

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 Yekatom and Patrice-Edouard

5 Ngaïssona - ICC-01/14-01/18

6 Presiding Judge Bertram Schmitt, Judge Péter Kovács and Judge Chang-ho Chung

7 Trial Hearing - Courtroom 1

8 Monday, 20 June 2022

9 (The hearing starts in open session at 9.32 a.m.)

10 THE COURT USHER: [9:32:15] All rise.

11 The International Criminal Court is now in session.

12 Please be seated.

13 PRESIDING JUDGE SCHMITT: [9:32:34] Good morning, everyone. Court officer,
14 please call the case.

15 THE COURT OFFICER: [9:32:40] Good morning, Mr President, your Honours.

16 Situation in the Central African Republic II, in the case of the Prosecutor versus
17 Alfred Yekatom and Patrice-Edouard Ngaïssona, case reference ICC-01/14-01/18.

18 And for the record, we are in open session.

19 PRESIDING JUDGE SCHMITT: [9:32:54] Thank you.

20 I ask for the appearances of the parties. We start with the Prosecution.

21 MS GALUPA: [9:33:00] Good morning, Mr President. Good morning, your
22 Honours. The Prosecution is represented today by Ms Manochitra Prathaban,
23 Mr Kweku Vanderpuye, Mr Yassin Mostfa, and myself, Irina Galupa.

24 PRESIDING JUDGE SCHMITT: [9:33:13] We turn to the victims,
25 Ms Rabesandratana.

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1 MS RABESANDRATANA: [9:33:26](No interpretation)

2 PRESIDING JUDGE SCHMITT: [9:33:37] Thank you.

3 Mr Suprun.

4 MR SUPRUN: [9:33:41] Good morning, Mr President, your Honours. The former

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

6 Public Counsel for Victims. Thank you.

7 PRESIDING JUDGE SCHMITT: [9:33:55] Thank you.

8 We turn to the Defence.

9 Ms Guissé.

10 MS GUISSÉ: [9:33:59](No interpretation)

11 PRESIDING JUDGE SCHMITT: [9:34:05] Thank you.

12 And Mr Knoops. Also a new face, I would say.

13 MR KNOOPS: [9:34:11] Indeed, Mr President. Good morning, your Honours.

14 Good morning, everyone in the courtroom. The Defence team for Mr Ngaïssona

15 today is represented by Ms Chiara Giudici, case manager; on the left side,

16 Mrs Knoops Hamburger, my director of the firm. In the second row, Mrs Mathilde

17 Veronesi and Mr Ali Alabdali. Good morning.

18 PRESIDING JUDGE SCHMITT: [9:34:38] Thank you very much.

19 And, of course, most importantly, we have a new witness. We will start with his

20 testimony.

21 Witness P-2658, Mr Witness, good morning. Do you hear and understand me well?

22 WITNESS: CAR-OTP-P-2658

23 (The witness speaks Sango)

24 (The witness gives evidence via video link)

25 THE WITNESS: [9:34:53](No interpretation)

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- 1 PRESIDING JUDGE SCHMITT: [9:35:06] Well, I don't know why I didn't get an
2 interpretation. So one of the two interpreters should -- I think I have understood in
3 the meantime, because we had some witnesses speaking this language, but
4 nevertheless we need the interpretation. So what did the witness say? Can we
5 please hear that.
6 Perhaps I repeat simply my question --
7 Mr Witness, you understand this can happen. You are sitting far away from this
8 Court at a video-link location, and there might be some communication problems, so I
9 apologise for that.
10 So again my question, do you hear and understand me well?
11 THE WITNESS: [9:36:00](No interpretation)
12 PRESIDING JUDGE SCHMITT: [9:36:12] Well, I still don't hear anything. So I don't
13 know what the reason for that is at the moment.
14 THE INTERPRETER: [9:36:21] Message from the other English booth: We believe
15 that the interpreter's consul is not working in that English booth on the other side, so I
16 shall take over while we wait for it to be repaired.
17 PRESIDING JUDGE SCHMITT: [9:36:35] Thank you very much for this flexibility.
18 We appreciate that a lot.
19 Can you tell us what the witness said. I think I know it, but perhaps you can inform
20 us. I think he understands well.
21 THE INTERPRETER: [9:36:47] He does, indeed.
22 PRESIDING JUDGE SCHMITT: [9:36:49] Thank you very much.
23 So, Mr Witness, on behalf of the Chamber I would like to welcome you to the
24 courtroom. You are called to testify to assist this Chamber in the case of
25 Mr Yekatom and Mr Ngaïssona.

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1 THE WITNESS: [9:36:58](No interpretation)

2 PRESIDING JUDGE SCHMITT: [9:37:04] Mr Witness, there should be a card in front
3 of you with the solemn undertaking. Could you please be so kind to read out this
4 card aloud.

5 THE WITNESS: [9:37:18](Interpretation) I solemnly declare that I shall speak the
6 truth, the whole truth and nothing but the truth.

7 PRESIDING JUDGE SCHMITT: [9:37:37] Thank you very much, Mr Witness.

8 You may be seated. You are now under oath. I want to reiterate to you, as you
9 have sworn, that you have to tell us everything you know and what you tell us must
10 be the truth. Before we start with your testimony, a few practical matters. You
11 have already recognised that everything we say here in this courtroom is written
12 down and interpreted. And to allow for the interpretation, we need to speak at
13 a relatively slow pace. And please only start speaking when the person that has
14 asked you a question has finished, and perhaps wait two or three seconds so that the
15 interpreters can catch up.

16 Have you understood this?

17 THE WITNESS: [9:38:27](Interpretation) I have understood very well.

18 PRESIDING JUDGE SCHMITT: [9:38:35] Thank you very much.

19 Then we begin with the examination. Of course we have to establish the Rule 68(3)
20 preconditions.

21 The Prosecution has the floor.

22 MS GALUPA: [9:38:46] Thank you, Mr President.

23 QUESTIONED BY MS GALUPA:

24 Q. [9:38:50] Good morning, Mr Witness.

25 We met a few days ago, very briefly. Let me reintroduce myself. My name is

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1 Irina Galupa, and I will be asking you some questions today on behalf of the Office of
2 the Prosecutor. I want to also thank you once again for making yourself available to
3 testify in this case. And before we start, I have a few remarks.

4 First, as you are testifying with protective measures, your identity is not public, and
5 as we go, we might cover some areas of your testimony which might tend to identify
6 you. However, I will try my best to address all these in private session. This means
7 that the proceedings won't be broadcasted for a limited period, as directed by the
8 Chamber.

9 I will also do my best to refrain from asking questions which might inadvertently
10 suggest your identity in public session, and it will be helpful if you did as well in
11 your responses. But just to assure you, should any identifying information come out
12 in public session, there are means by which we can hide this so that it's not publicly
13 disseminated.

14 And finally, if the question is not clear, or if you want me to repeat it or to clarify it, or
15 if there's any other issue, please don't hesitate to let me know.

16 I think that's basically it. Are you with me so far?

17 A. [9:40:51] I have followed you all too well. There is no issue.

18 Q. [9:41:02] Thank you.

19 So regarding your questioning, I will first ask you some questions about your identify
20 and background.

21 Second, I will ask you some basic questions about your statement that you gave to the
22 Prosecution in February 2020.

23 And third, I will ask you to clarify some facts that you described in your statement
24 and ask you to comment on a few documents.

25 Mr President, can we go in private session, please.

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1 PRESIDING JUDGE SCHMITT: [9:41:39] Of course. For these issues, we have to go
2 to private session, Ms Galupa.

3 MS GALUPA: [9:41:50] Thank you.

4 * (Private session at 9.41 a.m.) Reclassified partially in public

5 THE COURT OFFICER: [9:41:57] We are in private session, Mr President.

6 THE WITNESS: [9:42:02](Interpretation) I thank you. My name is (Redacted)

7 (Redacted). My name is (Redacted) and I was born in (Redacted) in

8 (Redacted)

9 MS GALUPA: [9:42:21]

10 Q. [9:42:22] Thank you very much, Mr Witness.

11 Generally, when I ask for private session, you might wait a bit -- you might want to
12 wait a bit until the private session is put in place. And then I'll ask you questions,
13 and then you answer. But you have already answered a few of my questions.

14 PRESIDING JUDGE SCHMITT: [9:42:41] Yeah. Well, that has two things,

15 Mr Witness, in it. First of all, no problem. Everything you said was in private
16 session, so we -- it was a tough -- tough thing, but it was in private session.

17 And secondly, of course, if you already envisioned what you are going to be asked
18 and answer the questions, there's also not a problem with it.

19 Let me put it this way, Ms Galupa, but you are right of course, yeah. I just wanted to
20 assure the witness that nothing has gone wrong.

21 MS GALUPA: [9:43:15] Thank you very much, Mr President.

22 Q. [9:43:17] You've already stated it, but can you please give us your full name
23 again.

24 A. [9:43:25] My name is (Redacted).

25 Q. [9:43:40] And not to make you repeat again, I think you said that you were born

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1 in (Redacted) and that you were born in (Redacted); is that correct?

2 A. [9:43:54] (Redacted)

3 Q. [9:44:05] Thank you. And you were born in (Redacted), right?

4 A. [9:44:16] That is correct.

5 Q. [9:44:19] And are you a CAR national, a Central African Republic national?

6 A. [9:44:32] I am a Central African.

7 Q. [9:44:35] And what is your religion?

8 A. [9:44:46] I am a (Redacted).

9 Q. [9:44:50] And what is -- what is your ethnicity, please?

10 A. [9:45:11] I am of (Redacted).

11 Q. [9:45:15] Is (Redacted)?

12 A. [9:45:20] No. (Redacted) is an ethnicity. It is not a village.

13 Q. [9:45:35] I understand.

14 I will now ask you a few questions about the statement that you gave in (Redacted) in

15 February 2020. I think I can do that in open session. And once we are back in open

16 session, I just want to remind you that -- not to say anything that might identify you

17 or your family.

18 PRESIDING JUDGE SCHMITT: [9:46:01] We go to open session.

19 MS GALUPA: [9:46:04] Thank you, Mr President.

20 (Open session at 9.46 a.m.)

21 THE COURT OFFICER: [9:46:09] We are in open session, Mr President.

22 MS GALUPA: [9:46:18] Thank you very much.

23 Q. [9:46:19] Mr Witness, do you remember meeting with the Prosecution

24 investigators for an interview in February 2020?

25 A. [9:46:43] Yes, I do recall meeting with that type of individual.

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1 Q. [9:46:49] And do you remember meeting them over several days?

2 A. [9:47:09] That is correct. We talked for a long time.

3 Q. [9:47:16] And is it correct that you reviewed your statement just recently, last
4 week, when you met with the representatives of the Victims and Witnesses Unit?

5 A. [9:47:49] Yes, I did have the opportunity to reread all of my statements.

6 Q. [9:47:56] And having read it, I understand that you made a few corrections to it?

7 A. [9:48:20] Yes, that is true.

8 MS GALUPA: [9:48:25] For your information, your Honours, the corrections have
9 been registered under ERN CAR-OTP-2135-3476.

