

Trial Hearing
WITNESS: CAR-OTP-P-1786

(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
5 Patrice-Edouard Ngaïssona - ICC-01/14-01/18
6 Presiding Judge Bertram Schmitt, Judge Péter Kovács and
7 Judge Chang-ho Chung
8 Trial Hearing - Courtroom 1
9 Wednesday, 1 February 2023
10 (The hearing starts in open session at 9.32 a.m.)
11 THE COURT USHER: [9:32:17] All rise.
12 The International Criminal Court is now in session.
13 Please be seated.
14 PRESIDING JUDGE SCHMITT: [9:32:39] Good morning, everyone.
15 Court officer, please call the case.
16 THE COURT OFFICER: [9:32:46] Good morning, Mr President, your Honours.
17 Situation in the Central African Republic II, in the case of The Prosecutor versus
18 Alfred Yekatom and Patrice-Edouard Ngaïssona, case reference ICC-01/14-01/18.
19 And for the record, we are in open session.
20 PRESIDING JUDGE SCHMITT: [9:33:01] Thank you.
21 I ask for the appearance of the parties.
22 MR VANDERPUYE: [9:33:04] Good morning, Mr President, your Honours.
23 Good morning, everyone. Good morning, Mr Witness.
24 Today -- well, we're in the same configuration as yesterday, Mr President.
25 PRESIDING JUDGE SCHMITT: [9:33:14] Thank you.

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- 1 MR FALL: [9:33:15](Interpretation) Good morning, your Honour. We have
2 Madam Massidda -- sorry, Paolina Massidda is missing, otherwise we're in the same
3 configuration as yesterday.
- 4 PRESIDING JUDGE SCHMITT: [9:33:30] Indeed. I think I would not have
5 overlooked her.
- 6 Mr Suprun.
- 7 MR SUPRUN: [9:33:35] Good morning, Mr President. Good morning,
8 your Honours. The composition of the team representing the former child soldiers is
9 same as yesterday. Thank you.
- 10 PRESIDING JUDGE SCHMITT: [9:33:43] Thank you.
- 11 Ms Dimitri.
- 12 MS DIMITRI: [9:33:46] Good morning, Mr President. Good morning,
13 your Honours. The composition is the -- the composition of the Yekatom team is
14 the same.
- 15 PRESIDING JUDGE SCHMITT: [9:33:55] Thank you.
- 16 Mr Knoops.
- 17 MR KNOOPS: [9:33:57] Good morning, Mr President. Good morning,
18 your Honours. Good morning everyone in the courtroom. Good morning,
19 Mr Witness.
- 20 We are the same composition as yesterday, Mr President. Thank you.
- 21 PRESIDING JUDGE SCHMITT: [9:34:05] Thank you.
- 22 And good morning, Mr Witness. I hope you're feeling well, you had a good rest
23 yesterday after the hearing.
- 24 WITNESS: CAR-OTP-P-1786 (On former oath)
- 25 (The witness speaks Sango)

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1 (The witness gives evidence via video link)

2 PRESIDING JUDGE SCHMITT: [9:34:38] Well, I don't -- actually, I don't expect
3 a reaction, but I'm not sure if has been translated, so this is the only reason why I'm
4 hesitating.

5 Okay. Then we simply start with the examination by Mr Suzuki.

6 MR SUZUKI: [9:34:58] Thank you, Mr President. Good morning.

7 Good morning, your Honours.

8 QUESTIONED BY MR SUZUKI:

9 Q. [9:35:18] Good morning, Mr Witness.

10 Mr Witness, can you hear me?

11 Mr President, I think --

12 PRESIDING JUDGE SCHMITT: [9:35:30] I think we have a problem here, and we
13 have to connect and also we have to have the interpretation, obviously.

14 So there is indeed a problem and we have to check that.

15 (Pause in proceedings)

16 PRESIDING JUDGE SCHMITT: [9:36:33] So I think we can soon continue.

17 (Pause in proceedings)

18 PRESIDING JUDGE SCHMITT: [9:38:18] So wait -- let's wait another one or two
19 minutes, and if not we have to break so that this can be fixed substantially, so to
20 speak.

21 (Pause in proceedings)

22 PRESIDING JUDGE SCHMITT: [9:39:04] Okay, there is obviously a power outage,
23 so -- well, this cannot be fixed immediately. So we have to wait. We have to go
24 out.

25 THE COURT USHER: [9:39:15] All rise.

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- 1 (Recess taken at 9.39 a.m.)
- 2 (Upon resuming in open session at 9.45 a.m.)
- 3 THE COURT USHER: [9:45:25] All rise.
- 4 Please be seated.
- 5 PRESIDING JUDGE SCHMITT: [9:45:45] So let's give it another try.
- 6 And I -- specifically, I would like to welcome Mr Witness to the courtroom again.
- 7 We are pleased to see you and we hope that you had a good rest after the hearing
- 8 yesterday, Mr Witness.
- 9 THE WITNESS: [9:46:14](Interpretation) Yes, I've been able to have some good rest,
- 10 but I'm down with the flu.
- 11 PRESIDING JUDGE SCHMITT: [9:46:23] Okay. And I am very sorry to hear that.
- 12 But we have already the information that Defence counsel will not keep you too long,
- 13 let me word it this way.
- 14 Mr Suzuki, without further ado, please.
- 15 MR SUZUKI: [9:46:41] Thank you, your Honour.
- 16 Q. [9:46:44] Good morning, Mr Witness.
- 17 A. [9:46:53] Good morning, Counsel.
- 18 Q. [9:46:57] I'll introduce myself. My name is -- my name is Gyo Suzuki. And as
- 19 the Presiding Judging said, I shouldn't take too long with my questions today. I
- 20 hope to be finished within an hour and a half. So I'll get right into it,
- 21 Mr -- Mr Witness.
- 22 You told us yesterday that you knew Mr Yekatom from before, from before the Seleka
- 23 regime. Can you confirm that you knew him as Rombhot?
- 24 A. [9:47:52] Yes, I knew him by this name, Rombhot.
- 25 Q. [9:47:56] Thank you, Mr Witness.

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1 And in your witness statement you said that Mr Yekatom was based in *Camp de Roux*.

2 Can you confirm that he worked in an administrative role in the -- the *bureau 3*,
3 the -- also known as B3?

4 A. [9:48:33] That's it.

5 Q. [9:48:36] Thank you. And Mr Yekatom continued to perform his functions as
6 a FACA under the Seleka general Abdel Kader; is that correct?

7 A. [9:49:07] That's right, indeed.

8 Q. [9:49:09] And before the arrival of the Seleka, General Abdel Kader was
9 a *caporal chef* in the same promotion as Mr Yekatom, correct?

10 A. [9:49:35] That's right, indeed.

11 Q. [9:49:37] Thank you. And he was promoted to general when the Seleka took
12 over; is that correct?

13 A. [9:50:00] That's right, indeed.

14 Q. [9:50:02] Thank you, Mr Witness.

15 Your Honour, if we could move into private session just for the next couple of
16 questions.

17 PRESIDING JUDGE SCHMITT: [9:50:08] Yes, we go to private session.

18 And, Mr Witness, we go to private session so to protect you and your identity. That
19 is the reason, because the next question might be a little bit sensible in that record.

20 Private session.

21 (Private session at 9.50 a.m.)

22 THE COURT OFFICER: [9:50:39] We're in private session, Mr President.

23 MR SUZUKI: [9:50:48] Thank you, Madam Court Officer.

24 Q. [9:50:53] Mr Witness, I'm going to show you a video that you saw yesterday.

25 (Redacted) -- well, I'm

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1 going to ask you a few questions just about what was discussed at that meeting.

2 But, first, (Redacted). Can you

3 confirm that (Redacted) by

4 the Seleka; is that correct? It's not a -- it's not a gunshot wound?

5 A. [9:51:49] That's exactly it.

6 Q. [9:51:53] Thank you, Mr Witness. And (Redacted)

7 (Redacted)

8 (Redacted); is that correct?

9 A. [9:52:28] (Redacted)

10 (Redacted)

11 Q. [9:52:42] Thank you, Mr Witness, for that.

12 PRESIDING JUDGE SCHMITT: [9:52:47] Mr Suzuki, I don't know if you want to ask,

13 but (Redacted) or perhaps you -- I don't know, but otherwise I will

14 do it, if you ...

15 MR SUZUKI: [9:53:00] Your Honour, I think -- I'm happy to ask, of course. I think

16 he does explain that (Redacted) or --

17 PRESIDING JUDGE SCHMITT: [9:53:07] On purpose. So if this -- this is already

18 clear, then please move on.

19 MR SUZUKI: [9:53:18] Thank you, Mr President.

20 Q. [9:53:20] Thank you, Mr Witness.

21 I'm going to show you the video now. It's the video at Defence tab 4,

22 CAR-OTP-2065-4605. And the transcript is at Defence tab 5, CAR-D29-0006-1321.

23 Mr President, we have a technical issue. Counsel's evidence 2 channel doesn't work.

24 If that could be sorted, please.

25 PRESIDING JUDGE SCHMITT: [9:54:24] Well, but now I'm interested what

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1 the technical problem was. Okay, none. It's -- no, these things always happen to

2 me too. So, but I also hide behind technical problems every once in a while.

