

Trial Hearing
WITNESS: CAR-OTP-P-1811

(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
- 5 Patrice-Edouard 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 Thursday, 31 March 2022
- 10 (The hearing starts in open session at 9.30 a.m.)
- 11 THE COURT USHER: [9:30:32] All rise.
- 12 The International Criminal Court is now in session.
- 13 Please be seated.
- 14 PRESIDING JUDGE SCHMITT: [9:30:57] Good morning, everyone.
- 15 Court officer, please call the case.
- 16 THE COURT OFFICER: [9:31:03] Good morning, Mr President, your Honours.
- 17 Situation in the Central African Republic II, in the case of The Prosecutor versus
- 18 Alfred Yekatom and Patrice-Edouard Ngaïssona, case reference ICC-01/14-01/18.
- 19 And for the record, we are in open session.
- 20 PRESIDING JUDGE SCHMITT: [9:31:17] Thank you.
- 21 The appearance of the parties, we start with the Prosecution, please.
- 22 MS GALUPA: [9:31:21] Good morning, Mr President. Good morning,
- 23 your Honours. The Prosecution is represented today by Mrs Olivia Struyven,
- 24 Mr Kweku Vanderpuye, Mr Yassin Mostfa and myself, Irina Galupa.
- 25 PRESIDING JUDGE SCHMITT: [9:31:35] The representatives of the victims next.

Trial Hearing
WITNESS: CAR-OTP-P-1811

(Open Session)

ICC-01/14-01/18

1 MS MASSIDDA: [9:31:38] Good morning, Mr President, your Honours. For
2 the victims of the other crimes appearing today, myself, Paolina Massidda, Maître
3 Abdou Dangabo Moussa and Madam Mouhia Asso.

4 PRESIDING JUDGE SCHMITT: [9:31:54] And then for the child soldiers.

5 MR SUPRUN: [9:31:57] Good morning, Mr President, your Honours. The former
6 child soldiers are represented by myself, Dmytro Suprun, counsel at the Office of
7 Public Counsel for Victims. Thank you.

8 PRESIDING JUDGE SCHMITT: [9:32:03] Thank you.

9 I turn to the Defence, Ms Dimitri first.

10 MS DIMITRI: [9:32:07] Good morning, Mr President. Good morning,
11 your Honours. Good morning, everyone. Mr Yekatom, who is present in
12 the courtroom, is represented this morning by Ms Daniela Mvougou Police, closer to
13 us this morning, Ms Wilhelmina Whittingham, Mr Florent Pages-Granier, Ms Anta
14 Guissé, and myself, Mylène Dimitri.

15 PRESIDING JUDGE SCHMITT: [9:32:24] Thank you.

16 I turn to Mr Knoops.

17 MR KNOOPS: [9:32:27] Good morning, Mr President. Good morning,
18 your Honours. Good morning, everyone in the courtroom. The Defence team of
19 Mr Ngaïssona is today appearing before the Chamber with Ms Marie-Hélène Proulx,
20 Ms Barbara Szmatala, Ms Camille Stuckel, Mr Michael Rowse. And the defendant is
21 present in the courtroom. Mr Landry is following the hearing from the field office.
22 Thank you.

23 PRESIDING JUDGE SCHMITT: [9:32:54] Thank you very much.

24 And of course, most importantly, good morning to Madam Witness at the video-link
25 location. Do you hear and understand me well?

Trial Hearing

(Open Session)

ICC-01/14-01/18

WITNESS: CAR-OTP-P-1811

1 WITNESS: CAR-OTP-P-1811 (On former oath)

2 (The witness speaks Sango)

3 (The witness gives evidence via video link)

4 THE WITNESS: [9:33:18](Interpretation) Yes, I can hear you.

5 PRESIDING JUDGE SCHMITT: [9:33:20] We hope you had a good rest until today

6 and that we can -- and we will definitely finish with your testimony today, I can

7 assure you that.

8 We start now with the questioning by the Defence of Mr Yekatom.

9 I give you the floor.

10 Open session? Private session? You will tell us.

11 MS GUISSÉ: [9:33:47](Interpretation) Good morning, your Honours. Yes, we'll

12 quickly go into private session for -- but for the introduction we can remain -- in

13 introduction, I have good news for the Chamber and the witness, namely, I don't

14 think I'll be going past the morning when it comes to my questioning today. So

15 the time that was granted to me yesterday has paid off.

16 QUESTIONED BY MS GUISSÉ: (Interpretation)

17 Q. [9:34:17] Good morning, Madam Witness. I'll introduce myself.

18 A. [9:34:22] Thank you. Good morning.

19 Q. [9:34:27] I'll introduce myself once again. We saw one another yesterday. I'm

20 Anta Guissé and I'm one of the lawyers representing Mr Alfred Yekatom, who you

21 also know by the name of Rombhot.

22 As I was saying yesterday, basically I have a few clarifications to seek regarding your

23 testimony and I do have some questions that won't be all that long and we should be

24 finished this morning.

25 I'd like to remind you of something important that you were told by

Trial Hearing
WITNESS: CAR-OTP-P-1811

(Private Session)

ICC-01/14-01/18

1 the Presiding Judge and by the Prosecutor, namely, it is important to pause between
2 my question and your answer so that the interpreters can do their work properly.

3 As well, once again, I'll try to organise my questions in a particular manner so that we
4 can respect your protective measures. If ever there is a question for which you need
5 to respond and you fear revealing your identity, please tell me so and I will ask
6 the Presiding Judge if we can go into private session.

7 Is that clear for you, Madam Witness?

8 A. [9:35:54] Yes, it's clear.

9 Q. [9:35:56] I'll begin with a few questions making reference to your statement of
10 *19 July 2017 which you gave to the investigators of the OTP. This is
11 tab -- CAR-OTP-2058-0003.

12 And for the Chamber and the parties, I won't give the references again. I'll just make
13 reference to "your statement" when I'm speaking to the witness. So I'm talking about
14 this statement.

