

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
7 Judge Chang-ho Chung
8 Trial Hearing - Courtroom 1
9 Thursday, 1 June 2023
10 (The hearing starts in open session at 9.31 a.m.)
11 THE COURT USHER: [9:31:37] All rise.
12 The International Criminal Court is now in session.
13 Please be seated.
14 PRESIDING JUDGE SCHMITT: [9:31:59] Good morning, everyone. Court officer,
15 please call the case.
16 THE COURT OFFICER: [9:32:08] 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're in open session.
20 PRESIDING JUDGE SCHMITT: [9:32:22] I ask for the appearance of the parties. I
21 think there are no changes on the side of the Prosecution.
22 MS WAKCHOM: [9:32:28](Interpretation) No change indeed, your Honour.
23 PRESIDING JUDGE SCHMITT: [9:32:32] Thank you. Ms Massidda.
24 MS MASSIDDA: [9:32:36] Good morning, Mr President, your Honours. For the
25 victims of the other crimes, appearing today, Mr Yaré Fall, Mr Alexis Lariviere and

Trial Hearing
WITNESS: CAR-OTP-P-1990

(Open Session)

ICC-01/14-01/18

1 *moi-même*, Paolina Massidda.

2 PRESIDING JUDGE SCHMITT: [9:32:48] Thank you.

3 Mr Suprun.

4 MR SUPRUN: [9:32:50] Good morning, Mr President. Good morning, your
5 Honours. The former child soldiers are represented by myself, *Maître* Suprun.
6 Thank you.

7 PRESIDING JUDGE SCHMITT: [9:32:54] Thank you, Mr Suprun.

8 I turn to the Defence of Mr Yekatom. Ms Dimitri.

9 MS DIMITRI: [9:33:02] Good morning, Mr President. Good morning, your
10 Honours. Good morning, everyone. Mr Yekatom is present in the courtroom. He
11 is represented today by Mr Florent Pages-Granier, Ms Anta Guissé, Ms Doriane Huet,
12 Mr Lionel Messi Tikpa, Ms Cassandra Oboussier and myself, Mylène Dimitri.

13 PRESIDING JUDGE SCHMITT: [9:33:20] Yes, well, quite important. Yeah.
14 Mr Knoops.

15 MR KNOOPS: [9:33:25] A very good morning, Mr President, your Honours. Good
16 morning, everyone in the courtroom. Our team is in exactly the same composition as
17 last Tuesday, and Mr Ngaïssona is in the courtroom. Thank you.

18 PRESIDING JUDGE SCHMITT: [9:33:36] Thank you very much. And we welcome
19 again and wish you a good morning and a good day, our witness, Mr Thierry
20 Kpademona. Good morning.

21 WITNESS: CAR-OTP-P-1990 (On former oath)

22 (The witness speaks Sango)

23 (The witness gives evidence via video link)

24 THE WITNESS: [9:33:57] (Interpretation) Good morning, and thank you.

25 PRESIDING JUDGE SCHMITT: [9:34:00] And we give the Defence of Mr Yekatom,

Trial Hearing
WITNESS: CAR-OTP-P-1990

(Open Session)

ICC-01/14-01/18

1 Ms Dimitri, the floor.

2 MS DIMITRI: [9:34:08] Thank you, Mr President.

3 QUESTIONED BY MS DIMITRI:(Interpretation)

4 Q. [9:34:24] Good morning, sir. My name is Mylène Dimitri, and I'm one of the
5 lawyers defending Mr Yekatom. And I am the one who will be questioning you on
6 behalf of the Defence team.

7 Is everything okay? Can you hear me?

8 A. [9:35:05] Yes, I can hear you just fine.

9 Q. [9:35:12] I'll be asking you a series of questions in order to obtain some
10 clarifications regarding things that you said during your testimony. Just so that you
11 understand properly, I think you understand some French, but I would like to ask
12 you to pause between question and answer, because everything that you say is being
13 transcribed, noted down by court reporters who are typing everything that you say
14 and also interpreters who will be translating in English, French and Sango. If ever
15 you don't understand one of my questions, just tell me so and I will rephrase it.
16 And it's important to be very specific in your responses, because I'd like to try to
17 clarify some things with you. If you don't know the answer to one of my questions,
18 it's very important for you not to guess or speculate, just say, "I don't know."

19 Do you understand so far, sir?

20 A. [9:36:49] Yes, I understand just fine.

21 Q. [9:36:57] During your testimony, I will also be showing you some video footage
22 and some maps, and we will be looking at these items together to try to situate a
23 number of things. And with this, I think we should be able to situate a number of
24 things and identify certain locations. Do you understand so far?

25 A. [9:37:30] Yes, I still understand you just fine.

Trial Hearing
WITNESS: CAR-OTP-P-1990

(Open Session)

ICC-01/14-01/18

- 1 PRESIDING JUDGE SCHMITT: [9:37:35] We didn't -- we didn't hear the
2 interpretation, actually. I didn't hear it.
- 3 THE INTERPRETER: [9:37:47] The --
- 4 PRESIDING JUDGE SCHMITT: [9:37:50] My problem. My mistake. My problem.
5 Yes, it was my mistake.
6 Forget it, I had the wrong channel. It can happen. At least if nobody else
7 complains, then there is a strong hint that it was my mistake.
- 8 MS DIMITRI: [9:38:11] Mr President, just for the record, during my examination, I'm
9 going to refer to the French version of Mr Kpademona's statement, which is
10 CAR-OTP-2122-5638, tab 8 of OTP binder. And I'm just going to quote paragraph
11 numbers as usual.
12 If I could have -- I'm trying to put the English transcript on my screen, but my -- my
13 machine doesn't work.
- 14 PRESIDING JUDGE SCHMITT: [9:39:11] Perhaps we can fix that. Can you start
15 anyway --
- 16 MS DIMITRI: [9:39:13] Of course; of course.
- 17 PRESIDING JUDGE SCHMITT: [9:39:14] -- for the moment, I would suggest --
- 18 MS DIMITRI: [9:39:17] Yes.
- 19 PRESIDING JUDGE SCHMITT: [9:39:19] -- that perhaps it can be fixed.
20 Actually -- actually, it's the same problem I have. Now it comes, so it takes a bit
21 probably. Well...
- 22 MS DIMITRI: [9:39:33] Indeed. You just did magic.
- 23 PRESIDING JUDGE SCHMITT: [9:39:37] Yeah, yeah. Please start.
- 24 MS DIMITRI: [9:39:43](Interpretation)
- 25 Q. [9:39:44] Mr Witness, you said on Tuesday when you gave your testimony, you

Trial Hearing
WITNESS: CAR-OTP-P-1990

(Open Session)

ICC-01/14-01/18

1 said that you were born on 1 December 1972. You said that on Tuesday, and I note
2 that your birth date seems to be 1 October. Is that a mistake of some kind?
3 Transcript 236.

4 A. [9:40:28] I was born on 1 October 1972 in Bambari.

5 THE INTERPRETER: The Sango booth says that the witness used the Sango word
6 for the month of October.

7 PRESIDING JUDGE SCHMITT: [9:40:58] Well, it was translated October then it is
8 fine this way, and it accords with the statement. Everything is good so we can
9 continue.

10 MS DIMITRI: [9:41:12](Interpretation)

11 Q. [9:41:13] Mr Kpademona, I'd like to move to my first topic, and this has nothing
12 to do with the events in 2013 and 2014. I'd like to ask you about your experience as a
13 school principal working with children.

14 When we read paragraphs 13 and 14 of your statement, we see that you seem to have
15 a lot of experience working with a number of schools. You worked at the Wapo
16 school until 2013, and then later on you were transferred to the Kokoro 1 school.
17 Could you tell us how old were the children who went to these schools?

18 A. [9:42:12] The children were aged 7 to 15.

19 Q. [9:42:21] And I understand that you were in contact with these children nearly
20 every day, virtually every day. Would it be correct to say that children in the
21 Central African Republic don't start school at the same age and some children begin
22 school quite late, perhaps even aged 10, particularly because of poverty?

23 A. [9:42:52] Yes, that is correct.

24 Q. [9:43:02] Going by your own experience, is it correct to say that sometimes
25 children drop out of school during the school year because of a lack of financial

Trial Hearing
WITNESS: CAR-OTP-P-1990

(Open Session)

ICC-01/14-01/18

1 resources, and then they're registered again later on in the year or just they're
2 registered again in school in the following year?

3 A. [9:43:29] Yes, that is true. That's what happens.

4 Q. [9:43:38] To your knowledge, sir, and in light of your experience, if you know,
5 are poverty and malnutrition in the Central African Republic affecting the appearance,
6 the build of children in the -- and the physical development of children in the Central
7 African Republic?

8 A. [9:44:09] Yes, that is true. The children had various problems, and what you've
9 mentioned is one of the challenges that the children were facing.

10 Q. [9:44:32] As a school principal for all those years, ever since the year 2002, did
11 you ever notice delayed puberty amongst some children because of malnutrition?

12 A. [9:44:55] Yes, that is true.

13 Q. [9:45:03] Thank you for your answer, sir.

14 And now, I'd like to ask you if you could give us a description of the Yamwara school
15 before the events -- not during the events, but before. I'd rather -- I would like to get
16 some details from you. If you could describe the actual school and how it appears
17 physically -- do you see what I'm trying to say?

18 A. [9:45:44] Yes, I understand just fine.

19 Q. [9:45:48] Is it correct, sir, that in 2013 the Yamwara school, Kokoro 2
20 school -- and for the purposes of your testimony, we'll refer to this school as the
21 Yamwara school. Is it true that there was no fence and that the school was fully
22 integrated within the neighbourhood?

23 A. [9:46:21] Yes, that's right.

24 Q. [9:46:29] Am I right in saying that on the school grounds there was a water
25 fountain, a drinking fountain?

Trial Hearing
WITNESS: CAR-OTP-P-1990

(Open Session)

ICC-01/14-01/18

1 A. [9:46:43] Yes, that's right. There was a water fountain in front of the house of
2 the school principal.

3 Q. [9:47:05] Is it correct that this water fountain in 2013 was a water point that was
4 used by the people in the surrounding area because they had no access to running
5 water in their residences; in other words, it wasn't truly a water fountain just for the
6 Yamwara school but, rather, the local people used the water fountain because they
7 had no running water?

8 A. [9:47:46] Yes, you are correct.

9 Q. [9:47:52] Now, with your assistance, sir, I'd like to show you some photographs,
10 and I'd like to explain to you that these photographs were taken from drones so they
11 were taken from a height, and they show some details about the school and the water
12 fountain, and, with your assistance, because you were the school principal, I'll try to
13 have you identify a number of locations on these photographs. Do you see what I'm
14 asking you to do?

15 A. [9:48:32] Yes, I understand.

16 Q. [9:48:37] For the record, tab 1, please, of the Defence CAR-OTP-2126-1472.
17 And I'll show you the first photograph, and I think we can see the water fountain in
18 the centre. And before I put my question to you, I'm going to show you a second
19 photograph because I think on this other photograph the building of the school is
20 clear. CAR-OTP-2126-1473.

21 Now, are you -- at the top of the photograph, do you see one of the buildings of the
22 school and do you see the water fountain between the trees? Do you see the water
23 fountain that we've been talking about?

24 A. [9:49:45] Yes, that's right. I can see the two mango trees.

25 Q. [9:49:59] If we could move to tab 3, CAR-OTP-2126-1400. And, once again, I

Trial Hearing
WITNESS: CAR-OTP-P-1990

(Open Session)

ICC-01/14-01/18

1 think we can see some water that seems to have been on the ground, that has been
2 spilled onto the ground and we also see water containers, and this is in the centre by
3 the school; is that correct?

4 A. [9:50:27] Yes, that's correct.

5 MS DIMITRI: [9:50:37] Mr President, just for the record and before you ask, the
6 pictures are dated 25 January 2020, and they're drone pictures taken by the Office of
7 the Prosecution.

8 PRESIDING JUDGE SCHMITT: [9:50:46] Yes, I know. But nevertheless, the
9 witness is -- we could not have a better witness, so to speak, to ask these questions.

10 MS DIMITRI: [9:50:56] Thank you.

11 PRESIDING JUDGE SCHMITT: [9:50:57] Also going back in time.

12 MS DIMITRI: [9:51:01] Yes.

13 PRESIDING JUDGE SCHMITT: [9:51:01] Yeah, please continue.

14 MS DIMITRI: [9:51:03] Thank you.

15 Q. [9:51:26](Interpretation) On Tuesday, Mr Witness, you said in relation to the
16 school yard in 2013, at this school, you said no-one could enter the school yard. You
17 said that last Tuesday, time stamp 10:29. In actual fact, some witnesses have come to
18 the Court and testified before you and they said the contrary. In actual fact, they
19 said that even during the occupation by Mr Yekatom's group of the Yamwara school,
20 members of the population were going to the school yard to draw water and even to
21 sell various items there.

22 So my question to you is this: When you said that no-one could enter the school
23 yard, am I correct in saying that this is a supposition on your part since you said
24 yourself that you didn't try to enter the yard; you were -- you were supposing that
25 no-one was able to go into the yard? This was a supposition; is that correct? You

Trial Hearing
WITNESS: CAR-OTP-P-1990

(Open Session)

ICC-01/14-01/18

1 don't have direct information about this?

2 A. [9:52:53] No, not at all.

3 PRESIDING JUDGE SCHMITT: [9:53:04] Well, the answer is a little bit ambiguous.

4 MS DIMITRI: [9:53:07] I'm clarifying.

5 PRESIDING JUDGE SCHMITT: [9:53:09] Okay, thank you.

6 MS DIMITRI: [9:53:14] (Interpretation)

7 Q. [9:53:14] Mr Witness, when you say, "No, not at all", that means no, you have no
8 direct information in that regard; is that how we should understand your response?

9 A. [9:53:36] I'm saying that's not true at all because I myself would go by their
10 checkpoint and at that time no-one had access to the school yard.

