the witness can see it, he would see his name eventually. So you don't
4 have to address him, do you see this name or something like that. You can perhaps
5 give it a try like that.

6 MR IVERSON: [12:27:38] I think I can do that, your Honour. My intent is really
7 just to put the message on the screen, let him read the message silently to himself, and
8 then I will ask a series of questions about the message.

9 PRESIDING JUDGE SCHMITT: [12:27:50] So then, as Ms Dimitri has suggested, we
10 give it a try at least, and we have always a possibility to intervene.
11 So we go to open session.

12 (Open session at 12.28 p.m.)

13 THE COURT OFFICER: [12:28:10] We are back in open session, Mr President.

14 MR IVERSON: [12:28:15] So for the first exhibit, could I ask the court officer to
15 please display CAR-OTP-2102-3924, and that is tab 11 within the binder.

16 Q. [12:29:01] Sir, are you able to see messages on your -- on the screen in front of
17 you, Mr Witness?

18 A. [12:29:13] Yes.

19 Q. [12:29:15] Okay. So this is -- this is going to be a little bit difficult. But what
20 I'd ask you to do is read through the messages silently to yourself. And I don't know
21 how it works there, I don't know if you're able to scroll. I doubt it, but, you know, I
22 think that the court officer may have to scroll the messages so that you can read them
23 in sequence.

24 Okay. I'm getting a head nod. So I believe that is -- is possible. But what I would
25 ask you to do is read the messages and then let us know when you're finished reading

Trial Hearing

(Open Session)

ICC-01/14-01/18

WITNESS: CAR-OTP-P-2027

- 1 the message so then I can ask you some questions. If you could just look at the
2 camera or give us an indication that you've finished, that would be helpful.
- 3 A. [12:30:13] Yes, yes, I see. I've read them. Yes, I know those two people.
- 4 Q. [12:30:30] All right. And just hold on to that thought, because I think
5 the -- from what I see on my screen, you've read three messages.
- 6 I'm going to ask the court officer to go to the next page and continue reading through
7 this whole exhibit, if that's clear to the court officer.
- 8 A. [12:31:16] Please wait a moment. I have a bit of a problem.
- 9 PRESIDING JUDGE SCHMITT: [12:31:28] Well, the whole conversation, we are
10 going through the whole conversation?
- 11 THE WITNESS: [12:31:32](Interpretation) Can you go up a bit, please. Go up, up,
12 up. Go up. Go up. It's okay. Just move now a bit. Move again. Okay.
- 13 PRESIDING JUDGE SCHMITT: [12:32:04] Is it intended to go through the whole
14 conversation on tab 11?
- 15 MR IVERSON: [12:32:10] Yes, it is, your Honour. I also -- I want him to -- if I only
16 have him dive in to the very piece that I'm asking about, then it doesn't provide
17 the context for him, having never seen this before, so ...
- 18 PRESIDING JUDGE SCHMITT: [12:32:28] Yes, but this is quite a cumbersome
19 exercise. So I don't hope that we go through every of this these tabs fully.
- 20 MR IVERSON: [12:32:40] Not at all.
- 21 PRESIDING JUDGE SCHMITT: [12:32:41] Because that would, I think, be an
22 exercise that would also -- yeah. I would not appreciate it actually.
- 23 MR IVERSON: [12:32:45] (Overlapping speakers)
- 24 PRESIDING JUDGE SCHMITT: [12:32:45] So let's continue here. And the witness
25 has said we can scroll further down I think now, so -- and I hope we soon come to

Trial Hearing

(Open Session)

ICC-01/14-01/18

WITNESS: CAR-OTP-P-2027

1 the portion where he is mentioned.

2 MR IVERSON: [12:32:56] Believe me, I'm very mindful of your Honours' time, and
3 I don't want to waste your time, but I'm doing this for a purpose, especially for
4 the first message.

5 PRESIDING JUDGE SCHMITT: [12:33:06] Okay. I think we can scroll down
6 from -- I might have heard that the witness is ready.

7 THE WITNESS: [12:35:51](Interpretation) Please scroll back up a little bit. Scroll
8 back up a little bit, please. Scroll back up. Up, up, please.

9 Once again, please, scroll back up. Scroll back up.

10 It's okay now.

11 PRESIDING JUDGE SCHMITT: [12:36:40] Well, this becoming a reading lesson now.

12 But not that we are reading, but we follow the witness reading. So this should really,
13 at some point in time, come to a point where we can pose a question to him.

