

Trial Hearing

(Open Session)

ICC-01/14-01/18

WITNESS: CAR-OTP-P-1521

- 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 Judge Chang-ho Chung
- 7 Trial Hearing - Courtroom 1
- 8 Monday, 29 November 2021
- 9 (The hearing starts in open session at 10.56 a.m.)
- 10 THE COURT USHER: [10:56:06] All rise.
- 11 The International Criminal Court is now in session.
- 12 Please be seated.
- 13 PRESIDING JUDGE SCHMITT: [10:56:32] Good morning, everyone.
- 14 Could the court officer please call the case.
- 15 THE COURT OFFICER: [10:56:39] Good morning, Mr President, your Honours.
- 16 Situation in the Central African Republic II, in the case of The Prosecutor versus
- 17 Alfred Yekatom and Patrice-Edouard Ngaïssona, case reference ICC-01/14-01/18.
- 18 And for the record, we are in open session.
- 19 PRESIDING JUDGE SCHMITT: [10:56:53] Thank you.
- 20 The appearances of the parties.
- 21 Mr Vanderpuye first.
- 22 MR VANDERPUYE: [10:56:57] Good morning, Mr President. Good morning, your
- 23 Honours. Good morning, everyone. Good morning, Mr Witness. Today the
- 24 Prosecution is represented by Massimo Scaliotti, Manochitra Prathaban,
- 25 Yassin Mostfa and myself, Kweku Vanderpuye. Good morning.

Trial Hearing

(Open Session)

ICC-01/14-01/18

WITNESS: CAR-OTP-P-1521

1 PRESIDING JUDGE SCHMITT: [10:57:16] Good morning.

2 I turn to the representatives of other victims.

3 MS RABESANDRATANA: [10:57:30](Interpretation) Good morning, Mr President.

4 Good morning, your Honours. Good morning, Witness. The representatives of

5 victims of the other crimes are represented by Enrique Carnero, Mouhia Asso and

6 myself, Elisabeth Rabesandratana. Thank you.

7 PRESIDING JUDGE SCHMITT: [10:57:48] Thank you.

8 Mr Suprun.

9 MR SUPRUN: [10:57:49] Good morning, Mr President, your Honours. The former

10 child soldiers are represented by myself, Dmytro Suprun, counsel at the Office of

11 Public Counsel for Victims. Thank you.

12 PRESIDING JUDGE SCHMITT: [10:57:55] Thank you.

13 Ms Dimitri for the Defence.

14 MS DIMITRI: [10:57:59] Good morning, Mr President. Good morning, your

15 Honours. Good morning, everyone. Mr Yekatom, who is present in the courtroom,

16 is represented this morning by Ms Yasmeen Hajjali, Dr Lena Casiez and myself,

17 Mylène Dimitri.

18 PRESIDING JUDGE SCHMITT: [10:58:13] Thank you.

19 Mr Knoops, please.

20 MR KNOOPS: [10:58:15] Good morning, Mr President. Good morning your

21 Honours. Good morning, everyone in the courtroom. Good morning, Mr Witness.

22 The Defence team of Mr Ngaïssona today consists of Ms Marie-Hélène Proulx,

23 Ms Despoina Eleftheriou and myself. Thank you.

24 PRESIDING JUDGE SCHMITT: [10:58:37] Thank you, Mr Knoops.

25 Good morning, Mr Witness. Before we start with your testimony, we have to

Trial Hearing

(Private Session)

ICC-01/14-01/18

WITNESS: CAR-OTP-P-1521

1 discuss something here in the courtroom amongst the parties. Because of that,
2 I would ask you to take off your earphones for a moment and I tell you when you can
3 put them on again. Would you please do that? Thank you very much.
4 It's okay. Please take off the earphones.

5 WITNESS: CAR-OTP-P-1521

6 (The witness speaks French)

7 (The witness gives evidence via video link)

8 THE WITNESS: [10:59:14](Interpretation) Okay. Thank you.

9 PRESIDING JUDGE SCHMITT: [10:59:16] So we go to private session shortly.

10 (Private session at 10.59 a.m.)

11 THE COURT OFFICER: [10:59:22] We are in private session, Mr President.

12 PRESIDING JUDGE SCHMITT: [10:59:28] Thank you.

13 Nothing to worry about. Simply a very important housekeeping matter about
14 interpretation. So I see some tension boiling up here, but -- but yet, please take,
15 everyone - I do myself, what I'm now going to say - take it to heart.

16 The Chamber would like to make some remarks with regard to the interpretation and
17 transcription in this case.

18 In this respect the Chamber recalls the participants' various emails on the matter
19 leading to the email decision of 22 September 2021. In this decision, the Chamber
20 adopted certain measures and gave directions to the participants in order to improve
21 the quality of the transcripts.

22 The Chamber observes that a number of these directions have not been fully complied
23 with, that the frequency of correction requests remains high and that clarifications
24 appear to be needed in relation to the measure of audio verification. And the
25 Chamber wants to address this now.

Trial Hearing

(Private Session)

ICC-01/14-01/18

WITNESS: CAR-OTP-P-1521

1 At the outset - and this is very important - the Chamber wishes to note that the
2 present case is not an ordinary one in terms of interpretation. On the contrary, we
3 are faced with challenging circumstances much more so than in other cases at the
4 Court. This includes inter alia the fact that the interpretation goes first from Sango
5 into French, then from French into English and vice versa.
6 Actually, you really have to think about this for yourself what this means for the
7 interpreters, what this -- what this burden means for the interpreters. And
8 everything that follows from there is relatively clear, but I speak it out anyway.
9 Upon further consultation with the relevant Registry sections, the Chamber is of the
10 view that the majority of the issues previously discussed can be improved drastically
11 by reducing the speed of speech and by observing basic rules.
12 In this regard, the Chamber stresses that this has to be a collective effort by both the
13 participants and the Chamber, including my person, of course.
14 Today I hope we can mark a new beginning, so to speak. In particular, the Chamber
15 expects everyone in the courtroom to strictly observe the following rules:
16 Something self-evident, but since it not always works in the heat of the moment, so to
17 speak, number one is when you wish to speak, please rise and wait until I have given
18 you the floor. This is particularly important in the context of objections because
19 otherwise nothing appears at all in the transcript, which does not help anybody.
20 Very important number 2: If you listen to the French channel make sure to follow
21 the English real-time transcript. This is also something that I did not observe always,
22 I have to admit. Wait until the English real-time transcript is finished - that is very
23 important - before you speak again. So the person questioning, of course, is fully
24 immersed in the answer, in the questioning and then thinking about the next question.
25 Because of that, the Chamber strongly advises the participants to designate, so to

Trial Hearing

(Private Session)

ICC-01/14-01/18

WITNESS: CAR-OTP-P-1521

1 speak, a second chair within their teams who pays attention to this. So this would be
2 very important so -- because I fully understand that the person who is questioning is
3 not always aware of that.

4 When questioning a witness about a document, clearly state the tab number and ERN
5 for the record. When reading ERNs, read them out in single numbers, please. For
6 example, CAR-OTP - we won't have that, so I can take this example - 1111-2222.

7 Wait until the document is displayed on the evidence channel for the interpreters
8 before you start questioning the witness.

9 When questioning witnesses, ask short questions. But this is also something that
10 applies always, so please avoid compound questions, and also it's always good not to
11 have questions with double negations because nobody understands them.

12 The Chamber understands that correction requests are a resource-intensive task for
13 both the participants and the Registry. However, it is confident that if these rules are
14 observed, the need for corrections can be radically decreased in the future and
15 ultimately the impact on the workload be eased.

16 Having said that, interpretation errors may of course occur despite best efforts to
17 follow these rules. If the participants observe such interpretation errors, they are
18 instructed to raise them on the spot, if you identify them on the spot, of course, so that
19 they can be corrected immediately during the hearing and with the witness.

20 If errors are only noted during the break, corrections can be flagged to the interpreters
21 per email. I think we have already instructed that in our last email decision
22 22 September 2021.

23 In this regard, the Chamber understands from the Registry that such requests must be
24 submitted by 4 p.m. in order to timely prepare the edited version of the transcript.

25 After that time, requests are to be submitted via the usual transcript verification

Trial Hearing
WITNESS: CAR-OTP-P-1521

(Private Session)

ICC-01/14-01/18

1 procedure, TVM.

2 In this context, the Chamber would also like to emphasise that post-hearing
3 corrections should be the exception. Of course, the aim is to have the record as
4 accurate as possible by the time the hearing concludes and to amend the transcript
5 only when strictly necessary.

6 Lastly, with regard to the audio verification of transcripts, the Chamber takes note of
7 the fact that there seems to be uncertainty as to which parts of the transcripts need to
8 be verified by the interpreters. The Chamber clarifies that, for the time being, it
9 considered -- considers it sufficient that the interpreters verify those portions which
10 were flagged by the parties or the Chamber, be it through the email correction
11 procedure or via TVM.

12 In addition, and as previously directed, the Chamber expects that the interpreters will
13 review the transcripts in an ongoing manner and make all necessary corrections on
14 detected errors.

15 To conclude, the Chamber stresses the importance of ensuring an accurate record of
16 the hearings. It trusts that everyone will do their best in complying with the
17 instructions - I will also too, I will also try - to achieve this common goal and facilitate
18 the work of the interpreters.

19 The work of the interpreters, which as I have mentioned in the beginning, is
20 extremely complicated in this case and for which the Chamber is very grateful.

21 So this was a very long instruction, but let's -- let's put it this way: In a nutshell, we
22 have to be much slower. We have to adapt to that. That is also for me personally
23 not so easy, but I try. I will -- I hope I can manage, and I expect that everybody tries
24 here too.

25 And think about this thing that you assign a person from your team who advises the

Trial Hearing

(Private Session)

ICC-01/14-01/18

WITNESS: CAR-OTP-P-1521

1 examiner, so to speak, when the English transcript is ready so that you only then
2 speak. So this slows down the whole thing a bit, but in the end, I think it reduces the
3 workload for everyone, including the interpreters, significantly.

4 Thank you for the moment. Then we go to open session again.

5 (Open session at 11.08 a.m.)

6 THE COURT OFFICER: [11:08:46] We are back in open session, Mr President.

7 PRESIDING JUDGE SCHMITT: [11:08:59] Thank you.

8 I don't know how we can -- perhaps I can --

9 Mr Witness, you can put your earphones on again. I don't know who -- how we can
10 communicate this to the witness.

11 By the way, I have been told that this is better to do it this way than to have him bring
12 only afterwards into the video-link location.

13 Mr Witness, good morning. On behalf of the Chamber, I would like to welcome you
14 to the courtroom. Can you understand and hear me well, Mr Witness?

15 THE WITNESS: [11:09:49](Interpretation) Thank you. I can hear you very clearly,
16 madam, and I greet the entire Court.

17 THE INTERPRETER: Say the witness.

18 PRESIDING JUDGE SCHMITT: [11:09:58] Thank you. I'll take it as it is.

19 You are called to testify to assist this Chamber in the case of Mr Yekatom and
20 Mr Ngaïssona.

21 Mr Witness, there should be a card on the desk in front of you with a solemn
22 undertaking to tell the truth. Could you please read out loud the content of this
23 card.

24 Mr Witness, do you have a card on your desk with a solemn undertaking?

25 THE WITNESS: [11:10:57](Interpretation) No, I don't have a card. I don't see a

Trial Hearing
WITNESS: CAR-OTP-P-1521

(Open Session)

ICC-01/14-01/18

1 card.

2 PRESIDING JUDGE SCHMITT: [11:11:03] That is not a problem, Mr Witness. Then
3 I will read the solemn undertaking to you and I ask you that you repeat it slowly after
4 me. So please listen and then repeat what I say after me.

5 I solemnly declare.

6 THE WITNESS: [11:11:32](Interpretation) I solemnly declare.

7 PRESIDING JUDGE SCHMITT: [11:11:37] That I will -- that I will speak the truth.

8 THE WITNESS: [11:11:47](Interpretation) That I will speak the truth.

9 PRESIDING JUDGE SCHMITT: [11:11:50] The whole truth.

10 THE WITNESS: [11:11:57](Interpretation) The whole truth.

11 PRESIDING JUDGE SCHMITT: [11:11:59] And nothing but the truth.

12 THE WITNESS: [11:12:04](Interpretation) And nothing but the truth.

13 PRESIDING JUDGE SCHMITT: [11:12:13] So I did it again, but I think it was
14 not -- not a problem.

15 So, Mr Witness, do you understand?

16 THE WITNESS: [11:12:31](Interpretation) Yes, I understood, madam.

17 THE INTERPRETER: [11:12:35] Says the witness.

18 PRESIDING JUDGE SCHMITT: [11:12:38] Thank you, Mr Witness. The presiding
19 judge is a man in this case, so perhaps --

20 THE WITNESS: [11:12:44](Interpretation) Thank you, President.

21 PRESIDING JUDGE SCHMITT: [11:12:47] Mr Witness, you are now under oath.

22 This means that you have to speak the truth. I have to reiterate the importance of
23 this. And it is an offence within the jurisdiction of this Court to give false testimony.