11 Q. [9:54:16] I'll move on to something else.

12 Now, at paragraph 16 of your statement, you made mention of one of the directors at
13 the school, {ICR: (Redacted)} who had been allocated a residence within the school
14 grounds {ICR: (Redacted)}

15 Now, is this -- you mentioned {ICR: (Redacted)}
16 {ICR: (Redacted)}

17 A. [9:55:09] Yes, that's right.

18 Q. [9:55:16] At paragraph 27 of your statement, you also mention this {ICR:
19 (Redacted)}
20 (Redacted)}

21 A. [9:55:35] Yes, that's right.

22 Q. [9:55:41] I'd like to show you some video footage, and this was shot on 13
23 December 2013 by witness 1918, tab 4. And this is CAR-OTP-2065-4121, from one
24 second and then from 17 to 21 seconds. And I'd like to ask you, sir, to confirm that
25 this is indeed {ICR: (Redacted)}

Trial Hearing
WITNESS: CAR-OTP-P-1990

(Open Session)

ICC-01/14-01/18

1 MS DIMITRI: [09:56:14] And for the interpreters, there is no sound, so it is not
2 necessary to provide interpretation.

3 Q. [09:56:26] So, first you'll see a screenshot. Do you recognise this person? Is
4 {ICR: (Redacted)}

5 A. [9:56:44] No, I don't recognise this person.
6 (Counsel confers)

7 MS DIMITRI: [9:57:04] (Interpretation)

8 Q. [9:57:05] And what about this photograph, or this angle, do you recognise this
9 person?

10 A. [9:57:19] Yes, I recognise this person. Here we see the residence of the director
11 and we see the mango tree beside it.

12 Q. [9:57:41] So you said that this is the residence of the director. Are you talking
13 about the doors that we see to the left, on the left of the photograph? And this is
14 time stamp 17:04.

15 So the doors at the left, those are the doors that lead to the residence of the director; is
16 that correct?

17 A. [9:58:11] That's correct. We also see an orange tree just beside what seems to be
18 a fence.

19 Q. [9:58:28] I'd like to show you another photograph, Mr Witness, and if you could
20 confirm that this is the residence of the {ICR: (Redacted)}
21 Tab 5 of the Defence binder, CAR-OTP-2126-2017.

22 And I'd like to ask my colleague to zoom in so that we can see the door.
23 Now, is {ICR: (Redacted)}, sir?

24 A. [9:59:30] Yes, that's right. That's {PFR: (Redacted)}

25 PRESIDING JUDGE SCHMITT: [9:59:40] If I may, in the meantime, Ms Dimitri, so

Trial Hearing
WITNESS: CAR-OTP-P-1990

(Open Session)

ICC-01/14-01/18

1 we have a witness that makes your life a bit easier this time.

2 MS DIMITRI: [9:59:51] Indeed.

3 PRESIDING JUDGE SCHMITT: [9:59:59] Mr Witness, I was referring to -- to inform
4 you why I made this remark, referring to your succinct and short and precise answers.
5 This was -- actually, I'm lauding how you answer these questions, coming quickly to
6 the point.

7 Ms Dimitri.

8 MS DIMITRI: [10:00:17] Thank you, Mr President.

9 Q. [10:00:25] (Interpretation) Mr Kpademona, for it to be clear for us who were not
10 there on location and who do not know the Yamwara school as you do, is it correct
11 that the door that we see in this photograph is the same door that we saw a little
12 earlier in the video that I presented to you when I showed you {ICR: (Redacted)
13 (Redacted)); is that correct?

14 A. [10:00:54] I do believe that that is correct.

15 Q. [10:01:09] And I'm going to be using your knowledge of the Yamwara school
16 again, so this is the photograph that's at tab 6 CAR-OTP-2126-1324.

17 And, Mr Kpademona, can you see the first building which is to the bottom of the
18 photograph? Would we agree that this is the house of the director, and the building
19 just above the house of the director, which has a ladder on the roof, that is what we
20 call the kitchen; is that correct?

21 A. [10:02:00] Yes, you are right. That is the kitchen that is just next door on
22 which -- and on the roof there is a ladder.

23 Q. [10:02:12] And the residence of the director is the larger building towards the
24 bottom of the photograph that is next to the kitchen?

25 A. [10:02:27] The residence of the director is the house just opposite the vehicle.

Trial Hearing
WITNESS: CAR-OTP-P-1990

(Open Session)

ICC-01/14-01/18

1 This house has a verandah.

2 Q. [10:02:44] And, Mr Kpademona, just in front, we can see the water fountain and
3 to the far right with what seems to be blue windows or blue doors, this is in fact the
4 building with blue doors and it is a classroom; is that correct? Is it a building where
5 there are classrooms?

6 A. [10:03:14] This building in front of the mango tree has an office and three
7 classrooms in it.

8 Q. [10:03:35] Thank you. This photo can be taken away now.

9 Mr Kpademona, we saw in a video that I showed you, we saw that the {ICR:
10 (Redacted)} was at the Yamwara school on 13 December 2013 at
11 {ICR: (Redacted)}.

12 Now, do you know how long - only if you know - do you know how long {ICR:
13 (Redacted)} at the residence within the
14 compound of the school in 2013? Please tell us if you know. If you do not, then fine.

15 A. [10:04:27] I've already forgotten the length of time. I no longer recall, and why
16 is that? Because at a given moment in time {PFR: (Redacted)} {ICR: (Redacted)} had
17 to leave the house because of the multiplying acts of violence.

18 Q. [10:05:01] I'm now going to be talking about the Seleka, Mr Kpademona.

19 Now, at paragraph 22 of your statement, you indicate that when you saw the Seleka
20 on the first occasion, that was at the time when you came back from Bertoua in
21 Cameroon, and you explained that on 15 June 2013 you were captured by the Seleka.
22 Now, do you remember how long they detained you for; are we talking about hours,
23 days, weeks?

24 A. [10:05:53] I didn't spend the entire day there. They asked me for my ID and I
25 gave them all of that, subsequent to which they released me.

Trial Hearing
WITNESS: CAR-OTP-P-1990

(Open Session)

ICC-01/14-01/18

1 Q. [10:06:22] Okay. Now, for things to be clear between you and me,
2 Mr Kpademona, I'm talking about paragraph 22 of your statement, where you say
3 that the Seleka men took you from -- to the office of the gendarmerie in Yaloke where
4 you were retained. They threatened you, they took your personal belongings, and
5 then you say that you were released after a certain time.

6 Now, am I to understand that you were released on the same day?

7 A. [10:07:07] They released me on the same day. I didn't spend the night there.

8 Q. [10:07:16] And then you go on to explain that you went on your way towards
9 Bangui through the bush.

10 And my question to you is: How long did you spend in the bush between Yaloke
11 and Bangui -- how many days, how many weeks?

12 A. [10:07:59] I believe that I spent two days.

13 Q. [10:08:09] So you spent two days in the bush and then you went from Yaloke to
14 Bangui. Now, how long would it take you -- or did it take you to walk from Yaloke
15 to Bangui?

16 A. [10:08:38] When I left there, we spent two days before we reached our
17 destination and then we found a vehicle that took us to Bangui.

18 Q. [10:09:02] At paragraph 23 of your statement you say that once you had arrived
19 in Bangui you were checked by the Seleka, who were checking your identity and who
20 checked your fingers to find any marks or indications on your fingers that you might
21 have used a gun. And you said that after you had been checked by the Seleka, you
22 were then authorised to enter Bangui.

23 Now, I understand that it took you a while to convince the Seleka to authorise you to
24 enter Bangui.

25 A. [10:10:11] I would estimate the duration of our discussion at an hour and a half.

Trial Hearing
WITNESS: CAR-OTP-P-1990

(Open Session)

ICC-01/14-01/18

1 Q. [10:10:23] When you entered Bangui, did you go directly to {ICR: (Redacted)}
2 (Redacted)}

3 A. [10:10:54] When I entered the town of Bangui, I immediately went to {ICR:
4 (Redacted)} in order to join my family.

5 Q. [10:11:12] And, Mr Kpademona, could you tell us is it {ICR: (Redacted)}
6 (Redacted)?

7 A. [10:11:30] (Redacted)}

8 Q. [10:11:46] Now, I'm going to be presenting a document to you, it's to be found at
9 tab 9 of the Defence binder, CAR-OTP-2100-1796, at page 1797.

10 It is, in fact -- let me explain to you, it is a statement made by the Prime Minister
11 Nicolas Tiangaye on 23 August 2013, and it is a statement in which he denounces a
12 strong attack on the part of the members of the Seleka coalition on some
13 neighbourhoods of Bangui; namely, the Boeing neighbourhood, which
14 comprises -- which is {ICR: (Redacted)} Do
15 you have any recollection of an attack, a quite sizeable attack, on the part of the Seleka
16 upon the Boeing and Boy-Rabe neighbourhoods in August 2013?
17 And I'm going to be quoting the Prime Minister.

18 He says, "... in the Boeing neighbourhood, men, women and children were brutally
19 taken away from the affection of their parents."

20 And that he goes on to say that these sad events provoked the fleeing of people from
21 Bangui towards the south.

22 Now, these acts that he is referring to were subsequent to an attack by the Seleka in
23 August 2013 on the Boeing neighbourhood.

24 Now, do you have any recollection of this attack in August 2013?

25 A. [10:14:04] I remember only too well and I would go on to say that I was present.

Trial Hearing
WITNESS: CAR-OTP-P-1990

(Open Session)

ICC-01/14-01/18

1 Q. [10:14:18] And in another document to be found at tab 10 of the Defence binder,
2 the Prime Minister Nicolas Tiangaye, *CAR-D29-0012-0011, indicates at page 0014
3 that subsequent to acts of violence, killings and lootings in the neighbourhoods of
4 Boy-Rabe and Boeing in Bangui, measures were taken in order to -- to forbid the --

5 THE INTERPRETER: [10:15:03] Message from the English booth: Too fast.

6 MS DIMITRI: [10:15:08](Interpretation)

7 Q. [10:15:08] So you can confirm that during that period, the Seleka committed a
8 number of killings, of acts of violence in Boeing neighbourhood; is that true?

9 A. [10:15:24] That is correct. I was an eyewitness.

10 Q. [10:15:40] I'm going to be presenting a video to you, Mr Kpademona, because
11 you were an eyewitness to what the Seleka did in August 2013 in the Boeing
12 neighbourhood and I'm going to be presenting a video to you, subsequent to which I
13 will have a few questions, and I'm going to ask you to listen to what the gentleman
14 says in the video and look at the images and then I'm going to putting questions to
15 you.

16 PRESIDING JUDGE SCHMITT: [10:16:03] Ms Dimitri, could you slow down a bit.
17 We have a -- you get quick and short answers, I think.

18 MS DIMITRI: [10:16:12] Yes. I'm sorry.

19 PRESIDING JUDGE SCHMITT: [10:16:13] There's no need to accelerate questions, so
20 to speak.

21 MS DIMITRI: [10:16:18] Apologies to the interpreters.

22 Q. [10:16:30](Interpretation) Mr Kpademona, I'm going to be presenting a video to
23 you and I call upon you to listen to what is said and look at the images and then I
24 have questions for you. It still has a bearing upon the attacks on the part of the
25 Seleka in August 2013 on the Boeing neighbourhood. All right?

Trial Hearing
WITNESS: CAR-OTP-P-1990

(Open Session)

ICC-01/14-01/18

1 A. [10:16:57] Very well.

2 MS DIMITRI: [10:17:05] I'm told I forgot the interpreters. I'm sorry.

3 For the interpreters, it's the -- so the video extract, tab 39, CAR-D29-0008-0014, from
4 1:17 to 3:33. It's a video broadcasted by France 24, dated 28 August 2013. The
5 transcript is at tab 40 CAR-D29-0006-1183.

6 Yeah, you got it? Thank you.

7 And it's going to be lines 4 to 11 -- no, the whole -- yeah, sorry.

8 (Viewing of the video excerpt)

9 THE INTERPRETER: [10:18:38](Interpretation of the video excerpt)

10 "We might be assisting a turning point in Central Africa because the inhabitants of
11 Bangui have gone on the offensive against the Seleka rebellion that has been in power
12 for the last few weeks.

13 For some months now, it is the theatre of this anger, the airport of Bangui, that has
14 been occupied since yesterday, no plane has been able to land and the flights have
15 been cancelled. ... Our correspondent Hyppolite Donossio went there. People
16 have made makeshift huts directly on the tarmac. They are denouncing the acts of
17 violence and pillaging that are never-ending. Hyppolite explains to us that the
18 airport is still occupied this evening.

19 HYPOLITE... The demonstrators are still there, women, children and old people,
20 but also young people and men, who since yesterday evening have been occupying
21 this location in order to show just how sick they are of the violent acts on the part of
22 the Seleka and are demanding an intervention on the part of the international
23 community, but also and especially from France in this country qualified by Francois
24 Hollande as being at the end of the Somalisation. Since yesterday at nightfall, their
25 number has diminished because the young people who had come from other

Trial Hearing
WITNESS: CAR-OTP-P-1990

(Open Session)

ICC-01/14-01/18

1 neighbourhoods in Bangui have been joining the demonstrators of this morning, and
2 they have created disorder by taking it out on the elements of the FOMAC who had
3 come in order to keep peace during the demonstrations. Overwhelmed, the troops
4 were obliged to use tear-gas and thereby creating panic. We do not know how many
5 dead or wounded there are, because the witnesses that I contacted told me that their
6 children -- that they had seen children being crushed underfoot. The French army is
7 still there making sure that the perimeter is secure of this sole airport in the Central
8 African Republic that is 6 kilometres long.

9 THE SECOND JOURNALIST: How has the self-proclaimed president Michel
10 Djotodia reacted to Hyppolite -- how did he react, Hyppolite?

11 HYPOLITE... Well, as a response, Michel Djotodia this morning convened an
12 urgent meeting, a security meeting in Bangui. Subsequent to this meeting, an order
13 was given by the transitional president to exclude operations of maintaining peace, to
14 exclude from peace operations the elements of the former rebellion who brought him
15 to power last March. It is a way for the transitional president to respond, but the
16 situation has been very critical since the putsch not being able to take control of the
17 forces of defence and security. One should also say since Tuesday evening, the
18 elements of the mission of the African Union and Central Africa and the former
19 FOMAC deployed in the Boy-Rabe neighbourhood that has been under attack over
20 the last eight days by the Seleka, about 10 people died in an operation of
21 disarmament."

22 PRESIDING JUDGE SCHMITT: [10:22:15] You can put your question to the witness.

23 MS DIMITRI: [10:22:20] Thank you.

24 Q. [10:22:22](Interpretation) So, Mr Kpademona, we saw in this video that -- that
25 several men, women and children, subsequent to what happened to the attack on the

Trial Hearing
WITNESS: CAR-OTP-P-1990

(Open Session)

ICC-01/14-01/18

1 neighbourhoods of Boy-Rabe and Boeing, sought refuge in the airport. I also have a
2 press article to be found at tab 41, *CAR-D29-0002-0128-- that indicates that a
3 number -- thousands of refugees sought refuge on the tarmac of the airport because of
4 the uncontrolled elements of the Seleka rebellion.

