

Trial Hearing
WITNESS: CAR-OTP-P-2843

(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
7 Judge Chang-ho Chung
8 Trial Hearing - Courtroom 1
9 Tuesday, 9 November 2021
10 (The hearing starts in open session at 9.33 a.m.)
11 THE COURT USHER: [9:33:55] All rise.
12 The International Criminal Court is now in session.
13 Please be seated.
14 PRESIDING JUDGE SCHMITT: [9:34:21] Good morning, everyone.
15 Could the court officer please call the case.
16 THE COURT OFFICER: [9:34:29] 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: [9:34:44] I ask for the appearances of the parties.
21 Mr Vanderpuye first.
22 MR VANDERPUYE: [9:34:48] Good morning, Mr President. Good morning,
23 your Honours. Good morning, everyone. Today the Prosecution is represented by
24 Manochitra Prathaban, Yassin Mostfa and myself Kweku Vanderpuye.
25 PRESIDING JUDGE SCHMITT: [9:34:58] Thank you.

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1 The victims' representatives, please.

2 MR SUPRUN: [9:35:04] Good morning, Mr President, your Honours. The former
3 child soldiers are represented by myself, Dmytro Suprun, counsel at the Office of
4 Public Counsel for Victims. Thank you.

5 PRESIDING JUDGE SCHMITT: [9:35:11] Thank you.

6 MR DANGABO MOUSSA: [9:35:14](Interpretation) Good morning, Mr President.
7 Good morning to everyone in the courtroom. I represent the Legal Representative of
8 Victims and my team is made up of Anne Grabowski and Ombeni. Thank you.

9 PRESIDING JUDGE SCHMITT: [9:35:29] Thank you.

10 Ms Dimitri.

11 MS DIMITRI: [9:35:30] Good morning, Mr President. Good morning,
12 your Honours. This morning -- good morning, everyone. This morning
13 Mr Yekatom, who is present in the courtroom, is represented by Dr Lena Casiez,
14 Mr Victor-Louis Lapointe Saint-Pierre, our new associate counsel, Ms Anta Guissé,
15 and myself.

16 PRESIDING JUDGE SCHMITT: [9:35:47] Thank you.

17 Mr Knoops.

18 MR KNOOPS: [9:35:50] Good morning, Mr President, your Honours. Good
19 morning everyone in the courtroom.

20 Mr Ngaïssona today is represented, apart from myself, by Ms Sara Pedroso,
21 Mathilde Couloigner, and Despoina Eleftheriou. Thank you.

22 PRESIDING JUDGE SCHMITT: [9:36:09] Thank you.

23 And also good morning to our witness and to Mr Aouini, the counsel of the witness.
24 Before we start, a brief scheduling matter. The Chamber has taken note of the
25 Prosecution's email yesterday at 17:23 to start with the testimony of the next

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1 Witness P-2232 one day later. The Chamber understands that this proposal is
2 intended to facilitate the preparation of the Defence and that it was discussed
3 inter partes.

4 In light of this, the Chamber agrees with this course of action. We will therefore
5 finish P-2843's testimony today and then reconvene on Thursday at 9.30.

6 So I don't assume that the representatives of the victims have any questions for
7 the witness.

8 MR SUPRUN: [9:37:01] No questions, Mr President.

9 PRESIDING JUDGE SCHMITT: [9:37:04] Yes.

10 So then I assume again that I will give the floor to Mr Knoops.

11 MR KNOOPS: [9:37:10] Again, good morning, Mr President, your Honours.

12 The Defence team of Mr Ngaïssona will today, in maximum three sessions, address
13 the witness with some questions. Excuse me. Ms Sara Pedroso, legal assistant, will
14 take the first half hour in public session with the general topic, after which I will
15 mainly deal with separate topics in mostly probably private session.

16 PRESIDING JUDGE SCHMITT: [9:37:38] Thank you for this information.

17 So I understand that we are in open session at the moment.

18 MR KNOOPS: [9:37:44] Yes.

19 PRESIDING JUDGE SCHMITT: [9:37:45] Yes, so then we can start with Ms Pedroso.
20 You have the floor.

21 MR KNOOPS: [9:37:50] Thank you, Mr President.

22 MS PEDROSO: (Interpretation) Good morning to everybody.

23 WITNESS: CAR-OTP-P-2843 (On former oath)

24 (The witness speaks French)

25 QUESTIONED BY MS PEDROSO: (Interpretation)

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1 Q. [9:37:57] Good morning, Mr Witness.

2 A. [9:38:01] Good morning.

3 Q. [9:38:03] I have a few questions for you today on a very specific topic and then
4 I'll leave the floor to my learned colleague Mr Knoops who will also have some
5 further questions for you.

6 I want to remind you that we are in open session and if at any time whatsoever you
7 feel like providing us with information that might identify you, please point that out
8 to me and I will ask for us to go into private session.

9 A. [9:38:34] Okay.

10 Q. [9:38:39] My first question, were you in Bangui when the Seleka arrived in
11 the capital and at the time when Djotodia took power in March 2013?

12 A. [9:38:56] Yes, I was in Bangui.

13 Q. [9:39:03] You experienced the Seleka's march on the capital. Are you able to
14 describe to us the atmosphere in Bangui at that time or during that period?

15 A. [9:39:20] During that period the situation in Bangui was out of control. When
16 the Seleka rebels were moving on the capital, there was general panic in Bangui.

17 Now, when the Seleka entered Bangui, the president -- former President Bozizé fled
18 the country, so it was a general catastrophe across the country. There was no state.

19 The state no longer existed and there were killings everywhere. There was looting
20 and pillaging. And so Seleka did whatever it thought it could do. You see,

21 the Seleka movement was not really a well-organised movement. There were many
22 elements in their ranks who neither spoke French nor Sango. So there was total lack
23 of communication between the Seleka elements and the population.

24 So it was extremely difficult times. Acts of violence were committed in

25 the neighbourhoods, houses were pillaged, and there were killings. And this was

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1 extremely difficult for the population.

2 Q. [9:41:04] Let me revisit a few points that you already mentioned. But first of all
3 let me ask you whether there were several foreign mercenaries within the Seleka who
4 came from Chad and from Sudan; is that correct?

5 A. [9:41:26] I am not able to identify those mercenaries, but everybody knew it and
6 I knew it myself that there were many mercenaries, there were many mercenaries.
7 Because if an individual is Central African, they must at least speak one of the
8 languages of the country, French or Sango or some other dialect. But these were
9 people who came and all they spoke was Arabic. They spoke no other language
10 apart from Arabic. So they are mercenaries, they were mercenaries. Some came,
11 they did all types of things, they looted, they pillaged the vehicles and all types of
12 items and took them back to Chad or to Sudan. So one can say that they were
13 mercenaries because even up to this day some armed groups are led by mercenaries
14 who are not Central Africans and everybody knows about that.

15 Q. [9:42:33] Did you hear mention of, or do you know, whether there were any
16 Janjaweed militia within the Seleka, to be specific?

17 A. [9:42:48] Yes, I heard mention of that, but I don't have any evidence to
18 substantiate it.

19 Q. [9:42:56] The presence of foreigners within Seleka, those mercenaries, was that
20 a point of concern for the population during that period?

21 A. [9:43:08] Obviously, because it was these mercenaries who committed several
22 acts of violence, several acts of violence. Even the president who came to power
23 could not control them. He did not have power to control them. So each leader of
24 the various groups did whatever they thought they wanted to do and even
25 the president who had taken over power had no control over them.

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1 Q. [9:43:42] You have mentioned the acts of violence and exactions committed by
2 Seleka, such as killings, pillaging, and last week you also mentioned the fact that
3 the federation had been pillaged or ransacked, so to speak. Can you give us a little
4 more detail on conditions of life, your conditions of life during that period, please?

5 A. [9:44:10] During that period, as I said a short while ago, life in the Central
6 African Republic was extremely difficult, extremely difficult. Many Central Africans
7 fled the country. Some crossed the river to the DRC or to Congo-Brazzaville, others
8 were able to go to Cameroon, some went towards Chad.
9 And then in Bangui many Central Africans sought refuge in churches, in churches.
10 In Fatima church, for example, the Catholic Church at Fatima, for example. At the
11 monastery, at the cathedral, at Saint Paul. It was extremely difficult times. Very,
12 very difficult times.

13 Q. [9:45:06] I would like to show you a Facebook conversation of August 2013,
14 a conversation you had with someone else whose name I will not mention here
15 because we are in open session.
16 So I would ask the court officer not to display this document to the public because it is
17 a confidential document, document number 36 on our amended list of materials.
18 Reference CAR-OTP-2132-3712 at page 3764.

19 I would like to draw your attention to the third line. And here you say to your
20 interlocutor that it's a general psychosis in Bangui. What do you mean by general
21 psychosis? Can you give us a few more details on what you meant by general
22 psychosis.

23 A. [9:46:58] When I said there was general psychosis in Bangui, what I meant or
24 what I wanted to say was that the situation in Bangui was catastrophic and that
25 people were in a state of panic, that the entire population, especially women and

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1 children, that there were cases of rape. So a state of general psychosis in Bangui, and
2 this affected everybody in Bangui. Everybody in Bangui was in a state of panic.

3 Q. [9:47:32] Let me draw your attention to the fourth line. And you say -- where
4 you say Boy-Rabe has been invaded since this morning and since this afternoon there
5 have been cannon shots being fired. And then we go further on and the question is
6 "Has there been a riposte?" And the answer is "No." That is your answer.