14 THE WITNESS: [12:36:57](Interpretation) Mm-hmm. Yes, I have read what I have
15 seen. If you have questions to put to me, I'm prepared to answer them.

16 MR IVERSON:

17 Q. [12:37:18] Okay. Thank you, sir.

18 Did you notice the date of these messages? Did you take a look at that as well?

19 A. [12:37:34] No, the font of the dates is quite small, so I cannot see the dates
20 precisely. So if you can zoom in on the dates so I can be better able to see.

21 PRESIDING JUDGE SCHMITT: [12:37:48] You could also tell him. Since we have
22 seen it also and we assume that you tell him correctly, you can simply tell him what
23 the dates are.

24 MR IVERSON:

25 Q. [12:37:59] Sir, the dates run from 5 May 2013 until the last message is

Trial Hearing

(Open Session)

ICC-01/14-01/18

WITNESS: CAR-OTP-P-2027

1 31 January 2014. But it's specifically messages sent on 5 June 2013 that I wanted to
2 ask you about. Yeah. So, first of all, are you familiar with the -- the individuals in
3 this message, that are writing these messages?

4 A. [12:38:47] Yes, both of them, Mr President. I know them perfectly well.

5 Q. [12:38:52] And are you familiar with the -- the subjects that they're talking about,
6 that they're discussing? Are you able to follow the messages?

7 A. [12:39:09] Yes, I read the messages. I think they are asking the various
8 positions, where is one, where is the other, at the "*sibere*". That is what I read.

9 I don't know what their decisions were. It was between them.

10 Q. [12:39:33] All right.

11 Could I ask the court officer to display specifically page 3928, and the top part of the
12 message, please.

13 So first, before I ask you specifically about this portion, could I ask you, generally,
14 what's your observation about the accuracy of the information, as far as you know?

15 A. [12:40:19] The conversation is between those two people. And for me, I think
16 on that date that was maybe around the time I was coming to Yaoundé. I would go
17 to Douala and return to Yaoundé. But they were already in Yaoundé. That is what
18 I can see, but I don't know much more about their conversation. It says here, "Yes,
19 he called me and he told me that he is coming here. He received 150,000 this
20 morning." This 150, by whom, from whom? Well, I do not know.

21 And then there he gave the name and he said he is in your position. "[I] am in your
22 position." And the date indicated is the date on which I left to go into exile to take
23 refuge there, if I'm not mistaken about the dates.

24 Q. [12:41:51] So, as far as you're aware, is that portion on 3928, the top portion, is
25 that accurate? Is that correct? Is says (Interpretation) "Lamkague is in your

Trial Hearing

(Open Session)

ICC-01/14-01/18

WITNESS: CAR-OTP-P-2027

1 position." "Yes, he called me and told me that he will be coming here."

2 (Speaks English) Is that correct, to the best of your knowledge?

3 A. [12:42:36] Yes.

4 Q. [12:42:40] And is the message about the 1,500,000 also correct?

5 A. [12:43:03] Well, this is between them, 1 million whatever. It was meant for

6 whom? Well, I cannot know that. I do not know that.

7 Q. [12:43:24] All right.

8 Could I ask the court officer to please display CAR-OTP-2103-4185 and at page *4217.

9 PRESIDING JUDGE SCHMITT: [12:43:44] And in the meantime, for the record,

10 the witness has been shown CAR-OTP-2102-3924 until 3928.

11 Ms Dimitri.

12 MS DIMITRI: [12:44:02] Mr Iverson, would you be so kind to give the tab number,

13 please. It's easier for me to follow.

14 PRESIDING JUDGE SCHMITT: [12:44:10] Yeah, correct.

15 MR IVERSON: [12:44:10] Yes. Sorry for that omission. It's tab 22.

16 Q. [12:44:48] All right. Sir, again, could I ask you just to read this page silently to

17 yourself and indicate when you're -- you've completed reading.

18 A. [12:45:09] Mm-hmm. Yes.

19 Q. [12:45:36] All right. Are you familiar with the identities of the people who are

20 writing these messages?

21 A. [12:45:52] Yes, the one below, I know him. The other one, yes, I know him, but

22 with the name written below, the nickname or the first name, that is the name I know

23 him by. I know them.

