

Trial Hearing
WITNESS: CAR-OTP-D30-P-4848

(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,
7 Judge Chang-ho Chung and Judge Beti Hohler
8 Trial Hearing - Courtroom 1
9 Monday, 8 July 2024
10 (The hearing starts in open session at 9.31 a.m.)
11 THE COURT USHER: [9:31:50] All rise.
12 The International Criminal Court is now in session.
13 Please be seated.
14 PRESIDING JUDGE SCHMITT: [9:32:08] Good morning, everyone.
15 Court officer, please call the case.
16 THE COURT OFFICER: [9:32:23] 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 For the record, we are in open session.
20 PRESIDING JUDGE SCHMITT: [9:32:40] Thank you.
21 I ask for the appearances of the parties.
22 Ms Berdennikova first.
23 MS BERDENNIKOVA: [9:32:45] Good morning, Mr President.
24 Good morning, your Honours. Good morning, everyone in the courtroom.
25 Today the Prosecution is represented by Manochitra Prathaban, by Kweku

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1 Vanderpuye, Yassin Mostfa, and myself, Maria Berdennikova.
2 PRESIDING JUDGE SCHMITT: [9:33:00] Ms Rabesandratana next.
3 MS RABESANDRATANA: [9:33:05](Interpretation) Good morning, Mr President,
4 your Honours. Good morning, everyone.
5 Today the legal representative of the victims are myself, Elisabeth Rabesandratana.
6 PRESIDING JUDGE SCHMITT: [9:33:18] Mr Suprun.
7 MR SUPRUN: [9:33:20] Good morning, Mr President. Good morning, your
8 Honours.
9 The former child soldiers are represented today by Amina Merrouche,
10 Anne Grabowski and myself, Dmytro Suprun. Thank you.
11 PRESIDING JUDGE SCHMITT: [9:33:30] Thank you.
12 We turn to the Defence, Ms Guissé next.
13 MS GUISSÉ: [9:33:33](Interpretation) Good morning, Mr President, your Honours.
14 Mr Yekatom is back to the courtroom today. He is assisted by Florent Pages-Granier;
15 Charlotte Floquet, who has remained with us to finish this witness; and myself,
16 Ms Guissé.
17 PRESIDING JUDGE SCHMITT: [9:34:01] Thank you again. We appreciate it as a
18 Chamber that it was possible to have the last two hearing days with Mr Yekatom
19 following from the detention centre.
20 Mr Knoops next.
21 MR KNOOPS: [9:34:10] Very good morning, Mr President, your Honours. Good
22 morning, everyone in the courtroom. Good morning, Mr Witness.
23 The team of Mr Ngaïssona's Defence appears today before the Chamber with
24 Ms Barbara Szmatala, Lauriane Vandeler. Mathias Goffe, in the second row, Lehna
25 Guidou, Mr Cristian González. *Merci*.

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- 1 PRESIDING JUDGE SCHMITT: [9:34:30] Thank you.
- 2 And Mr Karnavas is here as Rule 74 counsel for the witness.
- 3 MR KARNAVAS: [9:34:37] Good morning, Mr President. Good morning, your
- 4 Honours. And good morning to everyone in and around the courtroom.
- 5 PRESIDING JUDGE SCHMITT: [9:34:40] Good morning, Mr Karnavas.
- 6 And, of course, good morning, Mr Witness. I hope you had a good weekend where
- 7 you could rest a bit.
- 8 WITNESS: CAR-OTP-D30-P-4848 (On former oath)
- 9 (The witness speaks French)
- 10 THE WITNESS: [9:34:51](Interpretation) Good morning, Mr President. Good
- 11 morning, everyone.
- 12 Yes, I did have a good weekend.
- 13 PRESIDING JUDGE SCHMITT: [9:35:00] Thank you.
- 14 We continue now with the examination by the Prosecution. I give Ms Berdennikova
- 15 the floor.
- 16 MS BERDENNIKOVA: [9:35:13] Thank you, Mr President.
- 17 QUESTIONED BY MS BERDENNIKOVA:
- 18 Q. [9:35:21] Good morning, Mr Witness.
- 19 As the Presiding Judge said, I hope you had a restful weekend and you are ready to
- 20 go for the last day of your testimony today.
- 21 Now, we had a brief opportunity to meet with each other last week, on Tuesday, but
- 22 I'm going to introduce myself again. My name is Maria Berdennikova and I will be
- 23 asking you some questions on behalf of the Prosecution today.
- 24 Now, the same as during your examination by the Defence last week, let's take our
- 25 time and speak slowly. I will be asking you questions in English, so there will be

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1 interpretation, transcription, and let's take our time and observe also a few seconds

2 pause between my question and your answer, just like last week.

3 Now, if you don't understand a question that I'm asking you, please don't hesitate to

4 let me know so that I can repeat it or I can rephrase it for you. All right.

5 And then, finally, before we start, if you do need a break at any point during the

6 hearing, you are free to let the Judges Know. I don't intend to take too much of your

7 time today, and I expect that we should be finished by about lunchtime.

8 Is that clear?

9 A. [9:36:48] Yes, that's clear to me, Mr President.

10 Q. [9:37:00] All right.

11 Mr Witness, I'd like to begin by asking you just a few questions about your --

12 PRESIDING JUDGE SCHMITT: [9:37:09] We are in open session, I think. Yeah, so I

13 just want to remind you.

14 MS BERDENNIKOVA: [9:37:13] That's a very good reminder, your Honours. I

15 have it in red here, but I forget to ask to indeed go into private session. And I'm

16 afraid that I think the majority of the cross-examination will be in private.

17 PRESIDING JUDGE SCHMITT: [9:37:23] We understand that. But, you know, we

18 go to private session, then.

