

Trial Hearing
WITNESS: CAR-OTP-P-0965

(Open Session)

ICC-01/14-01/18

1 International Criminal Court
2 Trial Chamber V
3 Situation: Central African Republic II
4 In the case of The Prosecutor v. Alfred Rombhot Yekatom and Patrice-Edouard
5 Ngaïssona - ICC-01/14-01/18
6 Presiding Judge Bertram Schmitt, Judge Péter Kovács and
7 Judge Chang-ho Chung
8 Trial Hearing - Courtroom 1
9 Friday, 3 September 2021
10 (The hearing starts in open session at 9.30 a.m.)
11 THE COURT USHER: [9:30:22] All rise.
12 The International Criminal Court is now in session.
13 Please be seated.
14 PRESIDING JUDGE SCHMITT: [9:30:50] Good morning, everyone. Especially
15 good morning to Mr Witness.
16 Could the court officer please call the case.
17 THE COURT OFFICER: [9:31:09] Good morning, Mr President, your Honours.
18 Situation in the Central African Republic II, in the case of The Prosecutor versus
19 Alfred Yekatom and Patrice-Edouard Ngaïssona, case reference ICC-01/14-01/18.
20 And for the record, we are in open session.
21 PRESIDING JUDGE SCHMITT: [9:31:24] Thank you very much. The appearances
22 of the parties.
23 Ms Struyven.
24 MS STRUYVEN: [9:31:28] Good morning, Mr President, your Honours. For the
25 Prosecution today we have Manochitra Prathaban, Kweku Vanderpuye and

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1 Yassin Mostfa and myself, Olivia Struyven.

2 PRESIDING JUDGE SCHMITT: [9:31:38] Thank you.

3 And Mr Narantsetseg.

4 MR NARANTSETSEG: [9:31:41] Good morning, Mr President, your Honours. For
5 the Common Legal Representatives of Victims of the other crimes, Ms Evelyne

6 Ombeni and myself, Orchlon Narantsetseg. Thank you.

7 PRESIDING JUDGE SCHMITT: [9:31:48] Thank you.

8 Mr Suprun.

9 MR SUPRUN: [9:31:49] 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: [9:31:59] And we turn to the Defence. Ms Dimitri.

13 MS DIMITRI: [9:32:03] Good morning, Mr President. Good morning, your
14 Honours. Good morning, everyone. Mr Yekatom, who is present in the courtroom,
15 is represented today by Ms Yousra Lamqaddam, Mr Jean-Michel Kola, Mr Gyo
16 Suzuki and my myself, Mylène Dimitri.

17 PRESIDING JUDGE SCHMITT: [9:32:17] Thank you.

18 Mr Knoops.

19 MR KNOOPS: [9:32:20] Good morning, Mr President, your Honours. Again, I'm
20 assisted today with the same colleagues as yesterday, Ms Chiara Giudici, Eva Kalb,
21 intern, and Mathilde Couloigner, legal intern. Thank you.

22 PRESIDING JUDGE SCHMITT: [9:32:37] Thank you very much.

23 And we have counsel for the witness, please.

24 MR SANDO: [09:32:38](Interpretation) Good morning, Mr President. My name is
25 Wang-You Sando of the Paris Bar, and I'm the permanent assistant to the victim (sic)

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1 in the court today. Thank you.

2 PRESIDING JUDGE SCHMITT: [9:32:55] Thank you very much. I understand that
3 the Yekatom Defence wants to add material to its submitted -- to be submitted
4 material. I think there are no objections against that, so then the explanation is
5 provided that there is no objection and we grant the request insofar.

6 So we continue with the examination, and Mr Knoops you have still the floor.

7 MR KNOOPS: [9:33:22] Thank you very much, Mr President. Good morning.

8 WITNESS: CAR-OTP-P-0965 (On former oath)

9 (The witness speaks Sango)

10 QUESTIONED BY MR KNOOPS: (Continuing)

11 Q. [9:33:28] Good morning, Mr Witness. I just have one question which might be
12 better asked in private session and then before -- (Overlapping speakers)

13 PRESIDING JUDGE SCHMITT: [9:33:43] Private session.

14 MR KNOOPS: -- I continue to the next topic.

15 (Private session at 9.34 a.m.)

16 THE COURT OFFICER: [9:34:02] We are in private session, Mr President.

17 MR KNOOPS: [9:34:05]

18 Q. [09:34:05] Sir, good morning. Just one question on the topic of yesterday before
19 I go to the next one.

20 In your evidence given yesterday - and that is for the Court the transcript real-time
21 English version, page 67, line 25 to page 68, line 1 - you informed us, sir, that the date
22 of the call, which was made allegedly by (Redacted)
23 (Redacted), did not take place on that date and that we had to accept that this was a
24 mistake, a confusion made by you.

25 My question is, you told the Court, and it's also in your statement, that that very (Redacted),

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 Now, if the call didn't take place on (Redacted), during which (Redacted)

5 (Redacted), and you testified that the date was wrong, that call didn't

6 take place on (Redacted), how did you come to arrive then (Redacted)

7 (Redacted)

8 A. [9:36:46] Thank you. Good morning to everyone.

9 Yesterday you asked me the following question -- or the question you have raised and

10 I answered saying that (Redacted)

11 (Redacted). And I said no. I was also

12 asked -- well, I said that (Redacted)

13 (Redacted)

14 (Redacted)

15 So those are the questions I dealt with.

16 Q. [9:37:45] In your statement, then - it's CAR-OTP-2046-0055 at 0070, lines 528 till

17 530 - you said that you (Redacted)

18 (Redacted)

19 (Redacted) in your statement.

20 So, Mr Witness, what is the correct version in your view? If that call didn't take

21 place on (Redacted), how (Redacted)

22 (Redacted)

23 PRESIDING JUDGE SCHMITT: [9:39:11] He has answered that, I think. He has

24 said (Redacted).

25 Did I understand this correctly, Mr Witness?

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1 I understand this was a yes, but I didn't --

2 THE WITNESS: [9:39:42](Interpretation) Yes, that is correct. Yes, that is correct.

3 PRESIDING JUDGE SCHMITT: [9:39:44] Thank you.

4 Mr Knoops, please continue (Overlapping speakers)

5 MR KNOOPS: [9:39:48] Yes.

6 PRESIDING JUDGE SCHMITT: Move to another (Overlapping speakers)

7 MR KNOOPS:

8 Q. [9:39:48] And when -- (Redacted) in your recollection?

9 A. [9:40:14] If memory doesn't fail me, it was (Redacted). But when
10 it comes to my statement, he provided the time, (Redacted). And the question was
11 asked how I came to know that specific time, and I have already provided an answer
12 to that question in relation to the (Redacted).

13 Now, I said that (Redacted)

14 (Redacted) At that time, I was not yet (Redacted). But this was not on
15 the (Redacted). This is what I said and I think it is contained in my statement which is
16 before me.

17 Q. [9:41:12] Just to be clear, Mr Witness, you're now saying (Redacted)
18 (Redacted). Is that your
19 evidence today?

20 A. [9:41:45] On that day, (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted) I

24 believe that my answer is clear enough.

25 MR KNOOPS: [9:42:24] Thank you. The next topic can be dealt with in open

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1 session, Mr President.

2 PRESIDING JUDGE SCHMITT: [9:42:30] Then we go to open session.

3 (Open session at 9.42 a.m.)

4 THE COURT OFFICER: [9:42:52] We are back in open session, Mr President.

5 MR KNOOPS: [9:42:56]

6 Q. [9:42:57] Sir, yesterday you -- I'm not going to repeat. You explained this, your
7 whereabouts in the week before the attack on 5 December, and it's your evidence that
8 you were, apart from one moment, I will not repeat where you went back to Bangui,
9 you were at the hill.

10 Now, can we please pull up tab 33 -- sorry, 23, sorry. That's CAR-OTP-2057-0440.

11 It's not for the witness. It's just for the Court and the parties and participants to
12 follow my questioning, and the Court and everyone in the courtroom can combine the
13 CDR information with the map of Bangui. It's tab 40, four-zero.

14 What we did, Mr President, before I ask the questions, we have analysed the CDR
15 records of the witness's phone from 27 November 2013 till 5 December 2013, and we
16 have highlighted seven calls made by him and received by him on the various days in
17 that time limit, and the conclusion is that all these calls were connected to the phone
18 towers in the centre of Bangui.

19 And my question to the witness is whether he has reason to believe -- to change his
20 statement that he was in that week not at {ICR: (Redacted)}, that he was in Bangui.

21 And my first example is, Mr Witness, on 27 November 2013 you -- your phone was
22 called to the Sica cell.

23 That's lines 365 till 369 for the judges. And on the map you find that -- where the
24 Sica cell is located.

25 Now my question, sir, you agree with me that Sica is a district in the centre of Bangui?

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1 A. [9:46:32] Yes.

2 Q. [9:46:33] Can you recall that on 27 November you received a call in the morning
3 of the 27th, 8 o'clock in the morning, and at that time you were in the centre of Bangui?
4 That's line 365 of the CDR.

5 PRESIDING JUDGE SCHMITT: [9:47:10] I think it would be difficult for a witness to
6 recall if on a certain day eight years ago. We have this document, and I repeat
7 myself, we will read it, but actually it's very complex and to grasp the full content and
8 perhaps the consequences that would have to be dawn by that, I think you could -- if I
9 may suggest, you could wrap it up and say to the witness we have here a document
10 which suggests that at least his telephone was connected to certain parts of Bangui.
11 Perhaps you can do it this way.

12 MR KNOOPS: I agree.

13 PRESIDING JUDGE SCHMITT: And the Chamber would expect perhaps from the
14 Prosecution that you also look at this document and might provide any thoughts on
15 it.

