

Trial Hearing
WITNESS: CAR-OTP-P-2232

(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 Thursday, 18 November 2021
10 (The hearing starts in open session at 9.30 a.m.)
11 THE COURT USHER: [9:30:13] All rise.
12 The International Criminal Court is now in session.
13 Please be seated.
14 PRESIDING JUDGE SCHMITT: [9:30:39] Good morning, everyone.
15 Court officer, please call the case.
16 THE COURT OFFICER: [9:30:46] Good morning, Mr President, your Honours.
17 Situation in the Central African Republic II, in the case of The Prosecutor versus
18 Alfred Yekatom and Patrice-Edouard Ngaïssona, case reference ICC-01/14-01/18.
19 And for the record, we are in open session.
20 PRESIDING JUDGE SCHMITT: [9:31:01] Thank you.
21 The appearances of the parties, please.
22 MS STRUYVEN: [9:31:05] Good morning, Mr President, your Honours. For
23 the Prosecution today we have Kweku Vanderpuye, Yassin Mostfa, Pierre
24 Belbenoit-Avich, and myself, Olivia Struyven.
25 PRESIDING JUDGE SCHMITT: [9:31:15] Thank you.

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1 MR DANGABO MOUSSA: [9:31:18](Interpretation) Good morning, Mr President.

2 The LRVs are represented today by Mr Enrique Carnero, Evelyne Ombeni, and
3 myself, Dangabo Moussa.

4 Thank you.

5 PRESIDING JUDGE SCHMITT: [9:31:29] Thank you, Mr Moussa.

6 Mr Suprun.

7 MR SUPRUN: [9:31:31] Good morning, Mr President, your Honours. The former
8 child soldiers are represented by myself, Dmytro Suprun, counsel at the Office of
9 Public Counsel for Victims. Thank you.

10 PRESIDING JUDGE SCHMITT: [9:31:40] Thank you.

11 Ms Dimitri for the Defence.

12 MS DIMITRI: [9:31:44] Good morning, Mr President. Good morning,
13 your Honours. Good morning, everyone. Mr Yekatom, who's present in the
14 courtroom this morning, is represented by Mr Thomas Hannis, Mr Gyo Suzuki,
15 Ms Yasmeen Hajjali, and myself, Mylène Dimitri.

16 PRESIDING JUDGE SCHMITT: [9:31:59] Thank you.

17 And I turn to Mr Knoops.

18 MR KNOOPS: [9:32:00] Good morning, Mr President, your Honours. Good
19 morning, everyone in the courtroom. Mr Ngaïssona is represented today by
20 Ms Lauriane Vandeler, Barbara Szmatala, and Phoebe Oyugi, and myself.

21 Thank you.

22 PRESIDING JUDGE SCHMITT: [9:32:11] Thank you very much.

23 Good morning, Mr Witness, too. This should be the last day for you in this
24 courtroom. I think you also look forward to that, that your testimony is finished.

25 We continue with the Defence of Mr Yekatom.

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1 Who will be questioning? Mr Suzuki, I assume. There are signs that would
2 indicate that.

3 MR SUZUKI: [9:32:32] Yes, Mr President. Good morning.

4 PRESIDING JUDGE SCHMITT: [9:32:34] Good morning. Then you have the floor,
5 Mr Suzuki.

6 MR SUZUKI: [9:32:36] Thank you. Good morning --

7 PRESIDING JUDGE SCHMITT: [9:32:38] We are in open session, you know.

8 MR SUZUKI: [9:32:40] Yes, that's fine. Thank you.

9 WITNESS: CAR-OTP-P-2232 (On former oath)
10 (The witness speaks Sango)

11 QUESTIONED BY MR SUZUKI:

12 Q. [9:32:45] Good morning, Mr Witness. My name is Gyo Suzuki and I'm going to
13 be asking you a few questions on behalf of Mr Yekatom today. I'm going to mainly
14 ask you to kind of elaborate or clarify some of your evidence that you gave over
15 the last few days. It shouldn't take more than about an hour, so if you could bear
16 with me, rather.

17 Is that clear enough?

18 A. [9:33:21] There's no problem.

19 Q. [9:33:22] Thank you. I'd like to start with the Seleka, with the arrival of
20 the Seleka in Bangui. Last week when you gave some evidence you said that when
21 the Seleka took power, that weapons appeared from fenced houses. Could you
22 elaborate on that for the Court, please.

23 A. [9:34:11] I did not quite understand your question. Which houses are you
24 referring to?

25 Q. [9:34:16] No problem. I can -- I can clarify. You spoke about fenced houses,

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1 the *concessions clôturées*. And you said last week that when the Seleka arrived in
2 Bangui, that weapons did appear in these *concessions clôturées*.
3 Now I just wanted you to elaborate a little bit on that. Could you tell the Court what
4 you know about that. Anything would help the Court.

5 A. [9:35:03] *The fenced houses, I said that before the arrival of the Seleka, after
6 the Libreville dialogue when President Bozizé was returning to Bangui, he gave
7 a speech at the PK0 junction appealing for vigilance over what was happening inside
8 the fenced compounds. That is what he said as the president of the Republic. And
9 that was before the Seleka entered Bangui town.

10 Q. [9:36:05] Thank you, Mr Witness.
11 I think we're on the same -- on the same subject, but I just want to specifically focus on
12 what you said about how weapons eventually did appear in those fenced houses or
13 from those fenced houses once the Seleka arrived, so after the -- after the speech.
14 You mentioned this last week, and I just want you to explain what you meant by that,
15 if you could -- if you could elaborate on that.

16 A. [9:37:01] People were not talking about weapons. It was about infiltrated
17 Seleka elements hiding in those fenced compounds. And it was after the entry of
18 the Seleka that it was realised that all the Muslims living inside fenced compounds
19 had weapons and they were using them to fight.

20 Q. [9:37:35] Thank you, Mr Witness.
21 Now, last week you also said, and I quote: "The youth increased their vigilance as
22 regards their Muslim brothers because it is through them that the Seleka elements
23 were able to enter the town of Bangui."
24 Now, when you said "Muslim brothers", are you here referring to the Muslims that
25 joined the Seleka when they entered Bangui?

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1 A. [9:38:24] I said that when I'm talking about fenced compounds in Bangui, in
2 most of the cases it is Muslims who live in those fenced compounds. And amongst
3 the Seleka, most of the Seleka elements were Muslims. The young people did not
4 search the fenced compounds, but they had simply erected checkpoints to control
5 movement and to say who was going where, who was passing by, and to where.

6 Q. [9:39:16] Thank you, Mr Witness.

7 Were you -- were you -- were you aware that many former fighters of the former
8 Chadian president, Hissène Habré, joined the Seleka when they arrived in Bangui?
9 Do you know anything about that?