24 Q. [12:46:29] And could you tell the Chamber who they are, please?

25 A. [12:46:45] One of them is already dead. He went for a robbery. That is

Trial Hearing

(Open Session)

ICC-01/14-01/18

WITNESS: CAR-OTP-P-2027

1 the one whose name is above Francis Yaligaza. He's dead after going for a robbery.

2 The one below, he is a spokesperson of the Anti-Balaka and today he is working in

3 the ministry. He has worked at UNICA. So I know both of them. One of them is

4 alive, one is already dead.

5 And at that time when they were writing to each other they were in Bertoua.

6 The one who is deceased was in Bertoua, visiting in Bertoua in Cameroon.

7 Q. [12:48:05] And do you know where these individuals were when they were

8 writing these messages? Do you have any idea?

9 A. [12:48:29] I have said that during that period the other one I did not know where

10 he was, but one of them I know that he was in Bertoua. He was in exile in Cameroon

11 in the prefecture known as Bertoua. So where specifically they're exchanging those

12 messages, I do not know. But one is dead, the other is -- I don't know whether he's

13 in Bangui or wherever. I do not know.

14 Q. [12:49:09] And which one was in Bertoua, sir?

15 A. [12:49:25] I beg your pardon?

16 Q. [12:49:26] Which one of the two was in Bertoua?

17 PRESIDING JUDGE SCHMITT: [12:49:30] I think the one who has been -- is

18 deceased he said, so this would be Francis Yaligaza.

19 MS DIMITRI: [12:49:44] Mr President, just a slight correction from the English

20 interpretation. He didn't say, "But one is dead, the other" -- he specifically said, "But

21 on that date I don't know if he was in Bangui or Cameroon."

22 PRESIDING JUDGE SCHMITT: [12:49:58] That's really different indeed. Yeah,

23 okay. So that -- that makes indeed a difference. Okay.

24 MR IVERSON: [12:50:09] I think I was going off of what I heard (Overlapping

25 speakers)

Trial Hearing

(Open Session)

ICC-01/14-01/18

WITNESS: CAR-OTP-P-2027

1 PRESIDING JUDGE SCHMITT: [12:50:12] Not only in general it makes a difference,
2 also my interventions may be wrong then (Overlapping speakers)

3 MS DIMITRI: [12:50:16] No, Mr President, your intervention is okay. He
4 specifically specified that one of them was dead, but in the last answer, when
5 answering to Mr Iverson, he said, "But on that date I don't know if the other one was
6 in Bangui or in Cameroon."

7 PRESIDING JUDGE SCHMITT: [12:50:30] That escaped my attention for natural
8 grounds, or natural reasons, of course. Thank you, Ms Dimitri.

9 MR IVERSON: [12:50:38] Thank you, that was helpful.

10 Q. [12:50:41] Sir, which one -- you mentioned that one of these two individuals was
11 in Bertoua. So which one was it?

12 A. [12:51:09] It was Francis, whose nickname is Alkanto. He was the one who was
13 in Bertoua.

14 Q. [12:51:27] And that -- that message where he's -- where Francis says that -- that
15 some people are in Garam-Boulai, he mentions some names in Garam-Boulai, is
16 that -- is what he says there correct? It's the second message from the top. Is it
17 accurate?

18 A. [12:52:00] Mr President, I know nothing about that. This is the conversation
19 between the two of them. Who is in Garam-Boulai, he is the one who knows it. It is
20 the family. Who amongst the two, relatives, I do not know. Friends, I do not know.

21 PRESIDING JUDGE SCHMITT: [12:52:26] Perhaps you put to him where -- where
22 a certain name appears.

23 MR IVERSON:

24 Q. [12:52:42] So in the second message it talks about "Captain Gbagouma,
25 Lieutenant Lamkaque, Lieutenant Esteve Yambete", and it says they're in

Trial Hearing

(Open Session)

