

Trial Hearing
WITNESS: CAR-OTP-P-1339

(Open Session)

ICC-01/14-01/18

1 International Criminal Court
2 Trial Chamber V
3 Situation: Central African Republic II
4 In the case of The Prosecutor v. Alfred Rombhot Yekatom and Patrice-Edouard
5 Ngaïssona - ICC-01/14-01/18
6 Presiding Judge Bertram Schmitt, Judge Péter Kovács and Judge Chang-ho Chung
7 Trial Hearing - Courtroom 1
8 Thursday, 1 September 2022
9 (The hearing starts in open session at 1.05 p.m.)
10 THE COURT USHER: [13:05:03] All rise.
11 The International Criminal Court is now in session.
12 Please be seated.
13 PRESIDING JUDGE SCHMITT: [13:05:27] Good afternoon.
14 Court officer, please call the case.
15 THE COURT OFFICER: [13:05:32] Good afternoon, Mr President, your Honours.
16 This is the Situation in the Central African Republic II, in the case of The Prosecutor
17 versus Alfred Rombhot Yekatom and Patrice-Edouard Ngaïssona, case reference
18 ICC-01/14-01/18.
19 For the record, we are in open session.
20 PRESIDING JUDGE SCHMITT: [13:05:53] Thank you very much.
21 I ask for the appearances of the parties. We start as always with the Prosecution.
22 MR VANDERPUYE: [13:05:59] Thank you, Mr President. Good afternoon to you,
23 your Honours. Good afternoon to everyone. Good afternoon, Mr Witness. The
24 Prosecution is represented today by Maria Berdennikova, Yassin Mostfa and myself,
25 Kweku Vanderpuye. Good morning -- good afternoon.

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1 PRESIDING JUDGE SCHMITT: [13:06:14] Thank you.

2 And now we turn to the representatives of the victims.

3 MR DANGABO MOUSSA: [13:06:17](Interpretation) Good afternoon, your Honour.

4 Good afternoon, everyone. The victims are represented here by Mr Orchlon

5 Narantsetseg and Ms Asso Mouhia and myself, Mr Dangabo Moussa. Thank you.

6 PRESIDING JUDGE SCHMITT: [13:06:35] *Merci*.

7 And now we turn to the Defence.

8 And, first of all, I would like to thank especially everyone on the Defence side for the

9 flexibility with the seating positions. I understand that Mr Knoops, as the person

10 who has a very elevated view, has taken a position that is perhaps a little bit unusual

11 for him, but nevertheless this -- I think this will work out.

12 Ms Dimitri first, please.

13 MS DIMITRI: [13:06:59] 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 Mr Florent Pages-Granier, Ms Yousra Lamqaddam,

16 Mr Jean-Michel Kola, Ms Anta Guissé, Ms Lena Casiez and Mr Gyo Suzuki and

17 myself, of course, Mylène Dimitri.

18 PRESIDING JUDGE SCHMITT: [13:07:21] Thank you.

19 Now, Mr Knoops, it's your turn.

20 MR KNOOPS: [13:07:24] Good afternoon, Mr President, your Honours. Good

21 afternoon, everyone in the courtroom. The Defence team of Mr Ngaïssona is today

22 appearing before the Chamber with, on my right side, Ms Marie-Hélène Proulx; on

23 my left side, Ms Barbara Szmatala; and on the very left side, Mrs Simon Decot, one of

24 our new interns; and Ms Sara Pedroso. Thank you.

25 PRESIDING JUDGE SCHMITT: [13:07:47] Thank you very much.

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1 And I think we have forgotten Mr Suprun, haven't we?

2 MR SUPRUN: [13:07:51] Good afternoon, Mr President. Just to mark the
3 appearance for the record, the former child soldiers are represented today by
4 Fiona Lau, associate legal officer, and myself, Dmytro Suprun, counsel at the Office of
5 Public Counsel for Victims. Thank you.

6 PRESIDING JUDGE SCHMITT: [13:08:03] Thank you. You know, the reason is that
7 the seating order has a little bit changed, so I apologise for that.

8 We will now start with the testimony of the Prosecution Witness P-1 -- no, we will not
9 start, but immediately afterwards.

10 Ms Dimitri.

11 MS DIMITRI: [13:08:21] Mr President, may I just use this excuse that the seating
12 arrangements changed. So my apologies, I forgot to introduce our intern,
13 Ms Alexandra Baer.

14 PRESIDING JUDGE SCHMITT: [13:08:29] Okay. Thank you very much. But it's
15 worth the time, indeed, that you have every -- so that we have everyone on the
16 record.

17 Now we start with the Prosecution Witness P-1339.

18 Mr Witness, good afternoon. On behalf of the Chamber, I would like to welcome
19 you to the courtroom. You are called to testify to assist this Chamber in the case of
20 Mr Yekatom and Mr Ngaïssona.

21 I take it, Mr Witness, that you understand and hear me well. Is this correct?

22 WITNESS: CAR-OTP-P-1339

23 (The witness speaks Sango)

24 THE WITNESS: [13:09:07](Interpretation) I can hear you just fine, a hundred
25 per cent. I repeat, I can hear you just fine, five out of five.

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1 PRESIDING JUDGE SCHMITT: [13:09:22] Well, that's reassuring. Thank you very
2 much.

3 I also note the presence of Mr Jad Khalil, who has been appointed as legal adviser to
4 you, Mr Witness, according to Rule 74 of the Rules of Procedure and Evidence.

5 Good afternoon.

6 And, Mr Witness, whenever you think there is a need to confer with your legal
7 adviser, just let us know. We all know here in the courtroom, and especially also
8 your legal adviser knows that, that there might be questions put to you that might
9 tend to incriminate you. In these cases, you can of course consult with your legal
10 adviser for that purpose, and the Chamber will then decide what to do if -- we then
11 give on a case-by-case basis the assurance according to Rule 74.

12 Have you understood that, Mr Witness, that you can consult with your counsel if
13 there is -- if need be?

14 THE WITNESS: [13:10:30](Interpretation) Yes, I've understood you just fine.

15 PRESIDING JUDGE SCHMITT: [13:10:35] And, Mr Witness, the Chamber has put
16 protective measures in place to ensure that your identity is not revealed to the public,
17 and these measures were granted in the Chamber's decision of 9 March 2021. These
18 are three measures: First of all, face distortion, that means the public cannot see your
19 face during the testimony; voice distortion, this means that your voice is being
20 disguised so that the public cannot recognise it; and we are using a pseudonym, this
21 means that we will refer to you only as "Mr Witness". This is the reason why I am
22 not addressing you by your real name.

23 Mr Witness, there should be a card on the desk in front of you with a solemn
24 undertaking to tell the truth. Would you please be so kind to read out loud the
25 content of this card.

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1 THE WITNESS: [13:11:46](Interpretation) I solemnly declare that I shall tell the truth,
2 the whole truth and nothing but the truth.

3 PRESIDING JUDGE SCHMITT: [13:12:06] Thank you, Mr Witness. You are now
4 under oath. From this side of the Bench and as the Presiding Judge, I would like
5 underline the importance of you as a witness to tell us the truth because this is
6 important for us to establish the truth, that you tell us everything you know truthfully
7 and you don't leave anything out.

8 Mr Witness, if there is -- if you see any reason -- if you want, for example, a break and
9 you want to address the Chamber, please raise your hand, and then I will give you
10 the floor and ask you. So if you need a break, you can address that.

11 Mr Vanderpuye, since you anyway will address the question of speaking slowly and
12 so, so I don't have to -- so we don't have to say it twice, I give you the floor
13 immediately.

14 MR KNOOPS: [13:12:57] Mr President, I'm sorry.

15 PRESIDING JUDGE SCHMITT: [13:12:59] Mr Knoops, yes.

16 MR KNOOPS: [13:13:00] There is -- there is one problem. Mr Ngaïssona has only
17 one monitor in operation which shows the witness with blurred face. So he has no
18 visual contact whatsoever with the witness.

19 PRESIDING JUDGE SCHMITT: [13:13:18] So this can be fixed immediately, I've
20 been told, so -- but thank you for addressing it.