10 A. [9:40:08] When someone comes to Bangui, would he introduce himself as
11 a soldier of Hissène Habré for people to know? You simply see someone going
12 about his business activity, so you cannot know whether he's a former soldier of
13 Hissène Habré or not.

14 Q. [9:40:40] Maybe my question wasn't clear. I'm not talking about whether those
15 people could be identified as such. I'm just asking if you had heard anything about
16 that. Did you hear anything about former soldiers of Hissène Habré joining
17 the Seleka when they arrived?

18 A. [9:41:13] No, I didn't hear about it.

19 Q. [9:41:20] That's all right.

20 Now, last week you -- you mentioned a certain Mahamat Taïb. And -- and
21 specifically you said that his brother, or you spoke about the fact that his brother was
22 assaulted and killed after running away from a checkpoint in Bangui.

23 Is it correct that you're referring to Mahamat Taïb Yacoub?

24 A. [9:42:08] (No interpretation)

25 Q. [9:42:09] He was a prominent Seleka member. That's correct, isn't it? He was

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1 the third vice president after Nouredine Adam and Mohamed Dhaffane. Is

2 that -- is that right?

3 A. [9:42:35] Well, I know that he was appointed minister during the rule of Seleka.

4 In Bangui, he was a businessman. Then afterwards, he was appointed minister.

5 But I really do not know the specific post he occupied within the government.

6 Q. [9:43:09] Thank you, Mr Witness. That's okay.

7 Now, you briefly touched on this before, but I want to go back to Mr Bozizé's speech

8 at PK0. When you spoke to Prosecution investigators you said that -- you said about

9 this speech that Mr Bozizé asked the population to be vigilant in all the sectors and if

10 they caught the criminal, the person must be handed over to the police.

11 Do you remember giving this interpretation to the Prosecution investigators?

12 A. [9:44:07] Yes, that was my testimony.

13 Q. [9:44:13] Thank you.

14 I'm going to read you a little excerpt from the speech. In French, sorry:

15 (Interpretation) "You have to do it according to the rules. Do not touch

16 the foreigners."

17 (Speaks English) Now, this is an example of a passage in which Mr Bozizé called for

18 nonviolent popular resistance to the Seleka.

19 Do you -- do you remember this, or do you agree with this?

20 A. [9:45:13] Yes. In his speech, he appealed for vigilance. He asked

21 the population to hand over suspicious individuals to the police. He did not ask

22 the population to maltreat or harm those people.

23 Q. [9:45:45] Thank you, Mr Witness.

24 I'm going to read another extract, a short one, in French again.

25 PRESIDING JUDGE SCHMITT: [9:45:57] What are you reading from now?

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- 1 MR SUZUKI: [9:45:59] This is -- sorry, I apologise.
- 2 PRESIDING JUDGE SCHMITT: [9:46:01] This is the same?
- 3 MR SUZUKI: [9:46:02] It's from the speech, yes.
- 4 PRESIDING JUDGE SCHMITT: [9:46:05] Yeah. Perhaps you can provide us with
- 5 the ERN number so that we have it on the record.
- 6 MR SUZUKI: [9:46:10] My apologies. It's tab 12 of the Prosecution binder. I can
- 7 give you the ERN. It's CAR-OTP-2060-0678. That's the transcript of the speech.
- 8 PRESIDING JUDGE SCHMITT: [9:46:26] Thank you.
- 9 MR SUZUKI: [9:46:27] And the specific page I'm about to read from is 0683.
- 10 Q. [9:46:38] Mr Witness, I was saying that -- or, rather, I was about to read you
- 11 an extract in French: (Interpretation) "You come to our country, you work well, we
- 12 can realise that you are carrying out a decent life, you are our comrade. But if you
- 13 think that you can come in and intentionally settle with the purpose of destroying our
- 14 country, no, no, no."
- 15 (Speaks English) Now, is it correct that he and Mr Bozizé was distinguishing between
- 16 peaceful foreigners, including peaceful Muslim foreigners, and other foreigners that
- 17 were plotting to overthrow the government at the time; is that a correct
- 18 interpretation?
- 19 A. [9:48:16] That is what Bozizé was thinking. That is what he said. And he's
- 20 the only one who knows why he made that type of speech.
- 21 Q. [9:48:42] Thank you, Mr Witness.
- 22 Now, last week you said, in relation to the speech, and in relation to Mr Bozizé's
- 23 reference to the fenced houses, you said: "He wanted to target the Muslims."
- 24 Now, keeping in mind the extracts that we've just discussed and the evidence about
- 25 Seleka supporters in Bangui, is it -- is it fair that you mean that Bozizé was targeting

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1 Muslim mercenaries and their Seleka supporters?

2 A. [9:49:53] Can you kindly rephrase your question, please.

3 Q. [9:49:59] Of course. Last week when you discussed Mr Bozizé's phrase "*des*
4 *concessions clôturées*", the fenced houses, you told the Prosecution that he wanted to
5 target the Muslims. This is from the transcript. But my question is: Keeping in
6 mind these extracts that we've spoken about this morning, and considering what you
7 said about how Seleka supporters did emerge in Bangui when the Seleka came, is it
8 fair to understand what you said as meaning that Bozizé was targeting Muslim
9 mercenaries and their Seleka supporters?

10 A. [9:51:28] During his speech he did not mention the Muslims. He simply asked
11 people to be vigilant in relation to people in fenced compounds. He even talked
12 about Toro Boro and Janjaweds who came to the CAR to harm the Central Africans.
13 So he asked the young people to be vigilant, and that if they discovered any
14 suspicious individual, the person should be handed over to the police. He should
15 not be harmed. That is what happened.
16 He also asked that there should be checkpoints and controls.
17 Bozizé did not talk about Muslims. He was talking about the Seleka and those who
18 were working with the Seleka.

19 Q. [9:52:33] Thank you, Mr Witness.

20 Mr President, I would ask that we move into private session for the next questions.

21 PRESIDING JUDGE SCHMITT: [9:52:41] We go to private session.

22 (Private session at 9.52 a.m.)

23 THE COURT OFFICER: [9:52:51] We are in private session, Mr President.

24 MR SUZUKI: [9:52:57] Thank you.

25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 A. [9:53:40] Bozizé worked with everyone. He was working with everyone. He
4 (Redacted). There were Muslims and others. So he was not only working with one
5 category.

6 Q. [9:54:00] Thank you. I'll be specific. (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 You know, what was happening in Bangui, it is not all the Muslims who were in
11 favour of the Seleka. There were some of them who trusted Bozizé, even up to this
12 day. And amongst the Seleka, there were Christians, and also there were Muslims
13 amongst the Anti-Balaka.

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 Q. [10:02:34] Thank you. And last week you -- you said that you had heard that
3 Maxime Mokom was a *libérateur* of Bozizé. Now, a Prosecution witness has come
4 and he himself was a former *libérateur* and he told the Court that he did not think that
5 Maxime Mokom was a former *libérateur*. Now, this is not a criticism, at all.

