

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 Monday, 12 September 2022  
9 (The hearing starts in open session at 9.32 a.m.)  
10 THE COURT USHER: [9:32:15] All rise.  
11 The International Criminal Court is now in session.  
12 Please be seated.  
13 PRESIDING JUDGE SCHMITT: [9:32:35] Good morning, everyone.  
14 Court officer, please call the case.  
15 THE COURT OFFICER: [9:32:41] 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: [9:32:56] Thank you.  
20 I ask for the appearances of the parties.  
21 No changes on the side of the Prosecution.  
22 MR VANDERPUYE: [9:33:02] No changes, Mr President. We're the same as we  
23 were on Friday. Thank you.  
24 PRESIDING JUDGE SCHMITT: [9:33:06] Thank you.  
25 Yeah, there are a little bit of changes with the representative of the victims. Good

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1 morning.

2 MR DANGABO MOUSSA: [9:33:17](Interpretation) Good morning, your Honours.

3 Good morning to everyone. The victims of the other crimes are represented here by

4 Mr Orchlon Narantsetseg and Ms Mouhia and myself, Abdou Dangabo Moussa.

5 Thank you.

6 PRESIDING JUDGE SCHMITT: [9:33:31] Thank you.

7 Mr Suprun.

8 MR SUPRUN: [9:33:33] Good morning, Mr President, your Honours. For the

9 victims of the former child soldiers, there are no changes since Friday. Thank you.

10 PRESIDING JUDGE SCHMITT: [9:33:39] Thank you.

11 And we turn to Ms Dimitri.

12 MS DIMITRI: [9:33:42] Good morning, Mr President. Good morning,

13 your Honours. Good morning, everyone. There is one addition, an important one,

14 our intern, Léa-Marie Gagnon.

15 PRESIDING JUDGE SCHMITT: [9:33:52] Thank you very much.

16 And, Mr Knoops, I think -- well, I'm not sure.

17 MR KNOOPS: [9:33:57] Yes, Mr President. Good morning, Mr President,

18 your Honours, dear members in the courtroom. There's no changes in our team.

19 That's to say, Marie-Hélène Proulx, Ms Barbara Szmatala, Simon Décot and

20 Sara Pedroso are present today.

21 PRESIDING JUDGE SCHMITT: [9:34:16] Thank you very much.

22 And we welcome Mr Khalil, Rule 74 counsel to our witness.

23 And, of course, a very good morning to you, Mr Witness.

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

25 (The witness speaks Sango)

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1 THE WITNESS: [9:34:36](Interpretation) Good morning, your Honour. Good  
2 morning, everyone.

3 PRESIDING JUDGE SCHMITT: [9:34:39] We continue now with the examination by  
4 Ms Dimitri. And I think you have already received the decision that you can add  
5 these two items to your list.

6 MS DIMITRI: [9:34:48] Thank you, Mr President.

7 PRESIDING JUDGE SCHMITT: [9:34:49] If not, then you hear it now.  
8 Please continue.

9 MS DIMITRI: [9:34:52] Thank you, Mr President.

10 QUESTIONED BY MS DIMITRI: (Continuing)(Interpretation)

11 Q. [9:35:16] Good morning, again, Mr Witness.

12 A. [9:35:23] Good morning, Counsel.

13 MS DIMITRI: [9:35:28] Mr President, unfortunately, my next series of questions will  
14 have to be done in closed session for a while, I think.

15 PRESIDING JUDGE SCHMITT: [9:35:37] Okay. Then we have to go to closed  
16 session. No problem.

17 (Private session at 9.35 a.m.)

18 THE COURT OFFICER: [9:35:55] We are in private session, Mr President.

19 MS DIMITRI: [9:36:07](Interpretation)

20 Q. [9:36:08] Mr Witness, I would like us to return to the topic (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 you before Mr Yekatom's departure that he was going to cross over two or three days  
2 later. Transcript 151, 1400 hours, 9 minutes. So now you're telling us that you  
3 learned about this afterwards, not beforehand, as you told the Prosecutor.

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 Q. [9:47:59] And where did you meet up with them?

24 A. [9:48:08] In the forest in Kalangoi. That's where I met them, Kalangoi, in the  
25 forest. Kalangoi was the place they mentioned.

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 Q. [9:49:09] Could you explain to me why it is that at paragraph 32 of your

6 statement, you said, (Redacted)

7 (Redacted) But now you're telling us that you met up with them directly in Kalangoi

8 and you didn't stay very long in Samba -- you didn't stay in Samba.

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 Q. [9:50:51] Could you describe this road that you took. How much time did it

18 take? Which -- did you go by way of a particular place between Samba and

19 Kalangoi?

20 A. [9:51:23] From Samba to Kalangoi, (Redacted) by foot. (Redacted) left the

21 centre of Samba as if (Redacted) going to Sekia. There was a path. The Sekia had

22 set up a toll station, so to speak, and (Redacted) that way and (Redacted) walked for a

23 long time. (Redacted) not sure about the distance, but it might have been 1 or

24 2 kilometres. I don't have the exact number of kilometres in mind.

25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 Q. [9:52:57] Just to make sure I've understood, (Redacted) this toll station led by the  
4 Seleka, and that is where (Redacted) a fork in the road, in the path, and then (Redacted)  
5 (Redacted) 1 or 2 kilometres to get to Kalangoi. Is this what I am to understand?

6 A. [9:53:26] I said there was a checkpoint, kind of like a toll station, but since it's a  
7 road that goes to Mbaïki from Samba before the roadblock, there is a lane that's not  
8 paved before the checkpoint, so (Redacted) that path to continue along my way. The  
9 main road goes to Mbaïki.

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 Q. [9:55:49] I understand, but I still haven't got an answer to my question. I  
21 understand that from the lady's place to the path, that was about a kilometre. I've  
22 understood that. What I'd like to know, from the path all the way to Kalangoi.

23 A. [9:56:26] I just told you that I have no idea what the exact distance is or the exact  
24 number of kilometres. I can't tell you any more than that. I can't just give you an  
25 estimate.

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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 Q. [9:59:02] And all of that was before 5 December; is that your testimony?

12 A. [9:59:19] Yes. The place where we were, the locality, we stayed there well  
13 before 5 December.

14 THE INTERPRETER: [9:59:33] Correction: All those localities, in the plural.

15 MS DIMITRI: [9:59:42](Interpretation)

16 Q. [9:59:46] Now, in Kalangoi, did -- was Captain Kamezolai already there?

17 A. [10:00:04] Captain Kamezolai wasn't there. (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 PRESIDING JUDGE SCHMITT: [10:00:47] Ms Dimitri, are you going to at some  
23 point in time go to paragraph 34 of the -- okay. So I don't interfere here.

24 MS DIMITRI: [10:01:14](Interpretation)

25 (Redacted)

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1 A. [10:01:52] No, I'm not aware of that. Perhaps I've forgotten, but I do not recall.

2 Q. [10:02:17] The Prosecutor talked (Redacted). I'm going to show you a photo,

3 and I'm going to ask you if recognise it. Tab 29 of the Defence binder,

4 CAR-OTP-00 -- sorry -- CAR-OTP-2001-8191. It's going to appear on your screen.

5 (Speaks English) For the court reporter, it's going to be Mr Pages-Granier who's going

6 to present the picture.

7 (Interpretation) (Redacted)

8 (Redacted)

9 A. [10:03:47] I think there are faces I can't recollect. So I cannot confirm that I

10 recognise.

11 Q. [10:04:03] No problem. (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 PRESIDING JUDGE SCHMITT: [10:05:05] May I shortly correct the ERN number,

17 please. The ERN is CAR-OTP-2001-8191. Please.

18 MS DIMITRI: [10:05:22] Thank you, Mr President.

19 Q. [10:05:26](Interpretation) (Redacted)

20 (Redacted) am I

21 right?

22 A. [10:05:51] The first time she was there, it was before 5 December. She crossed

23 over in a canoe and met us in the base where we were.

24 Q. [10:06:11] Again, on Kalangoi. In paragraph 111, the Prosecutor showed you a

25 video. I'm going to show you the video again. It's in tab 28, CAR-OTP-2012-0523,

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1 at 09:21, you recognised the place as something -- a place close to Kalangoi. I'm  
2 going to show you that, and then I'll have a question for you.

3 (Viewing of the video excerpt)

4 You can see the place. You say that it -- in your statement that it is near Kalangoi.

5 Can you tell me, how did you recognise that this place was close to Kalangoi?

6 A. [10:07:48] It's the path. That's how I can say that this image is Kalangoi -- it's in  
7 Kalangoi.

8 Q. [10:08:05] According to you, how far is it from Kalangoi so that you recognise it  
9 from that extract?

10 A. [10:08:44] I think the questions you're asking me on the distance and kilometres,  
11 I really can't answer them. You see, these are -- if it's a paved path, we can know,  
12 but these are unpaved paths. So I really can't give you an estimation in terms of the  
13 exact number of kilometres. It's not possible.

