

Trial Hearing
WITNESS: CAR-OTP-P-2251

(Open Session)

ICC-01/14-01/18

- 1 International Criminal Court
- 2 Trial Chamber V
- 3 Situation: Central African Republic II
- 4 In the case of The Prosecutor v. Alfred Rombhot Yekatom and Patrice-Edouard
- 5 Ngaïssona - ICC-01/14-01/18
- 6 Presiding Judge Bertram Schmitt, Judge Péter Kovács and
- 7 Judge Chang-ho Chung
- 8 Trial Hearing - Courtroom 1
- 9 Monday, 7 June 2021
- 10 (The hearing starts in open session at 9.31 a.m.)
- 11 THE COURT USHER: [9:32:13] All rise.
- 12 The International Criminal Court is now in session.
- 13 Please be seated.
- 14 PRESIDING JUDGE SCHMITT: [9:32:46] (Microphone not activated)
- 15 THE COURT OFFICER: [9:32:48] 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: [9:33:02] Thank you.
- 20 I ask for the appearances of the parties. We start with the Prosecution.
- 21 MR LEDDY: [9:33:07] Good morning, Mr President, your Honours. My name is
- 22 Nick Leddy. I'm a trial lawyer with the Office of the Prosecutor. And with me
- 23 today is Kweku Vanderpuye and Irina Galupa.
- 24 PRESIDING JUDGE SCHMITT: [9:33:17] Thank you.
- 25 Mr Suprun next, because you're sitting in this line now.

Trial Hearing
WITNESS: CAR-OTP-P-2251

(Open Session)

ICC-01/14-01/18

1 MR SUPRUN: [9:33:22] Good morning, Mr President, your Honours. The former
2 child soldiers are represented today by Nadia Galinier, associate legal officer, and by
3 myself, Dmytro Suprun, counsel at the Office of Public Counsel for Victims. Thank
4 you.

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

6 And Ms Massidda.

7 MS MASSIDDA: [9:33:36] Good morning, Mr President, your Honours.

8 The victims of the other crimes are represented today by Maître Abdou

9 Moussa Dangabo and myself, Paolina Massidda.

10 PRESIDING JUDGE SCHMITT: [9:33:47] Thank you.

11 And we turn to the Defence. Ms Dimitri.

12 MS DIMITRI: [9:33:51] Good morning, Mr President. Good morning your Honours.

13 Good morning, everyone. Mr Yekatom, who is present in the courtroom this
14 morning, is represented by Mr Florent Pages-Granier and Ms Léa Benoit, as well as
15 myself, Mylène Dimitri.

16 PRESIDING JUDGE SCHMITT: [9:34:02] And Mr Knoops.

17 MR KNOOPS: [9:34:03] Good morning, Mr President, your Honours. Good
18 morning, everyone. I'm assisted today by Ms Marie-Hélène Proulx, associate
19 counsel; and Ms Chiara Giudici, she's legal assistant. And Mr Ngaïssona is present
20 in the courtroom.

21 PRESIDING JUDGE SCHMITT: [9:34:20] Thank you. I would like, first, to make
22 some remarks on behalf of the Chamber with regard to the press article. With
23 regard to the submissions and the explanations by the Ngaïssona Defence,
24 the Chamber is of the view that nothing further is to be done at the moment.
25 However, the Chamber recalls the duties of counsel following Article 24 of the Code

Trial Hearing

(Open Session)

ICC-01/14-01/18

WITNESS: CAR-OTP-P-2251

1 of Professional Conduct for counsel.

2 And in a more general sense, in dealing with the media, caution is advised.

3 Convening a press conference with the subject matter of the examination of

4 Prosecution witnesses seems to pose no minor risk to counsel of being misconstrued

5 or misinterpreted later.

6 The Chamber also takes note and welcomes the submission by the Ngaïssona Defence

7 that the proceedings in this case are conducted in this courtroom and at this Court

8 and not via the media.

9 We can now go on and we can bring the witness into the video-link location.

10 (The witness enters the video-link location)

11 PRESIDING JUDGE SCHMITT: [9:36:53] Mr Witness, good morning.

12 WITNESS: CAR-OTP-P-2251

13 (The witness speaks Sango)

14 (The witness gives evidence via video link)

15 PRESIDING JUDGE SCHMITT: [9:37:00] Mr Witness, good morning. Can

16 you -- can you hear and understand me well?

17 On behalf of the Chamber, I would like to welcome you to the courtroom. You are

18 called to testify to assist this chamber in the case against Mr Yekatom and

19 Mr Ngaïssona. You know and have been informed about it that protective measures

20 are in place to ensure that your identity is not revealed to the public. We use

21 a pseudonym and you have face distortion and voice distortion. This all should

22 make sure that your identity is not revealed to the public. Do you understand that?

23 I have no interpretation.

24 THE WITNESS: [9:38:05](Interpretation) Thank you. I have understood you

25 perfectly.

Trial Hearing
WITNESS: CAR-OTP-P-2251

(Open Session)

ICC-01/14-01/18

1 PRESIDING JUDGE SCHMITT: [9:38:09] Thank you.

2 Mr Witness, it's also up to you if you want to wear the mask or not. If you feel more
3 comfortable with wearing it, it's fine, or if it is even required at the location where
4 you are. If you feel more comfortable to take it off, then you can take the mask off.
5 This would have the advantage that we'd see your face when you speak.

6 THE WITNESS: [9:38:43](Interpretation) I prefer to take -- to take off the mask
7 because I'm in a room and there's problem.

8 PRESIDING JUDGE SCHMITT: [9:38:59] I understand that. And just for everyone,
9 it is of course -- I think the Chamber would not want to impose it on the witness to
10 take the mask off, but to look at the reactions and how a -- a witness is presenting him
11 or herself in the courtroom, it's of course better if he or she does not wear a mask.

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

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

15 THE WITNESS: [9:39:39](No interpretation)

16 PRESIDING JUDGE SCHMITT: [9:39:45] Could you please read this card aloud.
17 It's a solemn undertaking that you are going to tell us the truth.

18 THE WITNESS: [9:40:02](Interpretation) Yes, I can do so. I solemnly declare to tell
19 the truth, the whole truth and nothing but the truth.

20 PRESIDING JUDGE SCHMITT: [9:40:17] Thank you, Mr Witness. You are now
21 under oath. This means that it is important that you speak the truth and to tell
22 the Court everything what you know. It is an offence within the jurisdiction of this
23 court to give false testimony. Do you understand that, Mr Witness?

24 THE WITNESS: [9:40:50](Interpretation) It is well understood.

25 PRESIDING JUDGE SCHMITT: [9:40:54] Before we start with your examination,

Trial Hearing
WITNESS: CAR-OTP-P-2251

(Open Session)

ICC-01/14-01/18

1 Mr Witness, I would like to ask you to speak at a slow pace and especially to wait
2 a couple of seconds until you answer your questions. The reason for that is that
3 everything we say here in the courtroom, and of course everything you say, is written
4 down and it is interpreted. And to allow for the interpretation to follow you, we
5 need to speak at a slow pace and we need to give, before we answer, a couple of
6 seconds the interpreters that they capture the full content of your testimony.

7 Thank you very much.

8 I give now the Prosecution the floor, and you know you have to establish
9 the Rule 68(3) conditions.

10 MR LEDDY: [9:41:44] Thank you, Mr President.

11 QUESTIONED BY MR LEDDY:

12 Q. [9:41:48] Good morning, Mr Witness. My name is Nick Leddy. We met last
13 Thursday in the familiarisation meeting. As you may remember, I'm a trial lawyer
14 with the Office of the Prosecutor. And as you've been made aware by the judges,
15 you've been granted protective measures. That means that although your identity is
16 known to the people in the courtroom, it will not be made public. When we request
17 private session, that means only the people in the courtroom will be able to hear you
18 and not the general public. If you want to go into private session at any point today
19 because you think your answer would identify you to the public, or if you feel that
20 you would be able to give a more candid or full answer in private session, please let
21 us know.

22 So this morning I'll first ask some questions in private session about your identity,
23 then I'll ask some questions about your prior statements, including to clarify portions
24 of it. I will then cover more or less four topics: First, the Anti-Balaka base at
25 Gobéré; then Anti-Balaka attacks on Bossangoa, Bouca, and Bogangolo; followed by

Trial Hearing
WITNESS: CAR-OTP-P-2251

(Private Session)

ICC-01/14-01/18

1 the Anti-Balaka attack on Bangui on 5 December 2013; and then I'll finish with some
2 questions on the structure and organisation of the Anti-Balaka.

3 So please let us know if you don't understand a question or if anything needs to be
4 repeated.

5 And to start, Mr President, I would like to request private session for --

6 PRESIDING JUDGE SCHMITT: [9:43:19] We go to private session.

7 MR LEDDY: [9:43:22] -- preliminary questions.

8 (Private session at 9.43 a.m.)

9 THE COURT OFFICER: [9:43:33] We are in private session, Mr President.

10 MR LEDDY: [9:43:42]

11 Q. [9:43:42] Mr Witness, can you please state your full name for the record.

12 A. [9:44:11] (Redacted).

13 Q. [9:44:22] Mr Witness, what is your date of birth?

14 A. [9:44:43] (Redacted). Can you hear me, please?

15 Q. [9:45:06] Yes, we can hear you.

16 (Redacted).

17 A. [9:45:36] (Redacted)..

18 THE INTERPRETER: [9:45:45] From the interpreters, Mr President, we don't know
19 whether the witness is testifying in French or Sango.

20 PRESIDING JUDGE SCHMITT: [9:45:51] Yeah, this already also -- I found this out
21 also already. Yeah, I'm informed that he's testifying in Sango, but I take note -- and
22 this is not the first witness that the OTP interviews are in French. I will not simply
23 allege it and claim that I know it, but I would assume witnesses from the CAR would
24 normally speak French. Perhaps for future witnesses it would be at least good to
25 figure out if a witness is not also comfortable with testifying in French. That would

Trial Hearing
WITNESS: CAR-OTP-P-2251

(Private Session)

ICC-01/14-01/18

1 things -- make things much more easy for this court.

2 So this is, of course, not for the participants. This is spoken into the transcript and it
3 will perhaps be conveyed to the Registry or whoever is responsible for that. So it
4 seems to be Sango.

5 MR LEDDY: [9:46:50] Mr President, just to note, this particular witness expressed
6 a preference to speak in Sango because he was uncomfortable doing so in French.

7 PRESIDING JUDGE SCHMITT: [9:47:00] Okay. That is different. But sometimes,
8 you know, sometimes people speak two languages in the same manner as good and if
9 they are, perhaps, a little bit more comfortable. We leave it at that if the witness is
10 more comfortable when we have Sango, but in future -- for future witnesses I think
11 there is a little bit of a presumption that they speak French when they come from this
12 country.

13 MR LEDDY: [9:47:25] Thank you, Mr President.

14 (Redacted).

15 (Redacted).

16 (Redacted).

17 (Redacted).

18 (Redacted).

19 MR LEDDY: [9:48:31] We can revert to public session, Mr President.

20 PRESIDING JUDGE SCHMITT: [9:48:34] We go back to public session.

21 MR LEDDY: [9:48:37] Thank you.

22 (Open session at 9.48 a.m.)

23 THE COURT OFFICER: [9:48:46] We are back in open session, Mr President.

24 MR LEDDY: [9:48:52]

25 Q. [9:48:53] Mr Witness, you made a statement for the Office of the Prosecutor in

Trial Hearing
WITNESS: CAR-OTP-P-2251

(Open Session)

ICC-01/14-01/18

1 October 2018. Do you -- did you, with the help of the Victims and Witness Unit,
2 recently review the statement, its annexes and associated material?