6 (Redacted) But is it possible that you
7 might be mistaken about this?

8 A. [10:03:36] No, I haven't made a mistake. Maxime Mokom was -- and was part
9 of the liberators. (Redacted)

10 (Redacted). I haven't made a mistake. Some entered into the army. He -- he went
11 to have a police training.

12 Q. [10:04:16] Thank you, Mr Witness.

13 I apologise. I should have put the transcript on -- reference on the record. I was
14 referring to the transcript, transcript number 40 at page 51.

15 If -- Madam Court Officer, if we could go to tab 1 of the Defence binder, please.

16 That's CAR-D29-0002-0078, please.

17 PRESIDING JUDGE SCHMITT: [10:05:00] Can this be discussed in open session?

18 Not. You know better. So then we stay in private session.

19 MR SUZUKI: [10:05:06] We would have to go straight back in. So, thank you,

20 Mr President.

21 Perhaps a little bit further down, please. Thank you, that's perfect.

22 Q. [10:05:27] Mr Witness, you've -- last week you discussed the attempted mortar
23 attack on Mr -- or President Djotodia, rather, on his swearing-in ceremony. And
24 Prosecution counsel suggested that that was in April 2013. And for the record, that's
25 T -- that's transcript 75, page 30.

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1 Now, on the basis of this article -- and if you'd like I can read it out to you, if
2 necessary.

3 PRESIDING JUDGE SCHMITT: [10:06:05] I think the date is important, or not?

4 MR SUZUKI: [10:06:09] It is, your Honour, yes.

5 PRESIDING JUDGE SCHMITT: [10:06:11] Okay. Good.

6 MR SUZUKI: [10:06:12] If I'm not mistaken, it says 18 August 2013. I'm corrected if
7 I'm wrong. Yes. Thank you.

8 Q. [10:06:22] Now, I'm going to suggest that it wasn't April 2013 and instead it was
9 August of 2013. Is that something that you might agree with?

10 A. [10:06:49] In my statement I said that I did not know the date. I remember
11 the event, but I cannot remember the date. I don't know if it was the month of
12 August.

13 Q. [10:07:09] That's okay, Mr Witness. It's not a criticism by any means. It's -- I
14 know it was a very long time ago.

15 Now, you also said last week that after the Seleka coup in March 2013, Mr Yekatom,
16 he continued to work in Bangui during the Seleka regime.

17 Now, just to be clear on this, Mr Yekatom wasn't part of the group (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 Q. [10:08:56] And when Mr Yekatom arrived in Zongo, he was arrested by
22 the -- the DGM, you said. And it's correct that that's referring to the immigration
23 authorities of the -- of the DRC; is that right?

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 (Speaks English) Mr Yekatom subsequently spent a couple of weeks in prison while
- 13 immigration authorities investigated him, didn't he? Is that right?
- 14 (Redacted)
- 15 (Redacted)
- 16 (Redacted)
- 17 (Redacted)
- 18 (Redacted)
- 19 (Redacted)
- 20 (Redacted)
- 21 (Redacted)
- 22 (Redacted)
- 23 Q. [10:13:39] (Microphone not activated)
- 24 PRESIDING JUDGE SCHMITT: [10:13:40] Microphone, please.
- 25 MR SUZUKI: [10:13:42] Sorry. I think, your Honour, we could move into public

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1 session if we adopt the Mr Alpha pseudonym.

2 PRESIDING JUDGE SCHMITT: [10:13:52] Yeah. So, Mr Witness, we go now to
3 open session. And before we do that, I would like to tell you that we again use
4 the pseudonym "Mr Alpha" for Mr Maxime Mokom. Is this correct, like I said it?
5 Okay. Good, then we go to open session.

6 You understand, Mr Witness?

7 THE WITNESS: [10:14:19] (No interpretation).

8 PRESIDING JUDGE SCHMITT: [10:14:24] Thank you.

9 (Open session at 10.14 a.m.)

10 THE COURT OFFICER: [10:14:33] We're in open session, Mr President.

11 MR SUZUKI: [10:14:38] Thank you.

12 Q. [10:14:44] So, Mr Witness, a number of Prosecution witnesses who were
13 themselves in contact with Mr Alpha, or who were in Zongo, they seem to -- to
14 corroborate what you have said. They seem to confirm it. And so what I'd like to
15 do is I'd like to read two extracts and I'm going to ask you a question after that.
16 Is that clear?

17 A. [10:15:30] Yes, I have understood.

18 Q. [10:15:33] Thank you. Now, the first Prosecution witness was a Anti-Balaka
19 ComZone who was in contact with Mr Alpha. And he testified before the Chamber
20 and he was asked: "Did you ever discuss what Yekatom was doing with [Mr Alpha]?"
21 And he responded:

22 "No, no. [Mr Alpha] and myself have never talked about Yekatom. ... [Mr Alpha],
23 come to think of it, he is the one who was at the origin of his arrest to the extent that
24 he provided information to some Congolese authorities. From what I know, or from
25 what I got to know later, is that there was a misunderstanding between Yekatom and

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1 [Mr Alpha], a great misunderstanding."

2 For the purposes of the record, that's transcript 55, page 77.

3 And I'm going to read you the second extract, Mr Witness.

4 PRESIDING JUDGE SCHMITT: [10:17:25] Not too much. There's too much
5 information. Please ask your question with regard to this one. And even if there is
6 an overlap, this might be the reason why you want to put both citations to him
7 immediately. But that's -- I think that's too much. This was already I think 10 lines
8 or something like that.

9 So please ask him, yeah, the obvious answer -- excuse me, the obvious question, of
10 course.

11 MR SUZUKI: [10:17:52] I understand, Mr President.

12 Q. [10:17:58] So my question, Mr Witness. Would you agree that this
13 misunderstanding that this individual is talking about, it relates to the reason for
14 Mr Yekatom's detention in Zongo? Would you agree with that?

15 {PFR:(Redacted)

16 (Redacted)

17 (Redacted)}

18 MR SUZUKI: [10:19:18] Mr President, could I have a moment to confer with lead
19 counsel.

20 PRESIDING JUDGE SCHMITT: [10:19:22] Of course.

21 MR SUZUKI: [10:19:23] Thank you.

22 (Counsel confer)

23 MR SUZUKI: [10:19:53]

24 Q. [10:19:54] Thank you, Mr Witness, for your answer. And your patience.

25 I'm going to move to a different topic now, the 5 December attack. You -- you

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1 mentioned in your witness statement that specific Seleka positions were attacked on
2 that day and I would just like to -- to have you confirm them for the record, just so
3 the record is complete.

