

Trial Hearing
WITNESS: CAR-OTP-P-1339

(Open Session)

ICC-01/14-01/18

1 International Criminal Court
2 Trial Chamber V
3 Situation: Central African Republic II
4 In the case of The Prosecutor v. Alfred Rombhot Yekatom and Patrice-Edouard
5 Ngaïssona - ICC-01/14-01/18
6 Presiding Judge Bertram Schmitt, Judge Péter Kovács and Judge Chang-ho Chung
7 Trial Hearing - Courtroom 1
8 Thursday, 8 September 2022
9 (The hearing starts in open session at 9.33 a.m.)
10 THE COURT USHER: [9:33:13] All rise.
11 The International Criminal Court is now in session.
12 Please be seated.
13 PRESIDING JUDGE SCHMITT: [9:33:46] Good morning, everyone.
14 Court officer, please call the case.
15 THE COURT OFFICER: [9:33:51] Good morning, Mr President, your Honours.
16 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: [9:34:06] Thank you.
20 Mr Vanderpuye, for the presence of the Prosecution.
21 MR VANDERPUYE: [9:34:10] Thank you, Mr President. Good morning to you,
22 your Honours. Good morning, everyone. Good morning, Mr Witness.
23 The Prosecution is represented today by Maria Berdennikova, Yassin Mostfa and
24 myself, Kweku Vanderpuye. Good morning, again.
25 PRESIDING JUDGE SCHMITT: [9:34:26] Thank you.

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1 Representatives of the victims next.

2 MS MASSIDDA: [9:34:29] Good morning, Mr President. Good morning, everyone.

3 For the victims of the other crimes, appearing today, Mr Dangabo Moussa,

4 Madam Evelyne Ombeni and myself, Paolina Massidda.

5 PRESIDING JUDGE SCHMITT: [9:34:42] Thank you.

6 Mr Suprun.

7 MR SUPRUN: [9:34:43] Good morning, Mr President, your Honours. The former

8 child soldiers are represented by Fiona Lau, associate legal officer, and myself,

9 Dmytro Suprun, counsel at the Office of Public Counsel for Victims. Thank you.

10 PRESIDING JUDGE SCHMITT: [9:34:56] Thank you.

11 We turn now to Ms Dimitri.

12 MS DIMITRI: [9:34:59] Good morning, Mr President. Good morning, your

13 Honours. Good morning, everyone. Mr Yekatom is present in the courtroom this

14 morning, and he is represented by Mr Florent Pages-Granier, Ms Yousra Lamqaddam,

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

16 Mylène Dimitri.

17 PRESIDING JUDGE SCHMITT: [9:35:17] Thank you.

18 Mr Knoops.

19 MR KNOOPS: [9:35:21] A very good morning, Mr President, dear members of the

20 Chamber. Good morning, everyone in the courtroom. The Defence team of

21 Mr Ngaïssona appears today in the same composition as yesterday; Ms Marie-Hélène

22 Proulx, Barbara Szmatala, Simon Décot and Sara Pedroso. Thank you.

23 PRESIDING JUDGE SCHMITT: [9:35:39] Thank you.

24 And, also, good morning, Mr Khalil, our Rule 74 counsel for the witness.

25 And, of course, good morning, Mr Witness. I hope you are feeling well.

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

2 (The witness speaks Sango)

3 THE WITNESS: [9:36:07](Interpretation) Good morning, your Honour. I feel fine
4 today. Although I felt a bit cold this morning, that's why I have my sweater on, but
5 I'm in good health.

6 PRESIDING JUDGE SCHMITT: [9:36:25] Yeah, okay. That can happen. And,
7 actually, it is not so warm in this courtroom. You know, how we sense and how we
8 feel warm and coldness is different individually.

9 Mr Vanderpuye, we take it that you'll finish in the first session. Thank you.

10 MR VANDERPUYE: [9:36:42] Thank you, Mr President. I'm going to go fast.

11 QUESTIONED BY MR VANDERPUYE: (Continuing)

12 Q. [9:36:52] Good morning, Mr Witness. I think when we left off I was going
13 through some of the lists that we have. So I want to continue with that, if I could.
14 If we can have in eCourt, please, tab 21, CAR-OTP-2041-0809. It should not be
15 broadcast.

16 Okay. I think you have it in front of you know. We are in open session and -- so
17 you know. And, also, the list is not being broadcast and no one can see what's on it,
18 but I want to ask you about it. First of all, what does it reflect? When was it made?

19 A. [9:38:41] Thank you.

20 Before answering the question about this list, I do have one remark to make. I'm
21 going to say something about this list, and then I'll go back to a question that you
22 asked me about telephone -- a telephone number. I did remember something that
23 happened in the bush, and I'll answer that question about this list, and then I will go
24 back to the memory I have about the telephone number. This list is a list of elements
25 in Boeing {ICR: (Redacted)}. This list was drawn up.

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1 And at the top of the page, at that time, in the process leading towards {ICR: (Redacted)
2 (Redacted)
3 (Redacted)
4 (Redacted)
5 (Redacted)
6 (Redacted)}.

7 MR VANDERPUYE: [9:40:47] Mr President, can we go into private session, please.

8 PRESIDING JUDGE SCHMITT: [9:40:51] Yes.

9 Private session.

10 MR VANDERPUYE: [9:40:53] Sorry to interrupt you, Mr Witness. Just one
11 moment.

12 (Private session at 9.41 a.m.)

13 THE COURT OFFICER: [9:41:02] We are in private session, Mr President.

14 MR VANDERPUYE: [9:41:06] Thank you.

15 Q. [9:41:07] Mr Witness, I interrupted you because (Redacted)

16 (Redacted)

17 So that will be redacted from the record so that it is not a public record of it, but you
18 can continue your answer. That's the reason why I stopped.