15 Your Honour, I'll now begin a number of questions --

16 PRESIDING JUDGE SCHMITT: We go to private session.

17 MS GUISSÉ: (Interpretation) -- for which we have to go into private session.

18 (Private session at 9.37 a.m.)

19 THE COURT OFFICER: [9:37:07] We are in private session, Mr President.

20 PRESIDING JUDGE SCHMITT: [9:37:09] Thank you.

21 MS GUISSÉ: [9:37:11](Interpretation)

22 Q. [9:37:14] Madam Witness, we are now in private session, that means that you
23 can answer the questions freely without any fear of your identity being revealed.

24 We're in private session right now because I would like to ask you some questions
25 about your family ties to various people.

Trial Hearing
WITNESS: CAR-OTP-P-1811

(Private Session)

ICC-01/14-01/18

1 As the Presiding Judge was saying yesterday, in African families we don't necessarily
2 have quite the same view of families as in western families, so I'd like to ask you some
3 questions.

4 Let me begin with this: Now you are the second wife of Mr Bertrand Mamour; is
5 that correct?

6 A. [9:37:58] Yes, that's right.

7 Q. [9:38:00] So you are in a polygamic marriage?

8 A. [9:38:12] Yes, that's right.

9 Q. [9:38:13] And the first wife of Mr Bertrand Mamour, your co-wife, is Ms Fatima
10 Mamour; is that correct?

11 A. [9:38:27] Yes, that's right.

12 Q. [9:38:31] Before your marriage to General Mamour, did you have any family ties
13 with Fatima?

14 A. [9:38:51] Yes, there is a family tie between her and me.

15 Q. [9:39:05] Could you be more specific.

16 A. [9:39:08] Her mother is my aunt and her father is my material uncle.

17 Q. [9:39:17] Very well. So from a western way of seeing it, she is your cousin; is
18 that right?

19 A. [9:39:33] Yes, that's right.

20 Q. [9:39:36] Can we agree that Oumi, who is -- who was with you on 24 September
21 at the Anti-Balaka bases, that's the daughter of your husband and his first wife Fatima;
22 is that --

23 THE INTERPRETER: [9:39:59] Correction: the date given was December 24.

24 THE WITNESS: [9:40:03](Interpretation) Yes, that's right.

25 MS GUISSÉ: [9:40:05](Interpretation)

Trial Hearing

(Private Session)

ICC-01/14-01/18

WITNESS: CAR-OTP-P-1811

1 Q. [9:40:09] And that's why you refer to her as your niece, we agree on that point?

2 A. [9:40:29] Yes, that's right.

3 Q. [9:40:36] I'll now ask you some questions about Jeanne-Marie Assania Babakir.

4 And once again, in your statement you refer to her as your sister. Can we agree that

5 in actual fact she is your cousin, in the western meaning of the word? That is to say,

6 you do not have the same parents.

7 A. [9:41:04] Yes, that's right.

8 Q. [9:41:11] Would I be correct to say that Jeanne-Marie Assania Babakir is also

9 nicknamed Poutou?

10 A. [9:41:26] Yes, you're correct.

11 Q. [9:41:37] I'd now like to ask you some questions about the Lapo family, Awa

12 Hissène Lapo, wife of Benjamin Lapo, is this lady the sister, same mother, same father,

13 of Jeanne-Marie?

14 A. [9:42:00] Yes.

15 Q. [9:42:11] And Awa and Benjamin Lapo are the parents of Charlemagne,

16 Melchior, Saint Cyr and Naomi Lapo; is that correct?

17 A. [9:42:29] Yes.

18 Q. [9:42:35] And you consider them to be your nephews and nieces; is that correct?

19 A. [9:42:48] Yes, that's correct.

20 Q. [9:42:50] Thank you very much for those clarifications. They're very useful.

21 So we agree that Charlemagne, the person who died at Castor hospital -- he was

22 the one who died at Castor hospital; isn't --

23 A. [9:43:06] Yes, that's right.

24 Q. [9:43:08] And Saint Cyr, who was with you when you were taken to

25 the Anti-Balaka base, is a soldier; is that correct?

Trial Hearing
WITNESS: CAR-OTP-P-1811

(Private Session)

ICC-01/14-01/18

1 A. [9:43:27] Yes, that's right.

2 Q. [9:43:30] That Melchior, who was also with you that day at the base, at the time
3 was about 15 years old; is that correct?

4 A. [9:43:47] Yes, that's correct.

5 Q. [9:43:52] And we also agree that Melchior is nicknamed Meki; is that correct?

6 A. [9:44:09] Yes.

7 Q. [9:44:10] At paragraph 18 of your statement, and several times yesterday during
8 your testimony, you mentioned Naomi's husband. Do you remember his name?

9 A. [9:44:31] No, I don't remember his name.

10 Q. [9:44:35] And if I were to put it to you that it was Chrislain Junior Ngombe,
11 would that refresh your memory?

12 A. [9:44:53] No, because often we mention *mari* -- the husband of Naomi, but
13 I don't know his real name.

14 Q. [9:45:07] There's absolutely no problem with that.

15 One last question about the family. Benjamin Lapo is the brother of General
16 Guillaume Lapo; is that correct?

17 A. [9:45:24] Yes, that's right.

18 Q. [9:45:26] And you, you personally, you also know Guillaume Lapo. You've
19 met him before, haven't you; is that correct?

20 A. [9:45:42] I know Guillaume Lapo.

21 Q. [9:45:50] Well, your -- your family, your husband, who's also a general, would
22 he rub shoulders with Guillaume Lapo?

23 A. [9:46:13] Guillaume Lapo is a general, like Awa is the wife of General Lapo and
24 is -- and as of the -- well, also the sister of Fatou, it's the same family, so I think that
25 they did see one another or rub shoulders.

