

Trial Hearing
WITNESS: CAR-OTP-P-1990

(Open Session)

ICC-01/14-01/18

1 International Criminal Court
2 Trial Chamber V
3 Situation: Central African Republic II
4 In the case of The Prosecutor v. Alfred Rombhot Yekatom and Patrice-Edouard
5 Ngaïssona - ICC-01/14-01/18
6 Presiding Judge Bertram Schmitt, Judge Péter Kovács and Judge Chang-ho Chung
7 Trial Hearing - Courtroom 1
8 Tuesday, 30 May 2023
9 (The hearing starts in open session at 9.31 a.m.)
10 THE COURT USHER: [9:31:49] All rise.
11 The International Criminal Court is now in session.
12 Please be seated.
13 PRESIDING JUDGE SCHMITT: [9:32:12] Good morning, everyone.
14 Court officer, please call the case.
15 THE COURT OFFICER: [9:32:17] Good morning, Mr President, your Honours.
16 Situation in the Central African Republic II, in the case of The Prosecutor versus
17 Alfred Yekatom and Patrice-Edouard Ngaïssona, case reference ICC-01/14-01/18.
18 And for the record, we are in open session.
19 PRESIDING JUDGE SCHMITT: [9:32:32] Thank you.
20 I ask for the appearance of the parties.
21 Prosecution, Ms Wakchom first.
22 MS WAKCHOM: [9:32:43] Good morning, your Honour. Good morning to
23 everyone in the courtroom. The Prosecution today is represented by Orla Cronin,
24 Yassin Mostfa, Kweku Vanderpuye and myself, Sylvie Wakchom.
25 PRESIDING JUDGE SCHMITT: [9:32:52] Well, the microphone was on, but we

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- 1 didn't hear anything. But perhaps can you, can you repeat it. It was not your fault.
- 2 The microphone is on, but we --
- 3 MS WAKCHOM: [9:33:04] Is it working now?
- 4 PRESIDING JUDGE SCHMITT: [9:33:07] Now, yeah, now it's working.
- 5 MS WAKCHOM: [09:33:08] Okay. I was saying good morning, your Honour.
- 6 Good morning to everyone in the courtroom. Today the Prosecution is represented
- 7 by Orla Cronin, Yassin Mostfa, Kweku Vanderpuye and myself, Sylvie Wakchom.
- 8 PRESIDING JUDGE SCHMITT: [9:33:21] Thank you, Ms Wakchom.
- 9 We turn to the representatives of the victims, Ms Massidda, next.
- 10 MS MASSIDDA: [9:33:27] Good morning, Mr President, your Honours. For
- 11 the victims of the other crimes appearing today, Mr Yaré Fall, Mr Alexis Larivière,
- 12 and myself, Paolina Massidda.
- 13 PRESIDING JUDGE SCHMITT: [9:33:39] Thank you.
- 14 Mr Suprun next.
- 15 MR SUPRUN: [9:33:43] Good morning, Mr President. Good morning, your
- 16 Honours. The former child soldiers are represented by myself, Dmytro Suprun.
- 17 Thank you.
- 18 PRESIDING JUDGE SCHMITT: [9:33:51] I turn to the Defence.
- 19 Next is Ms Dimitri.
- 20 MS DIMITRI: [9:33:53] Good morning, Mr President. Good morning, your
- 21 Honours. Good morning, everyone. Mr Yekatom is present in the courtroom and
- 22 he is represented today by Mr Florent Pages-Granier, Ms Anta Guissé,
- 23 Ms Doriane Huet, Mr Lionel Messi Tikpa, Ms Cassandra Oboussier and myself,
- 24 Mylène Dimitri.
- 25 PRESIDING JUDGE SCHMITT: [9:34:11] Thank you.

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1 And Mr Knoops.

2 MR KNOOPS: [9:34:12] A very good morning, Mr President, your Honours. Good
3 morning everyone in the courtroom. Our Defence team today comprise of
4 Mr Michael Rowse, Ms Despoina Eleftheriou, Mr Goffe, Mathias Goffe, and
5 Ms Tessia Monteiro. And Mr Ngaïssona is in the courtroom.

6 PRESIDING JUDGE SCHMITT: [9:34:30] Thank you very much.

7 We turn now to the next witness and this is Mr Thierry Kpademona.

8 Good morning, Mr Witness, a very warm welcome from the Chamber.

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10 (The witness speaks Sango)

11 (The witness gives evidence via video link)

12 THE WITNESS: [9:34:52](Interpretation) Good morning, ladies and gentlemen.

13 PRESIDING JUDGE SCHMITT: [9:34:59] Mr Kpademona, on behalf of the Chamber

14 I welcome you to the courtroom. You are here to assist this Chamber in the case
15 of the Prosecutor against Mr Ngaïssona and Mr Yekatom. We thank you for having
16 made yourself available as a witness in these proceedings.

17 Mr Witness, there should be a card in front of you with a solemn undertaking.

18 Would you please be so kind to read this card out aloud.

19 THE WITNESS: [9:35:44](Interpretation) I solemnly declare that I will speak
20 the truth, the whole truth and nothing but the truth.

21 PRESIDING JUDGE SCHMITT: [9:35:53] Thank you, Mr Kpademona.

22 You are now under oath. And it is important, like you just have sworn, that you tell
23 us the truth and, of course, everything you know.

24 A logistical matter, so to speak, you recognise that everything we say here is written
25 down and interpreted. And to allow for the interpreters to interpret in different

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1 languages, it's in English, you know, Sango, speaking, you know, French, so different
2 languages, we have to speak at a relatively slow pace so that they can follow. And
3 please only start answering when the person who asks you a question has finished
4 and perhaps wait two or three seconds. I'm telling this every witness and I
5 should -- we also have to tell us ourselves as the parties and participants and
6 the judges because we all breach our own rule, but it's better for the interpreters,
7 otherwise they cannot follow. Thank you.

8 I give the floor now to Ms Wakchom.

9 I give the floor to Ms Wakchom, yeah.

10 MS WAKCHOM: [9:37:13] Thank you, Mr President.

11 QUESTIONED BY MS WAKCHOM: (Interpretation)

12 Q. [9:37:21] Good morning, Mr Kpademona.

13 A. [9:37:27] Good morning.

14 Q. [9:37:32] You probably remember that we met some days ago during
15 the familiarisation session. I'm going to introduce myself again. My name is
16 Sylvie Wakchom and today I'm going to ask you some questions as regards
17 the charges brought against the accused.

18 First of all I'd like to thank you for making yourself available today to give your
19 testimony before the Court. And as the Presiding Judge has just said, please speak
20 slowly so that everything that we say is transcribed accurately.

21 Now, some of my questions may not appear clear to you. If that's the case, please let
22 me know and I will rephrase them. Is that okay?

23 A. [9:38:35] That is fine. I've understood.

24 Q. [9:38:40] Well, firstly, I'm going to ask you some questions about your identity
25 and then I'm going to ask you some questions, some basic questions on the statement

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1 which you made for the OTP in January 2020. After that, I'm going to ask you some
2 questions of clarification on some specific points in your statement.