16 MR KNOOPS: [9:47:58] Yeah.

17 PRESIDING JUDGE SCHMITT: [9:47:58] You understand that it -- (Overlapping
18 speakers)

19 MR KNOOPS: I agree.

20 PRESIDING JUDGE SCHMITT: -- it doesn't make sense to go --

21 MR KNOOPS: Yeah.

22 PRESIDING JUDGE SCHMITT: Thank you, Mr Knoops.

23 MR KNOOPS: [9:48:05] Would it assist the Court and the parties if I just mentioned
24 lines of the seven calls briefly for the record?

25 PRESIDING JUDGE SCHMITT: [9:48:10] Yes, yes. I think that would be good.

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1 MR KNOOPS: [9:48:12] So the first call, 27 November 2013, line 365 till 369. That's
2 the -- you see it at the right side of the document, the Sica cell. And on the map you
3 find the location of Sica. That's the first reference in Bangui centre.

4 Then there is a call on 28 November, line 385, incoming call at 17:24. And 390, line
5 390, outgoing call in the evening at 20:53, showing that the phone was connected to
6 the cell of Kolongo, it's the north-west of the Bangui, and the Socatel district tower,
7 line 390.

8 PRESIDING JUDGE SCHMITT: [9:49:31] The lines are enough because then we
9 (Overlapping speakers)

10 MR KNOOPS: [9:49:32] Yeah, okay. You're right. I understand.
11 29 November, line 391 and 398. 13 November, line 406 and 414. 2 December,
12 line 428. 3 December, line 434 and 439, with the respective cells. 4 December,
13 line 443 and line 450. Sometimes you see it's incoming and outgoing. And finally,
14 5 December, that is --

15 PRESIDING JUDGE SCHMITT: [9:50:29] I think that was already (Overlapping
16 speakers)

17 MR KNOOPS: [9:50:33] That was 450.

18 PRESIDING JUDGE SCHMITT: That was for 450.

19 MR KNOOPS: Yeah.

20 Q. [09:50:33] So what we see here, Mr Witness, we have analysed your phone
21 records with the number you gave us yesterday. These are seven calls made by you
22 and received by you in the time frame on 27 November till 5 December. So the week
23 before the attack on which you say you were at the {ICR: (Redacted)}. These records
24 suggest that your phone was, during those days, on several occasions during those
25 days, connected to cell towers in the various districts of the Bangui centre. And my

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1 question to you is --

2 PRESIDING JUDGE SCHMITT: [9:51:33] How do you explain that?

3 MR KNOOPS:

4 Q. [9:51:36] How you explain this?

5 *A. [9:51:57] The only thing I can tell you is that yesterday, I told you that it was the
6 SIM card that I was using before the Anti-Balaka arrived. Now, {ICR: (Redacted)},
7 when you call from {ICR: (Redacted)}, it also appears as a call from Bangui. But if you
8 noticed that the calls did not come {ICR: (Redacted)}, let me point out to you that {ICR:
9 (Redacted)} was a secret area where it was difficult to make calls from that specific
10 area for the reason that it was only the chiefs who had authority to use mobile phones.
11 So if you have observed that these calls did not come {ICR: (Redacted)}, it is quite
12 normal because it was a restricted area where all were not authorised to call. Only
13 the chiefs were authorised to call. All those who were there had to switch off or hide
14 their telephones, otherwise they would have been suspected of being traitors. Some
15 people actually lost their lives simply because they were using their mobile phones
16 and were suspected of using their phones to give the position to the Séléka.
17 So if what you have observed is what you have observed, it is simply because we
18 were not allowed to use our telephones in {ICR: (Redacted)}.

19 PRESIDING JUDGE SCHMITT: [9:53:35] Mr Witness, may I shortly? I understand
20 that, that the foot soldiers, so to speak, had to switch off their phones, but the
21 document that Mr Knoops talks about seems to suggest that there have been made
22 telephone calls and received telephone calls from the telephone number that you had
23 at the time and from various areas in Bangui, and that seems to suggest that during
24 that time you also have been at least several times in Bangui. And the question was
25 if you want to say something to that.

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1 THE WITNESS: [9:54:53] I think that in Bangui -- and I can assure you that even in
2 the centre of Bangui I went there only once. When you talk about Sica and Kolongo,
3 I can reassure you that since I have been in Bangui, since I was born in Bangui, I never
4 went to Kolongo. So personally I don't agree with that because these are not areas to
5 which I went. I don't know what would have taken me to Sica. I don't know
6 anybody there and I don't see what reason would have taken me to any of those
7 locations.

8 PRESIDING JUDGE SCHMITT: [9:55:32] Okay. Thank you.

9 MR KNOOPS: [9:55:34]

10 Q. [9:55:35] Mr Witness, yesterday you answered on one of my questions that -- and
11 I was -- you were quite clear, that when you were at {ICR: (Redacted)} you used your
12 number because you repeated three times that the number you gave yesterday was
13 used, including at the time you were at {ICR: (Redacted)}. So your evidence today that
14 you had to switch off your phone was not your evidence yesterday. Yesterday you
15 said that you used your phone also at {ICR: (Redacted)}. And these records show that
16 your phone was used in that week. It wasn't switched off.

17 So how do you explain your evidence yesterday with your evidence today? You
18 didn't say today that your phone was switched off at {ICR: (Redacted)} and now when
19 you're confronted with the CDR records, you suddenly say, "Well, my phone was
20 switched off."

21 I put to you, sir, you were never at {ICR: (Redacted)}. You were, during that week,
22 in Bangui and {ICR: (Redacted)} in that week.

23 A. [9:57:45] If yesterday I said that I phoned {ICR: (Redacted)}, no, that didn't come
24 from my mouth. I didn't say that I made calls {ICR: (Redacted)}. The question was
25 put to me whether that was my number, and I said yes, it was the number that I used

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1 before the Balaka entered. If I received calls on that number, yes, given it was my
2 number and I had calls coming in. But to say that I allegedly made calls, no, that's
3 not what I said in any case.

4 PRESIDING JUDGE SCHMITT: [9:58:32] Please move on, Mr Knoops. We have I
5 think dealt with that subject.

6 MR KNOOPS: [9:58:37] Yeah.

7 Q. [9:58:39] Sir, my next topic relates to your interview with the investigators in
8 June 2016. That interview, when you spoke with them, was conducted in your
9 physical presence. You remember this? You were with the interviewers. It was
10 not an interview by phone, correct?

11 A. [9:59:39] That is correct.

12 Q. [9:59:41] And according to the interview notes, the interview took 1 hour and 40
13 minutes in the presence of an interpreter. You would agree with this?

14 PRESIDING JUDGE SCHMITT: [9:59:55] Mr Knoops, we have -- this is on the record.
15 Please --

16 MR KNOOPS: Okay.

17 PRESIDING JUDGE SCHMITT: [09:59:57] -- please come to your point or to your
18 question.

19 MR KNOOPS: [10:00:00]

20 Q. [10:00:01] In this screening note, which is tab 7 of our binder,
21 CAR-OTP-2031-0182 at 0185, paragraph 13, you said during that interview that {ICR:
22 (Redacted)}. So several times after the attack.

23 PRESIDING JUDGE SCHMITT: [10:00:35] Ms Struyven is rising.

24 MS STRUYVEN: [10:00:39] We're still in public session, I think.

25 PRESIDING JUDGE SCHMITT: [10:00:42] Yeah, I think perhaps it's -- perhaps it's

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1 better to go to private session for that, yes, indeed.

2 Private session.

3 (Private session at 10.01 a.m.)

4 THE COURT OFFICER: [10:01:02] We are in private session, Mr President.

5 PRESIDING JUDGE SCHMITT: [10:01:04] Thank you.

6 And I think there will come a request with regard to the last question, yeah.

7 Mr Knoops, please.

8 MR KNOOPS: [10:01:12]

9 Q. [10:01:13] Yes. Sir, in that interview you told the investigators that you met

10 (Redacted). So that's 21 days after the attack.

11 You remember saying this to the investigators?

12 A. [10:01:49] What I see on the screen is in English. I would like to see the

13 document in French before I -- so that I can read it.

14 MR KNOOPS: [10:02:07] I have no French version, Mr President, so I can read out

15 the text.

16 PRESIDING JUDGE SCHMITT: [10:02:10] Yes, I think it's a short text so you can

17 read it out.

18 MR KNOOPS: [10:02:14] Yeah.

19 Q. [10:02:15] Sir, in this interview you told the investigators, according to this

20 paragraph 13, (Redacted)

21 You have seen it, sir? What is your comment to the fact that you told the

22 investigators one month before your interview, according to this interview, that you

23 met this individual only 20 days after the attack?

24 A. [10:03:39] Yes, that's the first interview with the Prosecution whom I met before

25 the arrival of a second team, and at that meeting I said that in the first team there was

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1 someone who spoke in English. I expressed myself in French, and it was difficult for
2 me to express myself in French. It was our first meeting. They called me, I went to
3 meet them. I don't know -- when I say -- if I say I'm going speak the truth, the whole
4 truth, it's going to go against me. And it's only at the second -- with the second team
5 that I expressed myself freely. I told them the truth. With the first team it was our
6 first meeting. It's just like the first time when you meet a woman, you're not going to
7 tell that woman everything. I was clear with the second team. I was much clearer
8 with the second team, so that's what you've noticed in my statements.

9 PRESIDING JUDGE SCHMITT: [10:05:06] Mr Knoops, which tab was it? Because I
10 can't find it, actually.

11 MR KNOOPS: [10:05:12] Seven, seven. Tab 7.

12 PRESIDING JUDGE SCHMITT: [10:05:17] Okay. Yeah, thank you.

13 MR KNOOPS: [10:05:19]

14 Q. [10:05:19] So you were actually saying that the date of (Redacted) was not given by you
15 to the investigators?

16 A. [10:05:49] I can only repeat I met the interviewers on two occasions. The first
17 team and then there was a second interview. In the first interview I expressed
18 myself in French and they understood I had difficulty expressing myself and that's
19 why the second team they provided me with an interpreter, and that's why it allowed
20 me to express myself better.