3 A. [9:49:31] Yes, I have read over those statements. There are a few details that
4 are not consistent with what I said. I remember what I said, but there are certain
5 things that I do not recognise. I know that I am before this international court to say
6 the truth so that light should be thrown on everything that happened in order to
7 enable you to take the right decisions.

8 PRESIDING JUDGE SCHMITT: [9:50:26] It would, of course, be good to figure out
9 what these inconsistencies be, because we cannot incorporate the Rule 68(3) statement
10 completely, or the statements, as his evidence if he is not fully comfortable with it.

11 MR LEDDY: [9:50:45]

12 Q. [9:50:45] Mr Witness, could you please clarify which portions of that statement
13 you would like to correct. And, again, if you need to go into private session, please
14 let us know.

15 A. [9:51:26] I do not have the statements with me. If I had them I would be able to
16 identify those details. I recognise most of the information that I have given right
17 from the beginning up till today.

18 Q. [9:51:56] Was there a particular topic or subject matter that was not, in your
19 opinion, correctly reflected in the statement?

20 A. [9:52:31] I think that if you start talking about that particular chapter, I will
21 recognise those parts. The interview was in French and it is not my mother language.
22 There are certain things that I said, but which were not noted down correctly. So I
23 prefer that you put questions to me. If they are correct, I would confirm them.
24 Otherwise, I would point them out to you.

25 PRESIDING JUDGE SCHMITT: [9:53:14] Yeah, of course. You know, Rule 68(3)

Trial Hearing

(Open Session)

ICC-01/14-01/18

WITNESS: CAR-OTP-P-2251

1 has procedural requirements and we cannot -- we can correct minor things. That's
2 clear and that's not a problem, but we have to know which things. Otherwise, it's
3 a shot in the dark. And the Chamber suggests that we give the witness
4 the opportunity to read the statement - I think he will have it - and then reconvene,
5 perhaps, at half past 10, I would suggest, and then he can tell us what the problem
6 with the -- his former statements is.

7 This the more so because he has said that -- as we have also recognised, that
8 the interview was given in French and he's more comfortable in Sango. So
9 the Chamber is, with regard to procedural requirements, very vigilant that they are
10 fulfilled, and I think that makes sense.

11 So, Mr Witness, we pick this up, what you said. You will have the opportunity to
12 read your former statement, and then when we come back we will ask
13 you -- the Prosecution will ask you where these, as you say, minor corrections are so
14 that we can figure this out. Is that fine with you?

15 THE WITNESS: [9:54:57](Interpretation) Well, it depends on you. If you put
16 questions to me, I will answer normally. But if you think it is better for me to reread
17 my statement, then it is still up to you.

18 PRESIDING JUDGE SCHMITT: [9:55:20] We think that it's better for you to -- to
19 read the statement.

20 Yeah, Mr Leddy.

21 MR LEDDY: [9:55:27] Mr President, if I could propose, perhaps, one preliminary
22 general question to ask him if anything would materially change the meaning of his
23 statement. In other words, was there a detail that was left out of the statement,
24 something he wanted to add?

25 PRESIDING JUDGE SCHMITT: [09:55:43] I think we do that when he has read it. I

Trial Hearing

(Open Session)

ICC-01/14-01/18

WITNESS: CAR-OTP-P-2251

1 think that makes more sense now.

2 MR LEDDY: [9:55:47] Okay.

3 PRESIDING JUDGE SCHMITT: [9:55:47] And when I think about it, perhaps we
4 give him a little bit more time, until 11 o'clock, and then perhaps have, if you are fine,
5 everyone, have a two-hour session. That might be -- make more sense.

6 So, Mr Witness, we will have a one-hour break. That should be enough. I have
7 seen it's not so extensive, your statement. That should be enough that you can read
8 it, and then we will -- the Prosecution will ask you where these corrections are.

9 THE COURT USHER: [9:56:14] All rise.

10 (Recess taken at 9.56 a.m.)

11 (Upon resuming in open session at 11.02 a.m.)

12 THE COURT USHER: [11:02:28] All rise.

13 Please be seated.

14 PRESIDING JUDGE SCHMITT: [11:02:55] So we have received now the notice of the
15 discrepancies, which are indeed not major, so to speak. So the Chamber would
16 suggest that you, Mr Leddy, simply direct him through these three paragraphs and
17 ask him about it, what he wants to change there, and then we proceed.

18 MR LEDDY: [11:03:19] That's fine, your Honour.

19 PRESIDING JUDGE SCHMITT: [11:03:20] Perhaps I -- may I just address the witness
20 first.

21 Mr Witness, first of all, from the Chamber here, we would -- we appreciate it a lot that
22 you read your statement again and, in this short time frame, and told everyone here
23 where these discrepancies are. The Prosecutor will have to go through them shortly,
24 one after the other, but thank you again from the side of the Chamber here.

25 MR LEDDY: [11:03:54] Thank you.

Trial Hearing
WITNESS: CAR-OTP-P-2251

(Open Session)

ICC-01/14-01/18

1 Q. [11:03:56] Mr Witness, can you hear me?

2 A. [11:04:04] Yes, I can hear you clearly.

3 Q. [11:04:07] So thank you for taking the time to review your statement just now.

4 I understand you have three points that you would like to clarify. I'll direct your
5 attention first to paragraph 33 of your statement. That's on page 0050 of the English
6 version. I understand you'd like to make a correction about the use of the word
7 *pommes de terre sauvages*. Is that right?

8 A. [11:04:51] Yes, I'm listening.

9 PRESIDING JUDGE SCHMITT: [11:04:53] You know we got this email. Simply
10 read out -- read it out to him. I think that we are comfortable with that. Because
11 otherwise, it would take -- take too much time. For example, we are here at
12 paragraph 33. And at least, as we understand it, the food item is not called *pommes*
13 *de terre sauvages*. But I don't know how to pronounce it. Yeah, something like that,
14 in that manner.

15 MR LEDDY: [11:05:18] No problem. Thank you, your Honour.

16 Q. [11:05:20] Mr Witness, I understand you'd like to make a correction to
17 paragraph 33 of your statement such that you'd like to correct the usage of the phrase
18 "*pommes de terre sauvages*" and instead use the word "*igname*" I believe the word is. Is
19 that right?

20 A. [11:05:48] Yes, I would rather have the word "yam". Yeah, "yam", rather than
21 "wild potatoes."

22 Q. [11:05:55] Thank you. And with respect to the second correction, I understand
23 that on paragraph 113, you'd like to correct the name of the *lycée* Saint Charles to be
24 instead *lycée du Monastère*; is that correct?

25 A. [11:06:29] It is not a *lycée*. It's the Saint Monastery. It's a Catholic institution,

Trial Hearing
WITNESS: CAR-OTP-P-2251

(Open Session)

ICC-01/14-01/18

1 not a high school or a *lycée*.

2 Q. [11:06:45] Thank you. And the third correction I have here is that at
3 paragraph 206, you'd like to correct it to indicate that, instead of Mokom accusing
4 Ngaïssona, in this example, Ngaïssona accused Mokom. And that's with respect to
5 using money of the movement for himself; is that correct?

6 A. [11:07:26] Yes, that is correct.

7 PRESIDING JUDGE SCHMITT: [11:07:30] And I think from there, we can continue
8 now and then finish the -- this initial procedure, so to speak.

9 MR LEDDY: [11:07:36] Thank you, your Honour.

10 Q. [11:07:39] Mr Witness, having made these corrections, do you agree to
11 the submission of your statement, its annexes, and the associated material into
12 evidence?

13 A. [11:08:04] Yes.

14 Q. [11:08:08] Thank you. And for the record, I'll just note I believe the conditions
15 for Rule 68(3) have been met.

16 PRESIDING JUDGE SCHMITT: [11:08:15] Yes, indeed.

17 MR LEDDY:

18 Q. [11:08:16] So with that, Mr Witness, I'd like to ask some clarifications with
19 respect to the first topic on your trip and time -- your trip to and your time in Gobere.
20 At paragraph 22 of your statement, you indicate that you left the bush around
21 4 July 2013 and that you approached Bogangolo and retreated back into the bush.
22 You indicated also at paragraph 30 of your statement that while travelling in the bush
23 then, you travelled north to Gobere; is that right?

24 A. [11:09:04] Yes, that is correct.

25 Q. [11:09:06] So would it be fair to say you arrived in Gobere sometime in early to

Trial Hearing
WITNESS: CAR-OTP-P-2251

(Open Session)

ICC-01/14-01/18

1 mid-July 2013?

2 A. [11:09:26] Yes, that is correct. I'm with you.

3 Q. [11:09:30] And at paragraph 33 of your statement, you indicated you stayed in
4 Gobere for about two months. So is it fair to say you were in Gobere until about
5 early to mid-September?

6 A. [11:09:58] Yes. That's it. Mid-September, mid-September.

7 Q. [11:10:02] Now I'd like to ask you about some of the meetings you described
8 with the chiefs in Gobere. At paragraph 213 of your statement, you mentioned
9 gatherings were Konate, Lebene, Dangba, Dedane and Andjilo spoke to elements
10 there, including about a time that would come where you would leave the bush and
11 drive the Seleka away.

12 How many of these types of gatherings did you have?

13 A. [11:10:55] I did not say that there were many gatherings.

14 THE INTERPRETER: [11:11:08] Message from the Sango booth: The witness is no
15 longer audible.

16 THE WITNESS: [11:11:24](Interpretation) That -- that is why we decided to return to
17 the cities to drive them out. And that's how we went out to conduct those activities.
18 We did not organise a major gathering or some big meeting.

19 MR LEDDY: [11:11:50]

20 Q. [11:11:51] But you mentioned gatherings there with the chiefs. My question
21 was just how many approximately that you had there. (Overlapping speakers)

22 PRESIDING JUDGE SCHMITT: [11:11:59] Perhaps we do it this way, because
23 the beginning of the answer is not on the record. Perhaps we can -- you know,
24 asking the witness to repeat everything I think does not make so much sense. But
25 maybe try, give it a try like you do. He might perhaps expand on that.

Trial Hearing
WITNESS: CAR-OTP-P-2251

(Open Session)

ICC-01/14-01/18

1 MR LEDDY: [11:12:19]

2 Q. [11:12:19] Mr Witness, my question to you is: How many gatherings with
3 the chiefs in Gobere did you have?

4 A. [11:12:38] There was only one meeting at which we decided to leave or to move
5 out. And during that meeting, the leaders told us to leave because, while there, we
6 would not be able to have food and drink. And so we decided to leave, even if we
7 were all going to be killed. So we decided to leave, rather than continue to stay
8 there.

9 Q. [11:13:10] Mr Witness, at paragraph 43 of your statement, you indicated that
10 while in Gobere, the chief said you would first attack Bossangoa, then Bouca, and
11 then Bogangolo. Can you tell us more about their instructions to you.

12 A. [11:13:55] There were many of them, and we decided to go, drive out those from
13 Bossangoa and Bouca, and then subsequently come back and drive out those of
14 Bossemptele and other towns. And that is how we decided to leave the place.

15 Q. [11:14:23] Which, which of the chiefs instructed you to do that?

16 A. [11:14:45] As I told you, the supreme chief -- well, there was no supreme chief.
17 There were a multitude of chiefs. And what I can say is that Konate is the one who
18 was leading up everything. He was the most senior and highly-ranked soldier. He
19 said that we were suffering a lot and that we did not have to remain in the rebellion
20 and that is how the decision was taken for us to leave for Bossangoa.

21 Q. [11:15:28] Who did Konate report to?

22 MR KNOOPS: [11:15:35] Mr President, that's a leading question. There's no
23 foundation that Konate reported. I think the question should be if there was
24 anyone -- if Konate at all reported.

