

Trial Hearing
WITNESS: CAR-OTP-P-1521

(Open Session)

ICC-01/14-01/18

1 International Criminal Court
2 Trial Chamber V
3 Situation: Central African Republic II
4 In the case of The Prosecutor v. Alfred Rombhot Yekatom and Patrice-Edouard
5 Ngaïssona - ICC-01/14-01/18
6 Presiding Judge Bertram Schmitt, Judge Péter Kovács and
7 Judge Chang-ho Chung
8 Trial Hearing - Courtroom 1
9 Tuesday, 30 November 2021
10 (The hearing starts in open session at 10.01 a.m.)
11 THE COURT USHER: [10:01:11] All rise.
12 The International Criminal Court is now in session.
13 Please be seated.
14 PRESIDING JUDGE SCHMITT: [10:01:36] Good morning, everyone.
15 Could the court officer please call the case.
16 THE COURT OFFICER: [10:01:43] Good morning, Mr President, your Honours.
17 Situation in the Central African Republic II, in the case of The Prosecutor versus
18 Alfred Yekatom and Patrice-Edouard Ngaïssona, case reference ICC-01/14-01/18.
19 And for the record we are in open session.
20 PRESIDING JUDGE SCHMITT: [10:01:59] Thank you.
21 The appearance of the parties, we start with the Prosecution.
22 MR VANDERPUYE: [10:02:04] Good morning, Mr President. Good morning, your
23 Honours. Good morning, everyone. Today the Office of the Prosecutor is
24 represented by Massimo Scaliotti, Manochitra Prathaban, Yassin Mostfa, and myself,
25 Kweku Vanderpuye.

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1 PRESIDING JUDGE SCHMITT: [10:02:17] Thank you.

2 Representatives of the victims next.

3 MS RABESANDRATANA: [10:02:19](Interpretation) Good morning Mr President,

4 your Honours. Good morning to everyone in the courtroom. The legal

5 representatives of the other crimes is made of, today, of Mr Carnero, Ms Mouhia Asso,

6 and myself, Elisabeth Rabesandratana.

7 MR SUPRUN: [10:02:38] Good morning Mr President, your Honours. The former

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

9 Public Counsel for Victims. Thank you.

10 PRESIDING JUDGE SCHMITT: [10:02:47] Thank you.

11 And now the Defence, please. Ms Dimitri first.

12 MS DIMITRI: [10:02:51] Good morning, Mr President. Good morning, your

13 Honours. Good morning, everyone. Mr Yekatom is present in the courtroom this

14 morning and he's represented by Ms Yasmeen Hajjali, Dr Lena Casiez, and myself,

15 Mylène Dimitri.

16 PRESIDING JUDGE SCHMITT: [10:03:06] Thank you.

17 And Mr Knoops, please.

18 MR KNOOPS: [10:03:06] Good morning, Mr President, your Honours. Good

19 morning everyone in the courtroom. The Defence team of Mr Ngaïssona comprised

20 today of Ms Marie-Hélène Proulx, Despoina Eleftheriou, myself.

21 And I'm informed that Mr Omissé Landry is following the proceedings from the field

22 office.

23 PRESIDING JUDGE SCHMITT: [10:03:28] Thank you.

24 MR KNOOPS: [10:03:26] You're welcome.

25 PRESIDING JUDGE SCHMITT: [10:03:30] So it's still the turn of the Prosecution.

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1 Mr Vanderpuye, can we stay in open session or do we have to go to private session?

2 MR VANDERPUYE: [10:03:37] Good morning, Mr President. I think we do need to
3 go to private session.

4 PRESIDING JUDGE SCHMITT: [10:03:41] Then we do that.

5 MR VANDERPUYE: Thank you.

6 PRESIDING JUDGE SCHMITT: [10:03:38] Private session.

7 (Private session at 10.04 a.m.)

8 THE COURT OFFICER: [10:04:01] We are in private session Mr President.

9 MR VANDERPUYE: Thank you.

10 WITNESS: CAR-OTP-P-1521 (On former oath)

11 (The witness speaks French)

12 (The witness gives evidence via video link)

13 MR VANDERPUYE: [10:04:10]

14 Q. [10:04:11] Good morning, Witness. Can you -- can you hear me?

15 A. [10:04:22] Good morning, Mr President. I can hear you clearly.

16 Q. [10:04:31] I wanted to ask you some questions this morning about how it is you
17 came to join the Anti-Balaka and the circumstances under which that happened.

18 (Redacted)

19 (Redacted)

20 Can you tell the Chamber a bit about that and how you came to join the Anti-Balaka.

21 A. [10:05:26] Thank you, Mr President. Good morning to the Court.

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 THE INTERPRETER: [10:07:19] Inaudible.

8 THE WITNESS: [10:07:23](Interpretation) Can you hear me? Can you hear me?

9 PRESIDING JUDGE SCHMITT: [10:07:29] Yes. Please continue, Mr Witness. We
10 hear you -- we hear you very well.

11 So the last what we had is -- yeah, okay please continue, simply.

12 THE WITNESS: [10:07:41](Interpretation) All right. Thank you. Thank you.

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

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9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 PRESIDING JUDGE SCHMITT: [10:11:09] Thank you very much Mr Witness, for
18 this account.

19 And also thank you much for the interpreter, this was quite difficult with regard to
20 the tone.

21 But we don't have an image now at the moment, so -- but still, obviously,
22 interpretation was possible.

23 Now we see you again, Mr Witness, thank you very much for -- for this narrative.

24 Mr Vanderpuye, please continue.

25 MR VANDERPUYE: [10:11:46] Thank you, Mr President.

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 Q. [10:13:40] So if I understand you correctly, that (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 A. (Overlapping speakers)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 A. [10:14:49] You see, the issue is that the youth in the neighbourhood were

25 looking for refuge, refuge from the Seleka attacks. (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 Q. [10:16:09] (Redacted)

13 (Redacted)

14 Where did you understand they were?

15 A. [10:16:34] Before I answer that question, let me talk about something which I

16 have omitted. (Redacted)

17 (Redacted)

18 (Redacted)

19 THE INTERPRETER: [10:16:58] Inaudible.

20 THE WITNESS: [10:17:01](Interpretation) (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted). And at that time they were a hundred kilometres away from

4 Bangui town.

5 Q. [10:18:01] Do you know what town or village or area they were in a hundred
6 kilometres from Bangui?

7 A. [10:18:20] Yes. Morouba. No, not -- not Morouba. Were some 25 kilometres
8 from Damara. Yeah, I think it's Morouba. Morouba. Yes, it is Morouba.

9 Q. [10:18:37] Okay. What did you understand that they were doing there in the
10 village where you -- where you understood they were?

11 A. [10:18:57] (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 PRESIDING JUDGE SCHMITT: [10:20:18] The question poses itself if we can go to
24 open session for these matters.

25 MR VANDERPUYE: [10:20:26] I'm sorry, I didn't hear you.

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- 1 PRESIDING JUDGE SCHMITT: [10:20:28] I think the question arises if we can elicit
- 2 some of this information in open session.
- 3 MR VANDERPUYE: [10:20:35] I'm not sure, to be honest, because (Redacted)
- 4 (Redacted)
- 5 PRESIDING JUDGE SCHMITT: [10:20:41] Okay. Good. Please continue.
- 6 MR VANDERPUYE: [10:20:43] Thank you, Mr President.
- 7 (Redacted)
- 8 (Redacted)
- 9 (Redacted)
- 10 (Redacted)
- 11 (Redacted)
- 12 (Redacted)
- 13 (Redacted)
- 14 (Redacted)
- 15 (Redacted)
- 16 (Redacted)
- 17 (Redacted)
- 18 (Redacted)
- 19 (Redacted)
- 20 (Redacted)
- 21 (Redacted)
- 22 (Redacted)
- 23 (Redacted)
- 24 (Redacted)
- 25 A. [10:23:54] Oh, yes.

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1 MR VANDERPUYE: [10:23:55] All right. I'm going to go to open session for this, I
2 think, Mr President.

3 PRESIDING JUDGE SCHMITT: [10:23:58] Yes. Okay, good. We go to open
4 session.

5 MR VANDERPUYE: [10:23:57] And then we may have to go back into private
6 session at some point.

7 PRESIDING JUDGE SCHMITT: Okay.
8 (Open session at 10.24 a.m.)

9 THE COURT OFFICER: [10:24:21] We are in open session, Mr President.

10 MR VANDERPUYE: [10:24:29] Thank you.

11 Q. [10:24:30] Mr Witness, we're now in open session, so the same considerations
12 apply. I'd like to ask you about Gobéré and what you learned about that area and
13 what transpired there.

14 Do you know where it is, first of all?

15 A. [10:25:12] It is a -- a locality located probably between Bossangoa and Bouca. I
16 never went there, but it is at that location, going by information that we received. It
17 is located between Bouca --

18 THE INTERPRETER: [10:25:34] And the interpreters didn't get the last bit of what
19 the witness said.

20 MR VANDERPUYE:

21 Q. [10:25:40] What did you learn about Gobéré in relation to the Anti-Balaka
22 movement?

23 THE WITNESS: [10:25:55](Interpretation) Well, what I learnt, you see, when the
24 Seleka took Bangui, some soldiers fell back to Bossangoa, and after Bossangoa was
25 taken over by the Seleka, those soldiers were chased out. Some of them sought

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1 refuge in that locality in the bush. There were some traders, some young civilian
2 traders who were being pointed out and the Seleka was hunting them down, so they
3 too retreated to that locality for refuge. Then the Seleka found out that there were
4 soldiers and civilians in that locality, so they prepared an attack on that locality.
5 And those who were there found out about it and they said to themselves, "Here we
6 are. If the Seleka attack us, we will attack them too. We will not just be neutral
7 about it." And that is how the Seleka attacked the locality.
8 But since the soldiers who were in that locality had heard about it, they mounted an
9 ambush and they inflicted loss. And so when this happened, many people had fled
10 to hide in that location and had come to the decision that if they were attacked by the
11 Seleka, they would also attack, and that is how they began to oppose the Seleka in
12 that area. And they noticed that they were scoring some points and being successful
13 and that's how they started to attack Seleka positions. And I think that that is how
14 this story all began, to my mind, that is the activities of the Anti-Balaka.

15 But I think that there might be other localities where things happened differently
16 from what happened in Gobéré. So this is what I know about that location.

17 Q. [10:28:26] Do you know if the Anti-Balaka elements gathered in that village to
18 organise themselves?

19 A. [10:28:43] Well, it was not really a village, as such. It was a location in the bush,
20 in the bush. It was not a village. Now, organisation as such, well, what I can tell
21 you is only what I learned. First of all, soldiers went there to hide and then they
22 defended themselves when the Seleka advanced on that locality. Many young
23 civilians who were fleeing the Seleka also went to that area, and that is how they
24 decided to fight back against the Seleka whenever it happened.

25 Now, about organisations, I don't know. But I know that these people began to

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1 attack Seleka in self-defence. This is what I know. That's what we learnt.

2 Q. [10:29:51] And how many of these people, young people gathered there?

3 A. [10:30:08] Well, sir, I -- I was not there, so I'm not in a position to give you exact
4 numbers.

5 Q. [10:30:20] How about approximately. What did you hear?

6 A. [10:30:31] There were a lot of them because when the Seleka go into a town
7 *there was carnage, and a lot of people fled. So there would have been a lot of them,
8 but I don't know exactly because I wasn't there.

9 Q. [10:30:51] Do you remember being asked about this in the context of your
10 interview in January 2017?

11 A. [10:31:07] Yes, I can remember that.

12 Q. [10:31:19] Do you remember what you said?

13 A. [10:31:30] I recall what I said, but I wasn't in Gobéré. When I met the group
14 5 kilometres from Damara, we had discussions with the others because that's who I
15 was with, and that's when I got information. But I can't give you an exact figure
16 because I wasn't there, but people were there in large numbers. And when they
17 were in the villages there were a lot of people, but I can't give you an exact figure for
18 Gobéré.

19 Q. [10:32:17] Okay. Do you remember saying that the groups from Bossangoa,
20 Bouca and Bossembélé totalled more than 2,000 people?

21 A. [10:32:44] Two thousand people? I don't know. I said that from Gobéré
22 people decided the way to go, some went on the road Bouca-Bangui, and others went
23 on the road to Gobéré-Bossembélé to go to Bangui. And there were others who
24 chose a different route from Bossangoa to go to Bangui. That's what I said, but I
25 didn't give a figure. If I weren't there, how could I give a figure of the number of

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1 people who were there? That's what I said.

2 Q. [10:33:31] Okay.

3 PRESIDING JUDGE SCHMITT: [10:33:32] Mr Vanderpuye, I think it has been
4 sufficiently established that today the witness can't give a number. If, as we know,
5 he has given a number in his statement, you can put it to him and ask him if this
6 refreshes his memory. So -- so it would be -- that would be a possibility at least, if
7 you want to do that. If you -- if you want to let it stand like that, it's okay.

8 MR VANDERPUYE: [10:33:57] Thank you. Thank you, Mr President. I was just
9 about to do that actually.

10 PRESIDING JUDGE SCHMITT: Yeah. Okay.

11 MR VANDERPUYE: [10:33:58] And I wanted to refer him to paragraph 35 of his
12 statement. It should be tab 17, paragraph 35. It's in English so it doesn't do much
13 to -- although, wait a minute, tab 30 is the French translation of his statement. We
14 can put that up on the screen and I can read it to him. Let's do that instead.
15 It's tab 30, paragraph 35, it should be, at ERN 0139. Let's take a look at what
16 you -- what you said.

17 At the last sentence or so of that paragraph, you can see that you indicate that you
18 don't know the exact numbers. But I asked you about if you can give an
19 approximation, and what you say here is you start out talking about the Gobéré
20 group having been split. Part of them going to Bossangoa, led by Kema and
21 someone name Alexis "Sol Sol" Mandago. You talk about a group being led by
22 Dedane going to Bossembélé to reinforce the Boali axis, and then another group that
23 went to Bouca -- to Bouca.
24 And then you talk about having heard about the Anti-Balaka group from Batangafo
25 having a battle in Bouca in September.

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1 And then you talk in the last sentence about groups from Bossangoa, Bouca and
2 Bossembélé totalling more than 2,000 people.

3 Does that refresh your recollection about what you said during the course of your
4 interview? First. And second, is it correct?

