

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 Wednesday, 22 June 2022
10 (The hearing starts in open session at 9.33 a.m.)
11 THE COURT USHER: [9:33:38] All rise.
12 The International Criminal Court is now in session.
13 Please be seated.
14 PRESIDING JUDGE SCHMITT: [9:34:00] Good morning, everyone.
15 Court officer, please call the case.
16 THE COURT OFFICER: [9:34:06] Good morning, Mr President, your Honours.
17 Situation in the Central African Republic II, in the case of The Prosecutor
18 versus Alfred Yekatom and Patrice-Edouard Ngaïssona, case reference
19 ICC-01/14-01/18.
20 And for the record, we are in open session.
21 PRESIDING JUDGE SCHMITT: [9:34:20] And the same procedure as every
22 courtroom day, the presence of the Prosecution, please.
23 MS GALUPA: [9:34:26] Mr President, your Honours, good morning. The
24 Office of the Prosecutor is represented today by Ms Manochitra Prathaban,
25 Mr Kweku Vanderpuye, Mr Yassin Mostfa and myself, Irina Galupa.

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- 1 PRESIDING JUDGE SCHMITT: [9:34:38] Thank you.
- 2 Now the representatives of the victims, please.
- 3 MS RABESANDRATANA: [9:34:41](Interpretation) Good morning, Mr President.
- 4 Good morning, everyone. The Legal Representatives of Victims today are
- 5 represented by Madam Evelyne Ombeni and myself, Elisabeth Rabesandratana.
- 6 PRESIDING JUDGE SCHMITT: [9:34:58] Thank you.
- 7 MS LAU: [9:34:59] Good morning, Mr President. Good morning, your Honours.
- 8 Good morning, everyone in the courtroom. Today, the former child soldiers are
- 9 represented by myself, Fiona Lau, associate legal officer at the
- 10 Office of Public Counsel for Victims. Thank you.
- 11 PRESIDING JUDGE SCHMITT: [9:35:09] We turn to the Defence.
- 12 Ms Guissé first.
- 13 MS GUISSÉ: [9:35:13](Interpretation) Good morning, Mr President. Good morning,
- 14 your Honours. Good morning to all. Mr Alfred Yekatom is in our midst this
- 15 morning, and he is assisted by Madam Lena Casiez and by myself, Anta Guissé.
- 16 PRESIDING JUDGE SCHMITT: [9:35:26] And Mr Knoops.
- 17 MR KNOOPS: [9:35:28] A very good morning, Mr President, your Honours. Good
- 18 morning, everyone in the courtroom. Our Defence team today comprises of
- 19 Ms Chiara Giudici, Mrs Knoops-Hamburger, on my left side, and the second row,
- 20 Mr Ali Alabdali and Ms Mathilde Veronesi. And Mr Ngaïssona is present,
- 21 Mr President.
- 22 PRESIDING JUDGE SCHMITT: [9:35:50] Thank you very much. And we also
- 23 welcome our witness again.
- 24 Good morning, Mr Witness. I ask you again if you had a good rest and feel well
- 25 today, and if you hear and understand me well.

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

2 (The witness speaks Sango)

3 (The witness gives evidence via video link)

4 THE WITNESS: [9:36:11](Interpretation) Yes, I can follow you very well.

5 PRESIDING JUDGE SCHMITT: [9:36:17] Thank you.

6 Before we continue with the examination by Mr Knoops, we have an oral ruling by
7 the Trial Chamber. The Chamber takes note of the Ngaïssona's Defence's request to
8 intervene with regard to the new witness schedule communicated by the Prosecution
9 yesterday at 1705.

10 The Chamber is of the view that the changes to the schedule are not of such nature
11 that they impact on the Ngaïssona's Defence's preparation and conduct of its
12 questioning. Moreover, the Chamber is mindful of the accused's right to an
13 expeditious trial.

14 The Chamber also notes that there were no changes made to the estimated
15 questioning time of the Ngaïssona time for P-2453 and P-1962.

16 In light of this, the Chamber considers that no significant prejudice has been caused
17 and rejects the request. The Prosecution is instructed to send its list of materials for
18 P-1962 today and as soon as possible.

19 Mr Knoops, you have the floor.

20 MR KNOOPS: [9:37:22] Mr President, is the Chamber mindful of the announcement
21 yesterday that we are supposed to respond to the observation by my learned friend,
22 Mr Vanderpuye, on the confrontation of witness statements. I believe the Chamber
23 asked the Defence to respond to this tomorrow.

24 PRESIDING JUDGE SCHMITT: [9:37:45] But we don't see it as something that
25 should delay the proceedings. I think -- I actually was of the view that this is -- that

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1 you should say something orally, let's say, a minute or two minutes, or so, on that.

2 MR KNOOPS: [9:37:58] Yes.

3 PRESIDING JUDGE SCHMITT: [9:37:59] Yeah. Please do that, of course.

4 MR KNOOPS: [9:38:00] Of course. Thank you.

5 PRESIDING JUDGE SCHMITT: [9:38:01] So that was a misunderstanding. But, of
6 course, you have the floor. You can and should address this first, please.

7 MR KNOOPS: [9:38:03] And I think, Mr President, it's appropriate if the witness is
8 not able to follow these discussions.

9 PRESIDING JUDGE SCHMITT: [9:38:09] I think we can solve this again with
10 the language issue. So he would not understand English and if we don't have
11 a translation, that makes it a little bit easier. So please proceed, Mr Knoops.

12 MR KNOOPS: [9:38:24] Mr President, this discussion has been brought to
13 the attention of the Chamber on several occasions, and that's why I prepared a very
14 brief oral submission to the Chamber that will take just two, three minutes to explain
15 our position.

16 First of all, to start with the conclusion, the fact that Defence counsel is presenting
17 statement of Witness A to Witness number B does not concede that the Witness A will
18 have given a credible statement in minds of the Defence.

19 As the Chamber is well aware, every criminal trial is about evidence and how it can
20 be tested on its veracity.

21 Why? To prevent that innocent people are convicted.

22 We know from international legal psychology that witness evidence belongs to
23 the main three factors of miscarriage of justice.

24 So how to test evidence before a chamber or a jury? The Office of the Prosecution is,
25 in every criminal law system, introducing witness statements. And if they don't

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1 believe the narrative of the defendant, they confront the defendant themselves with
2 witness statements. That's in every trial, as far as I know, in the world the same.
3 Does this imply, Mr President, your Honours, that the Prosecution office believes
4 those witnesses with which they confront the defendant? Maybe, or maybe not.
5 It's all about proving its case theory.
6 Now, the Defence has the similar legal and ethical professional obligation and task to
7 make its case before a Court or a jury.
8 How? That might be done by showing the judges that the theory of the Prosecution,
9 its case theory, is flawed or is not to be believed.
10 How? By using the very same Prosecution witnesses on which the Prosecution
11 builds its case theory, to show that this theory does not have any belief.
12 This is even more pertinent, Mr President, your Honours, when those Prosecution
13 witness have already appeared in court, such as happened in this trial as part of
14 the Prosecution case theory, while another OTP witness seems to say something
15 different which contradicts that very same case theory of the Prosecution.
16 Let me just give you one example, Mr President. If the Chamber looks at
17 paragraph 91 of the pretrial brief of the Prosecution, it suggests that from June 2013
18 onwards, members of FACA and presidential guard loyal to Mr Bozizé gathered
19 pre-existing self-defence groups and new recruits in Gobéré. The case theory of
20 the Prosecution is built on Gobéré.
21 Now, we have all seen, there's no Prosecution witness who speaks about a gathering
22 in Gbonguere. No OTP witness came before this court to say so. Therefore, to
23 confront a witness like P-2658 with those very same Prosecution witnesses who did
24 not speak about Gbonguere is part of the nature of a criminal trial. Or even by
25 showing P-2658, that he never could have heard the division of the groups because

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1 there was a different time frame, according to certain documents.

2 Does this mean that we, Defence, concedes that those other witnesses who don't

3 speak about Gbonguere but Gobéré, or a report like the UN, who does speak about

4 simultaneous attacks on 6 September, that these witnesses speak the truth or that

5 these reports are accurate? No, Mr President.

6 Even those other witnesses may have lied or told the truth. That's for the Chamber

7 to determine. Or even those reports of UN, of FIDH, might not be accurate. We

8 don't know. All those witnesses and those reports can still have it wrong. What is

9 to be believed or not is up to a court of law and not to us as Defence counsel.

10 This task is exclusively for you, Mr President, and your colleagues in accordance with

11 Article 69(3) of the Rome Statute. We, in our humble position here, Mr President, we

12 merely assist the Court, or try to assist the Court in opening the eyes of the judges to

13 all those materials which contradict the case theory of the Prosecution versus

14 Mr Ngaïssona.

15 Why? To prevent a wrongful conviction. This is the main task in this court of law.

16 And we are trying to do this, Mr President, already for one and a half years. One

17 and a half years, in this courtroom, we do every time the very same exercise.

18 With all due respect for the observation of my learned friend, Mr Vanderpuye, we

19 don't see any problem with confronting witnesses' statements to the Prosecution

20 witness statements.

21 I realise I took more time than perhaps anticipated, but -- (Overlapping speakers)

22 PRESIDING JUDGE SCHMITT: [9:45:00] No problem.

23 MR KNOOPS: [9:45:01] -- I think this is a principle discussion --

24 PRESIDING JUDGE SCHMITT: [9:45:02] Absolutely. Absolutely. You're right.

25 MR KNOOPS: [9:45:04] -- and I hope that our position as Defence is now clear. We,

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1 therefore, will never -- we cannot concede that the witnesses we use to confront this

2 gentleman, for instance, are telling the truth. They may lie also. Thank you.

3 MR VANDERPUYE: [9:45:26] Mr President.

4 PRESIDING JUDGE SCHMITT: [9:45:27] Very shortly, very shortly. Perhaps

5 Ms Guissé first, and then you, Mr Vanderpuye.

6 MR VANDERPUYE: [9:45:33] Oh, I'm sorry.

7 PRESIDING JUDGE SCHMITT: Yeah, yeah.

8 MR VANDERPUYE: Sorry I didn't see (Overlapping speakers)

9 MS GUISSÉ: [9:45:36](Interpretation) Mr President, I'm going -- not going to

10 lengthen things, just to say that, for the side of the Defence of Mr Yekatom, we have

11 a similar position.

12 We have confronted or quoted from statements of witnesses who have already

13 testified or are due to testify on the part of the Prosecution to confront witnesses.

14 That doesn't mean that we take for granted these statements. It's just that we are

15 doing our job in the context of examination of witnesses.

16 Very clearly, it is not the clear or the case of the Defence, and it's important for this to

17 be pointed out for the subsequent --

18 THE INTERPRETER: [9:46:18] Overlapping speakers.

19 MR VANDERPUYE: [9:46:19] Very shortly, Mr President.

20 PRESIDING JUDGE SCHMITT: [9:46:20] Yeah.

21 MR VANDERPUYE: [9:46:21] And I think as my -- as opposing counsel know, I've

22 been on that side of the aisle before, and I understand entirely what their -- what their

23 argument is.

24 The concern that I have is a little bit different than what Mr Knoops has responded to.

25 It's not a question of confronting the witness with the position of another witness or

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1 even a fact in the case. Here, what we're talking about, is a situation where, for
2 example, Mr Knoops put to the witness that there was a witness who was there and
3 that witness says X, whereas you say Y. The question that I put to the Defence is
4 whether when they -- is, rather, the issue of putting to the witness that another
5 witness who was there says X, adopts the fact that the witness was in fact there. And
6 there's a distinction in putting that question to the witness.
7 You could say a witness claims to have been there, a witness has said that they've
8 been there, but once you say that the witness was there in putting the question to
9 another witness, our position is that you have adopted the truth or the accuracy of
10 the witness with the witness that you were using to confront this witness. And that's
11 the question I have.

12 He hasn't actually answered that question. And that is, so, for example, he cites, I
13 think it's P-966 who says Gobéré -- who was there, who says Gobéré was on the east
14 side of the axis that the witness drew to confront the witness of that -- of that issue as
15 a matter of fact.

16 If, on the other hand, 966 is wrong or 966 is mistaken and they don't accept that, then
17 there's a problem with the propriety of that question. That's my issue only.

18 PRESIDING JUDGE SCHMITT: [9:48:03] Thank you.

19 Just a second. I will just confer shortly with my colleagues.

20 No, Mr Knoops, we have heard enough.

21 (Trial Chamber confer)

22 PRESIDING JUDGE SCHMITT: [9:48:35] So I think it's absolutely clear, and then
23 the Chamber will make it absolutely clear, that parties are, of course, of course, I
24 underscore, allowed to put statements of other witness to a witness present in
25 the courtroom. This might be a witness -- and, of course, especially when this

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1 witness has already been heard live in the courtroom. That is something that also
2 OTP later, when there is -- if there is a Defence case or in case of a Defence case, you
3 would have the same right, of course.

4 And, of course, the Defence or OTP, for that matter, does not concede that what
5 the witness that are putting -- the statement that they are putting to the witness
6 present in the courtroom is correct. So to make this absolutely clear.

7 So, Mr Knoops, you are right. And, Ms Guissé, you are right. However, it depends
8 also on the wording of how you put it to the witness, and that is the concern
9 Mr Vanderpuye has. And if the wording suggests that what the former witness has
10 said is a proven fact, then there could be a problem. And be it -- whoever is
11 questioning, be it OTP or be it Defence at some point in time, or whatsoever, you
12 would have to object to such a wording of the question, yeah.

13 And, for example, if what you mentioned was indeed a borderline situation, I would
14 agree with that. So it would be better, Mr Knoops, or whoever is questioning, if you
15 not said, the witness was there. We have the statement here in the courtroom of
16 a witness who has said he was there and said the following to the location. So that
17 would be -- so I think this is absolutely clear, and it's not too complicated.

18 But, Mr Knoops, you are right. Of course, you can -- and you can put former
19 statements to a witness. But for everyone in the courtroom, be a little bit careful with
20 the wording so not to give the impression that the other witness you personally think
21 has told the truth. That could be a problem for -- for the party.

22 Okay.

23 Yeah, Mr Knoops, you can continue with your questioning.

24 MR KNOOPS: [9:50:56] Thank you very much and the Chamber for the instructions.

25 And the Court might recall that I agree with Mr Vanderpuye that -- and in this regard,

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1 we corrected our formulation of the question on 966. And even you, Mr President,
2 you alluded to this question I put to the witness.

3 PRESIDING JUDGE SCHMITT: [9:51:14] Yeah. Perhaps one short addition. We
4 have quite often -- would not say a problem, but we have the situation or the issue
5 that one party or the judges have a problem with the wording of -- of a question. So
6 most of the objections, you can draw the tension out of it if you rephrase it in
7 a manner that the other party does not have an issue with it, and, for example, that it's
8 not suggestive, overly suggestive to a witness, or whatever.

9 Please, Mr Knoops, you might continue.

10 MR KNOOPS: [9:51:49] Yeah. Thank you very much.

11 QUESTIONED BY MR KNOOPS: (Continuing)

12 Q. [9:51:52] Good morning, Mr Witness.

13 My next topic can be dealt with, I believe, in open session.

14 It's about the Bowai attack. There may be one part which we might have to go into
15 private session, but the first question can be dealt with in open session.

16 Mr Witness, in your statement given in 2020, speaking about the Bowai attack, you
17 told the investigators of the Office of the Prosecution, in paragraph 105, that
18 the Bowai group, who attacked Bowai, was led by another corporal, but I have
19 forgotten his name. That was your -- your testimony or your evidence, your
20 statement, in 2020, paragraph 105.

21 Yet, in the evidence you gave yesterday - 21 June transcript, page 8 of the English
22 real-time transcript, line 20 - you gave the Court, under oath, the following evidence.

23 I quote: "The group that attacked Bowai was organised by someone called Chagata.

24 He was not a corporal, he was a civilian and a member of the Anti-Balaka. He was
25 known as Chagata." End of quote.

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1 Now my question to you, Mr Witness, is, what made you change your statement from
2 2020, where you did say that the attack was led by a corporal, while you concede
3 yesterday that Mr Chagata was not a corporal, but a civilian?

4 A. [9:54:49] The corporal who was commanding the operations, well, I do not
5 know his name. But Chagata was indeed part of the group that attacked Bowai, and
6 that is how I said things. But Chagata was also part of the group, he was
7 commanding a group, but I do not know. It was not he who actually commanded
8 the attack.

9 Q. [9:55:20] But what made you say in 2020 that the Bowai group was led by
10 another corporal - I've forgotten his name - while you now say that Mr Chagata was
11 commanding a group?

12 A. [9:55:56] No, I didn't vary in what I said. I told you that Chagata was in
13 the group. But the corporal who commanded the attack -- I forgot his name,
14 Chagata was also a leader. He was also part of the Bowai attack.

15 Q. [9:56:19] How did you know that Mr Chagata as a civilian organised the attack
16 on Bowai, or commanded the group, how did you know this?

17 A. [9:56:49] I told you that he was part of the group that attacked Bowai, but
18 I didn't say that he was in command. Chagata is somebody that I know well.
19 When we were talking, I told you that we had arrived in Bowai, he was not there.
20 When we arrived, I was in the company of Dedane and we had gone in the aim of
21 looking for Chagata's group. And it was in Kaboro that we encountered them.

