

Trial Hearing

(Open Session)

ICC-01/14-01/18

WITNESS: CAR-OTP-P-0306

- 1 International Criminal Court
- 2 Trial Chamber V
- 3 Situation: Central African Republic II
- 4 In the case of The Prosecutor v. Alfred Rombhot Yekatom and Patrice-Edouard
- 5 Ngaïssona - ICC-01/14-01/18
- 6 Presiding Judge Bertram Schmitt, Judge Péter Kovács and Judge Chang-ho Chung
- 7 Trial Hearing - Courtroom 1
- 8 Tuesday, 28 September 2021
- 9 (The hearing starts in open session at 11.02 a.m.)
- 10 THE COURT USHER: [11:02:51] All rise.
- 11 The International Criminal Court is now in session.
- 12 Please be seated.
- 13 PRESIDING JUDGE SCHMITT: [11:03:16] Good morning, everyone.
- 14 Good morning, Mr Witness.
- 15 Could the court officer please call the case.
- 16 THE COURT OFFICER: [11:03:25] 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: [11:03:40] Thank you.
- 21 I ask for the appearances of the parties.
- 22 OTP, Mr Iverson first.
- 23 MR IVERSON: [11:03:46] Good morning, your Honours. Maria Berdennikova,
- 24 Yassin Mostfa, Kweku Vanderpuye and Eric Iverson for the Prosecution.
- 25 PRESIDING JUDGE SCHMITT: [11:03:53] Thank you.

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1 And the representatives of the victims next.

2 MR FALL: [11:03:59](Interpretation) Thank you. Today we are made up of

3 Mr Enrique Carnero, Ms Mouhia Asso and myself Yaré Fall.

4 PRESIDING JUDGE SCHMITT: [11:04:16] Thank you.

5 Mr Suprun.

6 MR SUPRUN: [11:04:18] Good morning, Mr President, your Honours. The former

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

8 Public Counsel for Victims. Thank you.

9 PRESIDING JUDGE SCHMITT: [11:04:29] Thank you.

10 For the Defence, Ms Dimitri first.

11 MS DIMITRI: [11:04:32] Good morning, Mr President. Good morning,

12 your Honours. Good morning, everyone. Mr Yekatom, who is present in the

13 courtroom, is represented today by Mr Gyo Suzuki, Ms Yousra Lamqaddam,

14 Ms Sabrine Bayssat and myself Mylène Dimitri.

15 PRESIDING JUDGE SCHMITT: [11:04:45] Thank you.

16 And Mr Knoops, please.

17 MR KNOOPS: [11:04:47] Good morning, Mr President. Good morning,

18 your Honours. Everyone in the courtroom. I'm assisted today by

19 Ms Chiara Giudici, case manager, and Mathilde Couloigner, intern. And

20 Mr Ngaïssona is present in the courtroom.

21 PRESIDING JUDGE SCHMITT: [11:05:02] Thank you very much.

22 And I assume, and I also see him, there is also, as counsel for the witness,

23 Mr Jean-Pierre Madoukou.

24 Good morning, Mr Madoukou.

25 PRESIDING JUDGE SCHMITT: [11:05:36] Obviously he has understood me. At

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1 least I take the facial expression like that.

2 So a short housekeeping matter. I think because of the delay, the Chamber

3 (Overlapping speakers). Okay.

4 The judges have discussed that it makes sense to have two two-hour sessions today

5 from 11 to 1, then we have (Overlapping speakers)

6 MR MADOUKOU: [11:06:05](No interpretation)

7 PRESIDING JUDGE SCHMITT: [11:06:21] Well, what has Mr Madoukou said?

8 It was clearly to be heard, so I assume it can be translated.

9 So I think out of courtesy I want to know what Mr Madoukou has said. He's

10 a lawyer and --

11 MR VANDERPUYE: [11:06:52] Mr President, he said good morning and -- to

12 the Chamber and just presented himself.

13 PRESIDING JUDGE SCHMITT: [11:06:57] Yeah, but nevertheless we have, out of

14 respect to a counsel who is sitting so far away and having his duties with regard to

15 his procedural role, it would be nice to have a proper translation. So but I take it as

16 that we go from there.