5 THE WITNESS: [10:36:26] Yes.

6 PRESIDING JUDGE SCHMITT: [10:36:27] For the record, this is
7 CAR-OTP-2102-0131 at 0139.

8 MR VANDERPUYE: [10:36:39] Thank you, Mr President. I think my previous
9 reference was also to the English, but I can -- it doesn't -- it's the same.

10 PRESIDING JUDGE SCHMITT: [10:36:46] No, no, we showed now to the witness
11 the French one. So this is the correct ERN.

12 MR VANDERPUYE: [10:36:53] Indeed. Indeed.

13 Q. [10:36:55] What I wanted to ask you about was, in view of the large number of
14 people that were at least along the axis where you met them, I wanted to ask you a bit
15 about what you learned about their motivation, that is why it is that they had taken to
16 organise themselves and for what purpose?

17 A. [10:37:46] With regard to the document, I recall that I said 2,000. But if you
18 look at the end of that document, it says I'm not sure of the numbers. So I talked
19 about 2,000 people, but I did say I'm unsure of numbers because 2,000 people seems
20 to be a high number.

21 Well, with regard to their motivation, I think the Anti-Balaka were in general
22 motivated by self-defence, because when the Seleka arrived they started committing
23 exactions towards military and civilian population and, therefore, were -- responded
24 by defending themselves, and they wanted to do something to defend themselves.
25 So, in the spirit of self-defence, they started fighting the Seleka in order to prevent

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1 them committing abuses on the population. And that, as far as I'm aware, is the
2 motivation.

3 Q. [10:39:18] Did they want revenge and retribution?

4 A. [10:39:32] They wanted to defend themselves. It was self-defence. And that's
5 what happened in this location. There were other places where there were also
6 groups of Anti-Balaka and there the motivation might be different from Gobéré. In
7 Gobéré, they wanted to protect themselves, and they were -- that was because there
8 had been carnage committed by the Seleka in the towns and the population decided
9 to take revenge.

10 In other locations it was a matter of protection, of self-defence, to defend themselves
11 against the abuses by the Seleka. So you can see that the reasoning and the
12 motivation differs from place to place.

13 Q. [10:40:41] What was your motivation?

14 A. [10:40:52] I -- my motivation was to protect myself and also to avenge the
15 victims of the Seleka in my family. Not only in Bangui, but also in the provinces.

16 Q. [10:41:12] And you say you had a motivation to avenge -- I'm sorry, could you
17 just repeat your answer.

18 PRESIDING JUDGE SCHMITT: [10:41:23] No, he has, we have it on the record.

19 MR VANDERPUYE: [10:41:26] I don't think it's what he said, Mr President. That's
20 why I'm -- that's why I'm asking.

21 PRESIDING JUDGE SCHMITT: [10:41:30] Okay. So that might be then, yeah.

22 I see here "*aussi, de me venger*", so isn't this to avenge?

23 MR VANDERPUYE: [10:41:54] I'm sorry, Mr President.

24 PRESIDING JUDGE SCHMITT: [10:41:56] I think -- well, my -- my French is not
25 topnotch, but I think he has said something of -- about avenge, and this is exactly

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1 what he said. And then we can simply continue with the questioning and don't let
2 him repeat the answer several times.

3 MR VANDERPUYE: [10:42:12] All right, Mr President. I'll do that.

4 Q. [10:42:24] Was your motivation, that is your personal motivation, uncommon
5 among the group of people that you were with in the Anti-Balaka? That is to avenge
6 your family as victims of Seleka crimes.

7 MS DIMITRI: [10:42:39] Mr President, I'll -- I'll object to this question. I don't
8 believe the witness can speak on the motivation of everyone who -- who was in the
9 group and joined the Anti-Balaka. It's -- it's calling for speculation.

10 MR VANDERPUYE: [10:42:48] That's not what I asked. That's not what I asked
11 him.

12 PRESIDING JUDGE SCHMITT: [10:42:51] We have established yesterday that we
13 only speak when you stand up and I give the floor. So I decided without any further
14 ado. I don't agree, Ms Dimitri. The witness can say something about people in his
15 surrounding, what he heard. So of course he cannot talk about everyone in the
16 Anti-Balaka, but the witness knew certain people whom he went there to the group,
17 so he might tell about their motivation.
18 Please, Mr Vanderpuye.

19 MR VANDERPUYE: [10:43:22] Thank you, Mr President. Thank you.

20 Q. [10:43:33] Can you answer the question, Mr Witness.

21 A. [10:43:45] I said that the prime motivation was to protect me because the Seleka
22 came into our neighbourhood, and that was they were after military and also civilians.
23 So we wanted to protect ourselves. And given the abuses committed by the Seleka,
24 that was general. We wanted to cut them -- block the road for the Seleka. And then
25 because -- if you ask me I can explain what had happened to those in my family with

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1 regard to the abuses committed by the Seleka, but that's also primarily the main
2 motivation was self-defence.

3 I don't know whether that answers your question.

4 Q. [10:44:50] In part. Do you remember what you said in your April 2019
5 interview in respect of the motivation, I would say, of the Anti-Balaka. If you don't,
6 just let me know and I can read it to you and you can tell if that refreshes your
7 recollection.

8 A. (No interpretation)

9 THE INTERPRETER: [10:45:27] Apologies, the interpreter didn't catch that reply.

10 PRESIDING JUDGE SCHMITT: [10:45:31] Mr Witness, could you please repeat what
11 you said? We didn't catch it here, with the interpretation. Please be so kind and
12 repeat it.

13 THE WITNESS: [10:45:54](Interpretation) My first motivation was protection against
14 the Seleka and to defend the population. And try defending the population we
15 could also avenge our relatives killed by the Seleka. *For example, our families in
16 Bangui and also Batangafo.

17 PRESIDING JUDGE SCHMITT: [10:46:28] Again, Mr Vanderpuye, if you want to
18 put a part of his statement to him, please do that.

19 MR VANDERPUYE: [10:46:33]

20 Q. [10:46:33] In your second interview, which was in April 2019, the investigators
21 who spoke with you indicated as follows, that you said the following:

22 "Understand" -- and this is at paragraph 21, tab 35, ERN CAR-OTP-2127-6169, and it's
23 at page 6172. That you said: "Understand the Anti-Balaka youths were virile, angry
24 and dangerous. They were victims of the Seleka and they wanted revenge."

25 My first question is do you remember saying that? And my second question is; is

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1 that correct?

2 A. [10:47:59] It may be the translation that causes problems. I said that they -- on
3 the second part of my statement, the Seleka and the Anti-Balaka generally wanted to
4 resist the elements of the Seleka. Because there were abuses committed, generally
5 speaking, the Anti-Balaka was organised to resist this. There weren't the defence
6 and security forces there at the time. There was practically no state in existence, so
7 everyone defends themselves the best way they could.
8 And you can imagine, when I'm talking about vengeance, well, talking about in our
9 home, Seleka elements took my nephew, my big brother's son, and beat him, that they
10 pulled him 800 metres. They put him in a flour bag and threw him into the water.
11 That motivates people and that's what I mean by avenging one's family in this context.
12 And yes, I said what you read.

13 Q. [10:49:35] All right. I understand. I want to ask you some questions about
14 how these thousands of people were organised, to your knowledge. You mentioned
15 something about, just now about, I think you said it was 12 groups. But if you -- if
16 you could tell the Chamber how it is or what your understanding is of how they were
17 organised, I think that would be helpful.

18 A. [10:50:25] Okay. I talked about 12 groups, and I think I mentioned some of the
19 leaders, because initially the Anti-Balaka used sort of handmade weapons, machetes,
20 lumps of wood and so on. And in the field, if somebody managed to get an
21 automatic weapon, he came the leader. So he goes ahead and the others followed
22 him. So anybody who has the opportunity to get an automatic weapon, or two
23 weapons, came a leader. That's how things happened.
24 So I joined a group. I saw the 12 leaders there when I came to the group. If you
25 managed to get an automatic weapon in the field, you become a leader of those with

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1 the handmade weapons and machetes and so on. And that's how I came across
2 these 12 leaders when I joined the group.

3 Q. [10:51:46] All right. I would like to show you a document. It's tab 25,
4 CAR-OTP-2068-0118.

5 I believe -- just a moment. Yeah, if we -- if we -- if we avoid the handwriting at the
6 bottom of the page, I think we can show this publicly.

7 PRESIDING JUDGE SCHMITT: [10:53:28] Yeah, now it is on the screen.

8 MR VANDERPUYE: [10:53:30] Okay. That's good.

9 Q. [10:53:29] As you can see, this is a list (Interpretation) the FACA who had joined
10 in Gobéré since June.

11 (Speaks English) Now, you may not have seen this document before, but I want to ask
12 you about some of the names that are indicated in here and whether you recognise
13 them, which ones you recognise.

14 Can you see that?

15 A. [10:54:10] Yes, I can see it.

16 Q. [10:54:15] Do you recognise names (Overlapping speakers)?

17 A. [10:54:17] Yes, I see it. Yes, I recognise names.

18 Q. [10:54:30] Which names do you recognise?

19 A. [10:54:47] I recognise Touaboye Mac. Inga Marius, who is dead. Mokpem
20 Guy Gervais, Yanoue Aubin, I don't know. And I don't know Dangako Joseph either.
21 Danfie Hubert I know. Maragot Pacome I know as well. And Kossi I know.
22 Namdanga I don't know. Ngontai and Nganafio Kevin. I know Redjideba and
23 Kofeigbe. Dorassio I don't know. Kongbo Ghislain, maybe. But I do believe,
24 generally speaking, that I have seen this list in the past.

25 Q. [10:55:42] Okay. Let's go over to the next page.

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1 Now, before we continue, I'm not seeing the names that you've identified reflected in
2 the record. I don't know if we'll go back and cover those.

3 PRESIDING JUDGE SCHMITT: [10:56:26] I would say I think we should not repeat
4 that, but I think in the French transcript I think we have some names, so I'm not sure
5 if we should really -- should really repeat that.

6 And actually, actually, if we go through, we have 100 names here, 90 -- 99, exactly, so
7 if we go all over them, it's a very cumbersome procedure. So it seems that the
8 witness knows quite a number. I'm not sure if it is, but you might know better, so
9 important to know exactly which names they are.

10 MR VANDERPUYE: [10:57:05] And I don't -- I don't want him to meditate over
11 every name, it's just a question of if he recognises it, he recognises it, and that's it.

12 PRESIDING JUDGE SCHMITT: [10:57:15] And he has said he has seen this list
13 already, or he might -- might know this list.

14 MR VANDERPUYE: [10:57:27] Right.

15 Q. [10:57:28] All right, in any event, let's just take a look at this.

16 Do you recognise the name Prince Ouanfio, for example, number 55?

17 A. [10:57:48] I recognise 55, but I don't know him. I don't know him, but I know
18 the origin of the list.

19 Q. If you go to the bottom of the page.

20 PRESIDING JUDGE SCHMITT: [10:58:06] No, no, no, no.

21 What is the origin of the list, Mr Witness?

22 THE WITNESS: [10:58:23](Interpretation) I believe the list was drawn up after the
23 forum of Brazzaville. When we signed the ceasefire in Brazzaville, coordination
24 asked all the military that were in the Anti-Balaka, so it was said there would need to
25 be recompense by the ranks and then there was drawn up this list. So there were

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1 some that were not in Gobéré, and even on the first list there, there were some that
2 were not in Gobéré, and others that were in Gobéré. So these lists were drawn up
3 after the Brazzaville forum for the harmonisation of ranks of the military who were in
4 the -- the movement.

5 PRESIDING JUDGE SCHMITT: [10:59:25] Thank you, Mr Witness.

6 And to your knowledge, so you say you know the origin of this document, were the
7 list of the elements entailed in this document? Even if you don't know the names
8 exactly, was this made up correctly?

9 THE WITNESS: [10:59:56](Interpretation) Yes, that's what I'm saying, Mr President.

10 We said -- I said that the list was drawn up after the forum in Brazzaville for the ranks
11 of the military who were in the Anti-Balaka. And the Seleka drew up their own list
12 as well. That was part of the recommendations of the forum in Brazzaville.

13 PRESIDING JUDGE SCHMITT: [11:00:21] Exactly. So I think then if -- if you are
14 interested in specific names, yes, but otherwise, we have, I think, quite some
15 information about this list and where it comes from and why it was drawn up
16 and -- yeah, how it came that some names appeared on it.

17 MR VANDERPUYE: [11:00:41] I see my colleague's on her feet.

18 PRESIDING JUDGE SCHMITT: [11:00:47] Ms Dimitri.

19 MS DIMITRI: [11:00:48] Mr President, two corrections. At page 24, line 24 in
20 English, it's written "I recognise 55". The witness never said that in French.

21 And then in the middle of the page 23 in French, the witness clearly said, I think, in
22 French (Interpretation) "Touaboye said I was not in Gobéré."

23 (Speaks English) And this was not translated in English, I believe.

24 PRESIDING JUDGE SCHMITT: [11:01:16] Okay, then we -- we have the French
25 transcript, so we can align it. And since the witness speaks in French, I think this is

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1 the authentic, let's say, the authentic thing.

2 But I agree with you, I also heard that he did not -- the first point, "I recognise". The
3 second point escaped my attention, but the first point, yeah, you are right, I also had
4 the impression that he said he does not recognise number 55.

5 Mr Vanderpuye, please continue.

6 MR VANDERPUYE: [11:01:46] Thank you, Mr President.

7 Q. [11:01:50] Just to follow up a bit on the provenience of this document, do you
8 know who drew it up?

9 A. [11:02:14] This document was drawn up by the coordination. And if I'm not
10 mistaken, I may actually have a copy. And I think that those in charge were given
11 a -- the names -- or, rather, the names of the elements who were under their
12 command.

13 So I want to inform you that within the Anti-Balaka structure in 2013, there were
14 sections headed up by soldiers and who were commanding both soldiers and
15 civilians. There was also situations where civilian leaders had soldiers and civilians
16 under their control and command. So when we were asked to propose ranks for
17 these soldiers, the coordination asked all the leaders to provide the list of soldiers
18 who were in their respective sections, and that is how they provided the list, and the
19 coordination compiled the names and then forwarded them to the authorities.

20 Unfortunately, up to this day that list remains and I think -- and it is because of that
21 list that I ended up in detention. That is information that I wanted to bring to your
22 attention.

23 Q. [11:03:41] All right. I'm going to take you to the last page of this document and
24 then I'm going to ask you a question.