7 So when you say that Boy-Rabe was invaded, what do you mean by that?

8 A. [9:48:10] When Boy-Rabe (sic) took over Bangui, they targeted Boy-Rabe, they
9 identified Boy-Rabe as a target neighbourhood, so they entered Boy-Rabe. And I
10 want to point out that there were several or many soldiers in Boy-Rabe at the time, so
11 they identified Boy-Rabe as one of their target neighbourhoods. So they attacked
12 Boy-Rabe and they started firing, they started pillaging Boy-Rabe before moving to
13 the other neighbourhoods in Bangui.

14 Q. [9:48:52] So you say that Boy-Rabe -- rather, that Seleka targeted soldiers
15 specifically; is that the case?

16 A. [9:49:01] Yes, yes, of course. Yes.

17 Q. [9:49:08] When you say that cannon shots were fired, was Seleka firing cannon
18 shots on the civilian population?

19 A. [9:49:25] Yes, of course. They fired on the population. First of all, there were
20 some soldiers in the neighbourhood who fired back, but they -- they fired on
21 the population, on the people and they fired on people. They had weapons.

22 Q. [9:49:46] Can we go to the next page, page 3765, please. At the top of the
23 page you're asked whether it was only Seleka that was shooting, and you said yes,
24 that you couldn't go out.

25 Now let's go to the next page, please, page 3766. In the fourth line, this is what you

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1 say: "Even in (Redacted) it's terrible. Cannon shots are being fired by them into
2 the neighbourhoods."

3 When you say they -- fired by them, are you referring to the Seleka?

4 A. [9:50:41] Yes, it is the Seleka. (Redacted)
5 (Redacted)

6 Q. [9:50:50] So you confirm that Seleka was also targeting the civilian population in
7 these neighbourhoods?

8 A. [9:50:57] Yes.

9 THE INTERPRETER: [9:50:59] Mr President, could the witness be advised to
10 observe a pause before answering.

11 MS PEDROSO: [9:51:10](Interpretation)

12 Q. [9:51:11] This document can be taken down now, thank you.

13 Were you yourself a victim of threats or violence by Seleka -- from Seleka?

14 A. [9:51:22] I was a victim several times over. I was threatened at my home and I
15 was forced to ask my wife and my children to leave the house, and they fled,
16 and -- but I had to remain at home because during that time the thieves in
17 the neighbourhood also took advantage of the situation. That is why I was forced to
18 stay at home. Even at the level of the (Redacted), (Redacted) and sometimes I was
19 forced to remain at home, to work from home (Redacted) So I came under threats.

20 You see, Seleka, for example, (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 Ms Pedroso, please continue.

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1 MS PEDROSO: [9:52:38](Interpretation)

2 Q. [9:52:38] I want to remind you that we are in open session. If you want to
3 move into private session where you want to provide a few more details on your
4 personal situation, please tell me. Let me know.

5 So now I have another question which is quite general. Did you say that the FACA
6 were specifically targeted? Since you said so, what about the Gbaya? People of
7 Gbaya ethnicity, were they also specifically targeted by Seleka?

8 A. [9:53:10] Yes, the Seleka targeted the Gbaya because they thought that the Gbaya,
9 all the Gbayas were close to or were relatives of former President Bozizé. So
10 the Gbaya were the first people to be targeted by the Seleka.

11 Q. [9:53:38] So you said that Seleka somehow confused or mixed up the Gbaya and
12 potential supporters of President Bozizé?

13 A. [9:53:46] Yes, there was a total confusion.

14 Q. [9:53:50] Were there any other segments of the population that were specifically
15 targeted by Seleka?

16 A. [9:53:59] I am not able to demonstrate that, but there was general confusion.
17 You see, Seleka was a group of very, very disorganised people, so there was disorder,
18 a lot of disorder.

19 Q. [9:54:20] Last week you said, and you said so again today, that everybody
20 wanted Seleka to leave. Do you think that this feeling was shared among the various
21 communities, ethnic communities, religious communities and the population at large?
22 Was this a feeling that was generally shared?

23 A. [9:54:48] Yes, it was a feeling that was generally shared, because there came
24 a time when the youth had to organise themselves into self-defence groups in order to
25 protect the population, the civilian population. So at that time the entire population

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1 was in favour of Seleka leaving.

2 Q. [9:55:16] Without delving into any details in order to avoid identifying yourself,
3 can you give us a general reason why you were motivated to remain in Bangui during
4 that period?

5 A. [9:55:33] During that period I had no possibility of leaving. You see, if I were
6 alone I would have left, but I have a family, I have a wife, I have children, I have my
7 junior siblings, I have my grandfather and my grandmother and they are all under
8 my care, so it was not possible for me to leave.

9 Q. [9:56:00] So you had no other reason, apart from reasons pertaining to your
10 family's presence in Bangui, you had no other reason for remaining in Bangui during
11 that period?

12 A. [9:56:10] No.

13 Q. [9:56:17] Last week you mentioned, and you said so again today, that after
14 the arrival of Seleka, the country was uncontrollable and that there was chaos and
15 that the state did not exist. Can you give us more details as to what you meant by
16 the state did -- no longer existed?

17 A. [9:56:45] When I say the state did not exist, it is because the state did not control
18 anything whatsoever. Even the head of state did not control or did not have control
19 over anything. Each Seleka group did as they wanted. So there was no state
20 authority in place. People were being killed and the state couldn't do anything.
21 First of all, the police did not exist, people fled. The soldiers -- it was even worse for
22 the soldiers because the -- it was the civilian population that was protecting soldiers.
23 Some soldiers had to dress up like women in order to be able to flee. So this is how
24 things were. And the population was abandoned.

25 Q. [9:57:32] Now, in the absence of the security forces, that is you mentioned

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1 the police and soldiers, how did the population manage to protect themselves?

2 A. [9:57:54] At the beginning it was difficult. At the beginning it was difficult.

3 But over time the young people were forced to organise themselves into self-defence
4 groups in order to provide protection for the neighbourhoods.

5 Q. [9:58:11] On Friday you testified that during that period even civilians were
6 armed. And I'm referring here to transcript -- real-time French transcript, page 67,
7 line 18.

8 Now, were you yourself a witness of this phenomenon of armed civilians?

9 A. [9:58:37] During that period many civilians had weapons in the neighbourhoods.
10 Many civilians had weapons, arms in the neighbourhoods. Even to this day there
11 are civilians who still possess weapons or arms in the neighbourhoods.

12 Q. [9:58:57] According to you, this situation in which civilians were armed, did that
13 also contribute to the chaos and confusion and acts of violence that were committed
14 during that period in 2013?

15 A. [9:59:17] Please can you repeat your question. I did not quite understand it.

16 Q. [9:59:23] Let me rephrase. During that period, were civilians also participating
17 in the acts of violence or crimes or pillaging, were they also sometimes involved in
18 those types of actions?

19 A. [9:59:40] Yes, yes. There were people of bad conduct who had weapons in
20 the neighbourhoods and they took advantage of that period to commit some acts of
21 pillaging and armed robbery in the neighbourhoods.

22 Q. [10:00:00] Was it sometimes difficult to distinguish between those civilians who
23 were opportunistic and who committed a number of crimes, to distinguish them from
24 the members of various armed groups? Was it -- did it happen that there was
25 confusion between those various persons?

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1 A. [10:00:24] Yes, because sometimes some Seleka elements would be dressed in
2 civilian attire while bearing their arms. So if in the neighbourhood there were
3 civilians who had weapons or arms, it was difficult to distinguish between who was
4 what.

5 Q. [10:00:49] You also mentioned that sometimes you had to work from home
6 because of the situation of insecurity. I would like to know that during this period
7 your salary, without saying where you worked, but did your salary continue to be
8 paid during that period?

9 A. [10:01:15] During that period, when the Seleka entered Bangui, it was difficult,
10 because the situation wasn't stable, so there was also problems for (Redacted)
11 (Redacted)
12 (Redacted)
13 (Redacted)
14 (Redacted)
15 (Redacted)

16 Q. [10:02:11] We are now in public session, so I would like to remind you. Could
17 you tell us when started to become more stable as regards your salary?

18 A. [10:02:27] I can't remember exactly, Madam. But it was when the situation
19 started to calm down and the (Redacted)
20 (Redacted)
21 (Redacted)
22 (Redacted)

23 Q. [10:03:10] Can you remember whether it was before or after 5 December? Was
24 it in 2013 or 2014? Can you remember?

25 A. [10:03:21] No, it's before. Before.

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1 Q. [10:03:27] So what did you do in order to live during that time, if you had
2 difficulties in receiving your salary?

3 A. [10:03:38] Personally, outside (Redacted) I have other activities which would generate
4 some income. Also, during this period I had the possibility of (Redacted). I want to tell
5 you that I'm (Redacted)

6 PRESIDING JUDGE SCHMITT: [10:04:09] (Overlapping speakers) I think we go to
7 private session here and ...

8 (Private session at 10.04 a.m.)

9 THE COURT OFFICER: [10:04:25] We are in private session, Mr President.

10 PRESIDING JUDGE SCHMITT: [10:04:26] And there is no problem with that,
11 Mr Witness, because we have half an hour delay, so we can expunge this from
12 the record, so no problem done. But I think -- and also a meaningful answer to that
13 question means that you reveal a little bit of -- of your personal circumstances, at least
14 in the past, and for that we are now in private session.