21 With the first team I wasn't feeling very confident. I couldn't express myself freely
22 because I had this linguistic barrier. With the second team, I expressed myself freely,
23 I told them the truth, and that's why they gave the order. For example, if you don't
24 know me before, it's very difficult to tell you the truth. It's only afterwards when we
25 get to know each other better that you can express yourself better because I have more

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1 trust in you.

2 PRESIDING JUDGE SCHMITT: [10:07:06] Mr Knoops, could you not simply
3 continue reading the rest of paragraph 13 to the witness, it is translated, and then you
4 ask the witness if this is correct or not, and then we move on.

5 MR KNOOPS: [10:07:23] Yeah.

6 Q. [10:07:24] Mr Witness, in that same paragraph 13 you find in the second line that
7 (Redacted)

8 (Redacted) About two weeks

9 after that meeting, you became involved in -- or with the Anti-Balaka.

10 Is this a correct summary of what you told the investigators in -- on 15 June 2016 on
11 how (Redacted)?

12 A. [10:08:45] I can only repeat, in the first team there were no black people, only
13 white people. During my first meeting I couldn't tell them the truth and all the truth
14 because I was scared for my life, I was scared that I'd be arrested. That's why I was
15 more reserved. So I was reserved. I listened to them talk. They wanted to ask me
16 questions. They wanted to ask me how things happened, how (Redacted). And
17 in the first team, I told them I couldn't tell them the truth, I couldn't tell them the
18 details (Redacted).

19 PRESIDING JUDGE SCHMITT: [10:09:46] So Mr Witness, the answer is what
20 Mr Knoops read to you and which is reflected in these notes by the Prosecution and
21 these notes are based on a conversation with you, this is not correct? So I
22 understand or we understand this, this is not correct what you said at the time. And
23 you provided the Prosecution in the long statement with the second team, so to speak,
24 you provided them with the truth. Do we understand this correctly?

25 THE WITNESS: [10:10:39] Yes, that's right. They asked me questions to find out

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1 (Redacted). That's why the first time I was reserved, but what I told them
2 was the truth. But personally I was worried for myself because I didn't know what
3 was going to happen after that meeting. As far as I'm concerned, I was a bit
4 reserved.

5 PRESIDING JUDGE SCHMITT: [10:11:18] Mr Witness, do you have a (Redacted)
6 (Redacted)

7 THE WITNESS: [10:11:43](Interpretation) (Redacted)
8 (Redacted)

9 They took him at (Redacted), and they buried him alive. He wasn't killed and then buried.
10 He was buried alive. He was a street vendor in (Redacted) to sell his goods. And when
11 the Anti-Balaka were there, (Redacted). It was at the time when the
12 Séléka were still in control. They took him and they questioned him. I don't know
13 what he told them to their questions. I can't know that.
14 When (Redacted). He was
15 already buried at that time (Redacted). But in the meantime he
16 had a friend who sold petrol who had been present. (Redacted)
17 (Redacted) he had been
18 buried. And he himself had to dig his own grave. * They talked to me about (Redacted),
19 I told them it was a very bad recollection, I couldn't give them the details. I asked
20 "How can they take a human being and bury that person alive?" I just could not get
21 over it because I couldn't give them all the details.
22 If you allow me to continue, I'll continue, but that's what I told them. Would you
23 like me to continue or not?

24 PRESIDING JUDGE SCHMITT: [10:14:01] Of course, Mr Witness. I only wanted to
25 say that this is really a terrible thing that you are describing and that must have been

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1 very difficult for you and -- not now -- and of course we want you to continue, so I
2 just wanted to ask you this terrible thing that was done (Redacted), was that done
3 by the Séléka? And then you can continue from there, please. You may continue,
4 Mr Witness. I don't know if the interpretation came through to the witness. I can't tell.
5 *THE WITNESS: [10:15:35](Interpretation) Yes, I've understood you. Before the
6 Anti-Balaka arrived, (Redacted)
7 (Redacted)
8 (Redacted). And she came to tell me about the Anti-Balaka. She told me there was a
9 group of rebels who existed. And I said to her, "How can you travel under those
10 conditions?" And she said that chief was her friend and with her travels she got some
11 money in order to buy cartridges which she could put in the canisters. And she would
12 give the impression that it was oil -- palm oil and that's how she supplied them with
13 ammunition. She did this secretly. She didn't tell anybody about this. She did this
14 secretly. * And when (Redacted), it's at that time she said, "How is
15 it possible that you can hang out with me (Redacted):
16 Ah! There were things he didn't know. Because you know in Bangui, with each
17 regime, everybody wants to present themselves. If this is the regime of a certain
18 ethnicity, the whole ethnic group will tell itself "it's our time".
19 * The Séléka arrived, I joined them, not simply because I wanted to seek revenge for
20 (Redacted), but at least because I wanted to know that if the Anti-Balaka
21 stopped someone, they could do something about this. So this is what pushed me to
22 approach (Redacted).
23 (Redacted)
24 (Redacted)
25 (Redacted)

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1 So those are the details. As I said to you, it was our first meeting and I couldn't
2 reveal everything in the first meeting with the OTP. It doesn't go -- it goes further.
3 I was with him when he arrived in Bangui, but he killed (Redacted)
4 (Redacted) and he did that in Boy-Rabe, but that didn't prevent me to
5 stay with him. I didn't introduce myself (Redacted)
6 (Redacted). I just introduced myself (Redacted) -- if I had introduced myself
7 like that, my own life would have been endangered.
8 (Redacted)
9 (Redacted)
10 (Redacted)
11 (Redacted)
12 (Redacted)
13 (Redacted) Everyone, if you just saw the face or if you carried a boubou,
14 then you were guaranteed death. * If you had any marks of prayer or if you were dark
15 in colour, then you were thought to be Gula, you'd also be sure of death. So I said I
16 wanted to be sure my family would be safe.
17 If he had been killed with a bullet, that would have been more acceptable, but he was
18 buried alive (Redacted)
19 (Redacted)
20 (Redacted)
21 (Redacted)
22 (Redacted)
23 (Redacted)
24 I hope you've understood me and that's all I have to say for the moment.
25 PRESIDING JUDGE SCHMITT: [10:20:57] Thank you, Mr Witness. So perhaps one

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1 additional question. So I know it's very difficult with dates, it's such a long time ago,
2 but just to make it sure at this moment, because this was a very long and very moving
3 account, so to speak, do you recall (Redacted)?

4 We have discussed that, but now, you know, you now -- your memory came back of
5 the events and perhaps this may have also made you recall more precisely when you
6 met him first. I'm only trying to ask you this again. You have answered it, but
7 perhaps something is in your mind now that can enable you to be a little bit more
8 specific.

9 THE WITNESS: [10:22:01](Interpretation) It was the end of November or December
10 (Redacted). It was sometime before the attack of 5 December. If I
11 remember, it was the end of November. It was sometime after -- it was sometime
12 before the attack on Bangui.

13 PRESIDING JUDGE SCHMITT: [10:22:28] Thank you very much, Mr Witness.

14 Mr Knoops, I think we can leave this document.

15 MR KNOOPS: [10:22:34] Yeah, of course. But the question of the -- of you,

16 Mr President, to the witness whether (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)
2 (Redacted)
3 (Redacted)
4 (Redacted)
5 (Redacted)
6 (Redacted)
7 (Redacted)
8 (Redacted)
9 (Redacted)
10 (Redacted)
11 (Redacted)
12 (Redacted)
13 (Redacted)
14 (Redacted)
15 (Redacted)
16 (Redacted)
17 (Redacted)
18 (Redacted)
19 (Redacted)
20 (Redacted)
21 (Redacted)
22 (Redacted)
23 (Redacted)
24 (Redacted)

25 PRESIDING JUDGE SCHMITT: [10:26:13] So, yeah, I think there is a different

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1 concept, and I understand, we had this in other cases. And the interpreters, I
2 really -- it's embarrassing to address that again, it's not in the transcript, unfortunately,
3 Mr Witness, I have to apologise for that personally. Your answer to my question if
4 (Redacted). I really apologise for that, that I ask you to repeat that, if
5 this is correct or not.

6 MR KNOOPS: [10:26:47] Yes, Mr President, I just --

7 PRESIDING JUDGE SCHMITT: [10:26:49] No, I asked him now. We have to clarify
8 this, because as I said, it's not in the transcript, the answer. I understood the answer
9 because -- yeah.

10 Mr Witness, as I said, I apologise that I have to ask you this again, but there's a
11 problem in the transcript so we don't have it on the record.

12 So this (Redacted), is this correct? Did we understand this
13 correctly?

14 THE WITNESS: [10:27:31](Interpretation) Yes, that's correct.

15 PRESIDING JUDGE SCHMITT: [10:27:34] I think we should leave now, this
16 (Overlapping speakers)

17 MR KNOOPS: [10:27:36] Well, Mr President, with your leave, I just want to point the
18 Chamber, and we don't have to show the transcript to the witness, in the transcript I
19 just referred to, CAR-OTP-2046 at document 122 -- 0122, page 0131, lines 8 -- 287 till
20 290 and 315 till 316, the witness clearly, in his statement, (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 PRESIDING JUDGE SCHMITT: [10:29:40] No, we leave this now. We have
5 discussed this enough and we will put this together.

6 So please another, another point.

7 MR KNOOPS: [10:29:46] Yeah, Mr President, before I move to open session for my
8 two last topics, I just have one question for closed session.

9 Q. [10:29:57] Sir, in your evidence today you now say that on the, what I
10 understand, the evening of (Redacted)

11 (Redacted); is

12 that correct? Is that now your evidence?

13 A. [10:30:31] That's correct.

14 Q. [10:30:36] Do you know, sir, at what time -- at what time in the -- on the 5th the
15 attack started on Bangui?

16 A. [10:31:11] If I remember correctly, it was 4 o'clock in the morning. It was at
17 4 o'clock. That's the African time, you understand. Not all the Africans, but in
18 Bangui we rely on the sun, so when the sun -- we look at the sun and say it's 12 noon,
19 that's the way it works.

