

Trial Hearing
WITNESS: CAR-OTP-P-0884

(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, 19 July 2021
- 10 (The hearing starts in open session at 11.30 a.m.)
- 11 THE COURT USHER: [11:30:44] All rise.
- 12 The International Criminal Court is now in session.
- 13 Please be seated.
- 14 PRESIDING JUDGE SCHMITT: [11:31:13] Good morning, everyone.
- 15 Could the court officer please call the case.
- 16 THE COURT OFFICER: [11:31:20] 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: [11:31:35] Thank you very much.
- 21 I ask for the appearances of the parties.
- 22 And for the Prosecution Mr Vanderpuye, please.
- 23 MR VANDERPUYE: [11:31:41] Good morning, Mr President, good morning,
- 24 your Honours. Good morning, everyone. Good morning, Witness. Today
- 25 the Prosecution is represented by Yassin Mostfa, to my left, Pierre Belbenoit-Avich,

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1 behind him, and myself, Kweku Vanderpuye.

2 PRESIDING JUDGE SCHMITT: [11:31:57] Thank you.

3 Ms Rabesandratana.

4 MS RABESANDRATANA: [11:31:58](Interpretation) Good morning, Mr President,

5 good morning to everybody. And for the representatives of victims of the other

6 crimes, Paolina Massidda, Mouhia Asso, and myself, Elizabeth Ngaïssona.

7 PRESIDING JUDGE SCHMITT: [11:32:22] Yeah, okay.

8 THE INTERPRETER: [11:32:22] Elisabeth Rabesandratana.

9 PRESIDING JUDGE SCHMITT: [11:32:22] Rabesandratana, I think, yeah.

10 Mr Suprun, please.

11 MR SUPRUN: [11:32:27] Good morning, Mr President, your Honours. The former

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

13 Public Counsel for Victims. Thank you.

14 PRESIDING JUDGE SCHMITT: [11:32:34] Thank you.

15 I turn for the Defence. For whatever reason we start always with Ms Dimitri.

16 MS DIMITRI: [11:32:41] Good morning, Mr President, good morning, your Honours.

17 Mr Yekatom this morning, who is present in the courtroom, is represented by

18 Mr Thomas Hannis, Ms Yousra Lamqaddam, Ms Sabine Bayssat, Mr Florent

19 Pages-Granier and myself, Mylène Dimitri.

20 PRESIDING JUDGE SCHMITT: [11:32:57] Thank you.

21 And now Mr Knoops.

22 MR KNOOPS: [11:32:59] Mr President, your Honours, good morning, everyone.

23 Our team is today comprised of Ms Sara Pedroso and Barbara Szmatala and myself.

24 Mr Ngaïssona is present in the courtroom.

25 PRESIDING JUDGE SCHMITT: [11:33:12] Thank you very much.

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1 And also good morning, Mr Witness.

2 And also a welcome to Ms Mbida at the video-link location. I think you can follow

3 us. Good morning from the Bench.

4 We continue with the examination by the Prosecution.

5 Mr Vanderpuye, you have the floor.

6 WITNESS: CAR-OTP-P-0884 (On former oath)

7 (The witness speaks Sango)

8 MR VANDERPUYE: [11:33:49] Thank you, Mr President.

9 QUESTIONED BY MR VANDERPUYE: (Continuing)

10 Q. [11:33:56] Good morning, Witness.

11 I think when we left off on Friday I had just begun to ask you some questions

12 concerning the 5 December attack on Bangui and I I'd like to continue with that, if I

13 could. I think you had also mentioned that you had information that the attack was

14 to begin earlier than 5 December, but I want to just confirm that with you now. Is

15 that the case, you had information that the attack was to start before 5 December, in

16 fact?

17 A. [11:34:48] Yes, indeed. The attack was supposed to take place on 1 December,

18 according to the statements of Maxime Mokom, but Maxime Mokom postponed

19 the attack because of the national celebrations of 1 December.

20 Q. [11:35:19] Did you receive that information, that is when the attack was

21 supposed to begin from anyone else besides Maxime Mokom?

22 A. [11:35:45] No, I received that information from Maxime Mokom. Only him, no

23 one else.

24 Q. [11:35:54] And did you discuss that information with anyone besides

25 Maxime Mokom, that is before the attack took place on 5 December?

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1 A. [11:36:26] I do not remember. I can't remember anything about it. I only
2 remember that Maxime Mokom, who spoke to me about it.

3 Q. [11:36:39] And do you remember about when he spoke to you to tell you that
4 the attack was supposed to happen on 1 December?

5 A. [11:37:07] I think he said this to me about two days before 1 December, but I'm
6 not sure of that.

7 Q. [11:37:17] Okay. That's -- that's fine. Now, before the attack did you see any
8 signs or indications of a coming attack in Bangui itself?

9 A. [11:37:42] Yes, I did have some indications. I was not the only person.
10 Everyone was aware of it. Even some -- some people of Central Africa hid these
11 people, they were hidden.

12 Q. [11:38:07] And when you say "hid these people", you mean the people that were
13 going to attack or other people?

14 A. [11:38:33] Everyone was aware of what was going to happen, that the attacks
15 were going to happen. It wasn't something that happened secretly. Everybody in
16 the town knew about it.

17 Q. [11:38:56] And did you know of any deployments of fighters to particular
18 locations in and around the city just before or in a few days before the attack took
19 place on 5 December?

20 A. [11:39:29] I'm sorry, I didn't quite understand your question.

21 Q. [11:39:39] Were you aware of Anti-Balaka being deployed, placed in places
22 around the city in advance of the attack?

23 A. [11:40:07] Yes, I knew about it. And that's why I told you that they already
24 infiltrated the outskirts of Bangui and some people sheltered them. That's why
25 the preparation wasn't secret, everybody was aware of what was going on.

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1 Q. [11:40:33] And when you say "everybody was aware what was going on", you

2 mean just the general population or do you mean people in the Anti-Balaka itself?

3 A. [11:40:51] The population. The population was aware. Even Djotodia was

4 aware. He had an intelligence service and that's why he made a decree postponing

5 the celebration of 1 December. He made a statement about that celebration because

6 of the preparation for the attack. It wasn't something that was hidden. The fighters

7 came and were seen every day. And some Anti-Balaka fighters were sheltered by

8 the population themselves. It was not something that was done in secret.

9 Q. [11:41:44] All right. I'd like to ask you a few questions about some of the

10 people that you were in contact with before the attack. So the first thing I'd like to

11 ask you is, were you in contact with -- you said you were in contact with

12 Maxime Mokom, but were you in contact with him immediately before the attack,

13 that is the night of 4 December or early morning of 5 December?

14 A. [11:42:37] I think that he called me 3 or 4 December. As I told you, he usually

15 called me and provide me with information or to get information from me about what

16 was happening in Bangui. He did phone me before 5 December.

17 Q. [11:42:57] And were you in contact with Mr Ngaïssona around that time or

18 the beginning of the attack?

19 A. [11:43:22] Yes. As I have told you, I was in contact with Mr Ngaïssona. And,

20 as I told you, he called me, he asked me for some information on the town and what

21 was happening in the country, and that was quite normal.

22 Q. [11:43:42] I guess my question is, did he call you around the time or close in

23 time to the 5 December attack?

24 A. [11:44:10] Yes, he called me before 5 December, but I can't remember exactly

25 the date when he called me. This is about nine years ago, so I can't remember

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1 precisely when he called me. But let me assure you that he phoned me regularly.

2 PRESIDING JUDGE SCHMITT: [11:44:37] I think that's understandable and

3 (Overlapping speakers)

4 MR VANDERPUYE: [11:44:40] (Overlapping speakers)

5 PRESIDING JUDGE SCHMITT: [11:44:41] And perhaps the content of any contact,
6 like always, is also of interest.

7 MR VANDERPUYE: [11:44:45] You've anticipated my next question.

8 Q. [11:44:48] And with respect to Mr Ngaïssona's -- your contact with

9 Mr Ngaïssona around or on the date of the attack itself, what did you discuss with
10 him?

11 A. [11:45:22] He spoke about the attack on 5 December, but I cannot remember
12 the details. I cannot recollect the details. But what is sure is that before 5 December
13 he used to call me to ask about what was going on in the country and to talk about
14 the attack of 5 December. Everybody called me, even Maxime Mokom called me.
15 I cannot deny the fact that he called me. He did call me and he did talk about
16 the attack on 5 December. The attack of the elements from the Anti-Balaka wasn't
17 something that was secret. Everybody was aware of it. The people sought revenge.
18 I confirm that he did call me.

19 Q. [11:46:19] Were you in contact with Captain Ngremangou in this period leading
20 up to the 5 December attack?

21 A. [11:46:40] No, I wasn't in telephone contact with Captain Ngremangou,
22 (Redacted). We
23 received the same information. Sometimes he gave me some information on
24 the attack for the 5 December.
25 (Redacted)

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1 (Redacted).

2 Q. [11:47:19] And you're sure you weren't in telephone contact with him from
3 September through February, that is September of 2013 through February 2014? You
4 don't believe you were in contact, telephone contact with Captain Ngremangou in
5 that period?

6 A. [11:47:58] Perhaps I didn't express myself clearly. I said it wasn't only by
7 telephone, (Redacted). So we could
8 telephone each other, but (Redacted).
9 (Redacted). I knew his number
10 and he knew my telephone number.

11 Q. [11:48:32] Thank you for that clarification. I think I misunderstood what you
12 had said before.

13 There were other people that you were in contact with as well with -- among
14 the Anti-Balaka leaders at the end of November and leading into the 5 December
15 attack. Let me ask you about a few people.
16 Vincent Wapounaba, does that name ring a bell to you?

17 A. [11:49:18] Indeed, I know Vincent Wapounaba. He had my telephone number.
18 He was aide-de-camp of General Bozizé and he used to telephone me as well.

19 Q. [11:49:39] And were you in contact with him the morning of the 5 December
20 attack around 4 a.m. that morning, if you can remember?

21 A. [11:49:59] I don't remember. He might have well called me, but I'm not sure of
22 the precise date. I mean, it's quite a time back and we haven't had telephone contact
23 since 5 December.

24 Q. [11:50:29] Is he somebody you would have spoken about the 5 December attack
25 with?

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1 A. [11:50:48] In fact, he was a military man. He made calls to quite a few people.

2 I can't remember his call precisely, but if he did call me it was no doubt relating to

3 the attack of 5 December. You couldn't speak about anything else with him. But

4 it's a long time since I've had any contact with him.

5 Q. [11:51:28] Let me ask the same question about a Jules Yamodo. Would you

6 have been in contact with him about the --

7 A. [11:51:43](Overlapping speakers)

8 Q. [11:51:44] Yes, about the 5 December attack?

9 A. [11:51:55] Jules Yamodo (Redacted). We

10 received the same information relating to the December attack. He was

11 the aide-de-camp of the ex-minister (unclear) who is now retired. This is somebody I

12 know well.

13 Q. [11:52:32] And Sylvestre Yagouzou, you were in contact with him also about

14 the 5 December attack in advance of the attack?

15 A. [11:52:53] Sylvestre Yagouzou is someone I also know. He was responsible for

16 the other Anti-Balaka before 5 December. He was more involved in the 5th

17 arrondissement. He gave me information that those elements would enter

18 the capital and that he had already prepared all the surrounding villages about that.

19 Q. [11:53:30] I thought I heard you say something about PK26, but I didn't hear that

20 in the -- in the interpretation, so maybe -- maybe you can repeat your answer, I

21 suppose, or elaborate.

22 A. [11:54:00] Mr Yagouzou gave me that information. Yagouzou said that those

23 elements were in -- already in PK4 close to the capital. PK5 is near the entrance of

24 the capital and there were some already in the 5th arrondissement. And until

25 5 December those elements would be in a position to enter the capital. That's what

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1 he told me.

2 PRESIDING JUDGE SCHMITT: [11:54:34] Ms Dimitri. Yeah, I -- I think I know

3 what you're going to say, but please.

4 MR KNOOPS: [11:54:42] I mean, I have French and English. I'm hearing PK5 and
5 PK26.

6 PRESIDING JUDGE SCHMITT: [11:54:46] Me too. Not the fault of the witness, of
7 course. So ...

8 Mr Witness, there is an interpretation issue. Is it about -- or do you speak about PK4,
9 PK5, or PK26 or all of them? Also possible.

10 THE WITNESS: [11:55:22](Interpretation) PK26. I'm talking about PK26.

11 PRESIDING JUDGE SCHMITT: [11:55:29] Mr Vanderpuye was right, obviously,
12 what he heard, so please continue.

13 MR VANDERPUYE: [11:55:34] Every once in a while.

14 Thank you, Mr President. Thank you for the clarification, Witness.

15 Q. [11:55:43] Did you speak to Olivier Koudemon Bangouma, and that's including
16 in November and December?

17 A. [11:56:09] Bangouma, at that time he was still in Cameroon. He came back
18 after the fall of Mr Djotodia, after he left.

19 Q. [11:56:24] So my question was if you were in communication with him before
20 the 5 December attack by telephone?

21 A. [11:56:45] No, I don't remember. Bangouma is somebody who is not very
22 stable. He did whatever he had to do over there, but I don't really remember.

23 Q. [11:57:05] And were you in contact, if you can remember, with Yvon Steve
24 Konate prior to the 5 December attack?

25 A. [11:57:23] No, I didn't have any contact with him. What I know is that in

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1 November he was in the M'Poko camp. It was in November that he left to join
2 the Anti-Balaka in Sibut and Damara. It's only after 5 December that I had some
3 contact with him and we were able to speak to each other.

4 Q. [11:57:59] Now, do you have any idea how many Anti-Balaka elements were
5 involved in the 5 December attack itself, approximately?

6 A. [11:58:20] It's impossible for me to answer. I don't know them all. They came
7 from three prefectures of the Central African Republic, they came from everywhere.
8 It's impossible to have a really clear idea of how many they were.

9 Q. [11:58:42] And do you know in what manner the attack was carried out? Did
10 they all come from one direction, did they come from direction directions, did they
11 come at the same time, different times? Are you able to say?

12 A. [11:59:09] As I said to you, some came from Bossembélé, Bossangoa. They left
13 their place already in November, some came on foot. Some who came from Bambari,
14 Sibut, Bogangolo and Damara, those came along the Damara route from
15 the north-east of the country. Others came from the north of Central African
16 Republic and there were some who arrived from the south of CAR. People came
17 from everywhere and their convergence point was Bangui.

18 Q. [12:00:04] Where in Bangui did the fighters go when the attack was carried out?

19 A. [12:00:23] There was clashes at the National Assembly at Mamika. In any event,
20 they were attacking all the Séléka positions. You must realise the National Assembly,
21 the palace is in the middle of the town. Mamika is closer to kilometre 5. Mamika is
22 a military base. They were attacking the Séléka military bases.

23 Q. [12:01:01] So Camp Kassai, *Camp de Roux*, *Camp sapeurs-pompiers* --

24 A. [12:01:10] (Overlapping speakers)

25 Q. [12:01:14] -- are these all locations you heard the attack was carried out?

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1 A. [12:01:27] Yes, that is why I refer to the *palais* of the National Assembly. There
2 was a camp of firefighters in front of that place. This was someone called Moussa
3 who was based there. And *Camp de Roux* is in the 7th arrondissement. There was
4 an attack there as well. And there was an attack at Mamika, as I said a few moments
5 ago.

6 Q. [12:02:02] And do you know who was leading those particular attacks?

7 A. [12:02:25] The attacks were quite complex. When Mokom had given
8 the instruction to the Anti-Balaka leaders, let's take an example. When the head of
9 Bouca got the instruction he took action, 12 power. He got the instruction, he went
10 along the way and Beloko (phon) was also leading his troops toward Bangui.
11 Andjilo also was leading his troops at PK26. Each leader was leading his unit, so it
12 was difficult to properly understand their strategy.

13 Q. [12:03:20] Would it appear to you, though, that there was a strategy?

14 A. [12:03:40] I have no idea of the strategy. All I know is Mokom was the one
15 who coordinated operations. People came from everywhere in a disorderly fashion.
16 You can't understand the way they were acting.

17 Q. [12:03:57] Okay. So you've mentioned 12 *Puissance*, you've mentioned Andjilo,
18 and there were a number of other people that were involved in the attack. Let me
19 ask you about a few of them.

20 Modibo, was Modibo involved in the attack?

21 A. [12:04:38] Modibo was the one who led Bossangoa troops.

22 Q. [12:04:45] Bama Clement?

23 A. [12:04:51] Bama Clement as well came from Bossangoa.

24 Q. [12:05:00] Houronti Dieudonne?

25 A. [12:05:05] Him too, he was one of the ones who came from Bossangoa.

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1 Q. [12:05:16] Bejouane Richard?

