

Trial Hearing
WITNESS: CAR-OTP-P-1521

(Open Session)

ICC-01/14-01/18

1 International Criminal Court
2 Trial Chamber V
3 Situation: Central African Republic II
4 In the case of The Prosecutor v. Alfred Rombhot Yekatom and Patrice-Edouard
5 Ngaïssona - ICC-01/14-01/18
6 Presiding Judge Bertram Schmitt, Judge Péter Kovács and Judge Chang-ho Chung
7 Trial Hearing - Courtroom 1
8 Monday, 6 December 2021
9 (The hearing starts in open session at 10.04 a.m.)
10 THE COURT USHER: [10:04:28] All rise.
11 The International Criminal Court is now in session.
12 Please be seated.
13 PRESIDING JUDGE SCHMITT: [10:04:52] Good morning, everyone.
14 Court officer, please call the case.
15 THE COURT OFFICER: [10:05:00] Good morning, Mr President, your Honours.
16 Situation in the Central African Republic II, in the case of The Prosecutor versus
17 Alfred Yekatom and Patrice-Edouard Ngaïssona, case reference ICC-01/14-01/18.
18 And for the record, we are in open session.
19 PRESIDING JUDGE SCHMITT: [10:05:13] Thank you.
20 The appearances of the parties.
21 Mr Vanderpuye for the Prosecution first.
22 MR VANDERPUYE: [10:05:19] Thank you, Mr President. Good morning to you,
23 your Honours. Good morning to everyone. Today the Office of the Prosecutor is
24 represented by Massimo Scaliotti, Manochitra Prathaban, Yassin Mostfa and myself,
25 Kweku Vanderpuye. Good morning.

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1 PRESIDING JUDGE SCHMITT: [10:05:34] Thank you.

2 Ms Rabesandratana.

3 MS RABESANDRATANA: [10:05:35](Interpretation) Good morning, Mr President.

4 Good morning, your Honours. Good morning to everyone. Today the team of the
5 Legal Representatives for victims of the other crimes is made up of

6 Mr Enrique Carnero, Ms Evelyne Ombeni and myself, Elisabeth Rabesandratana.

7 PRESIDING JUDGE SCHMITT: [10:05:59] Thank you.

8 Mr Suprun.

9 MR SUPRUN: [10:06:01] Good morning, Mr President, your Honours. The former
10 child soldiers are represented by myself, Dmytro Suprun, counsel at the Office of
11 Public Counsel for Victims. Thank you.

12 PRESIDING JUDGE SCHMITT: [10:06:11] For the Defence, first Ms Dimitri.

13 MS DIMITRI: [10:06:14] Good morning, Mr President. Good morning, your
14 Honours. Good morning, everyone. Mr Yekatom, who is present in the courtroom,
15 is represented this morning by Ms Yasmeen Hajjali, Ms Lena Casiez and myself,
16 Mylène Dimitri.

17 PRESIDING JUDGE SCHMITT: [10:06:28] Thank you.

18 And Mr Knoops, please.

19 MR KNOOPS: [10:06:30] Good morning, Mr President, your Honours. Good
20 morning everyone in the courtroom. Mr Ngaïssona today is represented by
21 Ms Marie-Hélène Proulx, Ms Despoina Eleftheriou, myself. We don't, unfortunately,
22 have connection with the field office to verify whether Mr Landry is following the
23 proceedings. If by any chance we have connection, I will of course introduce
24 Mr Landry to the Chamber.

25 PRESIDING JUDGE SCHMITT: [10:06:55] Thank you very much Mr Knoops. We

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1 know why, of course. Yeah.

2 And, yeah, I understand that it's now time for the Defence of Mr Yekatom, and I
3 assume - there are indicia at least - that Ms Casiez is questioning. So you have the
4 floor.

5 MS CASIEZ: Thank you, Mr President, your Honours. Good morning to everyone
6 in the courtroom.

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

8 (The witness speaks French)

9 (The witness gives evidence via video link)

10 QUESTIONED BY MS CASIEZ: (Interpretation)

11 Q. [10:07:19] Good morning, Mr Witness. Do you hear me there clearly?

12 Mr Witness, do you hear me? Can you hear me?

13 A. [10:07:39] Yes. Good morning. Good morning, Mr President. Good
14 morning to the Court. I can hear you clearly.

15 Q. [10:07:48] Let me introduce myself. I'm Lena Casiez. I'm in Mr Alfred
16 Rombhot Yekatom's Defence team. And we met by video link last week.

17 I don't know whether you remember, but I told you that I would have some questions
18 and clarifications to seek from you in relation to topics raised in your statement and
19 in your testimony.

20 So I will start by questioning you on Seleka.

21 Last week you said, and I'm referring to transcript T-081, French, page 4: "Some
22 persons pointed out the houses of soldiers to the Seleka." I need you to help me
23 better understand the situation. And I would like to know, as far as you know, what
24 happened once the Seleka found any soldiers?

25 A. [10:09:11] Thank you. I think that I effectively indicated in my previous

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1 statements that once Seleka entered Bangui, they were tracking the close elements of
2 former President Bozize, and after that they went after all soldiers. And I
3 experienced this in the 4th arrondissement in my neighbourhood Boy-Rabe, where
4 the Seleka came in on 20 August and searched soldiers' houses door to door. Some
5 soldiers were abducted, others were killed on that day. So that is what I
6 experienced.

7 Q. [10:09:58] Thank you, Mr Witness. Apart from pointing out houses to the
8 soldiers -- to the Seleka, sorry, what other role did civilians play in assisting Seleka?

9 A. [10:10:19] Yes, indeed there were civilians. When the Seleka arrived, some
10 soldiers joined them. They also used civilians to point out the houses of soldiers, but
11 also of dignitaries or of youth who were earning something for themselves, and they
12 would point out these houses to the Seleka and the Seleka would loot those houses.

13 Q. [10:10:51] Thank you. That is very clear. As far as you know, did the civilians
14 play any other role, apart from pointing out these houses, in order to help the Seleka?

15 A. [10:11:07] Yes, indeed. That is what I said, madam. I said that civilians
16 pointed out houses of soldiers and civilians, and there were also civilians who
17 pointed out houses of their colleagues and civilians as well. So there were civilians
18 and soldiers who helped these Seleka to commit the excesses they did.

19 Q. [10:11:36] Thank you. Last week, and I'm referring to transcript T-080, French,
20 page 45, you said that the Seleka infiltrated the town. When you say that there were
21 few -- when you say that, do I understand that there were a few small Seleka bases
22 everywhere in Bangui?

23 A. [10:12:12] Yes, there were bases almost everywhere in Bangui and they had
24 weapons almost everywhere in Bangui. Because, you see, when they came in, they
25 did not use the headquarters or barracks, or military barracks. They used some

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1 public places and the residences of their commanders. And I think --

2 THE INTERPRETER: [10:12:35] The interpreters didn't get the last part of what the
3 witness said, Mr President.

4 PRESIDING JUDGE SCHMITT: [10:12:40] Ms Casiez, wait a second. I think I have
5 to try to figure out what the witness said at the end.

6 Mr Witness, the last portion, if you recall it, perhaps the last sentence, if you could
7 repeat that. We didn't get it here because of the bad communication. Please repeat
8 it if you can.

9 THE WITNESS: [10:13:07](Interpretation) Which question are you referring to,
10 Mr President?

11 PRESIDING JUDGE SCHMITT: [10:13:11] It's indeed difficult to ask you that. It's
12 your answer to the last question. It's of course difficult, yeah.

13 So what -- what is the last that we have here, and I can read it out to you.

14 The last what we have here is: "They used some public places and the residences of
15 their commanders. And I think ..." And after "I think" the rest what you said is lost.
16 Perhaps this may help you.

17 THE WITNESS: [10:13:50](Interpretation) Thank you, Mr President. Now I
18 remember.

19 What I said in answer to the question from counsel is that the Seleka used some
20 public places and the residences of their leaders as their bases. They did not have
21 any bases. They did not use military barracks. So their bases were located
22 everywhere, almost everywhere in the various neighbourhoods in Bangui.

23 MS CASIEZ: [10:14:19] (Interpretation)

24 Q. [10:14:37] Thank you, Mr Witness. That is very clear and it is entirely
25 interpreted. Thank you.

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1 As far as you know, did the Seleka also live among other -- with other persons in the
2 neighbourhoods?

3 A. [10:14:51] Yes. Those who had relatives here or came to see their -- their
4 relatives and also lived with them.

5 Q. [10:15:09] When you say they lived with their relatives, am I to understand that
6 some of them were from that neighbourhood that they came from that
7 neighbourhood; is that correct?

8 A. [10:15:18] Yes, that is correct. You see, when they came in, some youth also
9 joined the Seleka in Bangui in various neighbourhoods.

10 Q. [10:15:38] Hopping back to civilians helping Seleka, from your observations, did
11 it appear that several or many civilians were helping the Seleka?

12 A. [10:15:55] I cannot know with certainty, but what I know is that when the Seleka
13 entered Bangui, many youth joined that coalition and they are the ones who started
14 pointing out the houses of certain personalities to the Seleka so that Seleka could
15 pillage those houses.

16 Q. [10:16:23] Thank you. In your statement at paragraph 28, and I'm referring
17 here to the OTP binder tab 17, CAR-OTP-2046-0603 in English and tab 30 of the
18 Prosecution binder, CAR-OTP-2102-0131 for French. You say also that Seleka asked
19 your neighbour where your weapon was. Do you know why they asked this
20 question to your neighbour?

21 A. [10:17:25] Yes. I know. {ICR: (Redacted)}
22 (Redacted)} and that is why they asked my
23 neighbour about my weapon, whereas at that time I did not have a weapon and I was
24 not manipulating or using weapons. But since {ICR: (Redacted)}, I necessarily would
25 have had a weapon and that is why they asked for my weapon or ask about my

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1 weapon.

2 Q. [10:18:10] Thank you. Just to be specific, and we're in open session, I would
3 like to deal with two small matters in private session. But as you answer my
4 questions, please provide as little detail as possible that may lead to your attention,
5 otherwise everything should go well.

6 Now, I do understand that at that time you did not have a weapon, but as far as you
7 know, when they found a weapon, what did they do with the weapon?

8 A. [10:18:53] You know, when the Seleka entered Bangui, they shot at anything
9 without hesitation. So those who had weapons were shooting without any
10 hesitation. And so if they found a weapon in a house, they would ask whether there
11 was a soldier in the house. If none, they would take one of the family members.
12 And if the soldier were to be found, the soldier would be immediately abducted.
13 That is what they did.

14 Q. [10:19:33] Thank you. Did you have any information about them redistributing
15 weapons to Muslim civilians?

16 A. [10:19:44] Well, not with any certainty. What I want to say is that I did not live
17 in those neighbourhoods that were mainly inhabited by Muslims, so I am not in a
18 position to know.

19 Q. [10:20:05] Very well. You have just said a few minutes ago that many youth or
20 young persons joined the Seleka when it came to Bangui. As far as you know, did
21 Seleka recruit any members from traders in Bangui?

22 A. [10:20:33] Yes, indeed they recruited. They recruited. In fact, almost all the
23 leaders who lived in the 5th arrondissement recruited people. But their supreme
24 leader was not able to control them because he said that before coming to Bangui
25 there were about 8,000 of them, and while in Bangui the numbers increased to about

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1 5,000. That's what President Djotodia himself said. So while they were in Bangui,
2 they recruited many young people.

3 Rather, the number increased to about 25,000.

4 THE INTERPRETER: [10:21:19] Interpreter corrects.

5 MS CASIEZ: [10:21:22](Interpretation)

6 Q. [10:21:26] I have understood what you say about the youth. But as far as you
7 know, did those youth and recruited persons, did they include traders in Bangui?

8 A. [10:21:42] Yes, indeed. Many traders even became Seleka leaders. I take one
9 example, one person *I can mention is General Bichara, who used to trade in
10 secondhand goods became a famous Seleka leader in Bangui. So many Muslim
11 traders became Seleka leaders at that time.

12 Q. [10:22:30] You just mentioned a name Bichara. As far as you know, did he
13 have a base in Cattin neighbourhood from which he operated?

14 A. [10:22:43] Yes, indeed. He had a base in -- was it Cattin? Yes. Cattin, at the
15 intersection between the 4th and *6th arrondissements. Yes, he had a base there in
16 Cattin.