24 I would also like to note a few practical matters regarding your testimony.

25 Everything we say here in the courtroom is written down and interpreted in various

Trial Hearing

(Open Session)

ICC-01/14-01/18

WITNESS: CAR-OTP-P-1521

1 languages. It is therefore important to speak clearly into the microphone and at a
2 slow pace. This -- we have to do this so that the interpreters can follow and so that
3 everyone in the courtroom understands what you are saying -- you are saying and
4 what we are saying. So please only start speaking when the person asking you the
5 question has finished.

6 We will start then with your testimony, Mr Witness. And we start with the
7 questioning by the Prosecutor.

8 I give Mr Vanderpuye the floor.

9 MR VANDERPUYE: [11:14:16] Thank you very much, Mr President.

10 PRESIDING JUDGE SCHMITT: [11:14:19] And we are in open session.

11 MR VANDERPUYE: [11:14:21] Yes, thank you very much, Mr President. I was
12 going to ask if it would be all right if I remain seated during the examination.

13 PRESIDING JUDGE SCHMITT: [11:14:33] Yes. No problem.

14 MR VANDERPUYE: [11:14:41] Thank you, Mr President.

15 Again, good morning to you, your Honours.

16 QUESTIONED BY MR VANDERPUYE:

17 Q. [11:14:53] And good morning to you, Mr Witness.

18 We met briefly last Thursday. Let me reintroduce myself. My name is

19 Kweku Vanderpuye. I'm with the Office of the Prosecutor. And I will be asking
20 you some questions over the next couple of days.

21 I want to thank you, obviously, for making yourself available. I understand that you
22 are testifying with protective measures and that you've been informed about that.

23 And what that means is that your identity is not public.

24 During the course of your testimony we may cover some areas that might tend to
25 identify you. When that happens, I will ask the Chamber if it's appropriate to

Trial Hearing
WITNESS: CAR-OTP-P-1521

(Open Session)

ICC-01/14-01/18

1 proceed in what we call private session.

2 I will do my best to refrain from posing questions which might suggest your identity
3 in public session. And it would be helpful if you are mindful of that as well in your
4 responses.

5 I have also tried to organise my examination in a way that would avoid this, but I also
6 want to reassure you that should this happen and information is -- that identifies you
7 is in the record, there are mechanisms in the court to remove that from the public
8 domain and redact it to ensure that it's not disseminated.

9 If you think that in answering a question properly or fully that that might tend to
10 identify you, just let us know that. That way I can request the Chamber to proceed
11 in private session.

12 Your testimony is important and so I'd like to cover as much of it as possible in public
13 session.

14 I would also like to just remind you of a couple of things. The first thing is that if I
15 ask you a question that is unclear, let me know and I can do my best to rephrase it or
16 clarify it so that we can better understand each other.

17 As the Presiding Judge has said, our answers are being interpreted, which means two
18 things.

19 One is that we have to pause between the question and answer, that way the
20 interpreters can accurately capture what you say and what I ask or what other parties
21 ask.

22 The second thing is it may be the case in some instances where you might understand
23 the question differently than it is put or we might understand the answer differently
24 than you meant it. So just keep that in mind.

25 All right. Now that was a super long introduction. I'd like to get started with some

Trial Hearing

(Private Session)

ICC-01/14-01/18

WITNESS: CAR-OTP-P-1521

1 biographical information.

2 For that I'd like to go into private session, Mr President.

3 PRESIDING JUDGE SCHMITT: [11:20:41] Indeed. We go to private session.

4 *(Private session at 11.20 a.m.) (Reclassified partially in public)

5 THE COURT OFFICER: [11:20:49] We are in private session, Mr President.

6 MR VANDERPUYE: [11:20:59]

7 Q. [11:21:04] All right. Mr Witness, for the record could you please state your

8 name, your full name.

9 (Redacted)

10 (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-1521

(Private Session)

ICC-01/14-01/18

1 (Redacted)

2 THE INTERPRETER: [11:24:36] Mr President, the sound quality is extremely poor
3 for the interpreters.

4 PRESIDING JUDGE SCHMITT: [11:24:45] Yeah. I hear that the sound quality is
5 very poor.

6 So when you don't understand it anymore and you feel, so to speak, unable to
7 continue, please let us know. Then we simply have to interrupt and have to fix it.
8 So I think we got the last answer. But it is difficult, obviously.

9 So perhaps we try to continue, but please -- please tell us or let me know when it
10 is -- when you simply do not understand enough anymore.

11 MS DIMITRI: [11:25:28] Mr President.

12 PRESIDING JUDGE SCHMITT: Yeah.

13 MS DIMITRI: [11:25:26] (Redacted)

14 (Redacted) So you might want to correct the -- the
15 mistake with the witness.

16 I don't know if this is how you want us to address it now with your new directions.

17 I was --

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 PRESIDING JUDGE SCHMITT: [11:26:45] And thank you very much, Ms Dimitri.

25 You know, it's -- when it's about such matters and when it is about the content,

Trial Hearing

(Private Session)

ICC-01/14-01/18

WITNESS: CAR-OTP-P-1521

1 especially the content what a witness is saying, it makes the most sense to try to
2 clarify as long as the witness is in the courtroom. Otherwise we would have to -- to
3 guess, or to suppose, or whatsoever. Thank you.

4 MR VANDERPUYE: [11:27:16] Thank you, Mr President.

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 THE INTERPRETER: [11:28:50] Mr President, it's extremely difficult to follow the
15 witness with the sound quality. It's extremely difficult to follow.

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 That's a summary of what the witness has said, Mr President.

21 PRESIDING JUDGE SCHMITT: [11:29:37] Thank you very much to the interpreter.

22 And summaries, of course, not ideal I have to say.

23 Can we do something to improve that? Otherwise I think we cannot continue with
24 summaries of -- of -- so perhaps what we can do is we make a short break and -- or
25 does this not make any sense at all?

Trial Hearing

(Private Session)

ICC-01/14-01/18

WITNESS: CAR-OTP-P-1521

1 Yeah. We make -- we make a short break. Please don't go away, so to speak. No
2 coffee break now.

3 And before we go into this short break, I think it's a good idea to have two two-hour
4 sessions today. So we would continue until 1 o'clock and then from 2.30 until 4.30.

5 I have looked into the schedule and the -- what you told us the time you need for
6 questioning, I think this -- this is doable.

7 MR VANDERPUYE: [11:30:39] Mr President, I'm in full agreement. I just
8 wondered, if we take this break now, if we could maybe have five minutes or so, and
9 which will give me enough time to sort -- sort myself out for the next hour and a half I
10 suppose.

11 PRESIDING JUDGE SCHMITT: [11:30:55] Fine. Yeah, yeah, of course.

12 MR VANDERPUYE: Thank you.

13 PRESIDING JUDGE SCHMITT: [11:30:54] It should not -- has not to be one or two
14 minutes.

15 So then we go into the deliberation room. And I hope I get soon notice that we have
16 at least a little bit improved the sound quality. Thank you.

17 THE COURT USHER: [11:31:12] All rise.

18 (Recess taken at 11.31 a.m.)

19 (Upon resuming in private session at 11.47 a.m.)

20 THE COURT USHER: [11:47:19] All rise.

21 Please be seated.

22 PRESIDING JUDGE SCHMITT: [11:47:54] So, Mr Witness, I have to apologise. We
23 have sound problems, so your answers did not get through very well. I thank you
24 for your patience.

25 And I give now shortly the floor to the court officer to explain what the situation is.

Trial Hearing

(Private Session)

ICC-01/14-01/18

WITNESS: CAR-OTP-P-1521

1 THE COURT OFFICER: [11:48:17] Thank you, your Honour.

2 Yeah, I would like to inform the parties and participants that the witness is connected

3 in a shared -- it's a shared connection in the court, at the national court is Bangui, and

4 there are more users connected to this Wi-Fi connection or the shared connection.

5 And the other part -- the other person at the court, they cannot disconnect to have a

6 dedicated line for the witness and therefore we don't have a good quality connection

7 for this testimony.

8 There is not much that we can do from here. We, however, tried to check the

9 microphone settings to see whether this could work, but otherwise we cannot do

10 much from the headquarters.

11 Thank you.

12 PRESIDING JUDGE SCHMITT: [11:49:04] Thank you.

13 This -- Mr Vanderpuye?

14 MR VANDERPUYE: [11:49:07] I'm sorry, Mr President. I seem to always have a

15 question, but the issue for me is -- I'm not sure I understood exactly what the issue is,

16 but are we confident that the connection is a secure one to the extent that it's being

17 affected by, you know, other users? That is of concern to me. But I would imagine

18 that it is, but I just don't know the answer.

19 PRESIDING JUDGE SCHMITT: [11:49:34] So actually when I heard that, I also had

20 the same question, but I did not put it because I thought it's self-evident that it is

21 secure.

22 But perhaps also court officer might assure us or reassure us of this fact.

23 THE COURT OFFICER: [11:49:51] Yes, Mr President, the connection is secure, but

24 it's not a good quality connection because it's not a dedicated line only for the witness.

25 PRESIDING JUDGE SCHMITT: [11:50:03] So there is not always a solution for

Trial Hearing

(Private Session)

ICC-01/14-01/18

WITNESS: CAR-OTP-P-1521

1 everything obviously. So what we can do now only is we try to continue.
2 Interpreters try to do their best. And if we can't continue and if this -- the quality is
3 as poor as it was, then we will have to stop, there's no other solution, and we have to
4 think of other options, other locations perhaps where we can continue.
5 So we give it a try. Mr Vanderpuye, you have the floor and I hope very much that
6 you have the floor for a very long time now. I don't say -- always say that. Not with
7 regard to your person, but generally speaking.

8 MR VANDERPUYE: [11:50:50] Thank you very much, Mr President.

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 A. [11:51:56] I feel reasonably secure on the whole.

17 THE INTERPRETER: [11:52:15] The sound quality is quite poor. In summary:

18 THE WITNESS: [11:52:18](Interpretation) I don't think this will have any
19 implications or will have an impact on (Redacted) which is taking place
20 at the moment if, on the whole, I am able to tell you the truth as I said when I was
21 taking the oath.

22 PRESIDING JUDGE SCHMITT: [11:52:43] Thank you.

23 And also thank you to the interpreters for trying.

24 You know, it would be very good if we could cope with this sound quality because I
25 have the impression that other options will be difficult to realise, but we can only

Trial Hearing

(Private Session)

ICC-01/14-01/18

WITNESS: CAR-OTP-P-1521

1 insofar as we can go.

2 Mr Vanderpuye.

3 MR VANDERPUYE: [11:53:11] Thank you again, Mr President.

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 MR VANDERPUYE: [11:55:28] Yes. I have only one question in relation to that,

20 Mr President.

21 Q. [11:55:40] And that is as concerns the security of your family. Is the concern

22 that you have, does it arise from potential actors within the armed groups of which

23 you have been a part? Or from other sources?

24 A. [11:56:27] Not from armed groups where I was before, but as you know, the

25 situation is very complicated in our country at the moment as vis-à-vis the authorities

Trial Hearing

(Private Session)

ICC-01/14-01/18

WITNESS: CAR-OTP-P-1521

1 as well. There, a lot of unrest here and there and therefore I'm concerned. There's
2 many militia around.

3 Q. [11:57:00] Okay. Let me ask you if you've been contacted by anyone with
4 regard to your possible cooperation as a witness in this case between your first
5 interview with the Office of the Prosecutor in (Redacted) 2017 and your second meeting
6 with the Office of the Prosecutor in (Redacted) 2019.

7 A. [11:57:55] As regards my statements --

8 THE INTERPRETER: [11:58:02] Unfortunately the interpreter didn't get the next
9 sentence, but I believe it is said:

10 THE WITNESS: [11:58:05](Interpretation) -- nobody contacted me during that time,
11 during the times when I was having the interview.

12 MR VANDERPUYE: [11:58:23]

13 Q. [11:58:24] It appears that your answer wasn't fully received.

14 PRESIDING JUDGE SCHMITT: [11:58:30] But it is now --

15 MR VANDERPUYE: [11:58:32] But I understand that --

16 PRESIDING JUDGE SCHMITT: [11:58:34] It is in the French transcript --

17 MR VANDERPUYE: [11:58:38] Oh, I see. Okay.

18 PRESIDING JUDGE SCHMITT: [11:58:39] -- completely.

19 MR VANDERPUYE: [11:58:39] All right.

20 PRESIDING JUDGE SCHMITT: [11:58:41] So I think there is no problem.

21 MR VANDERPUYE: [11:58:42] Thank you, Mr President.

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

Trial Hearing

(Private Session)

ICC-01/14-01/18

WITNESS: CAR-OTP-P-1521

1 Q. [11:59:28] Okay. But you have been in contact with other members of the
2 Anti-Balaka since then, given your position in the group; is that right?