5 Now, my question to you, Mr Kpademona, is that at the moment of that attack, of
6 which -- which you witnessed, did you and your family also seek refuge at the
7 airport?

8 A. [10:23:45] It's true, during that attack I was present. My family and myself
9 sought refuge at the airport, at the site known as Ledger.

10 Q. [10:24:04] And can I ask you: You and your family at that moment in time,
11 how long did you stay when you sought refuge at the Ledger site at the airport?

12 A. [10:24:28] We -- well, we stayed for longer than a month at the airport, and it
13 was only after that period that we were able to leave.

14 Q. [10:25:00] And for things to be clear, Mr Kpademona, when you left Ledger after
15 that period, who was the president in power at the time?

16 A. [10:25:28] When we left, it was Mr Nguendet who was acting at the time. He
17 was acting president at the time and that's when we went home.

18 Q. [10:25:54] Thank you. I'm now going to be presenting a video to you, and I'm
19 going to be asking you, Mr Kpademona, to listen very intently to what is said in the
20 video and to watch the images like a hawk because we're going to be seeing the
21 Yamwara school at a given moment in time, and so I have a number of questions to
22 put to you subsequently.

23 So the video is at tab 11 of the Defence binder, CAR-OTP-2012-0485. And the French
24 translation is to be found -- made by the Defence team, the translation, is at tab 12 of
25 the Defence binder, CAR-D29-0006-1344. And the transcript provided by the -- the

Trial Hearing
WITNESS: CAR-OTP-P-1990

(Open Session)

ICC-01/14-01/18

1 transcript of the video is to be found at tab 13 of the Defence binder,

2 CAR-D29-0006-1349.

3 MS DIMITRI: [10:27:41] Mr President, just for the record, for your Honours to

4 understand, so there is some -- and also for my learned friend, there -- in the video,

5 there are parts where the speakers speak in Sango, and the journalist interprets what

6 is being said, so tab 13 is a transcript of everything that the journalist interpreted.

7 However, because -- and it often happens when there's a broadcast of the type,

8 because more was said in Sango than what was interpreted by the journalists, we

9 decided to have a complete record to do a full translation transcript of the Sango,

10 which is tab 12. So tab 12 is a bit more complete than tab 13, but for the interpreters,

11 we're going to use tab 13. And I'm going to play from 4:15 to 6:30.

12 THE INTERPRETER: [10:29:12] Message from the English booth: Could counsel

13 please indicate which line numbers we're talking about?

14 MS DIMITRI: [10:29:24] If I could have a sign from the booth once you're ready. So

15 it's tab 13. You have it? Okay.

16 Q. [10:29:34](Interpretation) Mr Kpademona, I'm going to be presenting the video

17 to you, but for your information, because it is important for you to bear this in mind,

18 it dates back, or the date of the video is 11 October 2013, even though the images were

19 probably taken before October 2013. Do you follow me?

20 A. [10:30:12] I am following you very well.

21 Q. [10:30:16] I would ask you to look at the video, then I have questions to put to

22 you.

23 (Viewing of the video excerpt)

24 THE INTERPRETER: [10:30:28](Interpretation of the video excerpt)

25 "... in Boeing there have been a dozen deaths and thousands of inhabitants who have

Trial Hearing
WITNESS: CAR-OTP-P-1990

(Open Session)

ICC-01/14-01/18

1 sought refuge during three days on the tarmac of the airport made safe by the French
2 army, Herbert and Flaure have lived through these events.

3 FLAURE: Here we are all in the neighbourhoods, all these people who live in these
4 neighbourhoods that are poor, and with reference to the Seleka, they came here to, to
5 search house by house in order to seek weapons because people were saying that
6 there are lots of weapons here and some people brought weapons here. But this is
7 not the truth, it's not the truth, but they came here to kill people and they have
8 nothing to find here.

9 JOURNALIST: Flaure and Herbert have brought us here to one of their neighbour's
10 house who was killed during the raid on the part of the Seleka.

11 HERBERT: This is his wife and this is his daughter and the younger daughter.
12 There they are.

13 NON-IDENTIFIED PERSON: My brother was coming back from the fields and he
14 saw the Seleka, he wanted to seek refuge in the house. They chased him and
15 they -- they -- they put an end to him in cold blood.

16 REPORTER: In this neighbourhood, this poor neighbourhood that does not have
17 electricity or running water, the population is surviving thanks to its fruit and
18 vegetable cultures. And since the Seleka took power, there is no longer any
19 dispensary and the schools have been pillaged for the most part and have been closed
20 since the month of March.

21 HERBERT: The parents have been able to send their children, they said no, we will
22 not send our children. They are frightened of sending their children. However,
23 they could be taken as hostage, do you see what I'm saying? The Seleka came in
24 these establishments to take the benches in order to cut them up and make firewood
25 out of them and the -- the school was abandoned to its own devices.

Trial Hearing
WITNESS: CAR-OTP-P-1990

(Open Session)

ICC-01/14-01/18

JOURNALIST: Michel Djotodia president of the transition appointed by the Seleka has apologised for these spillages attributed to the elements that he says are out of control. In order to bring the occupation of the airport to a close, he has received representatives from the pillaged neighbourhoods. Yvonne is part of the delegation.

YVONNE: The president of the republic has made us give 5 million in order to repair the damage committed by the uncontrollable elements of the Seleka. At my house they broke the door down, and then after that they met with the young people and the parents. The government has once again handed over 10 million in order to support the population, and in total that makes 15 million, approximately 23 million euros."

MS DIMITRI: [10:33:37] I'm told I have to stop you. You went too far.

Thank you very much.

PRESIDING JUDGE SCHMITT: [10:33:50] I think you -- you -- you know, sometimes I'm surprised -- of course, it always takes longer, but this time, but this time I thought, it couldn't be so long. But it doesn't matter. It's not a problem at all.

Please continue, Ms Dimitri.

MS DIMITRI: [10:34:08] Thank you, Mr President.

Q. [10:34:14](Interpretation) I saw you nodding, Mr Witness, as you watched the footage.

My first question is this: At 5:40, time stamp 5:40, you did recognise the Yamwara school, didn't you?

A. [10:34:38] Yes, indeed, that is the Yamwara school. And everything I saw in the video footage is what I experienced during that period and everything happened right in front of me.

PRESIDING JUDGE SCHMITT: [10:34:57] Well, nearly everything answered. Not

Trial Hearing
WITNESS: CAR-OTP-P-1990

(Open Session)

ICC-01/14-01/18

1 asked, but answered.

2 MS DIMITRI: [10:35:08] Indeed.

3 Q. [10:35:10](Interpretation) Mr Witness, so you confirm -- well, the journalist
4 referred to dozens of deaths in the neighbourhood and also to one person in
5 particular who was chased by the Seleka. This person fled, hid in a house and, in the
6 news item, we see this person's wife close to the Yamwara school, and the lady says
7 that her husband was shot and killed in cold blood.

8 Do you remember this incident?

9 A. [10:36:03] Yes, I do. I do remember the incident. And I know this lady; and
10 the person who was killed, I also know him as well.

11 Q. [10:36:43] And you heard the journalist say that the schools had been shut down
12 ever since March because of the Seleka's presence. And the comment from the
13 person in the footage, this person said that the schools had been abandoned, left to
14 their own devices.

15 Now, this person was Herbert. That was his name, Herbert; is this correct?

16 A. [10:37:26] Yes, that's correct.

17 Q. [10:37:32] And the journalist also said in the footage, in particular, when he
18 showed the Yamwara school, he said that the Seleka had used the various items
19 within the school, the furniture and the like, and had chopped up these pieces of
20 furniture and used the -- used it as firewood; is that correct?

21 A. [10:38:03] Yes, that is correct.

22 Q. [10:38:17] Thank you, sir. I'll now move on to another topic.

23 MS DIMITRI: [10:38:33] If I could just have a moment, Mr President.

24 (Counsel confers)

25 Q. [10:38:33](Interpretation) Now, sir, a bit earlier you were telling us about the

Trial Hearing
WITNESS: CAR-OTP-P-1990

(Open Session)

ICC-01/14-01/18

1 circumstances in which you and your family took shelter at the airport. And last
2 Tuesday you also said, and I quote, time stamp 9:51, you said: I remember that I was
3 aware of that after -- that is, after the events. That's when I realised that things had
4 happened. End of quote.

5 Am I to understand that you did not actually see any fighting yourself with your very
6 own eyes?

7 A. [10:40:18] That's right.

8 Q. [10:40:26] Now, at paragraph 24 of your statement, I noticed that when you
9 talked about the attack of 5 December and -- you said that many Muslim civilians
10 had been taken by surprise and killed by the Anti-Balaka during this attack.
11 But now you have confirmed that you were not actually present at any of the fighting,
12 so this information here, this is something that you heard on the radio or on the
13 television or from refugees; is that correct?

14 A. [10:41:26] Yes, that's right.

15 Q. [10:42:00] You made mention of a body on the ground that you saw. You
16 mentioned that at 9:53 last Tuesday. And do we agree that you don't know the
17 identity of the person, of the body; correct?

18 A. [10:42:26] Yes, that's correct.

19 Q. [10:42:33] I'd now like to play some more video footage for you and after the
20 video, I will have some questions for you.

21 Tab 14 of the Defence, CAR-D29-0008-0024.

22 The transcript is at tab 15, CAR-D29-0006-1346.

23 And if you could watch the footage and then after that, I'll have some questions for
24 you.

25 (Viewing of the video excerpt)

Trial Hearing
WITNESS: CAR-OTP-P-1990

(Open Session)

ICC-01/14-01/18

1 THE INTERPRETER: [10:44:40](Interpretation of the video excerpt)

2 "Before we were on good terms with the Muslims and now they've been looting, all
3 kinds of acts of violence and abuse have been going on in our republic. We don't
4 need them anymore. We don't need Djotodia anymore."

5 PRESIDING JUDGE SCHMITT: [10:45:10] Yeah.

6 MS DIMITRI: [10:45:11] Thank you.

7 Q. [10:45:16](Interpretation) You saw the video footage and at paragraph 24 of
8 your statement, you said that:

9 "Many Muslim families fled because of the 5th December attack, because they feared
10 being killed because this was now a fight between Christians and Muslims." End of
11 quote.

12 That's what you said in your statement.

13 Now, when you said that this was a fight between Christians and Muslims, sir, were
14 you referring to scenes such as the ones we just saw with -- when insults are -- were
15 exchanged and people were writing things on the walls, saying that they didn't want
16 any Muslims? Am I correct?

17 A. [10:46:26] That is correct. Obviously it was because of that.

18 Q. [10:46:35] And when you said that the Muslims fled, because this was a fight
19 between Christians and Muslims, is it correct that they were fleeing because of what
20 we just saw and because of the words that we heard from some Christians who said
21 that they didn't want any Muslims anymore?

22 PRESIDING JUDGE SCHMITT: [10:46:55] Please wait with your answer, Ms
23 Wakchom.

24 MS WAKCHOM: [10:47:04](Interpretation) Your Honour, I don't think that it's fair
25 to ask the witness to speculate on, on this video based on his general knowledge

Trial Hearing
WITNESS: CAR-OTP-P-1990

(Open Session)

ICC-01/14-01/18

1 of -- or for what he assumed happened and what the conflict is --

2 PRESIDING JUDGE SCHMITT: [10:47:25] But, actually, I don't agree. I think we
3 have a witness who has lived in the community, who had a role in the community
4 and has several times said he's an eyewitness. He can -- he can simply provide us --
5 Mr Witness, listen, you can simply provide us with the information: What you saw,
6 what you observed, what was the reason, according to your information?

7 What you saw, what you observed, why the Muslims left and why they went into
8 exile, so to speak?

9 THE WITNESS: [10:48:14](Interpretation) Because, really, there was no longer any
10 agreement. The Muslims and the Christians were committing the same acts of
11 violence and abuse. That is why the Muslims decided to take shelter in places that
12 offered some security, and the Christians did the same.

13 PRESIDING JUDGE SCHMITT: [10:48:41] Please continue.

14 MS DIMITRI: [10:48:42] Thank you. Thank you, Mr President.

15 If I may just confer for a second because I'm not sure I understand what was given to
16 me.

17 PRESIDING JUDGE SCHMITT: [10:48:52] Yes, of course. Hopefully you can read
18 it.

19 (Counsel confers).

20 MS DIMITRI: [10:50:20](Interpretation)

21 Q. [10:50:21] I'd like to show you another video,

22 Mr Kpademona -- CAR-D29-0008-0007. The transcript is at tab 46 of the Defence
23 binder, CAR-D29-0006-1090, tab 46.

24 PRESIDING JUDGE SCHMITT: [10:50:51] This one seems to be from a month later.
25 The last one was, I think, 10 December and this seems to be 10 January. For the

Trial Hearing
WITNESS: CAR-OTP-P-1990

(Open Session)

ICC-01/14-01/18

1 information of the witness perhaps. Yeah.

2 MS DIMITRI: [10:51:03] Yes, of course.

3 If I can just have a signal.

4 PRESIDING JUDGE SCHMITT: [10:51:23] Is the booth ready?

5 THE INTERPRETER: [10:51:26] Message from the booth: This is tab 46, transcript
6 ending in 0007?

7 MS DIMITRI: [10:51:38] No, transcript ending in 1090; 0007 is the video itself, unless
8 I'm wrong. Because you're looking at the top. Can you look at the bottom of your
9 sheet. You should see "1090".

10 THE INTERPRETER: [10:52:04] Many thanks from the interpretation booth.
11 (Viewing of the video excerpt)

12 THE INTERPRETER: [10:52:38](Interpretation of the video excerpt)

13 Sight translation: The crowd is calling out for Djotodia to step down. The entire
14 crowd is calling out "Djotodia step down."

15 "We no longer need any of that. The president of the transition, be it a man or a
16 woman, now we're changing Prime Minister. Tiangaye is making way for Nguendet,
17 and once again we're taking no-one who goes along with him, that's all. Things are
18 going to explode tonight."

19 Another speaker wearing a white T-shirt goes on to explain, calling out, "But who are
20 the Balaka? We are here. The Balaka is the population. It's the population. He's
21 stepping down and we're going to depose the Balaka."