17 We have two breaks from 11 to 1 -- not two breaks, two sessions from 11 to 1 and

18 from 2 to 4, and have the lunch break from 1 to 2 o'clock. I think that that would be

19 fine.

20 And as a general rule, if we can start tomorrow then at 10.15 we have the same

21 procedure than yesterday, meaning to 11.30, then a short coffee break until 12, then

22 until 1.30, then only a one-hour lunch break and then from 2.30 until 4 o'clock.

23 Okay.

24 I give the floor to Mr Iverson.

25 MR KNOOPS: [11:07:52] Mr President, sorry to interrupt. Just before the session

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1 starts, the Defence of Mr Ngaïssona does have an objection to the document which
2 was notified just before the hearing to us and we were not able to respond to that
3 document in writing. But we do have substantive argument to that document. So
4 if that document would be brought today at the hearing, we would ask the Court to
5 allow us to introduce our objection to that specific document.

6 PRESIDING JUDGE SCHMITT: [11:08:29] Actually, I understood that there are no
7 objections to that, so --

8 MR KNOOPS: [11:08:36] Well, we -- I did orally inform the counsel of
9 the Prosecution that we do have an objection and we were not aware that
10 the Chamber was about to rule on this document without having oral submissions.
11 And --

12 PRESIDING JUDGE SCHMITT: [11:08:55] Normally -- let me have a look at here. I
13 was informed that there are no objections, so -- and then, of course, the Chamber or
14 the Presiding Judge decides immediately. So if there are objections we have to look
15 into them and then decide.

16 MR KNOOPS: [11:09:11] Thank you.

17 PRESIDING JUDGE SCHMITT: [11:09:11] So is it -- do you find it impossible to give
18 your objection in -- in an email, let's say, until 2 o'clock?

19 MR KNOOPS: [11:09:21] Yeah, that's fine.

20 PRESIDING JUDGE SCHMITT: [11:09:22] Is it possible so that we can decide on it?

21 MR KNOOPS: [11:09:25] Yeah, okay.

22 PRESIDING JUDGE SCHMITT: [11:09:26] So we don't have to defer, so to speak, to
23 the next day and -- I don't know, we still have the hope that the Prosecution might
24 finish today, so this is the background for my asking.

25 Mr Iverson.

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1 MR IVERSON: [11:09:37] Indeed. Mr Knoops let me know that -- orally that he had
2 an objection to the document.

3 I will -- I'll wait till we see an objection and a ruling before I use the document, so I
4 intend to use it this afternoon.

5 PRESIDING JUDGE SCHMITT: [11:09:50] Okay. Fine.

6 You have now the floor, then you can continue with your examination.

7 MR IVERSON: [11:09:59] Thank you, your Honour.

8 WITNESS: CAR-OTP-P-0306 (On former oath)

9 (The witness speaks Sango)

10 (The witness gives evidence via video link)

11 QUESTIONED BY MR IVERSON: (Continuing)

12 Q. [11:10:05] Good morning, Mr Witness. How are you feeling this morning?

13 I'll just repeat that. Good morning, Mr Witness. Can you hear us hear from
14 The Hague?

15 A. [11:10:41] Good morning. I can hear you clearly. I'm feeling well. I have
16 a concern, but that doesn't prevent me from speaking with you. That's what I want
17 to tell you now this morning.

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted) (Overlapping speakers) I'm going to tell your Honours --

22 PRESIDING JUDGE SCHMITT: [11:11:47](Overlapping speakers) So we go -- we go
23 to private session. I thought we were in private session. So I think we talked about
24 that yesterday that we have a specific situation, so we go back to private session.

25 (Private session at 11.12 a.m.) *(Reclassified partially in public)

Pursuant to the Trial Chamber V's Initial Directions, ICC-01/14-01/18-631, dated 26 August 2020, the public reclassified and lesser redacted version of this transcript is filed in the case.

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1 (Redacted) So I -- the last question I had asked you had to
2 do with the -- your description of events between 1 December and 4 December 2013,
3 and that's the area where I would like to continue asking you questions today.
4 So just to start off, in your answer yesterday you had mentioned that there were other
5 groups coming in behind the hills in Bangui. So I'd like to ask you what were those
6 groups and, to the extent you can, can you name people who were in those groups or
7 the leaders of those groups?