19 A. [9:41:40] Thank you.

20 So that's what happened. On this list, you can see the names of some elements who
21 were in Rombhot's group in Sekia. (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 Q. [9:43:28] That's very helpful. (Redacted)

8 (Redacted)

9 A. [9:43:55] Yes, that's correct.

10 The Muslim cemetery was behind the area that we were occupying, and they had got
11 into the habit of burying their dead in front of the Boulata church. (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 Q. [9:45:25] Okay. That's also helpful.

20 Just before I go to the next list, let me quickly show you tab 3 of our binder,

21 CAR-OTP-2030-0232. We're on the first page. So we just need to roll down to
22 number 9 so he can see it.

23 I just want to confirm with you that the Lieutenant Donoh you're talking about,

24 whether this is Yvon Donoh that's listed here in the list of Anti-Balaka ComZones.

25 Is the Lieutenant Donoh you're talking about Yvon Donoh?

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1 A. [9:46:17] (No interpretation)

2 Q. [9:46:17] Okay. And above that, you see the name Sylvestre Yagouzou. That's
3 how spoke about yesterday?

4 A. [9:46:31] Yes. Yes, Donoh, Yvon was a lieutenant. He was the head of the
5 base initially. Then later, the Muslims -- the population thought he was corrupt, that
6 is to say, corrupted by the Muslims, and so there was a vote. And then they voted in
7 *favour of Gotias Patrick.

8 Q. [9:47:07] Okay. Let's have a look then at number 94 on this list at page 0237.

9 MS DIMITRI: [9:47:18] Excuse me.

10 PRESIDING JUDGE SCHMITT: [9:47:19] Yeah, Ms Dimitri.

11 MS DIMITRI: [9:47:21] Did he give the name of the base? Because I understood he
12 just said, now Donoh was the chief of the base and then he was replaced by Patrick
13 Gotias. But did he give the name of the base in Sango? Could we clarify.

14 MR VANDERPUYE: [9:47:37] Sure, sure. No problem.

15 PRESIDING JUDGE SCHMITT: [9:47:38] Yes, please do that.

16 MR VANDERPUYE: [9:47:42]

17 Q. [9:47:42] I think you heard counsel's intervention. Can you give us the name
18 of the base that you're referring to, that Donoh had and then was replaced by
19 Gotias Patrick.

20 A. [9:48:04] It was the Boeing base. Boeing 1. The base was just at the
21 roundabout in Boeing.

22 Q. [9:48:16] All right. That's helpful.

23 At number 94 on this list, you will see the name "Gotias", but there is not a first name.
24 It does refer to the zone though as Boeing.

25 Were you aware of another Gotias that was a ComZone in Boeing, besides Patrick, as

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1 you indicated before?

2 A. [9:48:51] Yes. Gotias, the captain was there. In our movement, the captain in
3 question wasn't there. The one who was in the movement was Gotias Patrick.

4 (Redacted)

5 Q. [9:49:16] Okay. And let me just jump back again to page 0235, and a couple of
6 names I'd like to ask you about.

7 At number 59, we can see Habib Beina, who we've spoken about before. At
8 number 61, we see Junior Keapex, who we've spoken about before. Let me ask you
9 about number 63.

10 Wait a minute.

11 It's because there are two number 63s. If you can just scroll down one. The other
12 number 63, Mr Sakada.

13 Have you heard that name before?

14 A. [9:50:34] I know Sakada. He was in the movement.

15 As for Keademo, I don't know him. This is the first time I've seen that name, the first
16 number 63. I never heard of Keademo, but Sakada, I do know that he was part of the
17 movement.

18 Q. [9:51:03] And what about -- and when you say "part of the movement", you
19 mean part of Mr Yekatom's group, or do you mean part of the wider movement?

20 A. [9:51:26] He was part of Yekatom's group. He was a soldier.

21 Q. [9:51:32] What about number 65, Manoumana? Have you heard that name
22 before?

23 A. [9:51:55] Number 60 isn't up on the screen.

24 Q. [9:51:58] Number 65, Manoumana.

25 A. [9:52:16] Yes, I do know Manoumana. He was a soldier. He was in Rambo's

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1 group.

2 Q. [9:52:27] Let's go to the next page, number 68, at the top of the page, Ondimba.

3 A. [9:52:55] Yes. Number 68, 69 and 70, "Maindanga", I know these three people.

4 They were part of the group.

5 Q. [9:53:10] And if we can go down to -- number 74, I think you spoke about before,

6 Sylvain Beorofei.

7 But what about numbers 76, 77? Were they also members of Mr Yekatom's group?

8 A. [9:53:44] Yes. Dawili is the one who was in yesterday's video. He was

9 wearing a rosary. And then number 78, Yangana, was also part of the group.

10 PRESIDING JUDGE SCHMITT: And could we discuss something in open session,

11 some names?

12 MR VANDERPUYE: [9:54:08] I think we can, as long as he doesn't refer to this --

13 PRESIDING JUDGE SCHMITT: [9:54:14] Okay. Then we go -- then we go to open

14 session then.

15 MR VANDERPUYE: [9:54:17] Thank you, Mr President.

16 (Open session at 9.54 a.m.)

17 THE COURT OFFICER: [9:54:28] We are in open session, Mr President.

18 MR VANDERPUYE: [9:54:34]

19 Q. [9:54:34] Do you know somebody by the name of Parfait Bolibo, soldier?

20 A. [9:55:04] Yes, I know him. Parfait Bolibo, he was part of the group.

21 Q. [9:55:08] Do you know what position he had in the group? Was he section

22 chief or a commander or something like that, do you know? Or just a soldier?

23 A. [9:55:51] He's a soldier. He didn't have any particular position. He is a

24 soldier.

25 Q. [9:55:59] Okay. Did you see him in the video that I showed you yesterday, or

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1 any of the videos I showed you yesterday?

2 A. [9:56:27] Some of the footage wasn't very clear. But if you show the
3 photograph -- a photograph to me up on the screen, I would be able to recognise him.

