

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 Tuesday, 13 September 2022
9 (The hearing starts in open session at 9.31 a.m.)
10 THE COURT USHER: [9:31:09] All rise.
11 The International Criminal Court is now in session.
12 Please be seated.
13 PRESIDING JUDGE SCHMITT: [9:31:30] Good morning, everyone.
14 Court officer, please call the case.
15 THE COURT OFFICER: [9:31:35] 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: [9:31:52] Well, for the presence of the parties,
20 Mr Vanderpuye first for the Prosecution.
21 MR VANDERPUYE: [9:31:57] Good morning, Mr President. Good morning,
22 your Honours. Good morning, everyone. Good morning, Mr Witness. Today, the
23 Prosecution is in the same configuration as yesterday.
24 PRESIDING JUDGE SCHMITT: [9:32:08] Representatives of the victims next.
25 MR DANGABO MOUSSA: [9:32:11](Interpretation) Good morning, your Honour.

Trial Hearing
WITNESS: CAR-OTP-P-1339

(Open Session)

ICC-01/14-01/18

1 Good morning, Judges. And good morning, everybody. The victims of other
2 crimes is represented by Madam Mouhia and myself, Dangabo Moussa.
3 PRESIDING JUDGE SCHMITT: [9:32:27] Thank you, Mr Moussa.
4 Ms Lau.
5 MS LAU: [9:32:28] Good morning, Mr President, your Honours.
6 Good morning, everyone in the courtroom. Today, the former child soldiers are
7 represented by myself, Fiona Lau, associate legal officer, Office of Public Counsel for
8 Victims.
9 PRESIDING JUDGE SCHMITT: [9:32:39] Thank you.
10 I turn to Ms Dimitri. You could make it short, if possible.
11 MS DIMITRI: [9:32:43] I will. I will. Good morning, Mr President. Good
12 morning, your Honours. Good morning, everyone. Mr Yekatom is still present
13 n the courtroom, Mr President. And the Defence of Yekatom remains the same,
14 except for one small change. Alexandra Baer left us and is replaced by
15 Mr Victor-Louis Lapointe Saint-Pierre.
16 PRESIDING JUDGE SCHMITT: [9:33:04] Thank you very much.
17 Mr Knoops.
18 MR KNOOPS: [9:33:08] Good morning, Mr President, your Honours. Good
19 morning, everyone in the courtroom. The Defence of Mr Ngaïssona appears today
20 before the Chamber in the same composition as yesterday.
21 PRESIDING JUDGE SCHMITT: [9:33:18] Thank you very much.
22 And good morning also to Mr Khalil, our Rule 74 counsel for the witness.
23 And, of course, a warm welcome to Mr Witness. Good morning.
24 WITNESS: CAR-OTP-P-1339 (On former oath)
25 (The witness speaks Sango)

Trial Hearing
WITNESS: CAR-OTP-P-1339

(Open Session)

ICC-01/14-01/18

1 THE WITNESS: [9:33:46](Interpretation) Good morning, your Honour, and thank
2 you so much.

3 PRESIDING JUDGE SCHMITT: [9:33:50] So we turn now to the Defence
4 examination. Continue with Ms Dimitri. We are I think in open session at the
5 moment. So perhaps you can assess better if we have to go to private session or not.

6 MS DIMITRI: [9:34:07] Unfortunately, Mr President, we are going to have to go in
7 private session.

8 And unless I'm wrong, I think the English booth is on the wrong channel, because I
9 am on the original channel, and I keep hearing the English translation.

10 PRESIDING JUDGE SCHMITT: [9:34:20] Okay. I think that can be fixed.

11 And for the audience, this is a protected witness. And the reason why we are going
12 now into private session is that issues might be addressed that could identify the
13 witness. That is the reason.

14 So, unfortunately, you cannot follow orally but only visually from this moment
15 on.

16 We go to private session.

17 THE INTERPRETER: [9:34:42] I'm sorry, your Honour. I just checked, and we're
18 on the right channel on the English channel.

19 PRESIDING JUDGE SCHMITT: [9:34:48] Okay. Then -- well, actually, this is
20 nothing where we can -- this can only be right or wrong. So if you are on the right
21 channel -- yeah.

22 THE INTERPRETER: [9:35:11] Ms Dimitri, can you hear the English?
23 (Private session at 9.35 a.m.)

24 THE COURT OFFICER: [9:35:22] We are in private session, Mr President.

25 PRESIDING JUDGE SCHMITT: [9:35:24] Thank you very much.

Trial Hearing
WITNESS: CAR-OTP-P-1339

(Private Session)

ICC-01/14-01/18

1 I also -- I recognise that, Mr Witness, you took your coat off. Actually, it seems to be
2 warmer than normally, or perhaps it's only my impression. But that's, of course, not
3 decisive in any way.

4 Ms Dimitri, please continue.

5 MS DIMITRI: [9:35:40] Thank you, Mr President.

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

7 Q. [9:35:47] Good morning, Witness.

8 A. [9:35:57] Good morning, Counsel.

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
WITNESS: CAR-OTP-P-1339

(Private Session)

ICC-01/14-01/18

1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 Q. [9:39:36] I'm going to change the subject now. During your testimony, you said

8 on some occasions -- you referred to someone called Satana, Satan or Satana, in

9 paragraph 45 of your witness statement. Now, this is a passage that the Prosecutor

10 showed you to jot your memory, and you were -- you referred to the Satan. I would

11 like to know if the Satan you were speaking about, the one who passed away - you

12 said in your testimony that he passed away - was he a gendarme at Bossangoa before

13 the events, and was he living in Bossangoa? Are we talking about the same

14 individual here?

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 PRESIDING JUDGE SCHMITT: [9:41:33] Of course.

20 (Counsel confers)

21 MS DIMITRI: [9:41:38] Thank you.

22 Q. [9:41:40](Interpretation) So this Satan that you're speaking about who's a

23 gendarme, I'm going to show you a photo to see if you can recognise him. Tab 33.

24 I'm going to actually show you three photos because one is a bit more clear. The first

25 one is tab 33, CAR-D29-0010-0050.

Trial Hearing
WITNESS: CAR-OTP-P-1339

(Private Session)

ICC-01/14-01/18

1 PRESIDING JUDGE SCHMITT: [9:42:24] I think they are call quite clear. I think if
2 you show him one, it would be enough.

3 MS DIMITRI: [9:42:39](Interpretation)

4 Q. [9:42:40] Do you recognise him?

5 A. [9:42:48] Yes, I do. It is Satana. We would call him Satan. We were used to
6 calling him Satan.

7 Q. [9:43:02] For the records, there's also tab 34, D29-0010-0051, for the purposes of
8 records.

9 This Satan or Satana, do you remember, Witness, that the Prosecutor showed you a
10 video with Yekatom, who was walking, and Habib Beina was next to him, and at
11 some point of time you said that the person wearing a hat was a Satan and Satana.
12 And you said he was Satana. And for the records, it's T-52, 10:54.

13 THE INTERPRETER: [9:44:04] T-152, sorry.

14 THE WITNESS: [9:44:07](Interpretation) Which video are you referring to, counsel?
15 I did mention Satana's name, but this is the first time a photo of Satana is being
16 showed. I don't remember seeing him in a video.

17 PRESIDING JUDGE SCHMITT: [9:44:23] If you think -- if this is the line of
18 questioning, that in the video the person was not Satana, I would suggest you play it
19 again.

20 MS DIMITRI: [9:44:38] Yes, perhaps we could. And I'm not saying it's not. I just
21 wanted to know if we're talking about the same. But for the clarity of the record, we
22 could just play it again. Mr Pages-Granier has it.

23 PRESIDING JUDGE SCHMITT: [9:44:50] Yeah. Of course, if it is not a 10-minute
24 video, which I don't assume. The videos that Mr Vanderpuye showed to the witness
25 were very short. So if we can focus on -- if you are able to do that so quickly -- but,

Trial Hearing
WITNESS: CAR-OTP-P-1339

(Private Session)

ICC-01/14-01/18

1 actually, I assume you do.

2 MS DIMITRI: [9:45:06] It's going to be on evidence 2, Mr President.

3 (Viewing of the video excerpt)

4 MS DIMITRI: [9:45:19](Interpretation)

5 Q. [9:45:23] Mr Witness, do you see the video on the screen. You said -- now, for

6 the records, it's CAR-OTP-2012-0523. And if my memory is right, it's tab 1 on the

7 Prosecution folder, and it's 9 minutes and 2 seconds.

8 And when the Prosecutor showed you the video, you said the individual wearing a

9 hat on the left of the screen, behind the person wearing a red T-shirt, you said he is

10 Satan.

11 Now, my question is: Are we talking about the same individual?

12 A. [9:46:14] There is only one Satana within the movement. There weren't two.

13 His real name is Satana, but we would call him Satan, Satan. So it's not two people.

14 Satan and Satana are both the same individual.

15 Q. [9:46:40] Do you remember in which section he was on 5 December -- on the eve

16 of 5 December, if you can remember that?

17 A. [9:47:09] Satana, he did not participate in the 5 December combat. He

18 disappeared before the combat. And I do not know his position. Was he killed?

19 Did he die? He was not there till we came out on 5 December. Since I did not see

20 him, this is why I thought he was dead, because he was part of our group. And at

21 some point of time, he was no longer there. And even when we went to Kpato and

22 even on the 5th, he was not there.

23 Q. [9:48:04] Last question on Satan, Mr Witness. I am suggesting that you did not

24 know him. And even though you are saying that he recovered weapons in

25 paragraph 45 of your statement, I'm suggesting that that is false because Satan died

Trial Hearing
WITNESS: CAR-OTP-P-1339

(Private Session)

ICC-01/14-01/18

1 well before that.

2 A. [9:48:36] Perhaps I made a mistake. I'm telling you that I did not see -- I did
3 not see Satana before 5 December. Since I made a lot of statements, I perhaps made
4 an error, but I can recognise before God that Satana disappeared before 5 December.
5 There was no -- we had no news of him.

6 Q. [9:49:09] I'm going to change the subject again, and I'm going to try and save
7 time. So some of my questions are direct questions.

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 A. [9:49:53] At that point of time, he was not yet named minister. He was an
14 engineer. He lived in Dameca. The home of his parents was in Dameca, and that's
15 what I can say.

16 Q. [9:50:19] I understand that he was not appointed minister, but was he appointed
17 deputy coordinator of the Anti-Balaka?

18 A. [9:50:30] Yes, he was the deputy coordinator. We would call him Wen Wen.
19 We were used to calling him Wen Wen.

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

Trial Hearing
WITNESS: CAR-OTP-P-1339

(Private Session)

ICC-01/14-01/18

1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 PRESIDING JUDGE SCHMITT: [9:52:15] Mr Witness, I know it's very difficult to
6 speak about time, but as a reference, if we take the 5 December attack, was this after,
7 after the 5 December attack? And if so, was it a couple of months after, a half a year
8 after or a year after the 5 December attack? Do you have any idea of the time frame
9 here?

10 THE WITNESS: [9:52:51](Interpretation) It was after the 5 December attacks.
11 Before this date, I did not know him as the coordinator. After the 5th, he was
12 introduced to Ngaïssona, and he was also introduced as the coordinator of -- as the
13 deputy of Ngaïssona. So it was after 5 December.

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
WITNESS: CAR-OTP-P-1339

(Private Session)

ICC-01/14-01/18

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: CAR-OTP-P-1339

(Private Session)

ICC-01/14-01/18

1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 PRESIDING JUDGE SCHMITT: [9:58:09] Ms Dimitri, thank you.

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 Now, in spite of these two paragraphs in your statement, you're saying that the

17 investigators (Redacted). Is that -- is that how your testimony

18 stands as of today?

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

Trial Hearing
WITNESS: CAR-OTP-P-1339

(Private Session)

ICC-01/14-01/18

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: CAR-OTP-P-1339

(Private Session)

ICC-01/14-01/18

1 Q. [10:05:01] (Redacted) It was you who went.

2 A. [10:05:13] You've already asked me that question, and I've answered. (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 Q. [10:05:45] I'd now like to show you paragraph 103 of the statement, of the

7 corrected version. This is CAR-OTP-0000-0015.

8 If it could be shown to the witness, but just paragraph 103.

9 At the bottom of the page, 0000-0019 -- if we could scroll down to 103, please. If we

10 could scroll further down, down to paragraph 103. Thank you. Could we please

11 zoom in to paragraph 103. I don't need paragraph 102.

12 One sentence has been struck out, and there is a correction to your statement. The

13 following sentence has been entirely struck out: (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
WITNESS: CAR-OTP-P-1339

(Private Session)

ICC-01/14-01/18

1 MS DIMITRI: [10:09:42] Can the court reporter put the screen back to where it was,
2 please.

3 PRESIDING JUDGE SCHMITT: [10:09:46] Mr Vanderpuye.

4 MR VANDERPUYE: [10:09:49] (Microphone not activate)

5 PRESIDING JUDGE SCHMITT: [10:09:53] Okay.

6 Ms Dimitri.

7 MS DIMITRI: [10:09:56] I'm sorry, Mr President, I missed Mr Vanderpuye's
8 intervention.

9 PRESIDING JUDGE SCHMITT: [10:10:01] Mr Vanderpuye's intervention was that
10 he agreed with you.

11 MS DIMITRI: [10:10:06] Ah, lovely to hear.

12 I'm just -- because I want to go back on --

13 PRESIDING JUDGE SCHMITT: [10:10:13] However, it's still on the screen.

14 MS DIMITRI: [10:10:15] Yes, but it's moving, and I want to draw his attention to it.

15 So I'm just going to wait until -- I'm sorry. I'm a bit impatient. I'm going to wait
16 until the screen stops moving because I want to -- thank you. Thank you.

17 Q. [10:10:33](Interpretation) Mr Witness, am I to understand from your testimony a
18 few moments ago that (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

Trial Hearing
WITNESS: CAR-OTP-P-1339

(Private Session)

ICC-01/14-01/18

1 THE INTERPRETER: [10:11:48] Correction.

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 THE INTERPRETER: [10:12:12] Message from the Sango booth: The witness did
7 not finish his sentence.

8 MS DIMITRI: [10:12:22](Interpretation)

9 Q. [10:12:23] I'm all ears. What did you say?

10 A. [10:12:32] I made a correction at the top. I struck out a word. And here it says
11 "Camp Beal". And, actually, I think there was -- we were at the BCS camp. You
12 know, this all happened so long ago. I made a mistake. I mentioned the RDOT. I
13 mentioned Camp Beal; that's one thing. And camp RDOT; that's another separate
14 thing. That's what happened.

15 PRESIDING JUDGE SCHMITT: [10:13:24] So, but that I have understood it and the
16 Judges have understood it correctly, so, in effect, the sentence that you have been
17 striking out is correct. So it could stand as it was originally. (Redacted)
18 (Redacted)

19 Do I understand this correctly?

20 THE WITNESS: [10:14:14](Interpretation) That's right.

21 PRESIDING JUDGE SCHMITT: [10:14:14] Please continue. I think you can move to
22 another paragraph, perhaps.

23 MS DIMITRI: [10:14:21](Interpretation)

24 Q. [10:14:21] One last question on this topic.

25 The statement can be taken off the screen now.

Trial Hearing
WITNESS: CAR-OTP-P-1339

(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 Q. [10:16:31] I'd like to switch to something a bit different. You testified -- time
13 noon 15, T-152. I'll quote you. Just to refresh your memory, the OTP put up
14 something on the screen, and you said -- transcript 151, you said this -- the hotel plaza
15 is mentioned, and also mention was made of hotel Oubangui. "We left the Oubangui
16 hotel." That is when you crossed over at Zongo. It wasn't Oubangui. It was the
17 Zila cement factory.

18 Now, when you say, "They mentioned the Oubangui hotel, but that's not so," who are
19 you talking about? This is in your statement. You wrote the statement. You
20 signed the statement. You said that you left at the Hotel Oubangui.

21 A. [10:18:04] Thank you. I went by way of Boy-Rabe, and I came out at Hotel
22 Oubangui. That's when I was going -- when I was leaving. But when I came back, I
23 didn't take the same route, because, you see, there were Seleka on the road. So I took
24 a canoe and I left at Zila.

25 When I went, I went Boeing, Combattant, then the hill. I crossed the cemetery. I

Trial Hearing
WITNESS: CAR-OTP-P-1339

(Private Session)

ICC-01/14-01/18

1 went down to the shore of the river beside Oubangui hotel to cross over. That's
2 what I explained. But I didn't give a detailed account of that at the time of my
3 statement. (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 (Redacted)

Trial Hearing
WITNESS: CAR-OTP-P-1339

(Private Session)

ICC-01/14-01/18

1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 PRESIDING JUDGE SCHMITT: [10:22:54] Mr Vanderpuye.

9 MR VANDERPUYE: [10:22:56] I'm following it in French, so maybe my

10 understanding is not accurate, but it doesn't sound to me like these are diametrically

11 opposed positions. (Redacted)

12 (Redacted) And that is the

13 suggestion in the question. I don't think it's a fair equivalence. So if counsel would

14 rephrase it, that would be helpful. But I think it's appropriate to put the apparent

15 inconsistency to the witness, but I don't think it's appropriate to characterise it in the

16 same way because they are not the same thing.