8 A. [11:20:08] Thank you for the question.

9 The groups that were there behind the hills were Anti-Balaka under Ngaïssona.
10 They were the groups that remained behind the hills. And *at the right time they
11 came to Bangui to carry out the fight. There was no other group. There was that
12 Anti-Balaka group.

13 That's it.

14 PRESIDING JUDGE SCHMITT: [11:20:51] Mr Iverson, either there is
15 a misunderstanding or I think you would have to enquire further here. Because this
16 is not an answer, so to speak, to your question.

17 MR IVERSON: [11:21:03]

18 Q. [11:21:06] Okay. So you just said that there was the Anti-Balaka group. So
19 within that larger group, what I'm asking you to do is just, if you would, describe
20 the subgroups or the smaller groups that comprised the larger Anti-Balaka group and
21 the names of the leaders of those subgroups, to the extent you know them?

22 A. [11:22:06] In order to answer the question about the subgroups, it would be
23 difficult for me because I don't know the Anti-Balaka subgroups. I only know
24 the group Anti-Balaka, whose superior was Edouard Ngaïssona, and that group had
25 the aim to chase out Seleka from Bangui. But I don't know anything about

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1 Anti-Balaka subgroups. I cannot lie to you.

2 I only have information on the single entity Anti-Balaka. That is the answer which

3 I can give to you, having answered the question of the Prosecution.

4 (Redacted)

5 (Redacted)

6 A. [11:23:54] Ngremangou was an officer of the army. He was captain in the army.

7 At the time he had the ranking of captain. I know that he is a military man.

8 Q. [11:24:20] And was Ngremangou part of this group that you describe, this

9 Anti-Balaka group under the authority of Mr Ngaïssona, as you described?

10 A. [11:24:55] Yes, he was in the Anti-Balaka group under the authority of

11 Ngaïssona.

12 Q. [11:25:06] And did this Ngremangou have any particular role or position or

13 authority within that Anti-Balaka group, that you know of?

14 A. [11:25:44] He was captain of the army. And under the authority of Ngaïssona

15 he was director of the cabinet of Anti-Balaka. It was a known position, and I think

16 I've already explained that to you.

17 Q. [11:26:12] Sir, are you familiar with the term "ComZone"?

18 A. [11:26:41] Yes, I've heard the term "ComZone". But the actual role of

19 the ComZone, I don't know what it is. But I've heard the term "ComZone".

20 Q. [11:26:58] And do you know of any individuals within this Anti-Balaka group

21 who were considered ComZones or were called ComZone, anything of that nature?

22 A. [11:27:42] I think there the people that I know are the ones that I mentioned

23 yesterday. (Redacted)

24 (Redacted)

25 (Redacted)

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10 (Redacted)

11 (Redacted)

12 Q. [11:28:47] I'm just going to name a few names and ask if you're familiar with
13 some of these people.

14 The first name is Gbangouma. Are you familiar with the name Gbangouma?

15 A. [11:29:18] Yes, I know Gbangouma.

16 Q. [11:29:24] Okay, could you tell the Court about Gbangouma and how you know
17 him.

18 A. [11:30:02] Indeed, I knew Gbangouma at Bangui. When I got to know him, I
19 myself was in Bangui. (Redacted)

20 (Redacted) It was at that moment that I got to know him. He has
21 the ranking of captain. That's what I know. He was also Anti-Balaka. That's it.

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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7 (Redacted)

8 (Redacted)

9 A. [11:33:01] This is what I can tell you: Behind the hills the Anti-Balaka
10 regrouped following orders from Ngaïssona.

11 THE INTERPRETER: [11:33:29] Message from the Sango booth: Part of the
12 witness's answer was unclear and there was a break in the communication. But
13 witness concludes by saying that all those were part of the Anti-Balaka group.

14 THE WITNESS: [11:33:52](Interpretation) Gbangouma and all the others whom I
15 have mentioned were members of the Anti-Balaka group and they were under
16 the authority of that leader. This is what I can tell you. They were all members of
17 the Anti-Balaka group.