25 That's ERN ending 0120.

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1 All right.

2 PRESIDING JUDGE SCHMITT: [11:04:33] I think it's not the last page of this
3 document. It's page number 3. I think you -- I assume at least, Mr Vanderpuye,
4 that you want to look at number 99.

5 MR VANDERPUYE: [11:04:43] Yes, I want to look at -- well, actually, I want to look
6 at number 99, that's page 0120. Sorry about that.

7 PRESIDING JUDGE SCHMITT: [11:04:53] Yeah, that's -- that's page number 3.

8 MR VANDERPUYE: You're right.

9 PRESIDING JUDGE SCHMITT: [11:04:50] No, no, it's not a problem. That's
10 page number 3 in the document.

11 MR VANDERPUYE: [11:05:14]

12 Q. [11:05:14] There are a few names here I want to ask you about. First, you see
13 the name Dangba Pissidi, and you see the name Mandago Alexis?

14 A. [11:05:30] Dangba?

15 Q. (Overlapping speakers) These are two --

16 A. [11:05:30] Yes, I recognise those two names. Yes, I recognise those two names.

17 Q. [11:05:45] What do you recognise them to be? Are these leaders?

18 A. [11:05:59] Yes, they are leaders, yes.

19 Q. [11:06:03] At the bottom right, at the end of the list at the bottom right, you see
20 the name Konate Yvon. Do you recognise that name?

21 A. [11:06:19] Yes, I do.

22 Q. [11:06:29] Was he a member of the coordination when you believe this list was
23 drawn up?

24 A. [11:06:48] Yes, he was not a member of the coordination, but he was part of the
25 coordination. He was a leader. He was one of the soldiers who joined the

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1 Anti-Balaka in Mouroubala (phon), which is 5 kilometres from Bangui. He was with
2 the soldiers. He was the one in command and they left with those -- those soldiers.
3 They were along with Marc whose name I saw on the first list. It is that group in
4 which he was when they joined the Anti-Balaka.

5 Q. [11:07:45] Now I want to take you to the next page, which is 0121, and I have
6 only one question about that one.

7 This is part of the same document and on it it lists (Interpretation) "New Arrivals".
8 (Speaks English) First, have you seen this list before?

9 A. [11:08:58] Yes, I have seen it.

10 Q. [11:09:08] Do you have an explanation as to why it says "*Les Nouveaux Venants*"
11 if it was drafted after Brazzaville?

12 A. [11:09:22] "New arrivals" was referring to soldiers who were on the spot in
13 Bangui when the Seleka arrived. You see, there was an influx of people to the hills
14 and these were the soldiers who were in Bangui and who joined the Anti-Balaka in
15 Bangui. That's why they were called new arrivals. They were not in the provinces,
16 they were in Bangui at the time of the arrival of the Anti-Balaka, and were at the
17 Gbazabangui hill, behind it. So there were civilians who went there.

18 Now, this list was referring only to the ranks of soldiers, and that's why on this list
19 you have only soldiers, and they are the ones who joined the group here in Bangui,
20 and that's why they're referred to as the new arrivals.

21 Q. [11:10:23] And you know this because you spoke with Lieutenant Konate or you
22 spoke to someone in the coordination about this list, or are you guessing?

23 A. [11:10:44] I'm not guessing. I was part of the coordination. First of all, I
24 joined as a combatant and then I was in the coordination and I was present when
25 these lists were being drawn up. And that's why I'm able to recognise many of the

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1 names on the list. This list was drawn up by the coordination for the purpose of
2 following of the findings of the Brazzaville forum. And this list was even discussed
3 in Kigali and in Khartoum, so it is the same list on which we worked and I am aware
4 of the origin of the list. I also have the handwritten versions of the lists with me.

5 Q. [11:11:28] Okay. Now, a number of these names you referred to in your
6 interview with the Office of the Prosecutor; is that right?

7 A. [11:11:56] Yes, that is correct.

8 Q. [11:11:58] And you referred to those names in the context of describing the
9 organisation of the Anti-Balaka elements at Gobéré and in the context of the
10 5 December 2013 attack; is that right?

11 A. [11:12:32] Yes, that is correct. In terms of chronology, there are some soldiers
12 who started in Gobéré, others joined the movement along the way, progressively, all
13 the way to Bangui.

14 MR VANDERPUYE: [11:12:49] All right. I think we're -- we're in open session.
15 I'd like to go to private session, Mr President, if I could.

16 PRESIDING JUDGE SCHMITT: Private session.

17 (Private session at 11.13 a.m.)

18 THE COURT OFFICER: [11:13:15] We are in private session, Mr President.

19 MR VANDERPUYE: [11:13:21] With that, I would like to show the witness tab 18,
20 which is an annex to the statement that he gave in 2017. It's CAR-OTP-2046-0628.

21 Q. [11:14:10] Can you see this document on the screen now?

22 A. [11:14:23] Yes, I see it.

23 Q. [11:14:25] Okay. You recognise this as something you wrote up during the
24 course of your interview?

25 A. [11:14:37] Yes, I recognise it.

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1 Q. [11:14:42] I'd like to zoom out just a bit so that the Chamber can see the whole
2 document.

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 A. [11:15:55] Could you please zoom in? Thank you.

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 Q. [11:19:43] Andjilo wasn't a military man, was he?

13 A. [11:19:55] Andjilo was not a military man. He was a civilian.

14 Q. [11:19:58] Douze Puissance wasn't a military man, was he?

15 A. [11:20:04] He too was -- he's not a soldier.

16 (Redacted)

17 (Redacted)

18 A. [11:20:39] That is -- that is not what I said. Can you follow me? Do you hear
19 me?

20 Q. [11:20:42] I hear you, that's why I'm asking the question.

21 A. [11:20:46] Do you hear me?

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 A. [11:21:50] Well, I don't know the exact number, Prosecutor. There were people,
6 but I don't know the exact number. I know that there was a leader and that leader
7 had a section and his -- his elements. But only that leader may have a list of the
8 elements and provided accordingly. I don't have an exact number to provide, the
9 exact number of their elements.

10 Q. (Overlapping speakers)

11 PRESIDING JUDGE SCHMITT: [11:22:16] Mr Vanderpuye, you were too quick.
12 But it would be -- perhaps we should ask him if he can say if it were 10, 50, 100, you
13 see, something like that. I think he might -- he might be able to provide us with
14 information that -- that could give us a hint at least.

15 MR VANDERPUYE:

16 Q. [11:22:35] I think you heard Mr President. Can you give at least an
17 approximation of how many people were under a given commander in a group.
18 Tens, hundreds?

19 A. [11:23:04] No, I really cannot provide a figure, otherwise I would be lying under
20 oath. What I have said is what I am able to say. What you may want to know is
21 that the Anti-Balaka movement brought together almost the entire youth of the
22 Central African population, but I'm not in a position to give you an exact number.

23 (Redacted)

24 And you also want to know that there was an issue in terms of the chain of command
25 because that was a problem even between the leaders of the Anti-Balaka themselves.

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1 It is only the specific leaders who would know. I, myself, I cannot provide you with
2 any specific details.

3 Q. [11:23:49] (Overlapping speakers) (Redacted)

4 PRESIDING JUDGE SCHMITT: [11:23:49] Mr Vanderpuye.

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 PRESIDING JUDGE SCHMITT: [11:25:28] Thank you.

22 Although the concept, when you mentioned youth, would not encompass 30-year-old
23 or 60-year-olds, but this is simply a comment.

24 Mr Vanderpuye.

25 MR VANDERPUYE: [11:25:38] Thank you, Mr President.

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1 Q. [11:25:39] And thank you, Mr Witness.

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 Q. [11:26:55] Well, what I'm trying to get at is an approximation. You know,
11 there's a big difference between a group of 20 people and a group of 200 people, as
12 you can imagine. So are you able to give an estimation as broad as that, or you -- or
13 you can't -- you can't tell the Chamber whether your group was made of 20 people or
14 200?

15 A. [11:27:35] Well, I have told you that I cannot give you an exact figure because
16 there was mobility. (Redacted)

17 (Redacted)

18 (Redacted)

19 Now, to give an exact number of elements, I really am not able to provide. I can tell
20 you maybe how many people were present on a given day.

21 PRESIDING JUDGE SCHMITT: [11:28:06] Mr Witness, Prosecutor has not asked you
22 for an exact figure, and nobody would expect that from you. That's perfectly clear.
23 And it's also clear that people came and people went. It's also clear. But I think,
24 since you were there, you could give us an estimation, like Prosecutor suggested.
25 Were these dozens, hundreds or thousands? Simply like that. I think you -- you

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1 should be able - actually, when you were there - you should be able to provide us
2 with at least such an approximation.

3 THE WITNESS: [11:28:51](Interpretation) Approximately, I would put it at about
4 a -- about a hundred. Or in hundreds, rather, two hundreds, three hundreds, or
5 somewhere around that.

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

7 I think we can have now a coffee break and continue afterwards, Mr Vanderpuye.

8 MR VANDERPUYE: [11:29:08] Yes, I think -- I think we can.

9 PRESIDING JUDGE SCHMITT: [11:29:11] Yeah. Okay.

10 Ms Dimitri.

11 MS DIMITRI: [11:29:12] Mr President, I didn't want to interrupt, but I still wanted to
12 follow your directions. There's, at page 31, line 24, 25, it says that "those ones came
13 after 15 of September and ever since set up in Boeing". I think he said 5 December,
14 not 15 of September.

15 PRESIDING JUDGE SCHMITT: [11:29:32] I also heard that.

16 And you don't have to apologise. I directed you to do that. So it's my fault.

17 MS DIMITRI: [11:29:36] No, I know. It's just that I don't want this to be an extra
18 burden.

19 And at page 35, line 1, Yakouzou was 60 years old, but the transcript reflects 6 years
20 old.

21 PRESIDING JUDGE SCHMITT: [11:29:51] Well, this -- okay. But, you know, we
22 talked about youth. Yeah. But, okay, we leave it at that. We have now a break
23 until 12 o'clock now.

24 THE COURT USHER: [11:30:00] All rise.

25 (Recess taken at 11.30 a.m.)

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1 (Upon resuming in private session at 12.02 p.m.)

2 THE COURT USHER: [12:02:15] All rise.

3 Please be seated.

4 PRESIDING JUDGE SCHMITT: [12:02:39] I understand that we are in private
5 session. Shall we stay there?

6 MR VANDERPUYE: [12:02:47] Yes, please, Mr President.

7 PRESIDING JUDGE SCHMITT: [12:02:50] Okay. Then please continue,
8 Mr Vanderpuye. You have the floor.

9 MR VANDERPUYE: [12:03:00] Thank you. And good afternoon it is now.

10 Q. [12:03:01] Good afternoon, witness.

11 (Redacted)

12 (Redacted)

13 But before I do that, I just want to ask if you could clarify something that I saw in
14 your statement. And in your statement you refer to some 400 or 500 people
15 organised in different sections. But I'm -- I'm not sure about what you mean there,
16 so I'd like to show it to you, if I could, maybe ask you to explain it.

17 That is tab 17. Or, rather, I think I had the French last time, which is tab 30. It
18 should be paragraph 56.

19 And for tab 30, as long as I have it there, the ERN is 2 -- CAR-OTP-2102-0131 and
20 paragraph 56 is at ERN ending 0142.

21 Paragraph 5-6, that's at 0142.

22 This is the paragraph that I was referring to where you describe Anti-Balaka arriving
23 at the hill, and I take it the Gbazabangui hill, and then you describe forming into 15
24 companies of about 400 or 500 men, each with its own chief. And that's what I
25 wanted to clarify with you.

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1 Are you referring there to the -- (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 Q. [12:07:33] All right. I think -- I'm following the transcript, but it seems to have
13 stopped. Okay.

14 All right. I think -- I think that clarifies it a bit for me.

15 Now I'd like to go back to the document I had before, which is tab 18,

16 CAR-OTP-2046-0628. And that should not be broadcast -- we're in private session in
17 any event. I think we're okay.

18 I'm going to ask you some questions about this. I'm not going to ask you specifically
19 about your group.

20 So I think we can go to open session, with Mr President's permission.

21 PRESIDING JUDGE SCHMITT: [12:08:36] Yes.

22 MR VANDERPUYE: [12:08:37] Obviously, if there's a problem I'll ask to revert, I
23 think.

24 PRESIDING JUDGE SCHMITT: Yes. Absolutely.

25 MR VANDERPUYE: Sorry, let me rise again. I'm sorry about that.

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1 PRESIDING JUDGE SCHMITT: [12:08:41] Yeah. No problem.

2 Yes, we go to private session -- to open session. Yeah.

3 MR VANDERPUYE: [12:08:58] All right. So no broadcast though.

4 (Open session at 12.09 p.m.)

5 THE COURT OFFICER: [12:09:02] We're in open session, Mr President.

6 MR VANDERPUYE: [12:09:06] Yeah, we're not broadcasting the exhibit? Okay.

7 Good.

8 Q. [12:09:10] Thank you, Mr Witness. We're in open session, just to -- just to
9 remind you.

10 Now, you've indicated 15 commanders who were positioned behind the hill that is
11 near Boy-Rabe in relation to the preparation for the 5 December attack, as I
12 understand it.

13 If we go a little bit further down this exhibit you can see that you have indicated
14 certain individuals that were at Boeing in the airport. So I just want to confirm that
15 you've indicated here Charles Ngremangou, John Rombot Yekatom, Wenezoui, and
16 Sylvestre Yagouzou; is that right?

17 A. [12:10:19] Yes, those are the ones who were in Boeing.

18 Q. [12:10:31] And with respect to those individuals, do you have an approximation
19 of how many elements were among them or that they led?

20 A. [12:10:55] I don't have an idea because there was the Anti-Balaka who attacked
21 on -- Bangui on 5 December, and it was 6 or 7 December that the Boeing Anti-Balaka
22 tried to attack, but they couldn't. They were stopped by Seleka elements near Boeing.
23 And at that time, I didn't know them.

24 And if I recall correctly, it was about 10 or 12 December, or 8, 10 December that we
25 met Mr Wenezoui in Boeing with Captain Ngremangou, who these were military who

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1 had fled the Seleka but didn't go -- they went to the village at the outskirts of Bangui.
2 And when they came -- the Anti-Balaka went to Bangui, they tried to save Boeing,
3 Boy-Rabe, but I didn't see Rombhot. The people went were Captain Ngremangou
4 and Mr Wenezoui. I didn't see Yekatom, but they talked about Rombhot. But I
5 didn't see him at that point. That's why I listed the leaders from Boeing.