Trial Hearing
WITNESS: CAR-OTP-P-1811

(Private Session)

ICC-01/14-01/18

1 Q. [9:46:35] Well, can we agree that you were close to the Lapo family and you
2 would regularly see them socially, and that is still the case today?

3 A. [9:47:01] Yes, we are close and we continue to see one another.

4 MS GUISSÉ: [9:47:13](Interpretation) Your Honour, I'll try to do some of my
5 questioning in open session, and then I think after that we'll be going back into
6 private session.

7 PRESIDING JUDGE SCHMITT: [9:47:25] Thank you for your efforts.

8 So we go to open session, as I understand it.

9 (Open session at 9.47 a.m.)

10 THE COURT OFFICER: [9:47:47] We are in open session, Mr President.

11 MS GUISSÉ: [9:47:52](Interpretation)

12 Q. [9:47:54] Madam Witness, we are in open session once again, so please be
13 careful when you answer my questions. You wouldn't want to reveal your identity.
14 First of all, I'd like to focus on what you mentioned in paragraph 20 of your statement,
15 namely, (Redacted) , 24 December 2013, (Redacted)
16 (Redacted). That is the event that is of
17 interest to me.

18 First of all, (Redacted)

19 (Redacted). And I'd like to ask you this: Was it at the same place or close to
20 the place where (Redacted) ?

21 I don't hear any answer. Is it not clear? Shall I rephrase my question?

22 In your statement at paragraph 20 you gave an account to the effect that, when you
23 were coming back from the (Redacted), you met up (Redacted)
24 (Redacted); is that correct? Do you remember that?

25 A. [9:49:56] Yes, I remember.

Trial Hearing
WITNESS: CAR-OTP-P-1811

(Open Session)

ICC-01/14-01/18

1 Q. [9:50:00] My question now is this: Now the place (Redacted)
2 (Redacted), was it the same place where (Redacted) , not far from the *paillote*, the
3 straw hut, or was it another place?

4 A. [9:50:36] (Redacted)
5 (Redacted). During that time, we left the place and (Redacted). Along the way,
6 (Redacted). And I can specify that we were walking, we were
7 on foot.

8 Q. [9:51:11] I think I'm having a hard time expressing myself and getting my idea
9 across. My fault.
10 Let me try again. Paragraph 20 of your statement, you said that (Redacted)
11 (Redacted)
12 (Redacted). Do you remember that incident?

13 A. [9:51:47] Yes, I remember.

14 Q. [9:51:48] Very well. So my question is this: Now the place where
15 (Redacted) , was it beside the place where in the afternoon (Redacted)
16 (Redacted)?
17 Is my question clear?

18 A. [9:52:16] I've understood the question. (Redacted)
19 (Redacted).

20 Q. [9:52:32] Thank you for clearing that up for me. Was it quite a distance from
21 the *paillote*, the straw hut, (Redacted)?

22 A. [9:53:04] No, it wasn't far. It wasn't far from that place.

23 Q. [9:53:09] Now let me hark back to the moment (Redacted)
24 (Redacted). You said in your statement that the Anti-Balaka (Redacted)
25 (Redacted) they thought that some Seleka people had camouflaged the vehicle so as

Trial Hearing
WITNESS: CAR-OTP-P-1811

(Open Session)

ICC-01/14-01/18

1 to hide some Seleka men.

2 My question is this: Would you be in agreement with me if I were to say that that

3 time, later December 2013, would you agree that tensions were running high in

4 Bangui between Seleka groups and Anti-Balaka groups, and that there were clashes,

5 and sometimes people could hear gunfire in the city?

6 Perhaps my question wasn't clear. I'll rephrase.

7 Would you agree that during that period of time there were clashes between Seleka

8 groups and Anti-Balaka groups in Bangui?

9 A. [9:55:08] Yes, that's true.

10 Q. [9:55:14] Sometimes did you hear gunshots, gunfire in the city?

11 A. [9:55:26] Yes, there were gunshots.

12 Q. [9:55:31] Would I be correct if I were to say that after, after leaving the first

13 Anti-Balaka base and you were transferred (Redacted) , would I be

14 correct if I said that (Redacted) you immediately

15 was that there were clashes in the city? Do you agree with me on that point?

16 A. [9:56:10] I agree.

17 Q. [9:56:16] I'd also like to know whether the day that (Redacted)

18 (Redacted) , did you also go through some checkpoints where

19 there were Seleka men?

20 A. [9:56:45] I didn't have the time to count the number of checkpoints that we went

21 through (Redacted). I wasn't able to count the number of checkpoints.

22 Q. [9:57:04] I'm sorry, Madam Witness, I think I'm the one who put my question to

23 you poorly. So I'll rephrase. I'm talking about when you (Redacted)

24 (Redacted). I would like to know whether outside

25 the checkpoint where (Redacted)

Trial Hearing
WITNESS: CAR-OTP-P-1811

(Open Session)

ICC-01/14-01/18

1 (Redacted), did you go through any other checkpoints that were being held by
2 the Seleka?

3 A. [9:57:46] No. We did not cross any checkpoints held by the Seleka.

4 Q. [9:57:56] Thank you for clearing that up. I would now like to move to
5 something else, namely, the time when you were leaving (Redacted).

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted).

11 Do you remember approximately when you left the house?

12 A. [9:59:16] Well, if I remember correctly, it must have been 1500 hours or
13 1600 hours.

14 Q. [9:59:29] Thank you for being specific.

15 Now as you were leaving, you described at paragraph 22 of your statement that

16 (Redacted)

17 (Redacted).

18 My question is this: (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)? Does that ring a bell?

22 A. [10:00:36] Yes, that does ring a bell.

23 Q. [10:00:46] This young man (Redacted), could you describe him to us.

24 A. [10:01:10] The first time I saw that young man, (Redacted) knew him. I knew
25 that

Trial Hearing

(Private Session)

ICC-01/14-01/18

WITNESS: CAR-OTP-P-1811

1 he -- I could see that he was a tall young man. But to go so far as to say that I know

2 him, I don't know him well, but (Redacted) knew who that young man was.