21 MR KNOOPS: [13:13:21] Thank you very much.

22 PRESIDING JUDGE SCHMITT: [13:13:21] This is of course not okay.

23 Okay. Mr Vanderpuye, you have the floor.

24 And if -- if it is not solved, the problem, please let us know. Then we will have to
25 look for other means.

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1 MR VANDERPUYE: [13:13:39] Thank you, Mr President. And good afternoon
2 once again.

3 QUESTIONED BY MR VANDERPUYE:

4 Q. [13:13:47] Good afternoon to you, Mr Witness. I'm just going to follow up a
5 little bit on what Mr President has told you. And that is, first of all, to speak slowly
6 so that the interpreters can catch everything that you say. And I will try to do the
7 same, although I slip up every once in a while.

8 As Mr President also said, you are testifying with protective measures and so that
9 means that your identity is not known to the public, and we'll try to keep it that way
10 even when we take part of your testimony in public. So I won't refer to by your
11 name, and I will try to refrain from asking questions which may call for information
12 that could tend to identify you.

13 You with me so far?

14 A. [13:15:01] Yes, I understand you very well.

15 Q. [13:15:08] Now, your testimony is also very important and so, to some extent, I
16 will try to conduct as much as possible of your evidence in public session. But like I
17 said, I'll be careful not to identify you. I also want to reassure you that even though
18 you may testify in public session in part, should there be any mistake and information
19 that comes into the record that could tend to identify you, there are mechanisms that
20 are available in the court to prevent that from being disseminated.

21 Now, if there's anything that I ask you that's not clear, or you want me to repeat it,
22 you didn't hear it, just let me know and I will do my best to rephrase it or to put it to
23 you in a way that we can better understand one another. That way the record is
24 clear and your evidence is also very clear and understandable to everyone here.

25 You are assisted by a lawyer today and, obviously, if there's anything that comes up

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1 that you need to discuss with him, also just let us know, and the Presiding Judge and
2 the Chamber will determine what to do in that circumstance.

3 I think that's about it in terms of introductory remarks.

4 And now I just want to go into private session, if I may, Mr President, so I can get
5 some biographical information.

6 PRESIDING JUDGE SCHMITT: [13:16:51] Private session.

7 (Private session at 1.16 p.m.)

8 THE COURT OFFICER: [13:16:56] We are in private session, Mr President.

9 MR VANDERPUYE: [13:17:08] Thank you.

10 Q. [13:17:09] Mr Witness, we're now in private session, which means that there's no
11 public transmission of what you will say. So I'm going to ask you, at least just to
12 start, by stating your full name for the record.

13 A. [13:17:39] Thank you. My name is (Redacted)

14 (Redacted)

15 Q. [13:18:04] Do you go also (Redacted)?

16 A. [13:18:17] Yes, that's (Redacted)

17 (Redacted)

18 PRESIDING JUDGE SCHMITT: (Redacted)

19 MR VANDERPUYE: [13:18:39] Indeed.

20 Q. [13:18:40] And where were you raised?

21 A. (Redacted)

22 Q. (Redacted)

23 A. (Redacted)

24 (Redacted)

25 Q. [13:19:38] (Redacted)

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1 A. [13:19:54] Yes.

2 THE INTERPRETER: [13:19:56] Says the witness in French.

3 MR VANDERPUYE: [13:19:59]

4 Q. [13:20:01] Can you tell the Chamber what is your ethnicity and what is your
5 religion.

6 A. [13:20:26] (Redacted)

7 (Redacted)

8 Q. [13:20:46] I'd like to just ask you a few questions about your contacts with
9 individuals since the time of your interview in 2016. Have you been in contact with
10 anyone with respect to your cooperation in this case and the prospect of your
11 testimony?

12 A. [13:21:26] I have not been in touch with anyone, other than those people with
13 whom we had the interview.

14 Q. [13:21:43] Okay. Very good.

15 I just want to ask you some brief questions about some of your activities and
16 associations, and then I'll ask you more direct questions about going to the substance
17 of your testimony.

18 But first I just want to confirm that you were a member of the Anti-Balaka since 2013;
19 is that right?

20 A. [13:22:21] Yes, that is correct.

21 Q. [13:22:23] And is it right that (Redacted)

22 (Redacted)

23 A. [13:22:46] That is correct.

24 Q. [13:22:49] I understand that (Redacted)

25 (Redacted)

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1 A. [13:23:11] That's right.

2 Q. [13:23:15] When did you do that work?

3 A. [13:23:30] At the end of 2014.

4 Q. [13:23:35] Do you still do that work or are you doing something different now?

5 A. [13:23:53] (Redacted)

6 (Redacted)

7 Q. [13:24:11] All right. I'd like to ask you some questions about your statement,
8 that is (Redacted)

9 (Redacted) I think that we can do that in open session.

10 Mr President, I'm guided by you, but I think we can give it try.

11 PRESIDING JUDGE SCHMITT: [13:24:30] I think absolutely, yes, we can give it a try.

12 There's no need to mention any names or identifying issues.

13 MR VANDERPUYE: [13:24:38] That's right.

14 PRESIDING JUDGE SCHMITT: [13:24:42] Then we go to open session.

15 (Open session at 1.24 p.m.)

16 THE COURT OFFICER: [13:24:46] We're back in open session, Mr President.

17 MR VANDERPUYE: [13:24:54] Thank you.

18 Q. [13:24:54] Mr Witness, we're in open session. I'm going to ask you some
19 questions about your interview and I'll stay away from anything that might tend to
20 identify you. So I just want to remind you so that you do the same.

21 Now, do you recall meeting with investigators from the Office of the Prosecutor in
22 late 2016?

23 A. [13:25:32] (Redacted)

24 Q. [13:25:39] And you met them with -- their purpose was to interview you about
25 the conflict in the Central African Republic and the events that had taken place in

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1 2013 onwards; is that right?

2 A. [13:26:02] That is correct.

3 Q. [13:26:04] And per your understanding, they were interested to know about
4 your association with the Anti-Balaka and the activities of the group; is that right?

5 A. [13:26:28] That's right.

6 Q. [13:26:32] At the time that you met with the Prosecution investigators in 2016,
7 were you informed that it was important for you to be forthcoming and to tell the
8 truth about what you knew?

9 A. [13:27:02] That's what they told me. I told them what I went through.

10 Q. [13:27:09] Did they also tell you how important it was to answer the questions
11 that they had for you as completely and accurately as you could recall or were able at
12 the time? Was that your understanding?

13 A. [13:27:36] Yes, they asked the question, I understood them and I told them what
14 I had experienced. And the interpreter was beside me to tell them what I was
15 saying.

16 Q. [13:27:57] So do I understand that you answered the questions that were put to
17 you as completely and accurately as you could at that time? Is that right?

18 A. [13:28:22] Yes, that's what happened. And that's what I told them.

19 Q. [13:28:30] Okay, very good.

20 During the time that you met with the investigators from the Office of the Prosecutor,
21 did you have the assistance of a lawyer?

22 A. [13:28:47] Yes, it was a lady, but I can't give you the name here.

23 PRESIDING JUDGE SCHMITT: [13:29:02] May I shortly.

24 Mr Witness, I've been told that for the best possible sound quality, it would be good if
25 you moved a little bit closer to the microphone. You will still not be seen. Yes?

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1 Try to move a little bit closer to the microphone. Thank you very much.

2 Mr Vanderpuye.

3 MR VANDERPUYE: [13:29:21] Thank you, Mr President.

4 Q. [13:29:25] That's okay. We have for the record who the lawyer was. But was
5 she present with you throughout your interaction with the investigators, throughout
6 your interview?

7 A. [13:29:54] Yes.

8 Q. [13:29:58] At the end of the interview you were presented with a statement
9 which you signed; is that right?

10 A. [13:30:24] Yes. They asked me to sign various documents, and all the
11 signatures that you see are mine.

12 Q. [13:30:36] And did you have an opportunity to go over the statement, read it or
13 have it read to you, together with your lawyer?

14 A. [13:30:53] Yes, I reread it. Some parts that I did not understand well, I asked
15 her to explain to me. That enabled me to understand better.