17 PRESIDING JUDGE SCHMITT: [10:23:36] I think you are right here. But still,

18 Ms Dimitri, it is interesting to know, let's say, if there might be a discrepancy between

19 (Redacted). You see what I

20 mean. So perhaps if you reword it a little bit, but in the substance, it's okay.

21 MS DIMITRI: [10:23:56] Thank you, Mr President. I'll rephrase.

22 (Redacted)

23 (Redacted)

24 A. [10:24:41] (Redacted)

25 (Redacted)

Trial Hearing
WITNESS: CAR-OTP-P-1339

(Private Session)

ICC-01/14-01/18

1 When I struck something out yesterday, (Redacted)

2 (Redacted)

3 (Redacted)

4 I took a lot of risks. If the things had been videotaped, you would understand. If I
5 had decided -- for example, Ouandjio, Ouandjio died, and I am alive here and I'm
6 before you. And it is because God protected me. And I know I will not die because
7 of somebody's mistake. (Redacted)

8 (Redacted) And I'm telling you what I

9 experienced.

10 Those people were soldiers. They were well known. (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 PRESIDING JUDGE SCHMITT: [10:27:26] Well, actually, I have a tendency to pull
18 up this paragraph 45 again.

19 MS DIMITRI: [10:27:34] Yeah, no problem. I was going on 47, because we have
20 now in 47 "*au niveau*". It's no longer "*proximité*". But we could pull out 45 again.

21 PRESIDING JUDGE SCHMITT: [10:27:47] 45, I think, please. That's 2102-0114.
22 It's at CAR-OTP-2102-0114.

23 MS DIMITRI: [10:28:36] If you want, Mr President, I can read it.

24 PRESIDING JUDGE SCHMITT: [10:28:40] No, no. This time I think it's better we
25 let -- just this paragraph, 45, please. And we let the witness -- give the witness a

Trial Hearing
WITNESS: CAR-OTP-P-1339

(Private Session)

ICC-01/14-01/18

1 minute to read it, and then I will ask him, is this correct or not.

2 If, of course, every pulling up costs us five minutes, I think this is, in the long run, not
3 tenable, I would say.

4 MS DIMITRI: [10:29:45] Mr President, if I can help. Mr Pages-Granier has it on his
5 screen. If you give him evidence 2, we could --

6 PRESIDING JUDGE SCHMITT: [10:29:56] Yes, yes. Everything that expedites,
7 please. And please zoom in. Thank you very much.

8 So, Mr Witness, please be so kind and read paragraph 45. We give you the time.

9 And please tell us when you're finished.

10 Mr Witness, if you read this now, does this reflect what you also recall today?

11 THE WITNESS: [10:31:42](Interpretation) I just read the document, and I remember
12 that it was not Zongo. I think it was a mistake on my behalf, that Zongo was
13 mentioned. Satana never went to Zongo. Satana and the other person spent two
14 days, and when they came back, they came back with the weapons. It's after having
15 read this document that my memory was refreshed.

16 I think in my statement, I said that it was me who crossed over on the side of
17 Oubangui hotel, but what I said here -- well, perhaps the translation was problematic
18 or the transcription was not good. I don't know.

19 So Satana and Maidanda, Bodios, Keapex, Momokama left, came out, but I don't
20 know where they went. They spent two days there, and when they came back, they
21 came back with Yekatom. They came back bearing weapons.

22 PRESIDING JUDGE SCHMITT: [10:33:17] So -- and perhaps we scroll a little bit
23 down to 47, please. Thank you.

24 Mr Witness, also, please, read paragraph 47, just to complete the issue.

25 Again, my question is if this reflects your memory today correctly, what is written

Trial Hearing
WITNESS: CAR-OTP-P-1339

(Private Session)

ICC-01/14-01/18

1 down there?

2 THE WITNESS: [10:34:11](Interpretation) Yes, I remember. I think the -- it was
3 wrong to speak about the Bangui highway -- sorry -- the Oubangui hotel. We -- that
4 was a mistake. * For the first outing, they went by Zila, and I don't see the name Zila
5 mentioned here. I can *instead see Hotel Oubangui. During the first trip, it was
6 by -- it was through Zila. It was not Oubangui hotel. * Perhaps in my witness
7 statement I made a mistake by talking about Oubangui hotel, but no, it was not at the
8 cement factory in Zila, which is far and located around PK9 on the Samba road.

9 PRESIDING JUDGE SCHMITT: [10:35:10] First of all, thank you for helping out, and
10 I think you can move on simply.

11 MS DIMITRI: [10:35:22] Thank you, Mr President.

12 Q. [10:35:31](Interpretation) I'm going to change the subject, Witness. I'm going to
13 read some extracts of your testimony. Please listen carefully. My question will be
14 raised subsequently.

15 You've said that two Muslims were there in Cattin, and they were sent -- they were
16 taken to Yamwara, and their throats were slit by Bougie Noire and Cynthia. This is
17 transcript 155 -- sorry -- transcript 155, 10:56. You first said, and I'm going to say
18 what you quoted under oath last week: "That day, Yekatom was not there." And
19 you specified that, "The person who gave the order for their throats to be slit was
20 Ouandjio." Same transcription, 11:43.

21 Then the Prosecutor read the following sentence, and I'm quoting that: "Rombhot
22 gave the order to two Anti-Balaka elements to slit their throats." 11:51.

23 And here you respond, 11:52: "I said that when they took them, Yekatom was there."

24 And you also added: "I think this is the instruction he gave to Ouandjio, and

25 Ouandjio merely executed his instruction."

Trial Hearing
WITNESS: CAR-OTP-P-1339

(Private Session)

ICC-01/14-01/18

1 Now my question is as follows: Can you explain why spontaneously you say that
2 Mr Yekatom was not there, and the Prosecutor had to read an extract of your
3 testimony to -- for you to suddenly say that Mr Yekatom was present.

4 A. [10:38:04] In fact, Yekatom was at the door of the house of the director with
5 Ouandjio. And around 4 o'clock, we brought the Muslim men. The elements were
6 agitated. They were saying that, "We're going to peel the papaya." There were
7 three of them. There was Keapex and the other person, Alkanto. And they were
8 having a conversation between them when the two Muslims came -- when the
9 Muslims came.

10 The person who left the group to come to the middle of the courtyard was Ouandjio.
11 And this is why I said that Ouandjio gave the order. I said the elements. I did not
12 mention any names. And it's here that I mentioned the name of Cynthia and
13 Bougie Noire.

14 The elements started hitting the Muslims. They pinned them to the ground and tied
15 them up. Subsequently, the -- Coeur de Lion came and he spoke to the other chiefs.
16 And when he came back, he gave the order.

17 Who was the chief of the group? It was Yekatom. And if Yekatom refused,
18 Ouandjio wouldn't have killed them. So it's Yekatom who certainly gave the order
19 for them to be put down.

20 PRESIDING JUDGE SCHMITT: [10:40:06] Seems to be a conclusion, I would say, by
21 the witness.

22 MS DIMITRI: [10:40:12] Two more questions on this, if I'm allowed.

23 PRESIDING JUDGE SCHMITT: [10:40:15] Of course. It was just a remark.

24 MS DIMITRI: [10:40:17] Ah, you mean a conclusion, yes. Yes, I understand what
25 you said.

Trial Hearing
WITNESS: CAR-OTP-P-1339

(Private Session)

ICC-01/14-01/18

1 PRESIDING JUDGE SCHMITT: [10:40:18] I don't know if this is the precise English
2 word, but I think you know what I mean.

3 MS DIMITRI: [10:40:24] I understand, yes.

4 Q. [10:40:30](Interpretation) Please listen to my question, Witness. I really do not
5 want to go to the details of this story. My question is fairly straightforward.
6 Why did you spontaneously testify under oath that on that day Yekatom was not
7 there?

8 This is what you said under oath before the Prosecutor read an extract of your witness
9 statement where Yekatom was allegedly present. Why?

10 PRESIDING JUDGE SCHMITT: [10:41:13] I think -- I think I want to hear the answer
11 first, Mr Vanderpuye.

12 MR VANDERPUYE: [10:41:18] (Microphone not activate)

13 PRESIDING JUDGE SCHMITT: [10:41:19] Afterwards, I will -- because it might be
14 suggestive, or whatever, as an objection comes. I'm also interested. Because I
15 followed. I have exactly -- let's say, this part of the testimony, I have very good in
16 my recollection.

17 Mr Witness, can you please answer the question.

18 THE WITNESS: [10:41:57](Interpretation) I'm going to repeat myself. It was
19 Yekatom, the chief, the head, he was the one who issued the order for Ouandjio to
20 execute. I've taken an oath here. I cannot tell lies. I'm just relating the facts that I
21 saw.

22 Now, if Yekatom had opposed this, Ouandjio would not have killed them because he
23 was only a deputy. It's the chief that gave the order. And Ouandjio executed it.

24 PRESIDING JUDGE SCHMITT: [10:42:48] Well, Mr Witness, you have said that, but
25 what Ms Dimitri wants to know is, on questioning by Mr Vanderpuye, by the

Trial Hearing
WITNESS: CAR-OTP-P-1339

(Private Session)

ICC-01/14-01/18

1 Prosecutor, you first and spontaneously said that Mr Yekatom was not present. And
2 Ms Dimitri wants to know how -- why you said this, first? It might have been a
3 mistake or whatsoever, but we would be interested how this come to pass that you
4 said he was not present. If he was not present, it would have to be explained how he
5 could give the order. You see what I mean? That is the reason why Ms Dimitri as
6 Defence counsel has to put that to you.

7 Mr Vanderpuye, now I can give you the floor, yes.

8 MR VANDERPUYE: [10:43:38] I hoped it'd be helpful. And it seems to me there
9 may be some ambiguity between being present at the site of the crime and being
10 present on the base or being present in the area of the ...

11 PRESIDING JUDGE SCHMITT: [10:43:55] Well, then the witness can explain that.

12 MR VANDERPUYE: [10:43:58] That's exactly right, but I think it has to be put to
13 him.

14 PRESIDING JUDGE SCHMITT: [10:44:03] No. I think we don't put the alternatives
15 to him.

16 Mr Witness, so what did you mean when you said Mr Yekatom was not present
17 spontaneously, and then you clarified, "But he gave the order"? You see what I
18 mean? That is something that seems to be unclear, so to speak, and it would be good
19 if we had an explanation for that, if you can give it to us, please.

20 THE WITNESS: [10:44:38](Interpretation) I said he was not present
21 because -- because where he was, he did not move from that spot to the spot where
22 the people were killed. I'm repeating with God as my witness that he -- he did not
23 come to -- near these people when their throats were being slit. He actually
24 remained at the door. And this is why I said he was not there. I'm repeating
25 myself. He was not present at the place where -- at the spot where the two people

Trial Hearing
WITNESS: CAR-OTP-P-1339

(Private Session)

ICC-01/14-01/18

1 were killed. And that's why I said he was not there.

2 Now, when you actually leave the director's house, I haven't actually calculated
3 distance, but it's -- this is why I said that he was not present. These Muslims were
4 brought in at 4. Where could he go? He was there. But he wasn't there at that
5 specific spot where the Muslims were killed. It was Ouandjio who left the group
6 and who joined the group. He called Cynthia and Bougie Noire to "come and peel
7 the papaya".

8 THE INTERPRETER: [10:46:06] Says the witness.

9 PRESIDING JUDGE SCHMITT: [10:46:09] Thank you.

10 Ms Dimitri.

11 MS DIMITRI: [10:46:11] Thank you, Mr President. Last question on that topic.

12 Q. [10:46:20](Interpretation) Witness, last question on this subject. It's a yes-or-no
13 questions. And I will like to finish tomorrow, and you as well.

14 In paragraph 94 and 95 of your witness statement, you talk about this incident, and
15 you say that the two victims that you call the two Muslims say -- and I'm actually
16 quoting your words from your declaration that was corrected: "Two Seleka
17 fighters."

18 Do you confirm that or not?

19 A. [10:47:10] I'm repeating myself again. In fact, if you take any Central African
20 person, he will say that all Muslims are Seleka. And this is why in my statement I
21 am always -- I'm talking about Muslims by referring to them as Seleka. And that's
22 the current culture in Bangui. Take any Seleka, they will be assimilated to Muslims,
23 and this is why I talk about -- I used the word "Muslims" to refer to Selekas and
24 vice versa.

25 PRESIDING JUDGE SCHMITT: [10:47:55] So, Mr Witness, but when you speak of

Trial Hearing
WITNESS: CAR-OTP-P-1339

(Private Session)

ICC-01/14-01/18

1 "deux combattants des Seleka", that means these were two fighters of the Seleka; is that
2 correct? Is my understanding correct?

3 They were Muslims, of course, yes, yes. We've understood that. But when you
4 speak of "deux combattants", it looks like as if you are speaking of fighters.

5 THE WITNESS: [10:48:24](Interpretation) Yes.

6 PRESIDING JUDGE SCHMITT: [10:48:25] Thank you.

7 Ms Dimitri.

8 MS DIMITRI: [10:48:26] Thank you, Mr President.

9 Q. [10:48:35](Interpretation) Witness, I'm changing the subject. Just a moment,
10 please.

11 PRESIDING JUDGE SCHMITT: [10:48:41] You are not in agreement,
12 Mr Vanderpuye.

13 MR VANDERPUYE: [10:48:43] No. And I apologise for interrupting, but the
14 reason why I rise is because in the transcript 155, relative to the previous discourse we
15 had, the witness was very clear in stating in French: (Interpretation) "Yekatom,
16 when he issued these instructions, he did not come to the spot where the event
17 occurred."

18 It was very clear. The issue here is only because, if counsel wants to put those kinds
19 of issues to the witness, I think it's important to state it clearly, because otherwise we
20 end up spending 15, 20 minutes going around on issues.

21 PRESIDING JUDGE SCHMITT: [10:49:26] No, no, no. Actually, Ms Dimitri has
22 announced that she will move to another issue, first. Second, I think everybody in
23 the courtroom knows that the judges, specifically the Presiding Judge, reads the
24 transcripts completely. So whatever the witness has said, any witness has said, any
25 expert has said, will be read and will not escape our attention. It will of course have

Trial Hearing
WITNESS: CAR-OTP-P-1339

(Private Session)

ICC-01/14-01/18

1 to be interrupted, and that is actually the benefit of having a transcript. That is -- so
2 it's all on the record.

3 MR VANDERPUYE: [10:49:57] I understand. The only issue, Mr President, is
4 not -- I know that you will read everything, everything, everything, and that's very
5 comforting. But I think the issue, as far as I am concerned, is the witness, because
6 the witness doesn't necessarily have his transcript from three days ago in front of him
7 and can't refer to it. And if it's characterised in a certain, he's not going to doubt it.
8 Nobody would.

9 PRESIDING JUDGE SCHMITT: [10:50:24] No, but, actually, what Ms Dimitri
10 addresses, it's -- you know, I always explain that to the witness, and the witness has
11 understood that. You see that in a manner that he is not getting upset. Of course,
12 sometimes he's getting -- yeah, you are. Sometimes he's -- but the witness is an
13 intelligent person. He has obviously, I think, understood that Ms Dimitri, as counsel
14 for the Defence, has a different role here. And I see nothing objectionable in the way
15 she is conducting that and she is addressing that.

16 But this, of course -- and sometimes in the heat of the moment, there might be a slight
17 mischaracterising, and then you can rise up and tell us, and then we will decide on it.
18 And as you have seen by I think five minutes ago, Ms Dimitri also said, "Okay, I'll
19 reword it a little bit." So I think everything's okay, and we are really looking
20 forward to the next -- let's say, to moving to another topic.

21 MS DIMITRI: [10:51:26] Me too, Mr President. But if I can just reassure
22 Mr Vanderpuye, because I understand from his intervention that he's saying I may
23 have characterised what the witness said differently. I just want to reassure him, it's
24 transcript T-155, 10:56:37, line 27: (Interpretation) "On that day, Yekatom was not
25 there."

Trial Hearing
WITNESS: CAR-OTP-P-1339

(Private Session)

ICC-01/14-01/18

1 (Speaks English) So I'm not recharacterising it. When I give a quote, if

2 Mr Vanderpuye could trust me, I work very long hours to make sure that I don't
3 recharacterise differently what the witness said.

4 PRESIDING JUDGE SCHMITT: [10:52:04] Nobody has said that, and there is no
5 reason for any tension in that regard. And if we now side back and forth, I think we
6 have produced hundreds of pages of testimony of this witness, and we have the
7 witness statement, and we are going to put that all together. And I can assure that
8 this is not an easy task.

9 Please, Ms Dimitri.

10 MS DIMITRI: [10:52:29] Thank you, Mr President.

11 My next topic, very short, Mr President.

12 PRESIDING JUDGE SCHMITT: [10:52:33] We are shortly before the break, by the
13 way.

14 MS DIMITRI: [10:52:39] To be honest, I think I could do my next two topics before
15 the break. They are very, very short. I'm in your hands. I just --

16 PRESIDING JUDGE SCHMITT: [10:52:49] No, no, no. Then let's start. Let's say
17 one topic, so we have a meaningful coffee.