4 Now the first one, Lieutenant Abel Denamganai, I think, he attacked the Seleka base
5 at Camp Kassai; is that right?

6 A. [10:21:04] Yes, he was part of the group that did the attack at Camp Kassai.

7 Q. [10:21:17] And Andjilo. He attacked the Seleka general, Moussa, and his men
8 at the firefighters base; is that right?

9 A. [10:21:44] Yes, Andjilo attacked the firefighters base.

10 Q. [10:21:57] And some other troops, they attacked Miskine because there were
11 many Seleka generals and Seleka weapons there; is that -- is that right?

12 A. [10:22:26] Yes, the Miskine neighbourhood was the area where Nouredine
13 lived, as well as Dhaffane. Many Seleka generals lived in this neighbourhood, as
14 well as the Combattant neighbourhood.

15 Q. [10:22:53] Thank you, Mr Witness. I'm going to come back to that -- to that
16 point. But it's also correct, isn't it, that Lieutenant Donoh Richard of PK13 and
17 Sylvestre Yagouzou, they attacked Seleka positions in Boeing; is that correct?

18 A. [10:23:34] Before Lieutenant Donoh with Ngoyace and Yekatom, they were first
19 based in Yamwara school. When Yekatom withdrew on the Mbaïki route, they
20 remained in Bangui.

21 Q. [10:24:08] Thank you. And Hervé Ganazoui, he attacked Seleka positions near
22 the *assemblée nationale*; is that right?

23 A. [10:24:45] When -- when did that happen? What's the date? If you don't mind
24 telling me.

25 Q. [10:24:52] Of course. This is still 5 December. If you can't remember, it's -- it's

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1 not a problem.

2 A. [10:25:14] I don't know all the areas of attack. I know some of the strategic
3 points that some of the groups attacked and I only talked about what I know.

4 Q. [10:25:33] That's fine, Mr Witness. That's very helpful. Thank you.

5 I'd like to go back to what you said earlier about the 5th and the 8th arrondissement,
6 where you said there's many generals and Seleka dignitaries. Is it fair to say that in
7 those areas there would have been many Seleka elements there to provide security for
8 these Seleka dignitaries; is that fair?

9 A. [10:26:18] Yes, there were many Seleka elements at that area. You know,
10 the generals of the Seleka were surrounded by many elements to protect them.

11 Q. [10:26:36] Thank you, Mr Witness.

12 If, Madam Court Officer, you could take us to document number 3 on the Defence tab,
13 please. That's CAR-OTP-2126-2719.

14 Thank you, Madam Court Officer.

15 Mr Witness, this document that you see before you, it -- it shows the locations of
16 Seleka dignitaries in -- in Bangui. And in accordance with your last answer, what
17 you said about the 5th and the 8th arrondissement, I'm going to suggest that
18 a number of these locations listed here, they are in the -- in the 5th and 8th
19 arrondissement.

20 For example, you see "Rue Badamassi" at the top there.

21 That's in the 5th arrondissement, isn't it? Is that correct?

22 A. [10:28:30] Yes, that's in the Miskine neighbourhood.

23 Q. [10:28:37] Thank you. And UCATEX, that's in the 8th arrondissement; is that
24 right?

25 A. [10:28:54] UCATEX is in the 8th arrondissement.

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1 Q. [10:29:01] And Rue Ahladji Babolo, that's also in the 8th arrondissement; is that
2 correct?

3 A. [10:29:26] Babolo, is that in the 8th arrondissement? I think it's, rather, in
4 kilometre 5. I know Babolo, but I'm not exactly sure of this Babolo in Miskine.

5 PRESIDING JUDGE SCHMITT: [10:29:42] Yeah, perhaps, you know, this would
6 be -- is information that should be easily available also without witness testimony.

7 So when the witness immediately says, yes, I know this is this and this region, it's fine.
8 Otherwise, we simply move to the next one.

9 Because he is -- he has never said that he's a taxi driver, knows every, every street and
10 every region in the town. Yeah. You see what I mean? We could easily have
11 a map of -- of Bangui and look which arrondissement they are. And if it is of
12 relevance for your case, you can point that out. Yeah. So this is another issue, I
13 would say, this would not be necessarily elicited by a witness.

14 MR SUZUKI: [10:30:36] Thank you, Mr President. I'm happy to move on.

15 Q. [10:30:46] Mr Witness, a brief question about the discussion you had yesterday
16 about ComZones.

17 Now, I understand that each group, each Anti-Balaka group had a leader, they had
18 a *chef*, I understand you said that. But what I'd like to focus on is the formal or
19 the official title of ComZone.

20 Now, in your witness statement you said, and I'm going to read this sentence out:

21 "Only when they arrived in Bangui, all the positions were created."

22 And that's the 2018 witness statement, which is at tab 15 of the Prosecution binder,
23 paragraph 92. For the record.

24 MS STRUYVEN: [10:32:04] Fourteen. Tab 14.

25 MR SUZUKI: [10:32:07] Excuse me. Thank you. Thank you, Madam Prosecutor.

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1 Q. [10:32:21] So I'll read the sentence out again, Mr Witness. You said: "Only
2 when they arrived in Bangui, all the positions were created."

3 I'm happy to cede the floor, of course, to my learned friend, but if the witness would
4 possibly take his headphones off before that.

5 MS STRUYVEN: [10:32:45] Just to -- just to read from the beginning of
6 the paragraph, because there it clarifies your question, I think.

7 So one sentence before the one you just read. Because it refers to the ComZones.

8 MR SUZUKI: [10:33:21] Your Honours, with respect, I wouldn't necessarily agree
9 that that's the answer that I'm going for.

10 PRESIDING JUDGE SCHMITT: [10:33:29] Why -- why do we not simply read
11 the whole paragraph and ask the witness if he agrees or not. So I think this would
12 be quicker. About the sequence of events. So then we -- we are done with this
13 point.

14 MR SUZUKI: [10:33:56] Of course, Mr President. Thank you.

15 Q. [10:34:13] I'll read -- I'll read the whole paragraph to you, Mr Witness.

16 "When they created the Anti-Balaka, there was no chief of staff. Dedane was
17 the chief of the ComZones. Only when they arrived in Bangui, all the positions were
18 created."

19 Now, when you said "Only when they arrived in Bangui, all the positions were
20 created", is it correct that you mean that once the Anti-Balaka arrived in Bangui, that
21 the official, formal position of ComZone was created? And I'm not talking about
22 leadership positions generally. I'm not talking about the fact that the *chefs* had
23 group -- the fact that the groups had *chefs*, rather. I'm talking about the formal
24 official title of ComZone, that was once they arrived in Bangui; is that right?

25 A. [10:35:57] Yesterday I told you that each village which was conquered by

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1 the Anti-Balaka had a chief, so it was the chief of the Anti-Balaka elements who were
2 referred to as the ComZones. For example, if you arrived Boeing, you could find
3 five bases and each base could have a chief known as a ComZone. And then there is
4 a coordinator. For example, for Boeing there was Yakouzou and Ngoyace. That is
5 how it was.