3 Let's start with information about your own identity. Can you give us your name
4 and your first name.

5 A. [9:39:35] I can. I can give it to you.

6 Q. [9:39:40] I'm listening.

7 A. [9:39:46] My name is, is Kpademona Thierry. I am born on 1 December 1972.

8 My father is called {ICR: (Redacted)}, my mother is {ICR: (Redacted)}

9 Q. [9:40:14] Thank you, Mr Kpademona.

10 What nationality are you?

11 A. [9:40:30] I am Central African as my -- that's my nationality.

12 Q. [9:40:36] What is your religion?

13 A. [9:40:40] I am Christian Catholic.

14 Q. [9:40:45] What ethnic group do you belong to?

15 A. [9:40:53] I am Gbaya. That's my ethnic group.

16 Q. [9:41:02] Mr Kpademona, the OTP interviewed you in 2020, in January, and they
17 drew up a statement based on that interview; is that correct?

18 A. [9:41:27] Yes, that's correct. And they met me and during that meeting they
19 heard what I had to say and they recorded my statement.

20 Q. [9:41:47] During that interview, you made some annotations and also you
21 signed a satellite image showing the Yamwara school. And that image was
22 appended to your testimony as annex 1; is that correct?

23 A. [9:42:12] That is correct.

24 Q. [9:42:22] The investigators also showed you three photos showing areas close to
25 the Yamwara school and those photos are also appended as annex B, C and D; is that

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1 correct?

2 A. [9:42:46] That is correct.

3 Q. [9:42:49] I understand that you have reviewed this statement in the last couple
4 of days and that an interpreter reread for you the statement. And after the rereading
5 you made no changes at all to your statement; is that correct?

6 A. [9:43:16] That is correct. I made no changes or amendments.

7 MS WAKCHOM: [9:43:23](Interpretation) Your Honour, for the record, it is
8 the following documents.

9 For the original version of the statement in English of the witness, which is found in
10 tab 9 of the Prosecution binder, the reference is CAR-OTP-2124-0247. And
11 the French translation is tab 8 of the Prosecution binder, the reference is
12 CAR-OTP-2122-5638.

13 As regards annex A, which is tab 10 of the Prosecution binder, the reference is
14 CAR-OTP-2124-0261.

15 For annex B, which is tab 5 of the Prosecution binder, the reference is
16 CAR-OTP-2119-0187.

17 And annex C, tab 6 of the Prosecution binder, reference is CAR-OTP-2119-0188.

18 And, finally, annex D, which is tab 7 of the Prosecution binder, reference
19 CAR-OTP-2119-0193.

20 Q. [9:45:32] Mr Witness, can you confirm that the information in this statement in
21 its entirety are truthful?

22 A. [9:45:47] I say that my entire statement is truthful.

23 Q. [9:45:55] Do you agree that your statement and its annexes are used as proof, as
24 evidence in this case?

25 A. [9:46:14] Yes, I agree to that. Investigators --

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- 1 MS WAKCHOM: [9:46:17] (Overlapping speakers)
- 2 PRESIDING JUDGE SCHMITT: [9:46:25] Well, Ms Wakchom, I think we have now
- 3 established that conditions for the application of Rule 68(3) with regard to the witness
- 4 statement and the annexes mentioned are fulfilled. Just for the record.
- 5 Thank you, Ms Wakchom, you can continue from there.
- 6 You can also explain to the witness, of course, that this means that you will not
- 7 entertain everything what is in these statements. Thank you.
- 8 MS WAKCHOM: [9:46:55](Interpretation) That's quite correct, your Honour.
- 9 Your Honour, in order to make it easier to have the testimony of the witness, I'm
- 10 going to refer to the French version of the statement of the witness, which is tab 8 of
- 11 the Prosecution binder.
- 12 Q. [9:47:20] Sir, I'm going to ask you some questions by way of clarification, based
- 13 on the information that you have put into your statement. I'm going to try and stop
- 14 my questions in the first session of this morning. I am not going to ask you to repeat
- 15 what you have already told the investigators previously. It's not necessary, because
- 16 your testimony is here as evidence.
- 17 I'm going to ask you some questions, some targeted questions on four particular
- 18 points.
- 19 The first subject which I'd like to discuss with you is the attack of 5 December 2013 in
- 20 Bangui. You explained to us in paragraph 24 in your statement that after
- 21 the situation calmed down on 5 December, *you saw bodies lying... bodies of your
- 22 neighbours lying on the ground.
- 23 This is page 5644 of the French version of the witness's statement.
- 24 Without talking about the neighbourhood, could you clarify that in addition to your
- 25 Muslim neighbours, you saw other victims from the attack of 5 December?

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1 A. [9:49:02] Yes. Yes, there were other victims as well who were not Muslim.

2 PRESIDING JUDGE SCHMITT: [9:49:10] Ms Dimitri.

3 MS DIMITRI: [9:49:12] Mr President, just -- sorry, wrong channel. Just a point for
4 the record. I would appreciate that we --

5 PRESIDING JUDGE SCHMITT: [9:49:21] Me too.

6 MS DIMITRI: [9:49:23] Thank you.

7 PRESIDING JUDGE SCHMITT: [9:49:24] I think you're referring to -- we have been
8 given a page number, or perhaps we have different things in mind. Perhaps you
9 first and then I step in.

10 MS DIMITRI: [9:49:32] I would appreciate that we quote exactly what is said in
11 the statement. The statement doesn't say "on 5 December I got out". The statement
12 says (Interpretation) "When the situation calmed down", (Speaks English) and for me
13 this might mean one, two, three days later. That's my -- my problem.

14 PRESIDING JUDGE SCHMITT: [9:49:52] So we can combine this a little bit. It's on
15 the record, page number, but it is always better to have -- the page number is fine, but
16 also the paragraph would be nice for the record, and then a direct quotation is also
17 okay. But I think you mentioned also something which -- calming down. This is
18 only for the future.

19 But this was paragraph what on page 5644 for the record?

20 MS WAKCHOM: [9:50:17] It was paragraph 24, your Honour.

21 PRESIDING JUDGE SCHMITT: [9:50:20] Thank you very much, Ms Wakchom.

22 So we have the answer, there were Christians and Muslim bodies that the witness saw,
23 if I recall it correctly.

24 Please continue from there, Ms Wakchom.

25 MS WAKCHOM: (Interpretation)

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1 Q. [9:50:49] Sir, when did you see the bodies of your neighbours on the ground?

2 What was the date, if you can remember?

3 A. [9:51:11] I do remember that I was -- I went outside after the events, when

4 everything was over. I then realised that things had happened.

5 PRESIDING JUDGE SCHMITT: [9:51:32] If I may, Ms Wakchom.

6 Mr Witness, the Presiding Judging is speaking and asking you a question. So you

7 are obviously aware that there were clashes, that there were fights on 5 December. It

8 was a long time ago, but can you recall how many days afterwards things had calmed

9 down so far that you allowed yourself to go outside?

10 THE WITNESS: [9:52:19](Interpretation) Maybe it was two weeks after the events.

11 PRESIDING JUDGE SCHMITT: [9:52:23] Thank you very much, Mr Witness.

12 Ms Wakchom.

13 Well, that was Ms Dimitri, a clarification, of course, yeah.

14 Ms Wakchom, excuse me for interrupting.

15 MS WAKCHOM: [9:52:43](Interpretation) Thank you, your Honour.

16 Q. [9:52:47] Am I to understand that you didn't leave your home on 5 December?

17 A. [9:53:03] The 5 December, I did not go out. Everybody had fled and I sought

18 refuge in the IDP, in the Ledger IDP.

19 Q. [9:53:34] And when you saw the bodies of your neighbours on the ground in

20 your neighbourhood, did you know how long they had already been there?