10 PRESIDING JUDGE SCHMITT: [9:48:35] I have it in front of me, yes, and they are
11 handwritten corrections.

12 MS GALUPA: [9:48:40] Yes.

13 PRESIDING JUDGE SCHMITT: [9:48:41] Yes, you can continue from that and
14 finalise the Rule 68(3) conditions I think.

15 MS GALUPA: [9:48:48] Your Honours, there are about 16 corrections. I don't
16 intend to go through all them, but --

17 PRESIDING JUDGE SCHMITT: [9:48:54] No, no, you don't have to.

18 MS GALUPA: [09:48:53] Okay. Not at all.

19 PRESIDING JUDGE SCHMITT: [09:48:56] No. You know, if you ask the witness
20 simply if this statement from 2020 stands with the corrections he has made, that is
21 enough to -- for it now, that's -- and I assume that you or perhaps the Defence will
22 address these issues during their examination, if need be. And if not, it speaks in
23 favour of being marginal points. Thank you.

24 MS GALUPA: [9:49:27] Thank you very much, Mr President.

25 Q. [9:49:29] Mr Witness, can you confirm that read together with the corrections

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1 which you have made, your statement is true to the best of your knowledge and
2 recollection?

3 A. [9:49:53] That is correct. My statement is correct with the corrections that I
4 have brought to it.

5 Q. [9:50:04] Thank you very much. And we have those corrections.

6 And do you agree that the Chamber uses -- use your statement as evidence in this
7 case?

8 A. [9:50:35] Yes, I do accept for the Court to work with my statement -- on the basis
9 of my statement.

10 PRESIDING JUDGE SCHMITT: [9:50:46] So then I think we can state for the record
11 that the conditions for Rule 68(3) with regard to the former statement of the witness
12 are fulfilled with the corrections made by the witness.

13 MS GALUPA: [9:50:59] Thank you very much, Mr President. And perhaps I
14 should mention the translation as well.

15 PRESIDING JUDGE SCHMITT: [9:51:05] You can do it for the record, of course,
16 yeah, yeah. But for Rule 68(3), it is not, I think, a precondition.

17 MS GALUPA: Noted.

18 PRESIDING JUDGE SCHMITT: [09:51:11] But you can mention it if you want. I
19 mean the ERN of course.

20 MS GALUPA: [9:51:19] So the ERNs for the statement which can be found in tab 1 is
21 CAR-OTP-2126-0012. That translation can be found in tab 2 under ERN

22 CAR-OTP-2118-6221. And the corrections are at ERN CAR-OTP-2135-3476.

23 PRESIDING JUDGE SCHMITT: [9:51:48] So to make it clear, the Rule 68(3)
24 conditions are met for these statements and the translations and with the corrections
25 made. So you can continue now.

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1 MS GALUPA: [9:51:59] Thank you very much, Mr President.

2 Q. [9:52:00] Mr Witness, I would like to go now in private session to ask you a few
3 questions about certain parts of your statement.

4 MS GALUPA: [9:52:07] Your Honours, if we can please go --

5 PRESIDING JUDGE SCHMITT: [9:52:09] We have to go to private session.

6 For the audience, the witness has protective measures and if we discussed it in open
7 session, of course, people could figure out from the evidence revealed who he is, so
8 we have to go to private session.

9 * (Private session at 9.52 a.m.) Reclassified partially in public

10 THE COURT OFFICER: [9:52:33] We are in private session, Mr President.

11 MS GALUPA: [9:52:40] Thank you very much, your Honours.

12 Q. [9:52:45] Mr Witness, I intend to discuss five topics today. The first topic are
13 the events before (Redacted). The second topic is (Redacted)

14 (Redacted) and at the base of the Anti-Balaka. The third topic is Dedane's role in the
15 Anti-Balaka. The fourth topic is the attack -- the first attack on Bossangoa. And the
16 fifth topic is what happened (Redacted) following the 5 December 2013 attack on
17 Bossangoa.

18 So I'll address the first topic now which is the events before (Redacted).

19 Mr Witness, in paragraph 19 to 22 of your statement, you explain how (Redacted)
20 (Redacted)

21 (Redacted)

22 (Redacted)

23 I would like to clarify with you more precisely where (Redacted) is. (Redacted)

24 (Redacted)

25 A. [9:54:38] (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 PRESIDING JUDGE SCHMITT: [9:56:37] So it seems to have been (Redacted)

16 (Redacted)

17 MS GALUPA: [9:56:46] I'm going to clarify.

18 PRESIDING JUDGE SCHMITT: [9:56:47] Okay. Please, please do that, yeah, exactly.

19 MS GALUPA: [9:56:47] Thank you very much.

20 Q. [9:56:48] So, Mr Witness, when you say you've departed from -- (Overlapping
21 speakers)

22 Can you hear me, Mr Witness?

23 A. [9:57:01] I can hear you very well. It was (Redacted) and we
24 were very close to (Redacted).

25 Q. [9:57:19] Thank you very much for that.

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1 And you know we're not -- we're not so familiar with the Central African Republic as
2 you are. If you can tell us, you said you took the road to (Redacted), but where is
3 (Redacted)? Is it towards the north, towards the north-east, towards the south?
4 Can you tell us a bit, orientative -- where it -- it's situated?

5 A. [9:57:56] (Redacted)

6 (Redacted)

7 Q. [9:58:24] And you mentioned that the place (Redacted)

8 (Redacted). Do you know what the

9 distance between these two are?

10 A. [9:58:58] (Redacted) you have to cover a distance of

11 (Redacted) kilometres. It was in that village that the event occurred. There are two

12 villages (Redacted). Those two villages are not further apart than

13 two to three kilometres and there's even (Redacted) between those two villages.

14 There are three villages, but we lived through this experience between the two

15 villages that I have just mentioned to you.

16 PRESIDING JUDGE SCHMITT: [9:59:45] I think that should be enough with regard

17 to the geography.

18 MS GALUPA: [9:59:50] I just have one follow-up question, Mr President.

19 PRESIDING JUDGE SCHMITT: [9:59:55] Let's hear it.

20 MS GALUPA: [9:59:56]

21 Q. [9:59:56] And, Mr Witness, is (Redacted) also on the road that you just

22 mentioned with (Redacted)

23 A. [10:00:18] (Redacted) Are you

24 talking about the villages that we came under attack? I talked to you about

25 (Redacted) What is this village you're talking about? There was also

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1 (Redacted) those were the villages that were to be found along the road to (Redacted)

2 Q. [10:00:53] All right. I just wanted to know whether you knew this village. But

3 it's okay, I understand that you don't.

4 So Mr Witness, (Redacted) is a place on the road between (Redacted).

5 Is this the same location where, in your statement, you say that you later saw the

6 Anti-Balaka training? Or was that a different location?

7 A. [10:01:36] No, it was not training as such. (Redacted). I believe that the

8 training was in Gbonguere and (Redacted). The largest base

9 was in Gbonguere.

10 PRESIDING JUDGE SCHMITT: [10:02:01] I think there was a misunderstanding

11 because - which is no problem - you went further in time. So -- but I understood that

12 the training was in Gbonguere. That was -- it seems to me that the witness has said

13 that, but you can clarify it again if you want.

14 And you know, of course --

15 Mr Witness, the training you spoke about was quite some time after (Redacted)

16 (Redacted) is that correct?

17 THE WITNESS: [10:02:28](Interpretation) Yes, that is correct. During that time

18 (Redacted)

19 PRESIDING JUDGE SCHMITT: [10:02:49] Thank you.

20 And the question was, if this training that you viewed later on, if this was at this place

21 called Gbonguere?

22 THE WITNESS: [10:03:05] (No interpretation)

23 PRESIDING JUDGE SCHMITT: [10:03:19] Well, this seemed to be affirmative, but I

24 had no translation, actually.

25 Same problem?

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1 MS GALUPA: [10:03:32] I can try again.

2 PRESIDING JUDGE SCHMITT: [10:03:33] No, no, we didn't have translation, so

3 yeah.

4 Well, there seems to be some technical issue, and we have to solve this before we

5 continue.

6 THE INTERPRETER: [10:03:53] Your Honour, message from the English booth: I

7 shall continue. We'll sort out the console problem again. Thank you.

8 PRESIDING JUDGE SCHMITT: [10:04:01] Well, that is very, very much appreciated.

9 Thank you very much.

10 But on the other hand, of course if you can do it, but at some point in time, it's also too

11 much for you, but we appreciate at the moment that we continue.

12 So am I right in my understanding that, to my last question, if it was Gbonguere, that

13 he -- that he answered in the affirmative?

14 THE INTERPRETER: [10:04:24] Message from the English booth: I'd like to hear

15 his answer again, because I'm a little confused myself with these names. Thank you.

16 PRESIDING JUDGE SCHMITT: [10:04:31] Unfortunately, they are very close.

17 And I -- I appreciate it if Ms Galupa pronounces it again, because my pronunciation

18 might be too close to the pronunciation of the other place. So, please.

19 Mr Witness, really, I apologise from the side also of the Judges and for the Court for

20 these problems, but these -- sometimes these technical problems occur. So if you

21 have to answer one or the other question two or three times, please bear with us.

22 Ms Galupa.

23 MS GALUPA: Thank you, Mr President.

24 Q. [10:05:05] Mr Witness, we're just trying to clarify what the difference is between

25 Gbonguere and Gobere. It seemed that you made a difference between these two

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1 places in your statement. So now, referring to where you saw the Anti-Balaka
2 training, can you maybe repeat the name of the place where you saw them training?

3 A. [10:05:48] This is what I would like to tell you. As you know, if I give you the
4 name of the villages, (Redacted) there are problems with accents
5 and there are pronunciations that are not well done.

6 Now, when I was (Redacted), do you wish me to explain to you the circumstances of
7 (Redacted) or to explain to you what happened in that training
8 camp?

9 Q. [10:06:37] Mr Witness, for now, I would just like to clarify something about the
10 (Redacted) versus the (Redacted); so I'm just
11 going to ask you a few questions and maybe you could help the Chamber and -- and
12 the opposing parties as well.

13 So if you don't mind telling us, in (Redacted) by the Anti-Balaka?
14 Just the name.

15 A. [10:07:23] It was in (Redacted). When we were (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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

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1 (Redacted)

2 PRESIDING JUDGE SCHMITT: [10:15:19] Thank you.

3 I think it's -- it's absolutely normal that a witness that comes to this Court, even if we
4 have a Rule 68(3) statement, he has to tell a story -- he wants to tell the Court and the
5 parties and participants a story. So I think we can follow from here.

6 And there might be a lot of questions already answered that you might have had in
7 your mind. I'm not sure, but -- and you can -- and perhaps with this witness,
8 chronological questioning is perhaps a good thing, especially with regard when it
9 comes to places, it seems to me, but please continue.

10 MS GALUPA: [10:15:55] I will try my best, Mr President. Sometimes also for the
11 benefit of the private session, I've included some things out of order, so to say.

12 Q. [10:16:08] Mr Witness, thank you very much for that.

13 I would like to come back a bit to your story to ask you precisely on certain events,
14 which you just mentioned because it's important for us to have more details on
15 certain aspects of your story that you just mentioned.

16 You've mentioned going to a place where you saw marabouts, where you saw Andjilo,
17 where you saw (Redacted). I'm just a bit confused and I would just like you to
18 clarify it, if possible. Can you just maybe tell us again the name of this place where
19 the marabouts were, just the name.

20 A. [10:17:06] It was at Gobere.

21 Q. [10:17:12] Thank you very much. And was this place, Gobere, (Redacted)
22 (Redacted)

23 A. [10:17:31] No, (Redacted).

24 It was in the bush. There were not many houses at that location. (Redacted)

25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 THE INTERPRETER: [10:18:13] -- corrects the Sango interpreter.