22 Q. [9:57:33] Were you present when, if that happened at all in your evidence, when
23 the assignment to attack Bowai was given to some people, among which,
24 Mr Chagata?

25 A. [9:58:21] No, that is a military matter. When the instructions were given, I was

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1 not present.

2 Q. [9:58:39] In your evidence yesterday on transcript page 9, the Prosecution asked
3 you whether you were present when he was designated, Mr Chagata, to advance
4 towards Bowai. And your answer was in line 3 and 4:

5 "Yes, when they were designated to go to Bowai, I was already with them, I was
6 present."

7 So your answer yesterday was that you were present when Mr Chagata was
8 designated to advance towards Bowai. So what -- what is your evidence today?

9 A. [9:59:33] No. When they were designated to go to Bowai, I was indeed present.
10 When the instructions were given, I was to one side. When the soldiers gathered in
11 order to strategise, I would go to one side. But after their departure, we went to look
12 for them, they were not there. But when they held their meetings, I was present but
13 I was standing to one side somewhat.

14 Q. [10:00:13] Thank you. Mr Witness, do you know a gentleman with the name of
15 Rachid Mouzanbil.

16 And maybe, Mr President, this could be dealt with in private session, to be on the safe
17 side.

18 PRESIDING JUDGE SCHMITT: [10:00:31] I think you're right. We go to private
19 session.

20 * (Private session at 10.00 a.m.) Reclassified partially in public

21 THE COURT OFFICER: [10:00:49] We are in private session, Mr President.

22 PRESIDING JUDGE SCHMITT: [10:00:51] Yes.

23 So, Mr Witness, the question was if you know a certain person with the name
24 Rachid Mouzanbil.

25 THE WITNESS: [10:01:08](Interpretation) Yes, I know Rachid Mouzanbil.

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1 PRESIDING JUDGE SCHMITT: [10:01:14] Do you want to have further information?

2 MR KNOOPS: [10:01:16] Yes.

3 PRESIDING JUDGE SCHMITT: [10:01:16] I think so. Please continue, Mr Knoops.

4 MR KNOOPS: [10:01:19] Yes.

5 Q. [10:01:20] Please tell us how well do you know Mr Rachid Mouzanbil. Is he
6 a friend of you? Do you know him otherwise through other people? Tell us about
7 your relationship with him.

8 A. [10:01:46] Rachid Mouzanbil, I know him (Redacted)

9 (Redacted)

10 Q. [10:02:06] Would you consider him as a friend?

11 A. [10:02:17] No. There is nothing that really links us together.

12 Q. [10:02:31] Did you speak with him during the events (Redacted)

13 what happened in the country at that time, the advance of the Seleka, et cetera?

14 A. [10:03:04] Are you talking about my exchanges with Rachid, or who are you
15 referring to?

16 Q. [10:03:12] Yes. Your exchanges with Mr Rachid Mouzanbil, if any? (Redacted)
17 (Redacted) did you see him, did you speak with him about what happened in
18 the country at that time?

19 A. [10:03:43] No, I did not have the opportunity to discuss with him about those
20 topics in particular.

21 Q. [10:03:53] (Redacted)

22 (Redacted)

23 (Redacted)

24 A. [10:04:30] (Redacted)

25 (Redacted)

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1 PRESIDING JUDGE SCHMITT: [10:04:50] Did you meet (overlapping speakers)

2 THE WITNESS: [10:04:52](Interpretation) (Redacted)

3 PRESIDING JUDGE SCHMITT: [10:04:56] So did you (Redacted)

4 (Redacted) Mr Witness? Just to make sure.

5 THE WITNESS: [10:05:15](Interpretation) (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 MR KNOOPS: [10:06:15]

12 Q. [10:06:15] Mr Witness, did you hear that (Redacted)

13 (Redacted)

14 (Redacted)

15 I have to say supposedly was attacked in line with the instructions of

16 Mr Vanderpuye.

17 PRESIDING JUDGE SCHMITT: [10:07:04] Well, well, instructions are given by -- by

18 the Chamber, but I understand you. I understand you, a little arrow pointed at the

19 other side of the room here.

20 MR KNOOPS: [10:07:17]

21 Q. [10:07:17] So, Mr Witness, (Redacted)

22 (Redacted)

23 (Redacted)

24 A. [10:07:49] (Redacted)

25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 Q. [10:09:02] Okay. Mr Witness, somebody who was very close to Mr Rachid

9 Mouzanbil, and I have to conduct an artificial exercise, the Chamber will -- and also

10 the Prosecution will know why I'm saying this. It's actually -- I'm referring to

11 P-2493 -- 53, excuse me.

12 But for the witness, a person who was very close to Mr Rachid Mouzanbil gave

13 a statement to the Office of the Prosecution in 2019 --

14 PRESIDING JUDGE SCHMITT: [10:09:50] Which tab so that we can --

15 MR KNOOPS: [10:09:52] It's tab 1, Mr President, tab 1.

16 PRESIDING JUDGE SCHMITT: [10:09:55] That we had already, yeah. The first that

17 you presented, yeah.

18 MR KNOOPS: [10:09:59] Tab 1.

19 Q. [10:10:03] And -- and this paragraph is, I don't believe included in tab 1. We

20 have included -- yeah, we have included the paragraphs 29, 31, 32 and 54.

21 In short, this individual, Mr Witness, and my question comes after giving you a brief

22 résumé of what this individual told the Office of the Prosecution --

23 PRESIDING JUDGE SCHMITT: [10:10:46] Why not read it word by word.

24 MR KNOOPS: Okay.

25 PRESIDING JUDGE SCHMITT: [10:10:45] I assume you're referring to paragraph 54.

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1 MR KNOOPS: [10:10:51] Yeah, I would like to start with 29, with 29, which is not I
2 think in tab 1.

3 PRESIDING JUDGE SCHMITT: [10:11:02] You have only -- yeah, you have from
4 starting 53 to 57 we have here.

5 MR KNOOPS: [10:11:07] Yeah. So if -- if the court officer could be so kind to pull
6 up, that's CAR-OTP-20 -- 2111-0415 at 0420, paragraph 29, then to 0421, paragraph 31.
7 And then we go to 0427, paragraph 54.

8 PRESIDING JUDGE SCHMITT: [10:11:50] So let's start now with 21.

9 MR KNOOPS: [10:11:53] Yeah, 21.

10 Q. [10:11:57] Mr Witness, this individual told that (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 PRESIDING JUDGE SCHMITT: [10:13:16] May I?

19 MR KNOOPS: [10:13:17] Yes.

20 PRESIDING JUDGE SCHMITT: [10:13:18] So that the question doesn't -- excuse me,
21 that the question does not get too long, so perhaps we stop here because you might
22 switch then to another narrative. So perhaps you ask him if he has -- I assume if he
23 knows anything about that or has heard something about that, please.

24 MR KNOOPS:

25 Q. [10:13:34] So this individual, Mr Witness, is very precise in the date and the time

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1 of this incident. (Redacted)

2 (Redacted)

3 My question to you is can you confirm those dates? Do you have any recollection

4 that (Redacted)

5 A. [10:14:19] (Redacted)

6 (Redacted)

7 (Redacted)

8 Q. [10:14:36] Thank you. My next question relates to what this individual further

9 states in his statement in 2019, paragraph 54, at 0427.

10 Please listen carefully. He says that (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted) End

20 of quote.

21 PRESIDING JUDGE SCHMITT: [10:16:21] So again perhaps we stop here, otherwise

22 it is --

23 So, Mr Witness, you have heard this. This is a person who says it has come to his

24 knowledge that (Redacted)

25 (Redacted)

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1 (Redacted)

2 Does this comport with your recollection of the events? So there's another person

3 saying to have knowledge (Redacted), to put it this way, so that it's clear

4 for you.

5 THE WITNESS: [10:17:11](Interpretation) What that person said, as you know,

6 people are different, people have different ways of explaining things. Some people

7 prefer to dramatise things, others prefer to tell the truth and what they say can be

8 close to the truth or not. I do not know. Well, I am simply listening to what

9 you are saying that this person said. But I am appealing to you to listen to what I am

10 telling you.

11 PRESIDING JUDGE SCHMITT: [10:17:54] Yeah, but, Mr Witness, it's -- it's not to

12 confuse you, but you understand, you are an intelligent person, we could see this in

13 the last couple of days, you understand that if there is on the record such a statement,

14 that we try to figure this out and try to specify and to clarify.

15 (Redacted)

16 (Redacted). So there is no difference to what you -- what you told us, in my

17 opinion.

18 But listen perhaps, to the next thing:

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted) Did this witness get it

25 right or wrong?

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(Private Session)

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WITNESS: CAR-OTP-P-2658

1 THE WITNESS: [10:19:30](Interpretation) It is true that (Redacted)
2 but what I don't understand is, is it someone else who must explain what happened
3 to me? I prefer to say myself what happened to me. I wouldn't allow anyone else
4 to be telling you what happened to me. If that person has something to say, he
5 should talk about his own situation. I, for one, I prefer to talk about my situation, to
6 talk about what happened to me. I do not know what happened to him, but I know
7 what happened to me.
8 (Redacted) but he never
9 asked a question to me so that I should be able to explain to him what happened to
10 me. So I prefer to explain myself.
11 You know, what (Redacted)
12 (Redacted)
13 (Redacted)
14 (Redacted)
15 It is because of this Court that I have come here to speak. So, (Redacted)
16 (Redacted)
17 (Redacted)
18 (Redacted)
19 (Redacted)

20 PRESIDING JUDGE SCHMITT: [10:21:45] Mr Witness, really, I have to explain it
21 and I have to apologise also a little bit. It's of course clear that you are speaking
22 about what you observed what happened to you and that is the reason why you are
23 here. So we appreciate it and we thank you for that.
24 But, as I have explained, you know, when there is other information, it's the rules of
25 the game in such a courtroom that the parties bring this up and present it to you.

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1 That is the only reason. There is no reason -- nobody wants to upset you at all, so

2 you have to please bear with us. Thank you very much.

3 And, yeah, Ms Galupa.

4 MS GALUPA: [10:22:26] Just a suggestion, Mr President, just so the witness maybe

5 understands better, maybe he can be asked whether he generally spoke about

6 the situation (Overlapping speakers)

7 PRESIDING JUDGE SCHMITT: [10:22:34] That would have been my next question.

8 Yeah.

9 MS GALUPA: [10:22:39] Thank you.

10 PRESIDING JUDGE SCHMITT: [10:22:39] Mr Witness, did you speak with anybody

11 about what happened to you during that time when (Redacted)

12 (Redacted) did you speak with anybody afterwards

13 about that?

14 THE WITNESS: [10:23:10](Interpretation) No. I explained what happened to me.

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 PRESIDING JUDGE SCHMITT: [10:24:14] (Redacted)

23 (Redacted)

24 THE WITNESS: [10:24:31](Interpretation) No, I never talked (Redacted) about it.

25 We did not discuss it, but (Redacted). But it was not me; I was not

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WITNESS: CAR-OTP-P-2658

1 the one who talked (Redacted) about it.

2 PRESIDING JUDGE SCHMITT: [10:24:53] Thank you, Mr Witness.

3 I think, Mr Knoops, that is the main information that was very important here. I

4 think you would not necessarily have to put other parts of this witness statement.

5 MR KNOOPS: [10:25:04] No.

6 PRESIDING JUDGE SCHMITT: [10:25:04] You don't intend to? Okay. Then you

7 can move on.

8 MR KNOOPS: [10:25:08] Just, out of fairness to the witness.

9 Q. [10:25:12] Mr Witness, you did just answer the question of the Presiding Judge
10 that you (Redacted)

11 (Redacted) But in the statement, we just mentioned

12 (Redacted) it does say that, after a few days after (Redacted)

13 (Redacted) since started talking about what happened to him.

14 PRESIDING JUDGE SCHMITT: [10:25:54] Perhaps let me word it in a way that he ...

15 MR KNOOPS: [10:25:58] Yeah.

16 PRESIDING JUDGE SCHMITT: [10:25:59] Mr Witness, from what this person says,
17 it appears that this person suggests that (Redacted)

18 (Redacted). But just to inform you about that. (Redacted)

19 (Redacted) He got to know it,

20 but (Redacted); is that correct?

21 THE WITNESS: [10:26:33](Interpretation) Yes. I have said that (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 PRESIDING JUDGE SCHMITT: [10:27:32] Okay.

4 MR KNOOPS: [10:27:33] Thank you.

5 PRESIDING JUDGE SCHMITT: [10:27:33] I think that's enough on that.

6 MR KNOOPS: [10:27:36] Just for the Chamber, if the Chamber takes note of
7 paragraph 55, for instance, it's --

8 PRESIDING JUDGE SCHMITT: [10:27:43] We have already taken note of it.

9 MR KNOOPS: [10:27:45] Yeah.

10 Q. [10:27:45] So final question, Mr Witness, on this subject: According to this
11 statement - and I give you a chance again to respond to this - (Redacted)
12 (Redacted) at the very same day when all the attacks took place in
13 the various locations, Zere, Bowai, Benzambe, and I suggest to you that you were
14 (Redacted) as you suggested yesterday to the Court,
15 (Redacted)
16 (Redacted)
17 (Redacted)

18 PRESIDING JUDGE SCHMITT: [10:28:56] Ms Galupa.

19 MS GALUPA: [10:28:57] I just want to say, Mr President, that the witness already
20 answered this question. He was asked before he (Overlapping speakers)

21 PRESIDING JUDGE SCHMITT: [10:29:04] I think so too, but, you know, it was in
22 the context here, he can confirm it again, if he wants.

23 So, Mr Witness, we know and we understand you have already answered a similar
24 question yesterday, but the new thing was that there is this witness claiming that
25 (Redacted) on the same day when all these

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1 other attacks occurred. Would that jog your memory by you, or are you not sure

2 about the date?

3 THE WITNESS: [10:29:56](Interpretation) I do not have anything to say about that.

4 I no longer remember the date.

5 PRESIDING JUDGE SCHMITT: [10:30:04] Thank you. Thank you, Mr Witness.

6 Mr Knoops.

7 MR KNOOPS: [10:30:07] Mr President, just a short intervention on my side. First

8 of all, I think it's very inappropriate if the Prosecution keeps saying that the question

9 has been put and answered. Normally, that's a justifiable objection in common law

10 practice. But if the Defence puts a piece of new evidence to a witness, then it's fair

11 that the question might be repeated based on new information.

12 PRESIDING JUDGE SCHMITT: [10:30:36] Didn't I let it pass?

13 MR KNOOPS: [10:30:38] Yes, indeed. But --

14 PRESIDING JUDGE SCHMITT: [10:30:39] I agree with you, yeah.

15 MR KNOOPS: [10:30:40] But -- thank you, but --

16 PRESIDING JUDGE SCHMITT: [10:30:42] I understand your point.

17 MR KNOOPS: [10:30:44] And we would also very much appreciate if the Chamber,

18 with all due respect, would not -- if, this question, which is for us very important,

19 the Chamber just gave the suggestion again to the witness that he might not

20 remember, so that can give the witness a way out, so to speak. And we have seen

21 the pattern of these witnesses in court several times, that if questions are being put to

22 them which makes it difficult for them to answer, that the only way out is to say:

23 "I don't remember."

24 Our point is that questions being put by the Defence, based on very concrete

25 statements, and I'm not saying that this statement is truth or not, but this witness is

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1 very specific on the dates, the timing, the incidents, the details given by a person close
2 to Rachid.

3 PRESIDING JUDGE SCHMITT: [10:31:48] Yeah. And this is the -- I think we can
4 shorten this. This is the reason why the objection was not sustained, so to speak, and
5 the witness has now said three times that he had doesn't remember, and also
6 the witness has, even more than three times, said that he has no good recollection
7 with dates. And we might have other witnesses, to put it in a more generic way,
8 who have better recollection on dates.

9 Please continue.

10 MR KNOOPS: [10:32:18]

11 Q. [10:32:19] Mr Witness, the statement you gave in 2020, in paragraph 108, you
12 say that, (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 A. [10:33:30] (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 Q. [10:34:13] (Redacted)

23 (Redacted)

24 (Redacted)

25 Q. [10:34:46] Can you please tell the Chamber what was the location of (Redacted)

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1 (Redacted)

2 A. [10:35:19] (Redacted)

3 (Redacted)

4 Q. [10:35:35] And do you know -- you just said (Redacted). Do you

5 know what happened with (Redacted)

6 A. [10:36:01] (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 Q. [10:36:44] (Redacted)

12 (Redacted)

13 Q. [10:37:11] (Redacted)

14 (Redacted)

15 A. [10:37:51] No. (Redacted)

16 (Redacted)

17 (Redacted)

18 Q. [10:38:19] You can recall, Mr Witness, what you did say in 2020 about (Redacted)

19 You didn't speak in 2020 that you (Redacted)

20 (Redacted)

21 PRESIDING JUDGE SCHMITT: [10:38:50] Well --

22 MR KNOOPS: [10:38:53] Paragraph 110.

23 PRESIDING JUDGE SCHMITT: [10:38:55] Yeah.

24 MR KNOOPS: [10:38:56] Okay. I'll just put it on the record, Mr President, and I'll

25 move on.

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1 PRESIDING JUDGE SCHMITT: [10:39:00] Because in 108, he says: (Redacted)

2 (Redacted) So it's not completely clear. And 110, you are right. 110, he

3 says: (Redacted) We have taken note of

4 that. We have it. It's a Rule 68(3) statement anyway.