3 Q. [10:01:41] Thank you for that point of clarification.

4 I would like for us to be clear on this. We agree that this young man remained at the

5 roadblock (Redacted)

6 (Redacted); is that correct?

7 A. [10:02:04] That is correct.

8 Q. [10:02:12] At that roadblock, this tall young man, was he beaten at that

9 roadblock or was he the victim of any acts of violence?

10 A. [10:02:33] No, he wasn't beaten.

11 Q. [10:02:42] I know that you do not know him, but we will agree that you do not

12 remember his name; is that correct?

13 A. [10:02:53] That is correct.

14 MS GUISSÉ: [10:02:59](Interpretation) Mr President, for the next part of my

15 cross-examination I'm going to unfortunately have to ask us to move into closed

16 session.

17 PRESIDING JUDGE SCHMITT: [10:03:10] Private session.

18 (Private session at 10.03 a.m.)

19 THE COURT OFFICER: [10:03:23] We are in private session, Mr President.

20 MS GUISSÉ: [10:03:32](Interpretation)

21 Q. [10:03:34] Madam Witness, we are once again in private session, which means

22 that you can answer my questions freely without worrying about your identity being

23 revealed.

24 Now paragraphs 23 to 25 of your statement, you say that you were recognised by

25 the Anti-Balaka leader who you called the leader at the *paillote*, or the thatched hut,

Trial Hearing
WITNESS: CAR-OTP-P-1811

(Private Session)

ICC-01/14-01/18

1 and you said that you claimed that he was wrong, but in reality you knew him well
2 because you had seen him go to work in his uniform at the *Camp de Roux*. You knew
3 him well by sight.

4 My question is as follows: Is it true to say that this leader who recognised you and
5 asked you whether you recognised him was not happy to note that you did not
6 recognise him? Am I right in so saying?

7 A. [10:04:48] No, no, it's not that.

8 Q. [10:04:54] When he recognised you, did he speak to the group of people at the
9 roadblock and say that he wasn't happy because your husband, General Mamour,
10 allegedly mistreated him? Do you have that recollection? I'm specifying we're
11 talking about the moment in time at the roadblock at the *paillote*, the person who'd
12 recognised you, did he mention your husband and any possible bad behaviour on
13 the part of your husband towards him?

14 A. [10:05:58] No, he didn't say that. It was another soldier, another element who
15 said that to me. It wasn't him personally.

16 Q. [10:06:16] And did you know that other soldier?

17 A. [10:06:27] No, I didn't.

18 Q. [10:06:36] This soldier who talked about the mistreatment or -- or
19 the mistreatment that your husband endured, did he -- or that your husband dealt out,
20 did he provide any explanations?

21 A. [10:06:59] No, he didn't provide any explanations.

22 Q. [10:07:06] At the roadblock still when you were recognised, did an Anti-Balaka
23 say to you, "It's you who mistreated my friend in town."?

24 A. [10:07:33] Yes.

25 Q. [10:07:41] And was this the leader at the *paillote* who said that, or was it

Trial Hearing
WITNESS: CAR-OTP-P-1811

(Private Session)

ICC-01/14-01/18

1 somebody else?

2 A. [10:07:56] It was the leader at the *paillote*.

3 Q. [10:08:07] So if I understand you correctly, the leader at the *paillote* deemed that
4 you had done something to one of his friends. Did he gave you any further
5 explanation with the manner in which he reproached you for this? Did he talk about
6 the issues that he had talked about with his friend?

7 A. [10:08:42] No, he didn't furnish any details. He didn't provide an explanation.

8 Q. [10:08:53] On that day, did the leader from the *paillote* or any other soldier make
9 mention of the fact that he was a Muslim and that because of the treatment that he
10 had endured he had joined the Anti-Balaka?

11 A. [10:09:22] Yes, he did say that.

12 Q. [10:09:29] And when you say "he", who are we talking about here? The leader
13 at the *paillote*?

14 A. [10:09:43] Yes, it was the leader at the *paillote*.

15 Q. [10:09:52] So he said to you that he was a Muslim and that he had joined
16 the Anti-Balaka because of mistreatment that he had endured. Did he explain what
17 kind of mistreatment he had suffered and from whom?

18 A. [10:10:20] No, he didn't give any names, nor details.

19 Q. [10:10:26] Thank you for that very useful piece of information.

20 Now still with regard to your arrest at the roadblock, did you recognise in the midst
21 of that group accompanying the leader of the *paillote*, did you recognise any
22 Anti-Balaka who were amongst those who had searched the ambulance in
23 the morning?

24 A. [10:11:13] No, I didn't recognise them. Rather, it was rather the son --

25 THE INTERPRETER: [10:11:24] If the Sango interpreter understood correctly.

Trial Hearing

(Private Session)

ICC-01/14-01/18

WITNESS: CAR-OTP-P-1811

1 THE WITNESS: [10:11:27](Interpretation) -- but I didn't recognise the others.

2 MS GUISSÉ: [10:11:30](Interpretation)

3 Q. [10:11:32] Madam Witness, I'm sorry, I'm going to have to put the question to
4 you together because the interpreter interpreting what you are saying did not
5 understand everything in your response. I'm going to put the question to you again.

6 In that group accompanying the leader of the *paillote* that afternoon, were there any
7 people who were part of the Anti-Balaka group who stopped your -- stopped your
8 ambulance that morning? Did you recognise anyone?

9 A. [10:12:08] No, I didn't recognise them.

10 MS GUISSÉ: [10:12:24](Interpretation) I believe that we might attempt to move back
11 into open session, Mr President.

12 PRESIDING JUDGE SCHMITT: [10:12:28] Appreciated the attempt.

13 Open session.

14 (Open session at 10.12 a.m.)

15 THE COURT OFFICER: [10:12:47] We are back in open session, Mr President.

16 MS GUISSÉ: [10:13:00](Interpretation)

17 Q. [10:13:02] So we are in open session once again and I'm going to make sure that
18 my questions do not identify you.