17 Q. [10:23:08] Do you know anyone else who may have joined Seleka called
18 Abatom?

19 A. [10:23:20] Do you mean Albator (phon) or Abatom?

20 Q. [10:23:30] Abatom, A-B-A-T-O-M.

21 A. [10:23:35] I don't know whether that is the right spelling, but the one whom I
22 know to have joined Seleka is called Albator.

23 Q. [10:23:58] As far as you know, did he operate from Cattin as well?

24 A. [10:24:03] Yes. I'm not sure whether it was Cattin, but he was at the border
25 between Boeing and part of Cattin, if I'm not mistaken. But I'm -- I'm really not sure,

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1 but he was operating in that area.

2 MS CASIEZ: [10:24:34] May I just have one minute to consult with my counsel,
3 Mr President?

4 PRESIDING JUDGE SCHMITT: [10:24:41] Can you repeat, please, because I got a
5 message it was my fault. I was not attentive.

6 MS CASIEZ: [10:24:47] Of course. I was just asking if I could have one minute to
7 consult with my counsel.

8 PRESIDING JUDGE SCHMITT: [10:24:55] Of course.
9 (Counsel confers)

10 MS CASIEZ: [10:25:14] Thank you, Mr President.

11 PRESIDING JUDGE SCHMITT: [10:25:17] Okay. Please continue, Ms Casiez.

12 MS CASIEZ: [10:25:22](Interpretation)

13 Q. [10:25:25] Mr Witness, the Albator whom you know, was he a tailor, as far as
14 you know?

15 A. [10:25:33] I didn't know him as a tailor, but I knew of his activities within Seleka
16 and that's how I got to know about him, but I didn't know what his trade or activity
17 exactly was.

18 Q. [10:25:51] Thank you. Among those who joined Seleka, and as far as you know,
19 did these include former Hissene Habre soldiers?

20 A. [10:26:12] Yes. But they -- they joined the Seleka while the Seleka was
21 advancing on Bangui, while they were still en route, so Hissene Habre soldiers were
22 many. There were also some at kilometre 5 who used to sell onions and various
23 other items. And so when the Seleka arrived they joined the Seleka, but some also
24 joined the movement along the way as they came to Bangui.

25 Q. [10:27:04] Thank you. Do you have a few names of these persons whom you

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1 have just talked about, namely the Seleka who joined or persons at PK5 who joined
2 the Seleka movement?

3 A. [10:27:17] Yes, there are many of them and I -- well, again, these things
4 happened a long time ago and I might not remember everything, but General
5 Dhaffane, for example, was at PK5. He was one the Seleka leaders whom I knew
6 very well. Then there was one Mr Ibrahim, whom I also know. And you also
7 have -- what's the name again? Force (phon), Force, Force whom I also know. And
8 I think there is also Bichara, whom I mentioned. Yes, there were many of them,
9 many of them. Even Danda (phon), Abdoul Danda and then others.

10 Q. [10:28:15] Thank you. Now, do you know any persons, traders in Bangui
11 market, in Boeing market, for example, who may have joined Seleka?

12 A. [10:28:41] Not exactly. I did not know them exactly. But when the Seleka
13 entered Bangui, there were indeed a massive number of Muslims who joined the
14 Seleka, but I'm not able to give you their names or mention them individually.

15 THE INTERPRETER: [10:29:03] Inaudible.

16 PRESIDING JUDGE SCHMITT: [10:29:06] Mr Witness, the last portion, could you
17 please repeat it.

18 THE WITNESS: [10:29:17](Interpretation) Thank you, Mr President. I was saying
19 that in Boeing and in other sectors where there were Muslim inhabitants and traders,
20 and where the Seleka was joined, including Boeing, for example, I do not know all the
21 people who joined and I'm not able to provide an exact number or mention
22 individuals. That's what I said.

23 PRESIDING JUDGE SCHMITT: [10:29:49] Thank you.

24 MS CASIEZ: [10:29:54](Interpretation)

25 Q. [10:29:56] Thank you. This is already helping us quite much, and I have a few

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1 more questions for you about members of the Seleka.

2 So let me hop back to paragraph 64 of your statement to the Prosecutor in which you
3 say that other clashes occurred with the -- involving the Peuhl in Begoua at the
4 market. Am I to understand that the Peuhl you're referring to here were Seleka
5 combatants?

6 A. [10:30:31] No. No. There were indeed Seleka combatants who lived in PK13
7 towards the cattle market ordinarily known as Ngola, but the Peuhl I'm referring to
8 here were Peuhls who used to live in that locality and when they had fallen back to
9 the PK13 mosque, they were there with their weapons. And this was in 2014 and, as
10 people were -- were being evacuated, they -- they blocked the roads and vehicles
11 could not go in and out of Bangui. And that's how they blocked the roads until the
12 Sangaris came and evacuated them from that area.

13 THE INTERPRETER: [10:31:47] Inaudible.

14 PRESIDING JUDGE SCHMITT: [10:31:50] Yeah, indeed. This was indeed
15 inaudible.

16 I'm not sure. Let me have a look what is missing.

17 Mr Witness, the last that we got was that you said "And that's how they blocked the
18 roads until the Sangaris came and evacuated them from that area." And you have
19 obviously said something afterwards. Do you recall what this was or can you repeat
20 it, please?

21 THE WITNESS: [10:32:33](Interpretation) Yes, I said that the Sangaris intervened so
22 that they get out of that locality. There were Seleka and Peuhls -- and civilian Peuhls
23 who had weapons who went into this mosque in PK13 in Bangui.

24 PRESIDING JUDGE SCHMITT: [10:33:00] Wait a second.

25 Mr Knoops.

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1 MR KNOOPS: [10:33:00] Very Sorry. Mr Landry is connected, Mr President.

2 PRESIDING JUDGE SCHMITT: [10:33:07] Thank you very much for the
3 information.

4 MR KNOOPS: You're welcome.

5 PRESIDING JUDGE SCHMITT: [10:33:06] So, Ms Casiez, please continue.
6 Ms Dimitri, please continue.

7 MS DIMITRI: [10:33:15] Thank you, Mr President. Just a clarification, because she
8 might jump on that question. In French I think he said that there were Seleka Peuhl
9 and civilian Peuhls, but not Seleka and Peuhls, but Seleka Peuhls.

10 PRESIDING JUDGE SCHMITT: [10:33:30] Well, thank you very much. So we will
11 figure that out because we have the French transcript.
12 Ms Casiez, please move on.

13 MS CASIEZ: [10:33:48] (Interpretation)

14 Q. [10:33:51] In the same paragraph, 64, Mr Witness, you say that the Peuhl had
15 weapons which they hid in the mosque in Damara. There again, are they Peuhl
16 civilians with weapons or are they Seleka fighters?

17 A. [10:34:12] In Damara in PK13 these were civilian Peuhls who had weapons who
18 went into the mosque before their evacuation. So these were civilian Peuhls.

19 Q. [10:34:41] So there I understand these are civilian Peuhls who sought refuge in
20 the mosque of PK13 and they had weapons. As far as you know, were there other
21 mosques with weapons, hidden weapons, or weapons who belonged to people who
22 sought refuge in the mosques?

23 A. [10:35:13] I think there was a point in time where anyone who had the means
24 sought weapons or looked for weapons. People in the various sites *for displaced
25 persons also had weapons. But the specific case I know is the mosque in PK13 in

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1 Damara. There are others, but I didn't -- I don't know with certainty what happened.

2 But the case which I experienced was in the mosque in PK13.

3 Q. [10:35:52] Last week, and here I refer to the transcript 081 in French, page 56,
4 you spoke about the FACA who joined the Seleka. Am I correct in saying that these
5 are former ex-liberators from Chad who joined the army and who turned against
6 Bozize?

7 A. [10:36:24] Correct.

8 Q. [10:36:35] I think the transcript 081, but it should be 080.

9 This time in the transcript 081, in the French version page 7, you spoke about Seleka
10 Moussa. I don't want you to give details on why you spoke about him, but if you
11 remember, is this General Moussa Assimeh who controlled the base at the
12 Sapeurs Pompiers?

13 A. [10:37:17] That is him.

14 Q. [10:37:22] Thank you. In paragraph 16 in your declaration you speak about the
15 arms deposited in Bossembele and Sassara. Is this part of those who were stolen by
16 Seleka and which belonged to Bozize?

17 A. [10:37:46] Yes, that's correct. What I said in my statement is that -- is
18 information which we received that there were weapons in Sassara and in Bossembele
19 which the Seleka retrieved. When the Seleka arrived in Bangui, they -- within one
20 week they collected a lot of weapons and we were wondering how they got all those
21 weapons. And that's what the information was that was doing the rounds in Bangui.

22 Q. [10:38:26] And amongst the information that was going around, was there the
23 fact that the Seleka distributed these weapons and these materiels to the civilians who
24 joined them?

25 A. [10:38:42] Indeed. Indeed. There was also people I know well who were not

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1 part of the Seleka in the beginning but slowly they became integrated in the Seleka
2 and they had weapons and they moved around in pickups.

3 Q. [10:39:13] Thank you. Last week again, in 081 in the transcript, in the English
4 version, page 7, you spoke about young people killed by Seleka in the *hôpital de*
5 *l'Amitie*, am I correct in saying that Seleka also pursued civilians over there?

6 A. [10:39:37] Yes. This was after 20 August 2014 -- no, no, no, 2013, *20 August
7 2013. When they entered Boy-Rabe there were youths, and also adults, who fled this
8 neighbourhood to seek refuge in the *Amitie hospital. And they were in fact
9 executed in public in front of the hospital. There were some (unclear) who was also
10 killed amongst those people at that time.

11 Q. [10:40:28] Did you never hear talk of Anti-Balaka who killed civilians at the
12 hospital Amitie?

13 A. [10:40:39] No, no. The fact started even before Anti-Balaka emerged in -- I
14 haven't heard of Anti-Balaka who killed people at the hospital Amitie. No, that's
15 something I didn't experience.

16 Q. [10:41:06] Thank you. I'm going to jump in time. In paragraph 82, you say:
17 "In March 2014, we started to respond to the attacks of the Seleka in the provinces."
18 I would like you to confirm that I have understood the context.
19 So after the fall of Djotodia, the situation in province was still difficult because the
20 Seleka still controlled some towns or some zones; is that correct?

21 A. [10:41:38] Yes, that's correct. After the resignation of Djotodia, there were
22 Seleka in Bangui. But in the provinces there were some as well and they controlled
23 almost all the towns in the provinces. Even when Djotodia resigned, there was a lot
24 of provinces still in the hands of the Seleka.

25 Q. [10:42:12] I'm going to change subject. We discussed at length the Seleka

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1 during your statement as if this is an established term since long time. I would like
2 to go back to you -- the paragraph 30 of your statement. There you say: "I heard
3 spoke of groups organised in the different provinces. They gave themselves
4 different names, Siriri or self-defence groups. We didn't call them, not yet at least,
5 the Anti-Balaka."

6 Am I correct in saying that, before the fall of Djotodia, the Anti-Balaka was a
7 multitude of different groups without a specific name?

8 A. [10:43:13] Indeed.

9 Q. [10:43:19] Then in paragraph 36 of your statement, you say "The villagers
10 crossed -- that we crossed in -- on the roads we called Anti-Balaka." I understand
11 that the name came up a little bit by itself. Is that true?

12 A. [10:43:38] Yes. Well, I said in my statement that there were those who had
13 *gris-gris* to protect them against bullets, or the AK4 weapons, and these people
14 referred to this resistance at this ammunition and this is how the name Anti-Balaka,
15 which is anti-bullet for Anti-Balaka.

16 Q. [10:44:20] Thank you for that clarification.

17 In your statement last week, and here I'm referring to the transcript 081, page 9, you
18 said that amongst the first Anti-Balaka which you met, some came from Bouca, but
19 they too were youths. It was a self-defence group who called themselves
20 Anti-Balaka later on; is that correct?

21 A. [10:44:55] That is correct.

22 Q. [10:45:08] I have a question about the date 5 December. You talked about the
23 different Seleka positions which were targets on -- for 5 December. I reread this and
24 verified and I don't think I saw all of them who appear in your statement. Could
25 you confirm that the Camp BSS, the national assembly and the presidential palace

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1 were Seleka positions that were targets for the Anti-Balaka *attack of 5 December?