6 Q. [10:37:12] And you agree that certain ComZones who were ComZone, they were
7 based in Bangui, those ComZone positions could only have been created when they
8 were actually in Bangui? You agree with that? That's -- that's logical.

9 A. [10:37:55] Yes. Some ComZones acquired the title of ComZone once they had
10 arrived Bangui.

11 Q. [10:38:23] Thank you, Mr Witness.

12 Now, you -- you spoke about Boeing in your witness statement. And I have a few
13 questions about Anti-Balaka bases in -- in Boeing. So I'm going to give you some
14 examples and I'm going to ask you to confirm whether indeed certain people or bases
15 were in -- were in Boeing. Is that -- you can just give a "yes" and "no" answer, if
16 you'd like.

17 And I'll start with Hervé Bama, he had a base behind the airport in Boeing; is that
18 right?

19 A. [10:39:23] Yes, yes.

20 Q. [10:39:27] Thank you. And Richard PK35, PK35, he had a base near the *église*
21 *du christianisme céleste*, so Bozizé's church.

22 A. [10:39:50] (No interpretation)

23 PRESIDING JUDGE SCHMITT: [10:39:48] Which Richard are we speaking of?

24 MR SUZUKI: [10:40:02] His nickname, your Honour, is -- seems to be Richard PK35.

25 Hopefully that's (Overlapping speakers).

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1 PRESIDING JUDGE SCHMITT: [10:40:08] Thank you. Thank you. That should
2 be clarifying, yes.

3 MR SUZUKI: [10:40:20]

4 Q. [10:40:21] And Mbombole was a ComZone in the airport area; is that right?

5 A. [10:40:44] Yes, his base was located inside the refugee camp. He was a soldier.

6 Q. [10:40:57] Thank you, Mr Witness.

7 And in your witness statement you referred to a FACA warrant officer who was also
8 a ComZone in Boeing. And he was the former aide-de-camp of Job Izima, who was
9 the secretary-general of the presidency under François Bozizé.

10 And that's tab 14, paragraph 155, for the record.

11 And you said that you didn't know his real name but you knew him as Rambo. Can
12 you confirm that he had a base behind the airport?

13 A. [10:42:12] Yes. Yes, he was together with Wenezoui Sebastien in his base.

14 Q. [10:42:31] Thank you, Mr Witness.

15 And earlier in the week you -- you spoke about Anti-Balaka checkpoints on the river.

16 And you said that 12 Puissance was in charge of the area along the river. My
17 question is does that include the area of Sapeke?

18 A. [10:43:18] I know that his elements were by the riverside from the French
19 embassy to the Quango neighbourhood. Right up to the Quango sector. His
20 elements were there.

21 Q. [10:43:51] Thank you, Mr Witness.

22 Your Honour, I think we will need to move into private session for the next series of
23 questions.

24 PRESIDING JUDGE SCHMITT: [10:43:59] Private session.

25 (Private session at 10.44 a.m.)

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1 THE COURT OFFICER: [10:44:09] We are in private session, Mr President.

2 MR SUZUKI: [10:44:15] Thank you, Madam Court Officer.

3 If we could go to tab 18 of the Defence binder. That's CAR-D29-0016-0048. Thank
4 you.

5 Q. [10:45:02] Mr Witness, (Redacted) that -- is that right?

6 A. [10:45:14] Yes.

7 Q. [10:45:16] Thank you.

8 And if you could go to the next page, Madam Court Officer. And there's a graphic
9 photo on there, just so everyone's aware.

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Speaks English) Do you remember making this post denouncing Seleka atrocities?

14 Do you remember this?

15 A. [10:46:38] Yes. That is my proof of their crimes.

16 Q. [10:46:49] Thank you, Mr Witness.

17 Now, this is -- again, this is not a criticism, by any means, but it's fair to say that this is
18 a pro Anti-Balaka post -- it's -- you're posting in support of the Anti-Balaka on this
19 date for December 2013. Is that -- is that fair?

20 A. [10:47:34] I am simply denouncing the massacres of the Seleka to make it
21 possible for the population to be vigilant. That's all. You know, they did not
22 discriminate. They shot dead every male person, so it was a way of appealing to
23 everyone to be vigilant and to be also cautious.

24 Q. [10:48:11] Thank you, Mr Witness.

25 Now, last week you discussed the -- the attack on Ndjo, the village of Ndjo, and you

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1 said that it was coordinated by Maxime Mokom. Now, keeping in mind this -- this
2 pro Anti-Balaka post you've made here, and keeping in mind what you said, that
3 Mokom would sometimes give instructions to Anti-Balaka elements not to attack
4 unarmed civilians, is it fair to say that Mokom didn't specifically direct the attack on
5 the Peuhl that you talked about? Is that fair?

6 A. [10:49:41] What I can tell you, they were only attacking the Seleka. They did
7 not target often -- only the Peuhl or Bororo. The Peuhl were also Seleka. Even
8 the Peuhls were Seleka.
9 They were not only attacking the Bororos or the Peuhls, but all the Seleka were
10 Seleka.

11 PRESIDING JUDGE SCHMITT: [10:50:16] Open session, by the way?

12 MR SUZUKI: [10:50:22] Yes, your Honour. Actually, yes. Sorry. Thank you.

13 PRESIDING JUDGE SCHMITT: [10:50:26] Open session.

14 (Open session at 10.50 a.m.)

15 THE COURT OFFICER: [10:50:37] We are in open session, Mr President.

16 MR SUZUKI: [10:50:54] Thank you, Madam Court Officer.

17 Q. [10:50:57] And last week, Mr Witness, you said that at some point
18 the Anti-Balaka became unruly and uncontrollable because they received no financial
19 support and funding. I just want to ask, how long after your return to Bangui was
20 this? And you don't have to give the date, obviously, but two months, three months
21 after your return to Bangui that this started to occur?

22 A. [10:51:52] I have told you that the number of the Anti-Balaka was increasing
23 every day. Initially, when they arrived, they were disciplined because they received
24 food from the coordination. But at a certain point I no longer remember, the Seleka
25 and the Anti-Balaka had to fend for themselves to find food. If they were billeted,

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1 they could have been disarmed, but the Anti-Balaka elements, those Anti-Balaka
2 elements were not billeted, so they could organise looting, break-ins and take
3 telephone -- telephones belonging to other people and other person's property.

4 Q. [10:53:19] Thank you for that answer, Mr Witness. But just to be a little bit
5 more specific, this -- you say a certain point the Anti-Balaka had to fend for
6 themselves, you're saying. Now, this was after your return to Bangui? Or was it
7 after Madam Samba-Panza came to power? Do you have a rough idea of when this
8 started to become a phenomenon? Just a rough idea is fine.