20 Q. [10:31:48] So how many hours you had, in your evidence, (Redacted)
21 (Redacted)

22 A. [10:32:37] In my statement, I said that (Redacted).

23 (Redacted)

24 (Redacted)

25 (Redacted), they left.

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1 Some left in one direction, others in another direction. That's how it went. * The
2 Boy-Rabe neighbourhood was being watched by the Seleka, and it was a
3 neighbourhood inhabited by the military, particularly Gbaya. And so the Séléka were
4 monitoring that area. The Séléka heard about the Anti-Balaka and they were the first
5 who would open fire. So somebody came -- comes to steal, do they really look at the
6 time first? No. So if you ask me to guess, I can't really tell you.

7 Q. [10:34:03] Would you agree, sir, that (Overlapping speakers)

8 PRESIDING JUDGE SCHMITT: [10:34:08] Can you repeat it? It didn't come
9 through, Mr Knoops.

10 MR KNOOPS: [10:34:16] Q. [10:34:17] Are you saying now that this was just a
11 (Redacted)

12 A. [10:34:44] That's right.

13 MR KNOOPS: [10:34:46] We can move to open session, sir.

14 PRESIDING JUDGE SCHMITT: [10:34:50] Open session.

15 (Open session at 10.35 a.m.)

16 THE COURT OFFICER: [10:35:05] We are back in open session, Mr President.

17 MR KNOOPS: [10:35:08]

18 Q. [10:35:09] Sir, in your evidence given on Wednesday - and that's for the Court
19 the English real-time transcript, page 21, lines 14 till 25 - you gave evidence to the
20 extent that Lieutenant Konate was in contact with the group leaders which were not
21 on site. And we're speaking here about the time frame before the attack. Asked by
22 the Prosecution to give a few examples, you mentioned his contact with Mr Bozizé
23 and Mr Ngaïssona and Mr Yambeté and also Francis Bozizé.

24 I would like to ask you to look at your statement given in 2016. That's

25 CAR-OTP-2046- page -- document number 0108 at page 115 -- 0115, lines 232 till 239.

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1 You see there, sir -- I'm not sure whether the document is before the witness already.

2 It's there? Yeah.

3 That at that time you told the investigators that the contact between Ngaïssona and
4 the ComZones, the phone contacts, started after the attack on 5 December. You
5 didn't -- you didn't rectify this in your review of your statement on 27 August when
6 you gave some small additions to your statement. Does it mean that this was a
7 correct statement in 2016, sir?

8 A. [10:38:43] According to my evidence, you asked me the question -- or, rather, the
9 question was put to me to find out when Ngaïssona called the ComZones to meet
10 them after the attack of the 5th in Bangui. I told them that I couldn't remember the
11 date, but it was after the 5th because Ngaïssona after the 5th was not in Bangui. It
12 was sometime after that he arrived and he asked to meet the leaders of the
13 Anti-Balaka so that he could establish some order in the movement. It was after the
14 attack on the 5th. I cannot lie to you. I cannot say something about something I
15 know very little about. *During these events, Ngaïssona wasn't in Bangui, he was
16 accompanying the players in South Africa. The Seleka entered the town long before
17 he returned, and when he returned to Bangui, he asked to meet all the ComZones.
18 The question was put to me whether I knew when Ngaïssona asked to meet the
19 ComZones, and I said I couldn't remember but that it was after the attack of the 5th. I
20 don't know if we have the same document in front of us.

21 PRESIDING JUDGE SCHMITT: [10:40:24] No, no, it -- and the question was if there
22 was any reason to rectify, and there was not, obviously. So you can move on.

23 MR KNOOPS: [10:40:30]

24 Q. [10:40:31] So what is the foundation for you to say that Mr Ngaïssona was
25 before 5 December in touch with Mr Konate, which was your evidence last

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1 Wednesday? Which, by the way, you repeated on transcript, page 22 where you say
2 there were secret conversations on the phone between them, lines 2 till 10 of the
3 English real-time transcript.

4 So, sir, I put it to you, it's not true what you said last Wednesday. You have no
5 information, you have no evidence that Mr Ngaïssona was before 5 December in
6 touch with anyone you mentioned; is that correct?

7 A. [10:42:03] You think I'm lying, but as far as I'm concerned, I did tell you the
8 truth, nothing but the truth. You can ask me other questions on this subject, then I
9 can try and answer.

10 You asked me a question as regards the destruction of the house of Ngaïssona. He
11 was involved. You have to say that. He was supported, he supported the
12 Anti-Balaka, that's why his house was looted. Because his house was looted, then he
13 would support the Anti-Balaka to take revenge. You asked me the same questions
14 when you have the answer in front of you.

15 PRESIDING JUDGE SCHMITT: [10:42:51] Mr Knoops, please allow me.

16 Mr Witness, you said in your statement and also here in open court that the issue
17 about the ComZones, that was sometime after 5 December. And then you also said
18 that Mr Ngaïssona was in contact with Mr Konate before 5 December. So how did
19 you come to know that? You see what I mean? Did somebody tell you or did you
20 observe something? Did you hear something or whatsoever? That would be the
21 question in that regard. So that you simply tell us where -- how did you come to
22 know this.

23 THE WITNESS: [10:43:51](Interpretation) If I -- if I take the example of those who
24 are not amongst us don't know what's being said. If somebody knows what's
25 happening here, it's because it's being disclosed in one form or another. There's been

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1 a traitor. Before the attack in Bangui, but I couldn't account the calls done by Konate.
2 He called and gave them commands, he gathered the chiefs and transferred the
3 message, because we were next to him. And when he talked, he said in a loud voice,
4 he wasn't whispering, he said to the other members of the group this person phoned,
5 that person phoned. So that's how I could find out.

6 PRESIDING JUDGE SCHMITT: [10:44:50] Thank you. So we have an explanation
7 that is -- have heard, and the other person Konate has transmitted some sort of
8 information. So please, Mr Knoops, continue.

9 MR KNOOPS: [10:45:01]

10 Q. [10:45:02] Were you the secretary of Mr Konate, sir? Were you the secretary of
11 Mr Konate {ICR: (Redacted)}?

12 * A. [10:45:25] {ICR: (Redacted)} of Konate, but as I've said, before the attack of 5
13 December, in Yassinda, the Anti-Balaka ... it was group by group. And when they left,
14 that each group occupied a particular area. So each person or each group had their
15 area. I was close to a leader like him, so all the discussions, the talks, the
16 conversations, I was aware of that. And when there were calls, they didn't tell me to
17 go away. {ICR: (Redacted)} of Konate. But, you know, it's not up to everyone to
18 keep secrets and some people are more open and talk freely about what's happening
19 and everything they heard, so I had the possibility of finding out that way.

20 Q. [10:46:30] Sir, I just confronted you also with transcript, page 22 of your
21 evidence on Wednesday, where you said on line 2 and 3, the conversations were
22 secret because you could not -- could not trust everyone in the group.
23 So now you're saying that Mr Konate was freely sharing all those calls with anyone,
24 particularly also you, not being {ICR: (Redacted)}, while you said Wednesday all
25 these conversations from were secret. So what version are we to believe?

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1 A. [10:47:31] I don't know where I lied. You asked me about telephone calls and I
2 said that in Yassinda, the only people who had access to the telephone were the
3 leaders. It wasn't everyone who could use a phone. Only the heads of groups.
4 And someone who is superior to you gives instructions, but as a *chef*, he passes on
5 information. You don't have to keep the secret for you at the moment that you work
6 together. You must give account. Because if there's a problem, you have to share
7 the information which you received. So he was called because it wasn't authorised
8 for everyone to make a call. Let me give you an example. I'll give you an example.
9 When he was called, he talked because we also were members of the group. So we
10 got to know the information that he was passing on.

11 Q. [10:48:43] So are you now saying that Mr Konate was also at {ICR:
12 (Redacted)}?

13 A. [10:49:11] Let me tell you, yes. Because Konate joined the Anti-Balaka in
14 Gobéré in the beginning. You asked me on Wednesday who formed or trained the
15 Anti-Balaka, and I said Konate, Konate. And since then I speak about Konate,
16 Konate, Konate, up to today.

17 Q. [10:49:39] Sir, can we show you CAR-OTP-2046-, your statement, document
18 0180 (sic), at page 0115, lines 226 to 231.

19 PRESIDING JUDGE SCHMITT: [10:50:11] I think we are already on the right page.
20 We just have to move upwards a little bit.

21 MR KNOOPS: [10:50:16] It starts with "*Alors, je le sais parce que*".

22 PRESIDING JUDGE SCHMITT: [10:50:46] Yes, and please a question, please a
23 question, because it also treats -- it also -- it's related to the issue of the ComZones.

24 MR KNOOPS: [10:50:54] Exactly.

25 Q. [10:50:55] Sir, you see that you told the investigators in 2016 that from the

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1 moment on that Mr Ngaïssona started to call the *chefs* of the ComZones, that's after
2 5 December, which you confirmed this morning, he started to support them. Was
3 this a correct statement that you gave in 2016?

4 A. [10:51:44] That's what I saw and that's what I know.

5 Q. [10:51:50] So before 5 December, Mr Ngaïssona did not support the ComZones,
6 so how can you explain the Chamber that you gave evidence that Mr Ngaïssona,
7 which you testified on Wednesday, bought weapons for the ComZones?