19 (Private session at 9.37 a.m.)

20 THE COURT OFFICER: [9:37:44] We are in private session, Mr President.

21 MS BERDENNIKOVA: [9:37:52]

22 Q. [9:37:52] All right, Mr Witness, so we're in private session now, and what I

23 would like to do is I'd like to begin by asking you just a few questions about your

24 meetings with the Defence. So, first of all, how did the representatives of the

25 Defence first contact you?

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1 A. [9:38:12] Thank you. Mr President, they contacted me the first time through a
2 representative of their team in our country, Mr President.

3 Q. [9:38:36] Can you clarify who you're referring to when you say the
4 representative of the country?

5 A. [9:38:45] I'm referring to the Defence, Mr President.

6 Q. [9:38:56] Okay. But what is the name of the person from the Defence who you
7 say is a representative of their team in our country? What is the name of this
8 person?

9 A. [9:39:09] I don't really remember, Mr President.

10 Q. [9:39:20] And does the name (Redacted) refresh your memory?

11 A. [9:39:28] Yes, of course, Mr President.

12 Q. [9:39:34] Can you confirm that it's this person that initially got in touch with you
13 on behalf of the Defence?

14 A. [9:39:41] Yes, of course, Mr President.

15 Q. [9:39:51] And can you -- can you tell us when this happened, approximately;
16 what year, what month?

17 A. [9:40:00] Unless I'm mistaken, it was in 2021. But my memory is not so good,
18 so I can't really give you a specific date.

19 Q. [9:40:18] All right. Well, we know that you were screened by the Defence on
20 (Redacted), as you point out the year, so I imagine you were contacted initially in
21 (Redacted) or just prior to (Redacted). Does that make sense?

22 A. [9:40:35] As I said, Mr President, my memory is not so good, so I can't remember
23 the exact date, but I remember it was during 2021, as -- unless I -- if I've --

24 Q. [9:41:03] And were you told why you were being contacted and what reason
25 were you given?

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22 Q. [10:01:11] You do not know who is Martial Gallaut?

23 A. [10:01:21] As far as I know, Mr President, Martial Gallaut, who you're referring
24 to, was a youth who was active in the former political party of Mr Bozizé. That's
25 what I know.

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1 Q. [10:01:43] So you mentioned that he was active in the former political party of
2 Mr Bozizé. He was also receiving inside information about what was happening in
3 the movement while you were in Cameroon; is that correct?

4 A. [10:02:03] Yes. Mr President, I told you in my testimony the last time that
5 when the Seleka came to the country, all Central Africans became unanimous, that's
6 to say, they shared information everywhere with each other, to get information and to
7 find shelter or protection against this Seleka group.

8 Q. [10:02:43] Okay. But he specifically - and I'm talking specifically about
9 Gallaut - he was in contact with many people who were close to Bozizé and to his
10 inner circle, wasn't he?

11 A. [10:02:55] I'm not in a good position to answer that question, Mr President.

12 Q. [10:03:04] All right. So I understand that you arrived in Douala in April 2013;
13 is that right?

14 A. [10:03:22] I haven't got the exact date, but I know that it was just after the Seleka
15 took power. Yes, it could be April, but the precise date is something I no longer
16 remember, Mr President.

17 Q. [10:03:48] That's okay. By the way, we don't expect you to necessarily
18 remember the dates day for day. It's normal not to.

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

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16 Q. [10:06:21] Exactly. Thank you for that. It's just to have a clearer
17 understanding of the chronology, okay?
18 Now, you then also testified that you travelled to Yaoundé for the football match
19 between CAR and South Africa. This is not in the conversation anymore, I'm just
20 quoting to you what you were saying last week. So, according to our records, this
21 match took place in June of 2013. So I guess that this also sounds about right to you?

22 A. [10:06:57] That is correct, Mr President.

23 PRESIDING JUDGE SCHMITT: [10:07:06] That cannot be changed, no, when this
24 game took place. So this date is really fixed in time, so to speak.

25 MS BERDENNIKOVA: [10:07:16] Indeed.

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15 (Redacted)

16 (Redacted)

17 Q. [10:09:13] And I understand that you travelled to Yaoundé and back from
18 Douala on this occasion, correct?

19 A. [10:09:20] Douala-Yaoundé, Yaoundé-Douala, yes, that's correct.

20 Q. [10:09:39] And how did you get from one place to another and back?

21 A. [10:09:45] I just moved around. At that time there were Central Africans who
22 lived in Europe and came here, and I think there were some Central Africans who
23 wanted to go to Yaoundé. And I took advantage of this to be able to go to Yaoundé,
24 Mr President.

25 Q. [10:10:19] Okay. So you went by car, essentially, yes?

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1 A. [10:10:25] Yes. I was in -- I went by car, Mr President. It was a type of

2 (Overlapping speakers).

3 Q. [10:10:44] And approximately how long did it take you to drive from Douala to

4 Yaoundé?

5 A. [10:10:47] I haven't -- I can't remember correctly, but usually two or three hours

6 by car you arrive in Yaoundé, Mr President.

7 Q. [10:10:57] Thank you.

8 Now, you testified last week that you returned, finally, from Douala back to Bangui

9 on 17 January 2014 and that this was after Mr Ngaïssona's return, right?

10 Now, Mr Ngaïssona returned, together with Bernard Mokom and the younger

11 brother of Colonel Ouapounaba; is that correct?

12 A. [10:11:37] Since I'm not with him, how can I know the precise date, Mr President?

13 What I said doesn't come from me, Mr President.

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

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12 A. [10:17:30] (Redacted) you want me to say, Mr President?