15 MS PEDROSO: [10:04:56] Thank you, your Honour.

16 Q. [10:04:58](Interpretation) We are now in private session, so could you tell us
17 some details, what did you do to survive during this period?

18 A. [10:05:14] As I said, (Redacted) And during this period (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

26

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1 Q. [10:06:14] You mentioned that you had people you were responsible for, your
2 family. These other activities, were they enough for you to survive during this
3 period and also to take care of your family?

4 A. [10:06:32] I wouldn't say that it was enough. But I was forced to do what I
5 could, what was possible, in order to respect and meet the needs of my family,
6 the activities that we did before that time, before the chaos. (Redacted)
7 (Redacted)

8 Q. [10:07:07] Now I am going to move into questions of a general nature.

9 PRESIDING JUDGE SCHMITT: [10:07:15] (Overlapping speakers) So this means
10 that you think we can go into private -- to open session, excuse me.

11 MS PEDROSO: [10:07:18] Thank you.

12 PRESIDING JUDGE SCHMITT: [10:07:19] And I trust you and we do that. We go
13 to open session.
14 (Open session at 10.07 a.m.)

15 THE COURT OFFICER: [10:07:32] We are back in open session, Mr President.

16 MS PEDROSO: [10:07:40]

17 Q. [10:07:42](Interpretation) I have a final question as regards the finances, but it's
18 of a general nature. We are in public session, I'd like to remind you.

19 During the crisis in 2013, during the Seleka government, was this chaos, chaotic
20 situation, did it affect the price of basic necessities and daily life?

21 A. [10:08:07] Yes, that situation affected everything, almost everything in
22 the country. The Central African Republic was in a difficult position because all
23 the basic products come from Cameroon, so during this period the vehicles didn't
24 operate and so it was really difficult. Even to find bread was really difficult.
25 The prices doubled, even tripled, so it was really difficult.

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1 Q. [10:08:56] Last week you mentioned that you took actions in a political field, for
2 example, demonstrations, casserole orchestra, going on the radio. Page 55, line 18 to
3 25 in the French version of real-time. You said these actions were taken to draw
4 the attention of the international community on the situation which you were
5 experiencing at that time.

6 My question is as follows: These actions, these political and civilian actions, were
7 they organised spontaneously by the population?

8 A. [10:09:45] Yes, and sometimes it's the political parties, it's the political parties
9 that organised in order to react. Others who had the courage and others who
10 couldn't leave the country were forced to speak out on the radio. For example,
11 the radio, the national radio was censored, but there are also private radios,
12 Ndeke Luka, for example, and they interviewed people in the neighbourhoods, they
13 interviewed young people, politicians. And the religious community also became
14 involved. They took steps in order to speak out so that the international community
15 would take some action.

16 Q. [10:10:34] During this period, so before December 2013, did the international
17 community remain passive vis-à-vis the situation in CAR?

18 A. [10:10:50] Well, firstly, initially I think it was France who sent a mission, the
19 Sangaris, and when the Sangaris arrived in Bangui the situation calmed down,
20 nevertheless. When the Sangaris arrived in Bangui, the situation calmed down.

21 Q. [10:11:15] And before the Sangaris arrival, was there political and civilian
22 actions that resulted in drawing the attention of the international community?

23 A. [10:11:30] No, before the Sangaris arrived it was very difficult.

24 Q. [10:11:39] So despite all the efforts, and I'm talking before the Sangaris arrived,
25 the actions of the citizens was not enough to trigger an action from the international

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1 community?

2 A. [10:11:52] No, no, it was difficult.

3 Q. [10:11:58] Do you think that a purely political civilian action would have been
4 enough to make Djotodia leave?

5 A. [10:12:11] I don't think so.

6 Q. [10:12:18] Do I understand correctly that because of the situation that was
7 disastrous, as you said, and because of the fact that you didn't have any external
8 support in 2013, the population didn't have an alternative but to try and resist, to
9 make the Seleka fall?

10 PRESIDING JUDGE SCHMITT: [10:12:40] Before you answer, please,
11 Mr Vanderpuye.

12 MR VANDERPUYE: [10:12:43] Thank you. I don't have a problem with
13 the question as such, but the reference to the population in general seems to me to be
14 obtuse and not specific enough to -- to ...

15 PRESIDING JUDGE SCHMITT: [10:13:01] Yeah, I agree with you. Can you
16 reformulate it, please.

17 MS PEDROSO: [10:13:06] Of course. Of course.

18 Q. [10:13:07](Interpretation) I'm going to rephrase. In your opinion, because of
19 the situation, the catastrophic situation, people who led these political and civilian
20 actions which you mentioned, do you think there was no alternative, no other choice
21 than to do something so that they could cause the Seleka regime to fall?

22 PRESIDING JUDGE SCHMITT: [10:13:38] Again, Mr Vanderpuye has an issue.

23 MR VANDERPUYE: [10:13:41] I do. This time it -- it seems to call rankly for
24 speculation.

25 PRESIDING JUDGE SCHMITT: [10:13:47] Yeah, that's true, and I have to -- I would

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1 have to say, yeah. So it's -- indeed, that's really a call for speculation. Yeah, I agree
2 with Mr Vanderpuye.

3 MS PEDROSO: [10:13:55](Interpretation) So it's the end of my questions for you and
4 I now -- Mr Knoops will continue with the investigation and questioning.

5 PRESIDING JUDGE SCHMITT: [10:14:06] Thank you very much, Madam Pedroso.
6 And, Mr Knoops, you have the floor.

7 QUESTIONED BY MR KNOOPS:

8 Q. [10:14:24] Good morning, sir. We didn't meet at the familiarisation meeting, so
9 my apologies. I was not able to meet you there because of my other obligations.
10 My name is Alexander Knoops. I'm counsel here in the Netherlands, in Amsterdam,
11 and I'm one of the lawyers of Mr Patrice Ngaïssona. I have several topics to address
12 and the first one will be a topic which have to be dealt with in private session.

13 PRESIDING JUDGE SCHMITT: [10:14:59] Then we go to private session, please.
14 (Private session at 10.15 a.m.)

15 THE COURT OFFICER: [10:15:12] We are in private session, Mr President.

16 MR KNOOPS: [10:15:17]

17 Q. [10:15:17] (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

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10 Q. [10:25:01] Thank you, sir.

11 PRESIDING JUDGE SCHMITT: [10:25:03] Mr Knoops, allow me. You were right
12 that since this issue was brought up on the examination by the Prosecution, so that
13 you address it. But I think you can move on. At least soon, I would say.

14 MR KNOOPS: [10:25:16] Yes, yes. I'm now coming to really the point of the --

15 PRESIDING JUDGE SCHMITT: [10:25:20] Okay. Good, good, fine.

16 MR KNOOPS: [10:25:22] -- introduction of this topic.

17 (Redacted)

18 (Redacted)

19 (Redacted)

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- 6 MR KNOOPS: [10:45:07](Overlapping speakers) We can read.
- 7 PRESIDING JUDGE SCHMITT: [10:45:10] Yeah. Not only we can read, we will.
- 8 MR KNOOPS: [10:45:11] Yeah, of course. Yeah.
- 9 PRESIDING JUDGE SCHMITT: [10:45:13] So please continue.
- 10 MR KNOOPS: [10:45:15] Yes. But the Court will understand the purpose of my
- 11 question (Overlapping speakers)
- 12 PRESIDING JUDGE SCHMITT: [10:45:18] Of course, because of that
- 13 I didn't -- I didn't stop you.
- 14 MR KNOOPS: Thank you.
- 15 PRESIDING JUDGE SCHMITT: [10:45:22] I think but now it's really the time to
- 16 change subject.
- 17 MR KNOOPS: [10:45:29] Yeah.
- 18 (Redacted)
- 19 (Redacted)
- 20 (Redacted)
- 21 (Redacted)
- 22 (Redacted)
- 23 (Redacted)
- 24 (Redacted)
- 25 (Redacted)

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7 PRESIDING JUDGE SCHMITT: [10:59:31] And with this short intervention we go
8 into a half an hour coffee break.

9 MS DIMITRI: Mr President.

10 PRESIDING JUDGE SCHMITT: [10:59:35] Oh, we don't, Ms Dimitri?

11 MS DIMITRI: [10:59:41] With your permission, given the scope of the testimony, I'd
12 like to do some work upstairs with Mr Hannis. So I would, with your permission,
13 leave the courtroom for the second break and leave Ms Guissé and Ms Casiez in the
14 courtroom.

15 PRESIDING JUDGE SCHMITT: [10:59:54] Fine with us.

16 MS DIMITRI: [10:59:55] Thank you, Mr President.

17 PRESIDING JUDGE SCHMITT: [10:59:55] So we have a break now.

18 THE COURT USHER: [10:59:56] All rise.

19 (Recess taken at 10.59 a.m.)

20 (Upon resuming in private session at 11.32 a.m.)

21 THE COURT USHER: [11:32:12] All rise.

22 Please be seated.

23 PRESIDING JUDGE SCHMITT: [11:32:36] Mr Knoops has still the floor. I was
24 tempted to say is still standing, but this has another connotation, I would say, we
25 don't want to use in that context.

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1 MR KNOOPS: [11:32:52] Thank you, Mr President.