4 MS GALUPA: [10:18:17] Thank you very much. That's clearer now.

5 Q. [10:18:19] I just want to ask you if you know what the distance between the

6 Gbonguere - (Redacted) - and Gobere, where you say you saw the

7 marabouts, (Redacted) and the others. Do you know the distance between them?

8 A. [10:18:49] It was in the bush. I can estimate the distance at about 20 kilometres.

9 There was no main road in that location. There were not many houses there; so it

10 was practically in the bush with a small stream nearby. That was all.

11 Q. [10:19:16] Thank you very much.

12 And just to situate it as well, you mentioned that (Redacted)

13 (Redacted). Is (Redacted) close to Gobere where you saw the marabouts and

14 (Redacted) and the other Anti-Balaka?

15 A. [10:19:42] That (Redacted) was actually near Gbonguere, and it (Redacted)

16 (Redacted)

17 (Redacted)

18 Q. [10:20:17] Thank you very much, Mr Witness. It's much clearer now.

19 I would like to ask you now a few questions about the (Redacted)

20 (Redacted) which you have described, but maybe some precisions.

21 You described in your statement in paragraphs 27 to 28 that, (Redacted)

22 (Redacted). Do you remember which

23 language they were speaking?

24 A. [10:21:04] When they (Redacted), it was about 5 p.m. (Redacted)

25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 Q. [10:22:04] Thank you very much. And do you understand (Redacted)

7 (Redacted)

8 A. [10:22:18] Yes, I understand (Redacted) well.

9 Q. [10:22:24] And specifically, I am interested to know what you heard them say.

10 Did they say anything about (Redacted), for instance?

11 A. [10:22:44] No. After (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 PRESIDING JUDGE SCHMITT: [10:23:19] Perhaps, if I may? Mr Witness, did you

16 come to know (Redacted)? Did they speak about that at some point in

17 time or later on?

18 THE WITNESS: [10:23:27](Interpretation) After (Redacted)

19 (Redacted) were Siriri

20 and they didn't want to see any Muslims. (Redacted) killed all Muslims that they

21 came across. (Redacted)

22 (Redacted)

23 MS GALUPA: [10:24:25]

24 Q. [10:24:25] Mr Witness, and did they -- (Redacted)

25 (Redacted)

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1 A. [10:24:53] Yes, (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 Q. [10:25:19] And you mentioned the name (Redacted), if I understand it correctly.

6 (Redacted)

7 (Redacted)

8 A. [10:25:36] Yes, (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 Q. [10:26:40] Thank you very much.

14 Was any of these Anti-Balaka -- at the moment that (Redacted), was any of

15 these that you mentioned present?

16 A. [10:27:09] (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 Q. [10:27:45] Thank you. And I would like to turn now to (Redacted)

22 (Redacted). And in paragraph 38 of your

23 statement, which you have corrected, you explain that (Redacted)

24 (Redacted); is that correct?

25 A. [10:28:26] No. (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted). That is what they

4 told each other.

5 PRESIDING JUDGE SCHMITT: [10:29:04] Perhaps you put it to him -- because I

6 think there might be a misunderstanding also with regard to the time frame.

7 MS GALUPA: [10:29:17]

8 Q. [10:29:18] Mr Witness, in your statement you describe that you spent --

9 (Redacted); is that correct?

10 A. [10:29:28] That is correct.

11 Q. [10:29:37] And just to be sure I understood well, in your statement in paragraph

12 28, and 35 till 37, you describe that (Redacted)

13 (Redacted)

14 (Redacted); is that correct?

15 A. [10:30:12] Yes, that is correct.

16 Q. [10:30:16] And you also mentioned that afterwards, (Redacted)

17 (Redacted); is that correct?

18 A. [10:30:39] That is correct.

19 Q. [10:30:40] And you also mentioned (Redacted)

20 (Redacted)

21 (Redacted)

22 A. [10:31:12] Andjilo was in Gobere. It was when we went to Gobere that I found

23 him there. (Redacted)

24 Q. [10:31:34] Thank you for this. And in the corrections that you made to your

25 statement, you said that (Redacted)

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1 (Redacted), they called Andjilo; is that correct?

2 A. [10:32:13] Yes, they did call Andjilo. When they separated, Andjilo had already
3 called. That's when Dedane called him. It was Dedane who called him.

4 Q. [10:32:32] So just to be sure that I understand correctly, who called Andjilo and
5 who called Dedane?

6 A. [10:32:53] It was Dedane who was calling. It was Dedane who went to the
7 place where the telephone network was possible. It was Dedane who was calling
8 people. It was Dedane who called Andjilo.

9 Q. [10:33:19] Thank you for that clarification.

10 And (Redacted) when Dedane called Andjilo, could you hear what was said, what
11 was discussed?

12 A. [10:33:44] No. When Andjilo was still there, well, we came across Andjilo in
13 Gobere -- in Gobera (phon). (Redacted). They parted ways, and
14 Andjilo went towards Bouca. This is how he then called Andjilo on the telephone.
15 I could hear what he was saying to Andjilo on the telephone.

16 Q. [10:34:22] And can you tell us what he was saying to Andjilo on the telephone?

17 A. [10:34:38] Yes. He was telling him to hurry up and attack Bouca. And
18 regularly, even two or three days later, he would call to ask him to attack Bouca.
19 And Andjilo would answer him, saying that he was waiting for ammunition before
20 attacking. (Redacted) he was speaking to Andjilo, asking him to attack
21 Bouca. And even when Andjilo did attack Bouca, (Redacted)
22 (Redacted)

23 Q. [10:35:27] Do you know if Andjilo did receive ammunition to attack Bouca?

24 A. [10:35:34] Yes, that's what he said. He said he was waiting for reinforcements
25 and for ammunition. When he attacked Bouca, he communicated with Dedane

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1 about the matter.

2 Q. [10:36:20] Thank you. I will come back to that at a later point, but I want to

3 move to the second topic that I wanted to address, namely, (Redacted)

4 (Redacted) at the base in Gobere. So I would like to ask you a few questions about

5 (Redacted)

6 In para -- so, yeah, you describe how -- (Redacted) - and you've also

7 said it today - (Redacted). Did you (Redacted)? Were you

8 (Redacted) mainly?

9 A. [10:37:07] (Redacted)

10 (Redacted)

11 (Redacted)

12 Q. [10:37:38] And where would you sleep?

13 A. [10:37:51] I would sleep by (Redacted).

14 Q. [10:38:00] Did it also happen that you sleep in the (Redacted)?

15 MR KNOOPS: [10:38:08] Mr President.

16 PRESIDING JUDGE SCHMITT: [10:38:09] Yes, Mr Knoops.

17 MR KNOOPS: [10:38:06] It's not yet established that in (Redacted); so

18 it's a leading question.

19 PRESIDING JUDGE SCHMITT: [10:38:14] So then ask simply (Redacted) and

20 not -- not -- and leave the word out, please.

21 Thank you, Mr Knoops.

22 MS GALUPA: [10:38:23] Thank you.

23 Q. [10:38:23] Just to rephrase my question: Did you also sleep in (Redacted)

24 (Redacted)

25 A. [10:38:44] No, in (Redacted). We were just (Redacted)

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- 1 (Redacted). And when the group divided and Andjilo
2 left, (Redacted). The group divided,
3 Andjilo went to Bouca, others went in other directions, Bossangoa. (Redacted)
4 (Redacted). We were there and we were on our way to Bossangoa.
5 Q. [10:39:37] Thank you very much. And you also mentioned that you (Redacted)
6 (Redacted). Can you please
7 tell us where (Redacted).
8 A. [10:40:14] On the (Redacted)
9 (Redacted)
10 (Redacted). We saw the corpses, the bodies. (Redacted)
11 (Redacted)
12 (Redacted)
13 (Redacted)
14 (Redacted)
15 And then we went back to Gobere.
16 Q. [10:41:46] Let me just take the first location that you mentioned, namely,
17 Benzambe. Can you tell me if, (Redacted)
18 if -- whether you saw Anti-Balaka and how many approximately you saw in
19 Benzambe?
20 A. [10:42:15] There were many of them. We saw many, many Anti-Balaka in
21 Benzambe. (Redacted)
22 (Redacted)
23 (Redacted) spoke to the people and then we left. There were many, many
24 Anti-Balaka in Benzambe.
25 THE INTERPRETER: [10:42:46] Message from the Sango booth: Could the witness

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1 please be requested to speak slowly because he is furnishing a great deal of
2 information very rapidly.

3 PRESIDING JUDGE SCHMITT: [10:42:55] Yes.

4 Mr Witness, please be so kind and try to speak a little bit more slowly so that the
5 interpreters can follow. You have a lot to say, obviously, but of course everything, as
6 I explained to you in the beginning, has to be translated, and please slow a little bit
7 down. Thank you very much.

8 MS GALUPA: [10:43:22]

9 Q. [10:43:22] And you say you saw many, many Anti-Balaka. Can you
10 approximate how many were these in numbers. An approximate number.

11 A. [10:43:44] Would you like me to give you the number of Anti-Balaka in
12 Benzambe, or would you like me to give you an overall number with regard to the
13 Anti-Balaka?

14 Q. [10:43:58] No, just in Benzambe, please.

15 A. [10:44:16] There were nearly 100 or 200 Anti-Balaka elements in Benzambe.
16 There were many of them.

17 Q. [10:44:27] And how do you know -- (Redacted)

18 A. [10:44:45] (Redacted)

19 (Redacted)

20 (Redacted)

21 Q. [10:45:19] And in your statement, you mentioned that you also (Redacted)

22 (Redacted)

23 (Redacted)

24 A. [10:45:35] Yes. Everyone had a gris-gris, and I believe that everyone would
25 buy their gris-gris from the marabouts. Everyone had a gris-gris.

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1 Q. [10:46:00] Thank you. And do you remember (Redacted)

2 (Redacted)

3 A. [10:46:19] Yes, well, it was difficult to situate that day because (Redacted)

4 (Redacted). I remember that (Redacted), and when (Redacted), I can

5 assure you that I wasn't in a position to know. I had no notion of time.

6 Q. [10:46:50] You just mentioned that you were in (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 A. [10:47:13] It was (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 Q. [10:48:15] Thank you. And you got (Redacted)?

15 A. [10:48:42] No, (Redacted)

16 (Redacted)

17 Q. [10:48:54] Thank you.

18 And about the second place that you've mentioned that you (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 A. [10:49:31] No, (Redacted)

23 (Redacted). That's where we went.

24 Q. [10:49:52] Thank you very much for this precision.

25 Mr President, maybe we can go to open session now.

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1 PRESIDING JUDGE SCHMITT: [10:50:00] Yes, we go to open session. And by the
2 way, I think we have two options with regard to the situation we have, that we cannot
3 go further than half past two. I don't know if the parties are fine with the solution to
4 have two two-hour sessions, is it okay? So we have one break of one hour? Okay.
5 Please continue -- when we are in open session, of course.

6 (Open session at 10.50 a.m.)

7 THE COURT OFFICER: [10:50:28] We are in open session, Mr President.

8 MS GALUPA: [10:50:42] Thank you.

9 Q. [10:50:44] Mr Witness, we are back to open session. I just want to remind you
10 not to say anything that might identify you or your family.

11 And now I would like to talk to you about your time at the Anti-Balaka base in
12 Gobere, and I know Mr Knoops said I shouldn't use the word "base", but it has been
13 established in his statement - paragraph 24 - that Gobere was a base.

