

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 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 Friday, 2 September 2022
9 (The hearing starts in open session at 9.40 a.m.)
10 THE COURT USHER: [9:40:42] All rise. The International Criminal Court is now
11 in session. Please be seated.
12 PRESIDING JUDGE SCHMITT: [9:41:02] Good morning, everyone. Court officer,
13 please call the case.
14 THE COURT OFFICER: [9:41:06] Good morning, Mr President, your Honours.
15 This is the Situation in the Central African Republic II, in the case of the Prosecutor
16 versus Alfred Yekatom and Patrice-Edouard Ngaïssona, case reference
17 ICC-01/14-01/18.
18 And for the record, we are in open session.
19 PRESIDING JUDGE SCHMITT: [9:41:26] Thank you.
20 I ask for the appearance of the parties.
21 Mr Vanderpuye, first.
22 MR VANDERPUYE: [9:41:33] Good morning, Mr President. Good morning, your
23 Honours. Good morning, everyone. Good morning, Mr Witness.
24 Today the Prosecution is represented by Maria Berdennikova, Yassin Mostfa and
25 myself, Kweku Vanderpuye. Good morning again.

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1 PRESIDING JUDGE SCHMITT: [9:41:42] We turn to the representatives of the
2 victims.

3 MR DANGABO MOUSSA: [9:41:47](Interpretation) Good morning, everyone.
4 Good morning, Mr Judge. The victims are represented by Mr Orchlon Narantsetseg
5 and Madam Mouhia and me, Mr Dangabo Moussa. Thank you.

6 PRESIDING JUDGE SCHMITT: [9:42:13] Mr Suprun.

7 MR SUPRUN: [9:42:17] Good morning, Mr President. Good morning, your
8 Honours. The former child soldiers are represented by Fiona Lau, associate legal
9 officer, and myself, Dmytro Suprun, counsel at the Office of Public Counsel for
10 Victims. Thank you.

11 PRESIDING JUDGE SCHMITT: [9:42:18] Thank you.

12 Ms Dimitri, next.

13 MS DIMITRI: [9:42:21] Good morning, Mr President. Good morning, your
14 Honours. Good morning, everyone. Mr Yekatom is present in the courtroom and
15 he is represented today by Mr Florent Pages-Granier, Ms Yousra Lamqaddam,
16 Mr Jean-Michel Kola, Ms Anta Guissé, Ms Lena Casiez, Mr Gyo Suzuki and myself,
17 Mylène Dimitri.

18 PRESIDING JUDGE SCHMITT: [9:42:40] Thank you.

19 And Mr Knoops.

20 MR KNOOPS: [9:42:43] Very good morning, Mr President, your Honours. Good
21 morning all the parties and the participants in the courtroom. The Defence team of
22 Mr Ngaïssona appears today again in the same composition as yesterday. On my
23 right side, Ms Marie-Hélène Proulx; left side, Ms Barbara Szmatala; very left side,
24 Simon Decot; and Sara Pedroso in the second row. Thank you.

25 PRESIDING JUDGE SCHMITT: [9:43:08] Thank you very much.

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1 And we also welcome, and good morning, Mr Khalil, Rule 74 counsel to the witness.

2 And of course, good morning, Mr Witness. I hope you are feeling ready and well to
3 continue with your testimony.

4 WITNESS: CAR-OTP-P-1339 (On former oath)

5 (The witness speaks Sango)

6 THE WITNESS: [9:43:43](Interpretation) Yes. Yesterday, in the night, I did not feel
7 very well. I had headaches all night. This morning I took some paracetamol and I
8 feel better, but I will tell you in due time if I don't feel well.

9 PRESIDING JUDGE SCHMITT: [9:44:04] Mr Witness, this is exactly -- Mr Witness,
10 this is exactly what I also wanted to address. If you don't feel well and you need
11 a break, please let us know, like we did that yesterday. And you can be assured that
12 the Judges here have heard many, many witnesses in the course of their professional
13 work, and we have enough empathy to understand how difficult it is to sit where you
14 are sitting right now and testify about such events that bring back sad and bad and
15 terrible memories. We understand that. So you can count on that.

16 What I would also like to tell you is that, of course, as a Court, as the Judges, and also
17 the parties and participants, we need witnesses. We need witnesses who are coming
18 forward to testify, like you, and we rely on that they are telling us the truth and the
19 whole truth. That is very important. So your role here is very important in these
20 proceedings. I just wanted to tell you that and to assure you that we are aware of the
21 problems that this brings with you for a witness, obviously.

22 So I think we can continue then, Mr Vanderpuye. We are in open session at the
23 moment.

24 MR VANDERPUYE: [9:45:25] Thank you, Mr President. I think we can stay in
25 open session. Yes, for the moment, we can stay in open session I think.

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1 QUESTIONED BY MR VANDERPUYE: (Continuing)

2 Q. [9:45:38] Good morning, Mr Witness. I am going to continue from where we
3 left off yesterday and I believe that where we left off yesterday, I had shown you
4 a document with the names of certain military members of Mr Yekatom's group and
5 we were talking about -- it was in the context of the training that was done while they
6 were in the bush.

7 What I'd like to ask you is, in terms of training, what kind of training did the elements
8 receive with respect to the use of weapons and what types of weapons, if you know?

9 A. [9:46:28] Yesterday, I told you and the -- the fighters were trained in handling
10 weapons, MAS-36 and AK-47s. The MAS-36 had five bullets and the AK-47 had 37
11 bullets in the cartridge. There were 30 bullets in the cartridge.

12 THE INTERPRETER: [9:47:31] Correction of the interpreter.

13 MR VANDERPUYE: [9:47:34]

14 Q. [9:47:35] Was there training that was given in relation to what I would describe
15 as hand-to-hand combat, fighting close up with knives, machetes, things of that
16 nature?

17 A. [9:48:13] Yes, there was also that type of training.

18 Q. [9:48:23] And do you recall what that consisted of? What was that training
19 about, or what did it entail?

20 A. [9:48:35] The fighters were trained to defend themselves faced with the enemy.
21 That was the purpose of the training.

22 PRESIDING JUDGE SCHMITT: [9:49:08] Please, could I --

23 MR VANDERPUYE: [09:49:12] Yes, Mr President.

24 PRESIDING JUDGE SCHMITT: [09:49:14] Who was the -- who was the enemy,
25 Mr Witness?

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1 THE WITNESS: [9:49:30](Interpretation) The enemies were the Seleka elements.

2 MR VANDERPUYE: [9:49:40]

3 Q. [9:49:42] Was there training given on how to cut up the enemy into pieces with
4 a machete or a knife?

5 MS DIMITRI: [9:49:54] Mr President.

6 PRESIDING JUDGE SCHMITT: [9:49:56] Ms Dimitri.

7 MS DIMITRI: [9:49:59] Mr President, if we could have a more neutral -- a more
8 neutral way of putting the question. You know, you can ask, "What were you
9 trained to do with the machete or the knives", rather than giving the answer --

10 PRESIDING JUDGE SCHMITT: [9:50:09] I agree with Ms Dimitri on that. And
11 if -- again, if there is any lack of recollection, then we can be more specific and
12 specifically going to the statement.

13 MR VANDERPUYE: [9:50:26]

14 Q. [9:50:26] I think you've probably followed the discussion. Can you tell the
15 Chamber what the elements were trained to do with knives and machetes? If you
16 remember. And if you don't remember, also let us know.

17 Do you want to speak to your lawyer?

18 A. [9:51:27] Yes, I would like to speak to my lawyer before answering this question.

19 MR VANDERPUYE: [9:51:38] Yes, that's what I understood, Mr President.

20 PRESIDING JUDGE SCHMITT: [9:51:40] Okay. And then we -- of course we give
21 you the opportunity, but if there is a need, we can talk about the assurances or
22 whatsoever.

23 Please, Mr Khalil, you may confer with your client, yes.

24 I think we can do it relatively quickly in the courtroom so we don't have to go in and
25 out of the courtroom too often.

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1 (Mr Khalil confers with the witness)

2 PRESIDING JUDGE SCHMITT: [9:52:50] Yes, please, Mr Vanderpuye, continue.

3 MR VANDERPUYE: [9:52:55] Thank you.

4 Q. [9:52:57] I can't see the screen very well but I will try to restate my question. It
5 was, what were the elements trained to do with knives and machetes?

6 A. [9:53:35] {PFR: (Redacted)}

7 {PFR: (Redacted)} so I cannot answer this question.

8 Q. [9:53:57] Do you recall being asked about this during the course of your
9 interview in 2016, and what you said?

10 A. [9:54:23] Perhaps I have forgotten.

11 Q. [9:54:29] All right. Well, I'd like to show you then, your statement.

12 CAR-OTP-2102-0105 at page 0113, paragraph 38, and I believe it's at tab 42 of our
13 binder.

14 PRESIDING JUDGE SCHMITT: [9:55:12] Ms Dimitri.

15 MS DIMITRI: [9:55:14] Mr President, just a small requirement. Once we put the
16 statement, if we could just focus on the very specific paragraph rather than putting
17 the entire page.

18 PRESIDING JUDGE SCHMITT: [9:55:23] Of course, of course.

19 MR VANDERPUYE: [9:55:50] I can just read it into the record. Maybe it will be
20 a bit quicker.

21 Q. [9:55:58] What it says at paragraph 38 of your statement is, in French:

22 (Interpretation) {PFR: (Redacted)}

23 {PFR: (Redacted)}

24 {PFR: (Redacted)}

25 (Speaks English) Then you talk about {PFR: (Redacted)}

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1 Does that refresh your recollection as to the training that the enemies received -- the
2 elements?

3 PRESIDING JUDGE SCHMITT: [9:56:36] Wait a moment.

4 Mr Khalil. Mr Khalil.

5 MR KHALIL: [9:56:37](Interpretation) Mr President, Mr Judges, we are still -- we are
6 in an open session. Would it not be better to go into a closed session -- private
7 session?

8 PRESIDING JUDGE SCHMITT: [9:56:59] I think I agree with you. So we go to
9 private session for the answer. We go to private session.

10 (Private session at 9.57 a.m.)

11 THE COURT OFFICER: [9:57:16] We are in private session, Mr President.

12 PRESIDING JUDGE SCHMITT: [9:57:32] Mr Witness, please answer the question.

13 THE WITNESS: [9:58:07](Interpretation) I would ask that you re-ask the question
14 once again, so I can understand it properly.

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 MR KHALIL: [9:59:56](Interpretation) (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted). So there you go. We've already talked about this yesterday.

15 Thank you, Mr President.

16 PRESIDING JUDGE SCHMITT: [10:00:57] Well, that's understandable. I think the
17 nature of the Rule 74 assurance is such that this cannot happen, but perhaps
18 a declaration by Mr Vanderpuye could also help.

19 MR VANDERPUYE: [10:01:10] I'm sorry, I missed the first part of your -- I was
20 listening in French.

21 PRESIDING JUDGE SCHMITT: [10:01:16] So I think the nature of a Rule 74(3)(c)
22 assurance is that there can be no prosecution or investigation in that regard. But if it
23 helps, like counsel, Mr Khalil, says, it might perhaps be good to give also an assuring
24 comment by the Prosecution.

25 MR VANDERPUYE: [10:01:39] Oh, I see, I see. Yes. First, I agree with you

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1 completely, and I think it is appropriate to accord the witness Rule 74 assurances to
2 the extent that what he says, here, that may be incriminating, cannot be used against
3 him in a proceeding here or elsewhere. And that's important.

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 PRESIDING JUDGE SCHMITT: [10:02:25] Okay.

10 Mr Witness, you are an intelligent person. I think you understand what has been
11 said by the Prosecutor and by the Presiding Judge on behalf of the Chamber.

12 Perhaps one addition, it -- and this follows a little bit what I'd said before we started,
13 before the beginning today, we understand that it is very difficult for witnesses like
14 you, specifically for you, to testify, (Redacted)

15 (Redacted)

16 But as I said, it's extremely important that the witnesses that come to this Court, tell
17 us the truth and don't leave anything out and tell us the whole truth. And you have
18 done -- you have said to do so, you have sworn an oath. And we understand these
19 fears, but we would really ask you to continue with the examination and to continue
20 answering all the questions that are put to you.

21 Are you fine with that, Mr Witness?

22 THE WITNESS: [10:03:43](Interpretation) I've understood.

23 PRESIDING JUDGE SCHMITT: [10:03:46] Thank you very much.

24 And again, if there are any problems and you think you need to step out - you need to
25 just have a break for yourself or consulting with your lawyer - it's perfectly clear that

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1 we will grant you that.

2 So Mr Vanderpuye, I think you should ask the question again.

3 MR VANDERPUYE: [10:04:10] Thank you, Mr President.

4 Q. [10:04:12] So, Mr Witness, my question is, if you could describe to the
5 Chamber -- maybe I'll try a different way. Describe to the Chamber what sort of
6 training was received with respect to the use of knives and machetes by the elements.

7 A. [10:05:06] It was the same kind of training. If your enemy is 60 metres away,
8 you can shoot at him, but if you only have a knife, you can't appear visibly in front of
9 the enemy. You have to hide before attacking him. The kind of advice you would
10 give a child. (Redacted)
11 (Redacted)

12 Q. [10:05:51] Were you instructed with respect to what to do with enemies when
13 you came across them?

14 A. [10:06:21] Of course. When the instruction is given, when you meet up with an
15 enemy, you have to kill him. Otherwise, he'll kill you. That's the rule. When
16 you're facing an enemy, you have to kill him or else he will kill you. That was the
17 instruction given to the children.

18 Now, if the children were on a path and suddenly an enemy appeared, they couldn't
19 just let him go.

20 Q. [10:07:01] Okay. And what were you to do if you captured an enemy? Did
21 you receive instruction about that?

22 A. [10:07:26] When you managed to catch an enemy, you take him away. If it's
23 someone from the Central African Republic, we would tie him up, hit him, beat him
24 up and then release him. There were several kinds of punishment. If they were
25 Muslims -- in any event, even the civilians couldn't let a Muslim get away. He

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1 would be executed right there on the spot.

2 Similarly, when the elements were able to catch a Muslim or a Seleka member, they
3 couldn't just let him go. They would neutralise him.

4 Q. [10:08:29] When you say "they would neutralise him", what do you mean by
5 that?

6 A. [10:08:49] "Neutralise" means they would take the enemy, take him somewhere
7 and kill him. And if there was no witness, they would kill them right there and
8 there would be no accounting for that to anyone. They would do some things that
9 you couldn't know about. Some of the elements were out of control. They were
10 rogue. You couldn't know what they did.

11 Q. [10:09:24] Well, my question was, did you receive instruction? That is, did the
12 elements get an order or a direction in terms of what they were to do with Muslims or
13 Seleka that they captured? That's my question.

14 A. [10:10:06] I repeat, there were leaders who were commanding the groups.
15 When they gave orders, those orders had to be carried out. As soon as we captured
16 an enemy, we had to kill him. You asked me about the enemy, and I told you that
17 they were Selekas, Muslims. People thought that all Muslims were Seleka members.

18 Q. [10:10:41] Who gave those orders? You said they were chiefs, but do you mean
19 Mr Yekatom? Do you mean Mr Beina? Do you mean Mr Ouandjio? Do you mean
20 all three? That's what I would like to know so that the record is clear. I've read
21 your statement, we've read it.

22 A. [10:11:22] I said and I've repeated, the supreme leader was Yekatom. His
23 deputy was Ouandjio and the second deputy was Habib. (Redacted)
24 (Redacted) they would be the ones giving the instructions to the elements.