16 Q. [13:31:15] Now, I understand that you've had an opportunity to look at that
17 statement again and you made certain corrections or additions to it, which were
18 provided to the parties and to the Court.

19 Just for the record, we have them, so you know. One is CAR-OTP-000000015
20 and -- I'm sorry, 15-000001. And the other is CAR-OTP-000000014-000001. There
21 are lots of zeros in there. I think I must have left one or two of them off, but they
22 changed the system and this is what we have.

23 PRESIDING JUDGE SCHMITT: [13:32:32] But since it's not a Rule 68(3) witness, it's
24 not of such an importance.

25 MR VANDERPUYE: [13:32:34] Exactly.

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1 PRESIDING JUDGE SCHMITT: [13:32:35] We have a live witness here, so

2 (Overlapping speakers)

3 MR VANDERPUYE: [13:32:40] Exactly. And also, I'm sorry, before I move just

4 ahead, the statement at issue that -- the interview statement which is signed is as tab 7,

5 CAR-OTP-2041-0741. And the translation is CAR-OTP- -- I'm sorry. Tab 42,

6 CAR-OTP-2102-0105, just for the record.

7 Q. [13:33:06] Mr Witness, I should -- I should tell you something, and that is that

8 your interview statement is not the evidence in this case. Your testimony is. So

9 what you say today and in the next few days is what the evidence is in this case.

10 And I tell you this because I may ask you questions which were already asked of you

11 during your interview and which you've already answered in the statement that you

12 signed, but because the statement is not evidence, I will ask you very similar

13 questions. And so it's not to annoy you, and it's not because we don't understand

14 what you said, but it's so that the evidence in this case is clear. Okay?

15 A. [13:34:05] (No interpretation)

16 PRESIDING JUDGE SCHMITT: [13:34:15] I have the impression that the witness is

17 fine with it --

18 MR VANDERPUYE: [13:34:18] I think he said "okay".

19 PRESIDING JUDGE SCHMITT: [13:34:20] -- but -- well, a confirmation would be

20 nice.

21 MR VANDERPUYE: [13:34:26]

22 Q. [13:34:27] We didn't hear your answer. Did you say yes? Okay?

23 A. [13:34:40] *Oui*.

24 PRESIDING JUDGE SCHMITT: [13:34:41] Still, do we have interpretation at the

25 moment? Of course, "*oui*" we understand so we -- I think we can move on. But for

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1 the next -- I think for the next questions and answers we would need interpretation.

2 Simply move on, and we -- I think it will work out.

3 MR VANDERPUYE: [13:34:57] Sure, Mr President.

4 Q. [13:34:59] All right. Just a couple of more questions regarding that is -- and
5 first is, did anybody make any promises or assurances to you with respect to the
6 interview that was conducted back in 2016 in order to get you to say one thing or
7 another thing?

8 A. [13:35:37] Not at all. That is not what they told me.

9 Q. [13:35:42] All right. Did anyone force you or threaten you to participate in that
10 interview or to participate and testify in this case?

11 A. [13:36:02] No one spoke to me. From the beginning I took an oath and said that
12 the Central Africans had suffered a lot and we were there to defend the
13 Central African people. Then I saw that there were things that were not working
14 well. That is why I committed to come and give my version of the facts. To be able
15 to defend the victims. Thank you.

16 Q. [13:36:40] Thank you, sir. I have one last question with respect to your
17 statement and that is, having read it recently, made corrections as I've alluded to
18 before, and added certain things to it, are you satisfied that your statement and the
19 corrections that you made fairly and accurately reflect your version of the facts and
20 what you intended to say during the interview to the investigators?

21 PRESIDING JUDGE SCHMITT: [13:37:20] Counsel, you may speak, Mr Khalil.

22 MR KHALIL: [13:37:26] (Interpretation) Yes, Mr President. Mr Judge, with regard
23 to the statement of the witness, I believe that there is a comment to be made and it's
24 very important before he confirm his testimony. And that is when -- and we could
25 ask him the question and he could tell the Chamber, to the honourable Judge, is that

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1 {PFR: (Redacted)}

2 (Redacted)

3 (Redacted)} That's a very important comment.

4 PRESIDING JUDGE SCHMITT: [13:38:21] Yes, let me put it this way: When we
5 refer now generally to the statement, I think it's better to go to private session because
6 there might be -- I don't know what will be then on the record as statement and -- so
7 first of all, so we go to private session first.

8 (Private session at 1.38 p.m.)

9 THE COURT OFFICER: [13:38:52] We are in private session, Mr President.

10 PRESIDING JUDGE SCHMITT: [13:38:54] Mr Khalil, we have understood your
11 point, and I think it's up to -- and I agree with you that this has to be elaborated and
12 has to be found out during the interview. But it's up to the Prosecutor who is calling
13 the witness to work that out, I think. Or do you have anything to add at the
14 moment?

15 MR KHALIL: [13:39:16] (Interpretation) Yes, excuse me for interrupting you and for
16 interrupting the Office of the Prosecutor, but in the statements -- in the witness's
17 statement that are 124 paragraphs. And we ask, I am asking as the legal counsel,
18 (Redacted)

19 (Redacted)

20 (Redacted)

21 PRESIDING JUDGE SCHMITT: [13:39:53] I think you have recognised that for this
22 reason, because I'm also aware of it, I have not counted it as good as you have done it,
23 obviously, but this is the reason why we have been going now to private session.
24 You understand that.

25 Mr Vanderpuye, also the potential implications, you are also aware of them. So, yes,

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1 I think we can continue from there. And when we come specifically to paragraphs,
2 as I have said initially, that might go into issues that might tend to incriminate the
3 witness, we are on that page, and the judges will then deliberate shortly, I think we
4 can do that on the bench in the room like always, if we give the assurances so -- so
5 there will -- no harm will be done. Yes?

6 MR VANDERPUYE: [13:40:43] Thank you very much, Mr President. And thank
7 you, Mr Khalil, for the intervention.

8 Yes, obviously if there's any substance to the question regarding the statement, I
9 will -- I will be very mindful of that. I haven't -- I haven't reached the substance of it
10 yet, but just in terms of (Overlapping speakers)

11 PRESIDING JUDGE SCHMITT: [13:41:00] Of course not, but I think -- I think
12 it's -- it's good that counsel is aware of it and makes us aware of it. That's --

13 MR VANDERPUYE: [13:41:08] Yes. And we can stay in private session because
14 I think my next topic will be in private session, or close to it.

15 PRESIDING JUDGE SCHMITT: [13:41:18] Yes, please continue.

16 MR VANDERPUYE: [13:41:19]

17 Q. [13:41:19] So my next question to you is, having read your statement and made
18 corrections to it and reviewed it, do you stand by what you said in your interview
19 and in the corrections that you made?

20 A. [13:41:45] Yes, it's true and it corresponds to what I wanted to say.

21 PRESIDING JUDGE SCHMITT: [13:41:53] And before you continue,
22 Mr Vanderpuye, you can keep in mind what Counsel Khalil already indicated, the
23 question what (Redacted). You can elaborate on that, so
24 you -- I think you have this on the radar, so to speak, on your monitor.

25 MR VANDERPUYE: [13:42:10] Yes, indeed. Indeed, Mr President. I'm hoping to

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1 be able to conduct the examination without too much from the statement, but if I need
2 to refer to it, I'll keep that in mind. Thank you.

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 Q. [13:44:13] Can you tell the Chamber if you specifically had been targeted by the
13 Seleka.

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 A. [13:46:33] I do not remember the exact date.

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1 PRESIDING JUDGE SCHMITT: [13:46:45] Well, I think it's not a problem if we now
2 refer to the statement insofar -- and I think he has mentioned a specific date there,
3 when he says he does not recall.

4 Could it have been (Redacted)?

5 THE WITNESS: [13:47:10](Interpretation) I no longer remember -- yes, I think that's
6 it. I think that is the date.

7 PRESIDING JUDGE SCHMITT: [13:47:18] Okay. I think when we have -- we are
8 all aware we have not a Rule 68(3) witness. That does not mean that if we recognise
9 that the witness does not recall certain instances that we can -- we don't have to talk
10 around for half an hour on that. We can really say this was for -- for everyone, 29,
11 paragraph 29 of the witness statement, CAR-OTP-2102-0111.