6 Q. [12:12:46] Okay. That's very helpful.

7 Let me ask you about the last four names indicated in the document.

8 If we can go to the bottom of the page so the Chamber can follow. You refer to

9 Guy Mazimbele, with an indication of Kabo, which I think is a location; is that right?

10 A. [12:13:27] Yes, that's a town in the prefecture Ouham. That's where he led.

11 His young people were from Kabo. It is why Kabo, that's where they left to walk to

12 Bangui, and they arrived after 5 December.

13 Q. [12:14:04] And Dedane you've written down and indicating Bossangoa?

14 THE INTERPRETER: Apologies.

15 THE WITNESS: [12:14:43](Interpretation) That he was killed on the day that he went

16 to Bossangoa.

17 MR VANDERPUYE: (Overlapping speakers) I don't see the transcript moving.

18 THE WITNESS: [12:14:49](Interpretation) There was an incident with his elements

19 and the elements of the Seleka, and he was killed that day.

20 MR VANDERPUYE:

21 Q. [12:15:11] Can you repeat your answer?

22 A. [12:15:27] I said that Dedane, he came from Bossangoa with his elements. He

23 went to Bangui after 5 December. The first day they arrived at Bangui, there were

24 interactions between his faction and other Anti-Balaka factions. There were shots

25 fired and he was killed. I don't know the exact details.

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1 Q. [12:16:11] Did you hear who killed him?

2 A. [12:16:26] I don't know, but there were -- it was an incident between different
3 factions of the Anti-Balaka and he was shot at and then he died.

4 Q. (Overlapping speakers)

5 A. [12:16:37] I don't know exactly who fired at him.

6 Q. [12:16:58] Which were the two factions that were involved in the confrontation?

7 A. [12:17:14] I think it was Mazimbele, because from Mazimbele, they arrived two
8 days before Dedane and his elements arrived in Bangui. There was a confrontation,
9 I don't know what was the origin of that, but the leader was -- received a bullet and
10 he died from that.

11 Q. [12:18:00] You have on this list here also Clement Bama.

12 I'm sorry, did you hear the question?

13 A. [12:18:50] No, I didn't hear. What did you say?

14 Q. [12:18:58] You have an indication here of Clement Bama and Bossemtélé?

15 A. [12:19:19] He also left Bossemtélé and moved on. He went to Boeing near the
16 airport, that way.

17 Q. [12:19:32] He arrived after 5 December, is that what you mean to say in this
18 section of the document?

19 A. [12:19:50] Yes, he arrived after 5 December.

20 Q. [12:20:04] You have an indication here as well of Theophile Dangba. He would
21 have arrived after 5 December as well, I take it?

22 A. [12:20:25] Yes. All the people at the bottom there arrived after 5 December.

23 Q. [12:20:38] Do you know where he was before he came to Bangui?

24 A. [12:20:48] He left from Bossangoa.

25 Q. [12:21:02] I want to ask you about a couple of other names.

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1 (Microphone not activated)

2 PRESIDING JUDGE SCHMITT: [12:21:18] Microphone, please, Mr Vanderpuye.

3 MR VANDERPUYE: [12:21:21] Thank you, Mr President.

4 Q. [12:21:26] Kema Florent. Do you know if he was a participant in the
5 5 December attack?

6 A. [12:21:43] He didn't participated. He stayed in Bossangoa. They came to -- to
7 Bangui during the time of the coordination to prepare the Brazzaville forum. He
8 stayed in Bossangoa and -- and then after -- not -- not Bossangoa, first Nana-Bakassa.
9 He was with his elements in Nana-Bakassa. It's when President Djotodia left that
10 Kema came so that we could prepare the Brazzaville forum. So he and his elements,
11 they didn't fight in Bangui.

12 Q. [12:22:35] And what about Alexis Mandago?

13 A. [12:22:52] He came later. I think that he -- well, he -- when we put the
14 coordination in place and we were looking through things, he was there. He came
15 fairly late as well to PK12 as well with his elements.

16 Q. (Overlapping speakers) I'd like to ask you a few questions about --

17 A. [12:23:11] There are about 20 of them, 20 or so. He also came after the 5th.

18 Q. [12:23:25] -- about the situation of the Anti-Balaka behind the hill. The first
19 thing I'd like to ask you is, when you arrived there, did you find Anti-Balaka elements
20 already there?

21 You mentioned a moment ago that at some point there were people there from across
22 the river, I assume Zongo, as well as people from Bangui.

23 Can you tell us who you found there when you arrived with your group?

24 A. [12:24:43] Behind the hill?

25 Q. [12:24:51] Yes.

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1 A. [12:24:59] Behind the hill, these were people that we met from -- *100 kilometres
2 from Bangui in Murumba and they went -- we were walking -- we were on foot and
3 people were progressing by -- group by group and there were a group that preceded
4 us in this location. Others followed us. So when we arrived there were already
5 some groups there and some -- those who came from the other side, they were
6 already there. So I think that our group was about the fourth position to arrive in
7 this locality and -- and then there were some who came also from the -- the river to
8 cross.

9 Q. [12:26:08] Do you remember when it was, approximately, that you arrived
10 behind the hill? What month and around when?

11 A. [12:26:34] It was about, as far as I -- about 17, 18 November. There was some
12 people -- there were some there. We arrived 17 or 18 November behind the hill.
13 The Anti-Balaka were behind the hill for about three weeks.

14 Q. (Overlapping speakers)

15 PRESIDING JUDGE SCHMITT: [12:27:08] Could you please repeat. You were a
16 little bit too quick.

17 MR VANDERPUYE: [12:27:26]

18 Q. [12:27:26] From the place that you departed, how long did it take you to arrive
19 behind the hill?

20 A. [12:27:48] From where we were, it took us about a week, a week to take -- to
21 arrive. A week, because -- well, a week, five days. And then when we got there,
22 we stayed for two weeks. So we were behind the hill for about three weeks before
23 5 December.

24 Q. [12:28:23] Did you find people there that had arrived from Zongo when you got
25 there?

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1 A. [12:28:52] We arrived before those who came from Zongo.

2 Q. [12:29:11] Do you recall being asked about that during the course of your
3 interview in July -- January 2017? January 2017.

4 A. [12:29:40] We were -- I was asked questions, but I don't know what I said. I
5 don't recall being asked this particular question.

6 Q. [12:29:50] I'll need to go back to your statement. It's tab 17. I'm sorry, it was
7 tab 30 anyway, in the French, and it should be paragraph 43.

8 Let me see if I have that right. I think I do.

9 And it's at -- let me see if I can find the French. That's at ERN page ending 0140.

10 In your statement you say that the groups, our groups from Bossangoa, Bouca and
11 Bossembélé marched to Bangui. It was about 120 kilometres from Bangui, and then
12 you suffered an attack at Damara. You gathered behind the hill in Boy-Rabe. You
13 say: We were always in touch with Maxime Mokom while he was in Zongo. The
14 people who were in communication with Mokom were Dangba and Dedane. And
15 the Zongo group and our group communicated by phone, text messages and by
16 messenger. And when you arrived at the Gbazabangui hill, some of the Zongo
17 group was already there.

18 So I have my usual two questions. Do you remember saying it?

19 PRESIDING JUDGE SCHMITT: Ms Dimitri.

20 MR VANDERPUYE:

21 Q. [12:32:08] And is it right?

22 PRESIDING JUDGE SCHMITT: [12:32:13] Please wait a moment.

23 Ms Dimitri.

24 MS DIMITRI: [12:32:15] Thank you, Mr President.

25 Just a procedural point. The question was very specific, whether he remembered

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1 that the people from Zongo had arrived behind the hill before or after. My learned
2 friend has a tendency, the second time now, to read the entire paragraph which
3 doesn't cover the specific question. And this is not a 68(3) witness.

4 PRESIDING JUDGE SCHMITT: [12:32:38] I also -- I also think, Mr Vanderpuye,
5 when -- when we refer the witness to the former statement, it should be specifically to
6 the point he does not recall, or a point which appears to be contradictory to what he
7 said in the statement with regard to what he said here in the courtroom. Although
8 there is some leeway, of course, in -- in how much we read out because of context, so
9 because of that I did not intervene. But perhaps, for future references, you might --

10 MR VANDERPUYE: Oh, okay. (Overlapping speakers)

11 PRESIDING JUDGE SCHMITT: [12:33:04] You might accept that.

12 So, Mr Witness, you have heard this passage. So, to your recollection now hearing it,
13 what you said at the time, and sitting at the video-link location, is this correct
14 what -- what has been read out to you.

15 THE WITNESS: [12:33:46](Interpretation) Yes. But what the investigators asked
16 me was whether we had contact with Mr Mokom as we advanced. So I said: Us,
17 no. But it was Dangba, whom I mentioned, who was in contact with him. And I've
18 already told you that Dangba arrived after the 5th. He was not behind the hill.

19 But when we arrived, we saw other people arriving and these, indeed, were the
20 people who came from the other side of the river. That was what I said. I arrived
21 behind the hill and I saw those people coming. That's what I said.

22 Now, when it comes to contact, the investigator asked me whether we had contact
23 with Mokom, and I said no, but that we had information that he was in contact with
24 Dangba, Dangba who arrived in Bangui after the 5th, so he was not with us behind
25 the hill before 5 December. That is what I said in my statement.

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1 PRESIDING JUDGE SCHMITT: [12:34:49] Thank you for that clarification,

2 Mr Witness.

3 Please continue, Mr Vanderpuye.

4 MR VANDERPUYE: [12:35:01]

5 Q. [12:35:03] Once you arrived behind the hill, is it right that you waited for other
6 elements to join the group?

7 A. [12:35:22] Yes, indeed.

8 Q. [12:35:32] How long did you wait for these elements to join the group and how
9 many joined the group?

10 A. [12:35:49] Mr Prosecutor, we seem to be turning in circles here. I think we
11 spent about three weeks behind the hill. I spent three weeks behind the hill. This is
12 what I said before going down.

13 What is the issue here? We heard everywhere that the Anti-Balaka were moving
14 towards Bangui, but we didn't have contact with them. So we wanted to be patient.
15 We had no materiel at that time, and that is why we waited. So the youth had heard
16 that the Anti-Balaka were behind the hill, so they started to come up the hill to join us.
17 And so in order to avoid being attacked by surprise, we anticipated and went to
18 attack Bangui on the 5th. We were waiting for the others who had not yet arrived
19 because they were coming on foot.

20 So what I said was that we spent at least three weeks behind the hill.

21 Q. [12:37:04] Thank you for that clarification.

22 In your answer here in the transcript it says that "We had no materiel at the time,"
23 which is why you waited. What did you, that is your group or the group there
24 decide to do --

25 A. [12:37:26] That is correct.

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1 Q. [12:37:26] -- about the circumstances regarding the materiel or the lack thereof?

2 I take it you mean equipment, weapons, ammunition, things like that?

3 A. [12:37:52] Yes. You see, the idea was to wait for the others to reinforce our
4 position, but then we said that there were -- we realised that there were a number of
5 us, but we did not have equipment or materiel, so we were hoping that those who
6 were coming would join us with what they had. But then as we were waiting,
7 suspicions began to increase, members of the population came to sell us food, and
8 things of that nature, and so the population became aware that the Anti-Balaka were
9 behind the hill and the information was spreading. And that is why we decided that
10 we could not wait any longer. And given that the Seleka were increasing their
11 abuses, that's why we decided to go down on the city at that time.

12 Q. [12:38:48] Did you take any action to secure weapons?

13 A. [12:39:00] Obtain weapons, no. We were fighting more with local weapons,
14 hunting weapons. Our idea indeed was to wait for equipment. It is true that many
15 youth had joined the group but they didn't have weapons. They had sticks and
16 knives. And you cannot fight efficiently with those weapons. So we were waiting,
17 hoping that the Anti-Balaka whom we were told were en route from other locations,
18 that we -- we decided to wait for them. But we waited, and then, because we didn't
19 have any weapons and because things were changing, we decided to attack, hoping
20 that we would gather some weapons on the ground. And that is how we decided to
21 attack on the 5th.

22 Q. [12:40:05] Do you remember being asked about this in your interview in
23 January 2017 and what your answer was?

24 A. [12:40:21] Uh-hm. Yes, could you please reread the answer for me please.

25 Q. [12:40:32] Yes, I'll refer to tab 30. This time we're going to paragraph 46. And

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1 that is page ERN ending 0141.

2 In this paragraph, you say that on 2 December we decided that we still needed more
3 ammunition before we attacked, but we were worried about the Seleka knowing that
4 there were -- that we were there if we delayed too long. We changed our strategy to
5 try to get more weapons and ammunition before attacking the Seleka in Bangui.

6 Company commanders discussed and decided on strategies, and they got input from
7 their own elements, and they would report back to other commanders.

8 Again my same two questions: Do you remember saying this? And is it right?

9 A. [12:41:57] Yes, that is correct. That is what I have already told you. It is true,
10 that was my statement. I said that we were waiting for those who were coming and
11 we did not have ammunition. And the population learned that the Anti-Balaka were
12 behind the hill, so they started coming up to the hill. Many, many young people
13 came up the hill. Women also came to sell us food and so we were afraid that the
14 Seleka would become suspicious. So we said that on the 2nd, if -- we said on the 2nd
15 that if the others don't come we should then decide to attack or go down on Bangui.
16 So I can confirm that this is exactly what I said in my statement.

17 Q. [12:42:53] So it's also right what you say in the following paragraph, that you
18 attacked the houses of Seleka chiefs at Galabadja, 36 Villas, Gobongo, in the 4th, 7th,
19 8th and 12th arrondissements, and in Begoa?

20 A. [12:43:18] Yes, but that was after the 5th, after the failed attack of the 5th. We
21 came down on the 5th, we had problems of ammunition, then we went back up the
22 hill. But then we also decided that we would use the guerrilla war tactics with the
23 purpose of getting supplies on the ground. There were Seleka bases at PK12 and at
24 the gendarmerie, so some groups would try to attack them at 36 Villas and Gobongo,
25 where the Seleka elements were located. Yes, that is what I said.

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1 Q. [12:44:09] Behind the hill, what was the role of the FACA soldiers that were
2 there in relation to the civilians? I mean civilian elements, right, fighters.