22 MS DIMITRI: [10:54:19](Interpretation)

23 Q. [10:54:22] A few moments ago, you made reference to Christians who were
24 creating -- committing, rather, acts of violence, abuses, and in this video footage, we
25 just saw some Christians saying that the -- "Who are the Anti-Balaka? Who are they?"

Trial Hearing
WITNESS: CAR-OTP-P-1990

(Open Session)

ICC-01/14-01/18

1 They're us."

2 So my question for you is this: At paragraph 24 of your statement, you said that
3 Muslims meant Seleka. Am I correct to say that you were making reference to the
4 Christian population who were worked up, as we just saw in the video footage?

5 A. [10:55:19] Yes, you are correct.

6 Q. [10:55:30] I'm going to show you some other footage.

7 PRESIDING JUDGE SCHMITT: [10:55:36] How long is it? How long is it,
8 Ms Dimitri?

9 MS DIMITRI: [10:55:41] Thirty-eight seconds.

10 PRESIDING JUDGE SCHMITT: [10:55:44] Then we do this before the break. Yeah.
11 Okay.

12 MS DIMITRI: [10:55:58] Thank you.

13 Q. [10:56:03](Interpretation) I'm going to show you some other footage, and for
14 your information this dates back to 5 December 2013, 8 in the morning, and this was
15 shot by witness 1819.

16 Just for you to understand, these are Seleka elements that we see on the screen.

17 They're wearing military attire. Please watch the footage. Listen to what's being
18 said.

19 This is tab 16, CAR-OTP-2065-1348. And the transcript is at tab 17,
20 CAR-D29-0006-1312.

21 And the metadata are to be found at tab 18 of the Defence binder,
22 CAR-OTP-2065-6228.

23 If I could have a sign from the English booth. It's tab 17.

24 THE INTERPRETER: [10:57:32] Says Ms Dimitri.

25 PRESIDING JUDGE SCHMITT: [10:57:33] I think we can play it now. (Viewing of

Trial Hearing
WITNESS: CAR-OTP-P-1990

(Open Session)

ICC-01/14-01/18

- 1 the video excerpt)
- 2 THE INTERPRETER: [10:57:42] (Interpretation of the video excerpt)
- 3 "Some people have taken some weapons. They've taken some arrows.
- 4 Where did they go?
- 5 Over there.
- 6 No, those are the ones who are guarding the shops so that people don't come and
- 7 break things or loot.
- 8 Going where?
- 9 They're real people who are wearing things like that.
- 10 Like that?
- 11 Yes.
- 12 Are they Arabs?
- 13 Yes, they're Arabs.
- 14 Doesn't matter -- it doesn't matter. They're Seleka.
- 15 Hmm.
- 16 They're not soldiers?
- 17 No, no. But I was there at the house and they came and they stopped me and then
- 18 they released me and I didn't stay at the house. I thought -- I thought I would try to
- 19 find somewhere to shelter.
- 20 You stay here and we'll keep an eye on you. Don't move, okay?
- 21 Yes.
- 22 You stay with us. We're not going to do anything to you."
- 23 End of sight translation.
- 24 MS DIMITRI: [10:59:01](Interpretation)
- 25 Q. [10:59:01] Now you heard this exchange between the civilian and the Seleka

Trial Hearing
WITNESS: CAR-OTP-P-1990

(Open Session)

ICC-01/14-01/18

1 element. The civilian said that he had seen some people with arrows. They weren't
2 wearing military clothing. They were Arabs and the Seleka soldier said, "Yes, they're
3 Arabs, but they're Seleka. Doesn't matter. They're Seleka."

4 My question for you is this, sir: Am I correct in saying that at the time, people were
5 very confused and the words "Muslim", "Arab" and "Seleka" were all being used and
6 that this led to quite a bit of confusion?

7 A. [10:59:54] Yes, that's true. People were often lumping people into various
8 categories or the same category. There was confusion about Muslims and others.
9 The footage I saw was shot in front of El Khater towards Boeing at the charity home.
10 Yes, that is true.

11 PRESIDING JUDGE SCHMITT: [11:00:23] A break until 11:30.

12 THE COURT USHER: [11:00:26] All rise.

13 (Recess taken at 11.00 a.m.)

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

15 THE COURT USHER: [11:31:55] All rise.

16 Please be seated.

17 PRESIDING JUDGE SCHMITT: [11:32:19] Ms Dimitri, please continue.

18 MS DIMITRI: [11:32:22] Thank you, Mr President.

19 Q. [11:32:43](Interpretation) Hello again, Mr Kpademona.

20 I'm going to be changing topic once again, and I'd like to reassure you,

21 Mr Kpademona, that we're moving ahead at a good pace. And, once again, if my
22 questions are not clear, please tell me. All right.

23 THE INTERPRETER: [11:33:29] Message from the Sango booth: The Sango booth
24 cannot hear the witness.

25 MS DIMITRI: [11:33:38](Interpretation)

Trial Hearing
WITNESS: CAR-OTP-P-1990

(Open Session)

ICC-01/14-01/18

1 Q. [11:33:39] Mr Kpademona, could you please say something for us to be able to
2 make sure that we can hear you properly because there might be a sound issue.

3 A. [11:33:53] I can hear you now.

4 Q. [11:33:55] Thank you very much.

5 So, throughout the entire Seleka period, Mr Kpademona, I'm still talking about the
6 period where the Seleka were in power, because of the killings that you mentioned a
7 little earlier - the killings by the Seleka, the lack of security, the security situation, the
8 violent acts and lootings that you mentioned by the members of the Seleka - would I
9 be right in saying that not only did you protect the members of your family, but you
10 made sure that your wife did not go out at night-time; is that correct?

11 A. [11:34:54] That is correct.

12 Q. [11:35:01] And, Mr Kpademona, would I be right in saying that your wife is the
13 sister of Laurent Balta?

14 THE INTERPRETER: [11:35:16] Correction: "Banta".

15 THE WITNESS: [11:35:20](Interpretation) No, that is not true.

16 MS DIMITRI: [11:35:24](Interpretation)

17 Q. [11:35:25] I'm sorry that is my mistake.

18 And Mr Kpademona, as you have just confirmed that you made sure that your wife
19 did not go out at night-time during the period when the Seleka were in power, would
20 I be right therefore in saying that the episode that you mentioned when my learned
21 colleague put a question to you -- you know, to do with the moment when your wife
22 went out to buy grasshoppers, that was after the appointment of Alexandre Nguendet
23 to the presidency; is that correct?

24 A. [11:36:11] No, that is not correct. It was not at that moment in time.

25 Q. [11:36:23] And, therefore, she allegedly went out at -- to buy grasshoppers and

Trial Hearing
WITNESS: CAR-OTP-P-1990

(Open Session)

ICC-01/14-01/18

1 she met an individual. And you say that that happened before the appointment of
2 Alexandre Nguendet, is that correct?

3 A. [11:36:53] Yes. It was at the -- during the time of Djotodia. Nguendet came
4 afterwards.

5 Q. [11:37:06] And a last point of clarification with reference to the moment in time,
6 Mr Kpademona. The major attack upon Bangui took place during the night of the
7 4th to 5th of 2013, and it started during the night and, according to the elements in the
8 case file, it came to an end quite early in the morning, the morning of 5
9 December 2013.

10 Now, my question to you, Mr Kpademona: Is it correct that your wife did not go out
11 during the night of the 4th to 5th -- that is to say, the night of the attack on Bangui?
12 Is that correct?

13 A. [11:38:11] No, that is not correct, because as you said, everything started the next
14 day. She went out between 4 and 5 in order to go out and buy some goods and that
15 is when things degenerated, up until the evening.

16 Q. [11:38:43] So for things to be clear, when you say "everything started the next
17 day", what I would like to know is that when your wife went out at night-time to buy
18 grasshoppers, was it before the attack on Bangui? Was it a few hours before the
19 attack on Bangui or was it a few hours after the attack on Bangui or was it another
20 day entirely?

21 A. [11:39:27] The attack took place at the moment in time when my wife went out
22 to buy grasshoppers. She was in the habit of buying them at PK5 and, at
23 approximately 4 a.m., she met those elements and she informed me of this. A short
24 while after, the attack commenced and after the attack started, people started to flee
25 in order to go to the displaced persons site at the airport.

Trial Hearing
WITNESS: CAR-OTP-P-1990

(Open Session)

ICC-01/14-01/18

1 Q. [11:40:08] And you indicated at 10:19 on Tuesday that she does not remember
2 the name of the element to whom she spoke, but that she knew that Coeur de Lion
3 was part of the group?

4 Apologies: It was at 10:29.

5 Should I understand that your wife did not physically see Coeur de Lion, but that she
6 had heard that she was part of a group -- of the group; is that what I should
7 understand?

8 A. [11:41:04] What I meant was that the person who told her that the atmosphere
9 was not good -- well, on that day she went out to buy grasshoppers, but did not know
10 the person. Coeur de Lion was there. She saw him, and that's why she said that
11 those people were based at the Yamwara school. They had come out of there and
12 they were together with those who had come from Bossangoa. There were many of
13 them.

14 Q. [11:41:53] So you're telling me, Mr Kpademona, that on the day of that meeting
15 that you say took place before the attack on Bangui, the elements of which Coeur de
16 Lion was one, were already based at Yamwara; is that what I should understand from
17 your testimony?

18 A. [11:42:27] That's what I meant to say.

19 Q. [11:42:34] And on that day, the day of the meeting, did your wife already know
20 the name "Coeur de Lion" or did she learn of it at a later stage?

21 A. [11:42:55] At that moment in time, she knew his name because he also lived in
22 the neighbourhood and was known in the neighbourhood before they grouped
23 together in -- within the compound of the Yamwara school.

24 Q. [11:43:19] And according to what your wife told you, which neighbourhood did
25 Coeur de Lion come from?

Trial Hearing
WITNESS: CAR-OTP-P-1990

(Open Session)

ICC-01/14-01/18

1 A. [11:43:43] I do not know which neighbourhood he came from. I do not know.

2 (Counsel confers)

3 MS DIMITRI: [11:44:22] If I could just have a moment.

4 PRESIDING JUDGE SCHMITT: [11:44:25] Of course.

5 MS DIMITRI: [11:44:42](Interpretation)

6 Q. [11:44:45] Mr Kpademona, I'd like to now talk about the reprisals on the part of

7 the Seleka on 5 December; that will be the subject of my questions. As you seem to

8 recognise the various locations shown to you in the videos, and you spoke a little

9 earlier about Cattin, and you talked about Foyer. Now I'm going to be presenting a

10 video to you that is somewhat in the same sector.

11 It's at tab 7 of the binder, the Defence binder. CAR-OTP-2012-0523, from 19:11 to

12 19:50.

13 For the interpreters, the translation is to be found at tab 8, CAR-OTP-2118-5547, from

14 lines 484 to 487.

15 And the second extract will be 21:09 and to 21:42, from lines 523 to 534.

16 (Viewing of the video excerpt)

17 THE INTERPRETER: [11:47:01] (Interpretation of the video excerpt)

18 "Suddenly, men appear at the end of the road".

19 MS DIMITRI: [11:47:05](Interpretation)

20 Q. [11:47:06] Mr Kpademona, once again, I just want to explain to you that the

21 video that is going to be shown to you is 5 December in the early hours of the

22 morning, and these are Seleka that you're going to be seeing on the screen.

23 I would ask you to look, and then I'm going to be putting questions to you.

24 (Viewing of the video excerpt)

25 THE INTERPRETER: [11:47:33] (Interpretation of the video excerpt)

Trial Hearing
WITNESS: CAR-OTP-P-1990

(Open Session)

ICC-01/14-01/18

1 "Suddenly, men appear at the end of the road, the Seleka will fire a rocket in order to
2 free the area up, it's a false alert, they were civilians. The militia will empty their
3 charges willy-nilly on anything that moves. The last village before the bush was
4 totally deserted. The Christian inhabitants have fled with the assailants on the other
5 side of the river."

6 (Viewing of the video excerpt)

7 THE INTERPRETER: [11:48:18] (Interpretation of the video excerpt)

8 "For the time being the French have not been given mandate to intervene. They are
9 content with patrolling the area."

10 "We have already killed with them. They have already fled.

11 "By Allah, the mujahidin..."

12 "In the Muslim quarter of PK5, the population welcomes the victorious militia with
13 gunfire. Virtually in front of us a militia has fired upon a man who's tied up on the
14 ground."

15 End of sight translation.

16 MS DIMITRI: [11:49:16](Interpretation)

17 Q. [11:49:17] Mr Kpademona, you've seen the video, and you've heard the
18 journalist indicate that the Seleka have been firing upon civilians. She also indicated
19 that the Seleka militia have been emptying their magazines of bullets and that the
20 village just before the bush is entirely deserted.

21 Now, did you hear people say that in the neighbourhoods of Boeing, notably, and
22 also Cattin, that there were many reprisals against the civilians on 5 December on the
23 part of the Seleka militia?

24 A. [11:50:15] Of course, I did hear people talk about that, and in the video I
25 recognise the localities, the Koudoukou monument, and even when they attacked, the

Trial Hearing
WITNESS: CAR-OTP-P-1990

(Open Session)

ICC-01/14-01/18

1 people went over the river. I think that this is M'Poko-Bac riverside. I think that's
2 what I heard people talk about.

3 Q. [11:50:52] And was it in this context that you say at paragraph 24 of your
4 statement, that because the Seleka were emptying their magazines upon the civilians,
5 there were large-scale reprisals. And is this why you say in 24, paragraph 24 that
6 many Muslim families fled because of the attack of 5 December because they feared
7 they were being killed and - Tuesday at 10:21 - they did so because they did not want
8 to put their lives in danger. Am I right in saying that it was in such a context that
9 they fled?

10 A. [11:51:44] Yes, indeed. It was in this context, because the Seleka took it out on
11 the Christians, and the Muslims could not stay in the neighbourhood and they had
12 also to seek refuge elsewhere.

13 Q. [11:52:12] During the Seleka reprisals, did you hear people say that amongst the
14 civilians who were killed by the Seleka, it spread out near the Yamwara school as
15 well?

16 My question isn't clear, let me rephrase, Mr Kpademona.

17 We saw that the Seleka were emptying their magazines on the civilians and attacked
18 many civilians on 5 December as reprisals. Am I right in saying that this affected
19 Cattin, Boeing neighbourhoods and that there were also people who died close to the
20 Yamwara school?