2 A. [10:45:54] Yes, indeed. There was resistance so we could not cross the zone of
3 the national assembly, nor could we reach the presidential palace. We left in three
4 blocks, as I said, because there were Seleka also in the Camp Kassai. There was one
5 group who went towards Camp Kassai, up to the Camp de Roux, but they couldn't
6 cross Camp Kassai because they didn't have enough ammunition. And there was
7 also Seleka in -- near the Boganda at the bottom of the hill in Boy-Rabe.

8 And also in 36 Villas and the Hotel Ledger, there was a group who went there but
9 they faced resistance as regards the Ledger because there was Selekas in front of the
10 Hotel Ledger in the passage 24.

11 And there was also a third group for -- that went towards PK12 where there was also
12 a strong concentration of Seleka.

13 Q. [10:47:19] Thank you. Last week again you asked -- and this is the transcript
14 082, page 83, we asked you whether the Andjilo group retrieved hundreds of
15 weapons and ammunition which were hidden in a container partly buried in the
16 Ndress cemetery in the night that preceded 5 December.

17 You've already responded that it was incorrect, but could you confirm that, according
18 to you, that this never took place, be it 5 December, before or after?

19 A. [10:48:11] You have said that, madam, it never took place. Even on 5 December
20 or afterwards. We did not find our weapons in Ndress, never.

21 Q. [10:48:25] Thank you. I know that your sector of attack on 5 December was
22 further away from other zones, but I would like to know whether afterwards you
23 learned that during the day of 5 December, the Seleka resumed control of the main
24 parts of Bangui, for example, Cattin?

25 A. [10:48:59] Indeed, they resumed, even in Boy-Rabe they killed quite a few

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1 people. In the meantime we had gone back behind the hill. I was amongst the last
2 people who returned to the hill because there were Seleka everywhere.

3 Q. [10:49:29] And you mentioned that in Boy-Rabe the Seleka went from door to
4 door. Do you have information where the Seleka used the same methods to kill
5 when going from door to door -- from door to door on 5 December?

6 A. [10:49:52] Yes, indeed. They made victims. They created victims. What I do
7 know precisely is that, as I said in my statement, that probably it happened there was
8 attacks between the 5th and the 6th. That's what I said in my statement. But there
9 were many victims in those neighbourhoods.

10 Q. [10:50:24] Thank you. Again I'm going to change subjects. In paragraph 87 of
11 your statement, you say: "Sometimes the gendarmerie did not react to a crime
12 committed in *certain zones, so we had to resolve the problems ourselves."
13 You, who have the experience of the provinces, this took place mainly in the
14 provinces; is that correct?

15 A. [10:50:57] Yes, that's correct. *In the provinces the forces of defence and
16 security did not exist at that time. There were Seleka, and the gendarmerie, the
17 commissariats were all Seleka elements. There weren't any from the security forces.
18 They didn't exist.

19 Q. [10:51:21] And whenever possible, the Anti-Balaka helped and worked
20 with -- together with the gendarmerie to protect the population; is that correct?

21 A. [10:51:32] Indeed, that is correct.

22 Q. [10:51:41] Thank you. Very quickly I want to look at two extracts of your
23 statement which are really important and clear for me but are not part of the evidence.
24 So I would like to ask you that you confirm what you've already said.

25 You said in paragraph 67 of your statement:

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1 "The resignation of Djotodia left place or gave way to chaos. It was impossible to
2 know whether we were dealing with a civilian or an Anti-Balaka. It was a complete
3 anarchy. The Anti-Balaka were -- had -- were hungry."

4 Is that correct? Can you confirm this?

5 A. [10:52:35] Yes, I can confirm it.

6 Q. [10:52:42] Then in your second interview with the OTP, in paragraph 35 -- or it's
7 tab 35, CAR-OTP-2127-6169, paragraph 5, you state that: "After the resignation of
8 Djotodia, a first structure was implemented to organise the Anti-Balaka but it is never
9 activated. It wasn't called Coordination yet or General Coordination or National
10 Coordination."

11 Can you confirm that statement?

12 A. [10:53:24] Yes, I can confirm.

13 Q. [10:53:35] Thank you.

14 Since we are talking about the coordination, I have one final question. Everything
15 you said last week on the balance north/south when organising the coordination was
16 just in front of Brazzaville, it was in June 2014; is that correct?

17 A. [10:54:00] That's correct.

18 Your Honour, I cannot see you here.

19 PRESIDING JUDGE SCHMITT: [10:54:06] Well, we see you at the moment very well.
20 So I think we can continue. And we hear you also. So for the moment -- and I think
21 the connection will soon improve so that you also can see us again.

22 Please continue, Ms Casiez. I think we -- we should continue as long as we have a
23 connection that we hear him well and see him well.

24 MS CASIEZ: [10:54:37] (Interpretation)

25 Q. [10:54:38] It's a pity, because I'm trying to smile to me, so it's a pity you can't see

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1 me.

2 A. [10:54:47] We can continue.

3 Q. [10:54:49] I'm sorry for the interruption because now I'm going to talk about a
4 statement which is omnipresent in your statement and which also came out in your
5 testimony, namely, the exactions committed by the population.

6 In paragraph 107 you state: "In PK5, two youths were decapitated and their bodies
7 were taken to the hospital. People thought that these were the Anti-Balaka who did
8 this, but it was civilians."

9 Am I correct in saying that it was Muslims of PK5 who killed these youths?

10 A. [10:55:37] Yes, they were the Muslims who attacked them. I think they must be
11 the youths *who are generally known as the Pushers. Yes, I myself went to the
12 military hospital to try and identify the bodies. They were civilians, they were
13 civilians also who killed them.

14 MS CASIEZ: [10:56:05] (Interpretation)

15 Q. [10:56:06] Thank you. I'm going to ask you another question. If you
16 could -- if you need to go into private session, please let me know, but in paragraph
17 108 of your statement you talk about Gobongo and you said many people were
18 decapitated or killed by the population.

19 Could you tell us a little more about what you know about this subject.

20 A. [10:56:33] *Well, maybe I interpreted but I described a case which I experienced
21 in -- perhaps not decapitation, where there was a Seleka element who wanted
22 to -- who threw a grenade in the Gobongo market, but he missed his target. The
23 population marched upon him and decapitated him. On 5 December there was a
24 clash between the Seleka and Anti-Balaka and some elements of the Seleka fled into
25 the area and the population attacked and decapitated them.

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1 PRESIDING JUDGE SCHMITT: [10:57:29] Ms Dimitri has an interpretation issue.
2 Still investigating.

3 MS DIMITRI: [10:57:34] Thank you, Mr President. There is a sentence missing in
4 the interpretation. After the Gobongo issue he said "*La population a marché contre lui*
5 *pour le décapiter.*" And it was not interpreted.

6 PRESIDING JUDGE SCHMITT: [10:57:46] Yeah, but it's okay. It's -- as I always say,
7 if we have one complete reference, it can be fixed.

8 Ms Casiez, please continue.

9 MS CASIEZ: [10:57:59] Thank you, Mr President.

10 Q. [10:58:01](Interpretation) I'm going to continue in paragraph 109 of your
11 statement. You said that two soldiers of Unity of Peace in Central Africa were killed
12 by the population in the market of Combattant.

13 So in fact the population was armed so that they could kill trained and equipped
14 soldiers; is that right?

15 A. [10:58:32] Yes, indeed. But as I said, the situation was confused because the
16 population had weapons, artisanal arms and machetes, and that's why I said there
17 was a certain point where we couldn't control who was Anti-Balaka and who was not.
18 It was the population who killed with their handmade weapons or sticks.

19 Q. [10:59:06] In the same paragraph you say that this happened as retaliation
20 because of an assassination or killing of a butcher and also you spoke twice of settling
21 scores. It's 083, page -- and page 59 and 79. Can you explain this phenomenon of
22 retaliation, of settlement of scores between the population.

23 A. [10:59:38] Yes. For the specific case of UPC, there was a butcher in the
24 Combattant market who was killed in kilometre 5. He was carrying out a
25 transaction and he was killed there. And then the UPC element who came from

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1 Bambari for a meeting and the population realised that they were in their car and they
2 barricaded the route. I think amongst them there was a survivor who was the
3 minister Bouba Hassan, you know his story, he was part of those who -- when others
4 were killed.

5 There was a moment where there were sectors where there were Muslims and the
6 Christians couldn't go there anymore. There were sectors where there were
7 Christians and the Muslims couldn't go there either, vice versa.

8 So the Christians, if you were in an area then you would have been killed. If you
9 were a Muslim where there were Christians, you also were immediately attacked.

10 That's what happened.

11 Q. [11:01:08] Thank you for clarifying that. I want to show you a series of videos,
12 and I'm going to ask you some questions about the civilian population.

13 For the first, it's a report of PressTV in Bangui on 15 February 2015. It is 4 by -- 4 of
14 the Defence, CAR-OTP-2005-0084. It can be publicly shown. And the minutes is
15 24 to 44 seconds. And the transcript is tab 5, CAR-OTP-2127-6903, page 6904, line 7
16 to line 13. And for the translation, tab 6, CAR-OTP-2130-1119, page -- lines 7 to 11 of
17 page 6904.

18 PRESIDING JUDGE SCHMITT: [11:02:48] I think 7 to 13, but it's not so ... I think that
19 was quite a long reference, quite difficult, but we have patience. We are not in a
20 hurry.

21 MS DIMITRI: [11:03:11] Mr President, I'm not used to this. Could I have the
22 assistance of the court officer for a second, please.

23 PRESIDING JUDGE SCHMITT: [11:03:37] So we see an image. That is promising.
24 And as we have heard, this can be shown to the public. And we also know where
25 the translation is. And how many minutes do we see and listen to?

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1 MS CASIEZ: [11:04:01] For the first extract there will be only 20 seconds, but I will
2 have three extracts for the -- for the same video.

3 PRESIDING JUDGE SCHMITT: [11:16:00] Fine. So if we are ready we can play it,
4 perhaps.

5 (Viewing of the video excerpt)

6 THE INTERPRETER: [11:04:16](Interpretation of the video excerpt)

7 "They -- we don't want to do anything with the Muslims. They kill us. We will kill
8 them, too. All those Muslims, we are going to slaughter them."

9 MS CASIEZ: [11:04:43](Interpretation)

10 Q. [11:04:47] I believe, Mr Witness, that you heard the video and you saw it.

11 Could you tell the Court what you saw and say whether it represents the state of
12 mind of the population in Bangui in relation to crimes committed by civilians and the
13 various reprisals?

14 A. [11:05:09] Yes, it does reflect exactly what was happening at that time.

15 Q. [11:05:21] Thank you. Let me turn now to another excerpt of the video, which
16 is a by the longer, 1:54 to 6 minutes. And I will simply give the references for the
17 transcript and the translation. And I'm sorry for the length of this reference. Same
18 transcript at page 6904, lines 22, to page 6906, line 115.

19 For the translation, page 1121, lines 26, to page 1124, lines 127.

20 Let's now watch the video together, Mr Witness.

21 (Viewing of the video excerpt)

22 (Speaks English) "JM: [...] centre of town, we came across a checkpoint manned by
23 African soldiers. Muslim men were being arrested. Crowds of Christians cheered
24 by the side of the road."

25 (Interpretation) "When they stopped them, they want to flee. But then we shoot and

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1 that's how they fall. That's -- when we say stop, then they don't stop but we shoot.
2 So it's these kinds of people, they have grenades. Leave them alone. This is very
3 dangerous, when you do this. They are the ones who often have grenades. This
4 morning we found them with six grenades. What are the grenades? Can I see them?
5 We have sent them to the PC. They stopped me. And the children at home, since
6 morning I haven't seen the children. So I stopped them. And they wanted to stop,
7 but we didn't have brakes. So please show -- show -- flee. You can -- you can flee.
8 So you want to go through with grenades?"

9 (Speaks English) "JM: Strangely, these men were let go. Most likely, they weren't
10 carrying grenades at all. Otherwise they would have been taken away. Instead,
11 they were likely aggressed, simply because they were Muslims. Across the road, we
12 spoke to onlookers."

13 (Interpretation) "We have been living for a long time with them, but since the Seleka
14 came in, they have become panthers and sheep. And yet we have lived together. I
15 was born together with a Muslim. But they came from Chad. We will kill them.
16 We have lived together with them. But now since the Seleka came, everything is
17 over. We are going to kill all the Muslims. We don't want to kill -- we don't want
18 to see the Muslims. No more Chadians here. We will kill them. No more
19 Chadians here. We don't want to see them."