3 A. [12:44:33] Sorry, I've not understood your question.

4 Q. [12:44:44] My question is what was the role of the FACA elements behind the
5 hill in relation to the civilian combatants that were also behind the hills, in the same
6 groups, obviously?

7 A. [12:45:15] Well, as I said from the beginning, as I said earlier, there were sections
8 which were headed up by soldiers whose elements were soldiers -- were civilians and
9 soldiers. There were also civilian leaders under whom they had soldiers and
10 civilians. But these soldiers were like advisers, they served as advisers and -- and
11 gave advice to the elements as to how to advance. I mean, they -- they provided
12 guidance. That is what I said.

13 Q. [12:46:01] So they gave them tactical advice, directions, things like that?
14 Military direction?

15 A. [12:46:20] Well, not military instructions as such. You are dealing with
16 civilians here. They were just provided with information as to how to move, how to
17 move about, how to avoid being struck by a bullet, and things of that nature.

18 Q. [12:46:45] Do you know if any of these civilians received training, and I mean
19 military-like training, before they arrived at the hill?

20 A. [12:47:05] No. No, none of them received military training. First of all, for
21 soldiers to join the Anti-Balaka movement, it was not easy because the civilians did
22 not accept the soldiers. I told you at the beginning of my testimony that the
23 Anti-Balaka thought that they were failures. They had fled when the Seleka came in
24 and they allowed Seleka to take over the town and to commit abuses. So they were
25 considered to have failed and it was not easy for soldiers then to join the Anti-Balaka.

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1 Now, when they joined the group, they came under the command of civilians. Even
2 those military soldiers were under the command of civilians and it is the civilians
3 who took decisions.

4 Now about training, well, you know, there was no time. Whenever the Anti-Balaka
5 went by, they were attacked by the Seleka, so there was no time for people to receive
6 that kind of training.

7 Q. [12:48:24] Do you know who Dieudonné Houronti is?

8 A. [12:48:30] Yes, I know him.

9 Q. [12:48:35] Do you know that he was at Gobéré?

10 A. [12:48:49] He came after 5 December. He was not in Bangui before the 5th.
11 He came after 5 December. He came from Bossangoa, but I don't know exactly
12 whether he was one of those who were in Gobéré. What I know is that he came from
13 Bossangoa.

14 Q. [12:49:16] Do you know that he was one of the leaders of the groups at Gobéré?

15 A. [12:49:29] That is what I just said. He came with his elements and he set up in
16 Boeing initially and then later moved to PK13 on the Damara road. He came from
17 Bossangoa, but I don't remember whether he was Gobéré or not. What I know is
18 that he came from Bossangoa.

19 Q. [12:49:58] Okay. Did you ever speak to him about Gobéré and how the
20 elements were gathered there and what was done with them to organise them, and so
21 on?

22 A. [12:50:31] I'm sorry. I am not able to understand your question.

23 Q. [12:50:38] Did you ever speak to Dieudonné Houronti about Gobéré and how
24 the elements were organised there?

25 A. [12:51:01] After the 5th, when we tried to bring together the various sections, he

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1 was there. We had discussions together with them. Those who were in Gobéré
2 raised a number of problems. Well, there are some people who also said that they
3 were in Gobéré whereas they were not there, and others who were in Gobéré knew
4 who they were, while they were still unable to identify each other. So I myself, I was
5 not in Gobéré, so I cannot be clear in determining who was or who was not in Gobéré.
6 What I know is that a decision was taken in Gobéré to fight Seleka and that there was
7 a distribution of the work. Some had to go to Bossembélé, others to Bouca, on those
8 roads. That's what information became available to us and which I have conveyed
9 in my statement.

10 Q. [12:52:06] Did Dieudonné Houronti ever tell you that there were 16 military
11 officers at Gobéré, that there were 2,000 elements around there, and that they trained
12 them how to fight and on combat skills?

13 A. [12:52:42] No, no. What I remember is that he said some soldiers had fled
14 Seleka in Bossangoa. They fled because they were being chased after by the Seleka
15 and that there were 16 of them, 16 of them indeed. He also said that some civilians
16 had fled the Seleka and found themselves in that locality.

17 But for training, well, first of all they -- they fled and they had no weapons, according
18 to the information. And so they came to that location for refuge. It was a refuge for
19 them. And they were there for a short time, then they found out that the Seleka was
20 aware of their location and that Seleka was going to attack them. And that is how
21 they decided to split. Some went to Bossembélé road, some went to Bouca road, and
22 each of them evolved with their elements in the various localities. That is what I
23 said.

24 Now I remember too that he said that the soldiers who were in that locality were 16 in
25 number. Someone said 14, but he said there were 16.

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1 Q. [12:54:06] Okay.

2 Now, just for the Chamber's reference, I was referring to CAR-OTP-2084-1263. And
3 transcript reference, that's an audio video, an audiovisual document. Then there's a
4 transcription of CAR-OTP-2107-1565 at 1568.

5 I want to ask you, Mr Witness, about --

6 MS DIMITRI: [12:54:41] Could we -- could we just have the tab number, please.

7 MR VANDERPUYE: [12:54:45] Sorry?

8 MS DIMITRI: [12:54:46] The tab number.

9 PRESIDING JUDGE SCHMITT: Yeah.

10 MR VANDERPUYE: [12:54:48] It's not an exhibit I'm showing to the witness.

11 PRESIDING JUDGE SCHMITT: [12:54:51] Yeah. But nevertheless, it -- it is easier
12 for everyone to follow if we have the tab number.

13 MR VANDERPUYE: [12:54:57] It's not -- it's not on my list. (Overlapping speakers)

14 PRESIDING JUDGE SCHMITT: [12:54:59] Oh, it's not on -- it's not on the list at all.

15 Okay. Good. Then was my mistake. Yeah.

16 MR VANDERPUYE: [12:55:03] Oh, no it's -- sorry. Sorry. For the
17 clarification -- I'm sorry. I meant to clarify that.

18 PRESIDING JUDGE SCHMITT: [12:55:07] No, no. No problem.

19 MR VANDERPUYE: [12:55:14]

20 Q. [12:55:14] You mentioned that the group split and went in different directions.

21 That is the group from Gobéré. I think you indicated that some went to Bouca, or in
22 the direction of Bouca, others in the direction of Bossembélé.

23 Do you know if part of that group went in the direction of Bossangoa?

24 A. [12:56:01] I already told you, and you need to understand, that I was not in
25 Gobéré. I am not, therefore, in a position to be certain about what I say about it.

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1 What I know is from information gathered after the setting up of the coordination
2 because I was a member of that coordination and that's how I came by that
3 information. And it does not deal with all the Anti-Balaka. When they were in
4 Gobéré, the motivation for them to leave was that the Seleka wanted to attack them
5 in -- in Gobéré. So there was a realisation following the clashes that they were able
6 to defend themselves. And that is why they remained in Gobéré to defend
7 themselves.

8 I have testified to you mentioning the names of those who left Gobéré for Bangui.

9 Q. (Overlapping speakers)

10 A. [12:56:59] I don't know if this is clear now.

11 MR VANDERPUYE: [12:57:17] If we can go into private session, Mr President.

12 PRESIDING JUDGE SCHMITT: [12:57:23] Yeah.

13 (Private session at 12.57 p.m.)

14 THE COURT OFFICER: [12:57:35] We are in private session, Mr President.

15 MR VANDERPUYE: [12:57:41] Thank you.

16 (Microphone not activated)

17 PRESIDING JUDGE SCHMITT: [12:57:47] Microphone, please.

18 MR VANDERPUYE: [12:57:49]

19 Q. [12:57:49] I'd like to show you a document, and that is at CAR -- sorry, it's tab 19,
20 CAR-OTP-2046-0629.

21 It should not be broadcast, but I guess we're in private session, so it won't be.

22 Do you recognise this document?

23 A. [12:59:10] Yes, I was shown this last time.

24 Q. [12:59:20] Can you explain what it shows?

25 PRESIDING JUDGE SCHMITT: [12:59:33] And perhaps, especially, Mr Witness,

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1 with regard -- with regard what is written -- handwritten and annotated, so to speak,
2 on this document. That would be most interesting for the Chamber. Thank you.

3 THE WITNESS: [13:00:28](Interpretation) Can you hear me?

4 PRESIDING JUDGE SCHMITT: [13:00:30] Yes, we hear you, and please explain to
5 us what we see here, especially your annotations and -- and what -- what it means.

6 THE WITNESS: [13:00:50](Interpretation) (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 PRESIDING JUDGE SCHMITT: Ms Dimitri, please.

15 MS DIMITRI: [13:02:15] Mr President, the witness said in French there was a "*il y*
16 *avait une forte concentration de Seleka à la gendarmerie*". And it was interpreted by there
17 was a high concentration of gendarmerie. The word Seleka didn't come out in
18 English.

19 PRESIDING JUDGE SCHMITT: [13:02:31] Yeah, indeed. Thank you. Also thank
20 you for the timely correction. So we don't need to ask the witness here. It was
21 simply clear that he said that. Yeah.

22 MR VANDERPUYE: [13:02:50] Thank you for that.

23 Q. [13:02:56] All right. Let's take it step by step.

24 What we can see here are a few different locations, a few arrows and a few different
25 groups. I see the first group, second group, third group, so let's take it step by step.

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1 Let's look at the first group. (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 THE INTERPRETER: [13:05:10] Apologies from the interpreter. I was unable to
14 follow that last part.

15 PRESIDING JUDGE SCHMITT: [13:05:27] Well, Mr Witness, please be so kind and
16 repeat perhaps the last sentence, that would be kind, where we did not get it here.
17 Thank you for your patience.

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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- 1 (Redacted)
- 2 (Redacted)
- 3 MR VANDERPUYE: [13:07:15]
- 4 (Redacted)
- 5 (Redacted)
- 6 (Redacted)
- 7 (Redacted)
- 8 (Redacted)
- 9 (Redacted)
- 10 (Redacted)
- 11 (Redacted)
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13 (Redacted)

14 (Redacted)

15 (Redacted)

16 MS DIMITRI: [13:13:42] Since you're pausing, I'll -- I'm not sure where the 50
17 elements came in. It's in English, but it never -- it was never said in French.

18 PRESIDING JUDGE SCHMITT: [13:13:58] Yes. Well, but when it is nothing that
19 should be clarified with the witness, we have -- the witness is speaking French, so
20 there is some assumption that at least what is written down in French reflects what
21 the witness has said, and this can be aligned then with the English transcript later on.

22 Mr Vanderpuye, please continue.

23 MR VANDERPUYE: [13:14:28] Thank you, Mr President.

24 Q. [13:14:34] Just so that I'm (Redacted)

25 (Redacted)

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1 (Redacted)

2 A. [13:15:10] Yes, I was there. Yes, I was there.

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 THE INTERPRETER: [13:18:53] Request from the English both: Please could the

25 witness be asked to speak more slowly in his replies.

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1 MR VANDERPUYE: Wait a minute.

2 PRESIDING JUDGE SCHMITT: [13:19:06] Mr Witness, I'm asked by the interpreters
3 that you please speak a little bit slower. Thank you very much.

4 THE WITNESS: [13:19:31](Interpretation) Yes, thank you.

5 MR VANDERPUYE: [13:19:33]

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 Q. (Microphone not activated)

17 PRESIDING JUDGE SCHMITT: [13:21:15] Microphone, please.

18 MR VANDERPUYE: [13:21:17]

19 Q. [13:21:18] Andjilo wasn't from Bangui; am I right about that?

20 Il netaît pas. He was not from Bangui; isn't that right?

21 A. [13:21:35] Yes, he came from up country.

22 (Redacted)

23 A. [13:22:05] Mr Prosecutor, I think that the Anti-Balaka movement is a popular
24 revolutionary movement. When they were behind the hill they were supported by
25 everyone, by the population, who gave them information. And Andjilo, when he

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1 then went, he was led by people. Do you see what I mean? He didn't go down on
2 his own. There were other people, people who know the area, who knew the area,
3 who knew where the Seleka were. And so there were also other elements, other
4 leaders who were familiar with the area who were from Boy-Rabe, so also knew what
5 was the situation there. He was not the only leader who decided to follow this path.
6 He was with other leaders.

7 Q. [13:23:05] So it's right, then, that everyone worked together in coordination in
8 order to carry out that attack?

9 A. [13:23:24] Is that a question?

10 Q. [13:23:29] As much as that is an answer, yes.

11 A. [13:23:43] Yes. (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 A. [13:24:21] No, that's not how it was. That's now how it was. (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 Q. [13:25:34] Well, help me understand this. You have indicated that a number of
25 groups came from a number of places, (Redacted)

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1 And from what you're saying, it sounds to me like you're saying that they all just
2 happened to be there. And then, once they found each other there, they decided to
3 carry out an attack.

4 To be honest, that defies any logic. So if you could explain that, that would be
5 helpful.

6 MR KNOOPS: [13:26:36] Mr President, thank you. Thank you.

7 I'm in this court repeatedly reminded during my own examinations of witnesses that
8 we cannot argue with the witness, that the purpose of an examination is to retrieve
9 facts. And if the answer doesn't comport with the Prosecution theory, or Defence
10 theory, it's not up to us to enter into a discussion about logic, what is logic or not.
11 That's what, I'm told here several times, up to the Chamber. So I object to this line of
12 questioning. The witness has clearly answered repeatedly how the advance to
13 Bangui was determined. The Prosecution doesn't like his answer and tries indirectly
14 to open a discussion on logic.

15 Well, logic is something which is very subjective, Mr President, and I believe that's for
16 the Court to determine.

17 PRESIDING JUDGE SCHMITT: [13:27:37] I agree with you, so ...

18 And we have now the lunch break until 3 o'clock.

19 THE COURT USHER: [13:27:43] All rise.

20 (Recess taken at 1.27 p.m.)

21 (Upon resuming in private session at 3.02 p.m.)

22 THE COURT USHER: [15:02:17] All rise.

23 Please be seated.

24 PRESIDING JUDGE SCHMITT: [15:02:41] Good afternoon, everyone.

25 Good afternoon, Mr Witness.

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1 Mr Vanderpuye, you still have the floor.

2 MR VANDERPUYE: [15:02:49] Thank you, Mr President.

3 Q. [15:02:53] Good afternoon, Mr Witness. We're still in private session. (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 A. [15:04:02] As I said, (Redacted)

10 (Redacted) So there were many elements. To know the exact

11 numbers, I don't really know. That's why I'm saying, I think I've said already before,

12 I don't exactly know how many there were.

13 Q. [15:04:35] (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 Q. (Microphone not activated)

25 PRESIDING JUDGE SCHMITT: [15:06:38] Microphone, please.

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1 MR VANDERPUYE: [15:06:51]

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 A. [15:09:55] I don't know that one. There were so many people. I don't know

22 everybody and that person I don't know.