5 MR KNOOPS: [10:39:20] Yeah.

6 Q. [10:39:21] (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 Q. [10:40:58] In your evidence given on 20 June, transcript page 29, lines 12 till 14 of

15 the English real-time transcript, you say that you saw corpses at that location. Can

16 you confirm this?

17 A. [10:41:40] Yes, I can confirm having seen corpses. Even (Redacted) there were

18 corpses.

19 Q. [10:41:52] You can still recall how many corpses you saw?

20 A. [10:42:16] I personally saw three corpses, three or four corpses.

21 Q. [10:42:23] Thank you. Can you remember, Mr Witness, what you did say

22 about this subject in 2020? Probably not, so I'll read it into the record.

23 PRESIDING JUDGE SCHMITT: [10:42:44] Paragraph 109, I think.

24 MR KNOOPS: [10:42:46] Paragraph 109.

25 Q. [10:42:50] In 2020, Mr Witness, in the statement you gave to the investigators, at

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1 paragraph 109, you said the following, please listen carefully: (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted) End of quotation.

7 In other words, in 2020, you didn't say that (Redacted)

8 (Redacted)

9 (Redacted)

10 A. [10:44:21] (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 Q. [10:45:03] Thank you. I would like now to move to another --

15 Yeah, actually, that's quite right, what Ms Giudici pointed to me on these very famous

16 yellow stickers.

17 PRESIDING JUDGE SCHMITT: [10:45:26] Very analogue, but I understand

18 absolutely analogue working, yeah.

19 MR KNOOPS: [10:45:31]

20 Q. [10:45:31] So, indeed, the answer to the question is simple. (Redacted)

21 (Redacted) Simple answer -- simple question, I believe.

22 The answer might be difficult for the witness, but the question is very simple.

23 Mr Witness, a last question on this topic is: (Redacted)

24 (Redacted)

25 A. [10:46:22] (Redacted)

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1 (Redacted)

2 (Redacted)

3 PRESIDING JUDGE SCHMITT: [10:46:53] So, Mr Witness, the graves were already
4 closed, so to speak, so you couldn't see the bodies, is that correct, correct
5 understanding, or am I wrong?

6 THE WITNESS: [10:47:25](Interpretation) When we arrived, the bodies had already
7 been buried. (Redacted)

8 (Redacted)

9 (Redacted)

10 PRESIDING JUDGE SCHMITT: [10:47:46] Okay. Thank you, Mr Witness.

11 I think ...

12 MR KNOOPS: [10:47:49] Yes.

13 PRESIDING JUDGE SCHMITT: [10:47:49] So you couldn't perhaps -- one last
14 question. So you couldn't tell, you don't know how they were killed? You know, if
15 they were clubbed or were shot, or whatsoever, you didn't come to know that?

16 THE WITNESS: [10:48:14](Interpretation) No. When we arrived, they had already
17 been buried. And I do not know how they were killed.

18 PRESIDING JUDGE SCHMITT: [10:48:22] Thank you.

19 Mr Knoops.

20 MR KNOOPS: [10:48:25] Mr President, I'm now going to move to a next topic, which
21 is, I have to say, quite detailed.

22 PRESIDING JUDGE SCHMITT: [10:48:35] If you assure us that you finish in
23 the second session, then we can have a little bit of a longer coffee pause. That is the
24 problem, of course. But only if you give this assurance, so to speak, we understand
25 each other, yes.

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1 MR KNOOPS: [10:48:49] Let me look, Mr President, in the ...

2 PRESIDING JUDGE SCHMITT: [10:48:57] Well, if it takes a couple of minutes more,
3 it's not a problem.

4 MR KNOOPS: [10:49:02] I might -- I might use a small part of the last session.

5 PRESIDING JUDGE SCHMITT: [10:49:06] Yeah. So, yeah --

6 MR KNOOPS: [10:49:08] Because we had this oral argument this morning. I know
7 I took the time, that's true but (Overlapping speakers)

8 PRESIDING JUDGE SCHMITT: [10:49:15] No, no, no --

9 MR KNOOPS: (Overlapping speakers)

10 PRESIDING JUDGE SCHMITT: [10:49:15] -- but -- but I asked you to, to speak, so
11 that's -- that's clear.

12 MR KNOOPS: (Overlapping speakers)

13 PRESIDING JUDGE SCHMITT: [10:49:19] So what we are doing now, we have
14 the coffee break until 11.30. You do your best that you finish in the second session.
15 If need be, we can continue a couple of minutes further than 1 o'clock, yeah.

16 MR KNOOPS: [10:49:33] And I don't mind if we have a shorter lunch break.

17 PRESIDING JUDGE SCHMITT: [10:49:40] For example, this would, of course, imply
18 that we have a short lunch break, but we are still optimistic.

19 THE COURT USHER: [10:49:46] All rise.

20 (Recess taken at 10.49 a.m.)

21 (Upon resuming in private session at 11.33 a.m.)

22 THE COURT USHER: [11:33:07] All rise.

23 Please be seated.

24 PRESIDING JUDGE SCHMITT: [11:33:26] Mr Knoops, we are in private session.

25 Do we have to stay in private session, what do you think?

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1 MR KNOOPS: [11:33:35] Mr President, we can go to open session with my next
2 line of questioning.

3 PRESIDING JUDGE SCHMITT: [11:33:38] Very good. Open session.

4 MR KNOOPS: [11:33:41] And, Mr President, I've reviewed my questions, but I
5 will -- of course, as always, you know me, I will be as efficient as possible, but I think
6 it's not realistic that I finish in the second session. I will do my best, but I still think
7 I'll need part of the third session, that's for sure (Overlapping speakers)

8 PRESIDING JUDGE SCHMITT: [11:34:00] But -- well, I think we should continue
9 then and we try it, this second session, even with 10, 15 minutes or 20 minutes longer,
10 because otherwise we have a new witness, for Registry it would -- takes another -- it
11 would take some time also. So it's better then we have the lunch break however.
12 And we can make extended hours with the new witness anyway then, if need be.

13 MR KNOOPS: Yes.

14 PRESIDING JUDGE SCHMITT: [11:34:25] So please continue -- please continue,
15 Mr --

16 MR KNOOPS: [11:34:30] Yes, thank you.

17 Q. [11:34:32] Mr Witness, good after -- oh, still good morning, sorry. My next
18 topic will deal with ...

19 (Counsel confers)

20 PRESIDING JUDGE SCHMITT: [11:34:49] What's the problem?

21 Yeah, I said open session, I think, yeah.

22 (Open session at 11.34 a.m.)

23 THE COURT OFFICER: [11:34:57] We are in open session, Mr President.

24 PRESIDING JUDGE SCHMITT: [11:35:00] Okay, thank you.

25 MR KNOOPS: [11:35:01]

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(Open Session)

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1 Q. [11:35:02] Mr Witness, my next topic will deal with certain individuals you have
2 mentioned. And, first of all, in your corrected statement in paragraph 72 of your
3 2020 statement, you mentioned the names of Mr Charli, Komas and Yongo. You
4 didn't correct the name there of Komas, that's at page 3480. So my first question to
5 you is, you know the full names, the real names of, first of all, Mr Komas.

6 Mr Witness, can you give an answer my question, do you know the full name of
7 Mr Komas?

8 A. [11:36:43] Komas, he was also known as Mongai, so those were the two names,
9 Mongai and Komas. That is all I can tell you.

10 Q. [11:36:57] Thank you. And you have first the full name of Mr Yongo?

11 A. [11:37:12] No, I know him only by the name Yongo.

12 Q. [11:37:24] Did you ever hear of Mr Yongo before your stay within
13 the Anti-Balaka?

14 A. [11:37:45] Yes, I had heard about him (Redacted).

15 Q. [11:37:54] And can you -- can you enlighten us about what you heard about him,
16 what can you say about Mr Yongo?

17 A. [11:38:22] I did not hear a lot of things about him. I only heard Dedane talking
18 about him over the phone. That is how come I heard about him.

19 Q. [11:38:48] Did you hear about Mr Yongo, whether he was arrested by the Seleka
20 in July 2013? Did you know this?

21 A. [11:39:20] Yes, I heard about that.

22 Q. [11:39:26] And did you hear what happened during this arrest by the Seleka
23 with Mr Yongo?

24 A. [11:39:49] I heard that Yongo had been arrested, but I did not know the details.
25 I was in Bossangoa when I learned that he had been arrested by Seleka elements.

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1 Q. [11:40:13] Would you agree with me, Mr Witness, that the -- the arrest of
2 Mr Yongo by the Seleka in July 2013 was an incident that was circulating amongst
3 people, people were speaking about his arrest by the Seleka, 2013? Because he was,
4 as you said in your evidence before this Court, he was apparently a salesman in
5 the area.

6 A. [11:40:59] That is correct.

7 Q. [11:41:05] So you -- you heard the story from other people that Mr Yongo was
8 arrested in July 2013, you agree?

9 A. [11:41:28] Yes, I was in Bossangoa when I heard that he had been arrested by
10 the Seleka.

11 Q. [11:41:40] And were you also made privy via those rumours, or the type of
12 information that Mr Yongo allegedly financed the Anti-Balaka at that time? Did you
13 hear about these rumours?

14 A. [11:42:24] No, I did not hear those types of rumours.

15 Q. [11:42:32] Did you hear of him (Redacted), especially
16 from the people there? Were they speaking about Yongo, that he was arrested by
17 the Seleka?

18 A. [11:43:00] No. (Redacted) I did not hear
19 that. I think he was arrested even before (Redacted).

20 Q. [11:43:29] Did you hear anything about Mr Komas, Mr Mongai, that he was, at
21 a certain point of time in that time frame, also arrested by the Seleka?

22 A. [11:44:00] No, I did not hear about that.

23 Q. [11:44:08] Do you know a person with the name, Innocent Fadil Gara?

24 A. [11:44:25] *Pardon?*

25 Q. [11:44:26] Do you know a person with the name, Innocent Fadil Gara?

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1 A. [11:44:45] I know a certain Fadil Gara, but not the person whose name you have
2 mentioned.

3 Q. [11:44:58] Did the person you mention as Fadil Gara ever speak with you about
4 Mr Yongo or Komasa?

5 A. [11:45:25] No, he never said any such thing to me.

6 Q. [11:45:29] Okay. Did you, Mr Witness, had telephone numbers of Mr Yongo
7 and Komasa (Redacted) by the Anti-Balaka?

8 A. [11:45:53] No.

9 Q. [11:46:04] May I ask your attention, then, Mr Witness, to your evidence given on
10 20 June, in the English real-time transcript, page 66, lines 6 till 16. I will quote,
11 speaking about Yongo:

12 "[...] He was not a soldier. I [knew] him well in the past. He was a salesman.
13 Dedane would make telephone calls, he -- they had ammunition issues and he asked
14 if Yongo could help [him] out. He asked for Yongo's number so that he could call
15 him so that Yongo could help [him to] get hold of" that -- or "some ammunition."
16 So it was your evidence, wasn't it, Mr Witness, last Monday, that you yourself
17 suggested to have given the phone number of Yongo to Dedane?

18 A. [11:47:33] No, I never said any such thing. I never gave the number.

19 Q. [11:47:42] So how was Dedane -- why was Dedane asking you for the number of
20 Yongo?

21 PRESIDING JUDGE SCHMITT: [11:47:54] Ms Galupa.

22 MS GALUPA: [11:47:55] I'm sorry, Mr President, but the excerpt that Mr Knoops
23 read, there was no such indication that Mr Witness handed over a number, not in
24 the very least. It would just say Dedane would make telephone calls. That's all.

25 PRESIDING JUDGE SCHMITT: [11:48:11] If that is true, then move on, Mr Knoops.

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1 I can't -- actually, I don't have it on the screen now, so I assume Ms Galupa would
2 not -- would not cite it wrong.

3 MR KNOOPS: [11:48:23] Okay. Well, he did say under oath that Dedane asked for
4 the number of Yongo.

5 Q. [11:48:29] Now, if you were not the person --

6 PRESIDING JUDGE SCHMITT: [11:48:31] Then your question, your second
7 question is absolutely correct. So then we, please repeat it --

8 MR KNOOPS: [11:48:35] Yes.

9 PRESIDING JUDGE SCHMITT: [11:48:35] -- then we continue from there.

10 Ms Galupa, what's the matter now?

11 MS GALUPA: [11:48:39] Just maybe Mr Knoops can indicate the reference of where
12 he stated that.

13 PRESIDING JUDGE SCHMITT: [11:48:45] No, I think he has done that.

14 MR KNOOPS: [11:48:47] Paragraph 66, line 14 of the English real-time transcript of
15 last Monday, 20 June.

16 PRESIDING JUDGE SCHMITT: [11:48:53] So the question is, please repeat it, so
17 your question is absolutely correct.

18 MR KNOOPS: [11:48:59] Yeah.

19 Q. [11:48:59] Mr Witness, if you were not the person who gave Mr Dedane
20 the phone number of Yongo, how was this number given to him? Because you
21 testified that Mr Dedane asked for his number.

22 A. [11:49:33] I do not know what links they had. I told you that (Redacted)
23 (Redacted) to Dedane. I have never had Yongo's number. I don't know what
24 relationship Yongo had with Dedane. I say that I heard them communicating, but I
25 never gave him that number. The only number I gave to him was (Redacted)

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1 That is the only number that I gave to Dedane was (Redacted) number, so simply to
2 put them in contact (Redacted).

3 That is all I did.

4 PRESIDING JUDGE SCHMITT: [11:50:21] Would you -- when we continue, we have
5 to always be a little bit aware of the question of open and private session. But I
6 assume you continue without asking for specific information. Okay.

7 MR KNOOPS: [11:50:34] Yeah. Yeah.

8 PRESIDING JUDGE SCHMITT: [11:50:35] Okay. And the parties know what to do.

9 MR KNOOPS: [11:50:37] Yeah.

10 Q. [11:50:37] So, Mr Witness, would you agree with me that, based on your
11 evidence given Monday, that Mr Dedane was not in touch with Yongo until you
12 joined the Anti-Balaka; is that correct?

13 PRESIDING JUDGE SCHMITT: [11:50:59] Ms Galupa.

14 MS GALUPA: [11:51:00] I'm sorry, Mr President, but I don't think that's within
15 the knowledge of the witness -- within the scope of the knowledge of the witness, for
16 him to answer the question whether Dedane was in contact with Yongo before he was
17 in the group.

18 PRESIDING JUDGE SCHMITT: [11:51:16] Well, I disagree actually, we don't know it
19 yet. But Mr Knoops can enquire if he had.

20 You know, we -- the witness has said that Dedane asked for the number, so there
21 might have been said -- in that context, there might have been said more.

22 MR KNOOPS: [11:51:32] Exactly.

23 PRESIDING JUDGE SCHMITT: [11:51:33] So this is your background. So please
24 repeat it. Repeat the question.

25 MR KNOOPS: [11:51:37] I will rephrase it.

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1 PRESIDING JUDGE SCHMITT: [11:51:38] Rephrase it, but it's absolutely correct --

2 MR KNOOPS: [11:51:42]

3 Q. [11:51:42] Do you --

4 PRESIDING JUDGE SCHMITT: [11:51:43] (Overlapping speakers) or right.

5 MR KNOOPS: [11:51:45]

6 Q. [11:51:45] Mr Witness, do you have information that Mr Dedane was in touch
7 with Yongo prior to your joining the Anti-Balaka?

8 A. [11:52:17] (Redacted), I did not even know that
9 someone known as Dedane existed.

10 Q. [11:52:34] We're now speaking about Mr Yongo. Do you have information that
11 Dedane, maybe Dedane told you when he asked for the number of Yongo that he
12 knew him or not. Did Dedane tell you, when he asked for the number, that he did
13 not know Yongo, and he just heard about him?

14 A. [11:53:18] No, he never asked me for Yongo's number. The number that
15 he -- he asked for is (Redacted). I have told you that he never
16 asked me for Yongo's number.

17 Q. [11:53:36] Okay. Now, and please tell us if you know, why would someone
18 like Dedane contact Mr Yongo, being a salesman, not a soldier, for ammunition?
19 Why would Yongo pressurise Dedane to move forward, as you have stated in 2020 in
20 paragraph 72? Can you give any explanation to the Chamber on this scenario you
21 have presented us in 2020.

22 A. [11:54:33] No. That only related to their communication over the phone. And
23 when I was listening to the conversations, he was talking about that name. But it is
24 not possible for me to know what the person at the other end of the line was saying.
25 (Redacted) so I was in no position to understand the conversations of the two

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1 people. I limited myself to listening to what Dedane was saying because I was with
2 him.

3 Q. [11:55:13] My -- my question to you, sir, was, what the reason was, if you know,
4 why Dedane, when you joined the Anti-Balaka, asked for his number and would call
5 a businessman, not being a soldier, for ammunition, which businessman would then
6 pressurise Dedane to move forward? Did Dedane give you any explanation on
7 the reason why he would like to contact Yongo? And why Yongo?

8 A. [11:56:07] I do not know.

9 Q. [11:56:10] Okay. Can you tell us where Mr Yongo was at that time Mr Dedane
10 asked for his number? You have any information where he was, Yongo? You just
11 said he was arrested by the Seleka in July, so did you got any information where he
12 was held by the Seleka, if that would be correct?

