

Trial Hearing
WITNESS: CAR-OTP-P-1813

(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 Judge Chang-ho Chung
7 Trial Hearing - Courtroom 1
8 Monday, 28 November 2022
9 (The hearing starts in open session at 9.36 a.m.)
10 THE COURT USHER: [9:36:25] All rise.
11 The International Criminal Court is now in session.
12 Please be seated.
13 PRESIDING JUDGE SCHMITT: [9:36:42] Good morning, everyone.
14 Court officer, please call the case.
15 THE COURT OFFICER: [9:36:47] Good morning, Mr President. Good morning,
16 your Honours.
17 This is the Situation in the Central African Republic, in the case of The Prosecutor
18 versus Alfred Rombhot Yekatom and Patrice-Edouard Ngaïssona, case reference
19 ICC-01/14-01/18.
20 And for the record, we are in open session.
21 PRESIDING JUDGE SCHMITT: [9:37:07] Thank you.
22 I ask for the appearances of the parties. We start with the Prosecution.
23 MS HENDERSON: [9:37:13] Good morning, your Honour. My name is
24 Claire Henderson. Today I represent the Office of the Prosecutor, along with
25 Mr Massimo Scaliotti, Mr Kweku Vanderpuye, and Mr Yassin Mostfa. Good

Trial Hearing
WITNESS: CAR-OTP-P-1813

(Open Session)

ICC-01/14-01/18

1 morning.

2 PRESIDING JUDGE SCHMITT: [9:37:25] Thank you.

3 Now Ms Douzima for the representatives of the victims, first.

4 MS DOUZIMA: [9:37:31](Interpretation) Good morning, your Honour,
5 your Honours.

6 The team of the legal representatives of the victims of other crimes is composed of
7 Paolina Massidda, Gabriella dos Santos and myself, Marie-Edith Douzima.

8 PRESIDING JUDGE SCHMITT: [9:37:50] Thank you.

9 Mr Suprun, next.

10 MR SUPRUN: [9:37:53] Good morning, Mr President, your Honours.

11 The former child soldiers are represented by myself, Dmytro Suprun, counsel at the
12 Office of Public Counsel for Victims. Thank you.

13 PRESIDING JUDGE SCHMITT: [9:38:01] Next is the Defence. Ms Dimitri, first.

14 MS DIMITRI: [9:38:05] Thank you, Mr President. Good morning. Good morning,
15 your Honours. Good morning, everyone.

16 Mr Yekatom, who is present in the courtroom, is represented today by Ms Yousra
17 Lamqaddam, Ms Lena Casiez, Ms Anta Guissé. I believe Mr Victor-Louis Lapointe
18 Saint-Pierre is on his way. And there is myself, Mylène Dimitri.

19 PRESIDING JUDGE SCHMITT: [9:38:25] Thank you.

20 And next, Mr Knoops.

21 MR KNOOPS: [9:38:29] Very good morning, Mr President. Your Honours, good
22 morning. Everyone in the courtroom, good morning.

23 The Defence team of Mr Ngaïssona appears today before the Chamber with

24 Mr Michael Rowse and Ms Brianna Dyer. Thank you.

25 PRESIDING JUDGE SCHMITT: [9:38:42] Thank you.

Trial Hearing
WITNESS: CAR-OTP-P-1813

(Open Session)

ICC-01/14-01/18

1 We will now start with the testimony of the Prosecution Witness P-1813. This is
2 Mr Alexandre Kouroupe-Awo.

3 Mr Kouroupe-Awo, good morning. Can you hear and understand me well?

4 WITNESS: CAR-OTP-P-1813

5 (The witness speaks French)

6 (The witness gives evidence via video link)

7 THE WITNESS: [9:39:06](Interpretation) I can understand you very well.

8 PRESIDING JUDGE SCHMITT: [9:39:11] First of all, I would like to ask you if I
9 pronounced your name correctly because, out of respect and politeness, I would not
10 want to make a mistake. So when I say Mr Kouroupe-Awo, is this pronounced
11 correctly? If not, please correct me.

12 THE WITNESS: [9:39:32](Interpretation) That's exactly what it is.

13 PRESIDING JUDGE SCHMITT: [9:39:35] Okay. Thank you.

14 Mr Kouroupe-Awo, on behalf of the Chamber, I would like to welcome you to the
15 courtroom. You are called to testify to assist this Court and this Chamber in the case
16 against the Prosecutor against Mr Yekatom and Mr Ngaïssona.

17 Mr Witness, there should be a card in front of you with the solemn undertaking to tell
18 the truth. Please read out this card aloud.

19 THE WITNESS: [9:40:16](Interpretation) I solemnly declare that I will tell the truth,
20 the whole truth and nothing but the truth.

21 PRESIDING JUDGE SCHMITT: [9:40:33] Thank you very much, Mr Witness. You
22 may be seated.

23 You are now under oath, Mr Witness. Before we start with your testimony, a few
24 practical matters. Everything we say here in the courtroom is written down and
25 interpreted in various languages. And to allow the interpreters to follow what we

Trial Hearing
WITNESS: CAR-OTP-P-1813

(Open Session)

ICC-01/14-01/18

1 are saying, we have to speak at a relatively slow pace. And please be so kind and
2 start only speaking when the person that has asked you a question has finished.

3 And perhaps wait two or three seconds until you start. Thank you for that.

4 And then we can start with the testimony.

5 QUESTIONED BY MS HENDERSON:

6 Q. [9:41:24] Good morning, Mr Kouroupe-Awo. How are you this morning?

7 A. [9:41:35] Good morning. I'm very well.

8 Q. [9:41:38] Now, Mr Kouroupe-Awo, could we start please by you stating your
9 full name for the record:

10 A. [9:42:01] Yes. K-O-U-R-O-U-P-E, dash, A-W-O.

11 Q. [9:42:39] And just state your first name as well, please.

12 A. [9:42:45] Alexandre.

13 Q. [9:42:53] Thank you, sir.

14 And can you confirm that your date of birth is 18 November 1959.

15 A. [9:43:10] I was born on 18 November 1959 in Mbaïki.

16 Q. [9:43:30] Thank you, sir.

17 And -- now, you have given two statements to the Office of the Prosecutor: The first
18 in late January 2018 and the second finalised on 18 July 2018. Have you had a
19 chance to read over those statements again last week?

20 A. [9:44:03] Yes, completely.

21 Q. [9:44:06] And I understand that you had no amendments to make to those
22 statements upon reading them.

23 A. [9:44:21] No.

24 Q. [9:44:23] And I further take it, sir, that you would have no objections to those
25 statements being submitted into the case file of this Court; is that correct? Can you

Trial Hearing
WITNESS: CAR-OTP-P-1813

(Open Session)

ICC-01/14-01/18

1 confirm.

2 A. [9:44:45] I can confirm it.

3 PRESIDING JUDGE SCHMITT: [9:44:47] Well, that was quick. So then we have the
4 conditions for Rule 68(3) for the mentioned statements by the witness are fulfilled,
5 just for the record. You can continue.

6 MS HENDERSON: [9:44:59] Thank you, your Honour.

7 Further, for the record, I'll just refer to the evidence registration numbers.

8 PRESIDING JUDGE SCHMITT: [9:45:03] Yes, please. Exactly. The
9 OTP -- CAR-OTP numbers.

10 MS HENDERSON: [9:45:08] So the first statement is CAR-OTP-2069-0035, found at
11 tab 11 of the Prosecution binder. French translation at CAR-OTP-2118-0929, found at
12 tab 17 of the Prosecution binder.

13 What I'll refer to as the supplemental statement is to be found at tab 13 of the
14 Prosecution binder with ERN CAR-OTP-2083-0279, and French translation at tab 14,
15 CAR-OTP-2107-6350.

16 Q. [9:45:52] Now, Mr Witness, sir, I do have some additional questions for you
17 today that go beyond what you told the investigators for your statement. I expect to
18 take about an hour and half from here. And if there is anything that's unclear in the
19 way that I put my question or if some of my words do not come through to you there
20 on the video link, please don't hesitate to let me know.

21 A. [9:46:28] Understood.

22 Q. [9:46:30] Thank you, sir.

23 And at the time that you made your statements with the Office of the Prosecutor, you
24 held the position of director of the cabinet of the ministry for territorial administration.

25 Is that still the case, sir?

Trial Hearing
WITNESS: CAR-OTP-P-1813

(Open Session)

ICC-01/14-01/18

1 A. [9:46:55] I am admitted to have my rights for retirement since January 2020.

2 Q. [9:47:10] Yes, thank you for confirming that.

3 Mr Kouroupe-Awo, I want to start the topic of your phone contacts with Mr Yekatom.

4 You said in your statement - for the record, I'm referring to paragraph 40 - that you

5 would speak to Mr Yekatom occasionally by telephone and you gave a phone number

6 for him.

7 My first question is: Which number or numbers did you use to contact him?

8 Sorry, your Honours, I hesitate to interrupt. I intended to actually do this in private

9 session.

10 PRESIDING JUDGE SCHMITT: [9:48:06] Well, is it really necessary to do that in

11 private session? Any ideas on that?

12 MS DIMITRI: [9:48:18] I believe if it's in relation to Mr Yekatom's phone number, I

13 think it's already in public and it's probably not used anymore. But if it's going to

14 bring out Mr Kouroupe-Awo's personal phone number, then I understand the need to

15 go to closed session.

16 PRESIDING JUDGE SCHMITT: [9:48:32] So that is, of course, indeed a distinction

17 that I would also make. Nobody -- the public does not have to know any details

18 with regard to -- with regard to the witness, but if it is on the public area already -- so

19 what are you going to elicit? I think the number that he contacted Mr Yekatom.

20 MS HENDERSON: [9:48:51] I'm asking for the witness's phone numbers. I'm sorry.

21 I should have stated it a lot earlier.

22 PRESIDING JUDGE SCHMITT: [9:48:58] Yeah, then I would not have discussed it

23 all. Then, of course, we go to private session and elicit that in private session.

24 (Private session at 9.49 a.m.)

25 THE COURT OFFICER: [9:49:16] We are in private session, Mr President.

Trial Hearing
WITNESS: CAR-OTP-P-1813

(Private Session)

ICC-01/14-01/18

1 MS HENDERSON: [9:49:22] Thank you, Mr Court Officer.

2 Q. [9:49:25] Sir, I apologise for that error there. We are now in private session.

3 So what you say cannot be heard by the public.

4 And my question was: Which numbers did you use to contact Mr Yekatom on?

5 Which were your phone numbers?

6 A. [9:49:54] For a few years now, I have two telephone numbers: (Redacted)

7 and the number (Redacted). Those are the two numbers that I have since then.

8 And the number of the accused, that was communicated to me by both colonels,

9 Anour, Pissa and Mbaïki. And those numbers I can no longer remember.

10 Q. [9:51:06] Thank you very much, Mr Kouroupe-Awo. Before I go back into
11 public session, you mentioned (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 And we can go back into public session, your Honour.

16 PRESIDING JUDGE SCHMITT: [9:51:33] Open session.

17 (Open session at 9.51 a.m.)

18 THE COURT OFFICER: [9:51:49] We are back in open session, Mr President.

19 MS HENDERSON: [9:51:57]

20 Q. [9:51:57] Now, sir, you said that you spoke occasionally to Mr Yekatom on the
21 telephone. Could you estimate a bit more specifically how often you spoke to him in
22 early 2014.

23 A. [9:52:22] I didn't phone him regularly. The first time that I called him, that was
24 at the request of the two colonels, Anour, Pissa and Mbaïki, grouped together Mbaïki.

25 The other times, I don't remember exactly. But following our meeting in Pissa with

Trial Hearing
WITNESS: CAR-OTP-P-1813

(Open Session)

ICC-01/14-01/18

1 the accused, there was a priest, a pastor there. And I think that I must have called
2 him, because it was a matter of contacting both colonels and telling them about the
3 interview that I had had with the accused in Pissa and then communicating the
4 answer to the accused in order to set up a meeting -- to set up a meeting with the two
5 colonels about -- about a wish that the accused had formulated. And the priest in
6 question in the previous answer was in fact an abbot.

7 Q. [9:54:57] And, sir, if I was to suggest to you that you had contact with
8 Mr Yekatom on the telephone on, let's say, a little more than 20 occasions in the first
9 few months of 2014, would that tally with your recollection?

10 A. [9:55:31] I know that from the moment when I was in charge of bringing the two
11 colonels together with the accused, colonels Anour, Mbaïki and Pissa, I certainly
12 called him. But where it concerns how many times I did so, that's something I'm
13 unable to indicate to you. But every time that it was possible to do so, I had to call.
14 Perhaps with regard to the presence of these troops, Mbaïki, where it concerns certain
15 actions. So I can't know now whether it was ten times, 20 times, or more than that,
16 or less than that.

17 Q. [9:57:10] Thank you, Mr Kouroupe-Awo. I understand.

18 And just for the record, I would read the evidence registration numbers for the raw
19 CDRs, upon which I was basing that line of questioning. Three evidence registration
20 numbers: CAR-OTP-2054-1481, at tab 6 of the Prosecution binder;
21 CAR-OTP-2054-1482, at tab 7 of the Prosecution binder; and CAR-OTP-2054-1484, at
22 tab 8 of the Prosecution binder.

23 I also have line numbers, your Honour. It might take me a while to read them out.
24 I'm not sure if you would like me to do that. There are some 60.

25 PRESIDING JUDGE SCHMITT: [9:57:58] I don't think that is necessary.

Trial Hearing
WITNESS: CAR-OTP-P-1813

(Open Session)

ICC-01/14-01/18

1 MS HENDERSON: [9:58:02] Thank you, your Honour.

2 Q. [9:58:10] Sir, in your statement, you spoke - for the record, paragraph 43 - about
3 the Seleka leaders contacting Mr Yekatom and passing you the phone. You said that
4 the person that you spoke to on the phone said that he was in charge of the
5 Anti-Balaka in the area. Could you be more specific about exactly what he said, if
6 you can recall.

7 A. [9:59:01] I recall the following: At the central roundabout in Mbaïki, I was
8 passing by at the wheel of my vehicle, my command vehicle. Both those persons
9 who were responsible in Seleka came out. They came out of the concession of the
10 compound of the gendarmerie. They intercepted me. They told me that they had
11 been contacted by the accused such that they would come to an agreement on their
12 withdrawal from Mbaïki. I therefore asked -- I no longer remember exactly, but I
13 asked whether they were the ones who had called on their phones or if it was on my
14 phone that I was able to call, having had the number, the accused's number. I no
15 longer remember, but I was in communication with the person responsible for the
16 Anti-Balaka. I asked if it was Rombhot. I didn't know, or at least I don't know if I
17 was pronouncing it well. By way of answer, I was told that he was the person who
18 was in charge of the Anti-Balaka south of Bangui.

19 Q. [10:02:18] And just in relation to the last part of your answer, south of Bangui,
20 was he more specific about what area south of Bangui?

21 A. [10:02:43] By south of Bangui, one understands the region of Bimbo, in the
22 direction of the prefecture of Lobaye.

23 Q. [10:03:09] Sir, you referred in your statement - and for the record, paragraph 45 -
24 to bringing along a pastor and a priest to the meeting that you had with Mr Yekatom
25 in Pissa. And my question is: In bringing along the pastor and the priest, what

Trial Hearing
WITNESS: CAR-OTP-P-1813

(Open Session)

ICC-01/14-01/18

1 effect were you hoping for? What did you wish to achieve?

2 A. [10:03:51] I wanted to have by my side witnesses, because the priest and the
3 pastor were part of a platform, an interreligious platform, put in place in Mbaïki in an
4 attempt to *encourage the population to behave better, the Muslim communities and
5 the indigenous community. Both religions belonged to that platform.

6 THE INTERPRETER: [10:05:08] Message from the English booth --

7 THE WITNESS: [10:05:11](Interpretation) And I wanted to be assisted by witnesses.

8 THE INTERPRETER: [10:05:16] Message from the English booth, could the witness
9 please speak at a normal speed.

10 THE WITNESS: [10:05:22](Interpretation) Because I feared that upon my return, the
11 colonels would take it up with me, saying that I was misleading them in favour of the
12 accused.

13 PRESIDING JUDGE SCHMITT: [10:05:50] I think we ask the witnesses to speak at a
14 slow pace and when they do it, I think we should not ask them to accelerate, so to
15 speak. So I think we can -- let me put it this way, I understand, but I think you get
16 accustomed to a certain situation quickly.

