

Trial Hearing
WITNESS: CAR-OTP-P-1339

(Open Session)

ICC-01/14-01/18

1 International Criminal Court
2 Trial Chamber V
3 Situation: Central African Republic II
4 In the case of The Prosecutor v. Alfred Rombhot Yekatom and Patrice-Edouard
5 Ngaïssona - ICC-01/14-01/18
6 Presiding Judge Bertram Schmitt, Judge Péter Kovács and Judge Chang-ho Chung
7 Trial Hearing - Courtroom 1
8 Wednesday, 7 September 2022
9 (The hearing starts in open session at 9.32 a.m.)
10 THE COURT USHER: [9:32:29] All rise.
11 The International Criminal Court is now in session.
12 Please be seated.
13 PRESIDING JUDGE SCHMITT: [9:32:46] Good morning, everyone.
14 Court officer, please call the case.
15 THE COURT OFFICER: [9:32:53] Good morning, Mr President, your Honours.
16 The Situation in the Central African Republic II, in the case of The Prosecutor versus
17 Alfred Yekatom and Patrice-Edouard Ngaïssona, case reference ICC-01/14-01/18.
18 And for the record, we are in open session.
19 PRESIDING JUDGE SCHMITT: [9:33:07] Thank you.
20 I ask for the appearances of the parties.
21 Prosecution, Mr Vanderpuye first.
22 MR VANDERPUYE: [9:33:13] Good morning, Mr President. Good morning,
23 your Honours. Good morning, everyone. Good morning, Mr Witness. Today the
24 Prosecution is represented by Maria Berdennikova, Yassin Mostfa and myself,
25 Kweku Vanderpuye. Good morning again.

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- 1 PRESIDING JUDGE SCHMITT: [9:33:25] And for the representatives of the victims,
2 Ms Massidda first.
- 3 MS MASSIDDA: [9:33:28] Good morning, Mr President, your Honours. The
4 victims of the other crimes are represented today by Mr Abdou Dangabo Moussa,
5 Ms Evelyne Ombeni and myself, Paolina Massidda.
- 6 PRESIDING JUDGE SCHMITT: [9:33:40] Thank you.
7 And Mr Suprun.
- 8 MR SUPRUN: [9:33:45] Good morning, Mr President, your Honours. The former
9 child soldiers are represented by Fiona Lau, associate legal officer, and myself,
10 Dmytro Suprun, counsel at the Office of Public Counsel for Victims. Thank you.
- 11 PRESIDING JUDGE SCHMITT: [9:33:54] Thank you.
12 I turn to the Defence. Ms Dimitri first, who is arranging herself a little bit.
- 13 MS DIMITRI: [9:34:02] I'm sorry, Mr President. Tough morning for me. Good
14 morning, Mr President. Good morning, your Honours. Mr Yekatom is present in
15 the courtroom. He's represented today by Mr Florent Pages-Granier,
16 Ms Yousra Lamqaddam, Mr Jean-Michel Kola, Ms Anta Guissé, Ms Lena Casiez,
17 Mr Gyo Suzuki and myself, Mylène Dimitri.
- 18 PRESIDING JUDGE SCHMITT: [9:34:21] Thank you.
19 And Mr Knoops is back in the courtroom. Good morning.
- 20 MR KNOOPS: [9:34:26] Good morning, Mr President. Good morning, your
21 Honours. Good morning everyone in the courtroom. The Defence team of
22 Mr Ngaïssona today appears with, on the first row, Ms Marie-Hélène Proulx; my left
23 side, Ms Barbara Szmatala and Ms Simon Décot; and the second row,
24 Ms Sara Pedroso; and the third row, Mr Ngaïssona. Thank you.
- 25 PRESIDING JUDGE SCHMITT: [9:34:45] Thank you very much.

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- 1 And also good morning to Rule 74 counsel for the witness, Mr Khalil.
- 2 And of course a special good morning to our witness. I hope you're feeling well
- 3 today, Mr Witness.
- 4 WITNESS: CAR-OTP-P-1339 (On former oath)
- 5 (The witness speaks Sango)
- 6 THE WITNESS: [9:35:05](Interpretation) Yes, I feel fine. I'm in good health.
- 7 PRESIDING JUDGE SCHMITT: [9:35:13] Mr Witness, I've been informed that you
- 8 have indeed, so to speak, annotated the map. On behalf of the Chamber, I would
- 9 thank you very much for that.
- 10 And I think we can continue from there. I've been informed that it has been
- 11 uploaded already so that everybody is on the same page, so to speak, figuratively.
- 12 Mr Vanderpuye.
- 13 MR VANDERPUYE: [9:35:36] Thank you, Mr President. As long as we're on the
- 14 topic, could I please have that map in eCourt, I have it as CAR-REG-0001-0008.
- 15 QUESTIONED BY MR VANDERPUYE: (Continuing)
- 16 Q. [9:35:55] Good morning to you, Mr Witness.
- 17 We are in open session. I'm not sure if the map is marked with any indication of his
- 18 identity. I don't think so, so it's okay to put that on the screen.
- 19 In any case, let's not broadcast it for the moment and (Overlapping speakers)
- 20 PRESIDING JUDGE SCHMITT: [9:36:11] I would also suggest not to -- not to
- 21 broadcast it for the moment, but I think the discussion, so to speak, about the map, if
- 22 we are a little bit careful, can be done in open session.
- 23 MR VANDERPUYE: [9:36:20] Yes, Mr President. Thank you.
- 24 All right. That's great. If we could just blow up the area so that the witness can see
- 25 clearly what is marked on it. Great.

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1 Q. [9:36:41] Can you see that, Mr Witness? This is the map that you marked

2 I believe yesterday?

3 A. [9:36:56] Yes, I can see it.

4 Q. [9:37:00] And can you briefly -- well, not briefly, but can you walk us through

5 what you've -- what you've drawn here, that is from the beginning point of your

6 marking through the route that you've indicated. So let's start, let's say, on the left

7 side, I assume, on the left side of the frame that you have in front of you and work our

8 way to the right in the direction of the airport. Tell us what you've -- what you've

9 shown or drawn here.

10 * A. [9:37:52] On the left where I drew a line in pink, that's the village of Bossongo.

11 As soon as you cross the stream from Gbangba, you get to that village. You see the

12 boulevard which goes down, where you have my second sign, that's where the Proget

13 site is. It's true that it's not shown on the map.

14 I beg your pardon, I'd like to look at the actual hard copy, if I could.

15 PRESIDING JUDGE SCHMITT: Of course.

16 THE WITNESS: [09:38:31] (Interpretation) And I can better explain.

17 Once we got to Proget, once you get there you go by Collège de la Paix and you

18 immediately hit the hill. Then after that I drew a pink line. After that you get to the

19 roundabout.

20 It's really too small on the screen. I can't read it.

21 Now, once you get to that spot, you go around this way and then we went to that

22 place.

23 I'm sorry, I just can't read what's up on the screen. I'd rather look at the actual

24 document.

25 PRESIDING JUDGE SCHMITT: [9:39:51] May I shortly. I think -- of course it is

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1 good to have the whole overview, but I think we go portion by portion and blow each
2 portion a little bit up, I would say.

3 Mr Witness, that's better for you. We understand. Actually, I don't -- cannot read
4 anything myself too.

5 So can we start on -- exactly, on the left side, and blow this even up more, more, more.
6 But it's hard to read what's going on there.

7 Ms Dimitri.

8 MS DIMITRI: [9:40:19] Mr President, I think the copy that's on the screen, in fairness,
9 it's very, very blurry.

10 PRESIDING JUDGE SCHMITT: Yes, it is.

11 MS DIMITRI: [09:40:22] I have an A3 copy that's very, very clear, but -- so
12 if -- maybe he could be handed over the copy -- the paper copy he worked on, maybe
13 it's clearer. But even if we blow it up, it's very difficult for me to read on the screen.

14 PRESIDING JUDGE SCHMITT: [9:40:41] Okay. Then simply we go forward like
15 this.

16 Mr Witness, you look at the hard copy that you have annotated and from -- and
17 we -- and you answer the questions from there. Don't look at the screen, simply look
18 at the hard copy that you have annotated. You have a much better overview there.

19 And it's your work, so to speak, so why not work with this.

20 Mr Vanderpuye.

21 MR VANDERPUYE: [9:41:04] Thank you very much, Mr President.

22 Q. [9:41:05] Indeed it is kind of hard to read, but on the far left of the screen, you've
23 already described it, have you -- let me just -- let me ask it in a different way.

24 For the indications you've made on the map, are these sequential? In other words,
25 first we were here, then we were here, then we were here, then we were here. Is that

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1 how we should understand what you've -- what you've written on the map, that is,
2 the direction of the progression of the group?

3 A. [9:41:42] Yes. This is where I made a marking on the left. I meant that when
4 we crossed the stream, we got to that river -- correction, to that village. And the
5 second one is the village of Bossangoa. And there, that's the path that heads towards
6 Proget. The third line indicates the Proget area. Unfortunately, on the map here
7 the word "Proget" isn't shown.

8 When we left, you can see two strokes of the pen that I made; these are paths. We
9 moved forward and we got to a church, the Apostolic church. From there, there was
10 sort of a fork in the road, so to speak, and we headed to -- down another path. So
11 look very carefully at what I drew here at -- the one at the bottom and another one at
12 the top. The other one is the Boeing market and the one at the bottom is the police
13 station. At the time of the events that police station did not exist. There was
14 nothing there. After the events, the police station was set up. That is where the
15 Anti-Balaka positioned themselves. The combatants started from that spot. Look
16 carefully at what I've drawn. Once we got to that spot -- no, to the roundabout,
17 rather -- unfortunately, I didn't draw the exact path that goes beside the police station.
18 Look at the last thing that I marked on the map beside the airport, that's a small place
19 where the small aircraft are parked. I drew that there. Do you see that spot? That
20 little stroke of the pen beside the airport, look carefully at the red stroke of the pen.
21 That's the big road. And where I drew the last thing, that is the path that we took to
22 get to the church, the Ali church. The church is on the other side of the road. And
23 beside that there is a water fountain.

24 Now the path -- or the road in front of the church is the red line between the Balaka
25 and the Seleka. And the last marking I made here, the path goes there that way and

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1 that's where the Boulata church is on the right-hand side, the Boulata church.
2 Look carefully at the distance right from the intersection at the corner of the airport to
3 that place after the 5th, all those houses that you see here were destroyed, the roofs
4 were destroyed. Even this church was torched, the Boulata church.
5 During that day, 5 December, we stopped at this church because we were short of
6 ammunition. And this is where I drew the last line in pink. There's an alley behind
7 the church. When they -- well, you know, the group was divided into two. One
8 group went by way of Cattin, and the path that leads to Cattin is on a rather dusty
9 road. We stopped at this church. We had no more ammunition. Ouandjio called
10 Yekatom and informed him that we were out of ammunition. The order was given
11 to withdraw. We withdrew to the Boeing market. The Seleka began a
12 counterattack. That day, they torched the Boeing city hall.
13 Look carefully at this distance between the roundabout at the corner of the airport all
14 the way to the Boulata church. All the rooves of the houses were torched. I
15 wondered whether it was the house owners themselves who might have removed the
16 metal sheeting for the rooves to build something else somewhere else. That's where
17 Muslims also destroyed houses and looted, taking belongings of other people.
18 So you see this stroke of the pen to Boulata church is the place where all the houses
19 were torched, or at least the rooves were taken off.
20 PRESIDING JUDGE SCHMITT: [9:48:28] Mr Vanderpuye, allow me shortly.
21 Mr Witness, first of all, I would really like to thank you. This was extremely detailed
22 and it's now much easier for everyone, I think, to picture the movements
23 and -- specifically and in general what happened.
24 Also thank you very much to the interpreter. I think that was not so easy with all
25 this back and forth in directions, so thank you very much. It worked very well.

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1 Mr Vanderpuye.

2 MR VANDERPUYE: [9:48:57] Thank you, Mr President. And I think -- I think it's
3 clear enough on the record, so I won't dwell on it.

4 Q. [9:49:05] You mentioned that the group was divided into two, with one group
5 heading in one direction and another one heading in another direction.

6 Can you indicate where on the map the group was divided into two or if it was before,
7 you know, you set out or during the course of your -- of your march.

8 A. [9:49:40] When we left the base, we got to the Baptist church. There's a path
9 that goes by way of the mosque and then it goes to the charity home. I didn't mark it
10 here. I forgot. But this leads to the big road that goes towards Cattin, the main
11 road in Kilometre 5 is there. And that is the road that the Anti-Balaka took. What's
12 more, before the Boeing market, one group took the Cattin road and the same group
13 went all the way to the church. You have to realise there is an alley behind that
14 church. And before that church, there's this alley that winds its way through the
15 neighbourhood. And we were afraid of the enemy arriving via that alley. So we
16 decided to send one group to take that particular path. It was around 11 in the
17 morning, unless I'm mistaken. Yes, I think it was 11. When we realised that we
18 were out of ammunition, we informed Yekatom and we were asked to organise a
19 withdrawal and we withdrew towards Proget. Then the Muslims began torching the
20 houses, killing and other acts of violence and abuse.

21 Q. [9:51:52] And of the group that originally set out, how were you divided and
22 how many members of the group went one direction versus the other, if you can
23 remember or approximate?

24 A. [9:52:13] Well, I wouldn't want to lie or get something wrong. We moved
25 forward in columns and we got to one particular spot and another group left

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1 on -- headed out one direction and another group towards Cattin, I couldn't tell you
2 how many elements there were. In the column we had divided the column into two
3 and some went towards Cattin for cover and the other group went towards Boeing.
4 I don't know the exact number of men. I wouldn't want to lie to the judges or get
5 something wrong.

6 Q. [9:53:18] No, that's no problem at all.

7 Are you able to approximate how many men? In other words, if I were to tell you
8 there were 50 or I were to tell you there were 5,000, could you tell us something in
9 between that and let us know what sounds reasonable to you or what you can
10 remember? Or is it a complete blank?

11 A. [9:54:00] I told you that when we got to Proget, once we got to a location called
12 Proget, those of us who had come from the bush were 611 in number and we met up
13 with other people and then by then we were 1,500. By 3 in the morning, another
14 group joined us there and at that time I could no longer determine exactly how many
15 men there were. We advanced column by column.

16 PRESIDING JUDGE SCHMITT: [9:54:41] Just a second, please.

17 Ms Dimitri.

18 MS DIMITRI: [9:54:44] Thank you, Mr President. If you look at the French
19 transcript page 9, line 25, there's an inaudible word, which is important (Overlapping
20 speakers)

21 PRESIDING JUDGE SCHMITT: [9:54:58] I think we can --

22 MS DIMITRI: (Overlapping speakers)

23 PRESIDING JUDGE SCHMITT: [09:54:57] We can -- we can repeat that.

24 So from Cattin, where did you -- where did you get from -- we have here

25 (Interpretation) "Another group left on -- from one side and headed towards"

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1 (Speaks English) and that word the interpreters did not get or was inaudible. Where
2 did they head to, the other group?

3 THE WITNESS: [9:55:44](Interpretation) I said another group took an alley and
4 headed up behind the church, the spot that I marked in red. And I even put on the
5 diagram the compound. You can see that little stroke of the pen in front of the
6 church. I marked the alley. I showed you that. You can see the church and I put a
7 little red mark that goes down, that's the alleyway. So they took that alleyway to
8 end up behind the church.

9 If you look at the screen, I can't see that particular stroke of the pen on the screen -- oh,
10 it's okay now. Now I can see it. Can you see the red mark that goes down towards
11 Boeing city? Do you see where it's marked "Cité Boeing", that's the alleyway. You
12 can see Gbaya-Dombia, that's the area where the Muslims lived. So the people who
13 took that alley were to end up behind, because the attack occurred on the main road.
14 We were afraid that the enemy might come out and attack. So that's why we asked
15 one group to take the alleyway and then come out behind. That's how we organised
16 ourselves.

17 PRESIDING JUDGE SCHMITT: [9:57:41] Well, I think that's quite exhaustive,
18 I would say.

19 MR VANDERPUYE: [9:57:48] I think so. Just one or two other questions on that
20 issue, as usual, Mr President.

21 Q. [9:57:54] The group that went down the alleyway, maybe it's very clear to
22 everyone, was that part of the original group that set out? That is, was it an offshoot
23 of the group that set out initially on the attack before the split? Or are we talking
24 about a totally different group coming from someplace else?

25 A. [9:58:36] It was the same group. We were going just one column and once we

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1 got to a particular spot, we divided in two. One group headed down the main road
2 and another group took the alley. We came together from the place called Proget.
3 Everyone was mixed together. Everyone had formed a single Anti-Balaka group.
4 There were no other people within the group. There was only Anti-Balaka elements
5 and the group -- one group took the alleyway so that they could provide cover for the
6 other group that took the main road.

7 Q. [9:59:18] Okay, thank you. That's also very helpful.

8 Do you know or can you remember who led those two groups? That is once the
9 groups split, who led one that went down the main road and the other that went
10 down the alley?

11 PRESIDING JUDGE SCHMITT: [9:59:38] Mr Khalil?

12 MR KHALIL: [9:59:40] (Interpretation) I beg your pardon, sorry for interrupting.
13 I think that we're still in open session. Wouldn't it be better to go into private
14 session?

15 PRESIDING JUDGE SCHMITT: [9:59:54] Well, at the moment I think, if I look at the
16 answers, I don't have any fears in that regard.

17 MR VANDERPUYE: [10:00:04] Nor do I because he's already indicated that there
18 were quite a number of people that took part in this and I don't (Overlapping
19 speakers)

20 PRESIDING JUDGE SCHMITT: [10:00:12] Yes, yes, I also think so. We can -- but
21 we are aware of that and once, well, a critical answer or a critical question is put, we
22 go to private session immediately.

23 Please continue.

24 MR VANDERPUYE: [10:00:28] Thank you, Mr President.

25 Q. [10:00:29] I just -- I'm asking if you know who led which part of the group. So

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1 the group that went down the main road and the group that took the alleyway, do
2 you know who -- who led them?

3 A. [10:00:56] The group that was on the main road was led by Yekatom and
4 Ouandjio. In the alleyway they were led by Habib and Alkanto. So the soldiers
5 were leading the two groups. The two groups were being led by the soldiers.
6 That's what I know. In the alleyway.

7 Q. [10:01:29] Which of the two groups headed in the direction of Cattin?

8 A. [10:01:51] The group that was led by Habib and Alkanto. Alkanto's first
9 name *is Bienvenu. I don't know his surname. He was a soldier during the events.