4 Q. [9:56:41] Okay. That's no problem.

5 I want to show you another list. This one is at tab 22. It shouldn't be broadcast.

6 And I'd like to ask you the same general questions. What does it reflect? And
7 when was it made?

8 * A. [9:57:27] This is the list of elements of the *Kette-Goussa base. The leader
9 there was David. He too was a soldier. He passed away in 2017. These are the
10 elements from his base. I don't know when this document was drawn up, but here I
11 can see the *year "2016".

12 PRESIDING JUDGE SCHMITT: [9:58:00] May I shortly, for the transcript, correct the
13 ERN number. It's in tab 22, CAR-OTP-2041-0812.

14 MR VANDERPUYE: [9:58:13] Thank you, Mr President.

15 Q. [9:58:16] Okay. I take it you don't recognise all of the names in this list. But
16 do you recognise any names on this list that took part in the events in 2013, that is, the
17 attack on Bangui, and so forth?

18 A. [9:59:20] Well, you know, I don't know. I can't give some names here. I
19 wouldn't want them to become known to people outside, to the public.

20 PRESIDING JUDGE SCHMITT: [9:59:35] Well, then we go to private session.

21 MR VANDERPUYE: [9:59:38] Yes, Mr President.

22 PRESIDING JUDGE SCHMITT: [9:59:39] Go to private session, and then you can
23 give the names, yeah. We agree with you.

24 (Private session at 9.59 a.m.)

25 THE COURT OFFICER: [9:59:56] We are in private session, Mr President.

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 MR VANDERPUYE:

13 Q. [10:02:11] Thank you. That's very helpful.

14 I'm going to move to another list now, and this --

15 PRESIDING JUDGE SCHMITT: [10:02:20] Think about going to open session. But

16 if the witness identifies people, he would want to do it perhaps in private session.

17 So we continue in private session, I think.

18 MR VANDERPUYE: [10:02:32] Yes. I'm going to go through these -- here's my plan.

19 I am going to go through the lists, and then after that, I will have some videos I want

20 to show him for purposes of identification, which I think we can do in public. And

21 that's coming shortly. I have two --

22 PRESIDING JUDGE SCHMITT: [10:02:44] Fine, fine, fine. But please make the

23 list -- because there are so many names, try to make is summarily, because we cannot

24 go --

25 MR VANDERPUYE: [10:02:53] Yes, yes, yes.

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1 Q. [10:02:55] Just very quickly --

2 PRESIDING JUDGE SCHMITT: [10:02:58] Ms Dimitri.

3 MS DIMITRI: [10:02:59] Just one question. (Redacted)

4 Did he mention it as -- because he saw it on the list? I'm trying to figure out where
5 he is on the list. If it could assist, it will save me time.

6 PRESIDING JUDGE SCHMITT: [10:03:13] That was the same problem that I had,
7 actually. I also did not see it, at least in the part of the least that is shown here on the
8 evidence channel.

9 MR VANDERPUYE: [10:03:21] That's my understanding as well. It's not on the list,
10 but he knows --

11 PRESIDING JUDGE SCHMITT: [10:03:25] That was my understanding. No, I think
12 we can - it was my understanding - continue.

13 MR VANDERPUYE: [10:03:29] Okay.

14 Q. [10:03:30] So now I'd like to show you very quickly tab 5. It should be
15 CAR-OTP-2039-0063. And I'd like to go to page 0066. Take a look at number 93 on
16 this list. This is the list of *militaires*. I think I showed it to you earlier.

17 But you see at number 93 a person named Lakotoema Davy. Is this the person that
18 you're talking about, or are you talking about someone else?

19 A. [10:04:30] This Davy, I know him. He was in the Yekatom group. But the
20 Davy I'm talking about is a soldier, and he was the head of the base. In the list that
21 was established, because he was a soldier, he didn't have his name. I think his name
22 is there, but I really can't remember.

23 Q. [10:04:51] No problem.

24 A. [10:04:55] This is a different person. This is a different person. It's another
25 Davy.

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1 Q. [10:05:02] Okay. That's very helpful. Thank you.

2 Now I'd like to go to tab 23, CAR-OTP-2041-0814. This is a list that is entitled

3 "*Liste Des Ex-Anti-Balaka*". I showed you one -- a similar one the other -- yesterday, I

4 think it was. Can you tell us about this list, what it reflects and when it was made.

5 A. [10:06:02] Thank you.

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 Q. [10:07:21] And does it contain the names of individuals who also took part in the

15 5 December attack and the aftermath of that as well?

16 A. [10:07:59] Yes. In the list, there are two or three names which are visible. You

17 have two names. (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 Perhaps if you could scroll downwards, then you'll see the elements who were

22 present during the attack.

23 Could you stop here. Could you please stop here.

24 PRESIDING JUDGE SCHMITT: [10:08:49] Just a moment. Before we

25 continue -- okay. Good. Good.

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1 THE WITNESS: [10:08:54](Interpretation) (Redacted)
2 (Redacted). I don't know whether you want more details if we are in private session.
3 Can I provide you with more details?

4 PRESIDING JUDGE SCHMITT: [10:09:11] Mr Witness, just -- you did exactly what I
5 wanted to suggest, because when you are asked by Mr Vanderpuye if on the list there
6 are people who participated in the 5 December attack and you see only three names,
7 this is not very informative. So it was a good idea to ask to scroll it down, but I
8 really think it's enough now if you say the elements that you see now, and perhaps
9 you can then, when you are through with that, until number 11, we can scroll further
10 down. When you say there are elements amongst them that participated in the
11 5 December attack, that would be enough information for us. Thank you,
12 Mr Witness.

13 So from -- now what you now see, from number 3 until 11, did they -- were there
14 amongst them elements that participated in the attack?

15 THE WITNESS: [10:10:17](Interpretation) That's why I asked you to stop on this
16 portion. (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 Could you perhaps now move forward so that I can see the rest of the list.