17 So please continue, Ms. Henderson.

18 MS HENDERSON: [10:06:13]

19 Q. [10:06:13] And in terms of Mr Yekatom, was there any particular effect that you
20 were hoping the presence of the pastor and the priest would have?

21 A. [10:06:42] I should repeat what I said. I said that, as I was fearful that the
22 Anti-Balaka group present in Pissa would come in an improvised manner to Mbaïki,
23 which could create incidents, serious incidents between the Balaka and the Seleka, I
24 had to then meet the accused, talk with him, in order to obtain -- in order to make
25 sure that the meeting between him and the colonels could go ahead in a calm way in

Trial Hearing
WITNESS: CAR-OTP-P-1813

(Open Session)

ICC-01/14-01/18

1 order to avoid that harm befall the population. And then I was warned by the two
2 colonels that the accused and they were -- had been trained in the army, so they knew
3 each other. They had been in the same year and knew each other very well. And I
4 wanted to play upon this relation to make sure that there would not be any
5 confrontation. I was seeking, thereby, to obtain additional understanding on the
6 part of the accused. There we have it.

7 Q. [10:10:48] Very quickly, Mr Witness, just to confirm, when you refer to "the
8 accused", you are referring to the accused Mr Yekatom; is that correct?

9 A. [10:11:06] That is correct, because I was not questioned during the investigations
10 that were conducted with regard to anybody else.

11 Q. [10:11:35] Thank you, Mr Kouroupe-Awo. That's clear.

12 Moving forward in your statement - for the record, paragraph 45 - you talk about
13 when you came for the meeting, coming across some Anti-Balaka elements at the
14 barrier and waiting for Mr Yekatom to arrive. Firstly, could you tell the Court how
15 those elements treated you.

16 A. [10:12:23] Upon our arrival, myself and the two religious men, well, the accused
17 was not at said location. There were many Anti-Balaka elements, some of whom had
18 threatened us, but they had never approached us. And very rapidly, one or two
19 elements went to prepare an area for us to sit. There we are.

20 Q. [10:14:06] Sir, when you said that the elements threatened you, could you be a
21 bit more specific about what they did.

22 A. [10:14:31] They had threatened us verbally, telling us that they did not want any
23 intervention, and they said that they had not received any information to the effect
24 that a delegation would be coming from Mbaïki, to which I responded that I had
25 taken this up with the chief and that, subsequent to that, two of them had taken the

Trial Hearing
WITNESS: CAR-OTP-P-1813

(Open Session)

ICC-01/14-01/18

1 decision to -- to look for a way for us to be seated. There we are.

2 Q. [10:16:32] Sir, you speak also at paragraph 45 about the leaders of the group
3 arriving some five to ten minutes later, including Mr Yekatom. Can you please tell
4 us, how did Mr Yekatom arrive?

5 A. [10:17:00] They arrived as a group of Balaka who were in civilian attire in two
6 trucks with their military equipment. There we are.

7 Q. [10:17:40] And, more precisely, could you tell the Court what type of truck it
8 was.

9 A. [10:17:56] Could you please repeat your question, please.

10 Q. [10:18:01] Of course, sir. You said that the group of Balaka arrived in two
11 trucks. Could you please describe what the trucks looked like.

12 A. [10:18:23] These were two pick-up trucks, two Toyota pick-up trucks.

13 Q. [10:18:32] And in terms of the military equipment that you just referred to, what
14 type of military equipment did they have?

15 A. [10:18:54] I would not be in a position to be able to describe what they were
16 wearing more specifically, but those who were in such attire looked like FACA
17 soldiers from the Central African Republic. Those who were in military attire, that is.
18 And I would like to belabour the point that some were wearing civilian attire.

19 Q. [10:19:47] Sir, it might have been the phrasing of my question. So I'll put it this
20 way: Did you observe any weaponry with them?

21 A. [10:20:06] Indeed. As I just said, they arrived with their military equipment.

22 Q. [10:20:26] What do you mean by "military equipment"?

23 A. [10:20:39] Weapons. What I can remember is Kalashnikovs.

24 Q. [10:20:59] And specifically in relation to the pick-up trucks, do you recall seeing
25 any weapons on the pick-up trucks?

Trial Hearing
WITNESS: CAR-OTP-P-1813

(Open Session)

ICC-01/14-01/18

1 A. [10:21:23] At the Pissa roadblock, the accused's team were arriving from the
2 Bangui direction. I was on the opposite side. I had come from Mbaïki, and I was
3 sat on the side whence I had come. The two trucks had stayed on the other side of
4 the roadblock. The weapons that I was able to see were those that some elements
5 were carrying on their person. So I had not crossed the roadblock in order to go and
6 have a look inside the two vehicles.

7 Q. [10:22:49] Moving along in your statement, Mr Kouroupe-Awo - and for the
8 record, at paragraph 46 - you say that you asked Mr Yekatom and his elements why
9 they wanted to come to Mbaïki, and that they said that they wanted the Seleka to
10 leave so that they could control Mbaïki.

11 Could you be more specific about who exactly said that in the meeting.

12 A. [10:23:30] Before going into Pissa, I had already been informed in this manner,
13 or to this effect by the two colonels, and this was what had been borne out from the
14 discussion that was held on the telephone between the two colonels and the accused.
15 And on that day, when I was with the team of the accused having discussions, it was
16 the accused himself who said that he wanted for there to be -- how could I put it?
17 He wanted to obtain -- he wanted the Seleka to leave without there being any damage,
18 upon mutual consent, that is. So the person who was speaking on behalf of the team
19 that was led up -- that was led by Yekatom, or the accused, was the accused himself.
20 There we have it.

21 Q. [10:25:31] Now, I understand from your statement that the meeting that you
22 were trying to negotiate between the Seleka and Mr Yekatom's group did not in fact
23 come to fruition because the Seleka left before it took place. But, nevertheless, do
24 you know of any other meetings --

25 Your Honours, we've just lost the video link, I believe.

Trial Hearing
WITNESS: CAR-OTP-P-1813

(Open Session)

ICC-01/14-01/18

1 Sir, can you hear me?

2 A. [10:26:07] Very well. Very well.

3 Q. [10:26:11] Sorry. We just lost you on the screen for a second. I'll take that
4 from the beginning.

5 So I understand from your statement that the meeting that you were trying to
6 negotiate between the Seleka and Mr Yekatom's group did not come to fruition
7 because the Seleka left before it could take place. But, nevertheless, do you know of
8 any other meeting between Mr Yekatom and the Seleka that took place at the church
9 in Mbaïki around that time?

10 A. [10:26:58] After I returned from Pissa, where I met the accused in the company
11 of the two religious men, we had returned to Mbaïki where I reported back on that
12 meeting in Pissa to the two colonels and to the company commander. The -- those
13 Seleka who were in charge were of the opinion that the meeting between the Seleka
14 leaders and the accused team, they were of the opinion that that meeting should occur.
15 The day and location of said meeting was to be determined. The date was indicated
16 or given within 48 hours of the report having been handed in. Unfortunately,
17 24 hours later, at approximately 11 p.m., the Seleka withdrew. So, to my knowledge,
18 no other meeting was held between the Seleka and Anti-Balaka. No.

19 Q. [10:29:28] Just to be a bit more concrete, Mr Kouroupe-Awo, I'd like to show you
20 a document. It's at tab 5 of the Prosecution's binder. The evidence registration
21 number is CAR-OTP-2053-0576.

22 I'd ask for it to be displayed confidentially, please. Thank you, Mr Court Officer.

23 And now, just to explain, Mr Witness, what you are looking at is some information,
24 some notes gathered by the United Nations from speaking to an individual. And
25 you can see there on the screen, and I'll quote in French the paragraph that appears

Trial Hearing
WITNESS: CAR-OTP-P-1813

(Open Session)

ICC-01/14-01/18

1 before you: (Interpretation) "DRC had organised a platform in the Catholic church
2 between the Anti-Balaka and the Seleka (28 January). For the Anti-Balaka, there was
3 Rambo, and for the Seleka, Colonel Oumar (Chadian who spoke Sango and was living
4 in Bouca). The Seleka left that night."

5 (Speaks English) And you can see, of course, sir, that the paragraph goes on. But my
6 question to you is whether you know anything about such a meeting which could
7 have taken place between the Anti-Balaka and the Seleka at the Catholic church on 28
8 January.

9 PRESIDING JUDGE SCHMITT: [10:31:46] Excuse me a second.

10 Yes, Ms Dimitri.

11 MS DIMITRI: [10:31:50] Mr President, I have no issue with the question itself. My
12 issue is, why do we show this document and read an extract. We are leading the
13 witness into something, while I think his memory is quite good and we could just ask
14 an open-ended question as to whether he is aware of any meeting at the Catholic
15 church.

16 PRESIDING JUDGE SCHMITT: [10:32:13] Yes, let me put it this way, it was not
17 absolutely necessary. We take your remark, but it's also nothing where I would
18 make, let's say, a contentious decision or where I want to make a contention decision.
19 I think you would have to ask the witness again so that he knows where we are.
20 And the witness does not appear in the document and we know that. You are right
21 either way.

22 Yes, Ms. Henderson.

23 MS HENDERSON: [10:32:43] Thank you, your Honour.

24 Q. [10:32:45] Sir, you have heard the extract that I read out in French. And just to
25 repeat my question: It's whether you know anything about such a meeting that

Trial Hearing
WITNESS: CAR-OTP-P-1813

(Open Session)

ICC-01/14-01/18

1 could have taken place on 28 January between the Anti-Balaka and the Seleka at the
2 Catholic church.

3 A. [10:33:23] Firstly, it's necessary to be specific about which Catholic church in
4 Mbaïki we are talking about, because when the meeting took place in Sainte Jeanne
5 d'Arc Catholic church where the bishop of Mbaïki is, that's the one that took place
6 when Seleka left, withdrew, at night. The next day, in the morning, we didn't
7 exactly know what to do. As such, I called the accused to ask him to go to Mbaïki so
8 as to ensure security in Mbaïki and to avoid disorder. Due to the fact that the Seleka
9 who wanted to be seen as the protector of the Muslims, given the fact that they had
10 left, and as a lot of people were improvising being Anti-Balaka, there was going to be
11 confrontations.

12 This meeting that took place at the Catholic church, Sainte Jeanne d'Arc, was at my
13 request. I know that there was a representative of DRC, of HCR, the Muslim
14 prominent figures and indigenous persons, the bishop himself, the police and the
15 gendarmerie were represented, and the meeting was presided over by myself. And
16 the accused had two deputies with him at this meeting that I know about.

17 But at that time, the NGOs were taking rival actions. I don't know if DRC was able
18 to organise another meeting between the Seleka and the Balaka. I never heard of
19 that. Furthermore, after the meeting that was organised at the Catholic church,
20 Sainte Jeanne d'Arc, we went to the bus station in order to pass on a message to both
21 indigenous communities, indigenous and Muslims. And from that -- from the bus
22 station, the accused took his car and, to the best of my knowledge, at that time he left
23 the town.

24 So other than this meeting at the Catholic church, Sainte Jeanne d'Arc, I was not
25 aware of another meeting which brought together Balaka and Seleka which was

Trial Hearing
WITNESS: CAR-OTP-P-1813

(Open Session)

ICC-01/14-01/18

1 organised by DRC.

2 Q. [10:38:28] Thank you, sir.

3 And, Mr President, it might be slightly belated, but just on the issue of the use of this
4 document with the witness, I just wish to place on the record that what the witness
5 can say about the content of this document, even apart that he's not mentioned
6 individually, still goes to the accuracy of the document. So I just wish to place that
7 on the record quickly.

8 Now, Mr Witness, Mr Kouroupe-Awo, in what you just said, you came to the meeting
9 that you had with Mr Yekatom and others at the church Sainte Jeanne d'Arc. And I
10 want to take you forward to paragraph 53 of your statement where you said that the
11 Chadian Muslim community in Mbaïki felt threatened and prior to the Anti-Balaka's
12 arrival had spoken with Chadian authorities to see if there was a way to be evacuated.
13 And my question to you, Mr Kouroupe-Awo, is whether any of the Chadian Muslim
14 community had told you why it was that they felt threatened.

15 A. [10:40:23] When the Seleka left Mbaïki, Mbaïki's Muslim community, which
16 included Muslims from Pissa, Muslims from Mbata, Muslims from Bouchia, Muslims
17 from la Scad, Muslims from the Ndolobo region, Bagandou, Colonel Anour -- those
18 regions and those Muslims, brought together in Mbaïki by Colonel Anour, they felt
19 very threatened, and this threat came from a lot of different places. A lot of people
20 were preparing to attack the Muslims. As such, it was necessary to take up their
21 protection. As such, I, with the bishop and the DRC representative who was at the
22 meeting which took place at Sainte Jeanne d'Arc, the HCR representative who was
23 also present, we were each given the mission of contacting the highest authorities in
24 Bangui with a view to sending some of the vehicles that had come from Chad in order
25 to get the Muslims out of Mbaïki, the Muslims who were being threatened.

Trial Hearing
WITNESS: CAR-OTP-P-1813

(Open Session)

ICC-01/14-01/18

1 The delegate of the Chadian Muslim community, he was targeted the most. He was
2 also responsible for contacting the ambassador or the representative of the Chadian
3 state who was in Bangui, such that all the information that I gave or all the
4 information given by myself and given also by the government -- given to the
5 government by the Chadian delegate, by the DRC, by the HCR, the bishop also had to
6 play his role such that it would have to weight in Bangui, such that it would convince
7 those in charge in Bangui to make these vehicles available, this convoy. That's it.

8 Q. [10:45:28] Sir, you said in your testimony - and I'm citing from real-time
9 transcript, page 21, lines 16 to 17 - "A lot of people were preparing to attack the
10 Muslims." Can you expand on that, please.

11 A. [10:46:11] When the Seleka arrived, with everything that there had been, with
12 the *accompanying attacks, deaths and pillaging, when they were at the top in Bangui,
13 there was very high tension. Not only in Bangui, but also throughout the territory,
14 between the Central African indigenous population and the Muslims, in particular,
15 from the Chadian community. And what I saw in the different Seleka road checks,
16 in the different villages that I mentioned, most of these posts were being held by the
17 colonel or captain who were Chadian Muslims.

18 Now, because of the abuses and the fear that reigned, the indigenous population were
19 up in arms against the Chadian community. And when the Balaka, coming from
20 Bangui, started to occupy the posts that were held by the Seleka, as the Seleka
21 gradually withdrew, then a lot of young people, they wanted to finish with the
22 Muslim community. That is the clarification that I wanted to make.

23 A lot of young people were falling into the Anti-Balaka movements. They were
24 improvising themselves as Anti-Balaka because they felt that the Seleka had gone and
25 the Balaka wanted to come and take over, to take over the control of the locality.

Trial Hearing
WITNESS: CAR-OTP-P-1813

(Open Session)

ICC-01/14-01/18

1 Q. [10:50:01] Sir, moving forward to now paragraph 56 of your statement, where
2 you talk about Mr Yekatom addressing a crowd in front of the Mbaïki bus station,
3 you say that he spoke for one minute and that: "He spoke very 'dryly'..." Could you
4 please expand on what you mean when you say that he spoke "very 'dryly'".

5 A. [10:50:45] Well, this was one of the measures that had to be taken in order to
6 dissuade the population, by that I mean the Muslim community, indigenous
7 community, the indigenous Muslim community. It was necessary to say to all this
8 community that it was true that the Seleka had left, but that did not constitute an
9 occasion or an opportunity for the two communities to clash with each other and,
10 above all, for the indigenous community who wanted to take revenge after the Seleka
11 left.

12 As such, at that time, neither I, as *préfet*, or the few gendarmes and police who were
13 there, nor the mayor, could be listened to. And why? Because the population, in
14 particular the indigenous population, considered that -- these authorities as being
15 complicit with the Seleka and the Muslim community. It was, therefore, necessary
16 for the Anti-Balaka who entered into Mbaïki after the Seleka departed, who had the
17 strength, that was the Anti-Balaka who the indigenous community would listen to,
18 but not us, not the authorities, nor the few police officers or gendarmerie officers who
19 were there on site. So the accused had to say something in order to prevent -- to
20 prevent people from going and attacking the Muslim community.

21 PRESIDING JUDGE SCHMITT: [10:54:34] May I shortly.

22 Mr Witness, when you are referring to the indigenous population, whom do you
23 exactly mean?

24 THE WITNESS: [10:54:54](Interpretation) The Muslims --

25 PRESIDING JUDGE SCHMITT: [10:54:55] Thank you.

Trial Hearing
WITNESS: CAR-OTP-P-1813

(Open Session)

ICC-01/14-01/18

1 THE WITNESS: [10:54:55] -- constituting -- constituting a community of people,
2 emigres. The indigenous people were the people originally from there. They are
3 people originally from Mbaïki and the neighbouring areas, given that the Muslims
4 were a community of persons who were emigres.