25 After giving the instructions, the elements could disperse. So, I can tell you that

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1 these three people were the leaders, but there were Satana as well, a fourth person.

2 But Satana has died and I don't know why he died. I don't have much to say about

3 Satana.

4 (Redacted)

5 (Redacted). After giving the instructions, the combatants

6 were free to go, to disperse.

7 Q. [10:12:53] Do you remember being asked about this in your interview in 2016,

8 about who gave the direction about what to do with prisoners when they were

9 caught?

10 PRESIDING JUDGE SCHMITT: [10:13:08] No, I think he has answered the question

11 today.

12 MR VANDERPUYE: [10:13:13] It's a bit different.

13 PRESIDING JUDGE SCHMITT: [10:13:15] Okay, then let's see, if indeed. But just a

14 hint --

15 MR VANDERPUYE: [10:13:20] Maybe I can refer you to paragraph --

16 PRESIDING JUDGE SCHMITT: [10:13:23] -- for me, which paragraph?

17 MR VANDERPUYE: [10:13:25] -- I'll refer you to paragraph 37 so that you can see

18 whether you agree with me or not, but that's where I'm going with it.

19 PRESIDING JUDGE SCHMITT: [10:13:42] Well, 37 is not the one I think.

20 MR VANDERPUYE: [10:13:46] There's a few more. Thirty-seven is where I'm

21 starting.

22 PRESIDING JUDGE SCHMITT: [10:13:48] Okay, but -- oh, yes. You can't -- also

23 you cannot expect that the witness repeats word by word what he has said at the time.

24 That would be even suspicious, frankly speaking --

25 MR VANDERPUYE: [10:13:57] And that's (Overlapping speakers)

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1 PRESIDING JUDGE SCHMITT: [10:13:57] -- and that's one of the reasons
2 why -- okay, why I'm not a big fan of witness preparation - but this is absolutely out
3 of the question and discussion now at the moment - but no, I will not stop you here.
4 But please show quickly where the huge difference to what he has said today might
5 be.

6 MR VANDERPUYE: [10:14:19] I'm not saying it's a huge difference, I'm just saying
7 it's different.

8 Q. [10:14:25] If I could show you paragraph 30- -- sorry, 57. Fifty-seven.

9 PRESIDING JUDGE SCHMITT: [10:14:33] Well, then I can look at 37 and don't find,
10 of course, anything that --

11 MR VANDERPUYE: [10:14:42] I'm sorry.

12 PRESIDING JUDGE SCHMITT: [10:14:43] -- would be relatable.

13 MR VANDERPUYE: [10:14:43] It was without the glasses and I apologise for that.
14 It's 57 indeed.

15 PRESIDING JUDGE SCHMITT: [10:14:49] Okay. Continue.

16 MR VANDERPUYE: [10:14:51] Okay.

17 Q. [10:14:52] And if I could show you 57, paragraph 57 of your statement for the
18 moment. And I'll just have you take a look at that.

19 MS DIMITRI: [10:14:57] Mr President, before we show -- before we show 57, can
20 we -- because it's different, can we have the question to see what he is going to
21 say -- what his answer is going to be to what did Mr Yekatom say.

22 PRESIDING JUDGE SCHMITT: [10:15:14] Well, he has a little -- he has now -- if I
23 may interpret it, he's now circumscribed it a little bit and spoken of chiefs and then
24 said who were the chiefs and so on and so forth.

25 And, Mr Vanderpuye, perhaps you give it a try so to -- if he recalls what was spoken

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1 directly by a certain person. By Mr Yekatom, for example.

2 MR VANDERPUYE: [10:15:43] Okay, I can start there.

3 PRESIDING JUDGE SCHMITT: [10:15:44] Yes, start there and from there continue.

4 MR VANDERPUYE: [10:15:47]

5 Q. [10:15:48] Do you recall what, if anything, Mr Yekatom said regarding what to
6 do with captured Muslims?

7 A. [10:16:24] (Redacted) they would give instructions,
8 like, "As of today, I tell you, if you meet up with an enemy, the first thing you have to
9 do is to kill him."

10 Q. [10:16:54] Okay. Who gave that direction? My question was about Mr
11 Yekatom and you said "they". So my question is, did Mr Yekatom say something
12 like that or say that?

13 A. [10:17:10] It was him. He was the leader. He was the one who gave such
14 instructions. And he was the one who was always the first speaker to speak before
15 his duty -- deputy, rather, would say anything.

16 Q. [10:17:35] Did Mr Yekatom give a direction to kill captured Muslims? Do you
17 recall that?

18 A. [10:18:03] I told you - and I repeat, and I'll give you the same answer - they were
19 the same instructions that he gave. He wasn't speaking to the elements each time,
20 but when he spoke a single time and gave such instructions, that instruction remained
21 engraved in the minds of the elements.

22 Yes, he was the one who said that.

23 Q. [10:18:41] Were you told what the purpose (Redacted) by Mr Yekatom,
24 that is, as a group, what the purpose of the training was?

25 A. [10:19:13] No. He didn't give details about the training. But amongst all the

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1 people who joined the group, people came with intentions. They already had
2 motives for which they had decided to join the group. For example, "The Muslims
3 did this to me. The Muslims did this to my family, to my relatives, that's why I've
4 come to get revenge."

5 That's why they would join the group. And then the chief would give such orders.
6 You can imagine that that's what would be done.

7 Q. [10:20:05] Well, I think that's just it. We don't want to imagine would could've
8 been done, we want to know what was done; that's the purpose of the proceeding
9 here. So my questions are very specific in that sense.

10 Did Mr Yekatom give an instruction relating to the purpose of the training? If you
11 remember. And if you don't, just let me know.

12 A. [10:20:39] Well, there was no explanation provided about the purpose of the
13 training. What I do know is that the people who joined the group were motivated
14 by the thirst for revenge. Even the leaders who commanded the troops were
15 motivated by that same desire for revenge.

16 PRESIDING JUDGE SCHMITT: [10:21:25] I think he has answered -- he has
17 answered the question now.

18 MR VANDERPUYE: [10:21:29] That's helpful. But I have a paragraph I'd like to
19 show him in respect of the second purpose --

20 PRESIDING JUDGE SCHMITT: [10:21:35] Which one?

21 MR VANDERPUYE: [10:21:39] (Overlapping speakers) identify. This is at
22 paragraph -- wait a minute, let me put on my glasses first. This is at paragraph 39.

23 PRESIDING JUDGE SCHMITT: [10:21:46] Yes, go on.

24 MR VANDERPUYE: [10:21:48]

25 Q. [10:21:48] If I could show you paragraph 39 of your statement I'll ask you some

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1 questions about it.

2 PRESIDING JUDGE SCHMITT: [10:21:56] And please, as Ms Dimitri suggested,
3 focus on this paragraph and do not show a whole page, if possible. Thank you very
4 much.

5 MS DIMITRI: [10:22:06] Mr President, if I may. I don't want to be over-difficult
6 here, but there's two parts in that paragraph, one that's absolutely not addressed at
7 this stage. So could we, to speed up, just read what he said?

8 PRESIDING JUDGE SCHMITT: [10:22:19] Yes.

9 MS DIMITRI: [10:22:19] Thank you.

10 PRESIDING JUDGE SCHMITT: [10:22:20] Yes, I think you are right. I think you're
11 right, yes. Actually, in the moment you were stepping up, I thought that would be
12 a good idea.

13 It's only -- I assume you are only referring to the first two -- yes, please read them out
14 and -- yes, and then that should be enough. We don't have to pull it up on the
15 screen.

16 Thank you very much to the court usher and court officer.

17 MR VANDERPUYE: [10:22:41] Yes.

18 Q. [10:22:41] What it says, at least in the French, I'll try to read it, is:

19 (Interpretation) "We trained -- the purpose of the training was so we could kill
20 Muslims and Selekas. This was Rombhot's instructions."

21 (Speaks English) First of all, do you remember saying that during the course of your
22 interview; and, second of all, does it refresh your recollection as to the instructions
23 you received?

24 A. [10:23:16] Yes.

25 THE INTERPRETER: [10:23:43] Says the witness in French.

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1 THE WITNESS: [10:23:45](Interpretation) You know, the events occurred a long
2 time ago. Sometimes I tend not to remember all the details, but when you read my
3 statement back to me like that, it refreshes my memory. I can -- I confirm that
4 indeed, that's how things happened.

5 PRESIDING JUDGE SCHMITT: [10:24:10] May I shortly, Mr Vanderpuye.
6 Mr Witness, it's perfectly clear that after such a long time you do not recall every
7 detail, so it's absolutely okay that you say if you don't recall something properly.
8 And this is the reason why -- and this is also then the reason to refresh your memory.
9 Yes? Thank you.

10 Mr Vanderpuye, continue.

11 MR VANDERPUYE: [10:24:33]

12 Q. [10:24:34] Do you remember him - and I mean Mr Yekatom - saying to kill all
13 Muslims because all Muslims were Seleka?

14 MS DIMITRI: [10:24:47] Mr President, it's clearly leading. Can we -- I mean, I
15 understand that certain details can be forgotten by a witness, but with the greatest
16 respect, such a question should be asked in a very neutral manner: What do you
17 remember Mr Yekatom saying in relation to the Muslims, in relation to the Seleka --

18 PRESIDING JUDGE SCHMITT: [10:25:10] Yes --

19 MS DIMITRI: [10:25:10] -- in relation to the Central Africans.

20 MR VANDERPUYE: [10:25:13] He's been asked that for the last 20, 30 minutes.

21 And --

22 PRESIDING JUDGE SCHMITT: [10:25:18] Yes. No, Mr Vanderpuye is right. Mr
23 Vanderpuye has -- but I have --

24 MR VANDERPUYE: [10:25:21] -- he doesn't remember.

25 PRESIDING JUDGE SCHMITT: [10:25:22] -- I have another idea. It's not an

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1 objection, but I have the impression that the witness has already said that there was
2 a sort of an equation between -- but perhaps I might be wrong. Perhaps someone of
3 my legal staff could find the respective answer, but I have something in my ear that
4 he already equated.

5 MR VANDERPUYE: [10:25:42] You're completely right --

6 PRESIDING JUDGE SCHMITT: [10:25:43] Yes.

7 MR VANDERPUYE: [10:25:44] -- but the issue isn't whether or not there was
8 a general conflation of the -- of Muslims and Selekas, but whether or not Mr Yekatom
9 specifically was (Overlapping speakers)

10 PRESIDING JUDGE SCHMITT: [10:25:51] Then please -- but this is the last try
11 now. Ask him -- please ask him that.

12 MR VANDERPUYE: [10:25:55]

13 Q. [10:25:55] So my question is, do you recall Mr Yekatom saying to kill all
14 Muslims because all Muslims were Seleka?

15 A. [10:26:09] It's the same question that I was asked and I've already answered.
16 Let me tell you once again, yes, yes. I already answered saying yes. That's indeed
17 what he said.

18 Q. [10:26:40] Okay.

19 Did other members of the group -- leaders in the group express the same sentiment,
20 that is, kill all Muslims because all Muslims were Seleka, or was it just Mr Yekatom?

21 A. [10:27:27] After -- for example, after the gathering, he might come and say that
22 sort of thing. And two or three days later, during another gathering, his deputy
23 would come and say the same thing. The instruction came first from him and then
24 after, his deputies would pass on the same instructions. And if the elements who
25 received those instructions came across a Muslim, they would kill him. When he

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1 wasn't there, and, often, he would be travelling, I don't know where he went, but
2 when he wasn't there, his deputy would have a gathering and would give the same
3 instructions. And once he was back, a detailed report would be given to him
4 because he was the supreme leader.

5 Q. [10:28:42] Just so that we're clear about the period we're talking about, is
6 this -- as you describe what Mr Yekatom and his deputies were doing, is that
7 something that occurred while you were in the bush before the 5 December 2013
8 attack, or did it continue beyond that?

9 A. [10:29:34] You see, the training occurred in the bush. We came out of the bush
10 on the 4th, at night, and I didn't know that there were other groups. But when we
11 came from Gbangba, we met other groups and so, in that way, (Redacted)
12 (Redacted)

13 So our group, the instructions that we received during the gathering -- he would ask
14 for the troops to be gathered together, he would speak to the elements and when he
15 spoke to them, (Redacted)
16 (Redacted)

17 THE INTERPRETER: [10:30:46] Correction --

18 THE WITNESS: [10:30:47] (Interpretation) Part of the elements crossed over and part
19 remained.

20 PRESIDING JUDGE SCHMITT: [10:30:58] So this already relates to 5 December
21 attack. (Redacted)

22 (Redacted) we will have to think again about the Rule 74 assurances. I'm just flagging
23 that, of course.

24 MR VANDERPUYE: [10:31:15] No, thank you, Mr President. I appreciate that.

25 Q. [10:31:18] I think my question maybe wasn't clear enough. But what I want to

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1 know is the instruction to kill all Muslims because all Muslims were Seleka, whether
2 that instruction continued up to the 5 December attack and beyond the 5 December
3 attack; in other words, was that a standing instruction?

4 * A. [10:31:52] Yes. According to this instruction, it was if we were able to liberate
5 the country -- that way there could be peace in Central African Republic, but this did
6 not happen. God had not willed this to happen.

7 MR VANDERPUYE: [10:32:32]

8 Q. [10:32:34] Okay. (Redacted) people coming in,
9 being recruited and joining the group, were there women among you?

10 A. [10:33:03] There were women.

11 Q. [10:33:07] Were they fighters?

12 A. [10:33:19] Yes.

13 Q. [10:33:25] Did they play other roles?

14 A. [10:33:50] Their role was to fight. They were fighters.

15 Q. [10:34:01] Did they cook, clean, things like that?

16 A. [10:34:19] As I have already said yesterday, with regard to food, you had to
17 know that (Redacted). And if, today, we were to find something to cook
18 for the children, we would do it, but if there's nothing, they're still there. And if
19 there's a gathering, they would come, depending on their section, to listen to the
20 instructions.

21 Q. [10:34:57] I'm just asking about women, in particular.

22 A. [10:35:15] But when I say "they" in the feminine, it's the women. I'm talking
23 about them. They did not cook every day. For example, one day they could be
24 cooking. If they managed to go out to find some manioc leaves or some tubers, they
25 would come back and cook and everyone would eat. But if there's no food, everyone

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1 remains in one's corner. And when there's a gathering, everyone gathers to listen to
2 the instructions.

3 Q. [10:35:58] Thank you very much. That's very helpful. And I'm reminded that
4 because we're going through an interpreter, when you say "they" in the feminine, it
5 doesn't translate into English because there's no "they" in the feminine in English. So
6 I appreciate that clarification. But that's the reason why sometimes we may not
7 understand each other very well.

8 I'll ask you a few questions about them. About how many women would you say
9 (Redacted)?

10 A. [10:36:49] Up until that point, I think -- I think -- not to lie, I think I have
11 forgotten. If perhaps I could look at my statement, that could refresh my memory.
12 At this point, I have no idea how many there were.

13 PRESIDING JUDGE SCHMITT: [10:37:09] Yes, you can put it to him, paragraph 40.

14 MR VANDERPUYE: [10:37:13] Indeed.

15 Q. [10:37:14] At paragraph 40 in your statement, you say that there were 23 female
16 Anti-Balaka who volunteered, four or five women cooked, other women worked as
17 guards and none of them fought in the attacks on Boeing. And there was one
18 woman whose name you indicate here, which I won't read into the record to avoid
19 identifying you.