10 Q. [10:02:08] And do you know a location referred to as Dameca?

11 A. [10:02:28] I know Dameca. It -- that roundabout that I called the Cattin
12 roundabout, it's called the Dameca roundabout. There's a roundabout there at
13 Dameca. I'll show you on the map towards the bottom part. I talked about the Cité
14 Dameca. So the road comes from that side, so you see Dameca, there's the
15 roundabout. On the left of Dameca, the road leads directly to Kilometre 5. So the
16 individuals that were on the Cattin main road, they had -- or they moved up to the
17 point where they stopped on the Yekatom bridge. Not the Mr Yekatom we have
18 here. There is a father, remember I said, I talked about the father who had adopted
19 Yekatom who is here. At that time he was commander of the firefighters. That
20 father lived on the other side of the bridge or near the bridge and that's why people
21 started talking about the Yekatom bridge. So at the bridge going towards the soccer
22 field, they called to say they were out of ammunition. Habib made the call.
23 Q. [10:04:11] And how did you become aware that Habib made that call? Did you
24 overhear it or did you hear discussion about that?

25 PRESIDING JUDGE SCHMITT: [10:04:29] Ms Dimitri? No.

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1 MS DIMITRI: [10:04:36] I'm sorry. No, thank you.

2 PRESIDING JUDGE SCHMITT: [10:04:39] No, no. No problem.

3 MR VANDERPUYE:

4 Q. [10:04:40] If -- and by the way, if the answer to my question might tend to
5 identify you, then let us know, we might have to go into private session.

6 So my question was: How do you know that Habib made the call or -- with respect
7 to the (Overlapping speakers)

8 PRESIDING JUDGE SCHMITT: [10:04:55] Well, I think we go to -- I think we go to
9 private session for that answer.

10 MR VANDERPUYE: [10:05:00] All right, Mr President.

11 PRESIDING JUDGE SCHMITT: [10:05:02] I sense that there might be an area
12 touched that could identify the witness.

13 (Private session at 10.05 a.m.)

14 THE COURT OFFICER: [10:05:14] We are in private session, Mr President.

15 MR VANDERPUYE: [10:05:26]

16 Q. [10:05:26] A moment ago you had said that Habib made the call that they
17 were -- that they had run out of ammunition. So my question was, how do you
18 know about the call, first, and that Habib was the one who made it?

19 A. [10:06:00] (Redacted)

20 (Redacted) elements,

21 the elements that were on the road to Cattin had run out of ammunition. (Redacted)

22 (Redacted) they had run out of ammunition too; therefore, progressing was no
23 longer possible and it was necessary to retreat, to withdraw.

24 When we retreated, Mr Prosecutor, that day God protected us. The Seleka were

25 attacking, they were shooting at -- they were shooting and the Sangaris force soldiers

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1 were placed in front of the Ali church, so we could not cross over the road any more.

2 I mean it was disarray. We just ran all over the place with the intention of grouping
3 together at Proget.

4 There was a helicopter flying over, shooting, the Sangaris forces were shooting, the
5 Sangaris were shooting, aiming at people's heads, and so it was difficult to cross over.

6 We had to run. We had to wait for shooting -- for a lull in the shooting to be able to
7 progress. And it's -- if I'm here speaking before you here today, it is because God
8 protected me. That was a difficult day.

9 Q. [10:07:57] Mr Witness, I can see that you're upset. Do you want to take a few
10 minutes to compose yourself?

11 PRESIDING JUDGE SCHMITT: [10:08:07] Yes, yes, I think we -- that's clear.

12 Mr Witness, we give you a time, let's say -- let us know when you feel better.

13 THE COURT OFFICER: [10:08:19] All rise.

14 (Recess taken at 10.08 a.m.)

15 (Upon resuming in private session at 10.19 a.m.)

16 THE COURT USHER: [10:19:27] All rise.

17 Please be seated.

18 PRESIDING JUDGE SCHMITT: [10:19:50] So, Mr Witness, I am informed that you
19 are feeling better. We appreciate that a lot and we are glad to see that.

20 Mr Vanderpuye, please continue.

21 MR VANDERPUYE: [10:20:01] Thank you, Mr President.

22 Q. [10:20:05] Thank you, Mr Witness. I know that it's very difficult to go through
23 this so I appreciate your patience.

24 Now, you've indicated in the map the direction that the group took and then split,
25 moving from the left side of the map to the right side of the map. And in the area

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1 that you pass through, were there areas in which there was a Muslim community
2 present?

3 A. [10:21:00] The road we took, well, there were no Muslims along that road.

4 You -- when you leave that place, there are no Muslims. When you get to the church,
5 and in fact it's after the church that you start to see Christians and Muslims living
6 together in the same neighbourhood.

7 Q. [10:21:30] Okay. That's helpful.

8 What about the area around the market --

9 PRESIDING JUDGE SCHMITT: [10:21:35] Ms Dimitri.

10 MS DIMITRI: [10:21:36] Thank you, Mr President. Sorry, I was on the French
11 channel. It might be very clear for the witness which church he's talking about, but
12 could we -- could we ask? Because he mentioned a few during his testimony.

13 PRESIDING JUDGE SCHMITT: [10:21:52] Indeed. Indeed you're right.

14 MS DIMITRI: Thank you.

15 PRESIDING JUDGE SCHMITT: [10:21:50] It also came to my mind, but I was not as
16 acutely aware as you are.

17 Mr Witness, you just spoke of a church. Which church -- and you mentioned a few.
18 Which church did you mean in your last answer?

19 THE WITNESS: [10:22:14](Interpretation) Look at the last line that I drew red on the
20 right towards the end where you see "Boulata" written, that's where you have Boulata
21 church. So on the right side, towards the edge of the map there is -- I put in a pink,
22 pinkish line. That's where the church is. It is the Boulata church.

23 MR VANDERPUYE: [10:23:14]

24 Q. [10:23:15] And I think I was asking you about the areas in which you passed
25 through and where, if there were Muslim communities. You've indicated nearby the

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1 Boulata church, or past that. So my question before you elaborated was: What
2 about in the area near the market, that is, the Boeing market or the cemetery, were
3 those areas in which there was a Muslim community living?

4 A. [10:24:07] I'm sorry, I'm not sure I understood the question. Would you mind
5 repeating it, please.

6 Q. [10:24:16] Sure. My question is, I'm trying to determine if along the route that
7 you took, there -- you pass through areas where there was a Muslim community
8 living. You said there were no Muslims on the road, but my question is whether or
9 not you passed through areas in which there was a Muslim community.

10 A. [10:24:56] The sector that I talked to you about, you can't find Muslims there, no,
11 that's not possible. But in the vicinity of the Ali church and in the sector of Boeing
12 market you have Muslims of the Armada (phon) ethnic group. During the events
13 they took shelter in the mosque. Beside the mosque there is -- there used to be the
14 house of the imam. The imam lived there with his family.

15 Now, in Boeing neighbourhood there are many Christians, fewer Muslims. The
16 sector where there were many Muslims was the target, and where we put in a cross is
17 the Ali church. And the itinerary to go there goes via Boulata church. And the line
18 that I drew next to the airport, if you take that road and move forward, you see that
19 Christians and Muslims coexisted there, lived together in that neighbourhood.
20 Manda, the Muslim shopkeeper that was killed at the airport by the population, lived
21 behind Boulata church.

22 Q. [10:26:43] And as a result of the attack on 5 December, did the Muslims in the
23 communities that you were aware they were living, did they remain there or did they
24 go someplace else?

25 A. [10:27:17] During the day of 5 December, all Muslims took flight and took

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1 shelter at Kilometre 5. Some spent the night in the central mosque, others in the
2 Ali Babolo mosque. And all of that is at Kilometre 5. You know that PK5 is a
3 bastion for Muslims during the fighting. And, in fact, I have always said that the
4 goal of the Anti-Balaka was to target those sectors where Muslims were to be found.
5 You know, there were not -- there was not enough or there was not a good
6 organisation in our movement, so our lives were spared thanks to God. The Seleka
7 had material or equipment superiority over us during the events, and those people
8 exposed us. If I'm here today before your Court to testify, it is thanks to God who
9 protected our lives.

10 Mr Prosecutor, even if this war could last 10 years, we could not vanquish the enemy,
11 we could not have vanquished the enemy because they were very well armed, much,
12 much better than us.

13 Q. [10:28:57] I want to, if I can, show you a video.

14 PRESIDING JUDGE SCHMITT: [10:29:06] Well, I think you can, if you are capable.

15 MR VANDERPUYE: [10:29:10] I'm going to try.

16 It's at tab 27, CAR-OTP-2065-0726. And the transcript, the translation is at tab 37,
17 CAR-OTP-2122-2297. I think I said it's at tab 37.

18 We'll play the whole thing. It's about a minute and some seconds. It will be
19 evidence channel 2. It's about -- almost two minutes. But just let me know in the
20 booth when we're ready to go and then we can play it.

21 Q. [10:29:59] First of all, can you see the image already in front of you on the screen
22 there, Mr Witness, before we -- before we start playing it?

23 A. [10:30:04] (No interpretation)

24 Q. [10:30:09] Hang on one second.

25 THE INTERPRETER: [10:30:16] Interpreters are not sure they have found the

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1 transcript.

2 PRESIDING JUDGE SCHMITT: [10:30:21] Could you repeat where the transcript
3 exactly is so that the interpreters can find it.

4 (Counsel confers)

5 MR VANDERPUYE: [10:30:27] Ah, sorry. Tab 69, it's CAR-OTP-2135-4419.

6 Hang on one second again.

7 (Counsel confers)

8 MR VANDERPUYE: [10:31:06] All right, we've got it. I've got it right.

9 Just let us know -- sorry about that in the booth. Let us know when you're ready to
10 go with this one. It's the whole thing, though.

11 THE INTERPRETER: [10:31:18] Message from the interpreters: We have many
12 transcripts in the booth. We're not -- we're trying to locate the transcript in question
13 to provide a sight translation.

14 MR VANDERPUYE: [10:31:35] It should be tab 69 and the ERN number is
15 CAR-OTP-2135-4419 and it would start at 4421.

16 PRESIDING JUDGE SCHMITT: [10:32:16] Well ...

17 THE INTERPRETER: [10:32:19] Message from the booth: Could the court reporter
18 email the transcript up to the booth because unfortunately we don't seem to have this
19 transcript with us. Our apologies.

20 PRESIDING JUDGE SCHMITT: [10:32:33] Well, if this is possible, why not.

21 Well, there is no problem because so many things -- we have such complicated
22 hearings here with the uploading and annotating and whatsoever, so that's normal at
23 some point in time there are some hiccups.

24 It has worked now?

25 THE INTERPRETER: [10:33:23] Message from the booth: The transcript has not

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- 1 quite arrived yet.
- 2 PRESIDING JUDGE SCHMITT: [10:33:30] Perhaps I can help. The ERN
- 3 is - perhaps this might help you - CAR-OTP-2135-4464.
- 4 THE COURT OFFICER: [10:33:43] The transcript is also displayed in evidence
- 5 channel 1. We can try to follow the video so then you can also read it from there.
- 6 THE INTERPRETER: [10:33:50] Message from the booth: Once again, apologies,
- 7 but the transcript is up on the screen, so the interpreter will sight translate from the
- 8 screen.
- 9 PRESIDING JUDGE SCHMITT: [10:34:01] Thank you very much.
- 10 I think we can play it now.
- 11 (Viewing of the video excerpt)
- 12 THE INTERPRETER: [10:34:11] (Interpretation of the video excerpt)
- 13 "Unidentified speaker: Shall we make some manioc leaves for you?
- 14 Unidentified speaker: No manioc leaves.
- 15 Unidentified speaker: Hmm. We've eaten too much of them, mother.
- 16 Unidentified speaker: Cook some for me.
- 17 AY [Alfred Yekatom]: As far as I'm concerned, I eat anything that's edible.
- 18 Unidentified speaker: Here, there, there's nothing else except for manioc leaves.
- 19 That's all.
- 20 Alfred Yekatom: Right now, I have the problem of ...
- 21 Unidentified speaker: Make something for me.
- 22 Unidentified speaker: I am.
- 23 Unidentified speaker: Mm-mm.
- 24 Unidentified speaker: Here, there, all there is is manioc leaves. It's hard to find
- 25 anything else.

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- 1 Unidentified speaker: I can't just drop --
- 2 Unidentified speaker: That's right.
- 3 Unidentified speaker: I did see that.
- 4 Unidentified speaker: That's okay.
- 5 Unidentified speaker: Ah!
- 6 Unidentified speaker: Mm-mm.
- 7 Unidentified speaker: Who knows, it's possible he might call you and that way you
- 8 will have your opportunity and ...
- 9 Unidentified speaker: Mm-mm.
- 10 Unidentified speaker: Rodrigue.
- 11 Unidentified speaker: Number. I have the phone that you gave me, I'll check on
- 12 my phone. We walked to the spot" --
- 13 Message from the Sango booth: The Sango booth points out that they do not have
- 14 the transcript on the screen.
- 15 PRESIDING JUDGE SCHMITT: [10:36:25] Well, actually, I think it's fair to assume
- 16 that your main focus is not on the content of the conversation, Mr Vanderpuye. Or
- 17 is it?
- 18 MR VANDERPUYE: [10:36:35] It's a combination in this case, but I'm sure that the
- 19 witness understood what was said.
- 20 PRESIDING JUDGE SCHMITT: [10:36:41] Yes, yes, yes. I think we can continue.
- 21 You might perhaps -- with a little bit of imagination, you might perhaps tackle the
- 22 issue what "unidentified" means.
- 23 MR VANDERPUYE: [10:36:51] I'm at a loss on --
- 24 PRESIDING JUDGE SCHMITT: [10:36:53] Well, well --
- 25 MR VANDERPUYE: [10:36:56] With that.

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1 PRESIDING JUDGE SCHMITT: [10:36:58] The conversation I think was about
2 manioc, yes?

3 MR VANDERPUYE: [10:37:03] A few -- a few things, a few different things.

4 PRESIDING JUDGE SCHMITT: [10:37:07] Yeah, yeah. And there were a lot of
5 people clearly visible, which are, according to the transcript, unidentified.

6 MR VANDERPUYE: [10:37:16] Okay. Understood. I've got it.

7 PRESIDING JUDGE SCHMITT: [10:37:20] I was perhaps not clear enough. I
8 thought you would read between my lines.

9 Okay. Please continue.

10 MR VANDERPUYE: [10:37:26] Thank you, Mr President.

11 Q. [10:37:28] Yes, Mr Witness, you have something to say.

12 PRESIDING JUDGE SCHMITT: [10:37:31] Yes, Mr Witness, please speak.

13 THE WITNESS: [10:37:36](Interpretation) Yes, the person that we saw yesterday
14 with the turban in the video, I told you that I couldn't identify that person. Today
15 I'm -- I can because he took off the turban. It's Heritier, the Heritier I was telling you
16 about. He was a soldier. Behind Yekatom, we see Momokama. And Keapex is
17 just behind. You can see the person wearing a turban, all the people around him I
18 know.

19 MR VANDERPUYE: [10:38:24]

20 Q. [10:38:25] Okay. That's very helpful. Maybe --

21 PRESIDING JUDGE SCHMITT: [10:38:32] He has already given quite a good
22 description, I think, whom he means. But we can also -- if you want, we can put
23 stills to him, so to speak, to make sure.

24 MR VANDERPUYE: [10:38:42] Yeah, we're just going to go to the first frame, I think
25 everyone is in it, and then we can have for the record who is who very clearly.

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1 Q. [10:38:53] While that's -- while we're sorting that out, let me ask you, you heard
2 the subject matter of the conversation which concerned Cattin, and in particular
3 there's an individual talking about it and having seen it or filmed it, and he refers to
4 two Seleka having been killed.

5 First I'd like to know whether or not that comports with your recollection of the
6 events of that day, that is 5 December, and whether two -- whether, to your
7 knowledge, two Seleka were killed in -- in the area of Cattin.

8 A. [10:39:50] Mr Prosecutor, as I told you, (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 And the same day during the attack of the 5th, there was a young Muslim who was
13 on a motorcycle. He fell during a skirmish. They killed him and they torched his
14 motorbike. That was on the 5th. I forgot to mention that in my statement. He was
15 the only victim that I heard about, that I had information about. But the two deaths
16 that are mentioned in that video footage, it's just now that I've heard about this,
17 along -- along with you.

18 Q. [10:41:04] Okay. That's very helpful.

19 The individuals that you see here, I see a man on the left, the person in the green
20 turban that you identified as Heritier, and I see a woman on the screen -- well,
21 actually, I see another man behind him and then a woman on the right side of the
22 screen. Are you able to identify -- Heritier is with the green scarf. Who's
23 the -- who's the person with his hand up on the left in the brown shirt it looks like?

24 A. [10:41:45] Behind Yekatom in this footage you do see -- if you could play the
25 video. There is an individual there.

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1 Q. [10:42:10] But right now we're at 00:43:15, these are the identifications there.

2 But before we move from here, are you able to identify the woman that's on the right
3 side of the frame in front of you now? Or do you need us to play it a bit so that you
4 can -- you can see better?

5 A. [10:42:38] I said behind Yekatom, the person behind Yekatom is Momokama.
6 That woman I can see with the young fellow, but I don't really recognise the young
7 man. I do recognise -- I do know the woman, but I don't remember her name. The
8 person behind Yekatom was called Momokama.

9 Q. [10:43:13] Okay. And maybe we can see him further on in this frame, but if not,
10 I have another video I'd like to show you.

11 If we move forward maybe a couple of seconds, we'll see if we can -- we'll see if we
12 can see who that is. That's Yekatom, that's at 46 ...

13 (Viewing of the video excerpt)

14 MR VANDERPUYE:

15 Q. [10:43:28] Do you recognise the person that's speaking now? And that's at 53
16 seconds.

17 A. [10:43:47] I don't recognise this person.

18 Q. [10:43:49] Okay. And then we can move just maybe a few seconds forward.

19 (Viewing of the video excerpt)

20 MR VANDERPUYE: [10:44:04]

21 Q. [10:44:05] Do you recognise this person?

22 A. [10:44:08] Momokama, that's him.

23 Q. [10:44:13] That's at 1:03 on this video. Okay.

24 And who is Momokama relative to -- in the -- in the hierarchy of the group, who is
25 he?

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1 A. [10:44:35] Momokama was a soldier. He was aide-de-camp to Yekatom. Each
2 time Yekatom would travel or move about, he would be escorted by this soldier. So
3 he played the role of aide-de-camp.

4 Q. [10:45:04] You may have heard at some point in the conversation in this video
5 that the person that -- in the white that was speaking said that he was from Fatima
6 and that he had come to the area of Bimbo. So I wanted to ask you first, do you
7 recognise the location where this conversation is happening?

8 A. [10:45:51] I don't recognise this place.

9 Q. [10:45:54] Okay. And also in this conversation you hear someone say that they
10 ran out of ammunition or they didn't have ammunition. Does that comport with
11 your recollection of how the events on 5 December occurred in relation to the
12 movement of the group through Cattin and so forth?