14 PRESIDING JUDGE SCHMITT: [10:51:08] You have a point here, of course, yeah.

15 MS GALUPA: [10:51:11] So just to mention that.

16 Q. [10:51:14] Mr Witness, in paragraph 78 and 79 of your statement, you talk about
17 the Anti-Balaka based in Gobere - where you saw the marabouts and where you saw
18 (Redacted) - and you explained that the elements stayed with their leaders around the
19 main camp and that they gathered at that place --

20 PRESIDING JUDGE SCHMITT: [10:51:37] I see already the objection by Mr Knoops.
21 Let me hear it.

22 MR KNOOPS: [10:51:44] Sorry, Mr President, exactly my point, that based on the
23 modifications in paragraph 78, the witness did state there was a base in Gobere.

24 PRESIDING JUDGE SCHMITT: [10:51:58] Yes, you're right, Mr Knoops, you're
25 absolutely right. So this was about the corrections that the witness made. So we

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1 always change "Gobere" to "Gbonguere".

2 MS GALUPA: [10:52:09] Mr President, it was my understanding that he said that the
3 place where he saw the marabouts and the training, he's now calling Gobere. That
4 was my understanding from the witness's answer previously today.

5 I can go and find the lines.

6 PRESIDING JUDGE SCHMITT: [10:52:27] Nevertheless, I have here in front of me
7 the corrections made by the witness and whenever "Gobere" is mentioned, the
8 witness - with his own handwriting - changed it to "Gbonguere", I think.

9 MS GALUPA: [10:52:50] That is correct. But his testimony today, as I understand
10 it, corrects these corrections. So basically, he reinstates the former name.

11 PRESIDING JUDGE SCHMITT: [10:52:54] So then we have to clarify this, absolutely,
12 because then there is a little bit of confusion here.

13 So Mr Witness, you speak about a base of the Anti-Balaka. In which location had
14 this base been?

15 THE WITNESS: [10:53:11](Interpretation) The Anti-Balaka base was to be found in
16 Gobere, and they would leave and go to Gbonguere. They would move around to
17 go to Gbonguere, a small village.

18 PRESIDING JUDGE SCHMITT: [10:53:48] Okay, nevertheless, of course, the
19 corrections at 78, 79 have been made the other way around; so perhaps we have to
20 figure out what this means, what we have to make out of it.

21 MS GALUPA: [10:54:06]

22 Q. And Mr Witness, you say that there were more than 400 Anti-Balaka gathered in
23 a place and that the -- where the elements stayed with their leaders. Is this place
24 called "Gobere"?

25 A. [10:54:27] Yes, indeed, it was Gobere. The most important base was Gobere.

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1 PRESIDING JUDGE SCHMITT: [10:54:50] Perhaps I can make a suggestion. Why
2 don't we put the corrected version -- this paragraph 78, especially - that is,
3 CAR-OTP-2135-3481 - on the screen and show it to the witness and then ask from
4 there, so that we can clarify it from there.

5 Because Mr Knoops, it was not a clear objection, but what he mentioned was correct,
6 obviously.

7 MS GALUPA: [10:55:22]

8 Q. [10:55:23] So Mr Witness, you're seeing on the screen the corrections that you
9 made to your statement. Can you see them now? It is at page 3481.

10 THE COURT OFFICER: [10:56:00] Could you please repeat the ERN number.

11 MS GALUPA: [10:56:02] Yes, sure. It is ...

12 PRESIDING JUDGE SCHMITT: [10:56:03] 2135-3481. I really think it's best to give
13 the witness also a visual presentation, because it's his handwriting and then we can
14 ask him what he meant by changing "Gobere" to "Gbonguere" with his handwriting.

15 MS GALUPA: [10:56:50] If it may assist the Registry, the ERN is 2135-3476 at
16 page 3481.

17 PRESIDING JUDGE SCHMITT: [10:57:49] So I think now we have it, 78, we need,
18 paragraph 78, that is 3481. Page 3481. Here we are. So perhaps we can enlarge it
19 a little bit.

20 So Mr Witness, now look at the screen, and, here, you see your former statement,
21 your written statement and the corrections that you made, yes?

22 And Ms Galupa, please continue.

23 MS GALUPA: [10:58:15] Thank you.

24 Q. [10:58:18] Mr Witness, in your statement here, you talk about Gobere -- initially,
25 you talked about Gobere being a training place for the Anti-Balaka, the fact that there

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1 were more than 400.

2 Later on, you also talk about this place as being the one where you see the

3 Anti-Balaka taking Mbororo women as wives. And looking at the screen, we see

4 that you changed the name from "Gobere" to "Gbonguere".

5 Now today, you told us that this place is called Gobere again. Just to avoid any

6 confusion, can you please -- can you please confirm what the name of this place is

7 slowly, so we can understand.

8 A. [10:59:07] Gobere is the base. When they left Gbonguere, they went to fight

9 in -- and came back again. In Gobere, we didn't spend much time. We came back

10 to Gbonguere, and, at that time, I went with Dedane to Kaboro, and for the entire time

11 we were in Gbonguere.

12 Q. [11:00:00] And the place where you saw the training happen, what was the

13 name of the place?

14 A. [11:00:09] It was in Gobere.

15 THE INTERPRETER: The Sango interpreter would like to point out that on occasion,

16 the witness pronounces "Gobere", "Gobera" and vice versa.

17 MS GALUPA: [11:00:39]

18 Q. [11:00:41] And similarly, just to make it completely clear, the place where the

19 Anti-Balaka gathered as well for meetings, was it -- can you -- was it also in Gobere,

20 the base?

21 A. [11:01:00] Yes. The biggest base was in Gobere and, from time to time, they

22 would go to Gbonguere. So sometimes they also trained in Gbonguere, but the

23 largest base was at Gobere. So we would go there, sometimes we would go to

24 Benzambe and come back, but everything was happening in Gbonguere. After

25 attacking Benzambe, then they would go back to Gobere, and, then, after finishing

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1 there, then they will retreat to Gbonguere.

2 PRESIDING JUDGE SCHMITT: [11:02:02] There seems to be a back and forth, if I

3 understand it correctly, some sort of ...

4 MS GALUPA: [11:02:08] May I maybe suggest that potentially that might be a way

5 out --

6 PRESIDING JUDGE SCHMITT: [11:02:10] Yes.

7 MS GALUPA: [11:02:10] -- to -- for the witness to sketch something on a paper -- on

8 a blank paper, so we can understand what he means. I know he mentioned that the

9 places are 20 kilometres apart, but maybe that would be a solution.

10 PRESIDING JUDGE SCHMITT: [11:02:27] Okay, why not. Why not. I think it is

11 a good idea.

12 Mr Witness, you have heard that. Perhaps someone there at your place can give you

13 a piece of paper and you can try to mark where these different places, "Gobere" and

14 "Gbonguere", are in your opinion.

15 Perhaps you can explain it a little bit better, Ms Galupa, what you want from him and

16 then we can give him five minutes, we make a -- allow us a short break, and then we

17 continue from there.

18 Mr Witness, please listen.

19 MS GALUPA: [11:03:05]

20 Q. [11:03:05] Mr Witness, just to clarify what we would like to see on your sketch, if

21 you can please show where the town of Bossangoa is. Then also place Benzambe.

22 Then also tell us where Gbonguere is. And if you can place on your sketch also

23 where Gobere is. And maybe you can also put some major towns that you know are

24 around, so we can orientate ourselves a bit. For instance, you mentioned

25 Nana-Bakassa, or you mentioned Bowai and Kaboro. Maybe you can place them on

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1 your sketch as well.

2 PRESIDING JUDGE SCHMITT: [11:03:46] And I think we can -- we make a short
3 break, and, Mr Witness, please let us know when you are ready -- when you have
4 finished that, and then we can continue from there. Okay? Thank you.

5 THE COURT USHER: [11:04:00] All rise.

6 (Recess taken at 11.04 a.m.)

7 (Upon resuming in open session at 12.38 p.m.)

8 THE COURT USHER: [12:38:15] All rise.

9 Please be seated.

10 PRESIDING JUDGE SCHMITT: [12:38:34] Ms Galupa, I understand that there might
11 be a natural, so to speak, explanation for the confusion between Gbonguere and
12 Gobere, so -- and I also understand that you are going to inquire this with the VWU.
13 That would be appreciated of course.

14 Yeah, Ms Rabesandratana.

15 MS RABESANDRATANA: [12:38:55](Interpretation) Yes, Mr President, I would like
16 to point out to you the presence in our team of Madam Wahida Omari.

17 PRESIDING JUDGE SCHMITT: [12:39:08] Thank you -- thank you very much for
18 that.

19 And I also understand, Mr Witness, that you are not only here as a witness to testify
20 orally, that we now also gave you a task to do, which I apologise for.

21 So do we have this -- this image, what he has done? Can we put this on -- on the
22 screen.

23 And perhaps then, Ms Galupa, you can continue with your examination.

24 Can we switch it? Is this possible? Rotate it, not switch it.

25 Well, my first impression, Mr Witness, thank you very much, you really did a very

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1 thorough job. Thank you for -- for that. And perhaps -- and of course we see it
2 here, it will be part of the evidence, and if you have concrete questions on that image,
3 please let us know.

4 MS GALUPA: [12:40:14] Thank you, Mr Witness. Thank you, your Honour.

5 Q. [12:40:18] I would like to ask you about Gobere. I see now where you place it.

6 But more precisely, maybe you can tell us, when you were in Gobere, what did you
7 see there?

8 A. [12:40:47] In Gobere, whilst I was there, I didn't spend too long there. This
9 base existed before I did. And it was when I went there that I discovered that it was
10 an important base. I saw that and I realised that it was an important base. It was
11 only subsequently that the Anti-Balaka group divided into two, and one group went
12 one way and the Dedane group went to set up in Gbonguere. That is what created
13 the confusion. So I remained with Dedane in Gbonguere before I went to Bossangoa.
14 When I was in Gbonguere, I saw the training ongoing. And there was a former
15 FACA by the name of Kokofere who was there. He had two weapons of war in his
16 hands. He shot and he wanted to kill everybody. So this created confusion and he
17 was killed.

18 PRESIDING JUDGE SCHMITT: [12:42:08] Thank you, Mr Witness.

19 We are in open session. I'm not sure if -- it was a little bit generic, so I don't think
20 any harm is done, but we have to keep that at least on our radar, so to speak. Yeah.
21 Please continue.

22 Excuse me for the interruption, Mr Witness. It was for your protection, yeah.

23 Because of that I intervened.

24 Ms Galupa.

25 MS GALUPA: [12:42:32]

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1 Q. [12:42:33] Please continue, Mr Witness. But maybe you can be mindful of not

2 putting out to the public information that may identify you. But you may proceed.

3 Thank you.

4 A. [12:43:12] In Gobere I took part or I saw the training of the elements. And then

5 the group divided. One went to Bouca and we went to Gbonguere, from where we

6 went to Bossangoa. I was in Dedane's group.

7 Q. [12:43:45] Thank you for that. And can I ask you how often did you go to this

8 Anti-Balaka base in Gobere?

9 A. [12:44:20] Yes, we would go there on a regular basis because Dedane was a chief.

10 We might go in the morning and then come back.

11 Q. [12:44:38] And you mentioned seeing people training in the Gobere base. Can

12 you tell me more about what you saw there?

13 A. [12:45:05] Yes. People were gathered together and they were taught how to

14 handle weapons. They were shown what being a soldier was all about. The

15 civilian elements had joined the group and they were taught how to be true fighters.