25 PRESIDING JUDGE SCHMITT: [11:15:50] Yeah, I agree.

Trial Hearing

(Open Session)

ICC-01/14-01/18

WITNESS: CAR-OTP-P-2251

1 MR LEDDY: [11:15:51] Q. [11:15:52] Mr Witness, to your knowledge, did Konate
2 report his activities to any superior?

3 A. [11:16:19] Konate did not report to anybody. As I told you, there was no
4 communication network in Gobere. We were in the bush and it was impossible to
5 call anyone. We were in those circumstances and the only means was to use
6 emissaries who brought us food. We also had people going between the camps * for
7 displaced persons, but as we were in the bush like animals, there was no way to get
8 information.

9 Q. [11:17:05] Mr Witness, can you describe the layout of the camps you just
10 mentioned? Did the FACA chiefs stay with the elements?

11 A. [11:17:43] I believe that I am providing you with information, but you're asking
12 me the same questions and it's kind of unsettling. I already told you that we were in
13 the bush, we were gathered in the bush, just like when we are preparing to go
14 hunting. When you go hunting, you meet people from other localities, from
15 Bossemptele and elsewhere, but we would spend the night out there in the forests
16 under trees along with our leaders. The leaders were there with us, the chiefs were
17 there with us.

18 PRESIDING JUDGE SCHMITT: [11:18:23] I think you can proceed from there, but
19 perhaps the word "layout" was a little bit misunderstanding in that regard, for
20 the witness, for the witness.

21 MR LEDDY: [11:18:35]

22 Q. [11:18:35] Mr Witness, are you aware that a man by the name of Dieudonne
23 Houronti was one of the chiefs at Gobere?

24 A. [11:19:16] Dieudonne, I do not know anyone who goes by that first name.
25 I don't know whether that is his family name, so I really cannot answer this question.

Trial Hearing
WITNESS: CAR-OTP-P-2251

(Private Session)

ICC-01/14-01/18

1 I don't want to lie.

2 Q. [11:19:35] I appreciate that. I don't believe the family name was indicated in
3 the French transcript, so I'll just repeat the family name. Mr Witness, do you -- are
4 you aware that a chief by the name of Houronti was at Gobere?

5 A. [11:20:11] Orunji (phon)? The names I remember are Banda, but I don't know
6 Orunji. Maybe he has another name, but I don't remember -- I don't know Orunji, no,
7 no, no. I don't know that name and I don't want to lie.

8 Q. [11:20:43] Okay, Mr Witness, I'd like to play a video in private session, if that's
9 possible.

10 This is number 48 on the list of materials.

11 PRESIDING JUDGE SCHMITT: [11:20:52] Then we go to private session.

12 (Private session at 11.21 a.m.)

13 THE COURT OFFICER: [11:21:08] We are in private session, Mr President.

14 MR LEDDY: [11:21:12] Thank you.

15 And for the record, the ERN is CAR-OTP-2084-1263, and I'll play an excerpt from
16 minute 3 to minute 4. The transcript is number 49 on the list of materials,
17 CAR-OTP-2107-1565 at 1568, lines 75 to 91.

18 PRESIDING JUDGE SCHMITT: [11:21:37] Please, Mr Witness, look at the --

19 MS DIMITRI: [11:21:42] Apologies for the interruption, Mr President. I know
20 which video it is. I'm just wondering, is there a specific need why we need to do this
21 in private session?

22 MR LEDDY: [11:21:54] Yes, Mr President. The organisation that provided
23 the Office of the Prosecutor the video requested that it not be made public. Their
24 concern is the identification of (Redacted) to the public. It's from --

25 PRESIDING JUDGE SCHMITT: [11:22:10] Let's accept this, I think.

Trial Hearing

(Private Session)

ICC-01/14-01/18

WITNESS: CAR-OTP-P-2251

1 Mr Witness, now a video will played -- will be played. Please look at it carefully,

2 listen to it carefully and afterwards the Prosecutor will pose a question to you.

3 Thank you.

4 (Viewing of the video excerpt)

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 PRESIDING JUDGE SCHMITT: [11:23:45] Actually, really, I thought (Redacted)

18 would be seen on the screen, so I think this is really -- we really have to be more, let's

19 say, vigilant also with regard to the transparency of the proceedings. I really, you

20 know -- also, whatever organisation it is, they are gathering information in -- in

21 a country where there is a conflict and they might be aware, also, that some of the

22 material will be used later on. So I really -- I really don't see here really how

23 (Redacted) could be identified.

24 Mr Vanderpuye?

25 MR VANDERPUYE: [11:24:31] Thank you, Mr President. I'm sorry, I don't want to

Trial Hearing
WITNESS: CAR-OTP-P-2251

(Private Session)

ICC-01/14-01/18

1 interrupt the proceedings, but the concern here is that this is a video -- this is not just
2 gathered from a public source. It is specifically provided to us by the -- by
3 the provider. That is the understanding. (Redacted)
4 (Redacted)
5 (Redacted)
6 (Redacted)
7 (Redacted)
8 (Redacted) And so
9 that is the driving concern here. I understand the Court's concern and we are
10 making our best efforts to make sure that the proceedings are as transparent as they
11 can be in the circumstances.

12 PRESIDING JUDGE SCHMITT: [11:25:27] This seems to be indeed a good
13 explanation for it, so I accept this, of course.

14 So, please, now your question, Mr Leddy.

15 MR LEDDY: [11:25:38] Thank you, your Honour.

16 Q. [11:25:40] Mr Witness, did you recognise the person depicted in the video?

17 A. [11:25:49] No, no, I don't know that person. And while we were there,
18 the soldiers who were with us, if I remember well, were quite distant. We didn't get
19 close to them (Redacted) and we would be distant from them.

20 But as he has said, it is true -- what he has said, it is true. They provided some
21 training. But I didn't get close to them. (Redacted)

22 (Redacted)

23 (Redacted)

24 Some of them I knew, others I did not know. So if there was a huge number of
25 people, say even a hundred people together, you might not be able to know all of

Trial Hearing
WITNESS: CAR-OTP-P-2251

(Private Session)

ICC-01/14-01/18

1 them. You see, it is difficult to know. We would all go into the bush to look for
2 something to eat, something to drink and a little bit of hunting. So the persons who
3 were close to me, I can provide you with their names, but as for the others, no.

4 Q. [11:27:15] Thank you, Mr Witness. In your response you indicated they
5 provided some training. Can you describe what kind of training they provided?

6 A. [11:27:45] As I said, in Gobere I did not see any training as such (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted). But if it is me personally, I did not receive any training, any basic
10 training. All I know is that it was difficult to find food.

11 Q. [11:28:46] Mr Witness, I'd now like to take a look at item number 6 on the list of
12 materials. This is a list that you provided to the Office of the Prosecutor during your
13 interview. That's CAR-OTP-2093-0088 at 0091. (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 A. [11:30:01] (Redacted)

18 (Redacted)

19 Q. [11:30:18] Sorry. My question is about page 0091.

20 PRESIDING JUDGE SCHMITT: [11:30:26] (Redacted)

21 (Redacted)

22 (Redacted)

23 MR LEDDY: [11:30:42]

24 Q. [11:30:42] If you could, Mr Witness, please just look at the far right column of
25 page 0091. I believe these are on lines number 137, 138 and 139. (Redacted)

Trial Hearing
WITNESS: CAR-OTP-P-2251

(Private Session)

ICC-01/14-01/18

1 (Redacted)

2 (Redacted)

3 A. [11:31:27] (Redacted)

4 (Redacted)

5 (Redacted)

6 PRESIDING JUDGE SCHMITT: [11:31:50] So I think we have tried it now three
7 times or four times. Obviously, he does not know the person.

8 MR LEDDY: [11:32:03]

9 Q. [11:32:03] Mr Witness, you mentioned at paragraph 45 of your statement that
10 people in Gobere had hunting rifles and machetes. Did you see any other weapons
11 there?

12 A. [11:32:37] No, I did not see any other types of weapons. I took the oath to tell
13 the truth before your Court, so I must tell the truth. I saw weapons, but I did not
14 really see any military-type weapons in Gobere. We had only hunting weapons and
15 machetes. I did not see any AK-47s, to tell you the truth. Maybe they were there
16 and people were hiding them somewhere. I cannot tell you that.

17 MR LEDDY: [11:33:24] I believe we can revert to public session now.

18 PRESIDING JUDGE SCHMITT: [11:33:29] Yeah, public session.

19 MR KNOOPS: [11:33:31] Thank you.

20 (Open session at 11.33 a.m.)

21 THE COURT OFFICER: [11:33:44] We are back in open session, Mr President.

22 MR LEDDY: [11:33:46] Thank you.

23 Q. [11:33:48] Mr Witness, who distributed the hunting rifles you mentioned at
24 Gobere?

25 A. [11:34:12] That is a good question. The hunting rifles that you see, those were

Trial Hearing

(Open Session)

ICC-01/14-01/18

WITNESS: CAR-OTP-P-2251

1 weapons that were manufactured locally. As you are aware, anyone can have his
2 hunting weapon, and when they are going to the bush they carry the weapons to hunt
3 for food. This is how come many people had such weapons. There was no one
4 there distributing weapons. Each person had his own rifle which he used for
5 hunting. And generally speaking, when they go to the bushes, they go with their
6 rifles to hunt for game, so when we were there no one distributed weapons to us.

7 Q. [11:35:11] Mr Witness, I'd like to move to the second topic of my examination,
8 the attacks on Bossangoa, Bouca and Bogangolo. Do you recall the specific dates of
9 the attacks on Bossangoa or Bouca?

10 A. [11:35:42] I can no longer remember the precise dates. When we went out to go
11 and attack, it was difficult to remember the dates, because when we were there it was
12 not even possible to know the day of the week, whether it was Sunday or not. When
13 the time came to leave one location to another, we would simply leave, but at that
14 time we could not stay in the bushes. We did not know where to go, so that is why
15 we decided to leave.

16 Q. [11:36:26] We established earlier that you were in Gobere until September.
17 Would it refresh your recollection that a news article from 11 September 2013 in
18 *Journal de Bangui* reported attacks on Bossangoa and Bouca on 7 and
19 9 September 2013?

20 A. [11:37:04] Yes, that can jog my memory.

21 Q. [11:37:15] Can you tell us what was the objective of the Anti-Balaka attacks on
22 Bouca and Bossangoa in early September?

23 A. [11:37:38] Yes, I can hear you very well. Early December I heard about that, if
24 I'm not mistaken.

25 Q. [11:37:48] I'm sorry, Mr Witness. My question was about early September,

Trial Hearing

(Open Session)

ICC-01/14-01/18

WITNESS: CAR-OTP-P-2251

1 the attacks on Bouca and Bossangoa. I believe you indicated the news article
2 refreshed your recollection about the dates of those attacks being 7 and 9 September.

3 Can you tell us what the objective was of those attacks.

4 A. [11:38:32] The purpose of the attacks, the main objective was to chase the Seleka
5 out of our villages because we wanted to have a location where we could rest and
6 have food. It is for that reason that we launched those attacks. It was not for any
7 other reason.

8 Q. [11:38:59] I would like to read a quote from you in French from a news article
9 from *Jeune Afrique* dated 11 September 2013. The reference is these two attacks.
10 And, for the record, it's number 36 on the list of materials at CAR-OTP-2091-1707.

11 And I quote: "Levy Yakete (Interpretation) ... the fighting was carried out by
12 the soldiers of the former Central African army (FACA). It is the beginning of
13 operations that is with the objective of bringing President Bozize back to power.
14 That is what he said."