14 Q. [10:09:26] You just said a few minutes ago that you spent about one month in  
15 Kalangoi. In your witness statement, in paragraph 34, you say that you were there  
16 for three months in Kalangoi. And you -- it did not seem that you were making a  
17 mistake in terms of time, because in paragraph 67 you said that you left from  
18 Kalangoi for the 5th of -- for the attacks that took place on 5 December.

19 So I'm asking you the question: Did you really go to Kalangoi given the  
20 discrepancies in the witness statement and your testimonial?

21 A. [10:10:33] I talk about what I experienced. Perhaps there are mistakes in my  
22 witness statement. It's perhaps a language issue due to which there are  
23 contradictions, but I can -- I can recognise that I went to Kalangoi. We went from  
24 Gbangba. And I basically lived through all what I said. Perhaps in my witness  
25 statement I forgot certain details. You see, everyone can make mistakes.

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1 Q. [10:11:18] I understand, but this is an extremely important passage in your  
2 witness statement. You reread this with your lawyer, and you also reread this with  
3 an interpreter in The Hague. (Redacted)  
4 and it's a passage that's very important in your witness statement. It's the whole  
5 period before 5 December in Kalangoi. According to your witness statement, that  
6 completely contradicts what you say here.

7 A. [10:12:11] What I said in the witness statement, perhaps I made a mistake, but  
8 here I am telling you -- I'm narrating my experience. I'm telling you what I know. I  
9 am -- I perhaps cannot express myself very well in French, which basically explains  
10 the discrepancies. (Redacted)  
11 (Redacted)  
12 (Redacted)

13 Q. [10:13:26] We are going to talk about Gbangba. During your examination by  
14 the OTP, you were showed a video. It's tab 28 on the Prosecution file,  
15 CAR-OTP-2065-0951. I don't have to get you to see it again, unless you request for it.  
16 It's a video where Mr Yekatom is explaining that there were three bases. I  
17 perhaps -- I presume that you know that. It's in transcript 155, and it's around 12:30.  
18 You said, and I'm quote you now: (Redacted)  
19 (Redacted)  
20 (Redacted)  
21 (Redacted)

22 When you say that there are several bases in Gbangba, and that starts with the first,  
23 second and third section, do I understand from what you say that you're referring to  
24 the places where the sections gathered within the Gbangba base?

25 A. [10:15:12] Yes. You see, you have the base that was shown in the video. It

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1 was the first, the second and the third base. As they say, the elements were not  
2 presented. (Redacted)  
3 (Redacted). Then the second base. Then the third base. And  
4 gradually, the troops rallied, and we would put them in different bases, and this is  
5 how the base -- the number of bases expanded.  
6 Now, if there was a video of the gathering of troops, you would have seen the  
7 number of soldiers who were in the base, but unfortunately, I don't think there is a  
8 video.

9 Q. [10:16:37] I'm going to talk about Kpato now. Can you give me the distance,  
10 even if it's not in terms of kilometres, because last week you talked about two hours  
11 between Samba and Kalangoi. So I just want a rough estimate on how long it takes  
12 by foot to get there, between Kalangoi and Kpato, and then Kpato to Gbangba.

13 A. [10:17:26] From Kpato to Gbangba, it's a long walk. I can't give you the  
14 number of kilometres exactly. When you leave Kpato for Gbangba, you need to go  
15 by a lake or a water body, and when we reach there, there is a tree that was struck  
16 down, and the elements were scared. They thought that the enemies had attacked,  
17 and some fell into the water. (Redacted)

18 (Redacted)

19 (Redacted)

20 Q. [10:18:36] Can you at least tell me -- because here I know that you are describing  
21 the distance between Kpato and Gbangba and how you crossed over the river. Now,  
22 was it longer for you to walk from the -- from the path near the toll to Kalangoi, or  
23 from Kpato to Kalangoi, or from Kpato to Gbangba? What was the longest in terms  
24 of distance traveled?

25 A. [10:19:17] From here to Kpato is longer than the distance from Kpato to

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1 Gbangba. From Kalangoi to Kpato, it's longer than Kpato to Gbangba. From  
2 Kalangoi to Kpato, the distance is longer than from Kpato to Gbangba.

3 Q. [10:19:50] I understand that Kpato -- Kalangoi-Kpato is longer than Kpato to  
4 Gbangba. So what is longer from the path Sekia-Kalangoi or Kalangoi-Kpato?

5 A. [10:20:15] When you leave the base in Kalangoi, I was talking about that -- to  
6 Kpato, I was talking about that.

7 Q. [10:20:40] That does not answer my question. You are saying that the distance  
8 between Kalangoi and Kpato is longer than Kpato-Gbangba. The distance between  
9 Kalangoi and Kpato is longer. I want to know the Sekia's path to Kalangoi. Is it  
10 longer or shorter than Kalangoi-Kpato?

11 A. [10:21:30] I'm saying that I cannot estimate the distance. I cannot estimate the  
12 distance. But if I'm saying that it's far, try and understand me. For instance, if you  
13 leave from the main road to Kpato, it's really long because you have to go aside.

14 Q. [10:22:00] I know that you can't estimate the distance. I'm going to ask my  
15 question another way. What is furthest from Kalangoi, the Sekia path or Kpato?

16 A. [10:22:29] In my answer I told you the path was in Kalangoi. When you go  
17 from Kalangoi to Kpato, it's really far. It's a long distance. I really can't estimate  
18 the distance. I have no idea of the number of kilometres. I'm just telling you it's far.  
19 I can't give you an estimation.

20 PRESIDING JUDGE SCHMITT: [10:22:48] I think we have to move on. Yeah.

21 MS DIMITRI: [10:22:51] I understand, but I still don't have an answer. I'm not  
22 asking him to estimate the distance. I'm asking him which one is the longest, but I'll  
23 move on.

24 PRESIDING JUDGE SCHMITT: [10:23:02] But you have tried, Ms Dimitri. Please  
25 continue.

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1 MS DIMITRI: [10:23:07] Of course. Of course.

2 Q. [10:23:26](Interpretation) Last Friday you said, at line 44, that you left Kalangoi  
3 for Kpato and then from Kpato to Gbangba. You confirmed that this morning. The  
4 first -- during the first day of your testimony, in transcript 551, you said that you left  
5 the Sekia bushes to go to Gbangba. Your itinerary was different. You never  
6 mentioned Kpato.

7 So I'm asking you the question: Did you really go to Kpato, because you didn't  
8 spoke about this in your witness statement nor during the -- your interrogation with  
9 the Prosecution when they spoke about the itinerary?

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 MS DIMITRI: [10:25:25] Mr Interpreter, you cut off your mike a bit too early.

16 You -- did you -- did you actually leave Kpato for Gbangba? I did not hear the word  
17 "Gbangba".

18 THE INTERPRETER: [10:25:49] If the witness could just be asked to repeat the last  
19 thing.

20 MS DIMITRI: [10:25:56](Interpretation)

21 Q. [10:25:56] You said this is the reason why you left Kpato for Gbangba. Is that  
22 how I understood you?

23 A. [10:26:08] Yes.

24 Q. [10:26:28] (Redacted)

25 (Redacted)

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1 first day of your testimony, T-151, 15:25, it's the reason why you set up base in

2 Gbangba, and I'm quoting you: (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted) Because in Gbangba, we need to cross over the river, not just that. But,

6 also, to go there where we were, it was rather further away." End of quote.

7 So these were your words on the reason why you set up base in Gbangba. Can you

8 tell me, why did you not mention the fact that the reason why you moved to Gbangba

9 was (Redacted)

10 THE INTERPRETER: [10:28:21] The interpreter would like to make a correction:

11 And might have been killed.

12 THE WITNESS: [10:28:28](Interpretation) As I said in the beginning with regards to

13 the death of the element, I did not mention this in the witness statement. It's when

14 the Prosecutor asked me the question, in fact, I -- I recall this act at night, and I told

15 you in the morning that he was in the -- (Redacted)

16 (Redacted)

17 (Redacted) What I told you is not there in my witness statement,

18 but I recalled it later. And this is why I'm telling you now.

19 MS DIMITRI: [10:29:36](Interpretation)

20 Q. [10:29:38] And then you are saying that this is the reason why you left Kpato.

21 What I understand from your testimony is that, because (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 Q. [10:30:33] The place where we crossed the river M'Poko, is it the same between  
2 Kpato and Gbangba, and Gbangba and Proget?