13 A. [11:56:55] In Bossangoa I heard -- in fact, everyone knew about it. I heard that
14 Yongo had been arrested. He was -- Yongo was an elderly person. He was a trader
15 and also a farmer. We heard that he had been arrested by the Seleka.
16 Now, if I hear that someone has been arrested, it wouldn't be possible for me to know
17 where. So if I'm told that someone who is armed was arrested, I wouldn't know
18 much more. He was not arrested because of me, so I wouldn't know where and for
19 what reason.

20 Q. [11:57:52] In your statement you told us, in 2020, paragraph 164, that Yongo,
21 in September 2013, was travelling between Bangui and Bossangoa. What was
22 the basis of that information?

23 A. [11:58:34] Yongo went to Bangui or Bossangoa? I really do not understand
24 your question. Can you be more specific or clearer, please.

25 Q. [11:58:47] Yes. In your statement you gave in 2020 to the Prosecution,

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1 paragraph 164, you say that Yongo, with Komas -- I think it was just Yongo -- was
2 travelling between Bangui and Bossangoa.

3 PRESIDING JUDGE SCHMITT: [11:59:13] And, Mr Witness, the question is how did
4 you come to know that? Where did you have the information from?

5 MR KNOOPS: [11:59:23] Yeah.

6 THE WITNESS: [11:59:46](Interpretation) Up till now, I still don't understand that
7 question. Bangui to Bossangoa, everyone could make that trip. Everyone was free
8 to travel from Bangui to Bossangoa. And, till now, the question that you're putting
9 to me, I don't understand it.

10 PRESIDING JUDGE SCHMITT: [12:00:03] Mr Knoops, you know, you have a reason
11 why you put this sentence first and ...

12 MR KNOOPS: [12:00:11] Yes.

13 PRESIDING JUDGE SCHMITT: [12:00:11] It might perhaps be an idea to put
14 the first three or four sentences of this paragraph 164 to the witness and ask him
15 the source of his information. I think you will have to do this anyway. And we
16 recognise that he is -- one says "I know", then "I think" and "I heard". So I think
17 this is what you ... of course, this might be of interest for you. Just a suggestion, so
18 that we can move on.

19 MR KNOOPS: [12:00:41] Yes. That's a good suggestion, Mr President. I have
20 a slightly different question, but it can fit in. No problem.

21 PRESIDING JUDGE SCHMITT: [12:00:51] Okay.

22 MR KNOOPS: [12:00:52]

23 Q. [12:00:52] Mr Witness, in your statement you gave in 2020, in paragraph 164,
24 you were, at the very end of your statement, being questioned about the person of
25 Mr Ngaïssona. You say: "I know that he was a member of parliament for

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1 Nana-Bakassa. He became Minister of Sport. I think Komasa, Yongo and Charly,
2 who were based in Bossangoa, were directly communicating with Ngaïssona.
3 The three would then pass Ngaïssona's messages to Dedane on the phone when they
4 talked from time to time. I heard that Komasa, Yongo and Charly would travel
5 between Bangui and Bossangoa regularly." And I believe here that the name Komasa
6 was changed in Kema, out of fairness to the witness. It was not in paragraph 72, but
7 here it changed into Kema.

8 Now, you see, Mr Witness, here you see that you mention two aspects; Komasa, Kema,
9 Yongo and Charly were based in Bossangoa, and you say that they would travel
10 between Bangui and Bossangoa regularly. And our question is: How do you know
11 at that time, or at the time of your statement, that these three people were based in
12 Bossangoa and were travelling between Bangui and Bossangoa? Did you see it
13 yourself? Did you hear it?

14 A. [12:02:56] I was told that. I did not see them travel. I never saw them leave
15 and return. I was told this.

16 PRESIDING JUDGE SCHMITT: [12:03:09] Who told you this, Mr Witness?

17 THE WITNESS: [12:03:23](Interpretation) Well, I gleaned this information from
18 the Anti-Balaka, who were talking amongst themselves.

19 PRESIDING JUDGE SCHMITT: [12:03:33] Could you be more specific, because there
20 were a lot of Anti-Balaka. If you recall it. Certain names who spoke about him.

21 THE WITNESS: [12:03:54](Interpretation) No. They were talking amongst
22 themselves. They weren't talking to me directly.

23 MR KNOOPS: [12:04:02] Okay.

24 Q. [12:04:03] Mr Witness, would you agree with me that at that time,
25 September 2013, Bossangoa was a stronghold of the Seleka?

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1 A. [12:04:37] Yes, there were Seleka. It is true that the Seleka were based in
2 Bossangoa.

3 Q. [12:04:45] Yesterday you testified, and it was your evidence in transcript page 12,
4 line 18 of the English real-time transcript, that when the Anti-Balaka tried to enter
5 Bossangoa in September, there was fierce fighting at the entrance.

6 So you would agree with me that it's -- it was not possible for an Anti-Balaka member
7 to travel on its own from Bangui to Bossangoa without taking a risk to lose his life in
8 Bossangoa, correct?

9 A. [12:05:44] At that moment in time -- or today somebody might tell me that it's
10 not easy to go to the USA and come back. And if they say that to me, then I'm going
11 to believe them.

12 PRESIDING JUDGE SCHMITT: [12:06:04] But -- may I give it another angle,
13 perhaps.

14 Mr Witness, you said you overheard that from conversation of Anti-Balaka. We
15 have understood this. At the time, did you think, perhaps, oh, that's a little bit
16 strange, no, that these people, these Anti-Balaka are travelling regularly from
17 Bossangoa to Bangui and back? Did you have something like that in mind when you
18 heard that?

19 THE WITNESS: [12:06:50](Interpretation) They would go to Bossangoa. They
20 would go to-and-fro, but I saw that when they were in Bossangoa, they would go and
21 buy things and then return.

22 As far as Bangui is concerned, well, this information came from them, and I could but
23 believe it.

24 PRESIDING JUDGE SCHMITT: [12:07:12] Okay.

25 MR KNOOPS:

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1 Q. [12:07:14] So --

2 PRESIDING JUDGE SCHMITT: [12:07:15] (Overlapping speakers)

3 MR KNOOPS: [12:07:16] Yeah.

4 Q. [12:07:16] So, Mr Witness, your -- you -- your testimony is that a salesman like
5 Yongo could, in September 2013, in the middle of the fighting, being Anti-Balaka, go
6 to Bossangoa to conduct trade; is that what you're saying today?

7 A. [12:07:51] When I (Redacted), I did not have
8 the opportunity of meeting Yongo. I heard people talk about him, but I didn't have
9 the opportunity to see him with my very own eyes.

10 PRESIDING JUDGE SCHMITT: [12:08:07] So I think we have to -- we have to - how
11 to word it - to accept that, because the witness has clearly said he heard that. And
12 okay, he has this information, whatever -- for whatever it's worth. Yeah.

13 MR KNOOPS: [12:08:24] Thank you, Mr President.

14 Q. [12:08:25] Mr Witness, I would like to instruct you that, if I ask you a question,
15 simply answer the question and not again repeat what your own mindset is about
16 the question.

17 PRESIDING JUDGE SCHMITT: [12:08:40] No, that --

18 MR KNOOPS:

19 Q. [12:08:41] My question was simply --

20 PRESIDING JUDGE SCHMITT: [12:08:42] Yeah, but -- but we have to really be
21 indulgent with the witness. It was clear I think from his answers already that he
22 does not have, let's say, information in that regard that he saw it or that he could
23 verify it. He simply -- it's simply hearsay. He heard people speak about it and
24 that's it. And he cannot say more on it.

25 MR KNOOPS: [12:09:07] Yeah.

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1 THE INTERPRETER: [12:09:05] Message from the English booth on behalf of
2 the French booth: Could the Presiding Judge and Mr Knoops please observe a pause
3 for the purposes of interpretation. Thank you.

4 PRESIDING JUDGE SCHMITT: [12:09:18] Yes, point taken, so that -- but sometimes
5 this back and fro, you know, in the heat of the moment, or perhaps heat is a little bit
6 exaggerated, but in the -- when there is the flow, so to speak, this might happen.
7 Short pause, Ms Galupa.

8 MS GALUPA: [12:09:33] Short pause, Mr President. I would just like to suggest
9 a private session, because we've been sending some redaction requests. Also
10 possibly he might feel more comfortable answering questions about specific
11 Anti-Balaka he heard interacting in private session.

12 PRESIDING JUDGE SCHMITT: [12:09:49] I would be fine with that. We can go to
13 private session, yes.

14 Mr Knoops, do you want to ask the witness also about the other sources of
15 information and with regard to -- okay. Otherwise I would have done it.

16 MR KNOOPS: [12:10:12] Yeah. I first prefer to finish the subject matter of --

17 PRESIDING JUDGE SCHMITT: Absolutely.

18 MR KNOOPS: -- Yongo.

19 PRESIDING JUDGE SCHMITT: [12:10:16] Absolutely, yeah, but I think there is not
20 much into it any more. That's my impression.

21 MR KNOOPS: [12:10:21] Well, and there is an interesting document for everyone in
22 the courtroom, that's tab 14, which is CAR-OTP-2075-0023, it's a screening note of
23 Witness -- we're not in closed session yet? Oh, sorry.

24 * (Private session at 12.10 p.m.) Reclassified partially in public

25 THE COURT OFFICER: [12:10:59] We are in private session, Mr President.

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1 MR KNOOPS: [12:11:07] Thank you.

2 Q. [12:11:12] Mr Witness, there is a person who was very close to Mr Yongo, and he
3 was interviewed in 2018 by the investigators of the Office of the Prosecution, although
4 it was not an official statement. But in the interview notes it's been said that
5 Mr Yongo was arrested on 20 July 2013, very briefly detained, released, and again
6 detained two days later.

7 PRESIDING JUDGE SCHMITT: [12:12:20] Mr Knoops, I think we can shorten this.
8 I tell you why.

9 The witness has already said that he heard this conversation, and we have here -- we
10 have here a document, so to speak, that is on the record and you can make -- you can
11 make your point I think, or you have already made your point somehow when you
12 submit this. Because it doesn't help if we put some information that another witness
13 gave in a screening note to the witness. The witness has already said he has only
14 heard it. He has no further information on that. I think we can really spare some
15 time here.

16 MR KNOOPS: [12:13:00] We could, Mr President, indeed.

17 PRESIDING JUDGE SCHMITT: [12:13:02] Really, I think you can agree with me on
18 that.

19 MR KNOOPS: [12:13:05] Yeah, yeah. Mm-hmm.

20 And I ask the attention of the Chamber that here we also see the name of Francis
21 Mongai, who was -- also escaped, he did also escape, but released after a long
22 detention so --

23 PRESIDING JUDGE SCHMITT: [12:13:29] Absolutely. I think you can move on.

24 MR KNOOPS: Yeah, yeah.

25 PRESIDING JUDGE SCHMITT: Thank you.

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1 MR KNOOPS: [12:13:32]

2 Q. [12:13:32] So, Mr Witness, there is information that Yongo was
3 in September 2013 not based in Bossangoa, but was in Bangui, in detention, and never
4 spoke with Dedane on the phone on ammunition or anything else. I put this to you.
5 And I put to you that you mentioned the name Yongo because you simply heard
6 the name from other sources and you were never on the phone -- you never heard his
7 name on the phone with Dedane.

8 A. [12:14:42] Earlier on you asked me, and I said that Dedane was talking to Yongo.
9 If I told you that, it is because it was true. On the telephone he was mentioning his
10 name. So I told you earlier that I could not follow the contents of their conversation,
11 but what is certain is that during those multiple telephone conversations I heard him
12 saying that name.

13 Q. [12:15:19] Mr Witness, (Redacted)

14 (Redacted)

15 (Redacted)

16 A. [12:16:02] I told you that Dedane was a soldier and he was a leader. When he
17 communicated with somebody, I was not in a position to know who he was
18 communicating with and I couldn't ask him who he was communicating with.
19 (Redacted)

20 MR KNOOPS: [12:16:30] Mr President, just to assist the Chamber, in the tab 14, on
21 page 0025, you find in the second paragraph a number which was, according to
22 the notes, belonging to Mr Yongo ending with 9202. And in the tab 2, the CDR
23 information of the Prosecution provided to the parties and participants, there is no
24 phone contact between Dedane and that number of Yongo which is mentioned in
25 the screening note, until the number he used till 19 October 2013.

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1 Q. [12:17:27] So I put to you, Mr Witness, that there was never any direct contact
2 between Dedane and Yongo on the phone, or any other contact between the two of
3 them. And again I give you a chance to reconsider your statement, because what
4 you're saying is not corroborated by the CDR information which was provided by
5 the Prosecution.

6 MS GALUPA: [12:17:55] Mr President, I'm sorry, I might have to object to that
7 because it is unclear to me how this phone number in the screening note is attributed
8 to Yongo, in any event.

9 PRESIDING JUDGE SCHMITT: [12:18:10] Well, I -- I don't know if it is attributed
10 to -- to Yongo.

11 MS GALUPA: [12:18:16] Maybe Mr Knoops can tell us how he came up with this
12 information.

13 MR KNOOPS: [12:18:27] Well, if you would assume that the investigators have done
14 their job correctly, of the OTP, you will find in the third paragraph: "The Seleka
15 seized his phone containing a SIM card with the number ..." and there you have
16 the number, "which he never did recover or replace after that day." That was
17 19 October 2013.

18 So the inference is that this number was used by Mr Yongo until 19 October 2013.
19 And that number is not corroborating with any of the numbers which are attributed
20 to Dedane according to the own Prosecution CDR information. And that's why we
21 put the question to the witness how (Overlapping speakers)

22 PRESIDING JUDGE SCHMITT: [12:19:19] It's okay, it's absolutely -- it's absolutely
23 okay that you're doing this. And of course we have also to keep in mind that this is
24 unfortunate that we have to do this cumbersome exercise, but such screening notes
25 would be testimonial in nature and then you cannot simply submit it, so -- if it is not a

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1 Rule 68(3) witness or whatsoever. So it's okay that you put it on the record and try
2 to figure it out with the witness. And this is of course cumbersome and I think in
3 the end unnecessary, but we have to do it for procedural reasons.

4 Ms Galupa.

5 MS GALUPA: [12:20:02] Thank you, Mr Knoops, for that explanation and thank you,
6 Mr President. It just wasn't clear to me whether the name that appears on the
7 screening -- it doesn't really sit with me -- the Defence didn't really explain how
8 the name that appears in the screening relates to Yongo.

9 PRESIDING JUDGE SCHMITT: [12:20:17] Because it's -- because it said "seized his
10 phone" or what?

11 MR KNOOPS: [12:20:23] Well, I introduced out of an abundance of caution that
12 a person close to Yongo --

13 PRESIDING JUDGE SCHMITT: Yes, of course.

14 MR KNOOPS: [12:20:26] -- was screened.

15 PRESIDING JUDGE SCHMITT: Yeah, I think --

16 MR KNOOPS: [12:20:26] But we all know --

17 PRESIDING JUDGE SCHMITT: [12:20:31] We have understood, I think.

18 MR KNOOPS: [12:20:33] And the I -- or the number which was seized by the Seleka
19 mentioned in the screening note refers to Yongo, because I -- I couldn't --

20 PRESIDING JUDGE SCHMITT: No, no, I'm -- I'm fine, so --

21 MR KNOOPS: I couldn't mention it directly.

22 PRESIDING JUDGE SCHMITT: [12:20:51] So -- but I already see that it might be
23 difficult to -- so if we -- so my -- my purpose was to accelerate everything a little bit,
24 but seems -- this seems to be impossible. So please put your question to the witness.
25 I allow it. But do it in a way that you draw out the information. And this is only,

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1 only a screening note, so the probative value might not be so high, but of course
2 you are allowed to put this to the witness, what the other witness has supposedly said
3 to the investigators.

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

5 Q. [12:21:30] So, Mr Witness, I put to you that based on this information, there was
6 not a phone contact established between the number of Yongo till 19 October 2013, he
7 used till that date, and any of the numbers attributed Dedane. So can you explain
8 the Court how you could say that Dedane was calling Yongo or Yongo was calling
9 Dedane, if there is no phone record to this extent to support your allegation?

10 MR VANDERPUYE: [12:22:12] Mr President.

11 PRESIDING JUDGE SCHMITT: [12:22:13] Yes.

12 MR VANDERPUYE: [12:22:14] I have to interrupt here. I think that the -- the issue
13 here is, the records that Mr Knoops is putting to the witness are not the sole basis or
14 the sole possible basis of contact between Mr Dedane and Mr Yongo. And to
15 suggest that there's no contact, telephone or otherwise, on the basis of a limited set of
16 information is not an appropriate way to put the question to the witness.

17 PRESIDING JUDGE SCHMITT: [12:22:41] Yes, I agree with you. This is -- of course
18 there could be others.

19 So, Mr Knoops, you have to rephrase it. This is clear that there could be other
20 (Overlapping speakers)

21 MR KNOOPS: [12:22:50] Of course but (Overlapping speakers)

22 PRESIDING JUDGE SCHMITT: [12:22:52] We don't have other information, of
23 course, at the moment.

24 MR KNOOPS: [12:22:55] I said based on the information available to the Chamber
25 and the parties. Because the prosecution has also no other information or other

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1 phone calls. The basis of the question is based on this information which is in
2 the court docket, the number which is attributed to Mr Yongo till 19 October 2013.