20 PRESIDING JUDGE SCHMITT: [10:37:44] Ms Dimitri.

21 MR VANDERPUYE: [10:37:44] (Overlapping speakers)

22 MS DIMITRI: [10:37:45] Mr President, again, I'm sorry to be so difficult. The
23 question was simply about the number. The witness specifically asked to be
24 reminded about the number, not about the role these women may or may not have
25 had on the 5 December attack.

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- 1 PRESIDING JUDGE SCHMITT: [10:38:02] Yes, I think that is a little bit -- I let it pass.
2 Very strictly speaking, you are perhaps right, but we have to also continue. And I
3 think it's clear that the witness also has expressed that the whole issue with the regard
4 to the women is not fully in his recollection. Mr Witness, what you heard from Mr
5 Vanderpuye, is that correct? According -- when you are refreshed -- when your
6 memory is refreshed and your former statement is referred to?
7 There were 23 women, some of them cooked for you, some of them were fighters, and
8 none of them participated in the 5 December attack. I think these were the three
9 points that Mr Vanderpuye made.
10 THE WITNESS: [10:38:48](Interpretation) That's true. I told you that sometimes I
11 forget dates and figures because already several years have gone by.
12 MR VANDERPUYE: [10:39:11]
13 Q. [10:39:11] That's no problem at all. That's not a problem. If you don't
14 remember, then you just say, and then we can see if we can find a way to refresh your
15 recollection.
16 We are in private session? Yes.
17 PRESIDING JUDGE SCHMITT: [10:39:22] Yes.
18 MR VANDERPUYE: [10:39:22]
19 Q. [10:39:23] Do you remember the names of any of the women that were in the
20 group?
21 A. [10:39:40] Mbafolo Honorine, Cynthia, Mbafolo Ndège. There are others
22 whose names I don't recall. Perhaps if you were to show me a photo of them, I could
23 identify them. (Redacted)
24 PRESIDING JUDGE SCHMITT: [10:40:25] Two more than in the statement.
25 So please continue, Mr Vanderpuye, to another question.

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1 MR VANDERPUYE: [10:40:31]

2 Q. [10:40:31] Have you heard the name *Cheveux de la mort*?

3 A. [10:40:40] Yes. She's -- or it is the aide-de-camp of Rambo's deputy. I don't
4 know this person's real name. Black hair.

5 THE INTERPRETER: [10:41:07] Said the witness.

6 MR VANDERPUYE: [10:41:08]

7 Q. [10:41:09] Do you know someone by the name of Lina?

8 PRESIDING JUDGE SCHMITT: [10:41:12] A quick question. Could we discuss at
9 least these names in open session or do you think it could be -- it depends of course a
10 little bit if the witness reveals why he knows the persons, that might be a potential
11 difficulty, but --

12 MR VANDERPUYE: [10:41:29] I think so, but I don't have many to go.

13 PRESIDING JUDGE SCHMITT: [10:41:32] Okay. Then please continue in private
14 session.

15 MR VANDERPUYE: [10:41:35] Okay. Sorry, Mr President, I --

16 PRESIDING JUDGE SCHMITT: [10:41:37] No, no, no, you don't have to -- I'm just
17 trying to figure out when we can go to open session. There will not be many areas, I
18 assume.

19 MR VANDERPUYE: [10:41:50] Not immediately, no.

20 Q. [10:41:51] Sorry, I was asking you about Lina. Does that -- does that name ring
21 a bell?

22 A. [10:42:00] Yes. She was part of the group.

23 Q. [10:42:06] Is there anything in particular about her that you can describe that
24 you can remember or not?

25 A. [10:42:35] She was part of the group. Just as *Cheveux noirs* whom you just

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1 mentioned. She's a very brave girl, nice girl. That is why the deputy had -- had
2 wanted to have her as a bodyguard. These were very brave fighters.

3 Q. [10:43:06] Do you know somebody by the name of Calenada?

4 A. [10:43:20] Yes.

5 Q. [10:43:24] And was she part of the group?

6 A. [10:43:26] Yes.

7 Q. [10:43:35] Does the name Candide ring a bell?

8 A. [10:43:46] Yes.

9 Q. [10:43:48] And was she part of the group?

10 A. [10:43:53] Yes. All these 23 women were part of the group. All 23.

11 Q. [10:44:07] Carine Saragba, Chantal Saragba?

12 * A. [10:44:26] Carine Saragba and Chantal Saragba were not part of the group.

13 These are the younger sisters of Yekatom. They are his sisters. I can talk about
14 Chantal who is a gendarme, a woman gendarme. If you see the list, all these women
15 were part of the list. One day, the government had asked that all women who were
16 part of the group go and receive military stripes. I mentioned some women, and I
17 am surprised that you don't know them.

18 (Redacted)

19 (Redacted)

20 PRESIDING JUDGE SCHMITT: [10:45:31] Ms Dimitri.

21 MS DIMITRI: [10:45:33] Mr President, there's quite a few differences between the
22 French version and English version. The first one being that in French, he said about
23 Chantal and Carine:

24 (Interpretation) They "were not part of the group."

25 (Speaks English) And it was translated by "they were part of the group." And then

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1 the -- the last bit of the answer was also missing in addition --

2 PRESIDING JUDGE SCHMITT: [10:45:59] Actually I also heard "they were not part

3 of the group", so -- but I was not sure. So can we perhaps --

4 Mr Witness, you see, there is -- sometimes this happens that there is a discrepancy

5 between our French and English transcript. So may I ask you just again, were

6 Chantal and Carine Saragba, were they part of the group or were they not part of the

7 group?

8 THE WITNESS: [10:46:23](Interpretation) I told you earlier that I had never seen

9 them in the group. These names which you have just mentioned, I did not mention

10 them. I know them as the younger sisters of Yekatom.

11 PRESIDING JUDGE SCHMITT: [10:46:50] Well, this conforms with the French

12 transcript, so I think we can -- it's clear now.

13 MR VANDERPUYE: [10:46:56] Thank you.

14 PRESIDING JUDGE SCHMITT: [10:46:58] And thank you, Ms Dimitri, for being

15 alert -- to alert us of this, because this is really -- because it's the exact opposite.

16 MR VANDERPUYE: [10:47:07] Yes, and I appreciate that. I'm listening in the

17 English so that I don't overlap, which is my tendency. So I very much appreciate it.

18 Q. [10:47:19] Let me ask you about a few other names. Flavienne Calenada, I have.

19 Do you know that name?

20 A. [10:47:33] Yes. She was a fighter. I know her.

21 Q. [10:47:40] In the group?

22 A. [10:47:43] Yes.

23 Q. [10:47:48] Frida Kpengouloho?

24 A. [10:47:58] I know her.

25 Q. [10:48:00] Also in the group?

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1 A. [10:48:01] Yes, she was part of the group.

2 Q. [10:48:11] Mariette Hoshea?

3 A. [10:48:21] I don't know that one.

4 Q. [10:48:26] Marlene Mapanza?

5 A. [10:48:36] I don't know that name.

6 Q. [10:48:47] Cynthia *de la reine*?

7 A. [10:48:57] Yes, I was talking about her. I know her perfectly well. She was
8 part of the group.

9 Q. [10:49:06] All right. I think I will leave it there. There are a few others, but I
10 think I want to move on to something else.

11 When you were in the bush and in the village, I take it that there were civilians in the
12 villages or the village -- villages that you went through; is that right?

13 A. [10:49:36] Well, of course. These were villages. At first, we crossed a body of
14 water and even before crossing the river, the body of water, you have to go through
15 the village. * Then you cross the body of water before getting to our base.

16 Q. [10:50:12] And I think you said before that due to the hard times that you had
17 while you were in the bush, even the villagers were helping to support and feed you
18 and so on; is that right?

19 A. [10:50:33] Yes.

20 THE INTERPRETER: [10:50:42] The interpreter --

21 THE WITNESS: [10:50:44](Interpretation) They helped us a lot.

22 THE INTERPRETER: [10:50:47] The English interpreter missed the first bit of the
23 answer after the "yes".

24 PRESIDING JUDGE SCHMITT: [10:50:56] "*C'est la vérité.*"

25 THE INTERPRETER: [10:50:57] "It is the truth."

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1 MR VANDERPUYE: [10:51:02] Thank you, Mr President.

2 Q. [10:51:03] And that is because being in the bush, you couldn't go into town and
3 into places where you would be seen because of the Seleka; is that right?

4 A. [10:51:18] That's true. It's that indeed.

5 Q. [10:51:34] So the villagers would help you get food and other things while you
6 were in the bush, the group used the villagers to do that; is that your recollection?

7 A. [10:52:09] That's it. No, we did not get any financial help -- financially.

8 They -- the population helped us with food. When they saw us suffering in the bush,
9 they helped us with food, because they knew that our goal was to -- to fight to save
10 them. That's why they were giving us this food, this assistance in the way of food.

11 PRESIDING JUDGE SCHMITT: [10:52:46] So strictly speaking, this could be of
12 course discussed in open session.

13 MR VANDERPUYE: [10:52:52] Yes, I think you are right. The thing is, I'm about to
14 go into an area which I think could identify him and --

15 PRESIDING JUDGE SCHMITT: [10:53:00] Which area is that?

16 MR VANDERPUYE: [10:53:01] It has to do with (Redacted)

17 PRESIDING JUDGE SCHMITT: [10:53:09] Yes, I thought so, that this would be the
18 next. I think before that we -- I think we make a break then. And also with regard

19 to that, we can also -- because we have to ask you as a Chamber, we have to ponder if
20 (Redacted)

21 (Redacted)

22 MR VANDERPUYE: [10:53:25] Exactly.

23 PRESIDING JUDGE SCHMITT: [10:53:25] -- a Rule 74 issue. Yes? Perhaps I

24 might ask you, if we entertain that, and Mr Khalil, so to avoid that Mr Khalil is

25 rightfully so complaining. Yes?

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- 1 MR VANDERPUYE: [10:53:41] So if I may propose, I just have a couple of -- we are
2 breaking at 11, right? So I have just a couple of questions on this one topic, then
3 maybe we can break and then we can sort out the -- the --
- 4 PRESIDING JUDGE SCHMITT: [10:53:50] So we can -- yes, yes, exactly. So we can
5 go to open session for perhaps --
- 6 MR VANDERPUYE: [10:53:53] Yes, just for a couple of questions.
- 7 PRESIDING JUDGE SCHMITT: [10:53:56] Yes, yes, yes. Okay. Good.
- 8 MR VANDERPUYE: [10:53:57] Thank you, Mr President.
- 9 PRESIDING JUDGE SCHMITT: [10:53:59] And (Redacted)
10 issue before -- before the --
- 11 MR VANDERPUYE: [10:54:00] That's right.
- 12 PRESIDING JUDGE SCHMITT: [10:54:00] -- yes, the next session.
13 (Open session at 10.54 a.m.)
- 14 THE COURT OFFICER: [10:54:16] We are back in open session, Mr President.
- 15 MR VANDERPUYE: [10:54:18] Thank you.
- 16 Q. [10:54:19] Just a few questions on this issue. You said that the villagers would
17 help the group while you were in the bush with food. And my question is, did they
18 help with other things? For example, did they help to let the group know if the
19 Seleka were near or where the Seleka were? Did they let you know things like that?
- 20 A. [10:54:53] No. We were in the bush, very far in the bush. They could not give
21 us information on the positions of the Seleka. Where we were in the bush was very
22 far from the capital, so we did not get this type of information from the villagers.
- 23 Q. [10:55:26] And in terms of what the villagers were helping you with for food, I

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1 take it that it was the village; so men, women, children, elderly. They were all
2 helping you?

3 A. [10:55:56] No, not all the villagers were giving us -- were bringing us assistance.
4 There were people of good faith. These people of good faith came and brought us
5 assistance, not all the villagers.

6 Q. [10:56:19] Okay.

7 MR VANDERPUYE: [10:56:20] I'm going to leave it there for the moment,
8 Mr President. I think now is a good time to take a break anyhow.

9 PRESIDING JUDGE SCHMITT: [10:56:29] Then we will do that. Thank you,
10 everyone. And we will have the break now until 11.30.

11 THE COURT USHER: [10:56:36] All rise.

12 (Recess taken at 10.56 a.m.)

13 (Upon resuming in open session at 11.33 a.m.)

14 THE COURT USHER: [11:33:17] All rise. Please be seated.

15 PRESIDING JUDGE SCHMITT: [11:33:36] So, Mr Vanderpuye, you have the floor.
16 I understood that you want perhaps to entertain issues that would have to be
17 discussed in private session.

18 MR VANDERPUYE: [11:33:51] Just bear with me one second. I want to see if there
19 is a way to maybe do something in open session. I think I can -- I think I can try -- I
20 can try with part of the section, and then I'll have to go back and then --

21 PRESIDING JUDGE SCHMITT: [11:34:22] We would appreciate it, if we can do that
22 and -- but you're aware of the potential issues, also legal issues and --

23 MR VANDERPUYE: [11:34:28] Yes.

24 PRESIDING JUDGE SCHMITT: [11:34:28] Perhaps we can start in open session or
25 continue in open session and then go to private session, if need be, to protect the

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1 witness.

2 MR VANDERPUYE: [11:34:42] Thank you, Mr President.

3 Q. [11:34:44] Good morning again, Mr Witness. We are in open session, so I'll -- I
4 just want to remind you of that, I'm reminding myself, so that we try not to identify
5 you.

6 I had asked just before we broke -- or I indicated just before we broke that I would ask
7 some questions about how the group acquired weapons while the elements were in
8 the bush.

9 So what I'd like to ask you about is whether certain commanders in the group were
10 able to obtain weapons from the bush, and if you can tell the Chamber about that.

11 A. [11:36:12] If you could kindly repeat the question.

12 Q. [11:36:20] Yes, I'm sorry. We were discussing earlier about the group and that
13 there were -- there was Mr Yekatom, there were his deputies, there were sections
14 chiefs. And what I'd like to know is whether any of those people were involved in
15 obtaining weapons for the group while the group was in the bush, if you know.

16 A. [11:37:12] I didn't have anyone. There was only one person. If you don't
17 mind, I'll give that person's name. After the coup d'état, some soldiers fled with
18 their weapons and met up with the group with their weapons. Within the group,
19 the person who gave money to buy the weapons was Captain Kamezolai, who had
20 provided 400,000. Other than that gentleman, I didn't see anyone else giving money
21 to anyone to buy weapons.

22 Q. [11:38:12] Okay.

23 PRESIDING JUDGE SCHMITT: [11:38:14] Ms Dimitri. Interpretation issue?

24 MS DIMITRI: [11:38:18] Yes, it's just the first sentence. It's written: "*Je n'avais*
25 *personne.*" At line 24.

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1 PRESIDING JUDGE SCHMITT: [11:38:25] I see.

2 MS DIMITRI: [11:38:27] But he said: "*Je n'ai vu personne.*"

3 PRESIDING JUDGE SCHMITT: [11:38:30] I also understood "*Je n'ai vu personne.*"

4 MR VANDERPUYE: [11:38:38] I've been listening in the English. I'm grateful to
5 my colleague (Overlapping speakers)

6 PRESIDING JUDGE SCHMITT: [11:38:40] Well -- well, but we really -- we really
7 have to be grateful to Ms Dimitri that --

8 MR VANDERPUYE: [11:38:49] Indeed.

9 PRESIDING JUDGE SCHMITT: [11:38:50] Because to fix this later on is always a
10 very cumbersome procedure.

11 Please continue, Mr Vanderpuye.

12 MR VANDERPUYE: [11:38:59] Thank you, Mr President.

13 Q. [11:39:00] You mentioned Captain Kamezalai having provided some money to
14 buy weapons. But do you know if weapons were acquired, actually gotten by
15 members of the group on different occasions?