8 PRESIDING JUDGE SCHMITT: [10:52:13] Before the 5th.

9 MR KNOOPS: [10:52:16] Before the 5th.

10 PRESIDING JUDGE SCHMITT: Before the 5th, yeah.

11 THE WITNESS: [10:52:35] (Interpretation) If I talk about the purchase of weapons by
12 Ngaïssona, I said that the weapons he bought, and I gave you two examples where he
13 purchased arms {ICR: (Redacted)}. I said that. After he arrived in Bangui. If I say
14 to you that Ngaïssona hadn't given the means to the Anti-Balaka, they wouldn't have
15 been able to arrive in Bangui. If there wasn't that support, it was only starvation and
16 that wouldn't help the Anti-Balaka to get to Bangui. When he arrived in Bangui and
17 that he said in the meetings he made promises so that he could become president, you
18 have evidence of this. He presented himself, he wanted to be president, but that was
19 rejected. But you are aware of all of that.

20 MR KNOOPS:

21 Q. [10:53:34] But, again, sir, you agree that this, in your evidence, happened after
22 5 December, all of this?

23 PRESIDING JUDGE SCHMITT: [10:53:44] I don't know -- I don't think that there
24 is -- we have to analyse this. You know, we have hundreds of pages of witness
25 statement here, and he's here talking about aid for the ComZones, so we have to put

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1 this together.

2 I think you can -- you can move to another point.

3 MR KNOOPS: [10:54:05]

4 Q. [10:54:05] In your evidence on Wednesday, you -- and that's the English
5 transcript of last Wednesday at page 43, lines 17 till 25, you testified that - which was,
6 by the way, not in your statement of 2016 - that Mr Ngaïssona, for instance, bought
7 weapons with funds, distributed them amongst leaders, and provided 10,000 Central
8 African francs per day to each leader per meeting.

9 Why didn't you say this in 2016, in your evidence you gave in 2016 about
10 Mr Ngaïssona? And why didn't you add it in the 27 August when you reread your
11 statement and just suggested four or five additions?

12 PRESIDING JUDGE SCHMITT: [10:55:25] Ms Struyven.

13 MS STRUYVEN: [10:55:26] Thank you, Mr President. I do think indeed there is
14 confusion about the meetings that are taking place after 5 December and what
15 happened before 5 December. I think the witness has already clearly indicated that
16 of course there were not -- there were no meetings until Ngaïssona was in Bangui and
17 that indeed in that framework things happened, which is again different from what
18 happened before 5 December when Mr Ngaïssona wasn't in Bangui.

19 PRESIDING JUDGE SCHMITT: [10:55:52] That's an explanation, but -- but Mr
20 Knoops has another question --

21 MR KNOOPS: (Overlapping speakers)

22 PRESIDING JUDGE SCHMITT: [10:55:56] -- if I understand him correctly. No,
23 it's -- Mr Knoops suggests that this information, Mr Witness, that you gave here in the
24 courtroom, that you haven't given this already in your written statement, and he asks
25 you if you can tell us why you did not provide this information already in your

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1 witness statement, this specific information, I think about the 10,000 francs for the
2 leaders and the distribution of weapons to the leaders.

3 Mr Knoops, I think I have paraphrased it correctly.

4 MR KNOOPS: [10:56:32] That's correct, Mr President.

5 PRESIDING JUDGE SCHMITT: [10:56:35] So this is simply the question, Mr Witness.

6 This is not part of your written statement, and perhaps you have forgotten or
7 whatsoever, but you have to tell us. You have to answer the question.

8 THE WITNESS: [10:57:09](Interpretation) In my statement, I gave the name of
9 Ngaïssona because I had information, I had evidence. If he hadn't given this aid, I
10 wouldn't have given that information to the team, the investigating team. And I
11 thought that his lawyer would ask me the question what his client did. And I gave
12 the answer on all I knew about his client because the OTP on Wednesday asked me
13 the question. And that, I think, is that an element of evidence. That's why I talked
14 about it. If I didn't have that information, I wouldn't have given his name and it
15 wouldn't have been included in the document.

16 He supported the Anti-Balaka, but what he did to support them, so I gave that
17 information as evidence of the support he provided. If he hadn't done anything,
18 then I wouldn't have provided his name. I mentioned his name. If you ask me the
19 question to -- what he did, and why you did that, then I will give you the information.
20 These are pieces of evidence. I gave his name and if you ask me for addition
21 explanations, well, then you can be sure I will provide it to you. So it's not just like
22 that, that I gave you that information.

23 PRESIDING JUDGE SCHMITT: [10:58:44] I think we have to take this as an answer
24 and I think --

25 MR KNOOPS: [10:58:48] Mr President, just before the break, two minutes, I just

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1 want to -- to wrap up this question and answer, show the witness his statement of
2 CAR-OTP-2046- document number 0150, at page 0157, at lines 249 -- sorry, pages 0159,
3 not 50, apologies, 0159 of document number 0150. And then you find -- let me check
4 the lines. It's line 309 till 314 where the witness is questioned about the money and
5 whether he was aware of the amount.

6 PRESIDING JUDGE SCHMITT: [11:00:14] I think we see it, and we can go to -- into
7 the break, I think. We see the answer there.

8 MR KNOOPS: [11:00:23] Yeah, but my question is of course why -- why did --

9 Q. [11:00:27] Why did you, sir, not mention this amount of 10,000 francs in your
10 statement and only five years later?

11 A. [11:01:00] You asked me the question about the money which was sent to
12 support the troops. You asked me if I knew the amount, and I gave this answer:
13 No, I don't know. But at each meeting, at the end of each meeting, because some
14 leaders came, he gave this money to help them to pay for petrol. So I saw that and I
15 said he gave them 10,000 francs for transport, for petrol. But as regards money to
16 support the troops for the provisions, do I know something about that? No, I don't
17 know much. All that information is in the documents. I want to make clear I don't
18 know the amount. But what I do know and what I saw, that after the meetings he
19 gave 10,000 francs to each leader so that they could buy petrol. I know that
20 information and I gave it to you publicly. As regards the rest, I can't really know so
21 that I didn't -- so that's the reason why I didn't provide any figures.

22 MR KNOOPS: [11:02:17] Thank you, sir.

23 I know that you trusted me to finish in one session, yesterday, Mr President, and
24 thank you for your trust, but maybe I have to disappoint the Chamber.

25 PRESIDING JUDGE SCHMITT: [11:02:25] I'm already disappointed. No, I knew

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- 1 already, so to speak. So how much time?
- 2 MR KNOOPS: [11:02:32] Maximum 30 minutes.
- 3 PRESIDING JUDGE SCHMITT: [11:02:34] Okay, fine.
- 4 MR KNOOPS: Maximum.
- 5 PRESIDING JUDGE SCHMITT: [11:02:34] Fine.
- 6 Then we have a break now until 11.30. Have a good break.
- 7 THE COURT USHER: [11:02:41] All rise.
- 8 (Recess taken at 11.02 a.m.)
- 9 (Upon resuming in open session at 11.34 a.m.)
- 10 THE COURT USHER: [11:34:54] All rise.
- 11 Please be seated.
- 12 PRESIDING JUDGE SCHMITT: [11:35:25] Already somebody is standing but on the
- 13 side which I did not expect, actually.
- 14 MS STRUYVEN: [11:35:29] It's just to inform the Chamber that Mr Vanderpuye will
- 15 be back after -- he's -- he's absent for this session, probably, or part of this session.
- 16 PRESIDING JUDGE SCHMITT: [11:35:38] And he will be back when he will be back.
- 17 Yeah.
- 18 So I understand that there has been a problem with putting everyone of the parties
- 19 and participants into notice if there is a redaction request. I remind you, I remind
- 20 OTP especially in that case, that you do not forget to put into cc everyone, especially, I
- 21 think, it was for Yekatom Defence a problem.
- 22 So you don't have to address it. It has been brought to my attention and this was
- 23 obviously nothing intended.
- 24 Mr Knoops, you still have the floor.
- 25 MR KNOOPS: [11:36:17]

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1 Q. [11:36:20] Good afternoon -- pardon, still good morning.

2 Sir, in your evidence last Wednesday, you stated that Mr Ngaïssona did buy weapons
3 himself with the funds he had and distributed those weapons among the group
4 leaders.

5 It's for the Court, transcript page 43, lines 18-20 of the English real-time transcript.

6 And on transcript page 44, line 16 till 22, and transcript page 48, lines 1 till 3, you also
7 gave evidence to the extent that Mr Ngaïssona - and you allege that you heard

8 that - asked people to send him weapons of war and he even bought himself a

9 weapon, a galley and an AK-47, which {ICR: (Redacted)}. That was your

10 evidence last Wednesday.

11 Now, I ask you to look at your statement, CAR-OTP-2046- document number 0108, at
12 page 112, lines 134 till 137. I kindly ask you, sir, to read this document.

13 And by the way, Mr President, this is for open session, just to check whether we are in
14 open session. Yes. Thank you.

15 You have the statement, sir, in front of you.

16 PRESIDING JUDGE SCHMITT: [11:38:31] And which lines?

17 MR KNOOPS: [11:38:33] 134 till 137 on page 112.

18 Q. [11:38:42] Starting with the words "*Alors, la coordination*", et cetera.

19 You see there, sir, that in that statement of 2016, you didn't say that Mr Ngaïssona
20 himself bought weapons to distribute them, nor did he ask people to bring him

21 weapons of war or grenades, nor that he himself bought a galley or -- and/or an

22 AK-47.

23 So my question is why in 2016 you didn't give this -- these alleged information, nor

24 did you provide this on 27 August when you reviewed your statement before you

25 came to testify here?

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1 A. [11:39:57] If I said that, it is because he was one of the supporters of the
2 Anti-Balaka. I provided an example as concrete evidence of what he did. Now,
3 when you ask me what Ngaïssona did for you to mention his name, I can tell you.
4 Now, the last time you did not ask me the question, but on Wednesday I was asked
5 that question and I provided a concrete example as to how Ngaïssona intervened.

6 Q. [11:40:44] But sir, it was not by way of example. It was by way of the
7 difference between your statement that he allegedly supported ComZone
8 commanders, which you stated in 2016, while on Wednesday you came with a totally
9 different narrative, namely, that he himself bought weapons. That's not an example.
10 That's a fundamental difference. So the question is still why you came to change this
11 statement when you compared this to the statement of 2016?