20 (Speaks English) "JM: Over the road, locals burnt *gris-gris*, magic protective
21 necklaces and bracelets worn by the men who were arrested. And just down the
22 road, a car is on fire. This country is on the brink of anarchy.
23 All around the centre of Bangui there are scenes like this every day. Here, people
24 are burning a car. We understand that there were Muslims inside the car. They've
25 been taken by soldiers and the people here are so annoyed, angry at the Muslims,

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1 they are burning the car."

2 (Interpretation) "Just exactly what the Muslims did to us. If they kill us, we will kill
3 them. We want peace in our country. We want peace. We will slaughter them, all
4 those Muslims. All those Chadians, they are fake. Muslim shops? Yes, even the
5 Muslim shops we will break them down. We don't want to see any mosques in our
6 country. We only want to see churches. No more mosques. We will kill them.
7 We will destroy all the shops. We will destroy everything. All of them. Muslims,
8 Chadians. Muslims, Bororo, Sudanese, we will kill all of them. Even Lebanese,
9 Senegalese we don't touch them. But only the Chadians and the Sudanese. Go
10 back to Chad. In the name of Jesus, we will kill them. We will kill them. We will
11 kill the Muslims."

12 MS CASIEZ: [11:10:31](Interpretation)

13 Q. [11:10:36] Mr Witness, on the video we see the population threatening the
14 Muslims and indicating their intention to destroy the mosques and Muslim shops.
15 Do you agree with the journalists that similar scenes occurred every day within the
16 population going by what you heard or saw?

17 A. [11:11:01] That is correct. It's sad but that was our experience. But this is the
18 story from the Christian side. The story from the Muslim side is the same. So this
19 reflects exactly what our experience was at that time.

20 Q. [11:11:20] According to your observations, did the population on a daily basis
21 express its desire at that time to see the Chadians return to Chad?

22 A. [11:11:38] Yes. That is true. The population demonstrated -- expressed its
23 desires and you yourself heard what those young people were saying. It was the
24 same song over and over again within the population at that time.

25 Q. [11:12:01] Do you know why the population made a distinction between the

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1 Chadian, Bororo, Sudanese Muslims and then went on to say don't touch the
2 Lebanese and Senegalese?

3 A. [11:12:20] I know, I know. Because you see, the Seleka coalition was mostly
4 made up of the Muslim community, that is about 80 per cent of the Seleka elements
5 were Muslims. And most of them were Chadians and Sudanese. And then there
6 were others. But then there were also the Peuhl among them and that is why the
7 population said, "No, we don't want to live, cohabitate with those ones any more
8 because they were the ones who, first of all, brought in Seleka. They are the ones
9 who point out people's houses to Seleka, who pillage and who kill people and that's it.
10 But the problem was that everything started when the Seleka entered Bangui and so
11 many Muslims joined the Seleka coalition at that time. And when the Seleka began
12 to commit those exactions, the Muslim community did not react and that is why
13 immediately the Christian community took all Muslims to be accomplices. And
14 I think that this is what was at the origin of that separation and the chaos that ensued.

15 PRESIDING JUDGE SCHMITT: [11:13:37] Mr Vanderpuye, you understand that I
16 don't interrupt the witness. We have these connection problems. So what is your
17 issue, if I may ask you?

18 MR VANDERPUYE: [11:13:47] Thank you very much, Mr President. The issue is
19 not so much the witness's perception of what the -- what the question is that was put
20 to him by counsel. The issue here is the extrapolation from what was presented to
21 the witness as to suggest that the one individual who was featured in the video
22 expressing himself extends to, quote, "the population". And I don't think that's an
23 appropriate inference to draw on the basis of the video. Clearly, if there's other
24 information available to him I think that's fine, but I don't think it's appropriate to
25 suggest that this individual speaks for the population - first of all, which population

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1 and where and when - and for this witness to draw the inferences from that as posed
2 by counsel.

3 PRESIDING JUDGE SCHMITT: [11:14:34] Actually, I agree with you. But
4 it -- again, we have a very intelligent witness here and he understood, I think, that one
5 person would not speak for the whole population.

6 And, of course, like always with regard to these matters, Ms Casiez, if you had
7 reworded it a little bit or phrased it a little bit differently saying, for example,
8 "according to your information, was this sentiment that was expressed by this single
9 person", you see? So I don't think in the end there is an issue, but in principle I agree
10 with you. If you phrase a question after presenting such a video to the witness in a
11 way as if, let's say, the individual opinions expressed in this video would stand for
12 whole population, indeed you could theoretically object to it. But it's simply a
13 matter of phrasing.

14 Please continue, Ms Casiez.

15 MS CASIEZ: [11:15:39] Thank you for your advice, Mr President. Duly noted.

16 Q. [11:15:44](Interpretation) Before I show you the last excerpt of this video, I have
17 one more question on paragraph *42 and *102 of your statement, where you say that
18 after 10 December, civilians got armed and committed crimes for which the
19 Anti-Balaka were often accused.

20 Do you remember saying that and can you confirm that as being your statement?

21 A. [11:16:19] Yes, I can confirm that I said that.

22 Q. [11:16:30] All right. Let me show you now a last excerpt from that video. It
23 will be at 6 minutes to 6:46. Transcript page 6906, lines 115 to page 6907, line 123.

24 And for the translation page 1142, line 128 to 138. Let's now view the video.

25 (Viewing of the video excerpt)

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1 "In March 2013, a largely Muslim rebel group called the Seleka fought their way to the
2 capital with the support of neighbouring Chad. The corrupt president Bozize fled
3 the country and the Seleka took over. They consolidated power by committing
4 atrocities, mainly on majority Christian neighbourhoods. A Christian militia, the
5 Anti-Balaka, meaning anti-machete rose up to fight the Seleka. In January 2014, the
6 Seleka president, Djotodia, was forced to step down due to French and Chadian
7 pressure. Meanwhile, the French disarmed many Seleka units. Then, the
8 Anti-Balaka took revenge, not just on the Seleka but also on Muslim communities.
9 Cue atrocities which have shocked the world: cannibalism ..."

10 MS DIMITRI: [11:18:14] Mr President, unless I'm wrong, I don't think there was a
11 French interpretation for the witness.

12 PRESIDING JUDGE SCHMITT: [11:18:22] We can inquire with the witness.

13 Mr Witness, was the obviously English-speaking person, journalist, translated to you
14 into French so that you could understand what he said?

15 THE WITNESS: [11:18:45](Interpretation) I understood, Mr President. He spoke in
16 English, but there was no interpretation in French so I didn't understand what he was
17 saying.

18 PRESIDING JUDGE SCHMITT: [11:18:55] Then I suggest that we repeat it with the
19 French translation. It's no problem. It was not such a long portion, I think 45
20 seconds or something, a little bit less. So we please play it again and provide the
21 witness with the French translation.

22 (Viewing of the video excerpt)

23 "In March 2013, a largely Muslim rebel group called the Seleka fought their way to
24 capital with the support of neighbouring Chad. The corrupt president Bozize fled
25 the country and the Seleka took over. They consolidated power by committing

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1 atrocities, mainly on majority Christian neighbourhoods. A Christian militia, the
2 Anti-Balaka, meaning anti-machete, rose up to fight the Seleka. In January 2014, the
3 Seleka president, Djotodia, was forced to step down due to French and Chadian
4 pressure. Meanwhile, the French disarmed many Seleka units. Then, the
5 Anti-Balaka took revenge, not just on the Seleka but also on Muslim communities."

6 MS CASIEZ: [11:20:30] (Interpretation)

7 Q. [11:20:32] Were you able to follow the video, Mr Witness, this time?

8 A. [11:20:35] Yes.

9 Q. [11:20:40] I have a question relating to the end of the video where the journalist
10 says the Anti-Balaka took their vengeance out on the Muslim community, but then we
11 see the crowd taking it out on the Muslims. Is it the case?

12 A. [11:21:04] Yes. I was going to say that the -- what you see here is -- the
13 interpretation does not reflect the event. It is the civilian population that falls on the
14 young man. I had seen this video before, but the journalist says these were the
15 Anti-Balaka. No. There are two images here. There is the first image where there
16 is an Anti-Balaka element whom I know very well. But the second element is the
17 population. So I think the -- there is a conflation of the images which has been
18 misinterpreted by the journalist.

19 Q. [11:21:51] Thank you very much.

20 Let me now show you two other video excerpts. But before doing so, I would like
21 you to confirm what you said at paragraph 106 in your statement, namely, that you
22 thought that the mosques in Fou, Boy-Rabe, 4th, 7th and 8th arrondissements in
23 Begoua had been destroyed by the population?

24 A. [11:22:23] That is correct. Exactly correct.

25 Q. [11:22:35] The video we will now play is at tab 7, Defence binder,

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1 CAR-OTP-2073-1297 from minute 13:29 to minute 14:37. Transcript is in tab 8 of the
2 Defence binder CAR-D29-0006-0631 at page 0640, lines 1 to 18. It's a reportage from
3 France 3, which compiles a number of documentaries on the Central African Republic,
4 and according to the documentary it is relating to 10 December 2013.

5 (Viewing of the video excerpt)

6 THE INTERPRETER: [11:23:46](Interpretation of the video excerpt)

7 "A column of smoke -- a plume of smoke near the airport; the neighbours of the
8 Muslims are going up to destroy the roof.

9 Even the two French soldiers were shot at by [inaudible].

10 Rumour has it that the two French soldiers were killed by the French forces of
11 the -- French soldiers of the African force. But the inhabitants of Bangui are angry at
12 the Chadians who are protecting Muslims.

13 They are shouting in hate as against soldiers asking them to leave and with an intent
14 to pillage all the shops belonging to Muslims.

15 Towards the end of the day, near the airport, where the French army is based, Muslim
16 shops have been destroyed, and this is exactly what France had come to Bangui to try
17 to avoid."

18 MS CASIEZ: [11:25:00] (Interpretation)

19 Q. [11:25:04] Once again, you see something that corresponds to an example where
20 the population attack a mosque, inhabitants of Bangui, take it out on shops, who loot
21 and they -- and this is the population in action; is that correct?

22 A. [11:25:24] Yes, it is indeed the population.

23 Q. [11:25:35] I have a last video for you and I think we can play it before the break.

24 The second video is at tab 9, CAR-OTP-2107-1179 and the transcript is at CAR-D29

25 (Overlapping speakers).

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1 A. [11:26:13] Sorry, I cannot hear you.

2 PRESIDING JUDGE SCHMITT: [11:26:16] So, obviously, if the witness can't hear
3 you, then we have to fix that. Or perhaps we can fix it -- no.

4 Mr Witness, do you now understand again? Do you hear us?

5 THE WITNESS: [11:26:41](Interpretation) I can barely hear you, Mr President.
6 Barely hear you. There's lots of interference.

7 PRESIDING JUDGE SCHMITT: [11:26:50] Actually, it was also, I think -- the
8 communication from here to there is also very difficult. So we make the break now
9 and try -- try to improve matters.

10 Ms Casiez, could you already tell us how far you have gotten in the meantime.

11 MS CASIEZ: [11:27:05] I do think I have one hour or less, but I'm not totally sure.

12 PRESIDING JUDGE SCHMITT: [11:27:16] Okay. We will see. So we have the
13 break until 12 o'clock. Thank you.

14 o'clock. Thank you.

15 (Recess taken at 11.27 a.m.)

16 (Upon resuming in open session at 12.01 p.m.)

17 THE COURT USHER: [12:01:38] All rise.

18 Please be seated.

19 PRESIDING JUDGE SCHMITT: [12:01:59] Ms Casiez, you still have the floor. We
20 give it another try and hope that the connection will be good.

21 And I think court usher and officer have the information necessary with regard to the
22 video? Because we had given this before the break, I think.

23 MS CASIEZ: [12:02:24] Thank you, Mr President. I think there is just the
24 transcription ERN missing.

25 Q. (Interpretation) So it's D29-0006-0931. And the video will be played in its

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1 entirety. So, first of all, let's look at the video. But before that, can you hear me
2 clearly?