16 A. [11:39:30] No, I didn't see that. I didn't see that. To say that other people
17 came with weapons, no, I didn't see that. What I did see, as I told you, some soldiers
18 who joined the group already had their weapons, which they were using. And I told
19 you about the money that Captain Kamezalai provided to buy these weapons and
20 grenades. That's what I saw.

21 Q. [11:40:13] Okay. Well, maybe I'll ask you another way. Other than what you
22 saw, did you come to know whether weapons were bought -- purchased, acquired by
23 members of the command in the group, that is, Mr Yekatom or his deputies or the
24 section chiefs?

25 A. [11:41:06] Yes. They took some arms from Zongo. They brought back

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1 weapons from Zongo. In my statement I talked about that, 20 pieces of weaponry.
2 They had them taken over in canoes. The canoe would cross over to Zila, by the
3 cement factory, and then they would ask -- they asked the elements to gather. And
4 before he asked them to go out and go get the weapons -- so, I don't know who
5 promised the weapons to them. When the elements went there, they did not find
6 such weapons, and so they had to turn back.

7 PRESIDING JUDGE SCHMITT: [11:42:15] I think we are coming close to the
8 question if we should go back to private session.

9 MR VANDERPUYE: [11:42:22] We're coming close, but there's one question I would
10 like to ask --

11 PRESIDING JUDGE SCHMITT: [11:42:26] Good, good. No, I just wanted -- just
12 a friendly, kindly reminder.

13 MR VANDERPUYE: [11:42:27] Thank you very much, Mr President. Thank you.

14 MR KNOOPS: [11:42:29] Mr President, sorry. It would be helpful, I think, for every
15 Defence team to ask the Prosecution to ask the witness the time frame of this potential
16 acquirement.

17 PRESIDING JUDGE SCHMITT: [11:42:42] Well, I think you are right because we
18 are -- the question of Mr Vanderpuye, as I understood it, was directed more generally
19 to the period from where they were already in the bush.

20 MR VANDERPUYE: [11:42:59] Exactly.

21 PRESIDING JUDGE SCHMITT: [11:43:00] And the witness talked about
22 potentially -- possibly about another time frame; that's indeed, correct, Mr Knoops.
23 Ms Dimitri.

24 MS DIMITRI: [11:43:11] In French, it's the 4th of December, so maybe it was
25 missed in English.

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1 MR VANDERPUYE: [11:43:18] I can guarantee you it was missed in English.

2 MS DIMITRI: [11:43:24] But in French it's the 4th. It's line 12.

3 PRESIDING JUDGE SCHMITT: [11:43:30] Well, it's the 4th, but we can assume what
4 kind of month it is, but -- but still, Mr Vanderpuye, the follow-up question and then
5 perhaps your question that you had in mind and then we go back --

6 MR VANDERPUYE: [11:43:40] Yes. I've just about forgotten it.

7 Q. [11:43:59] But the question that I had in mind was -- what I heard in English was
8 that the witness said, "He told them to go there", but -- so I wanted to know who is
9 "he" in the reference that you made. Maybe that's in the French, but if you could just
10 let us know who told the elements to go there, to find the weapons or to collect them.

11 A. [11:44:15] I meant the leader of the group who asked the elements to gather, and
12 he asked for the bravest elements to be gathered together and they were to go
13 somewhere to get the weapons. The chief was Yekatom. He is the one who gave
14 the instructions. Secondly, they left to the -- and went to the place in question and
15 when they came back, they came back empty-handed. They didn't find the
16 weapons.

17 Q. [11:44:52] Okay. Now I think we can go into private session, Mr President.

18 PRESIDING JUDGE SCHMITT: [11:44:57] Yes, private session.

19 (Private session at 11.45 a.m.)

20 THE COURT OFFICER: [11:45:02] We are in private session, Mr President.

21 MR VANDERPUYE: [11:45:15] All right.

22 Q. [11:45:17] So the first thing I would like to do is to clarify with you --

23 PRESIDING JUDGE SCHMITT: [11:45:21] Ms Dimitri has something to clarify too.

24 MS DIMITRI: [11:45:25] I'm sorry for this interruption. In French, he said there
25 were 50, and I didn't hear the word "50" in English.

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1 THE INTERPRETER: [11:45:37] Message from the interpreter --

2 MS DIMITRI: [11:45:40] Fifty elements went to -- to gather these weapons that were
3 not there. But for me, 50 is important.

4 PRESIDING JUDGE SCHMITT: [11:45:45] Yes, but -- no discussions, please.
5 Interpreter, please.

6 THE INTERPRETER: [11:45:48] Message from the interpreter: We will
7 double-check the audio and make any necessary correction to the transcript.

8 PRESIDING JUDGE SCHMITT: [11:45:55] Okay, thank you.
9 Mr Vanderpuye.

10 MR VANDERPUYE: [11:45:58] All right. First, I'll clarify what Ms Dimitri has
11 raised.

12 Q. [11:45:58] We understand that you made a reference to 50, I guess 50 people that
13 went to collect the weapons. Can you -- could you perhaps clarify if that's what you
14 said or what you meant in terms of the number of people that went to go and get
15 weapons?

16 A. [11:46:29] Yes, that's right, 50 people. But they didn't get the weapons. I don't
17 know who they talked to, to get that information about the weapons. Before God, I
18 say I don't know who it was.

19 Q. [11:46:51] Okay. Then the second question that I had, with the instance of my
20 colleague, Mr Knoops, is, when -- or what period are you talking about, what
21 time frame did this weapons' run occur to your recollection?

22 A. [11:47:29] I told you that it was 4 November.

23 Q. [11:47:40] And when you say 4 November, do you mean just before the attack
24 on Bangui or do you mean a month before the attack on Bangui?

25 A. [11:48:02] Yes. They left, they didn't get the weapons. On 4 December, at

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1 1500 hours, (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted). And he said that -- that they intended to get weapons, but when they
7 went, there weren't any weapons. That was on the 4th. And on the 5th in the
8 morning, the attack took place.

9 Q. [11:49:22] Okay. That's very helpful in terms of the timing of that particular
10 event.

11 PRESIDING JUDGE SCHMITT: [11:49:27] But I think you wanted to go back in time
12 a little bit, but that's --

13 MR VANDERPUYE: [11:49:31] Indeed.

14 PRESIDING JUDGE SCHMITT: [11:49:33] And then we have the issue that I
15 addressed before we went into the break.

16 MR VANDERPUYE: [11:49:36] Yes. So I think the better way to do it, is, as you
17 suggest --

18 Q. [11:49:37] Which is to ask you directly, whether (Redacted)
19 (Redacted)

20 PRESIDING JUDGE SCHMITT: [11:49:48] And then before we answer that and
21 discuss that, I think we can do it *proprio motu*, Mr Khalil. It's clear that there is an
22 issue here. And what is your stance on that? Normally, according to Rule 74(4),
23 this is ex parte, but I think nobody will complain if you give your views directly.
24 And of course you will also not complain; so what do you think about it?

25 MR VANDERPUYE: [11:50:17] Indeed, Mr President. I would suggest that the

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- 1 Chamber provide the necessary assurances so that the witness can answer truthfully.
- 2 PRESIDING JUDGE SCHMITT: [11:50:22] Okay.
- 3 (Trial Chamber confers)
- 4 PRESIDING JUDGE SCHMITT: [11:50:30] (Redacted)
- 5 (Redacted) the Chamber gives the witness
- 6 the assurances according to Rule 74(3)(c) and paragraph 7.
- 7 (Redacted)
- 8 (Redacted)
- 9 (Redacted)
- 10 (Redacted)
- 11 (Redacted)
- 12 So have you understood this, Mr Witness?
- 13 THE WITNESS: [11:51:12](Interpretation) Yes, I've understood.
- 14 PRESIDING JUDGE SCHMITT: [11:51:24] When I technically speak of some rules
- 15 and paragraphs -- so, for example, when I also mentioned Rule 74(7), these are the
- 16 measures that the Court is putting into place that these assurances are being given
- 17 effect. So just -- for example, that we are now in private session, that your name will
- 18 not be revealed and all such things.
- 19 Mr Vanderpuye, please continue. I think now repeat your question --
- 20 MR VANDERPUYE: [11:51:51] Yes (Overlapping speakers)
- 21 PRESIDING JUDGE SCHMITT: [11:51:52] And perhaps, indeed, it's a good idea
- 22 now to try to induce a narrative by the witness, perhaps, so it would perhaps shorten
- 23 the -- and streamline the questioning.
- 24 MR VANDERPUYE: [11:52:06] Thank you, Mr President.
- 25 Q. [11:52:10] Sir, what I was asking was (Redacted)

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1 (Redacted). So if you could describe that and when it

2 happened, that would be helpful, if at all.

3 A. [11:52:32] To answer your question, I can only give you answers about -- about

4 things I'm sure about. (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 PRESIDING JUDGE SCHMITT: [11:55:37] Mr Witness, may I ask you if you -- I

20 know it's difficult after all these years, if you have an idea when in 2013, I assume,

21 when in 2013 this happened? Perhaps you can orientate yourself how long before

22 the 5 December attack this happened. If you -- perhaps you can try to narrow it

23 down a little bit.

24 THE WITNESS: [11:56:23](Interpretation) I don't remember the date, but I do know

25 it was in the month of November. And on 4 December, (Redacted)

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1 on 5 December. The first attack failed and he said later -- and I've always said that
2 the leader, and when I say "the leader", you have to understand I mean it's him, the
3 leader. He said that the French soldiers were supposed to provide us with
4 ammunition on the 5th. So we had problems with ammunition. When we
5 withdrew, the Seleka attacked, and they committed acts of abuse and violence on the
6 population by way of reprisal.

7 MR VANDERPUYE: [11:57:33]

8 Q. [11:57:34] I'm going to come to that in a little while, but before we get to that, I
9 want to clarify some things about how weapons were acquired before the 5 December
10 attack.

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 PRESIDING JUDGE SCHMITT: [11:58:20] Ms Dimitri.

15 MS DIMITRI: [11:58:21] Mr President, I would appreciate it if we could let the
16 witness give his narrative. (Redacted)

17 (Redacted)

18 (Redacted) Just ask an open-ended question to the witness.

19 PRESIDING JUDGE SCHMITT: [11:58:42] I'm just looking what -- because he
20 mentioned -- I don't find it quickly now. Let me have a look.

21 MR VANDERPUYE: [11:58:47] Well, there is --

22 PRESIDING JUDGE SCHMITT: [11:58:48] Give me a minute, please. Well, he
23 mentioned, and that is page 42, lines 12 following of the realtime transcript:

24 (Redacted)

25 So we can fairly ask him to tell us more about this supply trip, Mr Vanderpuye, or I

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1 ask him.

2 Mr Witness, please can you tell us more -- give us more information on this second
3 supply trip that you mentioned in your first answer on the issue.

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 MR VANDERPUYE: [12:01:58]

21 Q. [12:01:58] Well, the reason why I'm asking you about this is because you made
22 a correction to your statement at paragraph 41, and what you're saying now, to me,
23 seems not quite the same.

24 So at paragraph 41 originally, your statement said: (Interpretation) "Once" -- (Speaks
25 English) in French --

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- 1 MS DIMITRI: [12:02:23] Mr President.
- 2 PRESIDING JUDGE SCHMITT: [12:02:24] Ms Dimitri.
- 3 MS DIMITRI: [12:02:24] I'm sorry for the interruption, but 41 is a complete different
- 4 subject. (Redacted)
- 5 (Redacted)
- 6 (Redacted)
- 7 (Redacted)
- 8 PRESIDING JUDGE SCHMITT: [12:02:47] I don't think --
- 9 MR VANDERPUYE: [12:02:47] (Redacted)
- 10 (Redacted)
- 11 (Redacted)
- 12 (Redacted)
- 13 Paragraph 111 (Redacted)
- 14 (Redacted)
- 15 (Redacted)
- 16 (Redacted)
- 17 (Redacted)
- 18 (Redacted)
- 19 PRESIDING JUDGE SCHMITT: [12:03:34] I don't think that we have huge
- 20 discrepancies here. I think this will solve itself. There is no need to, let's say -- even
- 21 between the line say that the witness is holding something back. I don't see
- 22 that (Overlapping speakers)
- 23 MR VANDERPUYE: [12:03:51] On the contrary --
- 24 PRESIDING JUDGE SCHMITT: [12:03:51] -- I can see that (Overlapping speakers)
- 25 MR VANDERPUYE: [12:03:51] -- my concern is counsel's interruption on a perfectly

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1 legitimate line of examination.

2 PRESIDING JUDGE SCHMITT: [12:03:54] No, please continue, so put this first, yes.

3 Let me do it, yes?

4 So you said at the time, I read it to you:

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted). So is that -- according to your recollection today, is that correct or not?

13 MS DIMITRI: [12:05:13] Mr President, I'm sorry to interrupt you, but there was

14 a correction. (Redacted)

15 (Redacted)

16 PRESIDING JUDGE SCHMITT: [12:05:25] Okay. So then we add that, please do

17 that, Mr Vanderpuye, that there was this correction and you can ask which version is

18 correct.

19 MR VANDERPUYE: [12:05:36] That's exactly -- that's exactly where I was going

20 before counsel raised it. I said, "You corrected your statement," I think is when she

21 stood up.

22 Q. [12:05:41] And the correction that you have in your statement is at paragraph

23 111. I'm sorry, no, paragraph 41 in ERN CAR-OTP- -- you know, with all the zeros,

24 15-000001, and that's at page 000009. And there you struck out --

25 MR VANDERPUYE: [12:06:00] I don't know if we can have it on the screen, that

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1 would be the best, so he can see what we're talking about.

2 PRESIDING JUDGE SCHMITT: [12:06:05] Yes, perhaps, yes, we give it a try.

3 MR VANDERPUYE: [12:06:14]

4 Q. [12:06:14] Anyway, what you wrote -- what you corrected is, that it says:

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 Are we able to get the -- the paragraph up on the screen?

19 PRESIDING JUDGE SCHMITT: [12:07:45] No, it's not yet on the screen.

20 So I think, Mr Witness, this might be confusing to you, but perhaps I try --

21 MR VANDERPUYE: [12:07:57] Thank you, Mr President.

22 PRESIDING JUDGE SCHMITT: [12:07:58] -- I use the time, perhaps, a little bit until
23 it appears on the screen.

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted). Perhaps you can

6 answer, Mr Witness, without looking at the screen.

7 But if we have it on the screen, it's easier for him --

8 MR VANDERPUYE: [12:09:03] We can -- we can put it up, if they can't. We can

9 (Overlapping speakers)

10 PRESIDING JUDGE SCHMITT: [12:09:09] Yes. Okay. Evidence channel 2

11 obviously is (Overlapping microphones)

12 And to calm down everyone, I understand Mr Vanderpuye was not happy to be

13 interrupted because his intentions were absolutely, let's say, legitimate and ethical,

14 but Ms Dimitri was also right because it is indeed unclear what we are talking about.

15 If there are two instances, one instance or whatsoever; so it's no reason to get agitated

16 so to speak.

17 So, Mr Witness, I think you have in mind how I tried to explain the difficulty that we

18 have here. Perhaps have a look at what you have been striking out, and then tell us

19 what you can tell us about events -- instances (Redacted)

20 (Redacted)

21 Mr Khalil?

22 MR KHALIL: [12:10:24](Interpretation) Mr President, I am not aware of this, of what

23 was struck out or whom was struck out. And so the date -- so has there been

24 a second testimony given here or not? Because I really don't understand, I'm sorry.