2 Q. [11:32:54] Mr Witness, good morning again. Two final questions before I move
3 to a next topic.

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 Q. [11:34:24] Okay. Last Friday -- I was referring to it Monday, but --

16 PRESIDING JUDGE SCHMITT: [11:34:29] But you know, sometimes, sometimes --

17 MR KNOOPS: [11:34:32] (Overlapping speakers)

18 PRESIDING JUDGE SCHMITT: [11:34:32] -- the past blurs a little bit if you have so
19 much to do, so I understand that.

20 MR KNOOPS: [11:34:35] Mr Aouini pointed me rightly that I was referring to
21 Monday instead of last Friday.

22 Q. [11:34:41] So last Friday the Prosecution put a document to you and that's
23 the document CAR-OTP-(Redacted) and it's in our Defence binder tab 35, 35. And
24 the Prosecution put to you this email of (Redacted) June 2016 where you refer to
25 the situation in the country and the Prosecution says in paragraph 38 of the real-time

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1 English transcript, lines 13 till 17: "And, of course, since we -- since this comes up
2 again, it of course also appears from the wording of [this] email by you, Mr Witness,
3 that it was about the situation in the country and not about some (Redacted)
4 That was the observation of the Prosecution. The Prosecution didn't put to you
5 the annex belonging to this email, which we will show you now. And this is to be
6 found in our Defence binder, tab 35. And I ask you, sir, to look at that document
7 which is referenced as CAR-OTP-(Redacted) which is attached to this email which
8 was put to you, the email of (Redacted) June.
9 So, sir, if you have the email before you, my question is, first of all, is this
10 the document you refer to, the document (Redacted)
11 (Redacted)
12 Was this the topic (Redacted)
13 (Redacted)
14 Did that reference by you relate to that document, this decision which was attached to
15 the email?
16 A. [11:37:45] No. It didn't relate to that document. In the message I sent, I
17 specified to President Ngaïssona at that time that (Redacted)
18 (Redacted)
19 (Redacted)
20 (Redacted)
21 (Redacted)
22 (Redacted)
23 (Redacted)
24 (Redacted)
25 (Redacted)

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8 (Redacted)

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10 (Redacted)

11 (Redacted)

12 (Redacted)

13 Q. [11:40:14] You told us this morning, sir, that there was a situation of desperation
14 in the country in 2013 after the Seleka came. (Redacted)

15 (Redacted)

16 (Redacted)

17 A. [11:40:56] I haven't understood your question fully. Could you rephrase it,
18 please.

19 PRESIDING JUDGE SCHMITT: [11:41:00] I think, Mr Knoops, since you change
20 the subject here, perhaps you tell him that this is a completely new thing and what it
21 refers to.

22 MR KNOOPS: [11:41:08] Of course.

23 PRESIDING JUDGE SCHMITT: [11:41:09] It refers now obviously to other email
24 contacts and maybe also Facebook communication that has been put to the witness.

25 MR KNOOPS: [11:41:17] Yeah.

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1 Q. [11:41:18] Sir, this topic relates actually to the reason why you were willing to
2 contact Ngaïssona in 2013. You explained this morning to my colleague, Ms Pedroso,
3 the situation in the country in 2013 and the atmosphere of psychosis, desperation.

4 (Redacted)

5 (Redacted)

6 A. [11:42:10] Obviously, because during this period, as I said, the situation in
7 the country was chaotic, it was complete chaos. (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 Q. [11:43:03] Would you say, sir, would you agree with me to say that

14 Mr Ngaïssona at that time was known as a generous person who financially helped
15 a lot of people in 2013, and before?

16 A. [11:43:33] I think I've already said that Mr Ngaïssona was a public figure. He
17 supported many people, firstly in the football world and also outside the football
18 world. He supported many people. He gave a lot of money to people. Even in
19 (Redacted), there are many people who came to see him to tell him about their
20 problems. Even in the neighbourhood he helped people who were in mourning.
21 He was regarded as a generous individual.

22 Q. [11:44:13] (Redacted)

23 (Redacted) were well aware that Mr Ngaïssona was a businessman with a financial
24 good standing and that this was the reason why (Redacted), because they knew he
25 was a generous person and he was financially well-to-do?

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1 A. [11:45:00] (Redacted)

2 (Redacted)

3 (Redacted)

4 Q. [11:45:17] So they didn't say to you, didn't they, that Mr Ngaïssona was, for
5 them, the national coordinator of the Anti-Balaka, (Redacted)

6 (Redacted)

7 (Redacted)

8 A. [11:45:55] No, they didn't specify, no. But everybody knew that Mr Ngaïssona
9 was appointed as coordinator of the Anti-Balaka.

10 Q. [11:46:11] Okay. We come to this now, sir. Last Friday you indeed told
11 the Court that everyone knew in those days in 2013, (Redacted)

12 (Redacted) that Mr Ngaïssona was supposedly the national coordinator. But you did
13 say last Friday in your evidence, sir, the real-time English transcript, page 66, lines 17
14 till 18, that you didn't know when Mr Ngaïssona was designated as national
15 coordinator.

16 Now, I show you now a document, sir. It's tab 28 of our Defence binder. That's
17 CAR-OTP-2101-4059.

18 Please, sir, have a look at that document.

19 You see it's a *communiqué de presse* number 7 of 3 March 2014, issued by the so-called
20 Anti-Balaka. And you see in paragraph 1, paragraph 1, that Mr Ngaïssona was
21 designated as national coordinator during a reunion on 14 January 2014.

22 I take it that you were not aware of this document, correct?

23 A. [11:48:20] No.

24 Q. [11:48:23] Secondly, secondly, I would like to put to you -- without showing
25 the witness the transcript, it's not necessary, it's tab 44 of our Defence binder. Your

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1 former prime minister, Mr Tiangaye, he came to testify before this Court in open
2 session on the -- in July I believe it was, 14 July - and the Court can look at the
3 transcript page 16, lines 11 till 21, and also page 17 lines till 3 - that according to his
4 testimony, Mr Tiangaye, the former prime minister, Mr Ngaïssona was appointed or
5 assigned as national coordinator not before December 2013?

6 PRESIDING JUDGE SCHMITT: [11:49:57] Well, you can't -- you can't read that into
7 it. But -- but the document that you presented, I think it would perhaps be an idea to
8 ask directly, or perhaps let me give it a try.

9 Mr Witness, you see there is this *communiqué de presse* which says that Mr Ngaïssona
10 became "*Coordinateur Général des Combattants Anti-Balaka*" at the 14 January 2014. So
11 what you spoke about and what the document that were shown to you on Friday by
12 the Prosecution, dated from an earlier time in 2013, and you said everybody knew at
13 the time that he was general coordinator. But, you see, he was appointed general
14 coordinator in January 2014. Where did this information come from at the time in
15 2013 that he is general coordinator?

16 THE WITNESS: [11:51:14](Interpretation) I can't remember anymore the time
17 sequence. But what I do know is that at time there was information circulating.
18 Firstly, if I remember correctly, but we knew that Mr Ngaïssona was designated
19 coordinator of the Anti-Balaka. But as regards the date and the communiqué, I
20 really can't say. I don't remember.

21 PRESIDING JUDGE SCHMITT: [11:51:55] Just one question. To your recollection,
22 when did the expression "Anti-Balaka" appear first? You know, in the -- in
23 the public domain, so to speak. Or if not in the public domain, when did you hear
24 people speak of a movement called Anti-Balaka for the first time?

25 THE WITNESS: [11:52:28](Interpretation) There was talk of the Anti-Balaka after

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1 the exactions of Seleka, of the Seleka. So in the provinces there were already locals
2 who organised themselves to defend themselves. And it is only after that we heard
3 talk of the Anti-Balaka, after that.

4 PRESIDING JUDGE SCHMITT: [11:53:12] Yes, Mr Knoops, you have the floor.

5 MR KNOOPS: [11:53:17] I thought you were reflecting on the next question,
6 Mr President.

7 PRESIDING JUDGE SCHMITT: [11:53:21] And I thought you were reflecting on
8 the next question.

9 MR KNOOPS: [11:53:24] No, no, no.

10 Q. [11:53:26] Sir, speaking about everyone knew in October that Mr Ngaïssona was
11 the national coordinator. There's also a Prosecution witness, he came before this
12 Court, other than Mr Tiangaye, who testified that the involvement of Mr Ngaïssona in
13 the movement of the Anti-Balaka only started when he arrived in Bangui in 2014
14 where he was declared as the coordinator. And that's tab 44 of our Defence
15 binder -- sorry, 43, Defence binder, that's the statement of P-1847, page 33 of the
16 transcript, lines 15 till 18. And also at page 45 of the same Prosecution witness
17 testimony here, line 9. (Redacted)
18 (Redacted)

19 Now, I have shown you --

20 PRESIDING JUDGE SCHMITT: [11:54:35] It is not -- actually, if I look at the
21 wording here, it is -- it does not support, actually, yeah, the -- the allegation I would
22 not say, but your question. The witness said, line 15, "... the answer to your question
23 is that I got to know Mr Ngaïssona really -- and his involvement in the Anti-Balaka
24 when he arrived in Bangui declared himself to be coordinator as all the others."
25 So this does not exactly say that something about the time before 2014, January 2014.

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1 So concentrate yourself, ask -- ask the witness directly, I think, about the time 2013.