18 MR IVERSON: [11:34:20]

19 Q. [11:34:21] Sir, I'm really sorry to have to ask to you do this, but I just don't know
20 what I missed, what we missed in your answer. So I'm going to ask you to repeat
21 the answer you just gave, because we had a slight communication problem here.

22 A. [11:35:04] When the Anti-Balaka regrouped behind the hill, they were under
23 the authority of a single individual. Ngremangou was part of that group and
24 the group was coordinated by Ngaïssona. And he had the rank of captain.
25 As for 12 Puissances and the others, they all belonged to the same group,

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1 the Anti-Balaka group. And this is the truth that I am telling you.

2 That is what I can say.

3 Q. [11:36:00] And let's just take 12 Puissances, for example. Do you know what
4 his role or position was within the Anti-Balaka group that you've described?

5 A. [11:36:33] 12 Puissances was also one of the Anti-Balaka leaders, but
6 the supreme leader was Edouard Ngaïssona. So he was next to the chief or leader,
7 he too, that's what I can say.

8 PRESIDING JUDGE SCHMITT: [11:37:00] I think with regard to specific tasks or
9 whatsoever you're heading at, I told you already, I think you can simply move on
10 there.

11 MR IVERSON: [11:37:21]

12 Q. [11:37:22] All right. So you are -- it's between 1 and 4 December 2013, you're
13 behind the hills in Bangui and the attack is on 5 December. So at what point did you
14 learn of the -- the coming attack and when did you learn of the plan to attack Bangui
15 on 5 December?

16 A. [11:38:31] It was on 1 December. On 1 December the programme was
17 established, was set up. And that went up to 3 December, setting up this plan.
18 And then on the 4th, everybody came down in an attempt to attack Bangui. That is
19 what I can tell you relating to the attack on Bangui.

20 Q. [11:39:09] And could I ask you, please, to describe what was the plan that you
21 learned of on 1 -- on 1 to 3 December? Could you describe that, please.

22 A. [11:39:57] What I saw and what I experienced, I will tell you. The idea was to
23 attack the Seleka at their locations, so the groups were broken up and each group had
24 to attack Seleka positions. That is it. And that is what I can tell you. So we were
25 divided into various groups and each group was assigned to attack a specific Seleka

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1 position. That is what happened.

2 (Redacted)

3 (Redacted)

4 A. [11:41:18] It was a Seleka position in Bangui town. I myself was involved in
5 attacking a Seleka position in Bangui town. That is what I know.

6 Q. [11:41:38] All right. But my understanding is everybody was assigned to attack
7 a Seleka position in Bangui town. (Redacted)

8 (Redacted)

9 A. [11:42:18] All of us were orientated and divided to attack the various positions
10 of the Seleka within the city. We didn't have to attack any other location except
11 Bangui town. So all of us came down, we confronted the Seleka and we attacked
12 them in Bangui, Bangui town.

13 (Redacted)

14 A. [11:42:52] That's what I can say.

15 Q. [11:42:59] Was your group assigned to a specific neighbourhood in Bangui? Or
16 how -- how was -- how were those assignments determined?

17 A. [11:43:36] There was no specific defined neighbourhood. What happened is
18 that we all came down on the main roads and the roundabouts and whenever we ran
19 into the Seleka we would attack them in Ouango -- Kassai, Ouango and Cattin, so we
20 would attack the Seleka at their base. And even in locations like Gobongo. That's
21 what happened. So I have given you an indication of the various neighbourhoods in
22 which fighting took place. So we came to fight the Seleka and that's the work we did.
23 We had come to fight against the Seleka and we fought them in various
24 neighbourhoods.

25 Q. [11:44:41] All right. I'll get back to that. Who gave you your instructions on

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1 when and where to attack?

2 A. [11:45:18] I am not able to -- I am not in a position to provide you with a specific

3 date. (Redacted)

4 (Redacted)

5 (Redacted) that order

6 came from the supreme authority, namely to attack on 5 December.

7 So after the attack they were to try to come to Bangui, and that is how we were given

8 orders to go all the way to Quatrième, to Gobongo and to various other

9 neighbourhoods in Bangui and to attack the Seleka. And that's how we came down

10 and attacked them. That is what I know.