15 A. [11:40:09] I have heard you well and I repeat, the very attacks -- the various
16 attacks, well, the former President Bozize did not even help us. The former soldiers
17 that you have been talking about, some of them were saying that there were 10 or 17
18 of them, but it is impossible for me to know all of them. I cannot remember
19 the communication link between these texts and our leaders. There was no
20 possibility of telephone communication in Gobre. We decided to leave because we
21 wanted a place to rest outside of Gobre. I don't know whether it was God who
22 decided, I do not know. But I know that it was the will of God. It is God who gave
23 us the strength and possibility to leave. I'm telling you about what we suffered.
24 I can tell you about Pharaoh and Moses. We were in the bush and God gave us
25 strength to leave there. It was not from our own strong will. Somehow we just

Trial Hearing
WITNESS: CAR-OTP-P-2251

(Open Session)

ICC-01/14-01/18

1 found the strength to leave that place. I really do not know precisely what
2 happened.

3 PRESIDING JUDGE SCHMITT: [11:41:44] Yeah, and I think we -- there are
4 always -- the witnesses have a different background, they have a different
5 understanding and different witnesses might know different things. So I'm not sure
6 if this witness, if at all, knows very much about any political implications or
7 whatsoever, to word in this more generic way.

8 MR LEDDY: [11:42:12] Thank you, your Honour.

9 Q. [11:42:13] Mr Witness, I will focus you to the attack of Bouca that day that you
10 participated in. At paragraph 56 of your statement you mentioned you did not see
11 Muslims that day. Are you aware of news reports that some Anti-Balaka elements
12 attacked Muslims in Bouca that day?

13 A. [11:43:02] I have absolutely no idea about what might have happened to
14 the Muslims. I did not see it with my own eyes. And as I said a short while ago,
15 and I repeat, I am here to talk about what I saw and what I heard. And if I did not
16 hear anything or see anything and I'm -- I'm not going to just imagine things. It is
17 true that when we left for Bouca I was behind in my group, and when we arrived that
18 locality we could see what was happening. But upon our arrival there, there were
19 no Muslims. I cannot tell you a lie about that.

20 Q. [11:43:56] Mr Witness, I believe you indicated in your statement that you had
21 seen Muslims there before when you had visited for work. So my question to you is,
22 looking at item 33 on our list of materials, which is a report from FIDH that indicates
23 that on 9 September Anti-Balaka attacked the city of Bouca, killing over 40 Muslims in
24 less than an hour and setting fire to over 250 homes. Did you see any homes on fire
25 that day?

Trial Hearing

(Open Session)

ICC-01/14-01/18

WITNESS: CAR-OTP-P-2251

1 A. [11:44:57] That is a good question. Let me repeat, I no longer remember
2 the day, but you must have researched to come up with that date. On that day I was
3 behind. We saw some smoke, but I did not actually reach that location.
4 The Muslims that I had known before had already left that location. I never saw any
5 dead body with my own eyes.
6 I'm telling you that after the fighting, we decided to leave and we were told not to
7 leave but to stay behind because the fighting was extremely violent. We remained
8 behind. And it took quite some time. It was right in the evening that we came out
9 because there were people who came to fetch us. And when we came out, when we
10 arrived, I saw a lot of damage. There were houses that had been destroyed. But I
11 do not know whether this was the work of the Seleka or of the Anti-Balaka. It was
12 impossible for me to know.

13 Q. [11:46:29] How did you know the Muslims were no longer there?

14 A. [11:46:52] Let me tell you again. The Muslims who were living in that area, I
15 know how they left. I have already told you. You are giving me -- asking me
16 the same questions, and I'm giving you the same answers. But during the attack on
17 Bouca, I don't know where they went and how they left, whether they fled and to
18 where. I cannot tell you a lie.
19 I'm telling you that I am here only to tell you about what I saw and what I heard. It
20 is stated in my statement. Ever since I started following those people, right up to
21 Bangui, I did not see any dead bodies. It is only in Bangui that I saw dead bodies,
22 and that is what prompted me to go back (Redacted). I will not tell you about
23 anything that I did not see. I did not see any dead bodies before that. The first time
24 I saw dead bodies, I became afraid. And that is why I went to (Redacted)
25 (Redacted) until the events came to an end. That is what I can tell you.

Trial Hearing
WITNESS: CAR-OTP-P-2251

(Open Session)

ICC-01/14-01/18

1 PRESIDING JUDGE SCHMITT: [11:48:26] I think you'll have to move on. And

2 it's -- generally it's indeed in line with what the witness said with regard to Bouca,

3 paras 53, 54, following. So I don't think that you'll find out more details here.

4 MR LEDDY: [11:48:48]

5 Q. [11:48:48] I'd like to move on, Mr Witness, to the attack on Bossangoa and ask

6 you what you saw there. You mentioned at paragraph 50 that your chiefs grabbed

7 the weapons the Seleka had left behind in Bossangoa.

8 What weapons were these? Can you describe a little more what you saw.

9 A. [11:49:42] Let me say it again. When they were attacking, we were at the back.

10 We couldn't see what was happening. If you see the AKs that our chiefs are holding,

11 there were AKs. Some people were using kitchen utensils. And the Seleka fled,

12 leaving some weapons behind. And when that happened, our leaders, we saw that

13 they were able to grab those weapons from the Seleka. So when we go on our

14 missions, we realised that they took the weapons from the Seleka. So because after

15 the fighting, we would realise that they had those weapons that they had retrieved

16 from the Seleka.

17 Q. [11:50:48] My question was: What weapons were those?

18 A. [11:51:13] The weapons that I'm talking about are the AK-47s or Kalashs. So I

19 saw the chiefs with the AK-47s. Some of them were carrying those weapons, and

20 they would go on the attack with those weapons in Bouca and Bossangoa. It was

21 during that period that they were able to receive or retrieve those weapons. I hope

22 you have understood that correctly.

23 Q. [11:51:54] I have. Thank you. Was Konate one of those chiefs who retrieved

24 those weapons?

25 A. [11:52:18] That is a good question. The answer that I can give you, the chiefs

Trial Hearing

(Open Session)

ICC-01/14-01/18

WITNESS: CAR-OTP-P-2251

1 coordinated amongst themselves before. So during certain attacks, they took part,
2 but I was at the back. But I know that I saw him with a Kalashnikov. I do not
3 know whether he retrieved it from the Seleka or not.

4 Q. [11:52:59] I'd like to move on to the subsequent attack at Bogangolo. At
5 paragraph 68 of your statement, you mentioned an Anti-Balaka chief by the name of
6 Andjilo wanted to kill Muslims in Bogangolo. And in the following paragraph you
7 indicate he did kill Muslims during the conflict.

8 So my question to you is: Where did he kill these Muslims during the conflict?

9 A. [11:53:56] Well, in my statement, I stated that Andjilo -- well, when we arrived
10 Bogangolo, Andjilo wanted to kill Muslims. Douze Puissances said no, they should
11 not be killed because he, Douze Puissances or 12 Puissances, had lived with them in
12 Bogangolo and they were living in harmony. Andjilo took the lead. He went ahead.
13 We remained in Bogangolo. But I do not know where he went to kill Muslims. I
14 did not see Andjilo kill Muslims in Bogangolo or elsewhere. Did he do so elsewhere?
15 I do not know. It is only in Bangui that I really know that he carried out acts of
16 violence against Muslims. But based on what people said, he killed Muslims. But
17 in Bogangolo, 12 Puissances told him not to kill Muslims. And he had been in good
18 terms with Muslims, and it is because of that that he had not been killed. So that is
19 the reason why, up to the date of today, there are still Muslims in Bogangolo.

20 PRESIDING JUDGE SCHMITT: [11:55:34] Actually, it could be well argued that this
21 question had been asked and answered because it's exactly like paragraph 68, 69 and
22 70. The witness heard, 69, that is, CAR-OTP-2093-0056, heard that Andjilo did kill
23 Muslims but he doesn't know exactly where, and it could have been in Bossangoa or
24 Bouca. So this is answered. Please move on.

25 MR LEDDY: [11:56:07] Thank you, your Honour.

Trial Hearing
WITNESS: CAR-OTP-P-2251

(Open Session)

ICC-01/14-01/18

1 Q. [11:56:08] Mr Witness, I'd like to move on to your approach to Bangui. You
2 mentioned at paragraph 71 of your statement that after the Bogangolo attack, you met
3 up with civilians and FACA who informed you of a bad situation in Bangui.
4 Approximately how many people were there that informed you of this?

5 A. [11:56:58] Thank you very much. I have heard your question, and my answer
6 is as follows: You see, there were people who fled and came towards us because
7 everything was difficult in Bangui. That is why people were fleeing and finding
8 themselves in IDP locations. Men and women were fleeing. People had started
9 fleeing and coming towards us. That is why we had decided to leave and travel on
10 foot through the bush, for that purpose.

11 THE INTERPRETER: [11:58:01] Sango booth: From the Sango witness, the witness
12 says that he would like to have a two-minute pause.

13 PRESIDING JUDGE SCHMITT: [11:58:14] Of course, Mr Witness. Please take your
14 pause. And when you come back, we continue with your examination.
15 (The witness exits the video-link room)

16 PRESIDING JUDGE SCHMITT: [11:58:45] In the meantime, I can perhaps ask the
17 Defence. Hard to imagine that you have many questions, but I perhaps should not
18 say that. But how much time will it take?

19 MS DIMITRI: [11:59:02] Mr President, I'll do my best to take only one session.
20 Given some of the answers, I'm already cutting down my questions. But there are
21 some subjects that weren't addressed. So I'll -- I'll do my best to do -- I had indicated
22 two hours, but I'll try and squeeze it in one session.

23 PRESIDING JUDGE SCHMITT: [11:59:21] Yes, I would not be surprised if you make
24 it.
25 And, Mr Knoops?

Trial Hearing

(Open Session)

ICC-01/14-01/18

WITNESS: CAR-OTP-P-2251

1 MR KNOOPS: [11:59:26] Mr President, Ms Proulx will conduct the examination,
2 approximately one session. I might have some small questions in addition to her
3 examination, but we try to comprise it in one session.

4 PRESIDING JUDGE SCHMITT: [11:59:39] Okay.

5 MR KNOOPS: [11:59:41] Thank you.

6 MR SUPRUN: [11:59:43](Interpretation) Mr President, I would like to inform
7 the Chamber that I myself have a certain number of questions to put to the witness.
8 For the time being, I cannot give the time I need, but I think it shouldn't take more
9 than 40 minutes. It will depend on the answers given by the witness.

10 MS MASSIDDA: [12:00:10] (Overlapping speakers) Mr President, as far as our team
11 is concerned, we will not have question for this witness.

12 PRESIDING JUDGE SCHMITT: [12:00:14] No, no. It's -- I knew already,
13 Mr Suprun, that the victims would have questions.

14 And since we are at it, Mr Leddy, how long will your direct examination, how it is
15 called --

16 (The witness enters the video-link room)

17 MR LEDDY: [12:00:34] I'm not -- I'm not sure, exactly, your Honour, but I believe
18 certainly the rest of this session and I'd say well into the next one. But we'll
19 definitely finish this afternoon.

20 PRESIDING JUDGE SCHMITT: [12:00:46] It seems to me quite a lot of time, but
21 okay. It's -- I will not intervene at the moment. But as I already indicated, some of
22 the last questions, strictly speaking, when we have this procedural fiction that
23 the statement of the (Overlapping speakers) is already on the table, so to speak, we
24 could have argued that some of the questions had been asked and answered. But,
25 okay. Please continue.

Trial Hearing
WITNESS: CAR-OTP-P-2251

(Open Session)

ICC-01/14-01/18

1 Thank you very much, Mr Witness. We continue with your examination.

2 You have the floor, Mr Leddy.

3 MR LEDDY: [12:01:22] Thank you, Mr President.

4 Q. [12:01:24] Mr Witness, you describe in your statement at paras -- paragraph 66

5 and then from 78 to 81 going to a few locations along the Bogangolo and Damara axis.

