

Trial Hearing
Procedural Matters

(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 and Judge Chang-ho Chung
8 Trial Hearing - Courtroom 1
9 Friday, 17 February 2023
10 (The hearing starts in open session at 9.31 a.m.)
11 THE COURT USHER: [9:31:37] All rise. The International Criminal Court is now in
12 session. Please be seated.
13 PRESIDING JUDGE SCHMITT: [9:31:58] Good morning, everyone.
14 Court Officer, please call the case.
15 THE COURT OFFICER: [9:32:01] Good morning, Mr President, your Honours.
16 Situation in the Central African Republic II, in the case of The Prosecutor versus Alfred
17 Yekatom and Patrice-Edouard Ngaïssona, case reference ICC-01/14-01/18. And for the
18 record, we're in open session.
19 PRESIDING JUDGE SCHMITT: [9:32:18] Thank you.
20 I ask for the appearances of the parties.
21 Mr Vanderpuye, for the Prosecution, first.
22 MR VANDERPUYE: [9:32:25] Good morning, Mr President. Good morning, your
23 Honours. Today the Prosecution is in the same composition as yesterday.
24 PRESIDING JUDGE SCHMITT: [9:32:31] Thank you.
25 I'm not sure if the same applies to representatives of the victims.

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- 1 MR DANGABO MOUSSA: [9:32:37](Interpretation) Good morning, your Honour.
- 2 Good morning, the Bench. Good morning, everybody. Good morning, Witness. The
- 3 victims of other crimes are represented here by Ms Gabriella Santos and Ms Evelyne
- 4 Ombeni and myself, Mr Dangabo Moussa.
- 5 PRESIDING JUDGE SCHMITT: [9:33:02] Thank you.
- 6 Mr Suprun.
- 7 MR SUPRUN: [9:33:04] Good morning, Mr President. Good morning, your Honours.
- 8 No changes from my side since yesterday. Thank you.
- 9 PRESIDING JUDGE SCHMITT: [9:33:07] Indeed.
- 10 I turn to the Defence.
- 11 First Ms Dimitri for the Defence of Mr Yekatom.
- 12 MS DIMITRI: [9:33:15] Good morning, Mr President. Good morning, your Honours.
- 13 Good morning, everyone. The composition of the Yekatom team remains the same.
- 14 PRESIDING JUDGE SCHMITT: [9:33:22] Indeed.
- 15 And Mr Knoops.
- 16 MR KNOOPS: [9:33:25] Good morning, Mr President. Good morning, your Honours.
- 17 The team of Mr Ngaïssona appears today before the Chamber in the same composition
- 18 as yesterday. Thank you.
- 19 PRESIDING JUDGE SCHMITT: [9:33:34] Thank you.
- 20 And also welcome to the counsel of the witness, Ms Dignité Bwiza. I hope I
- 21 pronounced it roughly correctly. It's not so easy. But bear with me if it is not correct.
- 22 And good morning, Mr Witness, of course. I hope you are feeling well today to
- 23 continue with the examination.
- 24 THE WITNESS: [9:34:00](Interpretation) I feel well.
- 25 PRESIDING JUDGE SCHMITT: [9:34:01] So it's still the examination by the

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1 Prosecution.

2 Mr Vanderpuye, first question: Open session or private session?

3 MR VANDERPUYE: [9:34:10] Thank you, Mr President. I think we can start with open
4 session.

5 PRESIDING JUDGE SCHMITT: [9:34:12] Very good. Let me know when we have to
6 switch.

7 MR VANDERPUYE: [9:34:15] I'll do.

8 PRESIDING JUDGE SCHMITT: [9:34:16] I'll explain then to the audience. Thank you.

9 MR VANDERPUYE: [9:34:23] Yes, Mr President.

10 PRESIDING JUDGE SCHMITT: [9:34:25] Please continue.

11 WITNESS: CAR-OTP-P-0487 (On former oath)

12 (The witness speaks French)

13 QUESTIONED BY MR VANDERPUYE: (Continuing)

14 Q. [9:34:38] Good morning, Mr Witness. Just a reminder that you are in open session.

15 So if there's anything that I ask you that you consider that your answer may tend to
16 identify you, don't hesitate to let me know so that we can address the Chamber
17 appropriately.