13 A. [10:46:37] That is true. You see, you see Yekatom, he was able to get -- you see
14 he's -- he's clutching his head. It's a sign of him being discouraged. They had
15 already failed, there was no longer any ammunition, and the civilians were being
16 subjected to reprisals.

17 PRESIDING JUDGE SCHMITT: [10:47:13] Mr Vanderpuye, do we know when this
18 footage was taken?

19 MR VANDERPUYE: [10:47:19] Bear with me one second and I (Overlapping
20 speakers)

21 PRESIDING JUDGE SCHMITT: [10:47:23] Because what the witness tells us refers to
22 a certain point in time and --

23 MR VANDERPUYE: I believe it's --

24 PRESIDING JUDGE SCHMITT: [10:47:27] -- if we want to relate it to this footage, of
25 course there should also be this connexion.

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1 * MR VANDERPUYE: [10:47:37] I'll have to double-check it. I think it's not long
2 after 5 December. 7 or 8 December is the indication, but I will have to check.

3 PRESIDING JUDGE SCHMITT: [10:47:45] Okay, good, good. Thank you.

4 MR VANDERPUYE: [10:47:47]

5 Q. [10:47:48] You indicated that after the group ran out of ammunition, a retreat
6 was called and you returned to base. Did you at any point after the retreat was
7 called go back to the Gbangba base?

8 A. [10:48:25] That same day we withdrew to the Proget location. There were
9 many of us. We were divided into groups and the leaders thought and discussed
10 amongst themselves. Unless I'm mistaken, Yekatom suggested that we go back to
11 the bush, but Ouandjio refused. He said, "No, we can't go back into the bush again.
12 If we do, when are we going to get out again?" So they were talking among
13 themselves and then they found a solution. We stayed at Proget until nightfall and
14 then we moved to the Yamwara school, which we turned into our new base.

15 Q. [10:49:25] All right. I'd like to show you another video. This one is at tab 29,
16 CAR-OTP-2065-1055. The approximate date indicated I think on this one is
17 7 December, but you'll know better when you see it.

18 There is no corresponding transcript for this one, so it's just for the purpose of
19 identifying the location and the individuals that are depicted in the video. So no
20 need to worry in the booth. We're just going to play it.

21 Mr Witness, if you could just -- can you see the image on the screen now already?

22 Can you see the image already on the screen, Mr Witness?

23 All right. Then I think we can --

24 A. [10:50:43] Yes, I can see.

25 Q. [10:50:44] I just want you to take a look closely at the individuals that you see

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1 and then I'll ask you who you can identify. And if you recognise the location, what
2 that is as well. Okay? So we'll do that just now.

3 (Viewing of the video excerpt)

4 THE WITNESS: [10:51:14] (Interpretation) The person who is on the right with his
5 hand on his neck is a soldier, Dolowaye was his nickname. That person who is
6 wearing military attire is Ouandjio Freddy, Yekatom's deputy. Momokama is ahead
7 of Rombhot.

8 MR VANDERPUYE: [10:52:09] Okay. I think we've played it now.

9 Q. [10:52:13] You indicated Momokama. I have him as appearing at 00:48 in
10 this -- in this clip.

11 Did you see Habib Beina?

12 A. [10:52:33] No. He's not there. Habib Beina isn't on the footage.

13 Q. [10:52:42] All right. Let's go to 00:45 on there.

14 Right there. The person on the left of the screen, do you --

15 A. [10:53:12] That's Habib in front of the person, the person with the red hat who is
16 holding a weapon. Habib is the one in front of him. That's indeed Habib, in front
17 of the person who is wearing a red hat and carrying a weapon.

18 Q. [10:53:35] And do you recognise the person in the red hat carrying the weapon?

19 A. [10:53:53] I recognise him. I mentioned him yesterday. He wore some
20 clothing with the number 66 on it. But I don't remember his name any more.

21 Q. [10:54:16] Okay. That's clear enough.

22 I want to ask you about the woman that we see that jumps off the boat I think a little
23 bit after Yekatom, so we're looking at about 49 seconds. No, I'm sorry, right there, in
24 fact, 53 seconds 20. Do you recognise that woman there?

25 A. [10:54:45] I can't see her face very well.

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1 Q. [10:54:48] All right. If we play it a little bit, you might be able to see it.

2 A. [10:54:59] That's Cynthia.

3 Q. [10:55:03] And that's at 54 seconds on this video.

4 Is this the same Cynthia that you mentioned a couple of days ago?

5 A. [10:55:20] Cynthia was her name, but I don't know her name exactly. We

6 would call her Cynthia, but it was by analogy with an actress, a movie star,

7 Cynthia Rothrock, and so we nicknamed her Cynthia, but I don't know what her real

8 name is.

9 Q. [10:55:55] All right. That's helpful as well. Was she among the 23 women that
10 you indicated -- or 20 or so women that you indicated were in the group?

11 A. [10:56:13] Yes.

12 THE INTERPRETER: [10:56:14] Says the witness in French.

13 MR VANDERPUYE: [10:56:17]

14 Q. [10:56:17] And she was a fighter, combatant, or did she have some other role?

15 A. [10:56:42] All the women who were in the group, not all of them bore weapons

16 and fought. If I remember her and another element, I remember saying in my

17 statement that one day at 1600 hours, I don't remember the person, they went to

18 detain some Muslims. They headed towards Cattin and they brought them, the

19 two Muslims. Yekatom wasn't there that day. I talked about that in my

20 statement. Cynthia -- at least they tied up the Muslim and Cynthia and another

21 child Koubous (phon), nicknamed Bougie Noire, Ouandjio gave instructions to slit the

22 throat of that Muslim. And Cynthia and the young fellow slit the Muslim's throat.

23 But they didn't fight. They didn't shoot. Perhaps during the travels if someone has

24 a weapon, was tired, he might give another person a weapon to carry it, but I didn't

25 see them fighting with an actual weapon in their hands.

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1 Q. [10:58:31] Just before I go to the next video, you mentioned that Cynthia was
2 involved in this incident where some Muslims were tied up and killed. Do you
3 remember when that happened compared to say the 5 December attack?

4 A. [10:59:08] It was after the attack of 5 December. It was when we were at the
5 Yamwara school, the base. If you look at the map, I sketched a mango tree with
6 some graves close by and that is where we buried the Muslims.

7 Q. [10:59:39] Okay. I will --

8 PRESIDING JUDGE SCHMITT: [10:59:41] Well, after the break.

9 MR VANDERPUYE: [10:59:42] After the break.

10 PRESIDING JUDGE SCHMITT: [10:59:44] Yes.

11 MR VANDERPUYE: [10:59:45] Yes, I was going to play the next video, but I think
12 I would like to develop on this just a bit.

13 PRESIDING JUDGE SCHMITT: [10:59:51] Okay, then we do this after the break, I
14 would say, and then you can come with another, of course, obviously.

15 MR VANDERPUYE: [10:59:55] Thank you, Mr President.

16 PRESIDING JUDGE SCHMITT: [10:59:57] Break until 11.30.

17 THE COURT USHER: [11:00:00] All rise.

18 (Recess taken at 11.00 a.m.)

19 (Upon resuming in private session at 11.30 a.m.)

20 THE COURT USHER: [11:30:42] All rise.

21 Please be seated.

22 PRESIDING JUDGE SCHMITT: [11:31:03] We are in private session and I think we
23 stay there.

24 MR VANDERPUYE: [11:31:10] I believe so, Mr President, just for a few questions.

25 PRESIDING JUDGE SCHMITT: [11:31:14] Then you have the floor, Mr Vanderpuye.

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1 MR VANDERPUYE: [11:31:16] Thank you.

2 Q. [11:31:19] Mr Witness, thanks again and good morning again.

3 Where we left off I was going to ask you some questions. You described a certain
4 circumstance involving Cynthia and some Muslims that were killed and buried near
5 the Yamwara school I think. And what I wanted to do was -- I think I asked you
6 about when that happened. You said it was after the 5 December attack. How did
7 you come into this information? How did you learn about it?

8 A. [11:32:14] If my memory serves, it wasn't on the 5th. After -- the second
9 fighting took place on the 20th and that's when we withdrew to that side at Yamwara
10 school precisely. I gave you the date of the 5th, but you must know that we were not
11 successful and we retreated to Yamwara school. That was considered as our base.

12 Q. [11:32:56] Thank you. I stopped you. There may have been an interpretation
13 or a translation mistake. What I had said in my question was that you had said that
14 it was after 5 December, which is what you're describing now. So let me ask
15 differently. Was it after the actions that the group took on 20 December?

16 A. [11:33:25] Yes, that's -- that's what I was saying. When we were at Yamwara
17 school, we were -- we were still there around 1600 hours at the school. And the
18 people who brought in the Muslims, I can't remember their names any more, but
19 when they arrived, the Anti-Balaka, when they learned they were Muslims, they came
20 from everywhere, some with machetes, and they were tied up, beaten, tortured and
21 later killed.

22 When they were being killed, once they were killed, some Anti-Balaka were digging
23 graves under a mango tree to bury them. The mango tree was on the corner of the
24 building. And -- now, since that was inside the perimeter of the school, in order not
25 to attract the attention of the people, they buried the bodies, but they fixed up the

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1 ground to make sure that people would not know or see that some people had been
2 buried there.

3 Q. [11:34:52] All right. Let me just quickly show you tab 12 of the Prosecution
4 binder. It's CAR-OTP-2041-0775. We're in private session. I just want you to have
5 a look at this and then maybe you can tell the Chamber what it's about.
6 Can you see what's on the screen in front of you now, or should be?

7 A. [11:35:41] Yes, yes, I can see it well.

8 Q. [11:35:50] (Overlapping speakers) what looks to be --

9 PRESIDING JUDGE SCHMITT: [11:35:52] You have to restart because the
10 microphone was not switched off.

11 MR VANDERPUYE: [11:35:57]

12 Q. [11:35:58] Sorry. On the bottom left is what appears to be -- it looks like a tree
13 that you were describing before. Is that what -- is that what this shows?

14 A. [11:36:16] Yes. So you see, I drew three circles representing the tombs,
15 *cimetière*.

16 THE INTERPRETER: [11:36:34] Says the witness in French.

17 THE WITNESS: [11:36:37](Interpretation) So the tomb was for one of our elements
18 who was shot at and died and the -- that's for one of them. The two others are where
19 we buried the two Muslims. And the tree is the mango we were talking about
20 that I drew. And I wrote "Yamwara" and then "Bertin". Yamwara is the school.
21 "École Yamwara", that's the school I was talking about. (Redacted)

22 (Redacted)

23 On the other side you see "Base 4". That's where the other elements were also
24 located.

25 I also put in "Base 3" and "École Yamwara", I put my name in there because I am the

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1 author of that drawing.

2 MR VANDERPUYE:

3 Q. [11:37:45] On the right side of the sketch you indicate "*environ 50 mètres*" and
4 then I see "*cimetière*" underneath. What is that supposed to indicate?

5 A. [11:38:12] Well, you see, there's a road where you see Kokoro 2, that's a road.
6 On that day the investigator was asking me questions about how to get to the
7 cemetery and that's why I mentioned that building representing the school. And
8 after the building, 50 metres roughly, you have a mango tree and you have the tombs
9 under that mango tree.

10 Q. [11:38:55] At the top of the -- of the sketch you indicate "*l'école Yamwara*" and it
11 says "Base 1 Bievenu-Alkato" and then it says "*école maternel*", next to that, "Base 2",
12 "*Église Siloé*". What is that -- what does that show or represent?

13 A. [11:39:33] I mentioned or wrote "*l'école Yamwara*, Base 1". As I said earlier, this
14 base -- Alkanto, first name Bienvenu, was there at base 1 with his elements. Next to
15 that there's a kindergarten and that was base 2. So some elements were based there,
16 but I can't remember any more who -- the name of their leader. Next to that school
17 there's a church. My investigator on that day asked me how to visit the base and the
18 church and that's why I mentioned the base and the church. And right in front of
19 that, as you see, I traced a road that goes right in front.

20 Q. [11:40:40] So just so I'm clear, where you have written here Bienvenu Alkanto, is
21 this the name of a person? Did I understand that right?

22 A. [11:41:01] Yes, that's the name of the leader at that base. He's a soldier. We
23 mentioned -- I mentioned earlier he shot a rocketed at the mosque.

24 Q. [11:41:12] That was my next question you anticipated then. Okay. So that
25 we're clear there.

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1 Where did the leaders, that is Mr Yekatom, Habib Beina, Coeur de Lion, where did
2 they stay at this base, if they stayed at this base?

3 A. [11:41:52] As for their part, where you have Alkanto behind base 2, there is a
4 house where the director lived, behind the two classrooms. So the school director,
5 the school principal lived in a house located behind the premises and Habib and the
6 other stayed in that house, the house that the principal lived in, the school principal.

7 Q. [11:42:31] What I have in the interpretation is that "Habib and the other" lived in
8 the house where the director was. Who are "the other" that you're referring to?

9 A. [11:42:57] In the house of the principal there are several rooms. Ouandjio was
10 in one room, Yekatom was in a room, and Habib was in the other.

11 Q. [11:43:07] All right. Thank you for clarifying that.

12 One other question is you've indicated these three graves, one for a member, or
13 maybe a soldier, I can't remember, and two for some Muslims that had been killed
14 there. At the time that these graves were dug up -- or, rather, at the time that these
15 people were killed and buried, was Mr Yekatom, Habib and Ouandjio staying at this
16 base? Were they staying at this base?

17 A. [11:43:59] They were all there. The individual who gave the order of slicing
18 those people's throats was Ouandjio, he shouted, he said "abazangele" (phon).
19 Abazangele (phon), means "Children, come and peel the papaya". And that meant
20 that they were going to kill somebody. And he designated Bougie Noire and
21 Cynthia, "Take a knife, do the job." You -- so Bougie Noire, I can give him -- well, he
22 was age 14 or 15 at the time. But that child was fearless.

23 Q. [11:45:12] Was that with respect to all the three people that were killed, that is,
24 the two Muslims, I think you indicated, and the element that was killed also? Did
25 Ouandjio give the order to kill all three of them or, you know, one or -- can you

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1 describe whether that happened all at once, different days, different times, things like
2 that?

3 PRESIDING JUDGE SCHMITT: [11:45:45] Ms Dimitri.

4 MS DIMITRI: [11:45:48] Thank you, Mr President. Unless I'm wrong, I'm not sure
5 where we're getting number three.

6 MR VANDERPUYE: [11:45:59] There's three on the -- three graves on the -- on the
7 diagram.

8 MS DIMITRI: [11:46:05] Yes, but he explained that the third one was an Anti-Balaka
9 element who died.

10 MR VANDERPUYE: [11:46:10] Yes, so I'm asking whether Ouandjio gave the order
11 with respect to that person and the two other (Overlapping speakers)

12 PRESIDING JUDGE SCHMITT: [11:46:18] And we have to differentiate Anti-Balaka,
13 Muslims or whatsoever.

14 MR VANDERPUYE: [11:46:22] And Muslims.

15 PRESIDING JUDGE SCHMITT: [11:46:24] Yes, absolutely. No, no, please continue.

16 MR VANDERPUYE: [11:46:26] Perhaps I'm mistaken. I didn't hear how -- how
17 that person died. So that -- that's the gist of my question.

18 PRESIDING JUDGE SCHMITT: [11:46:34] Absolutely.

19 MR VANDERPUYE: [11:46:35]

20 Q. [11:46:36] With respect to the Anti-Balaka element who died, was that person
21 killed? Let's start there.

22 A. [11:46:49] I said that during the fighting on the 20th, he had -- he was shot at.
23 The bullet went to his torso and led to his death. You know, at that time it wasn't
24 possible to go and bury him in the cemetery, that's why he was buried at that place.

25 Q. [11:47:20] Understood. And thank you very much for that clarification and --

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1 PRESIDING JUDGE SCHMITT: [11:47:24] Indeed.

2 MR VANDERPUYE: [11:47:26] -- the intervention.

3 PRESIDING JUDGE SCHMITT: [11:47:28] Indeed. Thank you very much.

4 Mr Witness, you mentioned a young person, Bougie Noire, I think, and you said that
5 this person was 14 or 15. What -- how did you come to that impression that the
6 person was 14 or 15?

7 THE WITNESS: [11:47:56](Interpretation) Well, you know, I worked with these
8 children. I saw that he was young, (Redacted) he
9 did not have a birth certificate established by his father. And if he wasn't 14, he must
10 have been 15. I saw he was too young and that's why I asked him the question.

11 PRESIDING JUDGE SCHMITT: [11:48:31] And did you see others at the similar age
12 there at the base?

13 THE WITNESS: [11:48:58](Interpretation) No, I think he was the youngest of all.
14 The minor, the youngest in the group.

15 PRESIDING JUDGE SCHMITT: [11:49:09] Thank you very much.

16 And we have all heard that the witness cannot be sure if 14 or 15.

17 Please continue.

18 MR VANDERPUYE: [11:49:18] Yes, Mr President. If I may, though.

19 Q. [11:49:21] Do you recall being asked about this during -- during your interview,
20 about -- about the incident involving Cynthia and Bougie Noire?

21 A. [11:49:50] Yes, I remember.

22 Q. [11:49:54] Do you remember how old you estimated he was when the
23 investigators asked you about it?

24 A. [11:50:16] Who are you talking about?

25 PRESIDING JUDGE SCHMITT: [11:50:24] Bougie Noire.

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1 THE WITNESS: [11:50:41](Interpretation) I don't know how to answer that question.

2 It's been a long time, very long time.

3 PRESIDING JUDGE SCHMITT: [11:50:49] Well --

4 MR VANDERPUYE: [11:50:50]

5 Q. [11:50:52] My only question is, do you -- if you don't remember, you don't

6 remember, and I can -- I can refresh your recollection. So is it --

7 PRESIDING JUDGE SCHMITT: [11:51:00] I think you can -- I think you can do it to

8 spare time because it's relatively clear, paragraph -- what paragraph 94 says.

9 MR VANDERPUYE: [11:51:06] Indeed.

10 PRESIDING JUDGE SCHMITT: [11:51:08] You can put it to the witness and ask

11 again the question if this jogs his memory. And anyway, even today, the person

12 could also have been 15 in his estimation.

13 MR VANDERPUYE: [11:51:21] Absolutely.

14 PRESIDING JUDGE SCHMITT: [11:51:22] So I think we are on the same page here,

15 and the Defence knows what I mean by that.

16 MR VANDERPUYE: [11:51:25]

17 Q. [11:51:26] What you say in your statement at paragraph 94 is you describe the

18 incident and you say that "Rombhot instructed two Anti-Balaka elements to slit

19 throats. He told a woman called Cynthia and young boy, aged 18 to 19 years old,

20 called 'Bougie Noir' to carry out the killings."