5 PRESIDING JUDGE SCHMITT: [10:55:40] Thank you very much.

6 Ms. Henderson.

7 MS HENDERSON: [10:55:45]

8 Q. [10:55:46] Sir, I take it from what you are saying -- just one moment.

9 When you say - and I'm referring to real-time transcript page 24, lines 2 to 3 - when
10 you say that the Anti-Balaka -- it "was the Anti-Balaka who the indigenous
11 community would listen to", was it your view that the Anti-Balaka had influence over
12 the indigenous community?

13 A. [10:56:36] Absolutely.

14 MS HENDERSON: [10:56:37] Your Honour, in the next session, I'm going to put a
15 video to the witness. It might be wise to do that after the break. It may take more
16 than five minutes.

17 PRESIDING JUDGE SCHMITT: [10:56:43] I take that up.

18 So we have now the break until 11.30.

19 THE COURT USHER: [10:56:49] All rise.

20 (Recess taken at 10.56 a.m.)

21 (Upon resuming in open session at 11.32 a.m.)

22 THE COURT USHER: [11:32:25] All rise.

23 Please be seated.

24 PRESIDING JUDGE SCHMITT: [11:32:48] Ms. Henderson, you wanted to play a
25 video.

Trial Hearing
WITNESS: CAR-OTP-P-1813

(Open Session)

ICC-01/14-01/18

1 MS HENDERSON: [11:32:51] Yes, your Honour. Just briefly before that I had some
2 very brief follow-up questions from the first session. And I just wish to flag that I do
3 hope to finish in the next 45 minutes as was our estimated time. I may go over
4 slightly.

5 Q. [11:33:08] And, Mr Witness, please feel free to speak at whatever feels a
6 comfortable, natural pace for you. We will tell you if the need to slow down.

7 But my question, going back to something that you said just before we broke for the
8 morning recess, you said that, in your view, absolutely the Anti-Balaka had influence
9 over the indigenous population. And you also said that neither you as prefect or the
10 few gendarmes or the police that were there, nor the mayor, could be listened.

11 And my follow-up question on that is: Why is that? Why is it that the Anti-Balaka
12 were listened to more than you and your colleagues as the authorities?

13 PRESIDING JUDGE SCHMITT: [11:34:01] Ms Dimitri.

14 MS DIMITRI: [11:34:02] Mr President, I let it go before the break, but it's borderline
15 speculation. He can of course speak as to what he observed and to certain members
16 of the population who listened or didn't listen, but he can certainly not speak in terms
17 of the entire Lobaye population. And his role as *préfet* does give him, in my
18 respectful opinion, more rights to speak about everyone in the Lobaye. But if we
19 could limit it to what observed in terms of certain members of the population.
20 Otherwise, it's a question of interpretation which, in my view, goes into what the Trial
21 Chamber is here for.

22 PRESIDING JUDGE SCHMITT: [11:34:53] Well, I disagree, actually. I think we
23 have a witness who had a certain administrative role, very high position, and he can
24 speak about what he -- what came to his attention, what he came to know about
25 during his tenure there and also the conclusions that he drew from that. So I let the

Trial Hearing
WITNESS: CAR-OTP-P-1813

(Open Session)

ICC-01/14-01/18

1 question pass.

2 MS HENDERSON: [11:35:19]

3 Q. [11:35:19] Mr Kouroupe-Awo, would you like me to repeat the question?

4 A. [11:35:31] Of course.

5 Q. [11:35:32] Yes. My question is: Why, as far as you know, the indigenous
6 population listened more to the Anti-Balaka than to you and your colleagues as the
7 authorities in Mbaïki?

8 A. [11:36:00] I had said at an earlier stage that the Seleka abuses were such that the
9 indigenous population had taken an aversion to the Muslim population in its entirety.
10 And when the Seleka, who were deemed to be the protectors of the Muslims, had
11 scrambled, the Anti-Balaka who were coming or arriving were deemed to be the
12 protectors of the indigenous population. And the figures authority, myself included,
13 if it was true that I was able to stand up to the Seleka, if I succeeded in intervening in
14 order to stop the Seleka committing abuses upon the population, if I were able to do
15 so, I would not be totally successful. And I did not have the means to stop or to fully
16 put a stop to the Seleka conducting themselves in a certain manner. They were
17 difficult to control.

18 But when the Anti-Balaka arrived, the indigenous population felt -- felt that they
19 *were facing liberators or protectors, which would have enabled this indigenous
20 population to wreak revenge upon the Muslim population because their protectors
21 were no longer there.

22 There was hatred between the communities. And I, who had been appointed as
23 *préfet* at the time of Djotodia's presidency, even if I were to come up trumps as far as
24 the indigenous population was concerned, that indigenous population did not
25 entirely trust me. They thought that I was somebody in a position of power and, as

Trial Hearing
WITNESS: CAR-OTP-P-1813

(Open Session)

ICC-01/14-01/18

1 such, close to the Seleka, despite everything that I was doing. I was not one of them.
2 I was trying to do everything so that there was no acts of aggression between the
3 members of the community. And whatever happened in PK12, PK13, in Bouca and
4 other regions where a lot of people were killed, I didn't want that to happen in Mbaïki.
5 And despite all of this, many people suspected me of belonging to Djotodia's circle of
6 power and, as such, somewhat an accomplice of the Seleka.

7 And the Anti-Balaka having arrived, the population felt that they were in keeping
8 with the Anti-Balaka because there were no Muslims in their midst. There were only
9 FACA and young people who had set themselves up as Balakas and had integrated
10 that group of Balakas against the Muslims. There you have it.

11 Q. [11:41:30] And, Mr Kouroupe-Awo, at this point I wish to play a video to you.
12 It is CAR-OTP-2023-1636, found at tab 4 of the Prosecution's binder. It can be shown
13 publicly. And the first excerpt that I wish to play is from 34 seconds to 55 seconds.
14 That's at transcript reference -- and with leave, I'm going to refer to a Yekatom
15 Defence transcript, to be found at tab 1 of the Prosecution's binder. ERN is
16 CAR-D29-0006-0107. And this particular excerpt will be in relation to lines 5 to 9.
17 If the interpreters and the transcribers are ready, that can be played.

18 THE COURT OFFICER: [11:42:35] Your Honours, the video will be played on
19 evidence 2 channel and the transcript will be on display on the evidence 1 channel.

20 THE INTERPRETER: [11:42:50] (Interpretation of the video excerpt)

21 "Non-identified reporter: The head of state of transition, Madam Catherine
22 Samba-Panza, and the French Minister of Defence, Mr Jean-Yves Le Drian, on
23 Wednesday, 12 February, conducted a joint visit to Mbaïki in the sub-prefecture of
24 Lobaye. It was 12 o'clock when the two figures arrived in Mbaïki."

25 MS HENDERSON: [11:43:25]

Trial Hearing
WITNESS: CAR-OTP-P-1813

(Open Session)

ICC-01/14-01/18

1 Q. [11:43:25] Mr Kouroupe-Awo, I take it that you saw the video where you are at
2 the remote location?

3 A. [11:43:36] Yes.

4 Q. [11:43:37] And do you recall the event depicted in that video?

5 A. [11:43:51] All too well.

6 Q. [11:43:52] Were you yourself present at that event?

7 A. [11:44:06] I was there myself as the *préfet* of la Lobaye.

8 Q. [11:44:15] And is it correct that, as the voice-over in that video says, that the
9 event was held on 12 February 2014?

10 A. [11:44:34] It was indeed in the year 2014. As to the precise date, I no longer
11 recall, but it was indeed in 2014.

12 Q. [11:44:48] And the next excerpt that I wish to play is from 10:46 to 11:21. It can
13 be followed at the same transcript at page 0111 from lines 14 to 19.

14 (Viewing of the video excerpt)

15 THE INTERPRETER: [11:45:22](Interpretation of the video excerpt)

16 "Secondly, there was an attempt at reconciliation that was celebrated between the
17 Seleka and the Anti-Balaka who had come from Bangui prepared hand in hand by the
18 HCR, the DRC and the inter-religious platform and the *préfet*. And it was
19 transformed into a security meeting on 30 January 2014. The entry of the
20 Anti-Balaka into Mbaïki was slow or soft and negotiated, and the large-scale
21 departure of the Muslim community was assisted and made secure, but that also met
22 the requests of some of the Chad -- of some people from the Chad state."

23 MS HENDERSON: [11:46:23]

24 Q. [11:46:23] Mr Kouroupe-Awo, you just see us pausing because we are wait for
25 the English translation at this point.

Trial Hearing
WITNESS: CAR-OTP-P-1813

(Open Session)

ICC-01/14-01/18

1 The question that I have to put to you firstly is, this is indeed you that we're seeing on
2 the screen; is that correct?

3 A. [11:46:43] Yes, that was me.

4 Q. [11:46:47] And where you are speaking about an attempt at reconciliation that
5 was transformed into a security meeting on 30 January 2014, do I take it that that's the
6 meeting at the Sainte Jeanne d'Arc cathedral that you referred to in your statement
7 and also in your testimony today?

8 A. [11:47:20] It was indeed that meeting that I mentioned, saying that it followed
9 on from the period during which the Seleka had scrambled from Mbaïki, and I had
10 requested of those in charge of the Balaka in Pissa to come to Mbaïki with a view to us
11 seeing how we could make secure the entire population, both the Muslim and the
12 indigenous population.

13 Q. [11:48:17] And I'm going to play one last excerpt from this video. It's at 12:00 to
14 12:29. The same transcript at page 0111 - so the same page - from line 27 through to
15 page 0112 at line 3.

16 (Viewing of the video excerpt)

17 THE INTERPRETER: [11:48:56](Interpretation of the video excerpt)

18 "Members of the community wanted to leave, but he wanted to remain. The
19 Muslims occupied a good place in society. They were all tradesmen. And thanks
20 to them, the population had the minimum of the first necessity."

21 (Speaking English) "I was born here. My children were born here. I've worked in
22 the mayor's office for five years. I'm a patriot. Why should I leave,' he said. 300
23 metres away is the base of the African peacekeepers who failed to protect them. The
24 colonel shows me what happened. Just a few days ago, he left his office and was set
25 upon. He was hacked to death with machetes. A local woman cut off his genitals

Trial Hearing
WITNESS: CAR-OTP-P-1813

(Open Session)

ICC-01/14-01/18

1 and they cut his throat. The peacekeepers arrested the culprits and handed them
2 over to the police."

3 MS HENDERSON: [11:49:45]

4 Q. [11:49:45] I apologise, Mr Witness. We jumped a bit ahead. There is actually
5 a different excerpt that we wanted to show you.

6 I apologise to the transcribers and interpreters as well.

7 THE INTERPRETER: [11:50:02] Message from the English booth: Could counsel
8 please repeat the lines that we are supposed to interpret. Thank you.

9 PRESIDING JUDGE SCHMITT: [11:50:07] You have heard it, yeah.

10 MS HENDERSON: [11:50:09] Yes, of course, Madam Interpreter.

11 So we are now at transcript page 0111, line 27, through to page 0112, line 3. And I
12 can see that the video is ready to play as well, so the minutes and seconds appear
13 there. I'll perhaps just await confirmation that the interpreters are ready.

14 THE INTERPRETER: [11:50:36] We are ready.

15 MS HENDERSON: [11:50:37] Thank you.

16 The video can be played.

17 PRESIDING JUDGE SCHMITT: [11:50:39] Not yet.

18 Ms Dimitri.

19 MS DIMITRI: [11:50:41] I'm sorry that I'm difficult, but even if the minutes appear
20 there, I think it's better for the record, then, for later on that you mention the minutes.

21 MS HENDERSON: [11:50:52] Yes, that's no problem. It's 12:00 to 12:29 seconds.

22 PRESIDING JUDGE SCHMITT: [11:50:58] I think that's okay. It's indeed better for
23 the record. Because we don't watch the video afterwards, we look into the
24 transcript.

25 (Viewing of the video excerpt)

Trial Hearing
WITNESS: CAR-OTP-P-1813

(Open Session)

ICC-01/14-01/18

1 THE INTERPRETER: [11:51:12](Interpretation of the video excerpt)

2 "I would wrap up by greeting the intervention, however laudable and welcome it is of
3 the Sangaris French force, who conveniently arrived on the day before the Seleka
4 retreated from the town of Mbaïki, which has enabled us to avoid the -- a rush
5 towards the gold or the village of the dead donkeys of the Anti-Balaka who were
6 licking their lips and whose hatred would have threatened everything that has been
7 achieved, all the outreach activities or sensitisation that was done upstream."

8 MS HENDERSON: [11:52:12]

9 Q. [11:52:14] Now, Mr Kouroupe-Awo, my questions to you on this excerpt are just
10 to expand a bit on what you meant by certain expressions that you used. Firstly, the
11 "rush towards the gold", what did you mean by that?

12 A. [11:52:40] As I said at an earlier stage, independently of the Anti-Balaka, many
13 of individuals amongst the indigenous population wanted to find an opportunity to
14 wreak revenge, because when the Seleka had arrived, many things had happened.
15 They were ruling over everyone, and all those who had borne the brunt of the abuse
16 were members of the indigenous population. It was never the Muslims.
17 So, as the Seleka had left, many people amongst the indigenous population wanted to
18 wreak revenge. They wanted to throw themselves at the Muslim population. They
19 wanted to loot them. They wanted to attack them in order to loot the property
20 belonging to the Muslims and to attack the property belonging to the Muslims. So
21 they had found this opportunity at the arrival of the Anti-Balakas.
22 That's why I had spoken about the rush towards gold.
23 Everyone in Mbaïki and all the Muslims had gathered together. The Muslims had a
24 lot of things in their homes, and it was the opportunity to attack the Muslims and
25 retrieve their property.

Trial Hearing
WITNESS: CAR-OTP-P-1813

(Open Session)

ICC-01/14-01/18

1 So when the Balaka arrived, that was what the population thought would happen.
2 So it was not only the Balaka elements. There were many people amongst the
3 indigenous population who wanted to get involved and attack the Muslim
4 population and get hold of their property. And that's why I talked about the rush
5 towards the gold, because all the Muslims were grouped *together in Mbaïki, they
6 had all their personal possessions and I'm sure they had money too. And *those
7 who were residing in Mbaïki had their property and possessions. So it was an
8 opportunity to pounce on them and seize their property.

9 Q. [11:55:43] And when you talk about "the Anti-Balaka who were licking their lips
10 and whose hatred would have threatened everything that had been achieved", what
11 were you referring to there? Can you expand on that, please.

12 A. [11:56:09] I wasn't saying that it was only the Balaka who were licking their lips.
13 There were also those who found it the ideal opportunity to go and serve themselves,
14 pick up what they could. The Balaka who were led by the accused were not so
15 numerous as the members of the population who were interested in all of this. So it
16 was not only the Balaka who were officially headed up by the accused. There were
17 also people, as I said, who had invented themselves as Balaka, who had entered the
18 game and who were more numerous.

19 MS HENDERSON: [11:57:07] Now, for my next question, I just want to cite as the
20 basis for the question on to the record some call data records. They appear at tab 6,
21 and that is CAR-OTP-2054-1481. It's a lengthy Excel spreadsheet, but the reference is
22 row 310836. So that's just for the record.

23 Q. [11:57:35] And now I will ask you, Mr Kouroupe-Awo, do you recall
24 Mr Yekatom calling you that evening, that is, the evening after the visit from
25 transitional President Samba-Panza to Mbaïki, do you recall him calling you that

Trial Hearing
WITNESS: CAR-OTP-P-1813

(Open Session)

ICC-01/14-01/18

1 evening on your Orange number?

2 A. [11:58:07] I no longer recall.

3 Q. [11:58:17] At the time of this visit from Catherine Samba-Panza, can you tell the
4 Court what the atmosphere was like in Mbaïki.

5 A. [11:58:41] President Catherine Samba-Panza had come to Mbaïki with a view to
6 supporting the efforts that we had made to avoid intercommunity confrontation.

7 And that was why she had come, in order to encourage and congratulate the

8 population of Mbaïki and the figures of authority, myself, first and foremost, for all

9 the efforts that had been made to bring calm to the community so that the Muslim

10 and indigenous population would not fight each other. There were many people.