24 MR VANDERPUYE: [10:11:46] I think that's okay, Mr President.

25 PRESIDING JUDGE SCHMITT: [10:11:47] Yeah. I wanted to ask you if there is

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1 enough information on that already so that ...

2 MR VANDERPUYE: [10:11:53] I believe there is.

3 PRESIDING JUDGE SCHMITT: [10:11:53] Okay. Thank you.

4 MR VANDERPUYE: [10:11:55]

5 Q. [10:11:55] I may show you -- I'll show you some other lists, maybe one or two,

6 but it's enough just to indicate, you know, the number even of the individual, you

7 know, next to the name, or something like that, that will be enough. But thank you

8 very much for this.

9 If we could zoom out a little bit, maybe you can take a look at the page very quickly,

10 and then we'll go to the next document.

11 Is it the same for the names you see going down through the bottom of the page? I

12 think it's 12 through 24, is what I can see.

13 A. [10:12:45] Yes, I can see the names on this list. Some of these elements were in

14 the Donoh base, which is -- those are -- 17, Michel Feïkoumon, was also with us in the

15 bush.

16 Q. [10:13:12] Okay. That's helpful.

17 Now let me show you tab 16, which should be CAR-OTP-2041-0779. And the

18 questions are basically the same. What is this, when was it made, and whether the

19 individuals on here took part in the attack on 5 December and its aftermath? If

20 you're able to let us know about that.

21 A. [10:14:08] Thank you.

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 Q. [10:16:59] Okay. That's very helpful.

14 The individuals that are the heads of these bases, to your knowledge, did they,

15 or the elements that they had at the time this list was drawn up, participate in the

16 5 December attack on Bangui, (Redacted)

17 (Redacted)

18 A. [10:17:42] Example 1, you have Modibo. Modibo was there.

19 As regards Rodrigue, we got to know each other after the battle of the 5th, but on the

20 day of the 5th itself, I didn't see him. Similarly for Fazo and that person of the base 4.

21 He came from Ndjo, which is close to Bossangoa. He came with his elements. On

22 that day, *people did not know one another. It was only afterwards. Also, with the

23 elements of Modibo, we didn't know each other. (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 (Redacted). That's what I can tell you about this.

3 Q. [10:19:19] All right.

4 (Redacted)

5 (Redacted). Is that how I should understand what you said?

6 A. [10:19:55] I didn't -- number 10, number 8, number 7 -- number 7 --

7 THE INTERPRETER: [10:20:08] Witness repeats.

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 MR VANDERPUYE:

15 Q. [10:20:55] Okay. I think that's clearer.

16 Let me show you some videos.

17 I think we can go to open session, Mr President.

18 PRESIDING JUDGE SCHMITT: [10:21:04] Open session.

19 (Open session at 10.21 a.m.)

20 THE COURT OFFICER: [10:21:15] We are in open session, Mr President.

21 MR VANDERPUYE: [10:21:18]

22 Q. [10:21:19] I'd like to show you a video. It's at tab 1, CAR-OTP-2012-0523. And

23 the transcript is at tab 54, CAR-OTP-2118-5507. The reference for the period -- or the

24 clip that we'll play, which is from 00:43 minutes -- I think 43:49 through 44:48. The

25 transcript reference for that part is at ERN page 5540, lines 1107 through 1122. It

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1 should be.

2 So when we're ready to go, then just let me know, in the booth.

3 THE INTERPRETER: [10:22:16] The interpreters don't seem to have a copy of it, but
4 we'll read it off from the screen.

5 MR VANDERPUYE: [10:22:22] Okay. I think that'll work.

6 Q. [10:22:24] All right. So, Mr Witness, just have a look at this short clip we'll play
7 you.

8 We can start, I guess.

9 (Viewing of the video excerpt)

10 THE INTERPRETER: [10:22:42](Interpretation of the video excerpt)

11 "During the mass, the pastor was very belligerent. God is there for who? Whose
12 God is he? From us all. Have you understood? The eternal God ..."

13 PRESIDING JUDGE SCHMITT: [10:23:19] Well, obviously, the interpretation
14 stopped at some point in time, or was there not any tone anymore, I think?

15 MR VANDERPUYE: [10:23:26] I've had it on the floor. The sound went off.

16 PRESIDING JUDGE SCHMITT: [10:23:31] Please ask about the images. I think
17 what the pastor said is perhaps --

18 MR VANDERPUYE: [10:23:37] Yes. Yes, yes, yes.

19 Q. [10:23:39] Let me just -- I think I have the time reference of -- at the very
20 beginning, I want to ask you if you recognise the individuals at the beginning. So
21 that's at 43:49. If we just stop at that frame, take a quick look and see what you see.

22 (Viewing of the video excerpt)

23 All right. Do you recognise the individual with Mr Yekatom?

24 A. [10:24:25] I don't recognise him. He has his head turned to the side, so it's very
25 difficult to identify him.

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1 Q. [10:24:33] That's no problem.

2 Do you recognise the location?

3 Maybe we can go to 43:50.

4 (Viewing of the video excerpt)

5 If you don't, don't worry about it. Just say.

6 A. [10:25:39] If I remember correctly, it is the courtyard of the school Kpangaba.

7 It's at that moment -- look, the people are all around of the courtyard. And on that

8 occasion, on that date, Ngaïssona was introduced to the elements. I think that was

9 the moment when it happened. But I must remind you, it was done at the school

10 Kokoro 1. I think that's when this video was taken.

11 Q. [10:26:22] Okay. Well, I don't want you to speculate or guess about it. But I

12 think you saw that there was a priest that was giving a sermon or talking at some

13 point in this video.

14 The school at Kokoro 1, what does that -- is that where you recognise this location to

15 be? Just so that I'm clear.

16 A. [10:27:02] Kokoro 1 is the Kpangaba school, and Kokoro 2, Yamwara is the other

17 school.