21 Did Bougie Noire tell you that he was 18 or 19 years old?

22 PRESIDING JUDGE SCHMITT: [11:51:59] What is to object here? No, we continue

23 that. It's -- it will not cause -- it will not be causal for anything.

24 So, Mr Witness, here now you have said at a -- in your statement 18, 19. Today you

25 were not sure, 14, 15. So let's say there is obviously an uncertainty with regard to the

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1 age of this person. I sense that. Is that correct?

2 THE WITNESS: [11:52:41](Interpretation) I said to you that when he was brought in,

3 Yekatom was there, all of the leaders were there and they were all staying together.

4 The young man -- no, the Muslims were tied up. They talked to each other -- sorry,

5 they were complaining. They spoke to Ouandjio. I think that was the instruction

6 he gave to Ouandjio and Ouandjio executed the order.

7 In the deposition I said Yekatom, but in the group the person who issued the

8 instruction was Ouandjio. He is the one who called, who said "Bougie Noire,

9 Cynthia, come and peel this papaya." He issued that instruction. And Ouandjio

10 just did that and had them executed. Yekatom, when he gave the instruction, did

11 not come to the place where the events were taking place. He stayed farther away in

12 front of the door, by the door, he was talking about Keapex.

13 PRESIDING JUDGE SCHMITT: [11:54:08] Well, Mr Witness, but -- okay, then we

14 have enough time to hear you, Ms Dimitri.

15 MS DIMITRI: [11:54:12] Thank you, Mr President. I stood up because I thought the

16 purpose was to refresh his memory on the age 18, 19.

17 PRESIDING JUDGE SCHMITT: [11:54:21] Which is true.

18 MS DIMITRI: [11:54:23] I object to the fact that Mr Vanderpuye, intentionally or not,

19 took the opportunity to read out a part of the statement that didn't conform with what

20 the witness previously said.

21 And again, we are refreshing the memory of the witness by reading parts of the

22 statement that goes to the acts and conducts of the charged crime, and it's extremely

23 prejudicial. What is the probative value of a new version where now we have

24 Mr Yekatom somehow giving the order because Mr Vanderpuye read that part of the

25 statement? And that's -- that's my objection --

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1 PRESIDING JUDGE SCHMITT: [11:55:04] Hasn't the witness -- hasn't the witness
2 answered what he recalls today and that this is different to what he has said in
3 paragraph 94?

4 MS DIMITRI: [11:55:13] Mr President, before, before the witness just gave the
5 response he gave a second ago, the version he gave was Mr Yekatom was not there.
6 Ouandjio gave the order. I can find it for you in the transcript.

7 PRESIDING JUDGE SCHMITT: [11:55:27] And it's the same what he has said now.

8 MS DIMITRI: [11:55:29] No.

9 PRESIDING JUDGE SCHMITT: [11:55:31] But he was relatively close by he's saying
10 now.

11 Mr Witness, we have you here in the courtroom, so I repeat. If we have a live
12 witness and we have a -- we have a witness statement and that has been given years
13 ago with all sorts of details and -- but not under oath, not in the presence of different
14 parties and participants, not in the presence of judges, we have to identify where
15 certain discrepancies might come from. And we have a witness here and the witness
16 has raised his hand.

17 And please, Mr Witness, explain to us again how was the situation. Who was giving
18 orders? Where was Mr Ouandjio? Where was Mr Yekatom? And -- okay, not to
19 overload it. Please tell us again.

20 THE WITNESS: [11:56:45](Interpretation) I'll repeat. Within the Anti-Balaka
21 movement, and concerning the hierarchy, the line of command, orders came from
22 Yekatom. If he didn't say anything, no action was performed or executed. He
23 started by issuing instructions to Ouandjio. In the Anti-Balaka movement nothing
24 was done without the approval of Yekatom. So if he said release him, you would be
25 released. If he said you should be killed, you would be killed.

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1 So what I'm saying, it's been many years, what I experienced was not told to me by
2 anyone. There's a difference between, you know, what you have heard as told by
3 someone else and what you saw yourself. The instruction was given by Ouandjio,
4 but he --

5 THE INTERPRETER: [11:58:05] Interpreter correction: He gave the instruction to
6 Ouandjio.

7 THE WITNESS: [11:58:12](Interpretation) Ouandjio was not in the courtyard of the
8 school, but he gave the instruction to Ouandjio and Ouandjio came to where the
9 children were killed. He called Bougie Noire and Bougie Noire was in on my base.

10 PRESIDING JUDGE SCHMITT: [11:58:30] Yes.

11 MS DIMITRI: [11:58:30] Mr President, if I can be heard for a minute. When
12 I -- when I stand up when my learned friend is about to read a sentence, it defeats the
13 purpose of my objection if he continues reading the sentence to which I want to object.
14 So I'm trying to stand up and wait for your guidance. I wanted to be heard. It was
15 too late. The sentence on the acts and conduct of the charged crime is read. So now
16 we have a different version.

17 The witness didn't say -- respectfully, Mr President, the witness didn't say, "I don't
18 recall what I said at the time about this incident." He -- the issue was about the age.

19 That was the issue where Mr Vanderpuye was taking the witness. Do you recall
20 being asked about the age? He didn't say, "I don't recall what happened with
21 Cynthia and Bougie Noire". He gave an explanation. He gave his account.

22 By reading that extract, which is extremely prejudicial, we now -- we now bring the
23 witness to put Mr Yekatom back on the field giving an order. That was my objection,
24 Mr President.

25 So when I stand up -- and when I'm the examining counsel, I think I've shown in the

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1 past great respect and professional courtesy, when I see opposing counsel on his feet,
2 I stop, and I even stopped previous witnesses from giving their response, knowing
3 that there was an objection. So if -- if I'm on my feet and Mr Vanderpuye sees me, if
4 you don't give me the floor and the sentence is read, the damage is done.

5 PRESIDING JUDGE SCHMITT: [12:00:17] Okay.

6 Mr Vanderpuye, it was indeed about the age.

7 MR VANDERPUYE: [12:00:24] To my recollection that was my specific question.

8 And if counsel had been paying attention, she would have heard me ask him: "Did
9 Bougie Noir tell you that he was 18 or 19 years old?" Because that is what's
10 specifically referred to in the paragraph.

11 And I would add that the question of refreshing a witness's recollection can be
12 triggered by anything. It doesn't matter whether --

13 PRESIDING JUDGE SCHMITT: [12:00:44] No, but --

14 MR VANDERPUYE: [12:00:45] -- it's the colour of a shoe or a sock or a photograph,
15 much less a statement that the witness himself has already made and adopted during
16 the course of his testimony. The issue here isn't the question of the veracity of the
17 statement. It's a question of the veracity of the witness's testimony, because his
18 testimony was, his statement is accurate. And I'm entitled to put to the witness
19 whether his statement is accurate. It's not a question of -- it's not a question of the
20 accuracy of the statement but the accuracy of his statement -- his testimony, which he
21 gave and began on Thursday.

22 This is a continuing bone of contention, I understand that, but it is interfering with the
23 examination which is appropriate under the rules of evidence, appropriate under the
24 guidance of the Chamber, and appropriate in all circumstances. This is my objection.
25 And it is perfectly clear what I'm doing, it is perfectly legitimate what I'm doing, and

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1 I'm doing it in an appropriate way at all times.

2 PRESIDING JUDGE SCHMITT: [12:01:43] There is -- let me put an end to that

3 because I think we are going back and forth here. It would have been perhaps better

4 to refrain to the age and read only this portion out of it, so I understand Ms Dimitri's

5 objection. We have it on the record.

6 Nevertheless, Mr Vanderpuye is right in the substance that we have here in

7 paragraph 94, we have a -- let's say with regard to this event, we have a relatively

8 short account. We have now a witness here who obviously tries to memorise more

9 in depth what has happened there and has given a differentiated account and we will

10 look into the transcript and put this together with this paragraph 94.

11 By the way, in paragraph 94, reading that is clearly prejudicial for your -- for your

12 client, the content of that. So what he has said is much more differentiated now,

13 I think, if we look -- if we put all of this together what has been a said.

14 And nevertheless, and still -- and we finish that now, no further discussion, please.

15 We finish that now.

16 The reason we have live witnesses at all is, so if we think, well, a witness statement

17 that has been given years ago to the Office of the Prosecutor or whomever, to Defence

18 or whomever, this is a pillar stone that cannot be -- that cannot be touched, that

19 cannot be moved anyhow, then why do we sit here at all? We have a witness here,

20 with the witness obviously you have seen that today when he -- that he overnight, so

21 to speak, drew this sketch and drew the movements like he recalls it, who is willing to

22 testify and who is willing to try to memorise and it's -- what is important is what the

23 witness remembers today.

24 And also -- there is also of course the point when we have on the record that the

25 witness has said at the beginning of his oral statement in this courtroom that he

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1 confirms that he has spoken the truth to the Office of the Prosecutor, then it's also
2 clear that there is reason for the Prosecution, or for the Defence later on, we have
3 to -- we will see, also for the Defence, to address that when something different is said
4 during the hearing.

5 So I think we can continue from here. And so there is no reason I think to get too
6 agitated. It's a normal process in such hearings.

7 MR VANDERPUYE: [12:04:41] Thank you, Mr President. You're right and I
8 apologise. Thank you again.

9 PRESIDING JUDGE SCHMITT: [12:04:46] Well, really, it's -- I know that this is also
10 some -- you feel you are interfered with your --

11 MR VANDERPUYE: [12:04:56] I feel aggrieved.

12 PRESIDING JUDGE SCHMITT: [12:04:59] Yeah, yeah. No, but I understand it
13 psychologically. I want to say that. It's not the first case I'm hearing in my since
14 30 years.

15 And, Ms Dimitri, I have to admit it was not -- also not, let's say, perfectly, perfectly
16 executed, the whole thing. So but I think we can calm down now. And whenever
17 there is future objections, you will get the floor immediately. But I also have to say if
18 the Presiding Judge has the impression that there are constant interruptions of the
19 examining party, also there has to be drawn a balance, yes?

20 MS DIMITRI: [12:05:44] I understand, Mr President. And I think I'm doing my best
21 to balance it, but I also have a duty and --

22 PRESIDING JUDGE SCHMITT: [12:05:54] Which is absolutely -- there is no
23 discussion about that.

24 MS DIMITRI: [12:05:57] And if it feels that I'm interrupting too often, it's part of my
25 job to put some objections on -- on the record, and I'm -- and I'm not trying to

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1 interfere or -- or --

2 PRESIDING JUDGE SCHMITT: [12:06:11] I understand.

3 MS DIMITRI: [12:06:12] -- or redirect Mr Vanderpuye's concentration or interrupting
4 unnecessarily, but I have a duty --

5 PRESIDING JUDGE SCHMITT: I understand.

6 MS DIMITRI: [12:06:18] -- I have a job and I have things to put on the record.

7 PRESIDING JUDGE SCHMITT: [12:06:24] I understand that. And we will
8 I think -- every once in a while these things have to be addressed, so that -- if they are
9 not addressed, they tend to boil up at some point of time, even they spill out even
10 more negatively.

11 So I think we can continue from here, Mr Vanderpuye.

12 MR VANDERPUYE: [12:06:47] Thank you, Mr President.

13 Q. [12:06:50] Sorry about that again, Mr Witness.

14 What I was trying to get at was how you came to know or estimate the age of
15 Bougie Noire. Today you've testified that he was 14 or 15 to your recollection.
16 Previously you indicated that he was 18 or 19. So how do you recall it today, his
17 age?

18 A. [12:07:51] I apologise. I'm not going to answer that question. If I do, the
19 lawyer opposite is going to claim that you -- I do not want to answer that question.

20 PRESIDING JUDGE SCHMITT: [12:08:14] Mr Witness, the whole discussion that
21 was a little bit animated, to put it this way, had -- was really between counsel and the
22 judges. Had nothing to do with you and how you answer. So please continue
23 answering the questions.

24 And I ask you again, you know, it is -- it is difficult, also assessing, assessing the age
25 of a person, we know that it's difficult. During your interview with the Office of the

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1 Prosecutor you have said the person Bougie Noire was perhaps 18 or 19 years old.

2 Today you say 14, 15. And you know, you don't have any record for that. So it's
3 simply an estimation, assessment.

4 Now sitting here today before us and trying to picture how he looked like at the time,
5 what would you say? And if you say -- if you say "I can't tell you, it could have been
6 both", it's fine also.

7 Could you please tell us, Mr Witness, what you can say today. There is no right or
8 wrong in that, really not, Mr Witness. It's simply, you know, we haven't seen the
9 person at the time, we haven't seen the person, his appearance, his acts, so ...

10 THE WITNESS: [12:10:43](Interpretation) You know, everything I told you, some
11 things I wrote down, others I didn't. That's what happened to me. A human being
12 can't remember everything. The example of the computers in front of you,
13 sometimes that machine -- these machines don't keep certain information. And by
14 the same token, a human being -- well, only God can know everything. Some people
15 travel by car, others on tricycles. The child may be honest. I'm not his father. I
16 didn't sire him. I don't know his age. I told you 18 -- I said 18 or 19 and I said 14 or
17 15. What does that change? To my mind there's really not much difference.

18 You know, the events occurred a long time ago. You asked me a lot of questions and
19 sometimes I give you a different answer and then I have to go back on my answer.
20 So please understand me. When it's a matter of translating from French into Sango,
21 that's not necessarily easy.

22 PRESIDING JUDGE SCHMITT: [12:12:34] I think we take it -- and anyway, I've said
23 this before, this escalated sort of that we don't have any version which would, let's say,
24 support any charge with regard to the age, yes? 14 or 15 is the benefit of the doubt.
25 And 18, 19 of course we don't have to talk about this.

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1 MR VANDERPUYE: [12:13:01] I'd like to show the witness a video. This one
2 doesn't have a -- oh, it does. It has a transcript. Oh, it does indeed, tab 58. So
3 anyway, it's tab 34, CAR-OTP-2065-3843. And the translation is at tab 58,
4 CAR-OTP-2118-5668. It's only about a minute long, minute and something, so
5 I think we can -- we can do the whole thing.

6 Q. [12:13:31] The purpose of it, Mr Witness, just so you know, is for you to take a
7 look at what's presented in there and I'll ask you about the people in it and the
8 location to the extent that you're able to help us with that.

9 Can you see the image in front of you right now on the screen?

10 A. [12:14:11] Yes, I can see the person, but I can't identify the person who is seated.

11 Q. [12:14:21] All right. Well, we're just going to play it through and then you let
12 me know if you recognise anybody in this video, okay?

13 So I think we can go straight ahead and play it.

14 The interpreters have got the transcript up there? Okay, we're good to go. Okay,
15 thank you.

16 (Viewing of the video excerpt)

17 THE INTERPRETER: [12:14:51] (Interpretation of the video excerpt)

18 "Unidentified person: Talk in Sango.

19 Unidentified speaker: That's right, talk only in Sango, only in Sango.

20 There's no money to buy manioc.

21 Now, there's no money for manioc. We sent someone to buy manioc and we've
22 already bought the Maggi cube.

23 Unidentified person: Oh, really?

24 Unidentified person: Just have to buy some salt.

25 Unidentified speaker: Oh, okay.

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- 1 Unidentified speaker: Did -- was someone -- was someone sent to crush the manioc?
- 2 Unidentified speaker: Ho less silence.
- 3 Unidentified people: People like to make noise. The food is there. Are there any
- 4 feets to run away -- any feet to run away?
- 5 Unidentified person: Watch out!
- 6 Unidentified person: There's still some ...
- 7 Unidentified person: Shut up.
- 8 Unidentified person: It's okay.
- 9 Unidentified person: Shut up.
- 10 Unidentified person: No one talk.
- 11 Unidentified person: So ...
- 12 Unidentified person: Indeed, get into position.
- 13 Unidentified person: Go.
- 14 Unidentified person: Yes, boss.
- 15 Unidentified person: Shut up.
- 16 Unidentified person: Get up, saying ...
- 17 Unidentified person: Thanks good service, boss.
- 18 Unidentified person: Message received.
- 19 Unidentified person: Okay, all ready, good?"
- 20 End of sight translation.
- 21 MR VANDERPUYE: [12:17:16] Thank you very much for that, Mr Interpreter. That
- 22 was, I know, a difficult job.
- 23 Q. [12:17:22] Witness, were you able to see or recognise -- first of all, were you able
- 24 to recognise anyone shown in that video?
- 25 A. [12:17:43] Yes, I know all those elements. In the group there was Bougie Noire,

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1 you can see the person with the flag. And there was someone called JP. He is the
2 one with the flag on his head. He had a flag on his head. He was in the compound
3 of the Yamwara school. And if you look closely at the video, I can point out
4 Bougie Noire, who is indeed in the video footage.

5 PRESIDING JUDGE SCHMITT: [12:18:23] Could we discuss this in open session.

6 I'm just being reminded that we are constantly in private session, but --

7 MR VANDERPUYE: [12:18:28] I think we can as long as he refrains from indicating
8 how he knows --

9 PRESIDING JUDGE SCHMITT: [12:18:38] Yes, yes, exactly.

10 Open session.

11 (Open session at 12.18 p.m.)

12 THE COURT OFFICER: [12:18:45] We are in open session, Mr President.

13 MR VANDERPUYE: [12:18:49]

14 Q. [12:18:49] Now, Mr Witness, we have in this frame, 00, a person with a flag on
15 their head. Do you recognise this person?

16 A. [12:19:15] Yes. I think I told you, I forgot his name, but he was called JP. That
17 was his nickname. I no longer recall his real name.

18 Q. [12:19:31] Okay. And we'll advance the video a bit and then you tell us to stop
19 when you recognise the next -- when you recognise someone, the next person, okay?

20 PRESIDING JUDGE SCHMITT: [12:19:56] We have to play it then, we have to
21 continue it.

22 MR VANDERPUYE: [12:19:59] Okay. We'll just play it. I'll stop when I
23 see --

24 when I see a new face, I'll stop the video and then I'll ask you who it is.

25 Go ahead.

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1 Thank you very much.

2 (Viewing of the video excerpt)

3 MR VANDERPUYE: [12:20:12] All right, stop. Now we're at, looks like 2 seconds
4 in.

5 Q. [12:20:17] Do you recognise the individuals you can see in this frame? Let's
6 start on the right, the far right, the person in, looks like, a military top and a red shirt.
7 Do you recognise that person?

8 A. [12:20:43] I told you that I know all these elements, but I don't know their names.
9 The person who is wearing a black T-shirt and the other one who is wearing -- he's
10 got something in his hand, I don't know whether it's a knife, that's Bougie Noire,
11 that's Bougie Noire. That's indeed -- that's -- yes, that's definitely him.

12 Q. [12:21:14] All right. So we can advance the video a little bit, maybe we can take
13 a better look at the faces, I think.
14 The person in the black shirt you're referring to is on the left side of the screen, or was,
15 should appear soon.