6 Do you remember any meetings of Anti-Balaka chiefs near Damara?

7 PRESIDING JUDGE SCHMITT: [12:01:47] Let's wait a second. I don't hope that

8 there's an indication of any warfare impending. Excuse me. Sometimes we have

9 these interruptions.

10 Mr Leddy, I apologise. I think you would have to start again with your question,

11 really.

12 MR LEDDY: [12:02:09]

13 Q. [12:02:09] Mr Witness, my question is simply if you recall any meetings of

14 Anti-Balaka chiefs near Damara.

15 A. [12:02:36] No, I do not remember. Was there a meeting between Bogangolo

16 and Damara? I don't have any such recollection.

17 Q. [12:02:45] It's okay. We can move to the next topic, which is the attack on

18 Bangui on 5 December 2013.

19 You mentioned, Mr Witness, at paragraph 81 that you established a big base at Kpata

20 near Nguito hill.

21 How many people, approximately, were there when you arrived?

22 A. [12:03:23] That is a good question. When we arrived in Bangui, well, what I

23 would like to tell you is that there were many combatants at the Nguito base, and

24 I cannot give you an exact number. I was not able to count them. There were many

25 groups.

Trial Hearing
WITNESS: CAR-OTP-P-2251

(Open Session)

ICC-01/14-01/18

1 Do you hear me? Well, let me continue.

2 Some went towards Kassai, and others went towards Boy-Rabe, and then others
3 towards PK12. But I don't have an exact idea of the numbers.

4 Q. [12:04:19] Do you know when the base at Nguito was established?

5 A. [12:04:43] You see, it's very difficult for me to remember dates; otherwise, I
6 might be lying. But on 5 December, that's the date everybody knows about, and so
7 like everyone else, I remember that date. But then, as to the day on which we
8 arrived Nguito, I -- I cannot remember exactly, but it must have been a few days
9 before the 5th.

10 Q. [12:05:13] Can you describe what you saw the other elements at Nguito base
11 wearing.

12 A. [12:05:40] As I have said and I continue to say, the troops at the Nguito were
13 wearing dirty clothes. They looked like people who were coming from the bush
14 where their clothes are not washed. They are dressed in rags, so to speak, torn
15 clothes with holes here and there. And this was simply to keep them from catching
16 a cold. Really rags if one may put it in those words. When we were in Nguito,
17 those were not comfortable items of clothing at all.

18 Q. [12:06:32] You mention wearing *gris-gris* in your statement, Mr Witness.
19 Do you recall seeing other elements wearing *gris-gris* as well?

20 A. [12:07:00] Yes. The *gris-gris* that you see in the videos, those were -- or those
21 are objects belonging to our ancestors. And we could ask for them from someone
22 who would provide them with -- who would provide us with the *gris-gris*, and we
23 would wear them in order to protect ourselves.

24 Q. [12:07:42] Mr Witness, you mention at paragraph 83 of your statement that some
25 of the people there had Kalashnikovs.

Trial Hearing
WITNESS: CAR-OTP-P-2251

(Open Session)

ICC-01/14-01/18

1 Do you recall how many Kalashnikovs you saw there?

2 A. [12:08:10] I told you that there were not many Kalashnikovs. One could see
3 maybe two or three. And now what did the chiefs do? When they attacked, they
4 would make a lot of noise with pots. And then the Seleka would flee and then they
5 would come and recover their weapons after they had left.

6 PRESIDING JUDGE SCHMITT: [12:08:47] Well, two or three Kalashnikovs, this
7 seems not to be very much.

8 MR LEDDY: [12:08:56]

9 Q. [12:08:56] Mr Witness, do you recall who -- which of the four -- sorry, go ahead.

10 A. [12:09:15] What I am telling you is what I saw and what I heard. I am not
11 going to say that there were many weapons or many Kalashnikovs. No, I cannot.
12 There was no one to provide us with those weapons. Even ammunition, no one was
13 supplying ammunition. It is only when Seleka fled that we would recover their
14 weapons, same in Bouca, Bogangolo and Bossangoa.
15 The Kalashnikovs that you can see were collected by the chiefs after the Seleka fled.
16 Even Nguito, as you can see in the films, that is how they were able to get
17 the Kalashnikovs. There were not many. The chiefs had only a few of them.
18 What we had -- what they had -- what we used was mostly machetes and hunting
19 guns. That was the main stock of our weaponry.

20 PRESIDING JUDGE SCHMITT: [12:10:26] Mr Witness, that was not any reproach or
21 any indication by the Presiding Judge that what you say is not credible or so. It was
22 simply a comment. So I have to apologise. It was not a question. It was
23 a comment on the exercise that we are undergoing at the moment. And the parties I
24 think understand what I mean.

25 MR LEDDY: [12:10:44]

Trial Hearing
WITNESS: CAR-OTP-P-2251

(Private Session)

ICC-01/14-01/18

1 Q. [12:10:44] Mr Witness, you mention in paragraph 82 of your statement
2 the names of four chiefs present: Andjilo, Benjamin Ouapoutou, Gustave and Kems.
3 Do you recall any other Anti-Balaka chiefs present at Nguito hill prior to the attack of
4 5 December 2013?

5 A. [12:11:29] There were some, and the ones that I know are the ones whom I have
6 mentioned. The ones who I did not know I have not mentioned. I don't want to lie.
7 I have only mentioned the ones whom I knew.

8 MR LEDDY: [12:11:44] For the next questions, I'd like to go into private session
9 briefly, if that's all right.

10 PRESIDING JUDGE SCHMITT: [12:11:48] And the reason?

11 MR LEDDY: [12:11:50] I believe it will lead to the identification of the witness,
12 your Honour.

13 PRESIDING JUDGE SCHMITT: [12:11:53] Then we go private session.

14 MR LEDDY: [12:11:57] Thanks.

15 (Private session at 12.12 p.m.)

16 THE COURT OFFICER: [12:12:10] We are in private session, Mr President.

17 MR LEDDY:

18 Q. [12:12:12] (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 My question to you is: What do you know about this strategy to attack Bangui?

23 (Redacted)

24 A. [12:13:01] I have talked to you about the attack on Bangui, and I repeat that it
25 was a very violent attack. It is God who was in control. That night, the chiefs

Trial Hearing
WITNESS: CAR-OTP-P-2251

(Private Session)

ICC-01/14-01/18

1 brought us together. They assembled us and told us that we were gathered to
2 deliver the people in Bangui and that if God did allow, we would come out of it alive,
3 having saved the people.
4 So the modus operandi was as follows: Noise from pots and other kitchen utensils.
5 Groups were sent to (Redacted) and to other locations in the city. And as soon as we
6 came across the Seleka, we would use those pot noises to intimidate them because we
7 were told that the pot noises could intimidate the Seleka because when they would
8 hear those noises, they would think it was noise from weapons. So we used cans
9 and pots and made such loud noise that the enemies would think that it was gunshots.
10 That is the strategy that was put in place.
11 PRESIDING JUDGE SCHMITT: [12:14:34] I think that is enough about the strategy.
12 MR LEDDY: [12:14:37]
13 Q. [12:14:37] (Redacted)
14 (Redacted)
15 (Redacted)
16 (Redacted)
17 A. [12:15:21] (Redacted)
18 (Redacted)
19 (Redacted)
20 (Redacted)
21 (Redacted)
22 (Redacted)
23 (Redacted)
24 (Redacted). When somebody does something bad against
25 my country, I cannot feel good about that and this is why I have decided to come and

Trial Hearing

(Private Session)

ICC-01/14-01/18

WITNESS: CAR-OTP-P-2251

1 testify before you and to speak the truth so that I may enable you deliver justice and

2 allow the OTP to do its work.

3 Q. [12:16:48] (Redacted)

4 (Redacted)

5 A. [12:17:18] (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 Q. [12:18:26] (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 A. [12:19:17] (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 PRESIDING JUDGE SCHMITT: [12:19:48] I have a question here.

Trial Hearing
WITNESS: CAR-OTP-P-2251

(Private Session)

ICC-01/14-01/18

1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 THE WITNESS: [12:20:30](Interpretation) (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted). You know, I speak in Sango. I

11 have no mastery of French. So I don't know whether the misunderstanding is

12 coming from my Sango.

13 PRESIDING JUDGE SCHMITT: [12:21:36] No. I think that -- that's fine, Mr Witness.

14 It's absolutely okay.

15 Can we go back to open session, Mr Leddy?

16 MR LEDDY: [12:21:44] Yes, your Honour. I just have one follow-up question about

17 his response, if that's all right.

18 PRESIDING JUDGE SCHMITT: [12:21:51] Yes, absolutely.

19 MR LEDDY: [12:21:53]

20 Q. [12:21:53] Mr Witness, I believe at page 41, line 21 to 23 of the real-time

21 transcript, you indicated that you didn't do anything evil, that you just believe that if

22 you had committed crimes like the others, you would not be alive.

23 When you said you "committed crimes like the others," can you expand on that, what

24 crimes you're talking about.

25 A. [12:22:44] I did not say that for nothing. At the beginning, when we left for

Trial Hearing
WITNESS: CAR-OTP-P-2251

(Private Session)

ICC-01/14-01/18

1 the attack on Bangui, we took an oath, we took an oath to save the people. And
2 anyone who would commit any excesses against the people will endure
3 the consequences. So as I have said earlier in my statement, many people died.
4 Many people died, and they died somehow because they violated the Seleka (sic) oath.
5 Many of them were imprisoned. Some had broken arms and broken legs simply
6 because they did not honour the Seleka oath. They died because they were suffering
7 the consequences of breaking their oath.

8 If I myself had broken that oath, I would have myself suffered the consequences.

9 I don't know whether you understand what I'm trying to say.

10 THE INTERPRETER: [12:24:14] Interpreter corrects: It is the Anti-Balaka oath.

11 Thank you.

12 MR LEDDY: [12:24:21] Thank you.

13 I believe we can revert to public session now, your Honour.

14 PRESIDING JUDGE SCHMITT: [12:24:25] Public session.

15 (Open session at 12.24 p.m.)

16 THE COURT OFFICER: [12:24:38] We are back in open session, Mr President.

17 MR LEDDY: [12:24:44]

18 Q. [12:24:44] Mr Witness, in paragraphs 90 to 94 of your statement, you described
19 four attack groups leaving the Nguito hill on the north side of Bangui.

20 Approximately how many people were in your attack group on 5 December?

21 A. [12:25:38] I think that I have already mentioned that I cannot provide a total
22 number of persons. There was a division into groups - PK12, Boy-Rabe and
23 Kassai - and that's how we proceeded. Maybe you didn't quite understand what I
24 said, and maybe my answer is not very clear. But you can ask the question again
25 and I will provide you with an answer.

Trial Hearing

(Open Session)

ICC-01/14-01/18

WITNESS: CAR-OTP-P-2251

1 PRESIDING JUDGE SCHMITT: [12:26:05] Let me give it a try, perhaps, Mr Leddy.

2 Mr Witness, nobody expects that you know the exact figure of your group. That is

3 absolutely clear. But can you give an estimate so perhaps we can -- you can near

4 yourself in your recollection how many people this might have been. Was it more

5 than 50? Was it more than 100? Was it several hundred? You know, something

6 like that, even if you give any estimate. Nobody expects from you an exact figure, of

7 course.

8 THE WITNESS: [12:26:58](Interpretation) That is a good question. And this is my

9 answer: In each group, there would be about a hundred people. So I told you that

10 one group went to PK12, another towards Boy-Rabe, and the other --

11 THE INTERPRETER: A group was mentioned by the witness which the interpreter

12 didn't get.

13 THE WITNESS: [12:27:29] (Interpretation) But there were other groups. And

14 whether they had many men or not, I am not in a position to tell you.