13 Do you want me to speculate? I've just told you that I saw him just like any other

14 Central African over there who's carrying out his normal daily activities,

15 Mr President.

16 Q. [10:17:48] You don't have to be extremely precise, but I would like to know how

17 often you saw him. Was it several times a week, was it every day, was it several

18 times a month, was it once every couple of weeks? An approximation.

19 A. [10:18:08] I haven't got a good memory for this, to tell you exactly how often I

20 saw him, Mr President.

21 Q. [10:18:23] Okay. But aside from seeing him in the neighbourhood, you also

22 spoke to him on the phone; isn't that right?

23 A. [10:18:33] Telephone? I don't know, Mr President. Perhaps you can jog my

24 memory, Mr President.

25 Q. [10:18:47] And you are aware that Mr Ngaïssona was designated, was formally

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1 designated, as the general coordinator of the Anti-Balaka upon his return to Bangui;
2 correct?

3 A. [10:19:02] I'm not in a good position to tell you that, Mr President.

4 Q. [10:19:13] Are you saying that you're not aware that he had the official role as
5 general coordinator of the Anti-Balaka from February 2014, officially?

6 A. [10:19:31] I'm saying -- I'm saying, and I repeat, Mr President, that I'm not in a
7 good position to answer that question, Mr President.

8 Q. [10:19:59] And do you know that now?

9 A. [10:20:13] Yes, of course. You've just told me, Mr President.

10 Q. [10:20:18] Am I to understand that my question is the means by which you
11 learned that Mr Ngaïssona was the general coordinator of the Anti-Balaka?

12 A. [10:20:33] I didn't say that, Mr President.

13 PRESIDING JUDGE SCHMITT: [10:20:46] Then -- Mr Witness, then how did you
14 learn that Mr Ngaïssona was the general coordinator of the Anti-Balaka?

15 THE WITNESS: [10:21:03](Interpretation) Thank you, Mr President. I learned it
16 like any other person in Central Africa, Mr President.

17 MS BERDENNIKOVA: [10:21:25]

18 Q. [10:21:25] Okay, Mr Witness, but there are many Central Africans, and you
19 happened to be (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 PRESIDING JUDGE SCHMITT: [10:22:13] Ms Berdennikova, you have to move on.

2 MS BERDENNIKOVA: [10:22:24] Okay.

3 Q. [10:22:24] Did you know any other leaders of the Anti-Balaka coordination
4 during this time in 2014?

5 A. [10:22:33] That wasn't my -- my main concern, Mr President.

6 Q. [10:22:49] And were you in contact with them or with any other Anti-Balaka
7 members during the course of 2014?

8 A. [10:23:03] If you have some proof, evidence, that could jog my memory, perhaps.
9 But, as far as I think, I don't think so, Mr President.

10 Q. [10:23:21] Okay.

11 Mr Witness, I'll switch topics slightly now, and I'd like to turn to some of your
12 Facebook communications.

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

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21 Q. [10:28:35] Now, last week you testified that there was some information that
22 was circulated that was false, and some information that was genuine and true. So,
23 you agree with me that some of the information that was being exchanged was also
24 accurate information; correct?

25 A. [10:28:59] Could you repeat the question, please, Mr President?

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1 Q. [10:29:12] It's really a very general question. Last week you testified -- when
2 speaking about exchanges that you would have on the events in the country, you
3 testified there was genuine news and false information. But we all agree that some
4 of the information was accurate, yes?

5 A. [10:29:38] Of course, Mr President.

6 Q. [10:29:45] (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Speaks English) Now, the information that Bossangoa was attacked by the
15 Anti-Balaka on 17 September 2013, that was not false; do you agree?

16 A. [10:31:05] Mr President, I have also said in my conversations that admittedly we
17 received some information that was good, some information was false. I've said here
18 that I was informed about that. That is information that I received from a girl that I
19 knew and she called me and talked to me about that. But I don't remember this girl
20 very well. If I had mentioned the name, that would be another thing. So I can't
21 really confirm whether that information is true or false, because it came through an
22 intermediate person, Mr President.

23 Q. [10:32:04] Okay. And there's a reference to a *vieux* in your message. Can you
24 clarify who you are talking about, who is the "*vieux*"?

25 A. [10:32:22] Thank you, Mr President. That's a reference to the former president,

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1 François Bozizé. In our country, when we talk about "*le vieux*", that means Bozizé.

2 Q. [10:32:37] (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Speaks English) You see the message, yes?

10 A. [10:33:34] Of course, Mr President.

11 Q. [10:33:37] And, again, we agree that this information is not false, right?

12 MR KNOOPS: [10:33:45] Mr President, that's not what the Facebook is indicating.

13 PRESIDING JUDGE SCHMITT: [10:33:50] You know, this is, you would say,

14 cross-examination, that's examination by the opposing party, and Ms Berdennikova

15 can try it this way, to put this to the witness. The witness can say "yes" or "no",

16 according to his understanding.

17 THE WITNESS: [10:34:18](Interpretation) Mr President, I've always said, and I say it

18 once again, we received information and I have continuously said that during the

19 nebulous cloud of the Seleka's presence in this land, everyone, all Central African

20 Republic citizens, wanted that nebulous cloud to go away. So, I really don't know

21 how to answer this.

22 (Redacted)

23 (Redacted)

24 MS BERDENNIKOVA: [10:35:06]

25 Q. [10:35:08] Okay. And what was the source of your information in this

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1 message?

2 A. [10:35:13] Thank you. Mr President, I said, and I reiterate, we did not have a
3 reliable source of that information. We got information through other people from
4 the Central African Republic, or people from Bangui who sent us messages.

5 This was not information that was false, but when you take the information, we tried
6 to talk amongst us, to exchange with one another.

