

Trial Hearing

(Open Session)

ICC-01/14-01/18

WITNESS: CAR-OTP-P-2658

- 1 International Criminal Court
- 2 Trial Chamber V
- 3 Situation: Central African Republic II
- 4 In the case of The Prosecutor v. Alfred Rombhot Yekatom and
- 5 Patrice-Edouard Ngaïssona - ICC-01/14-01/18
- 6 Presiding Judge Bertram Schmitt, Judge Péter Kovács and
- 7 Judge Chang-ho Chung
- 8 Trial Hearing - Courtroom 1
- 9 Tuesday, 21 June 2022
- 10 (The hearing starts in open session at 9.32 a.m.)
- 11 THE COURT USHER: [9:32:53] All rise.
- 12 The International Criminal Court is now in session.
- 13 Please be seated.
- 14 PRESIDING JUDGE SCHMITT: [9:33:15] Good morning, everyone.
- 15 Court officer, please call the case.
- 16 THE COURT OFFICER: [9:33:22] Good morning, Mr President, your Honours.
- 17 Situation in the Central African Republic II, in the case of The Prosecutor versus
- 18 Alfred Yekatom and Patrice-Edouard Ngaïssona, case reference ICC-01/14-01/18.
- 19 And for the record, we are in open session.
- 20 PRESIDING JUDGE SCHMITT: [9:33:35] Thank you.
- 21 The appearances of the parties, the Prosecution first.
- 22 Ms Galupa.
- 23 MS GALUPA: [9:33:42] Good morning, Mr President. Good morning,
- 24 your Honours.
- 25 The Prosecution is represented today by Ms Manochitra Prathaban,

Trial Hearing

(Open Session)

ICC-01/14-01/18

WITNESS: CAR-OTP-P-2658

1 Mr Kweku Vanderpuye, Mr Yassin Mostfa and myself, Irina Galupa.

2 PRESIDING JUDGE SCHMITT: [9:33:53] Ms Rabesandratana.

3 MS RABESANDRATANA: [9:33:56](Interpretation) Good morning, Mr President.

4 Good morning, everyone.

5 For the Legal Representative of Victims today, Evelyne Ombeni and myself,

6 Elisabeth Rabesandratana.

7 PRESIDING JUDGE SCHMITT: [9:34:08](Overlapping speakers) Thank you.

8 And for the -- the second victims representatives team, Mr Suprun.

9 MR SUPRUN: [9:34:13] Good morning, Mr President, your Honours.

10 The former child soldiers are represented by myself, Dmytro Suprun, counsel at the

11 Office of Public Counsel for Victims. Thank you.

12 PRESIDING JUDGE SCHMITT: [9:34:21] I turn to the Defence. First, Ms Guissé.

13 MS GUISSÉ: [9:34:26](Interpretation) Good morning, Mr President, your Honours.

14 Good morning, everyone.

15 Mr Alfred Yekatom is present, assisted today by Madam Lena Casiez and myself,

16 Anta Guissé.

17 PRESIDING JUDGE SCHMITT: [9:34:38](Overlapping speakers) Thank you. And I

18 turn to Mr Knoops.

19 Mr Knoops.

20 MR KNOOPS: [9:34:50] Good morning, Mr President. Good morning,

21 your Honours. Good morning, everyone in the courtroom. The Defence team for

22 Mr Patrice Ngaïssona appears before the Chamber today in the same composition as

23 yesterday. That's to say with Ms Chiara Giudici, on my right side; on my left side,

24 Mrs Knoops-Hamburger; on the second row, Mr Ali Alabdali and

25 Ms Mathilde Veronesi. Thank you.

Trial Hearing

(Open Session)

ICC-01/14-01/18

WITNESS: CAR-OTP-P-2658

1 PRESIDING JUDGE SCHMITT: [9:35:14] Thank you very much.

2 And also, good morning and welcome to the courtroom, Mr Witness. I hope you

3 had a good rest.

4 WITNESS: CAR-OTP-P-2658 (On former oath)

5 (The witness speaks Sango)

6 THE WITNESS: [9:35:26](Interpretation) Good morning, Mr President. Yes, I

7 rested well.

8 PRESIDING JUDGE SCHMITT: [9:35:39] Well, the start seems to be always difficult

9 these days. So if we had one interpreter responsible ...

10 THE INTERPRETER: [9:35:45] Can the president hear me? Can the president hear

11 me?

12 PRESIDING JUDGE SCHMITT: [9:35:49] Or is there again this technical issue from

13 yesterday?

14 THE INTERPRETER: [9:35:54] Can you hear -- can you hear the English booth from

15 that side, because it doesn't seem to be working? Otherwise, I will do it.

16 PRESIDING JUDGE SCHMITT: [9:36:13] Well, I cannot decide who is going to

17 interpret.

18 So apologies, my fault, but my channel has been switched in the meantime. I

19 normally have the right channel, so next time I don't admonish --

20 THE INTERPRETER: [9:36:26] Can the president hear me? Can the president

21 hear ...

22 PRESIDING JUDGE SCHMITT: [9:36:33] Yeah. Yeah. Now I -- now I -- now I

23 hear you, so it seems to have been -- the problem seems to have been that my channel

24 had been switched in the meantime. I don't know why it was on Chinese, so

25 that's -- yeah. Well, whatever this might mean.

Trial Hearing

(Open Session)

ICC-01/14-01/18

WITNESS: CAR-OTP-P-2658

1 So we continue with the examination of Ms Galupa. You have the floor.

2 MS GALUPA: [9:36:55] Thank you, your Honours.

3 Just to indicate, I have about 30 minutes to 45 minutes to finish.

4 PRESIDING JUDGE SCHMITT: [9:37:02] Well, that's reasonable, given what has
5 happened yesterday and the delays we had yesterday. Thank you, Ms Galupa.

6 MS GALUPA: [9:37:09] Thank you.

7 QUESTIONED BY MS GALUPA: (Continuing)

8 Q. [9:37:12] Good morning, Mr Witness.

9 Yesterday you explained hearing Dedane's telephone conversations. Just a simple
10 question: Do you know if Dedane had more than one telephone he was calling
11 from?

12 A. [9:37:47] It was possible for Dedane to have four telephones.

13 Q. [9:37:56] Thank you. And do you know if he had multiple phone numbers?

14 A. [9:38:16] Well, I did not have the opportunity to go close to his phones. He was
15 the one himself, he was using them. I don't know whether he was using the same
16 SIM card or not. I cannot say any more than that.

17 Q. [9:38:42] Thank you. I now want to bring you back to Dedane's trips to
18 Bossangoa.

19 From your statement and testimony yesterday --

20 But perhaps, Mr President, can we maybe go in private session.

21 PRESIDING JUDGE SCHMITT: [9:38:59] That also sounds reasonable.

22 We go to private session.

23 MS GALUPA: [9:39:05] Thank you.

24 * (Private session at 9.39 a.m.) Reclassified partially in public

25 THE COURT OFFICER: [9:39:15] We are in private session, Mr President.

Trial Hearing

(Private Session)

ICC-01/14-01/18

WITNESS: CAR-OTP-P-2658

1 MS GALUPA: [9:39:20]

2 Q. [9:39:21] Mr Witness, we are now in private session, so the public cannot hear
3 your answers.

4 So just about Dedane's trips to Bossangoa. From your statement and your testimony
5 yesterday, I understand that Dedane made a few trips to Bossangoa, a trip where he
6 (Redacted); a trip where he went to -- with (Redacted) to
7 Bossangoa; a trip where, upon his return, he divided his elements into different
8 groups --

9 A. [9:40:02] (No interpretation)

10 Q. [9:40:03] And then a trip where he --

11 A. (Overlapping speakers)

12 PRESIDING JUDGE SCHMITT: [9:40:12] Mr Witness, please wait until the question
13 is finished and then start with your answer. Thank you very much.

14 So could you -- we don't -- didn't have interpretation. Perhaps you ask the question
15 again.

16 MS GALUPA: [9:40:24] Thank you, Mr President.

17 PRESIDING JUDGE SCHMITT: [9:40:28] If you could try. Yeah, no problem.

18 MS GALUPA: [9:40:31]

19 Q. [9:40:31] So, Mr Witness, my understanding was that you named a few trips that
20 Dedane took to Bossangoa, and I was enumerating them. It was about a trip that
21 Dedane took to Bossangoa and (Redacted). Then a trip
22 which he (Redacted) to go to Bossangoa. Then a trip that he took to Bossangoa
23 upon -- and, upon his return, he divided his elements into different groups. And
24 then a trip that he took to Bossangoa where he brought back weapons and
25 ammunition.

Trial Hearing

(Private Session)

ICC-01/14-01/18

WITNESS: CAR-OTP-P-2658

1 Now, my question to you is, first, do you know of any other trips he took other than
2 these?

3 A. [9:41:32] No, he did not make any other trips.

4 Q. [9:41:39] And do you know which trip of these he took first?

5 A. [9:41:59] During the first trip he went somewhere to come back with (Redacted).

6 Q. [9:42:17] And do you know approximately how long after (Redacted)? So
7 when (Redacted), how long after that did he
8 go to Bossangoa the first time, or did he -- yeah.

9 A. [9:42:50] Four days afterwards he went to Bossangoa.

10 Q. [9:43:04] And when you say he went to Bossangoa, you refer about -- you refer
11 to the trip where he (Redacted), right?

12 A. [9:43:24] Yes, that's correct. That was the very first trip.

13 Q. [9:43:31] And do I understand correctly that after this trip he took a second trip
14 back to Bossangoa (Redacted)?

15 A. [9:43:52] (Redacted) and subsequently he (Redacted) there.

16 Q. [9:44:05] Do you know how long after the first trip this second trip took place?

17 A. [9:44:31] Well, it could have been a few days. I would say two days, if I
18 remember correctly.

19 Q. [9:44:45] And do you know how long after this trip did Dedane go to Bossangoa
20 again, coming back to reorganise the group?

21 A. [9:45:18] For the third trip, I think it must have been four days later. He went
22 back there, and then came back for the final time.

23 Q. [9:45:39] And referring to this third trip he took, when he came back, was it then
24 that he reorganised the Anti-Balaka to fight, into two groups to fight in Bowai and in
25 Bouca?

Trial Hearing

(Private Session)

ICC-01/14-01/18

WITNESS: CAR-OTP-P-2658

1 A. [9:46:14] After having split the group so that people could go and fight in Bouca
2 and Bowai, the groups had been made up for a long time (Redacted).

3 They had been split up for a long time (Redacted).

4 Q. [9:46:44] Thank you. I'm just trying to see after which of Dedane's trip he
5 decided to split the group into two and attack.

6 Do you remember?

7 A. [9:47:09] Yes, I remember. To attack Bossangoa, it was after his third trip
8 (Redacted). So it was after his third trip that he organised the attack on Bossangoa.
9 But when he split the group into various parts to go to Bouca and elsewhere, when he
10 sent Andjilo to Bouca and Bouar, (Redacted). So it was after the third trip that he
11 organised the Bossangoa attack, (Redacted).

12 Q. [9:48:02] And just to be sure that I understand, the third trip you referred to was
13 when (Redacted) Dedane come back with ammunitions and weapons; is that correct?

14 A. [9:48:27] During the third trip he returned at about 4 a.m. I was sleeping.
15 Well, 3 a.m. or 4 a.m. I was already sleeping. I do not know what he brought back
16 and I do not know how he carried out the distribution.

17 Q. [9:48:57] Thank you. I will come back to that. I -- I just want to talk to you
18 now about the attacks that you mention in your statement. And let's take a first
19 group that you mentioned attack (Redacted).

20 In your statement in paragraph 105, you say that the (Redacted)
21 but you have forgotten his name. Today, sitting here, do you remember his name?

22 A. [9:49:48] The group that (Redacted)
23 (Redacted) He was not a corporal, he was a civilian and a member of the Anti-Balaka.
24 He was known as (Redacted).

25 Q. [9:50:21] And how do you know who participated in the attack (Redacted)?

Trial Hearing

(Private Session)

ICC-01/14-01/18

WITNESS: CAR-OTP-P-2658

1 A. [9:50:52] He was one of those who had been designated to advance towards

2 (Redacted).

3 Q. [9:51:09] And were you present when he was designated to advance towards

4 (Redacted)?

5 A. [9:51:36] Yes, when they were designated to go to (Redacted)

6 (Redacted), I was present.

7 Q. [9:51:45] And you also mention that amongst the Anti-Balaka who attacked

8 (Redacted). Do you know (Redacted) last name?

9 A. [9:52:09] He is simply known as (Redacted). That is how everyone referred to
10 him and that is the name that I know.

11 Q. [9:52:22] Do you maybe have more information about him, whether he was
12 a military, or any other information you might have on him?

13 A. [9:52:40] No. He was not a soldier, he was a civilian.

14 Q. [9:52:54] And today -- or what did you hear later about him? Do you know
15 about -- something about him today?

16 A. [9:53:18] No, I do not have any further information about him. As you know,
17 the events took place a very long time ago.

18 Q. [9:53:33] Let's turn now to the second group that you mention attack Bouca.
19 Do you know if the attack on Bouca happened (Redacted)?

20 A. [9:53:56] No, the attack on Bouca took place at a different time.

21 Q. [9:54:08] Do you remember approximately when the attack on Bouca took place?

22 A. [9:54:32] The attack on Bouca took place (Redacted)

23 (Redacted)

24 (Redacted) two or three days later we heard that Andjilo had attacked Bouca.

25 Q. [9:55:10] And just to clarify because I am not sure I heard it correctly, when

Trial Hearing

(Private Session)

ICC-01/14-01/18

WITNESS: CAR-OTP-P-2658

1 (Redacted) -- or can you maybe repeat (Redacted)

2 A. [9:55:36] When people attacked Bowai 5 kilometres from Kabo, (Redacted)

3 (Redacted)

4 (Redacted), it was two days

5 afterwards that Andjilo called Dedane to say that they had attacked Bouca.

6 Q. [9:56:10] Thank you. And when you say that (Redacted)

7 (Redacted), who do -- who do you refer to?

8 A. [9:56:30] (Redacted) these people around

9 Bowai, (Redacted)

10 (Redacted)

11 Q. [9:56:57] And when you mean (Redacted) "these people" there, do you

12 mean the Anti-Balaka group that attacked Bowai?