2 MR KNOOPS: [11:55:22]

3 Q. [11:55:23] (Redacted) they could not have been aware that Mr Ngaïssona was
4 the national coordinator, because he wasn't, and (Redacted)
5 (Redacted)

6 PRESIDING JUDGE SCHMITT: [11:55:44] Mr Vanderpuye is on his feet.

7 MR VANDERPUYE: [11:55:47] Yes, there's a couple of reasons.

8 One is that I think the witness already has answered this a couple of different ways
9 and a couple of different times. The second thing is that to the extent that

10 Mr Knoops wants to put evidence to the witness regarding the timing of

11 Mr Ngaïssona's designation as coordinator, it's important to distinguish, A, between
12 the title, and B, between the function.

13 And in addition, to be fair in putting the evidence to the witness, because inasmuch as
14 there's evidence one way, there is evidence the other.

15 PRESIDING JUDGE SCHMITT: [11:56:19] So, first of all, the witness has answered
16 the question, so I -- I agree with you. Witness has said they haven't talked
17 with -- Mr Knoops, the witness has clearly stated they have not said anything about
18 the involvement of Mr Ngaïssona in the so-called movement Anti-Balaka or
19 whatsoever.

20 Secondly, we have the document when he was officially designated general
21 coordinator and this was 14 January 2014. So I think you can move on from there.

22 So -- but the question is answered by the witness.

23 MR KNOOPS: [11:56:58]

24 (Redacted)

25 (Redacted)

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- 7 (Redacted)
- 8 (Redacted)
- 9 (Redacted)
- 10 The message I sent to Mr Ngaïssona was something he didn't respond to.
- 11 Q. [11:58:56] (Overlapping speakers)
- 12 PRESIDING JUDGE SCHMITT: [11:58:59] Mr Knoops, there was overlapping.
- 13 Please wait a second with your question. Perhaps you can start now. There was
- 14 overlapping speakers.
- 15 MR KNOOPS: [11:59:16]
- 16 (Redacted)
- 17 (Redacted)
- 18 (Redacted)
- 19 (Redacted)
- 20 (Redacted)
- 21 (Redacted)
- 22 (Redacted)
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- 24 (Redacted)
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9 (Redacted)
10 (Redacted)
11 (Redacted)
12 (Redacted)
13 (Redacted)
14 (Redacted)
15 Q. [12:02:38] Did, did (Redacted)
16 (Redacted)
17 (Redacted)
18 (Redacted)
19 (Redacted)
20 Now, we have a Prosecution witness who came to testify here before this Court.
21 And it's tab 12, for the Chamber, paragraph 97.
22 PRESIDING JUDGE SCHMITT: [12:03:41] I think this -- there's too much in
23 one -- one question. (Redacted)
24 (Redacted)
25 MR KNOOPS: [12:03:51] Okay.

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1 PRESIDING JUDGE SCHMITT: [12:03:52] Because otherwise I think the witness and
2 perhaps sometimes also the judges get confused.

3 So one after the other, please.

4 MR KNOOPS: [12:04:00] Okay.

5 Q. [12:04:01] Who -- who said to you that (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 Q. [12:05:44] When you tell this Court that you know (Redacted) as somebody who

21 was lying, can you give an example of one of those lies? Did he lie about things

22 concerning certain activities he performed during the crisis which you were

23 discovering which were not true?

24 (Redacted)

25 (Redacted)

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4 Q. [12:07:01] A Prosecution witness came before this Court, Mr Witness, and that
5 individual also gave a statement to the Office of the Prosecution.

6 It's for the Court P-2481. Tab 39. It is the statement, I believe, of the witness.

7 PRESIDING JUDGE SCHMITT: No. It is --

8 MR KNOOPS: [12:07:38] The statement of (Redacted) -- sorry, the statement
9 is -- there is a statement made by a Prosecution witness, and that's our tab 12. And
10 that individual, sir -- that's for the Court paragraph 137 -- 132, sorry.

11 PRESIDING JUDGE SCHMITT: [12:08:24] Please tell us the exact reference so that
12 we can check it.

13 MR KNOOPS: [12:08:29] It's CAR-OTP-2127-4238. And it's page 4261 and
14 the reference is paragraph 130 instead of 132. It's 130.

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

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10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 Q. [12:15:22] Would you agree, sir, that at that time of the events the telephone

15 communication was very deplorable or weak and that communications with sites

16 really far outside Bangui -- like, for instance, if you look at the location (Redacted)

17 So would you agree with me that in those days, to contact by phone individuals on

18 those sites was virtually impossible?

19 A. [12:16:06] Yes. At that time there was really no connectivity to certain zones,

20 no communication networks. And it was virtually impossible to contact people in

21 those zones. Impossible. There were even no antennae in those zones for mobile

22 telephones. So it was not possible to contact people in those areas by telephone, no.

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 PRESIDING JUDGE SCHMITT: [12:17:00] Mr Vanderpuye.

2 MR VANDERPUYE: [12:17:03] Mr President, effectively the witness said "not by
3 telephone" so I don't know if Mr Knoops' question is specific to that or other means of
4 communication.

5 PRESIDING JUDGE SCHMITT: [12:17:17] I have -- I have let's say an issue, but
6 "unlikely", the witness -- we should not ask the witness if something is likely or not
7 unlikely.

8 But, Mr Knoops, if I may rephrase it a little bit and it's the same -- we try to elicit
9 the same information.

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 PRESIDING JUDGE SCHMITT: [12:18:36] Please continue, Mr Knoops.

21 MR KNOOPS: [12:18:38]

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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3 (Redacted)

4 (Redacted)

5 Q. [12:19:39] Okay. Now, according to information, sir, the members of the FACA

6 were targeted by the Seleka, you told us this this morning, members of the army,

7 Gbaya. All these people had to flee Bangui. (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 A. [12:20:34] Well, that I don't know. In any event, it is not all soldiers who left

12 Bangui. Some soldiers remained in Bangui. Not everyone fled.

13 Q. [12:20:58] Sir, please have a look at tab 13 of the OTP binder. That's

14 CAR-OTP-(Redacted). That's a document already shown to you. But I have

15 a different question on this topic.

16 It's my understanding, and this was also put to you last Friday, that you on

17 (Redacted) October 2013, you write to Mr Ngaïssona that you have tried to call him

18 several times, (Redacted). You see this in the email. Without result. Correct?

19 (Redacted)

20 Now, (Redacted) December, that's a document of the Prosecution, (Redacted)

21 December 2013, Mr Ngaïssona apparently responds to you and says: (Redacted)

22 *et cetera, bonne journée.*

23 My question to you is, sir, is it correct that Mr Ngaïssona, between (Redacted)

24 October 2013 and (Redacted) December, so in almost two months, didn't respond to you?

25 A. [12:22:47] I called him several times, as I have indicated, without success.

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1 I didn't get him on the phone, no.

2 Q. [12:22:57] But I mean is it correct that -- the calculation that in two months you
3 tried to call him he didn't respond to you?

4 A. [12:23:15] Well, I have mentioned in my email that I called him several times,
5 (Redacted) and he didn't answer.

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 MR VANDERPUYE: [12:23:44] Mr President.

10 PRESIDING JUDGE SCHMITT: [12:23:44] Yeah.

11 MR VANDERPUYE: [12:23:45] I'm going to object to that question because it calls
12 for him to know what's in Mr Ngaïssona's head and what Mr Ngaïssona is doing
13 outside of his knowledge.

14 PRESIDING JUDGE SCHMITT: [12:23:54] I think, Mr Knoops, Mr Vanderpuye is
15 right. But, again, we have here -- we have two things here. We have, first of all, we
16 have a document. And this appears to be six or seven weeks till there is an answer.
17 And we have what the witness said that he tried to call him at least (Redacted) times
18 and he didn't answer. I think we can leave it at that. Please. So we have
19 the -- the facts that may, if relevant at all, lead us to conclusions or not.

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 A. [12:27:04] I think that it is only after we found out everything that we realised
20 that everything that (Redacted) and all the things that he told us, everything that he
21 said was lies and that it was not the truth, just lies.

22 Q. [12:27:24] Okay, I have some final questions for you, sir.

23 (Redacted)T

24 (Redacted)

25 (Redacted)

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5 PRESIDING JUDGE SCHMITT: [12:31:11] Thank you very much, Mr Knoops.

6 MR KNOOPS: [12:31:13] You're welcome.

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 Q. [12:31:50] I have one question on 2014 before my closing questions for today.

11 We found a Facebook message --

12 PRESIDING JUDGE SCHMITT: [12:32:07] May I interject, where?

13 MR KNOOPS: [12:32:12] Yes, of course. I'm looking for the reference. There are
14 many Facebook messages, of course.

15 No, it's tab 7 of our Defence binder. And I can give you the exact. It's a Facebook
16 message of (Redacted) February 2014 where the witness in a Facebook conversation
17 with (Redacted), and that is page -- CAR-OTP-(Redacted), that's the first page. And
18 then the reference pages are (Redacted), running to the top of (Redacted).

19 Maybe the court officer could be so kind to show these two pages to the witness.

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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- 10 (Redacted)
- 11 (Redacted)
- 12 (Redacted)
- 13 (Redacted)
- 14 (Redacted)
- 15 (Redacted)
- 16 (Redacted) And my question is can you explain the Chamber what are you referring
- 17 here, what was so terrible about the decrees of Mrs Samba-Panza?
- 18 (Redacted)
- 19 (Redacted)
- 20 (Redacted)
- 21 (Redacted)
- 22 (Redacted)
- 23 (Redacted)
- 24 (Redacted)
- 25 (Redacted)

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7 Q. [12:38:27] So you are actually saying that it's your evidence that the Anti-Balaka
8 was not properly represented in the decrees issued by Mrs Samba-Panza? Is that
9 a correct reflection of your -- the meaning of your Facebook message?