ICC-01/14-01/18

WITNESS: CAR-OTP-P-2027

- 1 Garam-Boulai. And then it says "*cava declanche*", which I understand is -- that
- 2 it's -- something is going to happen or it's going to go off.
- 3 Do you know if -- if that information is indeed correct?
- 4 A. [12:53:20] Well, what is going to happen, what is going to be triggered off?
- 5 When people are saying just anything, I do not know. And during that period when
- 6 they said Lamkague was in Garam-Boulai, Gbangouma and Olivier Esteve was in
- 7 Garam-Boulai, yes, that is true. It is quite normal. People went differently,
- 8 separately. (Redacted)
- 9 (Redacted)
- 10 (Redacted)
- 11 (Redacted). Olivier Gbangouma went to Garam-Boulai because he had his
- 12 truck in the park in Garam-Boulai. He had gone there to sell his truck, but he was
- 13 not able to do so. But what was going to be done, what was going to be triggered off,
- 14 I do not know. That is a question that has to be put to him, but not to me,
- 15 Mr President. That is what I can say.
- 16 PRESIDING JUDGE SCHMITT: [12:55:02] So for the record, a correction. In
- 17 the transcript we have -- we are reading that we are on page 2417, but correct is we
- 18 are on page 4217. Not 2417, but 4217, so we don't have to correct it later on. So it
- 19 makes sense to do it now immediately if we are aware of it.
- 20 MR IVERSON:
- 21 Q. [12:55:36] And, sir, what else do you understand from these messages on this
- 22 page 4217 about the context, about what they're -- they must be talking about?
- 23 A. [12:56:06] Please kindly repeat your question.
- 24 Q. [12:56:15] Sir, you said that the message -- the second message from the top and
- 25 the third one, because they're the same, are accurate, are correct, as far as you know.

Trial Hearing

(Open Session)

ICC-01/14-01/18

WITNESS: CAR-OTP-P-2027

1 Could you look at the -- the conversation on the rest of the page. Is there anything
2 else that is -- you're able to use to put this into context to determine the accuracy of
3 these messages?

4 A. [12:57:09] Yes, it is a message that I can see.

5 You know, Mr President, each time all the people who were in exile, each of them
6 enquires about the others to know what is going on. That's all. That is why those
7 of them here, Lamaka Igor, he's frequently asking about news about the others.
8 What I can see here, he is asking about news of Captain Semndiro Bara. That's what
9 I can see. And then the other answered that they are there. So that's what I can see.

10 MR IVERSON: [12:58:23] So, your Honour, my intent is to move to a few more
11 messages, but I see that, you know, with only two minutes left it probably doesn't
12 make sense.

13 PRESIDING JUDGE SCHMITT: [12:58:33] That makes sense. We take the
14 suggestion and we will have the lunch break until 2.30.

15 THE COURT USHER: [12:58:39] All rise.

16 (Recess taken at 12.58 p.m.)

17 (Upon resuming in open session at 2.30 p.m.)

18 THE COURT USHER: [14:30:44] All rise.

19 Please be seated.

20 PRESIDING JUDGE SCHMITT: [14:31:04] Good afternoon.

21 Mr Iverson, you still have the floor.

22 MR IVERSON: [14:31:08] Your Honour, I would ask that -- I only have two more
23 tabs to show. But I assess that both of those should be shown in private and
24 questions should be asked in private.

25 PRESIDING JUDGE SCHMITT: [14:31:22] Okay. I think -- I think we are fine with

Trial Hearing
WITNESS: CAR-OTP-P-2027

(Private Session)

ICC-01/14-01/18

1 that.

2 MR IVERSON: [14:31:24] Okay.

3 PRESIDING JUDGE SCHMITT: [14:31:24] I understand. You know, we discussed
4 it before the break. And it might not work out very well if we stay in open session,
5 so we go to private session.

6 MR IVERSON: [14:31:35] Yes, for us as well. We took a look at the transcript and
7 some of the answers and we think, actually to make it clear, we should ask
8 the questions in private session.

9 PRESIDING JUDGE SCHMITT: [14:31:45] Fine. We go to private session.
10 (Private session at 2.32 p.m.)

11 THE COURT OFFICER: [14:32:00] We are in private session.

12 MR IVERSON: [14:32:07]

13 Q. [14:32:07] So I'm turning now to tab 9.

14 And could I ask the court officer to please display (Redacted) at page 9825.

15 PRESIDING JUDGE SCHMITT: [14:32:25] And the tab is?

16 MR IVERSON: [14:32:27] Tab 9, your Honour.

17 Q. [14:32:56] So, sir, could I just ask you to -- and if we could just show the bottom
18 half of that page. That's all I need.

19 Could I have you read the last three messages on that page, sir, just silently to
20 yourself.

21 A. [14:33:33] Yes.

22 PRESIDING JUDGE SCHMITT: [14:34:09] I think the witness has -- yeah.

23 THE WITNESS: [14:34:15](Interpretation) Yes.

24 MR IVERSON:

25 Q. [14:34:17] it looks like you're finished. Are you finished reading the last

Trial Hearing
WITNESS: CAR-OTP-P-2027

(Private Session)

ICC-01/14-01/18

1 message on the page?