13 A. [9:57:16] Yes, that is correct. (Redacted) the Anti-Balaka team

14 that had attacked Bowai, (Redacted)

15 Q. [9:57:34] Let's now turn to the -- the group composed of Dedane and

16 12 Puissances and *Caporal* Dangba. In paragraph 105 of your statement you say that

17 this group stayed in order to attack Bossangoa. Do you know if before attacking

18 Bossangoa *Caporal* Dangba or 12 Puissances attacked any other village?

19 A. [9:58:14] No, they did not attack any locality before that. They had stayed in

20 Gobéré. (Redacted)

21 (Redacted) before going to Bossangoa. So they did not attack any other locality.

22 Q. [9:58:43] Do you know of any other attacks by the Anti-Balaka in the Bossangoa

23 area?

24 A. [9:59:06] No, I did not receive any information about other localities. I only

25 received information relating to Bouca, Bowai and Bossangoa.

Trial Hearing

(Private Session)

ICC-01/14-01/18

WITNESS: CAR-OTP-P-2658

1 Q. [9:59:29] I would like to ask you more now on Dedane's trip to Bossangoa after
2 the Bowai attack, where he came back with weapons and ammunition. Do you
3 know if Dedane (Redacted) to Bossangoa on this occasion?

4 A. [10:00:06] (Redacted)
5 (Redacted)

6 Q. [10:00:19] And how did you know he brought back ammunition and weapons?

7 A. [10:00:38] (Redacted)
8 (Redacted). That was the purpose of his trip.

9 Q. [10:00:53] Do you know of any other chiefs that went to bring back ammunition?
10 You mentioned yesterday (Redacted), but maybe any other chief that went on trips to
11 bring back ammunition or weapons.

12 A. [10:01:21] No. (Redacted)
13 (Redacted). As regards the other chiefs, I really don't have any
14 information.

15 Q. [10:01:42] I would like to move now to my fourth topic, and that's the first attack
16 on Bossangoa.

17 Can you maybe explain which road you took to enter Bossangoa and attack that day.

18 A. [10:02:13] We took the Benzambe axis. We were about 12 kilometres from
19 Bossangoa that night. And then we moved in columns until the bridge, which was
20 about 5 kilometres away from Bossangoa. We spent the night there. At 4 o'clock in
21 the morning the attack of Bossangoa started. At the entrance there were fights that
22 took place. The Seleka were killed. (Redacted)
23 (Redacted). About 5 kilometres from
24 Bossangoa, we were moving in columns one by one and at the entrance of Bossangoa
25 the combats were fierce. That's how things happened.

Trial Hearing

(Private Session)

ICC-01/14-01/18

WITNESS: CAR-OTP-P-2658

1 Q. [10:03:13] And to your knowledge, which Anti-Balaka chiefs participated in this
2 attack?

3 A. [10:03:36] The Bossangoa attack, the chiefs who participated, there was
4 12 Puissances, Nambozouina, Corporal Dangba, (Redacted).
5 They were all chiefs. And also, of course, Dedane.

6 Q. [10:04:09] And did you hear if Dedane gave any instructions for this attack?

7 A. [10:04:35] No. When the order was given to attack, we were in columns
8 (Redacted). The chiefs were in the front, and the instructions that they gave to
9 the elements (Redacted)
10 (Redacted)

11 Q. [10:05:06] And I want to ask you, maybe you know, did Kema that you
12 mentioned yesterday, did he participate in this attack, to your knowledge?

13 A. [10:05:28] No, he didn't participate.

14 Q. [10:05:42] And do you remember approximately when this attack happened,
15 the date or -- the date (Redacted)?

16 A. [10:06:18] I don't remember the date. I don't even know when the Bossangoa
17 attack took place. I had no notion of dates, of time, of days.

18 PRESIDING JUDGE SCHMITT: [10:06:41] Well, Mr Witness, do you recall when
19 (Redacted) at what date this was?

20 THE WITNESS: [10:07:09](Interpretation) (Redacted) I think it might have
21 been the (Redacted)

22 There was the (Redacted)

23 (Redacted)

24 PRESIDING JUDGE SCHMITT: [10:07:38] So, Mr Witness, that -- that is why I'm
25 asking, because it is, as you said, (Redacted). So take this as

Trial Hearing

(Private Session)

ICC-01/14-01/18

WITNESS: CAR-OTP-P-2658

1 the starting point, so to speak, and try to go back, if you can, back to the past, so to
2 speak, and how -- how much earlier, just an estimate -- we know that you don't know
3 the exact date, but just an estimate, how much earlier might have been the Bossangoa
4 attack? How much days (Redacted)?

5 THE WITNESS: [10:08:39](Interpretation) I was with the Anti-Balaka at 4 o'clock
6 when the attack started. At the entrance of Kafa (phon), (Redacted)
7 (Redacted). I remember the hours. But the actual day (Redacted)
8 I don't know. But we -- to say that we entered on that day and that (Redacted) on
9 that particular day is something I really can't answer. I can't give you a date.

10 PRESIDING JUDGE SCHMITT: [10:09:15] So I have -- I have tried it. I think
11 we -- we should not insist further. The question is if we can discuss it in open
12 session.

13 MS GALUPA: [10:09:25] I was going to move towards (Redacted)
14 (Redacted) because he's discussed (Redacted)
15 (Redacted)

16 PRESIDING JUDGE SCHMITT: [10:09:41] Then continue in private session.

17 MS GALUPA: [10:09:44] Thank you, Mr President.

18 Q. [10:09:47] Mr Witness, I would like now to discuss my fifth topic, namely,
19 (Redacted)

20 First I would just like to ask you, do you have information on who led the attack on
21 (Redacted)

22 A. [10:10:35] As regards (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

Trial Hearing

(Private Session)

ICC-01/14-01/18

WITNESS: CAR-OTP-P-2658

1 (Redacted)

2 (Redacted)

3 (Redacted) is something I can't really say.

4 Q. [10:11:36] I want to talk to you about your time in (Redacted), and I would

5 like to show you some photos. I would like you to look at them and tell me whether

6 (Redacted) and also if you recognise

7 someone in these photos.

8 So maybe we can display tab 7, CAR-OTP-2079-1158.

9 PRESIDING JUDGE SCHMITT: [10:12:10] Is this really identifying when we put

10 the pictures to him? I don't think so. I think we could -- if we tell the witness

11 that -- you know, for example, if he says, yeah, it looked like that, so that's not

12 identifying.

13 MS GALUPA: [10:12:25](Overlapping speakers)

14 PRESIDING JUDGE SCHMITT: [10:12:26] If you ask him about certain persons, if he

15 knows them, that is, of course, a little bit more critical.

16 MS GALUPA: [10:12:32] Mr President, what I'm worried about is the fact that

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 PRESIDING JUDGE SCHMITT: [10:12:51] Okay, yeah, yeah. Then we leave it at

21 that. Convinced.

22 MS GALUPA: [10:13:04]

23 Q. [10:13:04] Mr Witness, you have now a picture in front of you. Have a look at

24 this one. I will ask for one or two pictures more. Maybe you can comment on them

25 at the end.

Trial Hearing

(Private Session)

ICC-01/14-01/18

WITNESS: CAR-OTP-P-2658

1 Can we also please display tab 9, CAR-OTP-2085-4492. Tab 10, CAR-OTP-2085-4562.

2 And tab 11, CAR-OTP-2085-4592.

3 Mr Witness, does this reflect (Redacted)?

4 A. [10:15:05] Yes. I even recognise some individuals on the photo. For example,

5 in the second photos I recognise (Redacted). The second photo wasn't very clear, but

6 I recognise (Redacted). So these photos (Redacted) at

7 that time.

8 Q. [10:15:38] Thank you. I would like to ask you about an individual called

9 (Redacted) In paragraph 169 you mention that you heard from (Redacted)

10 (Redacted). Do you remember who told you this?

11 A. [10:16:16] I know (Redacted). When I was (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 PRESIDING JUDGE SCHMITT: [10:16:55] And when we strike out the "of" in this

16 paragraph 169, in the English translation, we have a correct translation. Just

17 a remark by me, from the -- with comparison to the French translation. It's nothing

18 to worry about, but simply saying.

19 MS GALUPA: [10:17:16] Thank you.

20 Q. [10:17:16] And, Mr Witness, when you say you knew (Redacted)

21 (Redacted), can you give a bit more details what you knew about him.

22 A. [10:17:40] Yes, I can talk about (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

Trial Hearing

(Private Session)

ICC-01/14-01/18

WITNESS: CAR-OTP-P-2658

1 (Redacted)

2 (Redacted)

3 Q. [10:18:38] Mr Witness, I have a few last questions for you. You describe how

4 you were (Redacted)

5 (Redacted)

6 Do you maybe know when the (Redacted)?

7 A. [10:19:21] I don't know (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 Q. [10:20:10] I want to go back a bit, because you've mentioned you know -- you

13 knew (Redacted). Can

14 you maybe describe him physically, if you remember how he looked like.

15 A. [10:20:38] (Redacted) was big. (Redacted)

16 Q. [10:20:53] And last, I would like you -- I would like to ask you about (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 A. [10:21:32] Well, you know, the events were very hard to support. Thanks to

21 God, (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

Trial Hearing
WITNESS: CAR-OTP-P-2658

(Private Session)

ICC-01/14-01/18

1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted) That's all I can

5 say on that.

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

7 (Redacted)

8 (Redacted)

9 A. [10:23:41] (Redacted)

10 (Redacted)

11 Q. [10:24:05] (Redacted)

12 A. [10:24:47] (Redacted)

13 (Redacted)

14 Q. [10:25:07] Thank you very much, Mr Witness. I have no further questions for

15 you.

16 Mr President.

17 PRESIDING JUDGE SCHMITT: [10:25:10] Thank you very much.

18 Any questions by the representatives of the victims? Ms Rabesandratana first.

19 MS RABESANDRATANA: [10:25:21](Interpretation) Your Honour, we have no

20 questions.

21 PRESIDING JUDGE SCHMITT: [10:25:23] Mr Suprun.

22 MR SUPRUN: [10:25:25] I have no question for this witness, Mr President. Thank

23 you.

24 PRESIDING JUDGE SCHMITT: [10:25:28] Thank you very much.

25 So it is now time of the Defence. I would assume that Mr Knoops wants to start.

Trial Hearing

(Open Session)

ICC-01/14-01/18

WITNESS: CAR-OTP-P-2658

1 Would you prefer us to have a break now and perhaps -- well, your wife is nodding,

2 which could mean that this is a yes.

3 So perhaps then let's have the coffee break until 11. Is that -- is that fine with you?

4 MR KNOOPS: [10:25:55] Yes, Mr President. That gives us the time to reorganise

5 our questions.

6 PRESIDING JUDGE SCHMITT: [10:26:00] Or even -- or even -- even if you would

7 need a little bit more time, please tell us. You know that we are open for that.

8 MR KNOOPS: [10:26:07] No, 11 o'clock, Mr President. Thank you so much.

9 PRESIDING JUDGE SCHMITT: [10:26:11] 11 o'clock. 11 o'clock be it.

10 MR KNOOPS: [10:26:14] Yeah. Thank you.

11 THE COURT USHER: [10:26:14] All rise.

12 (Recess taken at 10.26 a.m.)

13 (Upon resuming in open session at 11.01 a.m.)

14 THE COURT USHER: [11:01:34] All rise.

15 Please be seated.

16 PRESIDING JUDGE SCHMITT: [11:01:56] So I think we will have then, Mr Knoops,

17 a session until 12.30, and from 2 o'clock until 3.30, so we have -- we are going to finish

18 a little bit earlier. So you have the floor, Mr Knoops.

19 MR KNOOPS: [11:02:13] Thank you, Mr President.

20 PRESIDING JUDGE SCHMITT: [11:02:14] Are we in open session?

21 Mr Knoops, do you think, Mr Knoops, we can stay in open session?

22 MR KNOOPS: [11:02:19] After my introduction to the witness, Mr President, we can

23 go to private session.

24 PRESIDING JUDGE SCHMITT: [11:02:23] Okay. You tell us.

25 MR KNOOPS: [11:02:27] Yes. Thank you.

Trial Hearing

(Private Session)

ICC-01/14-01/18

WITNESS: CAR-OTP-P-2658

1 QUESTIONED BY MR KNOOPS:

2 Q. [11:02:35] Good morning, sir. My name is Alexander Knoops. I'm one of
3 the lawyers of Mr Ngaïssona, and I will today and tomorrow putting questions to you.
4 I thank you so already for the cooperation.

5 My first set of questions will be dealt with, if possible, in closed session, *s'il vous plaît*.

6 PRESIDING JUDGE SCHMITT: [11:03:01] Private session.

7 * (Private session at 11.03 a.m.) Reclassified partially in public

8 THE COURT OFFICER: [11:03:18] We are in private session, Mr President.

9 MR KNOOPS: [11:03:28]

10 Q. [11:03:28] Mr Witness, can you recall that (Redacted)

11 (Redacted) was on a Friday?

12 A. [11:03:55] Yes, it was on a Friday.

13 Q. [11:03:59] And could it be correct that this was the (Redacted)

14 (Redacted) that (Redacted)?

15 A. [11:04:31] I repeat that it was on a Friday.

16 Q. [11:04:38] There is a person who claims to very well know you, and it happened
17 to be that we have a statement from this individual.

18 I will not display it for the witness, but for the Court it's (Redacted).

19 CAR-OTP-2111-0415, at page 0427. And it's paragraph 55. It's tab -- tab 1 of our
20 Defence binder. This portion is not to be shown yet to the witness because it
21 contains other information which we address later in our examination.

22 Mr Witness, this person who was interviewed by the Office of the Prosecution, and
23 who claims to be very familiar with you, has given a statement that (Redacted)
24 (Redacted)

25 Would you concede with me that (Redacted)

Trial Hearing

(Private Session)

ICC-01/14-01/18

WITNESS: CAR-OTP-P-2658

1 (Redacted)

2 A. [11:06:29] I no longer remember the date very well. All I know is that

3 (Redacted)

4 Q. [11:06:41] Thank you.

5 PRESIDING JUDGE SCHMITT: [11:06:42] Just shortly.

6 Mr Witness, that's okay. When you don't know, you can tell us you don't know, and
7 that's understandable after all these years.