7 Q. [10:35:57] Okay. We have information that the attack on Bouar did in fact take
8 place and it took place (Redacted)

9 So the fact that this attack was being prepared is not something that you learned on
10 the news or that was public information; correct?

11 A. [10:36:19] Thank you, Mr President. Do you remember the last time, during
12 my testimony, I said, to give you an example, in Bangui the Seleka attacked the
13 neighbourhood, and by attacking that neighbourhood, they said that they would
14 attack Bouar, and immediately that information would go in all directions. It's a
15 matter of how. It is possible that in that manner, I was informed. I don't know how
16 I got that information.

17 In any event, to my mind, it's like the last time. If it was to fight the Seleka and drive
18 them out of our country, to my mind, that wasn't a problem, because they were a
19 public danger, a nebulous cloud that had come in and put the entire country in
20 difficulty.

21 It was a difficult -- I don't know exactly where that information came from. I shared
22 it with another person from the Central African Republic. You can imagine -- you
23 can't imagine what the people of my country went through when that nebulous group
24 came to the country. You're asking all these questions. You really should feel bad
25 about asking me these questions. The people truly suffered. They suffered in their

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(Private Session)

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1 very flesh and --

2 PRESIDING JUDGE SCHMITT: [10:38:18] Mr Witness, please, only answer the
3 questions and don't qualify them in any way. There is nothing inappropriate with
4 the questions and you have answered them and that's -- answer them like you did in
5 the past days, and that's it. No comments, please.

6 Ms Berdennikova, the witness has indeed answered your question and you have to
7 move on.

8 MS BERDENNIKOVA: [10:38:43]

9 Q. [10:38:51] So, Mr Witness, I understand that you were receiving real-time and
10 contemporaneous information about what's going on on the ground; correct?

11 A. [10:39:01] That's not right, Mr President.

12 Q. [10:39:06] You gave the example of when the Seleka would be attacking and
13 explaining where they are going to be going next. You testified about that last week
14 and you again mentioned it now.

15 So, my understanding is that this information was being passed on to you as it was
16 happening. Am I correct?

17 A. [10:39:37] I believe I've already spoken, Mr President.

18 PRESIDING JUDGE SCHMITT: [10:39:45] Yes. Well, this is, Ms Berdennikova, and
19 all the other counsel in the courtroom, we don't always get the answer that we
20 perhaps want to have or like to achieve. The witness has indeed answered. Please
21 move on.

22 MS BERDENNIKOVA: [10:40:08]

23 Q. [10:40:09] (Redacted)

24 (Redacted)

25 (Redacted)

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- 8 (Redacted)
- 9 (Redacted)
- 10 (Speaks English) Now, this is an exchange about the Bouar attack; is that correct?
- 11 PRESIDING JUDGE SCHMITT: [10:41:53] You have to repeat. You were a little bit
- 12 too quick, Mr Berdennikova. Please repeat the question.
- 13 MS BERDENNIKOVA: [10:42:01] Apologies.
- 14 PRESIDING JUDGE SCHMITT: [10:42:02] No, it's not a problem, it happens to
- 15 everyone.
- 16 MS BERDENNIKOVA: [10:42:06]
- 17 Q. [10:42:06] Now, this exchange took place the day after Bouar was attacked. Is it
- 18 an exchange about the Bouar attack?
- 19 A. [10:42:16] I don't know exactly, Mr President.
- 20 Q. [10:42:30] (Redacted)
- 21 (Redacted)
- 22 (Redacted)
- 23 (Redacted)
- 24 (Redacted)
- 25 (Redacted)

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1 (Speaks English) You're having real-time information about the attack on Bouar in its
2 aftermath; do you agree?

3 A. [10:43:53] Thank you. Mr President, I told you that often we got information
4 over the radio, or via the internet or on the television. And I said during my
5 testimony last time that the events in our country were on the front pages everywhere,
6 making the headlines everywhere. So things would happen and information would
7 immediately be in the media or on social networks, social media. So, I confirmed
8 that information to him, Mr President.

9 Q. [10:44:46] Okay, Mr Witness, but this was not the only attack on which you were
10 receiving real-time information.

11 You were in fact receiving contemporaneous information about the preparation of the
12 5 December attack as well on Bangui.

13 PRESIDING JUDGE SCHMITT: [10:45:36] Is that a question?

14 MS BERDENNIKOVA: [10:45:38] Not necessarily.

15 PRESIDING JUDGE SCHMITT: [10:45:39] No, then please don't argue with the
16 witness.

17 MS BERDENNIKOVA: [10:45:42] Okay.

18 Q. [10:45:42] (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Speaks English) Can you confirm that you -- this is indeed the exchange you had?

2 PRESIDING JUDGE SCHMITT: [10:47:01] No. Where did you have this
3 information from, Mr Witness, if you recall it, of course?

4 THE WITNESS: [10:47:21](Interpretation) Thank you, Mr President.

5 As you can see quite clearly here, all the sentences here are in the conditional tense.

6 (Redacted). So we were all speaking in the conditional hypothetically. He had his
7 source and I had my source. But the sentences are in the conditional, Mr President,
8 so it wasn't from some certified source or reliable source. So I can't confirm this to
9 you, Mr President.

10 MS BERDENNIKOVA: [10:48:05]

11 Q. [10:48:05] Can you be more precise about the source of this specific information?

12 A. [10:48:12] Thank you. Mr President, I've already told you that when the Seleka
13 were in the country, all the people of the Central African Republic were unanimous.
14 Our sources were everywhere, Mr President.

15 Q. [10:48:32] (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Speaks English) So, Mr Witness, this message, it reflects the information that you had
25 from your own sources; correct?