3 PRESIDING JUDGE SCHMITT: [12:23:20] That's correct.

4 MR KNOOPS: [12:23:20] And any of them to Dedane, it's our proposition, there
5 were no contacts. The rest is speculation. So my question is that based -- and it's
6 the evidence -- (Overlapping speakers)

7 PRESIDING JUDGE SCHMITT: [12:23:27] Even if you say it's based on this
8 information, it's absolutely okay, the question.

9 MR KNOOPS: [12:23:36] Yes.

10 Q. [12:23:37] So, Mr Witness, I give you again the opportunity to reconsider your
11 statement. Our suggestion to you is that based on the information which is available
12 now, there were no phone contacts established based on the available information
13 now between Dedane and Yongo. So I say to you that you were never privy to any
14 phone calls between Dedane and Yongo.

15 A. [12:24:25] I heard the name of Yongo said out loud. I heard him say "Yongo"
16 out loud. That's why I'm talking about this. Had he not uttered the name "Yongo",
17 I would not have spoken about it.

18 PRESIDING JUDGE SCHMITT: [12:24:42] Yeah, I think that's clear now.

19 MR KNOOPS: [12:24:44] Yeah.

20 PRESIDING JUDGE SCHMITT: [12:24:44] You can move on.

21 MR KNOOPS: [12:24:48]

22 Q. [12:24:48] Mr Witness, I (Redacted) the name of a person (Redacted)
23 (Redacted)

24 A person close to Mr (Redacted) gave a statement to the Office of
25 the Prosecution, and that's CAR-OTP-2088-2173-R04, at 2186, paragraph 65.

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- 1 It's -- the statement is not in our table, Mr President.
- 2 I'll quote you from the statement of Mr -- of the person who is close to Mr (Redacted)
- 3 A person close to him gave a statement that: (Interpretation) "Komas and Yongo
- 4 financed the Anti-Balaka to attack."
- 5 (Speaks English) End quote. And this was the attack on Bossangoa. And it's to be
- 6 found in paragraph, again, 65 of the statement of the person close to Mr (Redacted)
- 7 So I put to you that the information you provided in 2020 about Yongo, you didn't
- 8 retrieve yourself, but you got that information from (Redacted)
- 9 (Redacted)
- 10 And my question to you is: What do you say to this suggestion?
- 11 A. [12:28:04] I do not know.
- 12 Q. [12:28:10] Did you (Redacted)
- 13 (Redacted)
- 14 A. [12:28:55] When (Redacted)
- 15 (Redacted)
- 16 (Redacted)
- 17 Q. [12:29:19] This morning you testified in line 26 till 1 till 7 that (Redacted)
- 18 (Redacted)
- 19 (Redacted) This was about
- 20 another incident.
- 21 But I suggest to you, Mr Witness, that (Redacted)
- 22 (Redacted) what he told a person close to him from whom statement I just quoted,
- 23 paragraph 65, that Yongo financed the Anti-Balaka. (Redacted)
- 24 (Redacted) and that's why you mentioned his name in your statement in 2020.
- 25 PRESIDING JUDGE SCHMITT: [12:30:24] Is this correct, Mr Witness, or not? Or is

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1 it wrong?

2 THE WITNESS: [12:30:54](Interpretation) No, I do not know how they were
3 financing and who -- and how financing came about. I know absolutely nothing
4 about it.

5 PRESIDING JUDGE SCHMITT: [12:31:21] I think we have an answer, Mr Knoops,
6 now. He has repeated several times.

7 MR KNOOPS: [12:31:28] Final question on this individual who was close to
8 (Redacted) and who gave the statement we just mentioned.

9 Q. [12:31:37] Can you recall, Mr Witness, that (Redacted)
10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 A. [12:32:52] No, (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted) I do not see how we might have embarked upon any other subject of
21 conversation.

22 Q. [12:33:35] Can you -- can you recall, Mr --

23 By the way, the reference to this statement of this individual I quote from was T-101,
24 English transcript, page 34, 35. (Redacted)

25 Now, Mr Witness, (Redacted)

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1 (Redacted)

2 (Redacted) (Overlapping speakers)

3 A. [12:35:15] (No interpretation)

4 PRESIDING JUDGE SCHMITT: [12:35:24] We did not have the interpretation here.

5 Perhaps I'll repeat it.

6 Mr Witness, (Redacted)

7 (Redacted) Did you hear of such a story?

8 THE WITNESS: [12:35:58](Interpretation) No, I have no idea about that. I never

9 heard about it.

10 MR KNOOPS: [12:36:05]

11 Q. [12:36:05] And (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 A. [12:37:02] No. (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 Q. [12:37:37] I put to you, Mr Witness, that you -- (Redacted)

23 (Redacted)

24 And I refer the Chamber to the statement of that individual, P-2049. CAR-OTP-2088

25 at 2182, paragraphs 46, 47, 48 (Overlapping speakers)

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1 A. [12:38:17] That I do not know.

2 Q. [12:38:30] Mr Witness, in paragraph 47 of your statement, you say that

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted) You stand by this statement, Mr Witness?

8 A. [12:39:51] No. (Redacted)

9 (Redacted)

10 (Redacted)

11 Q. [12:40:18] But my point is, (Redacted)

12 (Redacted)

13 A. [12:40:54] (Redacted) How? I do

14 not know. But what is certain is that (Redacted)

15 Q. [12:41:26] We already asked you some questions about (Redacted). You know

16 the name of his father?

17 A. [12:41:54] His name is (Redacted).

18 Q. [12:41:57] (Redacted)

19 A. [12:42:06] Yes.

20 Q. [12:42:08] And you would agree with me, Mr Witness, that the father,

21 (Redacted)

22 A. [12:42:34] No, I do not know what family relationship they had between them.

23 Q. [12:42:45] But you can confirm that the father, (Redacted)

24 (Redacted)

25 A. [12:43:13] Yes, I can confirm that they knew each other.

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WITNESS: CAR-OTP-P-2658

1 Q. [12:43:18] Do you know whether in (Redacted)

2 (Redacted)

3 A. [12:43:44] I have no idea.

4 Q. [12:43:45] Do you know if he had cattle?

5 A. [12:43:57] Yes, (Redacted)

6 Q. [12:44:06] And his son, (Redacted), what was his occupation?

7 A. [12:44:30] I do not know precisely what was his occupation, I was not very close
8 to him. I did not approach him, so I did not know what he was doing as an
9 occupation.

10 Q. [12:44:43] Do you know whether (Redacted) assisted his father being
11 a herdsman in managing his business as a herdsman?

12 A. [12:45:10] Well, that concerns only their family. I have no idea about that.

13 Q. [12:45:17] Okay. A person quite close to (Redacted) gave a statement
14 to the Office of the Prosecution. That's CAR-OTP-2088-2173-R04 at 2182,
15 paragraph 46 till 47 and 48.

16 It's not on our list, but the crux of this statement, Mr Witness, is the following, that
17 this individual very close to Mr (Redacted) and the father, did say that on
18 (Redacted) he saw the bodies of four civilians being brought back to
19 Bossangoa after having fallen in an Anti-Balaka trap.

20 And at that time, he was close to (Redacted)

21 PRESIDING JUDGE SCHMITT: [12:46:46] And the question, the question is?

22 MR KNOOPS: [12:46:48]

23 Q. [12:46:49] (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 PRESIDING JUDGE SCHMITT: [12:47:53] So it was very -- it was a very long
5 question.

6 So, to break it down. Mr Witness, there is another witness saying that (Redacted)

7 (Redacted)

8 (Redacted). So what -- what do you say to that?

9 THE WITNESS: [12:48:31](Interpretation) The person who told you that he saw it,
10 well, (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 PRESIDING JUDGE SCHMITT: [12:50:04] Okay. Please move on, Mr Knoops.

23 MR KNOOPS: [12:50:06] Yeah.

24 Q. [12:50:07] Can you enlighten the Chamber (Redacted)

25 (Redacted)

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WITNESS: CAR-OTP-P-2658

1 A. [12:50:36] It was in the (Redacted)

2 Q. [12:50:50] Can you be more precise. Was it to the north, the east, the west or

3 the south of the (Redacted)

4 (Redacted)

5 A. [12:51:24] From the place where (Redacted)

6 (Redacted) sector or area.

7 Q. [12:51:46] You say in your statement in paragraph 124 that (Redacted)

8 (Redacted) Did they confirm to you that that was indeed (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 A. [12:52:42] (Redacted)

13 (Redacted)

14 (Redacted)

15 Q. [12:53:08] My question to you is, sir, would the family -- (Redacted)

16 (Redacted)

17 (Redacted)

18 PRESIDING JUDGE SCHMITT: [12:53:27] How could they confirm that, Mr Knoops?

19 So you --

20 MR KNOOPS: [12:53:27] No --

21 PRESIDING JUDGE SCHMITT: [12:53:28] -- have to rephrase it. The --

22 MR KNOOPS: [12:53:30] Mr President, he told in paragraph 124 that (Redacted)

23 (Redacted) that it affected him,

24 apparently, allegedly.

25 Q. [12:53:43] So my question to you is, Mr Witness --

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1 PRESIDING JUDGE SCHMITT: [12:53:45] Did -- did -- no, no.

2 (Redacted)

3 (Redacted)

4 THE WITNESS: [12:54:11](Interpretation) But (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 PRESIDING JUDGE SCHMITT: [12:54:47] (Redacted)

11 (Redacted)

12 THE WITNESS: [12:55:07](Interpretation) No, they couldn't ask me that, because

13 during that period it was impossible to go there. They simply asked me what had

14 happened (Redacted) and I explained it to them. That is all.

15 (Redacted)

16 PRESIDING JUDGE SCHMITT: [12:55:31] Mr Knoops.

17 MR KNOOPS: [12:55:33]

18 Q. [12:55:33] Now, Mr Witness, did you tell (Redacted)

19 (Redacted)

20 (Redacted)

21 or whatever?

22 A. [12:56:11] I told them that (Redacted)

23 (Redacted) I couldn't do that. I couldn't tell them that.

24 Q. [12:56:26] My question to you is, sir, (Redacted)

25 PRESIDING JUDGE SCHMITT: [12:56:33] No, he has answered that. He did not

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1 give the (Redacted). This is absolutely clear now.

2 MR KNOOPS: [12:56:46]

3 Q. [12:56:46] Mr Witness, do you know the name of -- before I -- I go to the last two
4 subjects of my questioning --

5 PRESIDING JUDGE SCHMITT: [12:56:57] May I shortly. Perhaps with -- with
6 regard to the time, how long do you think it will take?

7 MR KNOOPS: [12:57:05] Maximum 20 minutes.

8 PRESIDING JUDGE SCHMITT: [12:57:08] Okay, we have been asked by CMS when
9 we prolong the sessions that we make a short pause.

10 MR KNOOPS: [12:57:16] Say maybe half an hour, Mr President.

11 PRESIDING JUDGE SCHMITT: [12:57:17] So let's say, let's have now five minutes,
12 please stay here, so that they can adjust. There seems to be a new procedure in place.
13 So we are a little bit admonished that when we continue we should make, also for
14 the benefit of Registry, CMS, the interpreters, we should make a short break, let's say
15 until 1 o'clock, and then Mr Knoops, if we can trust that you finish at 1.30, then we
16 can have the lunch break then, yeah? We do it this was.

17 MR KNOOPS: [12:57:48] I'll do my best, yes.

18 THE COURT USHER: [12:57:53] All rise.

19 (Recess taken at 12.57 p.m.)

20 (Upon resuming in private session at 1.04 p.m.)

21 THE COURT USHER: [13:04:54] All rise.

22 Please be seated.

23 PRESIDING JUDGE SCHMITT: [13:05:05] Mr Knoops, you will not be surprised that
24 you have still the floor.

25 MR KNOOPS: [13:05:10] I'll move on quickly, Mr President.

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1 Q. [13:05:13] Mr Witness, to conclude the last part on -- I assume we are still in
2 closed session, Mr President?

3 PRESIDING JUDGE SCHMITT: [13:05:23] Yeah, I think so, yes.

4 MR KNOOPS:

5 Q. [13:05:26] To conclude the last part on (Redacted). The reason I have
6 confronted you with the statement of the witness I just mentioned, (Redacted), is that
7 I put to you, sir, that you (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted) and

11 you put this all together in your statement.

12 And I give you again a chance to reconsider your statement.

13 PRESIDING JUDGE SCHMITT: [13:06:29] Well, I really -- I really think, Mr Knoops,
14 the statement of the witness is absolutely clear, he has not reconsidered. He sticks
15 with what he said. I think we really can move on from there.

16 MR KNOOPS: [13:06:43] Yes.

17 Q. [13:06:44] Then, Mr Witness, can you recall that you were -- prior to your
18 testimony or your statement 2020, you were interviewed by the investigators of
19 the Office of the Prosecution.

20 That's tab 3 of the Defence binder, the screening note, CAR-OTP-2121-2614-R01
21 at 2617.

22 In this screening note it was said that -- by you, in accordance with this screening note,
23 that (Redacted). Can you remember saying
24 this to the investigators in 2020?

25 A. [13:07:57] I said -- well, did (Redacted)? And

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 THE INTERPRETER: [13:09:20] Correction from the English booth: (Redacted)

12 (Redacted). Thank you.

13 MR KNOOPS: [13:09:32]

14 Q. [13:09:32] Sir, I suggest to you (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted) wasn't it, Mr Witness?

19 A. [13:10:19] That is not true.

20 Q. [13:10:23] In the evidence given before this Court by a Prosecution witness,

21 (Redacted) in -- that's tab 20, live evidence, ICC-01/14-01/18, T-101, English version,

22 page 34, lines 19-22, there was a Prosecution witness who gave evidence to the extent

23 that (Redacted)

24 So I put again to you, sir, that (Redacted)

25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted) because could you explain the Chamber why --

5 PRESIDING JUDGE SCHMITT: [13:11:59] Mr Knoops, these are so many questions

6 in -- in one.

7 So, first of all -- and the witness has answered that, but let's break it down.

8 First of all, the reason -- (Redacted)

9 THE WITNESS: [13:12:31](Interpretation) (Redacted).

10 PRESIDING JUDGE SCHMITT: [13:12:35] Mr Knoops, and then you can ask him

11 about what you said, that he fabricated, yeah, and perhaps in a generic manner, if you

12 want, other -- but it is indeed -- you know, if there are too many questions in one,

13 the witness can choose which one to answer, first thing; second thing, he might get

14 confused.

15 MR KNOOPS: [13:13:00] Yes.

16 Q. [13:13:00] Mr Witness, I put to you that the reason you provided to the Office of

17 the Prosecution and the Court as (Redacted)

18 (Redacted)

19 (Redacted)

20 PRESIDING JUDGE SCHMITT: [13:13:26] Hasn't he answered that?

21 MR KNOOPS: [13:13:28]

22 Q. [13:13:28] Because can you explain (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted) (Overlapping speakers)

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1 PRESIDING JUDGE SCHMITT: [13:13:53] Mr -- Mr Knoops, please stop at one point

2 in time with your questions. It's getting too long. You have a good question here:

3 (Redacted)

4 (Redacted). And after we have an answer on that, we can

5 continue.

6 So, Mr Witness, you have heard the question. In your mind, what did you figure out

7 (Redacted)

8 THE WITNESS: [13:14:50](Interpretation) Yes, he needed a telephone number.

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 MR KNOOPS: [13:15:16]

13 Q. [13:15:17] Mr Witness, you have stated that Dedane had 400 men at Gobéré.

14 You testified that even Mr Yongo (Redacted) was able, in your evidence, to travel

15 to Bossangoa, despite Bossangoa being a stronghold for the Seleka. So why would

16 Mr Dedane need (Redacted)? He could simply delegate one

17 of those 400 men to Bossangoa. (Redacted) why

18 not one of his men, (Redacted)?

19 PRESIDING JUDGE SCHMITT: [13:15:59] Please, Mr Knoops, don't argue with

20 the witness. You have put your question to him; (Redacted)

21 (Redacted)? That is

22 the question to the witness.

23 THE WITNESS: [13:16:31](Interpretation) I told you that (Redacted)

24 (Redacted)

25 (Redacted) That is all.

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1 PRESIDING JUDGE SCHMITT: [13:16:46] So please move on, Mr Knoops.

2 Everything else is assessment of evidence.

3 MR KNOOPS: [13:16:51]

4 Q. [13:16:52] Dedane himself travelled three times, you say, to -- on foot to

5 Bossangoa. So, again, (Redacted)

6 (Redacted) while he went himself to Bossangoa three times to fetch ammunition?

7 I put to you that (Redacted)

8 (Redacted)

9 He had 400 men. He travelled himself three times to Bossangoa on foot.

10 PRESIDING JUDGE SCHMITT: [13:17:34] Mr Knoops -- Mr Knoops, it is simply too

11 long. It makes -- even from your perspective as Defence counsel, it makes it easy for

12 the witness to -- to answer what he likes to choose from. So still -- so the new

13 information is that you gave now, that you said, Mr Witness, listen, you yourself said

14 Dedane went three times to Bossangoa. So the question is, (Redacted)

15 (Redacted)

16 THE WITNESS: [13:18:26](Interpretation) (Redacted)

17 (Redacted)

18 (Redacted)

19 PRESIDING JUDGE SCHMITT: [13:18:47] Okay. So, Mr Knoops, we leave this

20 issue now, because it -- we don't get anything more out of it, and the Chamber will

21 have to assess it in the end.