8 Mr Knoops, please continue.

9 MR KNOOPS: [11:06:52] Yes.

10 Q. [11:06:52] Mr Witness, do you confirm that (Redacted)

11 (Redacted)

12 A. [11:07:21] That is correct.

13 Q. [11:07:23] And is it correct that it was (Redacted)

14 (Redacted)

15 A. [11:07:48] That is correct.

16 Q. [11:07:51] Can you remember it was on the (Redacted)

17 (Redacted)

18 A. [11:08:22] I did not give (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 Q. [11:08:53] Can you confirm that the day you gave (Redacted)

23 (Redacted)

24 A. [11:09:18] Yes, that's true.

25 MR KNOOPS: [11:09:24] Mr President, for the Chamber, we would like to introduce

Trial Hearing

(Private Session)

ICC-01/14-01/18

WITNESS: CAR-OTP-P-2658

1 tab 2 of our Defence binder. And I will put the question after referring tab 2 to

2 the witness.

3 It's CAR-OTP-2112-1513. And I ask the attention of the Chamber between rows 1151

4 till row 1566, which shows that, as of (Redacted)

5 between the number the witness gave in his statement of the phone of (Redacted),

6 and that ends with (Redacted) number, and the number of (Redacted), the number

7 which allegedly is attributed to him in the BTM ending with (Redacted), the Chamber

8 will see that (Redacted) there were various

9 contacts established.

10 Q. [11:11:14] Now, Mr Witness, you agree with us that (Redacted)

11 (Redacted)

12 (Redacted)

13 A. [11:11:57] No, (Redacted) did not have a conversation with him.

14 Q. [11:12:13] But (Redacted) did have (Redacted) was in touch

15 with him, according to these records. And you told -- just told us that you

16 (Redacted)

17 A. [11:12:39] That is correct.

18 Q. [11:12:44] So you would agree that if those phone calls have started, those

19 contacts have started been (Redacted)

20 (Redacted)

21 PRESIDING JUDGE SCHMITT: [11:13:12] Ms -- yeah.

22 MS GALUPA: [11:13:13] Mr President, I would object to that question because

23 the witness already said he didn't know (Redacted). And it's also

24 misleading to put this to the witness in the (Redacted)

25 (Redacted) It may be just this contact

Trial Hearing

(Private Session)

ICC-01/14-01/18

WITNESS: CAR-OTP-P-2658

1 between this number and this number.

2 PRESIDING JUDGE SCHMITT: [11:13:34] So what we have here is a lot of (Redacted)

3 at the end, were a lot of telephone calls.

4 I understand it's (Redacted); is that correct, Mr Knoops? It is (Redacted)

5 number, if I understand it.

6 MR KNOOPS: [11:13:50] Well, these numbers are taken from the statement of

7 the witness. The witness --

8 PRESIDING JUDGE SCHMITT: [11:13:56] No, no, I agree with you. You

9 established that. This -- with the ending (Redacted) but is this a mobile number or ...

10 Mr Witness, was this -- is this number that has at the end the three digits (Redacted) is

11 this a number that -- of a mobile phone, for example, of (Redacted)? Or is it

12 another number?

13 THE WITNESS: [11:14:34](Interpretation) That is the number of (Redacted) mobile

14 phone.

15 PRESIDING JUDGE SCHMITT: [11:14:39] So then I think we have simply to, Mr

16 Knoops, like I always tend to say, we have to draw our own conclusions. The witness

17 has said he doesn't -- he simply doesn't know if it was (Redacted) or whatsoever.

18 MR KNOOPS: [11:14:53] No, Mr President, if the Chamber looks at paragraph 56 of

19 the statement of the witness, it's quite clear how the contacts between (Redacted)

20 (Redacted) were established through the mobile phone.

21 PRESIDING JUDGE SCHMITT: [11:15:07] Okay.

22 MR KNOOPS: [11:15:08] Yeah. My point is, Mr President, and it's not misleading

23 or any way distorting or repeating the question. We simply want to establish with

24 the refreshment of the memory of the witness that it was (Redacted). And based on

25 the phone records, the witness said it was on (Redacted). He testified that he gave

Trial Hearing
WITNESS: CAR-OTP-P-2658

(Private Session)

ICC-01/14-01/18

1 on the (Redacted). And then my question

2 is if the witness agrees that the most logical conclusion is indeed that (Redacted)

3 (Redacted). It's a simple question.

4 PRESIDING JUDGE SCHMITT: [11:15:50] Yeah. But nevertheless, Mr Knoops,

5 these are a lot of indicia that you put together that point to -- might point to

6 (Redacted) but the witness has simply said he doesn't recall.

7 MR KNOOPS: [11:16:01] Okay.

8 PRESIDING JUDGE SCHMITT: [11:16:01] So -- but you have made your point, so to

9 speak. Please continue.

10 MR KNOOPS: [11:16:06]

11 Q. [11:16:06] Mr Witness, would you agree that (Redacted) took place on the day or

12 the day after the (Redacted) attack?

13 A. [11:16:35] Yes. When (Redacted), it was after the attack on Benzambe. I do

14 not know whether it had been the same day or it was several days afterwards, but I

15 know that they had already finished with the Benzambe attack before (Redacted).

16 Q. [11:17:06] Thank you, sir. Now, after having established that the phone contact

17 between (Redacted)

18 (Redacted)

19 (Redacted) and that Mr Dedane went on several trips

20 to Bossangoa.

21 And this morning you testified that the first trip of Mr Dedane to Bossangoa was

22 (Redacted)

23 You testified this morning the second trip, two days later. (Redacted)

24 (Redacted). And a third trip four days thereafter. (Redacted)

25 (Redacted)

Trial Hearing

(Private Session)

ICC-01/14-01/18

WITNESS: CAR-OTP-P-2658

1 My question to you, sir, is: How much time did Mr Dedane stay each of those trips
2 in Bossangoa, exclusive the travel? Approximately.

3 A. [11:19:05] He would stay there -- well, normally he would return in the evening
4 of the same day.

5 Q. [11:19:29] Any one of those trips did Mr Dedane stay longer in Bossangoa than
6 one day?

7 A. [11:20:01] The last trip that he made, he spent more than one day there.

8 Q. [11:20:18] In your statement, paragraph 116, you told the investigators of
9 the Office of the Prosecution that "Dedane left us there and went to Bossangoa for
10 3 days." So which trip was this? The first, second or the third?

11 A. [11:20:59] No, he returned and it was three days later that he went back again.
12 That is what I said.

13 Q. [11:21:13] This statement, Mr Witness, which you didn't correct, by the way, not
14 last week, not yesterday when the Judge went through the statement with you, clearly
15 says that Mr Dedane went to Bossangoa for -- for three days, not that he returned
16 after three days. So what is your evidence today? That you gave a statement which
17 is not correct, or that your statement today is not correct?

18 A. [11:22:03] The first trip, well, he returned in the evening. For the second trip,
19 when he went back (Redacted), he spent four days there. And in his third trip he
20 spent three days before we went to Bossangoa.

21 Q. [11:22:37] So you would agree with me, Mr Witness, that in total Mr Dedane,
22 according to your calculation, spent, (Redacted), almost two weeks in Bossangoa,
23 based on all those three trips (Redacted)?

24 PRESIDING JUDGE SCHMITT: [11:23:16] Ms Galupa.

25 MS GALUPA: [11:23:17] I'm sorry, Mr President, but the witness already -- was

Trial Hearing

(Private Session)

ICC-01/14-01/18

WITNESS: CAR-OTP-P-2658

1 already asked about this. He already answered. And also, moreover, I think
2 according to my calculation, it doesn't amount to two weeks.
3 PRESIDING JUDGE SCHMITT: [11:23:29] Also to my -- always trying to say
4 *iudex non calculat*, but even for me, it does not add up to two weeks. But I think
5 the witness has answered it, Mr Knoops. We have it -- we have everything on
6 the record, we have your documents on the record and we have to analyse it anyway.
7 Please continue.

8 MR KNOOPS: [11:23:51]

9 Q. [11:23:52] Your testimony is that Mr Dedane went for three trips (Redacted)
10 (Redacted) to Bossangoa. At that time, you would agree with me that Bossangoa
11 was held by the Seleka, correct?

12 A. [11:24:31] That is true.

13 Q. [11:24:32] So my first question to you is, did Mr Dedane, when he went for
14 the first trip to Bossangoa (Redacted), did he go by himself to
15 Bossangoa or was he --

16 A. [11:25:10] (No interpretation)

17 PRESIDING JUDGE SCHMITT: [11:25:12] I think there was an answer by
18 the witness, but it has not been interpreted.

19 Mr Witness, please be so kind and repeat your answer. The interpreters did not get
20 it. Thank you.

21 THE WITNESS: [11:25:35](Interpretation) No, he was not alone. He was
22 accompanied by other elements.

23 MR KNOOPS: [11:25:44]

24 Q. [11:25:44] And did those elements of Mr Dedane go by foot to Bossangoa?

25 A. [11:26:06] Yes. All the trips to Bossangoa were made on foot.

Trial Hearing

(Private Session)

ICC-01/14-01/18

WITNESS: CAR-OTP-P-2658

1 Q. [11:26:21] Mr Witness, can you explain the Chamber why Mr Dedane went by
2 foot to get ammunitions and weapons which the elements didn't have to Bossangoa
3 where the enemy was located? Why would Dedane do such a thing, without
4 weapons and ammunition, going to Bossangoa three times, where the enemy was
5 located, to get their weapons and ammunition? Why would he do that?

6 A. [11:27:28] Yes, of course there were enemies there. If he was not afraid of those
7 enemies, he would have gone on the motorbike. But he went through the bush, so
8 they went on foot. There were several motorcycles at that time. (Redacted) had
9 several motorcycles. But with other people (Redacted) were aware that there were
10 enemies in Bossangoa, and it is for that reason that they went there on foot. It was
11 out of an abundance of caution.

12 Q. [11:28:30] When Mr Dedane went to Bossangoa, (Redacted)?

13 A. [11:28:50] When he travelled to Bossangoa, (Redacted)
14 (Redacted) before all his trips.

15 Q. [11:29:14] The location (Redacted)
16 (Redacted), can you tell us about the location.

17 A. [11:29:46] It was in Gbonguere centre.

18 Q. [11:29:53] Do you refer to the city of Gbonguere?

19 A. [11:30:30] Yes, indeed it was in Gbonguere town. We spent a lot of time there.

20 Q. [11:30:41] Can you give us a description of the location where you were
21 (Redacted) in Gbonguere city, Gbonguere town, (Redacted)
22 (Redacted)

23 A. [11:31:18] In Gbonguere, I was (Redacted)
24 (Redacted). That is where he was located. (Redacted)
25 (Redacted)

Trial Hearing

(Private Session)

ICC-01/14-01/18

WITNESS: CAR-OTP-P-2658

1 PRESIDING JUDGE SCHMITT: [11:31:42] A remark by me, Mr Knoops. According
2 to the OTP summary of the expected testimony, the trips to Bossangoa could be
3 discussed, perhaps, in open session. But, of course, when you ask him (Redacted)
4 (Redacted), it's -- it's a little bit critical.

5 MR KNOOPS: [11:31:57] Yeah.

6 PRESIDING JUDGE SCHMITT: [11:31:57] So perhaps -- simply, Mr Knoops, keep
7 that in mind and we trust your experience on that, yeah.

8 MR KNOOPS: [11:32:04] Thank you, Mr President.

9 PRESIDING JUDGE SCHMITT: [11:32:05] Good.

10 MR KNOOPS: [11:32:09]

11 Q. [11:32:09] But my question, sir, is precisely which location in Gbonguere town
12 did you stay (Redacted)

13 (Redacted)

14 A. [11:32:53] We were just alongside the road, because we were the Anti-Balaka, so
15 we were along the road.

16 Q. [11:33:08] And how did you spend the nights along the road? In the open
17 fields, in a tent, in a house, whatever?

18 A. [11:33:35] The night -- during the night we slept on a bed of leaves, we put
19 leaves on the ground and we slept there. (Redacted)

20 (Redacted)

21 Q. [11:33:59] (Redacted)

22 (Redacted)

23 (Redacted)

24 A. [11:34:38] When I was sleeping, (Redacted)

25 (Redacted)

Trial Hearing

(Private Session)

ICC-01/14-01/18

WITNESS: CAR-OTP-P-2658

1 Q. [11:34:50] Can you give us his name.

2 A. [11:35:02] His name was (Redacted)

3 Q. [11:35:08] You qualified him yesterday as (Redacted)

4 (Redacted)

5 PRESIDING JUDGE SCHMITT: [11:35:17] That might not be a huge difference, but,

6 yeah, let him answer.

7 So what -- in your understanding, this (Redacted), what was his role, what was his

8 function?

9 THE WITNESS: [11:35:43](Interpretation) (Redacted)

10 (Redacted)

11 (Redacted)

12 PRESIDING JUDGE SCHMITT: [11:35:58] So two persons with the same name, do

13 we understand that correctly?

14 THE WITNESS: [11:36:13](Interpretation) No. (Redacted)

15 (Redacted)

16 (Redacted)

17 PRESIDING JUDGE SCHMITT: [11:36:28] Thank you for that clarification. That

18 was a misunderstanding by me.

19 Mr Knoops, please continue.

20 MR KNOOPS: [11:36:35]

21 Q. [11:36:36] So, sir, if I correct your statement well today, you -- you slept

22 (Redacted)

23 (Redacted)

24 you slept alongside the road nearby Gbonguere town (Redacted).

25 Is that a correct reflection of your testimony today?

Trial Hearing

(Private Session)

ICC-01/14-01/18

WITNESS: CAR-OTP-P-2658

1 PRESIDING JUDGE SCHMITT: [11:38:18] Mr Witness, did you hear the question of

2 Mr Knoops?

3 THE WITNESS: [11:38:31](Interpretation) Yes, I heard the question.

4 PRESIDING JUDGE SCHMITT: [11:38:34] Perhaps I can rephrase it a little bit.

5 So when (Redacted)

6 (Redacted)

7 (Redacted)? This was the question of Mr Knoops. It was

8 the same place, or was it another place?

9 THE WITNESS: [11:39:17](Interpretation) (Redacted)

10 (Redacted)

11 (Redacted)

12 PRESIDING JUDGE SCHMITT: [11:39:30] Well, thank you for that clarification.

13 Mr Knoops.

14 MR KNOOPS: [11:39:34]

15 Q. [11:39:34] Mr Witness, why didn't you mention in your statement, nor during

16 the evidence yesterday, that you (Redacted) stayed in Gbonguere town? You never

17 mentioned this before in your statement or your evidence, that you (Redacted)

18 (Redacted) slept in the open field, alongside

19 a road.

20 PRESIDING JUDGE SCHMITT: [11:40:11] Well, alongside the road, yeah. Not in

21 the open field.