18 Today I want to get started, I want to backtrack just a little bit and then we'll move
19 forward. But I wanted to ask you about specifically the organisation of Mr Yekatom's
20 group and what you might be able to tell us about that.

21 To your understanding, how was the group organised? Was it organised militarily?
22 Was it organised administratively? Can you describe your impression or
23 understanding of the organisation of his Anti-Balaka group?

24 A. [9:35:37] The Anti-Balaka group that I saw had both soldiers and civilians.

25 Q. [9:36:04] And how did they interact? In other words, were the civilians in charge

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1 of the military? Were the military in charge of the civilians? What was your
2 understanding?

3 A. [9:36:11] Mainly, it were the civilians that were under the command of the
4 military. This is what I observed.

5 Q. [9:36:41] And I think you indicated previously that there were a lot of members of
6 Mr Yekatom's group. Were they organised in squads, in companies? How were these
7 individuals organised to your understanding?

8 A. [9:37:04] I do not know how they were organised.

9 Q. [9:37:28] You mentioned yesterday that Mr Yekatom had deputies. Do you know
10 if his deputies were military or civilians?

11 A. [9:37:36] The one I found {PFR: (Redacted)} was a military man.

12 Q. [9:38:01] And what about at the Yamwara base?

13 A. [9:38:04] I cannot know that in full.

14 Q. [9:38:15] You mentioned Habib Beina. Was Habib Beina military?

15 A. [9:38:26] Yes, Habib Beina was a career soldier.

16 Q. [9:38:32] What about Ouandjio, who was also Mr Yekatom's deputy, was he
17 military?

18 A. [9:38:41] Yes, he was military too.

19 Q. [9:38:53] Are you able to approximate how many military men were under Mr
20 Yekatom in his group?

21 A. [9:39:01] I cannot know that.

22 Q. [9:39:19] Can you estimate?

23 A. [9:39:20] I could imagine something, but it's not going to be exact, because there
24 were points where he would forbid people from going.

25 Q. [9:40:01] Were the people at the Yamwara base under Mr Yekatom's command?

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- 1 A. [9:40:04] Everyone at the Yamwara base was under his command.
- 2 Q. [9:40:21] And when you say that they were "under his command," what do you
3 mean by that?
- 4 A. [9:40:25] It means that he would manage them and he would use them.
- 5 Q. [9:41:01] Well, in military terms what does a commander do?
- 6 A. [9:41:03] A commander gives orders.
- 7 Q. [9:41:19] Did Mr Yekatom do that?
- 8 A. [9:41:22] It's the same thing I saw in the photo that was shown here. He gives
9 orders and they follow his orders.
- 10 Q. [9:42:04] In a military sense, what happens when somebody who is subordinate to
11 a commander doesn't follow orders?
- 12 A. [9:42:11] Non-execution of orders will attract punishment and sanctions.
- 13 Q. [9:42:34] Did Mr Yekatom do that, sanction and punish?
- 14 A. [9:42:46] I'm not privy to all that.
- 15 Q. [9:43:09] Yesterday we spoke about an incident which we won't mention in public.
16 But in respect of that incident in which you intervened, was there any punishment that
17 Mr Yekatom applied that you were aware of?
- 18 A. [9:43:33] I haven't heard about a sanction.
- 19 Q. [9:44:25] Do you know whether Mr Yekatom participated in the training of
20 elements and fighters under his command?
- 21 A. [9:44:30] I do not know that.
- 22 Q. [9:44:54] Do you know if his elements received training with regard to military
23 matters from anyone?
- 24 A. [9:45:05] I don't know that.
- 25 Q. [9:45:29] Now, the deputies of Mr Yekatom - Ouandjio, Beina - what were their

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1 functions within the group?

2 A. [9:45:41] I don't know how were they organised. As far as I know, when the chief
3 is not there in a military commandment, it's the deputy that takes on his role. And if
4 there is an event, and if the head of the commandment is there, he was the one who
5 will take charge of the event. I don't know how they were organised in their command.