22 MR KNOOPS: [13:18:58]

23 Q. [13:18:58] Mr Witness, it's your evidence, wasn't it, that (Redacted)

24 (Redacted)? Do you stand by still this evidence? You confirm that it's still your

25 evidence, (Redacted)?

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1 A. [13:19:25] Yes, I can confirm that (Redacted)

2 (Redacted)

3 Q. [13:19:45] And can you tell us (Redacted)

4 (Redacted)

5 A. [13:20:19] I believe it took a while. (Redacted)

6 (Redacted)

7 Q. [13:20:42] (Redacted) when -- around

8 the time frame that he had to go to Bossangoa?

9 A. [13:21:11] Yes, (Redacted)

10 Q. [13:21:23] Can you then explain the Chamber why Mr Dedane went three times
11 by foot to travel to Bossangoa from the Gbonguere hill, which takes 35 kilometres and
12 70 with return.

13 It was your testimony yesterday in the transcript, page 29, English real time, line 24,
14 that Mr Dedane undertook those trips by foot.

15 PRESIDING JUDGE SCHMITT: [13:22:16] So the question, Mr Witness, the question
16 is, (Redacted)

17 (Redacted)

18 THE WITNESS: [13:22:42](Interpretation) No. (Redacted)

19 (Redacted)

20 (Redacted)

21 MR KNOOPS: [13:23:03]

22 Q. [13:23:03] And please tell us (Redacted)

23 (Redacted)

24 A. [13:23:24] They are soldiers. I don't know why it is. Was it strategic? He
25 was just saying that they were going to Bossangoa. Were they really going to

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1 Bossangoa or were they going to stop and come back? I don't know.

2 Q. [13:23:47] So actually you are saying that it -- there was a risk that Dedane
3 would find forces on his way to Bossangoa and that for strategy reasons he evaded
4 the main road, is that what you're saying?

5 A. [13:24:28] I can't answer that question on Dedane's behalf. (Redacted)

6 (Redacted). As to why he chose to go on foot, I do not know.

7 (Redacted). But, for sure, (Redacted)

8 (Redacted), he would go on foot.

9 Q. [13:24:53] And please tell us how was Mr Dedane able to go to Bossangoa,
10 which is straight 35 kilometres on the main road, he was not taking the main road
11 and then arriving the same evening back from Bossangoa?

12 PRESIDING JUDGE SCHMITT: [13:25:13] Well, that is, I think -- this calls for
13 speculation, I think. The witness cannot know this.

14 This is again something that -- that could be, let's say that could be put in
15 some -- some brief, yeah, in the end.

16 MR KNOOPS: [13:25:30] Okay, it's more about logic, Mr President. I agree.

17 PRESIDING JUDGE SCHMITT: [13:25:33] Yes, yes.

18 MR KNOOPS: [13:25:35] So my -- I will go to my next question.

19 Q. [13:25:37] Mr Witness, how can you explain to the Chamber that Mr Dedane
20 was able to go by foot to Bossangoa, not taking the main road, and returning back at
21 one of those occasions as you asserted, with Kalashnikovs, heavy weapons and
22 hunting weapons? So how was he able to transport all that armoury by foot 35
23 kilometres to Bossangoa, not taking the main road?

24 PRESIDING JUDGE SCHMITT: [13:26:30] Ms Galupa, again.

25 MS GALUPA: [13:26:32] That is still a bit (Overlapping speakers)

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1 THE WITNESS: [13:26:34] (No interpretation)

2 PRESIDING JUDGE SCHMITT: [13:26:35] No, let -- no, we let him answer this now.

3 We (Overlapping speakers)

4 THE WITNESS: [13:26:38] (Overlapping speakers) (No interpretation)

5 PRESIDING JUDGE SCHMITT: [13:26:38] -- have to come to an end here.

6 Before interrupting, did the interpreters catch something?

7 Mr Witness, then let me formulate it again. So you said Mr Dedane went to

8 Bossangoa by foot and he came back and at one point in time he came back with

9 weapons and armoury. How did -- how did Mr Dedane transport these weapons
10 and armoury?

11 THE WITNESS: [13:27:20](Interpretation) I told you (Redacted) when
12 he went to Bossangoa. He would go and return and I would hear that Dedane had
13 returned. I think that there are a number of possibilities to go to Bossangoa. You
14 can take trails and go to-and-fro.

15 PRESIDING JUDGE SCHMITT: [13:27:53] So, Mr Witness, do we, do we understand
16 you correctly that you did not see him come back with the weapons, you only heard it
17 that he came back with weapons? Is that a correct understanding of what you're
18 saying?

19 THE WITNESS: [13:28:18](Interpretation) That is correct. I cannot say that they
20 came back with such-and-such a type of weapon or that they used or went via
21 such-and-such a trail. They just said that they'd gone to Bossangoa and that they
22 had returned.

23 MR KNOOPS: [13:28:43]

24 Q. [13:28:43] Mr Witness, I put to you that (Redacted)

25 And that you -- (Overlapping speakers)

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1 PRESIDING JUDGE SCHMITT: [13:28:55] Mr Knoops, he has answered --

2 MR KNOOPS:

3 Q. [13:28:59] -- invented the story --

4 PRESIDING JUDGE SCHMITT: [13:28:59] He has answered that. He stays with his

5 story. You have put -- you have put your -- your story to him and he has said

6 (Redacted). He has answered that. That's asked and answered.

7 MR KNOOPS: [13:29:09]

8 Q. [13:29:09] Mr Witness, two final questions for you. Do you know the name of

9 Soumaine Naffi?

10 A. [13:29:38] I'm sorry, I didn't hear the name.

11 Q. [13:29:44] Soumaine Naffi?

12 A. [13:29:58] No, I do not know that name, (Redacted)

13 (Redacted)

14 (Redacted)

15 Q. [13:30:29] The name Iksame Markousse?

16 A. [13:30:45] No, it doesn't ring a bell.

17 Q. [13:30:51] Aichatou Mahamat?

18 A. [13:31:02] No, that's a woman, but I do not know her.

19 Q. [13:31:12] When was the last time, Mr Witness, that you spoke to (Redacted)

20 (Redacted)

21 A. [13:31:36] I did not speak with (Redacted). I never discussed with (Redacted).

22 When you ask me what -- when was the last time I spoke with him, it means I was

23 speaking with him before. (Redacted) so I never spoke

24 with him.

25 Q. [13:32:07] When was the last time, if any, you spoke with (Redacted)?

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1 A. [13:32:29] I never spoke with him.

2 Q. [13:32:33] Did you, prior to your evidence given today and yesterday and

3 Monday, speak to (Redacted)? And if so, please give

4 us the names.

5 A. [13:33:11] One cannot discuss testimony with everyone, so I cannot tell anyone

6 that, "Look, I am going to testify." So it's impossible to talk about it with everyone.

7 Q. [13:33:33] (Redacted)

8 (Redacted)

9 A. [13:34:02] No, I never witnessed that. (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 Q. [13:34:31] And Mr Witness, (Redacted)

14 A. [13:34:53] I never did that work.

15 Q. [13:35:00] You (Redacted), wasn't it?

16 A. [13:35:25] (Redacted)

17 Q. [13:35:38] (Redacted)

18 (Redacted)

19 A. [13:36:05] (Redacted)

20 Q. [13:36:10] (Redacted)

21 (Redacted)

22 (Redacted)

23 A. [13:36:51] (Redacted)

24 (Redacted)

25 (Redacted)

Trial Hearing

(Private Session)

ICC-01/14-01/18

WITNESS: CAR-OTP-P-2658

1 (Redacted)

2 (Redacted)

3 PRESIDING JUDGE SCHMITT: [13:37:32] If I may --

4 MR KNOOPS: [13:37:33] (Overlapping speakers)

5 PRESIDING JUDGE SCHMITT: [13:37:33] Mr Witness, paragraph 122, you said,

6 that's CAR-OTP- -- English translation -- 2126-0031. And it is (Redacted)

7 (Redacted)

8 (Redacted)

9 So how do we have to understand this?

10 THE WITNESS: [13:38:20](Interpretation) (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 MR KNOOPS: [13:39:04]

16 Q. [13:39:04] Mr Witness, my final question to you is: Now (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 Can you give an explanation to the Chamber.

23 A. [13:40:07] Yes, (Redacted)

24 (Redacted)

25 (Redacted)

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1 came here before you to testify, and then I'm being confronted with these types of
2 questions. These are questions that are beyond me. You have put questions to me
3 on deaths, Seleka elements, difficult questions in a nutshell.

4 (Redacted)

5 (Redacted)

6 (Redacted) So thank God I was able to stay
7 alive -- till today, that you are seeing me before you.

8 MR KNOOPS: [13:41:30] Thank you, Mr President. These were our questions.

9 PRESIDING JUDGE SCHMITT: [13:41:32] I don't assume that there will be
10 a redirect.

11 So, Mr Witness, I would like to address you on behalf of the Chamber. This
12 concludes your testimony. On behalf of the Chamber, I would like to thank you that
13 you came to this court and answered so many questions in the past three days to help
14 assist the Chamber to determine the truth.

15 We wish you a safe trip back home to where you are now.

16 THE WITNESS: [13:42:23](Interpretation) I thank you.

17 (The witness is excused)

18 PRESIDING JUDGE SCHMITT: [13:42:27] So we could have a break until a quarter
19 to 3 or to 3. Any favourites here? 3 o'clock. Ms Guissé decides, 3 o'clock, we
20 continue.

21 THE COURT USHER: [13:42:39] All rise.

22 (Recess taken at 1.42 p.m.)

23 (Upon resuming in open session at 3.02 p.m.)

24 THE COURT USHER: [15:02:43] All rise.

25 Please be seated.

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1 PRESIDING JUDGE SCHMITT: [15:03:08] Good afternoon. I think we are partly.
2 There are new persons in the room. So, just for the record, perhaps Prosecution,
3 first.

4 Let's call the case, first, because it's a new witness, perhaps, to make sure that we are
5 on the right page, everyone.

6 THE COURT OFFICER: [15:03:24] Good afternoon, Mr President.
7 Situation in the Central African Republic II, in the case of The Prosecutor versus
8 Alfred Yekatom and Patrice-Edouard Ngaïssona, case reference ICC-01/14-01/18.
9 And for the record, we are in open session.

10 PRESIDING JUDGE SCHMITT: [15:03:40] Yes. And we turn to the Prosecution,
11 just that you inform us who is new, just for the record.

12 MR BELBENOIT AVICH: [15:03:54](Interpretation) Good afternoon, Mr President,
13 your Honours.

14 This afternoon the OTP is represented by Mr Vanderpuye, Mrs Galupa, Yassin Mostfa
15 and Pierre Belbenoit Avich, myself.

16 PRESIDING JUDGE SCHMITT: [15:04:14] Thank you.

17 And I think Ms Guissé and her troops is the same, so to speak, but we have Ms Proulx,
18 I think, before the record, Mr Rowse. They are nearly completely new.

19 So, Mr Knoops, you have to help us on that.

20 MR KNOOPS: [15:04:25] Yes, Mr President. Ms Proulx, on my right; second row,
21 Ms Despoina Eleftheriou and Mr Michael Rowse; and on my right, still
22 Mrs Knoops-Hamburger, as always.

23 And, Mr President, just an announcement, because I have to teach at 5 o'clock at my
24 university, so, unfortunately, I have to disappoint the students that it will be a Zoom
25 meetings. I would ask the leave of the Chamber that I leave 15 minutes before 5 to

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1 leave the courtroom in order to have the -- give the lecture from the courthouse to
2 students in Amsterdam.

3 PRESIDING JUDGE SCHMITT: [15:05:02] I think we plan -- we plan until 4.30, that
4 is -- so you have -- we'll have no problems anyway.

5 MR KNOOPS: [15:05:08] I thank you very much, Mr President.

6 PRESIDING JUDGE SCHMITT: [15:05:11] Thank you.

7 And then, very importantly, we have a witness. This is witness -- Prosecution
8 Witness P-2453.

9 Mr Witness, good afternoon. Can you hear and understand me well?

10 WITNESS: CAR-OTP-P-2453

11 (The witness speaks Sango)

12 (The witness gives evidence via video link)

13 THE WITNESS: [15:05:49](Interpretation) I can. Thank you.

14 PRESIDING JUDGE SCHMITT: [15:05:52] Well, We didn't hear the interpretation.
15 Could you please be so kind and to repeat it.

16 THE WITNESS: [15:06:07](Interpretation) Yes, I hear you, 10 out of 10.

17 PRESIDING JUDGE SCHMITT: [15:06:13] That is very promising. Thank you very
18 much, Mr Witness.

19 Everything is okay. Please give it back to the witness. Everything is okay.

20 Thank you, Mr Witness. That's very comforting and promising for us. On behalf of
21 the Chamber, I would like to welcome you to the courtroom. You are called to
22 testify to assist this Chamber in the case of Mr Yekatom and Mr Ngaïssona. There
23 have been put for you protective measures; face distortion and use of a pseudonym.
24 That is the reason why I do not address you with your real name but with -- as
25 "Mr Witness".

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1 And, Mr Witness, we continue with the solemn undertaking. There should be a card
2 on the desk in front of you with the solemn undertaking to tell the truth. Would you
3 please be so kind to read out loud the content of this card.

4 THE WITNESS: [15:07:31](Interpretation) Yes, I have the card in front of me.

5 I solemnly swear to tell you exactly what's happened. I won't come here to lie and
6 accuse someone gratuitously.

7 PRESIDING JUDGE SCHMITT: [15:07:47] So this means that you are willing to tell
8 us the truth, the whole truth and nothing but the truth; would you agree with me?

9 THE WITNESS: [15:08:04](Interpretation) Yes. I am here to tell you the truth. I
10 will only speak the truth. I will tell you what I know. What I don't know, I will not
11 invent so that somebody is falsely accused.

12 PRESIDING JUDGE SCHMITT: [15:08:22] Well, we seldomly have this so clear, but
13 thank you very much, Mr Witness.

14 Before we start with your testimony, please observe and keep in mind that everything
15 we say here in the courtroom is interpreted, and the interpreters have to follow what
16 you are saying and, of course, also what we are saying. And because of that, we all
17 have to speak, including you, at a little bit, perhaps, slower pace than we would
18 normally do so that the interpretation comes through.

19 And, Mr Witness, please speak only when the person who has asked you a question
20 has finished, and then wait a couple of seconds.

21 Thank you very much for that, but this is all very important so that everyone here in
22 the courtroom really gets to know what you want to say.

23 Understood?

24 THE WITNESS: [15:09:28](Interpretation) I have understood.

25 PRESIDING JUDGE SCHMITT: [15:09:30] So we start now with the examination by

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1 the Prosecution.

2 I give you the floor.

3 MR BELBENOIT AVICH: [15:09:46](Interpretation) Thank you, Mr President.

4 QUESTIONED BY MR BELBENOIT AVICH:

5 Q. [15:09:50] Good afternoon, Mr Witness.

6 A. [15:09:52] Good afternoon.

7 MR BELBENOIT AVICH: [15:09:58](Interpretation) May I please be seated, or
8 would you prefer that I remain standing?

9 PRESIDING JUDGE SCHMITT: [15:10:06] No. Thank you for asking. We have
10 established that when the witness is not present in the courtroom, then you can make
11 yourself a little bit more comfortable and remain seated. Very good.

12 MR BELBENOIT AVICH: [15:10:22](Interpretation)

13 Q. [15:10:23] Mr Witness, you probably remember that we met each other
14 yesterday afternoon. My name is Pierre Belbenoit Avich, and I will be asking you
15 some questions today.

16 Firstly, as the Presiding Judge explained, you have protective measures granted to
17 you, and this means that your identity will not be known to anyone outside this
18 courtroom. You will not be called by your name, and also your voice and image will
19 be distorted during the hearing so that people who are following this case will not be
20 able to recognise you.

21 Furthermore, parts of your testimony which might identify you will be held in closed
22 sessions. So when we are in closed session, only the persons present in the
23 courtroom will be able to hear what you say and not the general public.

24 If you feel that when we are in public session that an answer that you'd like to give us
25 might identify you, do not hesitate to let me know, and I will ask the Presiding Judge

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1 that we move into closed session so that the outside world won't know what's going
2 on.

3 I will also assure you that if there is some information that is given in public identifies
4 you, there is a process in place which enables us to alert the Presiding Judge, and then
5 the appropriate steps will be taken.

6 It is also possible that some questions seem very clear to you. If that is the case and
7 they don't seem clear, don't hesitate to ask me and I will rephrase them.

8 Firstly, I'd like to ask you some questions about your identity. Then I will ask you
9 some questions, some very basic questions on the statement you made in June 2019 to
10 the OTP, and then I'll ask you some -- some clarification or more specific questions on
11 the information which you already have given us in 2019.

12 Mr President, with your permission, I would like to go into closed session.

13 PRESIDING JUDGE SCHMITT: [15:12:50] Yes.

14 We go to private session.

15 MR BELBENOIT AVICH: [15:12:56] (No interpretation)

16 PRESIDING JUDGE SCHMITT: [15:13:01] Not so quick. Not so quick.

17 * (Private session at 3.13 p.m.) Reclassified partially in public

18 THE COURT OFFICER: [15:13:17] We are in private session, Mr President.

19 PRESIDING JUDGE SCHMITT: [15:13:20] Thank you.

20 And before we continue, please try to speak a little bit slower. You are, obviously,
21 I think a native speaker in French, and this is tempting - we know this also from some
22 Defence counsel - to get perhaps a little bit -- to become a little bit too quick. So
23 please also try to speak at a relatively low pace for your personality and for what you
24 would normally do, yeah?