19 At an earlier stage you mentioned to us the youngest person in your group who was
20 15 years of age. Do we agree that there were no children in your midst, that
21 (Redacted) 15 was the youngest of the group; is that correct?

22 A. [10:13:46] That is correct. There was no one younger than him.

23 Q. [10:13:52] (Redacted)

24 (Redacted)

25 (Redacted).

Trial Hearing
WITNESS: CAR-OTP-P-1811

(Open Session)

ICC-01/14-01/18

1 Yesterday, transcript, French version 114, page 21, you indicated that the leader at
2 the *paillote* (Redacted). My question is as follows: (Redacted) the base did you see
3 him talk or did you hear him talk to (Redacted) who were there on location at the
4 base?

5 A. [10:14:57] They were away -- away from me, not close enough for me to be able
6 to hear the contents of their conversation.

7 Q. [10:15:08] At paragraph 28 of your statement you say that (Redacted)
8 the back of the house and that there was just a small group (Redacted).
9 Could you assess approximately how many of them there were when you say that
10 they were a small group. Were there three, five, 10? Could you provide us with
11 a number of people in that group (Redacted).

12 A. [10:15:50] I cannot estimate the number of people, because (Redacted)
13 (Redacted), therefore it was not possible for us to ascertain the number of people
14 present.

15 Q. [10:16:04] But in your statement you spoke about a small group of people, so I
16 suppose that (Redacted)
17 (Redacted). When you say "a small group", what did you mean by that when you
18 said that in your statement?

19 A. [10:16:38] Well, I spoke about a small group, but I don't know how many people
20 there were in that group. You know, (Redacted)
21 (Redacted).

22 PRESIDING JUDGE SCHMITT: [10:16:53] Please, please move on. Because also in
23 paragraph 28, *(Interpretation) "I do not know how many they were". (Speaks
24 English) So I think we have -- you should not insist further on that. Please move
25 own.

Trial Hearing
WITNESS: CAR-OTP-P-1811

(Open Session)

ICC-01/14-01/18

1 MS GUISSÉ: [10:17:08](Interpretation)

2 Q. [10:17:13] At paragraph 30 of your statement you said that the leader at

3 the *paillote*, or from the *paillote*, (Redacted)

4 (Redacted)

5 (Redacted).

6 A. [10:17:46] (Redacted)

7 (Redacted)

8 (Redacted).

9 Q. [10:18:03] Subsequently, you indicated yesterday, provisional transcript page 21,

10 at approximately 11.33 a.m., you said that (Redacted)

11 (Redacted). Did I understand you correctly that that was the first time that the men

12 were asked -- (Redacted) to kneel down?

13 A. [10:18:38] Of course they were on their knees.

14 Q. [10:18:47] My question was to ascertain whether that was the first time that they

15 were on their knees when they arrived at the base, or whether they had been asked to

16 do so earlier.

17 A. [10:19:12] Yes, it was at the base when the men were asked to kneel down.

18 Q. [10:19:24] Yesterday you also indicated, page 22 of the French real-time

19 transcript, a little bit before 11:33:49, that the young man from the neighbourhood

20 (Redacted) was released. My question is as follows: Were you present when he

21 was released?

22 A. [10:20:05] I was not present when he was released. I did not see it with my

23 own eyes.

24 Q. [10:20:13] How did you come to know that he had been released?

25 A. [10:20:24] I know because, (Redacted), we were led to understand that he had

Trial Hearing
WITNESS: CAR-OTP-P-1811

(Open Session)

ICC-01/14-01/18

1 been released and that there were only two men remaining.

2 Q. [10:20:46] And without having seen him being released, before his release did

3 you hear or see someone talking, requesting his release? Did you -- were you

4 present during a discussion that he might have had with an Anti-Balaka?

5 A. [10:21:13] No, I did not note anything of the sort.

6 Q. [10:21:24] Thank you for that point of clarification.

7 I am still concentrating at the moment (Redacted)

8 (Redacted). You say in your paragraph -- in your -- paragraph 31 of your statement,

9 before going into the house, the three women, one of whom you describe as

10 (Redacted), they touch searched you and took your money from (Redacted).

11 At that moment in time, were the men already on their knees?

12 A. [10:22:13] Yes, the men were already on their knees.

13 Q. [10:22:24] Were the men also searched at that moment in time?

14 A. [10:22:37] I'm not in a position to know that. It was at the *paillote* that the men

15 were searched and their telephones were taken away. (Redacted)

16 (Redacted). So I can't know whether they were searched or not.

17 Q. [10:23:03] Very well. (Redacted)

18 (Redacted)

19 (Redacted). Have I understood your testimony correctly?

20 A. [10:23:23] That is correct.

21 Q. [10:23:25] And (Redacted), we understand that the men were on their knees

22 (Redacted); is that correct?

23 A. [10:23:47] No, no one was kneeling down at the *paillote*. It was at the base that

24 the men were requested to kneel down.

25 Q. [10:24:04] So to be crystal clear, (Redacted)

Trial Hearing
WITNESS: CAR-OTP-P-1811

(Open Session)

ICC-01/14-01/18

1 (Redacted)

2 (Redacted)?

3 A. [10:24:24] (Redacted)

4 (Redacted).

5 Q. [10:24:36] Thank you for that point of clarification.

6 (Redacted)

7 (Redacted); is that correct?

8 A. [10:25:00] That is correct.

9 Q. [10:25:06] I know it's complicated to remember such things and if you don't

10 know, then no problem, but I will attempt to ask you. (Redacted)

11 (Redacted)

12 (Redacted)?

13 A. [10:25:31] It wasn't long. (Redacted)

14 (Redacted)

15 (Redacted).

16 Q. [10:25:47] And when the men were kneeling down (Redacted), were they asked

17 to undress?