6 Q. [9:46:49] Is that to say that you never heard, either from them directly or from
7 other individuals, anything about how the group was organised? Let me list: The
8 number of members, the disposition of members, the number of sections, the number
9 of commanders? Do I understand you right, you never discussed that and you have no
10 knowledge of that?

11 A. [9:47:29] I do not know much, because I said when I arrived, just {ICR:
12 (Redacted)}. {PFR: (Redacted)}
13 (Redacted)}

14 Q. [9:48:20] Okay. Now, I know it's been a long time, but do you recall being asked
15 similar questions about, for example, the number of members in Mr Yekatom's group --

16 PRESIDING JUDGE SCHMITT: [9:48:55] Mr Vanderpuye, we had that before.

17 MR VANDERPUYE: [9:48:57] Yes.

18 PRESIDING JUDGE SCHMITT: [9:48:58] The witness has, obviously, said something
19 about the matter in the statement.

20 MR VANDERPUYE: [9:49:03] Yes.

21 PRESIDING JUDGE SCHMITT: [9:49:04] You can be more direct. It spares us time. So
22 you might ask him: You addressed this matter in 2017 or 2018 --

23 MR VANDERPUYE: [9:49:13] Yes.

24 PRESIDING JUDGE SCHMITT: [9:49:15] -- and then we are quicker. You know, if the
25 witness does not recall it today, why would he recall what he has said five years or six

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1 years ago?

2 MR VANDERPUYE: [9:49:26] That's a fair point.

3 PRESIDING JUDGE SCHMITT: [9:49:28] Yes.

4 MR VANDERPUYE: [9:49:28] Thank you, Mr President.

5 PRESIDING JUDGE SCHMITT: [9:49:29] So the only thing why we put former
6 statements or parts of it, chunks of it, to the witness is to, perhaps, trigger the memory
7 that is not present at the moment. Yes?

8 MR VANDERPUYE: [9:49:42] Thank you, Mr President.

9 Q. [9:49:43] During the course of your interview in 2018, you indicated at - this is for
10 the Chamber's reference anyway - tab 63, CAR-OTP-2076-0408 at page 0427. You
11 indicated that Mr Yekatom had about a thousand elements. Is that about right?

12 A. [9:50:11] Perhaps this number could have been less or it could have been more,
13 and this is why I'm giving -- I avoid, I refrain from stating a number that wouldn't be
14 right. Because you really need to see all the elements gathered together to estimate the
15 number. That way you would have the ballpark figure.

16 Q. [9:51:07] Okay. And do you know where these elements came from?

17 A. [9:51:09] I cannot completely know their position. Otherwise, most of them are in
18 Bangui and from the small provinces around Bangui.

19 Q. [9:51:56] What about Bouca and Bossangoa?

20 A. [9:51:59] It's the head of the coalition who can answer that question. Of course,
21 there were elements from Bossangoa who also came under the command of the head of
22 coalition. So he would be in a better position to give you a clear answer to this
23 question.

24 Q. [9:52:37] How did you come to know that there were elements from Bossangoa
25 among Mr Yekatom's elements at the base at Yamwara?

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1 A. [9:52:54] I do not know that. I did not know the faces of people who came from
2 Bossangoa.

3 Q. [9:53:48] You know, in your statement in January 2018, this is tab 63, CAR-OTP-
4 2076-0408 at 0427, you refer to the number of individuals in Mr Yekatom's group of a
5 thousand men "et quelques," and you say that there were also people who came from
6 Bossangoa and Bouca and the periphery of Mr Yekatom's base among those elements.
7 Was that right?

8 A. [9:54:40] That's right, indeed.

9 Q. [9:54:51] Among those elements that came from Bossangoa, did you ever hear
10 them referred to as Les Gobéré?

11 A. [9:55:05] Could you please ask that question again.

12 Q. [9:55:21] Among the elements, fighters, at the base at Yamwara, did you ever hear
13 of the ones from Bossangoa or around there referred to as Les Gobéré?

14 A. [9:55:48] No, I haven't heard of that.

15 Q. [9:55:50] I'd like to show you a video.

16 MR VANDERPUYE: [9:55:53] This is at tab 109, CAR-OTP-2120-0305, the transcript
17 reference is CAR-OTP-2118-4772. I'd like to play you a short excerpt of it. It can be
18 public. It's from 00:12 to 1:45. The transcript reference should be added page 4773
19 through page 4774, lines 15 through lines 65. And if you could let me know in the
20 booth when you're ready to go, then we can play it.