22 Ms Galupa.

23 MS GALUPA: [11:40:19] I just want to mention that he did say (Redacted)

24 (Redacted). I don't think he went into details, but it's not that he didn't mention

25 it.

Trial Hearing

(Private Session)

ICC-01/14-01/18

WITNESS: CAR-OTP-P-2658

1 PRESIDING JUDGE SCHMITT: [11:40:28] Yeah. It's also the question how
2 important it was for the witness. But I -- I think there's nothing objectionable to
3 the question as such.

4 So, Mr Witness, the question was, this is, of course, a detail that you mentioned today,
5 you didn't mention it yesterday or in your statement, is there any specific reason for
6 that, or simply you thought -- you had forgotten it, or you thought it was not
7 important enough?

8 THE WITNESS: [11:41:17](Interpretation) No, they -- I wasn't asked about it, as I
9 wasn't given any question on that particular point.

10 PRESIDING JUDGE SCHMITT: [11:41:24] Thank you.

11 MR KNOOPS: [11:41:30]

12 Q. [11:41:30] Finally, Mr Witness, on this topic, you have any idea about the
13 distance between Gobéré and Bossangoa to make such a trip on foot?

14 A. [11:42:09] Benzambe-Bossangoa, I think it's about 42 kilometres in distance. If
15 you're talking of Gbonguere to Benzambe, I estimate the distance to be 12 kilometres.
16 If you subtract 12 from 42, you probably get a rough idea.

17 But all these different localities (Redacted)

18 (Redacted)

19 (Redacted) I think it was roughly about 35 kilometres.

20 Q. [11:43:01] Thank you. Now, Mr Witness, still on (Redacted). I would like to
21 take you to your evidence yesterday. It was your evidence that, (Redacted)

22 (Redacted)

23 (Redacted)

24 That was in the transcript, English real-time, page 32, lines 1 till 9.

25 Yet in your version you gave yesterday to the Court, based on the amended statement,

Trial Hearing

(Private Session)

ICC-01/14-01/18

WITNESS: CAR-OTP-P-2658

1 the modifications you made, paragraph 34, you indicated that Benzambe was already
2 taken (Redacted), as you claimed that the Anti-Balaka already had dealt with
3 the Seleka in Benzambe. You introduced the word, in paragraph 34 of your
4 amended statement, the word *déjà*, the French word *déjà*.

5 So can you please us, Mr Witness, to the Court, what is now the correct version of
6 the events. Because you would agree with me that these are quite contradicting
7 statements. You first say yesterday that you (Redacted).

8 And the Prosecution even asked you whether (Redacted).

9 And you didn't respond to that question, by the way. But in your modified
10 statement, you say that Benzambe was already taken by the Anti-Balaka
11 (Redacted)

12 So which version is the truth, sir?

13 PRESIDING JUDGE SCHMITT: [11:46:25] Well, what is -- what is the contradiction
14 here? Can you explain it. I don't -- I don't see it, actually.

15 MR KNOOPS: [11:46:34] The contradiction, Mr President, is that in the statement of
16 the witness, he says that (Redacted)

17 PRESIDING JUDGE SCHMITT: [11:46:48] In (Redacted)

18 MR KNOOPS: [11:46:51] -- in (Redacted). While in his modified statement,
19 paragraph 38, he says that, (Redacted), Benzambe was already taken, *déjà*.

20 PRESIDING JUDGE SCHMITT: [11:47:04] Well, okay, so still I'm struggling a little
21 bit, because what has the fact or not fact that Benzambe was already taken to do with
22 (Redacted) So I -- I -- I think it's a little bit confusing for the -- for

23 the witness. Perhaps if you allow me, Mr Knoops.

24 Mr Witness, you have heard that. So you (Redacted) that you spoke about
25 where? Can you please repeat it for the Court, to make it absolutely clear.

Trial Hearing

(Private Session)

ICC-01/14-01/18

WITNESS: CAR-OTP-P-2658

1 THE WITNESS: [11:47:55](Interpretation) I (Redacted)

2 PRESIDING JUDGE SCHMITT: [11:48:00] And is it correct, like you stated and

3 corrected yourself in this paragraph 34, that at the time (Redacted)

4 (Redacted) the town was already taken by the Anti-Balaka? Is this correct?

5 THE WITNESS: [11:48:26](Interpretation) Yes, that is correct. The Anti-Balaka had

6 already taken control of the town. (Redacted)

7 (Redacted)

8 PRESIDING JUDGE SCHMITT: [11:48:44] And since Mr Knoops mentioned it, was

9 (Redacted)

10 THE WITNESS: [11:49:05](Interpretation) No, there was no (Redacted).

11 PRESIDING JUDGE SCHMITT: [11:49:10] Thank you, Mr Witness.

12 When you're asking so many details, this is simply to -- that we -- that the parties here

13 understand everything, so please don't be upset about that. And if you don't recall

14 anything, like always, please -- please tell us.

15 Mr Knoops, please continue.

16 MR KNOOPS: [11:49:33] Thank you, Mr President.

17 Q. [11:49:36] Mr Witness, could you give the Court a description of Gobéré,

18 the place you mentioned several times.

19 A. [11:50:19] I was -- I was talking of Gbonguere.

20 Q. [11:50:27] The question is now if you could give the Court a description of

21 Gobéré.

22 A. [11:50:58] Gobéré is a place in the bush. There was some rare caves there and

23 you can see very far because there was a way of doing it. There was laterite.

24 PRESIDING JUDGE SCHMITT: [11:51:50] Well, what was -- you know, Mr Witness,

25 that -- simply that we who have not been there, we can picture it ourselves in our

Trial Hearing

(Private Session)

ICC-01/14-01/18

WITNESS: CAR-OTP-P-2658

1 imagination. Was it more a town, a village, or what was it? Were there many
2 houses, let's say? Do you understand what I mean? So that we have a picture in
3 our minds and we can follow it.

4 THE WITNESS: [11:52:29](Interpretation) No. Gobéré is in the bush with some
5 very few sparse huts. And I said there was a laterite everywhere and you could see
6 a distance. It wasn't a town, but a village rather.

7 PRESIDING JUDGE SCHMITT: [11:52:53] Thank you.

8 Mr Knoops.

9 MR KNOOPS: [11:52:59]

10 Q. [11:52:59] Were there civilians living in the Gobéré area?

11 A. [11:53:19] When we were there, there were no civilians. I didn't see any
12 civilians when I was there. There were only the Anti-Balaka over there.

13 Q. [11:53:43] Can you describe Gobéré as a mountainous area? Would you agree
14 with me that Gobéré is in a mountainous area?

15 A. [11:54:04] Yes, there are no mountains or hills in Gobéré. There were only
16 a few huts. It is really in the bush, as I've already said. And there was laterite, so
17 you could see really at a great distance. That's what I saw. No, there's no
18 mountains or hills.

19 Q. [11:54:34] Mr Witness, yesterday you presented the Court, the Court a sketch of
20 Gobéré where, according to your information, Gobéré is located.
21 That's CAR-REG-0001-0007, maybe the Court could be so kind to display it again.

22 So, Mr Witness, you have situated Gobéré on the west side of Benzambe. You agree?

23 A. [11:56:02] That is correct.

24 Q. [11:56:04] And it was your evidence that it was 20 -- 22 kilometres to the west of
25 Gbonguere. You've written --

Trial Hearing

(Private Session)

ICC-01/14-01/18

WITNESS: CAR-OTP-P-2658

1 A. (Overlapping speakers)

2 PRESIDING JUDGE SCHMITT: [11:56:41] Please answer, Mr Witness. Continue,
3 please.

4 THE WITNESS: [11:56:57](Interpretation) I didn't know Gobéré (Redacted).

5 When I talked about 22 kilometres, it was only an estimate. (Redacted)

6 (Redacted) to arrive at Gobéré. Yesterday in the sketch I showed
7 you the different places which are in that area.

8 PRESIDING JUDGE SCHMITT: [11:57:29] And if I may say so, perhaps it's my
9 mistake, but on the sketch it seems to be that Gobéré -- the witness situates Gobéré
10 more to the east, or am I wrong here?

11 MR KNOOPS: [11:57:46] No, Mr President, all due respect --

12 PRESIDING JUDGE SCHMITT: Yeah, yeah, yeah, I'm asking --

13 MR KNOOPS: [11:57:48] -- that's -- that's wrong.

14 May I ask, because that is in line with my questioning, if the Court would be so kind
15 to look at tab 6 of our Defence binder, and also tab 7. It's CAR-D30-0011-0001.

16 If you would portray the sketch of the witness geographically onto this map, you will
17 see Gbonguere, from Bossangoa you see the road to Gbonguere. But you see
18 a crossing just above Bossangoa, the left road to Lere, up to Nana-Bakassa. And
19 that's to be found on tab 7, CAR-D30-0011-0006. You see the same map, but then
20 you see, from the crossing at Gbaton, just above Bossangoa, you see the crossing
21 the right road to Gbonguere and the left road to Lere up to Nana-Bakassa.

22 Now if your Honours would look at the sketch of the witness, it portrays the same
23 crossing at 5 kilometres above Bossangoa. You see in the sketch the left cross from
24 Lere to Nana-Bakassa, and you see at the *croisement* Tamkoro at 5 kilometres, you see
25 that the witness has drawn a straight line to Bodora, Gbonguere to Benzambe, and

Trial Hearing

(Private Session)

ICC-01/14-01/18

WITNESS: CAR-OTP-P-2658

1 the Gobéré sight is drawn by the witness to the left from Benzambe, so that's west,
2 taking Benzambe as the north arrow.

3 And this matches with the tab 6 and 7 we just displayed. So that's why we say that
4 the witness did situate Gobéré to the west of Gbonguere.

5 PRESIDING JUDGE SCHMITT: [12:00:55] Well, okay, so we will figure that out.

6 This is not so easy. We have to, of course, put it together with the two maps that you
7 showed us. And yeah, please move on from there.

8 MR KNOOPS: [12:01:08] Yeah.

9 By the way, I just kind of note that the transcript is not clear as to whether Mr Witness
10 said there were caves in Gobéré. And maybe we can ask him to clarify (Overlapping
11 speakers)

12 PRESIDING JUDGE SCHMITT: [12:01:30] That is a -- that's a good point, Mr Knoops.
13 Please ask him.

14 MR KNOOPS: [12:01:36]

15 Q. [12:01:36] Mr Witness, before I come back to my geographical question, is it
16 correct that you just mentioned that at Gobéré you say there were caves. Did we
17 understand your answer correctly, caves?

18 A. [12:02:16] No, there were no caves in Gobéré.

19 Q. [12:02:24] Okay, thank you.

20 Now, Mr Witness, coming back to the drawing you make -- you have made, if anyone
21 would say to you that the location of Gobéré would not be at the west side of
22 Gbonguere, as you situated it on the sketch, but on the east side, 20 or more

23 kilometres to the east side of Gbonguere, what would you say to such a proposition?

24 PRESIDING JUDGE SCHMITT: [12:03:26] Well, now we have to go back to -- please
25 show the witness the map that he drew again, please.

Trial Hearing

(Private Session)

ICC-01/14-01/18

WITNESS: CAR-OTP-P-2658

1 Thank you.

2 So, Mr Witness, please be so kind and tell us where on this map is north?

3 Ms Galupa.

4 MS GALUPA: [12:04:23] Mr President, if it's a question --

5 THE WITNESS: [12:04:28](No interpretation)

6 PRESIDING JUDGE SCHMITT: [12:04:32] I understood north is Benzambe, yeah?

7 Again, where is north, Mr Witness? We did not get an interpretation here.

8 THE WITNESS: [12:04:49](No interpretation)

9 MS GALUPA: [12:04:53] Mr President --

10 PRESIDING JUDGE SCHMITT: [12:04:54] Well, it doesn't help, Ms Galupa, if

11 everybody talks and we have no interpretation. So I would first want to know, and I

12 have asked the witness a question, where is north on this map, in his understanding

13 where is south, where is west and where is east.

14 Mr Witness, you -- Yeah.

15 THE WITNESS: [12:05:26](Interpretation) The town which is located -- well,

16 the town that is located in the north is Nana-Bakassa, east is Benzambe, west is

17 the Tamkoro, the Tamkoro junction. That is what you should understand.

18 PRESIDING JUDGE SCHMITT: [12:05:59] So thank you very much. And then I ask

19 myself, but perhaps I'm intellectually incapable of understanding it, if not Gobéré is

20 situated north -- to the north-east of Gbonguere by the witness? But we

21 have -- simply I think we -- we can stop that. We are -- first of all, we are not here

22 to -- to make geographical exercises with the witness, meaning that -- that he -- he is

23 not a cartographer. And secondly, we have his sketch and we have also

24 the -- the maps presented by the Defence. I think we can leave this area.

25 Ms Galupa.

Trial Hearing

(Private Session)

ICC-01/14-01/18

WITNESS: CAR-OTP-P-2658

1 MS GALUPA: [12:06:36] Mr President, what I was going to say before is, if it's an
2 issue of north, or presenting Gobéré on a map, maybe we can show him the map and
3 he can see the map as it is presented in tab 6 or 7 of the Defence binder. And then on
4 that map, as he orients himself on there -- (Overlapping speakers)

5 PRESIDING JUDGE SCHMITT: [12:06:55] That's a good idea.

6 MS GALUPA: [12:06:57](Overlapping speakers) -- he can show --

7 PRESIDING JUDGE SCHMITT: [12:06:58](Overlapping speakers) That's a good area
8 and we are going to do that. That's a very good idea.

9 But nevertheless, first of all, I wanted to have an answer on my question before I gave
10 you the floor.

11 So please pull up CAR-D30-0011-0001 for the witness.

12 I think we have to enlarge it quite a bit for the witness. Stop. Perhaps a little bit
13 more now. Perhaps let's leave it at that.

14 So, Mr Witness, you see that at the bottom, in the centre, there is Bossangoa. And
15 when you go a little bit to the -- yeah, to the -- a little bit to the east, north-east you see
16 Gbonguere. Do you see -- can you see Gbonguere, Mr Witness? By yourself, do
17 you see it? You know, it goes from Gbaton, Bongam, Poussende, Bogouna, Gbagara.
18 Now you see Gbonguere there. And Bolangba -- it continues Bolangba, Doualem.
19 Please tell us if you have it.