12 MR VANDERPUYE: [13:47:44] Yes, I think that's the English version, tab 4, I
13 suppose. Don't remember the tab number but --

14 PRESIDING JUDGE SCHMITT: [13:47:50] Well, that's in the --

15 MR VANDERPUYE: Tab 7.

16 PRESIDING JUDGE SCHMITT: [13:47:49] -- that's the French version that I have
17 cited.

18 MR VANDERPUYE: [13:47:55] Okay. Tab 7 or tab 42, I think it is. Either way,
19 paragraph 29.

20 PRESIDING JUDGE SCHMITT: [13:47:59] And I assume, I think perhaps the witness
21 has -- at the time has spoken French with the investigators. I'm not so sure now.
22 But that was the French version nevertheless.

23 MR VANDERPUYE: [13:48:10]

24 Q. [13:48:12] Now, had you heard anything about (Redacted)
25 before you travelled there?

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 Q. [13:49:50] Now, in that same paragraph as Mr President referred to, (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted) Can you tell the Chamber who you came across during the period of

13 time that you were there?

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 THE INTERPRETER: [13:51:07] The interpreter did not grasp the name of the

18 corporal in question.

19 MR VANDERPUYE: [13:51:12]

20 Q. [13:51:13] Could you please repeat the name of the corporal?

21 (Redacted)

22 Q. [13:51:33] (Redacted), okay. (Redacted)

23 (Redacted)

24 (Redacted)

25 A. [13:52:01] No, he did not say anything to me. We only talked about things

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1 happening around. (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 Q. [13:52:46] Who were the other people that you met?

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 Q. [13:54:26] I'm sorry I stopped you right there. It's that -- maybe it's me, but I

15 didn't hear who you are talking about. (Redacted)

16 (Redacted)

17 (Redacted)

18 Q. [13:54:59] Okay.

19 PRESIDING JUDGE SCHMITT: [13:55:00] May I shortly.

20 MR VANDERPUYE: [13:55:01] Yes, Mr President.

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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- 1 PRESIDING JUDGE SCHMITT: [13:55:49] Mr Witness, in paragraph 30, I have
2 here -- please allow me to stay with the French translation, paragraph 30, that is 0112
3 at the end, it is written down as your testimony at the time:
4 (Redacted)
5 (Redacted)
6 (Speaks English) Does this jog your memory?
7 (Redacted)
8 (Redacted)
9 (Redacted)
10 (Redacted)
11 PRESIDING JUDGE SCHMITT: [13:57:00] Thank you.
12 Mr Vanderpuye.
13 MR VANDERPUYE: [13:57:03] Thank you, Mr President.
14 Q. [13:57:06] Thank you for the clarification.
15 All right. (Redacted)
16 A. [13:57:24] Yes, that's it.
17 (Redacted)
18 (Redacted)
19 (Redacted)
20 Q. [13:58:05] Okay. So just to clarify, (Redacted)
21 (Redacted)
22 A. [13:58:23] Yes.
23 THE INTERPRETER: [13:58:25] Answers the witness in French.
24 MR VANDERPUYE: [13:58:27]
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 Q. [14:11:07] Did he tell you what Yekatom was going back or crossing over to do?

22 A. [14:11:26] (Redacted) that he was going to cross back with a – by

23 way of -- with a canoe, and he would cross and he would land close to a cement

24 factory and then he would set up his base there. And that happened a few days later,

25 or a week. (Redacted)

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1 (Redacted)

2 but since he was a soldier, it wasn't easy for him to cross over because there were
3 soldiers along the river. (Redacted)

4 Q. [14:12:35] All right. I'll come back to that in a second, but (Redacted)
5 (Redacted)

6 A. [14:12:58] Yes.

7 Q. [14:13:03] What did you know about or what did you learn about
8 Maxime Mokom?

9 A. [14:13:23] (Redacted), Mokom had a meeting with the soldiers.
10 They spoke amongst themselves, and they created this plan to go back to the Central
11 African Republic and to meet up behind the mountain and take their vengeance.
12 (Redacted) That was on

13 5 December. That was the day of the attack. That was when Mokom and
14 Lieutenant Herve came back to take part in the attack.

15 Q. [14:14:21] Did you learn about the plan to attack that you've just described (Redacted)
16 (Redacted) that is, during that month or so that you were there initially?

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 PRESIDING JUDGE SCHMITT: [14:15:29] Ms Dimitri.

25 MS DIMITRI: [14:15:29] Thank you, Mr President. With your permission, my client

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1 would like to step out for a few moments.

2 PRESIDING JUDGE SCHMITT: [14:15:40] Of course. Then we wait until we
3 continue. No problem.

4 (Mr Yekatom exits the courtroom)

5 PRESIDING JUDGE SCHMITT: [14:16:19] Mr Witness, Mr Witness, you may speak.

6 THE WITNESS: [14:16:30](Interpretation) Could I go to the washroom to relieve
7 myself? That's why I raised my hand.

8 PRESIDING JUDGE SCHMITT: [14:16:37] Of course. I think perhaps we have
9 then -- it makes sense to have a break. Let's say until a quarter to 3, is that okay, or
10 do we -- how fast are you proceeding, Mr Vanderpuye?

11 MR VANDERPUYE: [14:16:49] Not fast.

12 PRESIDING JUDGE SCHMITT: [14:16:52] Not fast, okay. Then until a
13 quarter -- okay. We will pick up then at a quarter to 3.

14 THE COURT USHER: [14:16:59] All rise.

15 (Recess taken at 2.17 p.m.)

16 (Upon resuming in private session at 2.48 p.m.)

17 THE COURT USHER: [14:48:13] All rise.

18 Please be seated.

19 PRESIDING JUDGE SCHMITT: [14:48:29] Mr Witness, before we went into
20 this -- okay.

21 Mr Witness, before we went into the break, you mentioned "the bush". Can you tell
22 us what you meant by that? Were you in the bush? Were you together with others?
23 Yes, perhaps you can talk a little bit about that, how you ended up in the bush and
24 things like that.

25 THE WITNESS: [14:49:15](Interpretation) When I talk about "the bush," Yekatom

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1 crossed over and set up operations in the bush. When he set up operations there in
2 the bush, (Redacted)

3 (Redacted)

4 (Redacted) That's what I'm talking

5 about when I talk about -- when I mention "the bush".

6 PRESIDING JUDGE SCHMITT: [14:50:18] Mr Vanderpuye, you can continue from
7 there.

8 MR VANDERPUYE: [14:50:22] Thank you, Mr President.

9 MS DIMITRI: [14:50:26] I'm sorry, Mr President. Sorry for -- to interrupt, but my
10 box just completely shut down. So you can continue, but if the meantime I could
11 have some assistance. Thank you.

12 PRESIDING JUDGE SCHMITT: [14:50:39] Okay, thank you.

13 MR VANDERPUYE: [14:50:40] Thank you.

14 Q. [14:50:41] Just to follow up with Mr President's question, sir, when you say "the
15 bush", where do you mean? What location are you talking about?

16 Hang on one second, though. One second. (Redacted)

17 MR VANDERPUYE: [14:51:14] Maybe we can go into private session.

18 PRESIDING JUDGE SCHMITT: [14:51:17] We are in private session.

19 MR VANDERPUYE: [14:51:18] Oh, excuse me. I'm sorry.

20 PRESIDING JUDGE SCHMITT: [14:51:18] Because I knew what I wanted to ask, so I
21 thought it's best to stay in private session. I think Mr Khalil was aware of it.

22 MR VANDERPUYE: [14:51:34] Okay. Sorry.

23 Q. [14:51:36] Sir, you may answer the question. I'm sorry about that. When you
24 say "the bush", what specific location are you talking about?

25 A. [14:51:42] In the Central African Republic I'm referring to Sekia, you go past

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1 Samba and then you go into the bush there.

2 Q. [14:52:04] Now, if I can just backtrack for a minute. (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 Q. [14:53:18] That's no trouble at all.