23 (Redacted)

24 A. [15:10:28] I don't know him.

25 Q. [15:10:43] All right. Would you have an explanation if I were to tell you that

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1 your phone information corresponds with his; in other words, that you were in
2 contact with him on several occasions?

3 (Redacted)

4 Q. [15:11:21] Yes. If you would have an explanation for that.

5 PRESIDING JUDGE SCHMITT: [15:11:28] Wait a second.

6 Ms Dimitri.

7 MS DIMITRI: [15:11:30] Mr President.

8 THE WITNESS: [15:11:35](Interpretation) I don't remember having contact with
9 him.

10 MS DIMITRI: [15:11:37] Unless I'm mistaken, I don't see this either in the summary
11 nor in the list of evidence that the Prosecution was going to ask questions about
12 (Redacted) So if there's a foundation to that
13 question, in terms of fairness, I'd like to have the information.

14 PRESIDING JUDGE SCHMITT: [15:11:57] Yes. First of all, it's always good to have
15 the foundation, but since we have now sometimes, you know there is a -- a surpassing
16 causality, so to speak. I don't know if this would be correct translated from my
17 German mind into English. So the witness has said he does not remember, so we
18 can continue.

19 MR VANDERPUYE: [15:12:18] Thank you, Mr President. I understand that, but I
20 just want to explain that I don't think it is required or necessary for the Prosecution to
21 telegraph its entire examination question for question to the Defence. The
22 foundation for this question is contained in material that has already been disclosed
23 to the Defence and they're perfectly aware of it and able to navigate the information
24 as easily as anybody else in this courtroom can on the basis of that information. So
25 that's the foundation of it.

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1 As you said, and I understood perfectly what you said, the question is asked and
2 answered and the issue is now a moot one. But I just wanted to be clear on what our
3 position is with respect to that because then otherwise it would -- it would require
4 effectively for us to transmit our examination plan to the Defence in advance so they
5 know what questions we're going to ask.

6 PRESIDING JUDGE SCHMITT: [15:13:16] Yeah, I think -- yeah, okay.

7 So I have now the difficulty whom to give the floor. Perhaps since Ms Dimitri spoke
8 last, perhaps Mr Knoops, we have not heard you on the matter.

9 MR KNOOPS: [15:13:30] Yes, Mr President, thank you very much. With all due
10 respect, CDR records are subject to, as we already have detected in this trial,
11 interpretation and attribution of numbers. As long as numbers are not forensically
12 attributed to a certain individual, the Prosecution cannot just state: There is
13 evidence that your number has been connected to another person. Unless that's been
14 established in this trial, which it's not.

15 So the question of the Prosecutor presupposes the existence of forensic evidence that,
16 first, that individual has a telephone number. Secondly, that the number the
17 Prosecution has in mind is indeed attributed to that individual. As long as this is not
18 established, there's no foundation for this question. It can be misleading. The
19 Court cannot verify, we cannot verify, we cannot verify in 17,000 CDR documents
20 which are in the docket of the court. So unless the Prosecutor would have submitted
21 this material in its list of materials before the hearing, that would be a fair -- and that's
22 what we have done as Defence, that we have included CDR materials if questions
23 arise on this point.

24 PRESIDING JUDGE SCHMITT: [15:14:58] So I think we don't further discuss this. I
25 have two things to say spontaneously.

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1 First of all, we cannot and insofar, but only insofar I agree with the Prosecution, we
2 do not need a, so to speak, a foundation for every question. And of course the
3 Prosecution as well as the Defence, vice versa, ought not to transmit all the questions
4 and the line of questioning to the other party. However, I agree with Mr Knoops
5 and also with Ms Dimitri that in the case when it comes to something so technically as
6 CDRs - also, we could not follow at the moment - it would be better -- it would be
7 better, and we leave it at that, if it was in the list of evidence and could be perhaps
8 shown to the witness: You see, is this your number? Yes. So it appears that you
9 had contact with person A, B, C.

10 So we leave it at that. We have the answer, so please continue with the examination,
11 otherwise we lose too much time.

12 MR VANDERPUYE: [15:16:02] Thank you, Mr President. As long as we're on the
13 topic, let me go quickly then to tab 29. This should not be broadcast. I think it's a
14 document that the Chamber has just recently seen. It is OTP -- CAR-OTP-2093-1559.
15 I may come back to it later, but at this moment I just want to go to page ending 1561.

16 Ah, we have two different numbers for it maybe. Check this one then:

17 CAR-OTP-2100-2602 and then we'll have to go to the 2604.

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 A. [15:18:47] Yes, that is it.

22 Q. [15:18:55] The second thing is, do you recognise your telephone number?

23 A. [15:19:09] (Redacted) yes, yes, that is my old telephone number.

24 Q. [15:19:21] Let me go back to my previous line of enquiry.

25 With respect to Andjilo's group, you mentioned that he wasn't a military commander.

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1 To your knowledge, was he educated? Was he an educated man?

2 A. [15:19:52] He didn't have any military education. That I'm sure of.

3 Q. [15:20:08] And did he speak French?

4 A. [15:20:16] He didn't talk -- he didn't talk French. He couldn't really read and
5 write.

6 Q. [15:20:23] Did he speak Sango?

7 A. [15:20:34] Yes, he spoke Sango.

8 Q. [15:20:36] Did he speak Gbaya?

9 A. [15:20:45] Yes, that was his group. He spoke Gbaya.

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 Q. [15:23:59] (Redacted)

7 A. [15:24:18] *Well, you know, Andjilo had some influence, had some influence in
8 Anti-Balaka circles. (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 A. [15:26:11] I can't remember it anymore.

21 Q. [15:26:20] Do you see the document that I showed you a minute ago still sitting
22 up on the screen there? Can you see it?

23 A. [15:26:49] Yes, I can see it, but I -- I don't know that particular number that's on
24 the sheet.

25 Q. [15:27:04] You can confirm that Andjilo's name is Rodrigue Ngaibona?

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1 A. [15:27:21] Yes, that's correct.

2 Q. [15:27:22] Can you confirm that his brother's name is Dieudonné Ngaibona?

3 A. [15:27:39] Yes, that's correct.

4 Q. [15:27:45] Was Dieudonné Ngaibona part of Andjilo's group?

5 A. [15:28:01] Yes, he was part of that group of Andjilo.

6 (Redacted)

7 (Redacted)

8 A. [15:28:26] He was also a fighter.

9 Q. [15:28:32] Did he take part also with Andjilo's group in the 5 December attack?

10 A. [15:28:46] In the 5 December he was ill, so he didn't join. He stayed behind on
11 the hill.

12 Q. [15:28:53] Okay. I think that's all I'm going to ask you specifically about that
13 group. I just have one more question, I'm sorry.

14 No, no, it's okay. We can go to -- we can go to open session, Mr President, if -- if --

15 PRESIDING JUDGE SCHMITT: [15:29:12] Open session.

16 (Open session at 3.29 p.m.)

17 THE COURT OFFICER: [15:29:29] We are in open session, Mr President.

18 MR VANDERPUYE: [15:29:34] Thank you.

19 Q. [15:29:35] I had asked you some questions about the various groups that took
20 part in the 5 December attack and you had indicated three groups that took part from
21 behind -- coming from behind the hill along three different axes.

22 Now, the group I was just asking you about is a group that you said proceeded in the
23 direction of the National Assembly, but across from a facility there.

24 You also mentioned a group going to Kassai, Camp Kassai. Who was in charge of
25 that group?

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1 A. [15:30:42] Which one?

2 Q. [15:30:45] The group that proceeded to attack Camp Kassai.

3 A. [15:31:09] I told you that there were several leaders called ComZones on the hill.

4 On 5 December we used three throngs. One group went towards Camp Kassai, and

5 if I'm not mistaken, there were three or four -- three or five leaders who went on the

6 other side. And then there was a group that went towards the 4th arrondissement

7 all the way to *lycée Boganda*, which is opposite Ledger. Then there was another

8 group which came down from the mountain and went towards the gendarmerie at

9 PK12.

10 I told you a short while ago that Lieutenant Konate was the one who was with the

11 zone commanders who went towards Camp Kassai. You may want to know that at

12 that time on 5 December it wasn't a matter of elements following their leaders as such.

13 The various directions were laid out and anybody could go in any of these directions.

14 Some went towards PK12, some towards Camp Kassai, and some went in the other

15 directions, as long as there were Anti-Balakas going down.

16 Q. [15:32:43] Okay. And who led the Boeing group, the group by the airport and
17 in Boeing?

18 A. [15:33:03] At Boeing, the leader whom I know was Wenezoui Sebastien, but

19 there was also Tchungu (phon), whose other name I forget. And then there was also

20 Captain Ngremangou. Sylvestre Yagouzou, that's the other name. But that was

21 before. And then after, some other leaders came from the province, Nganabeam

22 Bertin, Bama Clement towards Boeing. And then you would see that Modibo was

23 also in that area. And then there are others whose names I have forgotten.

24 Q. [15:34:02] You've forgotten the names of the others. Well, maybe I can help
25 you.

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1 If we could take a look at tab 30 of your statement from January 2017. And we'll
2 have to go to paragraph 54 of that statement.

3 The ERN of the document is CAR-OTP-2102-0131. And the paragraph that I'm
4 referring to -- or the page that I'm referring to is 0142.

5 In that paragraph you say that the attack -- Camp Kassai attack was led by Konate,
6 the Boy-Rabe attack was led by Andjilo, the PK12 attack was led by Kembi, aka Kems,
7 and the Boeing group was led by Rombhot and Captain Ngremangou.

8 So my question again are the same two: Do you remember having said that and is it
9 correct?

10 A. [15:35:49] I think there was a distortion. I talked about the Anti-Balaka who
11 were around Boeing and that's when I mentioned Captain Ngremangou and
12 Yagouzou Sylvestre, Sebastien Wenezoui, and also Yekatom Rombhot. Those were
13 in the Boeing area.

14 But for Boy-Rabe, I mentioned some names too, but I did not say that the Boeing
15 attack was coordinated by Yekatom Rombhot because the attacks did not occur at the
16 same time. Those of us coming from the north, we attacked on the 5th. And for
17 them, from their angle, they attacked around the 6th or the 7th. And at that time we
18 did not have any contact with them. It is only later on that we went there and met
19 up with them. And the chiefs or leaders whom we met were Captain Ngremangou,
20 Wenezoui, and Yagouzou Sylvestre. Those are the people whom we met. And this
21 is what I said. I remember that this is what I said. I did not say that it's that other
22 one who commanded -- that is Rombhot who commanded the operations in Boeing.
23 I wasn't there, by the way, and I couldn't know who was. But I know that they were
24 the leaders of the Anti-Balaka in that area and that is why I mentioned their names.

25 Q. [15:37:31] Okay. So you don't know then if they were in contact with the

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1 leaders of the groups that attacked since you weren't a leader and you didn't
2 participate in the discussions among the leaders behind the hill in terms of the
3 decisions that were made. Is that fair?

4 A. [15:38:01] No, no, that's not how it is. I said that -- at the time of the decision to
5 go down on Bangui on 5 December was taken, I was present. And I have explained
6 that to you already.

7 We were told that -- well, maybe those are the ones who arrived lately in Boeing,
8 those are the ones who were being talked about. We were told that some
9 Anti-Balaka had left some areas and were coming to join us, but we waited and then
10 we got to understand that the population had understood that we were behind the
11 hill. So the leaders who were present decided, if I'm not mistaken, on the 2nd, on the
12 2nd to proceed with the attack of the 5th. I was there.

13 Now when it comes to the Anti-Balaka of Boeing, I think that I was part of the
14 Boy-Rabe group that linked up with the group in Boeing. And if I'm not mistaken,
15 there were three of us. Our spokesperson, Namsio Emotion, and myself and one
16 element, a soldier who is now deceased. He is the one who took us to link up with
17 the people in Boeing and that was the first time that I had contact with them. So this
18 happened probably around 12 January 2014. That is when we were able to contact
19 them, whereas they attacked around 6 or 7 December. I think that that's what I said.

20 Q. [15:39:55] Okay, that's fine. Do you know if Maxime Mokom was in contact
21 with the Boeing group the same way that he was in contact with Dedane? If you
22 don't know, you (Overlapping speakers)

23 A. [15:40:19] I don't know anything about that. If he was in contact with the
24 Boeing team, I don't know. What I know is that he was in contact with Dedane, with
25 Dedane.

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1 Q. [15:40:40] Do you know or are you aware of any other attacks that took place on
2 5 December outside of Bangui by the Anti-Balaka?

3 A. [15:41:04] On 5 December? No, there was no other attack on 5 December.
4 Maybe after, but not on the 5th. There was only one attack on 5 December, the
5 attack on Bangui. There was no other attack.

6 Q. [15:41:30] So you never heard about an attack on Bossangoa on 5 December 2013;
7 is that right?

8 A. [15:41:51] No, I am not aware of an attack on Bossangoa. No.

9 Q. [15:41:59] Now, you're not aware -- well, you are aware, rather, that the
10 5 December attack on Bangui was not successful. What did the elements do --

11 A. [15:42:32] Yes, that is correct.

12 Q. [15:42:37] So what did the elements do in light of that? Where did they go?

13 A. [15:43:00] After the failed attack of 5 December, all the Anti-Balaka returned to
14 the hill. They went to the hill. Thereafter, those who were in Bangui began to go
15 down to their various localities. Those who were from the 4th arrondissement went
16 back to the 4th arrondissement. Those who were from the 8th arrondissement, went
17 back to the 8th arrondissement. And those who lived in the 7th arrondissement
18 went back to the 7th arrondissement. These are neighbourhoods that are located
19 around the Gbazabangui hill. So they progressively went back down.
20 Now after that, the chain of command changed because once an individual got back
21 to their neighbourhood, they would become the zone commander or area commander
22 for their neighbourhood and any youth who went back to their neighbourhood would
23 become a neighbourhood commander.

24 So those were the changes that happened in the chain of command as people become
25 commanders within their various neighbourhoods. And that's how the Anti-Balaka

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1 went back to their neighbourhoods and were defending their neighbourhoods.