2 A. [12:05:22] Richard, Richard led his troops from 50 kilometres from Bossangoa.

3 There are two Richards, one Alakai (phon), and there is another Richard. Richard

4 Bozando and Richard Bejouane.

5 Q. [12:05:46] And Richard Bozando, did he participate in the attack?

6 A. [12:05:57] I think that he's from Yaloké. Those elements were in Yaloké.

7 Q. [12:06:12] Mazimbele Guy?

8 A. [12:06:19] Mazimbele I think that -- I think he came from Batangafo. It's true,

9 he also had his own men, but what I know is he came from the province.

10 Q. [12:06:37] Gabin Inga?

11 A. [12:06:46] Gabin *qui*? I beg your pardon? Who are you talking about?

12 Q. [12:06:52] Inga Gabin.

13 A. [12:06:58] I don't remember any such name.

14 Q. [12:07:06] Ouanjangu Gustave?

15 A. [12:07:15] He, Gustave, came from the provinces as well. He, too, was leading

16 his squad.

17 Q. [12:07:24] Bernard Yakouzou?

18 A. [12:07:35] We were talking about him. He was at PK26.

19 Q. [12:07:47] And tell me about Alfred Yekatom. Was he evolved in

20 the 5 December attack?

21 A. [12:08:06] I think he was the one who came from the south, from Pissa,

22 the village called Pissa.

23 Q. [12:08:17] And what do you mean about his involvement in the 5 December

24 attack coming from the south?

25 A. [12:08:37] Last week I told you that I had met him on 5 December behind

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1 the airport. After that date, we were not able to meet up again immediately.

2 Perhaps around the 24th we were able to meet one another. I met him at his base at

3 the Yamwara school and he was giving an interview to a French journalist by

4 the name of Lepage, I believe. He was giving an interview to this journalist. He

5 was explaining how he had carried out his attacks, why he had begun the attack and

6 so on and so forth. That is when I met him. But on the 5 December, the meeting on

7 5 December did not last long, not even an hour, so I don't understand what you're

8 driving at. If you're asking me for other information, I can give you that information,

9 but asking me about the 5 December meeting, well, that meeting didn't last very long.

10 Q. [12:10:05] No, no. I'm just asking what you know about Yekatom's

11 involvement in the 5 December attack. If you don't know anything, then your

12 answer is "I don't know anything." But that's the question, whether you discussed it

13 with him when you saw him or you found out about it after you saw him, that's what

14 I want to know.

15 A. [12:10:42] Well, there you have it. Your question is now clear to me. You

16 were asking me questions about a specific date. You were just asking me about

17 5 December. I told you that everyone fought on that date. And concerning that

18 specific point, I would like to say that after 5 December Yekatom set up his base at the

19 Yamwara school and that is where the journalist contacted him for various interviews.

20 And myself, I withdrew to Bangui M'Poko. I am telling you what I remember.

21 At one particular point in time, the wife of General Mamour, General Djotodia, at that

22 point his wife and children who are all Muslims were going by and they came across

23 some of Yekatom's men who stopped them, blocked their path. And automatically,

24 when we were informed of this, (Redacted) decided to go and free the people

25 who had been taken hostage because that situation could degenerate and the situation

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1 would have been serious if the men had killed them.

2 And so Ngremangou and his elements left to meet Rambo, Yekatom, and after

3 discussions they were able to get the hostages and they took them to Boy (phon).

4 (Redacted), but there was a great deal of tension because they were

5 Muslims. He was Muslim, his wife was Muslim and the children were Muslim.

6 And (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted). Madam

18 Catherine Samba-Panza, who was the mayor of Bangui at the time, decided to come

19 and get the hostages. They came to the base to get those seven people, the wife and

20 the children, and have them freed. She made a statement on the radio saying that

21 she had been at the Anti-Balaka base and the Anti-Balaka elements. Not all of them

22 were -- some people were freed and -- some people agreed to free the hostages and

23 that -- she confirmed that two of the people who had remained behind had been

24 killed by Yekatom's elements. That is what I know about Yekatom and his activities.

25 And then I do know that after the departure of Djotodia, Yekatom came to PK9 and

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1 he even reconciled with a Séléka person by the name of -- a captain -- a Séléka captain
2 called Souleymane. He reconciled with him. You see, Yekatom had his bases, his
3 activities. He did what he wanted to. I heard about him but I wasn't actually with
4 him to monitor what he was doing, but I told you about the incident that occurred
5 within his group. But if you have specific questions about these events, I can give
6 you explanations. For the time, I've told you what happened and what I remember.

7 Q. [12:17:15] Thank you. That's very much appreciated. Let me see if I can break
8 that down a little bit.

9 First, the incident you describe, can you proximate when that actually happened?

10 A. [12:17:45] That incident occurred before 1 January. It was in December, but
11 I don't know exactly which date.

12 Q. [12:17:59] Okay. And the number of hostages that were involved in that
13 circumstance was how many, to your recollection?

14 A. [12:18:21] There were nine hostages, (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 Q. [12:19:23] (Redacted)

23 (Redacted)

24 A. [12:19:46] (Redacted)

25 (Redacted)

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1 Q. [12:20:06] And where were they taken, if you know, when they were taken
2 hostage?

3 A. [12:20:27] The hostages were taken to Yamwara school, which was
4 Yekatom's -- Mr Yekatom's base.

5 Q. [12:20:41] (Redacted)
6 (Redacted)

7 A. [12:21:03] (Redacted)
8 (Redacted)

9 (Redacted). I would tell him to -- not to do such-and-such a thing. But, as I
10 told you, I'm here to tell the truth. It's right in front of me. I'm not lying. I told
11 you, he was the first person to work for peace and reconciliation with the Séléka. He
12 was able to bring about reconciliation with captain Séléka -- a captain -- a Séléka
13 captain Souleymane. It gave a lot of hope to people. When Souleymane left his
14 position at PK9, Rambo, Mr Yekatom himself who controlled the area. Yekatom, I
15 told you about him. When he hadn't been drinking he was serious and really
16 a sweetheart, but when he was drunk you wouldn't recognise him. Each time I
17 would hear about what he was doing. I tried to call him, give him advice, but when
18 I was a witness of what happened I told -- but I can't tell -- well, I did hear that
19 Yekatom had done this or had done that.

20 Q. [12:22:58] Don't worry. What I'm asking you here is -- nobody's insinuating
21 that you're not telling the truth. What I want you to understand is that the judges
22 are listening to the evidence in the case and they weren't there. So when you say this
23 and that and I heard something or not something, they have no idea what you're
24 talking about. Nobody has any idea what you're talking about. So this is
25 the reason why I ask you to be particular about what you're describing, *c'est ça*?

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(Open Session)

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WITNESS: CAR-OTP-P-0884

1 So my question is -- and so I apologise if it seems that I'm asking very mundane
2 questions, but that's the reason for it.

3 How did you know that these individuals were related to General Mamour, one, and
4 who is General Mamour so the judges can understand what is the relationship and
5 the reason for these people being taken hostage.

6 A. [12:24:20] (Redacted), the wife of General Mamour was
7 the *gouvernante* of the *Palais de la Renaissance*. (Redacted)
8 (Redacted) that Rambo's
9 elements had detained them and taken them to their camp and that there were nine of
10 them and two were killed. General Mamour and the brother of the president,
11 Djotodia. (Redacted)

12 THE INTERPRETER: [12:25:12] (Redacted)

13 THE WITNESS: [12:25:14](Interpretation) -- (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted). She was there with her young children. She was

17 a Muslim woman, but (Redacted)

18 (Redacted)

19 (Redacted). The French soldiers had brought a vehicle, a VAB armed vehicle to get
20 them out of there (Redacted).

21 Q. [12:26:13] Did anyone tell you why they were taken hostage by Yekatom's men?
22 What was the reason for this? What did they want?

23 A. [12:26:39] As I told you, at one particular point in time the Anti-Balaka forces
24 thought that all the Séléka were enemies, and I gave you an example. Even
25 the soldiers who were loyal working in the Séléka army were thought to be enemies

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WITNESS: CAR-OTP-P-0884

1 by the Balaka -- Anti-Balaka. But, as I told you last time, it was something about
2 Muslims. As soon as the Séléka came across Muslims, there was confusion.

3 PRESIDING JUDGE SCHMITT: [12:27:23] May I shortly?

4 We could think about at some point in time when this continues to go in private
5 session, perhaps. Although, one could also argue that perhaps some issues have
6 been exhausted, then we would have to do other measures, perhaps, and then we can
7 continue.

8 MR VANDERPUYE: [12:27:45] Yeah, it may be a better idea to go into private
9 session.

10 But before we do that there's a correction I think that should be made in the transcript
11 because, if I'm not mistaken, what I heard was, effectively -- yes, that when
12 the "Séléka came across Muslims, there was confusion", and I don't think that's what
13 the witness said. I think he might have said the exact opposite of that -- well, not
14 the opposite, but something quite different. So I'm a little concerned about that in
15 terms of the progression of the examination, but perhaps you could --

16 PRESIDING JUDGE SCHMITT: [12:28:26] No, in that -- in that event, I think simply
17 try to clarify it with the witness.

18 MR VANDERPUYE: [12:28:32] Exactly.

19 PRESIDING JUDGE SCHMITT: [12:28:33] And then we go to private session.

20 MR VANDERPUYE: [12:28:34] Exactly. Thank you, Mr President.

21 PRESIDING JUDGE SCHMITT: [12:28:36] Yeah.

22 MR VANDERPUYE: [12:28:37]

23 Q. [12:28:37] What's reflected in the transcript here is that you said that when
24 the Séléka came across Muslims that that -- there was a confusion that arose from that.
25 But I don't think that's what you said, so I wondered if you might clarify it.

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1 A. [12:29:03] Yes, you told me -- you asked me why those people had been
2 detained. I told you that there was often confusion. Concerning that abduction,
3 I don't know why they had been detained. (Redacted) that they had been
4 going along when some of Rambo's elements stopped them and took them to their
5 base.

6 PRESIDING JUDGE SCHMITT: [12:29:34] I think that that perhaps might not make
7 it completely clear, but -- but -- but also the confusion seems to be from the table
8 simply -- the witness simply doesn't know why they were taken hostages.

9 MR VANDERPUYE: [12:29:49] Yes, that seems to be the case.

10 PRESIDING JUDGE SCHMITT: [12:29:52] That seems to be the bottom line. And
11 now we could also argue that if you want to leave this incident, we can stay in open
12 session.

13 MR VANDERPUYE: [12:29:59] I just want to ask just a couple more questions
14 regarding the incident (Overlapping speakers)

15 PRESIDING JUDGE SCHMITT: [12:30:04] Okay. Then we go to private session.

16 MR VANDERPUYE: [12:30:06] We'll go to private session. Thank you,
17 Mr President.

18 (Private session at 12.30 p.m.)

19 THE COURT OFFICER: [12:30:19] We are in private session, Mr President.

20 MR VANDERPUYE: [12:30:23] Thank you.

21 Q. [12:30:25] You mentioned earlier that Captain Ngremangou sent some people, I
22 think you said, to Yekatom's base regarding this incident. But, first, could you
23 clarify that. Is that the case, that Captain Ngremangou sent people to Yekatom's
24 base regarding this matter?

25 A. [12:31:05] Indeed. Yes, that's right. And when the elements arrived and they

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1 handed over the hostages sent by Ngremangou.

2 Q. [12:31:30] How did they manage to get these hostages handed over? What did
3 they -- what did they do? What did they say? If you know.

4 A. [12:32:00] I don't know. He discussed it with his military colleagues and then
5 he just handed over the hostages. That's all.

6 Q. [12:32:15] Who handed over the hostages?

7 A. [12:32:31] I don't know. These are elements sent by the captain who took
8 the hostages, but he was the leader so he gave the instructions for the release of the
9 hostages.

10 Q. [12:32:53] I'm sorry, Witness, and I know it's -- it's not you, I don't think, but
11 what's in the record is not -- there's no indication of who you're talking about right
12 now. Oh, I'm sorry. I see counsel is on her feet.

13 MS DIMITRI: [12:33:09] Yes, there's a -- there's an important difference in
14 the interpretation. In French it's "*c'est lui qui aurait donné l'instruction*", and
15 in English it's "he gave the instruction." And for me there's an important difference.

16 MR VANDERPUYE: [12:33:21] For me the most important difference is who's he.
17 We can start there.

18 I appreciate that and I'll try to clarify it as well.

19 Q. [12:33:34] When you say he would have given the instruction, who's he that
20 you're talking about because that's not in the record of this proceeding right now?
21 So who's the "he" that you're talking about that released or would have released
22 the hostages?

23 A. [12:34:09] I'm speaking of Mr Yekatom. He's the one who released the hostages.
24 When his military colleagues arrived they discussed things, and after that he released
25 them to the military who had arrived and the military (Redacted). And then after

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1 that (Redacted) to the government.

2 PRESIDING JUDGE SCHMITT: [12:34:30] May I shortly?

3 MR VANDERPUYE: [12:34:33] Yes, Mr President.

4 PRESIDING JUDGE SCHMITT: [12:34:34] Mr Witness, I have your statement in
5 front of me here. It's at CAR-OTP-2072-1739 at page 1770 and it's line 1084 to 1086.

6 I read it to you and I would like you to clarify and tell us if this is your recollection or
7 what you told us today:

8 "Yekatom found them. They were moving around with their vehicles and Yekatom
9 took them. He wanted to kill them. Thankfully, (Redacted). and take them away,
10 otherwise he would have killed them."

11 So what you say today is a little bit different, and if you could clarify which is correct
12 in your recollection when you sit here today.

13 THE WITNESS: [12:36:04](Interpretation) Yes, you have asked me the question and
14 this is the conclusion of what I said. I repeat, it is him and his elements who took
15 those people hostages. And if Mr -- Captain Ngremangou hadn't intervened, those
16 individuals would have been killed. (Redacted) release seven, but the others were
17 killed by his elements because those people were never found again. When
18 the Prosecution asked the question, I tried to sum up what had happened. What I
19 know is that (Redacted) and because of that they are still alive today. It is
20 Captain Ngremangou who sent his military colleagues to release them, and when
21 they arrived (Redacted) that the military released the hostages. And also, furthermore,
22 it's already nine years ago that these events took place, so I can't remember all
23 the details. The details I do remember is what I'm telling you, but I can't remember
24 things so clearly anymore and that's why I can't tell you everything as it was.

25 MR VANDERPUYE: [12:37:31]

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1 Q. [12:37:32] That's understandable and I thank you for trying to recall these events.

2 You said that Yekatom was going to kill them and I want to know why. Why was he

3 going to kill them? You're talking about General Mamour's wife? She wasn't

4 a Séléka, was she?

5 A. [12:38:08] No, she's not Séléka.

6 Q. [12:38:16] Why was he going to kill her?

7 A. [12:38:31] During these events there was a lot of confusion which arose between

8 the Muslims and the Séléka. And the Anti-Balaka crossed the Séléka, they thought

9 everybody was Séléka. And when the Séléka crossed the Christians, they also

10 thought they were the Anti-Balaka and killed them as well. So that's the information

11 I can give you. I don't know why he did that. That's how I understand things.

12 There were two camps. When they saw Muslims they thought they were Séléka,

13 and when they were Christians the Muslims also killed them -- also killed them. It

14 was like that. There was just confusion at that stage.

15 Q. [12:39:27] Okay, I have -- I have your answer.

16 Let me just take you back a little bit to the Boeing market. (Redacted) on 5 December

17 after the attack there, right?

18 A. [12:39:50] (Redacted).

19 Q. [12:39:55] And you're aware that there were certain traders in the market that

20 were killed on that day in the course of the attack on 5 December?

21 A. [12:40:14] Yes, some traders were killed in the Boeing market.

22 Q. [12:40:22] You weren't present when they were killed, right?

23 A. [12:40:33] No, I wasn't present.

24 PRESIDING JUDGE SCHMITT: [12:40:37] Question, open session possible now?

25 MR VANDERPUYE: [12:40:41] Yes, yes, yes, I'm sorry.

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1 PRESIDING JUDGE SCHMITT: [12:40:42] Open session, yeah.

2 (Open session at 12.40 p.m.)

3 THE COURT OFFICER: [12:40:55] We are back in open session, Mr President.

4 MR VANDERPUYE: [12:41:01] Thank you.

5 Q. [12:41:03] I was asking about the Boeing market and I'd asked you if you were
6 present during the attack. You indicated that you were not present during the attack.
7 You came later and you saw the evidence of that attack; is that right? You saw
8 people that had been killed?

9 A. [12:41:34] Indeed. Indeed.

10 Q. [12:41:41] Do you know approximately how many traders were killed at the
11 market that day?

12 A. [12:41:57] The majority of the Muslims were killed. I don't know the exact
13 number, perhaps nine. I don't know. But a lot of people were killed from
14 the boutiques.