16 (Viewing of the video excerpt)

17 MR VANDERPUYE: [12:21:37] All right, let's stop there.

18 Q. [12:21:41] The person in the black shirt with some writing on it, is that the one
19 you're referring to as Bougie Noire?

20 A. [12:22:02] No. No. You see, between the two, the youngest person amongst
21 them. The one who is wearing a black T-shirt with some lettering, beside him there's
22 another person, and of the two, there's -- there's Bougie Noire, he is between the
23 person with the black T-shirt and the other person. Bougie Noire is indeed in the
24 middle of the -- of the two.

25 Q. [12:22:39] Understood. So we're at 21 seconds, it looks like, in this video.

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1 And the person -- so the person in the middle in the tan shirt, the shorter of the three
2 that you can see on the screen now, is that what you mean?

3 A. [12:23:01] Yes, that's right. He's short and he's between two people. That's
4 indeed Bougie Noire.

5 Q. [12:23:13] The person on the left with the black shirt and the writing, do you
6 know his name?

7 A. [12:23:30] Yes, I do. It was a long time ago. I've forgotten his name. {PFR: (Redacted)}

8 {PFR: (Redacted)}

9 {PFR: (Redacted)}

10 Q. [12:23:50] Okay, but is it only that Bougie Noire is the only name that you
11 remember, or you remember other people -- the names of other people that are in
12 this -- in this sequence?

13 A. [12:24:23] I believe that the name used the most often at the base, that's why I
14 remembered it. There's only the leaders of the base, they're the only ones who
15 would know their names. There were several people. I wasn't able to remember
16 everyone's names. But the people that we were with often or used to, the leaders,
17 those people I can remember their names.

18 Q. [12:24:58] And just before I go back to where I was before I digressed,
19 you -- maybe counsel will correct with me if I'm wrong, but you testified that one of
20 the issues that you noted about Bougie Noire was that he was too young, I think that's
21 what you said. Were there other elements such as him who you thought were too
22 young in the group?

23 MS DIMITRI: [12:25:47] Mr President.

24 PRESIDING JUDGE SCHMITT: [12:25:49] Yes.

25 MS DIMITRI: [12:25:49] This question was asked and answered by yourself.

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1 PRESIDING JUDGE SCHMITT: [12:25:54] I think so too, yeah, actually. I have
2 asked -- I have asked him if other similar of the age of Bougie Noire, when we had
3 heard Bougie Noire was 14 or 15 here in the courtroom, and he said none, if I -- if I
4 recall it correctly. Yes, I think she's right.

5 MR VANDERPUYE: [12:26:17] I think she's right as well, but we're talking about a
6 very specific age. My question isn't about a specific age, it's about his impression.
7 No? Okay. That's okay.

8 PRESIDING JUDGE SCHMITT: [12:26:30] No, I think -- you know,
9 impression -- you know, what is too young?

10 MR VANDERPUYE: [12:26:35] And hence the question.

11 PRESIDING JUDGE SCHMITT: [12:26:37] We have -- no, we have --

12 MR VANDERPUYE: [12:26:39] No, it's okay.

13 PRESIDING JUDGE SCHMITT: [12:26:40] Okay, in judicial contexts we have ages
14 mentioned and then we can say judicially this is too young or not too young, but not
15 via impression.

16 MR VANDERPUYE: [12:26:55] All right. Thank you, Mr President.

17 Q. [12:26:57] I'm going to go back to where I left on then, and I think I had asked
18 you about after you left Cattin, where did you go. And you said that you went to
19 the Yamwara school and all that so -- but I wanted to show you -- I think I showed
20 you the video of the man on the boat and I think that was, yes, where you identified
21 Habib Beina and Freddy Ouandjio and Yekatom and so on. But I wanted to show
22 you another video. And this one is at tab 36, CAR-OTP-2065-0951. The
23 approximate date I believe is the same as the other, around 7th or so of December,
24 and it appears to be at a similar location to the video I played earlier where you can
25 see men jumping off the boat.

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1 Hang on one second.

2 (Counsel confers)

3 PRESIDING JUDGE SCHMITT: [12:28:16] Well, I have here, just to sooth any
4 concerns that you might have, I have asked the witness: "Did you see others at the
5 similar age at the base?" The witness: "No, I think he was the youngest of all.
6 The minor, the youngest in the group."

7 MR VANDERPUYE: [12:28:36] Thank you, Mr President.

8 PRESIDING JUDGE SCHMITT: [12:28:40] Is this contested, Ms Dimitri? No.

9 MS DIMITRI: [12:28:45] No, Mr President. No, but I'm confused with
10 Mr Vanderpuye because the tab doesn't correspond to the ERN number.

11 MR VANDERPUYE: [12:28:54] Yeah, I'm coming back. I made a mistake in my
12 outline. I think I'm correcting it. It should be tab 28, Ms Berdennikova tells me. I
13 think that's right. It looks right on the screen.

14 So now I have to make sure that I've got the right translation so just give me one
15 second.

16 Translation is at tab 62 and the ERN -- okay, I have the right ERN,
17 CAR-OTP-2122-2297. Okay. Sorry about that.

18 So the video is at tab 28, CAR-OTP-2065-0951. Is that the right number? Yes. I've
19 got it, okay.

20 All right. We're going to play this one straight through, so if the interpreters have
21 the transcript ready to go, let me know.

22 Q. [12:29:56] Witness, if you can see the image also, let me know that you can see it
23 before we play it.

24 THE INTERPRETER: [12:30:06] Interpreters are ready.

25 MR VANDERPUYE: [12:30:09] Okay. We're ready.

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1 Q. [12:30:12] You can see the image already, Mr Witness?

2 I guess so. We'll just -- we'll just play it. If he doesn't see it, he'll let us know.

3 (Viewing of the video excerpt)

4 THE INTERPRETER: [12:30:31] (Interpretation of the video excerpt)

5 "Unidentified speaker: You need to show him this ... this is from here that we
6 launched our actions ...

7 And that's the second base over there. First, second over there, that's the third, this
8 is the third. And over there, the people are there. This is where we left to go and
9 then I got the second to retreat and the first over there.

10 Journalist: Okay.

11 Journalist: So what is this base -- what do you use this base for, in fact?

12 AYR: Yes ... that's where ... uh ... that's where we're doing ... how would I say it?
13 Sleep.

14 Sleep, and we do our training and everything.

15 Journalist: You train here?

16 AYR: Yes ... well, you know, we are soldiers, we can't just stay here. You know?

17 When I say training, it's not about playing football, it is, you know, words, you know
18 military words, military things. We're here, from time to time, we're informed based
19 on what we've been trained for.

20 Journalist: You train new recruits?

21 AYR: Well, amongst us, there are ... there are [incomprehensible] who prepare us ...
22 they are young. We are trying to train them, most of them are military."

23 End of sight translation.

24 MR VANDERPUYE: [12:32:35] Thank you, once again, to the interpreters.

25 Q. [12:32:37] Mr Witness, did you have a chance to see and hear the video?

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1 A. [12:33:01] Yes, I saw, I recognised the location. That's where we were on the
2 other side of the river. The person who asked the question was a white woman.
3 She crossed, she met up with us where we were and that's why they organised this
4 interview. In this video you can see that the leaders, not the elements -- so I
5 recognise that location. I don't know at what date that video was shot.

6 Q. [12:33:41] Just so that we're clear for the record, what was the name of the
7 location that you recognise? What did you call it, so to speak?

8 A. [12:34:16] This was Gbangba. When we were in Kalangoi, that woman didn't
9 visit us. It's when we were in Gbangba that she crossed over to join up with us on
10 the other side of the river.

11 Q. [12:34:34] You mentioned that you could see the leaders in this -- in this video.
12 Which leaders were able to see in this clip? Obviously Yekatom is there, so we can
13 skip that, but who else did you see besides him that you recognise?

14 A. [12:35:04] I was able to identify Habib, Ouandjio and Momokama.

15 Q. [12:35:12] And I think in this video you can hear Mr Yekatom referring to
16 training, one, two other bases, I think, and that the majority of people there were
17 military, but there were also some youth, "*des jeunes*" is what I heard. So can you
18 confirm that, one, that is the -- those are people that --

19 A. (Overlapping speakers)

20 Q. [12:35:52] I'm sorry, go ahead.

21 A. [12:36:03] Yes, that's what I wanted to tell you. There were soldiers, but the
22 majority were civilians. There were more civilians than military, than soldiers in
23 that group. At the beginning, when we were still in the bush, there were only four
24 soldiers, Yekatom, Habib, Ouandjio, and Keapex. There was also Satana. So the
25 number of soldiers was five. At the beginning {ICR: (Redacted)}

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1 (Redacted)). But today I'm saying there were more
2 civilians than soldiers, civilians were more numerous.

3 Q. [12:37:09] Okay. And in terms of the training that Mr Yekatom describes, was
4 that something that was going on at the Gbangba base?

5 PRESIDING JUDGE SCHMITT: [12:37:31] Ms Dimitri.

6 MS DIMITRI: [12:37:31] I'm sorry for this, the noise.

7 Mr President, this was asked and answered, discussed at length, transcript T-152 in
8 French from 9:46 to 10:06, trainings at the Gbangba base.

9 PRESIDING JUDGE SCHMITT: [12:37:47] And what has -- what has the witness
10 answered? I don't have everything, of course, in mind what he has said.

11 MR VANDERPUYE: [12:37:54] Well, I think he confirmed that there was training
12 that was going on there. I don't know if it was the training with the knives and all
13 that that I asked him about, but -- and I don't know if it was in the bush in Kalangoi or
14 in Gbangba, but I'll take her word for it.

15 PRESIDING JUDGE SCHMITT: [12:38:12] Okay, but you know, some -- yes, when
16 we say "asked and answered" you would say in a common law context, yes, strictly
17 speaking, yes, but since we had this video and a person was speaking and was
18 addressing specifically, so when there is some coming back to an issue, we can give
19 sometimes a little bit of leeway. But if --

20 MR VANDERPUYE: I can --

21 PRESIDING JUDGE SCHMITT: [12:38:34] -- if we -- if it was discussed at length,
22 which I have at the moment not in my mind, then I think we can -- we can indeed
23 skip it.

24 MR VANDERPUYE: [12:38:44] Yes, it's my fault. I think the question was inartful.
25 In this sequence Mr Yekatom refers to, I think, three bases. He says this one, there's

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1 a second one and another one. So I think my question was inartful. Let me try it a
2 different way.

3 Q. [12:39:07] Did you -- did you hear Mr Yekatom refer to three different bases in
4 the video?

5 A. [12:39:26] Yes. During this interview that he gave, he talked about the first, the
6 second and the third base. But afterwards, he said that the children were behind,
7 which means that those elements were still behind.

8 Q. [12:39:53] Were all those three bases, including where the elements were,
9 considered the Gbangba base, or were they different -- were they called by different
10 names, for example, or were they all part of one larger base, let's say?

11 A. [12:40:20] Thank you. All those bases were in Gbangba. As I said, everything
12 started with the first and second and the third section, and as time went on or
13 gradually the elements would join up with the group {ICR: (Redacted)
14 (Redacted)}. And so in -- ultimately we ended up with several bases.

15 Q. [12:40:49] All right. That's also very helpful.

16 I want to show you another video. I hope I've got this one right. I have it as tab 26,
17 CAR-OTP-2065-0436. That looks promising. And I have the transcript at tab 43,
18 CAR-OTP-2107-1539. That looks right as well.

19 This is also a very short one. Transcript will start at page 1540. This is also around
20 7 December.

21 And I'd like you to take a very close look at this one, Mr Witness, and then I'll ask you
22 some questions about what and who you see in it, okay?

23 Just let us know in the booth when we're ready to go.

24 THE INTERPRETER: [12:42:02] The interpreter is ready.

25 MR VANDERPUYE: [12:42:05] Okay, ready.

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1 Q. [12:42:06] Take a good look, Mr Witness.

2 (Viewing of the video excerpt)

3 THE INTERPRETER: [12:42:10] (Interpretation of the video excerpt)

4 "Christians are suffering a lot. You see, you see? To look -- to find something to eat
5 is difficult.

6 Why are they there, these gentleman?

7 They are fleeing the Seleka.

8 It's because of those Seleka.

9 Those Seleka there. The Chadians, the Sudanese, the Touraboural [phon], the

10 Janjaweed. You see? They need to go back home. This is Central Africa, it's not

11 Chad here. Idriss Deby can't be commanding in this country. And over there?

12 Al-Bashir can't command over here; this is Central Africa. If they don't want to step
13 down within three days, we're going to -- we're going to do genocide in RCA. And
14 that is my [phonetic] decision. Is that right my older brother -- older brother?"

15 THE INTERPRETER: [12:43:11] Interpreter correction: "*On va faire le génocide*" can
16 be "Genocide will happen in RCA" or "We will commit genocide in RCA." Unclear.

17 MR VANDERPUYE: [12:43:21] Thank you to the interpreters.

18 Q. [12:43:23] Mr Witness, did you have a chance to see this video and hear it?

19 A. [12:43:47] Yes, it was Habib.

20 Q. [12:43:51] Do you recognise the location?

21 A. [12:44:14] No, I don't recollect.

22 Q. [12:44:26] Do you recognise the individuals that he's pointing to?

23 We can move the frame over there, you tell us if you recognise him or not. You don't
24 have to say who they are. Let's take a look.

25 A. [12:44:56] Could I see the pictures? Can you display the pictures so that I can

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1 really identify the persons. The images are not clear.

2 Q. [12:45:12] We can play the sequence a little bit so you can maybe make it out.

3 We'll back it up a little bit and then you can see.

4 (Viewing of the video excerpt)

5 PRESIDING JUDGE SCHMITT: [12:45:55] Well, it looks difficult to identify someone
6 here, except for the speaker, of course.

7 MR VANDERPUYE: [12:46:03] I think it doesn't get better than that, maybe at the
8 end, but --

9 PRESIDING JUDGE SCHMITT: [12:46:08] I think we can move on.

10 MR VANDERPUYE: [12:46:10]

11 Q. [12:46:10] Based on what you see, are you able to recognise the individuals that
12 he's talking about or pointing to?

13 A. [12:46:26] I cannot identify them. The faces are not really visible. The image
14 is hazy, so it's difficult for me to identify them.

15 Q. [12:46:40] Okay, that's no problem.

16 You heard Habib talking about resignation I assume of Djotodia and talking about
17 that there would be genocide in RCA. Have you heard that language spoken by him
18 or other people in the command of Mr Yekatom before?

19 A. [12:47:44] I think that that statement, that's the first time I see this video, this
20 statement. You know, they often make statements between themselves, amongst
21 themselves, amongst soldiers when the elements are not around them. And I don't
22 know this, I've never heard this sort of statement. For me, that's the first time that I
23 see this video, this footage. It's the first time I hear those sentences being spoken.

24 Q. [12:48:24] All right. Let me show you another video. This one is at tab 31,
25 CAR-OTP-2065-3188. And the transcription should be at tab 44,

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1 CAR-OTP-2107-1547. The transcription should be at page 1548. This is also a very
2 short video and the indicated date is around December -- 10 December 2013.

3 So when the interpreters are ready, just let me know.

4 THE INTERPRETER: [12:49:29] Interpreter is ready.

5 MR VANDERPUYE: [12:49:31] Okay, great. So we're ready to go. We'll play it
6 just now.

7 (Viewing of the video excerpt)

8 THE INTERPRETER: [12:49:38] (Interpretation of the video excerpt)

9 "What is that? What is that weapon?

10 That's -- it is a *furogène*, a smokebomb. It's like -- like this one there ...

11 ... not *furogène*. Like anti-attacker, teargas, anti-attacker. Initially it's for the

12 Muslims who are in their ... what will I call it? Well, you know, just simply to throw
13 at the Muslims that are in their ... in their ...

14 House.

15 ... in their house, to get them out, to ...

16 Choke.

17 ... choke. And as soon as they come out, we kill them.

18 Even the little children, we kill because -- because we've suffered too much. And
19 we're soldiers."

20 MR VANDERPUYE: [12:50:39] Thank you again for the interpreters.

21 Q. [12:50:44] I have a few questions about this video, as you can imagine. The
22 first is: Do you recognise the individual that's speaking in the red shirt and the
23 sunglasses?

24 A. [12:51:16] Yes, I recognise him.

25 Q. [12:51:21] Without telling us how you recognise him, do you know his name

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1 and can you tell the Chamber his name?

2 A. [12:51:52] I think I told you in one of my statements that I've forgotten a number
3 of details, including names. If only I had a list, I could -- perhaps that would jog my
4 memory, but I can't venture a name which might be damaging perhaps.

5 Q. [12:52:16] All right, that makes sense. What I'll do then is I'll play you a
6 different video in which the person gives their name and then you can confirm
7 whether that name that they give is their name, as you recall it.

8 It's CAR-OTP- -- tab 26, I hope. Let me check. Tab 26, CAR-OTP-2065-3 -- uh-oh.
9 One moment. Sorry.

10 (Counsel confers)

11 MR VANDERPUYE: [12:53:00] Saved again. It's tab 30, CAR-OTP-2065-3172. Let
12 me see if I have the translation though. I have it at tab 57.

13 (Counsel confers)

14 MR VANDERPUYE: [12:53:26] Translation is right. Tab 57, CAR-OTP-2127-4492.

15 It's a minute and 35, so we can play it straight through as well.

16 So just let us know in the booth when we've got it. I think the -- yeah, it's just at 5656
17 ERN, that's the translation, it starts there and it's the whole thing. It's about a page.

18 THE INTERPRETER: [12:54:15] The interpreter is ready.

19 MR VANDERPUYE: [12:54:17] Okay. We can play it now.

20 Q. [12:54:20] Watch this video.

21 (Viewing of the video excerpt)

22 THE INTERPRETER: [12:54:23] (Interpretation of the video excerpt)

23 All unidentified speakers:

24 "We have to kill the Seleka there.

25 We don't want Djotodia, he needs to go to prison.

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- 1 We're going to kill him.
- 2 We're going to kill.
- 3 Like he did with our families.
- 4 We're going to kill them all.
- 5 He's going to leave.
- 6 [Incomprehensible]
- 7 I'm Central African, Bozize, KNK. It's the time, Kwa Na Kwa.
- 8 I am head of section. That's my aide-de-camp. Okay? This is my aide-de-camp.
- 9 And since, it's been almost three months ... four months in the forest. We only ... we
- 10 only want Central Africans to live in peace, eh? We came ... we came to ...
- 11 We are the FACA.
- 12 We've come in to intervene the country of Central Africa so the people of Central
- 13 Africa be in peace.
- 14 Right, that's right. I'm caporal Maidanda Max.
- 15 I'm a soldier. We are here, we don't want Bozize ... the other, Djotodia to stay. We
- 16 want Djotodia to leave Central Africa.
- 17 Me too.
- 18 We don't want to see Muslims.
- 19 That's it.
- 20 We're all soldiers. That's why we're here. We're fighting for our country. That's
- 21 it."
- 22 End of sight translation.
- 23 MR VANDERPUYE: [12:56:06] Thanks once again to the interpreters.
- 24 Q. [12:56:09] I have a number of questions about this video, but the first one is, you
- 25 saw the person in the red shirt and the sunglasses and he said his name was Caporal

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1 Maidanda Max. First, does that name ring a bell? And second, is he who he says
2 he is, if you know?