18 MS DIMITRI: [10:52:56] Okay. Thank you.

19 Q. [10:52:58](Interpretation) Excuse me us, Witness. I'm changing the subject, and
20 I would like to talk about Kamezolari. And my questions are quite precise. I would
21 like to make some progress.

22 (Redacted)

23 (Redacted) Now, what I want to know is, are you -- did you see him at any
24 point of time before 5 December, yes or no?

25 A. [10:53:36] No, I did not see him. I do not want to lie to you. I was sent, and

Trial Hearing
WITNESS: CAR-OTP-P-1339

(Private Session)

ICC-01/14-01/18

1 that night -- I was actually sent on that day. I carried out my mission, and I never
2 saw him again.

3 Q. [10:54:00] You mentioned an individual whose name was Manoumana, and you
4 identified him as a soldier in Mr Yekatom's group. So, again, it's a yes-or-no
5 question.

6 Manoumana, was he with the elements when they set up base in Yamwara? Yes or
7 no question.

8 A. [10:54:30] Yes, I know Manoumana. (Redacted)
9 He was part of the group.

10 Q. [10:54:48] Please listen to my question carefully, Mr Witness. I know that he
11 was part of the group. (Redacted) What I want to
12 know is, was he settled -- was he in a section in Yamwara? Was he in Yamwara
13 when you were there, yes or no?

14 A. [10:55:16] Yes, he was part of a section in Yamwara. He was head of section, if
15 I'm not mistaken, but I do not remember the name and the place of his base.

16 Q. [10:55:43] When you say, "I do not remember the name and the place of his
17 base," we are talking -- you're referring to his section Yamwara at the Yamwara
18 school.

19 A. [10:56:00] Yes.

20 Q. [10:56:03] Because it's not clear in the transcription. Manoumana does not have
21 a base elsewhere than in the Yamwara school during the entire period where the
22 elements were in the Yamwara square. Yamwara was in the section.

23 A. [10:56:28] That is right.

24 Q. [10:56:30] Thank you, Witness.

25 (Speaks English) I'm done with those subjects.

Trial Hearing
WITNESS: CAR-OTP-P-1339

(Open Session)

ICC-01/14-01/18

- 1 PRESIDING JUDGE SCHMITT: [10:56:31] There seems to have been two topics.
- 2 Okay, good. Then we have a break until 11.30.
- 3 THE COURT USHER: [10:56:38] All rise.
- 4 (Recess taken at 10.56 a.m.)
- 5 (Upon resuming in open session at 11.31 a.m.)
- 6 THE COURT USHER: [11:31:15] All rise.
- 7 Please be seated.
- 8 PRESIDING JUDGE SCHMITT: [11:31:34] Ms Dimitri, please continue. We are in
- 9 open session, I've been informed. Okay. Good.
- 10 MS DIMITRI: [11:31:40] Thank you, Mr President.
- 11 I think we can stay in open session for a while, but I invite Mr Khalil and
- 12 Mr Vanderpuye to stop me when they think I'm going too far.
- 13 PRESIDING JUDGE SCHMITT: [11:32:01] Fine.
- 14 MS DIMITRI: [11:32:04](Interpretation)
- 15 Q. [11:32:06] Good morning, once again, Mr Witness. Last week you mentioned
- 16 Lieutenant Donoh, and you specified that he became the leader of the Boeing 1 base at
- 17 one particular point in time. You also specified that the base was at the Boeing
- 18 roundabout. Once again, my question can be answered easily.
- 19 Is base Boeing 1 also the base closest to the street -- to the Fulbe-Boulata road or
- 20 neighbourhood?
- 21 A. [11:33:07] No. The base was at the Boeing roundabout, at the roundabout in
- 22 Boeing, and Boeing is opposite -- how should I describe this -- opposite Kilometre 5.
- 23 There is Kilometre 5, and close by to Boeing, you have to cross the Tulamou (phon)
- 24 bridge to -- to get to the church. And then after you cross, that leads you to the 3rd
- 25 arrondissement.

Trial Hearing
WITNESS: CAR-OTP-P-1339

(Open Session)

ICC-01/14-01/18

1 Q. [11:33:56] I'll stop you because I think you haven't understood my question.

2 Listen to my question.

3 Of all the Anti-Balaka FACA bases, all the bases in Boeing - because you said that
4 there were several bases in Boeing - can we agree that the base closest to the
5 Fulbe-Boulata neighbourhood, the one closest to that neighbourhood, is Boeing 1
6 base?

7 A. [11:34:37] Yes, yes. And Donoh was the leader of that base.

8 Q. [11:34:40] Thank you. Is it correct that the base closest to Sakai is a base in
9 Berkai?

10 A. [11:35:09] Yes, in Berkai. And Modibo was the chief of that base. That's
11 correct.

12 Q. [11:35:16] Thank you. I'd now like to move to another topic. Just a warning.
13 We're in open session. If at any time you think that your answer could identify you,
14 tell me so, and we will ask the Presiding Judge if we can go into private session.
15 You gave testimony saying that Rombhot shot at Seda and the bullet hit Dawili.
16 T-155, noon, 56. At your statement -- correction -- in your statement, the statement
17 you reviewed with your lawyer and corrected in The Hague, at paragraph 55, you
18 mentioned this incident, and you said that it took place in Bimon.

19 My first question to you is this: Yes or no, did you see Yekatom shoot at Seda?

20 A. [11:36:37] No, I wasn't present.

21 Q. [11:36:52] In your statement, you say that you got there {ICR: (Redacted)},
22 and you said it happened in Bimon. And further up in the paragraph, you said that
23 you arrived an hour later. This is my question to you: When you got to Bimon,
24 was Dawili still there?

25 A. [11:37:24] No. He had already been transferred to the hospital. He had been

Trial Hearing
WITNESS: CAR-OTP-P-1339

(Private Session)

ICC-01/14-01/18

1 transferred to the hospital.

2 Q. [11:37:40] And why do you say that you went to Bimon? Why did you say that
3 it took place in Bimon? Did you see some traces of the altercation at that location?

4 PRESIDING JUDGE SCHMITT: [11:38:03] Mr Vanderpuye.

5 MR VANDERPUYE: [11:38:06] No issue with respect to the specific question. Just
6 in case counsel is going into an area that might require private session. That's all.

7 PRESIDING JUDGE SCHMITT: [11:38:14] Yeah, it's okay. But I think at the
8 moment, we can continue.

9 THE WITNESS: [11:38:39](Interpretation) I would like to give the answer in private
10 session, because I have some names to mention.

11 PRESIDING JUDGE SCHMITT: [11:38:48] Okay.

12 We go to private session.

13 (Private session at 11.39 a.m.)

14 THE COURT OFFICER: [11:39:01] We are in private session, Mr President.

15 THE WITNESS: [11:39:15](Interpretation) Thank you.

16 The day that incident occurred, I wasn't there. I wasn't in Bimon. I was in Boeing.

17 And I believe that in my statement I said that what happened at -- to Seda, I wasn't
18 there. (Redacted)

19 And he was with Seda, and they were at a checkpoint, the Bimon check point. He
20 told me that the chief shot at Seda, * but it was Dawili who was struck by a bullet and
21 Seda died. (Redacted)

22 (Redacted)

23 (Redacted)

24 MS DIMITRI: [11:40:31](Interpretation)

25 Q. [11:40:32] Am I to understand that, according to what you were told, he shot at

Trial Hearing
WITNESS: CAR-OTP-P-1339

(Private Session)

ICC-01/14-01/18

1 Seda and the bullet hit Dawili at the Bimon checkpoint?

2 A. [11:40:53] He called me, and he said to me -- the person who called me was with
3 Seda at the Bimon checkpoint, at the -- the checkpoint in Bimon. (Redacted)
4 (Redacted), and he was there. He told me that Yekatom came and
5 had an altercation with Seda. He took out a weapon. He shot at Seda. Dawili also
6 was hit by a bullet.

7 I think it was after, the version was confirmed. That's indeed what happened. But I
8 wasn't there. I wasn't present.

9 Q. [11:41:57] A last question about that, because you still haven't answered.

10 Where did Yekatom go to? Where did this happen? Where did this happen? In
11 Bimon?

12 A. [11:42:17] He told me that it happened in Bimon.

13 Q. [11:42:22] You've answered my question. We'll move on to something else.

14 Thank you.

15 PRESIDING JUDGE SCHMITT: [11:42:26] Can we go back to open session? Yeah?

16 Then we go back to open session.

17 MS DIMITRI: [11:42:34] Yes, Mr President. Thank you.

18 (Open session at 11.42 a.m.)

19 THE COURT OFFICER: [11:42:47] We are in open session, Mr President.

20 MS DIMITRI: [11:42:54] Thank you.

21 Q. [11:42:55](Interpretation) I'm changing to another topic. You gave testimony
22 saying that when you were in the forest, the soldiers, speaking of Mr Yekatom,
23 Freddy Ouandjio, Habib, you said that they went off to the side and they were talking
24 to one another. 16:12.

25 Now, soldiers talk amongst themselves. If Mr Yekatom was giving an order to his

Trial Hearing
WITNESS: CAR-OTP-P-1339

(Open Session)

ICC-01/14-01/18

1 deputies, he -- he would give such orders off to the side, speaking to his deputies, not
2 necessarily in front of you. Do you agree with that suggestion?

3 A. [11:43:57] He said that he could not reveal all their strategy in front of civilians.
4 So what they said amongst themselves, soldiers, we were not in a position to hear
5 that.

6 Q. [11:44:18] I'd now like to move to something else. What about the gathering
7 before the attack of 5 December?

8 (Speaks English) Mr President, can I just have a moment. Because it's a big subject, I
9 just want to make sure I have all my papers organised.

10 PRESIDING JUDGE SCHMITT: [11:44:47] Of course. Yes.

11 MS DIMITRI: [11:44:49] Thank you.

12 Q. [11:45:18](Interpretation) During your testimony last Thursday - and this was
13 transcript 151, at 15:22 - you said that you were in Gbangba up until the time of the
14 attack. You were in Gbangba. Just to make sure it's clear on the record, when you
15 say "up until the day of the attack", you are talking about the attack of 5 December.
16 Do we agree on that point?

17 A. [11:45:58] Yes.

18 Q. [11:46:02] And when you said that, "We set up in Gbangba," could you be more
19 specific. How much time after the attack? How many days or weeks was it after
20 the attack? Just an estimate. You don't have to be terribly specific.

21 A. [11:46:37] In Gbangba, I do know that we spent some time there, but I don't
22 remember -- if I remember correctly, we spent a month.

23 THE INTERPRETER: [11:47:01] If the interpreter understood correctly: A month
24 and a few days.

25 MS DIMITRI: [11:47:08](Interpretation)

Trial Hearing
WITNESS: CAR-OTP-P-1339

(Open Session)

ICC-01/14-01/18

1 Q. [11:47:10] At the time of the gathering, I understand that you spent one month
2 and a few days at Gbangba before the attack of 5 December. At the time of the
3 gathering, how many elements were there?

4 A. [11:47:39] I would say about 3,000.

5 Q. [11:47:50] So all the elements were present that correspond to all the elements?

6 A. [11:48:32] I can't give you an exact number. I've forgotten.

7 Q. [11:48:40] I understand. My question is different.

8 Were all the elements present at the time of the gathering?

9 A. [11:48:58] Yes. But in Gbangba, we were all billeted. Up until the 4th,
10 everyone was present. We gathered -- we came together. And after this gathering,
11 they crossed over to leave on the 4th.

12 Q. [11:49:23] I'll come back to this point. Now, I just want to seek confirmation.
13 I'm reminded that there is an answer that's not necessarily clear in the transcript.
14 Did you say that it was about one month that you were in Gbangba?

15 A. [11:50:03] I don't remember how long it was. I said one month, but that's
16 approximate. Approximately one month. The exact duration, I can't tell you. It's
17 an estimate. It's just an estimate.

18 Q. [11:50:23] I understand. I'm not asking you for an exact period of time. I
19 understand that it's an estimate.

20 So I realise that there were approximately 3,000 elements, and you said that the
21 bravest elements and the soldiers were selected, and the women did not take part in
22 the attack of 5 December. That's what you said last week.

23 What I'd like to know is this: How many people, approximately, remained behind?

24 A. [11:51:22] I can't give you an exact number because the next day, the 5th, there
25 were many of them. As well -- as for giving you the exact number, I don't know.

Trial Hearing
WITNESS: CAR-OTP-P-1339

(Open Session)

ICC-01/14-01/18

1 Q. [11:51:47] Are you in a position to tell me whether more elements left on -- for
2 the 5th, or more elements remained behind at the camp?

3 A. [11:52:07] No. The ones who left -- the ones who left -- stayed behind were
4 greater in number than the number who left.

5 Q. [11:52:25] Who did the selection of the elements who were to leave?

6 A. [11:52:37] According to the director from Yekatom, all the soldiers who were
7 part of the group absolutely had to be amongst the elements, and then the most
8 valiant ones were selected. The bravest ones joined the group voluntarily. That's
9 how the selection was done.

10 There were many of them, but I can't give you an exact number because all of that
11 happened a long time ago. And amongst these elements, some themselves, some
12 actually were in the canoe to help the others cross over. They paddled the canoes.

13 Q. [11:53:48] And who gathered the elements together?

14 A. [11:53:59] Yekatom. One afternoon, he asked the elements to gather together.
15 And during this assembly, or coming together, he gave a speech, and he gave the
16 order to the elements to cross over. The elements crossed the river, and towards the
17 end, the soldiers followed. And all the elements ultimately crossed over to go to the
18 place where we were that day. The person who spoke was Yekatom.

19 Q. [11:54:46] Davy Lakotoema, you mentioned him during your testimony, and I
20 think you identified him on some video footage. Was he present at the gathering,
21 and was he one of the elements chosen to take part in the attack?

22 A. [11:55:19] I did not see Davy on the 5th. I saw him after the 5th. Before the
23 5th, I didn't see him, to tell you the truth. He wasn't there.

24 Was he there and I didn't realise that? Personally, I didn't see him on the 5th.

25 Q. [11:55:39] What about Dawili?

Trial Hearing
WITNESS: CAR-OTP-P-1339

(Open Session)

ICC-01/14-01/18

1 A. [11:55:48] Dawili was there. Dawili and I have known each other since the time
2 in the bush. You have to realise that some soldiers joined on the 5th. And after the
3 fighting, many joined the group. Some joined on the 5th, others after. I don't know
4 the names.

5 Q. [11:56:19] And when you say that Dawili and you knew each other ever since
6 the time of the bush, Dawili was there at the gathering? Dawili was present at the
7 gathering and then Davy you saw later?

8 A. [11:56:44] Regarding Dawili, the person that I knew in the group was Bolibo, if I
9 remember correctly. Bolibo was the one I knew, right from the beginning. As for
10 Dawili and others -- I've forgotten some things about Dawili. I don't know whether
11 it was Dawili who was called Bolibo. They looked quite similar, same size. I don't
12 know.

13 Q. [11:57:39] Did some soldiers remain behind, or did all the soldiers -- were all the
14 soldiers amongst the elements chosen to take part in the attack?

15 A. [11:58:03] All the soldiers left that day. The ones who remained on the other
16 side were only civilians.

17 THE INTERPRETER: [11:58:23] The Sango interpreter specifies that: The ones who
18 remained on the other side of the shore ...

19 Overlapping.

20 MS DIMITRI:

21 Q. [11:58:35] (Overlapping speakers)

22 PRESIDING JUDGE SCHMITT: [11:58:38] Ms Dimitri, the interpreter was still
23 speaking. So please continue what the Sango interpreter has specified.

24 MS DIMITRI: [11:58:46] I'm sorry.

25 THE INTERPRETER: [11:58:51] The Sango French interpreter said this: The

Trial Hearing
WITNESS: CAR-OTP-P-1339

(Open Session)

ICC-01/14-01/18

1 interpreter specifies that, "It was the other side of the river. Those who remained on
2 the other side of the river were only civilians."

3 Ms Dimitri goes on to ask this question: "Just to understand the timeline ..."

4 MS DIMITRI: [11:59:22](Interpretation)

5 Q. [11:59:23] Just to understand how things unfolded, there was this gathering,
6 there was the selection, instructions, and then the departure.

7 A. [11:59:47] About the instructions, the elements were gathered together. He
8 spoke. After his speech, the elements were chosen, and they left.

9 Initially, there was not a selection. Everyone was together at their base. It was after
10 the gathering that the selection was done.

11 Q. [12:00:24] Last week during your testimony, you said that on 4 December, when
12 Mr Yekatom spoke to the elements, you said - and I'm going to quote you here,
13 Witness - I'm quoting you: "He took the floor in front of the elements. And when
14 he spoke, I was not on his side. I was doing something else. And when I came
15 back, he took a part of the elements to cross over with them, and one part of the
16 elements stayed behind."

17 When you say "when I returned", where did you come back from? Where did you
18 return from?

19 A. [12:01:39] {ICR: (Redacted)}. And I went
20 to the toilet. And when I came back, he had finished talking to the elements. And
21 when I said that he took the elements aside, because he was in front of the elements.
22 And I joined the group when I had finished doing what I had to do.