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1 A. [10:49:59] Once again, this sentence is in the conditional tense. You see, it says

2 "I heard". This is information -- it doesn't mean that the source was very reliable. I

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 A. [10:50:56] It's not that I doubted, it's just information that we were sharing,

10 information we were sharing between each other, Mr President.

11 (Redacted)

12 (Redacted)

13 A. [10:51:22] Well, I didn't have to ask him. Mr President, as I told you, when I

14 got information, we would share the information. We would inform friends and

15 acquaintances about what was going on. So I didn't have to ask him to look for his

16 source, Mr President.

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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8 (Redacted)

9 Q. [10:54:06] So there's no specific name to Mr Yakete's movement that you are
10 referring to?

11 A. [10:54:15] I have no idea. Mr President, what I do know, Mr Levy left. He
12 was a well known person in the realm of government, he was a political leader, that's
13 what I know about him. Other than that, I really have nothing more to tell you
14 about that, Mr President.

15 Q. [10:54:48] (Redacted)

16 (Redacted)

17 (Redacted)

18 you were aware of the fact that he was the leader of COCORA?

19 A. [10:55:21] Mr President, I've already said earlier that Mr Levy left -- Mr Levy
20 Yakete was a well known person, a politician. He had taken his positions. It's up to
21 you to conduct your investigations; it's not my role to say yes or no or anything like
22 that, Mr President.

23 Q. [10:55:51] All right.

24 MS BERDENNIKOVA: [10:55:53] Mr President, I see the time.

25 PRESIDING JUDGE SCHMITT: [10:55:55] I know what's coming, a new topic, so

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- 1 let's have the break until 11.30.
- 2 THE COURT USHER: [10:56:00] All rise.
- 3 (Recess taken at 10.56 a.m.)
- 4 (Upon resuming in private session at 11.33 a.m.)
- 5 THE COURT USHER: [11:33:33] All rise.
- 6 Please be seated.
- 7 PRESIDING JUDGE SCHMITT: [11:33:55] We are in private session, or?
- 8 (Microphone not activated)
- 9 Before -- before we continue, Ms Berdennikova, and for everyone, we have
- 10 the scheduling matter.
- 11 I wanted everyone -- to inform about the further scheduling, but I'm hearing now
- 12 there might be updates from the Registry during this session, so you will hear from us
- 13 probably at the end of this hearing day.
- 14 So please continue, Ms Berdennikova.
- 15 MS BERDENNIKOVA: [11:34:58]
- 16 Q. [11:35:04] Welcome back, Mr Witness. I expect that I'll finish with my
- 17 questions to you during this next session.
- 18 (Redacted)
- 19 (Redacted)
- 20 (Redacted)
- 21 (Redacted)
- 22 (Redacted)
- 23 (Redacted)
- 24 (Redacted)
- 25 Q. [11:36:42] Thank you.

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1 So I'd like to then show you a document which is at tab 1 of the Prosecution binder.

2 It's at CAR-OTP-00000637.

3 PRESIDING JUDGE SCHMITT: [11:37:02] Mr Knoops.

4 MR KNOOPS: [11:37:02] Yeah, Mr President, we are aware of the ruling of

5 the Chamber. But, in our submission, if the Prosecution would specifically put

6 a phone number from this list to the witness, that's perfectly fine, but it cannot be

7 the reality in this court that a document which has 4,265 entries is put to this

8 witness -- actually, to submit a document on which the witness virtually cannot

9 comment in its totality. So putting this -- if it's the intention of the Prosecution to

10 submit this whole document spanning 4,265 entries to the witness, that's not

11 the proper way to submit the document.

12 PRESIDING JUDGE SCHMITT: [11:37:48] Well, we have to distinguish between

13 what is going to be discussed in this courtroom and what is going to be submitted.

14 You can put, obviously -- you can draw certain information out of this document and

15 put it to the witness. And, with regard to any submission, we decide on that, like we

16 always do, later.

17 But you are partly right, Mr Knoops, so to speak.

18 MS BERDENNIKOVA: [11:38:10] Yeah, your Honours, in relation to that matter, I'd

19 just like to point out that the document has already in fact been submitted and it's

20 pending a decision.

21 PRESIDING JUDGE SCHMITT: [11:38:24] Yeah, okay. Well, that -- that is

22 a procedural -- let's say, a matter of procedural timeline, but it does not alter what I

23 said in the content.

24 So, please.

25 MS BERDENNIKOVA: [11:38:38] All right.

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10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 PRESIDING JUDGE SCHMITT: [11:40:57] Well, that is something that we cannot
18 validate here, at the moment. We have to -- we have to trust the Prosecution that
19 they -- that they don't -- of course, we (Overlapping speakers)

20 MR KNOOPS: [11:41:05](Overlapping speakers)

21 PRESIDING JUDGE SCHMITT: [11:41:06] Well, the objection would be absolutely
22 okay, if the presumption in the question would be wrong, obviously.

23 MR KNOOPS: [11:41:14] Well, if -- if the Court looks at tab 1 of the Prosecution be
24 binder, it's this -- indicate a different qualification of this Excel sheet.

25 PRESIDING JUDGE SCHMITT: [11:41:24] So then we forget about -- first of all, for

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1 the matter now, we forget about who the, let's say, interlocutor was. But
2 the question still can be use asked, obviously.
3 (Redacted)
4 (Redacted)
5 (Redacted)
6 (Redacted)
7 (Redacted)
8 (Redacted)
9 PRESIDING JUDGE SCHMITT: [11:42:17] It's absolutely fine that you say that you
10 don't remember everything.
11 So, Ms Berdennikova, if -- you can continue from there. If you want to continue with
12 any contacts with (Redacted), we have perhaps to figure out the object -- what
13 the objection of Mr Knoops is about.
14 MS BERDENNIKOVA: [11:42:39] That actually won't be necessary. I'll be going on
15 something slightly different.
16 PRESIDING JUDGE SCHMITT: [11:42:46] Then we simply forget the part of your
17 question connected to (Redacted)
18 MS BERDENNIKOVA: [11:42:52]
19 (Redacted)
20 (Redacted)
21 (Redacted)
22 (Redacted)
23 (Redacted)
24 (Redacted)
25 (Redacted)

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9 (Redacted)

10 Q. [12:06:38] All right. And you are aware that Konate was a member of
11 the Anti-Balaka national coordination and that his role was the *chef d'état-major*
12 during that part of 2014?