11 PRESIDING JUDGE SCHMITT: [14:53:21] Perhaps shortly, Ms Dimitri, someone is
12 on his way to help you.

13 MR VANDERPUYE: [14:53:28]

14 Q. [14:53:28] That's no trouble at all. If you don't remember a date or you don't
15 remember something, just let us know. And also, since you have given a statement
16 before, maybe that can help refresh your recollection about certain things and if you
17 want to consult that, you can do that as well.

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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- 1 THE INTERPRETER: [14:55:18] The Sango interpreter didn't quite get the name
2 mentioned by the witness.
3 (Redacted)
4 (Redacted)
5 THE INTERPRETER: [14:55:33] (Redacted) mentioned by the witness, adds
6 the Sango interpreter.
7 MR VANDERPUYE: [14:55:34] Thank you.
8 Q. [14:55:40] And just to go back for one second. (Redacted)
9 (Redacted)
10 PRESIDING JUDGE SCHMITT: [14:55:56] Yes, think we need a five-minute break to
11 fix it for Ms Dimitri and -- yes, so I think we can leave the room.
12 But please, court officer, tell us immediately when we can continue. Nobody is
13 leaving the room, please.
14 THE COURT USHER: [14:56:13] All rise.
15 (Recess taken at 2.56 p.m.)
16 (Upon resuming in private session at 2.59 p.m.)
17 THE COURT USHER: [14:59:49] All rise.
18 PRESIDING JUDGE SCHMITT: [14:59:53] So this could obviously be fixed quicker
19 than we thought. Thank you very much to the technician.
20 Mr Vanderpuye, sorry for the interruptions but --
21 MR VANDERPUYE: [15:00:04] No. No, thank you. Thank you very much,
22 Mr President. It's not a problem.
23 Q. [15:00:09] I think I had asked you about (Redacted)
24 (Redacted)
25 (Redacted)

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1 Hello?

2 A. [15:00:34] Yes, he was among the soldiers and they were talking in a group.

3 That's what I had seen.

4 PRESIDING JUDGE SCHMITT: [15:00:42] Now Mr Khalil does not hear anything,
5 obviously. Can we perhaps fix that? I don't hope that is a technical problem.

6 The more people you have in the courtroom, the higher is the potential that problems
7 arise, obviously.

8 THE INTERPRETER: [15:01:37] English Channel, English interpretation, English,
9 English. Counsel, can you hear the English?

10 (Pause in proceedings)

11 PRESIDING JUDGE SCHMITT: [15:01:54] We need IT support for this box too,
12 so -- well, shall we stay in the room? No. No, the technician is not there yet. We
13 wait a second.

14 (Pause in proceedings)

15 PRESIDING JUDGE SCHMITT: [15:02:39] So we are waiting for signs.

16 MR VANDERPUYE: [15:02:48] I hate to do this, but I -- I (Microphone not activated)

17 PRESIDING JUDGE SCHMITT: [15:02:54] Well, at the moment I don't hear you,
18 Mr Vanderpuye, because your microphone is not on. Sorry. But this -- but I think
19 no technician can solve this. But I -- you know, from your mouthing, I could detect
20 that you did also not hear the interpretation.

21 Ms Dimitri, still no --

22 MS DIMITRI: [15:03:27] It's out on our side now.

23 PRESIDING JUDGE SCHMITT: [15:03:30] So that seems to be, then, some principal
24 problem which has to be solved somehow.

25 (Pause in proceedings)

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- 1 PRESIDING JUDGE SCHMITT: [15:03:50] So perhaps if we reset everything –
2 Mr Knoops.
3 MR KNOOPS: [15:03:56] Well, I could take over. I'm the only one with a mic.
4 (Pause in proceedings)
5 PRESIDING JUDGE SCHMITT: [15:04:23] So we try to reset it in half a minute, and
6 then we hope that -- and thank you very much for you, sir, that you give your best.
7 Everyone who has problems please raise his or her arm.
8 Please can you stay close by? Thank you very much.
9 MR VANDERPUYE: (Microphone not activated)
10 PRESIDING JUDGE SCHMITT: [15:04:55] Mr Vanderpuye, still without
11 microphone.
12 MR VANDERPUYE: [15:05:01] I was just saying that the witness's microphones are
13 off now, and usually they are on. So I don't know if there is a problem there now.
14 PRESIDING JUDGE SCHMITT: [15:05:11] No, I don't think so.
15 MR VANDERPUYE: [15:05:18] Okay.
16 PRESIDING JUDGE SCHMITT: [15:05:19] Mr Witness, apologies. This can happen.
17 You know, there is a lot of technology here in the room, and there are -- today many
18 persons are in the room, and this is the reason why there are technical problems.
19 Mr Vanderpuye, please.
20 MR VANDERPUYE: [15:05:33] Thank you, Mr President.
21 Q. [15:05:34] Apologies, Mr Witness. And I saw that you had answered the
22 question that I asked you before. (Redacted)
23 (Redacted)
24 (Redacted)
25 A. [15:05:57] (No interpretation)

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1 Q. [15:06:15] I think he said yes, but again I don't hear that the -- I don't hear the
2 interpreter.

3 You said yes?

4 A. [15:06:30] Yes.

5 Q. [15:06:32] Thank you.

6 And aside from -- well, let me ask you. Have you heard the name Ganazoui before,
7 Herve Ganazoui? Does that ring a bell?

8 A. [15:06:58] Not at all. (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 Q. [15:07:32] Does the name Denamganai ring a bell?

13 A. [15:07:42] Yes. Yes.

14 Q. [15:07:47] (Redacted)

15 A. [15:07:53] Denamganai? I'm sorry, could you perhaps remind me of his given
16 name, because in most cases, we knew each other by our first names.

17 Q. [15:08:23] Abel.

18 A. [15:08:28] Abel. I heard that name, but because the events date back quite
19 a while, I don't remember anymore.

20 Q. [15:08:48] I'll give you three more names and let me know if any of them sound
21 familiar.

22 (Redacted)

23 (Redacted)

24 Q. [15:09:20] And let me ask you about a few other names who I think are civilians.

25 (Redacted)

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1 sound familiar to you?

2 (Redacted)

3 (Redacted)

4 A. [15:10:04] At that time, there were many people. But with respect to those you
5 have just mentioned, no, I don't remember.

6 Q. [15:10:25] Okay. Now, you mentioned that the -- (Redacted)

7 (Redacted)

8 (Redacted) It's CAR-OTP-2041-0765. It should not be broadcast. I guess we are in
9 private session anyway.

10 I just want you to take a look at it and maybe you can shed some light on what it is.

11 PRESIDING JUDGE SCHMITT: [15:11:06] Which tab is it?

12 MR VANDERPUYE: [15:11:08] Oh, I'm sorry. It's at tab 8.

13 Q. [15:11:28] Are you able to see what's on the screen in front of you?

14 A. [15:11:41] Yes. I see it.

15 Q. [15:11:45] Okay. If we could just blow it up in the area where the circle is on
16 the bottom right so that he can see that better. That's great.

17 Do you recognise this and if you do, what does it show?

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 Q. [15:14:28] (Redacted)

4 (Redacted)

5 I don't know if we have the facility to mark this also in the courtroom or the screen or
6 not? We used to.

7 PRESIDING JUDGE SCHMITT: [15:14:58] I think this was possible in the past, at
8 least. Otherwise, there is always the possibility to have the printout and then let the
9 witness mark it by hand, and then we put it on the record.

10 THE WITNESS: [15:15:28](No interpretation)

11 MR VANDERPUYE: [15:15:33] Okay.

12 PRESIDING JUDGE SCHMITT: [15:15:39] We give it a try technically. Thank you
13 very much.

14 THE WITNESS: [15:16:02](Interpretation) Now (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted) That's what I see here on this map.

23 PRESIDING JUDGE SCHMITT: [15:17:53] Perhaps it would be -- if we had another
24 map where the -- because I think it might be important for you to specifically make
25 clear where (Redacted)

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1 MR VANDERPUYE: [15:18:10] I believe so, but I believe I have some
2 videos -- footage that I can show him that might be more helpful.