3 A. [11:59:51] Yes, you are right. I have contact with *them but more specifically as
4 regards my testimony or my two interviews with the OTP, no one has contacted me
5 about this.

6 Q. [12:00:12] Thank you for that clarification.

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 I saw that you answered, but we didn't hear anything here. Could you repeat your
14 answer.

15 A. [12:01:56] I said in relation to that question that I had indeed joined the
16 Anti-Balaka group.

17 Q. [12:02:09] Was that at some point, some point after (Redacted)?

18 A. [12:02:29] Yes, indeed. After (Redacted), that is when I joined the group.

19 Q. [12:02:40] And without going into too much detail at this point, can you just
20 indicate for the Chamber what positions you had in the Anti-Balaka. Just the titles of
21 your position.

22 A. [12:03:09] I joined the group after (Redacted) as a combatant, combatant, and
23 then that was (Redacted). And after the Brazzaville forum

24 (Redacted)

25 (Redacted)

Trial Hearing

(Private Session)

ICC-01/14-01/18

WITNESS: CAR-OTP-P-1521

1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 Q. (Overlapping speakers)

6 PRESIDING JUDGE SCHMITT: [12:04:26] Mr Vanderpuye, too quick.

7 MR VANDERPUYE: [12:04:31] Oh, I see. I'll wait.

8 (Redacted)

9 (Redacted)

10 (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 and tourism?

Trial Hearing

(Private Session)

ICC-01/14-01/18

WITNESS: CAR-OTP-P-1521

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 (Redacted)

14 (Redacted)

15 (Redacted)

16 Q. [12:10:42] Okay. I think I -- I think I have your answer.

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 A. [12:12:15] Yes, that is correct. Yes, that is correct.

Trial Hearing

(Private Session)

ICC-01/14-01/18

WITNESS: CAR-OTP-P-1521

1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 Q. [12:13:45] I heard your answer, but I don't see it in the transcript. Maybe you

10 could repeat it.

11 Oh, I see it now. It's okay.

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 Q. [12:15:20] Just -- just if you could repeat your answer.

20 A. [12:15:33] I said that the Ngaïssona wing, rather, (Redacted) did not

21 participate in the Nairobi meeting. The Ngaïssona wing (Redacted) did not

22 participate in the Nairobi meeting.

23 Q. [12:16:01] Thank you for that clarification.

24 (Redacted)

25 (Redacted)

Trial Hearing

(Private Session)

ICC-01/14-01/18

WITNESS: CAR-OTP-P-1521

1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 Q. [12:18:04] Thank you for that clarification. That's very helpful as well.

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 Q. [12:19:20] Okay. That's very helpful.

21 I don't see the witness on the screen anymore.

22 PRESIDING JUDGE SCHMITT: [12:19:32] Yes, but at least we have the information

23 that the room is available all day. Always look at the bright side of life.

24 Okay. So the connection broke down, so they have to reconnect. This might last at

25 least five minutes. I don't know if we should all sit here or -- I think we go into the

Trial Hearing

(Private Session)

ICC-01/14-01/18

WITNESS: CAR-OTP-P-1521

1 deliberation room for a couple of minutes, and please inform us when we can

2 continue.

3 So also the parties can have a more informal gathering here in the courtroom,

4 unfortunately.

5 THE COURT USHER: [12:20:42] All rise.

6 (Recess taken at 12.20 p.m.)

7 (Upon resuming in private session at 12.28 p.m.)

8 THE COURT USHER: [12:28:46] All rise.

9 Please be seated.

10 PRESIDING JUDGE SCHMITT: [12:29:10] Mr Witness, we are happy to see you

11 again. The connection was interrupted again. So this happens and we again thank

12 you for your patience. It might very well be that in the next days these

13 things -- these things might happen again, so we have to be patient. And it's of

14 course not your fault. It's the fault of the technical problems that we have. You are

15 sitting so far away from this court that it is a small wonder that we have any

16 connection at all. So we have to be really modest and patient.

17 Mr Vanderpuye, please continue with your examination.

18 MR VANDERPUYE: [12:29:55] Thank you very much, Mr President.

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 A. [12:30:43] Correct.

24 (Redacted)

25 (Redacted)

Trial Hearing

(Private Session)

ICC-01/14-01/18

WITNESS: CAR-OTP-P-1521

1 A. [12:31:05] That is correct.

2 (Redacted)

3 All right. I'd like to ask -- I'd like to ask you about your interview with the Office of
4 the Prosecutor in (Redacted) 2017. You remember that?

5 A. [12:31:55] Yes, I do remember.

6 Q. [12:31:57] And that took place in Bangui in the latter part of (Redacted) 2017?

7 A. [12:32:13] Yes.

8 Q. [12:32:18] And you know that the purpose of the interview was to obtain
9 information from you regarding the crisis in 2012 through 2014 mainly?

10 A. [12:32:45] Yes, I knew that.

11 Q. [12:32:50] Did you understand that the purpose of it was to obtain information
12 from you that you may have -- you may have acquired in that period regarding the
13 Anti-Balaka but also the Seleka?

14 A. [12:33:17] Yes, I understood that.

15 Q. [12:33:23] And you understood that the investigators with whom you spoke
16 were interested in information regarding your position and association with the
17 Anti-Balaka, as well as the activities of the group and other people within it?

18 A. [12:34:00] Yes. The interviewees gave me to understand that, yes.

19 Q. [12:34:09] And you provided them information concerning the structure of the
20 group, the coordination of the group, the national coordination, and information
21 concerning the acts of certain members of the group in response; is that right?

22 A. [12:34:40] That's right.

23 Q. [12:34:46] When you were interviewed in (Redacted) 2017, were you informed
24 that it was important for you to tell the truth?

25 A. [12:35:05] Yes, I was told that. I was told because the team that saw me made

Trial Hearing

(Private Session)

ICC-01/14-01/18

WITNESS: CAR-OTP-P-1521

1 me understand and they wanted to know what I experienced and what I had heard as
2 a Central African individual and also the way in which I belonged to that Anti-Balaka
3 group.

4 Q. [12:35:33] Were you also told that you were expected to answer the questions
5 that were put to you as completely as you could?

6 A. [12:35:51] Yes, I was told that.

7 Q. [12:35:55] And that's what you did?

8 A. [12:36:02] Yes, that is what I tried to do.

9 Q. [12:36:10] Let me just ask a few questions about your meeting with the
10 representatives of the Office of the Prosecutor in (Redacted) 2019.

11 Do you remember meeting with the OTP or Prosecution investigators at that time?

12 A. [12:36:38] Yes, I do remember.

13 Q. [12:36:45] That was on (Redacted) 2019. And as I understand it, the
14 interview that you started was not completed; is that your recollection?

15 A. [12:37:06] Yes, that's correct.

16 Q. [12:37:10] To the extent that it did start, did it cover some of the same events and
17 occurrences and the crisis concerning the Anti-Balaka, and in the provinces and in
18 Bangui, to your recollection?

19 A. [12:37:51] Yes. Could you please repeat the question.

20 Q. [12:38:01] Did the subject matter of the interview that you started in April cover
21 the events and activities of the Anti-Balaka in the provinces and in Bangui, to your
22 recollection?

23 A. [12:38:24] Yes, indeed. That is what happened.

24 Q. [12:38:33] And do you recall giving information concerning Anti-Balaka
25 ComZones and the events in the provinces concerning Carnot, Berberati, Bossangoa,

Trial Hearing

(Private Session)

ICC-01/14-01/18

WITNESS: CAR-OTP-P-1521

1 Yaloke?

2 A. [12:38:59] Yes, I do remember.

3 Q. [12:39:08] Was your understanding the same, that is - as it was your 2017
4 interview - that is to be truthful in your answers and to give complete answers?

5 A. [12:39:29] Yes, that's it.

6 Q. [12:39:34] Do I understand correctly that the interview was interrupted or
7 stopped because of matters concerning your schedule and work?

8 A. [12:39:59] For 2019 or are you talking about 2017?

9 Q. [12:40:07] For 2019, (Redacted)

10 A. [12:40:18] Yes. We met and the team told me that if possible they could return,
11 but they didn't return. I had work, but that didn't prevent me. It's the team told me
12 that they would come back, but they didn't return.

13 Q. [12:40:46] Thank you for that clarification.

14 Do you remember if in 2019 you had an opportunity to review and to correct the
15 statement that you gave in 2017?

16 A. [12:41:14] Yes. There were certain points which I did correct. I think there
17 were some points which I did correct at that stage.

18 Q. [12:41:36] Yes, I'll come to that in just a second.

19 From what I understand, the corrections you made in 2019 concerned your reference
20 to the word "*exaction*", which was indicated in the statement as the word "crimes" or
21 "*crime*", and that's what you wanted to correct. Is that one of the corrections that you
22 made back in 2019?

23 A. [12:42:25] Yes, indeed. Yes, because during my testimony in the 72 hours
24 which I was given, I looked at that. But in the translation they talked about crimes
25 and I think that was a problem. And also facts that didn't correspond to the

Trial Hearing

(Private Session)

ICC-01/14-01/18

WITNESS: CAR-OTP-P-1521

1 chronology and that's what I had to point out.

2 And also in 2019, I noted some things. I don't remember exactly, but if you ask me
3 particular questions, it might refresh my memory and I can give you an answer based
4 on that.

5 Q. [12:43:29] Okay. From what I understand, you indicated in 2019 that the
6 distinction between *exaction* and *crime* was that *exaction* related to things like vehicle
7 theft, tortures, pillaging and acts like that, whereas *crime*, to you, meant actual killings
8 and these types of atrocities. Is that -- does that accord with your recollection?

9 A. [12:44:21] Yes, that is correct.

10 Q. [12:44:34] And in addition to that, you made another correction in reference to
11 the location the Bas-Oubangui hill, which you indicated should be corrected to reflect
12 Gbazabangui hill. And at that time those were the only two corrections that you
13 made?

14 A. [12:45:14] That's correct.

15 Q. [12:45:19] Do you remember that?

16 A. [12:45:24] Yes, I do remember. And I'd like to add that there were some facts
17 which are not described as *regards the chronology. And if I'm not mistaken,
18 paragraph 80 or something I made a statement, the other Anti-Balaka wing, it's the
19 other coordination is prevented President Bozize from returning to the country, to
20 return to power. I also noted that.

21 Q. [12:46:24] I'm going to ask you some questions about some recent corrections
22 that you made to that same statement. But before I do, let me just -- let me just show
23 you what I'm referring to just now. And that's at tab 35, CAR-OTP-2127-6169.
24 Now, this is written in English, so that's a little unfair. But I just want to show you
25 what I'm referring to at least.

Trial Hearing

(Private Session)

ICC-01/14-01/18

WITNESS: CAR-OTP-P-1521

1 Those are notes that were taken by the investigators who met with you. And if we
2 go to the -- if we go to the bottom of the page, paragraph 1, at the -- all the way down,
3 you can see what is reflected here is the investigators' notes as concerns the re-reading
4 of your (Redacted) statement. It notes, as you said, a correction that should be made
5 in paragraph 43, the bottom of this page.

6 And if we go to the next page, at paragraphs 3 and 4 of this document you will see
7 that it refers to the correction to paragraph 20, as you've indicated, concerning the
8 distinction between the word "*crime*" and "*exaction*".

9 Then you will see at paragraph 4 an indication that you had no further corrections at
10 that time.

11 But you did have some corrections to make more recently when you looked at your
12 (Redacted) 2017 statement, which we have received in court. And I want to ask you
13 about those.

14 PRESIDING JUDGE SCHMITT: [12:49:53] Do you see a possibility to address
15 matters in public session? It might be difficult.

16 MR VANDERPUYE: [12:49:58] Just one second. Let me just look really quickly.

17 PRESIDING JUDGE SCHMITT: [12:50:02] Okay. Good. Take your time.

18 MR VANDERPUYE: [12:50:07] Not for -- not for several pages, unfortunately.

19 PRESIDING JUDGE SCHMITT: [12:50:12] Okay. Then perhaps before the lunch
20 break we won't have any public session. But that doesn't matter, I understand. I
21 understand.

22 MR VANDERPUYE: [12:50:23] Thank you, Mr President.

23 PRESIDING JUDGE SCHMITT: [12:50:25] Please continue.

24 MR VANDERPUYE: [12:50:27]

25 Q. [12:50:29] What I wanted to ask you about were the corrections that you made

Trial Hearing

(Private Session)

ICC-01/14-01/18

WITNESS: CAR-OTP-P-1521

1 recently to the statement that you gave in (Redacted) 2017. And as we have the

2 document already, I just want to confirm what you have indicated.

3 The first is that you noted in a general way that certain facts happened before the

4 forum of Brazzaville. That is indicated in the text of your statement, which is

5 described as after the forum. That's one.