3 Mr Suzuki, so you can ...

4 MR SUZUKI: [9:54:42] Thank you, your Honour.

5 And for the -- the first segment I would like to play is from 00 seconds to 19 seconds.

6 And for the interpreters, that's lines 5 to 7 of the -- of the transcript.

7 (Viewing of the video excerpt)

8 MR SUZUKI: [9:55:35]

9 Q. [9:55:35] Mr Witness, can you confirm, first, that the individual that we see on
10 the screen in the white shirt, who you heard opposing the idea of retreating into
11 the bush, can you confirm that's Max Maidana?

12 A. [9:56:01] Yes, I confirm that's him.

13 Q. [9:56:09] Thank you, Mr Witness.

14 And the next extract could be played till 33 seconds, please. And that's, for
15 the interpreters, that's until line 14 of the --

16 PRESIDING JUDGE SCHMITT: [9:56:25] Mr Vanderpuye.

17 MR VANDERPUYE: [9:56:27] Maybe it's just me, but I didn't -- I can't see
18 the interpretation in the record. So I don't know whether -- I was listening in French,
19 I don't know whether there was interpretation into English. So I don't -- I don't
20 know if that's what counsel's intent was, but just to -- just to point that out.

21 PRESIDING JUDGE SCHMITT: [9:56:42] Yeah, just to flag it. Yeah. Yeah. Okay.
22 So the last that we have here on the transcript is that we are talking about
23 the -- the interpretation being on tab 14. I think from there can we continue, or is it ...

24 MS DIMITRI: [9:57:04] Yes, Mr Vanderpuye is right. I'm listening in French and
25 English and there was no interpretation at all of the video, neither in English, neither

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1 in French.

2 PRESIDING JUDGE SCHMITT: [9:57:17] Then please let's play it again and with
3 interpretation.

4 No problem, we play it again.

5 (Viewing of the video excerpt)

6 THE INTERPRETER: [9:57:30](Interpretation of the video excerpt)

7 "You are my superiors. We've come from the bushes and currently don't want us to
8 go back to the bushes, right? And if there is a place, we need to go to that place to
9 fight.

10 Max, Max, you're a soldier."

11 MR SUZUKI: [9:58:06] We can actually play that through to the next extract,
12 your Honour. I think that was on the transcript now.

13 So, again that will be until 01:33. And for the interpreters, that's until line 14 on
14 the next page. Thank you.

15 (Viewing of the video excerpt)

16 THE INTERPRETER: [9:58:25](Interpretation of the video excerpt)

17 "We are soldiers. Like technicians, we're like their father. Do not factor in their
18 rumours. You should see what's going on in the field.

19 You should see what's going on in the field.

20 We're soldiers, and if we go without ammunition, what are we going to do? We
21 have to retreat, and we really need some equipment, and we could leave and return
22 to the districts.

23 The Anti-Balaka have abandoned them, there is no ammunition. So how are we
24 going to stand before the enemy? How can we fight the enemy? You've seen, even
25 the French couldn't push them back. What did they do? They did nothing. We're

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1 going to kill you like cattle to slaughter.

2 We really cannot fight for the sake of fighting or just for the sheer pleasure of it."

3 MR SUZUKI: [9:59:53]

4 Q. [9:59:54] Mr Witness, I'm not -- or, rather, I'm not sure --

5 PRESIDING JUDGE SCHMITT: [10:00:00] We are in private session, I think, yeah.

6 MR SUZUKI: [10:00:04] We can actually move into public session, your Honour.

7 PRESIDING JUDGE SCHMITT: [10:00:07] I also think we can move to open session,

8 I think. Yeah, it's because ...

9 (Open session at 10.00 a.m.)

10 THE COURT OFFICER: [10:00:40] We are in open session, Mr President.

11 MR SUZUKI: [10:00:49] Thank you, Madam Court Officer.

12 Q. [10:00:51] Mr Witness, I think part of that video wasn't, wasn't translated, so I'm
13 going to have to ask you to confirm.

14 Can you confirm that you heard Mr Yekatom say, in French, (Interpretation) "Anyone
15 who doesn't want to go into the bush, well, that's just for him. That only applies to
16 him."

17 (Speaks English) Can you confirm that you heard Yekatom say that?

18 A. [10:01:40] (No interpretation)

19 Q. [10:01:41] Thank you, Mr Witness.

20 And the individual who stepped out in front of Mr Yekatom and addressed
21 the crowd, that was -- or that is Coeur de Lion, Freddy Ouandjio, correct?

22 A. [10:02:13] Yes, it's him, indeed.

23 Q. [10:02:18] Thank you, Mr Witness.

24 My apologies, Mr President, if we could go into private session just for the next
25 question.

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- 1 PRESIDING JUDGE SCHMITT: [10:02:27] No problem.
- 2 Private session.
- 3 (Private session at 10.02 a.m.)
- 4 THE COURT OFFICER: [10:02:53] We are in private session, Mr President.
- 5 MR SUZUKI: [10:02:57] Thank you, Madam Court Officer.
- 6 I'm going to play one more short extract from this video, Mr Witness.
- 7 That's at 02:13 until 02:16. And for the interpreters, that's line 30.
- 8 (Viewing of the video excerpt)
- 9 MR SUZUKI: [10:03:27]
- 10 Q. [10:03:29] Mr Witness, we saw -- well, first of all, (Redacted)
- 11 (Redacted)
- 12 A. [10:03:51] (Redacted)
- 13 PRESIDING JUDGE SCHMITT: [10:03:53] Back to open session? Not yet?
- 14 MR SUZUKI: [10:03:59] One more question, Mr President, with your leave.
- 15 Q. [10:04:07] Mr Witness, can you confirm that you, you overheard this discussion?
- 16 A. [10:04:26] I didn't hear them. I didn't hear them speaking.
- 17 Q. [10:04:38] Thank you, Mr Witness.
- 18 I'm going to show you another video, and I think this can be in public session.
- 19 PRESIDING JUDGE SCHMITT: [10:04:46] We go to open session.
- 20 (Open session at 10.05 a.m.)
- 21 THE COURT OFFICER: [10:05:11] We are back in open session, Mr President.
- 22 MR SUZUKI: [10:05:24] Thank you, Madam Court Officer.
- 23 We'll play the video at Prosecution tab 23, CAR-OTP-2065-4849. And the transcript
- 24 is at tab 41, Prosecution tab 41, CAR-OTP-2118-5685.
- 25 And if we could play up to 49 seconds, please. And that's lines 5 to 26 for

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1 the interpreters.

2 PRESIDING JUDGE SCHMITT: [10:06:03] Interpreters, please indicate to me if
3 you are ready.

4 THE INTERPRETER: [10:06:13] Message from the booth: The court usher is just
5 bringing it up on the screen and the interpreter is ready. From which line number?
6 Which line number should I begin at?

7 MR SUZUKI: [10:06:29] Line 5 to 26, please.

8 PRESIDING JUDGE SCHMITT: [10:06:31] Thank you.

9 (Viewing of the video excerpt)

10 THE INTERPRETER: [10:06:43](Interpretation of the video excerpt) Sight
11 translation:

12 Line 5: "AY: But this whole thing about taking advantage of someone fleeing to steal
13 his weapon and heading out, I'd rather tell you this clearly, if tomorrow the brother in
14 question doesn't bring back that weapon, I'll kill him and I'll get the weapon back as
15 soon as I come across him.

16 Unidentified speaker: He'll bring it back.

17 AY: The weapon that Abi had, we have to go through all kinds of contortions to
18 ultimately get the weapon. You can ask him; once you're there we have to use
19 diplomacy.

20 Unidentified speaker: If we didn't act like diplomats, we wouldn't have gotten
21 the weapon back.

22 AY: If we weren't a bit diplomatic, that would be the end of it when it comes to
23 the weapon. If it was only up to me, we wouldn't -- we would no longer be involved
24 with them.

25 Unidentified speaker: But where are you? Come, we're in a meeting, come here,

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1 come and say what you wanted to say.

2 AY: So, as of now, we have to understand one another, we have weapons, we have
3 to put in position some posts, we have to liberate ourselves and let these little guys
4 redeploy once evening comes. We have to stand guard one after another. It's not
5 a question of abandoning this terrain. As we wait, two days, we'll work together
6 and we'll study what we can do. Thank God, the little guy, the young kid has
7 already found the ...

8 Unidentified speaker: The A52.

9 AY: Our A52. So we have to see how we're going to organise ourselves. I don't
10 know whether the lieutenant has anything to say ..."

11 End of sight translation.

12 MR SUZUKI: [10:09:17]

13 Q. [10:09:17] Mr Witness, you heard Mr Yekatom referring to an incident where
14 Habib Beina was threatened at gunpoint by elements from a different Anti-Balaka
15 group and had his A52 taken from him. My question is: Do you recall this
16 incident?

17 A. [10:10:08] Yes, I remember.

18 Q. [10:10:12] Thank you, Mr Witness.

19 And do you recall that Mr Yekatom had to go and negotiate and, as he says in the
20 video, to use diplomacy to have the weapon returned? Do you remember that?