21 A. [11:53:30] I don't know how to answer your question. The Seleka fired and
22 they took the Cattin road to PK9 where there was this small boat that enables people
23 to go over the river.

24 Q. [11:53:53] Thank you, Mr Kpademona. I'm going to be changing topic once
25 again.

Trial Hearing
WITNESS: CAR-OTP-P-1990

(Open Session)

ICC-01/14-01/18

1 I understood from your testimony -- I understood from your testimony that according
2 to what you heard, Mr Yekatom was a leader. And you also indicated, however,
3 that you weren't able to approach them because they were very difficult to access.
4 Am I right in saying that you are not in a position to tell me what the chain of
5 command was within Mr Yekatom's group? Is that correct; that is not something
6 within the realm of your knowledge?

7 A. [11:55:14] Yes, that is entirely correct.

8 Q. [11:55:25] And have I understood from your testimony that you did not
9 approach Mr Yekatom, and am I also right in saying that you never heard with your
10 own ears him giving orders to elements or providing them with any form of
11 encouragement; is that correct?

12 A. [11:56:00] That is correct. That is what I heard, but I was not an eyewitness
13 myself.

14 Q. [11:56:14] And is it also true to say that you were never an eyewitness to or of a
15 scene where the idea of attacking PK5 was brought up?

16 A. [11:56:46] I heard this said, but I wasn't an eyewitness. I heard it said that
17 people were told not to go out the next day because people were going to be attacking
18 PK5. That's what I heard, but I was not an eyewitness. We were only civilians and
19 we could not approach them.

20 Q. [11:57:16] And, so, am I right in saying that that is what you are referring to in
21 paragraph 28 of your statement and that one should read that you were not an
22 eyewitness and that you simply heard it said that people should not go out because
23 people will be coming to attack PK5? So that -- it was limited to that with regard to
24 the information that you had at your disposal with regard to paragraph 28; is that
25 correct?

Trial Hearing
WITNESS: CAR-OTP-P-1990

(Open Session)

ICC-01/14-01/18

1 A. [11:57:59] That's correct. It can be limited to that because during that period
2 there were rumours being mongered that Christians were due to attack -- they were
3 due to attack Boeing. And elsewhere it was said that the Balaka were going to be
4 attacking PK5 and that people should seek refuge elsewhere. That is how things
5 were unfolding.

6 Q. [11:58:40] Now, there are witnesses who came to testify before you,
7 Mr Kpademona, and some of these witnesses were living at Yamwara school during
8 the occupation of the school by Mr Yekatom's elements.

9 MS DIMITRI: [11:58:58] Now, for the Chamber and the parties, I'm referring here to
10 P-1839, transcript 173 at 10:41 and at 10:52. I'm also referring to P-1647 in transcript
11 195, at 10:15 and 10:16.

12 Q. [11:59:35] So as I was saying to you, Mr Kpademona, there are people who came
13 to testify who were residing at the Yamwara school during the occupation of school
14 by Mr Yekatom's elements who indicated and specified that during that period,
15 Mr Yekatom was residing at approximately 30 minutes' walk from the Yamwara
16 school.

17 Now, is this piece of information that you heard yourself at the time?

18 A. [12:00:30] No, that's not true.

19 Q. [12:00:44] Am I correct in saying that in actual fact you don't have any direct
20 information, personal information about the specific location where Mr Yekatom was
21 living -- well, during that time when his elements were occupying the school, you
22 don't have any direct information about that location?

23 A. [12:01:26] That's not right. That is a lie.

24 (Counsel confers)

25 MS DIMITRI: [12:01:49](Interpretation)

Trial Hearing
WITNESS: CAR-OTP-P-1990

(Open Session)

ICC-01/14-01/18

1 Q. [12:01:52] You have reiterated several times that no-one -- no-one could enter
2 the school yard at the Yamwara school during the occupation by Mr Yekatom's group,
3 so at the very least I'm correct in saying that you personally did not go to the house
4 where you claim Mr Yekatom was living; isn't that so? You didn't go see
5 Mr Yekatom in a house within the school compound?

6 A. [12:02:38] Yes, that's true. You are correct.

7 Q. [12:02:49] And one last question on this particular topic. Am I correct in saying
8 that the information that you had about the place where Mr Yekatom allegedly was
9 staying during the occupation of the Yamwara school, that that information came
10 from the men and women who were going to the fields; is that correct?

11 A. [12:03:25] Yes, that's correct.

12 Q. [12:03:37] Now, on Tuesday during your testimony, you made reference to -- to
13 a checkpoint that was 10 or 20 metres away from the school. You made reference to
14 that at 10:29 on Tuesday.

15 Am I correct in saying that this checkpoint you mentioned was located at the
16 intersection between one road that leads towards Yamwara and a larger road that is
17 perpendicular, a larger road that crosses M'Poko-Bac road?

18 A. [12:04:46] Yes, that is correct. That checkpoint was on the road that leads to
19 M'Poko, beside a tree, and the checkpoint was there. There was also another
20 checkpoint on the road that leads towards the church. That's correct.

21 Q. [12:05:22] When you say that the checkpoint was located on the road that leads
22 towards M'Poko close to a baobab tree, this road that leads -- that is the road that goes
23 from Cattin and then goes all the way to M'Poko-Bac; is that what you're referring to?

24 A. [12:05:48] No, there are two roads. One road leads to M'Poko from Cattin
25 towards the checkpoint. That was another road. There's another road that goes

Trial Hearing
WITNESS: CAR-OTP-P-1990

(Open Session)

ICC-01/14-01/18

1 from the Yamwara school at the checkpoint to the place where there is a monument
2 and then that goes on to the church. I think I specified that on one of the
3 photographs.

4 Q. [12:06:24] So if I understand correctly, that is on a road that goes down at
5 the -- at the intersection of a road that goes down, and that road that goes down
6 crosses the Cattin-M'Poko-Bac road; is that what you're telling us?

7 A. [12:06:51] No, that's not so. What you're describing is the big road, but on the
8 photograph -- if you have the photograph, I believe there is a spot where some stones
9 have been placed, and that is beside the Yamwara school. There's a baobab tree
10 there and there's also a stone, the first stone that was placed for a church.

11 Q. [12:07:30] So this foundation stone of a church that was supposed to be built and
12 ultimately was never built; is that what you're referring to?

13 A. [12:07:53] Yes, exactly.

14 PRESIDING JUDGE SCHMITT: [12:07:56] I have the impression that we have now
15 enough details to -- to at least specify what the witness means.

16 MS DIMITRI: [12:08:05] Yes, yes, and we'll come with pictures later on.

17 PRESIDING JUDGE SCHMITT: [12:08:08] Yeah, please continue.

18 MS DIMITRI: [12:08:10] Thanks.

19 Q. [12:08:39](Interpretation) At paragraph 26 of your statement, you made
20 reference to some elements from Bossangoa who were positioned at Yamwara. You
21 also mentioned last Tuesday during your testimony, and you said that you heard
22 some people who were going to the fields. You heard them say that there were some
23 elements from outside Bangui who had converged at the Yamwara school.

24 My question to you is this, sir: One witness came before this Court and told us that,
25 like you, that there were elements from Bossangoa, and he specified that the elements

Trial Hearing
WITNESS: CAR-OTP-P-1990

(Open Session)

ICC-01/14-01/18

1 from Bossangoa stayed at the Yamwara school even after Mr Yekatom and his group
2 left and headed to Lobaye. Is that information that you heard?

3 A. [12:10:17] Before the departure -- well, actually, they all left together. After
4 they left, there was no-one left within the school compound.

5 Q. [12:10:40] And, Mr Kpademona, once again this is information that came your
6 way from the men and women who were on their way to the fields, who made
7 mention of the elements from Bossangoa; is that right?

8 A. [12:11:06] That's right. They were people who were coming back from the
9 fields. They were the ones who provided that information.

10 Q. [12:11:31] I'd like to move on to another topic, Mr Kpademona.

11 You made mention {ICR: (Redacted)}, and you mentioned the camp
12 at the airport, and I realise that those locations were in the Boeing sector. Are you in
13 a position to tell me how many -- well, if you know. I don't want you to guess. If
14 you don't know, just say that you don't know.

15 How many various leaders or Anti-Balaka groups were there in Boeing in
16 December 2013 and January 2014?

17 A. [12:12:52] I have nothing to gain to -- by lying to you. When it comes to
18 Anti-Balaka leaders, I told you about the ones I knew. There was Rambo, Coeur de
19 Lion, and another one -- I've forgotten that person's name. He was a soldier. That
20 was all.

21 Yes, it was Donoh. Those were the three who were best known: Rambo, Coeur de
22 Lion and Donoh. Those were the ones that I knew. *They were well known in that
23 area.

24 Q. [12:13:39] Did you hear about a Anti-Balaka leader in Boeing - I'm trying to
25 refresh your memory; if you don't know, just say that you don't know - whose name

Trial Hearing
WITNESS: CAR-OTP-P-1990

(Open Session)

ICC-01/14-01/18

1 was Dieudonne Houronti? Dieudonne Houronti.

2 A. [12:14:11] Yes, I heard of him. He was one of the leaders, but he was over by
3 Ledger after the airport. May he rest in peace. He died unfortunately about a
4 month ago. He was a comrade in arms.

5 Q. [12:14:41] Am I correct in saying that he had several hundred elements under
6 his command; is that correct?

7 A. [12:14:57] That is true. He had many elements under him. He was a former
8 gendarme. He wasn't based in the Boeing neighbourhood but, on the other hand, he
9 was -- well, he was behind the airport. He wasn't based at the Yamwara school. I
10 know the person quite well. Unfortunately, he has passed away.

11 Q. [12:15:30] I'm not talking about the Yamwara school at all, sir. I'm talking
12 about the Boeing sector.

13 Now, I did understand that Dieudonne was not based there, but was he in the Boeing
14 sector at all, because he was in proximity to the area, he was close to the Boeing
15 airport?

16 A. [12:16:04] No, he wasn't in the Boeing sector. Before, he was in the PK12 area.
17 It was only later that they came and set up a base in the Boeing sector.

18 Q. [12:16:22] Now, I'd like to mention another person to you and also show you a
19 photograph. And I'll also play some video footage. Tab 47 of the Defence binder.
20 Tab 47, CAR-D29-0008-0002. Transcription of this is at tab 48, CAR-D29-0006-0226.
21 And for your information, sir, this is footage that dates back to 2014, 16 January 2014.
22 I'm going to show you the footage.

23 MS DIMITRI: [12:17:08](Interpretation) And could I have a sign from the
24 interpretation booth that they are ready.

25 THE INTERPRETER: [12:17:28] The interpreters are ready. (Viewing of the video

Trial Hearing
WITNESS: CAR-OTP-P-1990

(Open Session)

ICC-01/14-01/18

1 excerpt)

2 THE INTERPRETER: [12:17:46](Interpretation of the video excerpt)

3 "SEBASTIAN WENEZOU: And we, we absolutely want the CNT to be

4 reconstituted. We should have a new CNT and our entities should be represented.

5 At this level we can take part in the process of this vote. We agree that the Seleka be

6 represented as well, but it has to be a new CNT, not the current CNT, because the

7 current one is basically made up of the Seleka. So we're not going -- so we're not

8 going to avoid the phenomenon of someone being both judge and party. After the

9 peaceful action, if there's no solution at this level, we have our machetes. We

10 haven't -- we haven't brought things down. We will take to the streets. We will do

11 the same fighting that we started more than 500 kilometres to get to Bangui."

12 Sebastian Wenezoui goes on to say:

13 "This is the last chance for the Central African Republic. Let me tell you again,

14 otherwise, because -- because the -- the Anti-Balaka, they're the people. Those who

15 dare fight the Anti-Balaka dare to fight the people. You know that just here I am.

16 There's more than 15,000 of us.

17 UNIDENTIFIED SPEAKER: Go, go, go, go, go. Get out."

18 End of sight translation.

19 MS DIMITRI: [12:19:51](Interpretation)

20 Q. [12:19:52] Mr Witness, now I'm going to show you a photograph, as I was

21 saying earlier, and then I have a question. Tab 38,

22 CAR-OTP-2065 -- CAR-OTP-2024-0447. Tab 38. Tab 38.

23 You heard this man, Sebastian Wenezoui. He said that there were more than 15,000

24 of them. And the location where he was was Boeing, actually.

25 Now, is this a name that you heard as -- did you know that there was another group

Trial Hearing
WITNESS: CAR-OTP-P-1990

(Open Session)

ICC-01/14-01/18

1 of Anti-Balaka elements numbering in the thousands in Boeing at the time, or at least
2 in January of 2014? Is that something that you had heard about?

3 A. [12:21:13] Yes, that is something that I did hear about. I do know Sebastian.
4 He is now a minister in the government.

5 Q. [12:21:28] I'm going to play some other footage now. This is tab 20 of the
6 Defence binder, CAR-OTP-2065-4141.

7 MS DIMITRI: [12:21:42](Interpretation) The translation, for the benefit of the
8 interpreters, is at tab 21 of the Defence binder, CAR-D29-0006-1342.

9 Q. [12:21:59] And, Mr Witness, for your information, this is footage that goes back
10 to 13 December 2013. And I'd like to ask you to pay careful attention to the images
11 because we can see the Yamwara school.

12 I can see that you were very good with the various locations, so I'd like to call upon
13 your knowledge about the location where the footage was shot.

14 Is the interpretation booth ready?

15 (Viewing of the video excerpt)

16 PRESIDING JUDGE SCHMITT: [12:23:07] Well, there was not a lot to interpret, I
17 think.

18 MS DIMITRI: [12:23:10] No. And to be honest, it doesn't really -- does it matter?
19 It doesn't really matter. It was more the location. But we can play it again with
20 sound if you wish.

21 PRESIDING JUDGE SCHMITT: [12:23:23] No, no, no. It's not necessary. If
22 you -- if you tell us it's -- for you, it's about the location, then simply ask the witness if
23 he recognises anything.

24 MS DIMITRI: [12:23:41](Interpretation)

25 Q. [12:23:41] Sir, now, you saw the footage. Am I correct in saying that we are

Trial Hearing
WITNESS: CAR-OTP-P-1990

(Open Session)

ICC-01/14-01/18

1 very close to the Yamwara school? The two people who have bows and arrows are
2 quite close to the Yamwara school?

3 Did you hear my question, Mr Witness?

4 A. [12:24:31] I heard your question. It would be difficult for me to identify the
5 place. The school cannot be identified from this footage because this is right in the
6 middle of the neighbourhood, so it's difficult for me to identify anything.