15 Q. [12:42:22] And were these men, women?

16 A. [12:42:38] It was men. In fact, it was very difficult to identify the different
17 bodies, but they were men.

18 Q. [12:42:49] And being familiar with the market, were you familiar with these men
19 or the circumstances under which they were -- they found themselves being traders in
20 the market?

21 A. [12:43:23] They were Muslims. (Redacted). It's true that some came
22 from Chad who were from the Hissène Habré party, and when they were there they
23 were kicked out and they came to live (Redacted). They had a wife,
24 they had children. (Redacted)
25 (Redacted).

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1 There are some whose name I don't know, but I do know those are people with whom
2 we lived with together. When the Séléka arrived, immediately they put on military
3 outfits, some became colonels and other ranks. They themselves pointed out
4 Christian soldiers, and that's why the population started to use the expression *lawwa*
5 *lawwa* (phon), which means sooner or later. And it's from 5 December onwards that
6 some of these soldiers sought revenge.

7 Initially we didn't know. It is only afterwards we learnt that all the Muslims in
8 the Boeing market were killed. And afterwards we left to see the different bodies.
9 (Redacted). I can't say that I was
10 present when the crimes were committed, no. It was only afterwards. And also
11 other people came to look at the bodies. It was terrible. Really, it was awful. I
12 repeat, it was awful. People you know, seeing them like that, it was terrible. And
13 later on I saw all the damage that had been done.

14 Q. [12:45:51] That was the day that you saw Mr Yekatom; isn't that right, in
15 Boeing?

16 A. [12:46:09] Yekatom and me, we didn't meet each other in Boeing. We met
17 behind the airport, as I said yesterday. He came, he greeted me and I greeted him
18 and two hours later he left. But I didn't see him during the attack, no.

19 Q. [12:46:31] No. Okay. How far is the area where you saw Mr Yekatom from
20 the market, if you can approximate?

21 A. [12:46:59] Two or three kilometres, but the distance is quite large. But it's
22 a large district.

23 Q. [12:47:08] If you went by car it wouldn't be so large, right? It wouldn't be so
24 long, I should say, time wise?

25 A. [12:47:27] No, in car it doesn't take a lot of time.

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1 Q. [12:47:37] All right. Now, when we were talking about the hostage situation
2 you mentioned that two people were killed. Had you heard Mr Yeka -- that
3 Mr Yekatom had been involved in similar types of behaviour? Was he involved in
4 other killings or kidnappings, to your knowledge?

5 MS DIMITRI: [12:48:09] Mr President.

6 PRESIDING JUDGE SCHMITT: [12:48:10] Yes.

7 MS DIMITRI: [12:48:12] It's quite a contested issue, and perhaps a little bit less
8 leading.

9 PRESIDING JUDGE SCHMITT: [12:48:22] I think -- I think it's -- the question is okay,
10 so the witness can answer "yes" or "no" or "I don't know." Although I -- what I think
11 is, have you heard is do you know about and -- because people might have heard
12 about a lot of things, Mr Vanderpuye. So perhaps if you're putting the question in
13 a way -- or let me put it to the witness.

14 Mr Witness, you have heard what the Prosecutor asked you. Do you have
15 knowledge, concrete knowledge of any other incidents that -- that Mr Yekatom was
16 involved with?

17 THE WITNESS: [12:49:14](Interpretation) Yes, I do have information, but I wasn't
18 present when he was doing these things. Sometimes he fought even against his
19 military colleagues and there were deaths. For example, the conflict was much more
20 between Boy-Rabe and Boeing, and when they arrived at the roundabout there could
21 be shots fired and people might be killed. What I do know, he was quick to open fire
22 against his military colleagues. But all this information was something I got from
23 other people. I never saw it myself.

24 Let me give you an example. There was a problem which he had with a boy in
25 Petevo. There was a small problem and after that he abducted the boy.

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1 The parents of the boy looked for the boy everywhere, but they couldn't find him.

2 Afterwards, we learned he killed the boy and buried the boy somewhere. I never

3 saw that myself. This is information I received and when I received such

4 information I called him to ask him if he really did carry out those acts and he said,

5 "No, no, no, it's not me." And if it's not him, then he has to make sure that it doesn't

6 happen again so that it doesn't have a backlash on him.

7 I'm not hiding anything from you. There are things which I heard about him which

8 I didn't want to keep in mind, but if you insist upon them I'll tell you, I'll answer.

9 But in the majority of cases I wasn't present when these acts happened. I only heard

10 talk about them. And when I learned this information I called him to say, "My dear

11 friend, why are you behaving like this?" And he said, "No, little brother. It's not me.

12 It's not me. People are committing abuses like this and everybody thinks it's me."

13 Let me give you another example. When did he come? He came here. I met him

14 the day before and I said to him, "My brother, let's look at what's happening." He

15 wasn't -- Meckassoua wasn't there anymore and I warned him, I said to him, "You

16 mustn't get involved in this case." And the next day I learned that he fired on

17 the parliament, and that was the day before. I even told him he mustn't behave like

18 that. After that I called him and I said, "Why did you behave like that?" And some

19 days later I learnt that he was arrested to go to the ICC.

20 You know, this is someone I admire a lot and I'd like to say something. If he hadn't

21 been arrested he would have been killed by his military colleagues. Everybody was

22 carrying out abuses, crimes, and everybody thought it was Rambo who was

23 committing them. And each time I learned of this type of information I called him

24 immediately to ask him to find out what was going on, but he always said he -- it

25 wasn't him, that he wasn't the perpetrator of those acts.

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1 In the information which I have on him, that's what I can tell you.

2 PRESIDING JUDGE SCHMITT: [12:53:28] Thank you, Mr Witness.

3 You said you got this information, you heard of it. Where did you get these
4 informations from? What -- what -- what kind of people were -- did it come
5 from -- or was it information via the radio or something like that? So could you tell
6 us where the information came from that you received.

7 THE WITNESS: [12:54:05](Interpretation) I received the information from the
8 neighbourhood. Everybody was talking about it. Many people phoned me to tell
9 me what was going on. He said, "Look, Rambo has done this, Rambo has done that."
10 Everybody knew about it regarding the kid that he killed. (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 I wasn't a witness, I wasn't an eyewitness to those acts --

17 PRESIDING JUDGE SCHMITT: (Overlapping speakers) We have understood that.

18 THE WITNESS: (Interpretation) -- (Redacted)

19 PRESIDING JUDGE SCHMITT: [12:55:11] Mr Vanderpuye, do you continue with
20 this line of questioning or do you want to go over to another area?

21 MR VANDERPUYE: [12:55:21] Sorry. I have only one question on this issue and it
22 relates to the prior statement. And then we stop at 1; is that right, Mr President?

23 PRESIDING JUDGE SCHMITT: [12:55:32] Exactly.

24 MR VANDERPUYE: [12:55:32] So I think I'll deal with that and then we can --

25 PRESIDING JUDGE SCHMITT: [12:55:35] Yeah, fine, fine.

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1 Q. [12:55:37] So with respect to -- I want to ask you something you said in your -- in
2 your previous statement.

3 And this is tab 49, the ERN is CAR-OTP-2072-1913, and I'm at page 1930, and it's line
4 592 down to 595. And you're asked about certain conduct regarding Mr Yekatom,
5 and in response to that you indicated that you didn't really want to talk about it that
6 much but then said: "Even if I wanted to speak about it, what will you do?", meaning
7 the Prosecution.

8 And then you say: (Interpretation) "He really killed people. Even his own military
9 brothers, he killed them."

10 (Speaks English) So my question is --

11 PRESIDING JUDGE SCHMITT: [12:56:49] Ms Dimitri.

12 MS DIMITRI: [12:56:53] Mr President, I don't see why my learned friend is quoting
13 the transcript. The witness didn't say that he couldn't recall. In fact, he recalled
14 and he gave his explanation.

15 PRESIDING JUDGE SCHMITT: [12:57:03] No, you could have perhaps established
16 more the reason why you revert to the -- to the transcript here -- to the transcript of
17 the statement here.

18 MR VANDERPUYE: [12:57:13] What I want to get to is what is the basis for his
19 statement affirmatively in his -- in his interview that he (Interpretation) "He really
20 killed the people" (Speaks English) if the witness's statement today is that he doesn't
21 have necessarily that information. He's not sure about it.

22 PRESIDING JUDGE SCHMITT: [12:57:38] Okay. That -- that is some -- a little bit
23 sophisticated, I would say. Yeah, I think the question is the same that we have
24 entertained in the past minutes is where the -- where the basis for his knowledge is
25 and I think he has answered that. So I understood the witness that he has not seen

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1 any such acts by himself. I can, perhaps, for clarifying it, I can repeat it.

2 Mr Witness, we understood you in a way that you did not see these acts by yourself,

3 but you received from - let me now formulate it - from a lot of people information

4 about that. Is that quite okay if I wrap it up like this?

5 THE WITNESS: [12:58:44](Interpretation) Yes. Let me say again that (Redacted)

6 (Redacted). Everybody was talking about it. (Redacted)

7 (Redacted)

8 To come back to the question of the Prosecution, when you shoot on a person there

9 will be deaths. When you ask me these questions as if you're accusing me, I came

10 here voluntarily. When you use an arm, it's to kill someone. You can't shoot

11 without hitting someone. I am here to tell you the truth. I was not an eyewitness to

12 these incidents, but there was a lot of talk. (Redacted)

13 (Redacted)

14 MR VANDERPUYE: [13:00:05] That's -- that's fine.

15 PRESIDING JUDGE SCHMITT: [13:00:07] Mr Witness, nobody is accusing you, as

16 far as I understand it, so you don't have to be upset. There is no reason for that. So

17 we have the answer.

18 MR VANDERPUYE: [13:00:18] I just want to also remind the witness that my

19 questions are coming to you through an interpreter, and so inasmuch as the questions,

20 the answers you're giving are going through interpretation and sometimes there are

21 mistakes, it could be very well the same thing when I'm asking you the questions, just

22 to keep that in mind.

23 PRESIDING JUDGE SCHMITT: [13:00:38] So before we go into the break,

24 Mr Vanderpuye, you understand that you have at the maximum two sessions left.

25 MR VANDERPUYE: [13:00:45] Yes, Mr President.

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1 PRESIDING JUDGE SCHMITT: [13:00:46] And, again, with regard to the evidence

2 that you anticipate, there seem to be some areas to cover.

3 MR VANDERPUYE: [13:00:54] Indeed.

4 PRESIDING JUDGE SCHMITT: [13:00:54] And since this is not a Rule 68(3) witness,

5 I think we -- you have to think about (Overlapping speakers)

6 MR VANDERPUYE: [13:01:05](Overlapping speakers)

7 PRESIDING JUDGE SCHMITT: [13:01:08] (Overlapping speakers) how you use

8 the precious time, so to speak.

9 MR VANDERPUYE: [13:01:14] Absolutely, Mr President.

10 PRESIDING JUDGE SCHMITT: [13:01:15] Okay. So we have the break until 2.30.

11 MR VANDERPUYE: [13:01:19] Thank you.

12 THE COURT USHER: [13:01:24] All rise.

13 PRESIDING JUDGE SCHMITT: [13:01:21] Two o'clock, excuse me.

14 (Recess taken at 1.01 p.m.)

15 (Upon resuming in open session at 2.01 p.m.)

16 THE COURT USHER: [14:01:22] All rise.

17 Please be seated.

18 PRESIDING JUDGE SCHMITT: [14:01:52] Good afternoon.

19 Mr Vanderpuye, you still have the floor.

20 Some minor correction here for the transcript. The last document mentioned is on

21 the record as CAR-OTP-2072-1914, but it should be 1913.

22 Please continue.

23 MR VANDERPUYE: [14:02:15] Thank you very much, Mr President.

24 Good afternoon.

25 Q. Good afternoon, Witness. As we wound up, I was just asking you some

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1 questions concerning Mr Yekatom's conduct. Could I just ask very briefly, how long
2 did Mr Yekatom and his elements stay they Yamwara school or use the Yamwara
3 school as a base following the incident that you describe regarding the hostages and
4 so on?

5 A. [14:03:12] They stayed until January. After that they withdrew from PK9.

6 Q. [14:03:21] And how long did they remain at PK9, if you can recall?

7 A. [14:03:35] They set up operations there until the end of the events. From PK9
8 they controlled the road that leads to Pissa.

9 Q. [14:03:50] And do you know if Mr Yekatom ever controlled an area leading to
10 Mbaïki?

11 A. [14:04:14] Yes, he controlled that road all the way to Mbaïki.

12 Q. [14:04:22] I'd like to show you -- I'm going to go to a slightly different area but
13 I'd like to show you a document, if I could. It's at tab 79, CAR-OTP-2124-0512.

14 Perhaps we should not broadcast this one at the moment.

15 You can see this is a document dated 10 January 2014 and it's entitled *Combattants de*
16 *Liberation de Peuple Centrafricain* (CLPC).

17 And if we could just go down a little bit, you can see there is a reference to
18 Captain Ngremangou, who you mentioned previously, and another individual.
19 Have you seen this document before?

20 A. [14:05:59] Yes, I've seen it quickly. Could you scroll up so I can see the bottom
21 of the document.

22 Q. [14:06:13] It goes on to the next page, if you'd like to see that as well.

23 A. [14:06:34] Yes, if you could scroll down, please.

24 PRESIDING JUDGE SCHMITT: [14:07:13] I think you can put a question to
25 (Overlapping speakers)

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1 THE WITNESS: [14:07:15](Interpretation) Yes, I remember it.

2 MR VANDERPUYE: [14:07:18]

3 Q. [14:07:19] My question is, first of all, just to clarify that the CLPC relates to
4 the Anti-Balaka. In fact, it is the Anti-Balaka; isn't that right?

5 A. [14:07:41] Yes, it's the same thing.

6 Q. [14:07:48] And this document refers to a meeting among (Interpretation) senior
7 officials of the CLPC?

8 A. [14:08:05] (Overlapping speakers)

9 Q. [14:08:07] We have to go to the first page --

10 A. [14:08:10] Could you go back to the beginning of the first page.

11 Q. [14:08:34] So what I wanted to ask you was do you recall the circumstances
12 under which -- rather, the meeting that is indicated in this document, do you recall
13 where it was held and who attended it?

14 A. [14:09:12] The meeting was held in January, if I recall correctly. It was at the
15 time when Djotodia had been summoned, so he had been summoned to this summit
16 so he could resign, submit his resignation. And amongst the Anti-Balaka, (Redacted)
17 (Redacted)

18 (Redacted)

19 (Redacted). That was around the 10th. That was -- that was the 10th
20 when Djotodia resigned.

21 Q. [14:10:11] All right.

22 Mr President, I'm going to ask to go into private session I --

23 PRESIDING JUDGE SCHMITT: Yeah, yeah.

24 MR VANDERPUYE: -- hadn't anticipated --

25 PRESIDING JUDGE SCHMITT: [14:10:18] Private session.

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1 (Private session at 2.10 p.m.)

2 THE COURT OFFICER: [14:10:29] We are in private session, Mr President.

3 MR VANDERPUYE: [14:10:34] Thank you.

4 Q. [14:10:36] I -- Mr Witness, I just asked to go into private session because I could
5 see that you were talking about (Redacted) which might identify you
6 publicly.

7 But as we're in private session now, do you recall where, where this meeting took
8 place?

9 A. [14:11:09] The meeting was held in Boeing.

10 Q. [14:11:14] All right. Do you know where in Boeing it was held? Do you
11 remember or not?

12 A. [14:11:30] Behind another base located behind the airport.

13 Q. [14:11:36] Do you remember the name of the base? I take it it's an Anti-Balaka
14 base you're referring to, but what is the name of the base or the location?

15 A. [14:11:51] It was the Boeing base. Boeing.

16 THE INTERPRETER: [14:11:55] Repeats the witness.

17 MR VANDERPUYE: [14:11:57]

18 Q. [14:11:57] Then my next question is as relates to the conclusions. And that's on
19 the next page.

20 In particular, the -- item number 2, which refers to "*Retour à l'Ordre constitutionnel ou*
21 *bien Collège de Transition*".

22 (Speaks English) With respect to that conclusion, "*Retour à l'Ordre constitutionnel*,"
23 what was meant by that?

24 A. [14:12:46] At one particular point in time there were disturbances throughout
25 the country. Djotodia was only managing -- well, the transition, they gathered to ask

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1 that constitutional order be re-established. But you must realise that talking about
2 a return to constitutional order, that meant bringing Bozizé back to power, so it was
3 an opportunity to collect a number of people and have them manage the transition
4 and have Bozizé come back to power.

5 Q. [14:13:35] Okay. And you discussed earlier, I think we mentioned either
6 Friday or the day before, that that was one of the tenets of FROCCA; isn't that right?
7 That was its purpose?