3 PRESIDING JUDGE SCHMITT: [15:18:19] Okay. So then I won't interfere more --

4 MR VANDERPUYE: [15:18:20] Okay.

5 Q. [15:18:21] But here I see --

6 PRESIDING JUDGE SCHMITT: [15:18:21] Because I think -- I would assume that the
7 Defence will bring this up too, so we can already solve it now, if we can.

8 MR VANDERPUYE: [15:18:32] It's a little difficult with the videos, I think, right
9 now.

10 PRESIDING JUDGE SCHMITT: [15:18:36] Yes, yes, but nevertheless, if there
11 were -- for example, the witness has now mentioned (Redacted) and we know
12 that he mentions in his statement, given in (Redacted)
13 so --

14 MR VANDERPUYE: [15:18:47] Yes, yes.

15 PRESIDING JUDGE SCHMITT: [15:18:47] And it's -- I think it might be important
16 where this exactly is.

17 MR VANDERPUYE: [15:18:56] I'll see if he can mark it.

18 PRESIDING JUDGE SCHMITT: [15:18:57] Okay.

19 MR VANDERPUYE: [15:18:58] I don't have another map handy, but I'll see if he can
20 mark this one.

21 PRESIDING JUDGE SCHMITT: [15:19:02] Yes, yes. This is quite a big area here, so
22 this is my fear that I have. So if we would have more -- a more specific one, and this
23 has not to be solved on the spot today. This could also be done tomorrow or on
24 Monday morning, perhaps.

25 MR VANDERPUYE: [15:19:18] Yes, I think we can. I think we have agreed facts as

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1 to certain maps, so it shouldn't be an issue.

2 PRESIDING JUDGE SCHMITT: [15:19:25] Okay. Even the better, so.

3 MR VANDERPUYE: [15:19:26] Okay.

4 Q. [15:19:27] So on this map here, I see in the circle that you -- in the circle that is
5 drawn on it -- first of all, did you draw the circle on this map and put the markings on
6 it, to your recollection?

7 A. [15:19:48] Yes. But as a lot of time has gone by, I think I've forgotten. But as
8 you have said up until Monday -- I have until Monday to remember this, I think on
9 Monday I could give you more specific information.

10 Q. [15:20:17] That's fine. And don't worry about it. It's -- don't worry. What we
11 have here is (Redacted) written inside the circle that you made.

12 If you are able, what is across the river, the water over there, to your recollection?

13 And if you don't remember, that's fine as well.

14 (Redacted)

15 Q. [15:21:20] (Redacted) and if

16 you have, what does it mean?

17 (Redacted)

18 (Redacted)

19 Q. [15:22:10] All right. That's very helpful.

20 PRESIDING JUDGE SCHMITT: [15:22:14] Perhaps I think this might be enough,
21 indeed, then, so we have at least a name of a location and it is somewhere on a map,
22 hopefully. So it's clear now.

23 MR VANDERPUYE: [15:22:28]

24 Q. [15:22:30] And have you heard the word "Gbangba" before? If you have, what
25 does it mean to you? What do you know about it?

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1 A. [15:22:46] Gbangba, well, you have to go to M'Poko and then you cross, and

2 (Redacted). Because we were many before leaving this place. (Redacted)

3 (Redacted)

4 (Redacted)

5 Q. [15:23:27] Okay. Do you know approximately from memory how far Kalangoi

6 is from Gbangba?

7 A. [15:23:44] I do not know what the distance is, but it's far. You have to walk for

8 over three hours, between three and four hours. I don't know how many kilometres

9 that would make.

10 Q. [15:24:07] All right. That's also very helpful.

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 Q. [15:26:25] That's helpful.

25 I just wanted to ask you just for a clarification, because in your statement at

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1 paragraph 36, ERN of the version I'm looking at is the English one, is
2 CAR-OTP-2041-0741, and it's at paragraph 36. It's a minor thing, but in your
3 statement you say that (Redacted)
4 (Redacted)
5 So I just wanted to clarify (Redacted)
6 (Redacted)
7 (Redacted)
8 (Redacted) That's -- that's sort of my question.
9 (Redacted)
10 (Redacted)
11 (Redacted)
12 Q. [15:28:08] Okay. That's what I thought. Thanks very much for that.
13 MS DIMITRI: [15:28:12] Mr President, just a procedural matter.
14 PRESIDING JUDGE SCHMITT: [15:28:13] Yes.
15 MS DIMITRI: [15:28:14] I would appreciate if the statement is not on the screen,
16 because it's not a 68(3). I know now it's the English version, so it's less -- it has less
17 impact.
18 PRESIDING JUDGE SCHMITT: [15:28:24] No, no, I agree with you. We only put it
19 on the screen in case the witness has to be reminded or he doesn't -- he says he doesn't
20 know anymore or there are contradictions that can be solved. And, actually, I would
21 also prefer then, before we put it on the screen, if we to try to solve the issue orally,
22 like we did in the beginning some -- somehow in the first session.
23 No, no, you are right, Ms Dimitri.
24 MS DIMITRI: [15:28:58] Thank you.
25 MR VANDERPUYE: [15:28:59] Thanks for that.

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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 A. [15:32:04] (Redacted)

19 (Redacted) Initially, I don't remember.

20 Q. [15:32:25] How were the elements organised in the bush?

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 Q. [15:33:57] And how was the group -- what I mean is how was the group
6 organised in the sense of who -- were there sections, were there command -- I'm sorry.
7 You have something to say? Go ahead.

8 A. [15:34:20] Sometimes, even the people living in the villages, (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 Q. [15:35:14] Okay. That's -- now you are coming to my question, which is --

16 PRESIDING JUDGE SCHMITT: [15:35:23] Mr Witness, do you need a break?

17 MR VANDERPUYE: [15:35:27] He needs a break, it looks like.

18 PRESIDING JUDGE SCHMITT: [15:35:29] Yes, I think so. Let's have a short break.

19 And, please, Mr Witness, let us know -- speak with your counsel, perhaps, or with
20 someone that can help you, and please let us know when you can continue.

21 THE COURT USHER: [15:35:46] All rise.

22 (Recess taken at 3.35 p.m.)

23 (Upon resuming in private session at 3.52 p.m.)

24 THE COURT USHER: [15:52:29] All rise.

25 Please be seated.

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1 PRESIDING JUDGE SCHMITT: [15:52:35] Thank you very much, Mr Witness, that
2 you agree to come back.

3 And I think we have until half past 4, Mr Vanderpuye, and we are not in a rush in any
4 way, and we will make up when it is necessary.

5 So, Mr Witness, also in the future, when you think you need a break and it's better for
6 you, please let us know.

7 Mr Vanderpuye, please continue.

8 MR VANDERPUYE: [15:53:10] Thank you, Mr President. Thank you, Mr Witness.

9 Q. [15:53:16] I think when we left off I was asking about how the group was
10 structured, and what I meant by that was -- or organised. And what I meant by that
11 was how was it structured. Now, you indicated that, (Redacted)

12 (Redacted)

13 (Redacted)

14 And, first, I just want to clarify, when you say "they were caught", you mean they
15 were caught by members of the group itself, or do you mean caught by the Seleka or
16 something like that?

17 A. [15:54:24] No. It was not the Seleka. For example, when children were
18 hungry, because when a father does not feed his son, the son will steal, so they would
19 go out to get something to eat. And then they come back, the chiefs would give
20 instructions such as to take this one, to tie him up, to beat him up, to torture him.

21 And when you're tied up, and if only your hands are tied, you can no longer use your
22 hands, or your feet.

23 (Redacted) had come to protect Central Africans, but it was the opposite.

24 (Redacted) Central Africans suffer. And that (Redacted) That's what I

25 wanted to say. The groups were organised by sections and each section had a chief.

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1 That's how things were structured.

2 Q. [15:55:42] Thank you for that clarification. And I apologise that my question
3 was not clearer.

4 Can you tell us how many sections there were and to the extent that you can -- and
5 then I'll ask you some questions about how they reported or who was in charge of
6 what. But just initially, how many sections were there, if you recall? This is when
7 you were in the bush, I mean.