13 PRESIDING JUDGE SCHMITT: [12:06:56] Yes, Mr Knoops.

14 MR KNOOPS: [12:06:58] This is not established in evidence. The Prosecution
15 didn't provide any statement from Mr Konate, whatever, to confirm that he was
16 actually performing that function. It's an assumption of the OTP and it's part of
17 the discussions in this Court as part of litigation.

18 PRESIDING JUDGE SCHMITT: [12:07:14] If you rephrase it a little bit,
19 Ms Berdennikova, it's possible to ask the question and try to elicit the same
20 information from the witness, no problem.

21 MS BERDENNIKOVA: [12:07:27] I could show a document to the witness, which is
22 in the Prosecution binder.

23 PRESIDING JUDGE SCHMITT: [12:07:38] Well, well, do that and let's see.

24 MS BERDENNIKOVA: [12:07:41] Okay. Could we go to tab 27. This is at
25 CAR-OTP-2035-0061.

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1 I believe it would be on the second page of the document. Sorry, page 0063.

2 Q. [12:08:45] Now, Mr Witness, this is an Anti-Balaka press *communiqué* from

3 16 March 2014. And if you look on your screen at the top, it mentioned

4 Lieutenant Konate Yvon with the position of *chef d'état-major des opérations Cité Tekpa*

5 *Colline*?

6 PRESIDING JUDGE SCHMITT: [12:09:15] So, Mr Witness, were you aware of this

7 position of Mr Konate.

8 THE WITNESS: [12:09:21](Interpretation) Thank you, Mr President.

9 Lieutenant Konate (Redacted)

10 (Redacted)

11 (Redacted). As for his position within the Anti-Balaka, I'm not well in a position to

12 say.

13 Q. [12:09:54] And do you know that he was involved in the 5 December attack on

14 Bangui in 2013?

15 A. [12:10:07] No idea, Mr President.

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

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1 A. [12:14:34] Thank you, Mr President. I'm not in a position to tell you what role
2 this man played within this movement.

3 And, as far as I'm concerned, Mr President, I'm sorry, you can get information back in
4 my country about me and my dealings with the Anti-Balaka, directly or indirectly,
5 and I think you would have brief testimony about me. That's what I can tell you.

6 Q. [12:15:22] Thank you, Mr Witness.

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 A. [12:15:57] That name doesn't ring a bell. During those events, various young
12 people assumed various strange names, so I really couldn't tell who was who.

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

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18 (Redacted)
19 (Redacted)

20 A. [12:20:13] Mr President, what I'm saying here, and I reiterate, you can conduct
21 your investigations and find out whatever you want to know about anyone. But it's
22 not my job to talk about anyone at all here, because the way that I found myself
23 before your Court today, someone mentioned my name and so that is why I am here
24 today. So I wouldn't want to come here and give the name of people or confirm
25 things about people in a -- I wouldn't want that to cause harm to me or make for

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1 trouble for myself and my family.

2 I can tell you that I'm not here to talk about anyone. If you want to ask me about

3 myself, about -- or if you want to ask me about discussions on social media, I can tell

4 you whether it was me or not me. But when it comes to other people, please don't.

5 Q. [12:21:18] Mr Witness, of course we only want you to tell us what you know and

6 I am asking you these questions because you were in contact with these individuals,

7 okay?

8 So one last question on (Redacted). When you were in contact with him, were you

9 also aware that he took part in the 5 December attack on Bangui?

10 A. [12:21:51] I have no idea about that, Mr President.

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 A. [12:23:31] (Redacted): During those events everything was disordered, it was

23 chaos, no one knew who was doing what. And at that time I was in my spot and I

24 tried to be -- well, I didn't want to get involved in anything, so I can't confirm

25 anything. As best I know, I know that the warehouse belonging to Mr Ngaïssona

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1 was occupied, but I don't know what people were there, because in the past, Bangui,
2 it was complete madness, chaos. When the Seleka came, they went to Ngaïssona's
3 residence, they went to his warehouse, they took everything from the warehouse, and
4 maybe others came to drive them away, I don't know.

5 But I'm not in a position to give you an account of what happened, because I didn't
6 experience that.

7 Q. [12:24:44] Okay. I don't want to go through all the communications in this call
8 sequence table, but I'd just like to note that there are additional communications,
9 fewer, but some, between the two numbers attributed to you and (Redacted)
10 (Redacted)

11 (Redacted)

12 PRESIDING JUDGE SCHMITT: [12:25:22] That's obviously not a question, so you
13 will -- you will submit that. You will do that in writing. But, please, only further
14 questions, otherwise we finish the examination.

15 MS BERDENNIKOVA: [12:25:41]

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 PRESIDING JUDGE SCHMITT: [12:26:31] And the question is?

22 Mr Knoops, you don't have to ask a question, but obviously you want to speak.

23 MR KNOOPS: [12:26:41](Microphone not activated) Mr President, I believe
24 the witness already answered this question twice that (Overlapping speakers)

25 PRESIDING JUDGE SCHMITT: [12:26:49] Yeah.

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1 I also think, Ms Berdennikova, you are now really entering the realm of submissions,
2 or what you want to make out of it, or assessment of evidence. But we don't discuss
3 this with the witness. The witness has made -- unless, Mr Witness, you want to add
4 something, of course. You raise your hand if you want to add something. In that
5 regard, we of course give you the floor.