21 A. [10:10:49] When they went there to get those weapons, I wasn't there. When
22 they went to talk to them, I wasn't there. It's when they came back, that's when they
23 told me about that. I don't know what was said there because I wasn't there.

24 Q. [10:11:14] Thank you, Mr Witness. Of course.

25 I'm going to play you another extract. This time from 01:25 to 02:05. And that's

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1 lines -- I apologise, I don't have the exact transcript reference. Up to line 60. My
2 apologies to the interpreters.
3 (Viewing of the video excerpt)
4 THE INTERPRETER: [10:12:02] Message from the interpreter: The transcript is
5 not -- is just coming up on the screen now.
6 (Interpretation of the video excerpt) Sight translation:
7 Line 31: "Alfred Yekatom: My brothers, don't be discouraged. We have ensured
8 since -- we have ..."
9 THE INTERPRETER: [10:12:32] Message from the interpreter: Could
10 the court officer scroll down.
11 Resuming.
12 PRESIDING JUDGE SCHMITT: [10:12:43] We start that -- we start that anew. And
13 I would be surprised if this would -- the person on the screen would be Mr Yekatom,
14 because it was said "Alfred Yekatom".
15 So we start this anew and try to be -- synchronise it a little bit, to put it this way.
16 And we try to make sure that the interpreters can really see the translation. So let's
17 start this, please.
18 MR SUZUKI: [10:13:19] My apologies. I think that for the interpreters it might be
19 from line 51 to 60. It's my fault. My apologies.
20 PRESIDING JUDGE SCHMITT: [10:13:28] Well, no. Definitely Mr Yekatom is not
21 speaking. We don't have to ask the witness that. The judges - and also
22 Mr Vanderpuye is nodding - see that by themselves.
23 (Viewing of the video excerpt)
24 THE INTERPRETER: [10:13:54](Interpretation of the video excerpt)
25 Line 51: "Unidentified speaker: But I'm saying we, as we are, we don't have

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1 the means, nor the weapons; they don't have weapons either to attack any zone at all,
2 and we don't either, we don't have weapons to attack an area. They don't have
3 the resources to fight, we neither. We don't have the resources to fight. So it's
4 better for them to join us so that we can organise ourselves and target a single goal,
5 a single target, like this colonel, this -- like the French colonel advised us to do.

6 AY: Yes.

7 Unidentified speaker: That is to say if we can organise ourselves and attack with
8 10,000, 100,000 people on a single base in a fight to the death, we're going to get things,
9 isn't that so? But this -- this thing about launching single attacks over there ..."

10 End of sight translation.

11 MR SUZUKI: [10:15:24]

12 Q. [10:15:24] Mr Witness, you heard Goliatha speak in that extract, saying that they
13 had been advised by a French colonel to join forces with other groups and to attack
14 a single base.

15 My question is: Do you remember the name of that French colonel?

16 A. [10:16:01] No, I don't know that French colonel. No. I wasn't talking to
17 the French colonel. I had no contact with the French. It was Yekatom who often
18 would speak with them before coming to pass on the instructions. Sometimes when
19 the French patrol vehicles would arrive, we wouldn't go up to those vehicles. Only
20 Yekatom could go up and talk to the French.

21 Q. [10:16:45] Thank you for that answer, Mr Witness.

22 I'll play another extract from 02:23 to 03:18. For the interpreters, that's lines 71 to 96,
23 please.

24 (Viewing of the video excerpt)

25 THE INTERPRETER: [10:17:19](Interpretation of the video excerpt) Sight translation,

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1 line 71:

2 "Unidentified speaker: I don't support what you've said about setting aside those
3 children; I want them to stay with us; if we set these children aside, they're going to
4 be discouraged and we could risk losing all of them."

5 Next page, please.

6 Line 77: "Unidentified speaker: Let them stay with us; we have to abandon this
7 kind of idea; we soldiers, it's up to us to organise ourselves and stand guard.

8 Unidentified speaker: That is to say, well, let's -- let's let these kids join up with us,
9 okay?"

10 Line 84: "Unidentified speaker: Let's draw up a schedule; let's deploy the various
11 groups at the different places. Let's head off, us soldiers, within these different
12 groups; we have to provide for some backup in the schedule; we have to
13 provide -- we have to give more responsibility to these children, even if they don't
14 have weapons, oh, the person can stand guard and watch over; if they see something,
15 they can wake up the chief and say, 'Chief, I saw someone over there.'

16 Unidentified speaker: Backup guard.

17 Unidentified speaker: We'll set up some groups because if we set them aside they
18 will get worried and they will think that we want to set them aside.

19 Unidentified speaker: Remember what happened the last time, we were just
20 walking amongst ourselves and people thought everything was over."

21 End of sight translation.

22 PRESIDING JUDGE SCHMITT: [10:19:38] Well, that was a long sight translation for
23 a relatively short video. But I trust you, Mr Suzuki, that indeed it was synchronised
24 what we saw on the screen and what was translated.

25 I don't want to make a problem out of this, please continue. But it just came to my

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1 attention, no, you know, that there was a couple of minutes sight translation and one
2 minute video we saw. Okay, but please continue.

3 MR SUZUKI: [10:20:13] Thank you, your Honour.

4 Q. [10:20:17] Mr Witness, can you confirm that the -- the individual discussing with
5 Goliatha how to organise patrols and guards and security and how to structure
6 the group, that was a FACA called Wenessere (phon). Can you confirm that, please.
7 Wenessere is the name. Wendessere (phon) -- Wenessere.
8 It's not entirely clear in the transcript, Mr President, so I might have to ask
9 the question again.

10 PRESIDING JUDGE SCHMITT: [10:21:36] Yes, please do that.

11 MR SUZUKI: [10:21:39]

12 Q. [10:21:40] Mr Witness, the person that you saw speaking with Goliatha about
13 how to organise patrols, how to organise the structure of the group, how to organise
14 security, that person was a FACA named Wendessere (phon). Can you confirm that,
15 please.

16 A. [10:22:13] Yes, he was a FACA soldier.

17 Q. [10:22:24] Thank you, Mr Witness.

18 And the next segment I'll play through to 04:13. And that's from line 101 to line 119
19 of the transcript, please.

20 (Viewing of the video excerpt)

21 THE INTERPRETER: [10:23:01](Interpretation of the video excerpt) Sight
22 translation:

23 "AY: The number of elements who remain given that some have already followed
24 the captain, the captain said that there are elements at PK8; they will stay there; I'm
25 going to call to ask that the elements who are there stay there. Well, as for those who

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1 are here, we have to train the various groups now with the respective leaders and

2 three soldiers per group; and then we have to indicate the various guard positions.

3 Unidentified speaker: Well, there you have it. We have to do it now; that way each

4 one will join his post; the elements based at one post mustn't go and disturb those

5 who are at other posts or positions.

6 AY: Call Max and have him bring back the weapon."

7 MR SUZUKI: [10:24:32]

8 Q. [10:24:32] Mr Witness, first, you heard reference to a *capitaine* with elements at

9 PK8. Can you confirm that that's a reference to Captain Kamezolai?

10 A. [10:25:09] I haven't understood the question, nor what was said.

11 Q. [10:25:17] Of course, Mr Witness. I'll repeat the question.

12 In that extract we just saw, you saw Mr Yekatom refer to a captain who had elements

13 at PK8.

14 PRESIDING JUDGE SCHMITT: [10:25:35] Mr Vanderpuye.

15 MR VANDERPUYE: [10:25:38] That -- that may be, but that's not what's in

16 the transcript. What's in the transcript is that there was a captain who said that there

17 were elements at PK8. That's a different nuance to the question being put by

18 Mr Wenezoui, who suggests in his -- in his question that the elements were belonging

19 to the captain.

20 PRESIDING JUDGE SCHMITT: [10:25:58] Well, then -- then reword the question

21 exactly what -- according to what has been said. And perhaps we can get an answer

22 then relatively quickly.

23 MR SUZUKI: [10:26:09] Thank you, Mr President.

24 The transcript --

25 PRESIDING JUDGE SCHMITT: [10:26:14] The witness, of course, also has to

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1 understand what you -- what you want to ask him, and that's, of course, we make it.

2 There was, Mr Witness, there was --

3 MR SUZUKI: [10:26:23] Yeah.

4 PRESIDING JUDGE SCHMITT: [10:26:25] -- in the -- in this extract, Mr Witness,
5 there was mention of a captain in relation, just generally, in relation to PK8. Was
6 this captain Captain Kamezolaï, according to your recollection?

7 THE WITNESS: [10:26:54](Interpretation) What PK8 are you talking about?

8 Because we -- we were -- do you mean the M'Poko-Bac sector? There wasn't

9 a Captain Kamezolaï there. The captain, Captain Kamezolaï was around Yamwara,
10 behind the compound where the school was.

11 PRESIDING JUDGE SCHMITT: [10:27:19] Well, thank you, that is an answer, I
12 think.

13 Mr Suzuki, you can move on.

14 MR SUZUKI: [10:27:31] Mr President, just going back to what my friend said.

15 The transcript says that -- and I'll read it in the French: "*Le capitaine a dit qu'il a des*
16 *éléments au PK8*". He didn't say that there are elements there. And for us, that's a ...