8 A. [14:14:00] Who are you talking about, please? In terms of FROCCA, who are
9 you talking about exactly?

10 Q. [14:14:10] In terms of what FROCCA was trying to achieve, which was
11 the return of Bozizé through a platform arguing for a return to the constitutional
12 order. This says the same thing, right?

13 A. [14:14:40] Yes, indeed. The people who were leading FROCCA, the FROCCA
14 officials, were asking for a return to constitutional order. That's what they had in
15 the back of their minds. They supported the return of Bozizé to power. Other
16 than -- other than that, they were also in favour of transition.

17 Q. [14:15:06] All right. And (Redacted) Mr Ngaya being
18 present at a meeting, Alfred Ngaya?

19 A. [14:15:33] (Redacted). Perhaps we
20 could go back to the first page because I think the list of participants is on the first
21 page. Otherwise he too was taking part in that meeting, Alfred Ngaya.

22 Q. [14:15:54] All right. Well, there doesn't appear to be a list of participants, but
23 (Redacted)

24 (Redacted)

25 Other than -- other than Alfred Ngaya (Redacted)

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1 (Redacted)

2 And if you don't remember, it's okay, you just say that.

3 A. [14:16:40] No, I don't remember. (Redacted)

4 (Redacted)

5 Q. [14:16:47] All right. I'd like to show you tab 78. This is an email
6 communication which transmitted the document we're looking at right now.

7 A. [14:17:03] Mm-hmm.

8 Q. [14:17:03] It should come up on the screen in a minute.

9 I think you have it there now. You can see this is an email --

10 PRESIDING JUDGE SCHMITT: [14:17:27] And we can -- because he's not
11 a participant of this conversation and it's a document and we see it, we can make it
12 short, okay?

13 MR VANDERPUYE: [14:17:33] Yeah.

14 PRESIDING JUDGE SCHMITT: [14:17:33] We see "from", "to" and you can ask
15 the witness if he has any knowledge of this, which would be surprising.

16 MR VANDERPUYE: [14:17:41] Yes, I was just going to ask.

17 Q. [14:17:43] You can see that this is (Redacted) to Mr Ngaïssona.

18 Were you aware that (Redacted) was
19 transmitted to Mr Ngaïssona on 10 January 2014?

20 A. [14:18:14] No. It's only today that I see this document. That means that
21 (Redacted). I don't know what his role was and I don't know under what
22 circumstances he sent this email.

23 Q. [14:18:35] Why would (Redacted) send an email to Mr Ngaïssona concerning
24 (Redacted) in January 2014 before Mr Ngaïssona was in Bangui?

25 A. [14:19:05] I don't know whether (Redacted) you said that he sent a copy. I'm

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1 trying to understand. But he took the initiative on his own part and I'm seeing this
2 document for the first time. He's the only person who can know why he sent
3 the document.

4 Q. [14:19:29] Was the document intended to be circulated beyond the group that
5 met? Or was it intended to be a secret (Redacted)?

6 A. [14:20:03] No, it wasn't secret, because (Redacted)
7 (Redacted) to speak out against -- or, rather, to ask for
8 the departure of Djotodia and that was the intent -- well, the intent of the document
9 was to tell the CEEAC that (Redacted) with the meeting in Chad and, given that if
10 Djotodia was to step down, there had to be an agreement about Bozizé returning to
11 power or sort of a transitional arrangement would have to be made. But I don't
12 really know about how the document was sent.

13 Q. [14:20:57] Okay. I'll move on to a different avenue then.

14 PRESIDING JUDGE SCHMITT: [14:21:02] In open session or in private session?

15 MR VANDERPUYE: [14:21:03] I think this has to be in private session, Mr President.

16 It's a video I want to show.

17 I'd like to -- I'd like -- (Redacted) so I'd like him to take a look at it,

18 I believe.

19 It's tab 7, CAR-OTP-2014-0570 (sic). We're going to play from 00:25 to 01:17. And
20 the transcript reference is tab 72, CAR-OTP-2107-6891. And it should start at
21 page 6892, lines 14 through 38, about.

22 So if we're ready in the booth I think we can play it.

23 (Viewing of the video excerpt)

24 PRESIDING JUDGE SCHMITT: [14:22:56] Well, there was no -- at least I didn't hear
25 any translation.

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1 THE INTERPRETER: [14:23:03] Message from the interpreters: We do not have
2 the -- we were unable to open the link that led to the transcript -- or the transcription.

3 PRESIDING JUDGE SCHMITT: [14:23:32] In the meantime, the video, the correct
4 ERN for the document is CAR-OTP-2014-0750.

5 MR VANDERPUYE: [14:23:50] Thank you, Mr President. I have a completely
6 different number.

7 It relates to the transcription number.

8 PRESIDING JUDGE SCHMITT: [14:23:57] But we have also to -- do have to have
9 the ERN of the video on the transcript.

10 MR VANDERPUYE: [14:24:03] Did I not give that again? I apologise. Sorry.

11 PRESIDING JUDGE SCHMITT: [14:24:08] So what do we do now with
12 the translation. Actually I have understood it, but that's not -- of course not decisive.

13 MR VANDERPUYE: [14:24:16] More importantly (Overlapping speakers)

14 PRESIDING JUDGE SCHMITT: [14:24:17] Mr Witness, could you
15 follow -- Mr Witness, could you follow the video and what was said there?

16 THE WITNESS: [14:24:35](Interpretation) Yes, I was looking at the video. It was in
17 French and I understood.

18 PRESIDING JUDGE SCHMITT: [14:24:42] Okay. I think then it's the wisest to
19 simply continue with the questioning and ask the witness.

20 MR VANDERPUYE: [14:24:50]

21 Q. [14:24:50] During the course of this video - we are in private session, yes - you
22 could see yourself. And my question to you is you -- (Redacted) that if
23 the elections were not carried out in a manner that was satisfactory, that the country
24 might be thrown into a genocide because it's tending towards that. And I wanted to
25 know (Redacted) it would

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1 plunge the country into a genocide if the elections were not carried out in a certain
2 way?

3 A. [14:25:50] Let me explain.

4 At that time the president of the CEEAC decided that the -- that President Djotodia
5 should resign. We needed an interim president. Nguendet had 10 days to organise
6 elections, 10 to 20 days to organise an election. And the election that he was
7 supposed to organise, there was this intent to take another Séléka person as president.

8 (Redacted) they had to be

9 careful, they had to choose someone neutral to ensure the transition. And it couldn't
10 be another Séléka person or another person who wouldn't be the subject of unanimity.
11 Otherwise the country would be plunged into chaos. That was to get the organisers'
12 attention, to better organise the situation.

13 Ms Samba-Panza was chosen because she was neutral. And when she took power,
14 she began to organise things so that there would be a relative return to peace.

15 That is (Redacted) about pre-genocide. When you come to a particular sector
16 where Muslim people are to be found -- well, there were two communities that were
17 fighting, that were killing people from one community or another. We were close to
18 genocide. And fortunately, on 5 December, Sangaris operation was conducted,
19 supported by the UN, and that halted this intent. (Redacted) was to draw
20 the attention of the international community so that someone neutral would be
21 chosen. It wasn't a threat to create disorder.

22 (Redacted)

23 (Redacted)

24 (Redacted). So

25 that was the idea.

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1 Q. [14:28:34] You anticipated my question, which is whether (Redacted)

2 (Redacted), which you've

3 answered.

4 My question is, in respect of other (Redacted)

5 (Redacted) the

6 Anti-Balaka of a similar nature and to what extent, what extent did the leadership of

7 the Anti-Balaka inform (Redacted)?

8 A. [14:29:35] In Bangui you asked me about that. (Redacted),

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 PRESIDING JUDGE SCHMITT: [14:30:29] Mr Witness, who were the people who

16 (Redacted)? Please specify.

17 THE WITNESS: [14:30:53](Interpretation) Bama, Houronti, Maxime Mokom, and

18 other military, Modibo as well. (Redacted)

19 There was Bama, Houronti, Yagouzou. There was also Richard Bejouane. I don't

20 know where he came from. I can't remember anymore. (Redacted)

21 in this and this way. Fine. And I said these are people who are uneducated. So

22 (Redacted)

23 (Redacted).

24 PRESIDING JUDGE SCHMITT: [14:31:55] Mr Witness, it may have escaped my

25 attention, but do you recall when (Redacted) ? You might not

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1 recall perhaps the exact date, but can you narrow it down a little bit when this might

2 have been? Or do we know exactly, might be?

3 THE WITNESS: [14:32:31](Interpretation) It was the month of January, just close to

4 the elections. January 2014.

5 PRESIDING JUDGE SCHMITT: [14:32:38] Thank you.

6 Mr Vanderpuye, open session possible, soon?

7 MR VANDERPUYE: [14:32:44] One last question and I think --

8 PRESIDING JUDGE SCHMITT: [14:32:46] And before, before we do that, also for an

9 amendment to the transcript, the ERN for tab 78 is CAR-OTP-2124-0511.

10 MR VANDERPUYE: [14:33:03] Did I miss that one too?

11 PRESIDING JUDGE SCHMITT: [14:33:06] I think so.

12 MR VANDERPUYE: [14:33:08] I apologise.

13 PRESIDING JUDGE SCHMITT: [14:33:11] Yeah, please.

14 MR VANDERPUYE: [14:33:20]

15 Q. [14:33:20] The one question I wanted to ask you was, in this particular video,

16 these are the individuals (Redacted)

17 Mr Ngaïssona aware of the -- (Redacted)

18 (Redacted) of the Anti-Balaka?

19 A. [14:34:13] No, I don't remember. I don't remember. After Djotodia left, then

20 there was a question whether Ngaïssona could come back to Bangui. (Redacted)

21 come back to Bangui, no one will harm you. But (Redacted)

22 (Redacted). No. (Redacted)

23 (Redacted)

24 (Redacted)

25 Q. [14:35:13] (Microphone not activated)

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1 I think I can -- I think I can go into open session, Mr President.

2 PRESIDING JUDGE SCHMITT: [14:35:31] Okay, then we go to open session.

3 (Open session at 2.35 p.m.)

4 THE COURT OFFICER: [14:35:49] We are back in open session.

5 MR VANDERPUYE: [14:35:54]

6 Q. [14:35:55] Some time ago I was asking you about Captain Ngremangou and
7 what his role was within the movement of Anti-Balaka. Do you know what his role
8 was with respect to the movement of Anti-Balaka, in particular in relation to members
9 of the FACA that were part of the group?

10 A. [14:36:41] He was the head of the military in that movement. He called -- they
11 used to call him chief of staff.

12 Q. [14:36:56] I want to show you just two documents. One is an email
13 communication from Captain Ngremangou and we'll just show you that briefly and
14 then I'll show you the document that it refers to which is attached to the email.
15 So, just so I don't get this one wrong, it's tab 81, CAR-OTP-2126-2619.
16 You have it in front of you. I know you haven't seen this before, so I just want to
17 draw your attention to the attachment, which is the (Interpretation) Provisional list of
18 the FACA elements of the Boeing area and Cattin area.
19 (Speaks English) Just before I switch over to the next document --

20 A. [14:38:10] No, I can't see it on my screen.

21 Q. Oh, you can't see it, okay.

22 A. I don't see it.

23 Q. [14:38:37] Just before I switch to the next document or the attachment to
24 this -- yes, yes, I see counsel on his feet.

25 MR KNOOPS: [14:38:42] Yes, just an observation, Mr President. *I thought

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1 the instructions of the Chamber were that we could put a document to the witness

2 only if the witness is the author of, or was mentioned in the document.

3 PRESIDING JUDGE SCHMITT: [14:38:51] Yes, yes, yes, you're right.

4 So what do you want to -- (Overlapping speakers)

5 Q. [14:39:02] (Overlapping speakers)

6 PRESIDING JUDGE SCHMITT: [14:39:03] Where are you heading at?

7 MR VANDERPUYE: [14:39:05] I am going to show the witness the next document,

8 which is a list of soldiers which the witness just testified to that one of the functions of

9 Captain Ngremangou was to manage FACA within the movement.

10 PRESIDING JUDGE SCHMITT: [14:39:14] I understand, but I think (Overlapping

11 speakers)

12 MR VANDERPUYE: [14:39:16] And this is -- this is only the document which

13 demonstrates where that list comes from or the origin or provenance of that list.

14 PRESIDING JUDGE SCHMITT: [14:39:25] And this is proven by that.

15 MR VANDERPUYE: [14:39:28] Sorry?

16 PRESIDING JUDGE SCHMITT: This is clear that this is the attachment, the next

17 document is the attachment that is mentioned in this document. That is absolutely

18 clear.

19 MR VANDERPUYE: [14:39:36] Absolutely.

20 PRESIDING JUDGE SCHMITT: [14:39:37] Okay, good.

21 Then Ms Dimitri.

22 MS DIMITRI: [14:39:39] Thank you, Mr President. Just one point, I mean the date

23 of this document --

24 PRESIDING JUDGE SCHMITT: Yes, yes (Overlapping speakers)

25 MS DIMITRI: -- is so old (Overlapping speakers)

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- 1 PRESIDING JUDGE SCHMITT: [14:39:43] That was the next thing --
- 2 MS DIMITRI: Thank you.
- 3 PRESIDING JUDGE SCHMITT: -- 29 May 2013, you are aware of that.
- 4 MR VANDERPUYE: [14:39:50] (Microphone not activated)
- 5 PRESIDING JUDGE SCHMITT: [14:39:51] Okay. Because I thought we were
- 6 already -- had already reached 2014 January. Okay, good.
- 7 MR VANDERPUYE: [14:39:56] Yes, yes.
- 8 PRESIDING JUDGE SCHMITT: [14:39:56] Then put the next -- to really shorten this,
- 9 put the next document to the -- this list to the witness, but please do not go through
- 10 all of the names.
- 11 MR VANDERPUYE: [14:40:06] No, no, no, not at all. And this is tab 82,
- 12 CAR-OTP-2126-2620.
- 13 Q. [14:40:22] What I'm going to show you is the attachment to the email that you
- 14 just saw from Captain Ngremangou. And it refers to elements in Boeing, as you can
- 15 see there's a number of them. And you can see Captain Ngremangou's name right at
- 16 the top of that list. If you go down the list, you will see -- probably you will see
- 17 some people that you recognise.
- 18 So that's my first question is, do you recognise any of the names on this list as FACA
- 19 within the area of Boeing? The list is much longer, but I won't go through the whole
- 20 thing.
- 21 MS DIMITRI: [14:41:15] But, Mr President, can we have a bit of specificity? Within
- 22 the area of Boeing when? Because the email is so old.
- 23 PRESIDING JUDGE SCHMITT: [14:41:22] Yeah, but this -- so now Mr Vanderpuye
- 24 is absolutely sure that the list is the attachment to the email. So from that we can
- 25 infer that the list is from 29 May 2013.

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1 MR VANDERPUYE: [14:41:42] Correct.

2 PRESIDING JUDGE SCHMITT: [14:41:43] Correct. So whatever probative value

3 this might have in the end. Yeah. Okay.

4 MR VANDERPUYE: [14:41:48] Okay.

5 Q. [14:41:50] First of all, do you recognise any names on that first page? Aside

6 from Yekatom at number 22. But aside from that, do you recognise any names on

7 this?

8 A. [14:42:22] Yes, I do recognise some names, but not on that date, 5 May,

9 (Redacted). It's true on the list I can talk about Gauthias Elysée,

10 he is a military who lived in Boeing; Joseph, Toude Joseph; Fayanga Joseph.

11 Q. All right.

12 A. Can you scroll a bit, please.

13 Q. We don't need to go through all of the list. Were these people (Overlapping

14 speakers)

15 PRESIDING JUDGE SCHMITT: [14:43:01] (Overlapping speakers) you don't go

16 through the whole document --

17 MR VANDERPUYE: I'm sorry, Mr President.

18 PRESIDING JUDGE SCHMITT: I said I don't think we should go through the whole

19 document.

20 THE WITNESS: [14:43:13](No interpretation) (Overlapping speakers)

21 PRESIDING JUDGE SCHMITT: [14:43:14] And I said that I think initially already.

22 So the witness has said he recognised some of the names. That must be enough.

23 MR VANDERPUYE: [14:43:21] Yeah, I just want to know whether these people that

24 he recognised were present in and around December 2013.

25 PRESIDING JUDGE SCHMITT: [14:43:26] Yeah, okay.

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1 THE WITNESS: [14:43:49](Interpretation) Those -- those who were present was

2 Toude and Fayanga, they were there.

3 MR VANDERPUYE: [14:44:02]

4 Q. [14:44:02] All right. There's a list of elements also in Cattin. I won't go

5 through those, but can you tell the Chamber where Cattin is relative to the base that

6 was at Boeing that you discussed earlier in your testimony today.

7 A. [14:44:39] Cattin isn't very far. It's a neighbouring district. It's separated by

8 a road. Maybe it's 1.5 kilometres from Boeing on the one side and Cattin on

9 the other.