3 A. [12:02:59] (No interpretation)

4 (Viewing of the video excerpt)

5 "This is a country being swept up in a frenzy of hate. These pictures filmed by
6 Amnesty International show the aftermath of an attack on a mosque. Local
7 Christians burned it down and now they are stripping it apart. The graffiti on the
8 wall insults the rebel president Michel Djotodia. He led Seleka, a mainly Muslim
9 coalition of rebels, which took control here in March.

10 The big problem now is every day passing, the new horrific stories, new horrific
11 situation. Last week it was a fighting between armed people. Now we are
12 witnessing fighting between communities.

13 French soldiers are here to protect civilians, for they too have now become targets.

14 The French president François Hollande's visit to Bangui was in part to pay respect to
15 the two soldiers who died and boost the morale of the rest of his forces.

16 'By coming to the Central African Republic, France is not looking for personal interest.
17 It has nothing to gain from its presence here and doesn't claim for any unjustified
18 influence. France only intends to bring relief to a population that is threatened by
19 lawless factions.'

20 For now, it is the African Union forces which are more visible on the streets. These
21 men are from Congo Brazzaville. They are protecting the African Union's special
22 representative to the country.

23 'What we need is just the international community and the support, the logistical, the
24 equipment, the communication, all of that. And we are calling all the people in
25 Central Africa to take their future on their hands.'

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1 The role of African Union soldiers will become increasingly important here.
2 This is the only safe way to get around Bangui at the moment, in a convoy with
3 African Union forces. There are no French soldiers on the streets at the moment.
4 There is no rule of law here. Muslims are being targeted by Christians and
5 Christians are being targeted by Muslims.
6 On Monday, French soldiers were disarming rebel groups. Now they must work out
7 their next strategy. That leaves armed fighters free to roam the streets and angry
8 mobs to take out their revenge.
9 Nazanine Moshiri, Al Jazeera, Bangui."

10 MS CASIEZ: [12:05:53](Interpretation)

11 Q. [12:05:56] I have the feeling that you got the interpretation. At the beginning of
12 the video, we saw that there was a mosque being destroyed by the population.
13 Did you see that?

14 A. [12:06:10] That is correct.

15 Q. [12:06:12] Do you recognise the mosque?

16 A. [12:06:24] I don't recognise it. But I know it's a mosque, but I'm not sure
17 exactly where it is.

18 Q. [12:06:34] That doesn't matter. I was just seeing if you did know it.
19 Is it correct when the Amnesty International representative said in English,
20 (Speaks English) "Last week it was a fight between armed people and now between
21 communities"?

22 A. [12:07:04] Yes, that's correct. That's what I said. The situation became really
23 confused. That's exactly what the journalist said.

24 Q. [12:07:17] And the journalist in the car in English says: (Speaks English) "This is
25 the only safe way to get around Bangui at the moment, in convoy with African Union

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1 forces. There are no French soldiers on the streets at the moment. There is no rule
2 of law here. Muslims are being targeted by Christians and Christians are being
3 targeted by Muslims."

4 (Interpretation) According to you, does that mean that there are no persons to impose
5 order and even the international community was powerless, whereas the civilian
6 population were targeting each other.

7 A. [12:08:18] Yes, that is correct, madam.

8 Q. [12:08:23] Thank you. I'm going to completely change the subject now and I'm
9 going back to paragraph 51 of your statement. When you're talking about
10 15 December you said "There were no Muslims in the neighbourhoods we went
11 through. They had fled to PK5." Am I correct that they fled because they heard
12 that there was going to be fighting between Anti-Balaka and Seleka?

13 A. [12:09:04] The situation arrived spontaneously like that. So suddenly where
14 you were, the Muslims, they left their residents to go towards kilometre 5. There
15 was a high Muslim concentration there.

16 PRESIDING JUDGE SCHMITT: [12:09:28] That was not a comment.

17 MS CASIEZ: [12:09:38](Interpretation)

18 Q. [12:09:39] And everything you say about the tensions between the Christians
19 and the Muslims, the revenge, the retaliation, could you say that the Christians
20 frightened the Muslims and that's one of the reasons why they left?

21 A. [12:09:56] Yes, indeed. I think that initially the Seleka told the Muslim
22 community that they should leave their neighbourhood because they wanted to
23 commit massacres. So the population, the Muslim population left the
24 neighbourhood and went towards PK -- kilometre 5.

25 Q. [12:10:27] Have you got information according to which other Muslims in other

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1 Muslim neighbourhoods fled before 5 December for the same reason?

2 A. [12:10:43] Indeed. Before 5 December -- before 5 December, yes, there were
3 Muslim populations who left their neighbourhoods, bearing in mind the Seleka in the
4 various localities.

5 Q. [12:11:06] Thank you, Mr Witness.

6 In paragraph 62 in your statement - and it's a bit late in time - you say that the
7 International Organisation for Migration, the IMO, helped the Seleka and the
8 Muslims taking them to the province, Cameroon and Chad. Does this mean that
9 many Seleka were evacuated in this convoy?

10 A. [12:11:40] Yes, indeed. Some Seleka elements were evacuated in this convoy.

11 Q. [12:11:55] By way of clarification, are you talking the February and January 2014
12 convoys?

13 A. [12:12:05] That's correct.

14 Q. [12:12:14] And amongst the Seleka who were evacuated in these convoys, as far
15 as you know, did some come from the provinces?

16 A. [12:12:26] Yes. Those who left Bria, Bambari to come, they wanted to go back
17 to their original villages, and so they were evacuated with the civilian population at
18 the same time.

19 Q. [12:12:53] Thank you.

20 On another subject, last week you explained that people said, "Well, we -- we have
21 this number of people to influence the Seleka." Do I understand that the people
22 you're talking about are the ComZones and the leaders of the group who used this as
23 a military tactic to intimidate?

24 A. [12:13:22] Yes, that's it. Each ComZone said that he had elements so that he
25 could have more elements. So they said they had more elements, but the elements

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1 didn't really correspond to the numbers in that particular destination.

2 Q. [12:13:50] Thank you.

3 MS CASIEZ: [12:13:55] Mr President, I would like to go in private session for two
4 subjects.

5 PRESIDING JUDGE SCHMITT: [12:13:58] Yes. Private session.

6 MS CASIEZ: [12:14:01] Thank you.

7 (Private session at 12.14 p.m.)

8 THE COURT OFFICER: [12:14:09] We are in private session, Mr President.

9 MS CASIEZ: [12:14:27] Thank you.

10 Q. [12:14:29] (Interpretation) We are now in private session. Several places in
11 your statement, for example, paragraph 53, 65 and 110, you talked about the fact that
12 (Redacted) protected many Muslims. You spoke in particular of (Redacted) and
13 Muslims which (Redacted).

14 Could you explain to us what happened?

15 (Speaks English) But I can't see the witness.

16 A. [12:15:09] As I said, in my statement, I said at that time IOM organised
17 the -- IOM organised the evacuation into the hinterland. And the international
18 forces MISCA escorted the convoy. In those convoys there were trucks where you
19 had Muslim subjects, and (Redacted)
20 (Redacted) that this truck was not part of the convoy and therefore it was put aside
21 and the (Redacted) and so the people of the area wanted to
22 attack the convoy. And (Redacted)
23 (Redacted)
24 (Redacted)

25 Q. [12:16:42] I have two strange questions, but I'm going to ask you nevertheless.

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 MS DIMITRI: [12:17:19] Mr President, just to flag the interpretation was incorrect.

7 He didn't say "(Redacted)" He said the complete opposite.

8 PRESIDING JUDGE SCHMITT: [12:17:28] Indeed. I think this is clear from the

9 French transcript. And actually it would not have -- the rest of the sentence would

10 not have made sense at all. (Redacted). Yeah. And we have

11 heard, of course, also the other name already.

12 Please continue.

13 MS CASIEZ: [12:17:55] (Interpretation)

14 Q. [12:17:56] I'm going to give you the reference to the document which I was

15 referring to. T-062 in English, page 40 and 41.

16 Now I'd like to show you a document, tab 12 of the Defence binder,

17 CAR-OTP-2033-8065, page 8066. And it is a confidential document.

18 Have you ever seen this document before, Mr Witness?

19 A. [12:19:24] Yes, I see this document.

20 THE INTERPRETER: [12:19:33] The rest was inaudible.

21 MS DIMITRI: [12:19:35] Mr President, in French he said "I see the document, but I've

22 never seen that document before."

23 PRESIDING JUDGE SCHMITT: [12:19:46] So, Mr Witness, can you please confirm

24 that you -- if you have seen this document before or not? We didn't -- we didn't

25 quite get it because of the communication.

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1 THE WITNESS: [12:20:04](Interpretation) Your Honour, what I said, I see the
2 document for the moment, but I have not seen the document before.

3 PRESIDING JUDGE SCHMITT: [12:20:15] Thank you.

4 MS CASIEZ: [12:20:23] (Interpretation)

5 Q. [12:20:24] Thank you, Mr Witness.

6 On this document you are listed as (Redacted)

7 (Redacted). Do you agree with me that you never had such a role within the
8 Anti-Balaka?

9 A. [12:20:41] I never had this role within the Anti-Balaka.

10 Q. [12:20:52] If you could show page 8069, please.

11 Here you can see the (Redacted)

12 (Redacted)

13 (Redacted). Am I correct?

14 A. [12:21:45] You are correct.

15 Q. [12:21:46] Could you repeat your answer. I didn't hear what you said.

16 A. [12:21:49] I said you are correct. (Redacted). And this document, this
17 document seems strange to me.

18 Q. [12:22:06] Thank you.

19 (Speaks English) And we can go back in public session, Mr President.

20 PRESIDING JUDGE SCHMITT: [12:22:14] Public session.

21 (Open session at 12.22 p.m.)

22 THE COURT OFFICER: [12:22:22] We are back in open session, Mr President.

23 MS CASIEZ: [12:22:29] (Interpretation)

24 Q. [12:22:33] Last week, and here I'm referring to the transcript 081 in the French,
25 page 49, 50, you said there was no military training or combat techniques for the

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1 civilians, but only advice how to shoot a bullet. I want to show you an interview
2 with Dieudonne Houronti and then I have a question I'll put to you.

3 Here we're talking about tab 20 of the Defence binder, CAR-OTP-2084-1263, 1 to –
4 1 to 5:13 minutes and it's tab 21, CAR-OTP-2107-1565.

5 (Speaks English) I see my colleague.

6 PRESIDING JUDGE SCHMITT: [12:23:38] I see Mr Vanderpuye. Now we are
7 before the answer, which might be helpful.

8 MR VANDERPUYE: [12:23:43] Thank you, Mr President. No, it's just a question of
9 I wanted to make sure that, because we are in public session, I wanted to make sure
10 that the exhibit that my colleague is about to show is in fact public. I know that there
11 was some issue about that previously, and I just can't recall at the moment, but I seem
12 to recall that because of the nature of the interview and the circumstances under
13 which it occurred, and the provider of -- of the information, that there might be a
14 question about it. But I -- I don't recall at the moment.

15 PRESIDING JUDGE SCHMITT: [12:24:16] Ms Dimitri.

16 MS DIMITRI: [12:24:16] I think I know what you're referring -- what my learned
17 colleague is referring to, but the person that needs to be protected - and I won't be
18 more specific because the witness is listening - is not mentioned or shown in the video.
19 It's just an extract between an individual who's asking question to Mr Houronti.

20 PRESIDING JUDGE SCHMITT: [12:24:42] Okay. Then I think we can show it.

21 MR VANDERPUYE: [12:24:45] I am -- I am thinking of the right thing, and I'll tell
22 you the reason for my concerns, is that the person that's depicted in it, the interviewee
23 so to speak, will know or recognise the circumstances of the video and, therefore, the
24 person that arranged the video, and that is the reason for -- that is the reason for our
25 concern. It's not so much -- there -- there is the concern that the person that arranged

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1 it will be identified by the person that is in it, and that person is of concern, obviously,
2 to us because of his interest in the case.

3 PRESIDING JUDGE SCHMITT: [12:25:23] Ms Casiez, do you have any opinion?
4 Further information?

5 MS CASIEZ: [12:25:28] Actually, I have no problem to show this video in private
6 session, if -- if it's better for protection --

7 PRESIDING JUDGE SCHMITT: [12:25:35] I also -- I also -- I also think that it might
8 be better to go to private session and show it there, Mr Vanderpuye.

9 Private session and we show it. And we -- we go back to open session as soon as
10 possible.

11 (Private session at 12.25 p.m.)