17 PRESIDING JUDGE SCHMITT: [10:27:50] Well, we -- obviously, the witness has no
18 clue with regard to Mr Kamezolaï and with regard to PK8, and I think we can move
19 on from there. So we don't -- we don't indulge in semantics here.

20 MR SUZUKI: [10:28:07] Thank you, your Honour.

21 Your Honour, if we could go into private session for the next two questions.

22 PRESIDING JUDGE SCHMITT: [10:28:36] Yes.

23 And for the audience, when we go to private session, the reason is that questions
24 might be answered that could reveal the identity of the witness. And since it's a
25 protected witness - just to explain because we have an audience here - we go to

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- 1 private session.
- 2 But not for long, Mr Suzuki. I assume not for long.
- 3 So private session.
- 4 (Private session at 10.29 a.m.)
- 5 THE COURT OFFICER: [10:29:10] We are in private session, Mr President.
- 6 MR SUZUKI: [10:29:14] Thank you, Madam Court Officer.
- 7 Q. [10:29:20] Mr Witness, (Redacted) in that extract, and I'll read the French:
- 8 (Interpretation) (Redacted)
- 9 (Redacted)
- 10 (Speaks English) So, my first question is: Obviously, you heard about Mr Yekatom
- 11 and Coeur de Lion's idea of retreating into the bush. Can you confirm that, please.
- 12 A. [10:30:24] (No interpretation)
- 13 PRESIDING JUDGE SCHMITT: [10:30:25] Well, the witness has answered. What
- 14 was his answer? I didn't hear it.
- 15 MR SUZUKI: [10:30:30] I think he said "*ni la*" (phon), your Honour.
- 16 PRESIDING JUDGE SCHMITT: Yeah, I understand what -- yes.
- 17 THE INTERPRETER: [10:30:32] Yes, that's it. The answer: Yes, that's it.
- 18 PRESIDING JUDGE SCHMITT: [10:30:36] "That's it", Mr Suzuki.
- 19 MR SUZUKI: [10:30:39] Thank you, Mr President.
- 20 PRESIDING JUDGE SCHMITT: [10:30:40] Well, we understand enough until this
- 21 moment, but still, we have to have it in the transcript. Yeah.
- 22 When we can go back to open session, please let us know.
- 23 MR SUZUKI: [10:30:58] We can move back into --
- 24 PRESIDING JUDGE SCHMITT: [10:31:01] Open session.
- 25 MR SUZUKI: [10:31:03] -- open session, your Honour.

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1 (Open session at 10.31 a.m.)

2 THE COURT OFFICER: [10:31:16] We are back in open session, Mr President.

3 MR SUZUKI: [10:31:20] Thank you, Madam Court Officer.

4 Q. [10:31:24] Mr Witness, can you confirm that you did not go back into the bush.

5 Can you confirm that for us, please.

6 A. [10:31:46] I confirm that.

7 Q. [10:31:50] Thank you, Mr Witness.

8 And the last extract, up until the end of the video, please, that's lines 125 to 143.

9 THE INTERPRETER: [10:32:17] Could Counsel Suzuki remind the Sango booth of
10 the reference, please.

11 MR SUZUKI: [10:32:30] That's lines 125 to 143, please.

12 PRESIDING JUDGE SCHMITT: [10:32:35] Well, we are ready, we can play it.

13 (Viewing of the video excerpt)

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

15 "We have to wait here. Our decision should be single. Someone can sleep and he
16 can be surprised and recover his weapon. If there are people who say that if I die
17 what's going to be the whole point, even though we're discouraged. But if we
18 withdraw, we're all going to be eliminated. This crisis has started and a single
19 soldier cannot move freely. We are actually jeopardising our lives. When people
20 came to visit us, there were people who could come and identify us and spread
21 information in the neighbourhood."

22 MR SUZUKI: [10:33:52]

23 Q. [10:33:53] Mr Witness, you heard somebody say in the video, in French,

24 (Interpretation) "the soldiers cannot move freely."

25 (Speaks English) Can you confirm that this is a reference to the fact that the Seleka

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1 were continuing to track down the FACA?

2 A. [10:34:36] That's it.

3 Q. (Microphone not activated)

4 PRESIDING JUDGE SCHMITT: [10:34:43] Microphone.

5 MR SUZUKI: [10:34:44] Apologies.

6 Q. [10:34:47] In a similar way, Habib Beina spoke about the fact that the danger for
7 the FACA was even greater now because the whole neighbourhood was aware that
8 there were many FACA at Yamwara; correct?

9 A. [10:35:15] That's right, indeed.

10 Q. [10:35:17] Thank you, Mr Witness. I'm going to move on.

11 In your witness statement you said that sometimes Ngremangou would come to
12 a meeting at Kamezolaï's house. My question is: Are you referring to meetings
13 where Captain Ngremangou came to Yamwara with Leopold Bara at the end of
14 December 2013?

15 A. [10:36:21] That's right, indeed.

16 Q. [10:36:28] Thank you, Mr Witness.

17 I'm going to move on to a different topic and that's about the cooperation with
18 Sangaris. And we'll play you the video at Prosecution tab 4, CAR-OTP-2012-0523.

19 The time stamp is 44:51 to 45 -- rather, sorry, 44:51 to 46 seconds -- 46:08. I'll have to
20 fish out the transcript reference, my apologies.

21 (Counsel confers)

22 MR SUZUKI: [10:38:14] My apologies for the delay. That's lines 1127 to 1165 of
23 the transcript, which is at OTP tab 38. My apologies.

24 And we'll play the video when the interpreters are -- I see they're ready. Thank you.

25 (Viewing of the video excerpt)

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- 1 THE INTERPRETER: [10:39:44](Interpretation of the video excerpt)
- 2 "During the day, a French army contingent is coming on a recon mission at Rombhot
- 3 *caporal*'s base. When our camera gets closer, it's uncomfortable, the conversation is
- 4 interrupted. The captain is going to engage discussion with the Christian militia,
- 5 he's skating on thin ice.
- 6 They have to disarm the Seleka the ex-FACA or the Anti-Balaka.
- 7 Everyone must be disarmed, just as the Seleka and the ex-FACA, the Anti-Balaka.
- 8 Yes, everyone must be disarmed. Effectively we're not coming here today to disarm
- 9 people, but I'm here to communicate a message.
- 10 Yes.
- 11 A disarmament message and billeting.
- 12 So the disarmament of the Christian militia in fact is not the agenda of the day.
- 13 The French are going to go back without any disarmament.
- 14 At the end of the discussion, they said that we have got to be calm, they're going to do
- 15 the sweep up operation. He's given two phone numbers. This is what the general
- 16 told me."
- 17 MR SUZUKI: [10:41:17]
- 18 Q. [10:41:17] Mr Witness, you heard reference to the fact that Mr Yekatom was
- 19 given telephone contact numbers of Sangaris forces. Can you confirm this, please,
- 20 for the Court, that Mr Yekatom had the phone numbers of Sangaris forces.
- 21 A. [10:41:48] Yes, I confirm that. He knows them. And they know him. And
- 22 they are the ones who provided him with the phone number.
- 23 Q. [10:42:04] Thank you, Mr Witness. And do you recall an individual named
- 24 Cyril who was Mr Yekatom's -- or one of Mr Yekatom's contacts within Sangaris?
- 25 A. [10:42:34] Yes, I've heard of such a person. He was an adjutant and he used to

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1 come and speak to us.

2 THE INTERPRETER: [10:42:49] Correction: He was a warrant officer.

3 MR SUZUKI: [10:42:55]

4 Q. [10:42:56] Thank you, Mr Witness.

5 And for the record, the ERN of tab 38, the transcript of that video is

6 CAR-OTP-2118-5507.

7 Mr Witness, I'm going to play another video. That's at Defence tab 10,

8 CAR-OTP-2065-4085. We'll play that through to 01:05. And the transcript is at

9 Defence tab 11, CAR-D29-0006-1326, lines 4 through 12.

10 PRESIDING JUDGE SCHMITT: [10:44:10] I think we have to -- I don't have an

11 interpretation. There is no sound at all.

12 (Viewing of the video excerpt)

13 THE INTERPRETER: [10:44:27](Interpretation of the video excerpt)

14 "The Seleka are moving towards our base. Pardon? Yes, yes, yes, yes, they've come

15 to attack us. No, they've come to attack us. No, they haven't fired shots as yet.

16 Yes, they're heading towards our position.

17 They've entered the Boeing district, in the market, they're in civilian attire and they're

18 well armed.

19 Yes, two vehicles. Yes, two vehicles. Okay. Okay."

20 MR SUZUKI: [10:45:33] Your Honour, if we could go into private session just for

21 one question, please.

22 PRESIDING JUDGE SCHMITT: [10:45:43] Yes, private session.

23 (Private session at 10.46 a.m.)

24 THE COURT OFFICER: [10:46:04] We are in private session, Mr President.

25 MR SUZUKI: [10:46:11] Thank you, Madam Court Officer.

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1 Q. [10:46:14] Mr Witness, can you just confirm that (Redacted)

2 (Redacted)

3 A. [10:46:35] (Redacted)

4 Q. [10:46:39] Thank you, Mr Witness.

5 PRESIDING JUDGE SCHMITT: [10:46:40] Open session.

6 (Open session at 10.47 a.m.)