21 PRESIDING JUDGE SCHMITT: [9:56:34] They are ready. Don't be surprised.

22 MR VANDERPUYE: [9:56:38] I was taken off guard.

23 PRESIDING JUDGE SCHMITT: [9:56:40] You're really -- I see, I see. But still.

24 MR VANDERPUYE: [9:56:45]

25 Q. [9:56:47] Do you see the video on your screen now? Do you see the image, Mr

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1 Witness?

2 A. [9:56:51] I don't see the video. I can only see something written.

3 Q. [9:57:02] Do you see it now? All right, then we'll play it for you.

4 (Viewing of the video excerpt)

5 THE INTERPRETER: [9:57:14](Interpretation of the video excerpt)

6 "An Anti-Balaka faction armed with gris-gris, guns and machetes, the fighters are

7 constantly in surveillance. They are planning a new attack on Bangui. The president

8 has held out his hand for negotiations but they do not want.

9 We don't have any time to waste with him. We don't need negotiations. If he wants to

10 come with force, we also are going to retaliate. And irrespective of the difficulties and

11 the degree of pain, he will leave. Whilst many Anti-Balaka are still hiding in the

12 bushes, others have set base around Bangui where they have been joined by the former

13 soldiers of the previous regime.

14 I have my weapon. I'm waiting for the combat. I'm not a fighter. I'm 100 per cent a

15 Central African civilian. And I've never wielded a weapon, but it's for my country that

16 I am coming.

17 So there are combat methods and physical training in this base. They have been

18 presented as a poorly armed coalition. They explain how they recover their weapons

19 when they're here.

20 The Anti-Balaka are ready to disarm if the French troops ask them. One condition:

21 France should require Djotodia to leave immediately."

22 MR VANDERPUYE: [9:58:57]

23 Q. [9:58:57] Did you have a chance to -- well, hopefully you saw the video and heard

24 it well. Yes?

25 A. [9:59:01] Yes.

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1 Q. [9:59:10] At the beginning of the video -- first of all, do you know somebody by
2 the name of Douze Puissances? Have you heard that name before? Let's put it that
3 way.

4 A. [9:59:23] Yes, I've heard that name.

5 Q. [9:59:30] Did you recognise Douze Puissances speaking at the beginning of the
6 video about the demand for Djotodia's departure?

7 A. [9:59:40] I do not know Douze Puissances personally.

8 Q. [10:00:32] We've stopped this video now -- I can't actually see the time. 36 seconds
9 in there. Just so you know, that's Douze Puissances. Do you recognise that location?

10 A. [10:00:45] I don't recognise it.

11 Q. [10:00:59] At the beginning of the video, you can see some individuals who -- well,
12 you can see them here as well, who identify themselves as Anti-Balaka. They're
13 wearing gris-gris. They have other items on them - machetes, knives. Are these the --
14 now, you mentioned that there were civilians and there were military at the Yamwara
15 base. The civilians, did they dress as you see them in this video?

16 A. [10:01:26] Yes.

17 Q. [10:01:39] A little later in the video, you can see some footage of a school. And do
18 you recognise this as the Yamwara base?

19 A. [10:02:00] Yes.

20 Q. [10:02:09] We're at 52 seconds here. From this particular vantage point, are you
21 able to see the director's building?

22 A. [10:02:24] Yes, that's the building I'm looking at now. On the right.

23 Q. [10:02:39] Okay. That's helpful. And that would have been the building where
24 {PFR: (Redacted)}, Mr Yekatom -- you understood that Mr Yekatom stayed;
25 is that it?

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1 A. [10:02:55] Yes.

2 Q. [10:03:11] Toward the end of the video, we can see Mr Yekatom. And in this part
3 of the video, he explains how the group acquires its weapons and arms. Do you have
4 an understanding of how -- well, first of all, what types of arms and weapons the group
5 had at its disposal?