8 A. [15:56:28] There were 14 sections, if I'm not mistaken, it was between 11 and 14,
9 if my memory serves me correctly.

10 Q. [15:56:48] And you mentioned that each section had a chief. Who -- who
11 designated the chiefs of the sections?

12 Sorry, I see counsel is on her feet.

13 PRESIDING JUDGE SCHMITT: [15:57:04] Yes, Ms Dimitri.

14 MS DIMITRI: [15:57:10] Thank you, Mr President. If we could just have
15 a time frame of -- when do we have 11 to 14 sections, and this series of
16 questions counsel is going --

17 PRESIDING JUDGE SCHMITT: [15:57:19] Yes, perhaps, Mr Vanderpuye, we can try
18 to -- and circle a little bit, so to speak, at what (Redacted)
19 (Redacted)

20 MR VANDERPUYE: [15:57:32] Thank you, Mr President.

21 Q. [15:57:34] I think have you heard the remarks of counsel and also the Presiding
22 Judge. Can you estimate about (Redacted)
23 (Redacted)

24 A. [15:58:10] (Redacted) at that point there were already
25 five sections. The first section was commanded by the first class Saragba Junior, who

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1 is the younger brother of Yekatom. The second section was commanded by
2 a military service person. So in -- so each section was commanded either by military
3 servicemen or by civilians. And every day, there were defections. (Redacted)
4 (Redacted)
5 (Redacted)
6 (Redacted) Given that the chief was
7 Yekatom, the deputy was Ouandjio and Habib was Ouandjio's deputy, they were the
8 ones the giving the instructions.

9 Q. [15:59:46] All right. So just that I'm clear, there were section chiefs. Did the
10 section chiefs report to the deputies, report to Ouandjio or Habib? And did Habib
11 and Ouandjio report to Yekatom?

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 THE INTERPRETER: [16:01:03] (Redacted), adds the interpreter.

17 PRESIDING JUDGE SCHMITT: [16:01:05] Yes, that's of course a little bit further on.

18 But perhaps at this moment, since you mentioned it, Mr Witness, (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 PRESIDING JUDGE SCHMITT: [16:02:20] So (Redacted)

2 (Redacted)

3 THE WITNESS: [16:02:37](Interpretation) As I said, Yekatom was the boss and he

4 had a deputy who was Ouandjio and Habib was the deputy to--of Ouandjio. (Redacted)

5 (Redacted)

6 PRESIDING JUDGE SCHMITT: [16:02:56] And since it fits now, I think we can

7 continue in that way a little bit.

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 MR VANDERPUYE: [16:04:42]

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 A. [16:04:58] Well, as I told you, I've mentioned the three leaders. (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 Q. [16:06:13] Now, you mentioned that sometimes punishment was handed out to
5 people that were thought to be traitors or, I guess, disobeyed rules or orders. Who
6 made the determination as to when somebody would be punished or how they would
7 be punished?

8 A. [16:06:39] As I said, there were only three bosses, three leaders. There was
9 Yekatom, there was Ouandjio and Habib. Those three leaders were the ones who
10 gave orders. No one else could give orders.

11 Q. [16:07:21] And to whom would they give orders? To everybody? To the
12 section chiefs? To the elements? (Redacted) Tell the Chamber how that worked as
13 far as you're aware.

14 A. [16:08:06] Well, as far as I'm concerned, sometimes when some elements would
15 go out -- well, often it was the heads of the section who would find out. And once
16 the elements came back, Rombhot or his deputy or Habib, they would say, "Where
17 have you been?" And then they would say, "Tie him up, hit him," and
18 automatically -- but if those elements -- if the others didn't carry out the orders, they
19 would -- sometimes they would yell, "Tie him up," and after those orders, two or
20 three elements would tie the person up. No one could refuse to carry out the orders,
21 otherwise they, in turn, would be subjected to the consequences.

22 Q. [16:09:07] And do you know if Yekatom gave orders to Habib and
23 Coeur de Lion, his deputy?

24 A. [16:09:25] Well, since he was the leader, in most cases they were together, in
25 most cases there were three, (Redacted)

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1 (Redacted) There were three of them and they
2 were always together, constantly together, and they would exchange information
3 amongst themselves. (Redacted)

4 (Redacted)

5 (Redacted)

6 THE INTERPRETER: Correction.

7 (Redacted)

8 (Redacted)

9 MR VANDERPUYE: [16:10:36]

10 Q. [16:10:36] Were Habib or Coeur de Lion free to disregard Yekatom's orders?

11 MS DIMITRI: [16:10:59] Mr President, I'll object to this question. I think it calls for
12 speculation.

13 PRESIDING JUDGE SCHMITT: [16:11:04] Well, I don't agree. In its generality, yes,
14 you are right, but were there instances that -- Mr Witness, where Coeur de Lion and
15 Habib Beina would defy the orders of Mr Yekatom? Do you recall one such
16 instance?

17 THE WITNESS: [16:11:27](Interpretation) No. I never saw anything like that.

18 They would exchange information, they would talk to one another, and I never saw
19 one or the other disobeying his orders. They formed a trio, and I never saw that.

20 MR VANDERPUYE: [16:12:05]

21 Q. [16:12:07] All right.

22 Did you hear about it, even if you didn't see it?

23 A. [16:12:23] No. I never heard about that.

24 Q. [16:12:31] Do you know if they discussed operations and recruitment, things of
25 that nature, regarding the group itself?

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1 A. [16:12:58] (Redacted) they would move off to the
2 side and talk amongst themselves. Sometimes while they would talk amongst
3 themselves, they would go to along the shore of the river to talk to one another.
4 Sometimes Rombhot was away. He might be away for two or three days, but I
5 didn't know where he had gone.

6 Q. [16:13:37] And I think you mentioned that Junior Saragba was a section chief; is
7 that right?

8 A. [16:13:54] Yes.

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 Q. [16:14:51] Okay.

15 Just before I go on to a slightly different area, let me go back to something you said a
16 little bit earlier.

17 And I don't have the exact transcript reference, but we were talking about people
18 being punished for trying to go out and get food and things like that. But when you
19 were talking about it, you said -- or at least the transcript reflects that you referred to
20 some children going out to go get food and then coming back and getting punished.
21 So I just wanted to know when you say or refer to children in that context, what do
22 you mean by that? Are you talking about fighters or are you talking about children
23 children?

24 A. [16:15:52] I meant the combatants. In the group, there were no children. I
25 meant the combatants. I would refer to them as "the children", the children -- when

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1 the children went out or left.

2 Q. [16:16:19] Okay. That's very helpful.

3 Now, was there training that was provided to the group while you were in the bush?

4 A. [16:16:42] Yes. The soldiers (Redacted) use the weapons to

5 demonstrate how to assemble and disassemble a weapon, how to use the selector,

6 how to use the *coup par coup* weapon, how to shoot in bursts of fire. So each section

7 head would train the soldiers or the elements who were under his command within

8 the section.

9 PRESIDING JUDGE SCHMITT: [16:17:36] (Redacted)

10 MR KHALIL: [16:17:45] (Interpretation) I beg your pardon, your Honour.

11 PRESIDING JUDGE SCHMITT: [16:17:50] That is --

12 MR KHALIL: [16:17:50] (Interpretation) Your Honour, this is a direct question to the

13 witness, but this witness is not an accused person. I object to this question.

14 Thank you.

15 PRESIDING JUDGE SCHMITT: [16:18:04] This is a very important question and of

16 course, we will ask it and the witness has to answer it.

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 PRESIDING JUDGE SCHMITT: [16:19:05] And by the way, this is all discussed in

24 the statement, 2016 statement, so it's perfectly clear that these questions have to be

25 asked and they will -- I assume they will also be asked similar questions by you and

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1 by Defence counsel later.

2 Mr Vanderpuye.

3 MR VANDERPUYE: [16:19:31] Thank you, Mr President.

4 Q. [16:19:33] You said that the training was provided by the section leaders. Do
5 you recall if Mr Yekatom or Freddy Ouandjio or Habib took part in the training as
6 well? That is, that they gave the training?