6 You also noted that you used the word "*exaction*", but what's indicated in the text is

7 the word "*crime*", as we've just discussed.

8 And then you made corrections regarding several paragraphs. One you just referred

9 to as the term *empêchait Bozizé de revenir au pays et non au pouvoir* (Speaks English) at

10 paragraph 104.

11 At paragraph 98, you indicate *au lieu de novembre 2013*, should be read, *novembre 2014*.

12 (Speaks English) At paragraph 82, you say: (Interpretation) I said that the ComZones

13 (Overlapping speakers) (Speaks English) and then there's a word I cannot read, *dans*

14 *leurs localités respectives*.

15 (Speaks English) At paragraph 81, you say: (Interpretation) "The coordination was

16 set up after the Brazzaville forum."

17 (Speaks English) At paragraph 80, you say: (Interpretation) "The chief of staff

18 existed before the implementation or the installation or the setting up of the

19 coordination and in (Overlapping speakers)

20 (Speaks English) At paragraph 68, you say: (Interpretation) "Ngaïssona arrived in

21 January, but not on the 14th."

22 (Speaks English) At paragraph 65, you say: (Interpretation) "The ComZones,

23 generally speaking, used motorbikes" (Overlapping speakers) (Speaks English) and

24 then there's another word that -- (Interpretation) "and my vehicle."

25 (Speaks English) At paragraph 40, you say: (Interpretation) "The Boeing group was

Trial Hearing

(Private Session)

ICC-01/14-01/18

WITNESS: CAR-OTP-P-1521

1 not made up with those coming from Gobere.

2 (Speaks English) And then paragraph 24, the reference: (Interpretation) "Instead of

3 (Redacted) and me, it should be (Redacted) alone."

4 (Speaks English) I think that's all we have.

5 Have I missed anything?

6 A. [12:54:25] Yes. Thank you. I think that is the corrections which I provided on

7 those points during my statement.

8 Q. [12:54:37] Thank you very much for that clarification.

9 I just have a few questions I'd like to ask you about your statements. I think they're
10 quite straightforward.

11 The first thing is taking into account the corrections that you recently made and
12 which I've just referred to as regards your (Redacted) -- 2017 (Redacted) statement, does
13 it otherwise accurately reflect what you said in your interview?

14 A. [12:55:36] Yes, that reflects. But there is one point, when you talk about
15 commanders of the zones that go to the province where there was exactions in some
16 localities. *I have just remembered that in the text I said that after 2005, there were
17 also ComZone commanders who came from the provinces. And *after the
18 5 December 2013, they left. Each time they came and went.

19 In the document I have the impression that it is drafted that it is the coordination and
20 that *sent them, that was sending them to support the commanders in the provinces.

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 But the commanders of the zones often came and went as they wished and that is
25 what I was trying to explain.

Trial Hearing

(Private Session)

ICC-01/14-01/18

WITNESS: CAR-OTP-P-1521

1 Q. [12:57:06] Okay. Thank you for that. There is one small thing in your -- in the
2 transcript of what you said, which I just want to clarify.

3 There's a reference here to your saying that after 2005, there were ComZones who
4 came from the provinces. I think you meant to say after 5 December 2013, but just
5 let us know if that's -- if that's correct. And not 2005, in other words.

6 A. [12:57:44] Sorry, I wanted to talk about 5 December 2013.

7 Q. [12:57:56] All right. Thank you for clarifying that and your explanation
8 concerning the ComZones.

9 Subject to that, do you stand by what you said in your statement in 2017 as truthful
10 and accurate?

11 A. [12:58:27] Yes, indeed. That is what I said.

12 Q. [12:58:34] Now if it came to it, would you have any objection to the Chamber
13 receiving or considering your statement as evidence in this case?

14 PRESIDING JUDGE SCHMITT: [12:58:55] Mr Knoops.

15 MR KNOOPS: [12:58:55] Mr President, as far as we are informed, there is no 68(3)
16 application in this case.

17 PRESIDING JUDGE SCHMITT: [12:59:04] Actually, you have no other information
18 than I have.

19 MR KNOOPS: [12:59:08] So I wondered the last 20 minutes why the Prosecution is
20 going into statements which are not yet or not at all in evidence because there is no
21 application made. But I waited to see what was the purpose of this exercise, but I
22 mean now if the Court confirms, then I think all these questions about the statement
23 are not relevant for today because it's a live -- a live witness.

24 PRESIDING JUDGE SCHMITT: [12:59:43] So it might make sense -- or it makes
25 sense for the Prosecution to ask these questions -- might make sense is better, even if

Trial Hearing

(Private Session)

ICC-01/14-01/18

WITNESS: CAR-OTP-P-1521

1 it is not a Rule 68(3) witness because if there are deviations later on in the live
2 testimony, the Prosecution could say -- or later on, a Defence witness -- at a later stage
3 could say: Okay, but you said at the time and you have already confirmed today.
4 So because of that, we don't interrupt these things.

5 But Mr Vanderpuye, indeed this is not a Rule 68(3) witness.

6 MR VANDERPUYE: [13:00:27] I'm well aware of that -- as the Chamber well knows,
7 I'm well aware of that, and I think Mr Knoops is also well aware of that.

8 PRESIDING JUDGE SCHMITT: [13:00:34] Then I think -- yeah, but then I think you
9 have -- I think we should not ask the questions at least with regard to the
10 preconditions of Rule 68(3) because we can't establish them.

11 The witness has clearly stated that he stands by his -- with the corrections you have
12 discussed with him, that he stands by what he said in 2017. And let me put it this
13 way: For your purposes, for your potential purposes, this is enough, I would say at
14 that stage. And we have a live witness, and you are fully aware that you have to
15 elaborate the information that you think you need from the witness here in the
16 courtroom in the coming days.

17 MR VANDERPUYE: [13:01:21] Mr President, it's clear to me. I am proceeding in
18 this manner in respect of the decision in the Bemba et al appeals judgment, footnote
19 693, if I'm not mistaken. So there is at least a forensic purpose for the questions, but
20 I can keep it to a minimum. There's only a couple more questions I have on -- aside
21 from the 68(3) issue, which respects -- which concerns the voluntariness of the
22 statement as given then, and then I'm done with this area.

23 PRESIDING JUDGE SCHMITT: [13:01:57] Okay. Then I don't have a problem with
24 you asking him, for example, if this was voluntarily given. Actually, if we look at
25 the answers of the witness and how he comports and how he's forthcoming at the

Trial Hearing

(Private Session)

ICC-01/14-01/18

WITNESS: CAR-OTP-P-1521

- 1 moment, you might ask it, but I think we could have already concluded from this
- 2 behaviour that there was no compulsory action by the Prosecution.
- 3 But if you want, and then -- you may ask this question and then we go into the break.
- 4 MR VANDERPUYE: [13:02:31] Oh, I see, yeah, it is 1 o'clock. I'm sorry about that.
- 5 All right, let me just ask this one question.
- 6 PRESIDING JUDGE SCHMITT: [13:02:38] Yes, yes, no problem.
- 7 MR VANDERPUYE: [13:02:40]
- 8 Q. [13:02:40] Mr Witness, I just want to confirm that you were not given any
- 9 assurances or promises in exchange for information by the Office of the Prosecutor
- 10 and that no one forced you or pressured you to be interviewed by the Office of the
- 11 Prosecutor either in 2017 or 2019. Can you confirm that your interview was
- 12 voluntary in that respect, as is your testimony here today?
- 13 A. [13:03:31] I can confirm that. No one forced me. I made this statement
- 14 voluntarily and if today I make some changes, it's because I noted that -- some things
- 15 which I didn't say or were added or it was poorly translated.
- 16 But no one forced me. I didn't receive any instructions at all. I am giving this
- 17 statement voluntarily.
- 18 MR VANDERPUYE: [13:04:03] All right.
- 19 Thank you, Mr President.
- 20 PRESIDING JUDGE SCHMITT: [13:04:04] Thank you. I think that's then time to
- 21 have the lunch break. I would like to thank Mr Vanderpuye. You were not too fast.
- 22 Only one time, so that's very, very good, I have to say. Very good start. I would
- 23 like to thank the interpreters because it's -- the sound quality is not good, but I think if
- 24 we try this way, we can perhaps manage to continue. And also we have these
- 25 obstacles, but we can overcome them I think this way.

Trial Hearing

(Open Session)

ICC-01/14-01/18

WITNESS: CAR-OTP-P-1521

1 We have now a break until 2.30.

2 THE COURT USHER: [13:04:45] All rise.

3 (Recess taken at 1.04 p.m.)

4 (Upon resuming in open session at 2.34 p.m.)

5 THE COURT USHER: [14:34:30] All rise.

6 Please be seated.

7 PRESIDING JUDGE SCHMITT: [14:34:54] Good afternoon. I think we are in
8 private session.

9 Then Mr Vanderpuye, you may continue.

10 MR VANDERPUYE: [14:35:04] Mr President, we're in open session, as I understand
11 it.

12 PRESIDING JUDGE SCHMITT: [14:34:07] Open session?

13 MR VANDERPUYE: [14:35:08] And also, Mr Knoops is on his feet.

14 PRESIDING JUDGE SCHMITT: [14:35:12] Mr Knoops.

15 MR KNOOPS: [14:35:13] Mr President, in light of your instructions of this morning,
16 we would like to point out that there is a prominent translation error made in the
17 French transcript on page 22, line 5. It's mentions "*commissaire Ngaïssona*". It's not
18 appearing in the English transcript, by the way. And in our submission, this was not
19 said by the witness.

20 PRESIDING JUDGE SCHMITT: [14:35:42] And what was the question to the witness
21 at the time? Do you -- can you help us with that, Mr Knoops?

22 MR KNOOPS: [14:35:48] Yes. At what time he stayed with the Anti-Balaka. Line
23 22 -- page 22, sorry, line 5.

24 PRESIDING JUDGE SCHMITT: [14:36:00] Since we have the witness at the
25 video-link location, we can ask him if he said that Mr Ngaïssona, if he said he is the

Trial Hearing

(Private Session)

ICC-01/14-01/18

WITNESS: CAR-OTP-P-1521

1 *commissaire*. Perhaps I can ask him.

2 Mr Witness, there appears in the French transcript of this morning that you gave

3 Mr Ngaïssona the title "*commissaire*". Is this correct, or is this a wrong translation of

4 what you said?

5 THE WITNESS: [14:36:42](Interpretation) Thank you, Mr President. Ngaïssona is

6 not a commissioner. (Redacted)

7 (Redacted)

8 (Redacted). That's what I said.

9 PRESIDING JUDGE SCHMITT: [14:37:06] Thank you for that clarification.

10 Do you want to continue in open session or in private session?

11 MR VANDERPUYE: [14:37:13] I -- I had intended to go into private session. I just

12 have one small thing that I wanted to advise the witness of before I do that, but I can

13 do it either. So whatever -- whatever is --

14 PRESIDING JUDGE SCHMITT: [14:37:32] Then we can do that in private session.

15 Then perhaps we go to private session.

16 *(Private session at 2.37 p.m.) (Reclassified partially in public)

17 THE COURT OFFICER: [14:37:42] We are in private session, Mr President.

18 MR VANDERPUYE: [14:37:56] Thank you.

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-1521

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 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 THE INTERPRETER: [14:42:21] The interpreters didn't get a part of the witness's

23 answer.

24 MR VANDERPUYE:

25 Q. [14:42:28] And how would you describe the *quartier*? Is this a -- is this a *quartier*

Trial Hearing

(Private Session)

ICC-01/14-01/18

WITNESS: CAR-OTP-P-1521

1 that is primarily Christian or Muslim or Gbaya? Can you tell the Chamber.

2 A. [14:42:46] Yes. Boy-Rabe was made up of all types of communities: Muslims,
3 Christians, Gbayas, Mandja, Babanya -- Banda, and so on and so forth. The
4 inhabitants of that neighbourhood were somewhat mixed.

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 Q. [14:43:41] Do you know if Boy-Rabe was known as an area that supported the
10 former president, General Bozize, during that period?

11 A. [14:44:07] Well, not only during that period. Even before the crisis, Boy-Rabe
12 was a stronghold of former President Bozize, and the inhabitants voted for him
13 massively. That's how it was.

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 A. [14:45:26] Yes. I knew him because he was the former president of the Central
21 African Football Federation. He was also the former minister of youth and sports.
22 But he is most known by the youth because he was active with the youth. We used
23 to play football in the neighbourhoods and sometimes we will organise
24 championships and he would assist and help the youth. He was very, very active,
25 and -- so that's how I got to know him.

Trial Hearing

(Private Session)

ICC-01/14-01/18

WITNESS: CAR-OTP-P-1521

1 Q. [14:46:11] Was he known in the area and even beyond that as a successful
2 business person?

3 A. [14:46:28] Yes. Yes, indeed. Many people knew him, not only in Boy-Rabe. I
4 believe he was known throughout Bangui because he used to organise football
5 championships in the various arrondissements. And then from time to time he
6 supported artists who sang his honours, sang his name. And so he was known all
7 over the place.