11 There was a great crowd gathered. And the message that the president had given on

12 the occasion of her visit was received in a number of ways, different ways, by the

13 population that was present.

14 There were many people present, especially members of the indigenous population,

15 because the Muslims hadn't really turned out in droves because they were fearful for

16 their safety. Amongst said population, members of the population, there were

17 individuals who were favourable to the content of the speech and others who

18 *rejected it and others who heckled the president. That was the atmosphere that

19 reigned on the occasion of that speech.

20 Even at the end of such speech, she had given over a few envelopes containing money

21 for national associations, and on that occasion, the Balaka were present in Mbaïki.

22 They were also present at that meeting.

23 Q. [12:01:47] And, Mr Kouroupe-Awo, I just want to go back to an answer that you

24 gave some minutes ago where you referred - and this is real-time transcript page 35,

25 lines 1 to 3 - about the indigenous population wanted to wreak revenge against the

Trial Hearing
WITNESS: CAR-OTP-P-1813

(Open Session)

ICC-01/14-01/18

1 Muslim population. Do you mean to say that the Anti-Balaka too did not wreak
2 revenge against the Muslims? Are you saying that it wasn't the Anti-Balaka?

3 A. [12:02:31] I'll go back. What I said was, it's true that the few Anti-Balaka who
4 were close to the accused here were in town, but I would state once again that a lot of
5 young people were interested in this, and they invented themselves as Anti-Balaka.
6 So what people were afraid of were the Balaka, because some of them had weapons
7 on them, and the others, they were basically hooligans who had got into this in order
8 to swell their numbers. So young delinquents who had got into that scene aided by
9 the presence of the Balaka who had come there. So when they saw the Balaka, those
10 who were going towards Lobaye, they had arrived, the others want to come to them
11 in order to come to an agreement and to harm the Muslim community, as was case for
12 the Seleka, who were close to the Muslim community and who had also committed
13 abuses on the indigenous community. And as I said, when the Seleka was there,
14 they were accused of just attacking the indigenous population but never the Muslim
15 population. So the tendency was reversed.

16 Q. [12:04:46] Sir, I want to move on in your statement to the killing of the deputy
17 mayor Djido Saleh. And you said in your statement - and I'm referring for the
18 record to paragraph 69 - that you believed that MISCA or Mr Yekatom's elements
19 contacted Mr Yekatom and informed him about the incident. That is, after it had
20 taken place.

21 And my question to you is: How did you form that belief? What did you know
22 exactly?

23 A. [12:05:32] I was informed by people who were in the neighbourhood, the
24 neighbourhood in which the Balaka wanted to take. I was informed by that, that the
25 Anti-Balaka wanted to go -- to take the deputy mayor. And there was the itinerary

Trial Hearing
WITNESS: CAR-OTP-P-1813

(Open Session)

ICC-01/14-01/18

1 which the Anti-Balaka had taken. The Anti-Balaka who I'm talking about, they were
2 the group of young people, indigenous people, and they were helped by Balaka who
3 had come from Bangui or Pissa. Some were in military uniform, whereas others
4 were in civilian clothing. There were a low number of them compared to the group
5 of young indigenous people who accompanied them.

6 They went towards the domicile of the deputy mayor, and I followed, moment by
7 moment, through my informants who told me that the group had arrived at
8 such-and-such a place and, afterwards, at the domicile of the deputy mayor *from
9 where he was taken. And then they went towards the gendarmerie company where
10 they were executed. And I had informants who were giving me the information.
11 That's the role of a prefect.

12 Q. [12:08:02] And do you know if these informants were witnessing events on the
13 ground as they were happening?

14 A. [12:08:21] Yes. One or two of them were following the group.

15 Q. [12:08:35] Now, you say in your statement - and for the record I'm referring to
16 paragraph 71 - that MISCA would call Mr Yekatom to report misbehaviour of the
17 Anti-Balaka. And at the end of that paragraph you say that when Mr Yekatom
18 would come in response to these requests, he would call by you in advance to greet
19 you.

20 Now, you talk there about requests, plural. Do I take it then that there were other
21 instances of the Anti-Balaka misbehaving and MISCA reporting it to Mr Yekatom?

22 A. [12:09:43] When the accused went to the MINUSCA barracks, he either did it on
23 the basis or at the request of the MINUSCA or *if it was he who had the need, who
24 expressed the need to meet the Congolese MISCA for certain things which weren't
25 completely revealed. But what is true is that when the MINUSCA would note

Trial Hearing
WITNESS: CAR-OTP-P-1813

(Open Session)

ICC-01/14-01/18

1 something or when they had information with regards to the behaviour, a bad
2 behaviour of Anti-Balaka elements in the locality, then the MINUSCA, either through
3 the colonel who was there who was commanding the regiment or a captain who was
4 responsible for relations, he would be called. He would come. And when he
5 returned -- when he left the MINUSCA barracks to return, he would either go via the
6 office or the residence, and he would inform me of why he had come to the
7 MINUSCA. He would inform me of that. He did that on several occasions.
8 Sometimes he would go to MINUSCA and leave without passing by me. But most
9 of the time, he did pass by me in order to tell me why he had come to MINUSCA, or if
10 MINUSCA had blamed him or made accusations with regards to the behaviour of any
11 of his elements in that locality, or in certain localities. That's it.

12 Q. [12:12:09] Did you ever come to find out what those accusations were against
13 Mr Yekatom's elements?

14 A. [12:12:31] Yes. Some of the elements who were among the accused's group in
15 different places, there would be cases on Boda road, 50 kilometres away, where some
16 of the elements of the accused were threatening the population. They were
17 threatening the population. They were attacking the population. And when I
18 checked myself, it's true that there were one or two of these elements who were in the
19 locality, but there were young people who were passing themselves off as elements of
20 the accused, while they were not. So they were acting under the name of the
21 accused's team, but they were not a member thereof, and they had no mandate
22 whatsoever from the accused.
23 And I know one who died in an event in Boda. He had left the 50-kilometre area,
24 and he was killed there, despite the dispositions that I had taken to ask him to
25 renounce the actions that he was carrying out in that place.

Trial Hearing
WITNESS: CAR-OTP-P-1813

(Open Session)

ICC-01/14-01/18

1 And I know one person who left 50 kilometres, and he died there. The abuses that
2 I'm talking, these are threats, these are acts of violence, pillaging. This is what was
3 happening. But I never had a case pointed out to me of a killing. But it was verbal
4 attacks, threats, in order to take the property of the population.

5 Q. [12:15:23] And the individual that you are referring to, the person who you were
6 told to renounce his actions, who was that person?

7 A. [12:15:46] This was a young person from the village. He was interested in
8 these abuses. He would go out into the countryside, on the edge of villages, and
9 threaten certain people who were carrying out their occupations. These young
10 people were never presented -- or this young man when he was presented to me, I
11 had a meeting in this village, at 50 kilometres away. And then I said that the young
12 man had to come back to the village and he had to help the head of the village protect
13 the population, rather than being the torturer or abuser of this population. He had a
14 weapon, but I don't know where he got this weapon from. I don't know if it had
15 been given to him by the Balaka who had left Bangui. Because I said that there was
16 an opportunity for everyone to become Anti-Balaka, and that's what they were trying
17 to do.

18 Q. [12:17:16] Now, you've stated that there are several occasions that Mr Yekatom
19 would go to meet with MINUSCA, and you knew this because he would call by you.
20 Can you situate those occasions in time, particularly in respect to the killing of
21 Mr Djido Saleh. If it was before, after, both before and after. If you could help us,
22 please.

23 A. [12:18:00] This was before and sometimes afterwards.

24 PRESIDING JUDGE SCHMITT: [12:18:16] Let's allow ourselves five-minute's break
25 shortly, and then you can think if you continue.

Trial Hearing
WITNESS: CAR-OTP-P-1813

(Open Session)

ICC-01/14-01/18

1 MS HENDERSON: [12:18:25] Thank you, your Honour.

2 THE COURT USHER: [12:18:26] All rise.

3 (Recess taken at 12.18 p.m.)

4 (Upon resuming in open session at 12.25 p.m.)

5 THE COURT USHER: [12:25:44] All rise.

6 Please be seated.

7 PRESIDING JUDGE SCHMITT: [12:26:02] Ms. Henderson.

8 MS HENDERSON: [12:26:05] Thank you, Mr President.

9 Q. [12:26:08] Mr Kouroupe-Awo, I'd like to show you the same document I showed
10 you in the first session at tab 5 of the Prosecution binder, CAR-OTP-2053-0576, to be
11 shown confidentially, and if we can advance to the second page, that's 0577.

12 PRESIDING JUDGE SCHMITT: [12:26:33] Ms Dimitri.

13 MS DIMITRI: [12:26:36] Mr President, I objected this morning. I understand there
14 was no -- it was a different context this morning. This afternoon, I mean, now I
15 object again, but even more so because I believe by showing him this extract of the
16 document, it becomes a leading question. Madam Prosecutor will try and lead into
17 the witness, have him confirm whether or not the content of what is written in there is
18 correct. And I think it's inappropriate.

19 Second of all, you must recall that this is redacted. So we have no way of verifying
20 who said it, whether the information is correct, whether the person was present or not,
21 whether the person learned afterwards or not. So it's very difficult for the Defence to
22 conduct a meaningful cross-examination on the context or the accuracy or not of that
23 document.

24 And third, it's in my respectful opinion, but this will be expanded in our email
25 submission. This, in my opinion, is a document that was provided by -- when the

Trial Hearing
WITNESS: CAR-OTP-P-1813

(Open Session)

ICC-01/14-01/18

1 individual was questioned, it was in anticipation of legal proceedings. But this, I
2 will expand in, because I can already anticipate a request from the Prosecution to
3 submit this document into evidence and will respond into -- into the submission.
4 But these are my objections.

5 PRESIDING JUDGE SCHMITT: [12:28:11] This is a little bit -- yeah, Ms. Henderson,
6 is it not possible to draw the information that is entailed here out and put it into a
7 question to the witness? Indeed, if we read something to the witness and ask him if
8 it was like that, this is indeed something that would be a little bit suggestive. I don't
9 use the word "leading".

10 MS HENDERSON: [12:28:39] Well, Mr President, I see no reason not to put it. It's
11 our submission that this is a witness who is able to listen to a question, agree or not
12 agree with something that's put to him. There is nothing additionally inappropriate
13 or unfair in putting a document rather than putting the content of the document.

14 PRESIDING JUDGE SCHMITT: [12:29:02] What do you want to put exactly to him
15 now?

16 MS HENDERSON: [12:29:06] So I'm wanting to put -- it's a paragraph that starts in
17 French with "*Le 2 mars*", the 2nd of March. You'll see --

18 PRESIDING JUDGE SCHMITT: [12:29:16] Well, he's mentioned here. Of course,
19 then you can put it to him. Of course, yeah. He's mentioned in there, yeah.

20 MS HENDERSON: [12:29:24]

21 Q. [12:29:24] So, Mr Witness, I'm not sure if you see a document on your screen. I
22 believe you do. And you can see that there's a paragraph that refers to 2 March.
23 I'm just going to read out that paragraph in French:

24 (Interpretation) "On 2 March, there was a meeting between the gendarmerie, MISCA,
25 Rambo, the prefect, DRC, Radio Ndeke Luka about the incidents. The MISCA said

Trial Hearing
WITNESS: CAR-OTP-P-1813

(Open Session)

ICC-01/14-01/18

1 to Rambo to withdraw his men. MISCA withdrew its men to allow Rambo to bring
2 his men together and to leave. After that, the illegal roadblocks were taken away.
3 Rambo said that he knew the person responsible and having sanctioned him.
4 Amongst the men, there were former FACA, most of them were from elsewhere."
5 (Speaks English) And what follows after that is the words "*Préfet* Alexandre" with a
6 phone number there, which we've heard already in evidence today is the phone
7 number that you were using.

8 And so my question, Mr Kouroupe-Awo, is whether you recall attending such a
9 meeting on or around 2 March, as described in the text before you?

10 PRESIDING JUDGE SCHMITT: [12:31:03] Yeah, of course.

11 MS DIMITRI: [12:31:04] Mr President, I object to the question because the last part of
12 the question is, "as described". So we are suggesting that this is what happened
13 rather than -- whether or not the witness's name is mentioned --

14 PRESIDING JUDGE SCHMITT: [12:31:16] But -- okay, yeah.

15 MS DIMITRI: [12:31:16] If I may finish, Mr President.

16 It's a prior recorded testimony. You can just ask the witness, what do you know
17 about any meeting that may have occurred on 2 March? Are you aware of -- we can
18 ask in a very open way, but by saying, "Do you recall as described", "as described" is
19 extremely suggestive.

20 PRESIDING JUDGE SCHMITT: [12:31:41] Well, so -- well, I think we are splitting
21 really hairs here.

22 Mr Witness, I'm going to ask you that. So do you recall a meeting -- having
23 participated in a meeting on 2 March with MISCA, gendarmerie and Mr Yekatom?
24 Do you recall that?

25 THE WITNESS: [12:32:12](Interpretation) I have a vague recollection of that.

Trial Hearing
WITNESS: CAR-OTP-P-1813

(Open Session)

ICC-01/14-01/18

1 However, we had taken many measures at the level of the prefecture and myself as
2 the *préfet* and at the level of the Congolese MISCA and Mbaïki town hall in order to
3 request of the Anti-Balaka that they do not conduct any acts of violence in the town.
4 As to my precise memory of the date, well, it's at least eight years ago, and that date
5 doesn't really ring any bells.

6 PRESIDING JUDGE SCHMITT: [12:33:10] It's not, Mr Witness, not mainly about the
7 date. It's about what was said during this reunion. And you have heard and you
8 have seen I think on the screen also what is summarised here. So does this jog your
9 memory? And if not, you say simply, "No, I don't recall it." But is this something
10 that you recall when you hear that?

11 THE WITNESS: [12:33:48](Interpretation) I no longer recollect precisely this meeting.
12 But let me underscore that on several occasions, we had met, that is to say, the
13 MINUSCA, the municipality, the defence and security forces, and myself, and Rambo
14 was present, for him to be able to catch the attention of some of his elements who had
15 conducted acts of violence at a number of locations in the locality, whether it be
16 Mbaïki centre or in some of the communes.

17 PRESIDING JUDGE SCHMITT: [12:34:45] Mr Witness, do you recall that during that
18 occasion or any other, Mr Rambo said that he knew the responsible and that he had
19 sanctioned them? Do you recall that, that this was being said by Mr Yekatom?

20 THE WITNESS: [12:35:14](Interpretation) I recall specifically that on one day, the
21 accused brought in his pick-up vehicle that he used to use one or two individuals
22 who had been pointed out as individuals who were conducting acts of violence in a
23 given locality. He took them to the MISCA compound, the Congolese MISCA
24 compound, and upon his return, he had come by the residency in order to introduce
25 them to me. And he had taken them to a destination that I'm not aware of as. As to

Trial Hearing
WITNESS: CAR-OTP-P-1813

(Open Session)

ICC-01/14-01/18

1 whether he had taken them back to their village or to the post in Pissa to reprimand
2 them, I do not know. But he had on one or two occasions brought individuals along
3 who had been pointed out as people who were attacking members of the population.
4 And he had even brought musical instruments along that had been looted by some of
5 these elements. He had brought them, and he had dropped them off at the
6 residence.

7 The owners of said instruments had come to pick them up at the residence of the
8 prefect. These were musical instruments and they were also small generators.

9 PRESIDING JUDGE SCHMITT: [12:37:27] So, Ms. Henderson.

10 MS HENDERSON: [12:37:33] Just one moment, Mr President.

11 Q. [12:37:45] Mr Kouroupe-Awo, you referred to your response to the Presiding
12 Judge's questions to Mr Yekatom bringing around "individuals who had been pointed
13 out as individuals conducting acts of violence in a given locality." Can you be a bit
14 more specific in terms of what acts of violence that was and where.

15 A. [12:38:21] I said that those people who had been brought along had been
16 pointed out by the MISCA. It was still the MISCA at the time, I believe. The
17 MISCA had the information to the effect that in given locations of the *localités*, people
18 were acting on his behalf, that is, on the behalf of the accused. Information in this
19 regard had been communicated to those concerned who had taken measures to go
20 and verify on location. And on a given day, he had come. He had gone into the
21 MINUSCA and wanted to report back to the MISCA and had come by the residence
22 with one or two individuals in the pick-up. These were the individuals who had
23 been suspected of the acts mentioned in certain localities. It might have been on the
24 road to Boda at 50 kilometres -- 50 kilometres afield. It might have been there that
25 some people were acting on his behalf. He might have received -- they might have

Trial Hearing
WITNESS: CAR-OTP-P-1813

(Open Session)

ICC-01/14-01/18

1 received orders directly from the accused. I do not know. They might not have
2 been in Mbaïki.