7 THE COURT OFFICER: [10:47:00] We are back in open session, Mr President.

8 MR SUZUKI: [10:47:05] Thank you, Madam Court Officer.

9 Q. [10:47:08] Now, in that video, Mr Witness, we heard Momokama speaking
10 French, reporting on the fact that heavily armed Seleka in civilian clothing were in
11 Boeing and approaching the base. My question is: Can you confirm that
12 Momokama was speaking to Sangaris at the time?

13 A. [10:47:49] Yes, indeed, he was talking to the Sangaris because he said that
14 the Seleka were -- if the Seleka were coming towards us, we had to call them
15 and -- because we did not have weapons and that's why we called to them.

16 Q. [10:48:15] Thank you, Mr Witness.

17 I'm going to show you one more video. That's at Defence tab 6.

18 CAR-OTP-2065-4496. The transcript is at Defence tab 7, CAR-D29-0006-1334. We'll
19 play up to 16 seconds. And that's lines 4 to 8 for the interpreters.

20 (Viewing of the video excerpt)

21 THE INTERPRETER: [10:48:56](Interpretation of the video excerpt)

22 "They're firing with FOMAC armbands.

23 Yeah.

24 I asked why he said to retreat and the flight is going to take off and the flight did take
25 off, but it's just for a recon mission, but those who are there it's a patrol team and just

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1 wait for a moment he's going to call me."

2 MR SUZUKI: [10:49:39]

3 Q. [10:49:43] First, Mr Witness, can you confirm that the individual with the hat
4 and the grey and white striped shirt, that's Captain Kamezolaï? Can you confirm
5 that, please.

6 A. [10:50:19] I cannot identify the person.

7 Q. [10:50:26] That's not a problem, Mr Witness.

8 The individual -- well, Mr Yekatom referred to a conversation with -- and in French,
9 (Interpretation) "the white person", (Speaks English) who directed him to retreat.

10 Can you confirm that he's referring to Sangaris, someone from Sangaris again, please.

11 A. [10:51:20] Yes, he called the Sangaris elements and this is how they answered.

12 Q. [10:51:36] Thank you, Mr Witness.

13 I'm going to move on, Mr Witness. I have a few questions about Yamwara that
14 might seem a little bit strange to you, but please bear with me.

15 First of all, can you confirm that drugs were not put in the food that was distributed
16 at Yamwara?

17 A. [10:52:35] I don't know. When we were in Yamwara, we really did not have
18 time to prepare food in a big pot and give it to the soldiers. They only found rice
19 and beans in a bag. We haven't prepared a meal. I don't know what happened in
20 other sections, I can't confirm that. But to the best of my knowledge, no.

21 Q. [10:53:11] Thank you, Mr Witness.

22 And can you confirm that you never heard of anyone being forced to join the group?

23 A. [10:53:43] In Bangui, you see, people who created the Anti-Balaka movement are
24 the ones who were in a state of shock. These were the people whose parents were
25 killed by the Seleka, they were pillaged, their houses were demolished, and it's these

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1 people who joined the Anti-Balaka group in order to exact revenge. But to say that
2 people were forced to join the movement, no. You see, at that -- during those times,
3 people came from all parts to join the movement and on a voluntary basis.

4 Q. [10:54:41] Thank you, Mr Witness.

5 And do you recall, while you were at Yamwara, an incident where an individual was
6 killed by the Seleka at Foyer and his body was taken back to Yamwara for burial?

7 Do you recall such an incident?

8 A. [10:55:17] I'm just hearing this right now. I was never aware of this killing in
9 Yamwara. I'm learning this this very instant.

10 Q. [10:55:44] Mr Witness, do you know an individual named Said Agoto?

11 A. [10:56:03] Said who?

12 Q. [10:56:06] Said Agoto.

13 A. (No interpretation)

14 THE INTERPRETER: [10:56:32] I'm sorry, there was no interpretation from
15 the Sango booth into French.

16 PRESIDING JUDGE SCHMITT: [10:56:35] Well, I cannot do it myself, but at least
17 the sign language I would assume that he said no.

18 But we have understood, Mr Witness, that you do not know this person; is that
19 correct?

20 THE WITNESS: [10:57:06](Interpretation) I said some of these people don't tell their
21 real names. They introduce themselves by their nicknames. If you can actually
22 show me his photo I can tell you if I know him or not. But I can't say that I know
23 this person by that name.

24 PRESIDING JUDGE SCHMITT: [10:57:33] Mr Suzuki, how long is your examination?
25 We had some delays, absolutely, so you will not finish soon. So I think we have

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1 the -- I think we have the coffee break then, that makes sense.

2 MR SUZUKI: [10:57:48] I'm in your hands, your Honour.

3 PRESIDING JUDGE SCHMITT: [10:57:50] Until 11.30.

4 THE COURT USHER: [10:57:52] All rise.

5 (Recess taken at 10.57 a.m.)

6 (Upon resuming in open session at 11.31 a.m.)

7 THE COURT USHER: [11:31:02] All rise.

8 Please be seated.

9 PRESIDING JUDGE SCHMITT: [11:31:27] Mr Suzuki, you still have the floor.

10 MR SUZUKI: [11:31:34] Thank you, your Honour.

11 First, your Honour, for the purpose of the record, and to respond to the Prosecution

12 enquiry, the two videos that we showed before the break, the metadata says that

13 they're dated 13 December 2013. And for the record, that's CAR-OTP-2065-4085 and

14 CAR-OTP-2065-4496.

15 Q. [11:32:18] Hello again, Mr Witness.

16 I'm going to go back to a scene from a video. I'm going to ask you to identify

17 somebody?

18 A. [11:32:31] (No interpretation)

19 Q. [11:32:33] It's the video at Defence tab 6, CAR-OTP-2065-4496. I won't play any

20 of it. I'll just ask you to confirm, Mr Witness, that the individual with the red and

21 white scarf, his name is Dolf (phon) and he's an aide-de-camp of Captain Kamezolai.

22 Can you confirm that, please.

23 A. [11:33:15] Yes, I can confirm that. This is indeed the aide-de-camp of

24 Captain Kamezolai.

25 Q. [11:33:24] Thank you, Mr Witness.

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1 And for the record, that's the -- the video stopped at 05:13.

2 Mr Witness, yesterday you said at 10.44, and I cite in French: (Interpretation)

3 "There weren't even any vehicles when I was there. It was only later on that there
4 was a vehicle."

5 (Speaks English) Just to be clear, can you confirm that the group did not have
6 a vehicle while they were at the Yamwara school?

7 A. [11:34:26] That's true. There were no vehicles at the Yamwara school. No one
8 had a vehicle. People walked or would take motorbikes. That's all.

9 Q. [11:34:44] Thank you, Mr Witness.

10 If we could go to Defence tab 29, please. That's CAR-OTP-2119-0193.

11 Madam Court Officer, if you could zoom onto the foundation stone -- oh, yeah, well,
12 the foundation stone that you see in that photograph, please.

13 Mr Witness, can you confirm that what you see on your screen is the foundation stone
14 at the Yamwara school?

15 A. [11:35:53] Yes, I can confirm that.

16 Q. [11:36:02] And this foundation stone was there when you arrived in the group?

17 A. [11:36:40] Yes, the foundation stone was already there. The elements found
18 that stone right there, right at that place.

19 Q. [11:36:53] Thank you for that, Mr Witness.

20 Can you confirm that Captain Kamezolaï was a member of the presidential guard?

21 A. [11:37:21] Yes, he was an officer within the presidential security unit.

22 Q. [11:37:28] Thank you. And Coeur de Lion was also a member of
23 the presidential guard, correct?

24 A. [11:37:41] Yes, he too was part of the presidential guard.

25 Q. [11:37:49] Thank you. And Alkanto was also a member of the presidential

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1 guard; is that correct?

2 A. [11:38:05] Yes, he too was a member of the presidential security unit.

3 Q. [11:38:14] Thank you. And Coeur de Lion was not from Bossangoa, correct?

4 A. [11:38:33] I don't really know what town or place he came from, but I do know
5 that he is from the Gbaya ethnic group. He must be from Bossangoa, but from
6 which village, that I don't know.

7 Q. [11:38:55] Thank you, Mr Witness.

8 Now we'll play you a video at Defence tab 23, CAR-OTP-2065-0818. But we will
9 actually just freeze frame the video at 05:18.

10 PRESIDING JUDGE SCHMITT: [11:39:21] Well, we have it already on the screen. I
11 think you want to identify, or you try to identify with the witness a certain person.

12 MR SUZUKI: [11:39:29] Indeed, your Honour.

13 Q. [11:39:30] Mr Witness, could you please confirm that the individual in the blue
14 shirt at the left, he is the brother of Captain Kamezolai.

15 A. [11:39:57] I don't know if he was related to Kamezolai. I know him as an
16 element of the group and he was a soldier.