3 A. [12:56:45] In my deposition, it's Maidanda Max. I think it's even in the list. In
4 one of my statements I think I said Rombhot shot on -- shot at Seda and it hit Dawili,
5 the one who is short. And I think we see his image before Maidanda. And there is
6 a person who is behind them, he's tall, we call him the Giant. Another one, we call
7 him Guy. Even farther back there's a short person, we call him Passy (phon).
8 So -- and I know many more, but I've forgotten the names. Like the youngsters who
9 are near there, some of them were born or grew up in Boeing. I know them, I know
10 their names. In this video you have Maidanda and Dawili, and Dawili is also a
11 soldier.

12 Q. [12:57:58] All right. Maybe you (Overlapping speakers)

13 PRESIDING JUDGE SCHMITT: [12:58:00] I think we have an answer here then.

14 MR VANDERPUYE: [12:58:02] Yeah, we have an answer for sure. Yes, we have an
15 answer, that's right.

16 PRESIDING JUDGE SCHMITT: [12:58:06] Do you have a lot of questions with
17 regard to this video?

18 MR VANDERPUYE: [12:58:09] Not very many, no. I have this one, I have the one I
19 showed him before, and there's a second one that's coming.

20 PRESIDING JUDGE SCHMITT: [12:58:16] Ms Dimitri.

21 MS DIMITRI: [12:58:17] Thank you, Mr President. To save time, he gave some
22 names, Mr Dawili, Mr Passy. For the record, could we know where they appear, on
23 which timestamp of the video.

24 PRESIDING JUDGE SCHMITT: [12:58:31] I think we do that and then we go into the
25 break, and if you have further questions, you can put it to him.

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- 1 MS DIMITRI: [12:58:38] Thank you, Mr President.
- 2 MR VANDERPUYE: [12:58:40] That's a good idea.
- 3 PRESIDING JUDGE SCHMITT: [12:58:42] Just these two people, that we identify
- 4 them. I think that's important indeed, timestamp.
- 5 MR VANDERPUYE: [12:58:47] I'm not sure where he sees them in the video, so we
- 6 can -- we can kind of scroll through and then he can stop at -- rather than play it, we
- 7 can scroll and hopefully we can get there faster.
- 8 PRESIDING JUDGE SCHMITT: [12:58:54] I assume it's relatively further on in the
- 9 video. That would be my suggestion.
- 10 MR VANDERPUYE: [12:59:00] Yes.
- 11 Q. [12:59:00] Well, is he speaking? Is Dawili or the other one speaking in this
- 12 video or are these in the background somewhere? That will help us.
- 13 Anyway, let's just go forward and we can see.
- 14 Do you see them on this frame here? That is at 00:00.
- 15 Maybe what we can do is we'll scroll through the video and then when you see them,
- 16 you tell us to stop.
- 17 PRESIDING JUDGE SCHMITT: [12:59:35] We do it this way, Mr Witness: We
- 18 scroll through the video and once you see Dawili or Maidanda, what you said, I think,
- 19 Max, then you stop -- then you say stop, yeah? Okay. Thank you.
- 20 THE WITNESS: [12:59:54](Interpretation) I understood very well.
- 21 Can you go towards the left, please. Go forward a little bit. Not yet. Please
- 22 continue going ahead.
- 23 (Viewing of the video excerpt)
- 24 THE WITNESS: [13:00:44](Interpretation) Yes, please stop there. On the left do you
- 25 see someone with a headband, a red headband? He's the one I identified as Passy.

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1 In front of him with something green around the neck, a string or something, Dawili.
2 And the person wearing a whitish sweatshirt, Maidanda Max. And if you can scroll,
3 if you like, I'd like to see the rest of the group.

4 MR VANDERPUYE:

5 Q. [13:01:33] That was at 0:36 where you identified the individual with the red
6 bandana or red headband.

7 A. [13:01:46] Yes. The person behind Dawili, who is tall, he's a driver, I don't
8 know his name, driver of the vehicles. He drove them. He's standing just behind
9 Dawili, who is in combat fatigues with kind of a necklace, green colour. To his side
10 there's someone wearing something under his chin like a mask, that's Guy. Maybe
11 you can scroll perhaps a little bit.

12 Q. [13:02:31] We're at -- we're at 52 seconds. Let me just ask you a really quick
13 question. The person that's in the fore of this frame with something around -- the
14 necklace, that's the person you referred to as Dawili; is that right? And then there's a
15 person to his left wearing, looks like a white top with crisscrosses on it, and then a
16 person behind him to his right in a brown shirt, right?

17 PRESIDING JUDGE SCHMITT: [13:03:04] One after the other, please.

18 So the one with the military attire in the forefront, that is Dawili; is that correct?

19 THE WITNESS: [13:03:21](Interpretation) Yes, that's the one. He's got a green
20 string of beads. And then on the right, there is a fellow wearing sunglasses and a
21 black T-shirt.

22 PRESIDING JUDGE SCHMITT: [13:03:40] And do you know this person? Do you
23 know this person with the sunglasses?

24 THE WITNESS: [13:03:52](Interpretation) That's him. I mentioned him.
25 Maidanda Max.

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1 PRESIDING JUDGE SCHMITT: [13:03:59] Well, but I think -- okay, scroll further,
2 please.

3 (Viewing of the video excerpt)

4 THE WITNESS: [13:04:22](Interpretation) If you could just rewind slightly, a little
5 bit, because I think I saw Guy.

6 Yes, stop there. You can see the person who is behind who is wearing a kind of a
7 blue turban sort of thing, with a white shirt and -- well, that person with the blue
8 turban around his head is Guy. And the person behind Dawili with the brown
9 T-shirt with a sketch of a devil, he's the driver, he would drive vehicles that we drove
10 in Boali.

11 THE INTERPRETER: [13:05:26] Correction from the interpreter: Mbaiki.

12 PRESIDING JUDGE SCHMITT: [13:05:30] Could we then scroll a little bit further,
13 and the last before the break, who is the person in the red T-shirt?

14 MR VANDERPUYE: [13:05:37] Just for the record, we're at 1 --

15 PRESIDING JUDGE SCHMITT: [13:05:40] 13:12.

16 MR VANDERPUYE: [13:05:42] 1:13:12. Thank you, Mr President.

17 (Viewing of the video excerpt)

18 PRESIDING JUDGE SCHMITT: [13:05:47] Please stop.

19 Who is the person now speaking obviously and also wearing sunglasses and wearing
20 a red T-shirt? Who is that? If you know, of course, only.

21 THE WITNESS: [13:06:31](Interpretation) I know, but I've forgotten his name.

22 PRESIDING JUDGE SCHMITT: [13:06:35] Okay. Then we leave it at that. Well,
23 you can -- we can ask one question.

24 Mr Witness, this was the person who -- I heard it at least, who said in the video that
25 he is this Maidanda, this Max Maidanda. He called himself Max Maidanda.

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1 THE WITNESS: [13:07:09](Interpretation) The person who has his hand practically
2 on his chest, are you talking about him? Because the one who is wearing
3 sunglasses --

4 THE INTERPRETER: [13:07:23] Overlapping.

5 THE WITNESS: [13:07:32](Interpretation) Because on my screen, the face isn't
6 complete, but it's indeed him. Yes, it's him.

7 PRESIDING JUDGE SCHMITT: [13:07:45] What do you mean by "it's him"? Who is
8 it?

9 THE WITNESS: [13:07:59](Interpretation) Yes, Maidanda Max.

10 PRESIDING JUDGE SCHMITT: [13:08:03] So if there are further questions with
11 regard to this video, we can do this after the break, I think.

12 And I would like to address something because --

13 MR VANDERPUYE: [13:08:13] Just the timestamp.

14 PRESIDING JUDGE SCHMITT: [13:08:16] Yes, it's 1:15:09.

15 MR VANDERPUYE: [13:08:19] Thank you, Mr President.

16 PRESIDING JUDGE SCHMITT: [13:08:21] Just shortly, you are nearly half an hour
17 over the nine hours. We are far behind schedule anyway, so perhaps we can talk
18 about, after the -- after the break, what we can do there. I will -- I will ask

19 Ms Dimitri, but of course -- and Mr Knoops, Ms Proulx, and of course you and --

20 MR VANDERPUYE: [13:08:46] We've already begun (Overlapping speakers)

21 PRESIDING JUDGE SCHMITT: [13:08:49] Okay, so then -- then perhaps you
22 can -- you can tell us what you were talking about.

23 MR VANDERPUYE: [13:08:51] Yes.

24 PRESIDING JUDGE SCHMITT: [13:08:52] Thank you very much.

25 We have the break, Mr Witness, also until 2.30.

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1 THE COURT USHER: [13:08:57] All rise.

2 (Recess taken at 1.09 p.m.)

3 (Upon resuming in open session at 2.33 p.m.)

4 THE COURT USHER: [14:33:25] All rise.

5 Please be seated.

6 PRESIDING JUDGE SCHMITT: [14:33:43] So I understand we are in open session. I

7 think scheduling matters, why not, we can put to rest in open session. Why not.

8 Mr Vanderpuye, first of all, re-examination by you of this witness will end at what
9 time?

10 MR VANDERPUYE: [14:34:04] Of what day?

11 PRESIDING JUDGE SCHMITT: [14:34:07] Yeah, yeah. No, I left that deliberately
12 open.

13 MR VANDERPUYE: [14:34:10] I thought you might have.

14 I was hoping to finish, actually, already by now, but that's clearly not going to happen.

15 So I'm thinking the first session tomorrow.

16 I've been discussing with counsel what we can do in terms of the schedule. And

17 right now, it appears -- we are looking into moving 954 out of the schedule and into

18 the next block, block 17. We have to make some calls to see what's feasible.

19 The idea is that we would move him out, complete this witness, follow with P-2353

20 and then P-1042. We wouldn't move 1042. In other words, we wouldn't advance

21 his testimony. It should be able to sit where it is, and we should be able to complete
22 it.

23 But with respect to 2353, I realised that we may have an issue because the legal

24 representative is -- will not be available after a certain day. I don't know exactly

25 what day, but we'll have to figure that out as well.

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1 If it's possible, I don't know if having a shorter lunch, you know, that kind
2 of -- extending the day might accommodate that, but that's something I haven't
3 worked out yet, to be honest.

4 PRESIDING JUDGE SCHMITT: [14:35:36] Okay. But I think it should not -- let's
5 say, this solution should be possible because there will be someone -- a legal
6 representative could be there.

7 Ms Massidda, couldn't it?

8 MS MASSIDDA: [14:35:49] Thank you, Mr President, your Honours. Yeah, we are
9 trying to sort it out how we can rearrange eventually the questioning. I will leave on
10 mission on the 14th, and the assumption was that P-2353 was due to testify the 9th
11 and 12th. So it was perfectly fine. I cannot postpone the mission. It's an urgent
12 one. So we are trying to sort it out internally, how we can cope with that, unless
13 P-2353 will be able to testify on the 12th.

14 PRESIDING JUDGE SCHMITT: [14:36:22] Well, but, actually, I would expect that
15 the legal representative of victim could produce, so to speak, someone who can make
16 the questioning whenever 2353 appears. We leave it at that for the moment.

17 MS MASSIDDA: [14:36:40] It's only because it's a dual status. So it's a little bit
18 more --

19 PRESIDING JUDGE SCHMITT: Yes, yes, yes (Overlapping speakers)

20 MS MASSIDDA: [14:36:42] -- important for him, but --

21 PRESIDING JUDGE SCHMITT: Yes, but (Overlapping speakers)

22 MS MASSIDDA: [14:36:43] -- we will sort it out.

23 PRESIDING JUDGE SCHMITT: [14:36:45] Well, but, nevertheless, this is not rocket
24 science.

25 MS MASSIDDA: [14:36:48] We will sort it out.

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1 PRESIDING JUDGE SCHMITT: [14:36:50] Excuse me for using this word, but
2 sometimes I say what I think.

3 Ms Dimitri, what is your estimation? I think it would not have changed, I would
4 assume.

5 MS DIMITRI: [14:37:05] Thank you, Mr President.

6 To be on the safe side, I think -- I think, let's assume that it hasn't changed yet. There
7 is too many stuff that has been done. I have to review. I didn't. But I think my
8 estimation is going to remain the same.

9 PRESIDING JUDGE SCHMITT: [14:37:24] Would you -- would you or Ms Proulx or
10 Mr Knoops be prepared to start tomorrow, then, let's say, in the second session? Or
11 would it -- what we had sometimes, would it be helpful if you had half a day to
12 review? I don't know. But Ms Proulx is standing up, so perhaps she could start the
13 questioning tomorrow.

14 MS PROULX: [14:37:48] Thank you, Mr President.

15 With all due respect, I don't think it would make a lot of sense for us to start first.

16 And, you know, we had discussed issues that would affect both teams, and there was
17 an assumption from the very beginning that the Yekatom team would go first. But,
18 as we are concerned, our examination will be considerably shorter than what our
19 estimation will be. I would think that we would need at most one hour for this
20 witness.

21 PRESIDING JUDGE SCHMITT: [14:38:14] Actually, I thought so. And you are, in
22 my opinion -- not that my opinion is not decisive here. But I can follow your
23 assessment, that it makes sense to start with Ms Dimitri. Absolutely, yes.

24 MS DIMITRI: [14:38:31] Mr President, if you're offering half a day to review, I'll
25 gladly take it. My days have been extremely long for the past week, and I think half

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1 a day for me to review with the team will enable me to be more concise as well,
2 because I think right now I have a lot of questions that I could cut down if I review
3 rigorously what has been sent in the transcript.

4 PRESIDING JUDGE SCHMITT: [14:38:56] Actually, in the past there have been
5 instances where I have been - now, really, nicely worded - reprimanded by some of
6 my staff, so to speak, when allowing that, but, actually, I think we have made very
7 good experience with that. Because I really understand. It's like, in Germany we
8 say, the hamster in the wheel, and you cannot really, really think and figure out "what
9 do I really need now", after the questioning by the Prosecution.

10 So let's, for the moment, assume that Mr Vanderpuye finishes tomorrow, first session,
11 and we start with examination by Ms Dimitri on Friday then, Friday 9.

12 So, Mr Vanderpuye, you have the floor.

13 And whatever with the rescheduling, I think you will keep, of course, the Chamber
14 updated.

15 MR VANDERPUYE: [14:39:52] Yes, yes, of course, yeah.

16 PRESIDING JUDGE SCHMITT: [14:39:54] But it made sense what you say, if I may
17 say so, yeah, with regard to I think 945.

18 MR VANDERPUYE: [14:40:02] Okay.

19 PRESIDING JUDGE SCHMITT: [14:40:04] Okay. Good.

20 MR VANDERPUYE: [14:40:05] I'll keep you updated.

21 PRESIDING JUDGE SCHMITT: [14:40:07] By the way, updated, 945, any news?
22 Should we perhaps not discuss this in front of -- well, perhaps you can tell us
23 something, if there is something to tell.

24 MR VANDERPUYE: [14:40:18] Well, not that I'm aware of. My understanding is
25 that the witness is available. However, there have been some developing

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1 circumstances, personal issues, for him, but we have to still reach out to him to ensure
2 that he is available for when we anticipate.

3 PRESIDING JUDGE SCHMITT: [14:40:37] Okay. Then we assume that we will
4 have this witness in the next block.

5 So, Mr Witness, you are in the courtroom. Thank you very much for your patience
6 and indulgence, but sometimes these scheduling issues have to be figured out before
7 we can continue.

8 Mr Vanderpuye.

9 MR VANDERPUYE: [14:40:52] Thank you, Mr President.

10 Q. [14:40:54] Good afternoon to you, Mr Witness. And I appreciate your
11 continued patience. I know it's been a long examination, so I'll try to come to the
12 point of things more directly.

13 I was showing you a video before. You identified some people in it. There is
14 another video I'd like to show you. This one is at tab 32, CAR-OTP-2065-3192. And
15 the translation is at tab 66, CAR-OTP-2127-4492. Let me make sure I've got this one
16 right. Yeah, it looks right.

17 THE INTERPRETER: [14:42:09] Message from the interpreters: We can't seem to
18 find the French translation. Would it be possible to have it displayed up on the
19 screen for us.

20 MR VANDERPUYE: [14:42:23] I have it.

21 PRESIDING JUDGE SCHMITT: [14:42:25] Obviously, it is possible. So -- on which
22 evidence channel is it?

23 THE COURT OFFICER: [14:42:31] Evidence channel 1, Mr President.

24 PRESIDING JUDGE SCHMITT: [14:42:33] Of course, of course. Since on 2 we
25 have --

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- 1 THE INTERPRETER: [14:42:38] Perfect. We have it. Thank you.
- 2 PRESIDING JUDGE SCHMITT: [14:42:40] -- an image. Thank you.
- 3 MR VANDERPUYE: [14:42:45] All right. I think -- let us know when
- 4 you're -- you've got? You're ready to go?
- 5 THE INTERPRETER: [14:42:49] Interpreters have it. Thank you. We are ready.
- 6 MR VANDERPUYE: [14:42:56] All right. I think -- I think we can play this one
- 7 straight through.
- 8 (Viewing of the video excerpt)
- 9 THE INTERPRETER: [14:43:04](Interpretation of the video excerpt)
- 10 "Unidentified: I think that they got the bandit, and then the Mourabe (phon). The
- 11 others too were taken.
- 12 Unidentified: Yes. I only heard about the case of Magrine (phon).
- 13 Unidentified. Well, presently, there's an attack over at -- they were meeting in
- 14 Yangato when they caught them.
- 15 Unidentified: They came here to take them. Presently, they're shooting over there.
- 16 AY: No, we heard them too. Someone came to update us.
- 17 Unidentified: It's over near Combattant. Over there. What happened in
- 18 Combattant, or over there, at 5 kilometre?
- 19 Unidentified: Combattant.
- 20 AY: Well, since you don't want to go, you can leave. Don't worry about it. We've
- 21 already talked it. Yes, we have already talks about it, but there's another topic. We
- 22 were waiting for you to discuss it. So wait a little bit. You, me and the lieutenant,
- 23 we're going to talk about it right away. We've waited for you too long.
- 24 Unidentified: No, I made my way over to the airport.
- 25 AY: Mm-mm.