2 A. [14:34:27] Yes. Yes, I have read it. I have read the message.

3 Q. [14:34:30] Just to verify, we are looking at -- thank you, sir.

4 Just to verify, we are looking at page 9825. Is that right, court officer?

5 PRESIDING JUDGE SCHMITT: [14:34:37] Yes, we are (Overlapping speakers)

6 MR IVERSON: [14:34:38]

7 Q. [14:34:40] Sir, so did you speak on the phone with (Redacted) at the end of
8 October?

9 A. [14:35:00] October of which year? Which 2000?

10 Q. [14:35:04] Sorry, that was my bad. In 2013. The -- so the date of the message
11 is 20 October 2013. And did you speak on the phone with (Redacted) around
12 that time? Do you remember?

13 MS DIMITRI: [14:35:34] Mr President, I'm sorry. In French, it was translated to
14 the witness (Redacted) instead of (Redacted).

15 MR IVERSON: [14:35:46] I'm asking about (Redacted).

16 PRESIDING JUDGE SCHMITT: [14:35:49] I also understood that you were asking
17 about (Redacted), and we know of course they're different persons. So I don't have
18 to explain that. I think simply continue.

19 MR IVERSON:

20 Q. [14:36:07] Sir, can you answer that question. Did you speak to (Redacted)
21 on the phone at the end of October 2013?

22 A. [14:36:36] End of October 2013 when Djotodia took power. If I remember well,
23 maybe once, or maybe it was with someone else. Because he went to the DRC. He
24 went over to the DRC, the Democratic Republic of the Congo. But if memory doesn't
25 fail me, did I -- did I talk with him or not? Well, I don't know. But there are some

Trial Hearing

(Private Session)

ICC-01/14-01/18

WITNESS: CAR-OTP-P-2027

1 persons who left with them. And every now and then, some would call me to
2 determine my position. But if I recall well, maybe once he called me to -- to ask. Or
3 whether I am the one who called him, or well, maybe he called me. But he wanted
4 to find out what my position was. And I told him that, at that time, my passport had
5 expired and what have you. So I am just being on the lookout in -- in Bangui. I
6 think this is what happened, but not -- nothing else. Maybe only just once, if
7 memory doesn't fail me.

8 Q. [14:37:58] Okay.

9 A. [14:37:59] Apart from that, I did not have any further contact with him.

10 Q. [14:38:16] You say that he wanted to determine your position. For what
11 purpose did he want to determine your position? Do you know that?

12 A. [14:38:36] Please repeat the question.

13 Q. [14:38:38] You say that the purpose of the phone call was to determine your
14 position. For what reason did he want to determine your position, if you know?

15 A. [14:39:05] Yes. At the time, many arrests and killings were taking place. And
16 as we were dispersed, each person wanted to find out where the other was, where
17 the other's position was.

18 Q. [14:39:32] And is that the only reason, to determine your position? Was there
19 a reason why he was attempting to determine your position? That's what I'm
20 asking.

21 A. [14:39:53] I have no idea. I don't know anything about that. Well, if he had
22 other thoughts, I didn't have any details on what his thoughts may have been.

23 Q. [14:40:12] All right.

24 Could I have the court officer display --

25 PRESIDING JUDGE SCHMITT: [14:40:21] Actually, what was on display, wasn't it

Trial Hearing

(Private Session)

ICC-01/14-01/18

WITNESS: CAR-OTP-P-2027

1 9825? And isn't the witness mentioned here in this conversation? And couldn't we
2 ask him what this message means? Because it's -- the language is not completely
3 clear, so to speak. So it might well be a language that does not explain
4 itself -- explain itself but has to be explained by an insider or by someone who knows
5 what the people might talk about.

6 I'm speaking about this message from 20 October 2013 at 1521.

7 MR IVERSON: [14:41:10]

8 Q. [14:41:11] Sir, could you -- that last message from Gallaut, from Rod Larry
9 Martial Gallaut that the Presiding Judge just mentioned, could you explain to
10 the Chamber your understanding of that message, please.

11 PRESIDING JUDGE SCHMITT: [14:41:28] Thank you.

12 THE WITNESS: [14:41:42](Interpretation) Yes, I have read the message. When
13 Mr Kokaté came from France, I was in Yaoundé and he was in Douala. (Redacted)
14 (Redacted). So that's, that's it.