21 A. [9:53:58] No, no, I can't remember the number of days. You know, it is only

22 after the events when the situation calmed down a bit that we started to go out again,

23 and then we saw the bodies that were strewn on the ground.

24 Q. [9:54:35] Thank you, Mr Witness. You also explained, still on paragraph 24 on

25 the same page, 5643, you explained that after the attack of 5 December in Bangui your

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1 wife and your children decided to flee from your home because the Anti-Balaka
2 warned them that there would be clashes and they should get out in order to avoid
3 that.

4 So my question is: How much -- when did you receive that warning from
5 the Anti-Balaka? How long was it after 5 December when you received that
6 warning?

7 A. [9:55:34] It might have been three or four days after 5 December. I can't
8 remember exactly. I do remember that when my wife left to do some shopping, then
9 she met the Anti-Balaka who told her that the situation was not yet peaceful and,
10 therefore, it was better to take refuge somewhere else. And that is why we took
11 the decision to leave.

12 Q. [9:56:10] So it was before you saw the bodies strewn before your compound; is
13 that correct?

14 A. [9:56:30] It is at the moment when -- we were advised to leave because of
15 the imminent danger. It was that very night or the next day that we saw the bodies
16 lying on the ground.

17 Q. [9:56:56] Just to understand fully, you saw the bodies lying on the ground four
18 or five days after the event when your wife told you that she had met some
19 Anti-Balaka; is that correct?

20 PRESIDING JUDGE SCHMITT: [9:57:12] Before you answer, Mr Witness.
21 Ms Dimitri.

22 MS DIMITRI: [9:57:17] I'm sorry to be difficult, Mr President. But I'd like more
23 open-ended question, because the previous answer of the witness was (Interpretation)
24 "I don't remember the number of days. It is only when the situation calmed down
25 a bit." (Speaks English) And now counsel is trying to put a specific moment in

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1 interaction with some -- so I'd like just more when in comparison to --

2 PRESIDING JUDGE SCHMITT: [9:57:43] Well, I think I have asked the question in
3 that regard, and the witness has said a week or two weeks later. So I think we have
4 that.

5 So, Ms Wakchom, if you have anything -- another angle you want to entertain, yes,
6 but we are -- the witness has already answered that he does not know and that it was
7 not the next day or two or three days, that it was -- and, of course, the witness now
8 really cannot say how long people who had been killed were lying on the street. He
9 cannot say that, obviously. Yeah.

10 MS WAKCHOM: [9:58:22](Interpretation) Thank you, your Honour. I just want to
11 clarify with the witness the sequence of events, because he said his wife met
12 the Anti-Balaka five or six days after the events, and just now he also said he didn't
13 leave for at least one week his own house. So I would like to know when precisely
14 he saw the bodies in front of his house and also he talked about the same night. So
15 I'd like to clarify, was it the night when the Anti-Balaka met his wife five days after
16 5 December?

17 PRESIDING JUDGE SCHMITT: [9:59:10] That is okay, yeah, that is -- that is okay,
18 you can ask that question, please.

19 I think you would have to repeat it, because this might have been lost now in the back
20 and forth of our discussion.

21 MS WAKCHOM: [9:59:29](Interpretation)

22 Q. [9:59:31] Sir, you just said that your wife met the Anti-Balaka five or -- four or
23 five days after 5 December and that the Anti-Balaka told her to leave because
24 the situation wasn't safe yet. I asked you the question subsequently, whether at that
25 moment you had already seen the bodies lying in front of your house and you said it

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1 was during the same night. What night are you talking about? The night four or
2 five days after the attack or some other time?

3 A. [10:00:30] *The bodies that were buried and which are referenced in Annexes A,
4 B, C and D are different, but when you talk about 5 December ... it was when they
5 entered, at that time... my wife was going out to do some shopping, they told her to
6 go home because the situation wasn't good... shortly afterwards, the attack began...
7 and it was on my way to the displaced persons' camp at 4am that I saw a body on the
8 ground... but the others are the buried bodies referenced in annexes A, B and C.

9 Q. [10:01:15] Mr Witness, I understand that in fact you have just clarified that you
10 came out of your house on the day after 5 December and not two weeks earlier; is that
11 correct?

12 A. [10:01:45] That is correct.

13 Q. [10:01:46] And the Anti-Balaka who warned your wife on 5 December, saying or
14 telling her that she should leave, were they part of the elements who were based at
15 the Yamwara school?

16 PRESIDING JUDGE SCHMITT: [10:02:02] Ms Dimitri.

17 MS DIMITRI: [10:02:06] It's already a 68(3). If in addition counsel leads the witness
18 on contentious matters such as the identity of the different groups -- she can ask
19 which Anti-Balaka, which -- who are them, those who advised, rather than leading to
20 the answer she -- she wants for her case. I mean, respectfully.

21 PRESIDING JUDGE SCHMITT: [10:02:32] Ms Wakchom, I think there is no harm in
22 wording the questions in a more generic manner because the witness will have
23 the information and we can -- from the answer, we can follow up from there and
24 perhaps then be more specific. But we have to try it first in a more generic manner.
25 Thank you.

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1 MS WAKCHOM: [10:03:07](Interpretation) Thank you, Mr President.

2 Q. [10:03:10] Sir, do you know which group the Anti-Balaka belonged to, those
3 Anti-Balaka who spoke to your wife on that 5 December?

4 A. [10:03:30] It was the Anti-Balaka who were based at Yamwara.

5 Q. [10:03:44] And how do you know that it was those elements?

6 A. [10:04:01] Well, during that time I was popular in the neighbourhood. My wife
7 was born in that neighbourhood and she knew everybody who hailed from there and
8 was in a position to identify individuals that did not come from that neighbourhood.
9 And I was in the same position.

10 Q. [10:04:34] And your wife, did she tell you whether the Anti-Balaka were
11 speaking to the population in general or to certain groups in particular?

12 A. [10:05:00] My wife had gone out alone in order to meet them, and I presume that
13 all other individuals who had gone out after my wife received the same information.
14 I would clarify that my wife went out at about 3 a.m. in order to buy grasshoppers
15 and that's how she came across them. And she asked -- they asked where she was
16 going, she said she was going to buy grasshoppers, and then they asked her to
17 turn around. It was the Anti-Balaka who hold her that she should turn around,
18 because something was just about to happen in the village. And I believe that my
19 wife was not the only person to receive information to this effect. Other people
20 received the same information from the very same Anti-Balaka.

21 PRESIDING JUDGE SCHMITT: [10:06:02] Ms Dimitri.

22 MS DIMITRI: [10:06:03] I'm sorry for the interruption, Mr President. I am asked by
23 the technician if we could take a two, three minutes break, because we have
24 a technical difficulty here.

25 PRESIDING JUDGE SCHMITT: [10:06:14] Okay. Then, of course, we have to solve

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1 that. But can we say in the room?

2 Okay, because that puts pressure. You said two or three minutes and expectations.

3 Well, to bridge the gap, Ms Wakchom, you said you might finish before the break; is
4 that correct?

5 MS WAKCHOM: [10:06:36] I hope so.

6 PRESIDING JUDGE SCHMITT: [10:06:39] And, Ms Massidda, are you going to ask
7 questions?

8 MS MASSIDDA: [10:06:46] I think I have a problem with the microphone. Can you
9 hear me?

10 PRESIDING JUDGE SCHMITT: [10:06:51] Very well. Very well.

11 MS MASSIDDA: [10:06:53] Because I see a message of error on the screen. We
12 probably do not have any question for the witness. We are waiting for
13 the finalisation of the examination by the Prosecution, but we don't foresee any
14 questions. Thank you very much. So far.