10 Q. [14:45:05] What arrondissement does it abut or is it in?

11 A. [14:45:20] Are you talking about Cattin? It's in the 3rd -- it's in part of the 3rd

12 arrondissement. And another part is in the Bimbo area.

13 Q. [14:45:39] All right. And earlier you mentioned -- or at least in the transcript it

14 says 1.5 kilometres. I thought I heard you say *kilomètre cinq* --

15 THE INTERPRETER: [14:45:49] The interpreter would like to say, yes, it is kilometre

16 5. Sorry.

17 MR VANDERPUYE: [14:45:55] Okay.

18 Q. [14:46:03] I'd like to -- I'd like to ask you -- sorry.

19 Mr Ngaïssona returned to Bangui on or about 14 January 2014.

20 And I think you said he became the *coordinateur général* when he returned. I also

21 understood that Ngrémangou was considered the *chef d'état-major*, I think is what I

22 said, of the group. Do you know why Captain Ngrémangou was not proposed to be

23 the *coordinateur général* of the Anti-Balaka movement?

24 A. [14:47:20] I don't know the reason. The military did call him the *chef*

25 *d'état-major*, but I don't know why he wasn't chosen. Sometimes the military held

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1 meetings and the civilians were not in any way involved in them.

2 Q. [14:47:44] Was he ever proposed by the Anti-Balaka, the group, to be the interim
3 president?

4 A. [14:48:05] Indeed, there were the Anti-Balaka and military who were in
5 the movement. If I remember, it was in January when Djotodia resigned. At that
6 moment there wasn't any president and then there were to be elections and Nguendet
7 was going to be president for the interim period. There was a meeting held between
8 the military and the Anti-Balaka. There was some discussion to choose someone in
9 case they got back into power. So if that was the case, who was going to be
10 president? Some said that you had to choose Ngrémangou or Kamezolaï. So there
11 was some discussion, but there wasn't a consensus and there was no real outcome.

12 Q. [14:49:30] Just so that I'm clear, or the record is clear, I heard you say that
13 the meeting was held at the Yamwara school. Is that what you said?

14 A. [14:49:53] Yes, the meeting was held at the Yamwara school.

15 Q. [14:49:59] And do you know why it is that Mr Ngaïssona was chosen to be
16 the general coordinator of the Anti-Balaka and not, for instance, Maxime Mokom?

17 A. [14:50:29] When Ngaïssona returned, (Redacted). And
18 the people of Boy-Rabe accompanied him to Boy-Rabe. (Redacted)

19 (Redacted)

20 (Redacted). When he was in the house

21 the ComZones who came from the provinces and the ComZones of Boy-Rabe,
22 because that's his area, loved him a lot and they wanted him to be coordinator of the
23 Anti-Balaka movement. (Redacted)

24 (Redacted). So there was the people of the people and some of the Anti-Balaka
25 decided that he would become general coordinator of the Anti-Balaka.

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1 I called him to say there was an election at the assembly. I thought he could present
2 himself to compete with Samba-Panza and others so that he could be president of
3 the Republic for the transitional period. But it seems, according to the answer he
4 gave me, that he was rejected and that his candidacy was rejected. And, thereafter,
5 he became general coordinator of the Anti-Balaka. But the underlying reasons is
6 something I really don't know.

7 PRESIDING JUDGE SCHMITT: [14:52:33] May I -- may I shortly, just before you
8 continue, before I forget it, because I come back to the short conversation that we had
9 about the last document, the last two documents, the email, the attachment and
10 the list, we had a short discussion if you are sure that this is the attachment. I just
11 note that in the email the attachment is qualified as "*liste provisoire*" and the list is
12 called "*liste definitive*". This is -- of course this is immediately apparent and this is the
13 reason why of course you ask yourself if this is really the right attachment. This is
14 the reason. So --

15 MR VANDERPUYE: [14:53:17] I appreciate that, Mr President. Thank you.

16 PRESIDING JUDGE SCHMITT: [14:53:19] So just to inform you about that.
17 So please continue.

18 MR VANDERPUYE: [14:53:22] Thank you.

19 Q. [14:53:25] I'd like to show you another document. It is tab 63,

20 CAR-OTP-2087-9025.

21 You should have it in front of you now. And it's entitled (Interpretation) List of the
22 Anti-Balaka cadres.

23 (Speaks English) First of all, have you seen this document before?

24 A. [14:54:32] Yes, I've already seen this document.

25 Q. [14:54:37] And what -- what is its intention? What is -- what is behind this?

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1 A. [14:54:55] In reality, this -- Samba-Panza was already president in the transition.

2 She had to set up a government.

3 It's a bit like the framework I explained when there was Bozizé. Samba-Panza said

4 that she didn't know the people who made up the Anti-Balaka movement. So she

5 contacted Ngaïssona to ask for a list of names who -- of people who could be

6 nominated in the government. They held a meeting, and after that meeting this list

7 was drawn up. There was the name, the profile, and the desired position. This was

8 drawn up and sent to Samba-Panza. For example, if you see Feikere, you can see

9 that he's a former director general and he could be adviser minister for

10 the presidency.

11 This was drawn up for nominations of possible positions in the government. So they

12 had to find qualified persons and, based on this, they could receive a salary which

13 would enable them to take responsibility for the men. So that was the purpose

14 behind this document.

15 Q. [14:56:40] We can see a number of names here, including Ngaya, as we

16 mentioned before, and also Bernard Mokom is number 6. And of course

17 Mr Ngaïssona at number 1.

18 In terms of *les vœux*, these are expressions of the desires of the -- of the interested

19 people; isn't that right? That's the post that they want?

20 A. [14:57:26] Yes, indeed.

21 Q. [14:57:28] ENERCA is what? And SOCAPS is what? To your knowledge.

22 A. [14:58:02] These are storage of petrol products. As soon as those products

23 arrive, they are stored and then redistributed to different stations around the country

24 that --

25 Q. [14:58:31] Is that a position that is a lucrative one?

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1 A. [14:58:50] Yes, it's a company who earns a lot of money.

2 Q. [14:58:59] You said that these positions would give rise to salaries that could be
3 used to support the men. At least that's how it was translated. What do you mean
4 by that and what men?

5 A. [14:59:34] The Anti-Balaka. The idea is that Samba-Panza -- it was an idea of
6 Catherine Samba-Panza. They had a source of income which could take in charge of
7 these people rather than make them commit actions like stealing, thieving, so that's
8 just one way of dealing with it.

9 Q. [15:00:06] I think it's not contested that Mr Ngaïssona didn't get that position;
10 that's your understanding, I guess? Nor did Mr Mokom. Was the president ever
11 reproached about the fact that neither of them got that positions -- got those
12 positions?

13 A. [15:00:58] Well, some people were unhappy about that, but since I wasn't there,
14 I can't really make any comments. No doubt there were some people who were not
15 happy about it.

16 Q. [15:01:17] Did you ever get the impression that Mr Ngaïssona had involved
17 himself in the leadership of the Anti-Balaka in order to take advantage of the
18 movement?

19 A. [15:01:54] Initially, yes. Like this document there, at the beginning he wanted
20 to distribute the positions. He had that in mind at first. But then we spoke out
21 against that idea because the movement had not been set up to be used as some sort
22 of lobbying tactic or pressure tactic. It was better to use the -- it was better for
23 the people to go back and take care of the children who were in the DDR process.
24 That's how I see things. (Redacted).
25 So that is how I saw things.

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- 1 Q. [15:03:10] All right. Then let me ask you about two other documents very
2 quickly. One is CAR-OTP- -- well, tab 13, CAR-OTP-2030-0270.
3 We're going to go to the next page of this document, please. It is ERN ending
4 270 -- 0270 (sic).
5 And you'll see it's a document dated 21 -- what am I looking at here.
6 PRESIDING JUDGE SCHMITT: [15:04:06] I have here 23 October 2014.
7 MR VANDERPUYE: [15:04:12] 21st of -- 23rd you see?
8 PRESIDING JUDGE SCHMITT: [15:04:16] Actually, if it is tab 13.
9 MR VANDERPUYE: [15:04:18] Yes.
10 PRESIDING JUDGE SCHMITT: [15:04:20] At least mine that I have is
11 23 October 2014.
12 MR VANDERPUYE: [15:04:26] Okay.
13 PRESIDING JUDGE SCHMITT: [15:04:28] But it's --
14 MR VANDERPUYE: [15:04:29] Let me give the ERN again.
15 PRESIDING JUDGE SCHMITT: [15:04:30] I would be very -- I would be very
16 surprised if you had the same ERN and it would -- would be to read 21 October.
17 MR VANDERPUYE: [15:04:40] That is very odd indeed. No, no, no, no. It's
18 the next -- it's the next -- the page is 0272.
19 PRESIDING JUDGE SCHMITT: [15:04:52] Yes, but this is then 21 January 2014.
20 MR VANDERPUYE: [15:04:57] That's right. I think that's what I said (Overlapping
21 speakers)
22 PRESIDING JUDGE SCHMITT: [15:05:01] Okay. So you were completely right
23 with the 21st, absolutely.
24 MR VANDERPUYE: [15:05:06] Wrong on the ERN number. I think you're right.
25 Q. [15:05:08] 21 January 2014, ERN page ending 0272 for the record.

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1 And what I'd like to draw your attention to, once again this is a CLPC document. It
2 is entitled *Revendications des Anti-Balaka*. It says the movement takes this
3 opportunity to present its demands *comme suit*. And if you look at number 6 down
4 below, it talks about the *composition du gouvernement* and then it lists a number of
5 different posts in government.

6 If we go over to the next page you'll see a couple more. And that's ERN ending 0273.
7 So my first question is are you familiar with this document?

8 A. [15:06:25] No. Well, I know that in this document I see that there are some
9 demands. Yes, I recognise that these are demands that we were making at the time.

10 PRESIDING JUDGE SCHMITT: [15:06:46] So it -- Mr Witness, (Redacted)

11 (Redacted)

12 (Redacted). Wouldn't you

13 agree?

14 THE WITNESS: [15:07:14](Interpretation) In actual fact I'm not familiar with this
15 document. This is the first time I've ever seen it, the very first time I've ever seen this
16 document.

17 PRESIDING JUDGE SCHMITT: [15:07:24] No, but the question would be,
18 Mr Witness -- okay, I understand and this is -- you see the document for the first time.
19 But the demands that are in there, are you familiar with them?

20 THE WITNESS: [15:07:48](Interpretation) Yes, I was aware of these demands. But
21 the positions, no.

22 PRESIDING JUDGE SCHMITT: [15:07:56] Okay.

23 Mr Vanderpuye.

24 MR VANDERPUYE: [15:07:58] Thank you, Mr President.

25 Q. [15:08:01] Thank you, Witness. I'm done with that document.

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1 I'd like to show you another one. I'm nervous.

2 PRESIDING JUDGE SCHMITT: [15:08:10] It's -- no, no, you don't have to be
3 nervous.

4 MR VANDERPUYE: [15:08:13] (Overlapping speakers)

5 PRESIDING JUDGE SCHMITT: [15:08:14] Together we get it right, I think.

6 MR VANDERPUYE: [15:08:16] This one is tab 53, yeah, CAR-OTP-2079-0024. I've
7 indicated here -- just stay at the top of the page, please. Please avoid -- because we
8 are in open session.

9 PRESIDING JUDGE SCHMITT: [15:09:05] But I think we can make this short,
10 because -- and also for all the parties here in the room, and with regard to the last
11 objection or -- that Mr Knoops made, assuming that the witness is not -- no, I don't see
12 him here and he has not produced it, but - and this was the reason why I put the last
13 question to him - (Redacted).

14 So this is -- this is the reason why I think it makes sense to put these documents to
15 the witness. I simply want to explain it. Because otherwise we said, you know,
16 when we have these Facebook communications and the witness is not part of it
17 and -- and neither party of the communication nor is mentioned there -- you see what
18 I mean. So these are the exceptions, if the witness has a position that he might know
19 or he should know or could know.

20 Excuse me, Mr Vanderpuye for interrupting.

21 MR VANDERPUYE: [15:10:07] No, no problem, Mr President. I'll be very delicate
22 with this one I think, but --

23 PRESIDING JUDGE SCHMITT: [15:10:17] And by the way, I was wrong with my
24 assumption. I also see it for the first time, I have to say. So bear with me. But you
25 understood the principle.

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1 MR VANDERPUYE: [15:10:25] Completely.

2 PRESIDING JUDGE SCHMITT: [15:10:26] And it might have an advantage that

3 I was wrong with regard to the questioning.

4 MR VANDERPUYE: [15:10:32] We may have to go into private session though.

5 But before we go into private session --

6 PRESIDING JUDGE SCHMITT: [15:10:37] Yes, yes, we have to.

7 MR VANDERPUYE: [15:10:39] Should we?

8 PRESIDING JUDGE SCHMITT: [15:10:40] Yes, we go to private session, yes.

9 MR VANDERPUYE: Thank you.

10 (Private session at 3.10 p.m.)

11 THE COURT OFFICER: [15:10:50] We are in private session, Mr President.

12 MR VANDERPUYE: [15:10:56]

13 Q. [15:10:57] You've seen this document before, haven't you?

14 A. [15:11:05] Yes. It's the same document that was shown to me well before, quite
15 a while ago.

16 Q. [15:11:18] Well, there's a difference in this document in that this one (Redacted)
17 (Redacted). Do you see that there?

18 A. [15:11:38] Yes, (Redacted). I acknowledge
19 that -- well, these were just proposals. The appointments were not made yet. And
20 you can even see the -- (Redacted)

21 (Redacted)

22 (Redacted). And

23 then in the column that says "(Redacted)," you have

24 to realise that all those people who were suggested ultimately were not appointed.

25 Q. Okay.

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1 PRESIDING JUDGE SCHMITT: [15:12:43] At least the witness also -- it also escaped
2 the witness's attention.

3 MR VANDERPUYE: Yes.

4 PRESIDING JUDGE SCHMITT: So this is for ...

5 MR VANDERPUYE: [15:12:49] And there's more. It's on the other -- there's another
6 side to the page.

7 Q. But the point is, I guess, what I want to know from you is, one, do you know
8 approximately when this list was produced, seeing as it has Maxime Mokom's name
9 on there, which wasn't before; (Redacted); Yagouzou's
10 name, which wasn't there before; Namssio's name, which wasn't there before? Do
11 you know approximately when this list would have been -- and also Azounou, Come
12 Hyppolite Azounou's name, which wasn't there before. Do you have an idea when
13 this list might have been created?

14 A. [15:13:41] It must have been in January before the names of certain people
15 weren't on the list. It was only after those names were added. They were
16 asked -- they asked for their names to be added to the list and the list was finished.

17 Q. [15:14:05] Do you know if Leopold Bara or Joachim Kokaté were ever figured on
18 a list that was -- that was submitted to the interim president for appointment to a post
19 either in the presidency or in the *primature*, the prime minister's office?

20 A. [15:14:40] No, they weren't on the list. Well, I don't know how they managed
21 to get those positions. At the time Kokaté was minister at the prime minister's office
22 and Bara was at the ministry of arts and culture. They got those positions to
23 represent the Anti-Balaka forces. I don't know exactly how they managed to get
24 those positions. Everything was possible at the time.

25 Q. [15:15:20] But the document we have in front here is a document that was part

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1 of the demands made by the Anti-Balaka as opposed to solicited by the government;

2 is that fair to say?

3 A. [15:15:53] I didn't see the document. I don't have the document right here at
4 hand.

5 Q. [15:16:01] Okay. It should be on your screen. I don't know what happened to
6 it, but ...

7 PRESIDING JUDGE SCHMITT: [15:16:27] So I think it is on the screen. Please have
8 a look, Mr Witness.

9 MR VANDERPUYE: [15:16:33] Oh, maybe it's a -- maybe it's a translation issue.

10 Q. [15:16:37] The document that's on the screen in front of you, this is the one I've
11 been talking about with the names that were different from the first one.

12 A. [15:16:52] The document I see here is the same document with the names and
13 the suggested positions. But I don't really know what you're talking about.

14 Q. [15:17:14] That's okay. We can move on.

15 I want to -- we're in private session? Yeah.

16 I want to -- I want to play you a -- (Redacted) -- an excerpt of (Redacted)

17 (Redacted). It should be at tab 50, CAR-OTP-2076-0825. We should play

18 it through 2:38. The transcript is tab 77, CAR-OTP-2122-7403. And that should

19 begin at ERN 7404 and I believe it's lines 16 through 36 (inaudible).

20 (Playing of the audio excerpt)

21 THE INTERPRETER: [15:18:41](Interpretation of the video excerpt)

22 Sight translation. Line 5:

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 THE INTERPRETER: [15:21:07] Message from the interpreter: Which line should
18 the interpreter continue until?