15 PRESIDING JUDGE SCHMITT: [12:27:35] Thank you, Mr Witness. But this is

16 already very helpful.

17 MR LEDDY: [12:27:42]

18 Q. [12:27:42] Mr Witness, a question about the weapons that your group had that

19 day.

20 Are you familiar with members of the group getting weapons from a container in

21 Bangui a few days prior to the attack?

22 A. [12:28:19] No, no, I am not aware of that. I did not see it. I did not see it, so

23 I cannot confirm that here.

24 MR LEDDY: [12:28:43] Your Honour, I'd like to just go into private session briefly

25 again. I apologise. It's to prevent the witness from being identified to the public.

Trial Hearing
WITNESS: CAR-OTP-P-2251

(Private Session)

ICC-01/14-01/18

1 PRESIDING JUDGE SCHMITT: [12:28:51] Yeah, yeah.

2 MR LEDDY: [12:28:52] Thank you.

3 PRESIDING JUDGE SCHMITT: [12:28:54] Private session.

4 (Private session at 12.29 p.m.)

5 THE COURT OFFICER: [12:29:05] We are in private session, Mr President.

6 MR LEDDY: [12:29:10]

7 Q. [12:29:11] (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 A. [12:29:49] Sorry, I did not quite grasp -- grasp your question. Can you repeat
12 the question, please. I did not quite understand you.

13 PRESIDING JUDGE SCHMITT: [12:30:03] (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted) What would have happened in your -- in
17 your mind, in your imagination, if you had left without asking?

18 THE WITNESS: [12:30:53](Interpretation) Thank you very much. You see, if you
19 leave without permission, given the oath we had taken, it would mean that you are in
20 breach of that oath when you leave, the Balaka oath, that is, you are going to steal or
21 rape. And so the chiefs would follow up and punish you as need be. Generally
22 speaking, we -- one would be kept somewhere for a time of reflection, and that's what
23 I was referring to.

24 PRESIDING JUDGE SCHMITT: [12:31:33] I think we know what that means.

25 MR LEDDY: [12:31:37]

Trial Hearing
WITNESS: CAR-OTP-P-2251

(Private Session)

ICC-01/14-01/18

1 Q. [12:31:37] (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 A. [12:32:22] (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 (Redacted)

23 (Redacted)

24 (Redacted)

25 Q. [12:35:09] (Redacted)

Trial Hearing
WITNESS: CAR-OTP-P-2251

(Private Session)

ICC-01/14-01/18

1 (Redacted)

2 A. [12:35:28] (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 Q. [12:36:41] Mr Witness, I'd like to move on to your time at the warehouse

11 belonging to Mr Ngaïssona. (Redacted)

12 (Redacted)

13 (Redacted). But you also said in the same paragraph that (Redacted)

14 elements were scared of him.

15 Can you tell us why his elements were scared of him.

16 A. [12:37:49] Let me tell you why they were scared. One of them went and stole.

17 He called him, (Redacted). People

18 were afraid. People were stealing vehicles in (Redacted)

19 (Redacted)

20 So the Balaka were not supposed to be stealing. So they were afraid of him because

21 if they used violence to steal something, (Redacted).

22 When we arrived, we had no motorbikes, we had no property. So where would

23 those people have taken those items? (Redacted)

24 (Redacted)

25 (Redacted). That is why these people were afraid of him.

Trial Hearing
WITNESS: CAR-OTP-P-2251

(Private Session)

ICC-01/14-01/18

1 Q. [12:39:08] Okay. (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 A. [12:39:51] (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 Q. [12:40:54] (Redacted)

14 A. [12:41:14] (Redacted)

15 (Redacted)

16 Q. [12:41:26] (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 A. [12:42:15] (Redacted)

21 (Redacted)

22 (Redacted)

23 Q. [12:42:49] At paragraph 118 of your statement, you describe how, starting in

24 January or February 2014, Ngaïssona gave money (Redacted) for the elements staying

25 there at his warehouse and in the house next door (Redacted)

Trial Hearing
WITNESS: CAR-OTP-P-2251

(Private Session)

ICC-01/14-01/18

1 (Redacted).

2 Can you tell us approximately how long that went on for.

3 A. [12:43:39] Thank you. To talk about Mr Ngaïssona, this is someone that I did
4 not know before. But when I went to his warehouse -- in fact, it was after his return
5 from exile. And in my statement, I told you that I did not know the date of his
6 return, but it was after the resignation of Mr Djotodia.

7 (Redacted)

8 (Redacted). And he started giving advice, saying that Anti-Balaka must not
9 perpetrate violence. He said that we were the sons and daughters of the country.
10 The country was already down, so we should not commit crimes and that it was
11 better to wait for the DDR. (Redacted)

12 (Redacted).

13 With relation to the money, I have told you that it was Mr Ngaïssona himself who
14 was giving us advice. It was at his own initiative that he decided to finance us, to
15 give us a little bit of money. He gave us some money to make it possible for us to
16 feed ourselves and to live. However, this was not systematic distribution of money
17 to each fighter in the warehouse.

18 I do not know whether you have understood me well.

19 Q. [12:45:39] I've understood you. Thank you, Mr Witness.

20 My question was merely (Redacted), how long did that
21 last?

22 A. [12:46:11] I no longer remember the precise duration, the time. I really cannot
23 remember.

24 Q. [12:46:24] If you can't give us a precise date, can you give us an approximate
25 date? Was it weeks, months? What do you remember?

Trial Hearing
WITNESS: CAR-OTP-P-2251

(Private Session)

ICC-01/14-01/18

1 A. [12:47:00] I think this lasted for about one month, maybe three weeks to one
2 month. But I cannot give you a precise estimate.

3 Q. [12:47:27] Do you know why Ngaïssona stopped giving money after that time?

4 A. [12:47:57] As I said in my statement, some people in our group went out and
5 stole people's properties. They committed crimes. And he said, "I cannot continue
6 supporting you financially; whereas, you go to steal property from innocent people.
7 I have told you to wait for the DDR. So why are you still going out to carry out acts
8 of violence and stealing property of people? Since that is the case, I will stop giving
9 you assistance. If your leaders are not capable of sensitising you, calming you, and
10 convincing you to remain calm, I will not continue giving you that financial
11 assistance."

12 Q. [12:49:06] So, Mr Witness, in your answer just now you referenced elements
13 stealing property from innocent people.

14 PRESIDING JUDGE SCHMITT: [12:49:16] Yeah.

15 MS DIMITRI: [12:49:17] Mr President, I'm sorry for the interruption, but -- and I
16 should have done it earlier. Is there any way this can be done in public session
17 (Redacted) ?

18 PRESIDING JUDGE SCHMITT: [12:49:28] I think that would be possible, indeed.

19 MS DIMITRI: [12:49:32] Thank you, Mr President.

20 PRESIDING JUDGE SCHMITT: [12:49:33] Mr Leddy, or do you think otherwise
21 (Overlapping speakers)

22 MR LEDDY: [12:49:36] That's fine, Mr President.

23 PRESIDING JUDGE SCHMITT: [12:49:39] I think you give it a try.

24 Open session. Thank you.

25 (Open session at 12.49 p.m.)

Trial Hearing

(Open Session)

ICC-01/14-01/18

WITNESS: CAR-OTP-P-2251

1 THE COURT OFFICER: [12:49:50] We are back in open session, Mr President.

2 MR LEDDY: [12:50:01]

3 Q. [12:50:01] Mr Witness, in your last answer, you indicated that elements of
4 Anti-Balaka stole property from innocent people and this was the basis for ending
5 the financial support. Can you tell us more about what crimes this refers to. What
6 property and what innocent people was it stolen from?

7 A. [12:50:56] Thank you very much. The stolen items, well, to be very frank with
8 you, I do not know precisely what they were stealing. I heard that some of them
9 were stealing, were committing crimes, and that is what prompted Ngaïssona to stop
10 providing assistance, but I cannot tell you precisely what people were stealing.

11 Q. [12:51:32] Do you know who the victims of these crimes were?

12 A. [12:51:58] Personally, I did not go out very much. I do not know the victims.
13 From what I know, we tried to identify those people, but in vain. You know that
14 when the Balaka arrived, some of them were not real or true Balakas. Some people
15 went and stole items and attributed it to the Anti-Balaka. And when they got to
16 know it, they became angry because they did not want people to conduct themselves
17 in that manner. So there were people who stole. It was being said that there were
18 children under his protection and some of them went to steal, and it was not a good
19 thing. It was the high authorities of the state who were saying that to him, I believe.
20 Can you hear me well?

21 Q. [12:53:08] Yes, I can hear you, Mr Witness. Thank you.

22 One follow-up question: Did any of your chiefs -- did any of your chiefs or did
23 Ngaïssona himself ever tell you that chasing Muslim civilians from their homes was
24 a crime?

25 A. [12:53:59] But the chiefs told us to respect discipline. So far till today, there are

Trial Hearing

(Open Session)

ICC-01/14-01/18

WITNESS: CAR-OTP-P-2251

1 Muslims in Bogangolo because they were not maltreated. When Ngaïssona arrived,
2 he said that he no longer wanted war, that Balaka should not go and fight with Seleka
3 because if Seleka came and provoked people, he would know how to manage it.
4 There had been too much war and the war had to be brought to an end.
5 He was going to support us to await the DDR, and Seleka also had to wait for DDR.
6 So he gave strict instructions. He did not want war. But he never gave any orders
7 to go and fight against the Seleka. I cannot tell you a lie. He always gave strict
8 instructions to our chiefs. He said that the war must come to an end and that we
9 must restore peace. I said that in my statement. I said that Ngaïssona gave strict
10 instructions to the chiefs not to commit any crimes: no stealing, no acts of violence,
11 no crimes. And since you have put that question to me, it makes me recall what he
12 was saying. He was against war. And when he was aware that some people went
13 and committed crimes, each time he would intervene and cut off the financing. And
14 that had an effect on us because we didn't have enough to eat.

15 Q. [12:55:57] Mr Witness, at paragraph 123 of your statement, you mentioned you
16 saw that Ngaïssona came to visit the warehouse when the elements were there. Can
17 you tell us when this was and if you were still getting money from him at the time.

18 A. [12:56:32] If I remember correctly, as I have said, these events took place several
19 years ago. Ngaïssona came, he visited the warehouse, then he entered his residence
20 which had been destroyed. And he said that we should be based there but not to go
21 and steal and not even simply to take care of the house but just to use the place as
22 a base, not to steal, not to go and fight against Muslims, not to chase away
23 the Muslims. That is what I heard. He gave strict instructions. We should not
24 leave, we should not go out so that there should be no problems so that peace should
25 come back to the country. But if we left that base and went and fought against

Trial Hearing

(Open Session)

ICC-01/14-01/18

WITNESS: CAR-OTP-P-2251

1 Seleka, he would no longer support us financially. That is what I remember.

2 But regarding the date, I actually do not remember at all.

3 Q. [12:57:51] Were you still getting money from him at the time he visited?

4 A. [12:58:15] Well, this was a long time ago. There are certain details that I have

5 forgotten. It is true that I still remember other things, but I don't know whether he

6 was still giving money to us. But what I know is that when we were based at the

7 warehouse, we used to receive small amounts of money. And we will give those

8 amounts of money to the women and the girls who were with us so that they should

9 prepare food for us. And in that way, we were able to stay at the warehouse and not

10 go out.

11 PRESIDING JUDGE SCHMITT: [12:58:56] I think this might be a time to have

12 the lunch break.

13 Lunch break until 2.30.

14 THE COURT USHER: [12:59:03] All rise.

15 (Recess taken at 12.59 p.m.)

16 (Upon resuming in open session at 2.31 p.m.)