8 Q. [14:47:01] You mentioned a bit earlier, just a moment ago, a bit about the
9 composition, the demographic composition of that district, Boy-Rabe. And before
10 the conflict, you said there were different ethnicities there, Mandja, Gbaya, others, as
11 well as Christians and Muslims there.
12 After the conflict -- or, rather, after 2014, what did the composition of Boy-Rabe look
13 like?

14 A. [14:47:56] I'm sorry, I did not understand your question. Are you referring to
15 the period after 2013? Or would you please kindly repeat the question.

16 Q. [14:48:06] Yes. After 2013, let's say after 5 December 2013, what did the
17 composition of Boy-Rabe look like? Was it the same as it was before?

18 A. [14:48:29] No. Some changes happened. Some persons left the
19 neighbourhood because of the conflict.

20 Q. [14:48:43] Okay. In 2014, (Redacted) was there a Muslim
21 community still there?

22 A. [14:49:08] There was a Muslim community there and I knew some of them who
23 continue to live there. They did not move during the conflict and are still there to
24 this day. Yes. Yes. So what I was saying -- can you hear me? Can you hear me?

25 PRESIDING JUDGE SCHMITT: [14:49:30] Yes, we hear you very well.

Trial Hearing

(Private Session)

ICC-01/14-01/18

WITNESS: CAR-OTP-P-1521

1 THE WITNESS: [14:49:38](Interpretation) Okay. So what I was saying is that some
2 people remained, while others left the neighbourhood because of the conflict. There
3 are also some Muslims who remained in the neighbourhood and are still there to this
4 day.

5 MR VANDERPUYE: [14:50:02]

6 Q. [14:50:03] Was it the same number of Muslims that were living in the area before
7 the conflict or fewer?

8 A. [14:50:21] Fewer. Fewer. Actually, many, many Muslims left the
9 neighbourhood.

10 (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

(Private Session)

ICC-01/14-01/18

WITNESS: CAR-OTP-P-1521

1 Can you hear me? Do you hear me?

2 PRESIDING JUDGE SCHMITT: [14:52:44] Yes, very well at the moment. I think it

3 has improved, so we are -- we are happy with that, with the connection. It's good.

4 We understand you very well, Mr Witness. Thank you.

5 Mr Vanderpuye, please continue.

6 MR VANDERPUYE: [14:53:03] Okay.

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (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 PRESIDING JUDGE SCHMITT: [14:55:51] Well, a remark by me, perhaps, in that

24 regard. General information about the Seleka and what they did, we heard quite a

25 lot, so I don't think we should entertain or should make too many efforts to establish

Trial Hearing

(Private Session)

ICC-01/14-01/18

WITNESS: CAR-OTP-P-1521

1 that. I take it from what the witness might have said before that he has specific
2 experiences. We -- perhaps I would ask him about that. And that of course could
3 be identifying potentially. So we have to be aware of that.
4 For example, there it seems to be that relatives of the witness have been killed, so this
5 would have to be elicited in private session.

6 And the general information, really I think we -- also for the Defence with further
7 witnesses, we had a lot of -- we know that the Seleka advanced, and so on and so
8 forth, and that perhaps some people went into hiding. So I simply, simply want to
9 flag that I think the Chamber does not want to hear then the tenth or twentieth
10 witness saying the same. This is -- this does not refer, to be very clear, to specificities
11 that the witness might -- might have. But the general information, we have already
12 I think quite enough.

13 We go then to public session, with that remark.

14 MR VANDERPUYE: [14:57:24] Mr President, maybe then I should just elicit, at least
15 the small section that he talks about, in terms of his motivation to join the Anti-Balaka.
16 I can get to that after -- I can get to that after in private session (Overlapping speakers)

17 PRESIDING JUDGE SCHMITT: [14:57:39] Yeah. If you -- if you think -- I only
18 wanted to say that you can keep it, the general information, very short. Or even
19 with other witnesses, simply skip it. But he seems to be really some -- some personal,
20 let's say, suffering, yeah, in a general way. And I think that that, also from the victim
21 perspective, that that makes sense to elicit it. Yeah. Okay.

22 MR VANDERPUYE: [14:58:09](Overlapping speakers) Thank you, Mr President.
23 I'll try to keep it really short.

24 PRESIDING JUDGE SCHMITT: [14:58:13] Yeah, we go to open session.

25 (Open session at 2.58 p.m.)

Trial Hearing
WITNESS: CAR-OTP-P-1521

(Open Session)

ICC-01/14-01/18

1 THE COURT OFFICER: [14:58:18] We're back in open session, Mr President.

2 MR VANDERPUYE: [14:58:26]

3 Q. [14:58:27] Okay, I wanted to ask you about when it is that you first became
4 aware of the Seleka advance towards the capital in 2012. Can you just briefly tell the
5 Chamber when it is you first became aware of this.

6 A. [14:59:05] Okay. I became aware of the progression of the Seleka, as did others,
7 in December 2012, that would be 10 December 2012.

8 Q. [14:59:32] What did you understand the Seleka to be at that time?

9 A. [14:59:41] The represented group of rebels, they were people from the north
10 who had got together and there were different factions of the rebellion who got
11 together within Seleka. We know that for -- we've known that for a long time, their
12 region -- and they got together a number of factions feeling that they weren't well
13 represented in the Central African administration. So they then began in the north,
14 northeast. And Seleka in Sango is alliance, alliance of a number of factions. And
15 then they moved from that area to Bangui.

16 Q. [15:00:50] All right. You said that -- wait just a second. I'm sorry. Okay.
17 I was just checking the transcript to see if it reflected what you said. I think you said
18 at the very end of your sentence that that's what you knew in 2012; is that right?

19 A. [15:01:32] Yes.

20 Q. [15:01:33] In December 2012 did you hear about or do you know what the
21 reaction of the government was with respect to the Seleka advance?

22 A. [15:02:08] The reaction of the government at the time, well, the government tried
23 to make contact with the leaders of Seleka, which didn't work. And after that, there
24 were the IPG (sic) in Gabon -- and they were at Libreville for a sitting. And after that
25 it seems that things had returned to normal. They came back, the -- parts of the

Trial Hearing

(Open Session)

ICC-01/14-01/18

WITNESS: CAR-OTP-P-1521

1 elements, the leaders of the Seleka were integrated in the government, but I don't
2 know exactly what happened there. They closed the government -- the door to the
3 government to come on to Bangui. But I was a student at the time and I wasn't really
4 busying myself with that sort of thing. That these was -- this was the information
5 I had, which was available to anyone in Central Africa.

6 PRESIDING JUDGE SCHMITT: [15:03:32] I think you can continue, Mr Vanderpuye.

7 MR VANDERPUYE: [15:03:36] Thank you, Mr President.

8 Q. [15:03:39] Where you were at the time in December 2012, did you become aware
9 of youth groups that were setting up checkpoints and making patrols?

10 A. [15:04:13] Where, in Bangui?

11 Q. [15:04:19] Yes, at Bangui.

12 A. [15:04:27] No. No, I have no information about that.

13 Q. [15:04:35] Did you ever hear of a group called COAC, COAC, *Coalition pour les*
14 *Actions Citoyennes*?

15 A. [15:05:04] No, I'm not aware of that. But if I do know about a group, then I
16 know something about COCORA. But I was still at university and I wasn't really
17 busy with that sort of thing. But I have heard of COCORA.

18 Q. [15:05:35] With respect to COCORA, our information is that it's called *Coalition*
19 *Citoyenne d'Opposition aux Rébellions Armées*.

20 What did you hear about COCORA?

21 A. [15:06:14] I don't know the exact terminology. I'm listening, but it was not
22 public. There were public manifestations which I didn't see, but I haven't heard
23 about this type of -- yes, I heard about these, but I didn't see them, these public
24 manifestations.

25 Q. [15:06:48] Did you hear anything about COCORA conducting patrols or

Trial Hearing

(Open Session)

ICC-01/14-01/18

WITNESS: CAR-OTP-P-1521

1 manning checkpoints in and around Bangui at the end of 2012 or into 2013?

2 A. [15:07:26] When -- I didn't hear that, but there were security elements who were
3 intensifying the patrols with the security forces, but not civilians, no. I didn't see
4 that.

5 Q. [15:07:47] I have two questions in relation to this. One is: Have you heard of
6 a person by the name of Steve Mike Yambete?

7 A. [15:08:13] Yes, indeed. He was in the presidential guard at the time.

8 Q. [15:08:22] (Overlapping speakers) he was active?

9 Sorry, I'll repeat it.

10 Do you know if he was active during that period at the end of 2012 in respect of the
11 youth?

12 A. [15:08:45] Because I don't know him personally -- sorry, could you repeat your
13 question, please. I don't think I understood fully the last part of your question.

14 Q. [15:09:04] Yes. My question is if you know or heard if Steve Yambete was
15 active at the end of 2012 and beginning of 2013 with the youth.

16 A. [15:09:33] Well, tell you the truth, I don't know, but I heard about this man who
17 was part of the security elements of former President Bozize. I don't know him
18 personally, but I have heard of him. I couldn't say exactly what he was doing at that
19 time.

20 Q. [15:09:57] Did you hear if he was the *chargé de mission* in the ministry of the
21 youth?

22 A. [15:10:18] He was appointed *chargé de mission* within the ministry of youth.

23 Q. [15:10:30] In that period and in particular on 27 December 2012, were you made
24 aware of a speech that President Bozize gave at PK0?

25 A. [15:10:59] Yes, indeed. President Bozize gave a speech at PK0. I think it was

Trial Hearing
WITNESS: CAR-OTP-P-1521

(Open Session)

ICC-01/14-01/18

1 just before the talks in Libreville. And I am aware of that.

2 Q. [15:11:21] All right. And what do you remember about that speech?

3 A. [15:11:38] Well, there were -- young people had marched, population near
4 Bangui, the population came out and demonstrated and they went to PK0. And they
5 invited Bozize. He came, he gave the speech. I think it was just before he went to
6 Libreville to talk to the Seleka.

7 Q. [15:12:19] Do you remember anything in particular about what he said?

8 A. [15:12:34] I believe he asked the young people to be vigilant because people had
9 come into the city so they -- he asked the youth to be vigilant and to keep a watch on
10 things in the various neighbourhoods and in the areas where they lived. And that's
11 what I can recall. Some people who put that as their ring tones, and so it was going
12 through the whole city, and I heard that he said to the young people to be vigilant in
13 the areas where they lived.

14 Q. [15:13:28] To your knowledge, what people was General Bozize referring to?

15 PRESIDING JUDGE SCHMITT: [15:13:38] Could we elicit that in open session?

16 Are we in open session?

17 We are. My mistake then, forget it. Continue.

18 MR VANDERPUYE: [15:14:03]

19 Q. [15:14:07] Yes, to your knowledge, what people was General Bozize referring to
20 to be vigilant of or about?

21 A. [15:14:32] I think that this is a message he put out to the population because
22 people were talking in the areas about Seleka who had infiltrated into the town. I
23 didn't see them, but other people did. I think it was in relation to that that he was
24 putting this message over. That's what I think.

25 Q. [15:15:08] Do you know somebody by the name of Levy Yakete?

Trial Hearing

(Open Session)

ICC-01/14-01/18

WITNESS: CAR-OTP-P-1521

1 A. [15:15:24] Yes, I know him. I don't know him personally, but he was an adviser
2 within the presidency. I think he was in charge of the youth too, something like that.

3 Q. [15:15:44] Do you know if he spoke at that same rally at PK0 on
4 27 December 2012?

5 A. [15:16:02] Yes, he made speeches. I didn't hear his speeches, but I know he
6 spoke on that day.

7 Q. [15:16:19] Even if you didn't hear the speech, did you learn what the speech was
8 about or what he said?

9 A. [15:16:39] I know that he spoke that day because I didn't listen. I wasn't at PK0
10 that day. I was home. I was following the information that was on the radio where
11 they were broadcasting the speeches.

12 Q. [15:17:03] I'll try a different way. I'm not sure if maybe my question was not
13 clear. But what I want to know is that even if you didn't personally hear what he
14 said, if you know from other sources what he said. But if not, then not.

15 A. [15:17:35] Well, this question, I know that he was talking about COCORA, that
16 he was directing that. But as to that day and that speech, I didn't hear it and I'm not
17 au fait with it.