25 PRESIDING JUDGE SCHMITT: [12:10:51] Well, that is a little bit unfortunate, I have

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1 to say, because, you know, during the familiarisation process, the witnesses at this
2 Court get the possibility to read their former statements and can make corrections if
3 they deem fit. And this is one of the corrections that your client made. So it would
4 be, of course, much better if you, as the counsel in that regard to the witness, would
5 have got these corrections too. So this is -- perhaps we can -- if this is not standing
6 practice, we have to change that. You have to -- of course to know that. And, in the
7 meantime, let me put it this way, I think we can solve this on the spot now.
8 But I would ask the Registry that you provide Mr Khalil during the break -- the next
9 break with these corrections. Yes?

10 MR KHALIL: [12:11:56](Interpretation) Yes, thank you, Mr President. None of this
11 has been disclosed. I'm not aware of it. That is why I'm asking the Chamber that
12 this paragraph be adjourned because I have to consult with my client. Could we put
13 this paragraph off to the afternoon? Because I am worried for him under Rule 74; so
14 I have to discuss this with my client. I'm sorry, but if it would be possible.
15 Thank you.

16 PRESIDING JUDGE SCHMITT: [12:12:30] Mr Vanderpuye, any opinion? I think
17 with a little bit -- I don't think in the end, actually, that is my gut feeling, I don't
18 know -- I think that is not -- perhaps not a good expression. But I have the
19 impression that in the end this will solve itself. However, of course, it's unfortunate
20 that the Rule 74 counsel does not have the full information. We have to admit that.

21 MR VANDERPUYE: [12:12:57] I think that's -- I think that's right, I think it will solve
22 itself because it's not substantively much different than what was originally on the
23 statement and already provided to counsel.
24 The second thing is that obviously Mr Khalil has an important role in terms of
25 advising the witness with respect to Rule 74. Ultimately, the responsibility to assure

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1 or provide guidance on this issue rests with the Chamber, and so I defer obviously to
2 the Chamber's judgment on this matter.

3 PRESIDING JUDGE SCHMITT: [12:13:32] We have given the Rule 74 (Overlapping
4 speakers)

5 MR VANDERPUYE: [12:13:34] Then I think --

6 PRESIDING JUDGE SCHMITT: [12:13:34] (Overlapping speakers) Mr Khalil, and
7 Mr Vanderpuye, and everybody else, we have given the Rule 74 assurances generally
8 to this topic.

9 MR VANDERPUYE: [12:13:45] Then I would say that it's covered, irrespective of
10 whether it's been (Overlapping speakers)

11 PRESIDING JUDGE SCHMITT: [12:13:49] Yes, yes, it's --

12 MR VANDERPUYE: [12:13:49] (Overlapping speakers)... counsel.

13 PRESIDING JUDGE SCHMITT: [12:13:49] -- I would also say so. We simply try
14 clarify.

15 Now, Mr Witness, what do you want to say? You have the floor.

16 THE WITNESS: [12:13:59](Interpretation) The document on the screen is not
17 something that I have corrected. (Redacted)

18 (Redacted) -- what -- the

19 document you have on the screen is one that I have not corrected. I don't know who
20 made this correction.

21 The other -- the others were corrected in my presence, but with regard to what's on
22 the screen, I don't know who did this.

23 PRESIDING JUDGE SCHMITT: [12:14:46] Well, that is a new twist of fate, so to
24 speak. Actually, we had such an incident already so -- for the familiarisation process.
25 And if VWU makes corrections, it's always better if the witness himself or herself

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1 makes the corrections with their own handwriting.

2 So -- but then we simply, I ask the witness simply, so what initially -- so these

3 corrections, so alleged corrections by you, they are not correct. So you would stand

4 by what you said initially, that (Redacted)

5 (Redacted). Is that

6 my correct interpretation or am I wrong?

7 THE WITNESS: [12:15:40](Interpretation) Yes. But I see that the Plaza Hotel is

8 mentioned, and here they talked about the Oubangui hotel. It wasn't the cement

9 factory of Zila. We reached the shore at the cement factory, beside the cement

10 factory. Beside the Oubangui hotel there were some Selekas there, we couldn't take

11 that risk. We crossed the river and we came ashore beside the Zila cement factory.

12 But I saw that they -- they spoke of the Oubangui hotel. No. We went -- we came

13 ashore beside the cement factory and it was from there that we came up.

14 PRESIDING JUDGE SCHMITT: [12:16:43] So this is -- we have a live witness and it's

15 not a Rule 68(3) witness, and this is a -- let's say, a correction in itself today. And

16 what is decisive with a live witness is what the witness says in the courtroom. So we

17 proceed from there and I think we -- perhaps we have still the issue with the -- if this

18 (Redacted)

19 (Redacted) perhaps we can clarify that and then move on.

20 MR VANDERPUYE: [12:17:12] Yes, I would like to clarify that and (Overlapping

21 speakers)

22 PRESIDING JUDGE SCHMITT: [12:17:15] Obviously. Obviously.

23 MR VANDERPUYE: [12:17:21] Aside from that, though, I think it would be helpful

24 to clarify, perhaps not with the witness, but the circumstances under which these

25 corrections were put on (Overlapping speakers)

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1 PRESIDING JUDGE SCHMITT: [12:17:25] We will ask. I have already, so to speak,
2 ordered the (Overlapping speakers)

3 MR VANDERPUYE: [12:17:27] Thank you, Mr President.

4 PRESIDING JUDGE SCHMITT: [12:17:27] -- VWU to provide their views on that.

5 Because it's not the first time, if I -- of course, I don't recall which witness this was, but
6 it was not so long ago that we had a similar issue.

7 MR VANDERPUYE: [12:17:40] Thank you, Mr President.

8 PRESIDING JUDGE SCHMITT: [12:17:42] And as a practice, perhaps it's good to put
9 it on the record, although we are in private session, but as a practice, I think it is really
10 preferable if the witnesses themselves in their own handwriting and if they make -- if
11 they make the corrections themselves and not some -- yes, some interpretation by
12 VWU.

13 Please.

14 MS DIMITRI: [12:18:04] Mr President, could we be copied to any report the VWU
15 might send in this regard because you'll understand that it has an impact on --

16 PRESIDING JUDGE SCHMITT: [12:18:10] No, I think that would be only fair --

17 MS DIMITRI: [12:18:16] Thank you.

18 PRESIDING JUDGE SCHMITT: [12:18:18] -- I would say.

19 Mr Vanderpuye.

20 MR VANDERPUYE: [12:18:20] Thank you very much, Mr President. Thank you to
21 counsel.

22 Q. [12:18:24] And also thank you to you, Mr Witness, for clarifying the matter and I
23 appreciate your patience in this respect.

24 PRESIDING JUDGE SCHMITT: [12:18:27] Indeed. I really have to add, Mr Witness,
25 there is some back and forth; that's absolutely not your fault. There was a problem

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1 here obviously with the organisation. So we appreciate it that you stay patient and
2 asked calmly -- answered calmly our questions that might seem to you repetitive. I
3 have to admit that.

4 Mr Vanderpuye.

5 MR VANDERPUYE: [12:18:50]

6 Q. [12:18:50] So just to clarify, the incident that you describe (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 A. [12:19:27] No. (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 THE INTERPRETER: [12:20:46] The interpreter in the English booth is not certain

21 that she correctly heard the last word as to where they ended up. It was -- the

22 interpreter corrects herself: It was the base, until they got to the base.

23 MR VANDERPUYE: [12:21:05]

24 Q. [12:21:06] The weapons -- well, (Redacted)

25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 Q. [12:22:21] Okay. That's helpful as well. I have to say that I notice you have a
9 certain reluctance to mention names, but I think it's important to do that so that the
10 record that's being transcribed is clear. So when you say "they" and "the leaders"
11 and things like that, it's not clear who you're talking about. So I'll ask you to do that
12 or keep that in mind when I put those kinds of questions to you.

13 (Redacted)

14 A. [12:23:00] (Redacted)

15 (Redacted)

16 (Redacted) I talk about the leaders, there

17 is -- and I will name Yekatom, as well as the two people accompanying him, the ones
18 who usually accompany him.

19 Q. [12:23:40] And that would be Habib Beina and Freddy Ouandjio?

20 A. [12:23:47] Yes.

21 Q. [12:23:53] (Redacted) in contact with Maxime Mokom

22 in relation to getting these weapons?

23 A. [12:24:18] No. I never spoke with Mokom. (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 Q. [12:24:54] Well, maybe that was my fault, and I didn't give you names. What I
4 mean is not whether you had contact with Maxime Mokom but whether Yekatom,
5 Beina or Ouandjio had contact with *Yekatom *[Maxime Mokom] (Redacted)
6 (Redacted) Do you know?

7 MS DIMITRI: [12:25:13] I believe this was answered by the witness. It's the last bit
8 of his answer. He said -- I have it in French. I'm sorry, I don't have it in English.

9 PRESIDING JUDGE SCHMITT: [12:25:22] Please read it.

10 (Redacted)

11 (Redacted)

12 PRESIDING JUDGE SCHMITT: [12:25:32] Well, it's a bit more specific with Maxime
13 Mokom, so I would let the question. This was more generic, the answer.

14 So, Mr Witness, were you aware or did you -- did you come to know that Maxime
15 Mokom had contact with the three leaders that you mentioned? Can you tell us
16 anything about that, and if you can't, then you simply say no.

17 THE WITNESS: [12:26:05](Interpretation) No. (Redacted)

18 (Redacted)

19 MR VANDERPUYE: [12:26:32]

20 Q. [12:26:33] "He" meaning Maxime Mokom wasn't there. Is that what you mean?

21 A. [12:26:43] Yes, indeed. That's it.

22 Q. [12:26:46] My question was whether you knew if Freddy, Habib or Yekatom had
23 contact with Mokom (Redacted) whether he was there
24 at the time that they were acquired -- if you know. If you don't know, you don't
25 know.

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 Q. [12:27:41] (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted) If you know.

8 A. [12:28:23] No.

9 Q. [12:28:27] Okay. (Redacted)

10 (Redacted) And if so, who

11 and when?

12 A. [12:29:05] (Redacted)

13 (Redacted)

14 (Redacted) But if they had

15 undertaken other initiatives or negotiations, I am not in a position to say.

16 (Redacted)

17 (Redacted)

18 A. [12:30:29] They brought weapons, but I don't know where the weapons came

19 from. The exact source of the weapons, I do not know. Perhaps they were from

20 Zongo. I don't know. I no longer remember some of the details.

21 Q. [12:31:04] Do you remember being asked about it during the course of your

22 interview, about whether there were other -- or there were military that were -- that

23 had gone to Zongo to collect weapons?

24 A. [12:31:45] I don't remember.

25 PRESIDING JUDGE SCHMITT: [12:31:47] When the witness --

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1 THE WITNESS: [12:31:49] I don't remember.

2 PRESIDING JUDGE SCHMITT: [12:31:50] When a witness, this witness and any

3 witness, clearly states he does not recall very well certain things, I think we can spare

4 the question, Do you recall that you have been asked about that. You can simply say,

5 Okay. You know, it is expected that he'll say, "I just told you, I don't have

6 a recollection."

7 So you can -- if you want, if you think it's necessary, you can go back to the statement

8 then.

9 MR VANDERPUYE: [12:32:15] I would like to go back to the statement, Mr

10 President.

11 PRESIDING JUDGE SCHMITT: [12:32:18] Yes.

12 MR VANDERPUYE: [12:32:19] I think I can probably just read it, unless there's an

13 objection.

14 PRESIDING JUDGE SCHMITT: [12:32:22] No, I think there will not be an objection.

15 MR VANDERPUYE: [12:32:26]

16 Q. [12:32:26] At paragraph 45 of your statement, you say -- I'll read it in -- no, I

17 have it in French here. In French:

18 (Interpretation) "The FACA members of the Anti-Balaka brought guns, (Redacted)

19 sent seven FACA and one gendarme (Satan) to Zongo (located across the Oubangui

20 river in Congo) to buy weapons. Rombhot, Freddy, Junior Kempes, Habib Beina,

21 Momokama, Max Maïdanda, Bodios Brawe and Satan were the ones who collected

22 the weapons. They bought them from in Zongo, crossing the river near the

23 Oubangui hotel to Zongo because that's where we could get the *pirogues*."

24 (Speaks English) And you say, "I don't know where they got the weapons from."

25 PRESIDING JUDGE SCHMITT: [12:34:00] So does this jog your memory, Mr

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1 Witness?

2 THE WITNESS: [12:34:09](Interpretation) Yes. What you just read out does refresh
3 my memory, but after your reading it out, I can remember.

4 MR VANDERPUYE: [12:34:35]

5 Q. [12:13:49] Is -- sorry.

6 A. [12:34:37] They came with seven weapons, if I recall correctly. I no longer
7 recall the date. If you could tell me, or remind me of that.

8 Q. [12:34:59] I don't think you indicated the date previously, so I would ask you,
9 rather. But this is a separate incident, as I understand it, from the one (Redacted)
10 (Redacted) is that right?

11 A. [12:35:35] Yes.

12 Q. [12:35:38] And on this occasion, if you know, who paid for the weapons?

13 A. [12:36:07] I repeat, my leaders were soldiers and they didn't disclose their
14 secrets. They did not share all their secrets with just anyone. When they would
15 move about, they would often come back with weapons. And when they came back
16 with weapons, (Redacted)
17 (Redacted)
18 (Redacted)

19 PRESIDING JUDGE SCHMITT: [12:36:51] Mr Witness, do you know with which
20 kind of weapons they came back?

21 Excuse me, Mr Vanderpuye.

22 Today, do you recall with which kind of weapons they came back?

23 THE WITNESS: [12:37:08](Interpretation) I saw some AK-47s. There was a FAMAS.
24 There might have been a FAMAS -- a FAMAS-type weapon. But the other types of
25 weapons, I no longer recall. I do know that there were AK-47s. I no longer recall

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1 the other kinds of weapons. If you were to show them to me, I might remember.

2 But right now, I don't remember.

3 MR VANDERPUYE: [12:38:07]

4 Q. [12:38:07] That leads me a bit to a document I want to show you, but just before

5 I do that --

6 PRESIDING JUDGE SCHMITT: [12:38:15] He has mentioned it in paragraph 46.

7 MR VANDERPUYE: [12:38:19] Indeed.

8 Q. [12:38:20] But I'd like to ask you about another incident -- (Redacted)

9 (Redacted) if you

10 remember?

11 A. [12:39:16] (Redacted)

12 (Redacted) Perhaps I've forgotten those times, but in any event, I don't remember.

13 PRESIDING JUDGE SCHMITT: [12:39:35] Perhaps you can use a catch phrase, a

14 catch expression, a catch expression --

15 MR VANDERPUYE: [12:39:39] Perhaps.

16 Q. [12:39:40] Does the name Honorine --

17 PRESIDING JUDGE SCHMITT: [12:39:41] No, no, I don't know what you're heading

18 at but --

19 MR VANDERPUYE: [12:39:43] Okay.

20 PRESIDING JUDGE SCHMITT: [12:39:44] -- Mr Witness, if I just ask you, was there

21 anything in your recollection with regards to weapons and Seleka that might have

22 been sort of acquired from the Seleka or given by the -- or whatsoever? Does that in

23 any way jog your memory, if I put this to you?

24 THE WITNESS: [12:40:21](Interpretation) Yes. (Redacted)

25 (Redacted). If I remember

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1 correctly, in my statement, I did mention that.

2 MR VANDERPUYE: [12:40:47]

3 Q. [12:40:49] How did you pay for those weapons?

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 Q. [12:42:14] Okay. That's helpful.