3 But I said that we had discovered that those people were acting on their own behalf
4 and not on the behalf of the accused. It is true that they -- that he had introduced
5 them to the MISCA and then brought them to the residency and then taken them to a
6 destination that I am not aware of. I do not know that destination.

7 Q. [12:40:22] And where you say in your testimony that the accusation was that
8 certain individuals had attacked people of the population, the words you use are "the
9 population", do I take it that refers to the Muslim population?

10 A. [12:40:52] Could you please repeat your question.

11 Q. [12:40:55] Yes, sir. You've said in your evidence, in your testimony, just some
12 minutes ago -- I'm sorry. I'm just trying to find the transcript reference. One more.
13 Just one minute.

14 You said on one or two occasions, Mr Yekatom brought individuals along as having
15 been pointed out as having attacked people of the population. That's towards the
16 bottom of real-time page 48.

17 When you refer to "the population", just to clarify, are you referring to the Muslim
18 population?

19 A. [12:41:45] No, no. Those who were indicated -- the locations that were
20 indicated were peripheral, where there were only members of the indigenous
21 population present.

22 Q. [12:42:01] I'd like to -- with the same document that we just had up, I'd like to
23 have it displayed again and to just scroll down from where we were.

24 Thank you, Mr Court Officer.

25 And there is the title that says in French: (Interpretation) "Other incidents".

Trial Hearing
WITNESS: CAR-OTP-P-1813

(Open Session)

ICC-01/14-01/18

1 (Speaks English) And, Mr Kouroupe-Awo, you can read there that there are
2 references to what are called "Other incidents" in Boda, in Mbata, in Bogandou, in
3 Boganangone. I'm sorry for my pronunciation.

4 Are you aware of -- I'll give you a moment to read what's written there.

5 MS DIMITRI: [12:42:55] Mr President.

6 PRESIDING JUDGE SCHMITT: [12:42:55] Well, the witness may say -- where is the
7 problem if there's "*Autres incidents*". The witness has clearly several times
8 differentiated if he recalls it or not recalls it. We have here different incidents.
9 Obviously, partly by the Seleka. The others I don't know. I don't know what the
10 question will be. But even if he recalls something, the evidentiary value will -- since
11 he might not have been the eyewitness will not be in any way that we should, I think,
12 well, get too excited about it.

13 MS DIMITRI: [12:43:32] I understand, but it's not my objection. My objection,
14 Mr President, is I find it very irregular that we have a witness reading a prior
15 recorded testimony -- statement and ask him to comment upon. He is the *préfet* of
16 the Lobaye. Just simply ask him: What happened in Boda? What do you recall?
17 My question is not -- my objection is not in relation to other incidents in Boda or
18 Bangui-Bouchia or Mbata or Bagandou. My objection is in the procedure. Since
19 when do we show a witness, when we are the examining party, a prior statement of
20 someone else, whom we don't even know because it's redacted, and ask him, "Please
21 comment." Just ask him a simple open-ended question.

22 PRESIDING JUDGE SCHMITT: [12:44:21] First of all, it's doubtful if it's a procedural
23 matter if it's a prior recorded statement. That's the first thing.

24 And the second thing is, with regard to what we did before, it is perfectly clear that he
25 was mentioned. And we always did that, and that is not a problem at all. Every

Trial Hearing
WITNESS: CAR-OTP-P-1813

(Open Session)

ICC-01/14-01/18

1 party did that.

2 With regard to these other incidents, well, you have a point here.

3 And perhaps you can simply draw the information out and ask him if he knows

4 about these incidents. And, actually -- well, I already indicated that I don't expect a

5 lot of evidentiary value from that. But if you want, you can proceed.

6 Have you ever heard -- what incident are you interested in?

7 MS HENDERSON: [12:45:16] I'll start with the reference to Boda.

8 Q. [12:45:20] My question, Mr Kouroupe-Awo, is if you are aware of an incident in

9 late December 2013 in which 600 houses were burned?

10 A. [12:45:38] I did not personally experience this incident as I was in Boda -- in

11 Boda -- the incident in Boda. I was in Mbaïki. I was residing there as the *préfet*.

12 And the events had occurred at the time when the Seleka, who had taken up position

13 in Boda, had scarpered. They had left Boda. And it was after their departure that

14 confrontation occurred between the Muslim and the indigenous population. That

15 had occurred whilst I was in Mbaïki. And it was nearly three weeks or a month later

16 that I had traveled to Boda in order to find out more and to try and bring the two

17 communities together in order to avoid that the situation go downhill. All the

18 houses had been burnt. Apparently, there were more than a thousand. There were

19 more an a hundred people, indigenous population members, who had been killed

20 and more than 20 of the Muslim community who had been killed. But when that

21 occurred, I was in Mbaïki and I was not present in Boda.

22 Q. [12:47:13] And, sir, do you know anything about an attack by the Seleka

23 between 10 and 12 January 2014 in Mbata?

24 A. [12:47:38] There we are. When the president of the transition government,

25 Djotodia, was removed from office, some young men from Mbata had celebrated by

Trial Hearing
WITNESS: CAR-OTP-P-1813

(Open Session)

ICC-01/14-01/18

1 going into the houses of some of the Muslims in Mbata, some of their homes. They
2 were showing their joy to the Muslims in Mbata. This was not well seen by the
3 Muslims, and there had been fighting. There was fighting in a neighbourhood along
4 the Lobaye river. Six members of the indigenous population had lost their lives,
5 were killed, but that was by -- upon the intervention of the Seleka when they entered
6 Mbaïki. They had gone to Mbaïki because they had been informed of the tension
7 that was present in Mbata. And when they went to Mbata, they killed six members
8 of the indigenous population. And a Muslim was also killed because he had fled
9 into the forest, and he had been caught up with and killed in the forest there. That's
10 with regard to Mbata.

11 PRESIDING JUDGE SCHMITT: [12:49:35] And where did you receive this
12 information from, Mr Witness?

13 THE WITNESS: [12:49:47](Interpretation) I was in Mbaïki when the Seleka team
14 went into Mbata. I was in Mbaïki. And when the Seleka team came back to Mbaïki,
15 I went to Mbata in the company of ...

16 THE INTERPRETER: [12:50:12] The image has frozen.

17 PRESIDING JUDGE SCHMITT: [12:50:25] In the meantime, while we try to fix that, I
18 think you are coming close to the end, I assume. I hope we can finish now, but if it's
19 a longer thing to fix it, we will have the break now. Then it doesn't matter.

20 MS HENDERSON: [12:50:38] I'd say, to give your Honour an indication, I have two
21 topics. One is very short. I expect that together they take between 10 and 15
22 minutes.

23 PRESIDING JUDGE SCHMITT: [12:50:47] Okay. And the representatives of the
24 victims, any questions?

25 MS MASSIDDA: [12:51:02] We will have no question for this witness, your Honour.

Trial Hearing
WITNESS: CAR-OTP-P-1813

(Open Session)

ICC-01/14-01/18

1 Thank you.

2 PRESIDING JUDGE SCHMITT: [12:51:05] Mr Suprun?

3 MR SUPRUN: [12:51:07] Thank you, Mr President.

4 I might have a couple of questions for this witness, but it will depend on the extent of
5 the questions put by the Office of the Prosecution.

6 PRESIDING JUDGE SCHMITT: [12:51:17] I can imagine.

7 And then, Ms Dimitri, of course.

8 MS DIMITRI: [12:51:21] Yes, Mr President. We have a couple of hours with this
9 witness. And if it's okay, the idea is, Ms Guissé has a very short topic with this
10 witness. So she -- her intention was to start perhaps this afternoon, to address this
11 topic, and after that, she will excuse herself, work on the next witness, and Ms Casiez
12 is going to take over for a couple of hours. Yeah.

13 PRESIDING JUDGE SCHMITT: [12:51:46] Tomorrow morning then?

14 MS DIMITRI: [12:51:47] Yes.

15 PRESIDING JUDGE SCHMITT: [12:51:48] Okay. Then, obviously, it cannot be
16 fixed quickly. So what we do now is then we have the break, perhaps we can
17 shorten it a little bit, until 2 o'clock. Is that okay with everyone? Perhaps until 2
18 o'clock and then, yeah, we will -- or longer, I don't know. Let's say quarter past 2,
19 that we have the normal lunch break, like always, so everybody can have his or her
20 lunch in peace.

21 THE COURT USHER: [12:52:23] All rise.

22 (Recess taken at 12.52 p.m.)

23 (Upon resuming in open session at 2.17 p.m.)

24 THE COURT USHER: [14:17:05] All rise.

25 Please be seated.

Trial Hearing
WITNESS: CAR-OTP-P-1813

(Open Session)

ICC-01/14-01/18

1 PRESIDING JUDGE SCHMITT: [14:17:27] Before we continue, we recognise that
2 Mr Ngaïssona is not present.

3 Just wait a second.

4 I would like to inquire if the Defence already has an idea how long they will question
5 this witness.

6 Ms Guissé and Ms Casiez.

7 MS GUISSÉ: [14:17:52](Interpretation) Mr President, good afternoon. Let me take
8 the floor on behalf of Madam Lena Casiez and myself to say that, in theory, we would
9 require five sessions -- six. Six, I have just been corrected by Ms Dimitri. But we
10 should specify that, according to what has been said today, we can cut it down a bit.
11 But with regard to the time that has been programmed by the Chamber, there is no
12 difficulty to the extent that we will have finished on time, if that is your concern. I
13 can reassure you in this regard that we will not overextend.

14 MS DIMITRI: [14:18:44] Mr President, if I may add. I had a working session with
15 Mr Suzuki yesterday regarding the following witness and I --

16 PRESIDING JUDGE SCHMITT: [14:18:52] Commencing on Thursday.

17 MS DIMITRI: [14:18:53] Yes. And I am -- I didn't speak with Mr Vanderpuye, but
18 I'm pretty sure the next witness is going to be done in one day. We are not going
19 to -- I doubt we would go -- we would need the two days. So that there is this gap,
20 if -- if ever.

21 PRESIDING JUDGE SCHMITT: [14:19:11] Okay. Good. But, nevertheless, I think
22 the judges have talked with each other, and we hold, of course, the presence of both
23 accused in very high regard and regard it as very important. But this seems to be an
24 exceptional circumstance.

25 And I think, Mr Knoops, perhaps you want to take the floor, and that Mr Ngaïssona

Trial Hearing
WITNESS: CAR-OTP-P-1813

(Open Session)

ICC-01/14-01/18

1 would be -- I've been informed that he would be prepared to waive his right to be
2 present today -- this afternoon.

3 MR KNOOPS: [14:19:47] Yes, thank you, Mr President.

4 Regrettably, Mr Ngaïssona was not feeling that well today. I sought for medical
5 assistance -- I deemed it fit to seek medical assistance during the break. And rightly
6 so, because the medical officer detected very high blood pressure, and Dr Falke of the
7 Detention Centre advised to have him return speedily.

8 Mr Rouse and I were able to speak with Mr Ngaïssona during the break. And in
9 order to have the trial continue, which is also for him very important, he agrees that
10 we continue this afternoon. And I have to see tomorrow morning how his medical
11 condition is. Apparently, the last two weeks have taken its toll also on his medical
12 condition. But he respects the importance of the trial to be continued, so he has
13 given us authority to say to the Chamber that we can continue. I don't have yet a
14 written waiver.

15 PRESIDING JUDGE SCHMITT: [14:20:46] Well, but if you are authorised to
16 transmit --

17 MR KNOOPS: [14:20:49] We are authorised to say it, yes.

18 PRESIDING JUDGE SCHMITT: [14:20:52] -- what he has orally said to you, then
19 that would be fine.

20 MR KNOOPS: [14:20:55] Yes. That was it, Mr President. Thank you.

21 PRESIDING JUDGE SCHMITT: [14:20:56] Okay. Thank you very much.

22 Are there any objections on the side of the Prosecution?

23 MS HENDERSON: [14:20:59] No objections, your Honour.

24 PRESIDING JUDGE SCHMITT: [14:21:02] Okay. Then, just for the record, we state
25 that the accused, Mr Ngaïssona, is excused from the presence during this afternoon

Trial Hearing
WITNESS: CAR-OTP-P-1813

(Open Session)

ICC-01/14-01/18

1 session, well, for exceptional reasons, we have talked about that, and these
2 exceptional reasons justify the absence of Mr Ngaïssona.
3 We have heard, and we appreciate it, that the accused has explicitly waived his right
4 to be present in the afternoon session. And, of course, like always, we trust
5 absolutely and I'm absolutely sure that his rights will be fully ensured in his absence
6 by the counsel here in the courtroom.

7 I may also perhaps add that the witness we currently are questioning is, let's say,
8 perhaps not a witness whose testimony would affect the accused, Mr Ngaïssona,
9 more than peripherally, so to speak.

10 So we continue with the examination, and I give the floor to the Prosecution,
11 Ms. Henderson.

12 And, perhaps, finally, before you start, Mr Knoops, we appreciate it that your client
13 has authorised you to transmit his waiver, and we hope he is feeling better tomorrow
14 and that we can continue tomorrow in his presence.

15 MS HENDERSON: [14:22:31] Thank you, Mr President.

16 Q. [14:22:34] Mr Kouroupe-Awo, before I embark on my last topic, I just have one
17 point to go back to from the session of this morning -- the last session of this morning.
18 It was a question from the Presiding Judge. I'm looking through the transcript. I'm
19 just not sure it has been fully answered. But this relates to the killing of Mr Djido
20 Saleh. And the question from the Presiding Judge was whether you recall an
21 occasion when Mr Yekatom said that he knew the person responsible for the killing
22 and had sanctioned them.

23 So very specifically on that, do you recall such an occasion?

24 A. [14:23:30] Not at all.

25 Q. [14:23:34] I'd like to move to a topic in your supplemental statement. In that

Trial Hearing
WITNESS: CAR-OTP-P-1813

(Open Session)

ICC-01/14-01/18

1 statement, at paragraph 21, you refer to travelling between Bangui and Mbaïki and
2 seeing very young boys from the age of 10 years old at the Sekia and Pissa barriers,
3 which you refer to as permanent Anti-Balaka posts.

4 Firstly, can I ask you: How many occasions did you see this?

5 A. [14:24:24] I went by that location on several occasions. I can't tell you how
6 many, but I went by on a number of occasions.

7 Q. [14:24:34] Do you know approximately when these occasions were, whether by
8 date or, if you like, by saying how long it was after a certain event, however you wish.
9 Can you situate them in time in any way for us?

10 A. [14:25:02] With regard to the number of times, it would be impossible for me to
11 say. I would leave Mbaïki for Bimbo or Bangui to go to meetings that brought
12 together *préfets*, either for meetings to which I had been invited by the presidency of
13 the republic to talk about matters to do with Boda. I would leave Mbaïki for Bimbo
14 to see my family. So to tell you how -- precisely how many times, that would not be
15 possible. I can't tell you that.

16 Q. [14:25:43] Thank you. We understand that.

17 Sir, if I could just ask you then, when you say that you were invited to meetings by
18 the president of the republic, are we talking about the president of the transition at
19 that point?

20 A. [14:26:18] That is Catherine Samba-Panza. That was the president of the
21 transition at the time.

22 I would repeat. I am talking here about Madam Catherine Samba-Panza. I went to
23 Bangui when I was invited, and I was in the company of certain compatriots or
24 certain individuals who had been invited to meetings that were to cover matters
25 pertaining to Boda.

Trial Hearing
WITNESS: CAR-OTP-P-1813

(Open Session)

ICC-01/14-01/18

1 Q. [14:27:07] Thank you, sir.

2 And just in relation to the young boys that you saw, can you describe what they were
3 doing at the barriers. What did you see them do?

4 A. [14:27:28] When I went by, I could see them there, standing around their elders,
5 the Anti-Balaka elements who were there, sometimes in civilian attire, sometimes in
6 FACA uniform. They were standing there. And I never saw them attacking people.
7 They were always there, present.

8 Q. [14:28:08] Just one moment.

9 PRESIDING JUDGE SCHMITT: [14:28:13] Just in the meantime, I may ask
10 something.

11 Mr Witness, when you say that - I'm referring to paragraph 21 of the second
12 statement - "I would see very young boys from 10 years old," how would you -- how
13 did you come to the impression that these were young boys from the age of
14 10 -- perhaps 10, 11, 12, 13, 14, so under 15? How did you come to that impression, if
15 I may ask?