17 THE COURT USHER: [14:31:27] All rise.

18 Please be seated.

19 PRESIDING JUDGE SCHMITT: [14:31:50] Good afternoon.

20 Mr Leddy, you still have the floor.

21 MR LEDDY: [14:31:57] Thank you, Mr President.

22 Q. [14:32:01] Mr Witness, I'm on my fourth and final topic of the Anti-Balaka

23 structure and organisation. I want to ask you a question about the money that you

24 said you heard Ngaïssona was giving to other Anti-Balaka bases. And for this I refer

25 to paragraph 120 of your statement.

Trial Hearing
WITNESS: CAR-OTP-P-2251

(Open Session)

ICC-01/14-01/18

1 My question to you is: What other bases was he giving money to?

2 A. [14:32:51] No, I don't know all the bases. What I said is that I do not know all
3 the bases where money was distributed.

4 Q. [14:33:18] Do you know any of them?

5 A. [14:33:35] I repeat. I don't know where the money was distributed. I don't
6 know which bases received money and which ones didn't. I don't know anything.

7 Q. [14:33:45] Okay. I'd like to move on to the Anti-Balaka badges that you
8 discussed in your statement.

9 At paragraph 127 of your statement, you indicate that Anti-Balaka and other bases
10 made badges. Do you know which other bases these badges were made at?

11 A. [14:34:24] Yes, I spoke of badges which we made in order to recognise the true
12 Anti-Balaka. I know there was in Boy-Rabe, that's where the bases was. In the -- in
13 the Kassai-Ouango area, in Voudambala and PK12. That's all I know. Without
14 the badge -- those were the bases where (Redacted).

15 Q. [14:35:10] So I'd like to show you a few examples of these badges and ask you if
16 you recognise them. The first one is item number 38 on the list of materials. This is
17 CAR-OTP-2- -- (Overlapping speakers)

18 PRESIDING JUDGE SCHMITT: [14:35:37] Well, I assume the witness has --

19 THE INTERPRETER: [14:35:40] The witness overlapping. Sorry.

20 PRESIDING JUDGE SCHMITT: [14:35:42] Okay. It's not -- not a problem.

21 Mr Witness, please wait for the question. You will be shown some of these badges,
22 and then you will be asked a question.

23 MR LEDDY: [14:35:55]

24 Q. [14:35:55] So, Mr Witness, I'd like to show you number 38 on our list of materials.
25 That's CAR-OTP-2076-1275. If you could let me know when you have it on

Trial Hearing
WITNESS: CAR-OTP-P-2251

(Open Session)

ICC-01/14-01/18

1 the screen in front of you.

2 PRESIDING JUDGE SCHMITT: [14:36:22] It should be there now.

3 THE WITNESS: [14:36:34](Interpretation) Yes, I can see the badge.

4 MR LEDDY: [14:36:36]

5 Q. [14:36:37] Was this the kind of badge you referred to in your statement?

6 A. [14:36:51] Yes, that is it exactly. Yes, that's exactly the type of badges.

7 Q. [14:37:01] And I'd also like to show you item 12 from our list of materials. And

8 that's CAR-OTP-2001-6251, and this in particular at page 6301. I have the same

9 question for you. Is this the kind of badge you referred to in your statement?

10 A. [14:37:34] Yes, that's it. Exactly that.

11 Q. [14:37:40] And I'll ask you to look at the next page of that same item of evidence,

12 page 6302. And the same question. Is this the kind of badge you referred to in your

13 statement?

14 A. [14:38:06] Yes, it's precisely this. These are the types of badges which we

15 distributed so that we could identify the Anti-Balaka.

16 Q. [14:38:24] And the last one I want to show you, Mr Witness, is number 37 on

17 the list of materials. That's CAR-OTP-2112-1332. And I'll ask that that be shown

18 just to the witness and the parties and participants and not to the public.

19 And I have the same question for you, Mr Witness. Is this the kind of badge you

20 referred to in your statement?

21 A. [14:39:00] Yes, yes. These are the badges that we distributed to the Anti-Balaka.

22 * But this badge on the screen which isn't very distinct is a fake badge. The real

23 badges are in colour while fake ones are black/white.

24 Q. [14:39:32] Do -- (Overlapping speakers)

25 A. [14:39:37] They are the same badges that we discussed. That -- these are the

Trial Hearing

(Open Session)

ICC-01/14-01/18

WITNESS: CAR-OTP-P-2251

1 badges which we distributed so that we could identify everybody who was

2 Anti-Balaka. These are the badges that I mentioned.

3 Q. [14:39:57] I'm looking at that last badge, item number 37 on the list of materials.

4 Do you have any reason to think that that one is a fake badge?

5 A. [14:40:19] Yes, that badge is not a false badge, but the badge on the screen was

6 not distributed to many individuals. The badge which you show me on the screen

7 before were the first round of batches that were distributed. Now the one on

8 the screen is the second batch, and very few people got that type of badge.

9 Q. [14:41:03] Can you elaborate on the types of people that would have gotten

10 badges from the second batch that you refer to.

11 A. [14:41:27] This badge was printed after and was only distributed to the chiefs.

12 The Anti-Balaka elements didn't receive this type of badge. It was distributed only

13 to the leaders so that they could be identified as well.

14 Q. [14:42:05] Mr Witness, I want to bring you now to the coordination meetings

15 you mentioned in your statement. You mentioned at paragraph 202 that

16 coordination members visited the Boy-Rabe base. How often did this happen

17 in 2014?

18 A. [14:42:39] As far as I know, the members of the coordination met to discuss on

19 the bad things that were happening. They could meet once a month or even once

20 every two months or once every three months. As far as I know, they met at least

21 two or three times.

22 Q. [14:43:16] Were you present for those meetings yourself?

23 A. [14:43:34] (No interpretation)

24 THE INTERPRETER: [14:43:43] The Sango booth didn't receive the response of the

25 witness. Could he repeat, please.

Trial Hearing

(Private Session)

ICC-01/14-01/18

WITNESS: CAR-OTP-P-2251

1 PRESIDING JUDGE SCHMITT: [14:43:48] Mr Witness, the interpreters did not get
2 your last answer. Would you please be so kind to repeat it.

3 THE WITNESS: [14:44:06](Interpretation) I didn't participate in those meetings.
4 I didn't attend those meetings, as I have stated in my report.

5 MR LEDDY: [14:44:22] Your Honour, I'd like to go into private session for the next
6 set of questions. I believe the answers might identify the witness.

7 PRESIDING JUDGE SCHMITT: [14:44:30] Yeah, we go to private session then.
8 (Private session at 2.44 p.m.)

9 THE COURT OFFICER: [14:44:42] We are in private session, Mr President.

10 MR LEDDY: [14:44:48] Thank you.

11 Q. [14:44:48] (Redacted)

12 (Redacted)

13 (Redacted)

14 A. [14:45:17] (Redacted)

15 (Redacted)

16 (Redacted)

17 Q. [14:45:48] (Redacted)

18 A. [14:46:08] (Redacted)

19 (Redacted)

20 (Redacted)

21 Q. [14:46:51] You mentioned at paragraph 206 that (Redacted)

22 had coordination meetings. How do you know this?

23 A. [14:47:16] A good question. I learnt that they were going to have meetings for
24 coordination to allow country -- peace to be restored to our country. This is
25 something I learnt, that they were holding meetings. (Redacted)

Trial Hearing
WITNESS: CAR-OTP-P-2251

(Private Session)

ICC-01/14-01/18

1 (Redacted)

2 (Redacted)

3 Q. [14:48:03] Mr Witness, I'd like to ask you to please pay attention to the question
4 that I'm asking. The question was how do you know that these meetings happened?
5 For example, were you present personally? Or did you hear about it from someone
6 else?

7 A. [14:48:38] Thank you for the question. I told you somebody else told me about
8 this. (Redacted)
9 (Redacted). I said that in my testimony. I heard them talk about meetings, but
10 I didn't have any possibility in attending them personally.

11 PRESIDING JUDGE SCHMITT: [14:48:59] I think we can move on and go back to
12 open session.

13 MR LEDDY: [14:49:03] Your Honour, I believe the next line of questioning also
14 merits --

15 PRESIDING JUDGE SCHMITT: [14:49:07] And what is it about?

16 MR LEDDY: [14:49:10] (Redacted)

17 (Redacted)

18 PRESIDING JUDGE SCHMITT: [14:49:14] (Redacted)

19 (Redacted)

20 MR LEDDY: [14:49:19] Thank you.

21 Q. [14:49:21] (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

Trial Hearing
WITNESS: CAR-OTP-P-2251

(Private Session)

ICC-01/14-01/18

1 (Redacted)

2 (Redacted)

3 A. [14:50:29] Yes. Sometimes we did learn about these things. We've talked
4 about it because it -- you weren't allowed to go away and steal. Amongst each other,
5 we gave each other advice. Between ourselves amongst each other, we gave each
6 other advice so that no one could go out and commit any abuses or harm anyone.

7 Q. [14:51:04] (Redacted)

8 A. [14:51:26] (Redacted)

9 (Redacted)

10 Q. [14:51:54] (Redacted)

11 (Redacted)

12 (Redacted)

13 A. [14:52:31] (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 Q. [14:53:11] (Redacted)

19 A. [14:53:33] (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 Q. [14:53:54] (Redacted)

24 (Redacted)

25 A. [14:54:21] (Redacted)

Trial Hearing
WITNESS: CAR-OTP-P-2251

(Private Session)

ICC-01/14-01/18

- 1 (Redacted)
- 2 (Redacted)
- 3 (Redacted)
- 4 (Redacted)
- 5 Q. [14:55:11] (Redacted)
- 6 (Redacted)
- 7 A. [14:55:40] (Redacted)
- 8 (Redacted)
- 9 (Redacted)
- 10 (Redacted)
- 11 Q. [14:56:27] (Redacted)
- 12 (Redacted)
- 13 (Redacted)
- 14 A. [14:57:10] (Redacted)
- 15 (Redacted)
- 16 (Redacted)
- 17 (Redacted)
- 18 (Redacted)
- 19 (Redacted)
- 20 Q. [14:57:59] (Redacted)
- 21 (Redacted)
- 22 A. [14:58:23] (Redacted)
- 23 (Redacted)
- 24 (Redacted)
- 25 Q. [14:58:56] (Redacted)

Trial Hearing
WITNESS: CAR-OTP-P-2251

(Private Session)

ICC-01/14-01/18

1 (Redacted)

2 (Redacted)

3 (Redacted)

4 A. [14:59:42] (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 Q. [15:00:36] Mr Witness, so is it fair to say you were not aware of any other

10 examples of elements being disciplined (Redacted) for harming Muslims?

11 A. [15:01:10] It is true. I was not aware of a situation where a member of a group

12 was caught hurting Muslims and taken to the police station. But I can talk about

13 the case of an attack of 5 May and where -- you see, I can't even talk about it because

14 I didn't see it with my own eyes, that is, the attack of Muslims on 5 December in

15 Boy-Rabe or in Kassai. All the Muslims had already moved to PK5.

16 (Redacted)

17 (Redacted)

18 (Redacted). It is only later, much later, in 2017, that I began to find out where

19 the Muslims were. So I don't know whether you understand me. During

20 the events proper, I didn't know where the Muslims were. And so I wasn't able to

21 know whether they were direct victims or what have you.

22 PRESIDING JUDGE SCHMITT: [15:02:51] (Redacted) ?

23 MR LEDDY: [15:02:55] (Redacted)

24 (Redacted).

25 PRESIDING JUDGE SCHMITT: [15:03:01] (Redacted)?

Trial Hearing
WITNESS: CAR-OTP-P-2251

(Private Session)

ICC-01/14-01/18

1 MR LEDDY: [15:03:03] (Redacted)

2 (Redacted)

3 PRESIDING JUDGE SCHMITT: [15:03:12] (Redacted)

4 (Redacted). Okay, good.