3 A. [10:30:57] In M'Poko, there are several possibilities to cross over. You can  
4 actually cross over from M'Poko-Bac. You can go to Gbangba. If you leave Proget,  
5 there is a village in Bossangoa, and I think you talked about it. You can cross the  
6 river. You get there. You go via Proget to Boeing.

7 From the north, it is possible to go through Sakai and you directly reach the  
8 Combattant district. So there are several possibilities once you cross the river

9 M'Poko. You can also go by via M'Poko-Bac, Bossambo (phon), and also Sakai,  
10 which is to the north.

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 THE INTERPRETER: [10:32:33] Inaudible.

16 THE WITNESS: [10:32:35](Interpretation) I don't know his name.

17 (Redacted) yesterday -- the day before yesterday, I gave you his  
18 name.

19 THE INTERPRETER: [10:32:48] Interpreter correction: The first name mentioned  
20 (Redacted).

21 THE WITNESS: [10:32:57](Interpretation) The day before yesterday I gave his name,  
22 but I don't remember anymore.

23 MS DIMITRI: [10:33:04](Interpretation)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 Q. [10:33:54] Was he a soldier or a civilian?

5 A. [10:34:00] He was a civilian, not a soldier.

6 Q. [10:34:07] Do you know his surname or his relatives' names?

7 A. [10:34:21] No, I don't know his surname. (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 A. [10:35:18] He was a civilian, not a soldier.

14 Q. [10:35:22] You stated, and I quote, 09:39, Friday, you said: "I was at base 1 and

15 I was sleeping. It was night-time. When they killed him, he was buried

16 immediately."

17 Am I to understand that (Redacted)

18 (Redacted)

19 A. [10:36:12] (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted) Is that what I am to understand?

24 A. [10:37:02] I believe I told you that I didn't go to see him. (Redacted)

25 (Redacted)

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1 (Redacted) More than that. I'm sure I must have forgotten some of them.

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 Q. [10:38:16] You're still not answering my question. You just said that you didn't

8 go to see him. (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 Q. [10:40:26] Would you like a break, or do you want to keep on going?

18 A. [10:40:29] We can keep on going.

19 Q. [10:40:32] Tell me when you want a break.

20 Mr President, if I could have a moment.

21 PRESIDING JUDGE SCHMITT: [10:40:43] I think the witness knows.

22 Mr Witness, we have established this from day one. If you feel uncomfortable, if you  
23 need a break, you raise your hand, and then I address you, and then you get the break,  
24 if you want to. You know that.

25 Please continue, Ms Dimitri.

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1 MS DIMITRI: [10:40:56] Thank you, Mr President.

2 If I could just have a moment.

3 PRESIDING JUDGE SCHMITT: [10:40:59] Of course.

4 MS DIMITRI: [10:40:59] Thank you.

5 (Counsel confers)

6 MS DIMITRI: [10:42:11](Interpretation)

7 Q. [10:42:12] I'm sorry, Mr Witness. I'd now like to change topics and ask you

8 some questions about something else, namely, (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 Q. [10:44:53] Do you know what he does now? His trade, line of work, his

24 relatives?

25 A. [10:45:10] I told you that I knew the movement that united us in the bush. I

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1 knew him by the name (Redacted). I didn't know his surname. I didn't know his  
2 parents. It was the movement that brought us together. I don't have all the  
3 information about him.

4 Q. [10:45:37] So you yourself, when did you (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 Q. [10:47:55] I think you haven't answered my question.

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 THE INTERPRETER: [10:50:23] Correction: (Redacted)

7 (Redacted)

8 MS DIMITRI: [10:50:30](Interpretation)

9 Q. [10:50:31] A few moments ago you told us that (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 MS DIMITRI: [10:52:16] Mr President, I'm doing my best not to overlap, but the

23 English transcript is frozen, so -- on my screen, so it's difficult for me to know when

24 or not to overlap.

25 PRESIDING JUDGE SCHMITT: [10:52:25] You are doing well. So it's okay.

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1 MS DIMITRI: [10:52:29] Thank you.

2 Q. [10:52:54](Interpretation) On Thursday, 2 September, in response to the question,

3 (Redacted)

4 (Redacted)

5 (Redacted) Transcript 151.

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 Q. [10:55:03] (Redacted)

23 (Redacted). Is that your testimony?

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 PRESIDING JUDGE SCHMITT: [10:55:41] I think you can move on from here.

4 MS DIMITRI: [10:55:44] I had one more question, but with the statement.

5 PRESIDING JUDGE SCHMITT: [10:55:47] Yeah, of course, then -- the statement, and  
6 then we have the break.

7 MS DIMITRI: [10:55:52] Of course.

8 PRESIDING JUDGE SCHMITT: [10:55:52] Okay. Good, fine.

9 MS DIMITRI: [10:55:59](Interpretation)

10 Q. [10:56:01] When you got to The Hague, you read over your statement and you  
11 made some corrections. At paragraph 58 of the corrected version -- and we'll put it  
12 up on the screen. Just paragraph 58. CAR-OTP-0000-0015.

13 Mr Witness, I'm just waiting for the document to come up on the screen.

14 (Speaks English) Let me give it a try without --

15 PRESIDING JUDGE SCHMITT: [10:57:39] Well, yes, please. That takes too long  
16 now.

17 MS DIMITRI: [10:57:44](Interpretation)

18 Q. [10:57:45] At paragraph 58 of your statement, Mr Witness, you said that: (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)  
2 (Redacted)  
3 (Redacted)  
4 (Redacted)  
5 (Redacted)  
6 (Redacted)  
7 (Redacted)  
8 (Redacted)  
9 (Redacted)  
10 (Redacted)  
11 (Redacted)  
12 (Redacted)  
13 PRESIDING JUDGE SCHMITT: [11:00:11] Well, I think we have exhausted that  
14 subject.  
15 Break until 11.30.  
16 THE COURT USHER: [11:00:19] All rise.  
17 (Recess taken at 11.00 a.m.)  
18 (Upon resuming in private session at 11.31 a.m.)  
19 THE COURT USHER: [11:31:26] All rise.  
20 Please be seated.  
21 PRESIDING JUDGE SCHMITT: [11:31:48] Ms Dimitri, you still have the floor,  
22 obviously.  
23 MS DIMITRI: [11:31:52] Thank you, Mr President.  
24 PRESIDING JUDGE SCHMITT: [11:31:59] And no prospect of open session, so we  
25 stay in private session.

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1 MS DIMITRI: [11:32:18](Interpretation)

2 Q. [11:32:21] Witness, in the first year of your testimony, you said that towards the  
3 end the -- there were about 3,000 elements for Yekatom. So this was on T-151, 15:32.  
4 So where were these elements based? Because these elements -- 3,000 elements,  
5 because I saw a list in -- during your testimony that I did not see 3,000 people on it.  
6 So where is this list?

7 A. [11:33:09] I said that there were many elements. (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 PRESIDING JUDGE SCHMITT: [11:34:35] (Microphone not activated)

17 Mr Vanderpuye.

18 MR VANDERPUYE: [11:34:37] Thank you, Mr President.

19 First of all, I think he has already answered it. The second thing is, it's unclear  
20 whether we're talking (Redacted). And I'm not sure how it appears  
21 in the French transcript, but that's how I understand it. So maybe that would be  
22 worth clarifying as well.

23 PRESIDING JUDGE SCHMITT: [11:34:53] Well, as I say, sometimes I absolutely  
24 understand when counsel, be it from the Prosecution or Defence, when you would be  
25 very strict, you could say that the same has been covered already, but you try it from

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- 1 a different angle.
- 2 What is correct, Ms Dimitri, is that, (Redacted)
- 3 (Redacted)
- 4 MS DIMITRI: [11:35:18] I will clarify. No problem, Mr President, of course.
- 5 PRESIDING JUDGE SCHMITT: [11:35:23] Okay. Thank you.
- 6 MS DIMITRI: [11:35:26](Interpretation)
- 7 Q. [11:35:27] (Redacted)
- 8 (Redacted)
- 9 (Redacted)
- 10 (Redacted) That's my first question.
- 11 (Redacted)
- 12 (Redacted)
- 13 (Redacted)
- 14 (Redacted)
- 15 (Redacted)
- 16 (Redacted)
- 17 (Redacted)
- 18 (Redacted)
- 19 (Redacted)
- 20 (Redacted)
- 21 (Redacted)
- 22 (Redacted)
- 23 And this is what I told the investigator.
- 24 Q. [11:38:21] So if I understood you well, the investigator from the OTP asked you
- 25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 A. [11:38:53] Yes.

6 Q. [11:39:02] And the question – (Redacted)

7 (Redacted)

8 A. [11:39:25] Yes, this is where the discussion ended because (Redacted)

9 (Redacted)

10 (Redacted)

11 Q. [11:39:53] Just to -- (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 Q. [11:40:40] (Redacted)

16 (Redacted) I would like to know -- and I'm

17 just going to draw the attention of the Chamber to tab 62, CAR-OTP-2122-7725.