19 MR VANDERPUYE: [15:21:37] Yeah, do we have it?

20 PRESIDING JUDGE SCHMITT: [15:21:39] I suppose so, so I think please put your
21 questions to the witness.

22 MR VANDERPUYE: [15:21:46]

23 Q. [15:21:46] Were you able to hear the recording, Witness?

24 A. [15:21:59] Yes, just fine.

25 Q. [15:22:03] I have just a couple of questions for you regarding it. In

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1 the recording (Redacted) *récupération politique*. I want to know (Redacted)

2 (Redacted).

3 A. [15:22:28] As I've already said, (Redacted)

4 (Redacted). But this is what happened: Kokaté, when he made statements over

5 the radio, he would describe the Anti-Balaka from the south as the good Anti-Balaka

6 and the other ones were not. So there was a difference, a division created. That

7 was the kind of statement created division.

8 As for political recuperation and Mr Ngaïssona, and Samba-Panza asked for a list of

9 appointments and there was a delay. And sometimes Ngaïssona did not realise his

10 discussion with Samba-Panza. The children wanted to have accounts of what was

11 being said amongst them, between Ngaïssona and Mrs Panza. So it wasn't a matter

12 of political demands. We realised that people were really trying to get positions

13 within the movement, which created discontent. There was quite a bit of discontent

14 amongst the ranks and when we would call to talk to them they would not take our

15 calls, (Redacted) to say that the movement should not be

16 recovered for political reasons. So that was the purpose of that (Redacted).

17 Q. [15:24:30] All right. And (Redacted) there was no Anti-Balaka

18 south, there was no Anti-Balaka north, but there was one Anti-Balaka with one

19 objective; is that fair?

20 A. [15:24:52] Yes, exactly. The purpose was to drive Djotodia and his mercenaries

21 out.

22 MR VANDERPUYE: [15:25:03] All right. I think we can go to public -- unless we

23 are already.

24 PRESIDING JUDGE SCHMITT: [15:25:10] I'm not sure actually at the moment. I

25 think that we can go --

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- 1 MR VANDERPUYE: [15:25:13] Yes, open session, please.
- 2 PRESIDING JUDGE SCHMITT: [15:25:14] If we are in private session, we can go to
3 public session.
- 4 MR VANDERPUYE: [15:25:18] Thank you, Mr President.
- 5 PRESIDING JUDGE SCHMITT: [15:25:19] If we are in public session, we stay there.
6 And just for everyone, 1530 until 4, and then the last session. I don't know if you
7 would need it, the last session, completely.
- 8 MR VANDERPUYE: [15:25:42] Yeah.
- 9 PRESIDING JUDGE SCHMITT: [15:25:43] I also thought so.
10 And I think was also the victims who wanted to question. Or not?
- 11 MS RABESANDRATANA: [15:25:58](Interpretation) Your Honour, we do have one
12 question to put to the witness, just one.
- 13 PRESIDING JUDGE SCHMITT: [15:26:02] Okay, then we would finish with
14 the Prosecution examination and the victims' examination today so that we can have
15 a complete start for the last three days for the Defence, I suggest.
- 16 MR VANDERPUYE: [15:26:19] Thank you, Mr President.
- 17 Q. [15:26:22] I wanted to ask you about --
- 18 PRESIDING JUDGE SCHMITT: [15:26:24] We are not yet in open session.
- 19 MR VANDERPUYE: [15:26:26] Oh, we're not? Okay.
20 (Open session at 3.26 p.m.)
- 21 THE COURT OFFICER: [15:26:29] We are back in open session.
- 22 MR VANDERPUYE: [15:26:31] Thank you, Mr President.
- 23 Q. [15:26:33] I wanted to ask you some questions about the role or the function of
24 the general coordinator of the Anti-Balaka. So the first thing I want to ask you is,
25 what does that mean, what -- what does that position entail?

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1 A. [15:27:09] That question -- well, (Redacted) or are

2 you asking what are the duties or requirements or the role of the coordination?

3 Could you explain what your question means.

4 Q. [15:27:28] The second part, what are the duties and responsibilities and role of

5 a general coordinator, and in this case the general coordinator of the Anti-Balaka?

6 A. [15:28:01] That's the person who is in charge of managing the Anti-Balaka, all

7 the Anti-Balaka. That is the meaning -- well, that's the responsibility of the

8 coordinator.

9 Q. [15:28:18] In this case would that relate to Anti-Balaka in Bangui and also in

10 the provinces?

11 A. [15:28:35] Yes, that's right.

12 Q. [15:28:36] And that that position would be the highest position in the hierarchy

13 of the -- of the movement?

14 A. [15:28:58] Absolutely. That's the responsibility of the general coordinator.

15 That is to say, he is the leader of the movement.

16 Q. [15:29:09] As the leader of the movement, would he be above the operations

17 coordinator?

18 A. [15:29:34] Absolutely. That is to say, the coordinator of operations and all

19 the other positions are under the authority of the general coordinator.

20 Q. [15:29:50] Would the general coordinator have the authority or the right to

21 discharge the operations coordinator, that is to kick them out or replace them?

22 A. [15:30:15] Yes.

23 Q. [15:30:17] And what about ComZones, does he have the authority to replace,

24 assign or dismiss ComZones?

25 A. [15:30:40] Yes, indeed.

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1 PRESIDING JUDGE SCHMITT: [15:30:44] Yes.

2 MR VANDERPUYE: [15:30:45] We can take the break.

3 PRESIDING JUDGE SCHMITT: [15:30:47] I think we'll take the break until 4 o'clock
4 now.

5 THE COURT USHER: [15:30:51] All rise.

6 (Recess taken at 3.30 p.m.)

7 (Upon resuming in open session at 4.01 p.m.)

8 THE COURT USHER: [16:01:08] All rise.

9 Please be seated.

10 PRESIDING JUDGE SCHMITT: [16:01:41] Mr Vanderpuye, you may continue.

11 MR VANDERPUYE: [16:01:44] Thank you, Mr President. Good afternoon, again.

12 Q. [16:01:46] Good afternoon, Witness.

13 When we left off I was asking you some questions about the position of general
14 coordinator, and I asked you sort of in the abstract about what is the -- what are
15 the rights and obligations of a general coordinator. But I want to ask you more
16 specifically about Mr Ngaïssona. And insofar as you've discussed what a general
17 coordinator has the authority to do, does that apply or did that apply to
18 Mr Ngaïssona during the period of time that he was an Anti-Balaka general
19 coordinator?

20 A. [16:02:50] You've already asked me that question. I told you that he was
21 the one who led all the others, including the ComZones.

22 Q. [16:03:00] Okay. And I asked you also about his ability to dismiss members of
23 the group. I want to show you a document. It's tab 3, CAR-OTP-2001-5386.

24 All right. And we're going to need to go to page 5469 of this document.

25 This is a document, as you can see, that is entitled "Anti-Balaka". Its decision

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1 number 1. At the bottom of the page you'll see that it's signed by Mr Ngaïssona.

2 If we could slide down we can see that. And it's dated 24 June 2014 concerning

3 Léopold Bara.

4 Have you seen this document before?

5 A. [16:04:54] Never. I've never seen this document before.

6 Q. [16:04:59] Are you aware that Mr Bara was removed from the movement by

7 Mr Ngaïssona?

8 A. [16:05:21] Yes, I heard about that, but this is the first time I've seen this

9 document.

10 Q. [16:05:36] I just want to show you another document. I think we can show it,

11 but I'll ask you for comment on it. So don't say anything when you see it.

12 It's on the next page, 5470, please.

13 This document is also dated 24 June. Is this a document you've seen before? Don't

14 discuss the substance of it, just whether you've seen it before.

15 A. [16:06:38] No, I haven't seen this document before. This is the first time. But

16 I'd like to specify that I do know the Mouda association. Maybe that document was

17 published subsequent to an internal problem. But if I can't review the document

18 I can't make any comments on it.

19 Q. [16:07:15] That's all right. I wanted to ask you if you were aware that at

20 a certain point in time that a -- an effort was made to establish a unified coordination

21 among the Anti-Balaka, which involved Ngaïssona and other people who we've seen

22 in some other documents, in around June of 2014, if you're aware of that fact?

23 A. [16:08:06] Could you please rephrase your question. You mentioned

24 Ngaïssona.

25 PRESIDING JUDGE SCHMITT: I think we go to private session.

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1 THE WITNESS: (Interpretation) Who do you think is linked to him? Who is linked
2 to whom?

3 PRESIDING JUDGE SCHMITT: [16:08:14] Private session I think is --

4 MR VANDERPUYE: [16:08:15] Yes, Mr President.

5 PRESIDING JUDGE SCHMITT: [16:08:16] If you try to circumvent it it's too
6 complicated, becomes too complicated.

7 (Private session at 4.08 p.m.)

8 THE COURT OFFICER: [16:08:27] We are in private session, Mr President.

9 PRESIDING JUDGE SCHMITT: [16:08:30] And then you can I think be more direct
10 and I think this would spare some time.

11 MR VANDERPUYE: [16:08:35] Yes. Yes.

12 Q. [16:08:40] Mr Witness, as you can see in this document (Redacted) and it
13 talks about Mr Ngaïssona "(Redacted)
14 (Redacted)."

15 Do you have a recollection of that having occurred on or around 24 June 2014?

16 A. [16:09:28] Yes, I believe that there was some conflict -- there was a problem
17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted). And it's just now that I see the actual document.

22 I'd like to specify, we had the -- I'd like to say once again that (Redacted)

23 (Redacted)

24 Q. [16:10:37] You said that (Redacted). Can you say why (Redacted)

25 (Redacted)?

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1 A. [16:11:03] Yes. At one time there was no agreement (Redacted)

2 (Redacted) to meet the needs of my children. (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 But this document -- this is the first time that I've seen this document.

9 Q. [16:12:06] All right. I want to show you a video, it's at tab 62,

10 CAR-OTP-2084-1331, and we'll play it from 1 minute to 3:50.

11 The transcript is at tab 71, CAR-OTP-2107-1586, and it should be the part from ERN

12 page 1587, line 11, through 1588, line 41.

13 All right, I think we're good to go. Thank you.

14 (Viewing of the video excerpt)

15 THE INTERPRETER: [16:13:44] Message from the interpreter: the sound does not

16 correspond to the transcript I am seeing here.

17 (Interpretation of the video excerpt)

18 Line 20:

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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- 1 (Redacted)
- 2 (Redacted)
- 3 (Redacted)
- 4 (Redacted)
- 5 (Redacted)
- 6 (Redacted)
- 7 (Redacted)
- 8 (Redacted)
- 9 (Redacted)
- 10 (Redacted)
- 11 (Redacted)
- 12 (Redacted)
- 13 Message from the interpreter: Is that sufficient? Continue? The interpreter will
- 14 continue:
- 15 (Interpretation of the video excerpt)
- 16 (Redacted)
- 17 (Redacted)
- 18 (Redacted)
- 19 (Redacted)
- 20 (Redacted)
- 21 (Redacted)
- 22 End of sight translation line 41.
- 23 MR VANDERPUYE: [16:17:38] Thank you very much to the translators and ...
- 24 Q. [16:17:43] Witness, I have a couple of questions in relation to this video.
- 25 I think we should stay in private session, Mr President, I ...

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1 PRESIDING JUDGE SCHMITT: [16:17:53] I think that makes sense here. Again, it
2 would be difficult (Redacted)
3 (Redacted)

4 MR VANDERPUYE: [16:18:08]

5 Q. [16:18:08] The date that we have for this video is around 15 May 2014 and it
6 appears (Redacted)

7 (Redacted) certain references in the speech concerning people coming from abroad
8 and people not showing up at this meeting, so the first thing I want to ask you is
9 (Redacted)?

10 A. [16:18:57] Remember (Redacted) the positions to be distributed and
11 political recuperation but the video was not broadcast entirely. If that had been
12 the case, you would have seen the path followed, because each time Ngaïssona and
13 Kokaté went to see the president without reporting to the grassroots, we called them
14 and they didn't give up. We had no information about what was going on. They
15 didn't even talk about DDR anymore. (Redacted) to
16 do something, to draw attention, the attention of Ngaïssona, because at the time he
17 was the general coordinator.

18 (Redacted)

19 (Redacted). Some people didn't come.

20 They -- some people wanted to introduce Yagouzou, he refused to come. (Redacted)

21 (Redacted)

22 (Redacted) so as to provoke an reaction

23 from Ngaïssona so that he might realise that as the general coordinator he is not

24 entitled to go see the president all by himself and to keep all the information to

25 himself.

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1 (Redacted) for the Brazzaville forum and, in the case of a misunderstanding
2 amongst the Anti-Balaka, he was not going to receive people. So that is why I said
3 that we were the ones who promoted him to the rank of general coordinator. It
4 wasn't normal. The document that you showed me (Redacted)
5 (Redacted)
6 (Redacted)
7 (Redacted)
8 (Redacted) so as to show
9 that we were the ones in the field, we were the ones who had been fighting. If he
10 had come from another country he would not have behaved in just any old way.
11 It wasn't about the position. (Redacted)
12 (Redacted)
13 (Redacted)
14 (Redacted)
15 (Redacted)
16 (Redacted)
17 (Redacted) just to
18 bring him to reason.
19 If he was promoted to the head of the movement, he couldn't behave like that.
20 (Redacted)
21 (Redacted)
22 That's all I can give you by way of an explanation.
23 Q. [16:23:22] In the video we can see a person (Redacted). Who is that
24 person, by the way?
25 A. [16:23:43] (No interpretation)

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1 Q. [16:23:45] (Overlapping speakers)

2 A. [16:23:49] (No interpretation)

3 Q. [16:23:49] I also notice that (Redacted) Mr Yekatom being present, and I think
4 also Mr Ngrémangou (Redacted); is that -- that's correct, they were there?

5 A. [16:24:10] No, Ngrémangou, no. But Yekatom was.

6 Q. [16:24:17] And when (Redacted) to those who were not there are
7 anti-peace, (Redacted) to Mr Ngaïssona?

8 A. [16:24:37] No, that day Ngaïssona didn't come. It's true that (Redacted)
9 event against him, but he wasn't there. There were people from Boy-Rabe whom
10 (Redacted) invited but they weren't there. They knew full well (Redacted).
11 (Redacted) to get his attention so
12 that he wouldn't just consider political considerations. He also had to think about
13 the -- about DDR and the fighters.

14 Q. [16:25:24] Okay. I -- I think that answers my question.

15 PRESIDING JUDGE SCHMITT: [16:25:35] Mr Witness, what was it exactly
16 what -- what caused (Redacted)?
17 Could you be more specific.

18 THE WITNESS: [16:26:04](Interpretation) Yes, that's what I've just told you. When
19 the president asks to -- for us to send the list of appointments, that took an awfully
20 long time, and sometimes the president didn't even realise. Not only would we call
21 him, but he wouldn't take our calls, so (Redacted) something that would
22 lead -- that would spark a reaction from him. So that was (Redacted). That is why
23 (Redacted). Three weeks later things ended. (Redacted)
24 (Redacted).

25 PRESIDING JUDGE SCHMITT: [16:26:45] Thank you.

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1 MR VANDERPUYE: [16:26:47] Thank you, Mr President.

2 Q. [16:26:50] Now you mention that (Redacted) for Brazzaville and
3 how -- and that -- during the period of time that we've seen in this video.

4 I don't think that we need to be in private session anymore.

5 Let me check just quickly. Yeah, I don't think so.

6 PRESIDING JUDGE SCHMITT: [16:27:13] Okay. Then we go to open session.

7 (Open session at 4.27 p.m.)

8 THE COURT OFFICER: [16:27:27] We are back in open session, Mr President.

9 MR VANDERPUYE: [16:27:32]

10 Q. [16:27:33] Now, in terms of organising to go to Brazzaville, it's right to say that
11 Mr Ngaïssona was the person who selected the members of the Anti-Balaka to attend
12 that forum; is that -- is that right?

13 A. [16:27:58] Yes, that is correct.

14 Q. [16:27:59] All right. Let me just show you very quickly a document.

15 It is tab 12, CAR-OTP-20 -- I see counsel on her feet.

16 PRESIDING JUDGE SCHMITT: [16:28:12] Yes, Ms Dimitri.

17 MS DIMITRI: [16:28:15] I'm sorry for the interruption. There's an interpretation
18 issue and we won't see it, neither in French or English. I'm told that when
19 the witness spoke about a meeting with Mr Yekatom, we both saw in French and
20 English PK13, but in fact in Sango he would have apparently said PK9.

21 PRESIDING JUDGE SCHMITT: [16:28:35] Thank you. That is indeed -- that might
22 be indeed the difference. Yeah. Thank you.

23 MR VANDERPUYE: [16:28:43] Thank you.

24 Q. [16:28:44] Maybe -- maybe you can clarify that, Witness, just for one second.

25 The meeting that we just saw took place where?

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1 A. [16:29:06] Either PK -- it was at PK9 at Mr Yekatom's base.