5 MR LEDDY: [15:03:21]

6 Q. [15:03:21] (Redacted)

7 (Redacted)

8 (Redacted)

9 A. [15:03:55] (Redacted)

10 (Redacted)

11 (Redacted)

12 Q. [15:04:30] (Redacted)

13 A. [15:04:49] (Redacted)

14 (Redacted) I do not know how or what he did or what his elements did. I was

15 not aware of their activities.

16 Q. [15:05:04] (Redacted)

17 (Redacted)?

18 A. [15:05:30] No, I don't know. As I have just told you, I did not know how his

19 group functioned at his base. I do not know whether he received any help from

20 the coordination, and I cannot lie.

21 Q. [15:05:53] And you also mentioned Andjilo in your statement as well. Who did

22 Andjilo -- I'm sorry. I'll rephrase the question.

23 Do you know if Andjilo reported to anyone? In other words, who, if anyone, was

24 Andjilo's superior?

25 PRESIDING JUDGE SCHMITT: [15:06:23] Yes, Ms Dimitri.

Trial Hearing
WITNESS: CAR-OTP-P-2251

(Private Session)

ICC-01/14-01/18

1 MS DIMITRI: [15:06:25] I'm sorry, Mr President. I -- we're spending a lot of time in
2 private session. I think there is a way around it.

3 PRESIDING JUDGE SCHMITT: [15:06:33] Yeah, this is also my -- my impression,
4 frankly speaking, and I also -- we spent a lot of time in general on this witness on
5 the direct examination. But you said you will -- it will not take you so much time
6 anymore.

7 Also, with regard to the content of the testimony, I'm not sure if, yeah, we should be
8 so much worried about this matter. But I think we would stay -- I think we finish it
9 simply as it is at the moment.

10 MR LEDDY: [15:07:08] I have very few questions left, your Honour.

11 PRESIDING JUDGE SCHMITT: [15:07:10] Yes, please.

12 MR LEDDY: [15:07:16]

13 Q. [15:07:16] So, Mr Witness, my question to you was: Who was Andjilo's
14 superior, if you know?

15 A. [15:07:37] No. I do not know Andjilo's boss. I don't want to lie. And as I
16 have told you, if I knew who his supervisor was, I would have told you. I know that
17 he himself was a member of the coordination. Beyond that, I know no more.

18 Q. [15:08:05] Mr Witness, the last topic I want to ask you about are child soldiers in
19 the Anti-Balaka. (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 A. [15:08:52] Thank you for your question. I have told you that I did not see many
24 children during the attack of 5 December. I did not know them. It is only after
25 the attack of 5 December that we came together and that is how I got to know those

Trial Hearing
WITNESS: CAR-OTP-P-2251

(Private Session)

ICC-01/14-01/18

1 children. (Redacted). But before the attack of 5 December, I did not

2 see many children. I saw maybe one or two children. (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 PRESIDING JUDGE SCHMITT: [15:10:13] (Redacted)

9 (Redacted)

10 MR LEDDY: [15:10:24] (Redacted)

11 Q. [15:10:27] (Redacted)

12 (Redacted)

13 PRESIDING JUDGE SCHMITT: [15:10:36] Can't we first figure out what we

14 understand by children? This would be interesting. Because if I look at the

15 statement of the witness there is -- there are some interesting phrasings by the witness

16 about the age.

17 Mr Witness, we are speaking of young people who have been -- who might have been

18 with you. How old were they, if you recall it?

19 THE WITNESS: [15:11:18](Interpretation) That's a good question. I did not know

20 their ages, as such. During the events, no one looked into determining what a child's

21 age was, so these are children who could have been 16, 17 or 18 years old. That's

22 what I can say. But I do not know their exact ages.

23 PRESIDING JUDGE SCHMITT: [15:11:46] And what, what did they do in the group?

24 What was their function?

25 THE WITNESS: [15:12:07](Interpretation) Good question. Those children had

Trial Hearing
WITNESS: CAR-OTP-P-2251

(Private Session)

ICC-01/14-01/18

1 declared that they were orphans, so they came along with us. (Redacted)

2 (Redacted)

3 (Redacted)

4 PRESIDING JUDGE SCHMITT: [15:12:38] Did they in any -- in any way participate
5 in -- in fightings, in attacks or the sort of.

6 THE WITNESS: [15:12:58](Interpretation) No, I say no. I did not see that with me
7 own eyes. I didn't see that.

8 PRESIDING JUDGE SCHMITT: [15:13:07] Okay. (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 THE WITNESS: [15:13:58](Interpretation) (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 PRESIDING JUDGE SCHMITT: [15:15:03] (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

Trial Hearing
WITNESS: CAR-OTP-P-2251

(Private Session)

ICC-01/14-01/18

1 (Redacted)

2 THE WITNESS: [15:15:48](Interpretation) (Redacted)

3 (Redacted)

4 PRESIDING JUDGE SCHMITT: [15:16:05] (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 THE WITNESS: [15:16:48](Interpretation) (Redacted)

9 (Redacted)

10 (Redacted)

11 PRESIDING JUDGE SCHMITT: [15:17:21] Yeah, we have understood that. I think

12 that should cover most of it, (Redacted)

13 (Redacted)

14 (Redacted)

15 Do you have further questions, Mr --

16 MR LEDDY: [15:17:44] I don't, your Honour. The Prosecution rests.

17 PRESIDING JUDGE SCHMITT: [15:17:47] Thank you.

18 MR LEDDY: [15:17:47] Thanks.

19 PRESIDING JUDGE SCHMITT: [15:17:48] We go back to open session.

20 (Open session at 3.18 p.m.)

21 THE COURT OFFICER: [15:18:03] We are back in open session, Mr President.

22 PRESIDING JUDGE SCHMITT: [15:18:05] Thank you.

23 Then it's now the time for Mr Suprun. I think you might not have so many questions

24 anymore because I might perhaps have -- and you know -- you know why I did this,

25 because we insist on I think paragraph 19 of the conduct of proceedings instructions,

Trial Hearing
WITNESS: CAR-OTP-P-2251

(Private Session)

ICC-01/14-01/18

1 that -- of the limited purpose a little bit.

2 But, Mr Suprun, you have the floor, of course. Thank you.

3 MR SUPRUN: [15:18:34] Yes, Mr President. Indeed I have still a number of
4 questions, but the majority of the questions have been addressed by the Chamber.
5 And, Mr President, since I -- I intend to address with the witness the questions in
6 relation to his involvement with the NGOs -- NGO you've have just mentioned, I
7 think it's better to ask my question in the --

8 PRESIDING JUDGE SCHMITT: [15:18:59] And it's good that you circumscribe
9 the issue. That's good. So we go to -- unfortunately, again to private session, yeah.

10 (Private session at 3.19 p.m.)

11 THE COURT OFFICER: [15:19:22] We are in private session, Mr President.

12 QUESTIONED BY MR SUPRUN: (Interpretation)

13 Q. [15:19:36] Good afternoon, Witness.

14 A. [15:19:41] Good afternoon. I can hear you clearly.

15 Q. [15:19:44] My name is Dmytro Suprun and I represent the office of victims on
16 behalf of former child soldiers Anti-Balaka and I have a few questions for you.

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 A. [15:20:29] Thank you for your question. (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

Trial Hearing
WITNESS: CAR-OTP-P-2251

(Private Session)

ICC-01/14-01/18

- 1 (Redacted)
- 2 (Redacted). What
- 3 the children did was to roam around the area, and from time to time they would be
- 4 hit by stray bullets, Seleka would pick them up and use them. (Redacted)
- 5 (Redacted)
- 6 (Redacted)
- 7 (Redacted)
- 8 (Redacted)
- 9 (Redacted)
- 10 (Redacted)
- 11 (Redacted). I don't know if you've understood me.
- 12 Q. [15:22:32] (Redacted)
- 13 (Redacted)
- 14 (Redacted)
- 15 (Redacted)
- 16 A. [15:23:09] (Redacted)
- 17 (Redacted)
- 18 (Redacted)
- 19 (Redacted)
- 20 (Redacted)
- 21 Q. [15:23:56] (Redacted)
- 22 (Redacted)
- 23 A. [15:24:21] (Redacted)
- 24 (Redacted)
- 25 (Redacted)? (Overlapping

Trial Hearing
WITNESS: CAR-OTP-P-2251

(Private Session)

ICC-01/14-01/18

1 speakers)

2 PRESIDING JUDGE SCHMITT: [15:24:36] I think, Mr Suprun, nobody would have a
3 problem if you -- yeah, at least a little bit lead the -- lead the witness, if you have some
4 concrete details that perhaps you have in mind. If that rings a bell also I think
5 nobody will object to that.

6 MR SUPRUN: [15:24:55](Interpretation)

7 Q. [15:24:57] (Redacted)

8 (Redacted)

9 A. [15:25:19] (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). I don't know if my answer is clear enough.

Trial Hearing
WITNESS: CAR-OTP-P-2251

(Private Session)

ICC-01/14-01/18

1 Q. [15:27:24] (Redacted)

2 (Redacted)

3 A. [15:27:44] (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 Q. [15:28:48] (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 A. [15:30:06] (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

Trial Hearing
WITNESS: CAR-OTP-P-2251

(Private Session)

ICC-01/14-01/18

1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 PRESIDING JUDGE SCHMITT: [15:31:19] May I shortly, Mr Suprun.

7 You are also a little bit quick with your questions, which are all helpful, I have to say,

8 but you would also have to wait a little bit when you start with your next question.

9 And for the record, the last paragraph you mentioned, on the transcript it is as 22, but

10 it's 222. I think you said it correctly, but it's 222. Please proceed.

11 MR SUPRUN: [15:31:46](Interpretation)

12 Q. [15:31:50] (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 A. [15:32:25] (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted). I don't know if you have understood me.

23 MR SUPRUN: [15:33:20] Thank you, Mr Witness, for your answer.

24 I have concluded my questioning, Mr President.

25 PRESIDING JUDGE SCHMITT: [15:33:26] We go to open session, I would say,

Trial Hearing
WITNESS: CAR-OTP-P-2251

(Open Session)

ICC-01/14-01/18

1 shortly, so that we can finish.

2 (Open session at 3.33 p.m.)

3 THE COURT OFFICER: [15:33:41] We are back in open session, Mr President.

4 PRESIDING JUDGE SCHMITT: [15:33:44] Thank you very much.

5 And, also, these were interesting questions of a general nature, how this procedure
6 functions.

7 Are you prepared to start already of -- I think from -- from the time estimates, I would
8 assume that we have more than enough time tomorrow to finish the Defence
9 examination. I don't want to induce anything here, but ...

10 MS DIMITRI: [15:34:11] I was ready to start, Mr President. I'll be very short. I did
11 quite some work with my colleague at lunchtime, but I -- I still -- it's impossible to
12 finish before 4, but I'll be --

13 PRESIDING JUDGE SCHMITT: [15:34:23] No, then I would really suggest that we
14 start tomorrow at 9.30. I think nobody will object to that.
15 But Mr Knoops will object?

16 MR KNOOPS: [15:34:30] No, no, no. Not at all. I support it fully because we had
17 a problem last week with the phone calls, Mr President, as you recall, with
18 the detainees and it would be helpful if they can be in time before 4.30 in
19 the detention centre.

20 PRESIDING JUDGE SCHMITT: [15:34:43] The more so. So then we reconvene at
21 9.30.

22 Thank you for the moment, Mr Witness. We start again tomorrow and continue
23 with your questioning at 9.30 time -- The Hague time, so to speak.

24 THE COURT USHER: [15:34:55] All rise.

25 (The hearing ends in open session at 3.34 p.m.)