12 A. [11:41:56] I did not change my statement. When I mentioned Ngaïssona's
13 name, some people alleged that Ngaïssona did not do anything. But if indeed he
14 didn't do anything, I wouldn't have mentioned his name. I mentioned Ngaïssona's
15 name, and what you are referring to is evidence that I provided. So there is no
16 change. A question was put to me, you asked me a question, I mentioned his name,
17 and I was asked for further details, which is what I provided by mentioning his name,
18 by saying that he was one of the supporters of the Anti-Balaka. And so when I got
19 here in the court, I was asked why I mentioned Ngaïssona's name and that is how you
20 provided that information. I don't see how my statement has changed.

21 PRESIDING JUDGE SCHMITT: [11:43:04] You have to continue Mr Knoops, please.

22 MR KNOOPS: [11:43:08]

23 Q. [11:43:09] Sir, another point is during the meetings you described in the house of
24 Mr Ngaïssona, which we talked about yesterday, just for my recollection. It is your
25 evidence that those meetings took place in 2014, right?

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1 * A. [11:43:48] Yes. From 2014 all the way to 2015. We stopped meeting at his place
2 because of his arrest. But when he was free, the meetings held at his place, and they
3 only stopped after he was arrested.

4 Q. [11:44:17] And it was during those meetings you heard him saying that people
5 should bring him weapons of war and grenades, correct? So in 2014 during the
6 meetings with the general coordination, Mr Ngaïssona would have said so in your
7 presence, right?

8 A. [11:45:02] I was present. He is right here. You can ask him the question. He
9 may pretend not to recognise me, not to know me, but I am speaking under oath here.
10 I cannot make any assertions here for which I have no information.

11 But let me further say that if you conduct your investigations properly, you will
12 notice that the Anti-Balaka did not have an armoury. There were weapons of war
13 that were circulating. Séléka had destroyed the national armoury, but they had
14 resources and means to buy weapons that were circulating in the town. So
15 Ngaïssona was able to obtain those weapons and give them to the children who
16 would work with them. So I don't know why you are saying that Ngaïssona -- well,
17 why you are doing that, because Ngaïssona had the means to buy weapons. And let
18 me specify that he was a financial partner or supporter of the Anti-Balaka.

19 Q. [11:46:18] Did you -- did you see him giving a weapon to a child you just
20 mentioned, you yourself? And if so, please indicate where it was and what time.

21 A. [11:46:47] He did not give weapons himself and the evidence is that I am telling
22 you that he bought the weapons, AK-47s, and gave them to {ICR: (Redacted)}
23 who gave him the money to buy the weapons? Well, he bought the weapons,
24 Ngaïssona, himself and handed them to his aide-de-camp, Fabrice, who was known
25 as Fafa, and he asked him to hand over the weapon to {ICR: (Redacted)}.

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1 So I am not here to tell you false stories. You see, if there's an event and people are
2 asked to contribute for a particular purpose, that means that you have participated in
3 the movement, you have participated in the operation, even if you have contributed
4 only 10 francs. So Ngaïssona bought weapons and gave them to {ICR: (Redacted)}.

5 Q. [11:47:54] Before --

6 PRESIDING JUDGE SCHMITT: [11:47:55] I would have suggested that you move on,
7 but --

8 MR KNOOPS: [11:47:58] I understand.

9 Q. [11:47:59] Sir, tell us, please, who were present during those coordination
10 meetings where Mr Ngaïssona allegedly asked people to provide weapons of war and
11 grenades, who were there?

12 A. [11:48:30] If you ask me to provide the names of the Anti-Balaka members, I
13 think we will spend the whole day here doing that. I did not attend those meetings
14 to identify everybody and to know the names of all the participants. I came to the
15 meeting with my chief. I was present, I heard what was said -- being said, I saw
16 what was being done, and thereafter I left. I did not attend the meeting with a view
17 to taking down the names of all the participants.

18 Q. [11:49:09] Well, to make it easy to save you the day, give us five names.

19 A. [11:49:29] You want me to give you five names? Okay. I'll give, first of all, his
20 name, the person concerned. And then I can say Ngaibona Djie, his
21 secretary-general. And then {ICR: (Redacted)}. And then Mokpem.
22 That's five, isn't it?

23 PRESIDING JUDGE SCHMITT: [11:49:55] I think we move on from there.

24 MR KNOOPS: [11:49:57] Yeah.

25 Q. [11:49:59] So you were there with your chief, {ICR: (Redacted)}. Well, let me show

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1 you a document, which is tab 3 of our Defence binder, that is
2 CAR-OTP-2032- document 0179 at page 0302. It's an interview of {ICR: (Redacted)} with
3 the judicial police in Bangui directly after his arrest on 18 January 2015. And you'll
4 find, if the court officer could scroll down to the second question, "*Lors d'une*
5 *perquisition opérée ...*" and please read, sir, the response of the person you mentioned.

6 PRESIDING JUDGE SCHMITT: [11:51:34] I think I would allow it if you wrap it up
7 what is the content, and then put it to the witness that this person, we say person now,
8 has stated such and such. I think that is -- ought to expedite it a little bit.

9 MR KNOOPS: [11:51:47] Thank you, Mr President.

10 Q. [11:51:48] Sir, you see that the gentleman here in this interview of 2015 doesn't
11 corroborate what you just said, that that person retrieved weapons from
12 Mr Ngaïssona.

13 And there is a second statement of the same person on the page 0285, for the Court,
14 don't have to display it, but the Court can read in this transcript the last response of
15 this person, starting with "*Au départ de notre mouvement à Bouca*", and also there,
16 there's no reference to retrieving any weapons, especially not AK-47, from
17 Mr Ngaïssona.

18 So the person you say you were with you -- with you in the coordination meetings in
19 2014 didn't say this.

20 PRESIDING JUDGE SCHMITT: [11:53:02] I wonder if it is a little bit tricky to stay in
21 open session. I'm not sure with regard to --

22 MR KNOOPS: [11:53:10] I have no problem if we go in private session at this point.

23 PRESIDING JUDGE SCHMITT: [11:53:13] I think we go to private session. And
24 there were several instances where I think there will come redaction requests now, so
25 I think it's better to go to private session.

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1 (Private session at 11.53 a.m.)

2 THE COURT OFFICER: [11:53:35] We are in private session, Mr President.

3 MR KNOOPS: [11:53:39]

4 Q. [11:53:40] (Redacted)

5 (Redacted) "I was with the chief during the meetings in

6 2014" when Mr Ngaïssona allegedly asked for weapons. But you see, yet your own

7 chief here gives a different declaration on how he came into possession of weapons.

8 So I am putting it to you that Mr Ngaïssona never ever, during one of those meetings,

9 said the things you mentioned in your evidence last Wednesday. And I give you a

10 chance to revisit your statement.

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 PRESIDING JUDGE SCHMITT: [11:56:32] Do you -- would you insist on that point,

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1 or I think perhaps it's better to move on.

2 MR KNOOPS: [11:56:40] Yes.

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 PRESIDING JUDGE SCHMITT: [12:01:07] Yeah. Okay, please, yeah.

17 MR KNOOPS: [12:01:07]

18 Q. [12:01:08] That's a very interesting point you raised, sir. That was one of my
19 last questions. Now, you say that many people do know you, you claim, but yet you
20 don't appear on the lists. If I put it to you, sir, that during our research into all the
21 evidence the Prosecution has gathered, all the statements in this trial, and the
22 investigation, your name does not appear in any statement of Anti-Balaka members,
23 not even the persons you mentioned during this trial with whom you allegedly were
24 at Yassinda hill, what would be your answer to this? Why is your name never
25 mentioned in any statement of those people, even the individuals you mentioned?

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1 Do you have an explanation to this? (Redacted) why
2 does your name never appear in any statement? Speaking about research, we have
3 done our research, Witness, and then I confront you with this information.

4 A. [12:02:59] Let me tell you the following: If you haven't heard my name, well,
5 you know -- you know a footballer at an international level because of his prowess.

6 And if you -- you know -- if you do your job well, everybody will talk about you.

7 But I was in the middle. I didn't belong to any group. I didn't carry out any
8 exactions. So why would people know me?

9 (Redacted)

10 (Redacted) And I can confirm that people

11 didn't talk about me indeed because I didn't carry out any exactions. I didn't steal.

12 What was I doing of harm that people would talk about me?

13 PRESIDING JUDGE SCHMITT: (Overlapping speakers)

14 MR KNOOPS: (Overlapping speakers)

15 THE WITNESS: [12:03:57](Interpretation) It's normal that no one was talking about
16 me.

17 MR KNOOPS:

18 Q. [12:04:09] Okay, that's -- we take note and we will also ask the witnesses who
19 will come to this court about your explanation.

20 Now my final question, sir -- we are still in private session, I believe.

21 PRESIDING JUDGE SCHMITT: [12:04:20] We are.

22 MR KNOOPS: [12:04:21] Yeah, that's very good.

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 A. [12:05:33] You just said that this was your last question. I don't understand
5 why you're asking me other questions. I just don't understand that. I think I don't
6 have to answer your questions anymore. I can't continue to answer your questions
7 because you already said it was the last question.

8 MR KNOOPS: (Overlapping speakers)

9 PRESIDING JUDGE SCHMITT: [12:05:56] Of course, of course, Mr Knoops, when he
10 says it's a last question, from this last answer to the last question there can arise other
11 questions.