15 PRESIDING JUDGE SCHMITT: [10:07:08] Thank you very much.

16 Ms Dimitri, it is solved?

17 MS DIMITRI: [10:07:14] Yes, yes.

18 PRESIDING JUDGE SCHMITT: [10:07:15] Yes. Okay. Then, Ms Wakchom -- so
19 that was, I think, less than two minutes, very question.

20 You have the floor, Ms Wakchom.

21 MS WAKCHOM: [10:07:24] Shall we go?

22 PRESIDING JUDGE SCHMITT: [10:07:29] Yeah, you can continue.

23 MS WAKCHOM: [10:07:30] Thank you, your Honour.

24 Can you hear me? Hello.

25 MS MASSIDDA: [10:07:47] It's not working.

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- 1 MS WAKCHOM: [10:07:49] The microphone is not working.
- 2 MS MASSIDDA: [10:07:53] On this side of the bench is not working, none of --
- 3 PRESIDING JUDGE SCHMITT: [10:07:58] Well, we hear everything. I don't know
- 4 what the problem is.
- 5 Mr Vanderpuye, you don't hear anything? Okay. That's, of course, bad if you don't
- 6 hear me. So we have to solve that. Then we take a break, this has to be solved.
- 7 Please.
- 8 -- but, please, tell us immediately when we can continue.
- 9 THE COURT USHER: [10:08:17] All rise.
- 10 (Recess taken at 10.08 a.m.)
- 11 (Upon resuming in open session at 10.16 a.m.)
- 12 THE COURT USHER: [10:16:03] All rise.
- 13 Please be seated.
- 14 PRESIDING JUDGE SCHMITT: [10:16:23] So, do you hear me?
- 15 MS WAKCHOM: [10:16:28] We can hear you.
- 16 PRESIDING JUDGE SCHMITT: [10:16:30] Then, Ms Wakchom. You know, this
- 17 was a misunderstanding, but this is -- shows how we centre on our own ego, you
- 18 know. I hear you, that's enough, simply, that's enough for the moment.
- 19 Please continue, Ms Wakchom.
- 20 MS WAKCHOM: [10:16:53](Interpretation) Thank you, your Honour.
- 21 Q. [10:17:00] Mr Witness, I would like to clarify one of your last answers. In
- 22 response to my question as to how you came to know that your wife -- that those that
- 23 your wife met, those elements that your wife met, were those based at the Yamwara
- 24 school, and your answer in the transcript reads as follows: "During that time, I was
- 25 popular in the neighbourhood. My wife was born in the neighbourhood and she

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1 knew everyone who hailed from the neighbourhood and was in a position to identify
2 those individuals who did not come from the neighbourhood, as was I."

3 End of quote.

4 Does that mean that your wife was able to identify some of the Anti-Balaka who
5 spoke to her on that day?

6 A. [10:18:10] On the day of their meeting, she was able to recognise some of
7 the elements. * She knew that they were residents of the neighbourhood who had
8 associated with people who had come from other localities.

9 Q. [10:18:32] Did she tell you what the name of the individual was that she was
10 able to recognise?

11 A. [10:18:51] The only person she recognised was Coeur de Lion.

12 Q. [10:19:08] Did she tell you whether it was Coeur de Lion who spoke to her on
13 that day?

14 A. [10:19:26] The element who spoke to her, well, she doesn't specifically remember
15 that individual, but -- she didn't remember the person, but she knew that
16 Coeur de Lion was part of the group and some of them hailed from that
17 neighbourhood.

18 Q. [10:19:51] Thank you for that clarification.

19 Now, still at paragraph 24 of your statement, that is at page 5643 still, you mentioned
20 that many Muslim families from your neighbourhood fled after the attack of
21 5 December, and let me quote that they were in the fear of being killed.

22 Do you remember how long after 5 December you noted that the Muslim families
23 were fleeing your neighbourhood?

24 A. [10:20:43] It was a day later, it was a day later that they started to leave
25 the neighbourhood.

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1 Q. [10:20:56] And these Muslim families who had fled their homes, how did you
2 come to know that they had fled?

3 A. [10:21:27] They had many shops and we would have fun together. We lived
4 together. And when people started to flee in order to seek refuge elsewhere, well,
5 they preferred to flee because they didn't want to place their lives in danger.

6 Q. [10:21:52] I know that sometimes it's difficult to provide specific figures in view
7 of the time that has gone past, but could you please tell us the proportion of Muslim
8 families who left the day after 5 December. Was it the majority of the Muslim
9 families or a little less, could you provide us with an idea?

10 A. [10:22:29] It was the majority of them who left, the majority.

11 Q. [10:22:39] And do you know whether those Muslim families have returned to
12 their homes since then?

13 A. [10:22:54] Not at all.

14 Q. [10:23:05] At paragraph 35 of your statement you also -- and this is for
15 the transcript, it's page 5646 of the French version of the witness statement. You
16 declared in said paragraph that the Muslims who resided in the neighbourhood
17 around the Yamwara school had left after the occupation of the school by
18 the Anti-Balaka.

19 Do you know whether these Muslims also returned subsequently?

20 A. [10:23:49] Nobody has returned to date.

21 Q. [10:23:57] We're going to move on to another topic now, namely the presence of
22 the Anti-Balaka at the Yamwara school.

23 Mr Witness, at paragraph 24 of your statement at page 5643 you talked about
24 the emergence of the Anti-Balaka, specifying that around November 2013 you heard
25 people starting to talk about the Anti-Balaka who were trying to come to Bangui.

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1 Now, what precisely did you hear about the mobilisation of the Anti-Balaka in
2 November 2013?

3 A. [10:24:59] What I heard from the Anti-Balaka is as follows: I heard that those
4 from the small villages started to mobilise, subsequent to which they converged
5 towards Yamwara.

6 Q. [10:25:21] And did you hear which villages that was?

7 A. [10:25:37] Most of them came from Koro Mpoko, others from Bossangoa, and
8 there were also others who came from Lobaye. They came from all over
9 the countries. And from Ndjo and Bossangoa and Lobaye.

10 Q. [10:26:01] Who explained to you where these Anti-Balaka came from, those who
11 came together in Bangui?

12 A. [10:26:16] I gleaned this information from those people who were coming back
13 from the fields. Those people coming back from the fields would run into them and
14 those elements would ask them questions. So those people coming back from
15 the fields were able to glean certain information with regard to these elements. And
16 as I just said, those people would go to their fields to conduct their various activities
17 and some would also go to get palm wine and come home. And it was in that
18 context that they were able to glean this information.

19 Q. [10:27:08] Thank you for that clarification.

20 Now, still at paragraph 24, you indicated that when the situation calmed down after
21 5 December, that you went to the Yamwara school, and I quote, "every now and
22 then," you said, and you noted that the Anti-Balaka had set up their base there.
23 Could you please tell the Chamber how often you went to the Yamwara school when
24 the Anti-Balaka were there.

25 A. [10:27:59] I would go to the Yamwara school and, what is more, I wasn't able to

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1 go into the courtyard of the school, but there were paths that went past the school and,
2 when walking by, one could see them. Sometimes one would walk by in order to get
3 some palm wine and one would see them. Once they had occupied the school that
4 is.