11 Now, about dates, quite honestly I do not remember the dates. There was no plan,

12 as such, and I had no idea of the plan. All I know is that we received orders from

13 those who were under the authority of the chief. So that's the answer I can provide

14 to your question.

15 (Redacted)

16 (Redacted) the order came from the supreme authority.

17 How do you know where the orders came from? Could you explain that to

18 the Chamber.

19 A. [11:48:10] The authority called. (Redacted)

20 (Redacted) we were told that the order was to attack, to take the town, and to

21 wait for his arrival. And that is how we became aware of all this information of

22 what was said. And that is what I am testifying about today before the judges and

23 the Prosecutor of the Court. That is it.

24 Q. [11:48:43] And I'd rather not leave this ambiguous. When you say

25 "the authority" called, can you please give the person's name? Who do you mean by

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1 "the authority"?

2 A. [11:49:14] The authority is -- is Edouard Ngaïssona, who was the leader of
3 the movement at the beginning and during the events. That was the name that came
4 forth quite frequently and I've already mentioned it to you.

5 Q. [11:49:41] And can you explain to the Chamber how you're aware that

6 Mr Ngaïssona called (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

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15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted) But our authority, that is the leader, also provided help by way of

24 ammunitions for the work. (Redacted)

25 (Redacted)

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1 Q. [11:56:31] All right. I just need to make sure that we understand in terms of
2 the time frame or chronology. Are you still talking about before the attack on
3 5 December in Bangui, or is this sometime after 5 December? And I know you don't
4 know specific dates, that's fine. I'm just asking before 5 December or after
5 (Redacted)

6 A. [11:57:20] We received ammunitions when we were already in Bangui. So it is
7 after December that we began to receive supplies of ammunitions while we were
8 already in Bangui town. We had already entered Bangui.

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 Q. [12:00:19] All right. And then in terms of the instructions or orders that you
24 yourself received, were they general in nature such as you're just going to attack
25 without any explanation as to what that means, or were there specific instructions as

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1 to what you needed to attack, who you needed to attack, where you needed to attack,

2 that kind of thing? How general or specific were the instructions or orders you

3 received prior to the 5 December attack?

4 A. [12:01:29] The information received was to go and attack. (Redacted)

5 (Redacted) There was an order to attack the Seleka. That is

6 why we left in groups to attack their positions. We attacked the Seleka in their

7 different bases, once we were given the order to go and attack the Seleka. That's

8 what I can tell you. They didn't give us any individual names but just said

9 "the Seleka". That was our target. That's what I experienced.

10 Q. [12:02:22] And did the instructions or orders define who the Seleka were or was

11 it up to each individual Anti-Balaka member to decide who Seleka was?

12 A. [12:03:07] The Seleka, the armed Seleka, those who were carrying military

13 uniforms, the Anti-Balaka were in civilian clothing. That is what made

14 the difference. And Anti-Balaka wasn't armed like the Seleka. The Seleka carried

15 arms, they had military outfits, and so it was easy to identify them. And that is how

16 we left in the different neighbourhoods to fight them, because they were armed and

17 they wore uniforms.

18 Q. [12:04:00] And were there any specific instructions or orders or details about

19 how an Anti-Balaka member without a firearm was expected to fight against Seleka

20 who -- who had firearms? Was there any discussion about that?

21 A. [12:05:14] I have no idea about that. I don't want to lie to you. All I know is

22 that the order was given. The order was to go and attack the Seleka from the 5th

23 onwards. And it was important to retake the town of Bangui on that day.

24 Everybody was informed about the various targets so that we could attack them.

25 And it was up to each one of us to see which target we would attack. We did not

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- 1 receive any training, any directive, no. Just the order to go and attack the Seleka.
- 2 And it was up to each one of us to work out how to protect ourselves with the help of
- 3 God. That is how it was.
- 4 (Redacted)
- 5 (Redacted)
- 6 (Redacted)
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1 (Redacted)

2 The question I have has to do with the person in the background wearing what
3 appears to be a red turban or head cloth. And I wanted to ask whether this type of
4 headgear is a type of headgear that you saw members of Anti-Balaka wearing
5 typically?