16 They would also do sports and it was a military training of sorts.

17 Q. [12:45:49] I would like to ask you about whether you heard any of the following

18 names mentioned in the context of Gobere or the Anti-Balaka. Did you ever hear the

19 name of Houronti Dieudonne?

20 A. [12:46:18] No.

21 Q. [12:46:23] Did you ever hear the name Richard Bejouane?

22 A. [12:46:37] No, I do not know him.

23 Q. [12:46:41] Or did you ever hear about the name Marabout Lundi?

24 A. [12:46:58] Yes, I did hear talk of marabout, of the marabout.

25 Q. [12:47:09] And do you remember his name?

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1 A. [12:47:25] No. Everyone would call him marabout. Everyone would call him
2 marabout.

3 Q. [12:47:34] And did you also hear about someone being addressed as Modibo?

4 A. [12:47:49] No, I've never heard that name Modibo.

5 Q. [12:48:00] And looking at the sketch that you provided us, that you drew, I -- I
6 see that it's quite detailed. I just have one last question about this in connection to
7 your corrections.

8 When you met with representatives of the Victims and Witnesses Unit, did you write
9 the corrections yourself on the statement? Or were you assisted by someone?

10 A. [12:48:56] Are you talking about the document up on the screen?

11 Q. [12:49:00] No. I'm referring to your -- the corrections to your statement.
12 Maybe it will be possible to put them up again.

13 The ERN number is --

14 PRESIDING JUDGE SCHMITT: [12:49:13] And I think the Chamber will
15 inquire -- will ask the VWU. I think it's -- it's better if not -- if not the parties are
16 doing that. We decided that in this moment, so to speak.

17 We also see, of course, that there seems to be a different handwriting, there's a
18 handwriting more with -- with connecting all the different dots, and the other one.
19 But we will see what --

20 MS GALUPA: [12:49:36] Okay.

21 PRESIDING JUDGE SCHMITT: [12:49:36] And -- and let me also comment the
22 witness had -- had now enough time to -- to clarify it with your -- with your help, so
23 I think it is clear what -- what he wanted to say.

24 MS GALUPA: [12:49:51] Okay. Thank you.

25 PRESIDING JUDGE SCHMITT: [12:49:53] I would say so, at least.

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1 MS GALUPA: [12:49:56] Thank you.

2 Q. [12:49:57] Mr Witness, I will now move on to another topic, which is your time
3 with Dedane, and I would like to first ask you a few questions about Dedane's
4 communications.

5 In paragraph 71 and 72 of your statement you say Dedane was living on a hill since it
6 was the only area with a telephone network, and you heard him communicate on the
7 phone with people such as Charli, Komasa and Yongo. Now I want to ask you about
8 Charli. Do you know the last name of Charli?

9 A. [12:50:50] No, I do not know his family name. I noted at the time he was called
10 Charli.

11 Q. [12:51:03] And do you maybe know if Charli or Charly was a -- military?

12 A. [12:51:24] I knew Charli before, because I knew his younger brothers who were
13 involved in tyres. I know him and I know his brother -- his younger brothers.

14 Q. [12:51:49] I'm sorry, can you maybe repeat in what they were involved.

15 A. [12:52:18] I know that Charli is a soldier since Bozize was in power. When
16 I was in Bossangoa he was on mission, he'd go via Bossangoa to go to * Benzambe. I
17 know him well.

18 Q. [12:52:37] Thank you for that. And do you know who he was working with
19 within the Anti-Balaka?

20 A. [12:53:05] When I was in Dedane's group, Dedane would contact him over the
21 telephone. But when I was there, I didn't see Charli in person. However, I noted
22 that Dedane would communicate with him over the telephone, but personally I did
23 not see him.

24 Q. [12:53:35] And I will ask you some questions about the second person you've
25 named, Komasa. Now in the statement you corrected the spelling of the name Komasa

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1 to Kema.

2 PRESIDING JUDGE SCHMITT: [12:53:52] Where is it?

3 MS GALUPA: [12:53:54] It is, if I'm not mistaken, in paragraph 38, but maybe give
4 me a second to check.

5 PRESIDING JUDGE SCHMITT: [12:54:06] Well, we can anyway, because I think it's
6 good to prepare the whole thing with enquiring with the VWU a little bit. Perhaps
7 we can bring this up, paragraph 38, that is CAR-OTP-2135-3476 at 3478.

8 MS GALUPA: [12:54:25] I'm sorry, your Honour, it's actually paragraphs 164 and
9 (Overlapping speakers)

10 PRESIDING JUDGE SCHMITT: [12:54:30] Doesn't matter. Doesn't matter. We
11 bring -- I have too, a question on that. Doesn't matter. I took advantage of your
12 little mistake, so to speak.

13 Yes. Very good.

14 So, Mr Witness, you see it, this paragraph 38. What I want to ask you is, is this your
15 handwriting, the corrections made here?

16 You know the handwritten part, I want to ask you if this is your handwriting, if you
17 did write this yourself?

18 THE WITNESS: [12:55:52](Interpretation) No. No. I just gave the instructions for
19 the corrections to be brought to the document. I did not write it in my own
20 handwriting.

21 PRESIDING JUDGE SCHMITT: [12:56:07] Yeah, I think now we understand and
22 becomes clearer.

23 And why not then go back to 78, paragraph 78, that is at CAR-OTP-2135-3481.

24 Thank you.

25 Mr Witness, please be so kind and read this paragraph -- first question: Again, you

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1 did not write the annotations yourself; am I correct in assuming that?

2 THE WITNESS: [12:56:53](Interpretation) That is correct. You are right.

3 PRESIDING JUDGE SCHMITT: [12:56:56] Then please be so kind, take your time,
4 read this paragraph 78, and tell us if -- which place it was, to be in a neutral way.

5 Please be so kind. Read it and tell us when you have finished paragraph 78, and
6 then tell us which place you were talking about.

7 Have you finished, Mr Witness?

8 THE WITNESS: [12:59:00](Interpretation) Yes, I have read it.

9 PRESIDING JUDGE SCHMITT: [12:59:02] So you see that whenever in this
10 paragraph 78 in your original statement made 2020 to the Office of the Prosecutor it
11 was written down "Gobere", it has now been changed to "Gbonguere". So which of
12 it -- which of it is right?

13 THE WITNESS: [12:59:40](Interpretation) Gobere.

14 PRESIDING JUDGE SCHMITT: [12:59:43] So let me say, obviously there is simply a
15 miscommunication with VWU. The problem is we have a Rule 68(3) statement here
16 and the Gobere and/or Gbonguere appear very often. So let me just -- I have to
17 confer with my colleagues.

18 (Trial Chamber confers)

19 PRESIDING JUDGE SCHMITT: [13:00:24] So the Chamber decides that VWU is
20 ordered to go through the statement of the witness from 2020 only, so to shorten the
21 whole thing, with regard to the names Gobere and Gbonguere and to verify that
22 again. So they have to do that. I think we have the witness for two -- two further
23 days, so they have to do that whenever they can.

24 Yeah, Mr Knoops.

25 MR KNOOPS: [13:00:53] Mr President, very sorry, maybe that the witness can take

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1 of his earphones.

2 PRESIDING JUDGE SCHMITT: [13:00:59] He doesn't have any earphones. So we
3 would have -- we can perhaps shortly disconnect him. Or is this possible?

4 Okay. Yeah.

5 So we only have the English language, you can speak freely, so he (Overlapping
6 speakers)

7 MR KNOOPS: [13:01:18] Thank you, Mr President. Sorry.

8 PRESIDING JUDGE SCHMITT: [13:01:27] I have the same problem today actually,
9 Mr Knoops.

10 MR KNOOPS: [13:01:30] Excuse me, Mr President.

11 PRESIDING JUDGE SCHMITT: No, no. I understand.

12 MR KNOOPS: [13:01:30] Yes. Mr President, the Chamber might imagine that this
13 review of the statement is, for the preparation of our examination, very important.
14 We also give the suggestion to the Chamber that prior to continuing with this witness
15 statement that, the person of VWU is also heard as witness *proprio motu* by the
16 Chamber because we cannot exclude there are two different handwritings - I will
17 spare the details of the analysis - and, of course, the page 3490, it's the addition to
18 paragraph 38 and 116.

19 The handwritten texts also begs the question whether -- how this addition to the
20 statement was actually composed. And therefore we suggest that maybe based on
21 the explanation by VWS, which is, in our view, not very clear because the email says:
22 Upon directions of the witness, we modified the statement.

23 But the modifications go further than the names of the two cities. It goes to various
24 details in the statement, such as paragraphs 13, 21, 34 and 38, where (Overlapping
25 speakers)

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1 PRESIDING JUDGE SCHMITT: [13:03:03] You're right.

2 MR KNOOPS: [13:03:05] Apparently, there's a different handwriting, but mostly
3 also the page 3490 is very important for our examination. So we suggest that maybe
4 also the individual who allegedly modified the statement will be heard by the
5 Chamber.

6 PRESIDING JUDGE SCHMITT: [13:03:21] Which might be two individuals then.
7 Because we have -- I think we have obviously two handwritings, I think we can
8 already --

9 MR KNOOPS: [13:03:24] Yes.

10 PRESIDING JUDGE SCHMITT: [13:03:25] -- say that.

11 Ms Galupa or Mr Vanderpuye, what do you think? The Chamber is hesitant to call a
12 VWU member as a witness yet, and we -- actually, we have the impression as a
13 Chamber that something went wrong, not with the witness, but with VWU here,
14 frankly speaking.
15 Ms Galupa.

16 MS GALUPA: [13:03:49] Mr President, the witness is also a witness to the
17 corrections, so he already explained that he didn't write. Maybe he was precise in
18 saying which instances he didn't write. Maybe we can ask him generally if he wrote
19 anything, but I think he (Overlapping speakers)

20 PRESIDING JUDGE SCHMITT: [13:04:06] He didn't write anything, obviously.

21 MS GALUPA: [13:04:09] I think he (Overlapping speakers).

22 PRESIDING JUDGE SCHMITT: [13:04:10] So what we could do, is -- what we then
23 perhaps would have to do is simply, also for the fairness to the Defence, that we
24 perhaps unfortunately would have to go through each direction and ask the witness
25 again if he stands by it. Perhaps that is the easiest way to do it; that's perhaps the

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1 quickest way -- the easiest way. You know, sometimes thinking and -- also ideas are
2 evolving. So I wanted to avoid that because this costs a lot of time, but I think we
3 have to do this here, Mr Knoops. I would agree with you. We have to go
4 through every -- then, we start by the first correction, go through everything, and we
5 have to then verify with the witness if this is his correction or not.

6 MS GALUPA: [13:04:57] I would just mention that in this case, if we go through
7 them one by one, we might stumble upon the same issue with Gobere or Gbonguere,
8 because there are a lot instances where it's corrected. So I thought that the
9 suggestion to give the VWU the chance to go one by one - because it's literally in
10 many paragraphs - would be a good solution.

11 PRESIDING JUDGE SCHMITT: [13:05:19] Yeah, so that is -- I would ask you,
12 Mr Knoops, what do you think about that? It would be of course extremely time
13 consuming if we indeed went through over Gbonguere. So my suggestion as a
14 midway would be that we go through the first handwriting, so to speak, that are five
15 or six, ask the witness, "Is this based on your information or not?" And then follow
16 up on the so-called second handwriting, which seems to be the writing of the village
17 "Gbonguere", and, as I have already said, instruct the VWU to go with the witness
18 through that.