16 THE WITNESS: [14:28:55](Interpretation) It was in comparison to certain
17 individuals who were there, certain Balaka who were there. I saw them as being
18 younger. It's easy for me to ascertain that these were young people, younger than 18
19 years of age. I was in a position to do so. These were youngsters. They looked
20 curious. They were always there, present.

21 PRESIDING JUDGE SCHMITT: [14:29:25] Thank you for that answer. We had
22 several times this issue, and I think we -- the witness gave an answer, how he
23 identified them as -- for in his mind, in his impression, as young boys. And, well, we
24 don't get much -- we don't get -- we won't get an expert here to figure that out.
25 Please.

Trial Hearing
WITNESS: CAR-OTP-P-1813

(Open Session)

ICC-01/14-01/18

1 MS HENDERSON: [14:29:49] I would just like to go one question further. It may --

2 PRESIDING JUDGE SCHMITT: [14:29:52] Oh, yeah, please do that.

3 MS HENDERSON: It may be helpful. It may not.

4 Q. [14:29:56] But did you have the opportunity to speak to any of these young boys
5 at the barriers?

6 A. [14:30:15] Not on a single occasion.

7 Q. [14:30:17] And it's just a little unclear from the transcript, but you referred to
8 some wearing military uniforms and some not. Are you referring there to the young
9 boys, or are you referring to the adult Anti-Balaka?

10 A. [14:30:40] The Anti-Balaka adults would wear either army uniforms or
11 *tache-tache*. So either with a military top and a civilian bottom, or vice versa. And
12 some of those children might have been lucky enough to get hold of clothing that
13 looked military. On the market, one can buy things that look or have the colour of
14 the military army uniform. I saw some of them wearing such clothing.

15 As to whether this was specifically military clothing or not, or as to whether these
16 were clothes that they bought on the market, I can't tell you that. But still, some of
17 them I did see wearing either a top or a bottom that was of military colour.

18 Q. [14:31:52] And for those young boys wearing a top or a bottom of military
19 colour, did you have the chance to observe how those tops and bottoms fit them?

20 A. [14:32:20] Could you please repeat.

21 Q. [14:32:21] Yes. I'm just trying to put it in a similar way to how you put it,
22 because I understand you can't say whether these young boys were wearing military
23 uniforms proper. But for those ones who were wearing military-like uniform, were
24 you able to see how those military-like uniform fit them?

25 A. [14:32:57] Well, I didn't see somebody wearing an oversized outfit. These were

Trial Hearing
WITNESS: CAR-OTP-P-1813

(Open Session)

ICC-01/14-01/18

1 outfits that fitted or fit them.

2 Q. [14:33:13] Now, over the different occasions that you saw these young boys
3 standing at the barrier, can you estimate how many boys there were? And I realise
4 that there might be different answers for different occasions.

5 A. [14:33:45] Yes. Often fewer than 10.

6 Q. [14:33:54] And my last question on this sighting at the barrier - and, again, just
7 to go back to the point in time, because you've referred to Madam Catherine
8 Samba-Panza as being the transitional president at the point in time - is it fair to say
9 that you saw these children at the barriers in around January-February 2014?

10 A. [14:34:35] I believe that that is the corresponding period.

11 Q. [14:34:40] Now, moving finally to paragraph 12 of your supplemental statement,
12 where you spoke about attending a ceremony in Mbaïki where the Anti-Balaka
13 handed over child soldiers to an organisation called ESF. I would like to show you a
14 document, to be displayed confidentially. It's at OTP binder tab 10, and the evidence
15 registration number is CAR-OTP-2068-0558.

16 And if the court officer could please go to page 0563.

17 Thank you, court officer. That's a good place.

18 You can see, sir, on your screen two photos. And for the record, those are the top
19 two photos that appear on the page. And it's a bit hard for me to see from the
20 quality of the photo, but the person speaking on the left in the brown suit, is that you?

21 A. [14:36:21] I was in attendance at the meeting, but I'm finding it difficult to
22 recognise myself in this photograph. I don't know whether it is me, but apparently
23 not.

24 PRESIDING JUDGE SCHMITT: [14:36:40] Well, actually, Mr Witness, there seems to
25 be really a resemblance, I might say. But, okay.

Trial Hearing
WITNESS: CAR-OTP-P-1813

(Open Session)

ICC-01/14-01/18

1 But we can ask him if he was present.

2 And you said it already in your statement that you were present. I think we can
3 simply continue from there.

4 MS HENDERSON: [14:37:00] Perhaps if I just ask, now that the court officer has
5 kindly zoomed in.

6 Q. [14:37:05] Does that assist you to see if it's you or somebody else?

7 A. [14:37:14] Yes.

8 Q. [14:37:15] Is that "yes" it's you?

9 THE INTERPRETER: [14:37:16] The witness said "yes".

10 THE WITNESS: [14:37:17](Interpretation) Yes.

11 MS HENDERSON: [14:37:17] Thank you.

12 PRESIDING JUDGE SCHMITT: [14:37:21] So we were right.

13 MS HENDERSON: [14:37:25] If we could go to the next page, 0564, please.

14 Thank you, Mr Court Officer.

15 Q. [14:37:37] You can see, Mr Kouroupe-Awo, two photos on your screen. And
16 does that accord with what you remember seeing on the day at this ceremony in
17 Mbaïki?

18 A. [14:38:05] The NGO *Enfants Sans Frontières*, Children Without Borders, had
19 brought children together who had been taken in in various *localités*. So let us say
20 that it was those who were with the Anti-Balaka whom they had negotiated for and
21 managed to withdraw them from the Anti-Balaka and took care of them with a view
22 to bringing them back to their families.

23 Now, if that is the location we are talking about, then I'm sure that it is they who are
24 there. There were girls and boys.

25 Q. [14:39:09] Thank you, sir.

Trial Hearing
WITNESS: CAR-OTP-P-1813

(Open Session)

ICC-01/14-01/18

1 Had you finished the answer to that question?

2 A. [14:39:23] Yes. I said --

3 THE INTERPRETER: [14:39:25] The witness is repeating.

4 THE WITNESS: [14:39:27](Interpretation) -- had taken the Anti-Balakas, the young

5 boys and the young girls who had been working with the Anti-Balaka. In the

6 context of their activities, they wanted to take care of them and put them into care

7 families, and then bring them back to their original families, their biological families.

8 So I remember all too well that if this is the location that we visited, these are the

9 correct photos, those are indeed the young people who were there. This is the

10 Mbaïki social centre.

11 MS HENDERSON: [14:40:16]

12 Q. [14:40:16] And, Mr Witness, from looking at the photos there, those two photos

13 before you, are the children you see in those photos of similar age to the children that

14 you saw at the barriers?

15 A. [14:40:43] These are not those who were to be found at the barriers that I went

16 through. I said to you that some of them had been taken in in other locations within

17 the localities. These are not the ones who were at the barriers that I would go

18 through. What you see here is some who are still young. There are older boys.

19 But I can't tell you that they were all the ones that I saw at the barriers I went through,

20 because they were taken in in separate locations.

21 PRESIDING JUDGE SCHMITT: [14:41:23] I think we leave it at that.

22 MS HENDERSON: [14:41:26] I would ask just one follow-up on that. I think a

23 clarification of what the question that I put to him was --

24 PRESIDING JUDGE SCHMITT: [14:41:31] Yeah, but -- no, I would not, actually. I

25 think he has answered the question. He has said there were -- he has clearly said

Trial Hearing
WITNESS: CAR-OTP-P-1813

(Open Session)

ICC-01/14-01/18

1 two things. First of all, these were not the people he saw at the barriers. That was
2 not what you were asking for. But he has -- but, Mr Vanderpuye -- but he has also
3 said, there are some younger ones, in his opinion, and some perhaps a little bit older
4 ones. And then we don't get much more out of it, so please continue. No further
5 questions on that.

6 MS HENDERSON: [14:42:04] Just one moment. I'll just confer, your Honour.

7 (Counsel confers)

8 MS HENDERSON: [14:42:32]

9 Q. [14:42:32] Thank you for your patience, Mr Kouroupe-Awo, in answering my
10 questions. I have no further questions for you.

11 Thank you, Mr President.

12 PRESIDING JUDGE SCHMITT: [14:42:39] Thank you, Ms. Henderson.

13 Mr Suprun, I think the questions with regard to the child soldiers have been asked.

14 MR SUPRUN: [14:42:48] Mr President, with the Chamber's leave, I still have a
15 couple of questions for this witness. It will not take very long.

16 PRESIDING JUDGE SCHMITT: [14:42:54] Let's -- let's hear them, yeah. Let's hear
17 them.

18 MR SUPRUN: [14:42:55] Thank you.

19 QUESTIONED BY MR SUPRUN: (Interpretation)

20 Q. [14:43:11] Mr Kouroupe-Awo, good afternoon, once again.

21 A. [14:43:12] Good afternoon.

22 Q. [14:43:13] My name is Mr Dmytro Suprun, and I represent a group of victims
23 who are the former Anti-Balaka child soldiers.

24 Sir, at an earlier moment, you talked about the demobilisation programme for the
25 Anti-Balaka child soldiers that had been led by the *Enfants Sans Frontières* NGO.

Trial Hearing
WITNESS: CAR-OTP-P-1813

(Open Session)

ICC-01/14-01/18

1 My question is as follows: Did the national authorities or the Central African state
2 contribute financially or in any other way to this demobilisation project led by the ESF,
3 the *Enfants Sans Frontières*?

4 A. [14:43:54] I was not privy to this information via my -- the department, the
5 administration of the territory department. I was in Mbaïki. And it was when the
6 routine visits were conducted as part of their activities that the representatives of
7 *Enfants Sans Frontières* had come by to pay me a courtesy visit. And they took this
8 opportunity to tell me about the activities that *Enfants Sans Frontières* was conducting
9 in the locality with a view to taking in child soldiers who had been working with the
10 Anti-Balaka group. So I do not know the source of the financing for *Enfants Sans*
11 *Frontières*.

12 Q. [14:45:08] Thank you, sir.

13 Now, as *préfet* of Mbaïki during that period, were you informed of the content and the
14 unfolding of the *Enfants Sans Frontières* project with regard to these former child
15 soldiers of the Anti-Balaka?

16 A. [14:45:29] Verbally, the representatives, when they would come by the locality,
17 especially Mbaïki centre, in the context of their activities, they would speak to me
18 about this project. And as they regularly were in contact with the head of the social
19 centre, I believe that a document must have been dropped off at the social centre. It
20 must have been given to the social centre, but not at the *préfecture*.

21 Q. [14:46:15] Were you informed what this demobilisation project was all about?

22 A. [14:46:26] The representatives of *Enfants Sans Frontières* informed me that they
23 were taking those steps with a view to gathering the children together, to getting
24 them out of the Anti-Balaka, with a view to giving them teaching, and then
25 reintegrating them into their biological families.

Trial Hearing
WITNESS: CAR-OTP-P-1813

(Open Session)

ICC-01/14-01/18

1 Q. [14:47:05] To the best of your knowledge, did this ESF programme include
2 measures of medical, psychological and socioeconomic rehabilitation?

3 A. [14:47:18] As the terms of reference weren't filed with me, the work that was
4 carried out was carried out at a difficult time such that *Enfants Sans Frontières* was not
5 able, in accordance with the normal standard procedures, to provide all the required
6 documentation that the authorities would require in order to know what the objective
7 of the project was, as well as the real objectives that were being followed. There was
8 no reference document. There was no report.

9 Q. [14:48:14] Apart from this ESF project during this period when you were the
10 prefect of Mbaïki, did the Central African Republic authorities envisage setting up a
11 programme at regional level to help child soldiers reintegrate into their respective
12 communities and contribute to reconciliation with the communities?

13 A. [14:48:41] To the best of my knowledge, in this field, nothing was envisaged, at
14 least where it concerns the *préfecture*. Perhaps it was done at government level, but I
15 came under the minister for the administration of the territory, and it was up to the
16 minister of the administration of territory to pass on information if a decision was
17 taken at government level.

18 Q. [14:49:12] Thank you very much for your answers.

19 Your Honour, I have finished.

20 A. [14:49:18] Thank you.

21 PRESIDING JUDGE SCHMITT: [14:49:19] Thank you, Mr Suprun. Indeed, these
22 questions had to be asked, at least to be inquired with the witness.

23 We are now turning to the examination by the Defence. Before we start, there is a
24 Defence request to add five items to the list of evidence. Are there any objections
25 from the side of the Prosecution?

Trial Hearing
WITNESS: CAR-OTP-P-1813

(Open Session)

ICC-01/14-01/18

1 MS HENDERSON: [14:49:52] Your Honour, I have to say I haven't had the
2 opportunity to review those documents.

3 PRESIDING JUDGE SCHMITT: [14:49:56] That is, of course, then an attack a little bit
4 by me, so to speak, by the -- first of all, by the Yekatom team. However, if Ms Guissé
5 tells us now that these five items will not be used in her discrete area she is going to
6 entertain, then I think we can ask you tomorrow again. Yeah. Is that fine with
7 you?

8 MS HENDERSON: [14:50:20] Yes, there is no objection to that course, your Honour.

9 PRESIDING JUDGE SCHMITT: [14:50:23] Okay.

10 Then, Ms Guissé, please start with the examination.

11 MS GUISSÉ: [14:50:27](Interpretation) Yes, your Honour, I confirm that I'm going to
12 address these documents, but it will be tomorrow, within the framework of the
13 continuation of my cross-examination.

14 PRESIDING JUDGE SCHMITT: [14:50:39] Actually, I thought so, yeah. And if you
15 know already, the issue that you want to discuss this afternoon, how long will it take?
16 It should be a short one, as I've understood it.

17 MS GUISSÉ: [14:51:08](Interpretation) Yes, I think, your Honour, that it should go
18 quite quickly. I'll try to ensure that I will stop on these -- or remain with these two
19 subjects which aren't directly linked to what was said in today's hearing in order to
20 make it possible to review the transcript and then adjust the rest of our questions
21 tomorrow.

22 PRESIDING JUDGE SCHMITT: [14:51:30] Much appreciated. Please continue.

23 QUESTIONED BY MS GUISSÉ: (Interpretation)

24 Q. [14:51:41] Good afternoon, Mr Kouroupe-Awo. I will introduce myself again.

25 We saw ourselves during the -- we saw each other during the courtesy meeting. I'm

Trial Hearing
WITNESS: CAR-OTP-P-1813

(Open Session)

ICC-01/14-01/18

1 one of the lawyers for Mr Yekatom. I'm Anta Guissé. And as we explained when
2 we saw each other, I have a few questions to put to you which are quite limited, and
3 the remaining questions will be put to you my colleague, Madam Lena Casiez. So I
4 will start, and I have a few questions for today, and I think that I will also have some
5 tomorrow morning, but it will be relatively short.
6 I have seen and I will try and take up the point that you speak at a reasonable speed
7 for the transcribers and the interpreters. And I have a tendency myself to speak a bit
8 quickly. But whatever the case, I would like to thank you for continuing to give me
9 a good example in this regard. And I will try to be reasonable where it comes to my
10 speed.
11 For the transcript, I would like to say that I'll make a reference to your statement, and
12 namely, your statement that was given on 31 January 2018, CAR-OTP-2069-0035.
13 And in French, CAR-OTP-2118-0929. And I'm also going to furthermore make
14 reference to your second statement of 18 July 2018, and the reference is
15 CAR-OTP-2083-0279, and the reference in French, CAR-OTP-2107-6350. And for the
16 Chamber and parties, I will refer to the first statement and then the second statement
17 without repeating the ERN numbers.
18 Mr Kouroupe-Awo, I now have a few questions because I would like to take your
19 knowledge on the administrative issues in the Central African Republic and in
20 particular the Lobaye area. And I'm going to Lobaye and Mbaïki. I'm going to ask
21 you questions about the organisation of the prefecture.
22 And with the help of the court officer, I would like us to show on the screen the
23 document which is at tab 26 of the Defence binder, which is a document which is
24 public, and which is an excerpt of the administrative document of the RCA. And I
25 would like us to be able to go to page -- the page which finishes with 0539 thereof,

Trial Hearing
WITNESS: CAR-OTP-P-1813

(Open Session)

ICC-01/14-01/18

1 which presents the administrative structure of the prefectures in the country.