18 A. [10:25:59] No, not at all. (Redacted), I wasn't in a position to know that.

19 Q. [10:26:06] Here I am talking about the moment in time when (Redacted)

20 (Redacted) you saw that they were asked to kneel down. At the moment when they

21 were asked to kneel down, were they asked to undress?

22 A. [10:26:25] No. No. (Redacted), the men had not yet been asked to undress.

23 Obviously they were kneeling down, but they had not yet been asked to remove their

24 clothes.

25 Q. [10:26:45] Thank you. I'm going to move on to another topic now.

Trial Hearing
WITNESS: CAR-OTP-P-1811

(Open Session)

ICC-01/14-01/18

1 At paragraph 38 of your statement you indicate that the first time that you saw
2 (Redacted) was in the house at the first base and that (Redacted)
3 (Redacted). Do we agree that these are the two only locations where you saw him in
4 person; is that correct?

5 A. [10:27:21] Yes, that is correct.

6 Q. [10:27:25] I would now like to home in on that first occasion that you saw him at
7 the house. You indicated that (Redacted) put questions to you as how -- as to how
8 you arrived there. My question is to ascertain whether during your discussion he
9 made mention of the fact (Redacted) supposed to pick you up. Do you recall that
10 during that conversation?

11 A. [10:27:59] Yes, I do remember that.

12 PRESIDING JUDGE SCHMITT: [10:28:03] May I shortly.

13 So of course when -- when we are coming to certain information that is so specific that
14 it might reveal what we are talking about, we would have to go to private session.
15 I'm not sure if we are yet there. But if you don't think so and there is no objection by
16 the Prosecution, then I'm fine with it. But I simply want to flag it so that you keep it
17 in mind.

18 So you can continue.

19 MS GUISSÉ: [10:28:35](Interpretation) If you had a moment to -- to give us,
20 Maître Dimitri would like to say something.

21 PRESIDING JUDGE SCHMITT: Of course.

22 (Counsel confer)

23 MS GUISSÉ: [10:28:54](Interpretation) There's no issue, Mr President. Whatever
24 the case may be, I wasn't going to belabour the point and I have understood your
25 concern.

Trial Hearing
WITNESS: CAR-OTP-P-1811

(Open Session)

ICC-01/14-01/18

1 PRESIDING JUDGE SCHMITT: [10:29:12] Okay. So then we can agree that you
2 simply continue.

3 MS GUISSÉ: [10:29:17](Interpretation) Thank you.

4 Q. [10:29:27] At paragraph 38 of your statement still -- Madam Witness, I do
5 apologise for these discussions, these asides. In this very same paragraph 38 you
6 indicate (Redacted).

7 Do you remember whether somebody in particular saw that -- showed you that
8 documentary and in whose company you were when you watched it?

9 A. [10:30:08] What are you talking about specifically?

10 Q. [10:30:15] You said that you saw a news report (Redacted)
11 (Redacted)

12 on the television. I wanted to know whether someone told you to watch the item or
13 was it something that you just saw by chance?

14 A. [10:30:45] When they took a statement (Redacted)
15 (Redacted). That was the day that I was being questioned.

16 Q. [10:31:05] So you only saw the news report when you were being questioned,
17 not before that? Am I correct in saying that? Have I understood?

18 A. [10:31:18] Yes, that's right.

19 Q. [10:31:32] Ma'am, I'd now like to play some video footage for you.

20 And for the Presiding Judge, it's a public item. There's no problem with that. Tab 4
21 of the Defence binder, CAR-OTP-2084-1307. And it's between timestamp 3:09 and
22 3:23.

23 I'll give references to the translation, but if possible, if the Sango booth could not
24 interpret because it's the -- not the content I want to put to the witness, but rather
25 the face of the person. And I'd like the witness to be able to hear the voice as well to

Trial Hearing

(Open Session)

ICC-01/14-01/18

WITNESS: CAR-OTP-P-1811

1 see if that brings back any memories.

2 So this footage is at tab 5, CAR-OTP-2122-2366, and if I could remind you it's

3 the actual image that's important for Madam Witness.

4 Now, Madam Witness, with the leave of the Presiding Judge, I will now play some

5 footage, a man speaking, and I would like to ask you if you recognise the face and if

6 you saw that person at the (Redacted)

7 (Redacted).

8 And either you recognise him or you don't recognise him, but if -- if you could help

9 us, we'll show this footage to you.

10 (Viewing of the video excerpt)

11 MS GUISSÉ: [10:34:03](Interpretation)

12 Q. [10:34:06] Madam Witness, you seem to be shaking your head. Could you tell

13 me whether the face is familiar to you or not.

14 A. [10:34:22] No. No, I haven't seen this face before. Not at all.

15 Q. [10:34:33] No problem.

16 Your Honour, as for the rest of my questions, I'd like to ask if we can go into private

17 session.

18 PRESIDING JUDGE SCHMITT: [10:34:44] Yes, and we appreciate it that you have

19 tried to be in open session. And since there were no objections, I think it was okay.

20 Private session from now on.

21 (Private session at 10.35 a.m.)

22 THE COURT OFFICER: [10:35:04] We are in private session, Mr President.

23 MS GUISSÉ: [10:35:10](Interpretation)

24 Q. [10:35:12] Madam Witness, we are back into private session and that means

25 you are free to answer questions without any risk of your identity being revealed.

Trial Hearing
WITNESS: CAR-OTP-P-1811

(Private Session)

ICC-01/14-01/18

1 Now yesterday you said, transcript page 24, French transcript, you said that when

2 Saint Cyr was beaten up, you were inside the house and you heard his screams.

3 And you said you didn't see it with your own eyes, but you heard it.

4 So my question is this: Now the men in your group, are we in agreement that you

5 saw no one with your own eyes being beaten up when you were at the base?

6 A. [10:36:14] No, I didn't see that.

7 Q. [10:36:27] At paragraph 37 of your statement you said, and I quote: "Naomi's

8 husband told us that when we were at the base, the father of Saint Cyr had come to

9 ask where his son was."