15 But I read here that today, or before yesterday, and this and that, and to say that
16 everything will be in order soon, well, all, all that is not of my own writing. People
17 can invent things. And I believe that it is the person who has written this who is in
18 a better position to explain what it is all about, not me. Because there he's having
19 a conversation with Salomon Kobo. I don't even know who Salomon Kobo is. But
20 the one under, I know him.

21 PRESIDING JUDGE SCHMITT: [14:42:53] But you do know Mr Kokaté?

22 THE WITNESS: [14:43:02] Yes. I got to know him when he was a minister delegate,
23 or was it minister whatever it is, in charge of forests and what have you? But he was
24 in government. But before joining the government he was a soldier, and I knew him
25 as a soldier. I also know him as an ex-minister, former minister. That's it.

Trial Hearing

(Private Session)

ICC-01/14-01/18

WITNESS: CAR-OTP-P-2027

1 PRESIDING JUDGE SCHMITT: [14:43:32] You see from this message that there is
2 obviously -- we understand that you were not part of the conversation. But at least
3 this person, Rod Larry Martial Gallaut, speaks in one short message about Mr Kokaté
4 and about you.

5 Do you have an idea why he does so?

6 THE WITNESS: [14:44:04](Interpretation) Well, I have no idea. Clueless. No idea.
7 And I repeat myself, Kokaté was coming in from France. Maybe many people went
8 to see him in Douala. Whatever they said among themselves, I have no idea. But I
9 myself, I did not see Kokaté when he was in Douala because -- or in Yaoundé. I was
10 in Yaoundé.

11 PRESIDING JUDGE SCHMITT: [14:44:37] One last question. Do you happen to
12 know -- if not, please tell us. Do you happen to know if Mr Kokaté and
13 Mr Martial Gallaut, who is supposedly having this conversation, if they know each
14 other, or if they know each other well even? Do you happen to know that?

15 THE WITNESS: [14:45:03] Yes, I know that they know each other. They know each
16 other. Bangui is a small town. They know each other. But the ties that bind them,
17 I know nothing about it. They may have been friends, they may have had business
18 connections, and so on and so forth. I have no clue. But all I know is that they
19 know each other.

20 PRESIDING JUDGE SCHMITT: [14:45:32] Thank you, Mr Witness.

21 Mr Iverson, please move on.

22 MR IVERSON: [14:45:36]

23 Q. [14:45:37] And just so we're clear, in the message Gallaut refers to the (Redacted)
24 (Redacted). Could you tell the Chamber who is (Redacted)?

25 A. [14:46:04] Thank you, Mr President. It is now and here that I have discovered

Trial Hearing

(Private Session)

ICC-01/14-01/18

WITNESS: CAR-OTP-P-2027

- 1 this abbreviation, and I don't know what it stands for. What does (Redacted)
- 2 stand for? I don't know. What type of abbreviation is that?
- 3 Q. [14:46:35] So next I would like to turn to tab 21.
- 4 And I'll ask the court officer to please display CAR-OTP-2103-4149 at page 4154.
- 5 Okay. Now, sir, what I'd ask you to do is just read that page that's displayed now.
- 6 And then we're going to go from 4154 to 4155 and then the first two messages on 4516.
- 7 If you just read all of those messages on the pages I just listed and then indicate to us
- 8 when -- when you're finished reading so I can ask a few questions, if you would.
- 9 A. [14:48:41] All right.
- 10 Q. [14:48:42] So I think, based on the time, I don't think you probably were able to
- 11 read all of the messages. So just starting at the top of 4154 -- and I got to work
- 12 together with the court officer here to make sure the correct messages are being
- 13 shown. But we're displaying the full page of 4154 and then 4155 and then the top
- 14 two messages of 4516.
- 15 PRESIDING JUDGE SCHMITT: [14:49:09] You would have to move up a little bit I
- 16 think. The first that -- no. Actually, I think I move -- I think I mean down. You
- 17 know, the first message that Prosecution wants to show is I think 9 o'clock, 9.08.
- 18 Yeah, exactly.
- 19 I think you can proceed, Mr Iverson. Yeah, he has read that.
- 20 MR IVERSON: [14:49:46] All right. Well, I'll just ask the questions and then see if
- 21 they correspond to what he -- he read.
- 22 Q. [14:49:53] So, looking at the message from Maxime Mokom Gawaka on
- 23 11 November 2013 at 9.14 a.m., he refers to (Redacted)
- 24 (Redacted)
- 25 (Redacted)

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.