23 Q. [12:02:17] I understood from your testimony that the trip was made in a straight
24 line, in a column. And when you said that he had taken a part of the elements to
25 cross over to the other side of the river and there was a part that stayed behind, I

Trial Hearing
WITNESS: CAR-OTP-P-1339

(Private Session)

ICC-01/14-01/18

1 understood that you were not part of the first group of elements that left with

2 Mr Yekatom. Is my understanding right?

3 A. [12:02:59] No. I was actually part of -- I was actually part of this group.

4 PRESIDING JUDGE SCHMITT: [12:03:04] Well, we go to private session.

5 Mr Khalil, yeah. You don't have to say anything. Rising is enough to -- well, also, I
6 had the same idea at the moment.

7 So we go to private session.

8 (Private session at 12.03 p.m.)

9 THE COURT OFFICER: [12:03:32] We are in private session, Mr President.

10 MS DIMITRI: [12:03:50](Interpretation)

11 Q. [12:03:51] Were you at the beginning of the group, the middle of the group, or
12 the end of the group? Did the group actually had started moving when you came
13 back after urinating?

14 A. [12:04:17] (Redacted) and

15 it was Yekatom who was at the head of the group, and Ouandjio closed the group. It
16 was a huge group.

17 Q. [12:04:51] I don't think you are understanding my question. I understand that
18 you joined the group before they crossed over. That bit is fine. My question is:

19 Did the group started moving when you came? (Redacted)

20 (Redacted)

21 A. [12:05:28] After -- it's after having joined the group (Redacted)

22 (Redacted) When I was urinating, they were giving instructions. I

23 wouldn't take a very long time to -- it wouldn't take 30 minutes to urinate. (Redacted)

24 (Redacted)

25 We basically gave you -- I gave you certain details that I couldn't have given you if I

Trial Hearing
WITNESS: CAR-OTP-P-1339

(Private Session)

ICC-01/14-01/18

1 (Redacted)

2 (Redacted)

3 A. [12:07:02] (Redacted) But when we left on

4 the 5th, we were in the same group. And it was the Anti-Balaka group. And when
5 the armbands were distributed, it was not by group. It was during the gathering.

6 And I was in the group one and Saragba Junior was the head.

7 During the 5 December attacks, the group that left contained many people. So there
8 were no sections in that group.

9 Q. [12:07:59] Why -- could you tell me why in paragraph 67 in your statement you
10 explain that a group left. Why are you saying "Coeur de Lion was in charge of our
11 group"? "Freddy, alias Coeur de Lion, was in charge of our group."

12 A. [12:08:24] If I said that, because during the 5 December attacks, there were two
13 groups. One group on the axis, on the Cattin axis, and the other group on the Cattin
14 axis. And this is why I spoke about the group. The group divided into two. One
15 went for Cattin axis and the other one for Boeing axis.

16 Q. [12:09:01] You are now telling us something about the gathering and the
17 departure. Tell me, in paragraph 67 of your testimony, when we are talking about
18 the departure for the attack on 5 December, you are saying, "We walked from
19 Kalangoi to Gbangba."

20 So did you leave from Kalangoi? Did you leave from Gbangba? Or did you
21 actually leave from another place for the 5 December attacks?

22 PRESIDING JUDGE SCHMITT: [12:09:45] Mr Vanderpuye.

23 MR VANDERPUYE: [12:09:49] I think we've gone over this a couple of times
24 already yesterday, and he's already clarified it at least twice or thrice for the record.

25 PRESIDING JUDGE SCHMITT: [12:09:58] How has he clarified it?

Trial Hearing
WITNESS: CAR-OTP-P-1339

(Private Session)

ICC-01/14-01/18

1 MR VANDERPUYE: [12:10:01] He said -- I don't want to lead him. Maybe -- but he
2 mentioned Kalangoi. He mentioned Kpato. He mentioned Gbangba. And then
3 he explained further that they were at Gbangba. She asked, "how long you were at
4 Gbangba before 5 December?" He said about a month, and then they went up there
5 on 4 December. So I think it's quite clear on the record the response to the question.
6 He has already said it a couple of times.

7 PRESIDING JUDGE SCHMITT: [12:10:28] I think you are right, yeah.

8 MS DIMITRI: [12:10:30] Mr President, if I may.

9 PRESIDING JUDGE SCHMITT: [12:10:31] Yeah.

10 MS DIMITRI: [12:10:34] Mr Vanderpuye is right, but not entirely.

11 PRESIDING JUDGE SCHMITT: [12:10:37] That happens in the courtroom.

12 MS DIMITRI: [12:10:42] Yesterday I put to him some paragraphs that are around
13 32 to 36.

14 PRESIDING JUDGE SCHMITT: [12:10:50] I recall that, yes.

15 MS DIMITRI: [12:10:51] But I haven't put yet on the record paragraph 67 and his
16 description for the departure of 5 December. And it --

17 PRESIDING JUDGE SCHMITT: [12:11:03] I think there is no harm if you put it again
18 to him.

19 MS DIMITRI: [12:11:06] Thank you.

20 PRESIDING JUDGE SCHMITT: [12:11:07] Not again. It's indeed --

21 MS DIMITRI: [12:11:09] It's in a different context.

22 PRESIDING JUDGE SCHMITT: [12:11:10] And we do not know if we are speaking
23 of the same time of the same incident or whatsoever.

24 Mr Witness, in this paragraph 67, I read the first sentence to you: (Interpretation)

25 "We were given weapons. We formed groups. And we walked from Kalangoi to

Trial Hearing
WITNESS: CAR-OTP-P-1339

(Private Session)

ICC-01/14-01/18

1 Gbangba."

2 (Speaks English) If you -- try to recall what happened on that day, if you try to picture
3 yourself back in time, so to speak, is this correct?

4 THE WITNESS: [12:12:13](Interpretation) No, this is not right because we left
5 Kalangoi to go to Kpato. And after Kpato, we set up camp in Gbangba, but it's not
6 on the same day that we left Kalangoi, Kpato and Gbangba. I don't know how much
7 time we remained in Kpato, but we left Kpato to come to Gbangba and we crossed
8 over. And if I recall correctly, we spent one month in Gbangba. But I did not say
9 that we left Kalangoi the same day to come to Gbangba.

10 PRESIDING JUDGE SCHMITT: [12:12:56] So --

11 THE WITNESS: [12:12:58](Interpretation) I'm telling you what I know.

12 PRESIDING JUDGE SCHMITT: [12:13:00] So my understanding now is, for
13 Ms Dimitri and Mr Vanderpuye, specifically, that what he speaks here in the first
14 sentence in paragraph 67 does not refer to the 5 December. You are not in agreement,
15 Ms Dimitri.

16 MS DIMITRI: [12:13:24] I'm not, and I think you'll understand perhaps with my next
17 question. But if I tell answer -- if I tell you why I'm not in agreement --

18 PRESIDING JUDGE SCHMITT: [12:13:34] Yeah, not in agreement. I understand.
19 We understand each other. So it's clear.

20 From what I understand from your answer, Mr Witness, is when you speak here in
21 the sentence that I have read to you, marching from Kalangoi to Gbangba, that you do
22 not speak about a march on 4 or 5 December 2013. Is this understanding correct?

23 THE WITNESS: [12:14:15](Interpretation) Now, leaving Kalangoi to Gbangba was
24 before the 5th. On the 4th, we left Gbangba to go to Proget; on the 4th, that is. On
25 4 December, 4 o'clock, we left Gbangba to go to Proget.

Trial Hearing
WITNESS: CAR-OTP-P-1339

(Private Session)

ICC-01/14-01/18

1 PRESIDING JUDGE SCHMITT: [12:14:37] Ms Dimitri, I think I know where you are
2 going, but -- well, go on.

3 MS DIMITRI: [12:14:56](Interpretation)

4 Q. [12:14:58] In paragraph 67 of your witness statement, you are describing the
5 walk from Kalangoi to Gbangba. You also corrected the time at which you reached
6 Proget. You're also striking 6 o'clock and replacing it by 8 o'clock. You are
7 correcting two spelling mistakes. You are replacing G by J twice.

8 Explain to me, when you are rereading this paragraph in The Hague, you did not
9 correct the fact that your departure for -- on 4 December was from Gbangba and not
10 Kalangoi. Why did you not correct that? And why did you not specify that you
11 never took the Kalangoi-Gbangba trip? You actually went from Kalangoi to Kpato.

12 PRESIDING JUDGE SCHMITT: [12:16:10] Mr Vanderpuye.

13 MR VANDERPUYE: [12:16:10] He's explained it already three or four times. He's
14 not under any duty to correct anything. He's corrected what he's seen, and he said
15 that. So I don't know what the basis of the question is or the expectations.

16 PRESIDING JUDGE SCHMITT: [12:16:25] Actually, it's not the first time when we
17 have -- we don't have the transcript of, let's say, an audio statement. Not for the first
18 time that we -- that it is not, let's say, to understand at first sight the unfolding of the
19 events. We now -- we are here. Paragraph 66 speaks of 4 December. 67 now
20 speaks of another time. So this is -- because of that, I think we have to bear with
21 Ms Dimitri, that she brings this up.

22 MR VANDERPUYE: [12:17:02] I think it's fine. I think the -- putting the issue to the
23 witness is fine. It's just the question of characterising it in terms of his obligation --

24 PRESIDING JUDGE SCHMITT: [12:17:11] Well, that's correct. I suppose that's
25 correct.

Trial Hearing
WITNESS: CAR-OTP-P-1339

(Private Session)

ICC-01/14-01/18

1 MR VANDERPUYE: [12:17:13] -- or supposed obligation to correct his statement.

2 PRESIDING JUDGE SCHMITT: [12:17:15] Yeah, the witness has no obligation to
3 correct anything. But when the witness corrects it, it might be -- it might be put into
4 doubt, of course. And also, as I said, you know, all this is under the headline "*attaque*
5 *du 5 décembre*".

6 MS DIMITRI: [12:17:37] Yes, Mr President, but regardless -- I completely understand
7 your point. Regardless of the headline, my question to him was when we look at
8 that paragraph and we take his testimony, Kalangoi-Gbangba never happened
9 because they went to Kpato. So he didn't -- first, he didn't correct that. And second,
10 I am putting to him that this paragraph does refer to the march of 4 December
11 because he's describing the specific time where they arrive in Proget.

12 PRESIDING JUDGE SCHMITT: [12:18:11] That's fine. Then we do that. That's
13 okay because -- yeah, actually, it follows a little bit out of what I have said, but
14 nevertheless. But -- so perhaps you do that and in this way. Also, because you say
15 the other details point to perhaps that conclusion, yeah. Ms Dimitri.

16 MS DIMITRI: [12:18:50](Interpretation)

17 Q. [12:18:50] Witness, in paragraph 67 of your witness statement, you're
18 describing -- I am suggesting that you're describing the departure on 4 December 2013
19 on the Bangui attacks. You say that you crossed over the M'Poko river around
20 18 -- around 6 o'clock, and you correct that and say 8 o'clock. And then you say, "We
21 reached Proget by foot." So you're describing the 4 December departure.

22 So, in this case, why did you tell the investigators and why did you not correct when
23 you reread it on more than one occasion, why did you tell the investigators that, "We
24 walked from Kalangoi to Gbangba"?

25 A. [12:20:01] It wasn't -- I wasn't -- it wasn't compulsory for me to correct. We

Trial Hearing
WITNESS: CAR-OTP-P-1339

(Private Session)

ICC-01/14-01/18

1 basically traveled through several localities. And before reaching our locality, we
2 would actually just stop. The investigator asked me the itinerary, and this is why I
3 spoke about Gbangba. It was not on the same day that we crossed all these localities.
4 He asked me a question on our itinerary. We left from Kalangoi, we went to Kpato,
5 and from Kpato we went to Gbangba, and from Gbangba, we went to Proget -- we
6 reached Proget. This is what I said. And if that was not properly transcribed, it is
7 not mandatory that I correct it when I reread it.

8 I have given you an account of the various localities in my itinerary. We were in
9 Kalangoi and in Kpato. I told you that we left Gbangba. Now, if I recall properly,
10 we spent one month before crossing over.

11 Q. [12:21:34] Why are you saying that it's not mandatory for you to correct?
12 Because the Prosecutor raised an objection? Is that why you're saying it now?

13 A. [12:21:47] No. It's not what I said. It's true that I could have seen it, but I
14 wouldn't have been able to correct it. If you're asking me the question, I will explain
15 it my way. But if my version was not properly recorded, I don't know what to say.
16 In my statement, there are things that appear, and, please, say that -- please know that
17 what is in my statement is not exhaustive. That's why I'm here to add on to it and
18 give details.

19 Q. [12:22:45] So let's go and talk about how you crossed over in a canoe. Can you
20 explain, how many canoes did you use? How did you cross over on the canoe?

21 A. [12:23:12] I remember only a pirogue, a canoe that -- whose name was "50". I
22 was a big -- it was a big canoe that could contain about 50 people. I don't know how
23 many canoes were there. I think in a small canoe, there was Ouandjio, Yekatom,
24 Habib, and other people. There was also another person who was in Gbangba, and
25 he was the one who was driving the canoe and helping others cross over, but I don't

Trial Hearing
WITNESS: CAR-OTP-P-1339

(Private Session)

ICC-01/14-01/18

1 remember who was that. I don't remember their names. I don't remember with
2 whom he was, and I don't remember their names.

3 Q. [12:24:13] So if I understand you well, you used more than one canoe.

4 A. [12:24:29] I don't remember how many canoes were there, but the biggest one, I
5 remember the name. It was "50 Euros". 50 euros was the name of the canoe.

6 Q. [12:24:52] You crossed over in which canoe, with whom, and at what place?

7 A. [12:25:07] (Redacted)

8 (Redacted) For instance, if you were on the other side of the river -- it was a big river,
9 and the canoe would actually take the elements and ferry them across and put them
10 near a tree.

11 Q. [12:25:51] (Redacted) Is it the first time that you saw
12 this canoe?

13 A. [12:26:08] * I do not know this place well. I've -- I heard of Kalangoi, Kpato
14 because the villagers would go out and they would come and sell their produce in
15 Bimbo. But all these -- we went through all these localities, and I know them
16 because I went through them. And this was the first time I was actually seeing this
17 canoe called "50 euros".

18 * I went to these localities -- it was because we were based there during the events that
19 I came to know that such a location existed.

20 Q. [12:27:11] You are saying that, "This is the first time that I'm getting to know
21 such a canoe." Explain to me why yesterday when you talked about crossing over to
22 Gbangba, you said that it was called "50 euros". So was it the first time or not?

23 A. [12:27:38] Before crossing over to Gbangba, the 50 -- the canoe was in Gbangba.
24 I did not know the name of the canoe. In Kpato, there were boats -- there were
25 canoes, but I didn't know their names. When we crossed over to Gbangba, I

Trial Hearing
WITNESS: CAR-OTP-P-1339

(Private Session)

ICC-01/14-01/18

1 remembered that (Redacted), and it was at that occasion.

2 Q. [12:28:23] I'm trying to understand your testimony. You saw it -- you actually
3 saw "50 euros" before 4 December or not? Because you just said that, "It's the first
4 time that I've seen this canoe." And yesterday you said that, "When I crossed over
5 from Kpato to Gbangba, there was a canoe called '50 euros'." Which is the right
6 version now?

7 A. [12:28:58] But that's the right version. When we left Kpato and the canoe we
8 used was "50 euros". Even for 4 December, we used "50 euros". That was the canoe
9 we used to cross over, and this is what I said.

10 Q. [12:29:24] Right. So a few minutes ago, when I asked you, "Is it the first time
11 that you saw the canoe '50 euros'," you said, "Yes."

12 A. [12:29:41] Yes, if I said because I crossed over, and it's the first time that I was -- I
13 was in this canoe. I was never in this sector. When we went -- arrived to Gbangba,
14 we crossed over on this canoe. And also on the 4th, when we crossed over, it was
15 the same canoe. I did not know about this canoe before. I don't know if I'm
16 expressing myself properly. But this day, when we arrived, we used this canoe to
17 cross over. And on the 4th as well, we used the same canoe to cross over. The
18 elements crossed over on this canoe.

19 Q. [12:30:33] Now, can you tell me the names of certain elements who were there
20 on the canoe with you.

21 A. [12:30:50] There were many elements. There were many elements in this canoe.
22 I don't remember the names of everyone who were there in the canoe.

23 Q. [12:31:08] I'm not asking for the names of everyone. I'm just asking the names
24 of certain people who were there with you in the canoe, and I'm very precise here.
25 I'm talking about 4 December, the canoe called "50 euros" that you used to cross over

Trial Hearing
WITNESS: CAR-OTP-P-1339

(Private Session)

ICC-01/14-01/18

1 on 4 December in Gbangba.

2 A. [12:31:41] (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted) and the person who was driving

8 the canoe, I do not remember his name because there were so many people in the

9 canoe.

10 Q. [12:33:01] Apart (Redacted), were there other military men in that canoe with
11 you?

12 A. [12:33:17] I did not pay attention to this because the person whom I was really
13 (Redacted). I did
14 not really pay attention to the crew.