17 Q. [11:40:13] Thank you, Mr Witness.

18 Mr Witness, are you -- are you familiar with an Anti-Balaka named Guy Mazimbele?

19 A. [11:40:42] I've heard of that person. But I've never met him. I don't know
20 him.

21 Q. [11:40:52] Thank you. And to your knowledge he was never a member of
22 Mr Yekatom's group; correct?

23 A. [11:41:13] No, he never worked within Yekatom's group. He never joined our
24 group.

25 Q. [11:41:26] Thank you, Mr Witness.

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1 And FACA *première classe* Perin Likoundou, he also was not in Mr Yekatom's group;
2 is that correct?

3 A. [11:41:54] I don't know that person. This is the first time that I've ever heard
4 that name. If you show me a photograph, that would help me identify the person.

5 Q. [11:42:06] Thank you, Mr Witness. Not a problem.

6 The element named Dan Parfait, can you confirm that he was not a ComZone in
7 Mr Yekatom's group?

8 A. [11:42:33] Could you repeat the person's name.

9 Q. [11:42:36] Of course. Dan Parfait.

10 A. [11:42:54] He was a soldier and he was a member of the Anti-Balaka group. He
11 was in Rambo's group.

12 Q. [11:43:04] Thank you. And he was not a ComZone, correct?

13 A. [11:43:17] No, he was not a ComZone. He was the head of a section, actually.

14 Q. [11:43:27] Thank you, Mr Witness.

15 Are you familiar with an element named Dolowaye?

16 A. [11:43:51] Dolowaye, he was a member of the Anti-Balaka group of Rambo. He
17 was part of the security detail, part of Rambo's security detail.

18 Q. [11:44:08] Thank you, Mr Witness.

19 And Dolowaye did not wear a necklace made of human ears, can you confirm that?

20 A. [11:44:43] I didn't see any such collar around his neck. Maybe he wore a collar
21 like that elsewhere in other places, but I didn't see that myself, no.

22 THE INTERPRETER: [11:45:05] Interpreter correction: The witness said necklace,
23 not collar.

24 MR SUZUKI: [11:45:14]

25 Q. [11:45:15] Thank you, Mr Witness.

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1 Madam Court Officer, if you could take us to the document at tab 29, please. That's
2 CAR-OTP-2095-5474.

3 Thank you, Madam Court Officer.

4 Mr Witness, can you confirm that yesterday you identified the man on the very left of
5 the photograph facing those individuals was Theodore Bedane. Can you confirm
6 that, please.

7 A. [11:46:36] Yes, that is Bedane.

8 Q. [11:46:41] Thank you, Mr Witness.

9 And can you confirm that the only attack on the Seleka at the PK9 bridge by
10 Mr Yekatom's group took place after the resignation of Michel Djotodia? Can you
11 confirm that, please.

12 A. [11:47:26] Yes, that's right.

13 Q. [11:47:35] Thank you, Mr Witness.

14 Mr Witness, are you familiar with the Seleka captain Souleymane Daouda, who was
15 based at PK9?

16 That's Souleymane Daouda.

17 A. [11:48:13] Yes, I heard about a gentleman who went by that name. Whether he
18 was at the PK9 post or not, I don't know. I don't know.

19 Q. [11:48:36] Thank you, Mr Witness.

20 Mr Witness, were you aware of contact between Rodrigue Momokama and the Seleka
21 captain based at PK9?

22 A. [11:49:17] I told you that during that attack, the PK9 attack, I was not in the field,
23 I was at the Yamwara school. So I'm not in a position to know what happened there.
24 I'm not in a position to know about that.

25 Q. [11:49:41] Thank you, Mr Witness.

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1 I'm going to ask you a question about Mbaïki, Mr Witness. And, again, it might
2 seem a little bit strange to you, but please bear with me. Can you confirm that while
3 you were in Mbaïki, you didn't go around with black paint on your face and on your
4 arms? Can you confirm that, please.

5 A. [11:50:44] Never. Never. No one had such faces amongst us.

6 Q. [11:50:53] Thank you, Mr Witness.

7 And you didn't walk around with a -- with a knife attached to your arm in Mbaïki.
8 Can you confirm that as well, please.

9 A. [11:51:16] No. No, not at all. But, you know, each combatant had his own
10 way of bearing his weapons. A person might have a knife on his arm, on his thigh.
11 Each person did as he wished.

12 Q. [11:51:38] Thank you, Mr Witness. This is probably the strangest question of
13 all, but you didn't wear flowers behind your ears while you were in Mbaïki? Can
14 you confirm that, please.

15 PRESIDING JUDGE SCHMITT: [11:52:25] Has it been translated to the witness,
16 the question?

17 Mr Vanderpuye, you know if it has been translated to the witness?

18 MR VANDERPUYE: [11:52:36] No, Mr President. I just wanted to clarify when --

19 THE WITNESS: [11:52:37](Overlapping speakers)

20 MR VANDERPUYE: -- when -- what I see in the translation is you, the reference to
21 you, whether it's plural or singular. Apparently it's not clear in the French either,
22 so ...

23 PRESIDING JUDGE SCHMITT: [11:52:51] Well, I don't think it --

24 MR VANDERPUYE: [11:52:53] I assume it's the group, but I don't know.

25 PRESIDING JUDGE SCHMITT: [11:52:55] Well, I assume the answer of the witness

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1 will be no, but there were overlapping speakers, no problem.

2 Mr Witness, you see there was a problem with the interpretation. Could you please
3 repeat your expected -- your answer.

4 THE WITNESS: [11:53:20](Interpretation) You're talking about flowers and you're
5 saying that we put flowers behind our ears. I don't understand what you mean.

6 What do flowers represent to you? I don't understand you're saying not at all. Is it
7 possible for a combatant to walk around with flowers behind his ears? I've never
8 heard of any such thing.

9 PRESIDING JUDGE SCHMITT: [11:53:45] Please, Mr Suzuki, take this as the answer
10 and move on.

11 MR SUZUKI: [11:53:53]

12 Q. [11:53:53] Thank you, Mr Witness.

13 And, again, I apologise for the strange questions, but there is a reason why we do ask
14 them.

15 I'm going to move on, Mr Witness.

16 Mr Witness, do you know an individual named Dobo Aimé, alias Kich-man?

17 A. [11:54:40] Kich-man, wasn't he in Boda? I think that he was from Boda. He
18 came from Boda.

19 Q. [11:54:52] Have you ever met Mr Kich-man?

20 A. [11:55:10] (Redacted)

21 (Redacted)

22 Q. [11:55:36] (Redacted)

23 (Redacted)

24 A. [11:56:04] (Redacted)

25 MR SUZUKI: [11:56:15] If I could have a moment to confer, your Honour.

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- 1 PRESIDING JUDGE SCHMITT: [11:56:20] Of course.
- 2 (Counsel confers)
- 3 MR SUZUKI: [11:57:04]
- 4 Q. [11:57:09] Thank you, Mr Witness.
- 5 Can you confirm that Dobo Aimé, alias Kich-man, did not travel with you and
- 6 Coeur de Lion to Boda in February 2014?
- 7 A. [11:57:52] No, we met him there.
- 8 Q. [11:58:06] Thank you, Mr Witness.
- 9 And to your knowledge -- actually, I'll move on.
- 10 Sorry, Mr Witness, my last question on this topic. When you went to Boda with
- 11 Coeur de Lion, you were in the same car as Coeur de Lion, {PFR: (Redacted)} to Boda;
- 12 correct?
- 13 Sorry, you were in the same --
- 14 A. [11:59:09] (No interpretation)
- 15 THE INTERPRETER: [11:59:14] Message from the Sango booth: there were
- 16 overlapping speakers and the Sango booth did not hear the witness's response.
- 17 PRESIDING JUDGE SCHMITT: [11:59:22] Well, there seems to be also some
- 18 discussions about what question is to be asked. So please repeat the question and
- 19 then we have -- we listen to the answer of the witness.
- 20 MR SUZUKI: [11:59:35] Thank you, your Honour.
- 21 Q. [11:59:40] (Redacted)
- 22 (Redacted){PFR: (Redacted)}, (Redacted)
- 23 A. [12:00:04] (Redacted)
- 24 Q. [12:00:33] Thank you, Mr Witness. I'm going to move on now.
- 25 I'm going to play you a video, Mr Witness, at Defence tab 15, that's

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1 CAR-OTP-2065-5584. The timestamp is 02:27 to 02:48. And the transcript is at
2 Defence tab 16, CAR-D29-0006-1327, lines 12 to 17.

3 Mr Witness, yesterday you were shown some videos, or one video, with
4 Max Maidana. And I want to show you this video that was filmed by the same
5 journalist, to give you a bit of context.

6 And if the interpreters could please signal when they're --

7 PRESIDING JUDGE SCHMITT: [12:02:05] They are, so we can play it.

8 (Viewing of the video excerpt)

9 THE INTERPRETER: [12:02:18](Interpretation of the video excerpt)

10 "... the Seleka? Because they say that they are Central African. Is that true? ...

11 The Seleka are not Central Africans, they're Sudanese, they're Chadians."

12 THE INTERPRETER: [12:02:44] Corrects the Sango booth.

13 The Sudanese and Chadians: corrects the Sango booth again.

14 MR SUZUKI: [12:02:58]

15 Q. [12:02:58] Mr Witness, did you see or did you hear the journalist's translator
16 telling this individual how to respond to the journalist's question? Did you hear
17 that?