2 Those who came from the province and did not know the city were bound to obey or
3 to follow those who were in Bangui in order to live along with them. On that
4 5 December, we lost a lot of people, many people were killed, many people died, so
5 the combatants were a bit frustrated and they tried to hide while others disarmed and
6 went to displaced person's locations.

7 This is what I can say happened after the 5th.

8 Q. [15:45:07] Okay. And in terms of what you know about the attack that you
9 referred to on the 6th and 7th by the Boeing elements, what do you know about what
10 they did?

11 A. [15:45:37] Well, they attacked, but when they got to Boeing, they were not able
12 to progress. They attacked from Boeing to Boulata, which is about 800 metres, and
13 they were stopped there by the Seleka elements who were in the area. So they
14 retreated back to Boeing. So they left from Boeing to Boulata. Some 800 metres
15 they were stopped. And that's what happened. This was after the 5th. And this is
16 what I experienced myself.

17 Q. [15:46:18] Do you know where Cattin is?

18 A. [15:46:31] Yes, I do.

19 Q. [15:46:32] Do you know where Fatima is?

20 A. [15:46:39] I do.

21 Q. [15:46:44] I take it you know where PK5 is?

22 A. [15:46:54] Yes, I do.

23 Q. [15:46:57] And do you know where Projet is?

24 A. [15:47:08] Please repeat.

25 No, I'm not aware of a neighbourhood called Projet.

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1 Q. [15:47:31] What about just a locality?

2 A. [15:47:41] In which arrondissement would that be?

3 Q. [15:47:46] It should be by the airport.

4 A. [15:48:01] I don't know.

5 Q. [15:48:04] All right. I want to show you a video that I think you saw

6 previously during the course of your interview in 2017. I'd like you to take a look at

7 it and then I want to ask you some questions about the locations and people and

8 things you see in it.

9 So we'll start with the video which I have as CAR-OTP-2012-0523. The time that I'd

10 like to play is from 08:50 through 09:45. The transcript reference should be at

11 CAR-OTP-2118-5547, pages 7 through 8, lines 222 through 263. I just want you to

12 take a look at it and I'll ask you some questions.

13 (Viewing of the video excerpt)

14 THE INTERPRETER: [15:49:21](Interpretation of the video excerpt)

15 "Yes, we want a new president. We want a new president because this one is not

16 able to lead the country.

17 A few -- some 10 kilometres to the north in the bush, the Christians have basically

18 formed self-defence groups known as the Anti-Balaka.

19 About 15,000 of them.

20 One of their leaders is a former corporal of the regular army, Alfred Rombhot.

21 We are here to liberate the people, the revolution, the *forces armées centrafricaines* is for

22 the people.

23 They have been in the bush for about seven months, since the Seleka captured Bangui

24 and occupied all barracks, their goal is to get rid of President Djotodia.

25 The Seleka are foreigners, they are Chadians and Sudanese, in our camp there are no

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1 such Muslim, there's no Moussa, there's no Adam. So what we want to do is that we
2 don't want to see any Seleka in our territory."

3 MR VANDERPUYE: [15:50:34]

4 Q. [15:50:34] All right. I have a few questions for you.

5 The first is: Did you recognise the area that was shown where the road, where the
6 dirt road was depicted?

7 A. [15:50:56] I did not exactly recognise the location, but it must have been towards
8 the south neighbourhood of Bangui. It looks as if the PK9 bridge is in that area, but
9 I'm not familiar with that area.

10 Q. [15:51:24] Did you recognise -- other than Mr Yekatom, which I think everyone
11 recognised, did you recognise anybody else in the footage that I've shown you? For
12 instance, did you recognise Habib Beina?

13 A. [15:51:49] I know Habib Beina, but on this video, I was only able to see Rambo.
14 I was not able to recognise Habib. The others I don't know. I was --

15 Q. (Overlapping speakers)

16 A. -- only able to recognise Rambo.

17 PRESIDING JUDGE SCHMITT: [15:52:06] Microphone and please slow down.

18 Thank you.

19 MR VANDERPUYE: [15:52:09] Thank you, Mr President.

20 Q. [15:52:15] Let me take you to 09:06 and we can just hold it -- pause it there, I
21 think.

22 All right. We need control of the ...

23 All right, if you could take a look here, are you able to -- first of all, are you able to see
24 this on your screen?

25 A. [15:53:18] It's not clear. It's not clear. I can't see it clearly.

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1 Q. [15:53:23] (Overlapping speakers) just play it just a little bit and then we can
2 stop it again.

3 (Viewing of the video excerpt)

4 MR VANDERPUYE:

5 Q. [15:53:36] Were you able to see more clearly the group that I showed you at
6 09:06? If not, don't worry about it. It's not a big deal.

7 All right. We'll go to a different clip.

8 PRESIDING JUDGE SCHMITT: [15:54:13] I think the witness has answered the
9 question that he did not recognise another person, so perhaps we continue.

10 MR VANDERPUYE: [15:54:19] Yes. We'll go to the next clip. It's the same ERN
11 number, I believe, but it's a different timing of 00:10:09 through 00:10:45. Transcript
12 reference is CAR-OTP-2118-5447, page 8, lines 273 through 301.

13 (Viewing of the video excerpt)

14 THE INTERPRETER: [15:54:56](Interpretation of the video excerpt)

15 "When we arrived the base, Rambo commands a small army of 1,500. A few soldiers
16 with Kalashnikovs, many civilians with sticks and a few people --

17 This is our country, this is not the country of a Muslim, this is not the country of a
18 Muslim. It is a country of Central Africans.

19 We want them to leave.

20 Leave our country.

21 We want them to leave our country."

22 MR VANDERPUYE: [15:55:38]

23 Q. [15:55:39] Did you recognise -- wait a minute.

24 A. [15:55:51] I do not know anyone on --

25 Q. (Overlapping speakers)

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1 A. [15:55:52] -- those images. I don't recognise anyone on those images.

2 No, I don't know the location. I am not able to recognise anything. I do not
3 recognise anyone in this video and I do not recognise the location where the video
4 was shot.

5 Q. [15:56:18] What about what you saw, which is a number of people shouting and
6 saying that the Muslims need to leave the country and this is not the country of
7 Muslims. Did you hear that in your time and experience in the Anti-Balaka?

8 A. [15:56:41] Yes, I heard that and I saw it. And I have just heard it. But those
9 people are not the Anti-Balaka whom I knew. If these are the Anti-Balaka who were
10 involved in fighting, maybe I would have recognised some of them. These appear to
11 be --

12 Q. (Overlapping speakers)

13 A. [15:57:03] -- these appear to be civilian -- people from the civilian population.
14 Yes, I -- I have told you that if they are Anti-Balaka, I would be able to recognise them.
15 But these are young civilians.

16 Q. [15:57:24] Mr Witness, how many Anti-Balaka do you think there were in 2013
17 and 2014? Just a rough number.

18 A. [15:57:53] Mr President, I think that I cannot provide a figure like that. I am
19 speaking under oath and I should be able to give an exact number, but the
20 Anti-Balaka were everywhere. In -- before, there was a limited number of
21 Anti-Balaka, but from 2014 to 2015 the Anti-Balaka continued to increase and to
22 appear where -- in those areas where Seleka were committing abuses.

23 In the beginning, there were not too many Anti-Balaka, from 2012, 2013, even up to
24 2015. But in some areas later on, some Anti-Balaka came to life because as the
25 Selekas were committing abuses here and there, the Anti-Balaka groups were being

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1 birthed as well. So I know the areas where the Anti-Balaka were recognised by our
2 coordination because we made an attempt to count those whom we knew. But in
3 other areas things happened within the population and we had no control over them.
4 Neither did I nor did the coordination. But if you asked me, I would be able to tell
5 you which -- in which locations the early Anti-Balaka were located. But then after
6 2014, after the Brazzaville forum, a number of new self-defence groups were born and
7 were referred to ordinarily as the Anti-Balaka as well.

8 Q. [15:59:46] I think you heard the reporter say that Mr Yekatom commanded 1500
9 Anti-Balaka.

10 Do you mean to suggest that you would know the faces of all of those people, when
11 you say these are not Anti-Balaka, in this clip?

12 A. [16:00:28] I am not sure. But it is true that Yekatom had a mixture of
13 Anti-Balaka civilians and soldiers. But for that figure, 1,500, I don't know. I don't
14 think so. You see, when we signed the disarmament agreement, we put together
15 lists of Anti-Balaka for the purpose of disarmament, but I don't think that his list was
16 up to 1,500. Maybe more like 600 or thereabouts, but not 1,500.

17 Q. [16:01:06](Overlapping speakers) this is from 00:35:22 to 00:35:49. And the
18 transcript reference is CAR-OTP-2118-5547, page 25, lines 875 through 893.

19 Have a look at this one and I'll ask you some questions. (Viewing of the video
20 excerpt)

21 THE INTERPRETER: [16:01:40](Interpretation of the video excerpt)

22 "Now that the Seleka are partially disarmed, it is time for revenge.

23 A small clique of combatants gathers on the outskirts of the village, for the last
24 instructions before the offensive."

25 MR VANDERPUYE: [16:02:13]

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1 Q. [16:02:13] My first question is, do you recognise or did you recognise the man in
2 the tan jacket? And that's at -- I have 35:29, 00:35:29. Did you recognise the man in
3 the tan jacket?

4 A. [16:02:44] I do recognise one of them, but not the other. I know the one in a
5 black T-shirt, but the other I don't know because the image is not very clear.

6 Q. [16:03:02] I see. You don't see the picture very well?

7 A. [16:03:15] Yes, it's very difficult for me to see.

8 Q. [16:03:18] All right. Well, I don't think it's contested that the person in the
9 black T-shirt is Mr Yekatom. But I'm asking about the person in the -- in the beige or
10 tan jacket. Maybe we can play it just a little bit before so you can see it
11 (Overlapping speakers).

12 (Viewing of the video excerpt)

13 THE INTERPRETER: [16:03:50](Interpretation of the video excerpt)

14 "Now the Seleka are partially disarmed, our revenge has come. There's a small
15 group that has come just before the village, final instructions before the offensive."

16 MR VANDERPUYE: [16:04:20]

17 Q. [16:04:21] No luck, you weren't able to see that?

18 A. [16:04:30] Yes, I saw that, but I don't know that person. I don't know him.
19 Only Yekatom. And I've answered that already.

20 Q. [16:04:40] Okay. Do you recognise the area where the people were gathered,
21 where the men were lined up in formation?

22 A. [16:04:59] I'm not exactly sure, but Yekatom is in the south part of Bangui,
23 probably through --

24 THE INTERPRETER: [16:05:15] The interpreter didn't get the area. It probably was
25 at El Sica (phon), but I haven't been able to completely identify the location.

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1 Q. [16:05:30] All right. I believe you did identify this in your prior statement, but
2 it doesn't matter at this point.

3 Let me play you another clip, 00:38:24 to 00:39:10. Transcript reference is
4 CAR-OTP-2118-5547, page 28, lines 978 through 994.

5 (Viewing of the video excerpt)

6 THE INTERPRETER: [16:06:02](Interpretation of the video excerpt)

7 "In the early morning, the situation is blocked in Bangui. The marabout of the group
8 arrives. It's he who makes the *gris-gris* for the fighters so that they become invincible.

9 In order to prove his powers, a small demonstration, the balls of a pistol are
10 neutralised by his magic.

11 The importance is to believe, and to prove that pain has no effect on him, he swallows
12 a razor blade.

13 This is bulletproof. Look, he swallowed everything. He swallowed everything,
14 and there is no wound."

15 MR VANDERPUYE: [16:07:11]

16 Q. [16:07:11] The individual with the turban, the headgear, did you recognise that
17 person?

18 A. [16:07:28] Yes, I think I know him. Th.

19 Q. [16:07:33] Okay, who is it?

20 A. [16:07:33] It's Gilbert. That is the marabout Modibo, he was in -- in the
21 surroundings of Boeing.

22 Q. [16:07:58] Do you know his proper name?

23 A. [16:08:02] No, I don't know his real name, but everybody called him Modibo.

24 But I -- his -- his first name might have been Moribo (phon), or something like that, if
25 I'm not mistaken.

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1 Q. [16:08:22] Nganafio, does that ring a bell?

2 A. [16:08:34] Nganafio, that might be his name. Nganafio Honore.

3 Q. [16:08:43] Did you recognise the person in the multicoloured hat who later said
4 "essayer l'anti-balle"?

5 A. [16:09:02] I don't know him. I only recognise the marabout Nganafio. That's
6 the only person that I recognise on this footage.

7 Q. [16:09:17] Let me ask a different way. Have you ever met someone by the
8 name of Sylvestre Yagouzou?

9 A. [16:09:33] He was part of the leaders who went towards Boeing after
10 5 December. I've already told you that. He is passed away. He was with us in
11 Brazzaville and after that he passed away. He was part of the coordination group as
12 well.

13 Q. [16:09:56](Overlapping speakers) Let's take a quick look at 39:06 of this video.

14 PRESIDING JUDGE SCHMITT: [16:10:00] Okay.

15 (Viewing of the video excerpt)

16 MR VANDERPUYE: [16:10:38] 06. That's good. That's good.

17 Q. [16:10:45] Can you see that?

18 A. [16:10:52] I can see that.

19 Q. [16:10:54] Other than Modibo, do you recognise anyone there?

20 A. [16:10:55] (Overlapping speakers)

21 Q. [16:10:56] You don't. Okay. Okay.

22 A. [16:10:59] I don't recognise him.

23 Q. [16:11:09] Let me show you another clip. This is 00:43:05 to 00:43:43. Same
24 transcript ERN, page 31 through 32, lines 1072 to 1110.

25 (Viewing of the video excerpt)

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1 THE INTERPRETER: [16:11:43](Interpretation of the video excerpt)

2 "The (unclear), well that's going out. The minister of the French republic replies:

3 We are very active in what I call the disarmament, which is impartial. That's to say

4 the ex-Seleka and the ex-anti-Balaka will lay down their arms and that they be

5 protected once the weapons have been laid down and there will be no revenge or

6 retaliation from either other group. Because this is against the population regardless

7 of their faith."

8 MR VANDERPUYE: [16:12:27]

9 Q. [16:12:28] What I'd like to ask you -- well, wait a minute: What I would like to
10 ask you regarding that clip is if you heard discussion about disarming the

11 Anti-Balaka already, as you can see here indicated, in December 2013? This video, I
12 think the clip I showed you indicated a date of 19 December 2013. Did you hear talk
13 about disarming the Anti-Balaka shortly after that or in that context?