2 Can you see the document on the screen, Mr Kouroupe-Awo?

3 A. [14:55:22] The map? Yes, I can.

4 Q. [14:55:26] Can you see the picture of the different prefectures? Is it clear for
5 you on the screen?

6 A. [14:55:34] It's quite visible.

7 Q. [14:55:37] With the help of the court officer, can we try to enlarge it a bit or
8 zoom in on it to make it more easy to view for the witness. Thank you.

9 Mr Kouroupe-Awo, is this better?

10 A. [14:55:54] Yes, it's better.

11 Q. [14:55:56] So there I will have questions which will perhaps seem obvious to you,
12 but in order to check that we are really speaking about the same thing on this -- or in
13 the south of the country, you have Lobaye prefecture. And I know that during your
14 statement or during your testimony, you often use -- you often say "*préfet de Mbaïki*",
15 but in fact, it is the prefecture of Lobaye, and Mbaïki, as such, is a *sous-préfecture*, a
16 sub-prefecture; is that correct?

17 A. [14:56:42] I've never said that I was *préfet* of Mbaïki. You are a prefect in a
18 prefecture. So I was prefect of -- in Lobaye residing in Mbaïki.

19 You have that?

20 Q. [14:57:10] Yes. I'd like to thank you.

21 Mr Kouroupe-Awo, if you see me leave a break, I'm just ensuring that the translation
22 in English is finished. So that doesn't mean that I can't hear you, or I'm not listening
23 to you, but the pause is necessary for the interpretation. I'm very lucky when it
24 comes to you because I can see the transcript in English. So please do not be
25 concerned if I don't immediately go back to you. I'm just waiting for the translation

Trial Hearing
WITNESS: CAR-OTP-P-1813

(Open Session)

ICC-01/14-01/18

1 to finish.

2 A. [14:57:36] Okay.

3 Q. [14:57:36] So thank you for your clarification. And I have understood that the
4 prefect of Lobaye, that the office is in Mbaïki. That is in the capital. The capital is
5 Mbaïki. That's correct, is it not?

6 A. [14:57:54] Yes.

7 Q. [14:58:09] If we could look on the right, still on the screen, on the same page,
8 you can also see the prefecture of -- which is bordering Lobaye, Ombella M'Poko.
9 Would you agree that at the time between the end of 2013 and beginning 2014, there
10 was no prefect in Ombella M'Poko at the time?

11 A. [14:58:34] There was. There was a woman who was prefect in Ombella
12 M'Poko.

13 Q. [14:58:47] Do you have that person's name?

14 A. [14:58:59] Madam Duekoe was her name. D-U-E-K-O-E, Madam Duekoe.

15 Q. [14:59:23] And do you know -- do you know if she was -- if she got the post at
16 the same time? When was she installed in that position? Was it the same time as
17 you?

18 A. [14:59:38] Both of us were -- got our posts at different times, but I think that it
19 was during the same period. I was set up as prefect in July 2013, because the
20 government had difficulties. And after our appointment to set up us there
21 because -- due to the insecurity, and I think that I must have been the first to have
22 been put in that position in Mbaïki before the lady in Ombella M'Poko. I don't know
23 if that order was respected, but I know that we started with the Lobaye prefecture or
24 the Lobaye prefect because I expressed my wish previously, or ten years, around the
25 time of Bangui, that the *préfet* of Ombella M'Poko could be put into post before other

Trial Hearing
WITNESS: CAR-OTP-P-1813

(Open Session)

ICC-01/14-01/18

1 prefectures.

2 Q. [15:01:05] Do you know if, other than you two, in Lobaye and Ombella M'Poko,
3 could there have been other prefects who were attributed their posts in other
4 prefectures?

5 A. [15:01:22] Yes. Other prefects were given a post in other prefectures.

6 Q. [15:01:38] Do you know who they were?

7 A. [15:01:46] The prefect of Ombella M'Poko, of Sangha-Mbaere, of
8 Mambere-Kadei, of Kemo, of Ouaca, of Ouaca -- well, more than 10 prefects out of 16
9 had taken up their posts, out of 16 at the time. Now, it's -- well, it was 20 prefectures
10 at the time.

11 I would like to correct that. At the time it was 16. Now it's 20.

12 Q. [15:02:54] Thank you very much for this clarification.

13 I'm particularly interested in these two prefectures, Lobaye, that you were the prefect
14 of, and I have a few questions also about Ombella M'Poko.

15 So I would like, with the help of the court officer, to go to the page -- the next page
16 which finishes with 540. And there, too, is it possible to zoom in? Thank you.

17 Mr Kouroupe-Awo, we are now on the more specific map of the prefecture of
18 Ombella M'Poko. That's correct, is it not?

19 A. [15:03:48] I don't have the map. I can't see it.

20 Q. [15:04:01] We are just trying to check how we can make sure that you can see it.

21 A. [15:04:16] Yes, that's good.

22 Q. [15:04:19] Very well.

23 Would you agree with me that this is the Ombella M'Poko prefecture? In particular,
24 does that correspond with your knowledge of that location of Ombella M'Poko
25 prefecture?

Trial Hearing
WITNESS: CAR-OTP-P-1813

(Open Session)

ICC-01/14-01/18

1 A. [15:04:38] I recognise Bimbo, Damara, Boali, Bossembélé, Bogangolo and Yaloke.

2 That's it. These are the sub-prefectures.

3 PRESIDING JUDGE SCHMITT: [15:04:51] And may I shortly, so that we don't forget

4 it, I think the ERN number is not on the record correctly of this document. It's

5 CAR-OTP-2108-0537.

6 Please continue.

7 MS GUISSÉ: [15:05:12](Interpretation) Thank you very much, your Honour.

8 Q. [15:05:14] So You recognise the locality, you recognise the communes or the

9 sub-prefectures of Ombella M'Poko.

10 Is it right that in each commune there was a sub-prefecture? Was that the

11 administrative organisation at the time?

12 A. [15:05:33] In each sub-prefecture, there could be one or more communes. The

13 sub-prefectures come before the commune. So in each sub-prefecture, you could

14 have several communes. Some might only have one. That is the case of Bimbo.

15 Bimbo only has one commune, the commune of Bimbo.

16 Q. [15:06:08] And in order to understand the situation of Ombella M'Poko with

17 Bangui and Lobaye, if you came from Bangui from the direction of Lobaye, you

18 would go through certain localities, including of Ombella M'Poko.

19 A. [15:06:32] If I leave via Bimbo, I go into Lobaye.

20 Q. [15:06:44] Could you clarify for the Chamber where Samba locality -- Samba,

21 Yombo and PK9 localities are?

22 A. [15:07:01] PK9 is on the exit from Bangui going towards Bimbo. So PK9 is in

23 Bimbo commune. Yombo is a village in the interior. And then the third locality,

24 which was that? Samba?

25 Samba is a village further from PK9. It's 16 kilometres from Bangui.

Trial Hearing
WITNESS: CAR-OTP-P-1813

(Open Session)

ICC-01/14-01/18

1 Q. [15:08:00] And we are in agreement that all these localities are in the prefecture
2 of Ombella M'Poko; is that not correct?

3 A. [15:08:10] In the sub-prefecture of Bimbo, yes.

4 PRESIDING JUDGE SCHMITT: [15:08:20] I say a remark. I take it that you have a
5 reason to ask that? Okay, good.

6 It's not immediately apparent, so to speak. But I have also -- however, I know that
7 the Defence teams have something in mind, so I won't stop you, but I -- well, perhaps
8 at some point in time we get a glimpse of the whole thing or the background.

9 MS GUISSÉ: [15:08:53](Interpretation) Indeed, your Honour, there is a reason. And
10 I'd like to take the opportunity of the administrative knowledge of a former *préfet* in
11 order to help us understand the functioning of the area which is of interest to us.

12 Q. [15:09:08] And I'm particularly coming back, Mr Kouroupe-Awo, to the -- to
13 Lobaye, your prefecture. And I would like us to go to the next page, so 0541.
14 So in this map I think there are five sub-prefectures, and Lobaye is one of them; is that
15 correct?

16 A. [15:09:39] Yes.

17 Q. [15:09:41] And it's also detailed on the right of the map, you have different
18 communes. There are 11 of them which appear on the right table. I'm going to
19 quickly give them so that you can confirm that's correct: Mbaïki, Mbata, Pissa,
20 Bogongo Gaza, Lessé, Nola, Moboma, Balé-Loko, Mongoumba, Boda, Boganangone
21 and Boganda.

22 A. [15:10:37] There's some confusion. Mongoumba is a separate sub-prefecture
23 which only has one commune. Mbaïki is a sub-prefecture which is separate, in
24 which you have the communes of the centre Mbaïki, you have Pissa, you have the
25 commune of Lessé, you have the commune of Bogongo Gaza, you have the commune

Trial Hearing
WITNESS: CAR-OTP-P-1813

(Open Session)

ICC-01/14-01/18

1 of Moboma, you have the commune of Balé-Loko.

2 In Boda, Boda is a sub-prefecture where there is the commune of Boda and the
3 commune of Lobaye. In Boganda, there is only one commune. In Boganangone,
4 there is only one commune as well. And it should make approximately 13. Well,
5 it's more than 11. Yes.

6 Q. [15:12:18] Thank you for this clarification.

7 And now I'm coming back to paragraph 21 of your first statement. And now you
8 mentioned the population of Mbaïki, approximately 22,000. Was that the
9 sub-prefecture of Mbaïki, when you said it was between 22 and 25,000?

10 A. [15:12:39] Of Mbaïki commune.

11 Q. [15:12:51] Paragraph 25 of your first statement still. You indicate that your role
12 as a prefect was to coordinate the governmental services, and that you were also
13 responsible for the implementation of policies and decisions of the government, and
14 that, in order to do that, you would disseminate information orally to the community.
15 And it's on that last aspect that I'm interested in, particularly, and I'm going to come
16 back to that.

17 I've understood from your -- that you went through other local personalities in order
18 to disseminate the information. You mentioned a sub-prefect and the mayor by
19 saying that they would go through the neighbourhood chiefs.

20 So my first question is: Who was the sub-prefect of Mbaïki? You yourself were the
21 prefect of Lobaye.

22 A. [15:13:53] The sub-prefect of Mbaïki was a lady who had come to take up her
23 position shortly after mine, after I was appointed, and this lady today is a prefect
24 somewhere. She's called Lydie Gaoro (phon).

25 Q. [15:14:28] And were the sub-prefects appointed like the *préfets* by governmental

Trial Hearing
WITNESS: CAR-OTP-P-1813

(Open Session)

ICC-01/14-01/18

1 decree decision?

2 A. [15:14:39] The sub-prefects were ordinarily appointed by decree by the
3 president of the republic.

4 Q. [15:14:52] Should I understand that, like you, she had been appointed by decree
5 of President Djotodia?

6 A. [15:15:07] I do not remember. I believe that it was by decree, by presidential
7 decree by President Djotodia, because she arrived a short while before the Seleka left
8 Mbaïki locality. If that is not case, then it would have been Madam Samba-Panza,
9 but it is a detail that might have escaped me. But I do believe that that is the case.
10 It was Djotodia. It's Djotodia.

11 THE INTERPRETER: [15:16:13] The witness is mumbling.

12 MS GUISSÉ: [15:16:17](Interpretation)

13 Q. [15:16:18] Please don't worry, Mr Kouroupe-Awo. The efforts that you have
14 made are sufficient in this regard, and I am grateful.

15 A. [15:16:26] Thank you.

16 Q. [15:16:27] Now, I'm going to move on to another level of the administrative
17 authorities, that is to say, the mayors. You indicated that you would go through the
18 mayors in order to disseminate information.

19 Am I right in saying that there were mayors for each of the communes of the
20 prefectures of la Lobaye at that moment in time?

21 A. [15:16:52] There were presidents of special delegations. In a given commune,
22 when one cannot organise elections in a timely legal fashion, the government can
23 appoint natives from the communes to what is called a special delegation for a short
24 time. Unfortunately, as the state was still not in a position to organise fresh elections
25 according to the rules, these special delegations could last quite some time, five to ten

Trial Hearing
WITNESS: CAR-OTP-P-1813

(Open Session)

ICC-01/14-01/18

1 years, or even longer.

2 Q. [15:17:52] And this would have been the same for the municipal councillors; is
3 that correct?

4 A. [15:18:05] Yes. The municipal councillors are referred to a special delegation to
5 their relevant commune.

6 Q. [15:18:12] And these mayors and municipal councillors, were they placed under
7 your responsibility as *préfet*?

8 A. [15:18:23] Firstly, they were placed under the responsibility of the *sous-préfet* and
9 then under the *préfet*.

10 Q. [15:18:36] You also spoke about the *chefs de quartiers*, the neighbourhood chiefs,
11 by -- through whom information was disseminated. Could you please tell us how
12 they were appointed to that position of neighbourhood chief.

13 And the second question would be: Is there a difference between a *chef de quartier*, a
14 neighbourhood chief, and a village chief?

15 A. [15:19:07] Well, I will start with the second question. The neighbourhood
16 chiefs, the *chefs de quartiers*, are those chiefs who are elected to head up the population
17 in a built-up urban area. These *chefs de villages*, or the village chiefs, are chiefs in a
18 rural setting, and these are elected for a period of ten years.

19 Q. [15:19:55] And *did these village and neighbourhood chiefs have an
20 administrative role on a daily basis?

21 A. [15:20:02] The neighbourhood chiefs and the village chiefs were auxiliaries to
22 the administration. And it is for that reason that, upon their appointment, it is -- the
23 ministry of the administration of the territory confirms their election by a decision of
24 the minister of the administration of the territory.

25 But I would like to say that whether it be the case of the chiefs of the villages or the

Trial Hearing
WITNESS: CAR-OTP-P-1813

(Open Session)

ICC-01/14-01/18

1 neighbourhoods, or whether it be the municipal councillors or the delegations within
2 the commune, when the Seleka arrived, it was as if there was a collective and tacit
3 resignation on the part of all those people in charge. Because each of those
4 individuals, with a few rare exceptions, because each person was living in fear. The
5 Seleka was on the hunt for them, in particular, and for reasons that were
6 known -- beknownst to them, either to extort money from them or because they were
7 considered to be all supporting the cause of the defunct regime.

8 So many municipal councillors or members of the special delegation, many of the
9 chiefs, would flee their residence and would go into exile. And they would travel
10 and seek places to hide in order not to be seen by the Seleka.

11 Q. [15:22:17] I understand from your response that during that period, upon the
12 arrival of the Seleka, the administration was in disarray and that it was difficult for
13 things to function normally. Have I understood you correctly?

14 A. [15:22:32] Yes.

15 Q. [15:22:43] A last point on the village chiefs and the neighbourhood chiefs.
16 Would you agree that that is the first level of administration within the locality, and
17 that it is they who know those that they administrate best within the locality of their
18 prefecture? If they wanted to have information on the population of a locality, it was
19 the *chef* -- the chief of neighbourhood or the chief of villages who were in the best
20 position possible to give information; is that correct?

21 A. [15:23:12] Yes, generally speaking. Generally speaking, yes. But we were not
22 in such a situation.

23 Q. [15:23:30] So I'm now going to review a number of localities to see whether you
24 can pinpoint them.

25 Now, in anticipation, Mr President, of the reasons behind this question, I shall come

Trial Hearing
WITNESS: CAR-OTP-P-1813

(Open Session)

ICC-01/14-01/18

1 back to this further tomorrow. These are localities that are listed on the list of child
2 soldiers and are part of the la Lobaye *préfecture*, and it enables me to specify with the
3 witness or ask him whether he can provide us with further clarification, to see
4 precisely which location we are talking about. I know that I'm often asking rather
5 fastidious questions, but it's with a view to better understanding the geographical
6 areas that we are talking about.

7 PRESIDING JUDGE SCHMITT: [15:24:21] Well, I actually in the past, let's say, 20
8 minutes, I -- you know, I got the impression -- I could reflect, so I have an idea. So
9 please continue.

10 MS GUISSÉ: [15:24:41](Interpretation)

11 Q. [15:24:41] Mr Kouroupe-Awo, I'm coming back to you now. And I would like
12 to give you the names of certain localities in order to see -- well, we don't know
13 whether these localities are villages or communes. And I wanted to know from you
14 whether you could shed light on the matter so that we can know, administratively
15 speaking, what we are talking about.

16 So the locality of Deya, could you please indicate to us whether it is a commune or a
17 village and whether it is indeed located in the Lobaye *préfecture*.

18 A. [15:25:14] I know N-D-E-A which is a neighbourhood of Mbaïki, but I don't
19 know a place by the name of Deya. There is a neighbourhood N-D-E-A in the
20 commune of Mbaïki.