12 THE COURT OFFICER: [12:25:52] We are in private session, Mr President.

13 MS CASIEZ: [12:26:21] (Interpretation)

14 Q. [12:26:23] To explain, Mr Witness, I'm going to show you the video in question.
15 (Viewing of the video excerpt)

16 THE INTERPRETER: [12:26:33](Interpretation of the video excerpt)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 Q. [12:30:30] Thank you.

8 (Speaks English) Mr President, I think we can go back in public session.

9 PRESIDING JUDGE SCHMITT: [12:30:35] Actually, in hindsight, okay, but we go
10 now to open session.

11 (Open session at 12.30 p.m.)

12 THE COURT OFFICER: [12:30:44] We are back in open session, Mr President.

13 MS CASIEZ: [12:31:02](Interpretation)

14 Q. [12:31:03] Now, I have questions on three individuals. At paragraph 91 of your
15 statement you refer to Mbomo.

16 Can you confirm that you are talking about Basile Mbomo who was the ComZone of
17 Bimbo?

18 THE INTERPRETER: [12:31:35] Answer inaudible.

19 PRESIDING JUDGE SCHMITT: [12:31:38] Yeah, Mr Witness, could you please
20 repeat the answer. I think I have a guess, but ...

21 THE WITNESS: [12:31:46](Interpretation) Yes, I can confirm that.

22 MS CASIEZ: [12:31:58](Interpretation)

23 Q. [12:32:02] Last week, transcript T-081, page 74 in French, you mentioned an
24 official in Boeing called Bertin Nganabeam.

25 Do you know how many men were under his command?

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1 A. [12:32:29] I don't know the exact numbers, but he had some elements with him
2 in Boeing.

3 Q. [12:32:37] Do you know for how long he had been operating in that
4 neighbourhood, since when?

5 A. [12:32:55] He had been there, but, well, as I said at the beginning and previously
6 he was not --

7 THE INTERPRETER: [12:33:05] Inaudible.

8 THE WITNESS: [12:33:07](Interpretation) -- and then later on it was in 2015 that he
9 became the leader of a section at the Boeing market.

10 MS CASIEZ: [12:33:20] Mr President, may I have just one minute to consult?

11 PRESIDING JUDGE SCHMITT: [12:33:27] Of course, always.

12 And in the mean I can -- no, please. Perhaps I should not say that because we
13 already scheduled that we have to finish at 1 o'clock this session, but there is a
14 rescheduling that we can go like normally at 1 past 1. So when I say I should not
15 have said that, perhaps to keep attention to finish until 1 o'clock would have been
16 good, but I wanted to inform you.

17 MS CASIEZ: [12:34:04] Thank you, Mr President.

18 Q. [12:34:06](Interpretation) So when he was ComZone and no longer an element
19 around 2014, 2015, as you said, do you know whether this was someone who used to
20 brutalise women around PK5?

21 A. [12:34:29] I am not privy to this information.

22 Q. [12:34:36] Thank you. You also talked about chiefs of sections of the
23 combatants in paragraph 94. Can you confirm that Samy Urbain was chief at the
24 Combattant market?

25 A. [12:34:59] Yes. He was the chief of the rotating market in Combattant.

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1 Q. [12:35:09] Do you know since when he had been operating in that
2 neighbourhood?

3 A. [12:35:23] If I am not mistaken, it was 2014, July 2014, 2014.

4 Q. [12:35:30] Thank you. Last week, and I'm referring to transcript T-083, page 33
5 in French, you said that the political authorities had their Anti-Balaka. What did you
6 mean by that?

7 A. [12:36:00] Mr President, what I mean is that -- or what I meant is that there came
8 a point in time when it was not possible to have control over the Anti-Balaka, as I
9 have been saying. So the political authorities also had their own Anti-Balaka.
10 Because of the resources, they would be able to provide resources for people to set up
11 Anti-Balaka who would be subjected to the authorities. So the people in authority
12 had some -- their own Anti-Balaka providing them with food and medication. And
13 quite often those Anti-Balaka would act under their command. And this led,
14 ultimately, to a problem of management within the group for the coordination.

15 Q. [12:36:58] It's clearer now. Thank you very much.

16 I would like to show you a document, tab 63 of Mr Ngaïssona's Defence tab,
17 CAR-OTP-2091-0455. This document can be displayed to the public.
18 And the question before the document is displayed is as follows: Do you know the
19 name of the weapon that will be displayed on the photograph?

20 Do you see the photograph, Witness?

21 A. [12:37:57] I have not yet seen it. It is not yet displayed. Now I see it.

22 Q. [12:38:15] Do you know what the weapon on this photograph is called?

23 A. [12:38:22] Well, the photograph is not clear, but that is a 147 bitube.

24 THE INTERPRETER: [12:38:36] Says the witness. Bitube.

25 PRESIDING JUDGE SCHMITT: [12:38:41] Well, he is not -- yeah, I think we see the

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1 weapon and you can pose a question to him. No matter how it is called and what it
2 is specifically, when you are here at this Court for some time, you might even know
3 as a judge what it is.

4 MS CASIEZ: [12:39:02] Thank you, Mr President.

5 Q. [12:39:05](Interpretation) According to you, is this an extremely heavy weapon
6 to be carried in a canoe or a boat?

7 A. [12:39:20] This is a heavy weapon and it can only be transported by vehicle. It
8 cannot be transported by boat. It is usually mounted, mounted on a vehicle, usually
9 on a 4x4. It's a heavy weapon.

10 Q. [12:39:48] Thank you.

11 I have two questions on the Brazzaville forum. How much time after the closure of
12 the summit did you return to Bangui, how long thereafter?

13 A. [12:40:09] 24 hours, if I'm not mistaken. We left Brazzaville the next day when
14 the meeting ended. There were two trips. I am -- I was part of the team that left
15 Brazzaville the day after the forum closed.

16 Q. [12:40:32] Thank you.

17 Last week, and I'm referring to T-081, page 23, you referred to a document at tab 25 of
18 the OTP binder CAR-OTP-0068-0118 -- rather, 2068-0118.

19 Please, could this document be displayed for the witness. Thank you.

20 I'll wait for the document to be displayed, Mr Witness, before I put my question to
21 you.

22 Can you see the document?

23 A. [12:41:31] Yes, but could you please enlarge it a little more so that I can see the
24 names.

25 Q. [12:41:42] Now, if I understood your testimony, this is the list of FACA who

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1 joined in Gobere and this list was drawn up in Brazzaville in order to harmonise the
2 lists of members to be included in the movement. I just want to understand the
3 context in which these lists were drawn up. Were there two types of lists drawn up,
4 a list of civilians for the DDR programme, DDR programme and a list of soldiers for
5 military ranks in view of recompensation, is that how it was?

6 A. [12:42:29] Yes, that is how it was set up.

7 Q. [12:42:34] Do you agree that these lists contain names of persons who were
8 never part of the movement, but who are mentioned on the lists in order to benefit
9 from ranks or from the DDR programme?

10 A. [12:42:49] Yes, that is correct. They are intruders on the list, both civilian and
11 military.

12 Q. [12:43:07] Thank you.

13 Since we are talking about the DDR, now, after the junction of June 2013, did you say
14 that Mr Yekatom was one of --

15 THE INTERPRETER: [12:43:28] Please, Mr President, there's an overlap and counsel
16 is going a bit too fast.

17 THE WITNESS: [12:43:36](Interpretation) I do recall that he was the first to do
18 voluntary disarmament, and then about four others joined him, Mbomon Basile, after
19 him then Samy Urbain, and then Mazimbele as well did the same. So he was the
20 first to disarm.

21 PRESIDING JUDGE SCHMITT: [12:44:01] Slow down a little bit, please, Ms Casiez.

22 MS CASIEZ: [12:44:06] Of course, Mr President. Sorry.

23 Q. [12:44:10](Interpretation) Last week you talked of a meeting at the Chinese
24 school. I would like you to confirm that Mr Yekatom was not present at that
25 meeting?

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1 A. [12:44:29] He was not present. He was not there. I think the Anti-Balaka of
2 the south were represented by Wenezoui, but Yekatom was not present at that
3 meeting.

4 Q. [12:44:50] Thank you.

5 You talked about -- and I'm referring to transcript 083, page 16. You talked about
6 fighting in Boeing when Seleka wanted to force its way to the Muslim cemetery. I
7 simply want to clarify something with you about access to the Muslim cemetery.
8 Did I understand correctly that when the Seleka wanted to bury their dead -- that the
9 Seleka wanted to bury their dead and on their way through Boeing they shot at
10 civilians in Boeing; is that correct?

11 A. [12:45:34] Yes. Not only that -- that is correct. But not only that, they left
12 kilometre 5 and at some point they were burying people at the Saint Mathias church,
13 which is located in the 3rd arrondissement. And that -- and they ran out of space, so
14 they wanted to force their way through the population and that is how they started
15 firing from PK5 all the way to the borders of Boeing.

16 Q. [12:46:07] Thank you. I have one last topic with you and then that will be it.
17 Last Friday the Prosecutor listed a number of telephone numbers appearing in your
18 statement, transcript 082, page 46, in French. And in your answer, I would
19 summarise it as follows: That you did not quite recognise everything and you said
20 that maybe you had written down these numbers on a piece of paper.
21 Since last week, maybe you have thought about how you provided these numbers.
22 Are you now able to say how you provided the numbers, maybe by writing them on a
23 piece of paper when you met with the investigators of the Prosecutor?

24 A. [12:47:07] Yes, I remember. They asked me about the configuration of the
25 leaders of the Anti-Balaka. I provided them with the information. I -- then they

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1 asked if I have their information and if I could provide it -- if I could provide it. I

2 said yes and I gave it to them.

3 Q. [12:47:28] I put it to you that the telephone number assigned to Mr Yekatom on
4 this list is false. I'm not saying that you were mistaken, but can you confirm that this
5 number may be false or that you may have written it down mistaken -- or you might
6 have made a mistake in writing in down or it may have been incorrectly copied by the
7 Prosecutor?

8 A. [12:48:13] Could you please display that number so that I cross-check.

9 PRESIDING JUDGE SCHMITT: [12:48:19] Actually, I would also have asked you to
10 do that.

11 MS CASIEZ: [12:48:25] I just need a couple of seconds to find the exact reference.

12 PRESIDING JUDGE SCHMITT: [12:48:32] Yeah, yeah, take your time.

13 MR VANDERPUYE: [12:48:39] It's paragraph 41 of the statement, I believe. I don't
14 know what the ERN number is, but it's paragraph 41, tab 17 I think it was.

15 PRESIDING JUDGE SCHMITT: [12:48:52] That is helpful, Mr Vanderpuye. Thank
16 you.

17 MS CASIEZ: [12:48:56] Thank you. And I will just give the last -- the ERN
18 (Interpretation) CAR-OTP-2046-0603 at page 0610, being paragraph 41. Could that
19 be displayed for the witness, please. Thank you.

20 PRESIDING JUDGE SCHMITT: [12:49:25] But only for the witness.

21 THE WITNESS: [12:49:47](Interpretation) This is another document. The
22 document I -- this document only contains my statement, it doesn't have the numbers.

23 MS CASIEZ: [12:50:03](Interpretation)

24 Q. [12:50:05] So I understand that when you reread your statement, that is the
25 document before you, you did not review each number with the investigator one by

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1 one; is that correct?

2 A. [12:50:24] Yes. We did not review the numbers. However, the document that
3 you have displayed, you are talking about telephone numbers. I don't see -- I don't
4 see any.

5 PRESIDING JUDGE SCHMITT: [12:50:43] Mr Witness, do you have in front of you a
6 document where on the left side it says 41?

7 THE WITNESS: [12:51:01] (Interpretation) No, I don't see that, Mr President.

8 PRESIDING JUDGE SCHMITT: [12:51:06] Okay. Then this might explain it
9 because it's strange because obviously you see -- you see telephone numbers after the
10 names.

11 So, Mr Witness, please wait a second. We try to make it clearer for you.

12 So, Mr Witness, do you see now the name of Mr Yekatom, and after the name of
13 Mr Yekatom there is a sequence of numbers?

14 MR VANDERPUYE: [12:51:39] Mr President, I just wanted to say that (Overlapping
15 speakers) --

16 THE WITNESS: [12:51:43](Overlapping speakers)

17 MR VANDERPUYE: [12:51:43] -- French translation of this document as well and
18 that might be of assistance. It's at tab 30.