20 THE WITNESS: [12:08:29](Interpretation) Yes, I can see Gbonguere.

21 PRESIDING JUDGE SCHMITT: [12:08:32] So -- and now perhaps we have to make it
22 a little bit smaller again so that the witness can tell us where it might -- thank you.

23 And now could you tell us where you would locate Gobéré, in your recollection?

24 I understand, Mr Knoops, it's not -- it's not mentioned on the map.

25 So, Mr Witness, it's a little bit difficult, perhaps, but can you try to -- to tell us where,

Trial Hearing

(Private Session)

ICC-01/14-01/18

WITNESS: CAR-OTP-P-2658

1 if you look at Gbonguere, to which direction and where Gobéré would be situated,
2 roughly.

3 THE WITNESS: [12:09:30](Interpretation) Gobéré is not in those small localities. It
4 is, rather, located in the east. Rather, towards the east.

5 PRESIDING JUDGE SCHMITT: [12:09:57] Any -- any, Mr Witness - very difficult
6 question, I understand - any of these locations that are mentioned on this map that
7 would come relatively close to Gobéré, if you see it?

8 THE WITNESS: [12:10:29](Interpretation) The closest locality, well, because we took
9 paths inside the bushes, so the closest locality would be Benzambe. We used
10 the paths in the bushes.

11 PRESIDING JUDGE SCHMITT: [12:10:56] Okay, I think we don't get it.
12 Thank you very much, Mr Witness.

13 I think we don't get it in more detail. And, Mr Knoops, we have all
14 the -- the evidence on the table, so to speak. Please move on.

15 MR KNOOPS: [12:11:09] Yes.
16 If it's --

17 PRESIDING JUDGE SCHMITT: [12:11:14] And by the way, of course we could have
18 discussed this in open session, but I don't know what you're continuing with. We
19 keep that in mind, when we have a possibility to go to open session, that we can do
20 that.

21 MR KNOOPS: [12:11:28] Yeah.

22 Mr President, just for the Chamber to be conscious that the -- the sketch made by
23 the witness introduced into evidence, if you portray this on this map, the witness
24 indeed situates Gobéré to the west. Okay.

25 PRESIDING JUDGE SCHMITT: [12:11:56] Okay. Thank you.

Trial Hearing

(Private Session)

ICC-01/14-01/18

WITNESS: CAR-OTP-P-2658

1 MR KNOOPS: [12:11:57] We simply -- and we have also information to support it,
2 but that's something for the submissions, of course.

3 Q. [12:12:06] Now, Mr Witness, you did say that Gobéré, if I understand your
4 evidence correctly, is not a mountainous area. You stand by that statement?

5 A. [12:12:57] Yes, I stand by that.

6 Q. [12:13:03] One of the Prosecution witnesses who were interviewed in this case
7 did describe the area of Gobéré as a mountainous area.

8 And that's, for the Court, P-0966. CAR-OTP-2031-0241-R03 at 0245, paragraph 26.

9 So that suggests a different area, as you just described, as belonging to Gobéré.

10 What would be your comment to this statement of this witness?

11 A. [12:14:27] No, no vehicle could reach that location. Because it was a practically
12 forest area, no -- and then the savannah. There are no roads. So no vehicle could
13 access that area.

14 Q. [12:14:54] My question, Mr Witness, is there was a Prosecution witness who was
15 in Gobéré --

16 PRESIDING JUDGE SCHMITT: [12:15:07] Who said he -- who said he was in
17 Gobéré.

18 MR KNOOPS: [12:15:09]

19 Q. [12:15:09] Who said he was in Gobéré and described the area as "mountainous",
20 there were mountains, and therefore Mr Dedane didn't need to travel every day
21 22 kilometres to a hill to make phone calls. And therefore we suggest to you that
22 you were not in Gobéré, the place which actually was Gobéré. So what would you
23 say to this suggestion?

24 A. [12:16:06] Well, each person has their own point of view. Gobéré is an open
25 area. There are streams there. And in Gobéré I did not see any hills. That is what

Trial Hearing

(Private Session)

ICC-01/14-01/18

WITNESS: CAR-OTP-P-2658

1 I experienced and that is the account that I'm giving to you now.

2 Q. [12:16:34] Mr Witness, we put to you that you were not in the area which is
3 supposed to be Gobéré where the Anti-Balaka were supposedly assembled. And we
4 put to you tab 22 of our Defence binder, CAR-OTP-2101-0054, which is a drawing
5 made by the Prosecution witness 0958.

6 And if you look at this map, this witness was -- who claimed to be in Gobéré, to use
7 the words of the Presiding Judge, situates Gobéré at a totally different site as you
8 have pointed in your sketch, namely not between Nana-Bakassa and Benzambe, in
9 a triangle there, but 180 degrees differently.

10 And maybe we can show. There you see that the witness in red has encircled
11 the name "Gobéré".

12 A little bit up, *s'il vous plaît*.

13 While the witness in his sketch has situated Gobéré in the line between Benzambe and
14 Nana-Bakassa.

15 PRESIDING JUDGE SCHMITT: [12:18:36] So, Mr Witness, you see this -- this map
16 and where the other witness has, with his handwriting, located Gobéré. To your
17 understanding, is this correct what the other witness said, or would you situate it
18 where you said? Or don't you see any difference here?

19 THE WITNESS: [12:19:19](Interpretation) Well, the person who located Gobéré to
20 you on this map, maybe he went there on foot. But I located the -- the town to you,
21 the place to you (Redacted) based on what I saw (Redacted).

22 PRESIDING JUDGE SCHMITT: [12:19:41] Okay. Thank you.

23 MR KNOOPS: [12:19:45]

24 Q. [12:19:45] Mr Witness, we put to you that you were not (Redacted) in Gobéré,
25 and we'd like to confront you with a Prosecution witness. That's the witness

Trial Hearing

(Private Session)

ICC-01/14-01/18

WITNESS: CAR-OTP-P-2658

1 statement of P-2251. CAR-OTP-2093-0045-R01 at 0077, paragraph 210.

2 PRESIDING JUDGE SCHMITT: [12:20:35] Can we have the tab number.

3 Ms Galupa, what's the matter?

4 MS GALUPA: [12:20:39] I was going to say Mr Knoops can put the proposition to
5 the witness if he wants, but not the statement of another witness. He can just
6 formulate it in a sense of a proposition, he doesn't need to refer to other Prosecution
7 witnesses.

8 PRESIDING JUDGE SCHMITT: [12:20:53] Well he -- he must not, but he can -- he
9 can say that this -- another witness said this and if there are any -- I would -- I would
10 want to look at it. Where is it, Mr Knoops, before I decide on that.

11 MR KNOOPS: [12:21:08] It's not in a tab, Mr President, but I think this discussion
12 has been -- been ongoing.

13 PRESIDING JUDGE SCHMITT: [12:21:13] Then please -- please quote from
14 the witness statement and we will -- we will continue from there.

15 So this witness, Mr Witness, has said the following. And please listen to it and then
16 you can comment if you think this is right or this is wrong. That's up to you.

17 MR KNOOPS: [12:21:36]

18 Q. [12:21:37] Sir, there is a Prosecution witness who in his statement, paragraph 210,
19 in the second sentence: "[Mr Dedane] was an Anti-Balaka chief. [He] worked and
20 slept in the same area as Lebene, Andjilo and Kems."

21 PRESIDING JUDGE SCHMITT: [12:22:18] No the second sentence actually is "He
22 was also at Ngobéré".

23 And what was the question, Mr Knoops?

24 MR KNOOPS:

25 Q. [12:22:36] The question to you, Mr Witness, is whether you still stand by your

Trial Hearing

(Private Session)

ICC-01/14-01/18

WITNESS: CAR-OTP-P-2658

1 statement that Mr Dedane was not in Gobéré at all times and had to leave Gobéré to
2 Gbonguere to make phone calls?

3 PRESIDING JUDGE SCHMITT: [12:22:58] Again, there is no discrepancy between
4 210 and what the witness said. This witness that you put to him said he was also at
5 Gobéré. It doesn't tell us anything when and why and how long and if he left or
6 anything. But I don't have a problem with it.

7 Mr Witness, you have seen this on the screen. Can you say anything to -- to this
8 statement of this Prosecution witness?

9 THE WITNESS: [12:23:33](Interpretation) No, I have nothing to say about it.

10 MR KNOOPS: [12:23:57]

11 Q. [12:23:57] Mr Witness, before (Redacted), do you know how Dedane
12 moved (Redacted) from the Gbonguere hill to Gobéré? Because you say that on
13 (Redacted) he had meetings in Gobéré and went from Gbonguere hill to Gobéré.

14 A. [12:24:40] (Redacted)

15 (Redacted)

16 Q. [12:25:05] I don't understand this answer, Mr Witness. What do you mean, you
17 didn't go to Gobéré (Redacted)?

18 A. [12:25:28] What I'm saying is that (Redacted)

19 (Redacted). And whatever was happening was happening in Gbonguere.

20 (Redacted)

21 PRESIDING JUDGE SCHMITT: [12:25:57] I would really have wished to draw
22 a little bit of tension out of it that these two names weren't so close to each other
23 Gobéré and Gbonguere.

24 MR KNOOPS: I understand, Mr President.

25 PRESIDING JUDGE SCHMITT: [12:26:08] Continue -- Mr Knoops, please continue.

Trial Hearing

(Private Session)

ICC-01/14-01/18

WITNESS: CAR-OTP-P-2658

1 MR KNOOPS: [12:26:11] Yeah.

2 PRESIDING JUDGE SCHMITT: [12:26:11] If you want to start with something new,
3 we could also have the lunch break. But it's up to you, I would say.

4 MR KNOOPS: [12:26:18] Maybe just a few questions, Mr President, before the lunch
5 break.

6 Q. [12:26:22] Mr Witness, this -- this means that the meetings you say Mr Dedane
7 had with the Anti-Balaka, and you have mentioned in paragraph 97 of your statement,
8 which was not corrected last week or yesterday, you have stated that "(Redacted)
9 Dedane used to meet with the above[-mentioned] people", that's to say Andjilo,
10 Dangba, 12 Puissances, Nambozouina and Akim. "(Redacted) Dedane used to
11 meet with the above[-mentioned] people, but I was not present during these meetings,
12 (Redacted)

13 So this paragraph 97 of your statement, which again was not corrected by you, you're
14 saying that those meetings (Redacted) Dedane organised took place at Gbonguere,
15 yes or no?

16 A. [12:27:57] When we were in Gbonguere, it was Dedane who was the chief. You
17 have mentioned names and those people, they would come (Redacted) to greet
18 him and they would meet (Redacted) to exchange information amongst
19 themselves.

20 Q. [12:28:19] So my question is, those meetings were not held in Gobéré, but these
21 individuals came (Redacted) to Gbonguere hill, correct? That is your evidence,
22 yes or no?

23 A. [12:28:45] The chief was on the hill at Gbonguere, so everyone was there. They
24 met there. So Dedane was located on the hill and all those people whose names you
25 have mentioned would come (Redacted) to greet him.

Trial Hearing

(Open Session)

ICC-01/14-01/18

WITNESS: CAR-OTP-P-2658

1 Q. [12:29:08] Okay.

2 Thank you very much, Mr President.

3 PRESIDING JUDGE SCHMITT: [12:29:11] We will have the lunch break until

4 2 o'clock and then, as we said, from 2 to 3.30.

5 THE COURT USHER: [12:29:17] All rise.

6 (Recess taken at 12.29 p.m.)

7 (Upon resuming in open session at 2.02 p.m.)

8 THE COURT USHER: [14:02:45] All rise.

9 Please be seated.

10 PRESIDING JUDGE SCHMITT: [14:03:06] Good afternoon.

11 Mr Knoops, you still have the floor.

12 MR KNOOPS: [14:03:11] Thank you, Mr President.

13 Q. [14:03:15] Good afternoon, Mr Witness. I can address the next questions in

14 open session. And before I go to the next topic, I have one remaining question on

15 the subject matter of the place Gobéré.

16 In your evidence given yesterday, it's the English real-time transcript, page 37, lines 9

17 till 11, English real-time version, you did say, Mr Witness, that sometimes

18 the elements also trained in Gbonguere, but the largest base was the Gobéré.

19 My question to you, sir, is, why in your evidence were the two bases were training

20 occurred for the elements?

21 A. [14:05:00] When we were in Gbonguere, you know how soldiers behave. In

22 the morning they would gather together and I was not in their midst. I was standing

23 at a respectful distance. They would gather, they would chat together when we

24 were in Gbonguere.

25 Q. [14:05:31] And please tell us, sir, what was the training they underwent in

Trial Hearing

(Open Session)

ICC-01/14-01/18

WITNESS: CAR-OTP-P-2658

1 Gbonguere, what type of training they received in Gbonguere.

2 A. [14:06:02] In Gbonguere they would gather together, and on occasion they
3 would do some sporting activities and go running together. I wasn't close enough to
4 them to know exactly what kind of training they were doing, but they would get
5 together, do some sport together, run. They just would generally do sport together.

6 Q. [14:06:44] And the individuals you mentioned before the break were every
7 morning there to meet with Mr Dedane, Mr Andjilo, Dangba, 12 Puissances,
8 Nambozouina and Akim, they joined during these exercises with the elements at
9 Gbonguere?

10 A. [14:07:24] Yes, in Gbonguere they would come to greet Dedane. In Gbonguere
11 Andjilo was not present. Nambozouina, 12 Puissances and the other man would
12 come to greet Dedane. Andjilo was no longer there.

13 Q. [14:07:51] Why then, Mr Witness, in your -- your evidence in 2020 you stated
14 that Andjilo was there with the other individuals you mentioned for a meeting with
15 Dedane.

16 PRESIDING JUDGE SCHMITT: [14:08:14] Which paragraph, please, Mr --

17 MR KNOOPS: [14:08:17] Ninety-seven.

18 PRESIDING JUDGE SCHMITT: [14:08:19] Thank you.

19 MR KNOOPS:

20 Q. [14:08:19] And in addition, Mr Witness, you didn't correct this paragraph, not
21 only last week, but not even yesterday when the Presiding Judge went through
22 the statement again.

23 So my question to you is why did you say in 2020 that Andjilo was there, while you
24 now say he wasn't there?

25 A. [14:09:01] Andjilo was there. I said that when people would come every

Trial Hearing

(Open Session)

ICC-01/14-01/18

WITNESS: CAR-OTP-P-2658

1 morning to Gbonguere to greet the head of state, I said that Andjilo was no longer
2 there, he had already left.