21 Q. [15:25:39] So Deya, D-E-Y-A, doesn't ring a bell, do we agree?

22 A. [15:25:47] No.

23 Q. [15:25:50] And do you know who the person in charge of Ndea is? And when I
24 say "the person in charge", I mean the *chef de quartier*, the chief of the neighbourhood?

25 A. [15:26:03] The chief of the neighbourhood I might know physically, but I do not

Trial Hearing
WITNESS: CAR-OTP-P-1813

(Open Session)

ICC-01/14-01/18

1 know by name. It is difficult for a *préfet* to know the names of all the chiefs. Off the
2 top of his head, it might be somewhat difficult.

3 Q. [15:26:29] I do understand, Mr Kouroupe-Awo. We are already very thankful
4 to you for the details that you are furnishing us with.

5 Now, if I were to say to you Batalimo, are we in agreement that it is a commune?

6 A. [15:26:47] Batalimo, it is a large village. It is located in the sub-prefecture of
7 Mongoumba, Batalimo, and in the commune of Mongoumba. And that large
8 village -- well, there's a large forestry company by the name of Batalimo -- by the
9 name of EFP. So that's Forestry Enterprise of Batalimo.

10 THE INTERPRETER: [15:27:19] EFB, corrects the interpreter.

11 MS GUISSÉ: [15:27:27](Interpretation)

12 Q. [15:27:27] And do you know -- I don't know whether it was the mayor or who
13 was the chief of the village because it was a large village.

14 A. [15:27:40] I did know a municipal councillor. There were even two of them, a
15 man and a lady, who hailed from those whereabouts, but I do not have their names in
16 my mind at this very moment in time. Two municipal councillors, a lady and a
17 gentleman, and a number of village chiefs, as Batalimo was divided into a number of
18 village headed up each by a chief.

19 Q. [15:28:23] I have the same question to put to you about the locality. You talked
20 about Scad. You used the word "Scad". Is it a neighbourhood? And where is it to
21 be found?

22 A. [15:28:37] Scad, S-C-A-D, is -- well, it takes its name from a forestry company
23 that was set up there. The real name Scad was Yenguela, Y-E-N-G-U-E-L-A. That
24 was the original name. SCAD is the "*Société Centrafricaine de Déroulage*". And as this
25 was a very prosperous company, it was in fact the name of the company that took

Trial Hearing
WITNESS: CAR-OTP-P-1813

(Open Session)

ICC-01/14-01/18

1 over the -- from the original name of Yenguela. And Scad is located in the commune
2 of Balé-Loko, in Balé-Loko commune, but it is not the main town. It is because the
3 company was set up there and it was so successful, there are so many workers living
4 there, and it attracted people from everywhere.

5 Q. [15:30:03] And do you recall who was in charge? I don't know whether it was a
6 village chief or other.

7 A. [15:30:12] At the Scad? At the Scad, there was a municipal councillor who was
8 a chairperson. I do not have his name in mind. And then at the Scad, there were
9 group chiefs and there were also village chiefs. In fact, the group chiefs were those
10 who headed up a village group. Even -- there are also in urban locations group
11 chiefs, but you have to be a chief of a neighbourhood or a village in order to be
12 elected to the position of group leader. So it was amongst the neighbourhood or
13 village chiefs that a group chief is elected, and he is elected, he or she, by their peers.
14 And there were at the Scad group chiefs and village chiefs.

15 Q. [15:31:31] Thank you for all these points of clarification. I would have the same
16 question for the locality of Bagandou. I don't know whether it's a neighbourhood or
17 a village. Do you recall? And do you know who was in charge?

18 A. [15:31:46] Bagandou is the main town of the commune of Moboma,
19 M-O-B-O-M-A, Moboma commune. That was the case for the Scad and others in the
20 sub-prefecture Mbaïki. And so this is the *chef-lieu*, the main town of the commune of
21 Moboma. And there was a mayor, in inverted commas, who was the president of
22 the special delegation, and a special delegation was standing in, if you like, for the
23 municipal councillor. I can't provide you with a name now. There was a president
24 of a special delegation who is no longer in position as at that time -- at this time.

25 Q. [15:32:49] Now, the same question for the locality of Bobangui. Was this a

Trial Hearing
WITNESS: CAR-OTP-P-1813

(Open Session)

ICC-01/14-01/18

1 neighbourhood? Was it a village? And who was in charge? Bobangui.

2 A. [15:33:08] Bobangui is a sizeable village which houses the mausoleum of late
3 Barthélemy Boganda. And at that moment in time, there was a municipal councillor
4 who was deputy mayor. And Bobangui is located in Pissa commune, in Pissa
5 commune. So it's the same organisation. There are group leaders. There are
6 neighbourhood chiefs.

7 Q. [15:34:00] So I would conclude that you do not remember the name of that
8 municipal councillor who was deputy mayor; is that correct?

9 A. [15:34:13] No. The name escapes me.

10 Q. [15:34:20] I'm going to continue on my list of localities, and we're coming
11 towards the end. I'm now interested in Mbaïki. We know that Mbaïki was a
12 commune. Do you recall who was the mayor or who was the chief of the special
13 delegation?

14 A. [15:34:43] Mr Raymond Mongbandi. Raymond as Raymond. Mongbandi,
15 M-O-N-G-A-N-D-I.

16 Q. [15:35:11] And as this is a sizeable commune, do you recall whether there were
17 any chiefs of neighbourhoods? And if so, do you remember their names?

18 A. [15:35:29] The same organisation; group leaders, neighbourhood chiefs. And
19 what else was there? No, the names have disappeared, gone.

20 Q. [15:36:08] Of course, once again, this is totally understandable, and we are very
21 grateful indeed for what you have remembered.

22 Now, if I come back somewhat to Bobangui, if I would say the word
23 Bobangui -- correction -- if I would say the name of Mokogbono, maybe you will be
24 able to define the best pronunciation. I might spell it to you. Mokogbono,
25 M-O-K-O-G-B-O-N-O. Mokogbono, does that ring a bell, as far as the person in

Trial Hearing
WITNESS: CAR-OTP-P-1813

(Open Session)

ICC-01/14-01/18

1 charge of the locality of Bobangui is concerned?

2 A. [15:37:05] Well, it is difficult for a *préfet* to know all the names of the
3 neighbourhood or village chiefs, but the municipal councillor who was there is a
4 retired person from the gendarmerie, and his name is Mokokpono,
5 M-O-K-O-K-P-O-N-O. Mokokpono with a "p".

6 Q. [15:37:42] Thank you very much for your recollections.

7 I would now like to broach the three or four final localities. I'd like to request a little
8 further patience from everyone in the courtroom.

9 Bossongo, was it a neighbourhood or was it a village, and who was in charge?

10 A. [15:38:16] Bossongo is a large village where there is a former palm oil company
11 located. It's a sizeable village with several group leaders and several village chiefs.
12 It is located approximately 50 kilometres from Bangui.

13 Q. [15:38:56] I'd now like to come to Boda, which is a large commune. Do you
14 recall who was the mayor or the person in charge at the time?

15 A. [15:39:07] The mayor of Boda at the time was a Muslim who left the locality after
16 the skirmishes opposing -- or pitting the Muslims against the indigenous population.
17 He had emigrated to Cameroon, to Bertoua, or another location. I no longer
18 remember his name, but he was a Muslim. A Muslim.

19 Q. [15:39:58] Should I understand that he left in the hours that followed 28 January,
20 that is to say, the time at which the Seleka departed?

21 A. [15:40:14] I do not specifically remember the time at which he left. I remember
22 that when the skirmishes took place, the confrontation, I had taken about three weeks
23 to check the situation before I went there, because it was -- there was too much
24 tension. When I got there, he was there himself. And approximately a month after
25 my visit, when I met him, to try and iron things out, his biological family that was

Trial Hearing
WITNESS: CAR-OTP-P-1813

(Open Session)

ICC-01/14-01/18

1 located in Cameroon had asked him to leave because it was risky for him, and he left.

2 Q. [15:41:08] Was he replaced at the head of the commune?

3 A. [15:41:16] To date, he has been replaced.

4 Q. [15:41:22] I understand to date, but what I'm asking is, in the period of 2014, was
5 he replaced?

6 A. [15:41:33] Initially, when somebody occupying a position in the commune is no
7 longer present, somebody is installed, is put in charge, and there is certainly a deputy
8 who had taken up this position at interim. But, as I said to you, there was such
9 tension in Boda that even those who were deputising or those simple members of the
10 delegation were frightened of coming to the fore. So, to the extent that the *préfet*
11 would need to welcome a given delegation visiting and the former members of the
12 special delegation were present, but nobody wanted to speak up because of the
13 problems that were occurring at the time.

14 Q. [15:42:45] I'm now coming to Pissa which is a commune identified on the
15 administrative map. Would I be right in saying that at the time, 2013-2014, and even
16 up to 2018, the mayor of Pissa was Mr Roger Okoa-Penguia.

17 A. [15:43:08] It is the same person who is in position currently since that time.

18 Q. [15:43:18] And do you know who were the chiefs of the various neighbourhoods
19 of that commune, if you recall?

20 A. [15:43:30] As I said at an earlier stage, there were group chiefs, there were
21 neighbourhood chiefs in Pissa centre, but as to knowing them each individually
22 would be difficult for a *préfet*.

23 The people really on the ground was mayor -- were the mayors. And the mayor of
24 Pissa had been there for at least 30 years and would have been in a position to
25 provide you with the names of those chiefs. Maybe not the youngest, but he would

Trial Hearing
WITNESS: CAR-OTP-P-1813

(Open Session)

ICC-01/14-01/18

1 be able to provide you with at least half of the names of those chiefs in Pissa. But not
2 the *préfet*.

3 Q. [15:44:15] I have two last localities to look at with you, Bouchnia and Boukoko.

4 Now, Bouchnia first. Is this a neighbourhood or a village or a commune? And who
5 was in charge, if you know?

6 A. [15:44:35] I know that Bouchia locality exists. B-O-U-C-H-I-A. Bouchia is a
7 secondary centre of Mbata commune located 25 kilometres from Mbaïki and 20
8 kilometres from the main town of Mbata, and it was called Mbata. As for the other
9 name, please remind me of it.

10 Q. [15:45:20] Boukoko.

11 A. [15:45:31] Boukoko, that is the main town of one of the communes in the
12 sub-prefecture of Mbaïki. Boukoko is a former locality where there was scientific
13 agricultural research, and it has the main town of one of the communes. I can't
14 remember the name, but it's situated 11 or 12 kilometres from Mbaïki. And that is
15 on the road to Boda.

16 Q. [15:46:17] And do you remember the person who was in charge of that locality?

17 A. [15:46:23] The person in charge of that locality, apparently, was a Muslim, a
18 Central African Muslim. Apparently, he was killed. He was killed. But I don't
19 know his name. I don't -- I can't remember his name.

20 I'm sorry, Boukoko was the main town of the commune of Nola, N-O-L-A. The
21 commune of Nola, N-O-L-A.

22 Q. [15:47:23] I've finished with this long list of localities, and I would now like to
23 ask you a more general question about your experience of Mbaïki and the villages
24 and communes of Lobaye.

25 Would I be right to say that, apart from certain persons who -- or certain traders who

Trial Hearing
WITNESS: CAR-OTP-P-1813

(Open Session)

ICC-01/14-01/18

1 had the opportunity to work in different companies that you mentioned, other than
2 that, the *préfecture* was essentially constituted of families who had -- who were poor,
3 who only had modest means?

4 A. [15:48:13] Yes. Yes and no. In the sub-prefecture of Boda, there is diamond
5 exploitation. And in the sub-prefecture of Boganangone and Boganda, diamonds are
6 also exploited to a certain extent there. And the inhabitants of these localities do
7 have quite reasonable revenue if they organise themselves better.
8 Now, in the sub-prefecture of Mbaïki, in the commune of Moboma, they exploit gold
9 and diamonds in that locality, where people have quite an appreciable revenue, if
10 they better organise themselves.

11 And then the other localities, yes, it could be said that they are quite average wages
12 for some, and for others, they could be considered poor.

13 Coffee is exploited in the locality, but for over 20 years now, the agricultural
14 companies don't work well. The planters at local level aren't sufficiently aided.
15 And in terms of the global market, the prices have dramatically dropped. So that
16 doesn't encourage coffee planters to produce as they did in the past, and they have
17 abandoned their crops. And this was the main part of the income of the peasants in
18 Lobaye, that money from coffee production, and it's become more difficult now.

19 Q. [15:50:39] And as prefect -- or former prefect of Lobaye, do you have an idea of
20 the level of schooling among children in the prefecture, in terms of the amount of
21 children who received education?

22 A. [15:50:57] Well, I don't have any figures in terms of statistics. I would have to
23 have the documents in front of me, but I do know that, in a general way, outside the
24 capital, where children have sufficient schooling, in all the prefectures, in different
25 places, there are lots of difficulties, because the children sign up for school or their

Trial Hearing
WITNESS: CAR-OTP-P-1813

(Open Session)

ICC-01/14-01/18

1 parents sign them up for school. In the region where minerals are exploited, it is

2 often the case that the children accompany their parents to the sites, where they are

3 exploited -- where the minerals are exploited, and to other localities -- in other

4 localities, the children are involved in small businesses.

5 So I think, generally, in the Central African Republic, there are a lot of difficulties

6 when it comes to schooling for all children. And that's also the case in the prefecture

7 of Lobaye. When you take the sub-prefecture of -- other sub-prefectures,

8 Mongoumba, for example, or Mbaïki, where minerals are exploited, then the children

9 have more of a tendency to accompany their parents. Because getting schooling -- or

10 when they have had schooling -- some people abandon the schools because people

11 will go where there are opportunities in order to survive. But the schooling of

12 children, for girls and boys, is under a lot of difficulty. And I don't have the statistics,

13 but being part of the prefecture and having been there for over eight years.

14 Q. [15:53:26] And to finish on this point, would I be right to say that people who

15 abandoned their schooling, is that not only due to the fact that if there is a way of

16 working in something that's lucrative, it's good, but also because the fees for

17 schooling have a price and not everybody can afford it? Would I be right to say

18 that?

19 A. [15:53:55] Perhaps not, because the public schools are free. You don't have to

20 pay, even if there are certain expenses to be paid, such as school insurance. And as

21 the parents and pupils association has to be paid, but normally it's arranged between

22 the parents and the administration, the school administration.

23 So the question of the cost for schooling has slowed down because of the public

24 schools where you don't have to pay registration costs, you don't have to pay at the

25 end of each month, 20-30,000. The public schools are an exception to that. But the

Trial Hearing
WITNESS: CAR-OTP-P-1813

(Open Session)

ICC-01/14-01/18

1 problem for public schools is the teachers. The teachers -- with regard to the
2 teachers, there are issues. Sometimes they go together.

3 Q. [15:55:09] Thank you very much for these clarifications, Witness.

4 Your Honour, I would like to go on to another issue. I hope that it will be a bit less
5 dry than the one I have been addressing, but perhaps we can follow up tomorrow, if
6 you would like to have the break now.

7 PRESIDING JUDGE SCHMITT: [15:55:25] I would suggest that because we already
8 started a quarter past 2.

9 We have unfortunately come -- it has been brought to our attention that

10 Mr Ngaïssona will not be able to attend tomorrow.

11 So the question would be, what to do?

12 Perhaps we can ask you, Mr Knoops, that you get in contact with your client. If
13 perhaps he would be prepared to waive his right to be present for tomorrow too, I
14 think -- and if you can give us tomorrow then, during the hearing, such a statement,
15 that would be fine with the Chamber. But you would have to inquire with your
16 client. And in case this is possible, it would of course be very good for everyone
17 here in the courtroom, not only for the judges but also for your colleagues, to get to
18 know that as early as possible. Otherwise, we would have to cancel the hearing for
19 tomorrow.

20 Mr Knoops.

21 MR KNOOPS: [15:56:28] Yes, Mr President. Thank you very much. I will inquire
22 directly after the hearing and inform the Chamber and the parties, participants,
23 whether Mr Ngaïssona is willing to waive his right for the hearing tomorrow.

24 PRESIDING JUDGE SCHMITT: [15:56:42] That's good to hear.

25 And our best wishes for a quick recovery for your client.

Trial Hearing
WITNESS: CAR-OTP-P-1813

(Open Session)

ICC-01/14-01/18

- 1 This concludes the hearing for today. We assume that we resume tomorrow at 9.30.
- 2 THE COURT USHER: [15:56:55] All rise.
- 3 (The hearing ends in open session at 3.56 p.m.)