18 A. [12:03:35] I did not hear that.

19 Q. [12:03:40] I'm going to play you another extract, Mr Witness. It might be a bit
20 more clear. That's from this -- that's up until 03:19. And for the interpreters, that's
21 lines 18 to 25.

22 PRESIDING JUDGE SCHMITT: [12:03:58] And if -- and if we have several people
23 speaking, perhaps you can, the interpreter, you can reflect this in your translation,
24 because that seems to be one of the points here. So if, for example, the journalist is
25 speaking, saying something, telling the other person he's interviewing what to say, it

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1 would be good if we could follow that.

2 So I think we are ready, so we can -- and what -- what lines now are we talking about?

3 MR SUZUKI: [12:04:33] Lines 18 to 25, your Honour.

4 PRESIDING JUDGE SCHMITT: [12:04:36] So 18 to 25, I think you can play it.

5 (Viewing of the video excerpt)

6 THE INTERPRETER: [12:04:43](Interpretation of the video excerpt)

7 "Can you tell us more, do you live here?

8 Yes. We -- we are going to leave this place to attack tomorrow. If we do not attack
9 tomorrow it could be today."

10 MR SUZUKI: [12:05:17]

11 Q. [12:05:18] Mr Witness, that might have been a bit more clear. Did you see
12 the individual telling this man on the screen how to respond to the journalist's
13 question?

14 A. [12:05:44] Yes, I did observe that. But that's because he did not understand
15 French. And the person who understood explained that, translated that, it's because
16 he did not understand French.

17 Q. [12:06:12] Mr Witness, then I might play the first extract one more time for you.
18 Just --

19 PRESIDING JUDGE SCHMITT: [12:06:22] Let me again -- I don't want to be -- to
20 seem difficult here, but what the witness thinks is going on in this video might have
21 some probative value. But, actually, what we cannot follow what is going on -- if
22 we cannot follow it, it's difficult to assess it later. So I have, neither in the first nor in
23 the second translation, it has been reflected that -- that, with a similar wording, one of
24 the persons told the other person what to answer. So I cannot follow this at the
25 moment, actually.

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1 And the evidence in that regard is mainly, as I have tried to explain yesterday, is
2 the video, and not -- not an interpretation that you have or that the witness has.
3 Perhaps Mr Vanderpuye has the solution.

4 MR VANDERPUYE: [12:07:23] No, sir, I definitely don't.
5 But I think there's information with regards to the individual in the sequence that's
6 doing the talking that is part of the evidence of another witness. I'm reluctant to
7 speak openly about it in open session, because it may relate to security issues and
8 things of that nature. But that perhaps is an explanation for what you see.

9 PRESIDING JUDGE SCHMITT: [12:07:55] So I would be fine if we have -- I think we
10 have it also on the record the -- the written translation. So this is also a document.
11 And then, I think, that should be enough for us to follow. But I think we could leave
12 that now. I think it's not necessary to go to private session that you explain it. I
13 think -- I think we can move on.

14 Perhaps tell me again the tab number where the translation of the first and second
15 part is. I would like to look at it, have a short look at it.

16 MR SUZUKI: [12:08:27] Of course, your Honour.

17 It's the document at Defence tab 16. The first segment was lines 12 to 17 and
18 the second segment was lines 18 through 25.

19 PRESIDING JUDGE SCHMITT: [12:08:52] Okay. Good.
20 Yeah, move on.

21 MR SUZUKI: [12:08:57] Thank you, your Honour.

22 PRESIDING JUDGE SCHMITT: [12:09:07] Well, that's -- indeed, that's enough for us,
23 yeah.

24 MR SUZUKI: [12:09:14] Thank you.

25 Q. [12:09:16] I'm going to play you another video, Mr Witness.

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1 That's Defence tab 19, CAR-OTP-2112-1378, timestamp 14 seconds to 50 seconds.

2 And the transcript is at Defence tab 20, CAR-D29-0006-0759, line 7 to 15.

3 If the interpreters could please signal when. Thank you.

4 (Viewing of the video excerpt)

5 THE INTERPRETER: [12:10:09](Interpretation of the video excerpt)

6 "Ex-FACA, ever since the national army has fled, they're all Christians, but they say
7 that the Muslims of Bangui are not their enemy. I think we're going to kill them -- I
8 think we're not going to -- I think we're going to kill them. They're not -- they are
9 our brothers. We cannot kill them. The problem is that the Seleka and Djotodia
10 (inaudible) Muslims."

11 MR SUZUKI: [12:11:00]

12 Q. [12:11:00] Mr Witness, the individual that you saw on the screen saying that
13 the Muslims are our brothers, that's Keapex; is that correct?

14 A. [12:11:20] Yes, that's his name.

15 Q. [12:11:27] And he was a section chief in Mr Yekatom's group, correct?

16 A. [12:11:44] That's right, indeed.

17 Q. [12:11:45] And was he part of the command that you referred to in your
18 statement?

19 A. [12:12:08] He was only a section chief.

20 Q. [12:12:16] Thank you. But he was close to Mr Yekatom; is that correct?

21 A. [12:12:29] Yes, that's right, indeed.

22 Q. [12:12:35] Thank you, Mr Witness.

23 Now, yesterday, at 10.48 in the transcript, you spoke about the instructions and
24 the advice that you would give to the elements. Can you confirm that you instructed
25 the elements to fight the Seleka but not to target Muslim civilians?

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1 A. [12:13:20] Yes, that's what I said yesterday.

2 Q. [12:13:21] Thank you, Mr Witness. And at 15.09 of yesterday's transcript you
3 said that the elements were trained in accordance with the training that the FACA
4 themselves received.

5 Can you confirm that they were trained to fight the Seleka and not to target Muslim
6 civilians?

7 A. [12:14:11] Yes.

8 Q. [12:14:17] Thank you, Mr Witness.

9 And at 15.04 of yesterday's transcript, you said, in French, (Interpretation) "Yekatom
10 gave instructions to the soldiers to train the civilians."

11 (Speaks English) Can you confirm that Mr Yekatom gave instructions to the FACA to
12 train the elements to fight the Seleka, but not to target Muslim civilians?

13 A. [12:15:14] That is right, indeed.

14 Q. [12:15:17] Thank you, Mr Witness.

15 And Coeur de Lion and Habib Beina gave the same instructions; is that correct?

16 A. [12:15:44] That's right.

17 Q. [12:15:54] Thank you, Mr Witness, for that.

18 And yesterday --

19 PRESIDING JUDGE SCHMITT: [12:16:00] Microphone of interpreter, please.

20 MR SUZUKI: [12:16:06] Thank you, your Honour.

21 Q. [12:16:12] Mr Witness, yesterday at 15.14 in the transcript, you said, and I cite in
22 French, (Interpretation) "talking of Muslims that we killed systematically, perhaps it
23 would happen before my time."

24 (Speaks English) Can you confirm that while you were in the group there was no
25 systematic killing of Muslims?

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1 A. [12:17:04] Yes, that's right, indeed.

2 Q. [12:17:09] Thank you, Mr Witness.

3 So, yesterday at transcript 15.19, when you said that when the Anti-Balaka got their
4 hands on a Muslim it was certain death, you were talking about what you heard at
5 the time about other areas or other Anti-Balaka groups, but not the group of
6 Mr Yekatom; is that correct?

7 A. [12:18:07] Ever since I became part of Yekatom's group, I have never seen such
8 a behaviour. Did they behave like this before my time, before I came, or outside
9 the Yamwara school? I cannot tell you so.

10 Q. [12:18:38] Thank you, Mr Witness.

11 I have a question about Mbaïki I'd like to return to.

12 Mr Witness, in Mbaïki the Anti-Balaka stayed in bases, so at the town hall, the tax
13 office, SOCATEL; is that correct?

14 A. [12:19:28] That -- that's right. They were based in these places.

15 Q. [12:19:35] Thank you, Mr Witness.

16 And Mr Yekatom himself, he did not live in Mbaïki; is that correct?

17 A. [12:19:55] No, he did not live there.

18 Q. [12:20:01] Thank you, Mr Witness.

19 And yesterday, at 15.38 in the transcript, you said that you asked the local population
20 who wanted to break the Muslims' houses to live in them instead. Can you confirm
21 that it was the local population and not the elements who lived in Muslims' houses in
22 Mbaïki?

23 A. [12:20:54] Yes, it's the local civilian population that was living in these houses.

24 You see, the Anti-Balaka had recently arrived. They couldn't have taken possession
25 of the Muslims' houses. It's the local population that took over the homes of

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1 the Muslims, as well as their shops, in order to sell their products.

2 Q. [12:21:40] Thank you, Mr Witness.

3 And my last question on this topic. When you said -- or, rather, when you told
4 the local population to live in the houses instead, you felt that this was the only way
5 to ensure that these houses would not be destroyed by the local population; is that
6 correct?

7 A. [12:22:30] Thank you. It's true, as Muslims, as the Muslim population went to
8 their country, destroying their houses made absolutely no sense. Living in these
9 houses, waiting for the possible return of the Muslims was a better option. It was
10 the best way of protecting the property of the Muslims who had left.

11 Q. [12:23:16] Thank you for that, Mr Witness.

12 I have one topic left for you, Mr Witness.

13 I think I need to go into private session for this topic, Mr --

14 PRESIDING JUDGE SCHMITT: [12:23:35] Yeah, private session.

15 (Private session at 12.23 p.m.)