25 You can start now.

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1 MR BELBENOIT AVICH: [15:13:51](Interpretation) Very well. I will do my best,

2 Mr President.

3 Q. [15:13:55] Mr Witness, could you give us your name. Could you give us your
4 name and your first name, your last name and your first name, please.

5 A. [15:14:23] My name is (Redacted).

6 Q. [15:14:38] Thank you. Where were you born, and what is the date of your
7 birth?

8 A. [15:14:52] I was born on (Redacted).

9 Q. [15:15:02] And are you Central African by nationality; is that correct?

10 A. [15:15:13] I am a Central African. (Redacted).

11 Q. [15:15:20] Thank you. And what is your religion, please?

12 A. [15:15:32] My religion is (Redacted).

13 Q. [15:15:37] What ethnic group do you belong to?

14 A. [15:15:43] I am (Redacted).

15 Q. [15:15:51] Thank you.

16 Mr President, we can go into public session.

17 PRESIDING JUDGE SCHMITT: [15:15:57] Yeah, open session.

18 (Open session at 3.15 p.m.)

19 THE COURT OFFICER: [15:16:01] We are back in open session, Mr President.

20 MR BELBENOIT AVICH: [15:16:18](Interpretation)

21 Q. [15:16:20] Mr Witness, you had a questioning with the OTP in 2019, and they
22 have made a report during that interview; is that correct?

23 A. [15:16:44] That is correct. That is correct. We did have an interview.

24 Q. [15:16:51] Thank you. And I understand that you have reviewed that

25 testimony during the last days, and I saw that you made some corrections, and I

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1 thank you for them.

2 Could you confirm that the information in this statement are truthful as you have
3 corrected them with the help and assistance of the Victims and Witnesses Unit.

4 A. [15:17:38] Exactly. I relayed what I saw and I also related what I heard said.
5 And I think I mentioned all this in my statement.

6 Q. [15:17:59] That is correct, Mr Witness.

7 Do you agree that your testimony can be used as evidence within this case?

8 A. [15:18:20] Yes, exactly, I agree with that.

9 PRESIDING JUDGE SCHMITT: [15:18:25] I think that is okay. But you can put
10 perhaps the CAR-OTP numbers into the record, and then I confirm it, so to speak,
11 formally.

12 Well, for example, the English one is CAR-OTP-2111-0415. I don't know if we have
13 also a French one, but then you can provide us with this.

14 MR BELBENOIT AVICH: [15:18:54](Interpretation) The translation -- translation is
15 CAR-OTP-2018-600 -- 418 -- it's 2118-2698.

16 PRESIDING JUDGE SCHMITT: [15:19:17] Thank you. So the conditions for a
17 Rule 68(3) with regard to the statement are fulfilled with the corrections made by the
18 witness.

19 You can continue with the examination now.

20 MR BELBENOIT AVICH: [15:19:39](Interpretation) Thank you, Mr President.

21 Q. [15:19:41] Mr Witness, I'm going to ask you some questions to clarify or to
22 complete some information which you have provided to the investigators at that time.
23 For my time, I think I will take up two hours of time. I will try to be even briefer
24 than that. I'm not going to ask you to repeat what you have stated in 2019. It's not
25 necessary because your statement is already part of your evidence.

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1 So I'm going to ask you questions which are very targeted on four particular topics:

2 The situation in Bossangoa before the 5 December attack, the attack itself; the

3 situation in Bossangoa after the attack; and then in the end, I will ask you questions

4 on your evacuation and the other Muslims going towards Chad.

5 Well, to start off, I'm going to ask you some questions on the situation in the region of

6 Bossangoa before 5 December 2013.

7 Mr Witness, in paragraph 27 and 54 of your testimony, you referred to attacks which

8 were carried out simultaneously by the Anti-Balaka on 6 September 2013 in Bowai, in

9 Zere, in Ouham Bac and Benzambe.

10 For purposes of clarification, as far as you know, these attacks which were led by the

11 Anti-Balaka in Zere, Ouham Bac and Benzambe were done by civilians.

12 A. [15:21:56] Yes, they were victims after these attacks.

13 Q. [15:22:04] Could you elaborate, please.

14 A. [15:22:24] No problem. The attack of the 6th, (Redacted)

15 (Redacted)

16 Q. [15:22:49] Yes. I'm not asking questions about that particular incident. My

17 question is really the attacks on Zere, Ouham Bac and Benzambe.

18 A. [15:23:14] As regards Bowai, Benzambe, I didn't see that myself, but I heard it

19 said that civilians were killed in Benzambe, Bowai and Zere. Individuals were burnt.

20 But I heard it said. I was not present myself.

21 Q. [15:23:37] Thank you, Mr Witness. And these victims during those attacks, as

22 far as you know, were they Christians or were they Muslims?

23 A. [15:24:02] Largely Muslims. Civilian Muslims. That was for the first day of

24 6 September.

25 Q. [15:24:17] Thank you. Could you specify so that it's quite clear who were the

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1 attackers, who committed these crimes in these villages?

2 A. [15:24:37] They were the Anti-Balaka.

3 Q. [15:24:42] You mentioned the fact that persons were set alight. Could you
4 explain, please.

5 A. [15:24:57] Yes. That happened in Zere. There was a chief called Bouba and he
6 was burnt alive.

7 Q. [15:25:13] Thank you, Mr Witness. Could you tell me what happened to the
8 population of that village. Did they remain there after the attack, the Muslim
9 population?

10 A. [15:25:42] No. After the attack, there were deaths. Others sought refuge in
11 the bush. They didn't stay in the village anymore. The Anti-Balaka were
12 controlling the town itself and the location.

13 MS PROULX: [15:26:09] Mr President. Mr President.

14 PRESIDING JUDGE SCHMITT: [15:26:11] Yes.

15 MS PROULX: [15:26:11] Would -- I would suggest that we should specify what the
16 basis of knowledge of the witness is on these questions because he said he did not --

17 PRESIDING JUDGE SCHMITT: [15:26:21] Yes, yes, you're right, Ms Proulx.

18 MS PROULX: [15:26:23] Thank you.

19 PRESIDING JUDGE SCHMITT: [15:26:24] And the witness has said he has heard it
20 said. We could perhaps inquire a little bit more who told him and what the
21 sources of -- very good, by the way, very good idea to do that so that we can put it
22 into perspective with regard to the assessment of the evidence.

23 MR BELBENOIT AVICH: [15:26:47](Interpretation) Absolutely right, Mr President.

24 Q. [15:26:50] Mr Witness, I'm going to ask the question. How did you learn what
25 happened in that village? If you think this could identify you, we can go into private

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1 session.

2 A. [15:27:19] I would prefer that we go into private session. I can then answer
3 more freely.

4 PRESIDING JUDGE SCHMITT: [15:27:27] Yes, I think that's a reasonable proposal.
5 We go to private session.

6 * (Private session at 3.27 p.m.) Reclassified partially in public

7 THE COURT OFFICER: [15:27:52] We are in private session, Mr President.

8 MR BELBENOIT AVICH: [15:28:01](Interpretation) Thank you.

9 Q. [15:28:04] I will now give you the floor so that you can answer.

10 A. [15:28:21] What happened in Zere relating to Bouba, (Redacted)

11 (Redacted). He was in Zere, and he married a Christian woman.

12 So when the events unfolded, the woman was killed, but (Redacted) -- no, no, no,

13 sorry -- the father was killed, (Redacted)

14 (Redacted)

15 (Redacted)

16 Q. [15:29:07] Thank you for those explanations, Mr Witness.

17 PRESIDING JUDGE SCHMITT: [15:29:12] Since we are at it, perhaps we can add,
18 you also, Mr Witness, spoke about these, like you said, three attacks on 6 September,
19 and you said also in that context that you heard it said. What -- who spoke with you,
20 and who told you about this incident, these attacks?

21 THE WITNESS: [15:29:50](Interpretation) The first attack of Bowai, (Redacted)

22 (Redacted)

23 (Redacted) it was in Bowai.

24 As regards Bouba, (Redacted), he explained what happened

25 to (Redacted) was killed. He was burnt alive in front of the -- in

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1 front of the central mosque. That's what (Redacted) told us.

2 PRESIDING JUDGE SCHMITT: [15:30:28] Okay. And Benzambe, I think we did

3 not -- have not yet covered. You also spoke about Benzambe.

4 THE WITNESS: [15:30:46](Interpretation) Yes. With regard to Benzambe, yes,

5 indeed.

6 PRESIDING JUDGE SCHMITT: [15:30:53] I think we continue from there.

7 MR BELBENOIT AVICH: [15:30:57] (No interpretation) (Overlapping speakers)

8 PRESIDING JUDGE SCHMITT: [15:31:00] We can go back to open session, it's fine.

9 If you think it is risky, we stay in private session.

10 Open session then.

11 THE WITNESS: [15:31:20](Interpretation) I would like to tell you about what

12 happened in Benzambe before we come back to open session.

13 PRESIDING JUDGE SCHMITT: [15:31:30] Yes. Then we stay in private session for

14 a moment.

15 You can speak, Mr Witness.

16 THE WITNESS: [15:31:45](Interpretation) Yes. As far as Benzambe is concerned, I

17 gleaned the information from (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted) And at the

22 *École Liberté*, (Redacted), and that's how I learnt about everything

23 that had happened (Redacted).

24 PRESIDING JUDGE SCHMITT: [15:32:35] Thank you very much.

25 We can go back to open session now.

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1 (Open session at 3.32 p.m.)

2 THE COURT OFFICER: [15:32:54] We are back in open session, Mr President.

3 MR BELBENOIT AVICH: [15:33:02](Interpretation)

4 Q. [15:33:03] So, Mr Witness, earlier on you referred to -- and I shall request that

5 you not cite their name. You referred to somebody who spoke to you about the

6 attack in Zere whilst you were at the *École Liberté*. To your knowledge, the Muslim

7 inhabitants of those villages, did they also come to the *École Liberté* in Bossangoa?

8 A. [15:33:33] Yes, that is true. Many of those Muslims sought refuge at the

9 *École Liberté*.

10 Q. [15:33:51] And, Mr Witness, of course, we're now talking about the time before

11 5 December. With the exception of the Muslim population of that village, did other

12 Muslims from other localities around Bossangoa also come to your knowledge?

13 A. [15:34:18] Yes, indeed. When those events occurred, the Muslims from

14 Koro-M'Poko sought refuge at the *École Liberté*, subsequent to which the Muslims

15 from Zere came to seek refuge at the *École Liberté*. And a short time later, other

16 Muslims residing in Bossangoa joined them at the *École Liberté* where the Congolese

17 MISCA contingent was based.

18 THE INTERPRETER: [15:35:06] Correction from the Sango booth: The FOMAC

19 contingent.

20 MR BELBENOIT AVICH: [15:35:14] (Interpretation)

21 Q. [15:35:15] Thank you very much, Mr Witness.

22 I'm going to change subject now and I'm going to put a few questions seeking

23 clarification from you on the attack in Bossangoa on 5 December 2013.

24 Now at paragraph 65 of your statement, you explained that after the beginning of the

25 attack, a large group of individuals - headed up by the imam - came from the Boro

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1 neighbourhood to seek refuge at the *École Liberté* and you went on to explain that
2 whilst they were on their way, Anti-Balaka approached them and opened fire upon
3 them. And in that same paragraph, number 65, you indicated that you saw that
4 group of individuals arriving at the *École Liberté*.

5 Now, with a view to seeking clarification, did you yourself see the Anti-Balaka open
6 fire on that group or did you just see them arriving on the site of the school?

7 A. [15:36:28] I only saw a crowd of people going towards the *École Liberté* during
8 which time there were explosions going on. But as to who had opened fire, I didn't
9 see them.

10 Q. [15:36:43] Very well. Thank you, Mr Witness.

11 And seeking clarification --

12 A. [15:36:53] And I thank you.

13 Q. [15:36:56] My pleasure.

14 Now seeking clarification in this regard, when you saw that large group arriving, did
15 some people -- or were some people carrying weapons?

16 A. [15:37:16] They were not armed. All the Muslims on their way to the
17 camp -- well, the FOMAC contingent could not accept armed people entering that
18 camp, only civilians could gain entry to the camp.

19 Q. [15:37:42] Very well, and, in that group, were there men -- were there men alone
20 or were there also women and young children and any elderly?

21 A. [15:38:01] Yes, that is correct. You know, we were at war. There were
22 children, there were elderly women, there were pregnant ladies, there were old
23 people. Whoever had the strength would be lucky enough to get to the camp, and
24 good for them.

25 Q. [15:38:28] Very well. In your statement you indicated that the Anti-Balaka

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1 opened fire upon this group and you just referred to some explosions. But how did
2 you --

3 THE INTERPRETER: [15:38:45] The witness interrupts.

4 THE WITNESS: [15:38:48](Interpretation) Yes, we did hear explosions. We heard
5 explosions. They were very loud. From *École Liberté*, we could hear the gunshots.
6 They wanted to come to the camp itself, but luckily enough the FOMAC contingent,
7 the Congolese, pushed them back because they had tanks and those soldiers
8 guaranteed our protection. Had they not done so, they would have been able to
9 penetrate the camp and hurt us.

10 On that day, one of the FOMAC soldiers was killed.

11 MR BELBENOIT AVICH: [15:39:37] (Interpretation)

12 Q. [15:39:39] Very well. Thank you, Mr Witness.

13 Did you have the opportunity at the *École Liberté* to talk to members of that group?

14 Did they tell you what had happened?

15 A. [15:40:02] When those attacks happened, I was not outside to be in a position to
16 note it. I (Redacted) within the camp. And I couldn't see everything
17 that was going on. I could just see the wounded approaching and (Redacted)
18 (Redacted) The more serious cases were taken to hospital.

19 Q. [15:40:34] Thank you, Mr Witness. I'll have further questions for you on that
20 matter a little further forward in my examination.

21 Now, I understand from paragraph 57 of your statement that you arrived at the
22 *École Liberté* subsequent to the attack of 17 September. I understand that you were
23 also at the school on 5 December.

24 Now would you be in a position to provide us with an estimation, an
25 approximate estimation of the number of Muslims who arrived at the school on

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1 5 December?

2 A. [15:41:12] A head count was not made on 5 December. There was a mass of
3 people and, at a given moment in time, the Chadians said that they wanted to go
4 home, back to Chad. But those of us who remained subsequently, I would say we
5 were about -- around 517. It was subsequently that OCHA took us back to Chad.

6 Q. [15:41:59] Very well. Thank you, Mr Witness.

7 I shall be putting quite an obvious question to you now. Why did the Muslims
8 choose to come to the school on 5 December?

9 A. [15:42:21] The Muslims were fleeing and it was their right because the
10 Anti-Balaka were going to shoot at everyone. They wouldn't leave one alive and kill
11 someone else. They were shooting at everything that moved. If you see somebody
12 being shot at, you can't just stand there. They were forced to come out and move
13 away in order not to come under fire.

14 Q. [15:43:04] Thank you, Mr Witness.

15 MR BELBENOIT AVICH: Mr President, I would like please, to go into private
16 session for a few questions.

17 PRESIDING JUDGE SCHMITT: [15:43:12] Yes, we do that.

18 And before we do that, there's also -- because you have to take into account that the
19 English translation lasts a little bit longer. So for yourself, you have finished your
20 question, you can continue, but we did not get the translation and there might be an
21 overlap; so please wait a couple of seconds.

22 So we go to private session.

23 * (Private session at 3.43 p.m.) Reclassified partially in public

24 THE COURT OFFICER: [15:43:53] We are in private session, Mr President.

25 MR BELBENOIT AVICH: [15:44:03] (Interpretation)

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(Private Session)

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WITNESS: CAR-OTP-P-2454

1 Q. [15:44:04] Now, Mr Witness, you mentioned that --

2 THE INTERPRETER: [15:44:08] From the Sango booth: Could the witness please
3 wait for the end of the question to answer because there has been overlapping.

4 PRESIDING JUDGE SCHMITT: [15:44:23] Mr Witness, I've been told by the
5 interpreters, they ask you to please wait with the answer of the question until you
6 have heard the whole question. Please wait a little bit. Thank you very much.

7 MR BELBENOIT AVICH: [15:44:46] (Interpretation)

8 Q. [15:44:47] Thank you, Mr Witness. Now at an earlier stage you mentioned that
9 (Redacted) and during your questioning by the investigators, (Redacted)
10 (Redacted) under CAR-OTP-2111 --

11 THE INTERPRETER: [15:45:05] The interpreter didn't catch the number that was
12 said at the speed of light. Could it please be brought up on the screen.

13 She takes it from the French transcript: 2111-0439.

14 Could counsel please be requested to speak more slowly and to cite numbers slowly.
15 Thank you.

16 PRESIDING JUDGE SCHMITT: [15:45:22] Again I'm told also that you speak slower
17 and also when it comes to OTP numbers, one after the other. This is really difficult
18 for the interpreters. Thank you.

19 MR BELBENOIT AVICH: [15:45:44] (Interpretation)

20 Q. [15:45:45] So, Mr Witness, during your questioning by the investigators,
21 (Redacted) under the number, which has been registered under
22 number CAR-OTP-2111-0439 and is to be found at tab 8 of the OTP binder.