5 Q. [10:28:35] I understand that you did not go into the school compound, but
6 throughout the occupation of the school by the Anti-Balaka, approximately how
7 many times did you go past the school?

8 A. [10:29:06] That was on my way to go to the fields and they had set up
9 checkpoints at that location, 10 or 20 metres away from the school. So everyone
10 could go that way, but nobody could gain entrance to the compound, but many
11 people would walk by in order to go to the fields.

12 Q. [10:29:35] How often did you go to the fields? Did you go on a daily basis or
13 once a week? Just so that we have an idea.

14 A. [10:29:53] Within a week I might go by two or three times.

15 Q. [10:30:03] And do you know whether, apart from the Yamwara school,
16 Anti-Balaka were based elsewhere in Bangui?

17 A. [10:30:26] I heard that they had bases in some neighbourhoods of the capital, but
18 I didn't see them with my very own eyes. This is what I heard.

19 Q. [10:30:46] That's perfectly clear, Mr Witness.

20 In paragraph 28 to 30, and here I'm referring to page 5644 and 5645, you mentioned
21 some Anti-Balaka chief who lived around the school, the Yamwara school, in
22 particular Mr Yekatom, Coeur de Lion and Donoh.

23 Now, in addition to Donoh, with whom you spoke and who showed you
24 the businessman's house which he was living in - *this is paragraph 30 of the witness
25 statement, page 5645 - did you speak to Yekatom or Cœur de Lion?

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1 A. [10:31:56] At that time it was extremely difficult to meet them and to talk to
2 them, because they were the leaders. You couldn't see them, you couldn't just go up
3 to them. It wasn't easy to have access to them. Their elements were there and they
4 could -- could stop you and question you. So it wasn't easy to come close to them.

5 Q. [10:32:30] Thank you, sir.

6 In paragraph 26 of your statement, and this is page 5644, you described
7 the Anti-Balaka whom you met for the first time at the Yamwara school, in particular
8 you said there were elements who came from Bossangoa and outside of Bangui. You
9 already explained, when answering one of my questions, that you learnt that some of
10 the elements who were in Bangui came from Bossangoa.

11 When did you see, for the first time, the elements coming from Bossangoa at the
12 Yamwara school?

13 A. [10:33:42] I think it's not easy to identify them because I didn't have access to
14 the courtyard of the school. I could distinguish those who came from Bossangoa
15 from those who were already in Bangui. I told you those people who came from
16 the field gave us this information and told us that there were elements who came
17 from all other regions of the Central African Republic. That's what I said to you. I
18 repeat, it was the people who returned from the fields whom I saw and passed on
19 that information, and that's what I am telling you now.

20 Q. [10:34:31] I understand, sir. I'm going to show you a video, which was filmed
21 by a journalist on 10 December 2013 around Bangui area. After that I'm going to ask
22 you some questions on the content of the video.

23 For the interpreters, this is the video which is at tab 13.

24 PRESIDING JUDGE SCHMITT: [10:35:05] Mr Knoops.

25 MR KNOOPS: [10:35:08] Mr President, we -- we have several objections to showing

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1 this video to the witness. According to the description on the list of material of
2 the OTP, it seems to pertain to a video taken by a journalist, interviewing an
3 individual, I will not mention the name, not to influence the witness, which person
4 does not appear in the statement of the witness. It's a transcript of, I think, an
5 excerpt of one minute.

6 First of all, the video is not taken by this witness, first.

7 Second, the witness himself is not mentioned in the video, nor to be seen.

8 Third, the witness was never asked by the investigators during his interview about
9 this video, and the video was never produced before to the witness.

10 Fourth, in the statement of the witness, paragraph 26, you find a reference to a certain
11 place, but the place that was mentioned in the video, I will not mention the name, it
12 starts with a G, is a very contentious place, because there is evidence before this Court,
13 such as P-884, P-0966, which have disputed the veracity of the information which
14 the journalist is portraying in this video. This very contentious issue and it's even
15 said by those two witnesses that the information provided by this journalist is not
16 corroborated by their own evidence.

17 PRESIDING JUDGE SCHMITT: [10:37:12] Yeah, okay, thank you.

18 MR KNOOPS: [10:37:14] And my submission, Mr President, is by showing this
19 video to a witness who has no knowledge about this issue, it will influence this
20 witness. It's a way of leading the witness, introducing evidence which can be
21 brought perhaps by the Prosecution through a bar table. But this is not a witness to
22 introduce this contentious video.

23 PRESIDING JUDGE SCHMITT: [10:37:37] So what is contentious about the video, if
24 I may ask? The images, the commentary?

25 MR KNOOPS: [10:37:47] Two points, Mr President. First of all, the person who's

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1 interviewed, Mr Y, he says something about where the elements come from. That is
2 heavily disputed by other witnesses in this court. I mentioned the two Prosecution
3 witnesses.

4 And secondly, the location where the elements allegedly came from, the place, which
5 you find in the description of the Prosecution list of material, a place starting with a G,
6 it's also a very contentious place, because it's disputed by several witnesses. And we
7 as Defence submit that this is not a witness to introduce this video in court as
8 evidence.

9 PRESIDING JUDGE SCHMITT: [10:38:35] So I -- yeah, Ms Wakchom, shortly.

10 MS WAKCHOM: [10:38:45](Interpretation) Thank you, your Honour.

11 We felt that our co-counsel for the Defence confuses and mixes the two different
12 videos which I wanted to show the witness.

13 Firstly, the content of this video is part of the subject of the testimony of the witness.

14 He has just confirmed that some of the elements based at the Yamwara school came
15 from Bossangoa, and the video which I hope to show you, one of the person who is at
16 the school explains where he comes from and that he comes from Bossangoa.

17 I wanted to show the witness the video to ask him whether that reflects what he
18 heard. So I don't think it's improper to show it to the witness.

19 PRESIDING JUDGE SCHMITT: [10:39:49] Indeed, I agree with you, Ms Wakchom.

20 If the criteria was we only show videos to a witness who appears in the video, or has
21 taken the video, I think this has happened over a hundred times that we did it
22 otherwise.

23 Secondly, the video is not introduced now via the witness. We have a witness here
24 and what the witness says, having seen the video, is the evidence.

25 And insofar it makes no difference if it is presented by the bar table, as you would

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1 word it in an adversarial system or if you show it to the witness. So what we're
2 doing here in the courtroom is showing a video, and the evidence is -- it is then, of
3 course, also in evidence but it's no difference if you put it into a bar table. But we
4 want to know if the witness can tell us something about it, so we show it.

5 MS WAKCHOM: [10:40:52](Interpretation) Thank you, your Honour.

6 PRESIDING JUDGE SCHMITT: [10:40:57] So that things are contentious, a lot of
7 things, and that is the basis of all our work we are doing here, that certain facts or
8 evidence is contentious. But this does not mean that we can prevent the Prosecution
9 from -- from trying to present perhaps their view.

10 Please, Ms Wakchom.

11 MS WAKCHOM: [10:41:23](Interpretation) Thank you, your Honour.

12 The video which I'm referring to is tab 2 of the Prosecution binder. The reference
13 CAR-OTP-2065-2867. And the French translation of the extract, which we hope to

14 show you, is from 00 to 01:54. The translation of the extract is tab 13 of the

15 *Prosecution binder, with the reference CAR-OTP-2127-3858 at the page 3660, lines 4
16 to 33.