6 A. [10:03:43] They had machetes, handmade firearms, and so on.

7 Q. [10:04:14] Okay. Just before I move on to that topic, if we could just go back a
8 little bit, we can see the school building, which I think I showed you some photographs
9 of before. Do you recognise that as the school building at the Yamwara base?
10 And we are at 1:25 now in the video, please.

11 A. [10:04:48] Yes, I recognise it.

12 PRESIDING JUDGE SCHMITT: [10:04:54] If I may, Mr Vanderpuye.

13 Mr Witness, you said with regard to arms, "machetes, self-made firearms, and so on."
14 We would be interested to know what you mean by "so on."

15 THE WITNESS: [10:05:39](Interpretation) They have -- they've got some weapons that
16 we can see here but whose name I do not know.

17 PRESIDING JUDGE SCHMITT: [10:05:52] I think, if I understood you correctly, you
18 said that at the Yamwara school there were civilians and there were also military
19 people. Did the military people have firearms, weapons?

20 THE WITNESS: [10:06:18](Interpretation) Yes, the military soldiers had firearms.

21 PRESIDING JUDGE SCHMITT: [10:06:21] Okay. Mr Vanderpuye, please continue.

22 MR VANDERPUYE: [10:06:24] Thank you, Mr President. I'd like to show you a
23 document at tab 19, CAR-OTP-2039-0072. This can also be public. I don't think there's
24 any reason for it not to be. And I'd like to take you to page 0073.

25 Q. [10:07:18] I'm not sure if you've seen this document before. Have you?

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1 A. [10:07:21] "List of weapons to be submitted Ministry of National Defence by the
2 leaders of the ex-Balaka south, caporal chef Alfred Yekatom Rombhot."

3 Q. [10:07:58] Have you seen this document before?

4 A. [10:08:01] {ICR: (Redacted)}.

5 MR VANDERPUYE: [10:08:16] Mr President, can we go into private session, please.

6 PRESIDING JUDGE SCHMITT: [10:08:20] Yes, we go to private session.

7 (Private session at 10.08 a.m.)

8 THE COURT OFFICER: [10:08:39] We are in private session, Mr President.

9 PRESIDING JUDGE SCHMITT: [10:08:40] Thank you.

10 MR VANDERPUYE: [10:08:41] I apologise, Mr President, but I suspected that the
11 witness might --

12 PRESIDING JUDGE SCHMITT: [10:08:44] Yes, absolutely. No, no. (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 Q. [10:11:57] And the signature that you see there, does that correspond to your
12 familiarity with Mr Yekatom's signature? Is that his?

13 A. [10:12:06] Yes, that's correct.

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 Q. [10:12:25] And these include AK-47s, machine-guns, rockets, rocket -- RPGs, I
18 think; yes?

19 A. [10:12:46] That's correct.

20 Q. [10:13:00] Two other questions. First, were these the types of weapons at the
21 disposal of the group back in 2013 and 2014?

22 A. [10:13:08] Yes, that's correct.

23 Q. [10:13:25] Second question: After these weapons were remitted, do you know if
24 Mr Yekatom retained weapons of this nature?

25 A. [10:13:41] No, he did not remit all of the weapons in their entirety. He still had

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- 1 some weapons left.
- 2 PRESIDING JUDGE SCHMITT: [10:14:07] Mr Vanderpuye, just when we can go back
- 3 or could go back to open session, fine. I'm not sure. But when we have finished,
- 4 perhaps, the document, I don't know what your ...
- 5 MR VANDERPUYE: [10:14:19] I think we can go back to open session, Mr President.
- 6 PRESIDING JUDGE SCHMITT: [10:14:21] Yes, then let's -- yes, open session.
- 7 (Open session at 10.14 a.m.)
- 8 THE COURT OFFICER: [10:14:44] We are back in open session, Mr President.
- 9 MR VANDERPUYE: [10:15:02] Thank you.
- 10 Q. [10:15:13] I was just asking you about the types of weapons at the disposal of Mr
- 11 Yekatom's group, and I'd just shown you a list of several, including automatic
- 12 weapons, grenades, rockets and such. Do you know where or how these weapons
- 13 were kept among the group; that is, either at the base or other locations?
- 14 MS DIMITRI: [10:16:01] Mr President.
- 15 PRESIDING JUDGE SCHMITT: [10:16:03] Ms Dimitri, yes.
- 16 MS DIMITRI: [10:16:05] Could we have some clarity as to the period. Because Mr
- 17 Vanderpuye attempted the first time, what were the type of weapons at the disposal of
- 18 the group. The witness said machetes and artisanal weapon, and so on. Then you
- 19 attempted, he said, "I -- I don't know." Now we went through a list of weapons,
- 20 leading him through a list of weapons, going back to 2013, 2014. So if we're leading
- 21 him again on the type of weapons he may or may not have seen, could we have
- 22 specificity as to the period.
- 23 PRESIDING JUDGE SCHMITT: [10:16:35] Well, actually, it has been clarified during
- 24 what time period the weapons might have been in the group.
- 25 And I think Mr Vanderpuye, and so I address you, Mr Witness, refers to the period of