18 Can you move ahead in the video a little bit so that I can get a clearer image.

19 (Viewing of the video excerpt)

20 I can't see the location clearly of the buildings of the establishment.

21 Q. [10:27:28] We can play a little bit, but don't worry. It's not critical, but we can

22 play it a little bit so you can take a look.

23 (Viewing of the video excerpt)

24 THE INTERPRETER: [10:27:38](Interpretation of the video excerpt)

25 "This is in a school where they all -- where they reunited all the men. 1,500 men.

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1 During the mass, the pastor had a very belligerent sermon.

2 'God is there for who? For us.'"

3 PRESIDING JUDGE SCHMITT: [10:27:59] Yes, Mr Witness.

4 THE WITNESS: [10:28:07](Interpretation) I remember. This is the Yamwara school.

5 The mango tree is just next to the classroom, and that is where the graves, on the

6 left-hand side -- were on the left-hand side of the classrooms. And also behind the

7 mango tree, there was the house of the school principal. I remember now very

8 clearly. It is the Yamwara school.

9 MR VANDERPUYE:

10 Q. [10:28:45] All right. Thank you very much for that explanation.

11 I think you mentioned that you talked about these graves before, and you mentioned

12 somebody by the name of, I think, Ngombe. Honorine was ...

13 Yes?

14 PRESIDING JUDGE SCHMITT: [10:29:16] Ms Dimitri.

15 MS DIMITRI: [10:29:18] Can you -- if you're going to summarise, can you please go

16 to the transcript, because what you're saying is not what he said in relation to

17 Ngombe.

18 MR VANDERPUYE: [10:29:29] Okay. Maybe I'm mistaken then. I'll come back to

19 it then.

20 Q. [10:29:38] Let me show you another video.

21 PRESIDING JUDGE SCHMITT: [10:29:42] And just for reference, I won't want to

22 address it now, but if we are talking about the assembly that is mentioned in

23 paragraph 97, he mentions a different location.

24 MR VANDERPUYE: [10:29:59] We're not talking about that one yet.

25 PRESIDING JUDGE: [10:30:03] We are not talking about that one?

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1 MR VANDERPUYE: [10:30:06] No, Mr President.

2 PRESIDING JUDGE SCHMITT: [10:30:08] So we're talking about another assembly.

3 Because he said this was the one where Mr Ngaïssona was introduced. So there

4 seems to be some -- at least some details that seem to converge here.

5 MR VANDERPUYE: [10:30:20] Yeah. This one I believe --

6 PRESIDING JUDGE SCHMITT: [10:30:22] If an objective observer reads it.

7 MR VANDERPUYE: [10:30:23] Yes. This one I believe has a date of December,

8 some part.

9 PRESIDING JUDGE SCHMITT: [10:30:29] Yeah, yeah, yeah. Okay. Please

10 continue.

11 MR VANDERPUYE: [10:30:31]

12 Q. [10:30:32] So if I could just show you now tab 35. It's a different video. I'm

13 just going to ask you to identify some people there. I think it will go fast. It's at

14 tab 35, CAR-OTP-2065-3897. I don't believe this one has a reference transcript. We

15 don't need one anyway. It's just for purposes of identification.

16 (Viewing of the video excerpt)

17 So on the screen in front of you, at 00, can you identify the individuals you see there?

18 A. [10:31:32] Yes, I can identify them. I see the house of the director. Habib is

19 wearing a black T-shirt with number "13" on it. The person with the yellow T-shirt,

20 Momokama, and behind them is Chief Yekatom.

21 Q. [10:31:58] All right. I'm going to move to another part of this video, and that

22 should be at 01:15. I'll ask you to identify the woman there.

23 (Viewing of the video excerpt)

24 Are you able to identify that person behind Momokama?

25 A. [10:32:56] No, I don't recognise this face. It's true that it was a long time ago. I

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1 believe that if you gave me her name, that might refresh my memory, because there
2 are some faces I no longer recall.

3 Q. [10:33:15] Let's have a look at 01:21 of this video, and I'll ask you if you can
4 identify the female there in the stripe shirt behind Momokama.

5 (Viewing of the video excerpt)

6 If you can't, don't worry.

7 A. [10:33:52] No, I don't know.

8 Q. [10:33:54] All right. Now let's have a look at 45 seconds on this video and see if
9 you can identify the person there. 47 seconds, I guess.

10 (Viewing of the video excerpt)

11 Are you able to identify this person?

12 A. [10:34:23] That's Cynthia. I know her.

13 Q. [10:34:28] All right.

14 A. [10:34:33] No. Excuse me. I beg your pardon. No, that's not Cynthia. Just
15 wait a second. There was a young girl.

16 Is it possible to zoom in?

17 Q. [10:35:05] We can play it. We can play it a little bit so you can see more clearly.

18 (Viewing of the video excerpt)

19 A. [10:35:30] I remember that girl, but I've forgotten her name. She was the
20 aide-de-camp to Ouandjio, Freddy, but I've forgotten her name.

21 Q. [10:35:48] Okay. Let me show you another video.

22 Oh, before I move on, do you recognise the location that's indicated in this video? If
23 not, just say. I have some other videos I'll show you also.

24 A. [10:36:32] Isn't that the house of the director?

25 THE INTERPRETER: [10:36:38] Says the witness quite quietly.

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1 MR VANDERPUYE: [10:36:43]

2 Q. [10:36:44] Let me show you another video. This one is at tab --

3 MR KNOOPS: [10:36:46] Mr President.

4 PRESIDING JUDGE SCHMITT: [10:36:47] Mr Knoops.

5 MR KNOOPS: [10:36:48] Before the Prosecution moves forward to the next video,
6 could the record reflect that, according to our information, this video was taken on
7 13 January 2014.