18 What I'd like to know, Witness, is that, it seems that (Redacted)

19 (Redacted)

20 (Redacted). Is this another mistake?

21 (Redacted)

22 Q. [11:42:21] You said to the investigators on 28 November 2016, (Redacted)

23 (Redacted). You said, and I'm quoting you -- and I'm going to wait

24 because the OTP is standing.

25 PRESIDING JUDGE SCHMITT: [11:42:37] Mr Vanderpuye.

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1 MR VANDERPUYE: [11:42:39] What's the nature of the document that counsel's  
2 referring to, if I may ask?

3 PRESIDING JUDGE SCHMITT: [11:42:44] If an investigation report, so it's not a  
4 witness testimony. So it's a report. So -- well, I would also prefer not to say -- to  
5 give the impression that the witness gave a statement to the OTP. This is what you  
6 have an issue with. And here, Mr Vanderpuye is right. Of course, you have to put  
7 this investigation report to the witness.

8 I would like for Mr Vanderpuye, I would like to note that the report is from 10  
9 September 2020 and reports something that has been happening four years before. I  
10 don't know. I don't know how your internal work works, but nevertheless.  
11 Please, Ms Dimitri.

12 So there is simply an investigation report, Mr Witness, where it is stated that you  
13 allegedly have told the Prosecution that (Redacted)  
14 (Redacted)  
15 (Redacted).

16 So this is -- this is a report, not a witness statement, by you.

17 So the question is: Do you have an idea why this might appear in such an  
18 investigation report, and how did it happen -- what is the truth? What do you recall  
19 today?

20 THE WITNESS: [11:44:38](Interpretation) (Redacted)  
21 (Redacted)  
22 (Redacted)  
23 (Redacted)  
24 (Redacted)  
25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 PRESIDING JUDGE SCHMITT: [11:45:57] Yeah, Ms Dimitri.

6 MS DIMITRI: [11:46:04](Interpretation)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 Q. [11:47:42] In paragraph 70 of your statement that's reviewed and corrected by  
21 yourself, you say -- and here you're saying (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 (Redacted)

8 (Redacted)

9 Q. [11:49:40] So your statement is incorrect because it says: (Redacted)

10 (Redacted)

11 A. [11:49:59] I did not make that statement.

12 Q. [11:50:14] (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 Can you explain how come this is mentioned in an investigator's report based on the

22 meeting held in -- on (Redacted) Did you say that to the investigators; yes or

23 no?

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 PRESIDING JUDGE SCHMITT: [11:53:00] Nothing with regard to the content, but  
3 we still, I think, don't have the ERN number of this document on the record, which is  
4 CAR-OTP-2122-7725.

5 Please continue, Ms Dimitri.

6 MS DIMITRI: [11:53:26](Interpretation)

7 Q. [11:53:28] There is again a difference in what you're saying and the summary of  
8 the investigator. According to the summary of the investigator, you confirm that

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 PRESIDING JUDGE SCHMITT: [11:54:22] Mr Vanderpuye.

14 MR VANDERPUYE: [11:54:24] I have no objection to counsel putting the direct  
15 proposition to the witness, but to ask the witness to explain why something is in a  
16 report that he didn't write, he didn't generate, and the circumstances under which the  
17 information was conveyed are not yet even clear on the record; whether he was using  
18 an interpreter, French, Sango, any of that. I don't think that's a fair proposition.

19 PRESIDING JUDGE SCHMITT: [11:54:45] Well, however, that is a -- actually, that's  
20 interesting because we had this discussion last week. That's a borderline situation,  
21 because we have here an investigation report by an institution who, I think you  
22 would agree with me, has the presumption that they put down, note down things  
23 correctly. And they are not only putting something -- an impression down, they are  
24 putting something down that they alleged to have heard by the witness. So I would  
25 not be so -- let's say, so severe on this matter here with an explanation.

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1 So, Mr Witness, you know, back and forth. So we have here this investigation report,  
2 and it says that you have spoken with them. And I summarise it again for you, and  
3 please tell me if you recall having told the investigators something like that. So, I  
4 summarise it: (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 So do you recall having said that to the investigators of the Prosecution?

9 THE WITNESS: [11:56:30](Interpretation) (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 PRESIDING JUDGE SCHMITT: [11:57:23] So, Mr Witness, to put it to the point,

16 what's being said here in this report is not correct.

17 THE WITNESS: [11:57:44](Interpretation) What I'm saying in front of God is that

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 PRESIDING JUDGE SCHMITT: [11:58:12] And, Mr Witness, also, we have heard it

23 in this report. (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 THE WITNESS: [11:58:41](Interpretation) (Redacted)

3 (Redacted)

4 (Redacted)

5 PRESIDING JUDGE SCHMITT: [11:59:13] And just to make it sure, (Redacted)

6 (Redacted)

7 (Redacted)

8 THE WITNESS: [11:59:39](Interpretation) (Redacted)

9 PRESIDING JUDGE SCHMITT: [11:59:45] Okay. Well, I think we have -- I would  
10 not want to cut you, but it seems to be clear that -- well, there is this report, it has  
11 information in it, and we have heard what the witness has said today. So we have  
12 here something that does not converge, to put it this way.

13 If I may just -- I want to question Mr Vanderpuye.

14 MS DIMITRI: [12:00:17] Of course.

15 PRESIDING JUDGE SCHMITT: [12:00:17] Mr Vanderpuye, I would like to question  
16 you shortly. Is it normal that such reports are being written down years after the  
17 information was given to the Prosecutors?

18 MR VANDERPUYE: [12:00:34] It can be. And normally that may occur when there  
19 is disclosable information in the contact itself. There are a number of circumstances  
20 where that can occur, as well as a number of circumstances that explain, for example,  
21 discrepancies between these reports and statements and things like that. But I think  
22 we have the witness's testimony on the record.

23 I think that, in respect of this document, it reflects what it is. I think we have the  
24 witness's statement, which reflects what he recalls and what he said. There may be  
25 issues that counsel wants to further explore, which I have no problem with, but I

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1 think, as far as the document is concerned --

2 PRESIDING JUDGE SCHMITT: [12:01:18] Yeah, yeah. As for the document, we  
3 have covered it. I just wanted to know if it is something extraordinary, or  
4 something -- because it might very well be, you know, that if someone who is not in  
5 the position of a prosecutor, as a judge, looks at it and says, "Oh, that looks strange,"  
6 but it isn't. That may very well be.

7 MR VANDERPUYE: [12:01:40] I would say that it's not -- it's not strange, but it's not  
8 the usual -- it's a not usual thing. It's not as if we prepare these reports years after  
9 the incidents occur. But they are prepared often times where this is an interaction  
10 that happens -- where there is an interaction or a contact with a witness or another  
11 entity wherein there is disclosable information. So they are prepared in order  
12 for the -- in order to disclose the relevant information. So that's what I can say about  
13 this.

14 PRESIDING JUDGE SCHMITT: [12:02:14] If I may. And I ask myself, if I were a  
15 prosecutor and got information in 2016, what would I base my report four years later  
16 on? On my mind? On my memory? Or what I have recorded, what I have  
17 written down?

18 MR VANDERPUYE: [12:02:37] I understand what you mean. Normatively, a  
19 witness contact is noted. It's an internal document. And it may contain  
20 information relating to both disclosable information, as well as security information,  
21 family information, things of that nature. And so, where there is disclosable  
22 information within the context of the broader witness contact, often times that  
23 information be extracted years later when it's relevant or material for purpose of  
24 disclosure, it is put in a report, and then that report is normatively disclosed.

25 PRESIDING JUDGE SCHMITT: [12:03:10] I understand now. Okay, good.

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1 Excuse me, Ms Dimitri, for interrupting, but I was really interested because, as I said,  
2 without further information, it strikes one that this was produced four years later.

3 Please continue.

4 MS DIMITRI: [12:03:23] Thank you, Mr President.

5 If I may just follow up with two questions on this.

6 Q. [12:03:31](Interpretation) If I understand your testimony correctly, at 11:37 you  
7 said this: (Redacted)

8 (Redacted)

9 (Redacted)

10 And now if we look at paragraph 60 of your statement, this is not at all what you said  
11 in the courtroom. You told the investigator this -- (Redacted)

12 (Redacted)

13 (Redacted)

14 So subsequent to paragraph 60, the investigators followed up in 2016 on this point.

15 (Redacted). Also on (Redacted). This is the report in which we find

16 this account (Redacted)

17 My question is very simple. (Redacted)

18 (Redacted)

19 A. [12:05:25] (Redacted)

20 (Redacted)

21 (Redacted) If you were to show me

22 his photograph, I could perhaps identify him.