18 Q. [15:17:59] I'd like to ask you some questions about the Seleka's approach to
19 Bangui after Libreville.

20 Can you tell us what you know or heard about the Seleka attacks in the approach to
21 Bangui in that period of time?

22 A. [15:18:49] Well, in a general way, as a new recruit in the army, we get
23 information. The Seleka were advancing, there wasn't resistance. And the FACA
24 who were at the front were withdrawing. There wasn't any resistance. There
25 was -- from the Bambari, there were also -- there was also intense fighting at Bambari,

Trial Hearing

(Open Session)

ICC-01/14-01/18

WITNESS: CAR-OTP-P-1521

1 and after Bambari again in Sibut. And after Sibut, in order to get into Bangui, the
2 Seleka got blocked at Damara where there was a red line established by the FOMAC.
3 In other words, the international force. So there was this red line and I believe that
4 Seleka spent a couple of weeks or so on the red line at Damara.

5 And then they called on their -- others, and there was Djotodia and there was a call to
6 negotiate and they went back to Bambari. This involved Nicolas Tiangaye and
7 Christophe and Djotodia. They were told not to come -- or were stopped from
8 returning to Bangui to come into the seat of the government.

9 And after some time we heard that the Seleka were at PK12, PK13, if I'm remembering
10 this correctly. According to my information, President Bozize went into the field on
11 a Friday, I think, Thursday or Friday or Saturday, if I've got this correct. And after
12 the Sunday, 22 March, the Seleka went back to Bangui. That was 22 March.

13 Q. [15:21:11] With respect to the retreat of the FACA, or their not fighting
14 effectively, do you recall what General Bozize did with respect to General Guillaum
15 Lapo and his son Francis Bozize?

16 A. [15:21:55] I recall when the FACA was withdrawing, President Bozize and
17 took -- issued a decree to -- against his son Francis Bozize, who was minister of
18 defence, and the head of defence Guillaum Lapo. And that was the same
19 decree -- and his protocol director as well. That was all in the same decree and that's
20 what I knew at the time that the Seleka were approaching Bangui.

21 Q. [15:22:42] Okay. Now, when the Seleka entered Bangui, can you tell us what
22 the FACA and *garde présidentielle* did in response?

23 A. [15:23:12] So when the Seleka came back into Bangui, firstly, President Bozize
24 left and the FACA who were in Bangui, they adopted civilian clothing in order to
25 hide and they were hiding in the sites of the displaced people and some had to cross

Trial Hearing

(Open Session)

ICC-01/14-01/18

WITNESS: CAR-OTP-P-1521

1 the river Oubangui and go to Cameroon. And some also went to Cameroon right
2 away. And some also withdrew to the provinces, hiding in the bush. And that's
3 what I know happened. When the Seleka arrived, they started to pursue anyone
4 who was military and the military were obliged to -- to hide and some hid -- some
5 crossed towards Cameroon or Chad and some went into the country and hid in the
6 brush, that's what I heard -- in the bush.

7 Q. [15:24:44] Do you know if during the Seleka advance that -- whether members of
8 the FACA joined them?

9 A. [15:25:08] Yes. Some FACA from the north who came from the areas where the
10 rebellion had started, they went along with the Seleka.

11 Q. [15:25:41] Again, I apologise. I'm going to ask you to -- maybe I'll rephrase the
12 question and then I'll ask you again. But my question is whether or not they, if
13 you're aware, FACA members joined together with the Seleka?

14 A. [15:26:17] Yes, some FACA did join the Seleka.

15 Q. [15:26:25] I think you said before "many", but just to get an idea, how many
16 would you say in your estimation would have joined the Seleka?

17 A. [15:26:51] I can't give you an exact figure because there were Seleka in the north
18 of Bangui and there were some FACA who were leaving, deserting in order to join the
19 Seleka. But in Bangui there were a lot of members of the FACA who joined Seleka.

20 Q. [15:27:18] Okay. Now, you mentioned that a number of FACA president -- and
21 presidential guard fled outside the country. You made a reference to across the river,
22 Oubangui. First, does that refer to Zongo in the DRC?

23 A. [15:28:00] Yes, indeed, that's correct.

24 Q. [15:28:06] All right. You mentioned that several went to Cameroon and in
25 particular I will ask, do you know where in Cameroon they went?

Trial Hearing

(Open Session)

ICC-01/14-01/18

WITNESS: CAR-OTP-P-1521

1 A. [15:28:33] It was the southern border of our country, Garam Boulaye exactly.

2 That's the border between our country and the Republic of Cameroon,

3 Garam Boulaye.

4 Q. [15:28:55] Do you know if they went to other locations such as Yaoundé, Douala,

5 Bertoua?

6 A. [15:29:17] Well, I don't know, but probably because -- because some went to

7 Yaoundé with security, but I know that some went across because there were some in

8 Bossangoa, Bouar, Bozoum and when Seleka took Bangui they stayed there and then

9 crossed into Cameroon.

10 Q. [15:29:55] Okay. I'll come back to that in just a minute. First, I want to ask

11 you some questions regarding -- oh, I see my colleague is on his feet.

12 PRESIDING JUDGE SCHMITT: [15:30:13] Yes. Mr Knoops.

13 MR KNOOPS: [15:30:14] Again, a translation on page -- I'm sorry, Mr Vanderpuye,

14 for the interruption, but if you don't raise it, it's piling, perhaps. Page 56 of the

15 French real-time transcript, line 16, the word *dans l'approuve* has to be translated into

16 *dans la brousse*. Page 56, line 16.

17 PRESIDING JUDGE SCHMITT: [15:30:44] So I think we don't have to verify this

18 with the witness. This is simply a -- yeah, translation issue.

19 MR KNOOPS: [15:30:51] Thank you. Sorry for the interruption.

20 PRESIDING JUDGE SCHMITT: [15:30:55] No, no. We talked about that at the

21 beginning of this session, and what can be done now doesn't have to be done later

22 with much more effort.

23 Mr Vanderpuye.

24 MR VANDERPUYE: [15:31:05] Thank you. Thank you, Mr President.

25 Q. [15:31:11] I wanted to ask you some questions about the FACA and presidential

Trial Hearing

(Open Session)

ICC-01/14-01/18

WITNESS: CAR-OTP-P-1521

1 guard and others who fled to Zongo and the DRC. Do you know or are you able to
2 provide information or names of the people that fled there? If you think that your
3 answer might reveal your identity, let us know. I don't expect it will, but ...

4 A. [15:31:54] I have taken the declaration to speak the truth, and so I will answer all
5 questions that are put to me by the Court.

6 Those who were in Zongo, well, I know those who returned after Zongo to join the
7 Anti-Balaka movement. That is when we met. As for the others, I don't know them.
8 I know Mokom crossed back over. I want to talk about Lieutenant Denamganai who
9 was on the other side as well. And there are many of them. I know a number of
10 them, but some of them I don't know their names. There were a number of them
11 who left Bangui for Zongo. And then when the Anti-Balaka got to Bangui behind
12 the Gbazabangui hill, they crossed over the river and then joined the Anti-Balaka
13 once again.

14 Q. [15:33:01] (Microphone not activated)

15 PRESIDING JUDGE SCHMITT: [15:33:11] Microphone, please.

16 MR VANDERPUYE: [15:33:13] Thank you, Mr President.

17 Q. [15:33:14] When you say that they're numerous, can you approximate or did you
18 hear how many people we're talking about?

19 A. [15:33:37] Those who crossed the river before returning? Can you hear me?

20 Q. [15:33:53] Yes, I hear you. I'm waiting to catch up with the transcript so that
21 we don't over -- we don't overlap.

22 PRESIDING JUDGE SCHMITT: [15:33:59] So I think this was a question by the
23 witness to clarify. I understood it at least this way. If you meant those who crossed
24 the river before returning. So --

25 And I think, Mr Witness, yes, Mr Vanderpuye means those who returned -- who

Trial Hearing

(Open Session)

ICC-01/14-01/18

WITNESS: CAR-OTP-P-1521

1 crossed the river before returning.

2 Please continue.

3 THE WITNESS: [15:34:30](Interpretation) Thank you, Mr President.

4 I think that there were several of them, but I don't have an exact number. But about

5 30 soldiers, if I'm not mistaken. About -- around 30, in number.

6 MR VANDERPUYE:

7 Q. [15:34:48] Okay. And do you know how many non-military people that took

8 flight were there? For example, Maxime Mokom was a police.

9 A. [15:35:18] For the non-military, there were -- there were many of them, 40 to 50

10 or so. There were many civilians who crossed over to Zongo. And then when they

11 left -- when they learnt that the Anti-Balaka had crossed -- had arrived, then some

12 came back early and others later. The civilians crossed back over first and then the

13 soldiers later.

14 You know, it was not easy for the soldiers to come back because the Anti-Balaka were

15 considering them as traitors, as cowards. So it was the civilians who came back first

16 to join the group before some soldiers then joined back progressively.

17 Q. [15:36:08] I'll ask you some names, and you can let us know if you have any

18 information or understood or -- that they were in Zongo or not.

19 You've mentioned Maxime Mokom. You've mentioned Denamganai. Is that -- first

20 of all, is that Abel Denamganai?

21 A. [15:36:53] Denamganai, Abel, yes.

22 Q. [15:37:01] Tribunal, is that Thierry Tribunal?

23 A. [15:37:12] Yes -- no, Thierry Tribunal did not cross over. When the Seleka

24 arrived in Bangui, he stayed back and he worked with the Seleka coalition. But

25 I don't know what happened. There must have been a misunderstanding which led

Trial Hearing
WITNESS: CAR-OTP-P-1521

(Open Session)

ICC-01/14-01/18

1 him to cross over as well.

2 Q. [15:37:37] Emotion Namsio?

3 A. [15:37:43] Yes. He was one of the civilians who crossed over and came back.

4 Q. [15:37:53] Giscard Endjamangoa?

5 A. [15:38:04] Yes. He is a soldier. He was in training, an officer in training. He
6 crossed over and came back, that is true.

7 Q. [15:38:15] Samy Urbain?

8 A. [15:38:24] He was a corporal in the army. Yes, he crossed over and came back.

9 Q. [15:38:30] Judicael Orofei?

10 A. [15:38:39] He too, he is a civilian. He crossed over and then came back.

11 Q. [15:38:46] Claude Ngaikosset.

12 A. [15:38:54] Well, I don't have information about him. He didn't come
13 back or -- or rather, he came back at some point. I think it was during the transition.
14 But he was not with those -- he was not among those who crossed the river to join the
15 Anti-Balaka.

16 Q. [15:39:14] (Overlapping speakers)

17 PRESIDING JUDGE SCHMITT: [15:39:16] Mr Vanderpuye, again, please, there were
18 overlapping speakers. Please.

19 MR VANDERPUYE: [15:39:25] Thank you, Mr President. I'm sorry about that.

20 Q. [15:39:30] Eugene Ngaikosset?

21 A. [15:39:43] Well, Eugene Ngaikosset and Claude Ngaikosset were brothers.
22 When those people crossed the Congo river before returning, at that time they were
23 not part of that group. I heard that they were in prison in Congo Brazzaville, but
24 they came back after. They came back during the transition. That's what I know.

25 Q. [15:40:10] Do you know if Yekatom Rombhot was in Zongo?

Trial Hearing

(Open Session)

ICC-01/14-01/18

WITNESS: CAR-OTP-P-1521

1 A. [15:40:30] Yekatom Rombhot, I am not quite sure because there were some
2 soldiers who also fled the town but remained within the suburbs of Bangui. They
3 were in the suburbs, surrounding villages of Bangui, and they were hiding there.
4 So I don't know whether that's the group to which Yekatom belonged, or whether he
5 went across and then came back after. I'm not sure. I only got to know Yekatom in
6 2014 when the Anti-Balaka from the north and the south came together for
7 discussions. It is at that time that I got to know Yekatom.

8 I -- I'm not sure and I don't have exact information as to whether he crossed the river
9 and then came back, or whether he remained within the suburbs of Bangui. I'm not
10 too sure.

11 Q. [15:41:18] What about the sons of General Bozize: Socrate, Kevin and Francis?

12 A. [15:41:38] Quite honestly, I don't have any information on them. I only have
13 some information on Francis because he was the minister delegate in charge of
14 defence. Apart from him, I don't know the other Defence -- other Bozize's children.
15 I heard about Teddy later on. I only know Francis because he was the minister
16 delegate in charge of defence, and he was known by everybody. As for the others, I
17 really do not know them personally.

18 Q. [15:42:13] Do any of the following names ring a bell to you: Habib Beina,
19 Freddy Ouandjio, Rodrigue Satan? Did you hear any of these names in connection
20 with the people that were in Zongo?

21 A. [15:42:44] Well, no, not in Zongo. Can I -- can I go on? Can I proceed?

22 PRESIDING JUDGE SCHMITT: [15:43:01] Yes, please.

23 THE WITNESS: [15:43:04](Interpretation) Well, Habib, I knew him when -- you see,
24 I was with the Anti-Balaka. Because he was with the Anti-Balaka in the south and
25 we were in the northern neighbourhood, so we met when we came together. But I

Trial Hearing
WITNESS: CAR-OTP-P-1521

(Open Session)

ICC-01/14-01/18

1 do not know whether he went to Zongo and came back. I don't know.