16 THE COURT OFFICER: [12:23:49] We are in private session, Mr President.

17 MR SUZUKI: [12:23:55] Thank you, Madam Court Officer.

18 Q. [12:24:02] Mr Witness, you speak about an individual named (Redacted) in your
19 witness statement. Can you confirm that (Redacted)
20 (Redacted)

21 A. [12:24:29] Yes, that's his name.

22 Q. [12:24:36] (Redacted)

23 And in your witness statement you say that (Redacted)

24 (Redacted). Can you just

25 confirm that you did not witness this yourself.

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- 1 A. [12:25:20] Thank you. I think (Redacted)
- 2 (Redacted)
- 3 (Redacted)
- 4 (Redacted)
- 5 (Redacted)
- 6 (Redacted)
- 7 (Redacted)
- 8 (Redacted)
- 9 (Redacted)
- 10 (Redacted)
- 11 (Redacted)
- 12 (Redacted)
- 13 (Redacted)
- 14 (Redacted)
- 15 (Redacted)
- 16 THE INTERPRETER: [12:28:19] And the Sango booth missed the name of
- 17 the person.
- 18 THE WITNESS: [12:28:24](Interpretation) (Redacted)
- 19 (Redacted)
- 20 (Redacted)
- 21 (Redacted)
- 22 (Redacted)
- 23 (Redacted)
- 24 (Redacted)
- 25 (Redacted). They

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1 continued and they reached where I wanted to go.
2 (Redacted)
3 (Redacted)
4 (Redacted)
5 (Redacted)
6 (Redacted)
7 (Redacted)
8 (Redacted)
9 (Redacted)
10 So we continued to PK11 on a motorbike and (Redacted)
11 (Redacted)
12 (Redacted)
13 (Redacted)
14 A child that was selling bread said that he had seen the taxi -- he had seen the taxi
15 taking the road and -- and it was normal to go. And we did not hear about him and
16 his mother started looking for him. And once he got there, after two days
17 the mother left to meet Rombhot. We asked the question to Rombhot and Rombhot
18 said that it wasn't him who (Redacted)
19 (Redacted)
20 (Redacted)
21 (Redacted)
22 (Redacted)
23 (Redacted)
24 (Redacted)
25 (Redacted)

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1 (Redacted)

2 THE INTERPRETER: [12:33:27] The interpreter would like to add that (Redacted)

3 (Redacted)

4 (Redacted)

5 PRESIDING JUDGE SCHMITT: [12:33:49] So thank you. That was a long thing, it

6 was difficult for the interpreter, but it was exactly the question that I would have

7 asked, (Redacted)

8 Mr Suzuki. (Redacted), excuse me.

9 Mr Suzuki.

10 MR SUZUKI: [12:34:06]

11 Q. [12:34:09] Thank you, Mr Witness.

12 There's just one thing I'd like to clarify. There was a mistranslation in the Sango so I

13 have to ask you again.

14 In relation to the -- to the trip to Boda, I understand (Redacted), but

15 can you confirm that (Redacted) Coeur de Lion?

16 A. [12:34:50] (Redacted)

17 (Redacted)

18 PRESIDING JUDGE SCHMITT: [12:34:59] When we can go back to open session,

19 please let us know.

20 MR SUZUKI: [12:35:31] My apologies.

21 PRESIDING JUDGE SCHMITT: [12:35:33] No problem, we can figure that out

22 together.

23 So we are still in private session, but I had the impression -- of course, the Boda thing

24 also was perhaps better asked in private session, indeed.

25 (Counsel confers)

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1 MR SUZUKI: [12:35:58]

2 Q. [12:36:02] Thank you, Mr Witness, for your answers. Those are all my
3 questions.

4 PRESIDING JUDGE SCHMITT: [12:36:05] Thank you very much.

5 We go to open session now, nevertheless.

6 (Open session at 12.36 p.m.)

7 THE COURT OFFICER: [12:36:26] We are in open session, Mr President.

8 PRESIDING JUDGE SCHMITT: [12:36:27] Thank you.

9 I assume, Mr Knoops, you still have no questions. I would be very surprised.

10 MS PEDROSO: [12:36:33] Good afternoon, your Honours. We just ask the Court's
11 indulgence just for -- we have a handful of questions, clarifications on his statement,
12 and it shouldn't take more than 10 minutes, max.

13 PRESIDING JUDGE SCHMITT: [12:36:46] Then please continue.

14 MS PEDROSO: [12:36:49] Thank you.

15 QUESTIONED BY MS PEDROSO: (Interpretation)

16 Q. [12:37:02] Good afternoon, Mr Witness. My name is Sara Pedroso. I am
17 a lawyer and a member of Mr Ngaïssona's Defence team. As promised, I have only
18 a handful of questions for you.

19 A. [12:37:18] Good afternoon.

20 Q. [12:37:20] Just I need a few clarifications about your statement.

21 First of all, in your statement you said that you fled into the forest with other people
22 just before the Seleka arrived.

23 Did you flee before the arrival of the Seleka because you were fearing the violence of
24 the Seleka?

25 A. [12:38:02] {ICR: (Redacted)}. When a rebellion occurs in a town, everyone who

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1 serves within the public forces has to take shelter because people like that are a target
2 for the rebels.

3 Q. [12:38:25] Who were the other people who fled into the forest with you? Were
4 they also people who were targeted in particular by the Seleka?

5 A. [12:38:39] Many people, many people fled. I wasn't the only one. Many
6 people thought it was better to flee and to take shelter elsewhere.

7 Q. [12:38:55] At paragraph 16 you said that {ICR: (Redacted)}
8 (Redacted)}. My question to you is this:

9 Is it not true that at that time the Seleka had taken control of certain state-owned
10 companies such as the ENERCA?

11 A. [12:39:27] Of course, at that time there was no longer any safety. The Seleka
12 controlled everything. And {ICR: (Redacted)}.

13 And after -- well, there was a lull at one point and when I came back he asked me to
14 {PFR: (Redacted)}.

15 Q. [12:39:58] Are you aware that some workers at the ENERCA company were
16 threatened by the Seleka? Are you aware of that?

17 A. [12:40:14] No. No. On the contrary, they protected the ENERCA.

18 Q. [12:40:30] So when you decided to {ICR: (Redacted)}, you were
19 the victim of reprisals, weren't you?

20 A. [12:40:42] That's right.

21 Q. [12:40:47] When you {ICR: (Redacted)}
22 (Redacted)}

23 A. [12:41:05] That's right.

24 Q. [12:41:18] After that incident you went and hid because you were afraid of
25 further reprisals; isn't that so?

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1 A. [12:41:32] That's right.

2 Q. [12:41:41] Thank you. And do you agree that the town under the Seleka rule
3 was very difficult, if not impossible, and the people were regularly subjected to
4 violence and reprisals by the Seleka?

5 A. [12:42:04] After the Seleka took power, even a civilian could be abducted by
6 a Seleka soldier. If he saw you with something valuable, that would be a valid
7 reason for him to arrest you. And, you know, {PFR: (Redacted)}

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 Q. [12:43:04] Thank you, Mr Witness.

12 I have two more questions for you, two minor clarifications in relation to your
13 statement.

14 You said that you never received, when you were within the Anti-Balaka you never
15 received any funding or financing to buy vehicles or to buy weapons or food. So my
16 question is this: Even if sometimes the Anti-Balaka, as you explained, might get
17 some weapons from the Seleka, do you agree that most of the Anti-Balaka were not
18 armed?

19 A. [12:43:52] That is correct.

20 Q. [12:43:59] You also said in your statement that you would receive food in
21 exchange for assistance, food from the PAM programme, World Food Programme.

22 Can you confirm that you are the one who organised your own means of subsistence?

23 A. [12:44:27] Yes, that's how it happened. When the vehicles -- when

24 the food -- the World Food Programme vehicles would come to help people, we

25 would send our elements and they would help with the unloading of the food. And

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1 after that they would be given 500 francs and that amount of money would be used to
2 pay for the food for the troops. There was no one, no one gave us money so that we
3 could provide food to the elements.

4 Q. [12:45:20] These were my questions. Thank you very much, Mr Witness.

5 PRESIDING JUDGE SCHMITT: [12:45:24] Thank you, Ms Pedroso.

6 Mr Vanderpuye, you don't have to, but -- so I'm surprised. No, I'm -- no, I -- no,
7 excuse me. It's already late, I am not surprised, but I thought that perhaps you have
8 some questions. No, no, I -- I take it.

9 So, Mr Witness, this concludes your testimony. On behalf of the Chamber I would
10 like to thank you for having yourself made available as a witness in these proceedings.
11 We need witnesses to determine the truth as a chamber. Thank you for that. And
12 we wish you a safe trip back home.

13 THE WITNESS: [12:46:15] *Merci.*

14 PRESIDING JUDGE SCHMITT: [12:46:23] The Court is adjourned.

15 THE WITNESS: (Interpretation) I thank you as well.

16 (The witness is excused)

17 THE COURT USHER: [12:46:24] All rise.

18 (The hearing ends in open session at 12.46 p.m.)