7 Q. [12:24:54] Not a problem at all. One last attempt. My colleague stopped the
8 footage at 9 seconds. Now, the building that we see in the background, does that
9 help you recognise the location, the Yamwara school? Or at least various buildings
10 that are very close to Yamwara? If it's not possible, that is not a problem.

11 A. [12:25:40] No, I don't recognise this place. At least -- well, if you could zoom in
12 or get closer to the school, I could try to identify it and provide more information.

13 Q. [12:25:57] That's not a problem. I've taken note of your answer, Mr Witness.

14 I'll now show some other footage to you. Tab 22 of the Defence binder,
15 CAR-OTP-2066-5310, from the beginning until time stamp 01:35. And the transcript,
16 it is at tab 23, CAR-OTP-2127-4589, lines 3 to 22, 3 to 22.

17 Now, Mr Witness, could you look at these locations, listen to the journalist, and then
18 after that, I'll have some questions for you.

19 (Viewing of the video excerpt)

20 "JK: The dusty road to Boeing. Home to Bangui's most notorious militia. Nothing
21 on the way looks unusual. There are checkpoints, giving the impression someone
22 here is in control. This youngster is in charge here. He tells us off-camera that he's
23 19, that he joined the Anti-Balaka militia in December after Muslim Seleka rebels
24 stormed his home and killed his parents. It's the type of story we'll hear a lot today.
25 Well, this is what the Anti-Balaka called their commanding and training base here in

Trial Hearing
WITNESS: CAR-OTP-P-1990

(Open Session)

ICC-01/14-01/18

1 the city. It's actually a few metres from the airport, which is right there, and on the
2 face of it, life appears to be generally normal, even for the residents here who have
3 somewhat accepted and integrated them into their neighbourhoods.

4 The Anti-Balaka have taken over these houses. They claim to number 6,000. We
5 are told most of them are in the capital supposedly hunting food and work.

6 These are the guards, recognisable by their amulets, their homemade guns, their
7 machetes.

8 Amadou Musa says he's in charge here. He too says Seleka killed his family last
9 March at their home in the town of Gaga, some 270 kilometres from Bangui. His
10 father was Muslim. He is too, but he has no problem hunting Muslims.

11 AM: [Interpretation] I did not join the Anti-Balaka for nothing. It's because of the
12 Muslims who are in power. They're good persons, but unfortunately they behave
13 like animals."

14 MS DIMITRI: [12:29:41](Interpretation)

15 Q. [12:29:42] Mr Kpademona, we have discussed Sebastian Wenezoui who made
16 reference to thousands of elements in Boeing, and we just saw another piece of
17 footage in which a leader, Amadou, who was in charge in a particular sector.

18 Am I correct to say that going by the information that came your way, the information
19 you received, is it true that there were several different groups, several different
20 leaders in December of 2013 and January 2014 in the Boeing sector, such as Wenezoui,
21 the person we just saw, and also we have evidence regarding Captain Ngremangou?

22 Am I correct in saying that there were several groups, several leaders in Boeing at the
23 time? Going by the information that you received.

24 A. [12:31:03] Yes, in actual fact there were several leaders, but I never set foot in
25 their -- in their bases. As we see in that footage, I think that in this video that base

Trial Hearing
WITNESS: CAR-OTP-P-1990

(Open Session)

ICC-01/14-01/18

1 was being used for -- well, it was Ngremangou and Houronti. I think that area was
2 occupied by those two people, Ngremangou and Houronti. That's -- yes, that's
3 indeed the case.

4 Q. [12:31:47] Now, on Tuesday, you gave testimony, time stamp 10:33, you said,
5 and I quote: "I couldn't distinguish between the ones who had come from Bossangoa
6 and the ones who were local, from Bangui." End of quote.

7 Am I correct in saying, Mr Kpademona, that nor could you make a distinction
8 between an element who belonged to a group commanded by a leader such as
9 Ngremangou or Wenezoui versus an element who was part of another group such as
10 Mr Yekatom's group? You couldn't make any distinction, physical distinction?
11 There was nothing to tell which groups these people belonged to without actually
12 going to the base?

13 A. [12:32:56] Yes, that is correct. I never went to their base for me to be able to
14 know them personally -- that is, Ngremangou, Rambo, Wenezoui, or the late --

15 THE INTERPRETER: The name was not given.

16 THE WITNESS: [12:33:20](Interpretation) We heard speak of them, but I do not
17 know where they came from.

18 PRESIDING JUDGE SCHMITT: [12:33:24] Ms Wakchom, what did you want to -- do
19 you have an objection?

20 MS WAKCHOM: [12:33:31] I think it's already passed, your Honour, because the
21 question was -- the question that was asked to the witness was calling for speculation,
22 because he already said that he could not identify the hierarchy - the chain of
23 command of the group - and asking him this question now, it's not a --

24 PRESIDING JUDGE SCHMITT: [12:33:50] No, he was -- he was -- if I recall your
25 colleague correctly, he was simply asked if he ever went to one of the bases, and if

Trial Hearing
WITNESS: CAR-OTP-P-1990

(Open Session)

ICC-01/14-01/18

1 this would be -- if he could have verified there -- I think we simply -- I think it was not
2 absolutely necessary but was not objectionable. Please continue. Because what
3 you're referring to, we got this information already, that he does not know about the
4 chain of command. And if I may say a remark, I think this is also -- these whole
5 issues are not the main reason why the witness is a witness anyway in these
6 proceedings.

7 Ms Dimitri.

8 MS DIMITRI: [12:34:36] I understand, Mr President, and I can reassure you that
9 we're going to come to the main reason. But it's a 68(3) witness and,
10 unfortunately -- unfortunately, I do not see -- I do not have the questions that were
11 put by the investigator at the time. I have paragraphs and I have to deal with them
12 because it's part of my duty. And I completely understand that it's a heavy exercise,
13 but I'm coming to the -- I'm coming to an end.

14 PRESIDING JUDGE SCHMITT: [12:35:08] Yeah, yeah. It's -- it's not a -- it's, of
15 course, not a problem, and indeed it's, let's say, a procedural consequence of
16 Rule 68(3). It's one of these witnesses mutated from 68(2)(b) to 68(3), so that's a
17 consequence and -- but you will recall that with regard to the heart of, or the core
18 issue, one question has already been asked by the Presiding Judge.

19 MS DIMITRI: [12:35:35] I recall very well. Thank you.

20 PRESIDING JUDGE SCHMITT: [12:35:37] Please continue.

21 MS DIMITRI: [12:35:51] (Interpretation)

22 Q. [12:35:52] Mr Kpademona, I'm going to be changing topic, once again, and it's
23 important for me to tell you every time I do so, as it's clearer for you and it enables us
24 to move forward more rapidly.

25 So now I'm going to be talking about the checkpoint close to the Ali church.

Trial Hearing
WITNESS: CAR-OTP-P-1990

(Open Session)

ICC-01/14-01/18

1 You talk about this in paragraph 31 of your statement, and you made reference to it
2 last Tuesday at 11:58.

3 A first question to you, Mr Kpademona, before I present a video or photo to you:

4 The Ali church, according to your estimation, how far afield is it from the Yamwara
5 school?

6 A. [12:36:54] I would estimate the distance at one kilometre approximately -- the
7 distance between the Yamwara school and the Ali church, that is.

8 Q. [12:37:09] I'm going to be presenting a map to you, and I'm going to be trying to
9 identify the Ali church with you on the map and then in a video, Mr Kpademona.

10 The map on the screen is tab 24 of the Defence binder, CAR-OTP-2118-9146.

11 Can you see, Mr Kpademona?

12 Now, for you to understand the map, we can see two perpendicular red lines. This
13 is the airport. And at the airport, or just below the airport, we can see "Ali" with a

14 cross. And you will see that to the left of the screen there is the "Ngou Cater 2"

15 neighbourhood. For you to be able to find where you are, there's the cursor. That's

16 to the left of the screen and then there's the airport. And just below the airport, so

17 that is to say above "Dameca", we can see the word "Ali" with a cross to represent the
18 church.

19 Now, is this the church that you are referring to in paragraph 31 of your statement?

20 A. [12:39:11] According to what I can see, the Ali church is not visible; rather, I can
21 see the road coming from Dameca, and that comes out at an intersection where there

22 is a monument. But what you indicated just now is next to the -- I can see the Baptist
23 church, the fundamental Baptist church. That is located in the neighbourhood on the

24 way to the Yamwara school, around the Yamwara neighbourhood. I can see the

25 Kokoro source is next to the Yamwara. We can have *Communauté Notre Dame des*

Trial Hearing
WITNESS: CAR-OTP-P-1990

(Open Session)

ICC-01/14-01/18

1 *Pauvres* is within -- is in the inside. I can see the pharmacy.

2 THE INTERPRETER: [12:40:14] Says the witness.

3 MS DIMITRI: [12:40:18] (Interpretation)

4 Q. [12:40:19] Now, as you can see, my colleague has just put a blue square over the
5 Ali church. Is this the church and the checkpoint that you were referring to? Is the
6 Ali church located at that location; is that correct?

7 A. [12:40:49] That is correct; the road going from the pharmacy and that arrives
8 there. That's correct; that's where the church is to be found. Yes, I can see the
9 secondary town hall of Boeing and then opposite the church there is monument of a
10 lion, of a panther, and then when you leave there, you reach the Yamwara school. It
11 must be that.

12 Q. [12:41:24] Thank you. Now, for the record, and we don't need to show it to the
13 witness, I'm referring to neighbourhoods Ngou Cater 1 and 2, and at tab 25 we have a
14 map showing these two neighbourhoods -- CAR-D29-0003-0167.

15 Mr Kpademona, I'm now going to be showing a video to you where you will see that
16 it's a little bit difficult, but it is a vehicle -- a video of a vehicle, a moving vehicle, and
17 the vehicle will move past the Ali church. But because you know the sector very
18 well, I'm just going to have you identify the church.

19 And for your information, Mr Kpademona, this is a video that was taken in 2019. It's
20 quite recent. It was taken on 12 September 2019. And the video is to be found at
21 tab 66 of the -- CAR-D29-0008-0017, tab 66.

22 Now, my colleague has stopped it at the seventh second. Do you recognise the Ali
23 church on the image before you?

24 A. [12:42:58] Yes, I do recognise the Ali church.

25 Q. [12:43:09] Thank you.

Trial Hearing
WITNESS: CAR-OTP-P-1990

(Open Session)

ICC-01/14-01/18

1 I'm now going to be showing you another photograph and I'm going to attempt to
2 locate the other checkpoint that you were referring to. You spoke about it in your
3 statement at paragraph 31, saying that there was a checkpoint on the road to
4 AVICOM. Now, what I'm going to be doing is showing you a photograph taken
5 from the air, and you're going to ask -- tell me whether this enables to you locate
6 things. That's at tab 49. That's CAR-OTP-2126-0775.

7 And just to help you, and to help me as well, at the bottom of the photograph where
8 my colleague has placed his cursor, that is the Yamwara school.

9 Now, what I would like to know is, the road just before us, up front in the
10 photograph, is this the road where the checkpoint that you referred to was
11 located -- that is to say, the checkpoint on the AVICOM road?

12 A. [12:45:12] No, it's difficult for me to say. I do not recognise this intersection.
13 As I do not have access to the school on the photograph, it's difficult for me to say.

14 Q. [12:45:28] Mr Kpademona, you see that my colleague has zoomed in on the
15 image; can you see the Yamwara school?

16 A. [12:45:50] Yes. Yes. It is the road that goes behind Yamwara school, if that is
17 correct. Yes, that is correct, until the exit to this intersection.

18 Q. [12:46:13] And the road that is up front on the screen that goes in front of that
19 small red kiosk, is that the road that goes down and that meets with the
20 Cattin-M'Poko-Bac road, is that correct -- that meets with the Cattin-M'Poko-Bac road,
21 is that correct?

22 A. [12:46:47] That is correct. This is a shop where drinks are sold, and to the
23 right-hand side, this road comes out in Cattin. And the one next to it goes to the
24 grand baobab. That is correct.

25 Q. [12:47:17] Thank you very much indeed, Mr Kpademona.

Trial Hearing
WITNESS: CAR-OTP-P-1990

(Open Session)

ICC-01/14-01/18

1 I'm going to move on to another topic.

2 MS DIMITRI: [12:47:25] If I could have just a moment, please.

3 (Counsel confers)

4 MS DIMITRI: [12:47:42](Interpretation)

5 Q. [12:47:42] Mr Kpademona, at paragraph 24 of your statement, you said
6 that according to the information you gleaned, there was exchange of gunfire between
7 the elements in Yamwara and the Seleka that was posted at PK5. Would I be right in
8 saying that in view of the situation, the lack of security, what had gone on in Yaloke,
9 killings that the Seleka had done, that you never went to PK5 yourself?

10 A. [12:48:55] Yes, you are right in so saying.

11 Q. [12:49:01] And when you refer in paragraph 24 to an exchange of gunfire
12 between the Seleka posted at PK5 and the Yamwara elements, this is once again a
13 piece of information that you gleaned from the individuals, the men and women, who
14 went to the fields and who said that there were attacks upon Yamwara by the Seleka
15 from PK5; is that correct?

16 A. [12:50:07] When the Balaka were based in Yamwara, {ICR: (Redacted)} and I was
17 able to see them. But as for the fighting between the Seleka and the Balaka, we were
18 not there. We received this information according to rumours being mongered that
19 attacks had taken place between 8 or 9 o'clock and that attacks would happen. I did
20 not hear people speak about it but I was an eyewitness.

21 THE INTERPRETER: [12:50:50] Says the witness.

22 MS DIMITRI: [12:50:52](Interpretation)

23 Q. [12:50:54] And when you say that with regard to the fighting between the
24 Balaka and the Seleka "we were not present because we received information", you
25 were not present because you were at Ledger during the fighting; is that correct?

Trial Hearing
WITNESS: CAR-OTP-P-1990

(Open Session)

ICC-01/14-01/18

1 A. [12:51:28] Yes, that is correct. But the distance between Ledger and Boeing is a
2 few metres, so when things were going on, we could hear the gunfire and we would
3 know when withdrawals happened because information was being circulated.

4 MS DIMITRI: [12:52:17] Mr President, I -- I am approaching "the" subject, and you've
5 seen our binder. It's going to be a -- a heavy exercise, so -- and I don't want to
6 interrupt it, so I suggest we have the break and I should be quite short after the break.