2 As for the other two names, I don't know them. I don't know those persons.

3 MR VANDERPUYE:

4 Q. [15:43:40] In terms of the people that you do know were in Zongo, do you know
5 if they were in contact with people in the provinces, in Cameroon and in Bangui, in
6 relation to organising operations or attacks?

7 A. [15:44:14] Well, when they were still in Zongo, I did not have contact with them.
8 I knew them, but I only knew that they had come back from Zongo when we met in
9 Bangui. They came back individually.

10 It is only during subsequent conversations that they would explain that they had been
11 to Zongo and give explanations as to the circumstances in which they escaped Seleka
12 actions and then crossed over, and that is when I got to know that they had come
13 back from Zongo, as people explained their circumstances. But before that time,
14 I had no idea about these people.

15 You see, at the time we also were making our own individual efforts to join the group
16 by whatever means possible. And so they also made their own efforts to join the
17 group as it was advancing on Bangui. That's what I can say.

18 Q. [15:45:15] Let me ask you about the people that fled to Cameroon. Now,
19 I think you said that you were aware that some went to Garam Boulaye,
20 Garam Boulaye.

21 A. [15:45:51] Yes.

22 Q. [15:45:54] And these are military and presidential guard that went there, or
23 other persons, civilians, for example?

24 A. [15:46:16] To be specific, some civilians also crossed the border as well as
25 soldiers.

Trial Hearing
WITNESS: CAR-OTP-P-1521

(Open Session)

ICC-01/14-01/18

1 A short while ago I said that the soldiers who were on secondment in the provinces,
2 like in Bossangoa and Bouar - Bouar is an important town for the Central African
3 army - all the soldiers who were in those areas, when Seleka captured Bangui, they
4 were forced to cross over to the other side to seek refuge. I know some of them, but
5 others I do not know.

6 So, generally speaking, most of those who were in that area crossed the border.

7 Q. [15:46:58] Did those individuals go to Garam Boulaye, or did they go to other
8 locations such as Bertoua, Yaoundé, Douala?

9 A. [15:47:19] I know that they crossed the border, and each one of them could have
10 settled where they were comfortable. So I don't know whether they went to Bertoua,
11 Yaoundé or Douala. They were moving, and each person was seeking protection
12 wherever they went.

13 What I know is simply that they crossed the border, and that is it.

14 Q. [15:47:51] Do you know someone by the name of Lamkague?

15 A. [15:48:02] Yes, I know him.

16 Q. [15:48:05] Do you know if he went to Cameroon?

17 A. [15:48:16] Well, he -- when the Seleka arrived in Bangui, he stayed on and he
18 even worked with the Seleka. It is only afterwards that he left the city because they
19 had been trying to trap and kill him. He left the city, but I don't know exactly where
20 he went. But I know him.

21 Q. [15:48:42] Do you know someone by the name of Olivier Koudemon or
22 Gbangouma?

23 A. [15:48:59] Yes, I know him.

24 Q. [15:49:02] Do you know if he went to Cameroon?

25 A. [15:49:12] Well, he was in Bossangoa and he left Bossangoa and crossed the

Trial Hearing

(Open Session)

ICC-01/14-01/18

WITNESS: CAR-OTP-P-1521

1 border to Cameroon. So indeed he crossed the border and went to Cameroon.

2 Q. [15:49:32] Okay. I'll ask you about some other names. And maybe you can
3 tell us if you know if they were in Cameroon.

4 The first is Lieutenant Eric Danboy.

5 A. [15:50:04] Eric Danboy, I heard mention of him, but I don't know him in person.

6 In those circumstances I don't know what his position was.

7 Q. [15:50:16] Do you know if he was in Cameroon?

8 A. [15:50:24] I -- I don't know. I did not know.

9 Q. [15:50:31] Vincent Wapounaba?

10 A. [15:50:40] Well, he too I don't know where he was, but I got to know him after.

11 And Wapounaba was talked about during the transition period. I think he was a
12 pilot, the former president's pilot. I did not know him before then.

13 Q. [15:51:08] Colonel Adolphe Dobigue?

14 A. [15:51:16] Well, there again, I only heard talk of this gentleman during the
15 transition. I did not know him before.

16 Q. [15:51:28] Did you learn if he was in Cameroon?

17 A. [15:51:43] Well, I don't know. I don't know where they were.

18 Q. [15:51:45] Achille Godonam?

19 A. [15:51:55] Yes, I know him. He is a civilian. He joined the movement too.

20 But I do not know where he was previously. I only got to know him in the
21 movement. At the time when Djotodia resigned, the transition was already in place
22 when he came, but I don't know where he had been exactly.

23 Q. [15:52:23] Bernard Mokom?

24 A. [15:52:28] He certainly crossed over, because when Seleka entered Bangui, he
25 was *préfet, sous-préfet* in the town, in the town of Garam Boulaye. Garam Boulaye

Trial Hearing
WITNESS: CAR-OTP-P-1521

(Open Session)

ICC-01/14-01/18

1 shares borders with Cameroon, so he certainly crossed over to -- before coming back.

2 And I know him. He is Maxime Mokom's father.

3 Q. [15:52:57] Levy Yakete you already mentioned. Do you know if he was in
4 Cameroon?

5 A. [15:53:09] Levy Yakete, no, I don't think so. I think he was in France and
6 I think he died in France. That's what we heard. I don't know about him in
7 Cameroon. When Seleka came in, I do not know what his position was, but we
8 learned that he was in France and that he died in France in a traffic accident. That's
9 what I learned.

10 Q. [15:53:35] (Overlapping speakers) if Mr Ngaïssona was in Cameroon?

11 A. [15:53:46] Well, what I know about Ngaïssona is that when Seleka entered
12 Bangui he was on mission, he was on mission abroad, but I don't remember where
13 exactly. So he was not able to return to the country. I do not know whether he was
14 in Cameroon or somewhere else. What I know is that he was on mission outside of
15 the country in his capacity as minister of youth and sports at the time when Seleka
16 entered. And he remained there until he returned. But I don't know exactly
17 whether he was in France or in Cameroon. I don't know that with precision.

18 Q. [15:54:22] Okay. Joachim Kokate.

19 A. [15:54:35] Well, Joachim Kokate, I heard mention of him. He was also a
20 minister after the Libreville negotiations. That is what I know. But I did not know
21 him before then. It is during the transitional period that he introduced himself once
22 as a leader of the Anti-Balaka. That's when I got to know him. Before then, I did
23 not know his exact position. What I know is that once he came and introduced
24 himself as a leader of the Anti-Balaka and that he had come to provide guidance for
25 people. But I don't know what his position was before the Anti-Balaka entered on

Trial Hearing

(Open Session)

ICC-01/14-01/18

WITNESS: CAR-OTP-P-1521

1 5 December 2013. I don't know what his exact position was before then.

2 Q. [15:55:25] You never heard that he was in Cameroon then, at any point?

3 A. [15:55:37] No, I did not hear that.

4 Q. [15:55:42] (Overlapping speakers)

5 PRESIDING JUDGE SCHMITT: [15:55:46] Could you repeat please, Mr Vanderpuye.

6 THE WITNESS: [15:55:53](Interpretation) David Gbanga?

7 MR VANDERPUYE: [15:55:55] I see that now. Thank you, Mr President.

8 Q. [15:56:02] Do you know who David Gbanga is?

9 A. [15:56:11] No, I don't know him.

10 Q. [15:56:22] Do you know if or did you hear if there were meetings that were held
11 in Cameroon involving -- involving General Bozize?

12 A. [15:56:43] Well, on that question I do not have information as such. However,
13 what I know is that some soldiers came from the border to fight with the Anti-Balaka
14 in Bouar, alongside with them. Well, it was mostly civilians who were commanding
15 the Anti-Balaka, so they refused. But the -- the soldiers said they had been with
16 them at the borders before coming to Bouar. That's what I know. But whether a
17 meeting was organised in Cameroon, I was not there and so I was already telling you
18 that I was a student and I was not very much in contact with them. So I -- I am not
19 aware of a meeting that may have taken place specifically in Cameroon.

20 Q. [15:57:44] All right. I have two questions for you.

21 First is, when you say that there were civilians commanding the Anti-Balaka, what do
22 you mean by that? Who were the civilians you're referring to?

23 A. [15:58:16] Yes. But you know that most of the Anti-Balaka leaders were victims,
24 they were victims, and it is because they were vulnerable that they set up self-defence
25 groups. And it is only subsequently that the soldiers found that -- that these young

Trial Hearing
WITNESS: CAR-OTP-P-1521

(Open Session)

ICC-01/14-01/18

1 people were resisting the Seleka and doing so quite firmly, and that's how the
2 military began to -- to join them. And so that's why I say that most of the
3 commanders of the Anti-Balaka were civilians.

4 Q. [15:59:08] And from what I can understand of your previous answer, the
5 soldiers were fighting alongside the Anti-Balaka in Bouar?

6 A. [15:59:34] That's not what I said. What I said is that the soldiers who were
7 fighting with the Anti-Balaka, alongside with the Anti-Balaka, were fighting the
8 Seleka. And so when they arrived, some of the Anti-Balakas did not want to accept
9 them because, generally speaking, the Anti-Balaka were saying that it is the soldiers
10 who failed to fight the Seleka and that's why the Seleka entered Bangui. And so the
11 Anti-Balaka did not trust the soldiers and it was not easy for soldiers to join the
12 Anti-Balaka. That is why it took some negotiations for the soldiers to join.
13 So for these soldiers, their explanation was that when they were at the borders, they
14 had meetings to come to Bangui and join them in the fight, in the fighting.
15 Now, that's what I said, but I also said that I don't know anything and I'm not
16 informed about meetings that may have taken place in Cameroon. I don't know if
17 this clarifies the matter.

18 Q. [16:00:53] (Microphone not activated)

19 PRESIDING JUDGE SCHMITT: [16:00:55] Microphone please.

20 MR VANDERPUYE: [16:00:56]

21 Q. [16:00:57] It might be clear. Remember that we're going through interpreters
22 and I'm looking at a transcript, so sometimes what you say doesn't appear on the
23 transcript quite as you say it, or maybe isn't interpreted quite as you say it. So bear
24 with me if I ask you questions that seem repetitive.

25 What I want to ask you, though, is I think more specifically what you heard about any

Trial Hearing
WITNESS: CAR-OTP-P-1521

(Open Session)

ICC-01/14-01/18

1 meetings involving Bozize that might have been held in Cameroon. And I ask you
2 this because there's a reference to it in your statement. Do you remember what you
3 said in your statement?

4 A. [16:01:55] I don't know what I said there. Perhaps you could remind me of
5 what is in my statement because, you know, that's some time ago. So if you could
6 remind me.

7 MR VANDERPUYE: (Overlapping speakers) Okay. Then I think what I'll do is --

8 PRESIDING JUDGE SCHMITT: [16:02:13] Yeah. I think perhaps first ask him the
9 question when -- because you compounded this because you said (Overlapping
10 speakers).

11 MR VANDERPUYE: [16:02:22] All right. Yes, I can do that.

12 PRESIDING JUDGE SCHMITT: [16:02:24] You asked him and then you said him do
13 you remember what you said in your statement. Ask him, and if he says he doesn't
14 remember, then refer to the statement.

15 MR VANDERPUYE: [16:02:33] Okay.

16 Q. [16:02:37] Do you remember saying in your statement that you had heard about
17 meetings with Bozize that were held in Cameroon?

18 A. [16:03:04] I don't really recall. If you could perhaps re-read my statement, that
19 would reassure me.

20 Q. [16:03:16] I have it at tab 17, CAR-OTP-2046 -- 2046-0603. And I have it at
21 paragraph 31.

22 PRESIDING JUDGE SCHMITT: [16:03:55] Which is?

23 MR VANDERPUYE: [16:03:56] Hang on one second. Let me make sure I've got
24 that right.

25 PRESIDING JUDGE SCHMITT: [16:04:02] I don't think so. I think it's a different

Trial Hearing
WITNESS: CAR-OTP-P-1521

(Open Session)

ICC-01/14-01/18

1 reference.

2 I think you mean 26, perhaps?

3 MR VANDERPUYE: [16:04:20] Let me check again.

4 Yes, paragraph 26. Thank you (Overlapping speakers)

5 PRESIDING JUDGE SCHMITT: [16:04:28] 26 and --

6 MR VANDERPUYE: [16:04:28] -- very much, Mr President.

7 PRESIDING JUDGE SCHMITT: [16:04:29] -- that is --

8 MR VANDERPUYE: [16:04:30] Page 0607.

9 PRESIDING JUDGE SCHMITT: [16:04:33] Exactly, yeah.

10 MR VANDERPUYE:

11 Q. [16:04:34] I will read that just very briefly and that may assist you.

12 "Most of Bozize's presidential guard went with him to Cameroon. Mokom went to

13 Zongo instead because the Seleka had cut off the roads and Zongo was the closest

14 place he could flee to. I [...] heard about meetings Bozize held in Cameroon, but

15 I don't know anything more."

16 So my question is: What about those meetings did you hear?

17 PRESIDING JUDGE SCHMITT: [16:05:46] Mr Witness, did you -- did you hear

18 what -- what Mr Prosecutor read to you as your former statement? Did you hear

19 that or do you understand it?