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 Q. [12:39:14] And sir, and so what was the effect of that decree within the society,
15 especially the Anti-Balaka? What was their response or their reaction to that decree,
16 if you know?

17 PRESIDING JUDGE SCHMITT: [12:39:33] Mr Vanderpuye.

18 MR VANDERPUYE: [12:39:34] Mr President, that's a bit compound. One is
19 the question of whether -- what the effect was on the society, which I think is already
20 objectionable, and then there's a separate question on what was the effect within
21 the Anti-Balaka. So he can ask them, fine, but I think he needs to distinguish
22 between the two or -- (Overlapping speakers)

23 PRESIDING JUDGE SCHMITT: [12:39:52] Yeah --

24 MR VANDERPUYE: -- ask it in a non-compound way.

25 PRESIDING JUDGE SCHMITT: [12:39:55] I think -- I think it is mostly interesting

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1 that -- the second part. So we -- we uncompound it, Mr Witness. The effect on
2 the -- as far as you know, if you have information, what was the effect on
3 the Anti-Balaka? I think that is the main -- Mr Knoops, this is what you really are
4 interested in. What was the effect on the Anti-Balaka of this sort of policy, so to
5 speak?

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 MR KNOOPS: [12:40:53]

11 Q. [12:40:54] Sir, you were at that time in Bangui? Oh.

12 PRESIDING JUDGE SCHMITT: [12:40:59] I think we can discuss this -- actually, we
13 could have discussed it --

14 MR KNOOPS: (Overlapping speakers)

15 PRESIDING JUDGE SCHMITT: -- in the Facebook conversation. But this happens
16 because -- but -- but when you start with a Facebook communication, of course,
17 introducing it, it is better to have it in private session. But when -- this general
18 content can be discussed openly, I think.

19 But I don't know what your remaining questions, what the likes of them are, so to
20 speak, if they are more, if you would -- and according to your assessment prefer to do
21 it in private session or in open session.

22 MR KNOOPS: [12:41:31] Well, I have just one question on this issue that could be
23 dealt with in open session, but then it's just one question. I have to go back to
24 private session because my closing question will be about (Redacted)
25 (Redacted)

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1 PRESIDING JUDGE SCHMITT: [12:41:46] Okay. So then -- Okay. We want to be
2 as --

3 MR KNOOPS: [12:41:50](Overlapping speakers)

4 PRESIDING JUDGE SCHMITT: [12:41:51] -- in open -- in open session as possible --

5 MR KNOOPS: [12:41:53](Overlapping speakers)

6 PRESIDING JUDGE SCHMITT: [12:41:54] -- so why not go to open session, shortly.

7 And, of course, these -- these -- the last 10 minutes can be lifted later on and -- and
8 made public.

9 MR DANGABO MOUSSA: [12:42:07](Interpretation) Your Honour.

10 PRESIDING JUDGE SCHMITT: [12:42:09] Yeah.

11 MR DANGABO MOUSSA: [12:42:10](Interpretation) I have a health problem, which
12 means that I have to leave.

13 PRESIDING JUDGE SCHMITT: [12:42:17] Okay. Please do that, but you're still
14 a representative, the victims' representative. So please go with our leave, so. And I
15 wish you all the best, also, from the Chamber. Yeah.

16 (Open session at 12.42 p.m.)

17 THE COURT OFFICER: [12:42:37] We are in open session, Mr President.

18 PRESIDING JUDGE SCHMITT: [12:42:39] Thank you, Madam.

19 So, Mr Knoops, please, your question.

20 MR KNOOPS: [12:42:42]

21 Q. [12:42:43] Mr Witness, you just explained to us the decree issued by
22 Mrs Samba-Panza which didn't properly reflect the representation of the Anti-Balaka.
23 Do you know whether Mr Ngaïssona at that time, as being general coordinator, did
24 do anything to change this, as far as you know? Did he make any proposals to make
25 Mrs Samba-Panza change her position?

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1 A. [12:43:33] I cannot answer exactly. But I do know that during this period
2 the Anti-Balaka were dissatisfied and they reacted. After the decree was published
3 they were not happy and they reacted.

4 There was a communiqué published by the Anti-Balaka, if I remember correctly.

5 PRESIDING JUDGE SCHMITT: [12:44:05] Mr Knoops, I think with this witness we
6 don't get more information on that.

7 Back to private session.

8 MR KNOOPS: [12:44:11] Two final questions in private session.

9 PRESIDING JUDGE SCHMITT: [12:44:14] Okay. Fine. No, no, we discussed that.
10 Private session.

11 (Private session at 12.44 p.m.)

12 THE COURT OFFICER: [12:44:26] We are back in private session, Mr President.

13 MR KNOOPS: [12:44:30]

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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8 (Redacted)

9 Q. [12:56:03] Okay. Thank you very much for these answers, Mr Witness.

10 We have no further questions, Mr President.

11 PRESIDING JUDGE SCHMITT: [12:56:10] Thank you, Mr Knoops.

12 First of all, I don't assume that the Defence of Mr Yekatom has any questions. Yeah.

13 Mr Vanderpuye.

14 MR VANDERPUYE: [12:56:20] Thank you, Mr President. I do have a few
15 questions for the witnesses on the basis of the examination. I do note the time,
16 though, so I would ask if -- normally we would be back at 2.30; isn't that right?

17 PRESIDING JUDGE SCHMITT: [12:56:36] Yes.

18 MR VANDERPUYE: [12:56:37] If the Chamber would allow me to consider it over
19 lunch, I think that would be okay. We can do -- we can come back at 2, if it suits, or
20 2.30, however -- however the Chamber sees fit.

21 PRESIDING JUDGE SCHMITT: [12:56:48] We have already established that there is
22 a regulation that the normalities should be one and a half hour. But since we do not
23 expect an extended session, I think we can say here we reconvene at 2 o'clock. Yeah.
24 We have now the lunch break until 2 o'clock and you -- you ponder if you have
25 questions and, if so, which ones.

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1 THE COURT USHER: [12:57:11] All rise.

2 (Recess taken at 12.57 p.m.)

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

4 THE COURT USHER: [14:01:03] All rise.

5 Please be seated.

6 PRESIDING JUDGE SCHMITT: [14:01:09] I take it we are in private session. Yes.

7 Then, Mr Vanderpuye, you have the floor.

8 MR VANDERPUYE: [14:01:16] Thank you, again, Mr President. Good afternoon to
9 you. Good afternoon to your Honours and everyone.

10 I wanted to start with tab 12 of the Defence binder. I don't think it should
11 necessarily be displayed to the witness, not initially anyway, and I want to refer back
12 to paragraph 130 which was referenced by the Defence at, I think it's page 56 of the
13 transcript.

14 So tab 12, it's CAR-OTP-2127-4238, and the page I'm interested in going to is 4261.
15 Specifically I want to have a look at paragraph 130 and 129.

16 QUESTIONED BY MR VANDERPUYE:

17 Q. [14:02:26] While that's coming up, I have a few questions for you, Mr Witness.

18 The first thing is I want to confirm if you were in contact with - we're in private
19 session - (Redacted)

20 Can you confirm that?

21 A. [14:02:59] During that period, yes, I was in contact with them.

22 Q. [14:03:03] All right. Do we have -- yeah, we can put the document up and I
23 think we can -- if we can get to the right page, we can also show it to the witness.

24 PRESIDING JUDGE SCHMITT: [14:03:16] You mean paragraph 130?

25 MR VANDERPUYE: [14:03:19] Yes, that's what I mean.

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1 PRESIDING JUDGE SCHMITT: [14:03:20] Yes, I assumed that.

2 MR VANDERPUYE: [14:03:21] Thank you, Mr President.

3 Well, as long as -- I think maybe he doesn't read English that well anyway, so I might
4 as well just read it and read the point and the question I want to ask.

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted) You were asked about

9 whether or not you were aware of Mr Ngaïssona's purported generosity as a possible
10 motivation of providing that information to them.

11 But what you weren't asked about was the last sentence of this -- or the second to last
12 sentence of this particular paragraph which says that it was not just out of

13 the goodness of his heart that Mr Ngaïssona effectively gave to these different groups:
14 youth council, KNK, and so on. And what this witness says is that "behind it lay
15 the desire to stay on good terms with those who held power as they would use his
16 business for services and supplies."

17 So my question is, first, did you discuss that particular matter among yourselves, that
18 is you, (Redacted)

19 A. [14:05:17] No.

20 Q. [14:05:19] I'd like to have a look at paragraph 129 of this statement which just
21 precedes this one.

22 Now, during the course of your examination by Mr Knoops you intimated on several
23 occasions that you understood or believed that the circumstances about (Redacted)
24 (Redacted) never existed or in fact were a "*mensonge*" I think is what you said, it was
25 all a big lie.