3 Q. [14:09:24] Mr Witness, when did Mr Andjilo leave?

4 THE INTERPRETER: [14:09:28] Correction from the English booth: Chief Dedane.

5 THE WITNESS: [14:09:44](Interpretation) As I said to you, I had no notion of time or
6 dates. When we were in Gbonguere he had already gone to Bouca and Dedane was
7 in the habit of calling him over the telephone. As I said to you, I had no notion of
8 time or notion of dates.

9 MR KNOOPS: [14:10:10]

10 Q. [14:10:10] But my question is still, sir, why did you -- why you now say that
11 Andjilo was in Bouca at that time, why did you say in 2020 that he was there every
12 morning during the meetings with Dedane? Why did you change your statement?

13 A. [14:10:44] I haven't changed my statement. There were two locations. I talked
14 to you about Gobéré. Andjilo was there. But when we went to Gbonguere, Andjilo
15 was no longer there. He had already left.

16 Q. [14:11:08] Did you see Mr Andjilo at any time (Redacted)?

17 A. [14:11:29] Yes, I did see him with my very own eyes.

18 Q. [14:11:39] If you project this in time, when was this (Redacted), how many
19 hours, days or weeks you saw him (Redacted)?

20 A. [14:12:14] When (Redacted) it was when we went to Gobéré
21 that I saw Andjilo. And I repeat, I did not see Andjilo in Gbonguere. Rather, I saw
22 Andjilo in Gobéré.

23 Q. [14:12:44] Can you tell the Chamber how many days, if you can recall, after
24 (Redacted) saw him in Gobéré.

25 A. [14:13:16] Two days after (Redacted).

Trial Hearing

(Open Session)

ICC-01/14-01/18

WITNESS: CAR-OTP-P-2658

1 Q. [14:13:24] In the modifications you presented last week to your statement, that's
2 CAR-OTP-2135-3490, you corrected paragraph 38 of your statement, such that Andjilo
3 was, at the time of your stay on the hill, already in Bouca. So the question is, how
4 could you have seen Mr Andjilo two days after in Gobéré?

5 A. [14:14:54] When (Redacted), I (Redacted) to the hill. And I would like to
6 specify that I was by Dedane's side. We didn't stay there. We would move around.
7 We were active.

8 Q. [14:15:17] But that still, sir, with all due respect, doesn't answer the question.
9 You say --

10 PRESIDING JUDGE SCHMITT: [14:15:24] Perhaps to make it clear, I think we
11 would put this correction, paragraph 38, we put it on the screen and then it's perhaps
12 clearer for the witness. This is 2135-3490.

13 The handwritten -- no, the last page of this document. So yeah, exactly this one,
14 Madam Court Usher.

15 And please have a look, Mr Witness.

16 It takes a bit, Mr Witness, we have to have a little bit of patience.

17 Now, Mr Witness, you should see it on the screen. This is the paragraph Mr Knoops
18 is referring to. And here you are saying that at a certain point in time Mr Andjilo
19 was in Bouca.

20 So -- and the question was, by Mr Knoops, how could he have been in Bouca at this
21 time when you say you have seen him in Gobéré. Perhaps if you can explain this.

22 THE WITNESS: [14:18:00](Interpretation) He left Gobéré to go to Bouca.

23 PRESIDING JUDGE SCHMITT: [14:18:04] Thank you.

24 Mr Knoops.

25 MR KNOOPS: [14:18:13]

Trial Hearing

(Open Session)

ICC-01/14-01/18

WITNESS: CAR-OTP-P-2658

1 Q. [14:18:13] Mr Witness, I put to you that you never saw Mr Andjilo at Gobéré,
2 therefore not two days (Redacted) at Gobéré.

3 PRESIDING JUDGE SCHMITT: [14:18:49] So, you have to make clear that this is
4 a question, Mr Knoops, I think for the witness. He might not have understood it.
5 Thank you.

6 MR KNOOPS: [14:19:00] Okay.

7 Q. [14:19:01] Mr Witness, I give you an opportunity to reconsider your statement.
8 That's to say that I put to you that you never saw Mr Andjilo at Gobéré, because you
9 weren't there.

10 A. [14:19:39] I never knew Andjilo. The first time that I saw him was in the Balaka
11 group. He was called Andjilo. But personally, I did not know him before that.

12 PRESIDING JUDGE SCHMITT: [14:19:56] And to make it clear or to repeat it, and
13 where was this where you saw him -- saw him in an Anti-Balaka group, in which
14 location, Mr Witness?

15 THE WITNESS: [14:20:32](Interpretation) I saw him when I was in their midst, but I
16 did not know him before that.

17 PRESIDING JUDGE SCHMITT: [14:20:44] I have to apologise, Mr Witness.
18 My -- my question was not -- not clear enough. Which location was that when you
19 saw him -- where you saw him? So was it in Bossangoa, Benzambe or any other
20 location? Where did you see him?

21 THE WITNESS: [14:21:21](Interpretation) I saw Andjilo in Gobéré. I did not see
22 Andjilo in Bossangoa.

23 PRESIDING JUDGE SCHMITT: [14:21:29] Okay. I think, Mr Knoops, we have
24 the answer and we -- we put the evidence together then.

25 MR KNOOPS: [14:21:36] Yeah.

Trial Hearing

(Open Session)

ICC-01/14-01/18

WITNESS: CAR-OTP-P-2658

1 Q. My only last question on this subject, Mr Witness, is if you just say that you
2 didn't know Andjilo, how were you able to mention his name in your statement in
3 2020? And I put to you that you learned this name afterwards and it's not based on
4 your own identification. You learned this name afterwards from somebody else and
5 mentioned this in the statement of 2020; is that correct?

6 A. [14:22:40] Yes, because I didn't know Andjilo. I heard people talking about him.
7 I was with Dedane and in his communications he would talk about Andjilo. But I
8 have never -- I had never approached Andjilo physically myself.

9 Q. [14:23:01] Mr Witness, the interesting part of your testimony is that there's no
10 Prosecution witness who has appeared before this Court who has mentioned
11 the meetings you just said to be happening in Gbonguere. That raises the question,
12 where the Anti-Balaka women and children were kept in Gbonguere. Because in
13 your statement in paragraphs 86 till 89, which you confirmed to be corrected into
14 Gbonguere yesterday under auspices of the Judge, Presiding Judge, you mentioned
15 that Anti-Balaka women and children had a special role at the camp, the Gbonguere
16 camp, namely to kill people who had been arrested by the Anti-Balaka. And you
17 even allege that you personally saw Anti-Balaka women and children kill four Peuhl
18 women.

19 Now please tell us, Mr Witness, where those women and children were kept in
20 Gbonguere.

21 A. [14:24:57] The Anti-Balaka women, well there were women in the Anti-Balaka
22 group who were not armed. There were children. And what enabled me to claim
23 there were children is that they were called *banakete* (phon), those were people who
24 had neither weapons nor clubs. That was in Gbonguere when we -- 12 kilometres
25 away when we had gone on our way from Bossangoa. They gave the instruction

Trial Hearing

(Open Session)

ICC-01/14-01/18

WITNESS: CAR-OTP-P-2658

1 that those without weapons needed to use something else. But there were certainly
2 women in the group, but they did not have weapons.

3 PRESIDING JUDGE SCHMITT: [14:25:45] And, Mr Witness, did these women, did
4 they live together, so to speak, with the -- with the male Anti-Balaka or were they
5 kept separate? I think that was what Mr Knoops was -- was asking. You know, did
6 they -- did they live in some -- yeah, as I said, separate from the male fighters, or did
7 they live together?

8 THE WITNESS: [14:26:28](Interpretation) Well I don't know whether we could say
9 that these women were Anti-Balaka or not, because quite simply they were not
10 carrying weapons. But the children had *gris-gris* and clubs. Some of the women in
11 the group were the girlfriends or companions of some of the Anti-Balaka.

12 MR KNOOPS: [14:26:55]

13 Q. [14:26:56] Sir, if those women and children were not armed, how were they able
14 to kill those allegedly four Peuhl women? How did this happen?

15 A. [14:27:26] I do not know where those Peuhl women were arrested. They were
16 taken away. There were four of them. They were crying. So the people in whose
17 charge they were used bats and I heard shrieks. And afterwards, when I went out, I
18 realised that there were tombs. They had been hit with clubs, with clubs. I don't
19 know how they died.

20 Q. [14:28:13] And it's your evidence that this happened at Gbonguere, at the hill; is
21 that the location where it should have happened?

22 A. [14:28:38] No, it wasn't on the hillside. It was 12 kilometres away. We had
23 moved on. We were no longer on the hillside. It was further on.

24 Q. [14:28:58] Why then, sir, did you mention in your statement in 2020, and
25 corrected last week, that this happened at the Gbonguere camp?

Trial Hearing

(Open Session)

ICC-01/14-01/18

WITNESS: CAR-OTP-P-2658

1 A. [14:29:31] No, there might be a confusion there. But the four Peuhl who were
2 killed, that was 12 kilometres away after we had moved on. That was the *benekate*
3 (phon), that means to say those carrying clubs. Those are the ones who beat them
4 and who killed them.

5 Q. [14:30:03] Do you remember whether this was a specific place where this
6 happened? Was it somewhere in the fields, in the bush, or was it at a certain location
7 other than the bush?

8 A. [14:30:29] No, it was in a village, a little bit into the bush around a village. Not
9 in the fields, no.

10 Q. [14:30:44] Can you recall the name of the village?

11 A. [14:31:05] No, they are the small villages. All I know is that it was about
12 12 kilometres from Bossangoa, but I can't remember the name of that particular
13 village. It was a really small village, but I don't remember the name.

14 Q. [14:31:41] You mentioned in your statement in paragraphs 86 the town of
15 Boukatou. Does this refresh your memory?

16 A. [14:32:06] Yes, I remember those were small village near Benzambe. It was one
17 of the villages.

18 Q. [14:32:20] Would you agree with me that Boukatou is, from the drawing you
19 made, just 2 kilometres from Gbonguere, not 12?

20 PRESIDING JUDGE SCHMITT: [14:33:18] Well, let's -- well, he can't agree on
21 something on a map, so we have to put this together. So please move on.

22 MR KNOOPS: [14:33:26] Yes.

23 Q. [14:33:27] Mr Witness, in your statement in 2020, in paragraph 21, you asserted
24 that you left Bossangoa and continued the trip, and 35 kilometres after Bossangoa you
25 reached two villages, Boukatou and Gbonguere. And these two villages were

Trial Hearing

(Open Session)

ICC-01/14-01/18

WITNESS: CAR-OTP-P-2658

1 2 kilometres apart. So it's now your evidence that this incident at Boukatou took
2 place while Boukatou was 12 kilometres from Gbonguere.

3 PRESIDING JUDGE SCHMITT: [14:34:14] Well, we had this, Mr Knoops. Please
4 move on. We have it on the record.

5 MR KNOOPS: [14:34:21]

6 Q. [14:34:22] Mr Witness, was there -- which group was at that time with you, or
7 within which group were you when this incident happened with the wives and
8 the children?

9 A. [14:34:59] It was the Dedane group.

10 Q. [14:35:07] And who was present when this happened, apart from you and
11 Dedane? If any, anyone.

12 A. [14:35:30] Yes, there were other chiefs. The person who gave the order to beat
13 these women was 12 Puissances, Dangba and Akim.

14 Q. [14:35:52] Can you tell us, Mr Witness, whether at Gbonguere hill were there
15 any huts, houses or other places to spend the night.

16 A. [14:36:25] No, there was nothing.

17 Q. [14:36:29] And again, where would these women and children stay when they
18 were with the groups? How did they spend the night? Where, where exactly?

19 A. [14:36:50] They spent the night in huts in the village. There were small huts.

20 Q. [14:37:05] Which village are you referring to?

21 A. [14:37:20] Twelve kilometres away there were small huts. In Gbonguere as
22 well there were small huts. And the area of Gbonguere to 12 kilometres there were
23 small huts. In Benzambe also, in 12 kilometres, 17 kilometres there were huts.

24 Q. [14:37:47] So you're saying that those women and children remained in huts in
25 various locations from 12 to 17 kilometres from Gbonguere hill, is that your evidence

Trial Hearing

(Open Session)

ICC-01/14-01/18

WITNESS: CAR-OTP-P-2658

1 today?

2 A. [14:38:17] That is correct.

3 Q. [14:38:19] And tell us, Mr Witness, how were these women and children fed, if
4 at all?

5 A. [14:38:46] When we were over there, these women and children, there was
6 cassava. We also slaughtered cows, there were people who killed the cows and
7 brought meat to us. Even us who were there ate beef.

8 Q. [14:39:17] In your statement of 2020 in paragraph 78, you say that at
9 Gobéré - that's the corrected version of the statement of you of
10 yesterday - the Anti-Balaka would kill five cows a day to feed themselves. You
11 stand by this statement today?

12 A. [14:40:01] That is correct.

13 Q. [14:40:03] And please -- and please tell us where did these cows come from?
14 How were they found in this jungle, in this bush? They were walking around, those
15 cows, you just took them?

16 A. [14:40:42] Well, you know, the Peuhl moved around. They are very mobile and
17 their livestock as well. As I said, people were asked to look for the cattle and bring
18 us meat. That's what happened every day. There were people who were appointed
19 to go look for the cows. And then they found them and we ate beef almost every
20 day.

21 Q. [14:41:12] But it's my understanding from your evidence that the place Gobéré
22 was actually chosen because it was very difficult to reach. So how could Peuhls
23 moving around find Gobéré to bring cows, or vice versa, how could the elements find
24 Peulhs to get cows?

25 A. [14:42:06] I said that they were appointed and when they came back, they came

Trial Hearing

(Open Session)

ICC-01/14-01/18

WITNESS: CAR-OTP-P-2658

1 back with meat. That's what happened. Each time they brought us meat. I can't
2 tell you how they did it in the bush.

3 Q. [14:42:39] Yes, Mr Witness, the information you provided in your statement, we
4 put it to a witness who alleges to have been in Gobéré exactly in the same time frame
5 as you mentioned. And that person, confronted with your statement about five
6 cows being used every day to feed the elements, the response of this member of
7 the Anti-Balaka was, I quote from the English real-time transcript, P-966,
8 ICC-01/14-01/18, transcript 117, English real-time version pages 13 till 14, line 25 on
9 page 13. That's in our defence binder tab 19. The answer of this individual,
10 Mr Witness, was the following:

11 "That person" - referring to you - "certainly never set foot in Gobéré. You see, in
12 Gobéré, all we had were vegetables. All we could eat was vegetables, corn. But
13 beef, I actually was in Gobéré and I never got any meat" or beef -- "to eat. No beef.
14 All I ate was pork. But beef, at no time did I see any beef." Unquote.