17 As soon as the interpreters are ready, we'll start with the video.

18 THE INTERPRETER: [10:42:49] The interpreters in the English booth are ready.

19 PRESIDING JUDGE SCHMITT: [10:42:53] Play it now, please.

20 (Viewing of the video excerpt)

21 THE INTERPRETER: [10:43:05](Interpretation of the video excerpt)

22 "I'm not sad. I'm not sad for my country because many people have been killed.

23 No one is scared. Now that he's in power, there's a lot of disorder and that's why I

24 have done something. I went into the bush and I'm marching by foot from

25 Bossangoa. I have marched and walked from Bossangoa to arrive here. We want

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1 him to resign so that everyone can find peace again.
2 It's not -- is it easy to arrive from Bangui?
3 Yes, I am going to take Bangui. It's simple as saying hello. I'm going to take Bangui
4 as I have done in Bossangoa. Nothing will stop me from taking the town of Bangui.
5 I'm going to take Bangui very easily. Nothing will stop me. He has to resign.
6 Now, since nobody wants to believe what the Anti-Balaka are going to do, I'm going
7 to prove it to you. We don't want him anymore. He has to resign. If he doesn't,
8 with my machete, I will attack him. I don't have to use weapons. I am marching
9 forward from Bossangoa on foot. I have marched in the bush like a wild animal,
10 a pig. I still have 48 hours time for him, for him to resign. If he doesn't, we still
11 have our machetes. We have used them for fighting since Bossangoa. If he doesn't,
12 we will just sharpen our machetes."

13 PRESIDING JUDGE SCHMITT: [10:45:15] Ms Wakchom and also Mr Knoops,
14 Ms Dimitri, is it undisputed when this footage was taken, at least, or do we have
15 the information, first of all?

16 MS WAKCHOM: [10:45:28] (Interpretation) Your Honour, this video was taken
17 10 December 2013. That is what information we have from the metadata and from
18 the journalist who produced this video.

19 PRESIDING JUDGE SCHMITT: [10:45:46] Ms Dimitri.

20 MS DIMITRI: [10:45:47] Indeed, Mr President, it's not contested that it's
21 10 December. The contested issue is the location.

22 PRESIDING JUDGE SCHMITT: [10:45:56] Yeah, but --

23 MS DIMITRI: [10:45:57] (Overlapping speakers) no, no, I -- I -- I --

24 PRESIDING JUDGE SCHMITT: [10:46:00] Yeah, that is -- but that is of course --

25 MS DIMITRI: [10:46:01] It's another point.

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1 PRESIDING JUDGE SCHMITT: [10:46:02] Yes.

2 MS DIMITRI: [10:46:03] Yes.

3 PRESIDING JUDGE SCHMITT: [10:46:04] Exactly, that's another point.

4 Mr Knoops.

5 And from what we see here, we cannot say anything about -- about the location. We
6 can ask the witness, but it is -- it looks unspecific, frankly speaking.

7 MR KNOOPS: [10:46:19] Mr President, my objection, which took several minutes,
8 was actually based on tab 3, so apologise. I misunderstood. I thought
9 the Prosecution was tendering --

10 PRESIDING JUDGE SCHMITT: [10:46:32] No, no problem.

11 MR KNOOPS: [10:46:34] -- tab 3, that was the basis of my observation, so for tab 2,
12 sorry for this.

13 PRESIDING JUDGE SCHMITT: [10:46:40] Yeah, we have understood this and
14 Ms Wakchom has reacted correctly to that.

15 Ms Wakchom, you have -- you have questions on -- perhaps I would be surprised if
16 the witness could identify. But you can try. And also, location and persons
17 perhaps, you can give it a try, please.

18 THE INTERPRETER: [10:47:00] Message from the English booth: Your Honour,
19 the French booth has no longer any possibility to interpret because their booth is
20 completely offline. I just wanted to tell you.

21 PRESIDING JUDGE SCHMITT: [10:47:13] So this is one of these days where -- yeah,
22 yeah, yeah, I understand what the problem is, but obviously I'm not in a position to
23 solve it. So could the English booth please tell us if the connection is established,
24 re-established.

25 THE INTERPRETER: [10:47:35] Your Honour, yes, as soon as it is re-established we

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1 will tell you. The technician is just walking over to the other side as we speak.

2 Thank you.

3 PRESIDING JUDGE SCHMITT: [10:47:45] Then we have a break now, because this
4 is too many hiccups.

5 Ms Dimitri, do you know -- Ms Dimitri, do you know already how much time your
6 examination will last? I know you haven't had an estimate and when you wanted to
7 start.

8 So I assume we definitely finish in the second session.

9 Ms Wakchom, we can say that definitely, yeah.

10 MS DIMITRI: [10:48:10] Thank you, Mr President. I spoke to Mr Vanderpuye and
11 Ms Wakchom just before we started and I'll be very honest and transparent with
12 the Chamber, I've been quite busy since 1666 and, as you know, I am not very good
13 with maps and satellite imagery so I would like to take the rest of the day and
14 tomorrow, with the help of Mr Florent Pages-Granier, to just assimilate myself more
15 with the material that I want to use with the witness, and also to reread what has been
16 said. But I can guarantee you that we will finish in one day. If ever I need a shorter
17 lunch break on Thursday, I will let your Honours know.

18 PRESIDING JUDGE SCHMITT: [10:48:49] So then we can already decide that we
19 finish, for today, after the examination of Ms Wakchom, if -- and potentially or not,
20 examinations, questions by the CLRVs, and continue on Thursday.

21 If during this conversation we have finished or we have solved the problem to
22 the booth -- English booth, is it solved?

23 THE INTERPRETER: [10:49:16] From the English booth: The technician is now
24 with the French booth. We don't have a message yet.

25 PRESIDING JUDGE SCHMITT: [10:49:26] Okay. Then let's have the break until

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1 a quarter past 11 -- not a quarter -- half past 11.

2 THE COURT USHER: [10:49:33] All rise.

3 (Recess taken at 10.49 a.m.)

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

5 THE COURT USHER: [11:31:49] All rise.

6 Please be seated.

7 PRESIDING JUDGE SCHMITT: [11:32:10] So, Ms Dimitri.

8 MS DIMITRI: [11:32:15] Yes, Mr President. A slight correction on, on our

9 admission that it was 10 December 2013. In fact, it's probably 12 December 2013,

10 because Witness 1819 in her statement describes that it's the 12 in paragraph 139.

11 And if you look at the -- your Honours probably know that this footage also -- may

12 also compose a big reportage that was broadcast on the TV, and the reportage is

13 CAR-OTP-2012-0523, and at 38:28 you can see the starting of that video that my

14 learned friend showed and on the top it's written 12 December 2013.

15 So I just wanted to make that clarification.

16 PRESIDING JUDGE SCHMITT: [11:33:23] Okay.

17 MS DIMITRI: [11:33:24] And as discussed with my learned friend during the break,

18 when you look at the metadata of that video which is CAR-OTP-2065-7094,

19 the metadata indicates 2 January 2010, which is obviously wrong, because of

20 a technicality that she explains in her statement.

21 PRESIDING JUDGE SCHMITT: [11:33:46] Thank you. We take note of that simply.

22 Of course, we cannot assess it. And we also do not know if it makes a huge

23 difference between 10 December and the 12th.

24 Ms Wakchom, you can continue with your examination.

25 MS WAKCHOM: [11:34:10](Interpretation) Thank you, your Honour.

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1 Q. [11:34:14] And welcome back, Mr Kpademona.