10 My question is this: When did Naomi's husband give you that information?

11 A. [10:36:58] It was where we were all together, at that spot, that's when they gave

12 me that information.

13 Q. [10:37:10] Thank you. Now at the same paragraph, paragraph 37, you said,

14 however, that you didn't see Benjamin Lapo at the base and you didn't hear him

15 either. Are we in agreement?

16 A. [10:37:35] Yes, that's true. That's true. I didn't see him.

17 Q. [10:37:43] Now I'd like to focus on the later period of time after you went back

18 home later on. Did you have an opportunity to talk to Benjamin Lapo after the facts

19 about his visit to the base? Did you talk about that with him later on?

20 A. [10:38:12] No, we didn't have an opportunity to talk about that.

21 Q. [10:38:24] Am I correct in saying that after 2013 you visited the Lapo family in

22 their Cattin residence?

23 A. [10:38:45] During the funeral, yes, I went to Cattin. But after that I didn't have

24 an opportunity to go back.

25 THE INTERPRETER: [10:39:02] Correction: To go there.

Trial Hearing

(Private Session)

ICC-01/14-01/18

WITNESS: CAR-OTP-P-1811

1 MS GUISSÉ: [10:39:16](Interpretation)

2 Q. [10:39:19] I'm sorry, Ma'am. You mentioned a funeral, which funeral were you
3 talking about? The funeral of Benjamin Lapo?

4 A. [10:39:39] I was talking about the death of the child. But after that funeral I
5 went back home and I no longer -- and I didn't go back there again. Is that
6 the question?

7 Q. [10:39:58] Well, perhaps I'll be more specific in my question to you. Now,
8 between the events of 2013 and today, the year 2022, have you gone back to that
9 house in Cattin?

10 A. [10:40:21] No, I haven't gone back there to Cattin. After the death of the father
11 I had the opportunity to go there. And that was quite recent.

12 Q. [10:40:43] When you speak about the father, we agree that you're talking about
13 Benjamin Lapo? You went back to the Cattin house for his funeral; is that correct?

14 A. [10:40:56] Yes, that's right.

15 Q. [10:41:03] Can you situate the actual time for us of the death of Mr Benjamin
16 Lapo?

17 A. [10:41:24] Less than two years ago, I would say.

18 Q. [10:41:30] And the family was still living in that same house; is that correct?

19 A. [10:41:42] Yes, the family is still living in that same house in Cattin.

20 Q. [10:41:50] I'd like to know whether after the events, after 2013, did you learn that
21 Benjamin Lapo filed a complaint in Bangui?

22 A. [10:42:12] I didn't hear about that, but Assania told me that Benjamin Lapo had
23 filed a complaint and he had been heard about that. But he himself didn't tell me
24 about that, it was Assania who told me about that.

25 Q. [10:42:34] Am I correct in saying that you saw Assania several times since

Trial Hearing
WITNESS: CAR-OTP-P-1811

(Private Session)

ICC-01/14-01/18

1 the year 2013?

2 A. [10:42:49] Yes, that's true.

3 Q. [10:42:52] Am I correct in saying that you saw her regularly?

4 A. [10:43:04] Yes, that's true.

5 Q. [10:43:14] Am I also correct in saying that the same holds true for Awa, you see

6 her regularly?

7 A. [10:43:30] No, we don't see one another regularly.

8 Q. [10:43:41] When did you see Awa for the last time?

9 A. [10:43:54] When her husband died.

10 Q. [10:43:59] And what about the people who were with you at the base, at the

11 Anti-Balaka base on 24 December, did you see, for example, Melchior Lapo after

12 the events?

13 A. [10:44:26] Yes, we have seen one another.

14 Q. [10:44:33] Did you see one another several times?

15 A. [10:44:46] Are you talking about seeing one another regularly? I haven't

16 understood the question.

17 Q. [10:44:52] I wanted to know whether you have seen one another several times.

18 Not necessarily regular -- not necessarily regularly, but several times.

19 A. [10:45:08] Yes, we do see one another. We have seen one another.

20 Q. [10:45:12] Did you have an opportunity for the two of you to talk about

21 the events of that day or those days?

22 A. [10:45:27] No, we haven't had an opportunity to talk about that.

23 Q. [10:45:39] Do you know whether these people, Melchior and possibly

24 the husband of Naomi, did they have an opportunity to talk to Assania about

25 the events that occurred that day?

Trial Hearing
WITNESS: CAR-OTP-P-1811

(Private Session)

ICC-01/14-01/18

1 PRESIDING JUDGE SCHMITT: [10:46:02] Wait a second, please, yeah.

2 MS GALUPA: [10:46:06] Mr President, I just want to say that this calls for
3 speculation on behalf of the witness, so maybe she can either reformulate
4 the question.

5 PRESIDING JUDGE SCHMITT: [10:46:15] I think, yeah, but it -- I think it's a little
6 bit ...

7 Madam Witness, have you heard that these other persons that were with you at the
8 time, that they have talked about the events? Have you any knowledge about that, if
9 they talked about the events?

10 THE WITNESS: [10:46:53](Interpretation) No. The person that I see regularly is
11 Assania. But to say talking about the event, no. When we see one another, we
12 don't talk about that.

13 PRESIDING JUDGE SCHMITT: [10:47:09] But I think the question was if Assania
14 and the others, apart from you, if you have any knowledge if they talked about
15 the events. So, for example, Assania, perhaps - I'm just suggesting to you - could
16 have told you, "Well, I have spoken with this person or this person." Do you any
17 knowledge in -- in that regard?

18 THE WITNESS: [10:47:47](Interpretation) No, no, we haven't talked about that.

19 PRESIDING JUDGE SCHMITT: [10:47:52] Thank you.

20 MS GUISSÉ: [10:47:55](Interpretation) I'm coming to the end of my questioning,
21 your Honour, before the 11 o'clock break.