15 So, sir, we have here a witness statement who -- of a person who says to have been in
16 Gobéré like you, but that person never saw any beef. So you stand by your
17 statement, do you still stand by your statement that the Anti-Balaka were able to
18 retrieve every day five cows to feed the elements?

19 A. [14:45:33] What I told you, and I repeat, I didn't see the living cows with my
20 own eyes. I only saw the meat. The Anti-Balaka were numerous. Some
21 Anti-Balaka had problems to eat. Perhaps I was a bit privileged, because I was next
22 to the chief Dedane. Perhaps that's why I had something to eat all the time. I don't
23 know.

24 PRESIDING JUDGE SCHMITT: [14:46:07] Yeah, but Mr -- Mr Knoops, move on.
25 We have the answer. So he stands by -- by this that he ate beef.

Trial Hearing

(Open Session)

ICC-01/14-01/18

WITNESS: CAR-OTP-P-2658

1 MR KNOOPS: [14:46:19] That's good to know for him.

2 PRESIDING JUDGE SCHMITT: [14:46:21] Yes, but ...

3 MR KNOOPS: [14:46:25]

4 Q. [14:46:25] Mr Witness, let me first now show you a photograph.

5 Tab number 10 of our defence binder. That's CAR-OTP-2031-1252.

6 Do you have it here? And my question to you, Mr Witness, do you recognise on this
7 picture any of the two gentlemen here?

8 A. [14:48:02] I do not know them.

9 Q. [14:48:12] Thank you.

10 For the Court information, the Court will have recognised one of the individuals
11 being 0966.

12 Let me now show you another photo, tab 12 of our Defence binder.

13 MS GALUPA: [14:48:53] Mr President.

14 PRESIDING JUDGE SCHMITT: [14:48:54] Yes.

15 MS GALUPA: [14:48:55] I think I know what the Defence is trying to show, and I
16 think the witness already answered on this specific individual, that he didn't
17 recognise him.

18 PRESIDING JUDGE SCHMITT: [14:49:03] Well I'm not -- I'm not sure. I think we
19 wait until it's on the screen and the witness can -- I am not aware of it, actually, of
20 this ... well, I'm aware now, now that I compare it. But I think we have to give
21 the Defence the chance to put another photograph to the -- to the witness.

22 So, Mr Knoops. It's CAR-D30-0011-0004 or not?

23 MR KNOOPS: [14:49:39] No, I'm sorry, apologies. It's tab 8 -- sorry, tab 8. It's
24 CAR-D30-0011-0002.

25 PRESIDING JUDGE SCHMITT: [14:49:56] That's of course a different person. Yes,

Trial Hearing

(Open Session)

ICC-01/14-01/18

WITNESS: CAR-OTP-P-2658

1 indeed.

2 So question again, Mr Knoops, if he recognises.

3 MR KNOOPS: Yes.

4 PRESIDING JUDGE SCHMITT: Do you recognise this person, Mr Witness?

5 THE WITNESS: [14:50:35](Interpretation) I don't recognise him.

6 MR KNOOPS: [14:50:45] I can mention a name to the Chamber, but then without
7 the witness hearing the name.

8 PRESIDING JUDGE SCHMITT: [14:50:53] How can we do that?

9 MS GALUPA: [14:50:55] Perhaps the P number suffices.

10 PRESIDING JUDGE SCHMITT: I think that's enough. We can figure it out then,
11 yeah?

12 MR KNOOPS: [14:51:03] I don't have a P number here.

13 PRESIDING JUDGE SCHMITT: [14:51:04] But I think you have helpful hands --

14 MR KNOOPS: We can send --

15 PRESIDING JUDGE SCHMITT: [14:51:07] No, no, I think somebody -- it appears as
16 if someone in your team knows the P number.

17 MR KNOOPS: [14:51:15] It's wonderful to have such a great team, Mr President.

18 PRESIDING JUDGE SCHMITT: [14:51:20] Indeed. So it's P?

19 MR KNOOPS: [14:51:22] 2602.

20 PRESIDING JUDGE SCHMITT: [14:51:24] Okay. Thank you.

21 MR KNOOPS: [14:51:32] Then we have another individual. That's tab 9.

22 CAR-D30-0011-0003.

23 MS GALUPA: [14:52:19] Mr President.

24 PRESIDING JUDGE SCHMITT: [14:52:20] Yeah.

25 MS GALUPA: [14:52:21] Can I please ask the Defence to maybe state when these

Trial Hearing

(Open Session)

ICC-01/14-01/18

WITNESS: CAR-OTP-P-2658

1 pictures were taken, because it's important for the time frame and for
2 the witness -- the witness has lived in a certain -- under certain conditions, so it's
3 important to also know for the Chamber when these pictures were taken.

4 PRESIDING JUDGE SCHMITT: [14:52:42] Well, if the Defence knows, it would
5 be -- it would be of course a good thing to provide us with this information.

6 MR KNOOPS: [14:52:48] Yes.

7 PRESIDING JUDGE SCHMITT: [14:52:48] But nevertheless, the pictures can of
8 course be put to the witness.

9 MS GALUPA: [14:52:50] Sure. And I'm just saying that relative to the events, it's
10 (Overlapping speakers)

11 PRESIDING JUDGE SCHMITT: Yeah, yeah, absolutely.

12 MS GALUPA: -- (Overlapping speakers) out of context.

13 PRESIDING JUDGE SCHMITT: No, no, no, I understand your point. So but first I
14 think we continue with this, with this picture and then we go back to the other two.

15 MR KNOOPS: [14:53:03] By the way, this -- this one is of 2022, the person who
16 appears --

17 PRESIDING JUDGE SCHMITT: [14:53:09] Actually, I would guessed that
18 (Overlapping speakers)

19 MR KNOOPS: (Overlapping speakers)

20 PRESIDING JUDGE SCHMITT: [14:53:15] For whatever reason.

21 So, Mr Witness, do you recognise this person that is now on the screen?

22 THE WITNESS: [14:53:43](Interpretation) This is 12 Puissances.

23 PRESIDING JUDGE SCHMITT: [14:53:49] And then perhaps,

24 Mr Witness -- Mr Witness, excuse me, Mr Knoops, if you would be so kind and
25 inform us about the -- the picture that we had of P-2602, when it was taken. You

Trial Hearing

(Open Session)

ICC-01/14-01/18

WITNESS: CAR-OTP-P-2658

1 know, the passport, of his passport picture.

2 MR KNOOPS: [14:54:19] We will look into it, Mr President. It's -- it's of course

3 a document from the Office of the Prosecution. It's retrieved from --

4 PRESIDING JUDGE SCHMITT: [14:54:28] Well, then -- I think then we -- it should
5 not be a problem also for the Prosecution to figure it out.

6 If you had it on the spot, only then, if you had it on the spot, the first picture where
7 these two gentleman were on, CAR-OTP-2031-1252, do we know that? Or perhaps
8 even Prosecution could have a reference here, a time reference?

9 MR KNOOPS: [14:54:54] Yes.

10 PRESIDING JUDGE SCHMITT: [14:55:01] Well, I don't want to prolong the whole
11 thing. I think it's -- it can easily be figured out by one of the parties.

12 You can continue, Mr Knoops.

13 Or, Ms Galupa, you have information?

14 MS GALUPA: [14:55:15] I -- I want to just add something else, not necessarily on
15 the first picture. But since the Defence also put -- connected P numbers to
16 the pictures that they put to the witness, maybe they can refer to a P number for this
17 picture as well.

18 MR KNOOPS: [14:55:35] It's P-1048.

19 PRESIDING JUDGE SCHMITT: [14:55:41] Okay.

20 Please continue, Mr Knoops, now.

21 MR KNOOPS: [14:55:54]

22 Q. [14:55:54] Mr Witness, speaking about individuals who you met at the time you
23 were with the elements in either Gobéré or Gbonguere, as you allege, can you explain
24 the Court why, when you were asked about a person with the name Kema or Kema in
25 2020, that your answer was at that time, at paragraph 167, you didn't know him?

Trial Hearing

(Open Session)

ICC-01/14-01/18

WITNESS: CAR-OTP-P-2658

1 You mentioned at that time a certain Mr Komas, and we all know that you have
2 corrected this name.

3 By the way, Komas is also an existing identity.

4 And even to Kemon you corrected those paragraphs 164 and 167 to Kema. But still,
5 you were quite clear in 2020 that you did not know Kema.

6 So the question to you now, sir, is why did you come to mention his name only after
7 2020 and not in 2020?

8 A. [14:58:02] I don't know him. I don't -- only heard talk about him.

9 PRESIDING JUDGE SCHMITT: [14:58:09] Okay. And that is essentially what is in
10 167, (Interpretation) "I know that there was a certain Kema who was always with
11 Charly."

12 MS GALUPA: [14:58:26] That's exactly what I was going to say, Mr President. And
13 also the fact that in French these names are quite similarly phonetically, so that's how
14 everything (Overlapping speakers)

15 PRESIDING JUDGE SCHMITT: [14:58:39] But nevertheless, Mr Knoops enquired
16 simply if the question, when he did not know him, why did he talk about him. So
17 this was absolutely, absolutely correct in my opinion, so no problem with that.

18 Please continue, Mr Knoops.

19 MR KNOOPS:

20 Q. [14:58:57] But still the question is, Mr President, and of course more importantly
21 for the witness, why was it that changed your statement of last week from the name
22 Komas into Kema? What was the reason? What was the trigger to change it, while
23 again you said "I don't know him"?

24 A. [14:59:42] The reason is that I heard Dedane talk about him. They were
25 talking -- he was talking about Kema. That's the only reason.

Trial Hearing

(Open Session)

ICC-01/14-01/18

WITNESS: CAR-OTP-P-2658

1 Q. [15:00:02] But, Mr Witness, in 2020 you clearly say "I don't know him." But in
2 your evidence given yesterday, in the English real-time transcript, page 62, lines 16 till
3 18, you did say, and I quote from your evidence given yesterday:

4 "Yes. That's someone I know. He comes from Boa (phon) ... I am (Redacted)
5 (Redacted) and every time we saw each other I would know everything that was
6 going on and everything that he did amongst the Anti-Balaka."

7 And it was based on the question of the OTP whether you had more information on
8 the person named Kema.

9 So, again, Mr Witness, why did you change your statement? And now you suggest
10 that you did know Kema.

11 A. [15:01:35] I know Kema through the people who said his name. When I was
12 giving my statement to the investigators, there was a problem with the spelling of his
13 name. That's why I corrected it. I do not know whether the mistake is in the taking
14 of my statement or whether it's an error connected with the spelling of his name.
15 You need to check that and tell me.

16 Q. [15:02:23] But you would agree with me, Mr Witness, that here, look at
17 paragraph 167 of your statement of 2020 --

18 PRESIDING JUDGE SCHMITT: [15:02:44] Let me give it a try, Mr Knoops, please.

19 In what -- you have it in front of you, Mr Witness, and there at the time 2020 you were
20 asked if you know a certain Florent Kema, and you said "I do not know him." And
21 yesterday you provided on questioning by Madam Prosecutor more information
22 about this Florent Kema, which might suggest that you perhaps knew him better.

23 So the question is did you know him or did you not know him? You know
24 personally, not only by talking from others about him.

25 A. [15:03:43] No, I do not personally know him.

Trial Hearing

(Open Session)

ICC-01/14-01/18

WITNESS: CAR-OTP-P-2658

1 PRESIDING JUDGE SCHMITT: [15:03:49] Mr Knoops, please move on.

2 MR KNOOPS: [15:03:54]

3 Q. [15:03:54] So you never saw him, Mr Kema, in either Gobéré or Gbonguere,
4 correct?

5 A. [15:04:29] No, personally I never saw him, but I heard people talking about him.

6 Q. [15:04:42] Again, Mr Witness, I give you a chance to reconsider your evidence.
7 If you look at page 167.

8 PRESIDING JUDGE SCHMITT: [15:05:04] Actually, I think, Mr Knoops, we have
9 exhausted that subject really. Please move on. We have everything on the record
10 and we have asked the witness several times about this person.

11 MR KNOOPS: [15:05:22]

12 Q. [15:05:22] Mr Witness, it is your evidence that Mr Kema and Charli, a certain
13 individual with the name Charli, would communicate over the phone with Dedane.
14 Now our question, what -- what is the whole point if Charli and Kema, in accordance
15 with paragraph 167, were walking together at the locations where you said they were?
16 What was the purpose of having phone calls with Dedane?

17 A. [15:06:26] Well, I didn't know who the person was on the other end of the line.
18 So when he was on the telephone I could only hear what he was saying, but I did not
19 know who he was talking to. So I only conveyed what I had heard.

20 PRESIDING JUDGE SCHMITT: [15:06:49] And if we read this together, Mr Knoops,
21 please allow me to say, and also for the other parties and participants, 164 of
22 the statement, the witness does not allege that Kema communicated with Charli, but
23 they communicated with Dedane. So there is no contradiction to what is said in 167.
24 And if there were, it would -- it would, like always, not escape our attention, of
25 course.

Trial Hearing

(Open Session)

ICC-01/14-01/18

WITNESS: CAR-OTP-P-2658

1 MR KNOOPS: [15:07:26] Yeah.

2 Q. [15:07:36] Mr Witness, would you agree with the Defence that the attack on

3 Bouca happened (Redacted)?

4 A. [15:08:55] I spoke to you about the attack on Bouca, because at that moment in

5 time (Redacted) and I was close to Dedane. I told you that,

6 through the telephone communications made by Dedane, I came to hear that Bouca

7 had come under attack. I was there and he showed how happy he was. And that's

8 when I realised that Bouca had come under attack, because I was standing next to him

9 when he was on the telephone gleaning that piece of information.

10 Q. [15:09:46] In your statement you gave in 2020 you say that, much later

11 (Redacted), which we established should have been around 6 or 7 September, based

12 on the phone records between --

13 PRESIDING JUDGE SCHMITT: [15:10:15] Just wait a second, Mr Knoops.

14 But there was not a question until now.

15 MS GALUPA: [15:10:22] No, I'm wondering whether we can do this in private

16 session, because Mr Knoops keeps referring to the witness's situation, just to situate it

17 in time. And I understand that, but maybe --

18 PRESIDING JUDGE SCHMITT: [15:10:32] Well, I think you have a point here, yes.

19 When we come now -- going now to be specific on that, I think we go better to private

20 session.