19 PRESIDING JUDGE SCHMITT: [12:51:51] Okay. Yeah, that's of course -- that's the
20 reason indeed. So --

21 MR VANDERPUYE: [12:51:53] And the ERN for that document is

22 CAR-OTP-2102-0131, and the relevant page is 0140. That's at paragraph 41.

23 PRESIDING JUDGE SCHMITT: [12:52:06] Thank you very much, Mr Vanderpuye.

24 Mr Witness, it will now be displayed to you in French, which you understand that
25 was here. I think now you see it? And the question is, first question that I have to

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1 you, did you provide these telephone numbers at the time to the investigators of the
2 Office of the Prosecutor to the best of your knowledge?

3 THE WITNESS: [12:52:39](Interpretation) Yes, I remember giving the numbers when
4 asked by the investigators. They asked me about Anti-Balaka leaders and about
5 their numbers and I gave them the ones I had. So this happened a long time ago, but
6 I don't remember the numbers exactly. But if I had a handwritten copy, it might
7 help me to remember. So in this format, I don't know whether this is the number I
8 gave or not. But what I remember is that I gave the investigators some numbers on
9 that day.

10 PRESIDING JUDGE SCHMITT: [12:53:18] I think we don't get further information
11 on that.

12 MS CASIEZ: [12:53:23] Okay. May I have just one -- one --

13 PRESIDING JUDGE SCHMITT: [12:53:29] Of course, of course.

14 MS CASIEZ: [13:01:00] Thank you.

15 (Counsel confers)

16 MS CASIEZ: [12:53:58](Interpretation) I have no further questions for you,
17 Mr Witness. Thank you very much for all the answers.

18 PRESIDING JUDGE SCHMITT: [12:54:09] Thank you, Ms Casiez.

19 Mr Vanderpuye, do you have questions?

20 MR VANDERPUYE: [12:54:14] I do, Mr President, but I don't think I can do it in five
21 minutes. I think I need more like half an hour, 45 minutes to do that.

22 PRESIDING JUDGE SCHMITT: [12:54:25] If you can do it in half an hour we can
23 continue.

24 MR VANDERPUYE: [12:54:29] Oh, yeah? Okay.

25 PRESIDING JUDGE SCHMITT: [12:54:29] Yeah, yeah, yeah. So let's say we aim at

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1 half past 1.

2 MR VANDERPUYE: [12:54:32] All right.

3 PRESIDING JUDGE SCHMITT: [12:54:34] Okay. Good.

4 MR VANDERPUYE: [12:54:35] Thank you, Mr President.

5 QUESTIONED BY MR VANDERPUYE:

6 Q. [12:54:47] Good afternoon, Witness. I have a few questions that I'd like to

7 clarify with you which emerge from your examination by the Defence for

8 Mr Ngaïssona and also by the Defence for Mr Yekatom.

9 Now, on a couple of different occasions with regard to both Defences you referred to

10 the number of Anti-Balaka elements, which was indicated as around 50,000. That

11 was put to you by the Ngaïssona Defence with regard to a document concerning the

12 cantonment or proposed cantonment of Anti-Balaka elements. Do you remember

13 that?

14 A. [12:55:50] Yes, I do remember there was a document on proposed billeting of the

15 Anti-Balaka. Yes, I remember.

16 Q. [12:56:06] And I understood that you said that the number of 50,000 elements

17 indicated in that document was not accurate and you believe that the reason for it was

18 to intimidate the Seleka. Is that what you meant to say?

19 A. [12:56:32] Yes, that's correct. That's what I wanted to say.

20 Q. [12:56:35] Did you ever hear the number of 70,000 elements being put forward

21 by any principal of the Anti-Balaka?

22 A. [12:56:57] 70,000? That's very high. I don't remember.

23 Q. [12:57:07] Bear with me. I didn't -- I didn't hear your answer.

24 PRESIDING JUDGE SCHMITT: [12:57:11] 70,000 seems to be very high, he says.

25 MR VANDERPUYE: [12:57:17] Okay. Thank you very much, Mr President.

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1 Q. [12:57:19] Yes, my question is, did you hear that number being put forward by
2 the Anti-Balaka or any member of the Anti-Balaka coordination?

3 A. [12:57:36] Well, what I have said is that there were estimates provided by the
4 ComZone and the coordination. But 70,000? No, I never heard it. No, no, I never
5 heard those numbers.

6 Q. [12:57:59] All right. Let me show you a document. It's CAR-OTP-2105-0086.

7 MS PROULX: [12:58:14] Could we have a tab number, please.

8 PRESIDING JUDGE SCHMITT: [12:58:16] Yes, that would be helpful indeed.

9 MR VANDERPUYE: [12:58:18] Mr President, as it arise -- I'm sorry. Let me stand
10 up, sorry.

11 As it arises from the cross-examination, it's not a document that was figured on our
12 list of exhibits.

13 PRESIDING JUDGE SCHMITT: [12:58:29] Then, perhaps, let's have a look at it.

14 MR VANDERPUYE: [12:58:46] All right. One moment.

15 All right. If we could just page down for a moment. Keep going. All right. If we
16 could zoom -- or hold on. We can zoom in right there. A little bit up.

17 PRESIDING JUDGE SCHMITT: [12:59:29] Yes.

18 MR VANDERPUYE: [12:59:29] That's right.

19 Q. [12:59:34] In this document you can see that Ngaïssona -- at least it says that:
20 (Interpretation) "Ngaïssona asserts that the movement has about 70,000 men, more
21 than half of whom were in Bangui."

22 (Speaks English) It continues at (Interpretation) "He decries the fact that the
23 Anti-Balaka did not benefit from any measures and were not listened to and have
24 difficulty implementing the urgent DDR programme." (Overlapping speakers)

25 PRESIDING JUDGE SCHMITT: [13:00:19] It was a bit too quick Mr Vanderpuye,

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1 again. Please repeat that last sentence.

2 THE WITNESS: [13:00:26](Interpretation) Mr President, I cannot hear you. Sound
3 quality is poor.

4 PRESIDING JUDGE SCHMITT: [13:00:32] Mr Vanderpuye, please the question that
5 derives now from -- from this. I think it's a media article.

6 MR VANDERPUYE: [13:00:41] It is indeed. It is a media article from
7 February 2014.

8 Q. [13:00:45] My question is simply, in the context of the DDR that you talked
9 about during your cross-examination, you never understood or heard that
10 Mr Ngaïssona made the representation that there were 70,000 men in the movement?
11 Is that -- is that how I should understand your testimony?

12 A. [13:01:19] No. I didn't talk about that.

13 PRESIDING JUDGE SCHMITT: [13:01:25] I think that was not the question,
14 Mr Witness. The question was if you see that in this media article Mr Ngaïssona
15 allegedly, allegedly, said or spoke about 70,000 people in the Anti-Balaka. Did you
16 hear ever Mr Ngaïssona bringing forward the figure or speaking about the figure of
17 70,000 elements?

18 THE WITNESS: [13:01:59](Interpretation) Mr President, this is what I've been saying.
19 I have never heard mention of that. I never heard Ngaïssona say that.

20 MR VANDERPUYE: [13:02:08]

21 Q. [13:02:09] All right. I would like to show you a video. This is
22 CAR-OTP-2014-0753. And I'd like to play you part of it, beginning at 00:26:15
23 through 01:40:24. And the transcript reference is CAR-OTP-2122 transcript 7366,
24 lines 7 through 20.

25 PRESIDING JUDGE SCHMITT: [13:03:01] Mr Knoops.

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1 MR KNOOPS: [13:03:02] Mr President, before the Prosecution permits itself to play a
2 video in the re-examination, we would like to know beforehand what is the relevance
3 and the context. Because if the Prosecution is entering into again a debate with the
4 witness as it could have done during the examination, it's for us important to know
5 before we can make a proper objection. So I invite the Prosecution to inform the
6 Chamber on what topic this video is to be displayed.

7 PRESIDING JUDGE SCHMITT: [13:03:38] Actually, Mr Knoops, I would have asked
8 him without your help too.

9 So, Mr Vanderpuye, the -- the same subject?

10 MR VANDERPUYE: [13:03:47] Indeed, Mr President. The same subject.

11 PRESIDING JUDGE SCHMITT: [13:03:50] Well, I -- I allow it, but I think the witness
12 has answered. But this -- really this is the last thing that we put to him with regard
13 to -- to figures of the Anti-Balaka.

14 MR VANDERPUYE: [13:04:01] Okay.

15 PRESIDING JUDGE SCHMITT: [13:04:03] Because I already -- okay, I don't want
16 to -- to be suggestive here. So let's see the video.

17 (Counsel confer)

18 PRESIDING JUDGE SCHMITT: [13:04:39] So it -- it runs already. No.

19 (Viewing of the video excerpt)

20 PRESIDING JUDGE SCHMITT: [13:04:52] We have no tone. We have no ... so we
21 have to replay it because we don't hear anything.

22 MR VANDERPUYE: [13:05:42] Mr President, to the extent that we don't have sound
23 and it's going to be complicated, I would suggest that we just pull up the transcript.
24 I can probably just read to him the part that I want.

25 PRESIDING JUDGE SCHMITT: [13:05:55] Yes, you can do that.

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1 MR VANDERPUYE: [13:05:57] The transcript reference then is, excuse me,
2 CAR-OTP-2122-7366.
3 THE COURT OFFICER: [13:06:13] It is already displayed on evidence 2 channel.
4 PRESIDING JUDGE SCHMITT: [13:06:24] Please inform the witness who is
5 speaking.
6 MR VANDERPUYE: [13:06:27] Yes.
7 PRESIDING JUDGE SCHMITT: [13:06:30] And -- or is allegedly speaking, and read
8 perhaps this short portion where they speak about the figures.
9 MR VANDERPUYE: [13:06:38] Yes, Mr President. Thank you.
10 Q. [13:06:40] Mr Witness, this is a transcript of an interview that was done with the
11 former president Catherine Samba-Panza and she describes in it certain circumstances
12 regarding the Anti-Balaka and the information that was relayed to her by the
13 members of the Anti-Balaka that met with her shortly after her election.
14 And in particular I'll refer you to lines 7 through around 12. It says -- I'll do my best:
15 (Interpretation) "The second problem: the Anti-Balaka whom I received so many
16 times told me, 'Madam President, we no longer have control over our elements. We
17 are overwhelmed. Those who came from the provinces, we know them. Those of
18 us who came from FACA, we know ourselves, but those in Bangui who joined our
19 ranks, we do not know them anymore.' I said: 'You ... how many do you estimate
20 them to you?' They told me: 'In theory, we who came from the province along
21 with those in Bangui, add up to 53,000 men.' And I said: 'So what do I do with
22 53,000 men?' 'We want to be billeted, we want to be taken care of, we want to be
23 recognised.' And I said: 'No. The Central African Republic doesn't have the
24 resources to take charge of such militia. That's not possible.'"
25 (Speaks English) (Overlapping speakers) The interview carries on, but I want to ask

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1 you --

2 PRESIDING JUDGE SCHMITT: [13:08:41] That's enough, yeah.

3 So perhaps, Mr Witness, seeing that -- this now, and you see there is this figure of
4 53,000 brought forward by Madam Samba-Panza, does this change your assessment
5 that you already provided us with about the number of Anti-Balaka that existed at the
6 time?

7 THE WITNESS: [13:09:15](Interpretation) Thank you, Mr President. I think this
8 document really saddens me. It makes me sad, because this type of statement is
9 what led to a lot of damage for us. We felt that there was misunderstanding
10 between us and the transitional government authorities. The transitional
11 government authorities at the time were playing a double game. They would call
12 the Anti-Balaka, for example. And I told you earlier that some of the authorities had
13 their own Anti-Balaka. So these are people who were met outside of the
14 coordination and they had no control over their -- their men. So I have told you that
15 we had our own inventories. If our secretary-general had been contacted, he would
16 have provided a list of identified Anti-Balaka.
17 53,000 Anti-Balaka, I really don't remember that. What I believe is that I told the
18 investigators at the time that there were many of us, but I did not have an exact figure
19 to provide. So if you say that the president of the transitional government said 53
20 men, I don't know. This might be information that was provided to her by someone
21 else. But this information does not come from the Anti-Balaka coordination and I do
22 not recognise those numbers.