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- 1 Unidentified: It's okay over there.
- 2 Unidentified. Right. Well, what is it for over there? Or what is it like over there?
- 3 Is it quiet or ..."
- 4 Line 22.
- 5 "Unidentified: Because I heard through other persons, a big brother.
- 6 Journalist: What's happening?
- 7 Unidentified: Let's say there's shooting around -- over there, Kilometre 5.
- 8 Unidentified: Here's a gun. Leave it."
- 9 Line 26.
- 10 "Unidentified: Has he already taken it?
- 11 Unidentified: He's there.
- 12 Unidentified: Where is he?"
- 13 Line 29.
- 14 "Unidentified: Where's his weapon?
- 15 Unidentified: What weapon?
- 16 Unidentified: The weapon I gave you."
- 17 Line 32.
- 18 "Unidentified: That's our weapon [incomprehensible] that I took there."
- 19 Line 33. Next lines are spoken simultaneously.
- 20 Line 34.
- 21 "Unidentified: That's it. When he gave it to me.
- 22 I told him to give it back to me."
- 23 End of sight translation.
- 24 Next page.
- 25 "Unidentified: Yes, we've already gotten it back.

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- 1 Unidentified: He's already given it to you?
- 2 Unidentified: Yes. He called me to take me -- to tell me to keep it."
- 3 Line 38.
- 4 "Unidentified: Papa, presently, there I'm telling you that the -- perhaps holding.
- 5 AY: Yes.
- 6 Unidentified: Those attacks there. There's no one in front of you. There's not a
- 7 single person."
- 8 Line 41.
- 9 "AY: No way, little bit. Forget it. We're going to talk.
- 10 Unidentified: Okay.
- 11 Unidentified: Keep that. We're going to talk about it amongst ourselves.
- 12 AY: Keep that. We're going to talk amongst ourselves about that later on.
- 13 Unidentified: And then there's the one who's amongst you there. As soon as the
- 14 fighting will start, he's going to switch camps, so keep an eye on him."
- 15 Line 47.
- 16 "Unidentified: We're going to leave. Are we going to loot first? You? You loot,
- 17 but what about us then?"
- 18 Line 49.
- 19 "AY: Wait a minute. Calm down. Listen, young man, calm down. Stay quiet.
- 20 Be still. We don't know what can happen.
- 21 No, the two, they came together. He can stay, no problem. We're organising
- 22 something. Presently, you're the only one we're waiting on."
- 23 Line 52.
- 24 "Unidentified: Ah, come. Let's start by talking about it.
- 25 Unidentified: Yes."

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1 Line 54.

2 "Unidentified: Like us."

3 End of recording. End of the sight translation.

4 MR VANDERPUYE: [14:46:58] All right. Thank you very much to the interpreters
5 with respect to this video.

6 Q. [14:47:04] Mr Witness, you've had an opportunity to see and hear the video.

7 First of all, do you recognise the participants -- or, rather, the individuals that are in
8 the video that you saw? Is there anyone -- we all saw, Mr Witness, Mr Yekatom in
9 there, but who else did you see besides him?

10 A. [14:47:34] The person who is seated next to him is a gendarme. I've forgotten
11 his last name. His first name is Jean. He's the one who is -- the one who is standing
12 up is a lieutenant, and I cannot remember his name.

13 Q. [14:47:54] All right. Let's go very quickly to 01:20, let's say, in the -- in the
14 footage, and then we can see if we can see that person.

15 (Viewing of the video excerpt)

16 MR VANDERPUYE: [14:48:21] Yeah. We stop there for a minute.

17 Q. [14:48:30] Okay. Now, the person -- we're at 01:20. The person that you
18 see -- that you refer to, the gendarme, is that the one that's in the middle of the screen
19 right now, sitting immediately next to Mr Yekatom?

20 A. [14:48:59] Yes. The person wearing a black T-shirt, sitting next to Rombhot,
21 that person is a gendarme. His first name is Jean. I cannot recall his surname, his
22 last name.

23 Q. [14:49:15] Okay. Was he a member of the group?

24 A. [14:49:29] Yes.

25 THE INTERPRETER: [14:49:29] In French.

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1 MR VANDERPUYE: [14:49:30]

2 Q. [14:49:31] And the person that we see seated to the right of him in the screen,
3 that's Max Maidanda, the same person as we saw in the other video?

4 A. [14:50:21] Well, if I recall, if this is what I'm seeing, it's not Max Maidanda in this
5 video. This person is too young. I can't really remember his name. So if I do not
6 err, if that's the foot of Max Maidanda -- if I saw the foot of Max Maidanda, I could
7 recognise him. But this person seated there, I'm not sure. It's not Maidanda. Well,
8 maybe. It's been a long time. I haven't seen him a long time. That's why maybe
9 I'm making a mistake, but I don't know. It's already been six years, so it's kind of
10 normal that I sometimes forget about these people.

11 Q. [14:51:09] Don't worry about it. It's not an issue at all. The Chamber has
12 video, and we've already seen video with this particular individual. So it's not an
13 issue.

14 Let's move a little bit backwards, I think, in the video. Maybe to 01:16 or so. And
15 let me ask you if you can identify -- I can't myself who that is. Oh, I'm sorry. I have
16 it earlier.

17 Do you recognise the individuals we see at this frame? We're at 07:13. Do you
18 recognise the individual with the hat, with the striped hat?

19 A. [14:52:29] This was a lieutenant, but I don't know his name.

20 Q. [14:52:34] And the -- this is the one with the numbers on the shirt. That's who
21 you're referring to as the lieutenant?

22 A. [14:52:53] Yes, the one with number "32" and the hat, which is the flag of
23 Germany. He's a lieutenant, but I don't know his name.

24 Q. [14:53:07] Okay. And the person to his -- well, on the right side of the screen in
25 front of you. He seems to be wearing a hat also, but it looks like an army coloured

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1 hat. Army greenish hat, I think. Do you recognise that person?

2 A. [14:53:43] His face is not very clear. I can't really identify him.

3 The person in the military uniform next to the lieutenant, I don't know him very well.

4 Perhaps his bodyguard. I don't know.

5 Q. [14:53:52] Okay. I don't want you to guess. So if you don't remember or you
6 don't recognise, just say so. That's fine.

7 And the person on the left of the lieutenant, do you recognise that person?

8 A. [14:54:29] No. I don't know that person. Maybe the aide-de-camp of the
9 lieutenant, but I don't know him.

10 Q. [14:54:38] That's fine. And do you recognise the location? I know it's difficult
11 from this particular frame, but are you able to tell?

12 A. [14:55:22] So they are under a hanger, a straw construction. I don't really recall
13 this location.

14 Q. [14:55:36] All right. That's no problem.

15 A. [14:55:39] I don't know this place.

16 Q. [14:55:43] Let me just check something really quickly. Just for the Chamber's
17 reference, this video that's on the screen now, the approximate date of it is about 10
18 December. So it's about the same as the ones that I've shown before in that period.

19 Let me show you another video. This should be -- check it -- at tab 33,

20 CAR-OTP-2065-3220. And I'd like to do this in two parts. So let me find the
21 transcript reference. That should be at tab 63, CAR-OTP-2127-3668. And I

22 said -- like I said, I'd like to do this in two parts. So we'll play from 00

23 through -- we'll stop it at 01:45. And then I would like to play it without translation,

24 because I'd like the Chamber to hear the tenor of the discussion. And it features

25 Mr Yekatom in there, so I'd like the Chamber to just hear it, and then we can actually

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1 receive the translation after that.

2 So the first part of it will be from 00 to 01:45. The relevant transcript reference will
3 be from line 1 to line 26 in the transcript. We'll stop there, and then we'll continue it
4 without translation, floor -- just the floor mike so that everyone can hear the tenor of
5 the conversation, and then we'll do the translation after.

6 All right. That was a long explanation. I apologise for that.

7 Let us know when you're ready in the booth, please.

8 THE INTERPRETER: [14:58:00] We're ready, sir. Thank you.

9 MR VANDERPUYE: [14:58:04] Thank you very much.

10 Q. [14:58:05] All right. So we'll start and we'll stop at 01:45.

11 Pay attention to this.

12 (Viewing of the video excerpt)

13 MR VANDERPUYE: [14:59:59] Okay. All right. I'm given to understand that this
14 part was interpreted only in French, so at least it's in the record in the French
15 transcription. I don't know if the Chamber wants to reply. But I think we will just
16 continue from here, I think.

17 THE INTERPRETER: [15:00:41] The interpreters apologise. We took it that you
18 wanted to hear the video without English interpretation first and then with
19 translation.

20 MR VANDERPUYE: [15:00:50] Other way around. But that's okay.

21 PRESIDING JUDGE SCHMITT: [15:00:53] Actually, there were some parts which
22 were clearly understandable for everyone, I think. Large parts, to be honest.

23 MR VANDERPUYE: [15:01:02] From this point on, I'd like to just play it, floor mike
24 only, no interpretation, just so that you can hear the tenor of the discussion, and then
25 I'll replay it so that you can hear the translation. You can hear what is actually being

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- 1 said. There's a reason for it. The suspense, I'm sure -- the reason for it is because --
- 2 PRESIDING JUDGE SCHMITT: [15:01:32] At least I did not have interpretation, no.
- 3 MR VANDERPUYE: [15:01:35] Just now. Do you want to replay -- all right. We
- 4 can reply this part and have it in English.
- 5 PRESIDING JUDGE SCHMITT: [15:01:40] You just said you wanted it first without
- 6 interpretation, and I heard it without interpretation.
- 7 MR VANDERPUYE: [15:01:45] I want to hear it first, the first half of the video, with
- 8 interpretation. And then from this point, 1:45 forward, without.
- 9 PRESIDING JUDGE SCHMITT: [15:01:54] Okay. Good. Now I have understood.
- 10 My apologies. A little bit slow in the afternoon. No, no, no. Okay, then, fine.
- 11 MR VANDERPUYE: [15:02:04] So what has happened is, only French interpretation
- 12 has been done.
- 13 PRESIDING JUDGE SCHMITT: [15:02:08] Exactly.
- 14 MR VANDERPUYE: [15:02:09] So from this point forward, I'll play it without
- 15 nothing. Just nothing.
- 16 PRESIDING JUDGE SCHMITT: [15:02:14] Good, good. Interpreters will be happy.
- 17 MR VANDERPUYE: [15:02:17] Exactly, exactly.
- 18 PRESIDING JUDGE SCHMITT: [15:02:19] Yeah, okay. Let's start.
- 19 MR VANDERPUYE: [15:02:21] All right.
- 20 Q. [15:02:22] So we're going to play the video for you. I'm sure that you'll
- 21 understand it. No interpretation. You just listen to it. And then we'll come back
- 22 to it. So thank you.
- 23 We'll play it from now from 01:45 through 03:20.
- 24 (Viewing of the video excerpt)
- 25 MR VANDERPUYE: [15:04:11] Okay. Thank you. We stopped at 03:17.

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1 Q. [15:04:16] First of all, let me just ask you before we go back and have the
2 translation of what's being said: Do you recognise the location from this frame?
3 We're at 03:17.

4 A. [15:04:47] Yes, I recognise that place. It is Proget site. If just go a bit back, the
5 person who is wearing a jacket, who I said was a lieutenant, now that I've heard his
6 voice, it's not the lieutenant. I think it is Mr Yagouzou. He came from Bossangoa.
7 He was always together with Yekatom, and they used to talk together.
8 In this video, I also saw Beorofei. Once you asked me the question regarding him.
9 I saw Beorofei. I saw the gendarme, Jean, and a soldier, the one who is wearing the
10 military uniform. So in this video which I've just seen, I managed to recognise him.
11 He was a soldier. He lived in the Boeing neighbourhood. We called him
12 Ngupere (phon).
13 The person who's behind Yekatom, the armed individual, is a soldier, nicknamed
14 Dolowaye. That's what I can tell you.
15 So I repeat, this area is Proget. You followed me? He said something. He says
16 that what he says to the children may be different that he will say to the chiefs.
17 That's what I've understood in the report.

18 Q. [15:06:58] All right. And what I'd like to do is I'm going to go back and play it
19 so that the Chamber can follow the translation. But in this frame, Dolowaye is the
20 one with the weapon behind Mr Yekatom who is in the -- pretty much in the centre of
21 the screen. And can you make out who's behind Dolowaye? That is, pretty much
22 in the centre of the screen. Do you recognise that individual? And if not, that's
23 okay.

24 A. [15:07:35] It's him. I'm talking about him. I said that he was a soldier, and his
25 name was Dolowaye. You know there was a captain from FACA. I think it was a

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1 general. No, I think it was General Dolowaye. Whether he was part of his family, I
2 don't know, but he had that name. We called him Dolowaye.

3 Q. [15:08:05] Okay. I think that's fine. It looks like that same Max Maidanda is
4 also in that video frame, but I don't think you can see him from there. It may be too
5 small. In the red shirt.

6 But let's go back to 01:45, and then we'll play it with translation, English and French,
7 from that point on so that we can follow what Mr Yekatom is saying.

8 Just let me know where we are in the booth. It should be from line 26 through line
9 54, at tab 63, CAR-OTP-2127-3668, is where the transcript is.

10 THE INTERPRETER: [15:08:54] We are ready in the booth.

11 MR VANDERPUYE: [15:08:56] Okay. Let's play that then through again.

12 (Viewing of the video excerpt)

13 THE INTERPRETER: [15:09:03](Interpretation of the video excerpt)

14 "Look, that's enough. We have to scatter quickly. It doesn't serve any purpose to
15 have a long discussion. That's what I have to tell you.

16 AY: What we have to do here is to look for the telephones. The other things we can
17 do later. At the moment, we have to start the operation. We have to take decisions.
18 You are soldiers. If we give you orders, you can't let the civilians dominate you.

19 I'm telling you the honest truth. Okay?

20 Unidentified: Okay, Caporal chef.

21 AY: I don't want everybody to mess it up. So what I'm telling you is that I'm going
22 to give you instructions when we leave. That's how it is. We can't say everything
23 in front of everybody because we don't know what everybody thinks. We have to be
24 brief and confiscate all the mobiles. Those who want to stay, stay. Those who want
25 to go, just can leave. That's it. I'm like this. But you don't know the intentions of

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1 the others who've come here. Tomorrow, we can look for those who are responsible
2 for certain things. And that's why we have to be brief. We can say things here, but
3 other people might say other things."

4 MR VANDERPUYE: [15:10:43] I think we've cleared the translation. It stopped at
5 some point, but I'm not sure where it stopped.

6 PRESIDING JUDGE SCHMITT: [15:10:50] Well, I think --

7 MR VANDERPUYE: [15:10:52] We're through line 54.

8 PRESIDING JUDGE SCHMITT: [15:10:55] I think interpretation was quick here. So
9 we got everything, I would say.

10 MR VANDERPUYE: [15:10:57] Great. Thank you very much.

11 Q. [15:11:01] Now, there are some questions I have now, that we've understood
12 what Mr Yekatom was saying. He's talking about taking the telephones away from
13 the individuals that Yagouzou was talking to, as you point out.

14 First of all, do you recall this happening or something like this happening in your
15 presence? Not necessarily in this particular sequence, but something like that in
16 other places or even at this same location.

17 A. [15:11:51] You know, in the bush, when somebody arrives, the first thing that he
18 has to do is to search him and take his mobile. {ICR: (Redacted)}

19 (Redacted)

20 (Redacted)}.

21 MR VANDERPUYE: [15:12:21] Mr President, can we go into private session for a
22 moment, please.

23 PRESIDING JUDGE SCHMITT: [15:12:25] Yes, of course.

24 MR VANDERPUYE: [15:12:27] Thank you.

25 (Private session at 3.12 p.m.)

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1 THE COURT OFFICER: [15:12:37] We are in private session, Mr President.

2 MR VANDERPUYE: [15:12:41] Thank you.

3 Q. [15:12:42] And I'm sorry for stopping you, Mr Witness. We are in open session,
4 so I wanted to make sure that -- we were in open session. I just want to make sure
5 that you don't say anything that might identify you.

6 (Redacted) we will ask the Chamber to strike that so that
7 there's no public record of that.

8 PRESIDING JUDGE SCHMITT: [15:13:00] No problem at all with that, yes.

9 MR VANDERPUYE: [15:13:03] Thank you, Mr President.

10 Q. [15:13:04] So I'm sorry to interrupt you, but you can go on with your answer
11 now.

12 A. [15:13:29] (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted) The three persons that Yekatom relied on was

16 Yakouzou and Beorofei. These are people I know well. Beorofei, until today, is the
17 deputy of Mokom.

18 Q. [15:14:25] The deputy of Mokom, you mean Maxime Mokom?

19 THE INTERPRETER: [15:14:37] The witness in French: Yes.

20 MR VANDERPUYE:

21 Q. [15:14:38] And can you help us identify where he is in the video. Do you know
22 if it was in the first part of the video or the second part that we played, from 01:45 on,
23 the second part we've just played now?

24 A. [15:15:27] Do you want me to try and identify Beorofei and the others? I didn't
25 understand the question completely. Could you perhaps rewind a bit, where

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1 Yekatom was addressing the three people. Could you perhaps stop at that level so
2 that I can identify those individuals.

3 (Viewing of the video excerpt)

4 MR VANDERPUYE:

5 Q. [15:16:18] All right.

6 A. [15:16:25] No, it's not this. Just maybe go forward a bit, and then I'll see.

7 (Viewing of the video excerpt)

8 THE WITNESS: [15:16:37] (Interpretation) No, Beorofei wasn't there. Beorofei is on
9 the left. I think maybe you'd have to go a bit back.

10 Maybe go forward a bit.

11 No. I said on the right-hand side.

12 (Viewing of the video excerpt)

13 THE WITNESS: [15:17:08] (Interpretation) Yes. Just stop here.

14 This person with that T-shirt is a gendarme called Jean. The person behind the
15 gendarme with a purple T-shirt is Beorofei. It's Beorofei. And Yekatom was
16 addressing those individuals.

17 MR VANDERPUYE:

18 Q. [15:17:36] Okay. That's helpful. So the timestamp here is 02:48. And I think
19 it's clear. The individual in the purple shirt, and then the gendarme is Beorofei, and
20 the individual on the far left of the screen is the gendarme named Jean. All right.
21 Thank you for that clarification.

22 I have a question. In part of this discussion, someone - I'm not sure who it is - makes
23 a reference to Bodibo. The transcript reference is at 3760, line 23.

24 Do you know somebody named Bodibo?

25 A. [15:18:34] It is Modibo. I know him. He did the hair of those in Bossangoa. (Redacted)

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1 (Redacted) He did the hair. He was like a fetishier, and he made the
2 fetishes so that they could be given to the Anti-Balaka. I know him well.