15 Q. [12:33:42] Last question on the canoe. I'm just going back a bit when you said
16 that you used "50 euros" in Kpato, the canoe "50 euros" in Kpato. Which is the river
17 that separates Kpato from Gbangba?

18 A. [12:34:14] When we left Kpato to come to Gbangba, we actually traveled on foot.
19 I explained that yesterday. When we were in a group and when we were walking,
20 there was no river. When you leave Kpato and until Gbangba, you -- you -- when
21 you have to cross over the Gbangba -- the river in Gbangba to go where we have to go,
22 this is where we used the canoe.

23 Q. [12:35:02] Now, when you reached Proget, how many elements joined your
24 group, if you know the answer to that question?

25 A. [12:35:24] I cannot tell you that. The question was actually asked to me day

1 before yesterday by the Prosecutor, and I said, "I'm not in a position to tell you how
2 many." And there were certain people who gathered the group with weapons, so I
3 don't know the exact number.

4 On the 5th, morning, there were other people who came from the provinces and
5 joined the group. And this is why I could tell you that there was a huge number of
6 people, but I can't tell you the exact number.

7 Q. [12:36:10] I understand. I'm not asking for an exact number. But can you tell
8 me, were they greater in number than you or less in number than you?

9 A. [12:36:30] I think if we have to count all the people who came, because they
10 were basically greater in number than the -- the number of people in our group. In
11 Proget, we realised that we had backup, and we had groups that joined us. When
12 we were in the bushes, I really did not know that there were other groups. It's only
13 when we reached Proget that certain chiefs contacted Yekatom. They had a
14 discussion, but I'm not in a position to tell you what they said. And others -- there
15 were groups that came in the morning. There were groups that came at dawn.
16 And the numbers were huge. Modibo, for instance, he had many elements with him,
17 but I can't really tell you the exact number of elements.

18 Q. [12:37:41] In your testimony, you mentioned, if I'm not making a mistake, at
19 least at two occasions the number 611; 611. What does this number refer to? These
20 were 611 elements in Gbangba, in Proget? Or what does this number, 611, signify or
21 represent?

22 A. [12:38:23] 611 is the number of elements of Rombhot. He came with these
23 elements without counting these Anti-Balaka. So it was about 1,500 men. There
24 were military men who rallied the groups, so the numbers became even greater.

25 Q. [12:39:03] Now, just to make sure that I've understood you well, 611 is the

Trial Hearing
WITNESS: CAR-OTP-P-1339

(Private Session)

ICC-01/14-01/18

1 number of elements that Rombhot brought along with him. So 611 is the number of
2 elements that you left from Gbangba; is that right?

3 A. [12:39:26] Yes, that's it.

4 (Redacted)

5 (Redacted)

6 A. [12:40:09] (No interpretation)

7 Q. [12:40:12] (No interpretation)

8 PRESIDING JUDGE SCHMITT: [12:40:20] We don't have any interpretation at the
9 moment, so ...

10 THE INTERPRETER: [12:40:26] Sorry. "I would just, in fact, we are talking about
11 (Redacted)

12 PRESIDING JUDGE SCHMITT: [12:40:35] Okay. Can you put your question again,
13 please.

14 MS DIMITRI: [12:40:44](Interpretation)

15 Q. [12:40:47] (Redacted)

16 (Redacted)

17 (Redacted)

18 So it's in the tab 40, CAR-OTP-2041-0768.

19 Why did you say 1,000 elements? So is it 1,000? Is it 611? What's the right
20 answer?

21 A. [12:41:52] I didn't say a thousand. Not in any document. I mentioned a
22 thousand. I estimated. I said, if it wasn't 611, it was a thousand elements who left
23 that day.

24 As for the rest of the elements, it was the following day, at 7 a.m., that is when they
25 crossed the river.

Trial Hearing
WITNESS: CAR-OTP-P-1339

(Private Session)

ICC-01/14-01/18

1 PRESIDING JUDGE SCHMITT: [12:42:23] Mr Vanderpuye.

2 MR VANDERPUYE: [12:42:26] Mr President, I think it would be helpful to show the
3 witness the document we're talking about, not to talk in abstract and have him guess
4 about what --

5 PRESIDING JUDGE SCHMITT: [12:42:40] Yes.

6 MS DIMITRI: [12:42:40] I was going to do that.

7 PRESIDING JUDGE SCHMITT: [12:42:42] And, by the way, I would also like to
8 clarify paragraph 68, furthermore. Well, I can do that. I'm just announcing it.

9 (Redacted)

10 PRESIDING JUDGE SCHMITT: [12:42:58] Of course.

11 MS DIMITRI: [12:42:59] Thank you.

12 Q. [12:43:01](Interpretation) Mr Witness, you said you didn't say 1,000 in any
13 document. I'd like to show you a document. Tab 40, CAR-OTP-2041-0768, actually,
14 page 0769. We'll put it up on the screen for you. 07 -- if we could go to the other
15 page, the other page, page 6769, please. If you could scroll up a bit. Thank you
16 very much.

17 (Redacted)

18 (Redacted)

19 Is this your document or not?

20 A. [12:44:46] It's my document.

21 Q. [12:44:55] Well, let me ask you this question: Was it a thousand? 611? Was
22 (Redacted)? Was there a mistake in your testimony?

23 A. [12:45:13] It's not a mistake. It was a long time ago. I didn't remember
24 everything. It could be correct. (Redacted)

25 (Redacted). I might have forgotten. But, as far as that number is

Trial Hearing
WITNESS: CAR-OTP-P-1339

(Private Session)

ICC-01/14-01/18

1 concerned, it's true.

2 PRESIDING JUDGE SCHMITT: [12:45:48] Mr Witness, a couple of minutes we
3 spoke about the 611 elements, and this is a very precise figure. How did you get to
4 this very precise figure? You understand what I mean? Because it's clear, it's very
5 difficult to know if it was a thousand, 1,500 or so. But you mentioned specifically
6 611. What kind of people were they? Where did you get this number, this exact
7 number from?

8 THE WITNESS: [12:46:33](Interpretation) It's a specific number just because, when
9 we left, some elements were designated, and all those who crossed over - there were
10 50 per canoe - to get to that number. So that's how I calculated the number.

11 PRESIDING JUDGE SCHMITT: [12:46:57] Yeah, please continue.

12 Well, Mr Witness, in this paragraph 68, that's 0118, you say that the 611 elements were
13 the only ones who had arms. Arms are fire weapons, to be precise. Excuse me, fire
14 weapons, to be precise. The 611 were those who had fire weapons.

15 THE WITNESS: [12:48:00](Interpretation) No, not all the 611. Some had weapons,
16 others did not. (Redacted)
17 (Redacted)

18 PRESIDING JUDGE SCHMITT: [12:48:14] Ms Dimitri.

19 MS DIMITRI: [12:48:33](Interpretation)

20 Q. [12:48:34] Now I'd like to ask you about the trip between Gbangba and Proget.
21 If we could remove that document from the screen, please.

22 Between Gbangba and Proget, at any time did the columns separate? Did the group
23 separate or not?

24 A. [12:49:15] No, the group did not split up before Proget. Once the group got to
25 Proget and was heading towards Boeing, that's when the group split.

Trial Hearing
WITNESS: CAR-OTP-P-1339

(Private Session)

ICC-01/14-01/18

1 Q. [12:49:31] We'll get to that. I'll ask you to show us on the map where the group
2 split up.

3 So if I've understood you correctly, the group stayed together all the way to Proget.
4 Mr Yekatom was at the front of the column, and Mr Ouandjio at the end of the
5 column. Gbangba to the river; from the river, all the way to Proget. Have I
6 correctly understood your testimony?

7 A. [12:50:13] Once we got to Proget, the elements were tired. Some were far away.
8 Myself, I leaned against a tree. And that was when Yekatom went off to the side and
9 talked to some other people.

10 Q. [12:50:39] That wasn't my question. Not at all. And, really, I do want to make
11 progress. There is a clock behind you that is looking at me very intensely. So,
12 please, listen to my question. I'm sorry to interrupt, but listen to my question
13 carefully.

14 From Gbangba to M'Poko and from M'Poko to Proget, did Mr Yekatom remain at the
15 front of the column and Mr -- and Ouandjio at the back of the column? Have I
16 understood you correctly?

17 A. [12:51:24] No. They were at the front. They were talking amongst themselves.
18 They moved forward.

19 Q. [12:51:33] Who do you mean when you say "they"?

20 A. [12:51:39] I meant Yekatom. When we left the bush, right at the beginning,
21 until the crossing over, they were in a column. Afterwards, they were in front. The
22 soldiers were in front, particularly Yekatom and the others.

23 Q. [12:52:06] Okay. And once they were in front, you stayed with the same group.
24 Have I correctly understood your testimony?

25 A. [12:52:22] Yes.

Trial Hearing
WITNESS: CAR-OTP-P-1339

(Private Session)

ICC-01/14-01/18

1 Q. [12:52:23] And did -- that included Coeur de Lion. We agree on that point?

2 A. [12:52:32] Coeur de Lion and the other soldiers, they were all together to -- all
3 the way to Proget.

4 Q. [12:52:49] Thank you.

5 Now, once again, my question is very clear. Let's -- we'll go to the details of the
6 attack later, but the right now what I want to know is how many elements took part
7 in the fighting at the Boeing market. How many?

8 A. [12:53:23] I don't remember the exact number. I might have mentioned it
9 somewhere, but right now I can't remember. On the 5th, many things happened.
10 So I'm not able to give you an exact number.

11 Some people were in Cattin, others in Boeing, so I can't give you a number. I can't
12 give you a specific number.

13 The ones who were in the bush came out at about 11 and met up with us in Proget.
14 During that time, we had already withdrawn to Proget.

15 Q. [12:54:10] I realise that today you can't give an exact number. If we take the
16 number of elements in Proget, would it have been half, more than half, a quarter?
17 What proportion of elements went to the Boeing market?

18 A. [12:54:55] Well, you have to realise that a lot of things happened during the
19 fighting. I really can't give you an estimate about the number. You know, some of
20 those things I can remember because I took time to take note of things, but I can't
21 always take note of things. If I were to tell you that when we were in Proget we
22 were mixed in with the other ones who had come, what is more --

23 THE INTERPRETER: [12:55:39] Correction.

24 THE WITNESS: [12:55:39](Interpretation) Come in from elsewhere. So I really can't
25 give you an exact number.

Trial Hearing
WITNESS: CAR-OTP-P-1339

(Private Session)

ICC-01/14-01/18

1 MS DIMITRI: [12:55:48](Interpretation)

2 Q. [12:55:49] I don't want an exact idea. You were the one who was there. I want
3 an estimate. I'll put the question to you differently.

4 You said at one point during your testimony that – (Redacted) were 1,500 in Proget.

5 (Redacted) the number of people in the canoes, and you

6 assessed that as being 611. (Redacted)

7 elements who crossed over and who left Gbangba were 1,000 in number.

8 At the Boeing market, are we talking about 611, about a thousand, 1,500, 150? I want

9 an estimate. Several hundreds?

10 You were able to give numbers for the other questions that I put to you. I would like

11 to know, at the Boeing market, what is your estimate? Half of 1,000? Half of 1,500?

12 The 611?

13 A. [12:57:19] As for the Boeing market, I can't. I wouldn't want to lie or get

14 something wrong. But what I do know is that, (Redacted) if you were to count the

15 Anti-Balaka, Bossangoa and the FACA members (Redacted)

16 (Redacted)

17 Initially, yes, I can -- I can make an estimate. Maybe it was 1,500. But after that,

18 many joined the group. Even the number I just gave to you, 1,500, I didn't note that

19 number. It was the investigator who asked me a question, and I made an estimate.

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 PRESIDING JUDGE SCHMITT: [12:58:30] I think it will be time now for the break.

24 And if we agree that we shortened the break, I think, did we?

25 MS DIMITRI: [12:58:35] Yes, Mr President. May I just ask one last question? Just

Trial Hearing
WITNESS: CAR-OTP-P-1339

(Private Session)

ICC-01/14-01/18

1 one last.

2 PRESIDING JUDGE SCHMITT: [12:58:39] A short question. It's because we
3 shortened the lunch break.

4 MS DIMITRI: [12:58:42] Yes, a very short one.

5 Q. [12:58:47](Interpretation) More than 750 or less at the Boeing market?

6 Could I correct. 750, more or less. I just want to correct the transcript.

7 A. [12:59:24] That number, no. It might have been more than 750 because some
8 people joined the group, some civilians. Once the shooting started, then some
9 civilians joined the group.

10 PRESIDING JUDGE SCHMITT: [12:59:47] Thank you.

11 We have now the lunch break until 2 o'clock.

12 THE COURT USHER: [12:59:55] All rise.

13 (Recess taken at 12.59 p.m.)

14 (Upon resuming in private session at 2.01 p.m.)

15 THE COURT USHER: [14:01:53] All rise.

16 Please be seated.

17 PRESIDING JUDGE SCHMITT: [14:02:12] Ms Dimitri, you want to stay in private
18 session?

19 MS DIMITRI: [14:02:15] Yes, please, Mr President.

20 PRESIDING JUDGE SCHMITT: [14:02:16] And we have now, of course -- otherwise,
21 it wouldn't have made any sense -- a session until 4 o'clock. And, actually, since we
22 have agreed for interpreters and everybody else, perhaps that we have, at half past 3,
23 a five-minute short break. Let's see if we need it.

24 Please continue.

25 MS DIMITRI: [14:02:40] May I just ask you one question, Mr President.

Trial Hearing
WITNESS: CAR-OTP-P-1339

(Private Session)

ICC-01/14-01/18

1 PRESIDING JUDGE SCHMITT: [14:02:43] Of course, yeah.

2 MS DIMITRI: [14:02:47] As I said yesterday, it's going to be tight, and

3 Mr Pages-Granier and Ms Lamqaddam gave me a goal for today. So I have a lot of

4 pressure to reach that goal. In the event I don't, is there a possibility to sit -- to have

5 a break, of course, and to sit until 4.30, or we're going to work on it tomorrow and

6 hope for the best?

7 PRESIDING JUDGE SCHMITT: [14:03:18] Well, I have to ask the Registry, actually.

8 I can come back to you. Then we would have to make a short break anyway.

9 MS DIMITRI: [14:03:24] Yes, of course. I'll do my best to reach the ...

10 PRESIDING JUDGE SCHMITT: [14:03:27] Yeah, yeah. Okay, good. So let's defer
11 that to a later stage, yeah, that decision.

12 Please continue.

13 MS DIMITRI: [14:03:39](Interpretation)

14 Q. [14:03:41] Good afternoon, Mr Witness. During your testimony, you talked

15 about armbands being distributed, and you said, T-152, 15:42: "The red armbands

16 were for combatants, and there were also other white armbands for the people from

17 Boeing."

18 Why was it necessary to make this distinction between the combatants from Boeing

19 and the combatants from Combattant?

20 A. [14:04:32] I have no idea. When we arrived, armbands were distributed to us,

21 and that's all. I don't know why.

22 Q. [14:04:51] In your corrected statement, paragraph 67, you struck out something.

23 You struck out the word "white", and then you replaced it by "red", regarding these

24 armbands that were allegedly distributed on 4 December in Proget.

25 Why did you strike out white and replace that word with the word "red"?

Trial Hearing
WITNESS: CAR-OTP-P-1339

(Private Session)

ICC-01/14-01/18

1 A. [14:05:45] The right colour was white for the people from Boeing. How could I
2 have struck that out? They were wearing white armbands, not red ones.

3 PRESIDING JUDGE SCHMITT: [14:06:04] Excuse me. There was a little bit of
4 commotion here. I've had technical problems. So -- which are obviously confined
5 to my computer. So please continue.

6 MS DIMITRI: [14:06:14] No apologies necessary, Mr President. I hadn't noticed. I
7 can continue?

8 PRESIDING JUDGE SCHMITT: [14:06:22] Yes.

9 MS DIMITRI: [14:06:22] Thank you.

10 Q. [14:06:27](Interpretation) From your testimony just now, you didn't -- you said
11 you didn't strike out the word "white" and replace it with the word "red". Is that
12 what I am to understand? I have your corrected statement here. 00014 is the
13 reference number.

14 If we could perhaps zoom in on paragraph 67. I don't want to show paragraph 67,
15 but if we could zoom in on that particular paragraph and have a closer look at the
16 change that was made. The word "white" was struck out and it was replaced by the
17 word "red".

18 Do you have the statement up on the screen? Yes. If you could scroll down.

19 Please scroll down a little bit more. Thank you. That's -- that's great. Leave it like
20 that, please.

21 "Between 2300 hours and midnight, they distributed white armbands and white
22 headbands." The words "white" have been struck out twice and the word "red",
23 *rouge*, is to the side. Were you the one who struck out white and put in --

24 A. [14:08:08] It wasn't me. The armbands that were distributed were -- this wasn't
25 me.

Trial Hearing
WITNESS: CAR-OTP-P-1339

(Private Session)

ICC-01/14-01/18

1 PRESIDING JUDGE SCHMITT: [14:08:25] Could you please complete the sentence.

2 "The armbands that were distributed were"; were they red or white or both?

3 Mr Vanderpuye.

4 MR VANDERPUYE: [14:09:12] Mr President, I'm on my feet because this is again the
5 same as before. The witness was asked this. It's at transcript reference page 152.