6 A. [12:53:25] Yes. Amongst the Anti-Balaka there were individuals of different
7 origins. There were Peulhs, there were also Muslims. But as you see, this was
8 a Peuhl and he has the outfit, the gear of a Peuhl. He has the clothing and outfit as --

9 THE INTERPRETER: [12:54:12] The interpreter of the Sango booth corrects
10 themselves: He has the outfit of a Peuhl.

11 THE WITNESS: [12:54:20](Interpretation) That's what I can tell this Court.

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 Q. [12:57:31] Sir, are you able to see the -- the image before you clearly?

25 A. [12:57:55] Yes, I see it but I don't see the face of the person.

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1 Q. [12:58:04] And that -- that's how it's intended. The face is irrelevant for this
2 question.

3 I just want to show you a photograph of what may be considered a typical example of
4 *gris-gris*. Is this a fair representation of, in general, what the Anti-Balaka *gris-gris*
5 looked like, sir?

6 A. [12:58:44] I must at least see the face of the person to know because everyone
7 had a *gris-gris* according to their traditions or from their origin. But I can confirm to
8 you that this is a *gris-gris*. This is a *gris-gris* which the Anti-Balaka wore, but it's how
9 it is made that is -- that differs according to its origin. So, your Honours, I can
10 confirm that this is a *gris-gris*, they are *gris-gris*.

11 PRESIDING JUDGE SCHMITT: [12:59:29] Thank you.

12 I think that that is an answer. And by the way, I think with regard to what we heard
13 in this courtroom and what we have seen, there seems to be - I hope you don't
14 disagree with me - enough evidence now what a *gris-gris* is. So I think you
15 understand what I mean, yeah.

16 MR IVERSON: [12:59:51] It -- it also -- it's just -- it segues nicely into the next video.

17 PRESIDING JUDGE SCHMITT: [12:59:56] Which we will see after the lunch break.

18 MR IVERSON: [13:00:00] Exactly. So --

19 PRESIDING JUDGE SCHMITT: [13:00:01] Okay. So we have lunch break until
20 2 o'clock.

21 THE COURT USHER: [13:00:04] All rise.

22 (Recess taken at 1.00 p.m.)

23 (Upon resuming in private session at 2.03 p.m.)

24 THE COURT USHER: [14:03:14] All rise.

25 Please be seated.

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22 (Redacted)

23 Q. [14:24:05] And you stated that you fought the Seleka. Can you specify what

24 you mean by fight. Were you firing at them with your firearms and were they firing

25 at you with their firearms? Or, if not, could you describe what was happening when

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1 you say you fought the Seleka.

2 A. [14:24:43] Thank you, your Honours. I'd like to thank Mr Prosecutor for his
3 question. It was a fight, so the Seleka elements shot at us and we too, we shot at
4 them. Even with sticks we hit them and the stronger person won. That's how we
5 fought. We fought with all the means we had available. That's how the fights took
6 place. The Seleka shot us with their war arms. We, too, we shot at them. This is
7 how we moved forward in order to try and disband them. Mr President, my Lords,
8 this is the information that I want to impart on you.

9 PRESIDING JUDGE SCHMITT: [14:25:51] Mr Witness, this fight took it place on
10 a street, in a -- in a house? So can you be a little bit more specific so that we can
11 picture it, how it unfolded? Was it -- you understand what I mean. Was it a street
12 fight, so to speak, or were the Seleka elements in a sort of compound or whatsoever?
13 What you can tell us, what you still recall.

14 THE WITNESS: [14:26:38](Interpretation) Thank you, Mr President. The fights, we
15 attacked the Seleka at their bases. The fights continued even along the main roads.
16 That's how we carried out the fight. We didn't enter into private compounds. We
17 attacked the Seleka at their bases and also on the major routes. That's how the fight
18 took place and that is how we could get -- fight the Seleka elements. This is my
19 explanation to the Court and also to the Prosecutor so that they can really fully
20 understand what happened at that particular point in time.