23 PRESIDING JUDGE SCHMITT: [12:05:55] Okay. You recognise it. I think we

24 have to move on. We have it now on the record, and we have this -- we have a

25 document and we have the witness statement. Please continue. Not

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1 witness -- witness testimony, which a statement, of course.

2 MS DIMITRI: [12:06:20] Thank you, Mr President. Yes, I'm moving on.

3 Q. [12:06:25](Interpretation) Mr Witness, in your statement you said that (Redacted)

4 (Redacted). Paragraph 15 of your statement. And you stated, at

5 paragraph 91, (Redacted)

6 (Redacted)

7 MR KHALIL: [12:07:05] Mr President.

8 PRESIDING JUDGE SCHMITT: [12:07:08] Mr Khalil.

9 MR KHALIL: [12:07:11](Interpretation) I fear that this question could lead to the  
10 witness incriminating himself.

11 PRESIDING JUDGE SCHMITT: [12:07:21] You could argue, Mr Khalil, and for  
12 everyone else, that this has been covered by the assurance of the Chamber with  
13 regard (Redacted) So I think we

14 can -- so we extend, so to speak, the Rule 74 assurance to this question and to the  
15 object of -- (Redacted). So thank you very much,

16 Mr Khalil. So I think to cover it and to be completely sure on that.

17 So, Mr Witness, (Redacted)

18 THE WITNESS: [12:08:23](Interpretation) (Redacted)

19 (Redacted)

20 (Redacted)

21 PRESIDING JUDGE SCHMITT: [12:09:00] Thank you, Mr Witness.

22 Ms Dimitri.

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 MS DIMITRI: [12:09:19] Yeah, I'm going back on that sentence.

2 PRESIDING JUDGE SCHMITT: [12:09:22] Okay, okay. Please continue. We are at  
3 paragraph 91 of the statement, for everyone else.

4 MS DIMITRI: [12:09:33](Interpretation)

5 Q. [12:09:34] Now, I understand that you had a task to do, but my question is more  
6 specific. (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 Q. [12:12:26] I'd like to switch to another topic, but regarding (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 THE INTERPRETER: [12:12:49] Transcript 152. Time was 10:44.

6 THE WITNESS: [12:13:08](Interpretation) No. I only saw the name of Saragba

7 Junior on a list. I tell you, it is only here in The Hague that I saw the name of Carine

8 Saragba. I knew that person as the younger sister of Yekatom. I did not know her

9 to be a member of the Anti-Balaka team.

10 At the time, there was talk of compensation for soldiers and other Anti-Balaka

11 members. Maybe that is why their names were put on the list. I have no idea. But

12 I just know her as a younger sister of Yekatom, not as a member of the Anti-Balaka

13 movement.

14 MS DIMITRI: (Interpretation)

15 Q. [12:14:09] I'd like to go back to a document that the OTP showed you last week,

16 CAR-OTP -- tab 5 of the OTP's list of materials, CAR-OTP-2039-0063. I'll just wait for

17 the document to come up on the screen so as to refresh your memory.

18 Now you can see the document up on the screen. You said, quote: (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 PRESIDING JUDGE SCHMITT: [12:15:33] Mr Vanderpuye.

23 MR VANDERPUYE: [12:15:35] I'm a little bit behind on the transcript, I'm sorry.

24 But as I read it, the question says, (Redacted) I haven't

25 heard testimony to that effect. So I'm wondering where that comes from, because

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- 1 the list is signed.
- 2 MS DIMITRI: [12:15:52] 1627, T-151.
- 3 MR VANDERPUYE: [12:15:57] What does it say?
- 4 MS DIMITRI: [12:15:58](Interpretation) (Redacted)
- 5 (Redacted)
- 6 PRESIDING JUDGE SCHMITT: [12:16:08] Yes, please continue.
- 7 So, Mr Witness, (Redacted)
- 8 THE WITNESS: [12:16:27](Interpretation) (Redacted)
- 9 (Redacted)
- 10 (Redacted)
- 11 (Redacted)
- 12 (Redacted) You can --
- 13 THE INTERPRETER: [12:17:14] Correction from the interpreter, second sentence:
- 14 (Redacted) End of correction.
- 15 PRESIDING JUDGE SCHMITT: [12:17:23] Mr Vanderpuye, I don't have -- I have
- 16 only a part of it on the screen, so I don't know who has signed this list.
- 17 MR VANDERPUYE: [12:17:31] The signature appears on the bottom of the last page,
- 18 which is 0 -- sorry -- 0063. And I don't think it's contested.
- 19 PRESIDING JUDGE SCHMITT: [12:17:50] Well, I still don't see it, but ... okay, yeah,
- 20 now I see it. Thank you.
- 21 MS DIMITRI: [12:18:00] And I'll ...
- 22 Q. [12:18:05](Interpretation) Your testimony on the first day, at 1628, the Prosecutor
- 23 showed you the list, and he said, "This is a list of soldiers related or associated with
- 24 Yekatom and his group."
- 25 "Mr Witness, can you see the document? Yes?"

Trial Hearing  
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(Private Session)

ICC-01/14-01/18

1 And your answer was this, 1628: (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 Q. [12:20:29] (Overlapping speakers)

13 PRESIDING JUDGE SCHMITT: [12:20:30] Please slow down. I know the problem.

14 But, really, it rarely happens, but I stop it immediately because it's really a difficult

15 task for the interpreters.

16 MS DIMITRI: [12:20:42] I'm sorry. Apologies to the interpreter.

17 PRESIDING JUDGE SCHMITT: [12:20:47] There was overlapping at the moment.

18 Please continue.

19 MS DIMITRI: [12:20:53](Interpretation)

20 Q. [12:20:54] You said, speaking of Mr Yekatom, that, (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

Trial Hearing  
WITNESS: CAR-OTP-P-1339

(Private Session)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 Q. [12:22:59] I understand. Now, on Friday -- oh, I beg your pardon. Not Friday.

11 The first day of your testimony, the first day, when the Prosecutor showed you this

12 list, when he presented it to you, you said, and I'm quoting your own testimony

13 verbatim, quote: (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 PRESIDING JUDGE SCHMITT: [12:24:20] Please move on, Ms Dimitri.

22 MS DIMITRI: [12:24:25] Yes, Mr President. I'm changing subject. If I could just

23 have a minute to re-organise my paper.

24 I think we can take the list down.

25 Q. [12:25:11](Interpretation) And, Mr Witness, I'd like us to move to another topic.

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ICC-01/14-01/18

1 Let's look at your testimony when you mentioned (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 Q. [12:26:14] I want this to be crystal clear on the record. (Redacted)

7 (Redacted)

8 (Redacted) Which one?

9 A. [12:26:47] (Redacted). The first time I went ...

10 THE INTERPRETER: [12:27:01] The witness let's his sentence trail off.

11 THE WITNESS: [12:27:06](Interpretation) (Redacted)

12 (Redacted)

13 MS DIMITRI: [12:27:17](Interpretation)

14 Q. [12:27:18] I'd like to ask you to repeat your question because the interpreter

15 would like you to repeat. The interpreter did not interpret something.

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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ICC-01/14-01/18

1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 Have I understood you rightly? Have I understood your statements rightly today?

10 A. [12:30:58] Yes -- no. I made a mistake.

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 Q. [12:32:13] So I'm going to repeat my question, given your last answer.

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

Trial Hearing  
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1 (Redacted)

2 A. [12:34:01] I've already answered this question, but she is complicating the  
3 wording, and I can no longer understand it. So please let me think for some time.

4 PRESIDING JUDGE SCHMITT: [12:34:27] Mr Witness, you have said (Redacted)

5 (Redacted)

6 (Redacted)

7 THE WITNESS: [12:35:02](Interpretation) (Redacted)

8 THE INTERPRETER: [12:35:10] The interpreter corrects himself.

9 THE WITNESS: [12:35:15](Interpretation) (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 PRESIDING JUDGE SCHMITT: [12:35:42] Mr Witness, I think perhaps it's a good  
14 idea to make a short break so you can think about it. And if I may say so, if they  
15 were a week apart, they were relatively close together. And perhaps you can also  
16 think about, (Redacted)

17 (Redacted) And don't be upset about that.

18 (Redacted)

19 (Redacted) perhaps, from each other. But perhaps

20 you try to. So let's say five minutes, or let us know, Mr Witness, when we can  
21 continue. Thank you.

22 THE COURT USHER: [12:36:28] All rise.

23 (Recess taken at 12.36 p.m.)

24 (Upon resuming in private session at 12.44 p.m.)

25 THE COURT USHER: [12:44:46] All rise.

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WITNESS: CAR-OTP-P-1339

(Private Session)

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1 Please be seated.