2 Q. [16:29:15] Okay. Thank you. Thank you very much for that clarification.

3 The document I was about to show you is tab 12, CAR-OTP-2030-0267.

4 Do you have the document in front of you now? You can see it?

5 A. [16:30:06] Yes, I have it up on the screen here.

6 Q. [16:30:09] Have you seen this one before?

7 A. [16:30:28] No, I have not seen it before. But I think this is the list.

8 Q. [16:30:33] Okay. If I could just refer you to the next page very quickly, just

9 to -- just to look at.

10 Does this comport with your memory of the individuals that were selected to go to

11 the Brazzaville forum?

12 A. [16:31:26] Yes, this is the list of the people who attended the Brazzaville forum.

13 I think that the list was drawn up after the forum, because I see Yagouzou's name

14 there, who'd already passed away, which means that the list was drawn up after

15 the Brazzaville forum.

16 Q. [16:31:46] That's right.

17 Let me show you the document from the Brazzaville forum, which is at tab 4,

18 CAR-OTP-2001-6924.

19 And from here we'll need to go to ERN page 6926.

20 Here you can see the list that's reflected in the document issued at the forum itself, or

21 following the forum itself. Does that seem accurate to you?

22 A. [16:33:12] Yes, that is the list.

23 Q. [16:33:16] I was -- okay. I was asking you some questions about the power of

24 the -- or the powers of the general coordinator, and I think you could hear in

25 the video before Mr Zilabo saying that the coordinator had the power to manage all of

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1 the -- in charge of all of the Anti-Balaka ComZones throughout the country. That

2 accords with your understanding as well; is that right?

3 A. [16:34:13] You've already asked me that question and I answered that that was
4 his responsibility. He was in charge of the ComZones, he managed them.

5 Q. [16:34:25] And the ComZones were in charge of the elements, right? Or their
6 elements.

7 A. [16:34:40] (No interpretation)

8 Q. [16:34:41] In the case of Mr Yekatom he would have been in charge of his
9 elements then, if he was a ComZone; is that right?

10 A. [16:35:01] He was also in charge of the elements, of course. Under
11 the supervision or under the coordination of Mr Ngaïssona.

12 Q. [16:35:12] And did the ComZones report to the general coordinator or
13 the coordination itself?

14 A. [16:35:34] Indeed, the ComZones did report either to the general coordinator or
15 to the operations coordinator.

16 Q. [16:35:48] Do you know what means they used in order to report to
17 the coordination or to the general coordinator?

18 A. [16:36:22] When the general coordinator asked them questions about activities,
19 they would generally go to the coordinator's home to report to him.

20 Q. [16:36:38] And do you know what types of things the ComZones were required
21 to report to the coordinator, general coordinator, and/or the coordination? Did they
22 report on things like the number of men, the security situation, ammunition,
23 operations? Those kinds of things.

24 A. [16:37:29] Well, generally I wouldn't know the content of the report. But
25 certainly they spoke about their men and the DDR. They reported on their activities.

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1 I was not present at the meetings.

2 Q. [16:37:48] Do you know what types of things, though, they were required to
3 report? For example, the security situation in the areas that they control.
4 The positions of Séléka or Séléka fighters. The availability of reinforcements or
5 the -- or the need for reinforcement, things like that. If you know. I don't want you
6 to guess.

7 A. [16:38:52] I don't know. They were the ones who attended the different
8 meetings at his home. I was not there.

9 Q. [16:39:04] With respect to the ComZones themselves, did they have the same
10 sort of authority over the elements, if you want to put it that way, as Mr Ngaïssona
11 had over the coordination or members of the coordination? In terms of, let's say,
12 removing people, or disciplining them, or promoting them.

13 A. [16:39:49] Yes, they had that type of authority.

14 Q. [16:39:57] And do you know whether Mr Yekatom, in respect of the group that
15 he commanded, exercised that authority, that is gave orders or directions or punish
16 people or discipline them?

17 A. [16:40:30] Yes, he gave orders to his elements, to his men.

18 Q. [16:40:38] Do you know approximately how many elements he had under his
19 command?

20 A. [16:41:03] I don't know the exact number, but I know there were numerous
21 elements including military men.

22 MR VANDERPUYE: [16:41:14] Yes, Mr President.

23 PRESIDING JUDGE SCHMITT: [16:41:15] Could you be perhaps a little bit more
24 specific what you mean by "numerous". You know, we understand that you do not
25 know the exact number, that is clear. But could you make an estimate but with -- an

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1 informed estimate. You understand what I mean.

2 So what you understood approximately was the question by Mr Vanderpuye,

3 approximately how many elements there were.

4 THE WITNESS: [16:42:02](Interpretation) Yes, taking account of the civilians, of

5 which there were many, and the military, he could have 2,000 or more than 2,000.

6 I don't know the precise figure. I don't have that.

7 MR VANDERPUYE: [16:42:27]

8 Q. [16:42:27] And you mentioned before that he had certain aides-de-camp,

9 Coeur de Lion you mentioned, Habib I think you mentioned, and someone named

10 Dolway.

11 Do you know whether the group that Mr Yekatom commanded was organised in

12 a military-like hierarchy or was organised in some other way? Is that something you

13 ever discussed with him or talked to him about?

14 A. [16:43:24] What I know is that he had control of the PK9 to Mbaïki area and

15 Coeur de Lion was his aide-de-camp -- his aide-de-camp, he was his deputy. But I

16 know nothing about the organisation.

17 Q. [16:43:44] Okay. And did you know anything about other groups that were

18 not Mr Yekatom's -- under Mr Yekatom's control operating in that area, that is from

19 PK9 down to Mbaïki, along that road?

20 A. [16:44:23] No, I have no knowledge of that. I know there was someone whose

21 first name was Mike, he was also a military man. Gouma Mike (phon) was his name,

22 a military man, and he was active at PK9 but he was always the authority of Yekatom.

23 But I don't know anything about their organisation. And let me say that I know this

24 person by the name of Mike.

25 Q. [16:45:04] All right. I want to show you another document.

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1 Mr President, I think we may have to go back into private session for a moment.

2 PRESIDING JUDGE SCHMITT: [16:45:24] Private session.

3 (Private session at 4.45 p.m.)

4 THE COURT OFFICER: [16:45:37] We are in private session, Mr President.

5 MR VANDERPUYE: [16:45:43] All right.

6 Q. [16:45:45] The first thing I want to show you, very quickly indeed, is

7 a photograph. And this is a photograph from Brazzaville. It's at tab 27,

8 CAR-OTP-2061-0246.

9 PRESIDING JUDGE SCHMITT: [16:46:27] I think it's there, so you can -- I think
10 the question is obvious.

11 MR VANDERPUYE: [16:46:35] Perhaps.

12 PRESIDING JUDGE SCHMITT: [16:46:37] Okay, good. Yeah. Because you said
13 you would be --

14 MR VANDERPUYE: [16:46:41] Very quick.

15 PRESIDING JUDGE SCHMITT: [16:46:42] -- through it very quickly, so I thought.

16 MR VANDERPUYE: [16:46:44] Indeed. This is a photograph from Brazzaville.

17 Q. [16:46:49] You can see in the middle of the screen a person in a beige or
18 light-coloured suit. Do you recognise that person as Joachim Kokaté?

19 A. [16:47:14] Yes, it is Joachim Kokaté.

20 Q. [16:47:18] The person seated to his immediate left is the accused, Mr Ngaïssona;
21 is that right?

22 A. [16:47:35] Yes, that is him, Mr Ngaïssona.

23 Q. [16:47:40] And the person seated to Mr Kokaté's immediate right, do you
24 recognise that person?

25 A. [16:47:59] I can't identify that person. I'm taking a look, but I don't know who

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1 it is. But as the person's got his head down, perhaps it's Maxime, but I can't identify
2 him.

3 Q. [16:48:21] When you say "Maxime" you mean Maxime Mokom, perhaps?

4 A. [16:48:35] Yes, it looks like him. But as his head is down I'm not entirely sure.

5 Q. [16:48:45] Okay. That's fine.

6 What I do want to show you next is a document that was issued after the Brazzaville
7 forum, and for this one I think we do need to go into private session.

8 Oh, we are in private session, perfect. All right, so we'll go straight to it. My
9 apologies.

10 PRESIDING JUDGE SCHMITT: [16:49:06] Yes. Exactly, yeah.

11 MR VANDERPUYE: [16:49:08] It is tab 68, CAR-OTP-2101-4166. And first we're
12 going to need to go to page 4168.

13 Okay, great.

14 Q. [16:49:44] Can you see this document in front of you, Witness?

15 A. [16:49:58] Yes, I can see the document.

16 Q. [16:50:02] Okay.

17 Now if we can go to page 4168 -- we are on 4168. Okay, good. Now if we can go
18 down a bit we can see where it talks about, (Redacted): (Interpretation)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Speaks English) And you can see that this is dated 18 August.

24 If we can go to the next page I want to show you another document.

25 This is an Anti-Balaka document, decision number 2, and it refers to "(Redacted)"

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1 (Redacted)". (Speaks English) (Redacted).

2 Do you recall -- have you seen this document before, first of all?

3 A. [16:51:51] Yes, I have already seen this document.

4 Q. [16:51:53] And this is a document that is -- purports (Redacted)

5 (Redacted)

6 (Redacted). What can you tell us about that?

7 A. [16:52:42] I think that it was after the Brazzaville forum was held, (Redacted),

8 there was no agreement when it came to the appointment of the prime minister,

9 and Denis Sassou-Nguesso, the president, called on the different players involved,

10 and that included politicians Nguendet, Martin Ziguélé, Tiangaye, Dhaffane,

11 the members of the Séléka and civil society, (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 Sassou Nguesso was the president of the CEEAC and he was the crisis mediator, and

16 the idea was (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted). And that explains why I said I had no idea what was going on in their
2 meetings.

3 It was an internal problem that could have been sorted out, but he didn't understand
4 this and (Redacted).

5 Q. [16:55:35] And (Redacted) the coordination after that?

6 A. [16:55:51] No, (Redacted) coordination, and that is still the case today. Right
7 up until the end of the crisis.

8 Q. [16:56:00] Are you aware of any order like this being issued by Mr Ngaïssona
9 for someone like Maxime Mokom, for example, in that period or at any point in 2014?

10 A. [16:56:45] At a certain moment there was a disagreement between
11 Maxime Mokom and him, and Maxime Mokom created his own movement, and that
12 created a misunderstanding between them. Maxime Mokom was saying to everyone
13 that he was behind the creation of the Anti-Balaka and that meant that, at a given
14 moment in time, they were not on good terms. But (Redacted)
15 (Redacted)

16 Q. [16:57:25] You saw the one that concerned Bara, or you hadn't seen that one
17 either?

18 A. [16:57:47] I remember you showed me (Redacted)
19 and that was during the first session of the day.

20 Q. [16:58:00] Right.

21 PRESIDING JUDGE SCHMITT: [16:58:01] Yes, and he has answered that, so we
22 don't have to repeat it.

23 MR VANDERPUYE: [16:58:04] Okay.

24 Q. [16:58:05] Did you ever see (Redacted) concerning ComZones, either
25 removing them or promoting them, issued by Mr Ngaïssona?

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1 A. [16:58:40] In fact, (Redacted)

2 (Redacted). So I would hear talk about these sort of things, but I didn't see any

3 documents with my own eyes.

4 PRESIDING JUDGE SCHMITT: [16:59:03] I think Mr Vanderpuye wanted to know,

5 during the time when you were still in the movement, if you saw anything like that.

6 THE WITNESS: [16:59:37](Interpretation) No. Let me say that I saw the decision

7 sanctioning Bara and Kokaté, but not for any other people.

8 MR VANDERPUYE: [16:59:49]

9 Q. [16:59:49] Are you familiar with a ComZone -- with the ComZone for Boda

10 named Habib Soussou?

11 PRESIDING JUDGE SCHMITT: [17:00:01] Question, open session possible?

12 MR VANDERPUYE: [17:00:03] Yes. Thank you, Mr President.

13 PRESIDING JUDGE SCHMITT: [17:00:05] Open session, please.

14 (Open session at 5.00 p.m.)

15 THE COURT OFFICER: [17:00:18] We are back in open session, Mr President.

16 MR VANDERPUYE: [17:00:29]

17 Q. [17:00:29] Are you familiar with the ComZone in Boda by the name of

18 Habib Soussou?

19 A. [17:00:50] Yes, I know him. He's a soldier. I've heard of him, the ComZone of

20 Boda.

21 Q. [17:00:58] And while you were -- well, did he remain in that position throughout

22 2014, to your knowledge?

23 A. [17:01:24] No. At one particular point in time he was replaced.

24 Q. [17:01:29] Do you know, one, who replaced him, that is who did the replacing?

25 And the second is, when did that happen? If you can remember.

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1 A. [17:02:04] Regarding the date, I don't know, but the successor was Hyppolite,
2 I believe, that was his first name, and he was from Boda. I no longer recall his family
3 name, nor his other name.

4 Q. [17:02:28] Do you have an understanding of why Soussou was replaced?

5 A. [17:02:48] I don't have any idea why he was replaced. I don't even know about
6 the situation in Boda.

7 Q. [17:02:58] When you say you don't know about the situation in Boda, what do
8 you mean by that? You mean you don't know about the coordination or you don't
9 know about the events that happened in Boda?

10 A. [17:03:26] I don't know why he was removed of his duties. But, however, in
11 Boda there was always internal religious conflict between Muslims and Christians.
12 But why he was relieved of his duties, I have no idea. I wasn't -- I wasn't taking part
13 in the coordination meetings. Those meetings were being held at the home of the
14 coordinator and I wasn't taking part in them, so I don't know why he was relieved of
15 his duties.

16 Q. [17:04:05] Okay. The meetings that you're talking about are meetings that were
17 called by Mr Ngaïssona with ComZones in different areas of the country that were
18 coming to his house? Is that what you were describing?

19 A. [17:04:36] Yes, he organised meetings at his home, but I wasn't attending.

20 Q. [17:04:46] How often did he organise these meetings at his home, or meetings
21 with the ComZones in the provinces and in Bangui? If you know.

22 A. [17:05:14] When he thought he would be organising a meeting, he would
23 summon the ComZones. The frequency of those meetings, I don't know. He might
24 organise them twice a month. And as I said, a few moments ago I said I didn't
25 attend those meetings. Sometimes those meetings might have taken place and I

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1 would hear about them only afterwards.

2 Q. [17:05:49] And do you know whether Mr Ngaïssona provided ComZones with
3 the means, that is the money, to attend these meetings, or otherwise provided them
4 with money or support when they did attend those meetings?

5 A. [17:06:20] Yes. For example, the people who came from the provinces, when
6 they finished the meeting he would gave them money.

7 Q. [17:06:33] What was the money for or intended for, to your knowledge?

8 A. [17:06:48] I have no idea. Certainly, for the people who lived far away, they
9 used the money for transportation, either for -- for food for the elements. But I know
10 that when he held those meetings at the end he gave money.

11 Q. [17:07:16] Was Yagouzou ever involved in the distribution of money to
12 Anti-Balaka bases and ComZones in relation to these meetings, or otherwise, with
13 respect to his duties within the coordination?

14 A. [17:07:51] Yes, he too got his share. When he would attend the meetings he
15 would get his share.

16 Q. [17:08:04] Well, did he distribute money for Mr Ngaïssona to other ComZones
17 or -- in the provinces or in Bangui, to your knowledge?

18 A. [17:08:23] Yes, when he came with the money he would distribute it to
19 the ComZones. For example, he would give a share to people from Boeing, he
20 would gave them their share and then they would share it amongst themselves.
21 That's how it occurred.

22 Q. [17:08:52] Do you know if Mr Yekatom appeared at these meetings that were
23 called by Ngaïssona and whether Mr Ngaïssona would distribute money to leaders
24 including Mr Yekatom?

25 A. [17:09:27] Sometimes he would send money to Yekatom. Yekatom didn't often

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1 attend the meetings. He would take part in the meetings, but very rarely. It was
2 difficult for him to go to Ngaïssona's house.

3 Towards the end, when the movement had turned into a political party, he did not
4 attend the various meetings. In actual fact he would go, but it was quite a rare
5 occurrence.

6 Q. [17:10:04] And if I could just ask, for about how long did this practice of giving
7 money to the ComZones occur? How long did Mr Ngaïssona either do that or cause
8 that to happen?

9 A. [17:10:42] For example, when he had just got there from Cameroon he would
10 gave 500,000 to the people from Boeing or from other places, he would distribute
11 the money after the meeting. (Redacted)
12 (Redacted). But when the money was redistributed some -- some of the
13 elements got 300 francs. The money was for their food. And sometimes there were
14 even fights when the money was being handed out and redistributed. He gave
15 money to the various people who attended the various meetings. That's what I can
16 tell you. That is what I saw. That is what I can give you an account of.