9 A. [10:54:14] Yes, it was when Madam Samba-Panza took over power.

10 It was after Madam Samba-Panza took over power.

11 THE INTERPRETER: [10:54:32] Corrects the Sango booth.

12 MR SUZUKI:

13 Q. [10:54:39] Thank you, Mr Witness.

14 And -- and so last week when you said -- you spoke about this Anti-Balaka reflex
15 and -- and about the anti -- yes, sorry. I'll rephrase.

16 You spoke about this Anti-Balaka reflex last week. And I'm going to read out
17 your -- your evidence. You said, in French: (Interpretation) "When they met
18 a Muslim, even if it was a child, their reflex would be to kill that Muslim."

19 (Speaks English) And that's transcript 75, page 63, for the record.

20 So this reflex you're talking about, it's better understood as applying to this time
21 period after Madam Samba-Panza to power, when the Anti-Balaka started to become
22 unruly and uncontrollable, like you said. Is that -- is that fair?

23 A. [10:56:19] Yes. You know, when Madam Samba-Panza became president,
24 disorder continued right up to the time of the election of President Touadéra. That is
25 when the disorder started to diminish.

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1 Q. [10:56:48] Thank you, Mr Witness.

2 And you also mentioned this phenomenon of the -- the faux Anti-Balaka, the fake
3 Anti-Balaka in Bangui. You mentioned this earlier in the week. And I just wanted
4 you to confirm that this -- this phenomenon existed outside Bangui as well; is that
5 correct? In the provinces.

6 A. [10:57:32] Yes, I can confirm to you that these people were called fake
7 Anti-Balaka because they were not under the control of the coordination.
8 You see, the Anti-Balaka groups were formed or created in the various sectors to
9 protect their localities. Afterwards, those groups would make contact with
10 the coordination. So the fake Anti-Balakas were the groups that were not under
11 the control of the coordination.

12 But I would like to point out that Anti-Balaka is Anti-Balaka. It is a popular
13 movement.

14 PRESIDING JUDGE SCHMITT: [10:58:30] What about a coffee break?

15 MR SUZUKI: [10:58:34] Of course, your Honour. That's the end of this section, in
16 any event, so that's a perfect time.

17 PRESIDING JUDGE SCHMITT: [10:58:39] Okay. Then we have a break until 11.30.

18 THE COURT USHER: [10:58:41] All rise.

19 (Recess taken at 10.58 a.m.)

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

21 THE COURT USHER: [11:32:00] All rise.

22 Please be seated.

23 PRESIDING JUDGE SCHMITT: [11:32:23] We are in open session.

24 MR SUZUKI: [11:32:27] Yes, Mr President. But actually I'm going to, with your
25 leave, I'll cede the floor to Mr Hannis.

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1 PRESIDING JUDGE SCHMITT: [11:32:37] Yeah, okay.

2 Mr Witness, I would like to reassure you that the last -- what has been shown to you
3 in the last session was in private session, so the people did not see the Facebook
4 on -- publicly. You see, I want to reassure you that you don't have to be concerned.
5 I think -- I think that might be important for you, this information.

6 Mr Hannis has the floor.

7 MR HANNIS: [11:33:10] Thank you, Mr President, your Honours.

8 QUESTIONED BY MR HANNIS:

9 Q. [11:33:15] Mr Witness, my name is Thomas Hannis. I'm the last one that's
10 going to ask you some questions.

11 And, your Honours, I indicate I think I'm only going to take about 10 minutes.

12 PRESIDING JUDGE SCHMITT: [11:33:26] That is -- I did say to the witness
13 something reassuring and -- okay, that's also reassuring.

14 MR HANNIS: [11:33:34] Thank you. And I think I will need to go into private
15 session.

16 PRESIDING JUDGE SCHMITT: [11:33:39] Yeah. We go to private session.

17 MR HANNIS: [11:33:41] Thank you.

18 Q. [11:33:42] Mr Witness, I just want to ask you --

19 PRESIDING JUDGE SCHMITT: [11:33:44] We have to wait for private session.
20 Our court officer, court usher are very quick, but it's not in an instant.

21 (Private session at 11.34 a.m.)

22 THE COURT OFFICER: [11:34:00] We are in private session, your Honour.

23 MR HANNIS: [11:34:05] Thank you.

24 Q. [11:34:06] Mr Witness, I just want to ask you a few questions about

25 (Redacted)

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1 (Redacted)

2 (Redacted)

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5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 Q. [11:36:17] Okay. And what would your answer be?

16 A. [11:36:32] As I've already explained, I don't have any further details to provide
17 on this subject.

18 Q. [11:36:47] Because you don't know or don't remember, or because you feel that
19 you should not be revealing that kind of information?

20 (Redacted)

21 (Redacted)

22 Q. [11:37:31] Well, the reason I'm trying to get some clarification about this is,
23 50 years ago (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 PRESIDING JUDGE SCHMITT: [11:39:51] Mr Witness, you know, Defence counsel
10 is simply interested in what you've done in the past because this might have any
11 impact on what you testified here, so this is perfectly normal that Defence counsel
12 tries to shed some light on that. And the questions by Mr Hannis were very general
13 up until now, so you are not asked by him to provide specificities of your work there.

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 I don't see a problem for you to provide us at least with some information that has
19 been asked. So I think there is no -- actually, I don't see any bad intention here
20 by -- by -- by counsel. (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: [11:42:26] Thank you, Mr Witness.

5 Mr Hannis, so we have at least an answer. And, of course, the witness is right.

6 (Redacted)

7 MR HANNIS: Okay.

8 PRESIDING JUDGE SCHMITT: -- it's perhaps had a little bit our perception

9 from -- from our age that we think it is so young. So it might have something to do

10 with us too, Mr Hannis.

11 MR HANNIS: [11:42:51] Yes, your Honour. Some of us at the age of 30 were asked

12 to show ID because we didn't look like we were over 18. I understand.

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 Q. [11:44:42] Thank you. I understand. Now, after the Seleka arrived in Bangui

2 and you went to -- are we in closed session?

3 PRESIDING JUDGE SCHMITT: [11:44:57] Yes.

4 MR HANNIS: [11:44:58] Thank you. Thanks for the reminder.

5 PRESIDING JUDGE SCHMITT: [11:45:01] In private session.

6 MR HANNIS: [11:45:02] Private session, yes.

7 PRESIDING JUDGE SCHMITT: [11:45:04] So, you know, there is some mental

8 connection with Ms Struyven in that regard.

9 MR HANNIS: [11:45:13] I understand.

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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7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 PRESIDING JUDGE SCHMITT: [11:49:45] May I, perhaps.

14 MR HANNIS: [11:49:47] Yes, please.

15 PRESIDING JUDGE SCHMITT: [11:49:48] Mr Witness, counsel wants to know

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 PRESIDING JUDGE SCHMITT: [11:50:50] I think that was to be expected, some

25 knew, some not.