19 Is this something you could agree upon? Both parties.

20 MR KNOOPS: [13:06:00] Mr President, with all due respect, it's also about, I think,
21 the verification of the statement of the witness. The witness might say: "I told
22 VWU to correct." But it seems to us there is still also in the pronunciation, a
23 difference between the two cities.

24 So I think for the Chamber - we are all trying to find the truth - important that the
25 narrative of the witness that he apparently instructed the VWU to change it, is

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1 verified by the individuals who took the statement from -- or verified the statement
2 with the witness.

3 In other words, if the witness clearly said to VWU, according to VWU, "Gbonguere",
4 not "Gobere", then the statement of the witness that he meant "Gobere" will be
5 evaluated differently. So I think for the importance of the statement and the veracity,
6 this should be a very important check by the members of VWU. How were the
7 directions of the witness given to them? Because it might be different from what he
8 will say today to you - I can't imagine that he will say, "Yes, I made a mistake, VWU
9 did -- didn't understand me correctly" - but is this really what happened within the
10 four walls where the members of VWU took the statement, went through the
11 statement and then gets (Overlapping speakers)

12 PRESIDING JUDGE SCHMITT: [13:07:50] Well, I see your point and understand it,
13 but if, of course, this would be -- would become the regular in the future, then we can
14 skip Rule 68(3) all in all, I have to the say. That's not your fault, but actually I
15 suspect that something went wrong at VWU.
16 Let me just confer with my colleagues again.

17 (Trial Chamber confers)

18 PRESIDING JUDGE SCHMITT: [13:08:28] The Chamber goes for deliberations for a
19 couple -- please stay here. I don't think in the end it's such a serious issue, but we
20 have to protect the rights of everyone here.

21 THE COURT USHER: [13:08:43] All rise.

22 (Recess taken at 1.08 p.m.)

23 (Upon resuming in open session at 1.15 p.m.)

24 THE COURT USHER: [13:15:35] All rise.

25 Please be seated.

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- 1 PRESIDING JUDGE SCHMITT: [13:15:49] So the Chamber decides the following:
- 2 We have a live witness here in the courtroom and the courtroom is the best place to
- 3 try to figure out if any contradictions are there to solve any confusions and this is
- 4 what we are going to do. It will be a cumbersome procedure, but we are going to do
- 5 that and, perhaps, I take over in that regard. We are doing it paragraph by
- 6 paragraph. The annotations is unfortunate, but the Chamber thinks it's important
- 7 also to maintain the rights, especially of the accused.
- 8 So let's go to paragraph -- let's go to paragraph 13, that is CAR-OTP-2135-3476.
- 9 Mr Witness, what we are going to do, is, you see there has been a little bit of
- 10 confusion with regard to the corrections that have been made on your advice, so to
- 11 speak. So we are going through them and I'm going to ask you if the correction that
- 12 you see in handwriting there, if this indeed is your correction that you have made or
- 13 not.
- 14 So you see paragraph 13, and here's something, "22" kilometres instead of "21"
- 15 kilometres and you see also what is written down here.
- 16 Is this based on your recollection, and is this your correction that you have made?
- 17 A. [13:18:05] Yes, that is correct. 22 kilometres.
- 18 Q. [13:18:12] Then we go to paragraph 21, that is at page 3477.
- 19 You see, Mr Witness, here is a small handwritten correction. Is this correct?
- 20 A. [13:18:47] Yes, that is correct.
- 21 PRESIDING JUDGE SCHMITT: [13:18:52] We continue to page 3478, paragraph 34.
- 22 Ms Galupa, when I forget something, please tell me.
- 23 So we have here inserted "*déjà*". Is this based on your recollection?
- 24 THE WITNESS: [13:19:17](Interpretation) That is correct.
- 25 PRESIDING JUDGE SCHMITT: [13:19:34] Then, we continue on the same page to

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1 paragraph 38, there's a little bit more and it seems to be that information is a little bit
2 changed. So please read this carefully, this paragraph 38, and tell us if this, with the
3 correction, is your evidence or if the original part is your evidence.

4 MS GALUPA: [13:19:55] Mr President?

5 PRESIDING JUDGE SCHMITT: [13:19:56] Yeah.

6 MS GALUPA: [13:19:57] Just to let you know at the end of the document, there is a
7 handwritten corrected version of this paragraph that's more helpful than the
8 correction on that ...

9 PRESIDING JUDGE SCHMITT: [13:20:07] You are right. Thank you for your help.
10 So we go to 3490. Thank you. The same document, the last page.

11 So you see here, Mr Witness, handwritten, "Page 8 - Paragraph 38", please read
12 carefully and tell us if this is your evidence.

13 THE WITNESS: [13:21:48](Interpretation) Yes, I've read it and it is correct.

14 PRESIDING JUDGE SCHMITT: [13:21:54] Mr Witness, may I say to you that we
15 appreciate it very much that you so patiently follow this instruction and this exercise.
16 Thank you very much.

17 We go to paragraph 58, this is --

18 MR KNOOPS: [13:22:08] Mr President, I'm sorry.

19 PRESIDING JUDGE SCHMITT: [13:22:09] Yeah.

20 MR KNOOPS: [13:22:10] Mr President, could the Chamber ask the witness whether
21 this would replace paragraph 38 in his statement, or is this supposed to be an
22 addition?

23 PRESIDING JUDGE SCHMITT: [13:22:21] Yeah, yeah, you're right, Mr Knoops. So
24 let's go to page - thank you very much, actually - 3478, paragraph 38. That is indeed
25 important.

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1 Mr Witness, you see here, the -- let me put it this way, the original paragraph 38.

2 What you have just read and confirmed, this handwritten thing -- paragraph, does

3 this replace the paragraph 38 that you read here or is this an addition?

4 THE WITNESS: [13:23:24](Interpretation) Yes, the handwritten part replaces the

5 initial statement.

6 PRESIDING JUDGE SCHMITT: [13:23:37] Thank you, Mr Witness. And also thank

7 you to Mr Knoops. Because otherwise you would have to go through this again

8 when you are questioning.

9 Then we go to paragraph 58, which is at page 6233.

10 Again, Mr Witness, the same question, the handwritten correction or -- is this by you,

11 is this based on your recollection?

12 THE WITNESS: [13:24:39](Interpretation) Yes, the handwritten correction was done

13 under my instruction. It is correct.

14 PRESIDING JUDGE SCHMITT: [13:24:47] Thank you, Mr Witness.

15 The same page, paragraph 61, there is the "camp", *le camp*, substituted by "*village*". Is

16 that correct?

17 THE WITNESS: [13:25:10](Interpretation) Yes, I asked that this be changed to

18 village.

19 PRESIDING JUDGE SCHMITT: [13:25:20] Thank you. Then we go on the same

20 page, we can -- to paragraph 63 and 64, I think we can put them together. You know

21 I don't have to repeat the question, Mr Witness, you know what we are talking about.

22 Simply always tell us if this is correct to your recollection with the handwritten

23 annotation or not.

24 THE WITNESS: [13:26:08](Interpretation) Yes, this correction was done at my

25 request.

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1 PRESIDING JUDGE SCHMITT: [13:26:14] Thank you.

2 Then the next one is paragraph 72, that's the next page 3480.

3 Ms Galupa.

4 MS GALUPA: [13:26:32] Mr President, I'm sorry, I've noticed that on the screen

5 paragraph 64 wasn't appearing, so I don't think the witness --

6 PRESIDING JUDGE SCHMITT: [13:26:40] Then we have to do that first, yeah.

7 I had hoped when I said that they are so close together 63 and 64.

8 So first of all, Mr Witness, paragraph 64, is this also correct now?

9 MS GALUPA: [13:27:03] Maybe we can put paragraph 64 on the screen.

10 PRESIDING JUDGE SCHMITT: [13:27:13] Which is at 3479. I said 6233, but this

11 was the original. That was my fault last time. 3479.

12 THE WITNESS: [13:27:42](Interpretation) Yes, it is correct. Just now, there was a

13 confusion between -- between Gbonguere and Gobere and now this is correct. This

14 is what it should be.

15 PRESIDING JUDGE SCHMITT: [13:28:02] Thank you. Then we can go to 72, that is

16 3480 now.

17 You see now, Mr Witness, why it is so important that we go through this - also for

18 you a very cumbersome procedure - so we can clarify exactly where the locations

19 were.

20 THE WITNESS: [13:28:39](Interpretation) Yes. Gbonguere is correct.

21 PRESIDING JUDGE SCHMITT: [13:28:49] Then the next page, 3481 at paragraph 77.

22 THE WITNESS: [13:29:27](Interpretation) It's -- here, it's Gobere, Gobere, Gobere.

23 Here, there is a confusion. It's not Gbonguere. But it is Gobere, Gobere, Gobere

24 everywhere. That's what it should be.

25 PRESIDING JUDGE SCHMITT: [13:29:47] Okay. Then we take it that you mean

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1 paragraph 77, 78 and 79. Everything that is annotated on this page, you mean

2 instead of "Gbonguere", it should be "Gobere", correct?

3 THE WITNESS: [13:30:09](Interpretation) Yes, that is correct. It is Gobere.

4 PRESIDING JUDGE SCHMITT: [13:30:22] Next page, 3482 at paragraph 82, 83, 84,

5 85, if we can group them together, if this is possible. Thank you very much.

6 THE WITNESS: [13:30:56](Interpretation) Yes, here I maintain that it is Gobere.

7 PRESIDING JUDGE SCHMITT: [13:31:04] Thank you. And 86 on the same page.

8 THE INTERPRETER: [13:31:12] Correction from the English booth: I maintain that

9 it is "Gbonguere". "Gbonguere". Says the Sango booth.

10 PRESIDING JUDGE SCHMITT: [13:31:26] Well, okay. So again, I ask again.

11 So we have had now two different interpretations from Sango. So again, these

12 paragraphs 82, 83, 84 and 85, perhaps you can scroll up a little bit, just a little bit again.

13 Thank you for -- it's really difficult also for the court officer and court usher. Thank

14 you.

15 So here Gbonguere is correct, yes, if we have understand it now?

16 THE WITNESS: [13:32:13](Interpretation) That is correct.

17 PRESIDING JUDGE SCHMITT: [13:32:15] So and now a little bit further down, 86.

18 THE WITNESS: [13:32:37](Interpretation) That is correct.

19 PRESIDING JUDGE SCHMITT: [13:32:40] Then the next page, 3483, at paragraph 90,

20 91, if we can put them together on the screen, if this is possible.

21 THE WITNESS: [13:33:07](Interpretation) Yes, it is correct.

22 PRESIDING JUDGE SCHMITT: [13:33:15] Then 95 on the same page.

23 THE WITNESS: [13:33:48](Interpretation) It is correct.

24 PRESIDING JUDGE SCHMITT: [13:33:52] Then we go to the next page, 3484, at

25 paragraph 104 and 105. If we can put them together, if this is possible, although they

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1 are quite big. Yes, it's possible, yeah.

2 THE WITNESS: [13:34:40](Interpretation) It is four days.

3 PRESIDING JUDGE SCHMITT: [13:34:47] And what about paragraph 104 where the
4 original Gobere was substituted by Gbonguere, is this correct?