8 PRESIDING JUDGE SCHMITT: [10:36:59] Yes, why not, if we have this information.

9 If it is correct, the information, we can, of course, take notice of it, but there seems to
10 be some different assessments. Okay. Then this is something that the parties
11 actually would have to tell the Chamber, if it is relevant when the footage is taken,
12 which, normally, there is an assumption for it, so to speak, that it might be important.

13 MR VANDERPUYE: [10:37:31] The indication that we have in the metadata that's
14 provided was that it was -- indeed, it was the 13th, but it's of December 2013, not
15 January. But maybe that was just -- between the 13th and 17th.

16 PRESIDING JUDGE SCHMITT: [10:37:45] Okay. So please move on.

17 MR VANDERPUYE: [10:37:47] All right. So let me show a video. This is
18 CAR-OTP-2065-4849. Also the same period. And I'm just going to go through that
19 one again in a similar way. It's at tab 36. And I don't believe this one has a
20 translation. In any case, it's not relevant for the purposes because it's for
21 identification purposes.

22 Q. [10:38:16] Can you see what's on the screen in front of you now?

23 (Viewing of video excerpt)

24 Who do you see on the screen?

25 A. [10:39:07] The four people who are sitting in front of this door, as I've always

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1 told you, these people represent the core of the movement. On the right, there's
2 Habib. Then Ouandjio Freddy. Then beside Ouandjio, there's Yekatom. And he
3 is the one who has -- and the one who has his hand on his head is Keapex, Junior.
4 The ones who are sitting in front of them, I can't identify those people. The
5 photograph doesn't allow me to identify them.

6 THE INTERPRETER: [10:39:57] Corrects the Sango interpreter.

7 THE WITNESS: [10:40:00](Interpretation) As for the place, I don't know where this
8 is.

9 MR VANDERPUYE: [10:40:03]

10 Q. [10:40:03] All right. Let's go to about 01:31 in here. And I'd like to ask you if
11 you can see the person there standing, and if you can recognise him. If you want us
12 to play it, we can play it for a few seconds. That might help you, but ...

13 (Viewing of video excerpt)

14 A. [10:40:49] Well, this is blurry, and I can't identify anyone. Maybe it would be
15 better to play the video.

16 Q. [10:41:01] All right. We'll play a couple of seconds for you.

17 (Viewing of the video excerpt)

18 THE INTERPRETER: [10:41:32](Interpretation of the video excerpt)

19 "They attacked us, but if we were in ... it would be better that he come to us, and we'll
20 be at the same base. Even if we are talking about a hundred thousand, that would be
21 better. But if a group decides to attack in us place and each person is in his -- on his
22 side."

23 MR VANDERPUYE:

24 Q. [10:42:06] Are you able to recognise this individual? And if not, just say, then I
25 will move on to another one.

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1 A. [10:42:18] This is the first time I've ever seen this person. I don't know this
2 person.

3 Q. [10:42:23] All right. Let's go to 03:48 then of this video, and I'll ask you if you
4 recognise the individual here. Should be speaking. We can play a little bit, a few
5 seconds of that, if that might help you.

6 (Viewing of the video excerpt)

7 A. [10:42:51] This is Lieutenant Davy, whose name is on the list. He had rallied
8 the Seleka. He had a problem. He had been tied up by the Seleka. He fled, and he
9 joined the Anti-Balaka.

10 Q. [10:43:20] Let's have a look at 03:45, I have, I think. Let's look real quick.

11 (Viewing of the video excerpt)

12 (Microphone not activated) a little bit. I honestly can't see it myself.

13 (Viewing of the video excerpt)

14 PRESIDING JUDGE SCHMITT: [10:44:12] Well, at 03:45, it appears to be very
15 difficult to identify the person. You can give it a try.

16 MR VANDERPUYE: [10:44:20] We have the face right in front of us now on the
17 screen.

18 Q. [10:44:22] Are you able to identify that person? And if not, like I said, I'll move
19 on.

20 A. [10:44:46] No, I'm not able to identify this person. The image is such that I can't
21 clearly identify the person.

22 (Viewing of the video excerpt)

23 Q. [10:45:05] Still nothing? If you can't identify him, I'll go to the next one.

24 A. [10:45:14] (No interpretation)

25 Q. [10:45:15] All right. We're going to go to --

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1 THE INTERPRETER: [10:45:18] Overlapping.

2 MR VANDERPUYE: [10:45:20] He couldn't identify him. It's clear.

3 Q. [10:45:23] We're going to go to -- from 04:14, and see if you can identify the
4 person there. And we can play that. I want to ask you about the person in the hat.
5 (Viewing of the video excerpt)

6 A. [10:46:31] It's not clear. The person's head is down. Look, he's looking down,
7 so I can't identify him.

8 Q. [10:46:40] Okay.

9 A. [10:46:46] Could you play the footage. Maybe the person will raise his face a
10 bit and I'll be able to recognise him.

11 Q. [10:46:55] It's okay. It's not that crucial at this moment. So we'll go to another
12 video, which I'd like to show you, and I'll ask you similar questions about that. This
13 is at tab 40, CAR-OTP-2094-7618. And the transcript is at tab 52,
14 CAR-OTP-2118-4272. I don't think it's particularly relevant because the transcript
15 mainly contains lyrics to some -- to a song that's being played during the course of
16 this video. I think you recall the video. So it's for the purposes of identification,
17 principally.

18 PRESIDING JUDGE SCHMITT: [10:47:44] Okay. Then I think we'll simply play it.

19 MR VANDERPUYE: [10:47:47] All right. So what I'd like to play then is first 09:45
20 to 10:12 on the video.

21 Q. [10:48:02] And just take a look at that.

22 (Viewing of the video excerpt)

23 All right. I just stopped briefly. Were you able to identify people in the sequence I
24 just played you? Again, we can see Mr Yekatom in there, but aside from him, did
25 you identify anybody else?