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- 1 MR HANNIS: [11:50:55] Thank you.
- 2 (Redacted)
- 3 (Redacted)
- 4 (Redacted)
- 5 (Redacted)
- 6 (Redacted)
- 7 (Redacted)
- 8 (Redacted)
- 9 (Redacted)
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13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 PRESIDING JUDGE SCHMITT: [11:57:27] Mr Witness, please, keep a little bit of

22 patience. We are shortly before the end of your questioning.

23 I think what -- what Mr Hannis is heading at is that, (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 (Redacted)

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4 (Redacted)

5 (Redacted)

6 (Redacted)

7 So this is simply -- it is a little bit abstract, we understand that, but as I said, please
8 keep a little bit of patience. We are shortly before the end of your testimony.

9 Thank you.

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 PRESIDING JUDGE SCHMITT: [12:00:14] I think you can move on, Mr Hannis.

25 MR HANNIS: [12:00:16] Thank you.

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7 (Redacted)

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9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 PRESIDING JUDGE SCHMITT: [12:02:23] Yeah, but the witness has answered. So
18 please move on.

19 MR HANNIS: [12:02:26] Thank you.

20 That's all I have, your Honour. I have no more questions.

21 PRESIDING JUDGE SCHMITT: [12:02:30] Good. Thank you very much.

22 I would be surprised -- but of course there are always surprises in the courtroom.

23 Ms Struyven.

24 MS STRUYVEN: [12:02:39] Mr President, I would just like to clarify one particular
25 issue. It will take two minutes, I think.

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- 1 PRESIDING JUDGE SCHMITT: [12:02:45] Okay. Let's listen.
- 2 But you know I have a -- you know, we are at the end of -- can we go to open session
- 3 by the way?
- 4 MS STRUYVEN: [12:02:57] No, unfortunately.
- 5 PRESIDING JUDGE SCHMITT: [12:02:57] So we are at the end of a --
- 6 MR HANNIS: [12:02:59] Does the witness need to listen to this? Does the witness
- 7 need to listen to this?
- 8 PRESIDING JUDGE SCHMITT: [12:03:07] I don't see a problem here. I think
- 9 I don't see problem here.
- 10 MS STRUYVEN: [12:03:11] It's a clarification with the witness.
- 11 PRESIDING JUDGE SCHMITT: [12:03:14] Yeah. I understand. So -- so
- 12 please -- yeah. Okay. I suppress my remark. So please continue.
- 13 QUESTIONED BY MS STRUYVEN:
- 14 Q. [12:03:20] Mr Witness, I just have one clarification I would like to ask you.
- 15 You -- you -- today you -- you talked about or you were asked about
- 16 a misunderstanding between Yekatom and Maxime Mokom in -- (Redacted)
- 17 And my question is a very specific one. We have telephone records that show that
- 18 there was quite a lot of contacts between Yekatom and Mokom in November of 2013
- 19 and early December 2013, so --
- 20 MS DIMITRI: [12:03:55] Mr President.
- 21 PRESIDING JUDGE SCHMITT: [12:03:56] Yeah, Ms Dimitri.
- 22 MS DIMITRI: [12:03:59] I -- I object to this line of question. I can answer if
- 23 the witness can remove his -- his headset. But I believe this was all over
- 24 the -- the DCC, the trial brief. It was in possession of the Prosecution.
- 25 PRESIDING JUDGE SCHMITT: [12:04:11] Yeah, I agree. I agree actually. I agree.

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- 1 MS DIMITRI: [12:04:14] Thank you.
- 2 PRESIDING JUDGE SCHMITT: [12:04:14] I agree with Ms Dimitri.
- 3 MS STRUYVEN: [12:04:21] (Microphone not activated)
- 4 PRESIDING JUDGE SCHMITT: [12:04:23] The objection is obviously that it is
- 5 beyond the scope of redirect, as you would word it.
- 6 MS STRUYVEN: [12:04:32] It was because there was some unclarity about that
- 7 misunderstanding.
- 8 PRESIDING JUDGE SCHMITT: [12:04:39] Then -- then let me, let me do it. Because
- 9 I -- actually I had also -- when this was addressed.
- 10 Mr Witness -- because I also asked myself, but not -- not with this, how you do it.
- 11 Actually, Mr Witness, did we understand you correctly that there was a, so to speak,
- 12 (Redacted)
- 13 (Redacted)
- 14 (Redacted)
- 15 (Redacted)
- 16 (Redacted)
- 17 (Redacted)
- 18 (Redacted)
- 19 (Redacted)
- 20 Regarding their telephone contacts and discussions, I do not know. And then
- 21 meeting regularly, no, I didn't see them. Yekatom was operating in the Lobaye
- 22 region. Ombella-M'Poko, Lobaye. That is from Bimbo right down to Lobaye. So
- 23 he could have had telephone contact with Maxime.
- 24 I do not know anything about their misunderstanding. Whether they got along with
- 25 each other, I do not know. In any case, Maxime never told me.

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1 PRESIDING JUDGE SCHMITT: [12:06:54] This is exactly in the last sense what I
2 wanted to -- to ask too. And I think it also covers what you wanted to do.

3 So we are now at the end of the examination of this witness. We go to open session.
4 (Open session at 12.07 p.m.)

5 THE COURT OFFICER: [12:07:16] We are in open session, Mr President.

6 PRESIDING JUDGE SCHMITT: [12:07:19] Yes. Thank you.

7 Mr Knoops is rising.

8 MR KNOOPS: [12:07:23] Mr President, before the Chamber ends the meeting, can I
9 just have one moment with my colleague? It's an issue which came up which might
10 have an impact on the witness. It just takes a few seconds to confer with Ms Dimitri.

11 PRESIDING JUDGE SCHMITT: [12:07:39] Yeah, of course. Of course. Of course.
12 Yes. Yes.

13 (Counsel confer)

14 PRESIDING JUDGE SCHMITT: [12:08:31] Mr Knoops.

15 MR KNOOPS: [12:08:35] Very sorry. Could we go briefly to private session before
16 you close the audience?

17 PRESIDING JUDGE SCHMITT: [12:08:42] Yes, of course. Of course.

18 We could have stayed then in private session, but it doesn't matter. We go to private
19 session then.

20 (Private session at 12.08 p.m.)

21 THE COURT OFFICER: [12:08:57] We are in private session, Mr President.

22 MR KNOOPS: [12:09:00] Thank you very much.

23 After consultation with Ms Dimitri from the Yekatom team, because it was part of
24 their examination, I would ask the Chamber, because they were not copied, we just
25 received an email from the Prosecution that (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 Now, this might have a bearing on the evaluation by the Chamber of the veracity of
5 the answer of the witness. And because the Chamber is not copied and this might be
6 part of the discussions either at the bar table or elsewhere --

7 PRESIDING JUDGE SCHMITT: [12:10:06] Of course, if this is the case, then we want
8 to see that, as a Chamber. So -- so I'm --

9 MR KNOOPS: [12:10:11] And I think out of fairness, the witness should perhaps
10 respond, if the Chamber thinks it's relevant, to the question why he connects this
11 photo to the Seleka.