6 He gave an explanation. He said very clearly that the red ones -- one, that there was
7 a correction; and, two, that the red ones were for elements from Combattant.

8 So the trouble is, I think, where he has already answered the question and it's put to
9 him as if he hasn't, we run into trouble, that is, delaying, confusion and all that. So I
10 don't know whether or not that's something that my colleague wants to address or is
11 intending to address, but I just want to point that out because I think -- I think it's
12 already clear on the record.

13 PRESIDING JUDGE SCHMITT: [14:09:58] Okay.

14 MS DIMITRI: [14:10:00] I'm going through all this, Mr President. The first version,
15 the correction, the version he gave after Mr Vanderpuye put it to him. That's the
16 purposes of the exercise.

17 PRESIDING JUDGE SCHMITT: [14:10:10] I understand the purpose of the exercise,
18 yes.

19 MS DIMITRI: [14:10:14] Thank you.

20 PRESIDING JUDGE SCHMITT: [14:10:19] But, perhaps I may --

21 MS DIMITRI: [14:10:20] Yes, of course.

22 PRESIDING JUDGE SCHMITT: [14:10:21] -- put the question to the witness.

23 Mr Witness, when you look at this paragraph 67 and you see that "white" has been
24 crossed out and only "*rouge*" remains, so does this mean that there were only
25 bands -- red bands, or were there also white bands, according to your recollection

Trial Hearing
WITNESS: CAR-OTP-P-1339

(Private Session)

ICC-01/14-01/18

1 today?

2 THE WITNESS: [14:10:53](Interpretation) The red armbands were for the people
3 from Combattant because they were supposed to leave at the intersection at 5th. The
4 white armbands were for the combatants from Boeing and Cattin.

5 PRESIDING JUDGE SCHMITT: [14:11:12] Thank you.

6 We have everything own the record. I agree with Mr Vanderpuye, and you can
7 move on.

8 MS DIMITRI: [14:11:18] I still have a few questions on this issue, if you may,
9 Mr President.

10 PRESIDING JUDGE SCHMITT: [14:11:22] It depends on what you're going to
11 address and how, of course.

12 MS DIMITRI: [14:11:26] Of course.

13 Q. [14:11:32](Interpretation) Mr Witness, well, if the two colours -- no. Let me
14 rephrase.

15 Yes or no, were you the one who struck out the word "white", or did you ask another
16 person to strike out "white" and put the word "red" on this corrected statement that
17 we have up on the screen?

18 A. [14:12:04] I didn't ask anyone to strike out anything.

19 Q. [14:12:14] Now, since, according to your testimony, red was to Combattant and
20 white was for Boeing and Cattin, could you explain to me, before the Prosecutor drew
21 your attention to the correction, to paragraph 67, you said spontaneously - T-152,
22 15:37 - quote: "It was there that we wore white armbands that were distributed to
23 everyone." End of quote. That's your testimony before the Prosecutor refreshed
24 your memory. There was no mention of red armbands at that particular time from
25 you. Why didn't you mention that?

Trial Hearing
WITNESS: CAR-OTP-P-1339

(Private Session)

ICC-01/14-01/18

1 A. [14:13:09] The Prosecutor asked me a question, but the armbands that were
2 distributed to the fighters from Combattant were white. That's what I said. I said
3 that way -- that those armbands were distributed to all the elements. When I say "all
4 the elements", Combattant is a bit of a distance from Boeing. First of all, you have to
5 cross the airport area to get to Combattant. And I was talking about the fighters
6 from Boeing. That's why I said all the combatants, all the fighters.

7 Q. [14:13:51] Now you're saying -- well, a few moments ago you said, "I didn't ask
8 anyone to strike out anything." Yet, we did receive a report from the Victims and
9 Protection Section, the people who are with you outside of hearing hours, about this
10 change. This is an email dated 5 September, and the interpreter who assisted you
11 during the correction has indicated, and I quote -- specifically regarding the
12 correction to paragraph 67 -- "Regarding the colour of the armbands and the
13 headbands, this is what he gave me by way of an explanation." And this is about
14 you, and he quotes you. He says -- you're explication was as follows, and I quote:
15 (Redacted)

16 (Redacted) End of quote.

17 After that explanation, according to the interpreter, you asked him to change the
18 word "white" and to put down "red". Is that what you said to the interpreter who
19 assisted you, yes or no?

20 A. [14:15:39] No. I didn't ask for any such thing.

21 On the 5th, there were no uniforms. Even the soldiers were wearing civilian clothes
22 to fight. And so that's why they distributed armbands to identify the Anti-Balaka
23 members.

24 On the day of the attack, even the soldiers were not wearing uniforms. It was
25 important for us to wear armbands so that we could recognise one another. And let

Trial Hearing
WITNESS: CAR-OTP-P-1339

(Private Session)

ICC-01/14-01/18

1 me specify, these were white armbands so that we could recognise the elements.

2 Q. [14:16:35] Thank you.

3 The statement can be taken off the screen now.

4 I'd now like to hark back to Proget. I understood that earlier in your testimony,
5 when you got to Proget, at noon 50, you said this: "I leaned against a tree."

6 Now -- so I understand that you were resting for a while. And then after taking
7 some rest, where did you go?

8 A. [14:17:34] I didn't go anywhere. And what's more, it wasn't noon 50. We left
9 the bush, and we got -- we left at 4 p.m., and we got to Proget at night. I didn't say
10 anything about that time of day. It's true that I leaned against a tree, and I was tired,
11 and so I rested for a bit. And then it's true, they did have discussions, but I wasn't in
12 a position to know what they were saying.

13 Yekatom was in the habit of saying that we -- that not all the information could be
14 given to the elements. It was just between them and the soldiers. It was later -- and
15 I think -- now what time? Well, I wasn't wearing a watch. Was it 8 p.m.? 11 p.m.?
16 I don't know.

17 (Redacted)

18 (Redacted)

19 Q. [14:18:59] Just to clarify matters, because I understand why you're confused.
20 When I said noon 51, I'm talking about today. I said you stated at noon 51. Not
21 about when you were at Proget. Do you understand?

22 A. [14:19:19] Yes, now I understand, and I thank you.

23 Q. [14:19:24] Am I to understand that you said -- I understood from your testimony
24 that (Redacted)

25 (Redacted)

Trial Hearing
WITNESS: CAR-OTP-P-1339

(Private Session)

ICC-01/14-01/18

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: CAR-OTP-P-1339

(Private Session)

ICC-01/14-01/18

1

2

3

4

5

6

7

8

9

10

11

12

13 Page redacted

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: CAR-OTP-P-1339

(Private Session)

ICC-01/14-01/18

- 1 (Redacted)
- 2 (Redacted)
- 3 (Redacted)
- 4 (Redacted)
- 5 (Redacted)
- 6 (Redacted)
- 7 (Redacted)
- 8 (Redacted)
- 9 THE INTERPRETER: [14:27:39] Correction from the Sango interpreter: (Redacted)
- 10 (Redacted)
- 11 MS DIMITRI: [14:27:51](Interpretation)
- 12 Q. [14:27:55] (No interpretation)
- 13 PRESIDING JUDGE SCHMITT: [14:28:02] May I?
- 14 You have to put your microphone on, please.
- 15 THE INTERPRETER: [14:28:08] Sorry. Apologies from the booth. Yeah, the last --
- 16 PRESIDING JUDGE SCHMITT: [14:28:12] Well, please repeat what has been said.
- 17 That would be kind, and then you can continue.
- 18 THE INTERPRETER: [14:28:17] The last question was: All the same, there were
- 19 some soldiers from Boeing within the group. So why was a civilian asked to ...
- 20 MS DIMITRI: (Interpretation)
- 21 Q. [14:28:31] Would you like me to repeat the question?
- 22 (Redacted)
- 23 (Redacted)
- 24 (Redacted)
- 25 (Redacted)

Trial Hearing
WITNESS: CAR-OTP-P-1339

(Private Session)

ICC-01/14-01/18

1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 Q. [14:29:50] I'd now like to do an exercise with you. You are in Proget, and then

8 it is time to deploy for the attack. I know that the Prosecutor showed you a map,

9 and you were so kind as to describe - actually, you used a pink marker - the specific

10 path you took, particularly when you left Gbangba. I have a few other locations that

11 I would like to ask you to identify on the map in light of what you said.

12 Do you understand so far?

13 A. [14:30:40] Yes, I understand.

14 Q. [14:30:41] Just to make sure everything's clear, and if the Presiding Judge agrees,

15 to gain some time, I have a copy here, a copy of the map, no annotations. This is

16 tab 60, OTP list, 2118-9146. If you would like the hard copy -- just a moment.

17 (Speaks English) Mr ...

18 PRESIDING JUDGE SCHMITT: [14:31:31] Well, it's still that I have no access here.

19 So -- no, but continue. I'm following. So we might have to make a short break so

20 that it can be fixed when the technician is coming in.

21 MS DIMITRI: [14:31:48] Mr President, I have two or three specific questions in

22 relation to what he said, but even if I read the transcript two or three times, it's not

23 clear what location he was talking about when he was describing specific events.

24 PRESIDING JUDGE SCHMITT: [14:32:06] Yeah, yeah.

25 MS DIMITRI: [14:32:07] So I have a paper copy that the Registry could give him, and

Trial Hearing
WITNESS: CAR-OTP-P-1339

(Private Session)

ICC-01/14-01/18

1 then I'll ask him to put certain letters so it's very clear. And then the registry could
2 probably stamp that copy, if that's okay with everyone and with Mr Vanderpuye.

3 PRESIDING JUDGE SCHMITT: [14:32:24] Mr Vanderpuye, I think you don't have
4 any objections to that.

5 Even more, he's fine with it.

6 Okay. Then we continue like that.

7 MS DIMITRI: [14:32:37](Interpretation)

8 Q. [14:32:38] Mr Witness -- Mr Witness, listen carefully to the question because I
9 followed what you said when you gave your testimony, and now I'd like to identify
10 some particular locations.

11 PRESIDING JUDGE SCHMITT: [14:33:16] I think we can start.

12 MS DIMITRI: [14:33:21](Interpretation)

13 Q. [14:33:23] Don't write anything on the map until I tell you to do so. Okay?

14 Thank you.

15 You said, and I am quoting you, listen very carefully to what I'm saying, Mr Witness:

16 (Redacted) It was done in

17 transcript 55.

18 And today you talked about the split of the two groups; Boeing, Cattin. This is

19 transcript 155. On the map --

20 (Speaks English) Mr President, I think your microphone is on. Thank you.

21 PRESIDING JUDGE SCHMITT: [14:34:21] Not for a purpose.

22 MS DIMITRI: [14:34:30](Interpretation)

23 Q. [14:34:31] My colleague is going to put the map on the screen.

24 If you could do that on channel 2.

25 I'm talking about the split of the group, Mr Witness. And the Prosecution asked you

Trial Hearing
WITNESS: CAR-OTP-P-1339

(Private Session)

ICC-01/14-01/18

1 last week where the group split into two. Was it before your departure or during
2 your travels? And you said that the split was done before the Boeing market. You
3 spoke about the Baptist church.

4 So if you look at the map, I would like you to show us the point where the split took
5 place. And I would like that you write the letter "S" for split at the place where the
6 group split into two. If you want the map to be shifted, because I can't see whether
7 you're looking at the hard copy or the copy on the screen.

8 PRESIDING JUDGE SCHMITT: [14:36:26] I think he is looking at the hard copy.

9 So, Mr Witness, can you see clearly the map? Is it fine for you? Is it good enough
10 to identify the places where you've been?

11 THE WITNESS: [14:36:56](Interpretation) I'm looking, but I don't see the name of
12 the church, the Baptist church on the map. I see there's a church. I see
13 Kette-Goussa neighbourhood. I see that. Oh, yes, I see the Baptist church, the
14 Baptist Fundamental Church. But the route is not marked on the map where the
15 Baptist church is positioned behind the market. The Boeing market and the church,
16 the Baptist church, is behind the market, but there is no referral to the street of that
17 road on the map. You see the market Boeing. You see the Fundamental Baptist
18 Church. There is a small little lane which goes to the major route to Dameca, but it is
19 not visible on the card, on the map.

20 PRESIDING JUDGE SCHMITT: [14:38:20] Mr Witness, but that's already very
21 helpful, I think. But is this Baptist church, this Baptist Fundamental, what is written
22 down here, where the split took place; is this correct? Is it a correct understanding?

23 THE WITNESS: [14:38:49](Interpretation) Yes, that is what I'm trying to say. It
24 is -- before the Baptist church, there is a lane which leads to the main route of Cattin.
25 The church isn't very far from the market.

Trial Hearing
WITNESS: CAR-OTP-P-1339

(Private Session)

ICC-01/14-01/18

1 PRESIDING JUDGE SCHMITT: [14:39:11] I think that's fine. And since the lane
2 that he means is not there, I think we have it in front of us, and so we can really
3 picture it now. And that's enough. He doesn't have to make an "S" now there.

4 But it's clear from there. But you wanted to ask him for more places to identify.

5 MS DIMITRI: [14:39:30] Yes, Mr President. And I think I know what he's talking
6 about. So if you allow me, I'd like to guide him.

7 PRESIDING JUDGE SCHMITT: [14:39:38] Well, the streets are, I think, not visible
8 there.

9 MS DIMITRI: [14:39:42] No, they are a little bit. That's why, if you allow me, I just
10 want to clarify one point with him.

11 PRESIDING JUDGE SCHMITT: [14:39:47] Yeah, but it's relatively clear what he
12 means. The church is clear, and there is a small lane. I think, really, we don't need
13 more, I would say.

14 MS DIMITRI: [14:39:59] Now, I understand, but that's the "S". For me the "S" is
15 very clear. But I have another question.

16 PRESIDING JUDGE SCHMITT: [14:40:06] Yeah, yeah, yeah. Of course.

17 MS DIMITRI: [14:40:08] Thank you.

18 PRESIDING JUDGE SCHMITT: [14:40:09] But I was done with the "S".

19 MS DIMITRI: [14:40:45](Interpretation)

20 Q. [14:40:45] Mr Witness, can you look at the screen and tell me if I'm correct in
21 saying, I understand that the "S" is the place where you have the Baptist Fundamental
22 on the map. That's where the "S" should be, just below Kette-Goussa and the left to
23 Marche Boeing.

24 Now, can you see at the bottom of this map, the map you see on the screen, you have
25 the words "Centre Foyer de Charité"?

Trial Hearing
WITNESS: CAR-OTP-P-1339

(Private Session)

ICC-01/14-01/18

1 A. [14:41:34] Yes.

2 Q. [14:41:35] And you can see CSU of Cattin. Can you see CSU of Cattin on the
3 right-hand side of the Centre Foyer de Charité?

4 My colleague is making a cross on the CSU. Can you see that?

5 A. [14:42:08] Yes. That complex is at that level. When you arrive at the Foyer de
6 Charité, you can go towards the market of the Foyer. You know, after the battle of
7 the 5th, people withdrew and opened a market, the market Foyer, and we called that
8 the Foyer market. So where you see CSU, it is in the Cattin.

9 Q. [14:42:54] Just listen to my question so that we can move together.

10 Now, you can see towards the north of CSU of Cattin, you see -- and my colleague
11 will put their cursor there -- you'll see carpentry factory. That is Dameca. Do you
12 agree with that?

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

14 Q. [14:43:18] Listen to my question. When you say that the column which split at
15 the level of the Baptist Fundamental Church and continued until Cattin, they took the
16 little street behind the Fundamental church to go to Cattin, just to the dirt road which
17 goes to Cattin. Do you agree that it goes downwards a bit from the Baptist
18 Fundamental Church to the line that you see and which goes down towards the Foyer
19 market, and then it goes east towards CSU of Cattin? Have I understood your
20 description and testimony correctly?

21 A. [14:44:23] That road normally is behind the major road to Cattin. There is a
22 Catholic church at that place called the crossroads of Bossembélé. The road that I see
23 here, you can see the church -- the road here isn't drawn up correctly. And also
24 Dameca. There is also a fountain which you pass by. When you pass by the
25 carpentry factory, you go downwards, directly to the crossroads or roundabout of

Trial Hearing
WITNESS: CAR-OTP-P-1339

(Private Session)

ICC-01/14-01/18

1 Cattin. But the lane which you use to go to the major road isn't visible here. I don't
2 know if you follow what I'm saying.

3 Q. [14:45:44] I understand.

4 (Speaks English) May I ask him to draw it, to draw a line from the Baptist --

5 PRESIDING JUDGE SCHMITT: [14:45:53] Well, perhaps we can use the five minutes
6 that we would need to fix the technical problem. So we have to make a short --

7 MS DIMITRI: [14:46:01] Of course.

8 PRESIDING JUDGE SCHMITT: [14:46:02] I don't know if it takes five minutes or
9 two minutes or ten minutes, but please let me know, court officer, when we can
10 continue.

11 Mr Vanderpuye.

12 MR VANDERPUYE: [14:46:11] Sorry. Just to ask whether we need to be in private
13 session still. I'm not sure, but ...

14 PRESIDING JUDGE SCHMITT: [14:46:15] I'm also not sure. Perhaps we could go
15 to open session afterwards. But you can think about it. Nevertheless, we are taking
16 now a short break, and please let me know when we can continue. This is
17 addressing the court officer and the technicians. Thank you very much.