21 PRESIDING JUDGE SCHMITT: [14:27:44] Mr Iverson.

22 MR IVERSON: [14:27:46]

23 Q. [14:27:48] And, sir, I was hoping that you could clear something up for me.
24 You know, and I've seen this word used both in the -- your interview transcripts and
25 then in today's testimony that you fought with sticks. It may just be that that's

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1 the English word that's used to -- to convey your meaning, but for me it doesn't really
2 describe much and so I'm wondering if you're talking about spears or pikes or
3 something else, at least in my language, in English, that we would use in a battle
4 of this type. I'm just trying to kind of visualise what you mean by "we fought with
5 sticks". Could you help the Court out.

6 A. [14:28:55] Mr President, your Honour, Mr Prosecutor, let me tell you, the bladed
7 weapons I'm talking about were these clubs. Those are the bladed weapons. We
8 also fought with machetes. We also had pikes which we received from our
9 grandparents. We also fought with all the arms we could obtain from the Seleka.
10 That's what happened. You asked me a question on the arms which we used and
11 that's why I'm telling you this. But if you want details, then I'm going to say we had
12 clubs, we had spears, we had pangas and some rare war arms which we got from
13 the elements. And we also had knives, as well as artisanal rifles. All those things
14 we used to fight against the Seleka. I want to tell you this openly so that
15 your Honours and all the members of the Court can understand the nature of
16 the arms that we used at that time.

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

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10 (Redacted)

11 (Redacted)

12 A. [14:34:14] The fighting did not end on 5 December. The fighting continued
13 right into the month of January. I believe that within the groups that deployed
14 themselves to attack the Seleka, specifically when we left the hill to go into Bangui, we
15 were compelled -- or, rather, we were simply fighting and fighting until we were able
16 to settle everything. I am not God in order to tell you what -- everything that
17 happened in all the theatres of operation. I'm simply telling you what I experienced.
18 And I confirm that on 5 December we didn't simply go in, take the town and rest
19 ourselves. We continued the fighting right up into January. That is what I can tell
20 you and I'm prepared to provide to you any additional information that you may
21 wish to ask for.

22 Q. [14:35:50] Thank you, sir. It's a helpful reminder, I think, to everyone when
23 you say, "I am not God in order to tell you everything that happened." And I
24 certainly don't -- I'm not asking you to and I don't expect you to know every last thing
25 that happened. I'm simply asking from your personal perspective.

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1 But I want to ask you this: You say that the fighting went into January. You also
2 earlier said that Mr Ngaïssona had arrived in Bangui in January. Can you tell
3 the Court whether there was still fighting that was ongoing in Bangui after
4 Mr Ngaïssona arrived in Bangui?

5 A. [14:36:50] Thank you, Mr President, your Honours, the Prosecutors.

6 When Ngaïssona returned from Douala in the month of January, the war was still
7 ongoing, the fighting was still continuing. On the 26th, the fighting ended with
8 the arrival of the Chadian contingent to reinforce the Seleka in the vicinity of
9 Gobongo. Ngaïssona was already there (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 Q. [14:38:42] And you say the 26th the fighting ended. I assume you mean
18 26 January; is that right, sir?

19 A. [14:39:05] Yes, the fighting ended on 26 January with the deployment of the
20 Chadians. I do not have any further information to give you regarding
21 the skirmishes that were taking place in the various neighbourhoods. But regarding
22 the war and the fighting, I can tell you that the fighting took -- or, rather, ended on
23 26 January and it was at this time that it was decided that the Seleka elements would
24 be billeted and people resumed moving about freely in the town. Mr Ngaïssona was
25 in fact present in Bangui at that time. That is what I would like to tell

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1 the Presiding Judge of the Court.

2 PRESIDING JUDGE SCHMITT: [14:40:10] Do we need a short break?

3 Yeah, then we do that.

4 MS DIMITRI: [14:40:14] Thank you, Mr President.

5 PRESIDING JUDGE SCHMITT: [14:40:15] We stay in the room, the others, but of
6 course your client can step outside if he wants to.