21 * (Private session at 3.10 p.m.) Reclassified partially in public

22 THE COURT OFFICER: [15:10:54] We are in private session, Mr President.

23 PRESIDING JUDGE SCHMITT: [15:10:57] Sorry for the interruption, Mr Knoops,

24 but I think that that was correct --

25 MR KNOOPS: [15:11:01](Overlapping speakers) Yes, it's on the safe side, yeah.

Trial Hearing

(Private Session)

ICC-01/14-01/18

WITNESS: CAR-OTP-P-2658

1 PRESIDING JUDGE SCHMITT: [15:11:02](Overlapping speakers) to do it this way.

2 Yeah.

3 MR KNOOPS: [15:11:04] Yeah.

4 Q. [15:11:05] Mr Witness, in your statement you indicated --

5 PRESIDING JUDGE SCHMITT: [15:11:16] A paragraph, please, so that we can

6 follow, if you have it.

7 MR KNOOPS: [15:11:20] That's paragraph 104 of the statement.

8 Q. [15:11:19] That two weeks after (Redacted), and we established that this should

9 have been two weeks (Redacted), based on the records of the phone

10 contacts between (Redacted), Mr Dedane divided

11 the elements into groups to then split them to attack Bowai, Bouca and Bossangoa.

12 And you did say that Dedane asked Andjilo to go to Bouca, while he asked

13 12 Puissances and Dangba to stay with him.

14 There is evidence before this Court, and we will of course refer to the sources, that

15 the attack of Benzambe took place on the same day as the attack on Bowai, of Bowai,

16 and also Bouca. In other words, we put to you, Mr Witness, that there was never, at

17 the moment you described, a division by Dedane of the elements into these groups,

18 because all those attacks took place either the (Redacted)

19 (Redacted). So not two weeks later.

20 What is your answer to this?

21 A. [15:13:43] If you put it that way, the attack on Benzambe and Bowai, well, I have

22 no information in that regard. As to Bouca, (Redacted), Bouca had not come

23 under attack. And the three attacks were not conducted simultaneously. They did

24 not happen at the same moment in time. I heard about the attack in Bouca

25 (Redacted)

Trial Hearing

(Private Session)

ICC-01/14-01/18

WITNESS: CAR-OTP-P-2658

1 Q. [15:14:35] Mr Witness, did you know that the Bouca group of Andjilo, attacked
2 on 6 September 2013 Bouca, and had to retreat on the very day in order to prepare for
3 a new attack on 9 September? And that's based on evidence of Prosecution
4 witnesses such as P-2602, reference CAR-OTP-2093-0045-R01 at 0052, 0054,
5 paragraphs 45 to 54.

6 A. [15:15:46] I can only speak about what I know. And what I know is what I
7 have said to you. (Redacted)
8 (Redacted)

9 As to the dates of the other attacks, I can't tell you any more.

10 Q. [15:16:16] Mr Witness, we put to you that you couldn't have heard this
11 (Redacted). It's impossible, according to other witnesses. And there is
12 even -- there are even two reports from the United Nations and the FIDH, and I will
13 just use for today the reference to the FIDH report. CAR-OTP-2001-6437 at 6454.
14 According to this report, investigative report, the attacks on Zere, Bowai, Benzambe
15 took place on 6 September 2013, while the second attack on Bouca, Bouca city, took
16 place on 9 September 2013, killing 40 Muslims in less than one hour.

17 In other words, apart from Prosecution witnesses who were there, just as the one I
18 mentioned a few moments ago, and investigative reports --

19 PRESIDING JUDGE SCHMITT: [15:17:54] Mr Knoops, this is -- this is, let me put it
20 this way, you can put this on the record and we have it, the witness has answered
21 the question.

22 Ms Galupa, you have any objection?

23 MS GALUPA: [15:18:07] That, as well, Mr President. But also the fact that I think
24 Mr Knoops is departing on a basis, or a misleading basis, because the witness has said
25 he didn't know the (Redacted). We also -- it's not established that, you know,

Trial Hearing

(Private Session)

ICC-01/14-01/18

WITNESS: CAR-OTP-P-2658

1 the communications between (Redacted) establish anything in relation to

2 the date of (Redacted). I mean, the witness --

3 PRESIDING JUDGE SCHMITT: [15:18:32] No. What we are now doing is exactly

4 what I want to avoid. We are now discussing the evidence, and that that is -- and

5 the evidence is something that you, the parties, put in front of the Judges and we

6 assess it. And we can all of this discuss in the closing statements, or in closing briefs,

7 but the witness has answered the question and we put everything together.

8 Mr Knoops, you can really move on.

9 Of course, we are aware, and I recall also the FIDH report and everything, and I don't

10 have any problem if you put it on the record. This facilitates our work in the end.

11 Yes, I appreciate that. But we -- the witness has answered the question, yeah, so

12 please move on.

13 MR KNOOPS: [15:19:11] Yes. But, Mr President, all due respect, the qualification

14 "misleading" is, in my submission, misleading, because the witness did confirm

15 (Redacted)

16 PRESIDING JUDGE SCHMITT: [15:19:25] We have -- yeah, yeah, yeah, okay. Then

17 we, you know -- but if we start that we have, on every -- with every witness we have

18 this discussion.

19 MR KNOOPS: Of course.

20 PRESIDING JUDGE SCHMITT: [15:19:32] And I like to repeat myself. It's like in

21 the olden days I would -- would say I put the same disc on. Nothing -- I will not say

22 nothing, but it's very difficult that anything escapes the attention of this Chamber

23 with regard to evidence. So please continue.

24 MR KNOOPS: [15:19:55]

25 Q. [15:19:56] Yeah, Mr Witness --

Trial Hearing

(Private Session)

ICC-01/14-01/18

WITNESS: CAR-OTP-P-2658

1 And just to facilitate the Court, we also would like to refer to P-2602,
2 CAR-OTP-2118-9617 at 2634. A Prosecution witness stating that indeed the attack on
3 the five districts happened at the same time, Zere, Benzambe, Bowai, Ouham-Bac *et*
4 Bouca.

5 And we also refer to P-2462 mentioning the same in his evidence,
6 CAR-OTP-2088-2173-R02, paragraph 37.

7 And P-2453, (Redacted), testifying to the same,

8 and -- and that's CAR-OTP-2111-0415 at 0427, paragraph 54. And I believe this
9 sustains I think the validity of my question to the witness and I again put --

10 PRESIDING JUDGE SCHMITT: [15:21:31] Nobody put into question the validity
11 of -- of the question, but, you know, the witness has answered already and then we
12 have -- so of course everybody knows we don't argue with the witness and there's
13 also a time to argue with each other and that is not the time to argue with each other.

14 MR KNOOPS: [15:21:52] I understand.

15 PRESIDING JUDGE SCHMITT: [15:21:52] That comes later. That comes in
16 a written form and sometimes it might come in an oral form too.

17 So, please, Mr Knoops.

18 MR KNOOPS: [15:22:02] Yeah.

19 PRESIDING JUDGE SCHMITT: [15:22:06] Since we have a -- now a discussion, do
20 you have already an idea how long your -- your questioning will last tomorrow?

21 MR KNOOPS: [15:22:15] I think within two sessions, Mr President, yes.

22 PRESIDING JUDGE SCHMITT: [15:22:19] Okay, good.

23 MR KNOOPS: Yes.

24 PRESIDING JUDGE SCHMITT: [15:22:19] And the Yekatom Defence, do you have
25 any questions at all?

Trial Hearing

(Private Session)

ICC-01/14-01/18

WITNESS: CAR-OTP-P-2658

1 Well, that's a suggestive question, isn't it a little bit, sort of.

2 MS CASIEZ: [15:22:31] For now I don't think we have questions for this witness.

3 PRESIDING JUDGE SCHMITT: [15:22:34] Well, so my suggestion was founded

4 a little bit, yeah.

5 So, Mr Knoops, please continue.

6 MR KNOOPS: [15:22:40] Yes.

7 Q. [15:22:41] So, Mr Witness, to conclude this topic, is it -- is it your evidence that

8 you didn't see Mr Dedane sending off the groups to the various locations you

9 mentioned (Redacted), you just heard that it happened? You were

10 not there yourself to witness that division of those groups (Redacted)

11 as you suggested?

12 A. [15:23:34] Which groups are you talking about? Could you please repeat your

13 question so that I can understand it better.

14 Q. [15:23:41] Well, you say that Mr Dedane, according to your statement, divided

15 the elements into groups, to then split them and make them attack the various

16 locations just as Bowai, Bouca and Bossangoa. My question to you is were you

17 personally there when this happened, this division of those groups by Dedane

18 (Redacted) as you say?

19 A. [15:24:40] I do not know. I can't understand your question.

20 PRESIDING JUDGE SCHMITT: [15:24:47] Perhaps -- and I think we finish for today

21 with this. Please put on the screen paragraph 105 of the witness statement. That is,

22 do we have a correction here, yes, then we put to the witness CAR-OTP-2135-3484.

23 Mr Witness, and this will be the last task you will have to fulfil for today. Please

24 read this carefully, this paragraph 105, and then we will ask you a question on that.

25 And please let me know when you are finished, Mr Witness.

Trial Hearing

(Private Session)

ICC-01/14-01/18

WITNESS: CAR-OTP-P-2658

1 So, have you read it, Mr Witness?

2 THE WITNESS: [15:27:16](Interpretation) Yes, I have.

3 PRESIDING JUDGE SCHMITT: [15:27:17] And the question now, Mr Witness,

4 perhaps it's clearer now to you, of Mr Knoops, was if you were personally there when

5 this happened, this division of those groups by Dedane, or if you only heard from it?

6 THE WITNESS: [15:27:51](Interpretation) You know, at that moment in time

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 PRESIDING JUDGE SCHMITT: [15:28:36] So to make it perfectly clear, if I

14 understood you correctly, (Redacted)

15 (Redacted)

16 (Redacted). Is my understanding correct or would

17 you like to specify it a little bit more?

18 THE WITNESS: [15:29:10](Interpretation) With regard to the groups, (Redacted)

19 (Redacted) we heard about those who attacked Bowai and Kaboom (phon).

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted). There were many of them.

24 When the group was divvied up, well, I couldn't have known that because they were

25 so numerous. One group was going to Bouca, another one was going to Bossangoa.

Trial Hearing

(Private Session)

ICC-01/14-01/18

WITNESS: CAR-OTP-P-2658

1 (Redacted)

2 (Redacted)

3 (Redacted). There we have it.

4 PRESIDING JUDGE SCHMITT: [15:30:25] And this, that there were three groups,
5 you came to know about this fact by members of these groups later on; is this correct?

6 THE WITNESS: [15:30:49](Interpretation) No. (Redacted)

7 (Redacted)

8 PRESIDING JUDGE SCHMITT: [15:30:56] Okay. I think we have to leave it at that.
9 So we -- thank you, Mr Witness for today.

10 Mr Vanderpuye, you have an issue, yes.

11 MR VANDERPUYE: [15:31:05] I do. Just briefly, in light of the -- the manner of
12 the examination, which I really don't have a problem with, as such, but the use of
13 other witnesses' statements, other evidence in the case, documents in the case, I want
14 to get from the Defence whether their position is, insofar as they're used to contradict
15 or to challenge the witness, whether the Defence's position is that the -- that those
16 documents to that extent are not contested or that information is not contested
17 because --

18 PRESIDING JUDGE SCHMITT: [15:31:37] Actually, I'm not surprised that you bring
19 that up, frankly speaking, yes, but continue.

20 MR VANDERPUYE: [15:31:44] The reason is -- well, I don't know the -- you know, it
21 doesn't have to be within the hearing of the witness, I should say, but technically
22 the reason, I believe, is because if the position is one which challenges the witness,
23 then it seems to me that there should be at least a foundation or a good faith basis
24 doing that. And if the Defence's position is because they believe it to be accurate,
25 then that's something then I would like to have clarified for the record. But if not,

Trial Hearing

(Private Session)

ICC-01/14-01/18

WITNESS: CAR-OTP-P-2658

1 then I don't know that the challenge is appropriate.

2 PRESIDING JUDGE SCHMITT: [15:32:13] So what we can do, I think, Mr Knoops,
3 you can answer to that tomorrow morning. I will give you the chance to answer
4 this.

5 So yeah. But I say, I'm not -- actually not surprised about this. It's not an objection.

6 It's a remark. So are we --

7 Yeah, Mr Knoops.

8 MR KNOOPS: [15:32:27] Mr President, I will -- I'm happy to inform the Chamber
9 about our position tomorrow morning.

10 We have the two sources of the -- two of the photographs. We can also send it per
11 email to the (Overlapping speakers)

12 PRESIDING JUDGE SCHMITT: [15:32:39] No, if you have it now, please on the
13 record now.

14 MR KNOOPS: [15:32:42] Okay.

15 PRESIDING JUDGE SCHMITT: I think that would be a good end of this hearing
16 (Overlapping speakers)

17 MR KNOOPS: [15:32:46] Ms Giudici was so kind to retrieve the source.

18 CAR-D30-0011-0002 photo is from P-2602.

19 PRESIDING JUDGE SCHMITT: [15:32:58] Yes, from when?

20 MR KNOOPS: [15:32:59] It's from 18 January 2018, date of passport.

21 PRESIDING JUDGE SCHMITT: Yeah.

22 MR KNOOPS: [15:33:04] It's an OTP document.

23 PRESIDING JUDGE SCHMITT: [15:33:06] Yes.

24 MR KNOOPS: [15:33:08] The photo of P-0966 is CAR-OTP-2031-1252, an OTP
25 document undated, but it's filed in May 2019, but we don't have (Overlapping

Trial Hearing

(Private Session)

ICC-01/14-01/18

WITNESS: CAR-OTP-P-2658

1 speakers)

2 PRESIDING JUDGE SCHMITT: [15:33:27] Whatever that means.

3 MR KNOOPS: [15:33:29] Exactly, Mr President.

4 PRESIDING JUDGE SCHMITT: [15:33:31] Thank you.

5 We conclude the hearing for today, Mr Witness. Thank you very much for your
6 patience. We continue tomorrow at 9.30 with everyone and we hope that you have
7 a good rest until then.

8 THE COURT USHER: [15:33:45] All rise.

9 (The hearing ends in private session at 3.33 p.m.)