17 Q. [17:11:38] Okay. Well, that's helpful.
18 I was asking you some questions about, I believe it was about Boda. I want to -- I
19 want to -- yeah, I want to play a recording. We have to go into private session for
20 this, Mr President.

21 PRESIDING JUDGE SCHMITT: [17:11:57] Private session.
22 (Private session at 5.12 p.m.)

23 THE COURT OFFICER: [17:12:11] We are in private session, Mr President.

24 MR VANDERPUYE: [17:12:15] All right. It is tab 50, CAR-OTP-2076-0825. We'll
25 play it from 4:52 to 6:15.

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- 1 And the transcript is at tab 77, CAR-OTP-2122-7403. It should be at pages ERN
2 ending 7404, line 16 -- ERN ending 7405, lines 67 through 84.
3 (Playing of the audio excerpt)
4 THE INTERPRETER: [17:13:25](Interpretation of the audio excerpt) Sight
5 translation:
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) -- interruption.
19 MR VANDERPUYE: (Overlapping speakers)
20 PRESIDING JUDGE SCHMITT: [17:14:58] You're too quick, Mr Vanderpuye.
21 THE INTERPRETER: [17:15:02] Resumption of the sight translation. Line 77:
22 (Redacted)
23 (Redacted)
24 (Redacted)
25 End of sight translation, line 79.

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1 MR VANDERPUYE: [17:15:38] Thank you again to the interpreters.

2 Q. [17:15:42] At the beginning of that, (Redacted)

3 about why it is that Muslims were continuing to be killed. And this is from

4 about March 2014. So the first thing I want to ask you is that was that your

5 understanding that in fact that's what was happening at that time, is that

6 the Anti-Balaka were in fact killing Muslims, (Redacted)?

7 A. [17:16:33] Well, I've already told you what happened in Boda. It was a clash

8 between religious communities. The Muslims were attacking the Christians and

9 killing them and the Christians were doing the same thing to the Muslims. And at

10 one point in time there was one neighbourhood where the neighbourhoods -- one

11 neighbourhood where the Muslims were concentrated and they could not leave

12 the neighbourhood. It was terrible. (Redacted) so

13 that officials might go there to negotiate with the Anti-Balaka forces and also talk to

14 the Séléka troops in order to bring about reconciliation, because before that we all

15 lived together and those were the ideas that led to (Redacted). There

16 were massacres all over.

17 I'm not saying that it was just the Anti-Balaka who were killing the Séléka.

18 The Séléka were also killing the Anti-Balaka. At one point the Muslims could not get

19 out of the location where they were. They could not leave. There were differences

20 amongst them and some people, others, and that increased the tension and so

21 (Redacted).

22 Unfortunately, no one made a commitment to support this initiative. That is

23 the explanation I can give you in relation to the (Redacted).

24 Q. [17:18:26] Thank you.

25 PRESIDING JUDGE SCHMITT: [17:18:27] And why could the Muslim population of

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1 Boda not leave? Why was it impossible for them to leave?

2 THE WITNESS: [17:18:53](Interpretation) At first, the Séléka had committed many
3 acts of violence and abuse against the Christians. Suddenly, the Anti-Balaka and
4 the civilians decided to get vengeance. So it was out of a spirit of getting revenge.
5 If the people started to keep that thirst for vengeance, revenge, they might actually
6 completely destroy the Muslim population, so we decided we wanted to bring about
7 dialogue and reconciliation. (Redacted)

8 (Redacted). We tried very hard.

9 I'd like to take this opportunity to thank the Sangaris operation. Peace returned
10 thanks to the French ambassador. He travelled there on a helicopter to speak to
11 the belligerents. (Redacted)

12 (Redacted) wasn't normal to continue killing

13 Muslims and wreaking such violence, so many abuses on those people. We went
14 through some places to -- to bring about reconciliation, Carnot and other
15 neighbourhoods. We wanted reconciliation to return. That was the purpose of
16 (Redacted).

17 MR VANDERPUYE: [17:20:43]

18 Q. [17:20:43] That's quite helpful. And what I want to ask is you mentioned
19 Carnot, but there were other places as well besides Boda and Carnot.

20 PRESIDING JUDGE SCHMITT: [17:20:54] In open session possible?

21 MR VANDERPUYE: [17:20:57] Yes, I think so, Mr President. I have another video
22 that I wanted to show in the last minutes, but I think we can go to open session.

23 PRESIDING JUDGE SCHMITT: [17:21:04] Yeah, open session. And you are aware
24 that you have to come to an end.

25 MR VANDERPUYE: [17:21:08] My eye is on the clock all the time.

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1 Thank you, Mr President.

2 (Open session at 5.21 p.m.)

3 THE COURT OFFICER: [17:21:20] We are back in open session, Mr President.

4 MR VANDERPUYE: [17:21:23]

5 Q. [17:21:23] What I was asking you, sir, was you mention the circumstances in

6 Boda, and while talking about that you also describe circumstances in Carnot. First,

7 I want to ask if there are other locations, for example, Yaloké, where Muslims were

8 effectively in enclaves or -- or living in very difficult circumstances because of attacks

9 by Anti-Balaka, among others. Was that something that was known at the

10 coordination level, at the national coordination level, by Mr Ngaïssona and other

11 members of the coordination, for example?

12 A. [17:22:24] I don't know. But normally they should have been aware as

13 coordinator. (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted). Everyone knew about that. All the people of

23 the Central African Republic knew that in Yaloké that there were Fula people who

24 were holed up in one particular location who were suffering. They had fled from

25 other areas to go there. And I would like to specify that, thanks to Richard,

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1 the ComZone there, he would worked for peace and he was able to bring people
2 together (Redacted).

3 Q. [17:24:20] Okay. Richard the ComZone there, who do you mean by that? Do
4 you understand Richard Bozando or Bejouane? If you can remember.

5 A. [17:24:44] Yes, Richard Bozando, indeed. There were two Richards, one
6 Richard *par* M'Poko and the other one was in Yaloké.

7 Q. [17:24:58] Did you ever hear of a ComZone that goes by the name of Le Bleu in
8 Yaloké?

9 A. [17:25:17] Le Bleu, Le Bleu, he was managing Yaloké, in agreement
10 with -- (Redacted). And let
11 me specify that he even was elected member of parliament because of the work he did
12 to bring about reconciliation.

13 Q. [17:25:45] Okay. Two last things I want to ask you about. One is with respect
14 to Boda. In your previous interview you mentioned that a person named Dopani
15 Firmin was a member of the Anti-Balaka in Boda. You remember that?

16 A. [17:26:25] No, I don't remember.

17 Q. [17:26:26] Okay. Just so you know, you said that at tab 49, CAR-OTP-2072-1913
18 at 1914 line 34. You don't have a recollection of that, that's fine.

19 Let me show you tab 2, CAR-OTP-2001-4633. This is just a news report and it refers
20 to something that Dopani said that I want to ask you about. I'll read it to you
21 because it's very -- its in English and he may not be able to read it.

22 If we could blow it up a little bit, it's in the middle of the page. This a report, news
23 report, dated April 18, 2014.

24 In the middle of the page you will see a quote attributed to Firmin Dopani and it says,
25 quote, about Boda:

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1 "We can wait 10 years for them to leave - and if they don't leave, we will still be there,
2 holding on -- holding our positions,' said Captain Dopani Firmin, the 'anti-balaka'
3 chief in Boda, wearing a red Paris St Germain football shirt.

4 'We cannot accept to live together with Muslims, long-term,' Firmin said. 'It's our
5 right to kill Muslims.'"

6 Now, obviously you probably aren't aware of this, but I want to ask you if you're
7 aware of that sentiment prevailing in Boda at the time.

8 For the Chamber's reference, I would just say that there's a video that accompanies
9 this. I see I've got three minutes left so I don't think I've time to play it. But
10 the record should reflect that that video is at tab 31, CAR-OTP-2066-5312

11 (Overlapping speakers)

12 PRESIDING JUDGE SCHMITT: [17:28:51] That's okay. That's okay.

13 MR VANDERPUYE: [17:28:56]

14 Q. [17:28:56] So I was asking you about the prevailing sentiment among
15 the Anti-Balaka in Boda, and maybe elsewhere. Are you aware of that kind of
16 sentiment?

17 A. [17:29:30] Yes, I heard such statements. Even in the video that you showed
18 the day before yesterday they said the same thing. But at the end -- at the end they
19 didn't actually carry out their threats. But when they were angry, that's how those
20 people spoke. But at the end, finally they didn't carry out their threats, because they
21 were also human beings, they thought about things. But I can confirm that, yes, they
22 would make such threats.

23 MR VANDERPUYE: [17:30:13] Last, last video, Mr President.

24 PRESIDING JUDGE SCHMITT: [17:30:15] Yeah, yeah. Okay, I won't discuss about
25 5 minutes or so, but really the last video.

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1 MR VANDERPUYE: [17:30:20] Yeah, it's tab 30, CAR-OTP-2066-5310. We'll play
2 from 2:07 to 2:50.

3 The transcript reference is tab 84, CAR-OTP-2127-4589 and the reference
4 there -- the reference there is 4591, line 33, to 4592, line 43.

5 All right, I think -- hopefully the interpreters are ready, we can -- I guess we can get
6 going, yeah? I can't see if ...

7 THE INTERPRETER: [17:31:33] Line reference, please.

8 (Viewing of the video excerpt)

9 PRESIDING JUDGE SCHMITT: [17:31:39] It's too quick. We don't have the good to
10 go, so we want to have the translation here.

11 The interpreters did not get the line that -- where it is.

12 MR VANDERPUYE: [17:31:58] Oh, I'm sorry, I'm sorry, I'm sorry. Okay. The line
13 should be at page 4591, line 33, and to be read through page 4592, line 43.

14 All right, I think we're good to go now.

15 (Viewing of the video excerpt)

16 MR VANDERPUYE: [17:33:37]

17 Q. [17:33:37] What I want to ask you, you've already testified about a lot of this, but
18 what I want to ask you is what we see at the very end, did you see or, to your
19 knowledge, were there children associated with or within the Anti-Balaka that were
20 engaged in various groups, engaged in hostilities, engaged in fighting?

21 A. [17:34:15] Are you talking about child soldiers?

22 PRESIDING JUDGE SCHMITT: [17:34:23] I think -- I think this is what

23 Mr Vanderpuye is heading at, yes. The question is did you see what sometimes is
24 termed, labelled as "child soldiers"?

25 THE WITNESS: [17:34:54](Interpretation) Yes, in certain groups coming from

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1 Bossangoa, for instance, there were young children in those groups, and we don't
2 know how those children joined those groups, we don't know. Personally, I do not
3 know how those young people, those children got to join those groups. I confirm
4 the presence of children in the groups, but as for further details, I would not be
5 capable of saying any more.

6 MR VANDERPUYE: [17:35:34]

7 Q. [17:35:36] All right. I think --

8 PRESIDING JUDGE SCHMITT: [17:35:37] Perhaps, perhaps now that you have
9 addressed it, which is absolutely okay.

10 Mr Witness, when you say children, young children, to what age group are you
11 referring?

12 THE WITNESS: [17:36:02](Interpretation) Around 10, 13, 14, up to 17. And
13 sometimes there are children who look older than their age, but they were children.
14 There were children of 13, 15, 17, I can confirm that they were in those groups.

15 PRESIDING JUDGE SCHMITT: [17:36:33] Thank you.

16 MR VANDERPUYE: [17:36:34]

17 Q. [17:36:34] And that that's not something that you wouldn't know if you were in
18 the Anti-Balaka, is it? In other words, it's something that wasn't hidden, was it?

19 A. [17:37:01] I never said here that I concealed the information. I said that I saw
20 children aged 13, 14, 15.

21 I'm not the only person. A lot of other people saw such children in those groups.
22 Orphans, kids whose parents had been killed but they joined up with these groups.

23 Q. [17:37:27] Thank you. That's -- that's what I wanted to know, Mr Witness, and
24 I have no further questions for you.

25 Mr President, I apologise, I've exceeded my time once again.

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1 PRESIDING JUDGE SCHMITT: [17:37:32] No, it's -- you know, of course, in general
2 we should stick to what we say and we -- we start, of course, on Wednesday with
3 the Defence. And if -- if they say in the end they need 15 minutes more, of course
4 it's -- it's -- but not days and days, so to speak.

5 Are there further questions by the representatives of the victims?

6 MS RABESANDRATANA: [17:37:58](Interpretation) Your Honour, we have just one
7 question.

8 PRESIDING JUDGE SCHMITT: Yeah, please.

9 QUESTIONED BY MS RABESANDRATANA: (Interpretation)

10 Q. [17:38:10] Hello, Witness. Let me introduce myself. My name's Elizabeth
11 Rabesandratana, I'm a lawyer and I practice law in France, in the city of La Rochelle.
12 And I am here as a member of the team representing the victims of other crimes,
13 the legal representatives of the other crimes.
14 Our team has one question to put to you concerning the events that took place in
15 Bangui. You may or may not know that this is a question which is of interest for us.
16 You explained to us that at the time of the attack the soldiers, the elements, were
17 coming in from different provinces, the north, the north-east, the south, the different
18 regions, and 13 prefectures. Our question is: Do you know the path that was taken
19 by those elements in order to arrive in the areas of Cattin or Boeing or
20 the neighbouring districts?

21 MR KNOOPS: Mr President --

22 PRESIDING JUDGE SCHMITT: Yeah I --

23 MR KNOOPS: [17:39:44](Overlapping speakers) evidentiary question.

24 PRESIDING JUDGE SCHMITT: [17:39:47] Yeah, I also think so. And I think it -- it
25 also has been covered by Mr Vanderpuye, also. So for both reasons I agree

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1 with -- with Defence counsel, so I don't accept the question.

2 So this concludes the hearing for today. We reconvene --

3 MS RABESANDRATANA: [17:40:10](Overlapping speakers)

4 PRESIDING JUDGE SCHMITT: [17:40:15] Yeah.

5 MS RABESANDRATANA: [17:40:15](Interpretation) I would like to answer

6 the argument that you just put forward, because for us this is the crux of the matter.

7 This question has a direct bearing on the right of victims to participate. And in that

8 respect, I would like to recall that in the public report ICC-01/14-01/18-939 notified on

9 31 March 2021 concerning the attack against Bangui of 5 December 2013, the Registry

10 asked the Chamber if the geographical scope of the attack against Bangui included

11 also certain districts around PK5. The Registry asked the Chamber whether

12 the victims of crimes in the days -- crimes by the Anti-Balaka in the days following,

13 and sometimes right through to the end of December, should be considered as falling

14 within the time frame of the attack against Bangui and thus authorised (Overlapping

15 speakers)

16 PRESIDING JUDGE SCHMITT: [17:41:54] I can -- I now --

17 MS RABESANDRATANA: (Overlapping speakers)

18 PRESIDING JUDGE SCHMITT: No, no, you can stop here.

19 MS RABESANDRATANA: [17:41:56](Overlapping speakers)

20 PRESIDING JUDGE SCHMITT: [17:41:59] I now --

21 MS RABESANDRATANA: (Overlapping speakers)

22 PRESIDING JUDGE SCHMITT: [17:42:00] Yeah, but I have already understood it.

23 And there is -- this is a pending issue, and so let me rephrase it a little bit, so to

24 make -- to make it shorter here. So I -- because I think I know the answer.

25 Mr Witness, do you know exactly on how -- on which ways these all -- all these

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1 Anti-Balaka groups entered Bangui?

2 Yeah, I think that that's a question.

3 THE WITNESS: [17:42:39](Interpretation) Yes, I had answered saying that they
4 followed the tracks and paths across the bush and the forest. They walked through
5 the bush to get to Bangui.

6 MS RABESANDRATANA: [17:42:58](Interpretation)

7 Q. [17:43:00] Witness, which districts did they cross in order to get to Cattin in
8 Bangui?

9 A. [17:43:13] I said that they came from the provinces and they went through
10 the bush. They avoided the Séléka checkpoints. All they were doing was marching.
11 When you talk about districts, that means they've already arrived, they're already
12 there. But I said that they came on foot through the bush.

13 Q. [17:43:42] They came from different directions. They entered the town.

14 A. [17:43:54] As I have already said, they came from different regions and they
15 came on foot.

16 PRESIDING JUDGE SCHMITT: [17:44:02] I think we -- we really have to stop here.
17 The witness has answered the question and has -- actually, he has repeated what he
18 had said already when Mr Vanderpuye was questioning. But it's fine, so we have
19 addressed it now.

20 This concludes the hearing for today.

21 Thank you very much, Mr Witness. Thank you very much, Ms Mbida, at the
22 video-link location.

23 We reconvene on Wednesday, 9.30. Yeah.

24 THE COURT USHER: [17:44:28] All rise.

25 (The hearing ends in open session at 5.44 p.m.)