11 (Redacted)

12 MS DIMITRI: [12:42:19] I'm sorry, but before you move to another incident, could

13 we have a time frame on (Redacted)

14 (Redacted)

15 PRESIDING JUDGE SCHMITT: [12:42:35] Well, I think we leave it up to Mr

16 Vanderpuye when he tries to clarify that. It's -- I think we would have to do that,

17 but -- so you can continue your examination. I think you will come back to this

18 question anyway.

19 MR VANDERPUYE: [12:42:46] Yes. Yes. And it's part of the same --

20 PRESIDING JUDGE SCHMITT: [12:42:49] And it's also up to when you ask it, in my

21 opinion. So please continue.

22 MR VANDERPUYE: [12:42:54] It's fine. It's just part of the same topic anyway, but

23 I want to clarify the one thing and then I'll move to the next (Overlapping speakers)

24 PRESIDING JUDGE SCHMITT: [12:42:58] But please don't forget it, otherwise I will

25 bring the issue up.

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1 MR VANDERPUYE: [12:43:02] Thank you, Mr President.

2 Q. [12:43:04] (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted) to your recollection?

6 A. [12:43:40] At no time.

7 Q. [12:43:43] All right. Then I want to ask you if you can explain something for

8 me. At paragraph 48 of your statement, you describe this incident, and in it you say

9 that (Redacted)

10 (Redacted)

11 (Redacted)

12 So I want to clarify with you whether what you've described here today and what you

13 have in your statement are the same circumstance -- same event or different events?

14 A. [12:45:08] I'm talking about the same thing. (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 PRESIDING JUDGE SCHMITT: [12:46:06] Yes, I think we have an answer now.

22 But, Mr Witness, what is striking - perhaps you can explain it - I think we are now

23 talking about that these weapons were obtained from the Seleka. Yes? Were

24 bought from the Seleka. You told us earlier that the Seleka were the enemy in the

25 eyes of the Anti-Balaka, (Redacted)? Do you have

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1 a recollection on that? Can you tell us a little bit. How did that function? How
2 can we -- you know, we have not there. It would be very interesting for the Judges
3 to be able to imagine that, how that could be managed.

4 THE WITNESS: [12:47:05](Interpretation) Thank you. (Redacted)

5 (Redacted)

6 (Redacted). The Christian Seleka

7 amongst the Muslims had a hard time getting food. They would sell the weapons

8 and go out and bring them to the bush by PK12 to sell the weapons. (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 PRESIDING JUDGE SCHMITT: [12:48:22] So is it correct to assume that the Seleka

14 were not aware for whom the weapons were purchased?

15 THE WITNESS: [12:48:48](Interpretation) Indeed. When we were in the bush, they

16 didn't know about the Anti-Balaka movement. They weren't expecting the

17 Anti-Balaka to repost. They thought they were selling these weapons to Christians

18 for their own protection, and it was the Christians who had joined the Seleka who

19 sold those weapons. It was a big risk. If they had been -- (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 MR KHALIL: [12:50:07](Interpretation) Mr President, I think perhaps the witness ...

25 PRESIDING JUDGE SCHMITT: [12:50:15] I see, I see. Yes. I think we have 10

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1 minutes before the normal break. I think, Mr Khalil, it's a good idea to get now into
2 the break. I would suggest perhaps that we -- yes, let's say normally -- we start at
3 2.30, like we normally would, I would suggest.

4 Mr Witness, we give you the chance to calm down.

5 And I think we should also give the psychological help by VWU.

6 Thank you.

7 THE COURT USHER: [12:50:46] All rise.

8 (Recess taken at 12.50 p.m.)

9 (Upon resuming in private session at 2.31 p.m.)

10 THE COURT USHER: [14:31:18] All rise.

11 Please be seated.

12 PRESIDING JUDGE SCHMITT: [14:31:36] So good afternoon. Mr Vanderpuye,

13 you have still the floor and assuming we will continue in private session, we resumed
14 in private session.

15 MR VANDERPUYE: [14:31:54] Thank you very much, Mr President. Good
16 afternoon to you.

17 Q. [14:31:58] Good afternoon, Mr Witness. I think when we left off, I had just
18 been asking you about (Redacted). And I

19 promised I was going to ask a question, I forgot. I was reminded by counsel as to
20 when this occurred, so I think I probably should ask that first.

21 PRESIDING JUDGE SCHMITT: [14:32:33] So you could recover it.

22 MR VANDERPUYE: [14:32:36]

23 Q. [14:32:36] So can you tell us, (Redacted)

24 (Redacted) can you tell us approximately when that was, if

25 you can remember?

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1 A. [14:33:19] It was before 5 December. I don't remember the exact date or the
2 day.

3 Q. [14:33:44] Can you say if it was long before 5 December, for example, (Redacted)
4 (Redacted) or was it closer to 5 December, let's say within a month or so, if
5 you can remember.

6 A. [14:34:16] (Redacted)
7 (Redacted), so I
8 highlight again the fact that it was before the 5th.

9 Q. [14:34:39] Okay. And you also made a reference (Redacted)
10 Wenezoui, who was the deputy to Mr Ngaïssona and the National Coordination. Do
11 you remember (Redacted) Wenezoui with respect to weapons?

12 A. [14:35:16] It was after the fight of 20 December. It was during the month of
13 December because I do not recall, I do not remember the exact date. It was after the
14 fight of 20 December.

15 Q. [14:35:50] And do you -- do you know where he got the money that (Redacted)
16 (Redacted)?

17 A. [14:36:12] I do not know when he got the money. He is agronomical engineer.
18 Perhaps it was his own money. I don't know if someone gave him that. I don't
19 have any more information than that on this point.

20 Q. [14:36:34] Okay. And I don't want you to guess, so I'm appreciative that you
21 just tell us if you don't know.

22 Do you remember what weapons, if any, (Redacted)?

23 A. [14:36:52] (Redacted)
24 (Redacted)

25 (Redacted). And if I remember correctly, there were also some AK weapons and

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1 I don't remember the brand because several years have gone by, so I cannot
2 remember all the details. If possible, I would ask you to refresh my memory.
3 (Redacted)
4 (Redacted)
5 (Redacted). The Anti-Balakas
6 appeared in Boeing and that's where they attacked PK5. And the cemetery was near
7 Boeing. So when the Muslims were going there to go to the cemetery, it is
8 there -- well, the situation always degenerated into a real battle, so there were many
9 skirmishes around Boeing.

10 Q. [14:39:04] Okay. At the time that you bought those weapons, were you in
11 Mr Yekatom's group still?

12 A. [14:39:31] No.

13 Q. [14:39:34] Whose group were you in?

14 A. [14:39:41] (Redacted). You see, there's the Anti-Balaka
15 group that has only one coordination. * The Anti-Balakas who had come from
16 Bossembele and Bossangoa, all of them only had one coordination. I was part of
17 Yekatom's group and once we went out and we set up in Yamwara, in the school in
18 Yamwara, this base was in Boeing, and from there we went to Sekia, and there, there
19 were two camps. Yekatom and other elements remained in Sekia and Ouandjio and
20 others went to Mbaiki. And when we left, we left this weapon to the elements in
21 Boeing because they were always exposed to the fighting.

22 And if you would allow me, I could give more details. When we left Boeing to go to
23 Sekia, there was a group that had remained there and the person who was in
24 command of this base was the lieutenant, Donoh. That is why we left the 14.5 there,
25 so that they could conduct their operations between kilometre 5 and that

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1 neighbourhood. And we headed to Mbaiki. This was around 20 December that we
2 set up in Mbaiki.

3 Q. [14:41:35] I have a few questions related to that.

4 (Redacted) were

5 you in Mr Yekatom's group at that time? That's the first question.

6 A. [14:42:07] Yes.

7 Q. [14:42:10] Did Mr Yekatom know that (Redacted)

8 (Redacted)? That's the second question.

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 Q. [14:43:14] I understand that, but your evidence is that (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted) is that right?

17 A. [14:43:43] Yes.

18 Q. [14:43:49] (Overlapping microphones) And that's because you reported it to him;

19 is that right? That's because you reported that to him, is that right?

20 A. [14:44:22] Yes.

21 (Redacted)

22 (Redacted)

23 A. [14:44:51] Yes.

24 Q. [14:44:56] You said that (Redacted) some AK-47s. Do you remember other

25 weapons that (Redacted)?

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1 MS DIMITRI: [14:45:14] Sorry, I think it was asked and answered. He said the 14.5
2 and some AK-47s.

3 PRESIDING JUDGE SCHMITT: [14:45:22] Well, but Mr Vanderpuye can give it
4 another try if he recalls more. One shot I think is -- one further shot is allowed.

5 MR VANDERPUYE: [14:45:31]

6 Q. [14:45:32] Do you recall (Redacted) any other weapons other than what my
7 colleague has just mentioned (Redacted), do you remember?

8 A. [14:45:55] You asked me earlier and I told you, I answered that (Redacted)
9 AK-47s, I bought a 14.5, which we left to the elements in Boeing, and I no longer recall
10 the makes of (Redacted).

11 PRESIDING JUDGE SCHMITT: [14:46:17] So you were right, Ms Dimitri.

12 MR VANDERPUYE: [14:46:21]

13 Q. [14:46:21] (Redacted) grenades?

14 A. [14:46:40] Yes.

15 Q. [14:46:44] (Redacted) ammunition?

16 A. [14:47:02] Of course. (Redacted)
17 ammunition. There were selling the weapons -- the bullets, rather, at 200 and (Redacted)
18 (Redacted) if I remember correctly. No, I don't remember the exact number
19 of -- of units of ammunition (Redacted). I do not remember any longer the
20 number of units of ammunition (Redacted).
21 (Redacted)

22 A. [14:47:56] I told you here (Redacted) and I ran the risk
23 of joining this Anti-Balaka group, and I'm aware that this was a major risk. And
24 every time I remember it, I'm sorry, please forgive me for my emotion which overtook
25 me earlier (Redacted)

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1 before this Court to give my testimony, it is because God saved me from everything
2 that we've been through. I was spared. Every time I once again replay in my head
3 the images of what we were doing, I often say to myself, if only I had died, I would
4 have been the author of my own death.

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted) Thank you.

12 Q. [14:50:25] Take your time and I don't want to -- I don't want to dwell on this
13 matter and I certainly don't want you to be upset about it. And I think the presiding
14 judge has said before that your testimony here is very important. And it's important
15 to you clearly, it's important to everyone here, especially the accused, and it's
16 important for all of us, the judges and everyone trying to do justice in this case.
17 So I don't want to dwell on it, and please understand that I'm not trying to press you
18 and make you uncomfortable. There are some details that I will ask you about
19 which I know are upsetting, but they're important to the work that we're doing here.
20 So please bear with me and I'll try to be sensitive to your concerns. Let me know, if
21 you need to stop, also let us know, and we can take a break, give you some time to
22 compose yourself and then hopefully we can continue.

23 Okay?

24 PRESIDING JUDGE SCHMITT: [14:51:46] I think, Mr Witness, you know when you
25 really need a break, you raise your hand and then I will -- then we will grant it.

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1 So please continue, Mr Vanderpuye.

2 MR VANDERPUYE: [14:51:58] Thank you, Mr President.

3 Q. [14:52:00] I think what I'm getting at here, (Redacted)

4 (Redacted)

5 (Redacted) that's my -- that's where I'm coming from.

6 So if you recall, that's fine. If you don't, that's okay as well.

7 MS DIMITRI: [14:52:25] Mr President, again, for the record, I would appreciate less

8 leading questions. You know, there are events you can forget, there are events

9 where it's not about details and so we have (Overlapping speakers)

10 PRESIDING JUDGE SCHMITT: [14:52:40] It's now (Overlapping speakers)

11 MS DIMITRI: [14:52:41] -- either leading questions or --

12 PRESIDING JUDGE SCHMITT: [14:52:42] Yes, you're (Overlapping speakers). Yes --

13 MS DIMITRI: [14:52:43] -- every time the witness doesn't remember his testimony,

14 we put back the statement. I mean, it's becoming - with all due respect - worse than

15 witness preparation, because we're putting the statement or we're putting the word in

16 the statement to a witness and asking him, Do you recall? You don't recall, we will

17 help you recall.

18 MR VANDERPUYE: [14:52:59] I think --

19 PRESIDING JUDGE SCHMITT: [14:53:01] It's a little bit, yes, we have to see it a little

20 bit more differentiated I think. We have also to keep in mind -- we have to keep

21 different things in mind. First of all, it's clear that for everyone, for every witness,

22 but also if we were in that position after so many years, you forget things. It

23 has -- you have to get a little bit of help to remember things.

24 Secondly, the witness has testified at the beginning on questioning by

25 Mr Vanderpuye that he has read his former statement and that he has told the truth at

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1 the time to the Prosecutor. So having said that, you are -- in the specific objection, I
2 agree with you. But Mr Vanderpuye has tried in a more neutral way, but
3 nevertheless the witness has not answered, so I would -- or not answered that specific
4 question.

5 So still, I would then go back to the neutral questioning, Ms Dimitri.

6 Mr Witness, please try to remember, if you can, (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 PRESIDING JUDGE SCHMITT: [14:55:24] Okay. Then --

15 MR VANDERPUYE: [14:55:26] I'll leave it there.

16 PRESIDING JUDGE SCHMITT: [14:55:28] -- it refers to what we have already talked
17 about and you can leave it at that.

18 MR VANDERPUYE: [14:55:33] Yes, Mr President. And just to be clear, I did ask
19 him at the outset (Redacted)

20 (Redacted) (Overlapping

21 speakers)

22 PRESIDING JUDGE SCHMITT: [14:55:48] I think it was not -- it's clear. I

23 understand everybody's motivation here. I completely understood that you did not

24 want to -- let's say, to put the words into the mouth of the witness, but I also

25 understand Ms Dimitri has an issue with this form of questioning; so no problem

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1 here.

2 MR VANDERPUYE: [14:56:06] Okay.

3 PRESIDING JUDGE SCHMITT: [14:56:07] And it was not causal so to speak,
4 because he clearly has now clarified it and there was no problem in that.

5 MR VANDERPUYE: [14:56:14] All right. Thank you.

6 Q. [14:56:15] I just want to show you a document now. It is a document that's
7 from 2015 and it's tab 6, CAR-OTP-2039-0072. Probably not a document you've seen
8 before. But I'll ask you nevertheless if you have.

9 Yes, okay. We will need to go to ERN page 0072 -- I'm sorry, 0073.

10 Have you seen this document before? Do you recognise it?

11 A. [14:57:37] I have never seen this document ever in the past.

12 Q. [14:57:44] Okay.

13 A. [14:57:50] (Redacted)

14 (Redacted). Perhaps it is

15 at that time that this document was drawn up.

16 Q. [14:58:16] On the next page, you can see that it is done in Pissa on 25 March 2015,
17 that you can see I think pretty clearly there. But my question really is relating to the
18 types of weapons that you see that are listed in this document. I just want to know if
19 these are the types of weapons you saw during your time with the group and/or the
20 (Redacted)? So here on this page, we might as

21 well start here, you can see an USI, RPG, DKM. Are these the types of weapons that
22 you saw while you were in the group and (Redacted)
23 (Redacted)

24 A. [14:59:27] Galil, DKM, RGP 7 rocket --

25 THE INTERPRETER: [14:59:40] The witness is reading.

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1 THE WITNESS: [14:59:45](Interpretation) -- I don't see the AK --

2 THE INTERPRETER: [14:59:48] The interpreter thinks she heard "47" --

3 THE WITNESS: [14:59:53](Interpretation) -- on this list.

4 MR VANDERPUYE: [14:59:55]

5 Q. [14:59:56] Just on this page, are these the types of weapons that you saw that
6 were used in the group (Redacted)?

7 A. [15:00:21] Yes. Those weapons were available within the group and the
8 elements didn't use weapons like these ones. This is heavy weaponry. I'd like to
9 specify that there weren't a lot of weapons within the group. If we had enough
10 weapons, we would have taken power, you see? This weapons -- the children
11 couldn't have used them and we didn't show them how to handle such heavy
12 weaponry. We didn't show the elements that -- for example, an LPG 7 or a Galil, no,
13 we didn't train the elements to handle such weapons. When I gave my statement, I
14 said that the elements were trained on how to handle the MAS36 and the AK-47.
15 Those were the weapons.