18 THE COURT USHER: [14:46:34] All rise.

19 (Recess taken at 2.46 p.m.)

20 (Upon resuming in private session at 2.53 p.m.)

21 THE COURT USHER: [14:53:17] All rise.

22 Please be seated.

23 PRESIDING JUDGE SCHMITT: [14:53:38] Ms Dimitri, you have still the floor. We
24 can go until 3.30, then have a 15 minutes' break and then continue until 4.30. And
25 then you finish, and we have a whole day free tomorrow.

Trial Hearing
WITNESS: CAR-OTP-P-1339

(Private Session)

ICC-01/14-01/18

1 MS DIMITRI: [14:53:54] I wish.

2 Let me see -- let me give you an update at 3.30, if that's okay with your Honours.

3 PRESIDING JUDGE SCHMITT: [14:54:04] Okay. You know -- well, I talked with
4 my -- we talked amongst each other. So we will do it if need be. If not, we are not
5 so sad, to put it this way.

6 MS DIMITRI: [14:54:24] Thank you very much.

7 Q. [14:54:26](Interpretation) Mr Witness, for it to be clear -- and I understand that
8 the lane doesn't appear on the map. That's normal. I think that the map is the
9 major roads.

10 What I would like you to do is to show -- I understand that the starting point of the
11 split was around the Baptist Fundamental Church. Are you in a position to take a
12 pen, pencil? I've got one, which is blue, so that it's clear. If -- if we give you a blue
13 pen and you draw, you make a line between the Fundamental Baptist Church where
14 the split took place until the road or the lane which goes down to the dirt road from
15 Cattin-PK5. I see the dirt road which goes from Cattin to PK-5. I think you see it as
16 well. But what I want to know is that the line from the Baptist church, is it close to
17 the Foyer Centre of Charité or is it closer to the CSU of Cattin? Do you understand
18 what I'm saying?

19 Mr Witness, your microphone is not on. Mr Witness, your microphone, please.

20 A. [14:56:06] What's a bit of a problem for me is the particular route in question. If
21 I draw the line in a way that it goes to the Charité Foyer, it would have really passed
22 Boeing. It is the road that comes from the Boeing market who ends up at the Foyer
23 Charité. So I have to take a step back. The true road is not shown on this map.
24 For example, the fundamental church, which you can see here next to the Boeing
25 market. I can see the main axis of Combattant. I see them.

Trial Hearing
WITNESS: CAR-OTP-P-1339

(Private Session)

ICC-01/14-01/18

1 As I can't identify the lane, it's very difficult for me to draw it out on the map.

2 PRESIDING JUDGE SCHMITT: [14:57:16] Well, I think we have enough oral
3 information and, we have, of course, the annotated and marked copy. I think we can
4 continue from there.

5 Thank you, Mr Witness.

6 And thank you, court usher, too. Thank you very much.

7 I assume no open session. Perhaps I have assumed wrong.

8 MS DIMITRI: [14:57:49] I mean, I could for two questions, but it's not worth it.

9 PRESIDING JUDGE SCHMITT: [14:57:54] No, that's not worth it.

10 MS DIMITRI: [14:57:58](Interpretation)

11 Q. [14:58:00] So if I understand your testimony correctly, I understand you cannot
12 draw it up on the map. I understand that there is a split at the Baptist church.
13 There's a column goes towards Cattin by taking the lane. So that group that goes
14 towards Cattin from the Baptist Fundamental Church is the group that led by Habib
15 and Alkanto; is that correct?

16 A. [14:58:40] On that group, there was Habib and other individuals, and also
17 Keapex. I'm talking about this group. However, the group who went to Boulata
18 was led by Ouandjio.

19 No, no, no, I made a mistake. It was Ouandjio.

20 No, it was Yekatom. I made a mistake. It wasn't Yekatom. It was Ouandjio.

21 (Redacted) soon -- the person who knew that we had run out
22 of ammunition was Habib. So he ordered us to retreat.

23 Yes, if I remember correctly, Héritier was also part of the Cattin group.

24 Q. [14:59:49] So if I understand correctly, there is a split before the Boeing market at
25 the Baptist Fundamental Church. There is a first group led by Habib and Keapex

Trial Hearing
WITNESS: CAR-OTP-P-1339

(Private Session)

ICC-01/14-01/18

1 which goes towards Cattin. And there is a second group, the Boeing group, who
2 goes to the market and then goes to Boulata, which is led by Coeur de Lion. Is that
3 correct?

4 A. [15:00:30] Excuse me, the question that you've just put to me has jogged my
5 memory. If I remember correctly, it wasn't -- it wasn't before the fundamental
6 church. It's now, when I visualise things, it was after the battle in Boeing, when we
7 were making progress towards the main road, that this group took the route to Cattin.
8 It is right now, right now when you asked me the question that I remember what
9 happened.

10 What I said yesterday was not absolutely correct. It is right now that I remember the
11 facts. You know, the split didn't take place before. It's right now that I remember
12 this. The attack of the Boeing market had already taken place before the split.
13 Let me repeat. It is right now that I remember this fact. You know, during the
14 Boeing attack, Yekatom was there. Habib was also there. It is right now, now that
15 you're asking me the question as regards Habib, that I remember all this.

16 Q. [15:02:09] Is your testimony that the 1,500 elements from Proget went to Boeing
17 and then the group split up? Is that your testimony?

18 A. [15:02:39] Yes. Now I remember what happened. Inside the market
19 itself -- well, I would say after the death of Hassan, that's when the group split up.
20 One group left and headed towards Cattin. I just remembered that it was Habib
21 who had thrown the grenade. And when Hassan fell, Habib took a grenade, went
22 behind the shop before throwing the grenade. Then the young people from Boeing
23 started to loot the shops, driving out all the merchants who were there. Then after
24 that, the group split up, and we moved toward.

25 Q. [15:03:49] In your testimony, you specified -- listen to my question carefully,

Trial Hearing
WITNESS: CAR-OTP-P-1339

(Private Session)

ICC-01/14-01/18

1 because I want to make progress here. My questions are going to be very specific.

2 You testified, and I quote: "It was Yekatom who gave the signal for the attack. He
3 took out his automatic pistol and shot into the air. And he came back to find all of
4 those who were behind him who were armed. He came and got them, and they
5 started to move forward together."

6 My question is very simple. Just a few words is necessary for the answer. How
7 much time elapsed, if you know, between Mr Yekatom's shooting into the air and his
8 return to the elements?

9 A. [15:05:19] People were lined up. They were all lined up, and he, as the leader,
10 he moved forward slightly to shoot. If he had stayed within the column, he might
11 shoot up into the air and the bullet would fall down and kill someone in the column.
12 So he moved forward slightly to shoot into the air, then moved back.

13 Q. [15:05:56] Regarding Hassan, and I quote: "He himself had a weapon in his
14 shop. As soon as he heard the shot, he came out and he started to shoot as well."
15 This is from T-154.

16 Listen to my question carefully, Mr Witness. Am I to understand that when you said
17 "as soon as he heard the shot, as soon as Hassan heard the shot", are you talking about
18 the shot that Mr Yekatom fired into the air?

19 A. [15:06:55] Yes, that is correct.

20 Q. [15:07:09] Could you explain to me, because all the same, you did testify to the
21 effect -- oh, just a moment.

22 You indicated at paragraph 77 of your statement that at one particular point in time
23 the Seleka arrived on vehicles and they started to shoot at the local population who
24 fled towards the airport. Paragraph 77 of the statement.

25 How many Seleka vehicles arrived, according to what you've seen?

Trial Hearing
WITNESS: CAR-OTP-P-1339

(Private Session)

ICC-01/14-01/18

1 A. [15:08:49] The Seleka attacked Boeing several times. Sometimes they would be
2 on three vehicles. The last time, when they came to look for the men, they were
3 on -- in six vehicles. They went as far as the apostolic church number 1. So I can
4 confirm that they came to Boeing several times.

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 PRESIDING JUDGE SCHMITT: [15:11:31] I think the witness has not said that he
21 saw the stray bullets. If I understood his last answer correctly, he has heard, he has
22 heard that the Seleka - he did not see them - that the Seleka turned against the civilian
23 population because they did not see the combatants. Perhaps I'm wrong, but this is
24 how I understood the last answer by the witness. But, nevertheless, of course, you
25 can ask him from where did you go there.

Trial Hearing
WITNESS: CAR-OTP-P-1339

(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 MS DIMITRI:

11 Q. [15:13:30] When you say they started to go through all the houses and kill all the
12 men, when you say "them", you're talking about the Seleka, aren't you?

13 PRESIDING JUDGE SCHMITT: [15:13:44] Of course. Of course. Well, that was
14 clear. Excuse me. Normally the Presiding Judge does not answer the questions for
15 the witness, but that was clear from the testimony of the witness.

16 MS DIMITRI: [15:13:55] No problem, Mr President. I'll move on.

17 Q. [15:13:59](Interpretation) Elements withdrew -- withdrew to Proget.

18 THE INTERPRETER: [15:14:14] Overlapping speakers. The beginning of the
19 question was not audible.

20 THE WITNESS: [15:14:24](Interpretation) I said that some retreated to the Yamwara
21 school. Others withdrew and went towards Proget.

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

Trial Hearing
WITNESS: CAR-OTP-P-1339

(Private Session)

ICC-01/14-01/18

1 (Redacted)

2 (Redacted)

3 Q. [15:15:33] So you withdrew directly on the 5th to the Yamwara school?

4 A. [15:15:49] I said that some elements withdrew to Proget. (Redacted)

5 (Redacted)

6 Q. [15:16:14] Listen to my question. (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 A. [15:17:32] We began to withdraw at about 10 or 11 in the morning, something

16 like that. But ...

17 THE INTERPRETER: [15:17:44] The witness is thinking.

18 THE WITNESS: [15:17:52](Interpretation) I'm not sure where it was because -- was I

19 within the group that withdrew towards Proget? I'm not sure so anymore. The

20 events occurred a lot time ago, and I'm trying to remember, but I just can't make sense

21 of it all. No, I don't remember.

22 PRESIDING JUDGE SCHMITT: [15:18:25] We have also to take into account, I think,

23 that these are events in - let me put it bluntly - in wartimes, back and forth of attacks

24 and being in danger, and so it's -- there is -- it's -- at least I think we can imagine that

25 it's not so easy to remember every detail.

Trial Hearing
WITNESS: CAR-OTP-P-1339

(Private Session)

ICC-01/14-01/18

1 But, Mr Witness, when we are speaking, and when the next question is asked, and
2 when you recall it again, please let us know, like you have done in the past. So,
3 actually, I fully understand that not every detail is present now. But at
4 some -- sometimes you say things come back to you, then please tell us. And even if
5 it is tomorrow morning and you want to say something -- let's say in the evening you
6 reflect on it and then it comes back to you, you can tell us.

7 You have understood, Mr Witness?

8 THE WITNESS: [15:19:31](Interpretation) Yes, I understand. If I remember a detail,
9 tomorrow I will tell you about it.

10 PRESIDING JUDGE SCHMITT: [15:19:42] Thank you very much.

11 I think the witness seems to be quite exhausted, but I think we can continue. We
12 continue, let's say, yeah. I'm relatively sure that tomorrow the witness will be able to
13 give you the answer, frankly speaking. But you can continue with -- this is the
14 reason why I intervened now and told him that -- well, it's not only the elapse of the
15 years. It's also that such events are -- you know, you experience them -- fortunately,
16 I never have to experience them. But you experience them in not the normal state of
17 mind. You are full of anxiety and everything. So things might, at the moment
18 when you are questioned, not be present to you but come back later. I think that's
19 relatively understandable. I'm sure you will get your answer at some point in time.
20 But continue, perhaps, with another issue.

21 MS DIMITRI: [15:20:51](Interpretation)

22 Q. [15:20:52] You just mentioned Nicolas Begoto, and you said that you learned
23 about him big killed at Yamwara. This Nicolas that you mentioned, is that
24 Nicolas Begoto?

25 A. [15:21:13] Yes.

Trial Hearing
WITNESS: CAR-OTP-P-1339

(Private Session)

ICC-01/14-01/18

1 Q. [15:21:26] Didn't he die well before 5 December?

2 A. [15:21:32] No.

3 Q. [15:21:40] How many casualties did you suffer on 5 December?

4 A. [15:21:57] This question is really complicated. Some elements did not come
5 back. Others no. But I really can't have a clear idea of how many casualties. For
6 example, Maquis disappeared for *good. There was another element who was
7 buried under the mango tree *alongside the Seleka.

8 So how many deaths occurred that day on the 5th? I have no idea. In the market,
9 there were six, but it's possible that there may have been other deaths outside the
10 market. But I have no idea.

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 PRESIDING JUDGE SCHMITT: [15:23:48] Mr Witness, did it come to your attention
18 that, from the other groups, Anti-Balaka groups, combatants died? Did you hear
19 that?

20 THE WITNESS: [15:24:13](Interpretation) What I saw with my own eyes was
21 Samson, but that was after the 5th. I told you that there was fighting still going on
22 after Boeing -- correction -- between Boeing and KM5. One soldier by the name of
23 Basile, 2012 was his year, he too died, but that was after the attack of the 5th.

24 PRESIDING JUDGE SCHMITT: [15:24:54] Thank you.

25 Ms Dimitri.

Trial Hearing
WITNESS: CAR-OTP-P-1339

(Private Session)

ICC-01/14-01/18

1 MS DIMITRI: [15:25:00] Thank you, Mr President.

2 If I may just consult for one second. I want to have an idea of how much is left.

3 PRESIDING JUDGE SCHMITT: [15:25:13] Absolutely.

4 MS DIMITRI: [15:25:13] Thank you.

5 (Counsel confers)

6 MS DIMITRI: [15:25:25] I'm told I have to continue.

7 PRESIDING JUDGE SCHMITT: [15:25:30] Yeah, then please do so, meaning we do

8 as we had said, a break in five minutes, and then ...

9 MS DIMITRI: [15:25:40] I think, to be honest, we can stop at 4. I'm doing good
10 progress.

11 PRESIDING JUDGE SCHMITT: [15:25:48] Well, then perhaps we try to make do
12 without any break until 4 o'clock, yeah. If the whole team agrees, of course. It's a
13 long day.

14 But also, Mr Witness, when you feel tired and you think, "Well, it's extremely difficult
15 for me to concentrate anymore," please let us know. Please raise your hand, and
16 then we'll make a break or we finish for today. Yeah?
17 Please, Ms Dimitri.

18 MS DIMITRI: [15:26:21] Thank you, Mr President.

19 Q. [15:26:28](Interpretation) I'd like us to have another look at the map. You
20 testified that the path that goes in front of the Ali church was the red line between the
21 Anti-Balaka and the Seleka. Just to make sure that everything's clear for the record,
22 am I to understand that the Ali church that you refer to -- if you look at the screen, my
23 colleague will indicate the church. This is the church between Marie Secondaire
24 Kokoro Boeing and another spot, namely -- my colleague has placed an X just beside
25 Ali. Is this the church that you're mentioning that constituted the red line between

Trial Hearing
WITNESS: CAR-OTP-P-1339

(Private Session)

ICC-01/14-01/18

1 the Anti-Balaka and the Seleka?

2 A. [15:27:42] Yes. You see, there is Ali and an X was put there. Ali, that was the
3 head of the sector. Ali Thomas. And his name was given to the area.

4 Q. [15:28:08] When you said last week -- transcript 155, line 41, and I quote: "The
5 red line between the Anti-Balaka and the Seleka." End of quote. And then later on
6 you said: "We stopped at that church. We no longer had any ammunition."

7 You were still talking about the Ali church. Can we agree on that?

8 A. [15:28:40] No. The church where we stopped was the Boulata church, which I
9 don't see on the map here. It's to the left. The Ali church -- the road that goes in
10 front of that place goes directly towards Cattin where -- if you could just move down
11 a bit and look at Boulata, that is where we see -- Boulata. Exactly.

12 The spot where Boulata is marked, that's where the church is. On the other side of
13 the road, there is a water fountain. And the sector that's marked Fulbe, that is an
14 area where Muslims live; from there to Kilometre 5. Boulata is also inhabited by
15 Muslims. You see an X, and that's a church that was torched. There is the Boulata
16 church and then also the Gbaya-Doumbia church.

17 Q. [15:30:19] Talking about the Ali church, you said that the path that went
18 to -- passed the Ali church is the red line between the Anti-Balaka and made the
19 distinction between the Anti-Balaka and the Seleka. T-155, 941.

20 When I asked you, and I quote you, and this is transcript 157, you said towards the
21 Boeing crossroad. It's the red line that separated the Christians from the Muslims.
22 The path divided us. The road leads to Cattin. And that is the road that separated
23 us.