2 PRESIDING JUDGE SCHMITT: [12:45:07] Thank you, Mr Witness, for taking your  
3 time. So has this time to reflect upon the issue helped you to remember the  
4 specificities of these different trips?

5 THE WITNESS: [12:45:45](Interpretation) Yes. I remember the situation, but I don't  
6 remember the dates.

7 Now, let's come back to the question that was asked. (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 PRESIDING JUDGE SCHMITT: [12:46:23] So, Mr Witness, if we -- you say you  
12 remember now, and (Redacted)

13 (Redacted)

14 (Redacted)

15 THE WITNESS: [12:46:54](Interpretation) (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 PRESIDING JUDGE SCHMITT: [12:47:20] And (Redacted)

21 (Redacted)

22 THE WITNESS: [12:47:48](Interpretation) (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 PRESIDING JUDGE SCHMITT: [12:48:50] So if you are not sure -- now coming back  
5 to the first trip, if you are not sure whom you went with, it's not a problem. That  
6 is -- you know, a memory after all these years might not be completely and a hundred  
7 per cent clear. That's normal.

8 And to the -- so the second trip, if I understood correctly, (Redacted)

9 (Redacted)

10 (Redacted) Have I understood correctly?

11 \* THE WITNESS: [12:49:39](Interpretation) (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 PRESIDING JUDGE SCHMITT: [12:50:07] My apologies. (Redacted)

16 (Redacted)

17 (Redacted)

18 So, Ms Dimitri, we continue from there.

19 MS DIMITRI: [12:50:26] If you look at the French live transcript, Mr President, you'll  
20 notice that there is obviously a problem.

21 PRESIDING JUDGE SCHMITT: [12:50:34] Well, if I look at the French transcript at  
22 the moment, it's -- well, there is a huge problem. You know this "NE", where I'm  
23 coming from, in Germany, it means, "No, no, no, no." But I take it that this is -- it's  
24 not meant to be like that. In the dialect where I'm coming from, it's called, "No, no,  
25 no."

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ICC-01/14-01/18

1 MS DIMITRI: [12:51:02] Let me try and work without the transcript for a few  
2 seconds.

3 PRESIDING JUDGE SCHMITT: [12:51:06] It's difficult without the transcript. What  
4 if I suggest that we have the lunch break now and we continue at a quarter past 2. Is  
5 that fine with everyone? Quarter past 2. Because if we change times, always  
6 somebody forgets. So 15 past 2 o'clock.

7 Thank you very much, Mr Witness. We'll have now the lunch break.

8 THE COURT USHER: [12:51:31] All rise.

9 (Recess taken at 12.51 p.m.)

10 (Upon resuming in private session at 2.15 p.m.)

11 THE COURT USHER: [14:15:49] All rise.

12 Please be seated.

13 PRESIDING JUDGE SCHMITT: [14:16:10] Good afternoon.

14 Ms Dimitri, you have the floor.

15 MS DIMITRI: [14:16:13] Thank you, Mr President.

16 Can I just announce a slight change on the Defence bench. Ms Léa-Marie Gagnon  
17 was replaced by Alexandra Baer.

18 PRESIDING JUDGE SCHMITT: [14:16:28] Thank you.

19 MS DIMITRI: [14:16:30](Interpretation)

20 Q. [14:16:31] Mr Witness, I would like to return to the subject which we started  
21 before the lunch break. (Redacted)

22 (Redacted)

23 (Redacted)

24 My first question to you: (Redacted)

25 (Redacted)

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1 A. [14:17:37] (Redacted)

2 (Redacted)

3 (Redacted)

4 If this does not correspond to the sum given to me, I think he wouldn't have agreed.

5 THE INTERPRETER: [14:18:14] The interpreter in the Sango booth does not wait for

6 the end of the interpretation before answering the questions. If you could kindly ask

7 him to pause for five seconds before answering, that would be very helpful.

8 PRESIDING JUDGE SCHMITT: [14:18:30] Mr Witness, I'm informed by the

9 interpreters, it would be good for them to follow what you say if you wait a couple of

10 seconds before starting to answer the question. Thank you very much.

11 THE WITNESS: [14:18:56](Interpretation) Very well.

12 MS DIMITRI: [14:19:02](Interpretation)

13 Q. [14:19:04] And (Redacted)

14 (Redacted)

15 A. [14:19:17] That is correct.

16 Q. [14:19:24] (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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- 1 (Redacted)
- 2 THE INTERPRETER: [14:21:14] Correction.
- 3 MS DIMITRI: [14:21:15](Interpretation)
- 4 Q. [14:21:16] (Redacted)
- 5 (Redacted)
- 6 (Redacted)
- 7 (Redacted)
- 8 (Redacted)
- 9 (Redacted)
- 10 (Redacted)
- 11 (Redacted)
- 12 (Redacted)
- 13 (Redacted)
- 14 (Redacted)
- 15 (Redacted)
- 16 (Redacted)
- 17 (Redacted)
- 18 (Redacted)
- 19 (Redacted)
- 20 (Redacted)
- 21 (Redacted)
- 22 (Redacted)
- 23 (Redacted)
- 24 (Redacted)
- 25 (Redacted)

Trial Hearing  
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(Private Session)

ICC-01/14-01/18

1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 Q. [14:28:46] Why in your testimony it's written, in paragraph 41, (Redacted)

24 (Redacted)

25 (Redacted)

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1 A. [14:29:27] I don't think this is a contradiction in one of my testimony. I rarely  
2 make a mistake. (Redacted)

3 (Redacted)

4 Q. [14:29:57] I put the question to you in a different way. Why in your statement  
5 (Redacted)

6 (Redacted)

7 A. [14:30:34] I don't think I said everything in my declaration, my statement. If in  
8 my statement I -- there is a detail which I omitted and I remember now, I'll give you  
9 the information now. I didn't provide all the information or all the details in my  
10 statement. It could well happen that I forgot something. But if you ask me a  
11 question today and I remember some details today, then I'll give them to you.

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 Q. [14:36:16] You were more specific last week, in fact. Not only you confirmed to  
23 the Prosecution that (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 A. [14:37:59] I haven't contradicted myself. (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted) I mentioned this in my deposition.

11 Sometimes, it's true, I forget some details, but if you ask me specific questions, it

12 reminds me, and then I'll give you a further explanation. There are some things

13 which I didn't say in my statement, but if my memory is jogged, then I will tell you.

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 PRESIDING JUDGE SCHMITT: [14:41:08] Mr Witness, I recall that you spoke -- last  
5 week (Redacted) So I assume this has been in Central African Republic; is that  
6 correct?

7 THE WITNESS: [14:41:27](Interpretation) Yes.

8 PRESIDING JUDGE SCHMITT: [14:41:30] (Redacted)

9 (Redacted)

10 (Redacted)

11 THE WITNESS: [14:41:58](Interpretation) (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 In my statement, I didn't provide these details. It's because you've asked me

6 questions now that I'm giving you these details. (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 PRESIDING JUDGE SCHMITT: [14:44:57] Okay. Thank you, Mr Witness.

11 Ms Dimitri, I think at least we have now -- it is clear (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 Mr Witness, do you want -- do you need a break? Please tell me if you think you

16 need a break to relax a little bit, to calm down a little bit. You can tell me.

17 THE WITNESS: [14:45:55](Interpretation) I don't need a break. It's just the emotion.

18 I'm recalling certain facts.

19 PRESIDING JUDGE SCHMITT: [14:46:08] Yes, we understand that.

20 Ms Dimitri, then please continue.

21 MS DIMITRI: [14:46:12] Thank you, Mr President.

22 Q. [14:46:23](Interpretation) Earlier in your testimony, (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted) So is that what I understand?

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 MS DIMITRI: [14:47:38](Interpretation) I'm going to ask my question again because  
5 he did not reply.

6 Q. [14:47:43] (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 A. [14:48:26] As I told you earlier - I think the Presiding Judge asked me a  
13 question - I remember that (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 PRESIDING JUDGE SCHMITT: [14:51:59] Well, it comes a little bit late, but,

9 nevertheless, I want to hear what you want to say, Mr Vanderpuye.

10 MR VANDERPUYE: [14:52:05] Thank you, Mr President.

11 PRESIDING JUDGE SCHMITT: [14:52:05] I did not want to interrupt the witness

12 when he was answering.

13 MR VANDERPUYE: [14:52:09] And it's fine.

14 To the extent that counsel wishes to impeach the witness, I think, with the statement

15 that he has made, I think it would be helpful for him to be able to actually see the

16 thing.

17 And, secondly, with respect to the characterisation of what's in the statement versus

18 what his testimony is, I think that would put him at least in a position to be able to

19 understand the question, perhaps, more clearly, and to respond to it.