12 PRESIDING JUDGE SCHMITT: [12:10:22] First of all, it would be, of course, up to
13 the -- to the Prosecution to explain what we are talking about. If it was an email sent
14 by the Prosecution, so we should ask the author first.

15 Mr Vanderpuye.

16 MR VANDERPUYE: [12:10:36] Thank you, Mr President.

17 Good afternoon, your Honours. Good afternoon, everyone.

18 The email that -- that Mr Knoops is discussing relates --

19 I don't know if the witness should hear this, by the way. Perhaps not.

20 PRESIDING JUDGE SCHMITT: [12:10:50] Perhaps, Mr Witness -- Mr Witness, you
21 see, we are really shortly before the end. May I ask you kindly to, for a couple of
22 seconds, take off your earphones. Thank you.

23 Please, Mr Vanderpuye.

24 MR VANDERPUYE: [12:11:02] Sorry, Mr President. (Redacted)

25 that the Yekatom Defence introduced on to their list of exhibits in respect of the

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1 cross-examination of this witness. So the Yekatom Defence, as opposed to
2 the Ngaïssona Defence, introduced it. (Redacted)
3 to depict a Seleka atrocity committed against, I would assume, Christians or -- or
4 Anti-Balaka in the context of our case. 2013 I think is the date, 4 December is what
5 (Redacted)
6 And we uncovered, you know, on a regular, I would say Google search, frankly,
7 evidence that that photograph was attached to an article that was dated from 2011, I
8 think April 2011, which would suggest obviously that it does not depict Seleka crimes
9 since the Seleka wasn't actually in existence in April 2011. And we disclosed that to
10 the Defence, as we found it.
11 But as I indicated before, it is a document that is readily available on Google. So
12 I don't think it was beyond either the ken of the Yekatom Defence or the Ngaïssona
13 Defence upon the presentation of that evidence for the examination in the Yekatom
14 case --
15 PRESIDING JUDGE SCHMITT: [12:12:32] Yes, I understand.
16 MR VANDERPUYE: [12:12:35] -- to have -- to have considered it in terms of the
17 nature of the examination of this witness.
18 So I don't see that it necessarily raises an issue that the Defence wouldn't otherwise be
19 aware of had they simply gone on Google and checked the information before adding
20 it to their list.
21 PRESIDING JUDGE SCHMITT: [12:12:50] Mr Knoops, you don't need --
22 MR KNOOPS: [12:12:51] That's not the point, Mr President.
23 PRESIDING JUDGE SCHMITT: No.
24 MR VANDERPUYE: [12:12:54] So I don't think it -- I don't think it -- I don't think it
25 arises from the course of the examination.

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1 PRESIDING JUDGE SCHMITT: [12:13:01] Yeah. This is -- No.

2 I actually have to say this is a too formal perspective. So we have still the witness
3 here in the courtroom. This appeared, and we will ask him -- I will ask him about
4 that. Simply we do it this way.

5 So, Mr Witness --

6 And it's difficult to reach him now. Perhaps can you tell him that he can take on
7 his ...

8 So, Mr Witness, thank you very much again for taking off the earphones. There is
9 the following issue.

10 The Prosecution has told us that they have discovered that with regard (Redacted)

11 (Redacted)

12 (Redacted)

13 You recall that? That has been shown to you.

14 THE WITNESS: [12:14:11](Interpretation) Yes. The photo, I think we found it also
15 on the internet. So I simply took the photo and attached comments because they had
16 perpetrated violence and massacred Christians.

17 PRESIDING JUDGE SCHMITT: [12:14:33] So this is I think already an answer, but
18 perhaps a little bit more specific.

19 This is exactly what the Prosecution told us now, that -- that it can be found on
20 the internet. And the Prosecution also told us that this is about events from 2011.

21 So not -- not from 2013.

22 Do you have an idea if this is correct or -- because you took it from the internet, have
23 you verified it, if it is from 2013 or 2011?

24 THE WITNESS: [12:15:26](Interpretation) Well, during the Seleka massacres, many
25 people published that photo. I simply copied it and reposted it with a comment.

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1 PRESIDING JUDGE SCHMITT: [12:15:40] Thank you very much.

2 And I think also for the -- for the record here, the ERN number of this post was

3 CAR-D29-0016-0048.

4 And I think there's nothing more to say here, or is?

5 MR VANDERPUYE: [12:15:58] Yes. There isn't.

6 I just want to put on the record the ERN number of the document that you were

7 talking about, which is the photograph that we uncovered. I don't have to do it now,

8 but I want to put it on the record.

9 PRESIDING JUDGE SCHMITT: [12:16:10] No, no. Of course, please do that then.

10 MR VANDERPUYE: [12:16:12] All right. Thank you, Mr President. It is - just one

11 second, sorry - ERN CAR-OTP-2135-0891.

12 PRESIDING JUDGE SCHMITT: [12:16:23] Thank you very much.

13 And also remark with regard to -- to what happened at all here. I don't think that it

14 is the obligation of a party, be it Prosecution or Defence, to check everything via

15 internet, where it might come from. So I think this -- this would overburden

16 what -- what parties have to do.

17 This would apply also for you, Mr Vanderpuye, Ms Struyven. But in that case, I

18 think, because of that, we have decided that we simply address it with the witness

19 and we have an answer here.

20 We go back to open session now.

21 (Open session at 12.17 p.m.)

22 THE COURT OFFICER: [12:17:12] We are in open session, Mr President.

23 PRESIDING JUDGE SCHMITT: [12:17:14] Thank you.

24 Mr Witness, we are at the end of your testimony. On behalf of the Chamber, I would

25 like to thank you that you came to this Court to testify, that you took it upon you to

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- 1 answer questions for many days to help this Court to establish the truth.
- 2 The Chamber wishes you a safe trip back home.
- 3 Thank you very much.
- 4 THE WITNESS: [12:18:02](Interpretation) Thank you.
- 5 (The witness is excused)
- 6 PRESIDING JUDGE SCHMITT: [12:18:03] This concludes the hearing also for today
- 7 and also for -- for this evidence block, so to speak. We continue on Monday, 27th?
- 8 Okay, it's a Monday, yeah, I think. If the 27th is a Sunday, nobody will appear here.
- 9 So on some Monday in November we reconvene and with the witness whatever. I
- 10 have not the information, but we will see. Yeah, but we will see then.
- 11 Thank you very much to everyone.
- 12 THE COURT USHER: [12:18:36] All rise.
- 13 (The hearing ends in open session at 12.18 p.m.)