Trial Hearing
WITNESS: CAR-OTP-P-2027

(Private Session)

ICC-01/14-01/18

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted – private session

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: CAR-OTP-P-2027

(Private Session)

ICC-01/14-01/18

1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted).

8 PRESIDING JUDGE SCHMITT: [14:54:20] Thank you.

9 Mr Iverson, please continue.

10 MR IVERSON: [14:54:30]

11 Q. [14:54:30] So, sir, in this series of messages, it appears that Maxime Mokom

12 Gawaka is asking about you and is interested in your status. Why, to your

13 knowledge, is Maxime Mokom Gawaka asking about you and interested in what's

14 going on with you at that time?

15 A. [14:55:06] Well, Mr President, Maxime Mokom was interested in finding out

16 (Redacted). It is simply normal. He just wanted to know and he had no

17 other intention. But if he had another intention, he would have -- he could have

18 called me and we would have talked about it. And so I am not involved in anything.

19 He could have called me to ask a thing or two. And I cannot deny him that

20 possibility or he could ask somebody else about how things were for me.

21 MR IVERSON: [14:56:15] (Microphone not activated)

22 PRESIDING JUDGE SCHMITT: [14:56:17] Microphone, please.

23 MR IVERSON: [14:56:18]

24 (Redacted)

25 (Redacted)

Trial Hearing
WITNESS: CAR-OTP-P-2027

(Private Session)

ICC-01/14-01/18

1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted). I am a loyalist forever. And if -- if I went to

11 Yaoundé, it was not for nothing. The Séléka came to my house three or four times to

12 try to get me. But by God's grace, I was able to escape. I left. Thank God I arrived.

13 And I am in exile. And I was hoping that, when calm returned, I will go back.

14 My family remained in the country. They were not able to come out. And so I had

15 to go back to the country. And that's it. That's it.

16 Q. [14:59:10] Thank you, sir.

17 MR IVERSON: Your Honour, I have no further questions.

18 PRESIDING JUDGE SCHMITT: [14:59:13] Okay. Thank you, Mr Iverson.

19 We would have enough time to start with the questioning by the Defence, yet it -- I

20 see that even if we conclude for today, the time should be enough to conclude

21 tomorrow. So I would -- I would not even suggest, but I would ask you is there any

22 preference? We start -- I think if I -- if I add -- add it up, it would be three sessions,

23 perhaps, the two defence teams together, that we would -- this could fit in tomorrow

24 fine.

25 Is that fine with you?

Trial Hearing

(Private Session)

ICC-01/14-01/18

WITNESS: CAR-OTP-P-2027

1 MR KNOOPS: [14:59:48] Yes. If the Court would accept, we would prefer to start

2 tomorrow. And Ms Pedroso and I, we can revise the questions --

3 PRESIDING JUDGE SCHMITT: [14:59:57] I thought so. I thought so.

4 MR KNOOPS: [14:59:59] -- for tomorrow.

5 PRESIDING JUDGE SCHMITT: [15:00:00] Very good.

6 So this concludes then the hearing for today. We resume tomorrow at 9.30.

7 Thank you very much for the moment, Mr Witness.

8 MR KNOOPS: [15:00:08] President, I'm very sorry. I'm sorry.

9 PRESIDING JUDGE SCHMITT: [15:00:10] Not too quick, please.

10 MR KNOOPS: [15:00:12] Excuse me. Just a specific questions of -- it's a question of

11 the detainees. Could the Court facilitate with the Registry if they can be transported

12 timely to the detention centre, because yesterday they arrived after 6 and they

13 couldn't make their family calls on Monday - it's normally Monday and Thursday - is

14 there a possibility that the Court could ask the Registry to speed up the transport, if

15 possible? I'm sorry to bother the Court with this.

16 PRESIDING JUDGE SCHMITT: [15:00:43] This is -- no, no, no. It's okay. This is

17 noted. And I think we will at least advise the Registry in that regard. Of course we

18 can't do it ourselves.

19 MR KNOOPS: [15:00:52] Very much appreciated, Mr President. Thank you.

20 PRESIDING JUDGE SCHMITT: [15:00:54] Tomorrow, 9.30.

21 THE COURT USHER: [15:00:55] All rise.

22 (The hearing ends in private session at 3.01 p.m.)