14 A. [16:13:12] Not only heard about it, but I experienced it. Because it was then
15 where the Sangaris, the elements of the Sangaris arrived and they started to disarm
16 individuals, Seleka and Anti-Balaka, so that's something I experienced. And at that
17 moment, the situation became more serious because they have -- were areas which the
18 Christians couldn't cross and also areas where the Muslims couldn't cross. So they
19 impose limits which meant that the population were -- had difficulties and were
20 killed. If the Anti-Balaka arrived, the Christians arrived in the Seleka area, or vice
21 versa, so it was very conflictual as a the situation. This is what happened when the
22 Sangaris started to disarm both groups. So if the Sangaris arrived and they found
23 Seleka elements, they disarmed them. After that, the population would attack that
24 person. If it was in a Muslim area, if they were disarmed, then -- then the
25 Anti-Balaka would throw themselves upon that person. So the situation became

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1 very -- became very conflictual.

2 Q. [16:14:42] Let me show you another video clip. This one is 00:43:45 to 00:43:52.

3 Transcript reference is CAR-OTP-2118-5447 (sic), pages 32 through 36, lines 1139
4 through 1256.

5 (Viewing of the video excerpt)

6 THE INTERPRETER: [16:15:06](Interpretation of the video excerpt) "This was
7 contradicted by the reality on the ground. Corporal Rambo is now installed at the
8 gates of Bangui in an abandoned school, and he is united with his 1,500 men.

9 During the mass, the pastor started a very bellicose sermon.

10 God is for whom?

11 God is for the army.

12 That's why God has called upon you together this morning, we are going to get
13 together and win back Central African Republic.

14 After the combats, they continued to train. They are better armed with some
15 machine guns.

16 Look at this face, this is a lieutenant for *caporal* Rhombot.

17 In the day, the -- the French remembered him as the lieutenant of Corporal Rambo.

18 Which our cameras came close, there was ill ease and the conversation stopped.

19 Captain wants to have discussions with their men, he had to tread very gently.

20 Everybody must be disarmed, both the Seleka as well as the former FACA and the
21 Anti-Balaka.

22 Everybody has to be disarmed. Today we can't disarm them, but that is what we
23 want to do.

24 And this -- those who are billeted here will stay here.

25 This is without any problems?

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1 No problems.

2 See you soon.

3 The combatants are not being discussed. The French without taking any arms, our
4 spokesman claims that he had assurances from the French army.

5 At the end of the discussion, he said 'calm down.' And when we see something free,
6 we can move forward. That's what we said. He's even given me his two telephone
7 numbers.

8 The next day a new visit from the French army on the base of caporal Rhombot, but
9 this time there was no question of allowing us to film them.

10 Please, can we avoid that?

11 The 13th regiment of parachutes dragon is a special force responsible for collecting
12 information. The Christians rely on the French army to neutralise the Seleka,
13 everybody seems to have settled their score.

14 The Christian neighbourhood of Cattin, northwest of Bangui, a patrol of the French
15 army is doing the rounds in the sector.

16 A priori according to the information from the population, about 200 metres in that
17 particular directions, there is a rebel group who's terrorised the population during the
18 night and which is heavily armed.

19 Here is the man who alerted the French army.

20 Are you working with the French army?

21 We are showing them the homes of the Seleka.

22 In reality, it is an informant, but he doesn't live in -- he's not a resident of the area.

23 This is a man of caporal Rhombot, who we met on the base."

24 PRESIDING JUDGE SCHMITT: [16:19:21] Thank you very much for the interpreters,
25 because this is very quick speaking, as I understand it, and to follow that is really not

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1 easy. Thank you, Madam.

2 Mr Vanderpuye.

3 MR VANDERPUYE: [16:19:36] Thank you very much, Mr President. And thank
4 you to the interpreters as well.

5 Q. [16:19:40] I have a few questions for you concerning this clip.

6 First of all, did you recognise the area? The school where the men were assembled
7 under -- under Mr Yekatom's group?

8 A. [16:20:02] Yes, I recognised it. But it seems to be two localities, because one is
9 in Boeing, in Kette Goussa, if I'm not -- in -- it is where the school is. Boeing Kette
10 Goussa, if I'm not mistaken.

11 Q. [16:20:35] And did you recognise Captain Ngremangou in that video footage?

12 A. [16:21:02] Yes, I did recognise him.

13 Q. [16:21:04] Do you know someone, or did you hear of some -- well, no, let me ask,
14 did you know someone who went by the name Coeur de Lion in Yekatom's group?

15 A. [16:21:31] Personally, I don't know him.

16 Q. [16:21:34] Okay. So I take it then you would not recognise him.

17 Let me ask a different question. The types of weapons that you saw in this footage,
18 did you see that type of weapon or those types of weapons in the hands of
19 Anti-Balaka behind the hill, during the course of the Bangui attack, or thereafter?

20 A. [16:22:07] No, it was after, because behind the hill we didn't see this. But it is
21 afterwards I remember that some elements found these weapons. Maybe it was 12.7.
22 It didn't work behind the hill. But some leaders did have Kalashnikovs. I don't
23 know the names exactly, but they did have Kalashnikovs. But usually there were
24 many homemade or artisanal weapons as well.

25 Q. [16:22:54] Okay. I want to ask you a question about your meeting -- we're in

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1 open session, I think we have to go to private session, Mr President.

2 PRESIDING JUDGE SCHMITT: [16:23:06] Private session.

3 (Private session at 4.23 p.m.)

4 THE COURT OFFICER: [16:23:18] We are in private session, Mr President.

5 MR VANDERPUYE: [16:23:24]

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 Q. [16:26:21] Okay. I want to show you a document before we close for the day --

4 We close for the day at 4:30, right, Mr President?

5 PRESIDING JUDGE SCHMITT: [16:26:28] Indeed.

6 MR VANDERPUYE: [16:26:31] Okay.

7 Q. [16:26:31] So let me just show this document, and then -- and then I think

8 we'll -- we'll fold for the day.

9 It is CAR-OTP-2030-0280.

10 PRESIDING JUDGE SCHMITT: [16:26:52] At tab?

11 MR VANDERPUYE: [16:26:53] Oh, I'm sorry. It's tab 14.

12 PRESIDING JUDGE SCHMITT: [16:27:13] It's already on the screen.

13 MR VANDERPUYE: [16:27:15] Okay. Thank you, Mr President.

14 Q. [16:27:19] If we could maybe zoom out a little bit so the witness can get a sense

15 of what we're looking at, and go down the page so that he can see.

16 I want to ask you, first of all, if you've seen this document before?

17 A. [16:27:52] Can you enlarge it a bit because I can't read it.

18 Yes, that is the coordination.

19 Q. [16:28:15] If we could just go to the top of the document, I'd like to ask a

20 question about that. All the way to the top.

21 Now, I'm certain that you recognise some names here. (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 So my first question again is have you seen this document before?

5 A. [16:29:16] Yes. Can you hear me?

6 Q. Yes.

7 PRESIDING JUDGE SCHMITT: [16:29:21] Yes, perfectly well, Mr Witness. Please

8 continue.

9 THE WITNESS: [16:29:30](Interpretation) No, I have not seen this document. (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 MR VANDERPUYE: [16:30:05]

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 PRESIDING JUDGE SCHMITT: [16:30:26] We have to zoom down this for the

20 witness, because it's on the lower part of this document.

21 MR VANDERPUYE: [16:30:33] Yes. Yes. Thank you, Mr President.

22 PRESIDING JUDGE SCHMITT: [16:30:35] So a little bit more, please.

23 MR VANDERPUYE: [16:30:37] Keep going.

24 PRESIDING JUDGE SCHMITT: [16:30:38] Now -- yeah, exactly. Keep going.

25 (Redacted). I think -- yeah, now we have it. Thank you.

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1 THE WITNESS: [16:30:56](Interpretation) I have a document, but this is the first
2 time that I see this. It's the first time that I see this, this document that was produced
3 in parallel to the general coordination of the Anti-Balaka.

4 PRESIDING JUDGE SCHMITT: [16:31:14] Yes, Mr Witness, we have understood
5 that. But nevertheless, (Redacted)

6 (Redacted), do they seem to be correct to you, to your knowledge?

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 MR VANDERPUYE: [16:32:19]

14 Q. [16:32:19] Okay. We'll -- we'll come to that.

15 And I'd like to tackle the structure of the -- of the coordination, if I can tomorrow, if
16 that's okay with the Chamber.

17 PRESIDING JUDGE SCHMITT: [16:32:25] If you want to be alone here tomorrow,
18 then yes.

19 MR VANDERPUYE: [16:32:29] Thursday. Thursday. Thank you, Mr President.

20 PRESIDING JUDGE SCHMITT: [16:32:32] So on Thursday, yes we -- we -- yeah, of
21 course this -- you know, we are keeping track how long you have questioned
22 and -- but nevertheless, we also know, of course, how long the Defence has made
23 their -- how long they have made their estimation. So it would appear that it would
24 be good if you could come to an end after the first session on -- on Thursday.

25 MR VANDERPUYE: [16:33:10] I will review the -- sorry, I keep forgetting. Excuse

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1 me. I'll review the transcript tonight and I'll try to revise my -- the rest of my
2 examination, to cut it down. As I -- as I indicated at the beginning, that I thought
3 that given the circumstances it may be -- have an impact on the length of any
4 examination. I don't know how much I've used right now, but I think I must be
5 pretty close to the eight hours that I had foreseen.

6 PRESIDING JUDGE SCHMITT: [16:33:46] I think you are at something
7 (Overlapping speakers)

8 MR VANDERPUYE: Am I -- am I (Overlapping speakers)

9 PRESIDING JUDGE SCHMITT: [16:33:42] Seven, seven hour 15 something. Oh,
10 only 7:04, I'm informed. I should not have said that. I should not have heard that.

11 MR VANDERPUYE: (Overlapping speakers)

12 PRESIDING JUDGE SCHMITT: So, no, 7:04, but this is, of course, there is the
13 deduction of -- of the problems at the beginning. It's -- we don't, also with Defence,
14 with no party, we look at 10, 15 minutes, or let's say even half an hour, but -- but this
15 should -- should really do. Yeah.

16 MR VANDERPUYE: [16:34:10] Yes, I'll try to cut it down in the meantime.

17 PRESIDING JUDGE SCHMITT: Okay. Fine.

18 MR VANDERPUYE: [16:34:09] Thank you, Mr President.

19 PRESIDING JUDGE SCHMITT: [16:34:18] Mr Knoops first.

20 MR KNOOPS: [16:34:20] Well, Mr President, I -- I have before we break one
21 important observation for the transcript. I waited till this moment. It's -- I think for
22 this -- this issue was asked in private session. It relates to transcript page 70 of the
23 English real-time transcript, line 21. And the answer the witness gave there was,
24 now it seems that it's a confirmation, but the witness replied to the Prosecution with a
25 question. I can -- I can --

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1 PRESIDING JUDGE SCHMITT: [16:34:55] Actually, I can -- you bear with me, I
2 cannot follow now, of course. So how do we solve that?

3 MR KNOOPS: [16:35:02] Then we should go in private session. Because this issue
4 was dealt --

5 PRESIDING JUDGE SCHMITT: [16:35:04] No, I think -- I think we are in private
6 session.

7 MR KNOOPS: [16:35:07] Okay. We are.

8 Now, in the transcript page 70, the English real-time transcript, you find on line 21
9 that the witness replied to the Prosecution, when he was confronted with the
10 statement of the Prosecution (Redacted)

11 (Redacted)

12 (Redacted)

13 The transcript reflects now, and that's I think why we should address it now to avoid
14 confusion and debate, now the transcript reflects that the witness confirms. You
15 understand what I mean?

16 PRESIDING JUDGE SCHMITT: [16:35:56] No --

17 MR KNOOPS: [16:35:56] So that that is the point, and otherwise we get a confusion
18 on this issue later.

19 PRESIDING JUDGE SCHMITT: [16:36:02] Absolutely. I fully agree. And also my
20 recollection is that -- that he did not confirm. But we can -- we have him in the
21 courtroom, so I ask him now.

22 MR KNOOPS: Yes.

23 PRESIDING JUDGE SCHMITT: [16:36:07] Mr Witness, I think you have followed
24 what counsel of Mr Ngaissona brought up here. (Redacted)

25 (Redacted) Yeah. Or if you cannot

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1 confirm that.

2 THE WITNESS: [16:36:38](Interpretation) Thank you, President. (Redacted)

3 (Redacted) That's what I said.

4 PRESIDING JUDGE SCHMITT: [16:36:48] Ms Dimitri.

5 MS DIMITRI: [16:36:49] Thank you, Mr President. I apologise for taking a bit of the
6 time. Since we have extended hours this week up until 4:30, we are having some
7 issues with the non-privilege phone calls at the detention centre. I -- I first -- I
8 followed your directions. I first tried to contact the detention centre to see if they
9 could also, because we're flexible and we can sit until 4.30, if they could also have a
10 little bit of flexibility and go beyond 6 o'clock. And -- and we seem to have difficulty
11 reaching an agreement.

12 So Mr Yekatom is not afforded his full 180 minutes per week when we have extended
13 sitting hours, because they arrive late at the detention centre and because, as soon as
14 they arrive, they of course want to have a quick, warm meal, which they are not given
15 during the long sitting hours that we have.

16 PRESIDING JUDGE SCHMITT: [16:37:41] May I make a suggestion. Because if we
17 discuss this now orally during the hearing, make -- make a short writing in email and
18 we see what we can do. Yeah. Let me -- let me put it this way. Yeah.

19 MS DIMITRI: [16:37:53] Thank you very much, Mr President.

20 PRESIDING JUDGE SCHMITT: [16:37:54] Thank you very much.

21 So this appears to be everything for today. So I thank everyone. I thank the
22 interpreters.

23 I thank very much Mr Witness for your patience, but you know there are still some
24 days ahead of you. I wish everyone here a free day -- good -- a nice free day
25 tomorrow, which was for me also unexpected. I told you that you would be alone

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- 1 here, but I only recognised it a couple hours ago that tomorrow there is no -- there is
- 2 no hearing.
- 3 So we meet again at 9 -- no, not 9.30, 10 o'clock on Thursday. Thank you very much.
- 4 THE COURT USHER: [16:38:33] All rise.
- 5 (The hearing ends in private session at 4.38 p.m.)