20 In the paragraph that's cited here, (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 PRESIDING JUDGE SCHMITT: [14:52:51] Well, but, nevertheless -- well, I have a

25 little bit different thoughts on that. I think it's now - we are speaking about 2013

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1 now, probably - nine years ago. (Redacted)

2 (Redacted)

3 (Redacted)

4 That is something that I think Ms Dimitri will soon address.

5 MS DIMITRI: [14:53:31] I will, Mr President.

6 But just to -- because I am a bit in a disagreement, not the first time, with

7 Mr Vanderpuye, with respect. This specific paragraph was shown to the witness.

8 He directly linked it to Kamezolai, and he even gave an explanation. (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 PRESIDING JUDGE SCHMITT: [14:54:01] You are right. I recall that. But it has to

13 be, I think, addressed; otherwise, I do it. Again, paragraph 48, because this says that,

14 (Redacted) Perhaps, I can ...

15 Mr Witness, fortunately, we have you here in the courtroom so you can clarify the

16 things. So in this, let's say, infamous, I would say in the meantime, paragraph 48 of

17 your statement where you speak -- (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted) So could you clarify that, if possible.

21 THE WITNESS: [14:55:21](Interpretation) Thank you, your Honour.

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 THE INTERPRETER: [14:56:39] The interpreter corrects himself. (Redacted)

6 (Redacted)

7 PRESIDING JUDGE SCHMITT: [14:56:49] Well, Mr Witness, that's absolutely clear.

8 Thank you for the clarification. But, you know, it is not about -- of course, (Redacted)

9 (Redacted) We fully understand that. That would

10 be even -- yeah. And we also understand that you have not been told. So now,

11 perhaps you can answer, if I am correct, (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 THE WITNESS: [14:57:57](Interpretation) (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 PRESIDING JUDGE SCHMITT: [14:59:02] (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 PRESIDING JUDGE SCHMITT: [15:00:01] Mr Witness, do you know where this  
9 diary is?

10 THE WITNESS: [15:00:15](Interpretation) No. I forgot. I do not have it with me.  
11 When I left, I remembered this because there are certain things that I forgot. This  
12 diary would have actually jotted my memory. And I thought I had taken it with me  
13 and packed it in my bag, but when I came here, I realised that I have forgotten this  
14 diary, and I'd left it from where I was coming.

15 PRESIDING JUDGE SCHMITT: [15:00:55] Okay. Thank you.

16 If I may say so, so it was not completely wrong when (Redacted)  
17 (Redacted) because I have understood the witness now this  
18 way. We have -- we can go round and round and ask him, put paragraph 40  
19 something to him and 48 and so, I don't think we -- let's say, we can find a completely  
20 satisfying solution, to put it that way. Please allow me to say it this way. I don't  
21 know how you would want to continue, or if you are able to move to another issue,  
22 but it's -- we have now a lot of live testimony on the record and we have the  
23 statement.

24 MS DIMITRI: [15:01:51] Could I have just a moment, Mr President?

25 PRESIDING JUDGE SCHMITT: [15:01:54] Yes, of course.

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1 (Counsel confers)

2 MS DIMITRI: [15:02:15] If you allow me, Mr President, could we put paragraph 48  
3 but only the page 1 -- sorry, let me start over.

4 The French version of the statement. I don't have the ERN of the corrected version  
5 because the copy --

6 PRESIDING JUDGE SCHMITT: [15:02:37] You have the corrected version, you mean.  
7 I have it. It's CAR-OTP-0000-0015, 000001. That's at least what I have. And then  
8 we have to go to --

9 MS DIMITRI: [15:02:57] 11, if possible.

10 PRESIDING JUDGE SCHMITT: [15:02:59] 11, exactly, yeah.

11 MS DIMITRI: [15:03:02] If we could put top of page 11 to the witness.

12 PRESIDING JUDGE SCHMITT: [15:03:11] "*Je ne me souviens pas.*"

13 MS DIMITRI: [15:03:16] Exactly.

14 PRESIDING JUDGE SCHMITT: [15:03:16] Okay, you may.

15 MS DIMITRI: [15:03:20] Thank you.

16 Top of page 11, not 10. Scroll down, please. *Merci.* And only paragraph 48, please.  
17 Yes. Thank you.

18 Q. [15:03:37](Interpretation) Mr Witness, you've got a passage in front of you.

19 Please read it. It's a part of the paragraph 48 of your witness statement. "I cannot  
20 remember the names of the other women."

21 I'm going to read it for you. "I cannot remember the names of the other women.

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 PRESIDING JUDGE SCHMITT: [15:05:49] But, Mr Witness, if I may, you have it in  
7 front of you, is this correct? You understand this correctly?

8 So if you look at line 6, (Redacted)

9 (Redacted)

10 (Redacted) this is why Ms Dimitri is

11 coming back to that, and I also asked. Yeah? So you understand the problem that  
12 she has and we have.

13 (Redacted)

14 (Redacted)

15 (Redacted) Please answer. Thank you very much, Mr Witness. You may  
16 speak.

17 THE WITNESS: [15:06:52](Interpretation) Thank you so much, your Honour.

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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- 1 (Redacted)
- 2 Thank you so much.
- 3 PRESIDING JUDGE SCHMITT: [15:07:55] And we are talking now -- Mr Witness,
- 4 (Redacted)
- 5 (Redacted)
- 6 MS DIMITRI: [15:08:13] (Redacted)
- 7 PRESIDING JUDGE SCHMITT: [15:08:19] Let me try.
- 8 MS DIMITRI: [15:08:21] Yeah, sorry, sorry.
- 9 PRESIDING JUDGE SCHMITT: [15:08:22] Let me try. Let me try.
- 10 THE WITNESS: [15:08:42](Interpretation) (Redacted)
- 11 (Redacted)
- 12 (Redacted)
- 13 (Redacted)
- 14 (Redacted)
- 15 (Redacted)
- 16 PRESIDING JUDGE SCHMITT: [15:09:07] Thank you.
- 17 So I think we move on from there.
- 18 Thank you, Mr Witness.
- 19 MS DIMITRI: [15:09:25](Interpretation)
- 20 \* Q. [15:09:27] (Redacted)
- 21 (Redacted)
- 22 (Redacted)
- 23 (Redacted)
- 24 (Redacted)
- 25 (Redacted)

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1 MS DIMITRI: [15:10:37](Interpretation) Could we just get the statement on to the  
2 screen, please.

3 PRESIDING JUDGE SCHMITT: [15:10:43] Which paragraph?

4 MS DIMITRI: [15:10:47] No, I was saying we can remove it. Sorry.

5 PRESIDING JUDGE SCHMITT: [15:10:52] Okay.

6 MS DIMITRI: [15:10:59](Interpretation)

7 Q. [15:11:00] (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 Q. [15:13:54] (No interpretation)

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1 A. [15:14:06] (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 A. [15:17:40] You asked me a question, and I gave you a clear answer. I don't

25 know when they communicated. (Redacted)

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1 (Redacted)  
2 (Redacted)  
3 (Redacted)  
4 (Redacted)  
5 (Redacted)  
6 (Redacted)  
7 (Redacted)  
8 (Redacted)  
9 (Redacted)  
10 (Redacted)  
11 (Redacted)  
12 (Redacted)  
13 (Redacted)  
14 (Redacted)  
15 (Redacted)  
16 (Redacted)  
17 (Redacted)  
18 (Redacted)  
19 (Redacted)  
20 (Redacted)  
21 (Redacted)  
22 (Redacted)  
23 (Redacted)  
24 (Redacted)

25 THE WITNESS: [15:21:55](Interpretation) I haven't fully understood your question.

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- 1 PRESIDING JUDGE SCHMITT: [15:21:58] Well, (Redacted)
- 2 (Redacted)
- 3 (Redacted)
- 4 (Redacted)
- 5 (Redacted)
- 6 (Redacted)
- 7 (Redacted)
- 8 (Redacted)
- 9 (Redacted)
- 10 (Redacted)
- 11 PRESIDING JUDGE SCHMITT: [15:23:35] Okay. Thank you, Mr Witness. I
- 12 apologise for that. My question was not clear enough, but you have answered what
- 13 I wanted to know.
- 14 Ms Dimitri, please.
- 15 MS DIMITRI: [15:23:49] Thank you, Mr President.
- 16 Q. [15:24:06](Interpretation) (Redacted)
- 17 (Redacted)
- 18 (Redacted)
- 19 (Redacted)
- 20 (Redacted)
- 21 (Redacted)
- 22 (Redacted)
- 23 (Redacted)
- 24 Q. [15:25:18] Now you are telling us that you were in Kalangoi. Last week, in
- 25 14:34, when the Prosecution asked you about (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 Q. [15:26:59] (Redacted) I know you said it was in November. Are you in a position  
10 to tell us whether it was the beginning of November, one month before the attack,  
11 mid-November, or the end of November?