23 Could it please be brought up on the screen for the witness.

24 A. [15:46:28] There's no problem. This document can indeed be brought up.

25 PRESIDING JUDGE SCHMITT: [15:46:56] It is now on the screen.

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(Private Session)

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WITNESS: CAR-OTP-P-2454

1 MR BELBENOIT AVICH: [15:47:01] (Interpretation)

2 Q. [15:47:03] Now, Mr Witness, it is indicated on this (Redacted)

3 (Redacted) Could you please

4 explain to us (Redacted)

5 A. [15:47:41] Yes, I know that (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 Q. [15:48:25] Very well. Thank you, Mr Witness.

11 I'm going to now request that we move back into open session, but I would like for

12 the rest of my questions that you not refer (Redacted)

13 (Redacted)

14 PRESIDING JUDGE SCHMITT: [15:48:48] Open session.

15 (Open session at 3.49 p.m.)

16 THE COURT OFFICER: [15:49:11] We are in open session, Mr President.

17 MR BELBENOIT AVICH: [15:49:20](Interpretation)

18 Q. [15:49:22] Now, Mr Witness, you explained that at the dispensary there were

19 wounded individuals, people who had wounds.

20 THE INTERPRETER: [15:49:36] The witness interrupts.

21 THE WITNESS: [15:49:41](Interpretation) Yes, there were.

22 PRESIDING JUDGE SCHMITT: [15:49:44] Mr -- Mr Witness, I -- really, I apologise

23 that I am interrupting you, but please wait until -- really wait until the end of the

24 question and answer then. The interpreters have a big difficulty to follow the

25 conversation.

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1 So, Mr Belbenoit Avich, please continue with your question.

2 MR BELBENOIT AVICH: [15:50:21](Interpretation)

3 Q. [15:50:22] So, Mr Witness, you've just mentioned the wounded at the dispensary
4 on 5 December. Now, to clarify, when did these wounded people arrive at the
5 dispensary, on what day?

6 A. [15:50:43] They arrived at the dispensary on the same day, at approximately 5
7 p.m. That is to say, the same day of 5 December. Some of them came at 4 p.m. and
8 others at 4.45 p.m.

9 Q. [15:51:07] Mr Witness, were these wounded individuals Christians or Muslims?

10 A. [15:51:25] The wounded who went to the *École Liberté* camp were all of Muslim
11 origin. There were no Christians there at the *École Liberté*, or maybe only a few.
12 The majority of people who sought refuge at the *École Liberté* were Muslims.

13 Q. [15:51:59] Thank you, Mr Witness.

14 Were these wounded only men, or were there also women and children and elderly in
15 their midst?

16 A. [15:52:26] There were elderly women as well who had come with wounds.
17 There were old men. There were also young people who came with wounds.

18 Q. [15:52:47] Thank you, Mr Witness.

19 And did you yourself have the opportunity to see those wounds? Are you able to
20 tell us what type of wounds those individuals had?

21 A. [15:53:16] Yes. These were gunshot wounds. But there was one lady who
22 came and presented a machete wound.

23 Q. [15:53:40] Mr Witness, are you able to tell us approximately how many
24 wounded arrived at the dispensary on 5 December?

25 A. [15:54:07] There were eight wounded who came to the dispensary on that day of

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WITNESS: CAR-OTP-P-2454

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1 5 December.

2 Q. [15:54:20] Thank you. In your statement, you also mention a hospital in
3 Bossangoa. To your knowledge, were wounded people also taken to that hospital in
4 Bossangoa? Please go ahead, Mr Witness.

5 A. [15:54:49] Yes, (Redacted) took some wounded to the hospital. At the *École Liberté*,
6 there was a small clinic, but (Redacted) would just administer first aid. And then
7 (Redacted) would call the ambulance to take the more serious cases to the prefectural
8 hospital.

9 Q. [15:55:29] Very well. Thank you. And at paragraph 61 of your statement, you
10 indicate that some wounded people told you what had happened. Could you please
11 explain to us what those wounded people told you.

12 A. [15:56:04] Yes. When they came to join us at the school, they told us that they
13 had come under attack by the Anti-Balaka. The Anti-Balaka had shot at them.
14 Some were wounded, others were not. But the wounded told us that it was the
15 Anti-Balaka who had shot at them.

16 Q. [15:56:36] Thank you, Mr Witness.
17 To your knowledge, were the bodies of the deceased taken to the dispensary and the
18 hospital?

19 A. [15:57:03] We did not take the bodies to the *École Liberté* or they were not taken
20 to the *École Liberté*. People died during the attacks, and the corpses stayed there
21 where they had fallen. None of the corpses or bodies were brought to the
22 *École Liberté*. We did not see with our own eyes any such bodies or corpses at the
23 *École Liberté*.

24 Q. [15:57:35] Thank you. And do you know whether any bodies were taken to
25 any other locations? I'm not talking here about the dispensary or the hospital. Do

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(Open Session)

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WITNESS: CAR-OTP-P-2454

1 you know whether bodies were taken to any other locations in Bossangoa?

2 A. [15:57:55] I do not know.

3 Q. [15:58:03] Thank you. At paragraph 73 of your statement, you indicated that

4 (Redacted) on 5 December (Redacted) Anti-Balaka by the name of Charly Tola

5 being transported from the dispensary to the hospital after having sustained a bullet

6 wound to the leg, and you gave some information about him in your statement at

7 paragraph 26. You say that he was a former presidential guard of Benzambe. I

8 have a few follow-up questions.

9 Have you heard speak of Charly Tola before the conflict?

10 THE INTERPRETER: [15:59:00] There's a lot of background noise from the distant

11 location.

12 THE WITNESS: [15:59:08](Interpretation) Yes. Yes, I did know him before the

13 fighting. He was a member of the presidential security detail of Bozize.

14 MR BELBENOIT AVICH: [15:59:31](Interpretation)

15 Q. [15:59:32] Thank you. And do you know whether he had any other profession

16 apart from presidential guard? Did he have any other function?

17 A. [15:59:56] I do not know what he did before that. When I was working on a

18 vehicle, I was in the habit of seeing him in Benzambe, but I didn't know what kind of

19 job he had.

20 When Bozize came to power, as he hailed from Benzambe, that is how he was

21 incorporated into the army. He was trained, and he became aide-de-camp and a

22 presidential guard. He was aide-de-camp for Francois Bozize.

23 Q. [16:00:40] Thank you. And would you by any chance know the names of any

24 of his family members, some of his brothers?

25 A. [16:00:55] No, I do not know the members of his family.

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WITNESS: CAR-OTP-P-2454

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1 Q. [16:01:07] Thank you. I'm now going to move on to another topic. I would
2 like us to talk about the situation in Bossangoa after the 5 December attack.
3 In paragraph 93 and 94 of your statement, you said that Congolese soldiers advised
4 the Muslims not to return to their homes because there was a risk that they might be
5 attacked by the Anti-Balaka who were present in the ville and they should stay at the
6 *École Liberté*. And you provided the example of a Muslim who was killed by a
7 machete.

8 Do you have further information which you can provide us on how the Anti-Balaka
9 behaved, vis-à-vis, the Muslims and their possessions after the attack of 5 December?

10 A. [16:02:24] Indeed, the 5th of December, what happened then in Bossangoa, it
11 was after the fight of 5 December. We sought refuge in *École Liberté*, and we were
12 protected by FOMAC, the Congolese contingent. We were all inside the camp of the
13 *École Liberté*. The soldiers of the MISCA or FOMAC told us that we should not leave,
14 and they advised us not to leave because there was no safety in the town. So we
15 were refugees in that camp.

16 Two or three days later, the French army arrived. They arrived, they greeted us and
17 reassured us, told us that they were there for the safety of the town of Bossangoa.

18 The captain was called Guigen. He spoke in the presence of the imam. He
19 reassured us, saying that people could leave and go about their normal business, their
20 normal activities. Despite that, people were scared and no one dared to leave.

21 Five days later, the president of the youth asked Guigen if it was possible to go and
22 check the conditions of their houses. He said there were no problems and couldn't
23 do it on that day, but another time he would do so.

24 So he came one day. There were two vehicles, there was a jeep and behind that there
25 was a truck, a light vehicle. So they did it with that population there, they did the

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1 rounds of the town with those vehicles.

2 I -- personally I didn't leave because I was working and I didn't have the permission
3 of my boss. Those who left to check their houses came and told us that our houses
4 had been looted. Our houses had been burnt down and all that remained was the
5 foundation; that no house was standing properly. And that is what they told us in
6 the camp. That's what they told us when we -- when they came back to the camp.

7 Q. [16:05:35] Thank you, Mr Witness. You explained to us that you were at the
8 *École Liberté* during this period. However, did you hear it said or did you hear the
9 names of some of the Anti-Balaka, the chiefs of the Anti-Balaka who were present in
10 Bossangoa after 5 December?

11 MS PROULX: [16:06:09] Mr President.

12 PRESIDING JUDGE SCHMITT: [16:06:10] Ms Proulx.

13 MS PROULX: [16:06:11] I don't think we have established that there were any
14 Anti-Balaka chiefs present in Bossangoa after the attack.

15 PRESIDING JUDGE SCHMITT: [16:06:18] Yeah, yeah, strictly speaking you are right.
16 First you would ask, Do you know if there were any Anti-Balaka chiefs? Then --
17 Perhaps I ask the question.

18 Mr Witness, do you know if there were any Anti-Balaka chiefs in Bossangoa?

19 THE WITNESS: [16:06:50](Interpretation) No, personally I haven't seen them. I
20 cannot say this before the Court that I saw them because I haven't seen them.
21 Personally I didn't see them.

22 PRESIDING JUDGE SCHMITT: [16:07:06] Well, that's exactly what we like
23 and -- Witness, when you differentiate what you really know, what you have seen or
24 what you only have heard.

25 So I think the question by the Prosecutor was also, Have you heard by anyone that

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1 there were Anti-Balaka chiefs in Bossangoa?

2 THE WITNESS: [16:07:45](Interpretation) When they carried out the attack, they
3 were in the Boro neighbourhood. To know whether they remained in the Boro
4 neighbourhood, whether they were in the town of Bossangoa, whether they left, that's
5 something I don't know because I was in the camp. I didn't have the possibility of
6 leaving the camp and I was protected.

7 PRESIDING JUDGE SCHMITT: [16:08:22] Thank you.

8 Mr Belbenoit Avich, please continue.

9 MR BELBENOIT AVICH: [16:08:28] (Interpretation)

10 Q. [16:08:30] Thank you, that's very clear.

11 Now I have some questions on the circumstances of your evacuation and those of the
12 other Muslims leaving towards Chad. I'm going to show you a photograph which is
13 registered under number CAR-OTP-2079-1158. Could you the court officer please
14 display this document, this photograph. Thank you.

15 Mr Witness, do you see the photo?

16 A. [16:10:01] Yes, I see it.

17 Q. [16:10:04] Thank you. Do you recognise the location of this photo?

18 A. [16:10:17] Yes, I recognise it.

19 Q. [16:10:24] (No interpretation)

20 A. [16:10:38] Here, this is the *École Liberté* and that is the building at the centre
21 before there is a building and, behind, you have tents and tarpaulin. Behind, there
22 are two classrooms and next to the classrooms there is a route that goes to the town
23 centre, in particular, to the police station, in that direction.

24 Q. [16:11:16] Thank you. So on this photo, you can see on the right of the photo,
25 you can see mattresses, you can see lots of bits and pieces. My question is, during

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1 the evacuation did the displaced put -- Muslims have the possibility --

2 Can you hear me, Mr Witness?

3 A. [16:11:54] No, I had some problems. It wasn't very clear. I couldn't hear you
4 very clearly. Now it's much, much better.

5 PRESIDING JUDGE SCHMITT: [16:12:05] And perhaps repeat the question.

6 MR BELBENOIT AVICH: [16:12:08] (Interpretation)

7 Q. [16:12:09] I was saying that on this photo, you can see on the right-hand side a
8 lot of bits and pieces, and my question was that during the evacuation, the Muslims,
9 could they take their possessions with them? The possessions that they took to the
10 *École Liberté*, could they take all their belongings with them?

11 A. [16:12:45] No. They could not leave with all their personal belongings. It
12 wasn't possible to take all the belongings because there was simply not enough space
13 in the vehicles. They could only take rucksack with some substantial essential
14 elements. That was the only thing they could do. So the belongings - as you can
15 see them - were abandoned because there was simply not enough place to take
16 everything with.

17 Q. [16:13:25] Thank you very much, Mr Witness.

18 So for the next question, I would like to go very briefly into private session, please,
19 Mr President.

20 PRESIDING JUDGE SCHMITT: [16:13:38] Private session.

21 * (Private session at 4.13 p.m.) Reclassified partially in public

22 THE COURT OFFICER: [16:13:50] We are in private session, Mr President.

23 MR BELBENOIT AVICH: [16:14:12] (Interpretation) Thank you, court officer.

24 Q. [16:14:15] I'm now going to move to a completely different subject. In
25 paragraph 54 of your testimony, you spoke about (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted) All this

4 information are already in your testimony so you don't -- actually I'm not going to ask

5 you further questions on that.

6 But I would simply like to know whether, as far as you know, (Redacted)

7 (Redacted)

8 A. [16:15:30] Yes, (Redacted)

9 Q. [16:15:42] Thank you, Mr Witness. When you say (Redacted), when
10 did he do that? When did he (Redacted)?

11 A. [16:16:05] It was on 8 December. (Redacted)

12 (Redacted) on 8 December.

13 Q. [16:16:25] When you talk about 8 December, are you talking about
14 8 December 2014?

15 A. [16:16:38] Yes.

16 MS PROULX: [16:16:40] I'm slightly puzzled by the 2014. Could we clarify this.

17 PRESIDING JUDGE SCHMITT: [16:16:49] I think, yeah, I think we have to clarify
18 that. I think it's relatively clear that 2013 is meant, but please try to clarify it with the
19 witness.

20 MR BELBENOIT AVICH: [16:17:15] (Interpretation) That's absolutely correct.

21 Q. [16:17:20] Mr Witness, it was roughly how long after the attack?

22 A. [16:17:28] You asked me the question already. If I remember correctly, it was
23 8 December 2013 (Redacted)

24 (Redacted). But as far as I'm concerned, it was

25 8 December 2013.

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1 Q. [16:17:57] Thank you, Mr Witness. You explained that 8 December was when

2 (Redacted)

3 A. [16:18:08] Yeah, there were many of us. It was (Redacted) because we

4 couldn't go anywhere, we were in a group, we exchanged our views and, at that time,

5 we heard that information. The information was given to us then.

6 Q. [16:18:40] We can now move into open session.

7 PRESIDING JUDGE SCHMITT: [16:18:43] Open session.

8 (Open session at 4.18 p.m.)

9 THE COURT OFFICER: [16:18:58] We're in open session, Mr President.

10 MR BELBENOIT AVICH: [16:19:08] (Interpretation) Thank you, court officer.

11 Q. [16:19:11] Mr Witness, I'm going to move on to my final subject. I understand

12 from paragraph 12 of your testimony that when the investigators spoke to you in 2019,

13 you took notes which you had with you; is that correct?

14 A. [16:19:34] That is correct.

15 Q. [16:19:44] So I understand that the investigators didn't ask you for the notes

16 during the interview; is that correct?

17 A. [16:20:08] They called me and they asked me to come and meet them. I didn't

18 have my notes with me. I took a blank sheet and I took notes and on the basis of that,

19 I gave them my explanations.

20 Q. [16:20:30] Thank you. So for the Court, you passed on those notes last April, a

21 lot later in April 2020, and they were then given to the Defence as well. In your

22 statement, you cite several victims during the different attacks that took place. For

23 sake of clarification, the names on the notes you have with you when the interview

24 took place?

25 A. [16:21:18] Yes, that's right. They appear. They do figure there.

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1 Q. [16:21:25] Thank you, Mr Witness. So again paragraph 12 still, it is indicated
2 that you recopied these notes from an original notebook which was made in 2013.
3 For the sake of clarity, when did you note down the names of the victims in the
4 original notebook? When did you do that? When did you note down the names of
5 the victims?

6 A. [16:22:03] It was in 2013.

7 Q. [16:22:11] And was there a particular reason why you noted the names down in
8 the notebook, why you made this long list of names?

9 A. [16:22:26] I noted down all the names, it was because of the war. You know, I
10 knew that one day or another there would be a trial and during the trial, I could
11 provide that information. So if I had not taken down those notes, I would not be in a
12 position to give you all those details. And that is the reason why I took the trouble
13 to list all the names on a piece of paper or in a notebook.

14 Q. [16:23:14] Thank you, Mr Witness. Thank you very much for your patience
15 and for your answers. I have no further questions.

16 PRESIDING JUDGE SCHMITT: [16:23:22] Thank you very much also to the
17 Prosecution for this very dense but thorough examination. And I think we can
18 continue tomorrow morning. We don't start for a couple of minutes now.

19 Mr Knoops has the possibility to have his course. Perhaps you could even have it
20 live now, would even -- if possible. But that's up to you, of course.

21 So, Mr Witness, thank you for today. We meet again tomorrow at 9.30 -- at 10.30. I
22 apologise. Yes, I see a lot of terrified people here. At 10.30. And we hope that
23 you have a good rest until then.

24 THE COURT USHER: [16:24:11] All rise.

25 (The hearing ends in open session at 4.24 p.m.)