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15 (Redacted)
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21 (Redacted)
22 (Redacted)

23 MR KNOOPS: [14:08:29] In the meantime, Mr President, in the meantime
24 the Prosecution does his research, we just observe that this is not re-examination
25 based on new elements which came up in our examination. This is all addressed

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1 already by the OTP in their examination-in-chief and this is just a second opportunity
2 for the Prosecution to --

3 PRESIDING JUDGE SCHMITT: [14:08:51] Actually, actually, I don't fully agree here,
4 because you brought the statement of the Witness 130 up so --

5 MR KNOOPS: [14:09:00] (Overlapping speakers) I mean the (Redacted).

6 PRESIDING JUDGE SCHMITT: [14:09:02] -- so I let it go at the moment.

7 But indeed, Mr Vanderpuye, we had this email I think seen several times now.

8 MR VANDERPUYE: [14:09:10] We have, we have.

9 PRESIDING JUDGE SCHMITT: [14:09:12] So I --

10 MR VANDERPUYE: [14:09:13] (Overlapping speakers)

11 PRESIDING JUDGE SCHMITT: [14:09:14] So please, please be aware that you
12 should bring up something, I will not say new, but something that originated by
13 the examination by the Defence.

14 MR VANDERPUYE: Yes, yes.

15 PRESIDING JUDGE SCHMITT: Please be aware of that.

16 MR VANDERPUYE: [14:09:25] I only -- I'm only using it for reference so that
17 the witness is aware of it. It's tab 8 of the Prosecution binder, CAR-OTP-(Redacted).

18 Q. [14:09:37] It was referred to during your examination by Mr Knoops. And I
19 just want to clarify something, because when you were put that document on Friday,
20 you indicated at transcript page 73 through transcript page 74 that the information in
21 this document came from (Redacted). During the course of your examination by
22 Mr Knoops, which is at today's transcript page 54 and following, you seem to suggest
23 that this information in this document came from (Redacted).

24 I just want to clarify --

25 PRESIDING JUDGE SCHMITT: [14:10:25] And that's correct. No, no, no, that's

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1 indeed -- I also observed this, that this is not exactly the same -- might not have been
2 exactly the same what has been said today. So we can clarify that, but then I think
3 we leave it at that, please, Mr Vanderpuye. So please continue.
4 So -- so there seems to be, we will not say a contradiction because we don't know yet,
5 but it seems not to be absolutely clear where the information in this email originated
6 from and how this email came to -- to pass. Could you please try to clarify that,
7 Mr Witness.

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 PRESIDING JUDGE SCHMITT: [14:11:51] Thank you.

18 MR VANDERPUYE: [14:11:52] Okay.

19 MR KNOOPS: [14:11:53] I believe I did ask this question, Mr President, to
20 the witness in my examination.

21 PRESIDING JUDGE SCHMITT: [14:11:57] Yes, yes, but -- yeah, yeah, you did, but
22 on Friday I also had it -- of course I can't have -- I don't have the reference here
23 immediately, but on Friday I had the impression that the witness said it comes from
24 another source, so it makes absolutely sense then, and I would have -- even I could
25 have asked it myself, to try to clarify that. So -- so there is nothing to object here.

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1 Mr Vanderpuye.

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 PRESIDING JUDGE SCHMITT: [14:13:30] Mr Knoops.

11 MR KNOOPS: [14:13:30] Well, Mr President, I'm repeating myself. The evidence of

12 this witness that (Redacted) lied was given during the examination-in-chief.

13 The Prosecution had a chance to examine the witness on this point, use documents.

14 It didn't do so. So the Prosecution is now trying to use its re-examination to remedy

15 the questions they didn't put at the examination-in-chief. This -- this is not any new

16 issue which we brought up in our examination. This was already told by this

17 witness during the examination-in-chief that this gentleman was a liar.

18 PRESIDING JUDGE SCHMITT: [14:14:13] I tend to agree with Mr -- with

19 Mr Knoops on that point.

20 MR VANDERPUYE: [14:14:18] What -- what I'm exploring on redirect examination

21 is what is his basis for concluding that he is a liar, since at the end of the day

22 Mr Knoops raised that and went to substantial detail on that issue during the course

23 of the cross-examination. We did not do that in the course of the direct examination,

24 nor did we include these documents in our exhibit list for that purpose either.

25 MR KNOOPS: [14:14:40] Well, that's then the mistake of the Prosecution. They

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1 could have asked during the examination-in-chief: "What is the foundation that you
2 think (Redacted) is a liar?" They didn't do so. And I -- I asked the witness several
3 examples, which he gave, so ...

4 PRESIDING JUDGE SCHMITT: [14:14:57] I think -- I think Mr Knoops is right here.

5 MR VANDERPUYE: [14:14:59] I'm going to go to a different document then. And
6 I'll leave it to the Chamber to determine whether it's appropriate.

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 MR KNOOPS: [14:16:29] I'm sorry, Mr President. I think this not re-examination --

19 PRESIDING JUDGE SCHMITT: [14:16:32] No, no. No, it's -- Mr Knoops is right.

20 This is something which could and should have been part of the direct examination.

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 PRESIDING JUDGE SCHMITT: [14:17:10] Yeah, but then if this is the case,
3 then -- then please present the documents.

4 MR VANDERPUYE: [14:17:14] That's what I'm trying to do.

5 PRESIDING JUDGE SCHMITT: [14:17:15] Okay. Then why don't you tell
6 the Chamber. So -- so if this is the case, and if this is on the list of documents of
7 the Defence, then I -- then we would, of course, allow it.

8 MR VANDERPUYE: [14:17:26] It is (Overlapping speakers)

9 PRESIDING JUDGE SCHMITT: [14:17:27] But you have to be more specific then.

10 MR VANDERPUYE: (Overlapping speakers)

11 PRESIDING JUDGE SCHMITT: So because -- because, actually, we don't have
12 the information -- or, actually, I don't, for example, have not read all the documents in
13 this binder.

14 MR VANDERPUYE: [14:17:39] Thank you, Mr President.

15 Am I talking too fast? Sorry.

16 The document that I wanted to show the witness is at tab 19 of the Defence binder.

17 (Redacted)

18 MR KNOOPS: [14:18:06] But also here, Mr President, fundamentally this is not
19 a re-examination. We did not put this document to the witness (Overlapping
20 speakers)

21 PRESIDING JUDGE SCHMITT: [14:18:16] Mr Knoops, yes. Yes. But if -- if it were
22 the case, and we will look at that very cautiously and we will -- and if it is not
23 apparent that it is a contradiction, then we would stop this, Mr Vanderpuye. But if it
24 were the case that we have here documents that would say let's -- would contradict
25 the testimony of this witness, then we have, at least to establish the truth, we have

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1 to -- we have to take note of this.

2 So please continue, Mr Vanderpuye.

3 MR VANDERPUYE: [14:18:51] Thank you, Mr President.

4 The ERN of the document is CAR-OTP-(Redacted). The page that I'm interested in,
5 or pages that I'm interested in are from (Redacted).

6 Where I think it may be helpful to start is next to the bottom of the page. And I'd
7 like you to have a read of that, (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)
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10 (Redacted)
11 (Redacted)
12 (Redacted)
13 (Redacted)
14 (Redacted)
15 (Redacted)
16 PRESIDING JUDGE SCHMITT: [14:22:58] Mr Vanderpuye, we don't go through all
17 the -- then at some point in time I have to stop there -- we don't go through all
18 the Facebook conversation here.
19 MR VANDERPUYE: [14:23:06] I'm not -- I'm not going through all (Overlapping
20 speakers)
21 PRESIDING JUDGE SCHMITT: [14:23:08] It was okay now, but it has to stop at
22 some point in time. Otherwise, we would have to stop that. And I have to say also
23 that you could -- it might be assumed that all these documents will be part of any
24 later - like you would call it - bar table thing. So -- so -- and we will -- we will take
25 note of what is said in this Facebook conversation. And I only allowed it now

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1 because you alluded to that the basis of what Mr Knoops had elicited from
2 the witness might not be completely correct. And you have shed some light on it,
3 but at some point in time it has to stop.

4 MR VANDERPUYE: [14:23:51] I don't intend to take very (Overlapping speakers)

5 PRESIDING JUDGE SCHMITT: [14:23:54] And soon. Soon.

6 MR VANDERPUYE: [14:23:55] I don't intend to take very long, Mr President. I've
7 been going for I think about eight minutes now without -- without -- without
8 interruptions, so to speak, by objections or otherwise.

9 PRESIDING JUDGE SCHMITT: [14:24:03] But it's --

10 MR VANDERPUYE: [14:24:04] And I don't think that's an excessive amount of time
11 for redirect examination.

12 PRESIDING JUDGE SCHMITT: [14:24:06] It's not about excessive amount of time.
13 It's about the content.

14 MR VANDERPUYE: [14:24:10] Thank you, Mr President. I'll be brief. I'll be brief.

15 Q. [14:24:14] Let me take you to page number (Redacted), because I want to ask
16 you about what you knew about this operation.

17 MR KNOOPS: [14:24:24] Mr President, I'm very sorry, but I think principally what's
18 going on here is something which is procedurally not correct. The Defence has
19 produced a binder with potential materials. We have used some parts of it, some
20 parts not. The documents which we didn't use in our examination are therefore not
21 part of our examination. That means that the Prosecution cannot use these
22 documents to introduce them as their documents, or Defence documents they use in
23 the re-examination, because that's a second examination. These Facebook messages
24 could have been used by the OTP in their examination-in-chief. They didn't do so.
25 The Defence didn't use them.