12 But I think the witness has answered your question, Mr Knoops.

13 MR KNOOPS: [12:06:10] Well, with all due respect, Mr President, he didn't answer it.
14 He refused to answer it.

15 (Redacted)

16 (Redacted) It's a simple question, sir. I've remained my patience
17 with you throughout this trial out of respect for you --

18 PRESIDING JUDGE SCHMITT: [12:06:37] No, Mr Knoops, there is no reason to
19 attack the witness in the last -- in the last minute. So I allow this last -- I have
20 understood that the witness was answering no, but we can -- we can be more specific.
21 So did this person, Mr Witness, that counsel mentioned to you, did he approach you
22 and ask you to testify in this case? And this is really a -- really give an answer "that's
23 correct" or "that's not correct".

24 THE WITNESS: [12:07:17] It's not him who asked me to testify here.

25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 PRESIDING JUDGE SCHMITT: [12:09:18] Can we enlarge this a bit, please, so that

14 we can see it. I think a little bit further down. Yes.

15 MR KNOOPS: [12:09:48] 603 till 605.

16 Q. [12:09:52] So why are you now denying this in this trial under oath while it is

17 clear in your statement?

18 PRESIDING JUDGE SCHMITT: [12:09:58] May I shortly.

19 Ms Struyven.

20 MS STRUYVEN: [12:10:01] Yes, what is referred to here is that the witness was

21 brought to the OTP for the declaration, which is different from the witness testifying

22 in the courtroom. This is from his statement and he was brought to the OTP to get a

23 statement which is different from testifying before the judges in a courtroom.

24 There's two different things, very --

25 PRESIDING JUDGE SCHMITT: [12:10:24] Yeah, that's an explanation by you, so

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1 I -- but I would, I think, ask Mr Witness.

2 You have seen this, so you said. Is this correct what is said here? You know, please

3 look at the screen and it's said here that (Interpretation) (Redacted)

4 (Redacted)

5 (Speaks English) Is that -- is that true with regard to the statement that you gave to the

6 Office of the Prosecutor, to be exact here? Is this correct what you said here?

7 * THE WITNESS: [12:11:19] (Interpretation) If you asked me how I met the

8 representatives of the Prosecutor, I answered you by saying I did not know them,

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 Q. [12:12:41] And, sir, did you -- in exchange for your statement, is it correct that

21 you asked for a relocation of you and your family and you were prepared only to

22 testify under these conditions against Mr Ngaïssona?

23 A. [12:13:23] You've said that you have finished with your questions. You are

24 asking more questions now. I have no further answers. I can't give you my

25 complete identity. You want to know where I live, where I hope to go after this

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1 meeting. Do you want to harm me or not? I cannot answer this question. We are
2 at the end of your cross-examination and I prefer not to answer these types of
3 questions.

4 PRESIDING JUDGE SCHMITT: [12:14:00] I think we have to leave it at that -- or it's
5 better to leave it at that, not we have to, but to insist I think doesn't make sense.

6 MR KNOOPS: [12:14:08] I could imagine that for the Chamber this information
7 could be valuable, but I leave it in the hands of the Court.

8 PRESIDING JUDGE SCHMITT: [12:14:15] So this concludes your cross-examination?
9 Yeah.

10 Then I give the floor to Mr Suzuki for the Yekatom Defence.

11 MR SUZUKI: [12:14:26] Thank you, Mr President. If I could have a moment just to
12 set up, please.

13 PRESIDING JUDGE SCHMITT: [12:15:00] Perhaps in the meantime we can go back
14 to open session? I simply suggest it to you, Mr Suzuki.

15 MR SUZUKI: [12:15:07] Unfortunately --

16 PRESIDING JUDGE SCHMITT: [12:15:08] Can we go to open session?

17 MR SUZUKI: [12:15:12] We can -- of course we can start in open session but
18 (Overlapping speakers)

19 PRESIDING JUDGE SCHMITT: [12:15:14] Okay, then we go to open session.
20 Yeah, fine, fine.

21 (Open session at 12.15 p.m.)

22 THE COURT OFFICER: [12:15:29] We are in open session, Mr President.

23 QUESTIONED BY MR SUZUKI:

24 Q. Good afternoon, Mr Witness.

25 A. [12:15:48] Thank yes.

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1 Q. [12:15:48] My name is Gyo Suzuki and I'm going to be asking you a few
2 questions on behalf the Mr Yekatom today.

3 MR SUZUKI: [12:15:55] Mr President, with your leave, I'd like to move into private
4 session, unfortunately.

5 PRESIDING JUDGE SCHMITT: [12:15:58] But it's fine. Since we have someone
6 new questioning that this is at least on the public record. We go back to private
7 session.

8 (Private session at 12.16 p.m.)

9 THE COURT OFFICER: [12:16:20] We are back in private session, Mr President.

10 MR SUZUKI: [12:16:26] Thank you.

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 A. [12:19:59] Thank you for your question. I came here and I don't have to answer
11 questions given by the lawyers of Rambo. I did not come here to give my testimony
12 in the Rambo case. I said in my statement I had no details as regards Rambo. But if
13 you say that these statements on the Rambo's statement, I say I have no details
14 regarding Rambo. I have nothing to say about Rambo, so I don't know why his
15 lawyers are asking me questions today.

16 PRESIDING JUDGE SCHMITT: [12:20:54] Mr Witness, I explain it to you. The case
17 against Mr Ngaïssona and the case against Mr Yekatom are joined. So they are
18 together. So counsel of Mr Yekatom has the same rights to question you like counsel
19 of Mr Ngaïssona. So you have to answer the questions.

20 For the Yekatom Defence, you have -- Ms Dimitri? Ms Dimitri, you have recognised
21 or you have heard what the witness said that he doesn't know anything about your
22 client, so this should shorten the questioning significantly. But of course,
23 Mr Witness, the question that has been put to you since the cases are joined and they
24 sit here as co-accused, so to speak, if I may say so, you have to answer it. So please
25 answer the question.

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1 THE WITNESS: [12:22:04](Interpretation) I didn't refuse to answer to the question.

2 I haven't prepared myself to speak about this. I prepared myself to answer -- to

3 answer certain types of questions. And if those lawyers of Rambo stand up to ask

4 me questions, it's going to force me to lie. It's their work. But I have nothing to say

5 to them. I know that the two cases are joined. But if the lawyers of the Rambo

6 Defence ask me questions and force me to answer, what am I going to say to them?

7 Do you want me to invent things? Do you want me to lie? I refuse. Really, as

8 regards Rambo, I have nothing, nothing to say. I haven't prepared myself to bear

9 witness or to testify against Rambo. I can't invent stories as regards Rambo.

10 PRESIDING JUDGE SCHMITT: [12:23:13] Mr Witness, are you afraid?

11 THE WITNESS: [12:23:28](Interpretation) I'm not scared. I didn't come here to lie

12 on behalf of anybody. If I was scared then I wouldn't stay here and give you my

13 evidence for the last three days. But I have no information regarding him. I have

14 no details regarding him. Did I say in my testimony, well, that Rambo did this or

15 that? No, I didn't say anything about Rambo. It's -- I didn't say it because I was

16 scared. It's because I have nothing to say vis-à-vis him.

17 PRESIDING JUDGE SCHMITT: [12:24:04] Mr Witness, but nevertheless, the

18 question that has been put to you was that there has been played an audio of your

19 former interrogation during the investigation phase by Prosecution, and the question

20 was put to you in with regards to (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 And this is at page 58 of the French real-time transcript from lines 25 in French:

21 (Interpretation) "I've already told you that when the investigators of the OTP arrived,

22 one spoke English and the other spoke French and the interview happened in French.

23 It was afterwards that an interpreter came who interpreted my statement into French

24 from Sango into French. So if there are mistakes, it could be linked to this

25 interpretation."

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1 (Speaks English) And you continue a little bit about you having been misinterpreted
2 or mis-transcribed.

3 Now, your suggestion here, Mr Witness, seems to be that your evidence about this
4 expedition to (Redacted), the timing of it and your role in this expedition was given
5 during your screening interview when you had no Sango interpretation. I'm going
6 to play some audio for you. And for the record, that's 2035-0005, track 7, at 1 minute
7 1 -- so 1:01:40. And the transcript is tab 8 still at page 0070, lines 515 onwards.

8 PRESIDING JUDGE SCHMITT: [12:29:15] And I assume for the information of the
9 witness this is an audio from his former interview with the Prosecution?

10 MR SUZUKI: [12:29:23] I apologise, yes. It's the same audio file.

11 (Playing of the audio excerpt)

12 THE INTERPRETER: [12:29:41] (Interpretation of the audio excerpt)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 MR SUZUKI:

12 Q. So, Mr Witness, my questions is, you did have a Sango interpreter when you
13 gave this account; didn't you? You'll agree with me?

14 A. [12:33:37] (Redacted)

15 (Redacted) And

16 even this morning we already dealt with that question; didn't we?

17 PRESIDING JUDGE SCHMITT: [12:33:53] Yeah, I think you -- I think we can move
18 on here. We have it on the record.

19 MR SUZUKI: [12:33:59] Thank you.

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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8 (Redacted)

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10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 MR SUZUKI: [12:37:12] Thank you, Mr President.

19 Just for the purpose of the record, we do have the audio of -- of that part of the
20 interview as well, and if I could just read the --

21 PRESIDING JUDGE SCHMITT: [12:37:23] Yes. And by the way, it's Rule 68(3), I
22 think, so it's part of the testimony. So we will read it anyway in its totality and
23 assess it holistically.

24 MR SUZUKI: [12:37:38] I understand. Thank you, Mr President. For the purposes
25 of the record, that's CAR-OTP-2035-0005, track seven -- excuse me, sorry, that's the

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1 wrong one. CAR-OTP-2035-0007, track 1, from 49 minutes and 25 seconds.

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 A. [12:39:03] Since I arrived here, I have continually provided you information on

7 this story. (Redacted) You see, when I

8 answer you, I lose energy. And when I answer you, I hope that we can move

9 forward and abstain from repeating the same thing. Now, if it is what I said in my

10 prior statement, I have no difficulty with that. But if I have answered a question

11 here and you repeat the same question to me, it is tiring.