2 Just before we took the break a few minutes ago, you listened and saw a video, an
3 excerpt of a video that was broadcast, did you not?

4 A. [11:34:42] Yes, that is correct. I saw the video.

5 Q. [11:34:48] The individual appearing on your screen, did you ever see that
6 individual?

7 A. [11:35:03] No, I do not know that person.

8 Q. [11:35:11] Does the name Honore Nganafio ring a bell?

9 A. [11:35:26] No, it doesn't.

10 Q. [11:35:30] Whilst you were looking at the excerpt that was broadcast, were you
11 able to recognise the location where this film -- film was filmed?

12 A. [11:35:53] No.

13 Q. [11:35:55] And the individual who has just spoken in this video, who spoke
14 about their activities in Bossangoa with the Anti-Balaka and who mentioned the town
15 of Bossangoa on a number of occasions, does this correspond to what you heard from
16 those people who were going to the fields?

17 A. [11:36:38] No, what was said does not correspond. But with regard to
18 the individuals who came from the localities and who discussed with those going to
19 the fields, they didn't have conversations as such.

20 Q. [11:37:08] When you went by the school, or passed the school, did you hear
21 the term "Gobere" used by the Anti-Balaka to refer to the elements who had come
22 from Bossangoa?

23 A. [11:37:34] Not at all.

24 Q. [11:37:48] I'm now going to be showing you another video, which was filmed by
25 the same journalist around 13 December, and subsequently I should be putting

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1 questions to you as to the location where the video was filmed and whether you
2 recognise it and with regard to the contents of the video.

3 For the record, this is the video to be found at tab 3 of the OTP binder, and the
4 reference for the video is CAR-OTP-2065-5470. And the excerpt that we're going to
5 be playing goes from 48 seconds to 01:46. And the reference of the transcript is to be
6 found at the tab 4 and has reference CAR-OTP-2107-1559. And the excerpt to be
7 played corresponds to page 1560 of the translation, from lines 16 to 25.

8 So as soon as the interpreters are ready, we will be able to launch the excerpt.

9 THE INTERPRETER: [11:39:20] Message from the English booth, we are ready.

10 (Viewing of the video excerpt)

11 PRESIDING JUDGE SCHMITT: [11:39:34] Please, stop for a moment.

12 Mr Knoops.

13 MR KNOOPS: [11:39:36] This -- this was the video to which we objected to before
14 the break.

15 PRESIDING JUDGE SCHMITT: [11:39:40] But I'm -- I'm still -- want to see it or we
16 all want to see it. And we put questions to the witness in that regard, and whatever
17 is contested can be further contested by you and you can make submissions or
18 present evidence, but we're going to watch it.

19 So please from the start again.

20 (Viewing of the video excerpt)

21 THE INTERPRETER: [11:40:05] (Interpretation of the video excerpt)

22 "Journalist: Can you explain to us where your men come from.

23 C: We come from Gobere, we come from Gobere. There are many FACA who met
24 us in Gobere ... and everywhere throughout the Central African Republic we have
25 spread out and there are other marabouts over there, Bangassou, there is some there,

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1 towards the north there are some ... as I say, throughout the Central African Republic.

2 Journalist: And are they there next to Bangui?

3 We've surrounded Bangui ... to be honest. And there are also some who are already

4 inside Bangui. Even next to him, next to Djotodia. The Anti-Balaka are there,

5 standing next to him, without lying to you. And -- and he is the one who's going to

6 take him to wait for me to arrive. It's clear."

7 End of excerpt.

8 MS WAKCHOM: [11:41:24](Interpretation)

9 Q. [11:41:25] Mr Kpademona, you were able to see and hear the excerpt. Do you
10 recognise the location where this video was filmed?

11 A. [11:41:45] No, I do not recognise this location. I do not know where the video
12 was filmed.

13 Q. [11:41:55] Have you ever seen the individual who spoke in the video, the person
14 who you see on your screen now?

15 A. [11:42:15] No, I do not know this individual and have never met them before.
16 I believe that I have said that the people who were going to the fields came to tell us
17 that they had come from all over the Central African Republic. I do not know this
18 individual personally and I do not know what role he played.

19 Q. [11:42:48] No bother, sir. Indeed, the individual on the screen speaking about
20 the Anti-Balaka who came from all over the Central African Republic, as you just
21 said.

22 Does the name Sylvestre Yagouzou ring a bell?

23 A. [11:43:28] No. I'm only hearing this name now. It doesn't ring a bell.

24 Q. [11:43:34] The person who intervenes in the excerpt describes how the FACA
25 joined them in Gobere. Have you ever heard such a statement being made before

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1 this morning?

2 MS DIMITRI: [11:44:01] Mr President, if -- if I recall correctly, she --

3 PRESIDING JUDGE SCHMITT: [11:44:06] I know the answer, so let him answer.

4 Okay, Mr Witness, please answer. Excuse me for the interruption, please.

5 THE WITNESS: [11:44:28](Interpretation) Yes -- no, I have never heard that said. I
6 got information from the women who went to the fields and who reported back to us
7 saying that there were Anti-Balaka who came from Bossangoa, but I don't know this
8 individual. This was just the information that I received from the women or the men
9 who went to the fields.

10 PRESIDING JUDGE SCHMITT: [11:44:57] We move on then to another point,
11 please.

12 And, Ms Dimitri, Mr Knoops, it was clear, the answer was clear.

13 Yeah, please continue, Ms Wakchom.

14 Well, what I want to say is the Gobere issue has been exhausted, to put it this way.

15 MS WAKCHOM: [11:45:21](Interpretation) Thank you, your Honour.

16 Q. [11:45:31] I just have another question in order to ascertain, Mr Witness,
17 whether there were any FACA amongst the elements who were based at the
18 Yamwara school?

19 A. [11:45:51] Indeed, there were FACA based at the Yamwara school. But, indeed,
20 the two FACA whom I know I believed I have already spoken about.

21 Q. [11:46:09] Just for the record, please just remind us of the names of those two
22 FACA that you met.

23 A. [11:46:31] The two FACAs were Donoh and Yekatom. Those are the two
24 people whose names I heard, Donoh and Yekatom. As regards the others, I do not
25 know their names.

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1 Q. [11:46:55] And what about Coeur de Lion, do you know whether he was one of
2 the FACA or not?

3 A. [11:47:05] Yes, he was one of them.

4 Q. [11:47:16] Did you learn what their role was in the group that was based at the
5 Yamwara school?

6 A. [11:47:37] These were chiefs, leaders.

7 Q. [11:47:44] How do you know that they were leaders?

8 A. [11:47:56] Because when we were going to the fields, when we went past their
9 base, we heard them speaking and people were saying that they were leaders. They
10 said, well, they are their leaders -- "They are our leaders."

11 Q. [11:48:16] You said the other people who were there said that they were their
12 leaders, are you talking about the other Anti-Balaka elements; is that correct?

13 A. [11:48:34] Those who went past would glean that information, saying that they
14 were the Anti-Balaka leaders who were living in the compound of the school. They
15 were amongst the Anti-Balaka.