22 Q. [10:48:07] I'd now like to move on to the last topic, namely, your discussion with
23 the investigators from the OTP. We know that you had that discussion on
24 17 July 2017.

25 Can you tell us who put you in touch with the investigators?

Trial Hearing
WITNESS: CAR-OTP-P-1811

(Private Session)

ICC-01/14-01/18

1 A. [10:48:40] I don't know who gave my contact information for them to call me.

2 The only person who called me and spoke to me was Assania.

3 Q. [10:48:57] Have I understood you correctly that it was Assania who gave
4 you -- gave the contact -- your contact information to the investigators, or is this what
5 you're telling us?

6 A. [10:49:18] No, no, no. That's not what happened. I don't know how you can
7 explain it, but Assania called me and said that she had received a call. But as to who
8 gave my name or my contact information for me to be contacted later on, I don't
9 know.

10 Q. [10:49:46] Now when you say that Assania told you that she'd received a call,
11 what else did she tell you about this call? What did she tell you exactly?

12 A. [10:50:04] She called me and she told me that Mama Awa had called her about
13 the business with Saint Cyr. There was a complaint and our -- we had to give
14 statements. And we were at that place, and statements were taken from us, and we
15 were asked questions. That's all I know.

16 THE INTERPRETER: [10:50:35] Correction from the Sango booth: The witness
17 mentioned Mama Awa.

18 MS GUISSÉ: [10:50:52](Interpretation)

19 Q. [10:50:53] So Mama Awa, we agree that you're talking about Mama Awa,
20 the wife of Benjamin Lapo; is that correct?

21 A. [10:51:05] Yes, that's right, the wife of Benjamin Lapo.

22 Q. [10:51:14] And did Awa Lapo call you directly at one particular time or another?

23 A. [10:51:27] No, she never called me directly to talk about any such thing.

24 Q. [10:51:39] Madam Witness, thank you for your time. Thank you for answering
25 my questions to the best of your recollection.

Trial Hearing

(Private Session)

ICC-01/14-01/18

WITNESS: CAR-OTP-P-1811

1 And, your Honour, I am pleased to tell you that I have concluded my questioning.

2 PRESIDING JUDGE SCHMITT: [10:51:54] Thank you, Ms Guissé. And, actually,
3 we think that giving you the time to go over that was very well -- a very good move.
4 So the questions seem to be very well prepared.

5 Ms Proulx, you won't start before the break, obviously, but do you have already an
6 estimate?

7 MS PROULX: [10:52:20] Well, I have a good -- a good surprise for you, Mr President.
8 I have no question for this witness.

9 PRESIDING JUDGE SCHMITT: [10:52:25] Okay. Actually, I'm not surprised, to be
10 honest, and there is obviously also no -- no room for any redirect.

11 So, Madam Witness, this concludes your testimony. Thank you very much for
12 answering the questions of the parties, of Prosecution, of Judges, and of the Defence.
13 And on behalf of the Chamber, I would like to thank you that you have taken it upon
14 you to go back in time to speak about these things that are in your memory that are
15 very tough, very hard on you, and still hard on you, that what we assume. We want
16 to thank you for that. But the International Criminal Court, like any other court,
17 needs witnesses to help this Court to establish the truth. So thank you very much for
18 that and we wish you a safe trip back home.

19 THE WITNESS: [10:53:40](Interpretation) Thank you.

20 (The witness is excused)

21 PRESIDING JUDGE SCHMITT: [10:53:42] Before we conclude for today, any news
22 about 954, Mr Vanderpuye? I don't assume -- if you don't have any, then I assume
23 that we continue on Monday with the next witness. Okay, then we ...

24 Mr Knoops has a witness for us for tomorrow? No.

25 MR KNOOPS: [10:54:01] I have several Defence witnesses available, but no.

Trial Hearing
WITNESS: CAR-OTP-P-1811

(Private Session)

ICC-01/14-01/18

1 PRESIDING JUDGE SCHMITT: [10:54:05] I think so, yes.

2 MR KNOOPS: [10:54:08] Mr President, in light of the preparation for P-954, we
3 would appreciate, if possible, the two reports of VWU after the first contact made by
4 VWU with the witness. I made -- we are understood that the VWU did contact again
5 the witness yesterday and the day before, and the Defence would very much
6 appreciate receiving the information which led to the specific responses of the witness,
7 especially because we are very interested to know what the response of the witnesses
8 were, if there were new conditions being put by him on the table.

9 So it would be helpful if we would receive before Monday those reports of the VWU.

10 PRESIDING JUDGE SCHMITT: [10:55:11] Yeah. I -- actually -- actually this is
11 noted, of course, and we look into it. But as I understand it, we resume on Monday
12 with P-0966. So it's not so urgent. It's of course, we will not forget it, but -- so it is
13 highly unlikely that we are not continuing with 954 on Monday, I would say.

14 MR KNOOPS: [10:55:33] Okay.

15 PRESIDING JUDGE SCHMITT: [10:55:33] So we leave it at that.

16 This concludes -- I think we are in private session, but that doesn't -- so perhaps it's
17 good for the public to go shortly to public session and to say goodbye, so to speak, in
18 public session for today.

19 (Open session at 10.55 a.m.)

20 THE COURT OFFICER: [10:55:58] We are in open session, Mr President.

21 PRESIDING JUDGE SCHMITT: [10:56:00] Thank you very much.

22 So the testimony of the witness has concluded in private session, for the public. This
23 was necessary so to not identify the witness. And we have, on behalf of
24 the Chamber, we have thanked the witness for coming to this Court and testifying,
25 and we do that again.

Trial Hearing

(Open Session)

ICC-01/14-01/18

WITNESS: CAR-OTP-P-1811

- 1 And we conclude the hearing for today and resume, as I said, on Monday, at 9.30,
- 2 with 966.
- 3 THE COURT USHER: [10:56:31] All rise.
- 4 (The hearing ends in open session at 10.56 a.m.)