20 THE WITNESS: [16:06:02](Interpretation) Yes.

21 PRESIDING JUDGE SCHMITT: [16:06:12] Actually, the witness has said he heard

22 about meetings but doesn't know anything more.

23 So, okay, you can ask him if he now -- sitting today, do you know more, Mr Witness,

24 about these meetings?

25 Mr Witness, have you heard me or is the connection broken down now at the

Trial Hearing
WITNESS: CAR-OTP-P-1521

(Open Session)

ICC-01/14-01/18

1 moment?

2 THE WITNESS: [16:07:01](Interpretation) I heard you, but I wondered if there was a
3 problem with the connection.

4 But you asked me if I knew about the meetings in Cameroon. I heard -- I said that it
5 was at -- on the border. And it was through military who joined the Anti-Balaka that
6 they said, at the *frontières*. I recall saying that in my statement.

7 So I knew that there was a meeting --

8 Q. (Overlapping speakers)

9 A. [16:07:43] -- but I didn't know what the aim of the meeting was. That was
10 the -- that's what I said during my statement.

11 PRESIDING JUDGE SCHMITT: [16:07:52] Thank you.

12 Mr Vanderpuye now.

13 MR VANDERPUYE: [16:07:58]

14 Q. [16:07:59] You know that there were meetings. You don't know with who.
15 You don't know when. You don't know what about. But you know that they
16 involved Bozize. That's all you know or heard?

17 A. [16:08:36] That's not what I said. I'll say it again.

18 I said I heard talk of these meetings, but I don't know exactly where, but what I
19 learned was that the military at the borders held meetings with the young
20 Anti-Balaka at Bouar. And I heard about meetings in Cameroon, that was right next
21 to CAR in Garam Boulaye and -- but I didn't -- didn't say anything about the presence
22 of Bozize or anything.

23 The aim of the meeting, well, I don't know what that was and that's what I said also in
24 my statement.

25 Q. [16:09:45] Okay. Now I think it's clear. I asked the question because your

Trial Hearing

(Open Session)

ICC-01/14-01/18

WITNESS: CAR-OTP-P-1521

1 statement says specifically about meetings held in Cameroon by Bozize. But if that's
2 not correct, then it's not correct.

3 A. [16:10:18] It is not correct. The meeting -- I wasn't -- well, within the movement,
4 there were internal conflicts which were -- they were trying to resolve and that's why
5 I talked about these meetings. Everyone was trying to justify themselves and that's
6 why I talked about the meetings. I don't know whether -- what level this was at.
7 There's a limited -- the information, but it was Garam Boulaye, which is right next to
8 CAR. So I don't have information of that content, but -- so I talked about the
9 meetings in my statement, that's true, but I didn't talk about the content.

10 Q. [16:11:23] Okay. I want to ask you about -- I want to ask you about whether
11 you know if people that were close to Bozize or military or civilians went to France
12 after the Seleka took power. Do you know anything about that?

13 A. [16:12:04] Yes. I heard the advice that Levy Yakete who was in France, and
14 there was also Eric Danboy who was in France, and others, I don't know their names,
15 but they -- they were in France after the Seleka entered.

16 Q. [16:12:37] I'm curious about Eric Danboy. What did you hear about him in
17 relation to the movement?

18 A. [16:13:00] No.

19 Q. [16:13:08] He was a presidential guard; is that right? For Bozize?

20 A. [16:13:23] Yes. He was a part of the presidential guard and as such, close to
21 President Bozize.

22 Q. [16:13:32] (Overlapping speakers) And you don't know what he was engaged in
23 let's say during 2013? You didn't hear talk about that?

24 A. [16:13:48] No, I didn't hear things about him.

25 Q. [16:13:54] Let me ask you about -- let me ask you about a group called *Front pour*

Trial Hearing
WITNESS: CAR-OTP-P-1521

(Open Session)

ICC-01/14-01/18

1 *le retour à l'Ordre Constitutionnel en Centrafrique.*

2 Do you know anything about that group?

3 THE INTERPRETER: [16:14:40] There was a break in the transmission there. Please,
4 could you ask him to repeat his answer. Message from the interpreter.

5 MR VANDERPUYE: [16:14:51]

6 Q. [16:14:51] I'll repeat my question. I'm referring to a group called FROCCA,
7 which is, *Front pour le retour à l'Ordre Constitutionnel en Centrafrique*. I wanted to
8 know if you heard about this group.

9 A. [16:15:21] Yes, I've heard about this group, but I don't know what this group did
10 exactly at that time.

11 Q. [16:15:34] What did you hear about that group?

12 A. [16:15:47] I heard that FROCCA had fake news. They were sending out
13 information, but they were -- can you hear me? Can you hear me?

14 Q. [16:16:14] Yes, I hear you.

15 THE INTERPRETER: [16:16:16] Continuation of the reply.

16 THE WITNESS: [16:16:19](Interpretation) They were all outside the country.
17 What I heard about this was a lot of the partisans from this group are abroad. They
18 distributed fake news or sent out messages in order to intimidate members of the
19 Seleka. But they had communications and they were sending out this information.
20 That's what I heard about them, their communication on --

21 Q. (Overlapping speakers)

22 A. [16:16:55] -- social network, a media war. That's what I know about this group.

23 PRESIDING JUDGE SCHMITT: [16:17:03] Mr Vanderpuye, this is extremely difficult,
24 I understand that, but I think really what we said at the beginning, if we have a
25 person assigned that keeps an eye on that, I think that's a good method. Also for the

Trial Hearing
WITNESS: CAR-OTP-P-1521

(Open Session)

ICC-01/14-01/18

1 other participants and parties.

2 Please continue. Thank you.

3 MR VANDERPUYE: [16:17:23]

4 Q. [16:17:32] You mentioned fake news to intimidate members of the Seleka.

5 What do you mean by that?

6 A. [16:17:57] Well, they show images, videos: We are at such and such a place, we
7 have an arsenal, we have to say that we'll be able to fight you and tomorrow we'll be
8 there.

9 That sort of information. That was really a media war. And "We'll pay the leader".

10 It's just fake news.

11 Q. [16:18:38] Do you know who was in that group, the members and founders of
12 it?

13 A. [16:19:03] I can't give you an exact answer to that. I don't know that exactly. I
14 got information on my phone with images which were being published. But I said
15 earlier, I don't know the participants or the members of this group. That's what I
16 know about this group.

17 Q. [16:19:36] Did you know that the creation of the group was announced by
18 President Bozize on 10 August 2013 on RFI in France?

19 A. [16:19:50] I don't know anything about that. I'm not aware of that. Not aware
20 of any announcement by President Bozize.

21 Q. [16:20:17] And I take it you're not aware of anyone who was in that group, you
22 have no information on anybody who was in it?

23 A. [16:20:43] I don't have information about that, indeed.

24 PRESIDING JUDGE SCHMITT: [16:20:55] Ms Dimitri.

25 MS DIMITRI: [16:20:56] Mr President, I see in the English transcript something that I

Trial Hearing

(Open Session)

ICC-01/14-01/18

WITNESS: CAR-OTP-P-1521

1 didn't see or hear in French at line 14, page 79, "and we will pay the leader".

2 PRESIDING JUDGE SCHMITT: [16:21:12] Yes, what do we do with that? Let me
3 give a try, Mr Vanderpuye.

4 Mr Witness, there's an issue with the translation and I would like to clarify this with
5 you.

6 The question that the Prosecutor put to you was: "You mentioned fake news to
7 intimidate members of the Seleka. What do you mean by that?"

8 And in your answer is inter alia that you were supposed to say in the transcript "that
9 was really a media war" -- no, we have to -- number 14, "and we will pay the leader,
10 it's just fake news". Did you say that? And if so, what did you mean by that, "And
11 'we will pay the leader'. It's just fake news"? Or is this a wrong interpretation?

12 THE WITNESS: [16:22:28](Interpretation) Thank you. I will repeat what I said.
13 I think there is an error.

14 The FROCCA group that I'm familiar with on the operational point of view does not
15 exist. There are publications from FROCCA. For example, they might say that
16 today this -- tomorrow we're going to attack a certain camp and they -- we say we will
17 attack this and they send out images saying we've operated in a certain locality.

18 And that's not correct and that's why I say this is false information which they are
19 sending out to intimidate or to affect public information for -- but relating to the
20 operational aspects where this group does not actually exist. That is what I said.

21 PRESIDING JUDGE SCHMITT: [16:23:30] Mr Vanderpuye.

22 MR VANDERPUYE: [16:23:41]

23 Q. [16:23:41] On the operational aspects, maybe you can tell us who was involved
24 in that.

25 A. [16:24:07] Which group are you referring to?

Trial Hearing

(Open Session)

ICC-01/14-01/18

WITNESS: CAR-OTP-P-1521

1 Q. [16:24:16] What I understood from your answer just now is that the FROCCA
2 did not exist relating to the operational aspects. So my question is: Which group
3 did exist in the context of the operational aspects that you're referring to, if any?

4 A. [16:25:05] I am not sure about the timing. When you talk about FROCCA, from
5 which period to which period are you referring to?

6 Q. [16:25:21] Okay. As I mentioned, FROCCA was announced on 10 August 2013
7 by General Bozize on RFI. So from that point forward until, let's say, 5 December
8 when its spokes -- its coordinator Lin Banoukepa also gave an interview to RFI about
9 the ongoing combat of the Anti-Balaka in Bangui, who managed the operational
10 aspects of the Anti-Balaka to which you were referring in your answer?

11 A. [16:26:32] What the Court needs to know about this matter, I think there is a bit
12 of confusion because we're talking about FROCCA at the same time we're talking
13 about the Anti-Balaka and I can't quite follow this. The real problem, what the Court
14 needs to know is that I didn't hear of or I'm not aware of the statement that the
15 old -- the former President Bozize made about the formation of group FROCCA. I'm
16 not aware of that. But what I do know about this group is that there were media
17 publications saying that they attacked here or there, we're going to attack this town
18 and it was a media war. So in the field FROCCA was not present. So there is -- if
19 you're talking about Anti-Balaka, I would know what you were talking about. But if
20 you're talking about FROCCA, then it's -- it's -- it's not clear. I can't quite follow
21 what you mean.

22 PRESIDING JUDGE SCHMITT: [16:27:48] I think, Mr Vanderpuye, from the
23 statement of the witness and also what he said today, he does not know a lot about
24 FROCCA. He might know something - and I assume that this will be of interest for
25 you - about the Anti-Balaka and I think you would perhaps have to concentrate on

Trial Hearing

(Open Session)

ICC-01/14-01/18

WITNESS: CAR-OTP-P-1521

1 that. Because his first answer he has already said this is only hearsay what he knows
2 about FROCCA. So I think it does not make sense to delve or to try to delve deeper
3 into that because there might be no depth there.

4 So perhaps now we have 16 -- two minutes before half past. Perhaps it's better to
5 now close for today and then tomorrow really ask him about these operational
6 aspects, which might be important of the Anti-Balaka, if you're fine with that.

7 MR VANDERPUYE: [16:28:45] I literally flipped the page as you were speaking.

8 That's exactly where I'm going. And I think now is a good time to break as well.

9 I have this, if I may, Mr -- sorry, let me stand up. Sorry about that. I apologise, first
10 of all, for sitting and speaking to the Chamber. I've forgotten and I was reminded by
11 my colleague as well.

12 But I wanted to just say that, you know, in terms of the pace of the proceedings - and
13 we had a bit of a late start today - I just want to express that to the Chamber I am a bit
14 concerned about the estimated time that I gave concerning this witness based on the
15 pace of the proceedings as it is now. I'll try to cut the questions down or make them
16 shorter, but I'm still concerned because I think it's going a lot slower than I had
17 anticipated.

18 PRESIDING JUDGE SCHMITT: [16:29:33] I understand that and I also had the
19 impression, but there were of course hiccups that nobody here in the room is
20 responsible for, least you as the examiner, but also experience tells us that some
21 concerns simply go up into thin air in the end. So we are optimistic, to put it this
22 way.

23 So we conclude the hearing for today. Thank you very much, Mr Witness, especially
24 for your patience because as you have heard that, there were quite some issues with
25 the communication, and I thank you that you were so patient and answered our

Trial Hearing

(Open Session)

ICC-01/14-01/18

WITNESS: CAR-OTP-P-1521

- 1 questions. I wish you a nice rest. We see each other tomorrow at 10 o'clock.
- 2 THE COURT USHER: [16:30:23] All rise.
- 3 (The hearing ends in open session at 4.30 p.m.)