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1 Now what's happening is the Prosecution gets a second chance, and we Defence, we
2 have no opportunity anymore to question the witness on the very same documents
3 which we didn't use. If we would have used these Facebook messages, that would
4 be a different story. So, procedurally, this is a second examination based on
5 documents which were never introduced by the OTP, nor the Defence.

6 MR VANDERPUYE: [14:25:36] (Overlapping speakers)

7 PRESIDING JUDGE SCHMITT: [14:25:37] No. But no if you -- let's assume
8 we -- any party - let's now speak hypothetically - any party would present
9 a document with two pages and -- and would try to present to the judges -- let's say
10 it's the OTP so, to make it easier. You present to us a document and there is
11 information -- on the first page there is information A. So then the Defence, of
12 course, is entitled to say, but on page 2 there is information B, which is completely out
13 of the way. So we are talking about that.

14 But Mr Vanderpuye has noted that I will not allow that we go through all these
15 Facebook conversations. I give you one last shot at that and that's -- that will be it.

16 MR VANDERPUYE: [14:26:27] Mr President, I understand it. To follow on your
17 example, if we were to have presented a document on page A, the Defence is perfectly
18 entitled to cross-examine on what's on page B. But if the Defence is sitting on top of
19 a document which is document C, which contradicts the Defence position on part B,
20 they're not entitled to examine on that basis and then sit and hide the rest of it under
21 their chairs.

22 MR KNOOPS: [14:27:00] (Overlapping speakers)

23 PRESIDING JUDGE SCHMITT: [14:27:00] No, no, it's -- we don't -- we don't make
24 now a discussion vice versa.

25 MR KNOOPS: [14:27:05] Mr President --

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1 PRESIDING JUDGE SCHMITT: [14:27:06] So what -- what in favour of -- of
2 Mr Knoops speaks is that we have -- what complicates the situation here is that this
3 Facebook conversation is, of course, known to the Prosecution, too - that has
4 presented by the Defence - and that the information entailed in this Facebook
5 conversation could, theoretically, also have been part of the direct -- like you would
6 say, direct examination of the Prosecution. So what complicates is that Defence put,
7 which is perfectly understandable, the part that speak -- might speak in favour of her
8 case to the witness, and because of that I have allowed that you might point to parts
9 of this conversation that might contradict it.
10 With regard to the content of this conversation, I repeat again and again, this is
11 something -- these are documents that might serve then as documentary evidence,
12 however introduced by whatever party, yes? You understand what I mean, yeah?
13 And -- but with this witness we have -- we have really to -- to draw a line here.
14 Otherwise, indeed, Mr Knoops is right. We are -- we are on -- on the verge of having
15 a complete second direct examination.
16 So this is why I -- why I try to -- to limit this kind of questioning.
17 MR VANDERPUYE: [14:28:28] I completely get it, Mr President. I understand
18 the limitation and the scope of the redirect examination. I'm only examining on one
19 issue. Despite a four-hour, or three-and-a-half-hour examination, there's one issue
20 that I'm examining on and which is related to the witness's testimony concerning
21 the legitimacy of the information he had which was conveyed to Mr Ngaïssona,
22 the basis on which he did it, versus his statement on and extensive testimony on
23 cross-examination, that he learned that it was all a big fake, all a big lie, all to do with
24 nothing. These conversations concern him directly. This isn't an indirect issue.
25 This is a direct issue on the -- on the extent of his knowledge, on the basis on which he

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1 would have or could have concluded whether the information he was -- that he's
2 relayed to on examination is false, made up, completely made up,
3 partially -- (Overlapping speakers)
4 MR KNOOPS: [14:29:28] (Overlapping speakers)
5 PRESIDING JUDGE SCHMITT: [14:29:28] So we short -- now the discussion takes
6 longer than asking the question. But that happens, of course, sometimes.
7 Mr Knoops, one last intervention please.
8 MR KNOOPS: [14:29:36] Yeah. May I remind the Prosecution that the essence of
9 re-examination is not to put contradictions which the Prosecution thinks they exist,
10 but that's an assumption. Re-examination is to address topics the Defence brought
11 up which are new and could have not been foreseen by the Prosecution in
12 the examination-in-chief. It's not to remedy contradictions.
13 And apart from this, it is an assumption of the Prosecution that there is
14 a contradiction. And this is part of a dialectic process whereby the Defence is
15 entitled in such an event to question the witness afterwards. To prevent this,
16 the essence of re-examination is that the Prosecution had a chance to address a topic
17 which the Defence brought up.
18 For instance, the issue of Samba-Panza. That is an issue which we brought up that
19 was not addressed by the examination-in-chief. That would be a fair topic for
20 the Prosecution. The other topics are just a discussion on alleged contradictions, and
21 there the examination -- re-examination is not part and parcel for that type of
22 discussion.
23 So, principally, the Prosecution is wrong in trying to bring these Facebook messages
24 up because they are not part of the examination by the Defence. And it's not A, B.
25 Because we didn't brought up A, so the Prosecution cannot say, well, on B, page B,

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1 there's another text --

2 PRESIDING JUDGE SCHMITT: [14:30:58] But it makes no substantial -- now again

3 hypothetically it makes no substantial issue if we have, let's say -- let's -- not Facebook,

4 if you have telephone intercepts and we have one telephone communication of five

5 minutes and on minute one the witness -- a witness would say A, and on minute 4 it

6 would -- the witness would say the completely contradictory thing, then I think it

7 is -- apart from that, if it was as document evidence introduced by a bar table motion,

8 for example, the Chamber would see it anyway, apart from that. I think it is not out

9 of the way to allow the other party to address the issue. So it doesn't make -- it must

10 not be the -- on the same page or something like that, so ...

11 And also, as I understand it, although I'm not trained in common law, everybody says

12 that what constitutes a matter -- a new matter for -- to allow on re-examination is

13 largely left to the discretion of the judges and we decided -- decide now that

14 you -- you may put this next part of the conversation to the witness and then we are

15 done with that, Mr Vanderpuye.

16 MR VANDERPUYE: [14:32:36]

17 Q. [14:32:37] Let me ask you about this. It's in the same tab, the page number is

18 (Redacted). I want you to take a look at the lines, the lines from 2 down to 4 -- well,

19 1 to 4. I have two questions. The first is, where you say (Interpretation) (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 PRESIDING JUDGE SCHMITT: [14:34:12] That's not so specific, Mr Vanderpuye, as
3 I have envisioned it, so in that regard I would agree with Mr Knoops. So if you have
4 nothing else, we terminate this here.

5 MR VANDERPUYE: [14:34:24] Mr President, if I could -- if I could ask the witness
6 a question and follow it, because this conversation goes beyond two lines. And
7 the answer he's given me, A, is not responsive to the question that I've asked him,
8 which was very specific and narrow.

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 Q. Okay.

15 PRESIDING JUDGE SCHMITT: [14:35:25] Mr Vanderpuye, he has answered now
16 several times. And sometimes we don't like the answer, but that is -- actually
17 happens quite often in a courtroom.

18 MR VANDERPUYE: [14:35:34] Let me go to the next page, Mr President,
19 number -- at the bottom of the page ERN ending (Redacted).

20 PRESIDING JUDGE SCHMITT: [14:35:59] So let me -- let me take it over.

21 So, Mr Witness, please read this. This is in French, obviously. So what can you tell
22 us about this conversation?

23 (Redacted)

24 (Redacted)

25 (Redacted)

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17 (Redacted)
18 (Redacted)
19 (Redacted)
20 (Redacted)
21 (Redacted)
22 (Redacted)
23 PRESIDING JUDGE SCHMITT: [14:39:50] So that's an answer, I would say.
24 MR VANDERPUYE: [14:39:53] It is an answer, yeah.
25 Q. [14:39:55] Thank you very much, Mr Witness.

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1 With respect to that sentiment that everyone had, would you say that Mr Ngaïssona
2 shared it?

3 (Redacted)

4 PRESIDING JUDGE SCHMITT: [14:40:14] Mr Knoops, I would have (Overlapping
5 speakers)

6 MR VANDERPUYE: I have no further questions.

7 PRESIDING JUDGE SCHMITT: [14:40:16] I would have agreed with your objection,
8 but the answer is (Overlapping speakers)

9 MR KNOOPS: [14:40:19] The objection was made by Mr Vanderpuye when I asked
10 the witness about his (Overlapping speakers).

11 PRESIDING JUDGE SCHMITT: [14:40:24] Yeah, yeah, yeah. No, you're right,
12 you're right. But the witness has -- the witness has answered. He can't say it. So I
13 would say objection sustained if the answer was already given and the answer is in
14 a way that gives no prejudice to the Defence.

15 So this concludes the testimony of this witness. Thank you very much.

16 Thank you very much to Mr Aouini for assisting the witness.

17 Thank you very much, Mr Witness, for coming to the court and making yourself
18 available as a witness to assist the Chamber in establishing the truth. We wish you
19 a safe trip back home. And please remind -- I want to remind you on behalf of
20 the Chamber that you don't speak about your testimony with other people, about the
21 content of the testimony, about person's names that you perhaps have come to know.
22 Yeah? Do you understand us?

23 THE WITNESS: [14:41:18](Interpretation) I've understood.

24 PRESIDING JUDGE SCHMITT: [14:41:19] So this concludes also the hearing for
25 today. We reconvene on Thursday, 9.30 with P-2232.

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- 1 THE COURT USHER: [14:41:27] All rise.
- 2 (The hearing ends in private session at 2.42 p.m.)