12 PRESIDING JUDGE SCHMITT: [12:39:39] Please move on, Mr Suzuki.

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 A. [12:40:17] Well, I'm really sorry, but please do forgive me. You're asking me

17 the same questions and I'm providing the same answers. Yesterday, I already

18 answered those questions. This morning, you asked me again the same questions

19 and I provided answers. It is true that this is your work, I am aware that it is your

20 work, but you're asking me the same questions over and over again.

21 Do you -- what do you want? Do you want me to lie so that you will be satisfied? I

22 think that you are actually not taking me seriously.

23 PRESIDING JUDGE SCHMITT: [12:40:53] Mr Witness, I have to also to protect here

24 the counsel. So I understand that you are upset or -- we see that. We can sense it.

25 But counsel has the right to ask you that question.

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1 You know, don't be upset by it. Simply answer it. What did you do? For example,
2 you can say I stood by, I watched it, I observed it, (Redacted)
3 (Redacted). And I think you also recognise that we are close to the end of
4 your questioning. So, please, a little more of patience by you and then this
5 examination, I think, will be finished before the lunch hour. So please answer the
6 question. (Redacted)

7 (Redacted)

8 THE WITNESS: [12:42:07](Interpretation) I told you that I have already answered
9 that question. I cannot answer because you're pushing me to lie and then
10 subsequently say that I gave false testimony. No, no, no, no, no. I have the
11 impression that you are pushing me to give false testimony by saying that I changed
12 my position. No, no, no, no, I stand by my testimony. I'm not disobeying your
13 orders, Mr President, but you see we're in a trial and you yourself have given me the
14 right to answer or not to answer the questions that are put to me and you know that I
15 have that right as well. So if I say that I -- I'm no longer able to answer questions on
16 this same topic, please do understand me as well.

17 PRESIDING JUDGE SCHMITT: [12:43:00] Actually, nobody wants to force you
18 or - of course not - to say something wrong. But actually, it's hard to understand
19 why it is so difficult for you to say what happened (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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3 (Redacted)

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8 (Redacted)

9 (Redacted)

10 MR SUZUKI: [12:45:07]

11 Q. [12:45:07] Did you count the weapons, Mr Witness?

12 A. [12:45:33] If I were to tell you that I know the number of weapons -- well, you
13 know that these things happened a very long time ago. And two years after the
14 event I was questioned and then five years later you are asking me questions about
15 that again today. I don't have all the details in memory. I don't have the numbers
16 in memory.

17 As for you, you have all the documents. You have the information before you and it
18 is from those documents that you're asking me questions. But I have only my head
19 to work with. I have only my memory to work with and I need to remember a
20 number of things to be able to tell you.

21 Q. [12:46:26] Mr Witness, I'm not -- I'm not going to ask you to try to remember
22 specifically what numbers or the number of weapons that were there, but I'm just
23 asking did you yourself count, did you have an opportunity to count --

24 PRESIDING JUDGE SCHMITT: [12:46:39] I think he has answered that, now please
25 move on. He hasn't counted it. He doesn't know the exact number.

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1 PRESIDING JUDGE SCHMITT: [12:53:58] Mr Witness, shortly, but this is -- you
2 understand -- I think you understand that yourself. This is new information and we
3 have not been there, so for us it is important that we produce a picture in our heads,
4 so to speak, that we understand what happens and this was new information. So
5 your answer was, so to speak, interesting, yeah. So we didn't know that, for
6 example.

7 Mr Suzuki, please -- by the way, open session, possible or --

8 MR SUZUKI: [12:54:42] Unfortunately, there's only one more question on this and
9 it's not possible, I think.

10 PRESIDING JUDGE SCHMITT: [12:54:48] Please, then, continue in private session.

11 MR SUZUKI: [12:54:49] Thank you.

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

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6 (Redacted)

7 PRESIDING JUDGE SCHMITT: [12:57:54] I think that the time suggests the question
8 how long your exam -- you plan to examine the witness?

9 MR SUZUKI: [12:58:07] Probably around 15 to 20 minutes, Mr President.

10 PRESIDING JUDGE SCHMITT: [12:58:11] Yeah, then the question would be to
11 Ms Struyven, do you plan any redirect?

12 MS STRUYVEN: [12:58:18] Maybe one or two questions, but not -- not very long,
13 if -- if at all.

14 PRESIDING JUDGE SCHMITT: [12:58:25] Yeah, I think we continue then and would
15 ask you, of course, to expedite as fast as possible.

16 MR SUZUKI: [12:58:36] Thank you, Mr President. If Madam Court Officer could
17 go to Prosecution tab 9. That's CAR-OTP-2046-0072, page 0081, please.

18 PRESIDING JUDGE SCHMITT: [12:59:04] Private or open session?

19 MR SUZUKI: [12:59:11] This could be in open session, your Honour, but I
20 would -- it would be one question, I suspect.

21 PRESIDING JUDGE SCHMITT: [12:59:15] Yeah, then we stay in private session.

22 MR SUZUKI: [12:59:33] To lines 308 downwards, please. A bit further down,
23 please. Thank you.

24 Q. [12:59:47] Now, Mr Witness, you'll see at line 308 you suggest that these
25 weapons were new and they'd never been used, and in fact all of the weapons in the

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1 (Redacted) were knew.

2 Can you tell the Court which version you'd like to have us believe, please.

3 A. [13:00:33] All I can provide you as an answer is that in your place, in the white
4 man's place, you have another way of doing things. I am an Africa -- an African and
5 when I look at this computer which is before me, I don't know whether it is new or
6 old. I see it, it is shining, it is clean and I think it is new, so I don't know. I'm
7 speaking as an African. We may not have the same conception of things. For some
8 people, maybe this computer is ten years old, and I would say it is knew because it is
9 clean and it is shiny.

10 Q. [13:01:28] Now, whether they were new or not, Mr Witness, what I'm suggesting
11 to you is that the weapons that you've described, if they were left (Redacted)
12 (Redacted) for nine to ten months, whether new or not, they would
13 not be operational or functional without having been first cleaned. That's my
14 suggestion to you.

15 Do you have any comment on that?

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 the face. And if afterwards I see him, I can identify them, I can recognise them and
2 (Redacted).

3 (Redacted)

4 document. The top half, please. Sorry. A little bit zoomed out, if possible. A
5 little bit further up, please. Yeah, that's perfect. Thank you.

6 Q. [13:15:59] Now, there are a number of errors on this page, but I'm not going to
7 get into all of them, but I'd just like to raise two specific areas.

8 For instance, Captain Ngremangou was not operating in Miskine at the time. He
9 was in Boeing and Mr Yekatom, appearing here as Caporal Rambo, was not a *caporal*
10 at the time but he was a *caporal-chef*. But my question to you, Mr Witness, is these
11 specific errors, these mistakes would have come from (Redacted) notebook, or is it
12 possible that you mistakenly transcribed them yourself?

13 A. [13:16:56] I told you I did what I saw.

14 PRESIDING JUDGE SCHMITT: [13:17:03] That's an answer, I think, yeah.

15 MR SUZUKI: [13:17:11]

16 Q. [13:17:11] Thank you. Mr Witness, just so I understand, the names listed here
17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 Q. [13:18:33] So -- so of all the FACA elements in Mr Yekatom's group, there were

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1 two listed here apart from Mr Yekatom. And you're suggesting that it just so
2 happens that one of them is Caporal Chien Méchant who you claimed in your
3 interview was a member of Mr Yekatom's group; is that right?

4 A. [13:19:13] Let me repeat, and this time please pay attention. After this answer,
5 if you ask me the same question again I'm not going to answer any questions. I have
6 told you that the document which you're talking about, it is not me who established
7 the document. (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

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14 (Redacted)

15 (Redacted)

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1 (Redacted)

2 (Redacted)

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4 (Redacted), I can answer. But if the question relates to

5 Rambo and his group, I don't know how to answer because I didn't know what

6 happened in his group. If I have information dealing with that, I would tell you

7 with good faith, but that's all I can tell you for the moment.

8 PRESIDING JUDGE SCHMITT: [13:22:44] Okay. That's -- that's enough on that, I
9 think.

10 MR SUZUKI: [13:22:46] Thank you, Mr President. Those are my questions for the
11 witness.

12 Thank you, Mr Witness.

13 PRESIDING JUDGE SCHMITT: [13:22:50] And thank you, Mr Suzuki.

14 Ms Struyven.

15 MS STRUYVEN: [13:22:55] Mr President, I think following your earlier instructions,
16 I would prefer to just put a reference on the record for your Honours rather than ask
17 questions.

18 PRESIDING JUDGE SCHMITT: [13:23:04] No problems with that. No problem
19 with that.

20 MS STRUYVEN: [13:23:06] So the only thing I wanted to put on the record is the
21 references in respect of the availability of weapons at Ngaïssona's house. There are
22 different documents in the case that support that proposition, but I wanted to refer at
23 least to one of the them, which is the interview of Ngaïssona by the judicial
24 authorities in the Central African Republic on 17 April 2014, and it is
25 CAR-OTP-2003-1076 at page 1104 as an example of an instance where you can see that

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1 there were weapons available at his house.

2 PRESIDING JUDGE SCHMITT: [13:23:45] But strictly speaking, of course, we are

3 happy that you did not wrap it up in a question, but it would not -- it's a document

4 and the Defence has documents, but it's okay. Fine. Fine.

5 Any further questions? No.

6 So, Mr Witness, this concludes your testimony. I'm sure that you are happy about

7 that. Let me assure you on behalf of the Chamber, and let me tell you, that we thank

8 you for coming to this court and help this Court to establish the truth. Mr Witness,

9 also we wish you a safe trip back home and we wish also all the best to counsel for

10 you. Thank you.

11 So this concludes, also, the complete hearing for today. The court is adjourned and

12 sometime later we reconvene.

13 THE COURT USHER: [13:24:47] All rise.

14 (The hearing ends in private session at 1.24 p.m.)