5 THE WITNESS: [13:35:07](Interpretation) Yes, that is also correct.

6 PRESIDING JUDGE SCHMITT: [13:35:09] Thank you. Then 3485, the next page at
7 paragraph 111.

8 THE WITNESS: [13:35:51](Interpretation) Yes, it is diesel fuel, that's correct.

9 PRESIDING JUDGE SCHMITT: [13:35:59] Thank you. Next page and we have to
10 read this then together with the handwritten amendment, 3486. Look at this
11 paragraph 116 and the end of this paragraph where it reads "*pour attaquer la ville et*
12 *qu'ensuite Dedane et ses hommes rejoindraient Andjilo*" is stricken out. Yeah, you see
13 that? And it seems to be replaced by -- we go to page 3490. Even further down,
14 please, 3490. It's at the end, it's the last page.

15 Here we are, a little bit further down. Stop. Thank you.

16 So you see this seems to be the replacement of the paragraph 116. Please read it
17 carefully and tell us if you -- if this is based on your recollection and your
18 information.

19 THE WITNESS: [13:37:49](Interpretation) It is correct.

20 PRESIDING JUDGE SCHMITT: [13:37:51] Then we go to the next page. It's not
21 correct, next page means in that instance 3487.

22 I have to apologise to the court usher for this back and forth, but thank you for
23 helping us on that so quickly.

24 That is, as I said, paragraph 121.

25 THE WITNESS: [13:38:52](Interpretation) It is correct.

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1 PRESIDING JUDGE SCHMITT: [13:38:55] Then we go to the next page, 3488, at
2 paragraph 156.

3 THE WITNESS: [13:39:19](Interpretation) It is correct.

4 PRESIDING JUDGE SCHMITT: [13:39:23] Then paragraph 161 on the same page a
5 little bit further down, please.

6 THE WITNESS: [13:39:46](Interpretation) It is correct.

7 PRESIDING JUDGE SCHMITT: [13:39:49] And again a little bit further down on the
8 same page, paragraph 164, you have changed -- seem to have a changed a name a
9 little bit.

10 THE WITNESS: [13:40:10](Interpretation) Yes, in fact it's Kema and not Komas.

11 PRESIDING JUDGE SCHMITT: [13:40:19] Just to make sure, Mr Witness, we go a
12 little bit further down the same paragraph, 3489, at page 3489. That was a little bit
13 too much, little bit further -- stop.

14 Here again we have the name. Do you also here mean the name Kema instead of
15 Komas?

16 THE WITNESS: [13:40:58](Interpretation) It is Kema.

17 PRESIDING JUDGE SCHMITT: [13:41:00] And still on the same page, perhaps we
18 can put together on the screen paragraphs 165, 166, and 167, if this is -- seems to be
19 possible.

20 So these are the last ones, Mr Witness. Again the question is are these changes based
21 on your information and your recollection?

22 THE WITNESS: [13:41:37](Interpretation) Yes, everything is correct.

23 PRESIDING JUDGE SCHMITT: [13:41:40] So thank you very much for your patience,
24 again, Mr Witness, and I think really for the benefit of all the parties and participants.
25 It is -- of course we can't do this always, perhaps we have to -- also VWU when they

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1 come to this correction process have to be very, very careful what they are doing.

2 So please continue, Ms Galupa.

3 MR KNOOPS: [13:42:06] Mr President, sorry. Before we continue, could we ask the

4 Chamber that before our examination tomorrow VWU could inform the Chamber

5 whether the process of reviewing the statement of the witness took place per

6 paragraph as your Honours just did. Because if the witness would have said to

7 VWU you have to change uniformly in the whole statement the two names, and it

8 would be in contravention to the answers today. If VWU went like your Honours

9 did per paragraph through the statement, then it's highly unlikely that these mistakes

10 were made. So I think it's very important for also the credibility of the witness that

11 the VWU may comment on the process. The main question for us is if the review of

12 the statement happened per paragraph and upon the same directions as the witness

13 gave the Chamber today the review took place.

14 PRESIDING JUDGE SCHMITT: [13:43:19] I understand perfectly your point, but as

15 we have said, we have a live witness here and it should -- let me put it this way, to

16 make corrections under the supervision of -- of the Court, of the judges, of the parties

17 and participants, by witness under oath is always -- has always a higher probative

18 value, to word it mildly, than what VWU might have done.

19 MR KNOOPS: [13:43:47] That's right, but Mr President, if -- if the witness today has

20 informed the Chamber differently from how the review went, he's actually suggesting

21 this is a mistake made by VWU, but VWU can confirm that this review process

22 happened per paragraph, that might shed light on the testimony today. That's what

23 I'm saying.

24 (Trial Chamber confers)

25 PRESIDING JUDGE SCHMITT: [13:44:35] So the Chamber is asking VWU to give

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1 us -- orders VWU to give us let's say a report on how they conducted these
2 corrections and we will look what comes out of this. And then we will -- we will see
3 what we are going to make out of it.

4 MS GALUPA: [13:44:59] Mr President, I was going to suggest, since the witness is
5 here, maybe we can ask him whether the process was also going paragraph through
6 paragraph. Maybe he has some recollection of that.

7 PRESIDING JUDGE SCHMITT: [13:45:12] Good point.

8 Mr Witness, you hear that and you have seen, you have seen that some of the
9 corrections being made and they all refer to the question if it was Gobere or
10 Gbonguere were not correctly put handwritten by handwriting in your written
11 statement. So do you recall how this unfolded? Did you go with the person from
12 VWU through every paragraph?

13 THE WITNESS: [13:45:44](Interpretation) When they were putting questions to me,
14 I would repeat the villages Gbonguere, Gobere and these are names of villages more
15 than anything else.

16 PRESIDING JUDGE SCHMITT: [13:46:24] Well, I think we don't get any more -- but
17 did you -- when you told them to make corrections to your initial statement, did you
18 tell them paragraph by paragraph?

19 THE WITNESS: [13:46:52](Interpretation) They read out the statement and as we
20 went along, I would indicate which items to modify. That's how things unfolded.

21 PRESIDING JUDGE SCHMITT: [13:47:06] Okay. Then I think Mr Knoops we don't
22 have to ask VWU about that. I think it seems to be clear that paragraph by
23 paragraph. And whatever this misunderstanding or whatever is -- wherever it
24 comes from, I think we have two paragraphs, two paragraphs where we have
25 discrepancies and they all refer to Gbonguere and Gobere. And by the way, we all

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1 have our difficulties to pronounce it here in the courtroom. So I think -- I think there
2 is no need to hear from anybody from VWU.

3 Nevertheless, because we -- Ms Guissé I think is now concerned, which she's not now
4 listening, because with the last witness we had also something with VWU which was
5 not completely let's say, yeah, correct. Ms Guissé, have you listened? It's not -- it's
6 not important at the moment, but you have also a request pending on that. But I
7 recall it that there was also a procedure that was not -- not ideal, so to speak.

8 Okay. Please continue, Ms Galupa.

9 MS GALUPA: [13:48:16] Thank you very much, Mr President and Mr Witness.

10 Q. [13:48:20] Let me bring you back to what I was inquiring about before, namely
11 Kema. You mentioned hearing Kema speaking to Dedane in his communications.
12 Do you have more information on this person named Kema?

13 A. [13:48:53] Yes. That is someone I know. He comes from Bowai. He --
14 (Redacted) and every time we saw each other, I would know everything
15 that was going on and everything that he did amongst the Anti-Balaka. He would
16 talk about Kema. And let me say again that he hails from Boali.

17 Q. [13:49:34] So when you say that you would know everything that was going on,
18 was it because you were hearing what Dedane was saying?

19 A. [13:50:01] What are you talking about? Which information? As far as Kema is
20 concerned, I knew about that before.

21 Q. [13:50:13] Just to understand better, did you ever drive Kema anywhere on your
22 motorcycle?

23 THE INTERPRETER: [13:50:37] The Sango interpreter did not hear the witness's
24 response.

25 MS GALUPA: [13:50:44]

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1 Q. [13:50:44] Can you please repeat your answer. The interpreter didn't hear your
2 answer.

3 A. [13:51:00] As I said, I have never driven him. I didn't know him physically, so
4 to speak.

5 Q. [13:51:13] And how did you come to know of him?

6 A. [13:51:28] I heard about him because I would go to his village before the events.
7 And when I was with the Anti-Balaka Dedane talked with him on a number of
8 occasions.

9 Q. [13:51:45] And can you describe those occasions on which you heard Dedane
10 speak about him?

11 A. [13:52:09] When we were coming back from a mission Dedane was talking about
12 him and in Bowai, specifically Dedane was there looking for somebody at night
13 because Kema had given a task out and Dedane had come to look for that person in
14 Boali, he couldn't find him, I was by the motorbike, the person was not there and they
15 had to turn back.

16 Q. [13:52:48] And on that occasion or another occasion that you've heard of, what
17 did he -- what did Dedane say about Kema?

18 THE INTERPRETER: [13:52:58] Correction from the English booth: Bowai was the
19 location, Bowai.

20 THE WITNESS: [13:53:07](Interpretation) He said he was coming to pick something
21 up in Bowai, but unfortunately when we went to Bowai we were not able to meet the
22 person in question and he looked for that individual and was not able to find them.
23 That is how we were then obliged to go back to Gbonguere.

24 MS GALUPA: [13:53:37]

25 Q. [13:53:38] And have you heard anything about Kema more recently since the

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1 events, for instance, what he is now doing?

2 A. [13:53:59] Are you talking about before the events or now?

3 Q. [13:54:05] I'm talking about now.

4 A. [13:54:19] I do not know what he is doing currently.

5 Q. [13:54:28] Do you know if Kema was a military?

6 A. [13:54:38] No, he was not a soldier.

7 Q. [13:54:49] And since you said that you've heard about him before, since -- in his
8 village, what did you hear about him?

9 A. [13:55:08] Well, when I was in Chad, I heard that he had been elected as an MP.
10 That is the information that came to me from Chad. He was elected MP. As to
11 whether he is still alive or whether he's still there, I do not know. I do not have any
12 information to this effect.

13 Q. [13:55:38] Thank you about that.

14 I would like to move now to the third individual that you mentioned, Yongo. Do
15 you know the full name of Yongo?

16 A. [13:55:59] No. I do not know his full name. This is the only name I know,
17 Yongo.

18 Q. [13:56:12] And do you have more information about this individual called
19 Yongo? Do you know any more details about him?

20 A. [13:56:32] Yes, I do have information about him. What is more, I know him, I
21 know him very well, and I have information about him.

22 Q. [13:56:41] Can you tell us what information you have about him?

23 A. [13:56:59] Well, it was somebody that we lived with, somebody elderly,
24 somebody who sells goods. I know him very well.

25 PRESIDING JUDGE SCHMITT: [13:57:12] We are in open session and we have to

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1 let's say ponder if this information should be redacted later on. With the other
2 exercise, let me put it this way, the other evidence I don't have a problem in open
3 session. But here it could be identifying. And since we have no audience I can
4 address this openly here.

5 MS GALUPA: [13:57:37] Thank you.

6 Q. [13:57:40] Besides what you just told us, do you have more information about
7 this individual that might identify you?

8 A. [13:58:11] Who were you talking about? I haven't understood the question.
9 Could you please rephrase it.

10 MS GALUPA: [13:58:18] Mr President, I was going to go into private session in an
11 instant as well. Maybe I -- we can just --

12 PRESIDING JUDGE SCHMITT: [13:58:26] Yeah, that sounds reasonable. We go to
13 private session.

14 * (Private session at 1.58 p.m.) Reclassified partially in public

15 THE COURT OFFICER: [13:58:38] We are in private session, Mr President.

16 MS GALUPA: [13:58:43]

17 Q. [13:58:46] Mr Witness, I was talking about Yongo and you said you had a lot of
18 information about him. You mentioned that he was a part of the group, the
19 Anti-Balaka group. Do you have more information about him, if he was a military
20 or any other information you can tell us about him.