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1 A. [10:49:16] There were some soldiers alongside. I can identify them. The
2 person who is wearing some gloves, I recognise that person. And the one with the
3 blue hat and the -- well, that must be -- that must be Yekatom. That's a warrant
4 officer. The person who is wearing gloves is a soldier. I've forgotten his name. I
5 can't quite remember their names. All the soldiers, the corporals and the others, I
6 don't know them by name. I only know two people. The one who is wearing the
7 gloves and the other one who -- the one who is wearing the military shirt without any
8 sleeves is Yekatom. The -- it's not very --

9 MR VANDERPUYE: [10:50:25] Mr President, sorry.

10 PRESIDING JUDGE SCHMITT: [10:50:25] I'm not very sure what we're talking
11 about. Are we talking about the frozen image here or something else?

12 MR VANDERPUYE: [10:50:33] That's exactly -- yes. You're --

13 PRESIDING JUDGE SCHMITT: [10:50:34] Well, to be honest, I don't see
14 Mr Yekatom on the frozen image.

15 MR VANDERPUYE: [10:50:40] Exactly. We are just going to go back to the image,
16 because there is a sequence where there are a number of persons in uniform. It's just
17 a second back. Just a second back from where we are.

18 (Viewing of the video excerpt)

19 Yeah.

20 Q. [10:50:57] Are you able to recognise the individuals in this frame? This is at
21 10:02:00.

22 A. [10:51:19] I see Rombhot. And the one behind him, that's a soldier. He lived
23 in Boeing. And the one behind Rombhot, I know him, but I've forgotten his name.
24 As for the one wearing some sunglasses, that's Héritier.

25 On the earlier image, I mentioned Yekatom. I'm talking about the chief warrant

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1 officer Yekatom. His father was in charge of the firefighters. I'm talking about the
2 previous image, not the screenshot that's up on the screen right now.

3 I recognise three people; Héritier, Ouandjio and Yekatom. As for the two others, I
4 don't know them. Well, at least I don't know their names.

5 Q. [10:52:23] All right. That's clearer.

6 So the warrant officer you're referring to was in the frame where we ended just a
7 moment ago, which I believe it was 10:12:22, or something like this. All right.

8 I want to show you a different part of this same video, and that's at 20:55.

9 (Viewing of the video excerpt)

10 First of all, can you see what's on the screen in front of you now? This is at 20:54. I
11 know that sometimes the image is dark or ...

12 PRESIDING JUDGE SCHMITT: [10:53:08] Well, yes, obviously, he has the image in
13 front of him. But you may ask him if he can identify a person, which might not too
14 easy.

15 MR VANDERPUYE: [10:53:16] Okay.

16 Q. [10:53:17] Can you identify the person on the left of the screen closest to the
17 camera, let's say?

18 A. [10:53:39] The person to the left, that must be Ouandjio. The one who is
19 wearing a red hat beside the vehicle -- no, not the one beside the vehicle. That must
20 be Lieutenant David, but I can't identify the other ones. The person who is facing
21 Ouandjio, I can't identify.

22 I do know that there is a lieutenant who came to talk to Ouandjio about them going
23 together to Boda. I don't know whether it's him or not because I can't identify him.
24 I can't tell you more than that.

25 Q. [10:54:33] That's fine. No worries.

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1 I'd like to show you another part of this video, and this is at 22:37. And like I said, if
2 you can identify someone, that's fine. If you can't, just say so, that way we can -- I
3 can show you the next part that I'd like to show you.

4 (Viewing of the video excerpt)

5 Do you recognise the individuals in this frame? This is 22:37.

6 Let's start with the guy on the far right with the braids in his hair. Do you recognise
7 that person?

8 A. [10:55:51] No. It must be Héritier, unless I'm mistaken.

9 As for the one who has a coat on, I know that person, but I've forgotten his name.

10 I'm talking about the person who is wearing a pink coat.

11 As for the person who has the braided hair, I can't identify him.

12 Q. [10:56:27] And the person on the far left?

13 A. [10:56:41] That's Yekatom.

14 The person wearing a red beret who's a little bit off to the side is a soldier that I
15 identified in some other footage.

16 Q. [10:56:57] All right. Let's go to a different section. At 23:33.

17 (Viewing of the video excerpt)

18 All right. Are you able to identify the individuals in this frame?

19 A. [10:57:40] That's Bolibo who has his military stripes on his chest.

20 Q. [10:57:45] And who's behind him on his left side? Who's behind him, in
21 middle of the frame here, if you know?

22 A. [10:58:06] The person who is smoking behind is Habib. The one who is
23 beside -- beside Habib is Ouandjio -- no, it's not Ouandjio. It's Yekatom. Beside
24 Habib, I can't identify that person.

25 Q. [10:58:34] I want to show you another part of this video, and this is -- we are

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1 going to play it from 10:12 -- wait a minute. Let me make sure I've that right.

2 10:12 to 10:36.

3 (Viewing of the video excerpt)

4 A. [10:59:27] If you could rewind a bit, and then -- a little bit more. If you could
5 rewind. There's a lady wearing military clothing. If you could zoom in, I think I
6 can identify her.

7 That lady who is wearing military clothing is Mbafolo Honorine, the mother of
8 Godobe. She is the one wearing a uniform. Beside the mother of Godobe, that
9 person was part of the group.

10 Q. [11:00:13] All right. So we'll just -- we'll just move this over to 10:34.

11 A. [11:00:17] And he stayed in Boeing.

12 Q. [11:00:22] We're at 10:32, and we'll slide it over to 10:34 so you can see the two
13 women together that you've just referred to.

14 (Viewing of the video excerpt)

15 The woman next to Honorine, is that the one you referred to as also being in the
16 group?

17 A. [11:00:57] Yes. They are side by side. Mbafolo Honorine is wearing a military
18 uniform and a cap. That's indeed her.

19 Q. [11:01:09] Okay. Let me ask you about a different part of this video. We'll
20 play it through --

21 PRESIDING JUDGE SCHMITT: [11:01:20] We are at 11 o'clock. My question
22 would be, how long do you think your examination will last?