6 THE WITNESS: [12:27:15](Interpretation) Thank you, Mr President.

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 PRESIDING JUDGE SCHMITT: [12:29:19] Please move on, Ms Berdennikova.

23 MS BERDENNIKOVA: [12:29:22]

24 Q. [12:29:23] All right, Mr Witness, these will be my last questions for you today,
25 but the CDR for this number that is attributed to you shows calls between that

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1 number and (Redacted).

2 Can you give us an explanation?

3 PRESIDING JUDGE SCHMITT: [12:29:47] Well, the question comes -- comes last, so
4 to speak.

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 PRESIDING JUDGE SCHMITT: [12:30:52] These were your questions,

14 Ms Berdennikova?

15 MS BERDENNIKOVA: [12:31:04] Just one more.

16 PRESIDING JUDGE SCHMITT: [12:31:06] Well, one sounds promising, at least.

17 MS BERDENNIKOVA: [12:31:10]

18 Q. [12:31:11] So, Mr Witness, I understand that you knew Maxime Mokom and
19 Alfred Yekatom, correct?

20 A. [12:31:29] Of course. I know them as Central African compatriots, and I also
21 know Yekatom as a soldier in Central Africa, deputy of the nation. And that's all I
22 want to say on the subject, Mr President.

23 I also know Mokom as -- as a co-citizen, a compatriot in the Central African Republic.

24 He became a minister of the country. He's a public figure. That's what I -- all I

25 want to say on the subject, Mr President.

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5 Q. [12:32:33] Thank you, Mr Witness. That completes my questions. So thank
6 you for your patience.

7 PRESIDING JUDGE SCHMITT: [12:32:39] Thank you very much.

8 I don't assume, Mr Knoops, that you have -- you have, okay. Good. Then you have
9 the floor.

10 MR KNOOPS: [12:32:45] Yes. Mr President, just two questions which were raised
11 by the Prosecution in their --

12 PRESIDING JUDGE SCHMITT: [12:32:52] Of course, of course --

13 MR KNOOPS: [12:32:53] -- examination by the non-calling party.

14 QUESTIONED BY MR KNOOPS:

15 Q. [12:32:59] First of all, Mr Witness, you were asked, in the English real-time
16 transcript, page 32, line 24, and it was suggested that -- to you that you had real-time
17 information about the attack on Bouar and its aftermath. Your answer was: "I often
18 got information over the radio."

19 This question was asked in relation to (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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- 1 PRESIDING JUDGE SCHMITT: [12:34:40] Ms Berdennikova, what's the matter?
- 2 MS BERDENNIKOVA: [12:34:44] Your Honours, I submit that this was -- this is not
- 3 new and this is not something that could not have been anticipated, this conversation.
- 4 PRESIDING JUDGE SCHMITT: [12:34:52] Yeah, I don't -- I don't agree with you.
- 5 Actually, it is connected to -- you brought this up specifically with Bouar. And if
- 6 Mr Knoops wants to show that there is another entry that -- that could shed light, I
- 7 put it in a neutral, should -- could shed light on this, it's perfectly acceptable.
- 8 Mr Knoops, please continue.
- 9 MR KNOOPS: [12:35:16] Thank you, Mr President.
- 10 (Redacted)
- 11 (Redacted)
- 12 (Redacted)
- 13 (Redacted)
- 14 (Redacted)
- 15 (Redacted)
- 16 PRESIDING JUDGE SCHMITT: [12:36:20] Well, yeah --
- 17 MR KNOOPS: [12:36:23] My --
- 18 PRESIDING JUDGE SCHMITT: [12:36:24] You can ask a question, but I think it
- 19 speaks for itself.
- 20 MR KNOOPS: [12:36:26] It speaks for itself.
- 21 PRESIDING JUDGE SCHMITT: I would say, yeah, that.
- 22 MR KNOOPS: [11:22:15] I agree, Mr President.
- 23 PRESIDING JUDGE SCHMITT: [12:36:29] Then -- then you could --
- 24 MR KNOOPS: [12:36:31] I have just one.
- 25 PRESIDING JUDGE SCHMITT: [12:36:33] -- let it go, for example.

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 A. [12:37:29] No, no, no, no, Mr President. As I said, it's the name of a newspaper.

8 Q. [12:37:37] My second question which came up from the cross-examination.

9 You were asked in the cross-examination by the Prosecution - this was to be found in
10 transcript page 31, line 2 and further - it was suggested by the Prosecution to you that
11 you had received real-time contemporaneous information about what happened on
12 the ground, in specific to the events of 5 December 2013.

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 Your answer is one minute later. And I will ask you to read it and also this speaks
17 for itself. If you read it, Mr Witness, I have one question to you.

18 PRESIDING JUDGE SCHMITT: [12:39:16] I think the witness has clearly already
19 read it.

20 MR KNOOPS: [12:39:20] Okay.

21 Q. [12:39:21] Mr Witness, is it correct that this was the only --

22 A. [12:39:26] I'm looking at the screen.

23 PRESIDING JUDGE SCHMITT: [12:39:29] Okay, you see this, Mr Witness. We are
24 speaking -- or, Mr Knoops is specifically -- or, no, you don't see it. Okay. You don't
25 see, then we -- take your time.

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1 Yeah, I think you can put your question to the witness. We have established, so to
2 speak, already that he's a very quick reader.

3 MR KNOOPS: [12:40:04]

4 Q. [12:40:04] Mr Witness, is it correct this was the only information you received
5 about what happened on 5 December 2013?