16 THE INTERPRETER: [15:01:31] Overlapping.

17 MR VANDERPUYE: [15:01:34]

18 Q. [15:01:34] Okay. Just go down the page for a second. I want you to take a
19 look at the date and the signature. Do you recognise that signature as Mr Yekatom's
20 signature?

21 A. [15:02:03] Yes.

22 THE INTERPRETER: [15:02:05] Says the witness in French.

23 MR VANDERPUYE: [15:02:07]

24 Q. [15:02:09] Let's take a look at the preceding page. Here, we see some other
25 weapons. Now you mentioned AK-47s, those you did see and (Redacted)

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1 (Redacted)

2 A. [15:02:38] Yes, that's right. I can see AK-47 here. There were AK-47s with a
3 sort of a folding butt or folding stock and some made out of wood.

4 Q. [15:02:56] If we go down the page, we can take a look at the rest of them on this
5 page. I think you mentioned an MAS36 previously. Did you see those types of
6 weapons being used in the group?

7 A. [15:03:25] Yes, the combatants were trained on how to use the MAS36 weapon
8 and also the BM weapons and the AK-47s. The elements were trained so that they
9 could handle AK-47s, the PMs, et cetera. The MAS36s, the PMs and the AK-37s.

10 Q. [15:04:09] "AK-47s", right?

11 THE INTERPRETER: [15:04:10] Correction: "AK-47", correction from the English
12 booth.

13 MR VANDERPUYE: [15:04:16]

14 Q. [15:04:17] Okay. And --

15 A. [15:04:21] Yes.

16 Q. [15:04:24] I think we can go -- no, before -- I was going to say we can go into
17 open session, but bear with me one second, Mr President.

18 I'm going to ask you about the kinds of instructions you received more closely to the
19 5 December attack. I think I can do it in open session. What I would propose to do
20 is I'm going to refer to the group generally as opposed to you specifically, and that
21 may -- that may help, I think --

22 PRESIDING JUDGE SCHMITT: [15:05:19] Well, but as soon as we are approaching
23 (Redacted) this is an issue again for Rule 74 assurances,
24 if the Chamber would entertain that, and we would ask you before that.

25 MR VANDERPUYE: [15:05:39] Indeed.

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1 PRESIDING JUDGE SCHMITT: [15:05:40] But What has been spoken before, if you
2 can separate that from that, at some point in time it will go over, so to speak, but
3 I think we can try it in open session, yes.

4 MR VANDERPUYE: [15:05:50] I'll try.

5 PRESIDING JUDGE SCHMITT: [15:05:51] Yes, then we go to open session,
6 and -- but if it does not work out, then we have to quickly go back to private session.
7 (Open session at 3.06 p.m.)

8 THE COURT OFFICER: [15:06:10] We are in open session, Mr President.

9 MR VANDERPUYE: [15:06:16]

10 Q. [15:06:17] Mr Witness, we're in open session now. That means just to be aware.
11 I will ask you some questions and I'll ask you to try not to identify yourself in
12 response to them.

13 What I want to ask you about is the type of instructions, if any, that the group
14 received in relation to preparing for the 5 December attack.

15 First of all, do you recall if the group received instructions and -- in that respect and
16 from whom?

17 A. [15:07:23] You know, every day we would warn the elements that we were
18 getting ready to leave, and on the 4th, on the 4th around 1500 hours, he asked me to
19 have the -- to gather the entire section, all the men. So they gathered and Coeur de
20 Lion and Habib started to select the various elements. They would select the bravest
21 ones from the line up and the soldiers, and they said to them that they had to head
22 towards Bangui. * When we left, and once we got to Proget, we came across other
23 elements on the terrain of Proget, and by then there were more of us, once we had got
24 to that place.

25 And you see, we were wearing white arm bands and they were distributed to

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1 everyone at night around 2200 hours. That is when the elements moved towards the
2 market in Boeing. They went and looked at the area in the dark before they turned
3 back.

4 PRESIDING JUDGE SCHMITT: [15:09:24] Thank you. Because when -- we're
5 coming now really to the specificities of the attack.

6 Mr Witness, before the elements went on the attack, have the leaders spoken to the
7 elements?

8 THE WITNESS: [15:09:58](Interpretation) Yes.

9 PRESIDING JUDGE SCHMITT: [15:10:01] So what did they say?

10 THE WITNESS: [15:10:15](Interpretation) "We inform you that tomorrow, we're
11 going to leave and we are going to fight the Seleka elements. We are going to fight
12 the Muslims. Frisk all the elements and take away all the mobile phones that the
13 elements own so that they can't alert their relatives who are in the various
14 neighbourhoods."

15 So before giving that information, we frisked them and confiscated all the mobile
16 phones. Only later he informed the troops that the following day we would be
17 heading towards Bangui. Once we got to Proget, I wasn't there to follow these
18 instructions that had been given to them. Once they got to Proget, they met up with
19 other elements, including some soldiers, and apparently there were also elements
20 who had come from Bossangoa and Bossembele.

21 On the 5th, another group came from Boy-Rabe and they crossed at Boy-Rabe to take
22 up a position behind the assembly. Some groups were based in Ouango in Boy-Rabe;
23 others were positioned at the Cattin road. He said this: "As soon as dawn -- at the
24 strike of dawn, I will give a signal to begin the attack, I will shoot into the air."

25 And indeed, that's what happened. He shot into the air and all of a sudden the

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1 Muslims began shooting as well --

2 THE INTERPRETER: [15:12:56] Correction: The elements began shooting as well.

3 MR VANDERPUYE: [15:13:03]

4 Q. [15:13:04] Do you recall if at any point before that, Mr Yekatom told you what
5 the objectives of the attack would be with respect to the Muslims and Selekas?

6 A. [15:13:40] Well, when you meet up with your enemy, you fight them and you
7 kill them. If they are Muslims, you kill them, be it a woman, a child, you have to kill
8 him or her.

9 Q. [15:13:57] Is that your recollection of what he said or is that something that you
10 are -- or is that what your understanding is? Because I'm asking you the first, which
11 is, what did he say with respect to the objectives, if you recall.

12 A. [15:14:34] But that's what I just told you. He said this: "We are going to leave",
13 and when he said, "We're going to leave", he was talking about several people, many
14 people. "When you come across the Seleka, the Muslims, be it a woman, a child, you
15 have to kill them."

16 Q. [15:15:10] Did he mention anything else, for instance --

17 PRESIDING JUDGE SCHMITT: [15:15:22] Did he mention, apart from doing harm
18 to people, did he mention anything with regard, let's say in a very generic manner
19 with regard to property?

20 THE WITNESS: [15:16:05](Interpretation) He said to destroy the houses of the
21 Muslims. And I'll give you an example. In Boeing, we destroyed the mosque of the
22 Muslims. * What's more, the destruction of the mosques, that wasn't just in Boeing,
23 also in Boy-Rabe, Combattant, Kina, which was Rambo's neighbourhood. We
24 destroyed the mosque.

25 But you should realise as well that the civilian population was also involved in the

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1 destruction of those mosques. After, after our ammunitions ran out, we withdrew
2 and then the reprisals began. During the fighting, we couldn't steal other people's
3 property. It was more the civilians who did that. Right in the middle of the battle,
4 how can you start stealing property? Well, in Mbaiki, there was no destruction of
5 houses.

6 PRESIDING JUDGE SCHMITT: [15:17:21] Let me just stop here, I think we should
7 go then to private session and -- because we are really entering now the realm of his
8 own potential, or not, participation I think.

9 Or do you have any questions where you can fairly assume that the answer will not
10 touch these subjects, potential issues.

11 MR VANDERPUYE: [15:17:44] The only question I have is whether Mr Yekatom
12 said why the properties should be destroyed, which I don't think (Overlapping
13 speakers)

14 PRESIDING JUDGE SCHMITT: [15:17:55] Okay, that can be discussed in open
15 session, but then I think we go to private session --

16 MR VANDERPUYE: [15:18:01] Thank you --

17 PRESIDING JUDGE SCHMITT: [15:18:01] -- and discuss the issue of Rule 74
18 assurances.

19 MR VANDERPUYE: [15:18:04]

20 Q. [15:18:05] Did Mr Yekatom say why the property of the Muslims or the mosques
21 should be destroyed? Did he give a reason for it?

22 A. [15:18:32] No, he gave no reason.

23 MR VANDERPUYE: [15:18:37] All right. I think we can go into private --

24 PRESIDING JUDGE SCHMITT: [15:18:39] We go to private session.

25 MR VANDERPUYE: [15:18:41] Thank you, Mr President.

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1 (Private session at 3.18 p.m.)

2 THE COURT OFFICER: [15:18:54] We are back in private session, Mr President,
3 your Honours.

4 PRESIDING JUDGE SCHMITT: [15:18:57] Thank you very much. Assuming,
5 Mr Vanderpuye, that you are going to ask questions (Redacted)
6 (Redacted) it begs the question of Rule 74

7 assurances and I think we do it the same way, inter partes now. You won't
8 object -- nobody objects here.

9 MR VANDERPUYE: [15:19:20] Yes, Mr President.

10 PRESIDING JUDGE SCHMITT: [15:19:21] What are your views on that?

11 MR VANDERPUYE: [15:19:23] I would request them. I think they're appropriate
12 in the circumstances, Mr President.

13 PRESIDING JUDGE SCHMITT: [15:19:28] Yes, and we have already talked about
14 that, you have seen that. So with regard to the testimony of the witness (Redacted)
15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted) So this ruling of course

21 means during the whole testimony of the witness.

22 So you can continue now, Mr Vanderpuye. Perhaps you can try to induce a
23 narrative, I don't know.

24 MR VANDERPUYE: [15:20:20] Yes, I just have a couple preliminary questions --

25 PRESIDING JUDGE SCHMITT: [15:20:24] Fine, fine. Fine.

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1 MR VANDERPUYE: [15:20:25] -- related to the previous topic.

2 Q. [15:20:29] I had asked you and you responded graciously about what
3 Mr Yekatom instructed preceding the attack. I want to ask you about other members
4 of the command, that is, Habib Beina, Freddy Ouandjio and the section leaders. Did
5 they echo what he said? Did they say something different, contradict him or say the
6 same thing, do you know?

7 A. [15:21:20] After they gathered together, Yekatom came, Beina came as well.
8 Beina is Habib. Freddy, Freddy Ouandjio also came. He gave the instructions in
9 their presence. When it was about going to fight, they fought too. They shot.

10 Q. [15:21:51] And as far as the destruction of the mosques or the property of
11 Muslims, did they participate in that as well, to your knowledge?

12 A. [15:22:20] The 5th. When the sound of bullets began to be heard in the market
13 in Boeing, they continued with operations and the civilians began to destroy the
14 mosque, the imam's house, and the houses of other Muslims close by.

15 We when came back, all those houses had been destroyed already. It wasn't the
16 elements who had destroyed them. It was the civilian population who did that.
17 What is more, the same day, shots were exchanged with a Muslim and Habib threw a
18 grenade at the house, but he came out of the house but he wasn't dead. While the
19 battle was underway, the population went into the shops to loot them. As for the
20 looting, you must realise that it was the civilians who engaged in looting.

21 Q. [15:23:57] Okay. Now, let me just backtrack a little bit. Tell the Chamber how
22 you got from the base in the bush to Bangui for the attack. How did that happen?
23 Where did you go? How long did it take? What were the steps that you took as a
24 group to get into position for the attack? And then I'll ask you some questions after
25 that. So if you can tell the Chamber how that happened, that would be helpful.

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1 A. [15:25:00] On the 4th, we organised the gathering and, during the gathering, the
2 best elements were chosen and the others remained because there weren't enough
3 weapons. So we set up a column. Rambo was at the head of that column. Behind,
4 there was Beina and the other one. When we left Gbangba, the column was very
5 long. They left at 1600 hours and they got to their destination at 1700 hours --

6 THE INTERPRETER: [15:25:56] Correction: 1900 hours.

7 THE WITNESS: [15:25:57] (Interpretation) They went through the bush. They had
8 to cross the waterway at PK9 on the ferry boat -- no, I've got it wrong. No. They
9 didn't go to Avicom. They came out and then they were at Proget, and then they went
10 by way of Bossangoa to find themselves at Proget. The other elements met up with
11 them there. (Redacted). Then
12 after that, white armbands were distributed. And these armbands allowed them to
13 recognise one another and the armbands were on -- either on the right arm or on the
14 forehead and that was the sign to identify an Anti-Balaka element.

15 MR VANDERPUYE: [15:27:03]

16 Q. [15:27:04] That's very helpful. How many of you went from Gbangba to
17 Proget?

18 A. [15:27:42] That was a long time ago. I don't really remember how many, but
19 I can tell you that it was about a hundred, about a hundred. I say that because the
20 next morning, the maximum of the other elements who stayed in the bush arrived
21 after learning that Bangui had been attacked. At one particular point in time, the
22 Anti-Balaka had no longer any ammunition and so they organised a withdrawal.
23 And the Seleka counterattacked. We came and we came up against the -- or we ran
24 into the elements along the way. And when I say the children, I'm talking about the
25 combatants.

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1 PRESIDING JUDGE SCHMITT: [15:28:41] Mr Witness, you said about a hundred.

2 In your former -- in your statement, paragraph 66 you said:

3 (Interpretation) "We left with a thousand soldiers."

4 (Speaks English) So was it a hundred or 200? 500? Or was it a thousand? If you
5 recall it.

6 THE WITNESS: [15:29:13](Interpretation) I said here, I'm saying that it's been quite a
7 long time ago, so I can't remember exactly. I mentioned about a hundred.

8 But -- but if I don't give you an exact number, don't think I'm doing it on purpose.

9 All of this happened a very long time ago. I can't remember all the details, but I do
10 remember there were a lot of us who left the bush. I just can't remember the exact
11 number of combatants.

12 PRESIDING JUDGE SCHMITT: [15:29:56] Of course, and I assume at the time you
13 would not have counted them one by one. I think we can assume that fairly. But
14 you are very specific in your statement also later on in paragraph 68, you say that you
15 were joined by 500 others and this made a total of 1500, but if you don't recall it any
16 more, well, we have to leave it at that. But you say you were quite many, if I
17 understand it correctly.

18 THE WITNESS: [15:30:34](Interpretation) Yes, there were many of us. And we
19 moved in columns in order to go out of the bush.

20 PRESIDING JUDGE SCHMITT: [15:30:52] Did everyone who went with you have
21 fire weapons?

22 THE WITNESS: [15:31:12](Interpretation) No. There were very few firearms.
23 Some elements had machetes, some had sticks, some had knives and I've repeated, if
24 we had had enough firearms on the 5th when we left the bush, we would have
25 exterminated the Seleka given how numerous we were.

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1 PRESIDING JUDGE SCHMITT: [15:31:59] Mr Vanderpuye.