23 MR VANDERPUYE: [11:01:27] Let's see how it looks, Mr President.

24 PRESIDING JUDGE SCHMITT: [11:01:29] What does that mean?

25 MR VANDERPUYE: [11:01:31] It means I have about a page left of the examination

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1 for him.

2 PRESIDING JUDGE SCHMITT: [11:01:36] So we can finish that now?

3 MR VANDERPUYE: [11:01:37] I think we can finish it now, yeah.

4 PRESIDING JUDGE SCHMITT: [11:01:39] Okay. And then we are done with the
5 Prosecution?

6 MR VANDERPUYE: [11:01:42] For now, yes.

7 PRESIDING JUDGE SCHMITT: [11:01:43] For now?

8 MR VANDERPUYE: [11:01:45] Indeed. No, we're done.

9 PRESIDING JUDGE SCHMITT: [11:01:48] No, no. I mean, of course, for now.

10 MR VANDERPUYE: [11:01:51] We're done -- it's as you wish. We could stop, and I
11 can come back --

12 PRESIDING JUDGE SCHMITT: [11:01:55] How long do you think it will take?

13 MR VANDERPUYE: [11:01:57] Ten minutes, five minutes.

14 PRESIDING JUDGE SCHMITT: [11:02:00] Then please continue.

15 MR VANDERPUYE: [11:02:01] Okay. Thank you, Mr President.

16 Q. [11:02:13] We'll play it through 10:36.

17 (Viewing of the video excerpt)

18 Do you recognise anyone in this frame? This is at 10:36 now.

19 A. [11:02:40] Amongst this group, there is Bougie Noire, *who I can formally
20 identify. * And there is the person with the hat. The others would be difficult for
21 me to identify. Bougie Noire is wearing a T-shirt with a white pattern.

22 PRESIDING JUDGE SCHMITT: [11:03:19] I think it's correct in the French transcript,
23 but the witness did not say that Bougie Noire is the one with the cap, regarding the
24 one with the cap, and then he continued. But I think it's clear from the French
25 transcript.

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1 MR VANDERPUYE: [11:03:32] Yes, Mr President, I agree.

2 Q. [11:03:34] So Bougie Noire is wearing a T-shirt that's whitish, and the
3 person -- is that right, first? And then the person in the cap on his right, are you able
4 to identify that person?

5 A. [11:04:03] These are elements, but I don't know his name. The person who I
6 recognise is Bougie Noire because he was the youngest in the group, and everybody
7 called him "Bougie Noire".

8 Q. [11:04:27] Do you recognise the location?

9 A. [11:04:45] From this video, it's really difficult for me to recognise the location. I
10 think maybe if it was enlarged, it might help me to pinpoint the location, or what
11 place we are talking about.

12 Q. [11:05:11] Well, I think we can establish that, and I don't know that's it's being
13 contested. We could play the video more for you, but I think it's all right.

14 Let me ask you a couple of clarifying questions. First of all, Bougie Noire that we see
15 here on the screen, this is the person that you talked about yesterday, I think, who
16 received an order to kill a prisoner; is that right?

17 A. [11:05:50] Yes, that's correct.

18 Q. [11:05:52] And that was done with someone named Cynthia; is that right?

19 A. [11:06:06] Yes.

20 Q. [11:06:09] And that -- that was done at the Yamwara school? That was done at
21 the Yamwara school?

22 A. [11:06:19] Yes.

23 Q. [11:06:20] Now, Honorine, who is at 10:32 in this video - we'll put her up now
24 on the screen here - this is the person that you described as having been involved in
25 killing a Muslim down in Mbaïki; is that right?

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1 A. [11:06:56] Yes, that is correct.

2 Q. [11:06:57] And she removed his sex, but killed him with some other people; is
3 that what your understanding is?

4 A. [11:07:20] Yes. She removed his sex and was very delighted to do so. And
5 that forced the MINUSCA to react and shoot at them.

6 Q. [11:07:41] You mentioned that she was with two other people. And I don't
7 want to be mistaken, so if you can recall their names, can you tell us who she was
8 with -- who she said she was with.

9 PRESIDING JUDGE SCHMITT: [11:08:04] Ms Dimitri.

10 MS DIMITRI: [11:08:05] I believe this was already covered. He already gave the
11 names.

12 PRESIDING JUDGE SCHMITT: [11:08:08] I also think so, but why not let him repeat
13 it now in that instance because we have now the image in front of the person.

14 So please answer the question, Mr Witness. What's your understanding with which
15 people she was with?

16 THE WITNESS: [11:08:38](Interpretation) She was with the head, Ngombe, the
17 Chief Ngombe. And before yesterday, I told you I forgot the name of the other
18 person. So the two I remember is Chief Ngombe and Mbafolo.

19 MR VANDERPUYE: [11:08:59]

20 Q. [11:09:00] Can I just show you tab 5, which is CAR-OTP-2039-063. And then
21 we will need to go to page 0066, to number 130.

22 At number 130 in this list is an individual named Ngombe Gauthier Cyrille. He's a
23 military person.

24 A. [11:10:02] Yes, it's him. His number is 2012.

25 Q. [11:10:10] All right.

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1 Thank you, Mr President. I don't have any further questions for the witness at this
2 time.

3 Thank you very much, Mr Witness. I appreciate your patience.

4 PRESIDING JUDGE SCHMITT: [11:10:19] Thank you very much, Mr Vanderpuye.

5 Thank you very much, Mr Witness.

6 We have agreed upon that we give the Defence, especially the Defence of Mr Yekatom,
7 the chance to digest a little bit what has happened, and this might -- we might all
8 benefit from it from further questioning. So we conclude the hearing for today and
9 continue tomorrow morning at 9.30.

10 Thank you very much.

11 THE COURT USHER: [11:10:48] All rise.

12 (The hearing ends in open session at 11.10 a.m.)