3 Q. [15:19:11] I'd like to show you another video. This one is at tab 1,
4 CAR-OTP-2012-0523. And I will have to play that one from 38:25 to 39:06, I think.
5 And let me give you the transcript reference, which would be tab 54 -- yeah, tab 54,
6 CAR-OTP-2118-5507. For the interpreters, it should be page 5536, lines 966 through
7 lines 979. That should be right. Maybe we can make the picture -- yeah, that's good.
8 And for the record, we are at 38:25 in the video.
9 Just let us know in the booth when you're ready to go.

10 THE INTERPRETER: [15:20:33] The booth is ready.

11 MR VANDERPUYE: [15:20:35] Thank you very much.

12 Okay. We can play that.

13 Q. [15:20:38] Take a close look here, and let me know if -- and I'll ask you who you
14 can identify later.

15 (Viewing of the video excerpt)

16 THE INTERPRETER: [15:20:48](Interpretation of the video excerpt)

17 "MJ: The block's stuck in Bangui. The group arrives. Those who make the
18 *gris-gris* for the fighters so they become -- they cannot be conquered. In order to
19 prove his powers, a small demonstration, a bullet is neutralised by his magic.
20 The importance is to believe. So you must know that pain has no effect. And for
21 this, he swallows a razor blade.

22 INI: This is something that protects you against a bullet."

23 MR VANDERPUYE: [15:21:35] All right. We stopped at 39:06.

24 Q. [15:21:39] Do you recognise people in this sequence? And if you do, who do
25 you recognise?

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1 A. [15:22:00] Sylvestre Yagouzou and Modibo. Modibo is the person I called a
2 Marabout and, at the same time, the head of Gobéré 1. (Redacted)
3 (Redacted)

4 Q. [15:22:28] In this frame, is Yagouzou the one to the right?

5 A. [15:22:44] Yes, it's Yagouzou, Sylvestre. You showed me his photo. Well, I
6 didn't see him clearly. I talked about a gendarme. But it's him. He had a hat with
7 a flag of Germany. That is Yagouzou. He has passed away.

8 Q. [15:23:13] Do you recognise the person behind the two of them in the blue top?

9 A. [15:23:35] I can't quite make him out.

10 Q. [15:23:40] Okay. That's no problem.

11 Did you recognise anybody else in this sequence?

12 A. [15:24:01] These are the only people I saw in the video. I didn't pay attention to
13 the others who were in the video. If you want, you can play it again so that I can say
14 whether I recognise somebody else or not.

15 Q. [15:24:20] I think it's okay like this. It's all right.

16 There is a document though that I do want to show you. I think you referenced it
17 before. This is at tab 19, Prosecution binder. It's CAR-OTP-2041-0783. And it
18 should come up on the screen momentarily.

19 Can you see the document on the screen, Mr Witness?

20 A. [15:25:31] Yes, I can see the document.

21 Q. [15:25:34] Do you recognise it? Have you seen it before?

22 A. [15:25:53] (Redacted) It is

23 Ngana-Ofore (phon), and Modibo is his name as a Marabout.

24 Q. [15:26:18] Nganafio Honoré, that's his name, right?

25 A. [15:26:31] Yes. That is the name of Modibo.

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1 Q. [15:26:38] Can you tell the Chamber about this document. (Redacted)

2 (Redacted)

3 A. [15:27:14] There is no information on this. It's only a list of the elements who
4 came from Gobéré. It's a list drawn up waiting for giving possible compensation to
5 these elements. On all the bases, there were lists that were drawn up which would
6 enable within the framework of DDR to take into consideration those elements and
7 certain elements who wanted to enter the army or wanted to carry out other work.
8 That is why this list was drawn up.

9 Q. [15:28:12] Do you know who drew it up and when, approximately?

10 A. [15:28:38] I don't want to lie. I don't know the circumstances under which this
11 list was drawn up. Those responsible in the coordination at a certain point in time
12 asked the different bases to draw up a list of elements, (Redacted)
13 (Redacted) But I don't know the date when this list was established.

14 Q. (Redacted)

15 (Redacted)

16 A. (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 Q. (Redacted)

21 PRESIDING JUDGE SCHMITT: [15:30:23] Mr Witness, you want to add something,
22 yeah? Please talk. Please talk.

23 THE WITNESS: [15:30:43](Interpretation) There is something coming back to my
24 memory. Can I speak freely, or should we move to a closed session?

25 PRESIDING JUDGE SCHMITT: [15:30:51] We are I think in private session, so you

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1 can speak freely, Mr Witness. And, of course, when something comes to your mind
2 that you recall now, please tell us.

3 THE WITNESS: [15:31:16](Interpretation) (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 MR VANDERPUYE: [15:33:13]

17 Q. [15:33:14] Okay. That's very helpful in order to -- in order to see that they get
18 vocational training in relation to the DDR programme.

19 But were you able to determine whether these lists were relatively accurate or not?

20 That is to say, in this document, it says "First Company Gobéré". And, you correct
21 me if I'm wrong, does it -- well, let me ask it this way: Does it reflect the names of
22 the individuals who joined your group or you met with your group at Proget?

23 Earlier you testified there were two. One was Gobéré 1, one was Gobéré 2, and those
24 were the groups that joined you. But does this list of individuals reflect -- is it
25 accurate with respect to the individuals that were actually joined up with your group?

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1 PRESIDING JUDGE SCHMITT: [15:34:22] Ms Dimitri.

2 MS DIMITRI: [15:34:23] Mr President, I don't see the foundation for this question.

3 The witness just said and explained that (Redacted)

4 (Redacted)

5 PRESIDING JUDGE SCHMITT: [15:34:37] He might have knowledge about the

6 names. For example, you know, (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 So, Mr Witness, what can you tell us about this list. What we are interested in is if

11 you can say anything about if these names are, let's say -- indeed reflect what the first

12 company Gobéré entailed with regard to members. But you raised your hand; you

13 can answer that.

14 THE WITNESS: [15:35:41](Interpretation) Now, the Prosecutor asked me that

15 question, and I've replied by saying I did not know at what date that list had been

16 drawn up. These are elements from -- coming from Bossangoa. They established

17 their list much earlier, and I can't know at what date they drew up the list.

18 When they arrived after leaving Bossangoa (Redacted)

19 (Redacted)

20 (Redacted) So the list that you see with these different elements

21 contains the names of their own elements since Bossangoa. I don't know how they

22 managed to recruit all those elements, how they did that. (Redacted)

23 (Redacted)

24 PRESIDING JUDGE SCHMITT: [15:36:48] Well, that's an answer.

25 MR VANDERPUYE: [15:36:49] That's a good one, too. It's clear.

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1 PRESIDING JUDGE SCHMITT: [15:36:53] I don't -- would not say it in terms of
2 good or bad, but it's, again, a different shaded answer, and I think we can follow.
3 He was not in Bossangoa and, well, he could perhaps more speak about the members
4 of another group.

5 MR VANDERPUYE: [15:37:11] Yes.

6 PRESIDING JUDGE SCHMITT: [15:37:12] And we have done that extensively in the
7 past days, frankly speaking.

8 MR VANDERPUYE: [15:37:17] There's a couple of other documents I'd like to show
9 him.

10 PRESIDING JUDGE SCHMITT: [15:37:20] Fine, fine.

11 MR VANDERPUYE: [15:37:21] But this one indicates that Honoré Nganafio was the
12 *chef de compagnie*, and he's the individual that we saw on the video just a moment ago
13 which is dated - that part of it, anyway - 12 December 2013.

14 PRESIDING JUDGE SCHMITT: [15:37:38] Then we can figure this out with the
15 witness, obviously, because he knows this person.

16 MR VANDERPUYE: [15:37:42] Yes.

17 Q. [15:37:43] So the question I have is whether -- without reference to any specific
18 names on this list, but whether you know if Modibo was the *chef de compagnie* of
19 roughly -- it says here about 800 elements. At the time, now. This is back in -- so
20 I'm asking if you were aware of that in 2013, December.

21 A. [15:38:25] He was the leader. He brought them Bossangoa to Bangui,
22 305 kilometres. He is the one who brought them over from Bossangoa, and we met
23 up with them in Bangui. He was the *chef de compagnie*.

24 Q. [15:38:50] Yes, but my question is - he was the *chef de compagnie* - was he *chef de*
25 *compagnie* of 200 elements or, as this list seems to indicate, more than 800 elements?

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1 And that's back in 2013. That's what I mean. As far as you can remember. And if
2 you don't, that's fine, also.

3 A. [15:39:29] The number of elements -- I don't know how many strong the
4 company was, the number of elements. This list contains the names of the elements,
5 but I can't know the full number. (Redacted)
6 (Redacted)

7 Q. [15:40:00] All right. That's not a problem.

8 Let me show you a different document then. This one is at tab 20,

9 CAR-OTP-2041-0802. That should come up on the screen in front of you in just a
10 minute. All right. We have it now.

11 Do you recognise this document?

12 A. [15:40:42] Yes.

13 Q. [15:40:44] Can you tell the Chamber what -- can you tell the Chamber what this
14 document is, what it shows.

15 A. [15:41:01] This document contains the list of the elements in Gobéré.

16 Concerning Gobéré 2, the first leader was Sylvestre Yagouzou. He was in the photo.
17 I showed him to you.

18 After he died, he was replaced by a person called Danboy Zepherin. His nickname
19 was Fazo. He's the one who is in command of the Gobéré base.

20 I'll repeat it. Gobéré was made up of the elements coming from Bossangoa.

21 Danboy -- no, sorry. Modibo was in command of Gobéré 1. However, Yagouzou
22 was the leader of Gobéré 2. And it's after his death that Danboy Zepherin stepped in
23 for him, replaced Yagouzou.

24 Q. [15:42:26] So, just so that I'm clear, the groups that came, Gobéré 1 and Gobéré 2,
25 were these among the elements that your group joined up with at Proget?

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1 PRESIDING JUDGE SCHMITT: [15:42:46] Ms Dimitri.

2 MS DIMITRI: [15:42:47] Mr President, in relation to group Gobéré 1, the witness
3 already gave an answer five minutes ago.

4 PRESIDING JUDGE SCHMITT: [15:42:58] Then let's talk about Gobéré 2 at the
5 moment.

6 MR VANDERPUYE: [15:43:06]

7 Q. [15:43:08] Let me rephrase the question. Did your group also meet up with
8 Gobéré -- with the group from Gobéré 2 at Proget at or around the time of the
9 December -- the 5 December attack in Bangui? The 4th, I think you said it was, of
10 December that you reached Proget.

11 A. [15:43:45] Gobéré 1 and Gobéré 2 joined up with us there. The leader of
12 Gobéré 1, Mr Yagouzou in this case, he's the one that Yekatom spoke to, saying that
13 they were soldiers and that you had to leave soldiers work together amongst
14 themselves. So Yagouzou, he was the leader of Gobéré 2. On the 5th -- no, it was
15 the 4th, we all met up in Proget. That's what I can say.

16 As for what happened after that, I know nothing about that.

17 Q. [15:44:29] All right. And on this list, this is the list that indicates Gobéré 2 with
18 *coordinateur*, looks like Yagouzou, Sylvestre. I haven't actually counted the number
19 myself, but it looks like there are about 224 names on there.

20 So my question is: To your knowledge, is that number of individuals approximately
21 right as concerns who met up with your group on 4 December at Proget?

22 A. [15:45:27] No, I don't know. I know that on the 5th, when they arrived, they
23 did not submit a list. I could not know the number of elements.

24 Q. [15:45:44] Okay. I'm talking in only very relative approximations. So I'm not
25 expecting you to tell that there is 225, when this says 224, something like that.

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1 But aside from that, do you know when this list was drawn up and by whom?

2 A. [15:46:20] Well, in this document, who is the leader? (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 THE INTERPRETER: [15:47:35] Correction: The list of progression was different
10 from the list of Yekatom's elements.

11 MR VANDERPUYE: [15:47:44]

12 Q. [15:47:44] Okay. (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 A. [15:48:25] (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 And was there another question? I've forgotten it. Could you please repeat.

21 Q. [15:49:05] I don't think I can remember it myself, so I apologise. I think I had
22 asked when it was drawn up and for what purpose, but I think you've covered that
23 both actually in your answer.

24 So my question then is: When you refer to the coordination asking that these lists be
25 drawn up, are you referring to the national coordination of Anti-Balaka? What

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1 coordination are you talking about?

2 A. [15:49:39] Yes, of course, I'm talking about the Anti-Balaka coordination, but I
3 can't know the date at which they established the list in their respective bases.

4 Q. [15:49:59] Thank you. And that's very clear as well. I appreciate that.

5 Let me show you tab 18. And I'd like you to take a look at this one and perhaps tell
6 the Chamber what it shows.

7 Do you recognise this document?

8 A. [15:50:41] Yes, I recognise this document. It is the list of the Bossembélé
9 elements that I mentioned. Chief Yara Leroi, like the name of the leader, but his real
10 name is Zabramantani. He added Modibo to his name, and Zabramantani was his
11 younger brother, his deputy. So these are the -- this is the list of the elements of
12 Bossembélé.

13 Q. [15:51:32] (Redacted)

14 A. [15:51:58] Well, I apologise. The events go back a long way. (Redacted)

15 (Redacted)

16 (Redacted)

17 Q. [15:52:31] That's no problem.

18 MR KNOOPS: [15:52:38] Mr President, maybe the Prosecution could direct the
19 witness to the words "Ex Anti-Balaka" on the list.

20 MR VANDERPUYE: [15:52:47] I'm glad that you brought that up. I was actually
21 going right to the title, which is at the top. So ...

22 PRESIDING JUDGE SCHMITT: [15:52:51] Okay, yeah. Thank you, Mr Knoops.

23 MR VANDERPUYE: [15:52:54] Thank you, indeed.

24 Q. [15:52:55] Right at the top of the screen, you can see it says, "*Etat Major De*
25 *Yawara. Ex Anti-Balaka. Bimbo III*".

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1 PRESIDING JUDGE SCHMITT: [15:53:06] And it also says, "*Liste Des*
2 *Ex-Anti-Balaka*".

3 MR VANDERPUYE: [15:53:11] "*Liste Des Ex-Anti-Balaka*", in fact. Thank you,
4 Mr President.

5 Q. (Redacted)

6 (Redacted)

7 A. [15:53:36] I see "Ex-Anti-Balaka", and I recall that in 2015, (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 PRESIDING JUDGE SCHMITT: [15:54:16] Well, that is helpful. Also helpful is the
12 ERN number of this document, which is CAR-OTP-2041-0781.

13 MR VANDERPUYE: [15:54:28] Thank you very much, Mr President. I overlooked
14 that.

15 PRESIDING JUDGE SCHMITT: [15:54:31] No problem.

16 MR VANDERPUYE: [15:54:34]

17 Q. [15:54:35] We can go to the next page, I think. That may be also helpful. At
18 the bottom, you see a signature that says *chef de base* and then you see another
19 signature on the -- that looks like *rapporteur*.

20 PRESIDING JUDGE SCHMITT: [15:55:02] And the question is?

21 MR VANDERPUYE: [15:55:05] One, if he recognises it.

22 Q. [15:55:05] And, two, do you recognise the signatures of these two individuals?

23 A. [15:55:27] That is the signature of the *chef de base*. It's clear here. He signed.

24 He put his name underneath, Yara Leroi Modibo. The *rapporteur* also signed and

25 put his name in there, Bado Leonce Aristide. That means that the document was

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1 signed by those two individuals. They are in charge of the base. They signed, and
2 they put their name -- spelled out their name on the bottom of the document.

3 Q. [15:56:04] Do you know or do you recognise the names indicated in this
4 particular list as Anti-Balaka or ex-Anti-Balaka, in fact?

5 A. [15:56:56] I don't know how to answer this question. (Redacted)

6 (Redacted) I'm not part of his base. I can't know his
7 elements. I don't know these people. I cannot identify them. I think here, all that
8 is meant is that that is the continuation of the list of elements, his list of elements.

9 Q. [15:57:33] So this list of elements would not be elements that were part of the
10 larger group of which you were a part. I think in the beginning of your testimony
11 you said you (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 PRESIDING JUDGE SCHMITT: [15:58:13] Well, he said a lot of names. I have to
17 say, it's difficult for the witness.

18 I think if you would at least give us an impression, if you recognise some of the
19 names or any of the names by looking quickly through it, because if we go through all
20 the names, it would cost a lot of time.

21 Ms Dimitri, was this what you wanted ...

22 MS DIMITRI: [15:58:36] My point is, we're pushing the witness where he already
23 gave an answer, which was (Speaks French) -- I am sorry, the transcript is moving
24 and I'm tired.

25 PRESIDING JUDGE SCHMITT: [15:58:52] Yes, yes.

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- 1 MS DIMITRI: [15:58:55] (Speaks French)
- 2 PRESIDING JUDGE SCHMITT: [15:58:55] You are right, you are right, but I think
- 3 perhaps we have not given it this angle, as (Redacted)
- 4 (Redacted) So this is a little bit of a
- 5 different question.
- 6 MR VANDERPUYE: [15:59:13] Yes, I think -- I could try to rephrase it, I think.
- 7 PRESIDING JUDGE SCHMITT: [15:59:18] I think it's clear now for the witness.
- 8 Mr Witness, you have heard what I have said. Any of the names that strike a
- 9 memory, a recollection (Redacted)
- 10 If not, it's not a problem.
- 11 THE WITNESS: [15:59:46](Interpretation) (Redacted)
- 12 (Redacted) I can't help you on this precise point.
- 13 PRESIDING JUDGE SCHMITT: [16:00:01] So the initial answer stays as it is. Then
- 14 we have now 4 o'clock exactly.
- 15 MR VANDERPUYE: [16:00:07] I have one more question.
- 16 PRESIDING JUDGE SCHMITT: [16:00:09] You have one more question, Of course.
- 17 If it is connected to that --
- 18 MR VANDERPUYE: [16:00:11] I'll try.
- 19 PRESIDING JUDGE SCHMITT: [16:00:12] Well, you try to connect it. Please do.
- 20 MR VANDERPUYE: [16:00:16]
- 21 Q. [16:00:17] Do you know if -- you know, I've shown you three lists. One with
- 22 Yagouzou as the chief, one with Modibo as the chief, and now I have this other one
- 23 that we're looking at with Yara Leroi as the chief.
- 24 Do you know if elements of those chiefs participated in the attack on 5 December?
- 25 A. [16:01:05] Yes, they joined us at the site called Proget. It's from there that we

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1 organised the attack of 5 December.

2 Q. [16:01:18] All right.

3 I think I have my answer, and it's 4 o'clock.

4 PRESIDING JUDGE SCHMITT: [16:01:22] Okay. Thank you very much.

5 Thank you, Mr Witness, again, but still we continue tomorrow morning at 9.30. This

6 concludes at least the testimony -- your testimony for today.

7 THE COURT USHER: [16:01:36] All rise.

8 (The hearing ends in private session at 4.01 p.m.)