23 PRESIDING JUDGE SCHMITT: [13:10:55] I think we have to move subject. And in
24 the end it's, you know, also the documents that you provide us with and the
25 interviews, I assume they will be brought forward officially as -- as evidence, so -- and

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1 then I think we will have to put this together with -- with different witness statements
2 that we will have. So I think really you can leave this subject.

3 We don't -- we will not -- we will not get another answer by the witness. This is
4 absolutely for sure.

5 MR VANDERPUYE: [13:11:26] Yes. There's one related question, though, aside
6 from the numbers, which is the purpose for which they were provided. And
7 I believe --

8 PRESIDING JUDGE SCHMITT: [13:11:35] This is -- of course I also read that. But
9 this is not, I think, the purpose of redirect.

10 MR VANDERPUYE: [13:11:42] All right. Mr President, I do have another topic I'm
11 going to (Overlapping speakers)

12 PRESIDING JUDGE SCHMITT: [13:11:49] Okay. Please tell us which topic.

13 MR VANDERPUYE: [13:11:51] The topic goes to the examination concerning
14 Mr Ngaïssona's motivations with respect to the engagement of the transition
15 government as opposed to what is, I would say, was suggested as altruistic purposes.
16 I believe that there is information that speaks to that of which this witness may be
17 aware.

18 PRESIDING JUDGE SCHMITT: [13:12:16] Mr Knoops.

19 MR KNOOPS: [13:12:17] Yeah, Mr President, with all due respect, I believe this will
20 enter into discussion with the Defence and the interpretation and the discussion with
21 the witness. This is an issue which the Prosecution could have been elicited during
22 the examination. He gave an explanation. The Prosecution wants to confront him,
23 apparently, with different documents or his different view. That is not a subject
24 which is new. The purported generosity and altruism of Mr Ngaïssona has been
25 introduced by several witnesses. It was the obligation of the Prosecution to elicit

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1 that information during examination and, if it was not in agreement that that
2 proportion, it could have presented that material already during the examination.

3 This is simply a re-discussion of a characterisation by this witness of Mr Ngaïssona.

4 PRESIDING JUDGE SCHMITT: [13:13:19] I don't agree here, Mr Knoops. The
5 Prosecution has not -- has not brought it up, but the Defence has brought it up. So it
6 is -- is an issue that arose from the examination by the Defence.

7 However, if you have documents, Mr Vanderpuye, that you think could speak
8 against what the witness said, I think it makes more sense simply to present them and
9 then, you know, via Bar table, for example. I have now taken this expression
10 because it's shorter than introduction of documentary evidence, and we will have
11 then to put this -- we have to put this together with what this witness and other
12 witnesses said and perhaps will say in the future.

13 MR VANDERPUYE: [13:14:13] (Microphone not activated)

14 PRESIDING JUDGE SCHMITT: [13:14:15] You understand my point.

15 MR VANDERPUYE: [13:14:17] Completely.

16 PRESIDING JUDGE SCHMITT: [13:14:18] And we have -- we have a witness who
17 is -- may I say so, who stands firm to what he says. And I would be surprised if -- so
18 you display your, for example, other evidence and if the evidence, if you think this
19 evidence speaks against or does not fully comport with what the witness said, please
20 present it via, for example, Bar table.

21 MR VANDERPUYE: [13:14:48] I think that's probably a wise thing to do. But what
22 I'd like to do then, instead of -- because it's another video, is perhaps just put a couple
23 of questions to the witness and then I'll leave it be. I will -- I can make the reference
24 to the video, if -- if the Chamber prefers, but I can simply just put the question, but
25 there really, it's really (Overlapping speakers).

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1 PRESIDING JUDGE SCHMITT: [13:15:09] Yeah, you see -- and exactly so. This is
2 also -- this is for all parties. So if you think you have documentary evidence of
3 whatever sort, of course it helps the Chamber if you indicate what this evidence
4 might be, not -- please not in the hearing always, because we don't have so much time,
5 but you can really be sure that such evidence does not escape the attention of the
6 Chamber.

7 So please make it short, try to, if you want, put the question to the witness and let him
8 answer. He has already answered. I give you one shot at it. Yes.

9 MR VANDERPUYE: [13:15:49] Thank you, Mr President. I'll -- I'll do my best.

10 Q. [13:15:54] Mr Witness, did you ever hear that Mr Ngaïssona at the beginning
11 part of 2014 made a specific request to the transition president and government
12 seeking a position as the director of ENERCA, SOCAPS or, in the alternative, director
13 of the DDR programme, and did he propose persons that were relatives of his to
14 occupy positions in the transition government? So my only question is whether
15 you're aware if he did that.

16 PRESIDING JUDGE SCHMITT: [13:16:49] That's okay as a question, yeah.

17 THE WITNESS: [13:17:03](Interpretation) Thank you, Mr President. I think that
18 during the transition, at the beginning, we were consulted and asked to lay our
19 demands. So there were demands that were made by the Anti-Balaka asking for
20 some positions. After discussions, we came to the conclusion that -- and what I
21 know is that during the transition we were given twice position -- a position in
22 government. What I know is that we had a representative in government, minister
23 adviser at the presidency, and we also had a position within government to be held
24 by some personalities and a number of them occupied those -- a number of persons
25 occupied those positions.

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1 But when it comes to positions requested by Patrice Ngaïssona, that is what happened
2 at the beginning when we were asked to expose our demands. But I never heard
3 anything about general director of ENERCA. What happened actually is that the
4 coordination proposed that it should be included in the disarmament process. But at
5 that specific time the disarmament organs were not yet set up, so I don't know much
6 about those positions.

7 That is what my understanding was.

8 MR VANDERPUYE: [13:18:36] Thank you for your response. I will refer the
9 Chamber, I think, at the end to the (Overlapping speakers)

10 PRESIDING JUDGE SCHMITT: [13:18:43] Yeah, yeah. And of course -- and we are
11 very much present in this courtroom. So we have tackled this issue several times
12 and this is really about putting all the evidence that is brought before us, has been
13 brought before us, will be brought before us together. I think this is really enough
14 on that subject.

15 MR VANDERPUYE: [13:19:07] I have another subject and then that's it.

16 PRESIDING JUDGE SCHMITT: [13:19:10] But you said one -- one last. Okay.
17 Sometimes -- (Overlapping speakers)

18 MR VANDERPUYE: [13:19:15] There are three subjects and this is (Overlapping
19 speakers)

20 PRESIDING JUDGE SCHMITT: [13:19:18] Okay. What is the last subject, please?

21 MR VANDERPUYE: [13:19:20] The last subject has to do with Mr Ngaïssona -- the
22 testimony on cross-examination concerning Mr Ngaïssona's authority over ComZones.
23 And I have two questions in relation to that and then that's it.

24 PRESIDING JUDGE SCHMITT: [13:19:34] Please.

25 MR VANDERPUYE: [13:19:35] Thank you, Mr President.

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1 Q. [13:19:39] The first question I have is whether you are aware that in the
2 formulation of the PCUD, which is Mr Ngaïssona's political party, the ComZones
3 over which, or ComZones loyal to him, formed a part of that party at the end of 2014?

4 PRESIDING JUDGE SCHMITT: [13:20:10] Ms Proulx.

5 MS PROULX: [13:20:11] Apologies. I object to this question. There's a document
6 to that effect in the Prosecution binder listing exactly what Mr Vanderpuye just talked
7 about. So, clearly, they had foreseen the issue and they chose not to -- not to go for it
8 in their examination. So I don't think it is appropriate to come back to it right now.

9 PRESIDING JUDGE SCHMITT: [13:20:35] In that respect I agree with you because I
10 have also looked into these documents. And still, the document is not lost.

11 So -- but I agree with you, Ms Proulx.

12 Everybody knows when I say the document is not lost, I -- really, sometimes I'm, you
13 know, like in olden times when we had still these disks, you know, when they are
14 always running the same message.

15 MR VANDERPUYE: [13:21:10] Understood. And we can introduce it another way.
16 I still have one question left.

17 PRESIDING JUDGE SCHMITT: [13:21:16] Okay. Please, let's hear the question.

18 MR VANDERPUYE: [13:21:19] And it's on the same topic.

19 Q. [13:21:22] Witness, are you aware of Mr Ngaïssona's appointment of ComZones
20 in 2014, a -- to the position of ComZones or elevating them to the position of the
21 coordinator, prefectural coordinator, for example? Were you aware that he did that
22 or could do it?

23 A. [13:21:50] Yes, indeed I said in my statement that there were prefectural
24 coordinators. You see the Anti-Balaka originated in different ways. The motivation
25 for creating the movement differs. So each prefecture came with its own demands

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1 and each prefecture experienced what the Seleka had done and came forth with their
2 own different demands. That is how the coordination opted to set up prefectural
3 coordinators, and their role was to handle communication between the Anti-Balaka of
4 their locality and the international community or foreign forces that were in our
5 country in relation to the transitional government arrangements.

6 Now, when we tried to redeploy and restore the authority of the states in certain
7 provinces, it is with the provincial coordinators that the administrative or military
8 authorities were working. They worked in collaboration with them in order to
9 restore peace in various localities.

10 PRESIDING JUDGE SCHMITT: [13:23:26] Well, he has answered the question,
11 I would say.

12 MR VANDERPUYE: [13:23:28] I'd say that he's -- he's answered, but he hasn't
13 answered the question I asked him, which is whether he was aware that
14 Mr Ngaïssona did that (Overlapping speakers)

15 PRESIDING JUDGE SCHMITT: [13:23:40] Well, we have to take his answer, I think.
16 He obviously has understood what the question was.

17 MR VANDERPUYE: [13:23:43] I have a document I'd like to show him in that
18 respect, Mr President.

19 PRESIDING JUDGE SCHMITT: [13:23:48] No, we don't show any documents any
20 more.

21 Mr Witness, then we take another angle. Indeed, Mr Vanderpuye is right, that you
22 did not ask specifically with regard to Mr Ngaïssona. Were you aware that
23 Mr Ngaïssona appointed - this is the allegation by Prosecution - appointed ComZones?
24 Were you aware of that? You can simply say yes or no.

25 THE WITNESS: [13:24:24](Interpretation) Mr President, thank you. This is not a

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1 question with an open answer. Mr Prosecutor asked whether Ngaïssona had
2 appointed, so I'm explaining based on that word "appointed". It is the
3 provincial coordinate -- the ComZones in each region which designated their
4 provincial coordinators. So what we did at the coordination was simply to endorse
5 the choices that had been made in the various locations. So I can take, for example,
6 the case of Bouar or the Anti-Balaka in Bambari where the locals actually designated
7 their prefectural coordinator who was not appointed by the coordination. This is
8 what I've been trying to explain.

9 MR VANDERPUYE: [13:25:19] I have my answer, Mr President. Thank you.

10 PRESIDING JUDGE SCHMITT: [13:25:22] Okay. So this concludes also your
11 redirect examination?

12 MR VANDERPUYE: [13:25:26] Except to put on the record the documents I'm
13 referring to, yes.

14 PRESIDING JUDGE SCHMITT: [13:25:33] Yeah, okay. It might be helpful for the
15 Chamber to follow it later, but -- actually, no.

16 MR VANDERPUYE: [13:25:39] I can present it after (Overlapping speakers)

17 PRESIDING JUDGE SCHMITT: [13:25:42] Please, please afterwards. Because
18 I -- because if we start with that then the Defence has, of course, the same right to put
19 all the documents that might speak in favour of them. And, yeah, this is not the
20 place to do this here, yeah? Okay. Thank you very much.

21 MR VANDERPUYE: [13:26:00] Thank you, Mr President.

22 Thank you, Mr Witness.

23 PRESIDING JUDGE SCHMITT: [13:26:03] So, Mr Witness, thank you for your
24 patience. I think you have been questioned for now five days, nearly five full days.
25 So we appreciate that very much that you came to the video-link location and helped

Trial Hearing
WITNESS: CAR-OTP-P-1521

(Open Session)

ICC-01/14-01/18

- 1 the Chamber to established the truth. We want to thank you for that.
- 2 (The witness is excused)
- 3 PRESIDING JUDGE SCHMITT: [13:26:24] This concludes also the hearing for today.
- 4 We continue tomorrow now at the usual time, 9.30, with P-0876 I think it is.
- 5 Thank you.
- 6 THE COURT USHER: [13:26:37] All rise.
- 7 (The hearing ends in open session at 1.26 p.m.)