7 PRESIDING JUDGE SCHMITT: [12:52:38] Okay, then, let's have the
8 break -- okay -- 2:30, a normal break.

9 MS DIMITRI: [12:52:40] Yes.

10 PRESIDING JUDGE SCHMITT: [12:52:42] Thank you.

11 THE COURT USHER: [12:52:49] All rise.

12 (Recess taken at 12.52 p.m.)

13 (Upon resuming in open session at 2.30 p.m.)

14 THE COURT USHER: [14:30:06] All rise. Please be seated.

15 PRESIDING JUDGE SCHMITT: [14:30:24] Good afternoon. Ms Dimitri, you still
16 have the floor.

17 MS DIMITRI: [14:30:28] Thank you, Mr President.

18 Q. [14:30:35] (Interpretation) Good afternoon, Mr Kpademona.

19 A. [14:30:44] Good afternoon to you as well.

20 Q. [14:30:47] Thank you.

21 Mr Kpademona, my next series of questions covers -- as you are familiar with maps
22 and locations of Yamwara and the video, I'm going to take advantage of your
23 knowledge and this talent to identify some locations. So my next series of questions
24 only deals with the position on the maps and the videos, places of the Yamwara
25 school.

Trial Hearing
WITNESS: CAR-OTP-P-1990

(Open Session)

ICC-01/14-01/18

1 Is that okay?

2 A. [14:31:32] I've understood.

3 Q. [14:31:36] In paragraph 49 of your statement, you said, and I quote -- and this is
4 what you said:

5 "On 27th November 2017, I met two male staff members from the Office of the
6 Prosecutor," of the ICC, the "International Criminal Court. They came to {PFR:
7 (Redacted)} in YAMWARA School and [...] I showed them the location of [the] graves
8 that had been exhumed at the school and they took photographs."

9 My first question, Mr Kpademona, do you remember -- and here, I'm really talking
10 about this meeting the first time when you met the investigators of the OTP of the
11 ICC, do you remember that when they came to the Yamwara school, there was
12 a French-speaking investigator, his mother tongue was French.

13 Do you remember that?

14 A. [14:32:58] I remember that very well.

15 Q. [14:33:04] So my next series of questions, sir, deals with this meeting -- this
16 interview you had with a Canadian-French speaking investigator. It was the first
17 meeting you had in 2017, but three years prior to you signing your statement?

18 MS DIMITRI: [14:33:32] Mr President, your Honours, for the Chamber's reference, if
19 it's easier to follow, this interview is at tab 19 of the Defence binder,
20 CAR-OTP-00001499.

21 PRESIDING JUDGE SCHMITT: [14:33:50] The dates are evident -- you can
22 continue -- and that there is a gap or whatever you would call it of two and a half,
23 three years. Yes.

24 MS DIMITRI: [14:34:04] (Interpretation)

25 Q. [14:34:06] Sir, do you remember that in that meeting in 2017, it took place one

Trial Hearing
WITNESS: CAR-OTP-P-1990

(Open Session)

ICC-01/14-01/18

1 year after that -- the exhumations were taken by IRAD and FSD, which you talk about
2 in your statement in paragraph 39; is that correct? This happened about one year
3 later?

4 A. [14:34:37] That is correct.

5 Q. [14:34:43] So during this meeting in 2017 with the investigators, they asked you
6 to identify the locations where bodies were buried at the Yamwara school and
7 exhumed by the -- the NGO FSD and IRAD, and you identified the locations on a map,
8 which is tab 26 of the Defence binder, CAR-OTP-2066-0593.

9 Do you remember that, Mr Kpademona?

10 I'm going to try and help you.

11 In 2017, you identified with the investigator -- the French-speaking investigator on
12 a map the locations, the places where the bodies were buried and exhumed by FSD
13 and IRAD and it corresponds to the map you have on the screen. According to the
14 information that you provided to the investigators, this is, "G", "H" and "I", which you
15 can see on the map. Can you see the "I" where the cursor is now placed? And then
16 there's "H" a little lower and then we have "G".

17 Do you see that?

18 A. [14:36:23] That's correct. I repeat, that's true.

19 Q. [14:36:37] So according to the notes which the investigator took during that
20 meeting, you state -- and the notes in 2017 are in tab 19 of the Defence binder as I said
21 a little earlier, and we can put it on the screen.

22 In paragraph 2, you say that you -- you have a code as a witness that you, and I'm
23 going to read it out in English:

24 "... shows the OTP three areas where bodies have been buried at the school. These
25 locations are identified as 'G', 'H' and 'I' in the OTP's photo report registered as

Trial Hearing
WITNESS: CAR-OTP-P-1990

(Open Session)

ICC-01/14-01/18

1 CAR-OTP-2066-0593."

2 And Mr Kpademona "... says three bodies were exhumed by an [NGO], of which he
3 does not remember the name." End of quote.

4 (Interpretation) My question: is it correct, Mr Kpademona, that during this meeting in
5 2017 with the investigators, you said that there were three bodies who were exhumed
6 by the NGO in those positions which I showed you on the map; is that correct?

7 A. [14:38:41] That's correct.

8 Q. [14:38:46] And now, Mr Kpademona, we have obtained from IRAD and FSD the
9 coordinates -- the GPS coordinates which correspond to all the bodies who were
10 exhumed by the NGOs over a year, or a little bit more than that, covering a certain
11 part of the area of Bangui and surrounding areas.

12 For the records, I don't have to show you, but all the GPS coordinates of each
13 exhumation are found in tab 28 of the Defence binder, CAR-OTP-2126-0292.

14 Mr Kpademona, I'm going to try and do a little exercise with you by using the map
15 and the GPS coordinates of the NGOs IRAD, FSD, and I'm going to use document 27
16 of the binder, the Defence binder, CAR-D29-0003-0144.

17 So, from the list, which was made from IRAD and FSD NGOs, we wanted to see all
18 the exhumations which had been carried out in Yamwara and its surroundings; *so
19 within a radius of half a kilometer, which therefore extends a little beyond the
20 Yamwara sector that's what you can see on the map, which you can see on page 0152.

21 Can you see the image, Mr Kpademona?

22 Furthermore, on page 0153, just so that you fully understand, Mr Kpademona, the
23 NGO IRAD, FSD said very specifically in their database that the GPS coordinates
24 from the body they exhumed -- and according to the GPS coordinates we see on
25 page 0153, the page that you see on the screen, you can see a list of five exhumations,

Trial Hearing
WITNESS: CAR-OTP-P-1990

(Open Session)

ICC-01/14-01/18

1 which include the three -- the three bodies which were exhumed at Yamwara. The
2 two others are further away. But I wanted to show you this image so you
3 understand the procedure. Do you follow me?

4 A. [14:42:30] I follow you clearly.

5 Q. [14:42:35] And on page 0154, we see - and this is the page you can see before
6 you - once again, these are data provided by the NGOs FSD, IRAD, you can see that
7 for each location, for each tomb, *there is one single body per tomb -- per grave.
8 And on the next page 0155, you will see -- you can see those red spots on the map,
9 this corresponds to what you said; namely, that there are three bodies which were
10 exhumed on the Yamwara school site, and you can see the other two points are really
11 completely outside the Yamwara sector.

12 Do you still follow me?

13 A. [14:43:43] Perfectly, that's it.

14 Q. [14:43:49] Now, on page 0157, you can see the satellite image, which has been
15 enlarged significantly of the Yamwara school. You recognise the Yamwara school
16 on this image, do you recognise it?

17 A. [14:44:15] Yes.

18 Q. [14:44:27] And the three red spots, more or less correspond to what you told the
19 investigators in 2017, with a few metres, which is sometimes encountered because of
20 irregularities with the GPS. But these are the three locations where a single corpse
21 was exhumed per location by the NGO FSD, IRAD.

22 And we don't have to show you again.

23 A. [14:45:11] Correct. Those locations are correct.

24 PRESIDING JUDGE SCHMITT: [14:45:20] Well, you stated it as a matter of fact and
25 the witness has confirmed what you said, so... It was not formulated as a question.

Trial Hearing
WITNESS: CAR-OTP-P-1990

(Open Session)

ICC-01/14-01/18

1 Yes.

2 MS DIMITRI: [14:45:32](Interpretation)

3 Q. [14:45:37] I don't have to show you the page, but 0154, it is those three

4 places -- those places correspond to the first three lines of page 0154, which says that

5 there's one body per grave and you said that this corresponds to what you told the

6 investigators in 2017.

7 So now, I'm going to do another exercise with Mr Kpademona, because you

8 understand maps. I'm going to show you a video which was filmed by witness 1819

9 around 13 December, which shows you the elements digging up a -- or digging up

10 a hole to bury someone. This is in 33 of the Defence binder, CAR-OTP-2065-4701,

11 and the metadata is 34 of the Defence binder, CAR-OTP-2065-7624. That's the

12 metadata.

13 Look at the video carefully, and I'll have a question to put to you after that.

14 PRESIDING JUDGE SCHMITT: [14:47:22] It has already been shown, and I think

15 there was no need for a sight translation. Because --

16 MS DIMITRI: [14:47:29] No, I just had the feeling that someone had left their

17 microphone on because when I speak, I can't hear well, but --

18 PRESIDING JUDGE SCHMITT: [14:47:35] No, no, but we could see it, and it was

19 more an act than a speech on the footage.

20 MS DIMITRI: [14:47:43] Indeed.

21 PRESIDING JUDGE SCHMITT: [14:47:44] Yes.

22 MS DIMITRI: [14:47:45] My question is coming.

23 Q. [14:47:47](Interpretation) Mr Kpademona, am I correct in saying that what we

24 see on the screen is one of the buildings that represents a classroom of the Yamwara

25 school, and the place where the individual is digging corresponds to one of the

Trial Hearing
WITNESS: CAR-OTP-P-1990

(Open Session)

ICC-01/14-01/18

1 locations for exhumation, which you identified and told the investigators about in
2 2017 and 2020.

3 Is that correct?

4 A. [14:48:20] That is correct.

5 Q. [14:48:26] Now I'm going to show you again, tab 27, Mr Kpademona, this time,
6 page 0161.

7 Am I correct in saying, Mr Kpademona, that the building -- the classroom, which is in
8 blue in the video, corresponds to that which is blue on the image which you now see
9 displayed on the screen?

10 A. [14:49:23] That is true, that's correct. Yes, we had to bury a body next to that
11 tree.

12 Q. [14:49:38] Okay. Just so that you understand, the red circle corresponds to the
13 place where the body was buried. Do you follow me?

14 A. [14:49:59] I follow perfectly.

15 Q. [14:50:06] Now I'd like to display 0160, and I'm going to explain to you what it's
16 about. You can see at the back of the image the Yamwara school, and this is, in fact,
17 the annex to your statement which you made in 2020, the annex which you signed
18 and you said that there was a body labelled as 2. And in 2017, you identified
19 another -- in another annex, which also corresponds to number 2, but in 2017, you
20 identified it with the letter "I". Is that correct?

21 A. [14:51:05](No interpretation)

22 PRESIDING JUDGE SCHMITT: [14:51:12] Well, we have understood the answer,
23 but we did not have the interpretation.

24 MS DIMITRI: [14:51:23] *Ni la* means yes, I believe, but I will let the interpreter
25 confirm.

Trial Hearing
WITNESS: CAR-OTP-P-1990

(Open Session)

ICC-01/14-01/18

1 PRESIDING JUDGE SCHMITT: [14:51:27] Yeah, that's correct. That's correct, yeah.
2 Can we please confirm that the witness said that what counsel has asked him is
3 correct?

4 THE INTERPRETER: [14:51:35] The witness said "That's correct."

5 PRESIDING JUDGE SCHMITT: [14:51:44] Thank you.

6 Ms Dimitri.

7 MS DIMITRI: [14:51:48](Interpretation)

8 PRESIDING JUDGE SCHMITT: [14:51:56] Technical problems, Ms Dimitri?

9 MS DIMITRI: [14:51:59] Yes, as usual. Now I don't -- I can't... I'm sorry, because I
10 really don't want to waste time, so we are going to switch. Okay, it's back.
11 Thank you.

12 Q. [14:52:18](Interpretation) Mr Kpademona, I'm now going to show you another
13 video. So that you understand, this is a video which was filmed one year before the
14 video which I've just showed you where you are digging -- the metadata, you can see
15 through the metadata of the video -- where you dig the body; namely, tab 33, that
16 there is a one-hour difference between the video of tab 33 and the video which I'm
17 now going to show you.

18 For the records -- for the records, the metadata is tab 34, CAR-OTP-2065-7624, and,
19 according to the metadata, there's a difference of one hour. So 14:38; whereas, the
20 other is 15:31, so the metadata might be mistaken. So I'm going to show you the
21 video which was done one hour before the video where people are digging. This is
22 tab 30 of the Defence binder, CAR-OTP-2065-4665.
23 And the metadata is at tab 32, CAR-OTP-2065-7606. And as I said, the metadata says
24 it was filmed at 14:38, and the translation, because this time we will need
25 interpretation, is at tab 31, CAR-D29-0006-1347.

Trial Hearing
WITNESS: CAR-OTP-P-1990

(Open Session)

ICC-01/14-01/18

1 I'm going to wait for the interpreting booth to tell us to go ahead.

2 Mr Kpademona, we will see it together, and I would like you to pay attention to the
3 statements made in this video.

4 MS DIMITRI: [14:55:01] For the booth, you should have a paper copy that your
5 colleagues this morning must have left, and everything was clearly identified with
6 various tabs to assist you. It's tab 31.

7 THE INTERPRETER: [14:55:43] The English booth has found the document.

8 MS DIMITRI: [14:55:50] Thank you.

9 THE INTERPRETER: [14:55:51] Which lines are they?

10 MS DIMITRI: [14:55:55] It's the entire transcript. So at the bottom of page you see
11 1347, that's page -- the first page, and then you -- so from line one of that page, all the
12 way to the end of the second page, which is 1348.

13 Q. [14:56:17](Interpretation) Mr Kpademona, could you please look at the video,
14 look at it very carefully because I'm going to ask you to identify the location. Just to
15 warn you, Mr Kpademona, you are going to see a body -- a dead body. It's difficult
16 to look at, but I really want you to identify the location.

17 (Viewing of the video excerpt)

18 THE INTERPRETER: [14:56:43] (Interpretation of the video excerpt)

19 "UNIDENTIFIED SPEAKER: Move along please, after having seen the person, you
20 have to allow others to see, we are in the bush here, move along for the chief.