7 (Mr Yekatom exits the courtroom)

8 PRESIDING JUDGE SCHMITT: [14:40:35] Mr Knoops, do you any issue to -- no, no,
9 let me.

10 MR KNOOPS: [14:40:39] I was trying to improvise something.

11 PRESIDING JUDGE SCHMITT: [14:40:44] No, I don't want to appoint you as
12 the special representative for these issues, but since you took it upon you in the first
13 and yesterday also, would be nice.

14 Perhaps, Mr Iverson, perhaps I assume it's getting hard for you to finish today
15 because of the delays we had, I could assume this presumption, but you can
16 disappoint me.

17 MR IVERSON: [14:41:29] Well, you know --

18 PRESIDING JUDGE SCHMITT: (Overlapping speakers) Positively.

19 MR IVERSON: [14:41:31] -- I really don't want to make a promise here, but actually
20 we are -- I'm making quite good progress and I think it actually might be possible.

21 PRESIDING JUDGE SCHMITT: [14:41:40] Fine. Okay, good.

22 MR IVERSON: [14:41:41] I will try my best, but with the caveat that it may go into
23 tomorrow just for a little bit.

24 PRESIDING JUDGE SCHMITT: [14:41:47] Fine. Fine. You know -- you know that
25 I'm -- that we are always asking so that also the other parties -- other parties know

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1 how they -- I think we also expect a little bit of a questioning by the representatives of
2 the victims. So not too long, as I would assume. And very carefully also,
3 Mr Suprun, with regard to the situation we have. You know that. But would be
4 good.

5 (Mr Yekatom enters the courtroom)

6 PRESIDING JUDGE SCHMITT: [14:42:15] So thank you very much for be
7 everybody's patience.

8 Then, Mr Iverson, please continue.

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

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- 21 (Redacted)
- 22 (Redacted) You see, we did not go there to attack other people's property. We did
- 23 not go there to destroy other people's property or to steal. But unfortunately, at
- 24 a given moment, there was a situation of chaos. The authority himself could no
- 25 longer have the mastery of the situation. There was no longer understanding

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1 between us. And in addition to that, we had a series problem of food shortages.

2 We could not eat properly, so there was a lot of suffering. (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

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15 On the 5th, when the attack took place, we were fighting against the armed Seleka.

16 These armed Seleka Muslims. On that day of 5 December our attack was not
17 targeted against Muslim or Peuhl civilians, we were fighting against those who were
18 armed. And whenever he succeeded in chasing away the armed elements, we
19 would return to our positions.

20 But I do not know what the other people were doing. I do not know what my
21 comrades were doing elsewhere. But what I can tell you is that we were
22 fighting -- we were attacking the armed Peulhs and Muslims. (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 It is true that there were people who were telling lies, saying that we had come to kill
2 all the Muslims. All those were lies. No. We were fighting only against
3 the armed Seleka. We were fighting against the Seleka who were bearing weapons.
4 You sent investigators to the field. I believe they must have been able to obtain
5 images and you can see on those images that there were Peulhs and Muslims amongst
6 us. So I am giving you this clarification so that you should understand well and
7 really understand that our group was a mixed group.

8 That is the explanation that I can give before the President of the Court, the Judges
9 and the Prosecutor. If you have any other questions, you can put them to me. That
10 is what I experienced.

11 Q. [14:58:02] All right. I think I'll just leave it there with you, sir.

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

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Pursuant to the Trial Chamber V's Initial Directions, ICC-01/14-01/18-631, dated 26 August 2020, the public reclassified and lesser redacted version of this transcript is filed in the case.

Trial Hearing

(Private Session)

ICC-01/14-01/18

WITNESS: CAR-OTP-P-0306

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Trial Hearing

(Private Session)

ICC-01/14-01/18

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13 (Redacted)

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15 (Redacted)

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20 A. [15:21:47] Your Honours, Mr Prosecutor, it was he who was the leader of all

21 the Anti-Balaka, those in the provinces and also of Bangui. He was the chief,

22 the supreme chief. He was the general coordinator. It is important that I state this

23 to you so that you can understand. He had authority on both the provinces and

24 Bangui.

25 This is what I can tell you for the moment.

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Trial Hearing
WITNESS: CAR-OTP-P-0306

(Private Session)

ICC-01/14-01/18

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- 22 (The hearing ends in private session at 3.55 p.m.)