16 Q. [11:49:02] What else were they saying about their leaders?

17 MS DIMITRI: [11:49:09] Mr President, I'm sorry, but I -- I -- precision is important
18 for me. I don't think the witness said that he spoke to Anti-Balakas. He said
19 (Interpretation) "Those who went past received information." (Speaks English)
20 Saying "*Voilà, se sont les chefs*" --

21 PRESIDING JUDGE SCHMITT: [11:49:32] Yeah, yeah, I agree with you. You're
22 right, this is not -- it's not clear.

23 And another thing is also we are now -- really, we have a Rule 68(3) witness that,
24 frankly speaking, was -- we don't have the witness specifically here in the courtroom
25 for these issues, so to speak, but for other issues, and to ask the witness what he heard

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1 somewhere, somehow by whom, this -- it is not irrelevant. So because of that I did
2 not intervene. But we have to ask ourselves how relevant it is.

3 So please continue, Ms Wakchom.

4 MS WAKCHOM: [11:50:14](Interpretation) I'm going to move on to another topic
5 now.

6 Q. [11:50:28] Mr Kpademona --

7 I think I'm -- I'm hearing the Sango.

8 PRESIDING JUDGE SCHMITT: [11:50:39] Yeah, you have to -- Ms Wakchom, it's
9 not your fault, there was another microphone on. So because of that we didn't hear
10 you. You have to start again. This is one of these days where technical problems
11 occur, things happened. But we will get over it. Please continue.

12 MS WAKCHOM: [11:51:03](Interpretation) Thank you, your Honour. I'm going to
13 start again.

14 Q. [11:51:09] Now, Mr Kpademona, at paragraph 31 of your statement you stated
15 that the Anti-Balaka who were based at the Yamwara school had set up two
16 checkpoints on the main roads around the school, namely one of the checkpoints was
17 on the AVICOM road and the other on the road to the church, the Ali church.

18 * And for the reference, it's page 5645 of the witness's statement, and that's
19 paragraph 31.

20 A little bit further on, at paragraph 34, you say that shortly after 5 December
21 the Anti-Balaka stopped you at a checkpoint in order to check your telephone and
22 that they were looking for Muslim contacts on it.

23 Firstly, I would like for you to tell us whether the checkpoint where you were stopped
24 by the Anti-Balaka is one of the two checkpoints that you refer to in paragraph 31 of
25 your statement?

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1 A. [11:52:31] Yes, if -- I go that way in order to go to the fields, usually.

2 Q. [11:52:42] And at which of the two checkpoints were you checked? Was it
3 the one on the AVICOM road or was it on the one to the Ali church?

4 A. [11:53:04] It was the checkpoint on the road to AVICOM.

5 Q. [11:53:17] You said that that checkpoint was next to the school. At
6 approximately what distance was this checkpoint from the school?

7 A. [11:53:42] I would estimate the distance to be 20 to 30 metres away, that's on
8 the road to AVICOM.

9 Q. [11:53:56] And which Anti-Balaka group was in charge of that checkpoint?

10 A. [11:54:10] Well, it was the Anti-Balaka group that was staying in the Yamwara
11 school compound, it was they who checked me.

12 Q. [11:54:28] And on that day that they checked you, do you recall how many
13 Anti-Balaka were present at that checkpoint?

14 A. [11:54:46] When I was checked I no longer recall, but I would estimate that there
15 were three of them.

16 Q. [11:55:02] How were they dressed?

17 A. [11:55:17] All three of them were wearing jeans and Lacoste polo T-shirts.

18 Q. [11:55:33] And the three Anti-Balaka whom you saw at that checkpoint, were
19 they adults, all of them?

20 A. [11:55:57] The ones who questioned me were adults. It was they who were
21 manning the checkpoint.

22 Q. [11:56:13] And could you tell the Chamber how long that checkpoint manned by
23 the elements based at the Yamwara school remained operational?

24 A. [11:56:43] This checkpoint remained operational until the day that they left that
25 location in order to go to *la* Lobaye. It was when they left to *la* Lobaye that that

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1 checkpoint was done away with.

2 Q. [11:57:10] Should I understand that before the arrival of the Anti-Balaka there
3 was no checkpoint at that location on the AVICOM road when we speak of that
4 checkpoint in particular?

5 A. [11:57:38] It was when they set themselves up that they put up that checkpoint.

6 Q. [11:57:48] Does that include the checkpoint that was to be found on the road to
7 the Ali church?

8 A. [11:58:06] Indeed.

9 Q. [11:58:16] Apart from checking the presence of contacts on the telephones of
10 the people they were checking, what were these Anti-Balaka doing at these
11 checkpoints?

12 A. [11:58:45] I'm not in a position to know what they were doing at those
13 checkpoints, but what I can say is that I was also a victim of this, is that they were
14 asking everybody who went past and they were checking in everyone's list of contacts
15 on their phones to see whether there were any Muslims -- Muslim contacts. They
16 were checking on people's phones to see whether people going through were spies or
17 not. And those whose telephones they did not find Muslim contacts on, they would
18 let through.

19 Q. [11:59:26] I understand entirely. With the exception of the day when you were
20 checked by the Anti-Balaka, did you ever go through any of these checkpoints that
21 you spoke about?

22 A. [11:59:58] No, I only went through when I was going to the fields, but that
23 *wasn't at any time. If I did not need to go that way, I didn't.

24 Q. [12:00:26] Very well, Mr Witness. I'm going to be moving on to the last topic
25 that I wanted to cover with you today. So we are reaching the end of your testimony

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1 of this morning. Well, at least as far as I am concerned.

2 We're going to now be broaching the matter of the exhumation of the bodies at

3 Yamwara school. You explained in detail in your statement that you were present

4 during the exhumation of the three tombs in the compound of the Yamwara school

5 after the departure of Mr Yekatom and you indicated the locations of these three

6 tombs in annex A of your statement to be found at tab 10 of the OTP's binder.

7 And for the record, these are paragraphs 38 to 43 of the witness's statement and from

8 page 5647 to 5648 of the French translation of the witness's statement.

9 Now, I'm going to be putting a number of clarification questions to you in this regard:

10 Firstly, would you be able to tell us whether you were present during the exhumation

11 of all three tombs?

12 A. [12:02:20] I can confirm that I was present during the exhumation of the bodies

13 in these tombs.

14 Q. [12:02:30] And how long did these exhumations last?

15 A. [12:02:54] Between one hour or one hour and a half, two hours.

16 Q. [12:03:10] Thank you, Mr Witness.

17 These are all the questions I would like to put to you this morning. I have concluded

18 my questioning. I'd like to thank you very much for being available.

19 Your Honour, I have finished. No further questions.

20 PRESIDING JUDGE SCHMITT: [12:03:34] Thank you, Ms Wakchom.

21 I have -- have another question, Mr Witness. Do you have any information who

22 these people were that had been buried and were exhumed later?

23 THE WITNESS: [12:04:07](Interpretation) No, I have no information about

24 the identification of the bodies who were exhumed.

25 PRESIDING JUDGE SCHMITT: [12:04:13] Thank you, Mr Witness.

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- 1 For the CLRVs, any questions?
- 2 Ms Massidda first.
- 3 MS MASSIDDA: [12:04:21] No, Mr President, we have no question for this witness.
- 4 Thank you very much.
- 5 PRESIDING JUDGE SCHMITT: [12:04:28] I take it, Mr Suprun, you also do not have
- 6 any questions.
- 7 So then, this concludes your testimony, Mr Witness, for today. We would like to
- 8 thank you. But it's not yet finished. I know you have important things to do
- 9 tomorrow. Because of that, we are continuing on Thursday, 9.30.
- 10 That's it for the moment, the Court is adjourned.
- 11 THE COURT USHER: [12:04:54] All rise.
- 12 (The hearing ends in open session at 12.04 p.m.)