21 A. [13:59:23] No. (Redacted)

22 (Redacted). Dedane would make telephone calls, he -- they had ammunition
23 issues and he asked if Yongo could help them out. He asked for Yongo's number so
24 that he could call him so that Yongo could help them get hold of some ammunition.

25 Q. [14:00:03] And to your knowledge, did Yongo get a hold of ammunition to

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1 provide to the group?

2 A. [14:00:23] Dedane was speaking to somebody because he used to talk to a lot of
3 person. He asked to go and see Yongo so he could get some money so he could buy
4 ammunition. I don't know whether the person had ammunition or not. But I do
5 know that he called Yongo and they had some exchanges.

6 Q. [14:00:58] Do you know if Dedane came back with ammunition or with money?

7 A. [14:01:16] Yes. Dedane visited Bossangoa two or three or four times. After
8 the telephone calls, he went to Bossangoa three or four times. He returned with
9 ammunition. He communicated with Charly, Kema and Yongo and then go to
10 Bossangoa. He brought back ammunition.

11 Q. [14:01:58] Do you know if Dedane was communicating with someone else, other
12 than these three, about his trips to Bossangoa or ammunition?

13 A. [14:02:27] Yes, he also spoke to other persons, but I only know those three
14 persons because he usually mentioned their name during the conversation. But the
15 other persons, he called them "chief, chief, *chef*, *chef*", so I don't really know who they
16 were.

17 Q. [14:02:54] And you mentioned that Dedane went to Bossangoa two or three or
18 four times. Was -- did he go to Bossangoa every time to bring back ammunition?

19 A. [14:03:20] Yes, he went to Bossangoa to look for ammunition.

20 Q. [14:03:32] I will come back to that, but let me just ask you about Dedane's
21 telephone communications with other people.

22 You said that in some communications he addressed his interlocutors by their quality,
23 "chief, chief, *chef*". Was there any other title that he used, that you can remember, in
24 calling his interlocutor?

25 A. [14:04:26] Yes, sometimes he said "*chef*", sometimes he said "authority",

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1 sometimes he said "important person", something along those lines.

2 Q. [14:04:42] And could you hear what Dedane was talking about in the

3 conversation with these unknown interlocutors?

4 A. [14:05:05] Yes. (Redacted)

5 (Redacted). But he spoke on the

6 telephone frequently and often spoke about ammunition. He said he would go to

7 Bossangoa to look for ammunition.

8 Q. [14:05:34] Did he also talk about weapons in his conversations?

9 A. [14:05:50] Yes. He also spoke about weapons. He usually said that we have

10 many elements here, but not enough ammunition or weapons. Regularly, after

11 having spoken on the phone, he went to Bossangoa the next day after the phone call.

12 He went to Bossangoa in order to look for ammunition and weapons.

13 Q. [14:06:26] Do you know if he was looking for ammunition or weapons in a

14 specific place?

15 A. [14:06:56] (Redacted)

16 (Redacted). So I don't really know what happened over

17 there.

18 Q. [14:07:14] Do you know if anyone else accompanied him to Bossangoa on his

19 trips?

20 A. [14:07:31] Yes. He usually appointed elements to accompany him.

21 Q. [14:07:45] And do you know the names of some elements that he -- went with

22 him to Bossangoa?

23 A. [14:08:03] The person who (Redacted) went with him was (Redacted). But

24 I don't remember the names of the other people who might have accompanied him.

25 I do remember that he usually went with (Redacted).

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1 PRESIDING JUDGE SCHMITT: [14:08:26] May I shortly.

2 Mr Witness, is (Redacted), or am I wrong here?

3 THE WITNESS: [14:08:44](Interpretation) No. (Redacted). He's
4 a (Redacted).

5 PRESIDING JUDGE SCHMITT: [14:08:54] Thank you.

6 MS GALUPA: [14:08:57]

7 Q. [14:08:58] And to go back to the phone conversations that Dedane had, did you
8 ever hear him talk about his elements in the course of these phone conversations?

9 A. [14:09:24] Yes. He spoke about his elements. He talked about -- he sent
10 Andjilo there Bouca -- towards Bouca. So he had the habit of phoning to find out the
11 position of his elements. He spoke to Andjilo when he sent Andjilo to Bouca.

12 Q. [14:09:58] Did you -- did you ever hear Dedane transmitting this information
13 about the location of other -- of his elements to someone else?

14 A. [14:10:22] Yes. He phoned and gave the position of his elements village per
15 village.

16 Q. [14:10:38] Do you know who he was transmitting these information to?

17 A. [14:10:57] Yes, he provided information to Charli.

18 Q. [14:11:05] And to your knowledge, was this the only person that he was
19 transmitting information to?

20 A. [14:11:24] As I didn't know the other speakers on the phone, since I didn't know
21 them, he also spoke to other people, but didn't give out their names, so I can't tell you
22 who they were.

23 Q. [14:11:41] Did you ever hear Dedane transmitting lists of elements to someone
24 over the phone?

25 A. [14:12:04] No, I didn't hear him talk about a list.

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1 Q. [14:12:12] Did you hear -- did you ever hear any other Anti-Balaka chiefs talk
2 about some sort of lists of elements?

3 A. [14:12:36] The chiefs who spoke about lists were not next to Dedane. When we
4 were in Gbonguere, that team was divided into groups and each group had their own
5 list. (Redacted)
6 (Redacted). So the
7 lists were discussed within the different groups.

8 Q. [14:13:22] I would like to ask you now a few questions about Ngaïssona's
9 messages to Dedane. In paragraph 164 of your statement you mentioned hearing
10 from the other elements that Ngaïssona would send them weapons and ammunition.
11 You also say that Ngaïssona often passed messages to Dedane.
12 Now, my first question is do you remember which elements were talking about this
13 conversation?

14 A. [14:14:12] It was (Redacted) who passed on this type of
15 information.

16 Q. [14:14:26] And do you remember his name?

17 A. [14:14:37] Yes. (Redacted)
18 (Redacted) they talked amongst each other, saying that their chief Ngaïssona
19 provided them with weapons. But I didn't see the weapons with my own eyes.

20 Q. [14:15:11] And did you hear them say that Ngaïssona provided them with
21 weapons or he would provide them with weapons?

22 A. [14:15:54] No. They said that they would provide them with weapons. But he
23 hadn't done it yet.

24 PRESIDING JUDGE SCHMITT: [14:16:05] Mr Witness, before this, had you ever
25 heard mention of Mr Ngaïssona? Was this a known name to you?

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1 THE WITNESS: [14:16:33](Interpretation) Yes, I knew the name. He was deputy in

2 Nana-Bakassa. So each time he (Redacted) we called him "Your Honour, the

3 honourable".

4 PRESIDING JUDGE SCHMITT: [14:16:48] Yeah. Please move on.

5 MS GALUPA: [14:16:54]

6 Q. [14:16:54] And you said that Dedane would receive more than one message

7 from Ngaïssona. Did the elements say anything else about Ngaïssona?

8 A. [14:17:29] No. They only spoke about arms and ammunition.

9 Q. [14:17:38] And just to understand better, how did you know that Dedane got

10 news from Ngaïssona through either Kema, Charly or Yongo? How did you know

11 that?

12 A. [14:18:14] I got the information through the (Redacted) element because those

13 elements said they were waiting for the materiel. So it's through them that I got this

14 information.

15 Q. [14:18:32] And did those elements talk about how Ngaïssona would provide

16 them with arms and ammunition? In other words, how those arms and ammunition

17 were going to get to the elements from Ngaïssona?

18 A. [14:18:49] They spoke about arms, about weapons and ammunitions, but

19 personally (Redacted), I never saw any provisions. They talked about it,

20 but I never saw any weapons being provided. (Redacted) but I don't know

21 how they were going to receive these weapons. I heard them communicate about

22 ammunition, there were promises made that Ngaïssona would provide ammunition,

23 but how, that is something I don't know. (Redacted) I personally didn't

24 see distribution or the providing of ammunition or weapons.

25 Q. [14:20:21] Did you see any distribution of arms and ammunition when Dedane

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1 came back from Bossangoa?

2 A. [14:20:46] Yes. When he returned from there, you know, (Redacted)

3 (Redacted)

4 Q. [14:21:08] But did you see the arms and the ammunition being distributed

5 (Redacted)

6 A. [14:21:26] I saw ammunition arriving through (Redacted), so he had

7 ammunition and with the -- there was also the animal fat, which I saw. So it was

8 through this that I saw what was happening. That's all I know.

9 Q. [14:22:26] And can you maybe describe what types of arms and ammunition
10 you saw?

11 A. [14:22:52] What I saw is weapons. There were Kalashnikovs, there was a heavy
12 weapon that was positioned on the main route, there were hunting -- automatic
13 hunting weapons and others. There was -- they weren't really any different war
14 weapons, no.

15 Q. [14:23:30] And you mentioned before that the elements, (Redacted)
16 were talking amongst themselves, talking about Ngaïssona making promises. Can
17 you tell us more about what promises you heard about?

18 A. [14:24:08] They said that they were waiting for provisions in ammunition, that
19 they had been promised ammunition. That's what they were talking about.

20 Q. [14:24:25] And did you maybe hear them say why Ngaïssona would help them?

21 A. [14:24:46] No, they didn't give any reason.

22 Q. [14:24:56] And just in your previous answer, you said that they were discussing
23 amongst themselves that they were waiting for provisions of ammunition, that they
24 had been promised ammunition.

25 Did they say it was Ngaïssona who made the promise?

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1 A. [14:25:34] No. They were saying that Ngaïssona would provide them with
2 materiel. I don't know anything more than that.

3 Q. [14:25:56] Now, I want to talk to you about Dedane's trips to Bossangoa.
4 You've mentioned earlier that Dedane went to Bossangoa a few times. Can you tell
5 us how many times Dedane went to Bossangoa to your knowledge?

6 A. [14:26:27] Dedane went to Bossangoa at least three times.

7 Q. [14:26:39] Okay. Maybe we can focus on the first time Dedane went to
8 Bossangoa. Did you learn why he went to Bossangoa the first time that you know
9 of?

10 A. [14:27:07] The first time, what I learnt, (Redacted)

11 (Redacted)

12 (Redacted). So -- he was a

13 soldier, so he didn't tell me why he was going there.

14 Q. [14:27:37] And to your recollection, what happened when Dedane came back
15 from Bossangoa that first time?

16 A. [14:28:01] The first time that he went to Bossangoa, it was for ammunition.

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 Q. [14:28:51] So in your statement you mentioned that at one point, after Dedane
22 came back from Bossangoa, he reorganised the Anti-Balaka in different groups to
23 fight. After which trip to Bossangoa was that? Was it the first or the second? Or
24 any other?

25 A. [14:29:43] There were three main groups. The first time he came and he just

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1 broke up the groups. When he returned, he broke up the groups, the elements, into
2 small groups.

3 PRESIDING JUDGE SCHMITT: [14:30:10] I think we have lost now the witness but
4 that, I have to word it this way, it doesn't matter because we have to finish definitely
5 because of these issues that we have -- and this is very important to understand that
6 we have to finish anyway.

7 So we continue tomorrow at 9.30 with the examination of the witness.

8 Thank you.

9 THE COURT USHER: [14:30:30] All rise.

10 (The hearing ends in private session at 2.30 p.m.)