24 The line that separates the Anti-Balaka from the Seleka, the red line, when you talk
25 about the road that goes to Cattin, are you talking about the path that goes from the

Trial Hearing
WITNESS: CAR-OTP-P-1339

(Private Session)

ICC-01/14-01/18

1 Ali church, going via Proget, AGETIP-CAF to Cattin, which you can see on the map?

2 A. [15:31:40] No, not that one. Go down a bit. The Ali church, in the square of
3 the Ali church -- but please go down a bit so that I can show you the place. No, no,
4 no. Go down a bit. Yes.

5 Look, go with your curser to the Boulata square. Yes.

6 So there is the fountain and there is also the church. According to me, the roads
7 aren't well marked out. So the road where you've written "Fulbe", that road, that's
8 the road which we took -- no, no, no. During the battle of the 5th, the battle, the fight
9 took place there, and that's when we were told that we had run out of ammunition.
10 When we withdrew, the Seleka started the counteroffensive.

11 So the Ali church is on the other side. And in front of the church, there were houses
12 who were not completely burnt down. After the fight of the 5th, that line, the red
13 line between the Anti-Balaka and the Seleka, was formed. That -- explained it like
14 that. As I didn't give a lot of explanations, you probably didn't quite fully
15 understand what I was saying.

16 So after the battle of the 5th, this route made up the demarcation. The enemies
17 clashed with us there. We were also waiting at that level. And after the fight,
18 everybody withdrew to their own camp. And that is why I call this line the
19 demarcation line.

20 Q. [15:34:13] I've understood. Thank you.

21 Right now I'd like to go back to Cattin by showing you a video. I just want to jog
22 your memory. I don't want to show you everything. You remember last week I
23 showed you on the screen a screen shot, 12 of the Defence binder, 0020-0052. And
24 you said there was a Seleka base behind the green-yellow container. Do you
25 remember that?

Trial Hearing
WITNESS: CAR-OTP-P-1339

(Private Session)

ICC-01/14-01/18

1 A. [15:35:07] Yes, yes.

2 Q. [15:35:11] I'm now going to show you another video, which is 44 seconds long,
3 53 of the Defence binder -- sorry -- 63 of the Defence binder, CAR-OTP-2065-1428. It
4 is 44 seconds long, and interpretation is not necessary. Look carefully at the video,
5 and then please answer my question by "yes" or "no" so that we can make progress.
6 (Viewing of the video excerpt)

7 MS DIMITRI: [15:36:38](Interpretation)

8 Q. [15:36:38] Do you agree with me that the Seleka are at the Cattin crossroads?

9 A. [15:36:45] Yes, yes, yes.

10 Q. [15:36:58] The metadata of this video -- so this video was taken on 5 December
11 at 9:11. This is tab 64, CAR-OTP-2065-2068. What I'm suggesting to you, this Cattin
12 group never reached the Yekatom bridge because, as you can see in the video, and
13 you remember the video of last week which I showed you another video where you
14 recognised an individual, a soldier from the Seleka, this was tab 10 of the Defence
15 binder, CAR-OTP-2065-1312. You remember there was a Seleka member with a
16 rocket launcher which we saw last week. That video which we saw last week where
17 they were in Cattin and was 8:18 on 5 December. That is the metadata at tab 11 of
18 the Defence binder, CAR-OTP-2065-6210.

19 PRESIDING JUDGE SCHMITT: [15:38:33] Ms Dimitri, the question, because I
20 understand you want everything on the record, but now, even I would not -- really
21 not know what the start of the whole thing.

22 MS DIMITRI: [15:38:42] I agree.

23 PRESIDING JUDGE SCHMITT: [15:38:42] And the question is. So, please, for the
24 witness, boil it down to a short question.

25 MS DIMITRI: [15:38:48] I agree.

Trial Hearing
WITNESS: CAR-OTP-P-1339

(Private Session)

ICC-01/14-01/18

1 PRESIDING JUDGE SCHMITT: [15:38:53] And it is possible here, I think.

2 MS DIMITRI: [15:38:57](Interpretation)

3 Q. [15:38:58] We saw two videos where you see the position of the Seleka at 8:11,
4 8:18, and 9:11. Do you agree with me that the Cattin group couldn't have reached
5 the Yekatom bridge?

6 A. [15:39:26] In my statement, I was quite clear. (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 I cannot know the place where they stopped. However -- in fact, you told me that
11 those elements shot on the Seleka with launch rockets. You told me all that. I did
12 not have any information about that myself.

13 Q. [15:40:26] So I understand from your statement today that you didn't know
14 where the Cattin group arrived, how far they went. Do you agree with that?

15 A. [15:40:46] Yes.

16 THE INTERPRETER: [15:40:50] Overlapping.

17 MS DIMITRI: [15:40:58](Interpretation)

18 Q. [15:40:59] I understand that at the moment of retreat, and given the videos that
19 we've just seen, I am putting it to you, because you've just seen two video taken
20 around 8:18 and 9:11. Do you agree with me that the withdrawal started before
21 9 o'clock in the morning?

22 PRESIDING JUDGE SCHMITT: [15:41:32] Mr Vanderpuye.

23 MR VANDERPUYE: [15:41:32] These videos to which my counsel is referring to
24 were provided by P-1819. In P-1819's statement, there is a recitation about the
25 provenance and accuracy of the metadata in there. I think counsel is well aware of

Trial Hearing
WITNESS: CAR-OTP-P-1339

(Private Session)

ICC-01/14-01/18

1 that, since they made several requests of those videos and for the metadata involved.
2 So I'm not certain that this is an entirely appropriate line to put to this witness in this
3 manner.

4 PRESIDING JUDGE SCHMITT: [15:42:00] That's the first time that I hear that,
5 actually, that there is -- but what -- my point is more that the witness has said he was
6 not part of that group.

7 MR VANDERPUYE: [15:42:08] Indeed, not.

8 PRESIDING JUDGE SCHMITT: [15:42:10] So it is difficult -- it's difficult for him to
9 answer the question.

10 Perhaps you can ask it in a more neutral way, if he has any information that this
11 group has reached at that point in time this Yekatom bridge.

12 MS DIMITRI: [15:42:30] I think, to be honest, Mr President, this is covered because
13 he just said that he doesn't know where they reached. So I was going to move on.

14 PRESIDING JUDGE SCHMITT: [15:42:36] Okay. You're right.

15 MS DIMITRI: [15:42:37] I was only asking about the -- his retreat, whether -- I was
16 putting a suggestion to him. I said, do you agree that the retreat could have started
17 before 9? But I can move on to another subject.

18 PRESIDING JUDGE SCHMITT: [15:42:53] Yeah.

19 MS DIMITRI: [15:42:54] It's not a problem.

20 PRESIDING JUDGE SCHMITT: [15:42:55] Please move on.

21 MS DIMITRI: [15:42:56] It's not a problem.

22 PRESIDING JUDGE SCHMITT: [15:42:58] Thank you.

23 MS DIMITRI: [15:43:02](Interpretation)

24 Q. [15:43:03] I've understood from your statement a little earlier that on 5
25 December -- no, no, I understand you're hesitant. You're not certain whether you

Trial Hearing
WITNESS: CAR-OTP-P-1339

(Private Session)

ICC-01/14-01/18

1 withdrew at Proget and then Yamwara, and -- or directly -- or whether you went
2 directly to Yamwara.

3 My question - I think you can answer this question - am I correct that from the
4 moment of 5 December, you never returned to Gbangba?

5 A. [15:44:06] I can't remember.

6 Q. [15:44:21] You don't remember? I understand that you don't remember the
7 withdrawal, but what I would like to know is whether did you -- from 5 December,
8 were you permanently installed, at least for a certain period of time, at least some
9 weeks in Yamwara, or did you return to Gbangba? You personally. Not the rest of
10 the group. I'm talking about you, because it's your own personal experience.
11 Did you go back to Gbangba, or did you remain in the surroundings of Yamwara or
12 Proget?

13 A. [15:45:16] I don't fully understand your question. We withdrew in groups. I
14 took the decision alone to go back into the bush. I can't withdraw alone. I wasn't
15 the boss.

16 Q. [15:45:37] My question is very simple. You, did you return to Gbangba after
17 5 December? Did you return to Gbangba?

18 A. [15:45:59] During these events, during the fighting, it was very troublesome.
19 I'm trying to remember these details.

20 PRESIDING JUDGE SCHMITT: [15:46:16] Mr Witness, when the fighting was over
21 on the 5th, where did you stay from then on? Let's say, from the 5th onwards until
22 the new year, 2014, do you recall, where did you stay then at the time? Once the
23 fighting was over.

24 THE WITNESS: [15:46:57](Interpretation) After 5 December, the group was no
25 longer split. I stayed within the group. After the withdrawal, the retreat, we did

Trial Hearing
WITNESS: CAR-OTP-P-1339

(Private Session)

ICC-01/14-01/18

1 this together. But I can't remember clearly. I think we were at Yamwara, and from
2 Yamwara, we advanced towards Zila, where we established a GPN base. After that,
3 we went to Sekia. And here the group split, and Coeur de Lion took some of the
4 elements to go towards Mbaïki. And I was in that group. So I didn't leave the
5 group to go somewhere else, no.

6 PRESIDING JUDGE SCHMITT: [15:47:58] Well, that was my next question. So you
7 stayed with the group. So once the group was installed at Yamwara, you stayed
8 with that group. Is that the correct understanding?

9 THE WITNESS: [15:48:20](Interpretation) Yes.

10 PRESIDING JUDGE SCHMITT: [15:48:21] Ms Dimitri.

11 MS DIMITRI: [15:48:32](Interpretation)

12 Q. [15:48:33] Can you explain to me why in paragraph 81 of your statement you
13 say, and I quote: "We all went back into the bush between 5 December and 16
14 December. The 16th, we left Gbangba and walked for three days before reaching
15 Bangui." And a little further on you say: "The 19th of December, at around 21
16 hours, we reached the company Proget."

17 So did you go to Proget after the retreat at Yamwara, or did you go to Gbangba for
18 several days?

19 A. [15:49:45] Now I remember. I didn't go to Proget for -- on two occasions.

20 Now I remember. I remember that we retreated to the Yamwara school, and from
21 the Yamwara school, we moved towards -- on the Mbaïki road.

22 Q. [15:50:22] You are not answering my question. Why in paragraph 81 of your
23 statement, which has been signed, reviewed, corrected, why do you say that "we
24 returned back to the bush between 5 and 16 December. On the 16th, we leaved
25 Gbangba and we walked for three days"?

Trial Hearing
WITNESS: CAR-OTP-P-1339

(Private Session)

ICC-01/14-01/18

1 So did you spend several days in Gbangba after 5 December, or did you go directly to
2 Yamwara?

3 A. [15:51:19] Now I remember. After 5 December, we never went back into the
4 bush, no. To go to Proget, no. I think we stopped at the Yamwara school. I
5 remember, at one day, the French soldiers came and had some discussions with
6 Yekatom. They advised him to stay here, that Djotodia was about to -- to demission.
7 Then I think they went to Zila. That's what I remember now. Perhaps I made a
8 mistake when I said what you've just read out.

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 Q. [15:53:30] (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 Why is that?

20 PRESIDING JUDGE SCHMITT: [15:54:02] Mr Vanderpuye.

21 MR VANDERPUYE: [15:54:04] Thank you, Mr President.

22 I would just ask that counsel show him (Redacted).

23 PRESIDING JUDGE SCHMITT: [15:54:09] Yes. Actually, I would also have
24 suggested that. And I also would like to point the parties and participants to
25 paragraph 85 of the witness statement.

Trial Hearing
WITNESS: CAR-OTP-P-1339

(Private Session)

ICC-01/14-01/18

1 Again, which tab, please?

2 MS DIMITRI: [15:54:54] It's OTP tab 10, Mr President.

3 PRESIDING JUDGE SCHMITT: [15:55:03] Thank you.

4 MS DIMITRI: [15:55:05] CAR-OTP-2041-0768. If we could zoom on page 0770, first
5 half of the page, please.

6 I'm sorry, I'm told it's tab 11.

7 It's the next page. Yeah. If we could zoom on the first half, please. Can you zoom
8 a bit more. A bit more. Top of the page.

9 No, it's the wrong page, actually. 0770 is the correct page.

10 Yes, go up. Go up. Yeah. And zoom on the first half of the paragraph, please.

11 Thanks. If you could go up. Thank you very much. A bit more. Yeah.

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 A. [15:57:31] The 5th of December, we did not withdraw. It's only now, having
17 seen this document, that I remember.

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted) but the events took place

22 a long time ago. But now seeing the document, it has jogged my memory.

23 PRESIDING JUDGE SCHMITT: [15:58:25] And as I've already said, we have also

24 paragraph 85 of the statement, which is 0121. Mr Witness, please listen. You have

25 said in your statement, and I would like you to listen to what I'm reading out to you,

Trial Hearing
WITNESS: CAR-OTP-P-1339

(Private Session)

ICC-01/14-01/18

1 and then tell me if this is correct: (Interpretation) "On 20 December 2013, at around
2 10 p.m., we moved into the Yamwara school where we established it as our
3 operational base."

4 (Speaks English) Is this correct, Mr Witness?

5 THE WITNESS: [15:59:19](Interpretation) Yes, that's correct. Looking at this
6 document, I now remember these details. You know, these events are a long time
7 ago, and it's normal that I can't remember some of the details.

8 PRESIDING JUDGE SCHMITT: [15:59:34] Thank you.

9 We have now already two hours. So can you give us a ...

10 MS DIMITRI: [15:59:40] Of course, Mr President. I was given a yellow flag,
11 indicating that I made a lot of progress and that we could stop.

12 PRESIDING JUDGE SCHMITT: [15:59:48] Yellow is better --

13 MS DIMITRI: [15:59:49] Than red.

14 PRESIDING JUDGE SCHMITT: [15:59:50] In football, okay. But I think it's better
15 than the red flag. So ...

16 MS DIMITRI: [15:59:56] But if you allow me just one last question on that topic.

17 PRESIDING JUDGE SCHMITT: [16:00:01] Absolutely, absolutely. I understand
18 that you have a further question, yes.

19 MS DIMITRI: [16:00:06] Thanks.

20 Q. [16:00:11](Interpretation) You could remove the document from the screen.

21 So, since you are telling us now that you arrived in Yamwara at 20 December, could
22 you tell me where you were between 5 and 20 December. You personally, where did
23 you go? Where were you between 5 and 20 December?

24 PRESIDING JUDGE SCHMITT: [16:00:48] No, he has not arrived. Has he said they
25 arrived at Yamwara on 20 December?

Trial Hearing
WITNESS: CAR-OTP-P-1339

(Private Session)

ICC-01/14-01/18

1 MS DIMITRI: [16:00:54] I'm referring to the paragraph you read out to him.

2 PRESIDING JUDGE SCHMITT: [16:00:58] Yeah, okay.

3 MS DIMITRI: [16:00:59] I mean, I could rephrase it in a different way.

4 Q. [16:01:16](Interpretation) Could you just -- where were you between 5 and *16
5 December, and then where were you between 16 and 20 December? That's my final
6 question for today.

7 A. [16:01:32] (Redacted)

8 (Redacted)

9 Q. [16:01:41] (Overlapping speakers)

10 PRESIDING JUDGE SCHMITT: [16:01:59] So then we finish for today?

11 MS DIMITRI: [16:02:01] Yes, yes.

12 PRESIDING JUDGE SCHMITT: [16:02:03] I was a little bit --

13 MS DIMITRI: [16:02:04] No, no.

14 PRESIDING JUDGE SCHMITT: [16:02:05] So this was a very long day for everyone.
15 Thank you very much to everyone and to the court reporters, specifically to the
16 interpreters.

17 And thank you, of course, very much to Mr Witness. It's very difficult to stay
18 concentrated a whole day. If during the further course of the day, in the evenings,
19 something comes back to your mind, your memory, don't hesitate to tell us tomorrow
20 again.

21 So we continue tomorrow at 9.30.

22 THE COURT USHER: [16:02:34] All rise.

23 PRESIDING JUDGE SCHMITT: [16:02:37] We give the witness -- please sit down.

24 We give the witness a chance to speak.

25 Mr Witness, shortly, yeah.

Trial Hearing
WITNESS: CAR-OTP-P-1339

(Private Session)

ICC-01/14-01/18

1 THE WITNESS: [16:02:49](Interpretation) Thank you.

2 I would like to apologise to Yekatom's client -- counsel, rather, because he asked me a
3 question, and he said to me that I was just repeating what the Prosecutor was saying,
4 at least what the Prosecutor was giving me, as answers. No, I couldn't do that.
5 During the break, I thought about that. The Prosecutor did not put any answers in
6 my mouth. And I would like to ask Yekatom's lawyer for an apology.

7 THE INTERPRETER: [16:03:37] Unclear.

8 PRESIDING JUDGE SCHMITT: [16:03:41] Mr Witness, that is not how things work.
9 I have -- you know, in the beginning, when -- before the Defence started with the
10 questioning, I explained to you what their role is and what the role of Ms Dimitri is.
11 And you have to understand that sometimes - and I explained that to you - some of
12 the questions might be upsetting. And the best to deal with that by you is to stay
13 calm and answer truthfully. Thank you very much, Mr Witness.

14 We have now -- we conclude for today, and we continue tomorrow morning at 9.30.

15 THE COURT USHER: [16:04:18] All rise.

16 (The hearing ends in private session at 4.04 p.m.)