21 UNIDENTIFIED SPEAKER: You are soldiers, stand at ease, we're going take the body
22 there and we don't know who caused this betrayal.

23 UNIDENTIFIED SPEAKER: Prevent the road so that they don't film the face of the
24 body, we have to stop it.

25 UNIDENTIFIED SPEAKER: Oh.

Trial Hearing
WITNESS: CAR-OTP-P-1990

(Open Session)

ICC-01/14-01/18

1 UNIDENTIFIED SPEAKER: I recognise it, he was there this morning to -- selling
2 medication and we greeted him.

3 UNIDENTIFIED SPEAKER: When I see it, I didn't know -- when I was carrying him,
4 I didn't know. It was at the moment when I put him down, that I knew it was him.
5 We saw traces of blood and we followed that until we found the body. We passed
6 there to go to the hall, and the bandits were on the large route, and when we wanted
7 to leave, the people told us not to leave, that's how it was that we found -- that's how
8 we found the place to find him.

9 UNIDENTIFIED SPEAKER: Move away, move away for the body.
10 Let the body get some air.

11 UNIDENTIFIED SPEAKER: The courageous people are here, where are they in
12 order to remove the clothes and to sort everything out? UNIDENTIFIED SPEAKER:
13 All Balaka work for the hole so that he is properly buried.

14 UNIDENTIFIED SPEAKER: The courageous must take off his clothes and put him
15 in order. It's a human like you, what are you trying to do like this? Break his arm
16 there.

17 UNIDENTIFIED SPEAKER: Even for carrying him, it was like that.

18 UNIDENTIFIED SPEAKER: Even for carrying him, it was like that.

19 UNIDENTIFIED SPEAKER: So one of us falls in battle, what can the rest of us do to
20 transport them?

21 UNIDENTIFIED SPEAKER: My brother has been hit by a bullet, we have to help
22 him.

23 UNIDENTIFIED SPEAKER: Even if you have a problem, and you need help, it's not
24 his problems.

25 UNIDENTIFIED SPEAKER: Break his arm."

Trial Hearing
WITNESS: CAR-OTP-P-1990

(Open Session)

ICC-01/14-01/18

1 End of citation.

2 MS DIMITRI: [14:59:21](Interpretation)

3 Q. [14:59:23] Did you see the video, Mr Kpademona? And you have heard the
4 individuals in the video speaking about the victim, and the fact that he was selling
5 medicine to Yamwara's elements and that it seemed to be the case that he was killed
6 by bandits and they want to bury him properly.

7 My question to you, Mr Kpademona, is, do you recognise -- do you still recognise
8 Yamwara and, in particular, the mangos at -- the mango trees at the school. Is it the
9 same place?

10 A. [15:00:12] Yes, it's true. Following the interpretation well, I can say that it is
11 one of the elements who was attacked and brought back to their base.

12 Q. [15:00:41] Thank you very much.

13 I am now going to discuss the fact that in 2020, when you met the investigators of the
14 Office of the Prosecutor, you indicated -- or in paragraph 50 of your statement, you
15 say that you went with them to the Yamwara site on 25 January 2020, and they took
16 advantage of that opportunity to take some photographs and, in particular, with an
17 aerial drone.

18 Do you remember that? Is that correct?

19 A. [15:01:31] I remember very well.

20 Q. [15:01:47] And during this meeting of the 25th January 2020, this time, would I
21 be right to say that the investigator from the Office of the Prosecutor who was there
22 was an investigator whose mother tongue was English. It wasn't a Francophone
23 investigator; is that correct?

24 A. [15:02:19] That's correct.

25 MS DIMITRI: [15:02:30] For your Honours' reference, the investigator report is tab

Trial Hearing
WITNESS: CAR-OTP-P-1990

(Open Session)

ICC-01/14-01/18

1 29 of the Defence binder, CAR-OTP-0000-1520.

2 Q. [15:02:54](Interpretation) And on that day -- the day when they took the photos,
3 the aerial photos with the drone, how much time did you stay with them, if you
4 remember?

5 A. [15:03:15] When they sent the machine into the air, I stayed with them for
6 approximately one hour.

7 Q. [15:03:32] And during this period, when they took photos, and you were with
8 them, do I understand from that they were sometimes putting questions to you? Did
9 you make certain comments?

10 A. [15:03:50] Yes. That's how it happened.

11 Q. [15:03:59] And at that time, you also had shown the Anglophone investigator
12 the places where there were the three exhumations -- the three bodies, and they took
13 photographs with the aerial drone; is that correct?

14 A. [15:04:24] That's correct.

15 Q. [15:04:30] And once again, you repeated exactly what you had said to the
16 investigator of 2017, maybe that there were three bodies which corresponded
17 furthermore with what we saw in the NGO reports -- IRAD, FSD; is that correct?

18 A. [15:04:59] Yes, I repeated to them the same story.

19 Q. [15:05:10] And so would I be right to say, Mr Kpademona, that if there was
20 a difference between the number of bodies that you mentioned in 2017, compared to
21 the number that the investigator noted in 2020, that would be a mistake on the
22 investigator's part because you still repeated the same number as you had in 2017,
23 which corresponded with what the NGOs IRAD and FSD had carried out as their
24 work?

25 A. [15:05:45] You are not completely right. I spoke to the investigators about the

Trial Hearing
WITNESS: CAR-OTP-P-1990

(Open Session)

ICC-01/14-01/18

1 bodies which were buried around the Yamwara school. I didn't speak about other
2 bodies that had been buried in other places, for example, *on the Avicom road. I
3 didn't speak to them about that, about the AVICOM road next to the baobab.

4 THE INTERPRETER: [15:06:29] Adds the interpreter.

5 MS DIMITRI: [15:06:30](Interpretation)

6 Q. [15:06:31] I understand. I don't think you understood my question.

7 I'm speaking about Yamwara school, the location of the school. You told me that
8 you always indicated three bodies next to Yamwara school and that corresponds
9 exactly with your words that -- and what you said, it also corresponds with the data
10 of the NGO IRAD, FSD.

11 Now my question is, is there a difference between -- if there's a difference between
12 what the investigators noted in 2017 from what you said about the number of bodies
13 at Yamwara school, if there's a difference between the number from 2017 and the
14 number that you gave to Yamwara school -- to the investigator in 2020, we would
15 agree that you still said three bodies, and if there's a difference in the number, then
16 that is because they misunderstood you.

17 Is that correct?

18 A. [15:07:49] That's correct. That's indeed the case.

19 Q. [15:07:55] Thank you.

20 I'm now going on to a different series of photographs. Mr Kpademona, if we go to
21 tab 35 of the Defence binder, CAR-OTP-2122-9818.

22 So I will also present you with tab 36 of the Defence binder, and you refer to it in
23 paragraph 48; that's pretty much the same photograph as you see on the screen and
24 tab 36 is CAR-OTP-2119-0193.

25 Now Mr Kpademona, you indicated in paragraph 38, and I think you spoke about it

Trial Hearing
WITNESS: CAR-OTP-P-1990

(Open Session)

ICC-01/14-01/18

1 this morning, that the stone in the centre of the photograph is the foundation stone of
2 a church which had not yet been built and it was put there by the inhabitants of
3 Cattin. Is that correct? Is that indeed the stone about which we are talking?

4 A. [15:09:19] That's correct. You have told the truth.

5 Q. [15:09:23] And would I be right to say that the place -- what we can see on the
6 screen, that's not within Yamwara school?

7 A. [15:09:41] Yes, that's correct.

8 Q. [15:09:58] I'm going to present another document, Mr Kpademona, this is at tab
9 37 of the Defence binder, CAR-D29-0003-0171.

10 So Mr Kpademona, just to explain what I've tried to do with the members of my team
11 is to situate this foundation stone of the famous church which was never built, I
12 wanted to situate it on a map, and I need your help to confirm that the way in which
13 I've put it on the map is indeed correct.

14 So, on page 017- -- a member of my team -- on page 0174, a member of my team who
15 was in the sector went there in May 2023 to find this stone and with the help of his
16 phone, because on the phone, when you -- you can take a picture in a particular
17 location and that will give you the GPS coordinates thereof.

18 So on the right of the photograph, you can see the coordinates of the stone and you
19 can see it on the blue point, which is on the map. Could you confirm that what we
20 can see on the left of the photograph, is what remains of this stone today?

21 A. [15:11:44] That's correct. But this stone started to lose its form because of the
22 weather -- weathering.

23 Q. [15:11:58] Indeed. And on page 0176, you will see, Mr Kpademona, you will be
24 able to see on the right-hand side, there's Yamwara school on this map, and you can
25 see the blue point on the left.

Trial Hearing
WITNESS: CAR-OTP-P-1990

(Open Session)

ICC-01/14-01/18

1 At the bottom of the map, there is a blue point -- my colleague is just zooming in on
2 it -- and this is the place where this stone was with regards to the road. Do you see
3 it?

4 A. [15:12:39] Yes. That's it. That's indeed the place which is close to the
5 cross-roads, and one of the roads that goes to AVICOM.

6 Q. [15:13:03] Page 0178, once again, it's one of the photographs taken by a drone in
7 your presence, I suppose, on 25 January 2020 and do you recognise the stone taken
8 from above, which -- you remember the investigators took a photograph on that day;
9 is that correct?

10 A. [15:13:31] That's correct.

11 Q. [15:13:38] And furthermore, you explained that because of the weather, the
12 stone will have changed due to the weathering. You can see on page 0179, on
13 page 0180 and 0181, do you recognise the place where this stone was in relation to the
14 road?

15 A. [15:14:30] Yes, I recognise the stone and this placement thereof.

16 MS DIMITRI: [15:14:40] Mr President --

17 PRESIDING JUDGE SCHMITT: [15:14:42] I feel the urge to really laud this witness, I
18 have to say. I want to say, Mr Witness, it's really remarkable how quickly you
19 understand what's on the satellite photos and to locate certain sites. Really, this is
20 remarkable. I just wanted to comment as the Presiding Judge.

21 MS DIMITRI: [15:15:09] I totally agree, Mr President. I'm impressed myself.

22 Mr President, just -- the next page doesn't need to be shown to the witness, but just
23 for your Honours to understand, page 0182, it's actually -- so what happened is that
24 the drone pictures taken by the OTP investigators, they each have GPS coordinates.

25 We don't have them all because they were not all given to us, but page 0182 is a drone

Trial Hearing
WITNESS: CAR-OTP-P-1990

(Open Session)

ICC-01/14-01/18

1 picture for which we do have the GPS coordinates. So with the GPS coordinates of
2 that picture which is very, very close to the stone, we managed on page 0183, to
3 locate -- again, through the GPS coordinates -- the stone, but with the GPS coordinates
4 of the OTP.

5 And on page 0186, you can see the two blue dots; so one is the GPS coordinates taken
6 by our investigator a few days ago, and the other one, the GPS coordinates
7 corresponding to the drone picture of the OTP investigator, which is a similar location.
8 But it's just for your Honours to understand the PowerPoint.

9 PRESIDING JUDGE SCHMITT: [15:16:30] We understand, and we have also the
10 witness's testimony and so forth.

11 MS DIMITRI: [15:16:41] And for the record, the metadata and GPS coordinates of
12 the drone picture are at tab 61, CAR-OTP-0000-1521.

13 Q. [15:17:24](Interpretation) So, witness, now that we together have identified the
14 place where there was this stone, I put it to you that, in fact, it was a bit less than 500
15 metres from Yamwara school, and I would invite you to look once again at tab 27 of
16 the Defence binder, but this time, at 0156, page 0156, we would agree, would we not,
17 that this stone was at the bottom of the picture, within the yellow circle, but where my
18 colleague put a small white cross. In that place, would I be right?

19 A. [15:18:20] That's correct.

20 (Counsel confers)

21 MS DIMITRI: [15:18:29](Interpretation)

22 Q. [15:18:30] For the purposes of the record, we are inside the yellow circle close to
23 the extremity, the south-west extremity of the yellow circle, and, Mr Kpademona, I
24 explained to you --

25 THE INTERPRETER: [15:18:58] Overlapping speaker.

Trial Hearing
WITNESS: CAR-OTP-P-1990

(Open Session)

ICC-01/14-01/18

1 THE WITNESS: [15:18:59] (Interpretation) It's the south-east side.

2 MS DIMITRI: [15:19:01](Interpretation)

3 Q. [15:19:02] Mr Kpademona, I explained to you a bit earlier that the NGO IRAD,
4 FSD provided us with all the GPS coordinates of the specific locations where they
5 carried out exhumations, and what I explained to you was that in the place where
6 there is the stone, there was no body that was exhumed from that place, even close
7 by.

8 So my question is as follows, Mr Kpademona: When you indicated in your
9 statement that you believed that bodies had been buried there, now that we have seen
10 that the NGO didn't carry out any exhumations, would I be right to say that this
11 information, Mr Kpademona, once again, which -- comes from rumours, of what you
12 heard about men or women who sometimes went to the field?

13 A. [15:20:10] That's correct. That's correct.

14 Q. [15:20:15] Mr Kpademona, I'd like to thank you so much for your assistance.
15 You have been of great assistance, particularly with the map. That was my last
16 question for you.

17 MS DIMITRI: [15:20:23] Thank you, Mr President, this concludes my
18 cross-examination.

19 PRESIDING JUDGE SCHMITT: [15:20:25] Thank you very much.

20 I don't assume that the Prosecution has any further questions?

21 MS WAKCHOM: [15:20:37] No further questions, your Honours.

22 PRESIDING JUDGE SCHMITT: [15:20:40] Thank you very much, Ms Wakchom.

23 This concludes your testimony, Mr Witness. On behalf of the Chamber, I would like
24 to thank you that you have made yourself available as a witness in these proceedings.

25 Without witnesses like you, the Chamber would not be able to determine the truth; so

Trial Hearing

(Open Session)

ICC-01/14-01/18

WITNESS: CAR-OTP-P-1990

1 your testimony is very important. And on top of that, you have testified openly so
2 this contributes very much to the transparency of the proceedings. We would also
3 like to thank you for that and we wish you a safe trip back home.

4 THE WITNESS: [15:21:33](Interpretation) I would also like to thank you.

5 (The witness is excused)

6 PRESIDING JUDGE SCHMITT: [15:21:35] This concludes the hearing for today.

7 The Court is adjourned.

8 THE COURT USHER: [15:21:45] All rise.

9 (The hearing ends in open session at 3.21 p.m.)