2 MR VANDERPUYE: [15:32:01]

3 Q. [15:32:03] Just to follow up on what you've just said, a hundred people doesn't
4 sound very numerous as against the Seleka. So in following up what Mr President
5 has identified in your statement, are you able to approximate how many people
6 travelled up to Bangui and how many people you joined while you were there?
7 You know, when you say "numerous", a hundred people is a lot of people, but it
8 doesn't sound like that very many -- like that much against the Seleka. So if you're
9 able to approximate how many people were in your group, that would be helpful.

10 A. [15:33:28] On the 5th, I don't know the number of elements because another
11 group joined us. I said that the people of Bossangoa and Bossembele, the elements
12 of Yaloke and the other Anti-Balakas - and I didn't know how many of them there
13 were - joined us. Even the number I gave during my statement is lower than the
14 number of elements. We were very numerous, very numerous.

15 Q. [15:34:14] I suppose the reason why I'm asking is because indeed, in your
16 statement, you are very particular and you say that 611 elements had guns. Where
17 did that number come from?

18 PRESIDING JUDGE SCHMITT: [15:34:31] Yes, indeed, this begs a question because
19 it's so -- it's not a hundred, it's 611. Where does such an exact figure come from,
20 Mr Witness?

21 THE WITNESS: [15:35:12](No interpretation)

22 MR VANDERPUYE: [15:35:16] I'm not hearing any translation.

23 THE INTERPRETER: [15:35:20] Sorry, the interpreter forgot to turn on the mic.
24 Apologies.

25 THE WITNESS: [15:35:27](Interpretation) So I had said this number, 611, but as the

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1 events date back quite a while, I cannot give the details. I said here that I do not
2 know the exact number of elements because the events date back to long ago. The
3 number 100 or some 100 was but an approximation. It was just an estimation.

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 PRESIDING JUDGE SCHMITT: [15:36:47] I think we have to leave it at that. I

9 explain why, because we have -- Ms Dimitri has objected or complained before the

10 break that when we jog the memory and the witness sometimes has said before the

11 break, Well, that jogs my memory, yeah, that is exactly what is correct, here, we

12 have -- you have tried it two or three times. He doesn't get nearer, so I think we

13 have at some point in time, we have to leave it with numerous and the explanation he

14 has now given for the 611, whatever that might mean or not mean.

15 MR VANDERPUYE: [15:37:24] No, I tend to agree, but there is one question I would

16 like to ask. I will put it to you first so you can see if it's appropriate or not before I

17 put it to the witness.

18 PRESIDING JUDGE SCHMITT: [15:37:34] Okay, yes, let's listen to it, yes.

19 MR VANDERPUYE: [15:37:37] And the question would be whether what is in his

20 statement better reflects his recollection than what his testimony is now six years after

21 the giving of the statement. That's my question to him. That's what I propose to

22 put to him and --

23 PRESIDING JUDGE SCHMITT: [15:37:53] Yes, let's see if he -- but I think

24 he's quite -- he was quite clear that --

25 So Mr Witness, today in good faith and under oath, can you say, can you be more

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1 specific or can you tell us with regard to your former statement if this was more to
2 the -- to the reality, so to speak, or what you said today?

3 THE WITNESS: [15:38:43](Interpretation) I told you that this was an exact number.

4 THE INTERPRETER: [15:38:52] Says the witness.

5 THE WITNESS: [15:38:55](Interpretation) I specified that I could have forgotten the
6 exact number of elements.

7 PRESIDING JUDGE SCHMITT: [15:39:04] We leave it at that, Mr Vanderpuye.

8 MR VANDERPUYE: [15:39:08]

9 Q. [15:39:08] Now, let me ask you, because you mentioned a few times now that
10 when you arrived, that is the group arrived at Proget, there were elements from other
11 locations that came there. Do you recall what locations those elements came from?

12 A. [15:39:55] I have told you here that some had come from Bossangoa and
13 Bossembele. There were several groups that had come on the 5th. There were
14 several attacks. There were attacks on Combattant, on Boeing, on kilometre 5 and it
15 opened toward Fatima, toward Cattin. That's where the Anti-Balaka were deployed.
16 When you take the alley between the centre of Boeing toward Cattin, you will
17 see -- you would have met Yekatom's elements. Toward Cattin, there were
18 Anti-Balaka elements. There were Anti-Balakas mixed with soldiers in civilian
19 clothes. All these people, we, the elements, were very numerous that day.

20 Q. [15:41:09] You mentioned -- or, I should rather ask, in your -- you made a
21 correction in your statement at paragraph 67 with regard to the colour of the bands
22 that you received. So I guess I should ask, first of all, whether you made the
23 correction and it says from white, it's corrected to red, I believe. And that is
24 CAR-OTP-00000015-0000003 at page 000014.

25 Do you recall making the correction, first of all, to from white to red armbands?

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1 And the reason why I'm asking because I want to know how it is you were able to
2 identify members of -- or members of your group could be identified. But do you
3 first recall making that correction?

4 A. [15:42:45] The colour red is worn by the elements of Combattant. The elements
5 of Boeing and Cattin and the environs wore white armbands.

6 Q. [15:43:09] All right. So that's helpful. The second thing is, have you ever
7 heard of a place called Gobere?

8 A. [15:43:33] Gobere, when I spoke of the elements who had come from Bossangoa,
9 they are the ones who called the group "Gobere". They baptised their group
10 "Gobere".

11 THE INTERPRETER: [15:43:52] Correction of the interpreter.

12 THE WITNESS: [15:43:55](Interpretation) There was Gobere 1 of the elements
13 coming from Bossangoa, and Gobere 2 are the elements coming from Bossembele.

14 MR VANDERPUYE: [15:44:09]

15 Q. [15:44:10] That's also very helpful. And in terms of the mixing of those
16 elements with elements of Mr Yekatom's group at Proget, do you know if there was
17 any coordination between Yekatom as the leader of his group and the other groups
18 that were also present there?

19 A. [15:44:47] I did not know who was the one commanding these groups. It was
20 only afterward, after the fight of the 5th and the fighting on the 20th, it was only after
21 the fighting of the 20th of January that we were introduced to the coordination. At
22 the beginning of the events, the only person whom we recognised as the leader was
23 Rambo. Perhaps Kamezolari (Redacted) as he had the
24 rank of lieutenant, an officer of the army, was he the leader? I could not have known.
25 The only person whom I knew as a leader was Rambo. And there was also Coeur de

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1 Lion and Habib. But as we had left the bush and we were entering the city, it was at
2 that point that some people began to rally us and that's when Ngaïssona was
3 introduced to us as the coordinator of the Anti-Balaka.

4 Q. [15:46:23] Maybe my question was bit inartful, but my -- the gist of my question
5 is whether you know if Mr Yekatom was in contact with leaders of other groups who
6 participated in the 5 December attack on or before 5 December. So that would be
7 leaders from the group from Bossembele, from Bossangoa, from other areas in Bangui,
8 4th arrondissements I think you mentioned, Combattant I think you mentioned.
9 Was he in contact with the leaders of those groups, if you know?

10 A. [15:47:20] I did not know because he had a Thuraya, a simple mobile phone
11 when he communicated with people, but he was my leader. I was not there to
12 monitor his calls and if I had been doing it -- if I had done it, he could have killed me.
13 He would have taken me for someone who is watching on him and betraying him.
14 So he would talk to people on the phone, chatting with them. I didn't know these
15 people and I didn't seek to know who these people were with whom he was speaking.

16 Q. [15:48:08] Did he ever mention before 5 December and before you set out that
17 there would be groups in Proget coming from other places in relation to the attack?
18 Did he ever say that?

19 MS DIMITRI: [15:48:25] Mr President, again it's leading. I think it's as far as we can
20 go with this witness. He said he doesn't know whether he was in contact now.

21 Mr Vanderpuye is pushing with a -- in my opinion a leading question.

22 PRESIDING JUDGE SCHMITT: [15:48:41] Well --

23 MR VANDERPUYE: [15:48:43] I'm asking him what Mr Yekatom said.

24 PRESIDING JUDGE SCHMITT: [15:48:47] Yes, with this, if we specifically repeat it,
25 Did Mr Yekatom say anything in that regard and we leave it at that, yes? That's

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1 okay, of course. That's not objectionable.

2 MR VANDERPUYE: [15:48:59] Yes, I --

3 Q. [15:49:00] Did he say anything about meeting other people up in Proget before
4 the attack?

5 A. [15:49:20] No. I did not know that. It was only at Proget that we met other
6 elements. We had not been warned that we were going to meet up with other
7 elements at the Proget site.

8 Q. [15:49:43] Having met up with the other elements at the Proget site, did
9 Mr Yekatom say that you as a group would be working with them?

10 A. [15:50:17] When we arrived, we saw the people divided up in groups. People
11 who knew each other, for example, the soldiers, could hug each other and chat. But
12 that's it. I told you that at the time of the attack in the morning, they were having
13 exchanges in code, in Morse -- Morse code, like Alpha, Tango and (Redacted)
14 (Redacted)

15 (Redacted) They would say Alpha,
16 Tango and other codes, Morse code. Were they giving instructions or not? I don't
17 know anything about that and I cannot say anything about that.

18 Q. [15:51:29] All right. Then I'd like to ask you to clarify something, if you could,
19 that's in your statement. That's at paragraph 64 of your statement in which you say,
20 the section chiefs reported to Rambo, Rambo didn't report to anyone because he was
21 the chief. And then you say he coordinated with other chiefs elsewhere though,
22 including those in charge of the 4th arrondissement, PK12, Gobongo, Miskine,
23 Combattant and Ouango. And you say you remember some of those chiefs were
24 12 Puissances of Ouango, Sylvain Beorofei of Combattant --

25 PRESIDING JUDGE SCHMITT: [15:52:24] It's enough I think.

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1 MR VANDERPUYE: [15:52:27]

2 Q. [15:52:28] -- and Maxime Mokom (Overlapping speakers)

3 PRESIDING JUDGE SCHMITT: [15:52:30] Yes, yes, but now it is clear that we are
4 talking about that there is a -- there might be a contradiction with what he said now.
5 So listening to that, Mr Witness, does this jog your memory -- does this jog your
6 memory?

7 Ms Dimitri, I know what you're going to say, but it's already read out so to speak.

8 MS DIMITRI: [15:52:54] I understand --

9 PRESIDING JUDGE SCHMITT: [15:52:54] I have to admit, I have to say
10 (Overlapping speakers)

11 MS DIMITRI: [15:52:55] -- Mr President, but for the record, it's -- I'm -- maybe I'm
12 wrong, but I'm against this process. The question was asked in very different
13 manners, answers were given. Now by putting back something he said, we're going
14 way, way beyond witness preparation. Of course he's going to say, Yes, now this
15 jogs my memory (Overlapping speakers)

16 PRESIDING JUDGE SCHMITT: [15:53:20] No, no, no, no. No. Why is he going to
17 say that now? And we have established that there are two, two possibilities when
18 we go back to a witness statement and which is not -- we're not talking about
19 Rule 68(3) and that is to jog the memory, and I think nobody disputes that, and also
20 when there seems to be a contradiction. So when a witness has said, 2016, yes, and
21 he says today no, it is absolutely clear that any, any of you here in this room and the
22 judges must be able to ask, Why did you say at the time yes and you say today no.
23 So this is clear.

24 It -- perhaps we could -- we could have refrained ourselves to read only a shorter
25 portion, but in the substance it must be possible to do it this way. And the witness

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1 has two further things. The witness has reacted in a differentiated manner. So it is
2 not that he -- when he hears anything be put to him that he said, Okay, yeah, yeah,
3 that's clear. He has, for example, last time (Redacted)
4 (Redacted)
5 (Redacted) So it's not that he's only confirming then.

6 MR VANDERPUYE: [15:54:52] And I should add that the question is put to him for
7 him to explain something else which he has said by virtue of his earlier questioning
8 was accurate and complete, which is inconsistent with what he's saying now. That's
9 it. It's not for the purposes of impeachment because that's a different matter
10 altogether.

11 PRESIDING JUDGE SCHMITT: [15:55:12] And also with regard to witness
12 preparation, because this is a pet issue of me, the difference is that witness
13 preparation tends to not lay open potential contradictions. That's the difference.
14 We have it, we have potential -- so when it is streamlined, when it is sort of let me put
15 it bluntly, coached or so on and so forth, such contradictions do not tend to appear so
16 often as if a witness comes to the courtroom and is questioned about these matters
17 10 years ago, then we -- it can be addressed in the courtroom and we all have heard it
18 and we can also assess later on how the witness reacted and how the witness
19 answered to that. So that is, if I may say, that is a difference to a witness preparation,
20 which is -- was a lecture by me. It's my opinion simply.

21 Yes, Mr Vanderpuye.

22 MR VANDERPUYE: [15:56:11] Thank you, Mr President.

23 Q. [15:56:12] And once again, I apologise we go back and forth, Defence counsel
24 and I on very many issues and I appreciate that you sit through it patiently.

25 So my question really is, you said that you weren't aware if there was coordination as

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1 you testify here today. But I'm asking you because what appears in your statement
2 seems different. So do you have an explanation for that?

3 A. [15:56:56] You pronounce the name of Beorofei I remember, and he, together
4 with Kalangwe (Redacted) he said he came from Boda. At
5 that time he was Mokom's deputy; so he came and met up with us in the bush and
6 said that he had come to help us. He had come with a lot of *gris-gris* and asked us to
7 recommend these *gris-gris* for the -- their elements. Coeur de Lion answered that the
8 elements did not have any money to buy these *gris-gris* and if he could not put them
9 at our disposal freely, that is, free of charge, he should leave with them. And I didn't
10 know -- I didn't know him. We had talked a bit. So you're talking about a
11 conversation between Rombhot and the others, but this was after the 5th, after the
12 fighting of the 5th, and it was at that time that they exchanged phone numbers and
13 began to call each other.

14 I give you just an example. The fighting on the 20th in Ouango, there was
15 12 Puissances who was in command then and he was one of the fighters. He called
16 Lieutenant Ganazoui who was in Boy-Rabe. So Mokom, after the 5th, after the battle
17 of the 5th, that Mokom came and they began to be in touch by phone. It was not
18 before the 5th, if I remember correctly. That's what I said.

19 So I repeat it, it was after the fighting of the 5th that he was able to get the phone
20 coordinates of all the people mentioned here. And he began to call them.

21 PRESIDING JUDGE SCHMITT: [15:59:16] So two remarks by me. First of all,
22 I think how the witness and what the witness answered shows that it was correct to
23 address the issue because it has been clarified now. And we had also this before
24 several times, that in the written statement of an interview by the Prosecution, there
25 seems to be a timely chronology which does not -- seems not to be correct, at least

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1 from the -- from what the -- from the narrative of the witness, what we heard. That
2 was not the first time. And secondly, Ms Dimitri, the witness has not simply
3 confirmed what he has said before I think. So what I have said.
4 I think we have now 4 o'clock. It was a very long week, it was a long day and
5 everybody is I think a little bit exhausted and I fully understand that.
6 Most of all, Mr Witness, I would like to thank you that, indeed, you see there is a
7 struggle about the right procedure sometimes in the courtroom, but that is simply
8 what's going on. That has nothing to do with you as a person. These are legal
9 discussions between the parties and participants and perhaps, if you think about it
10 during the weekend, you might find it even quite interesting in hindsight.
11 So we thank you for your patience also and we wish you and I wish also everybody
12 else a weekend where we can relax a little bit. I know others perhaps have to work
13 even, I know that but nevertheless, I wish everyone a good weekend.
14 We meet again and we continue with your testimony at 9.30 on Monday.
15 THE COURT USHER: [16:00:57] All rise.
16 (The hearing ends in private session at 4.01 p.m.)