7 A. [16:19:54] No, they were the leaders. In all my statements, in the group there
8 were some soldiers, for example, Keapex Major. Major was a civilian but he knew
9 how to use a weapon. And there were some others who would train the children,
10 teach them how to use weapons. So it was just as -- one thing would lead to another.
11 And so someone who had been trained would train the new recruits.

12 When we were in the bush, we had * a MAS 36 rifle and a Kalashnikov with a folding
13 butt. Those were the two weapons that were used for training the children in the
14 bush.

15 Q. [16:21:20] Okay.

16 Then I do have a question to follow up then in relation to your statement. But before
17 I ask that, do you remember the names of the people that provided the -- the FACA
18 members that provided training? Do you remember their names? You mentioned
19 Kempes -- Keapex.

20 A. [16:21:55] You mean Keapex. There was a corporal. I've forgotten his name.
21 It was a long time ago. I have forgotten his name. There were two corporals. I
22 have forgotten their names.

23 Q. [16:22:28] Maybe if I can show you - I think it will probably be okay -
24 paragraph 37 of your statement. It's at tab 7 in the English anyway,
25 CAR-OTP-2041-0741 at page 0746. Let's see if I can get the French reference.

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1 Maybe the Registry can help me.

2 PRESIDING JUDGE SCHMITT: [16:23:07] Ms Dimitri.

3 MS DIMITRI: [16:23:08] Thank you, Mr President. Given it's not a 68(3) witness,
4 before showing the statement, perhaps we could establish that he doesn't recall, or
5 probably Mr Vanderpuye could give a series of names and ask, "Do you recall this
6 one or that one and what was their role," rather than directly going to paragraph 37.

7 MR VANDERPUYE: [16:23:35] I think he said he didn't remember.

8 PRESIDING JUDGE SCHMITT: [16:23:38] Yes, he didn't remember. I agree with
9 Mr Vanderpuye here.

10 MR VANDERPUYE: [16:23:45] So Paragraph 37 --

11 PRESIDING JUDGE SCHMITT: [16:23:47] Mr Khalil, but shortly please. We have
12 to continue. I don't appreciate constant interrupting. Please, Mr Khalil.

13 MR KHALIL: [16:23:56] (Interpretation) I beg your pardon, your Honour. I
14 support what Ms Dimitri has said, particularly since the OTP, at the beginning of the
15 hearing, indeed said our colleague was not going to base himself on the written
16 statement of the witness and what he is going to say in --

17 PRESIDING JUDGE SCHMITT: [16:24:24] I interrupt you -- no, I interrupt you here.
18 I interrupt you here. That's -- you are not here as -- let's say, as a procedural
19 oversight. You are here as Rule 74 witness, and that does not concern Rule 74 issues.
20 Please continue, Mr Vanderpuye.

21 MR VANDERPUYE: [16:24:47] Thank you, Mr President.

22 Just for clarification, maybe it will assist counsel, what's happening now is just merely
23 refreshing the witness's recollection and if his testimony is -- if his memory is
24 refreshed and he testifies to that effect, then that's the end of that. It's not for the
25 purposes of tendering the statement or relying on it. So let's --

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1 PRESIDING JUDGE SCHMITT: [16:25:06] Well, it's nice for you to explain but he
2 should know, of course. Yes, please.

3 MR VANDERPUYE: [16:25:12] With that -- with that said -- I don't know if we can
4 have it up on the screen and he can see it.

5 Q. [16:25:14] But what you referred to in paragraph 37 is that, in French:

6 (Interpretation) (Redacted)

7 (Redacted)

8 (Redacted)

9 (Speaks English) Does that refresh your recollection as to who participated in the
10 training of elements while you were in the bush?

11 A. [16:26:14] Okay, I saw those names. Now that you refresh my memory,

12 I -- there was Habib, Max Maidanda, Momokama, Bodios Brawe, that's right.

13 Thank you. That's completely correct.

14 PRESIDING JUDGE SCHMITT: [16:26:39] If I may add in general, we are speaking

15 about events that are now nine years -- nine years in the past, and the witness has

16 provided a lot of details in his interview, 2016. So it's perfectly normal that the

17 witness does not recall everything and so -- and I say again there are two instances

18 when we can go back, so to speak, to the statement. This is to refresh the memory

19 and if there are contradictions. So these are the two. And this has been established

20 a long time ago.

21 Mr Vanderpuye, do you change the subject or do you just have something ...

22 MR VANDERPUYE: [16:27:27] (Microphone not activated)

23 THE INTERPRETER: [16:27:31] Microphone, please.

24 PRESIDING JUDGE SCHMITT: [16:27:34] Microphone, please. Yes, indeed.

25 MR VANDERPUYE: [16:27:36] Let me just show him a document which I think

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1 might --

2 PRESIDING JUDGE SCHMITT: [16:27:38] Okay.

3 MR VANDERPUYE: [16:27:40]

4 Q. [16:27:41] It's tab 5, CAR-OTP-2039-0063. This is a list of *militaires* associated
5 with or apparently associated with Yekatom and his group.

6 Can you see the document in front of you, Mr Witness?

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 PRESIDING JUDGE SCHMITT: [16:28:57] Well, I think that is what you wanted to
11 ask.

12 MR VANDERPUYE: [16:29:00] Yes. There's a few things that I want to ask if I
13 may --

14 THE WITNESS: [16:29:02] (No interpretation)

15 MR VANDERPUYE: [16:29:03] Okay. All right.

16 Q. [16:29:06] At number 15, we see the name Momokama Rodrigue. That's the
17 person that you referred to just now in your testimony; is that right?

18 A. [16:29:25] Yes. Momokama Rodrigue. In the video that was shown to me, he
19 was there alongside Yekatom.

20 Q. [16:29:45] And if we go to the next page, 0064. The number is cut off a bit, but I
21 think that should be number 32.

22 There you see the name -- 32. You have to go up on the page a bit.

23 You see the name Max Maidanda. Is that the person you were referring to
24 previously in your evidence just now?

25 A. [16:30:26] Yes, that's it.

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1 Q. [16:30:30] And if we go down the page a bit, you will see the name at number 44,
2 Keapex-Ozui Patrick Junior. Is that the Junior Keapex that you referred to
3 previously, or Keapex that you referred to?

4 A. [16:31:01] You are talking about which Junior? Because I mentioned the
5 younger brother, his younger brother, but I did not see his name on this list. I had
6 said that he was the younger brother of Yekatom, but I did not see his name. But all
7 the soldiers, I saw their names, but his -- I do not see his on this list.

8 Q. [16:31:42] Okay.

9 I think you're referring to Junior Saragba, but I'm asking you about Keapex.

10 A. [16:31:59] Yes. Keapex-Ozui. Yes, that's his name, indeed. He's a corporal.

11 Q. [16:32:10] I think earlier in your evidence you mentioned someone by the name
12 of Satan. And that maybe at the top of the screen, but I want you to take a look at it
13 and see if it is right. Here it is written as "Rodrigue Satan", 33.

14 A. [16:32:33] Yes. Indeed, that's it. It's that.

15 THE INTERPRETER: [16:32:43] Repeats the witness.

16 MR VANDERPUYE: [16:32:45]

17 Q. [16:32:47] Last one is on the page ending 0066. And it's number 100. Do you
18 recognise the name Heritier Azou?

19 A. [16:33:19] Yes, I recognise the name Azou Heritier. He also is a soldier.

20 Q. [16:33:30] And he was part of the group (Redacted)

21 A. [16:33:34] Yes.

22 Q. [16:33:38] Okay.

23 MR VANDERPUYE: [16:33:43] Mr President, we can stop with this (Overlapping
24 speakers)

25 PRESIDING JUDGE SCHMITT: [16:33:45] Yes, I think so. I think so too. So thank

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1 you very much to everyone, and also to -- especially to the court usher and court
2 officer today. There were some difficulties, but they were solved swiftly under the
3 circumstances.

4 Thank you, Mr Witness. And we conclude your testimony for today and we
5 continue tomorrow morning at 9.30.

6 THE COURT USHER: [16:34:10] All rise.

7 (The hearing ends in private session at 4.34 p.m.)