6 A. [12:40:17] As you yourself have said, Mr President, unless there's other points
7 you want to raise.

8 PRESIDING JUDGE SCHMITT: [12:40:30] Can we understand this, Mr Witness, this
9 answer that you say, well, the information that you give here speaks for itself?
10 Would this be a correct interpretation?

11 THE WITNESS: [12:40:52](Interpretation) I haven't quite understood, Mr President.

12 PRESIDING JUDGE SCHMITT: [12:40:55] Well, that's -- I have to apologise, my
13 question was not clear.

14 (Redacted)

15 (Redacted). The question is did you have other information with regard to
16 the 5 December attack? Any other information? And with "other information"
17 meaning real time and not from public sources?

18 MR KNOOPS: [12:41:27] And specifically for Bangui.

19 PRESIDING JUDGE SCHMITT: [12:41:29] Indeed, specifically for Bangui.

20 THE WITNESS: [12:41:38](Interpretation) Yes, Mr President. Thank you. I think,
21 when that attack took place, it was relayed on the radio immediately. Radio,
22 international radio, international television, the newspapers, internet and everything.

23 PRESIDING JUDGE SCHMITT: [12:42:00] Mr Knoops, that's it?

24 MR KNOOPS: [12:42:03] That's it, Mr President. Thank you very much.

25 PRESIDING JUDGE SCHMITT: [12:42:04] I think there will be no other questions.

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1 This concludes then the testimony of you, Mr Witness. On behalf of the Chamber, I
2 would like to thank you that you have come to The Hague and have patiently
3 answered for many days all of the questions of the parties. We appreciate it. We
4 need, as a Court, witnesses to come forward and testify. We wish you a safe trip
5 back home.

6 THE WITNESS: [12:42:37](Interpretation) Thank you, Mr President. Thank you for
7 giving me this opportunity to come and give testimony before your Court. I would
8 like to thank you for the manner in which you and your fellow judges have quickly
9 managed this trial.

10 I would also like to thank the Defence of the two parties, the Defence of Mr Ngaïssona
11 and also the Defence of -- the name escapes me, I'm sorry. And Madam Prosecutor
12 and her team. I am truly moved, because I came and I have discovered, I've seen
13 with my own eyes how things work here. And perhaps in the future I will have an
14 opportunity to testify to the way in which your Court operates. When people talk
15 about the ICC, people often react and they say that it is the corridor of death, but that
16 is not the case. I thank you, Mr President.

17 And as for Mr Patrice-Édouard Ngaïssona, if you see me and you see me testify and
18 I am still standing, it's because I am making efforts. And what I know of this
19 gentleman is that he is a disciplined leader who, in a way of speaking, has been
20 the victim of his success and his own kindness. But god is all-knowing and
21 the absence of this man from the country has considerably weakened the young
22 people, the world of sports in my country. I do not know this gentleman by -- what I
23 hear of this gentleman is not what -- is not the gentleman I know. I know him to be
24 a man of integrity. Unfortunately, a number of things have happened. No one is
25 perfect. Only god. And I thank you. I know that the truth will come out and I

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1 thank you, Mr President.

2 PRESIDING JUDGE SCHMITT: [12:45:54] Thank you, Mr Witness.

3 (The witness is excused)

4 PRESIDING JUDGE SCHMITT: [11:31:43] This does not yet conclude the hearing.

5 We have to make an oral ruling. Give us a minute.

6 (Trial Chamber confers)

7 PRESIDING JUDGE SCHMITT: [12:46:30] So nothing mysterious, we just had

8 to -- sometimes we also need a minute. I don't think it was more.

9 So we have an oral ruling to make with regard to the coming scheduling. We take,
10 first, note of the Defence of Mr Ngaïssona requested in an email to partially

11 reconsider our amended directions on the conduct of proceedings. You sent that on

12 5 July, relatively late, I have to say, so we still took note of it, late Friday. Specifically,

13 the Ngaïssona Defence asked the Chamber to reconsider the hearing schedule set for

14 the last two remaining witnesses of the Ngaïssona Defence, D30-4914 and D30-4679,

15 and Mr Ngaïssona's unsworn statement, and provides us with information about

16 logistical issues that could hamper the facilitation of D30-4914's appearance.

17 Well, given this new information, all the information that we have from the Registry,

18 and also noting that the other participants did not object, the Chamber grants

19 the request, which is actually more an adaption than a reconsideration, adaptation to

20 the new situation.

21 Accordingly -- but this is important information for you, the Chamber amends

22 the schedule as follows:

23 From 15 to 18 July 2024 we will hear Witness D30-4679. Yeah. This is from

24 Monday to Thursday, and we have to finish on Thursday.

25 From -- after the recess, from 19 to 21 August 2024 we will hear Witness D30-4914.

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1 And in the week afterwards, 28 - let me have a look, that is then the - yeah, 27 and

2 28 August, we will hear the statement, unsworn statement of Mr Ngaïssona.

3 So I think you will be, nobody will object, obviously. You have -- you have already

4 said that. And, Mr Knoops, you will be happy with it, in a way.

5 MR KNOOPS: [12:48:48] We thank the Chamber for (Overlapping speakers)

6 PRESIDING JUDGE SCHMITT: [12:48:51](Overlapping speakers) As I said, as I said,

7 you know this -- the nice thing about procedure is there progress sometimes, as in this

8 case, but sometimes you cannot have everything at the same time.

9 So we take it that we start with the next witness on Monday. This means this

10 concludes the hearing for today and we reconvene next Monday, 9.30.

11 Also, a thank to Mr Karnavas and hope to see you again.

12 THE COURT USHER: [12:49:17] All rise.

13 (The hearing ends in private session at 12.49 p.m.)