12 A. [15:27:25] No, I don't remember the period. No, I don't remember the date at  
13 all. The day, was it November or December? No, I don't know. I don't want to lie  
14 to you.

15 Q. [15:27:49] Are you in a position to say whether it was one week before 5  
16 December or a month before 5 December?

17 PRESIDING JUDGE SCHMITT: [15:27:59] Mr Vanderpuye.

18 MR VANDERPUYE: [15:28:02] He's asked -- it was asked; he's answered it. He  
19 answered it also in direct examination.

20 PRESIDING JUDGE SCHMITT: [15:28:08] Yeah, he answered that, but -- well ...  
21 Mr Witness, just to make it clear. We understand, and it's absolutely -- we can also  
22 follow that you do not know the exact date. I think I can say fairly, nobody,  
23 including me, would know that after all these years. (Redacted)

24 (Redacted) Just to close that up.

25 Are you sure of that?

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1 THE WITNESS: [15:28:50](Interpretation) Thank you, Mr President.

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 PRESIDING JUDGE SCHMITT: [15:29:33] Yeah, thank you.

10 Ms Dimitri, I think we have simply now to move on and to take that as an answer.

11 If I may, Ms Dimitri. I don't want to --

12 MS DIMITRI: [15:29:50] Of course.

13 PRESIDING JUDGE SCHMITT: [15:29:51] Because you are probably pondering if

14 you move to another issue. Nobody can expect from you that you already can

15 indicate how long your examination will last, but at least one question perhaps that

16 you can tell us about the progress. You understand what I mean? Because it would

17 be very important to finish the examination of this witness on Wednesday, frankly

18 speaking. Because, as you know, we don't have hearings because the judges are not

19 at the seat of the court, don't have hearings on Thursday and Friday, it would be

20 really great if we could -- I know it's extremely difficult. I would not want a definite

21 answer from you, obviously. I don't want to push. But since you are thinking

22 anyway and pondering, I thought I can use that to ask.

23 MS DIMITRI: [15:30:40] It's going to be tight. I was going to ask you today,

24 perhaps tomorrow we start shortening lunch breaks. There are moments where I do

25 great progress. There are moments like now where I stall, and obviously, I have to

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1 ask additional questions given then answers. And so, it's -- and, as you know, there  
2 are important subjects coming up.

3 PRESIDING JUDGE SCHMITT: [15:31:10] Yeah, yeah. This is the reason why I'm  
4 asking.

5 So I think nobody will have a problem with shortening the lunch break, for example,  
6 tomorrow and, if need be, on Wednesday, too.

7 So please continue.

8 MS DIMITRI: [15:31:21] Thank you, Mr President.

9 PRESIDING JUDGE SCHMITT: [15:31:23] And, of course, I have not asked  
10 Ms Proulx.

11 Actually, again, my assumption is, from the live testimony of this witness, that you  
12 will not have too many questions.

13 MS PROULX: [15:31:38] That's absolutely right, Mr President. I'm not sure that we  
14 will have questions at all. I'd still like to, you know, keep a chance on the side, but I  
15 don't think so.

16 PRESIDING JUDGE SCHMITT: [15:31:48] But I would not have worded it this way,  
17 but I understand.

18 Ms Dimitri, yeah.

19 MS DIMITRI: [15:31:55] Thank you, Mr President.

20 Q. [15:32:00](Interpretation) (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 I would like to know -- the Prosecution showed you a paragraph in your statement  
25 last week, paragraph 41. We are going to show it to you on the screen. 0000-0009.

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1 If we can just show that paragraph alone. Only that paragraph. Not paragraph 42.  
2 This paragraph was -- you saw this paragraph last week. You said that the  
3 document, it is a transcript. (Redacted)  
4 (Redacted)  
5 (Redacted)  
6 (Redacted)  
7 (Redacted)  
8 (Redacted)  
9 (Redacted)  
10 (Redacted)  
11 (Redacted)  
12 (Redacted)  
13 (Redacted)  
14 (Redacted)  
15 (Redacted)  
16 (Redacted)  
17 (Redacted)  
18 (Redacted)  
19 (Redacted)  
20 (Redacted)  
21 (Redacted)  
22 (Redacted) They were with the other -- they were  
23 with the other elements in the forest. I don't know what explanation I can give you  
24 to what I have already said. I don't know what else to add.  
25 PRESIDING JUDGE SCHMITT: [15:37:23] Mr Witness, so we have here the

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1 corrected version where some names are crossed out. So who crossed these names  
2 out, if you recall it? Did you do it? Did someone from the victims unit do it  
3 because you told them so? Do you recall that, how this unfolded?

4 THE WITNESS: [15:38:18](Interpretation) The document that you see, after having  
5 taken note of it and having read it through, your Honour, (Redacted)

6 (Redacted)

7 (Redacted) After having read this

8 document, I realised that I wasn't with them. So if I left the names there, I wouldn't  
9 know how to defend myself. I am trying to tell you the truth. I'm not here to lie on  
10 behalf of anyone.

11 Today I'm trying to tell you (Redacted)

12 So if you ask me the question, I'm able to answer you. It's because of this, I crossed  
13 out their names. (Redacted) All the

14 three, nevertheless, were the chiefs of the group. It's not because they were the  
15 chiefs that I crossed out their names. No. (Redacted)

16 (Redacted)

17 (Redacted)

18 PRESIDING JUDGE SCHMITT: [15:40:00] Well, it's understandable. So we have  
19 understood the answer, and it is an answer to my question.

20 Please continue.

21 MS DIMITRI: [15:40:07] Thank you, Mr President.

22 PRESIDING JUDGE SCHMITT: [15:40:15] Do we need help? Normally, the  
23 one-and-a-half hour session would terminate in five minutes. If we go to 4 o'clock,  
24 would it help you a little bit to finish, wrap something up, or --

25 MS DIMITRI: [15:40:27] I'm sorry. I missed the beginning of your intervention

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1 because --

2 PRESIDING JUDGE SCHMITT: [15:40:32] No. I simply asked because we started  
3 at a quarter past 2. We have shortly for having one and a half hours. No, no, we  
4 could continue until 4 o'clock, but if you want to wrap up a certain point now, I think  
5 we can also finish for today and start tomorrow at 9.30.

6 MS DIMITRI: [15:40:45] May I ask perhaps one more question on this?

7 PRESIDING JUDGE SCHMITT: [15:40:49] Yes, absolutely. Absolutely. Because,  
8 normally, I understand from counsel, any counsel, if you want to address something  
9 completely new, that you are more comfortable with doing that another day or  
10 another session, or whatsoever.

11 MS DIMITRI: [15:41:04] Thank you, Mr President.

12 Q. [15:41:08](Interpretation) I understand that you crossed out the names. I  
13 understand your explanation.

14 I have another question. Why did you say - and here I'm quoting your citation of  
15 last week - when this paragraph was presented to you, when you saw the names that  
16 you were deleted, you said that, and I quote: "The document which you have on the  
17 screen, it's not me who did this. This correction, I do not know who made it. The  
18 others were corrected in my presence. As regards what's on the screen, I do not  
19 know who did this."

20 Why did you say that under oath last week, whereas, today your version (Redacted)  
21 (Redacted)

22 A. [15:42:25] If I said that, perhaps I wasn't thinking clearly. You understand?  
23 I'm in front of you to tell the truth.

24 (Redacted)

25 (Redacted)

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1 (Redacted) You asked me lots of questions on that

2 particular day. I'm a human being.

3 (Redacted)

4 (Redacted)

5 PRESIDING JUDGE SCHMITT: [15:43:18] Okay. Thank you, Mr Witness.

6 Just out of interest, what is the next topic? You don't have to tell me. We will see  
7 tomorrow.

8 MS DIMITRI: [15:43:28] I can.

9 PRESIDING JUDGE SCHMITT: [15:43:28] Forget it, forget it. I was just curious.

10 So is it fine if we stop now?

11 MS DIMITRI: [15:43:33] Yes, yes.

12 PRESIDING JUDGE SCHMITT: [15:43:35] And tomorrow we have a shortened  
13 lunch break, and we hope that we can make do without a shortened lunch break on  
14 Wednesday.

15 MS DIMITRI: [15:43:45] Yes. I have hope, Mr President, that – (Redacted)  
16 was a heavy one. I have hope that at some point I am going to reach a higher speed.

17 PRESIDING JUDGE SCHMITT: [15:43:56] Yeah, okay. No problem with that.

18 And thank you very much, also, Mr Witness. We continue tomorrow at 9.30 with  
19 your examination.

20 THE COURT USHER: [15:44:07] All rise.

21 (The hearing ends in private session at 3.44 p.m.)