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1 2013, beginning of 2014. So we are talking about this time period.

2 MR VANDERPUYE: [10:17:06] Indeed, Mr President. I think I asked him that and he
3 confirmed it. I asked him if these were the types of weapons at the disposal --

4 PRESIDING JUDGE SCHMITT: [10:17:12] Yes, yes. I did not want to be more specific
5 but it's on the record.

6 MR VANDERPUYE: [10:17:16] Oh, okay.

7 PRESIDING JUDGE SCHMITT: [10:17:17] So please continue.

8 MR VANDERPUYE: [10:17:19]

9 Q. [10:17:20] I think my question was: Do you know how they were kept among the
10 group at the base at Yamwara? So that would be in 2013 and 2014. If you know.

11 A. [10:17:47] I am not in a position to know how they were kept. *However, there
12 was no stocking area or collection point. But what I do know is that when a soldier is
13 sent to the front -- to a front is to keep his weapon with him. He can put it down when
14 it's time to sleep. But in the case of a surprise attack, he has to have his weapon handy.
15 There is no such thing as a locale to keep the weaponry.

16 It's towards the end that the army sent out a communiqué calling on fighters to rejoin
17 the ranks. I noticed there that he collected together most of the weapons that were in
18 Pissa. It was in Pissa. {ICR: (Redacted)}

19 (Redacted)

20 (Redacted)}. There was a majority that was not remitted. And I cannot know the entire
21 quantity, but what I do know is that there were some weapons left over.

22 Q. [10:19:14] Okay, thank you. I'm going to move, I think, to a slightly different but
23 related topic, and that is with respect to the areas in which Mr Yekatom's group was,
24 and that is between December 2013 and into 2014.

25 You indicated a number of locations during your testimony yesterday, but I wanted to

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1 ask you about some others, perhaps. The first is, have you heard of a location called
2 the Kpangaba school?

3 A. [10:20:07] The school of where, forgive me? Could you repeat the name of the
4 school, please?

5 Q. [10:20:20] Kpangaba. Kpangaba school. Or something like that.

6 A. [10:20:28] It's not the Kpangaba school? The Kpangaba school, Kpangaba is near
7 to Boeing-Bercail.

8 Q. [10:20:51] And was that school used by Mr Yekatom's group?

9 A. [10:21:14] I never set foot there.

10 Q. [10:21:15] Okay. That may be, but that wasn't my question. My question is, was it
11 used by Mr Yekatom's group?

12 A. [10:21:27] I'm not in a position to know that. What I do know is that {ICR: (Redacted)
13 (Redacted)
14 (Redacted)}

15 But as to whether or not Yekatom's elements were there, I really could not say. I never
16 set foot there in the whole time that I was around there.

17 Q. [10:22:15] Okay, that's fine. I'll come back to that, then, in respect of Mr
18 Ngaïssona. What about the area of Sekia? Do you know if Mr Yekatom had elements
19 there?

20 A. [10:22:35] Yes, Yekatom had his elements at the roadblock of Sekia.

21 PRESIDING JUDGE SCHMITT: [10:22:56] And we are speaking, Mr Witness, about
22 December 2013, beginning 2014, or which timeframe are you referring to?

23 THE WITNESS: [10:23:30](Interpretation) He had elements in Sekia, but I don't know
24 when he set them up there. I don't know from what date they were present there. But
25 what I do know is that he did have some of his elements there.

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1 MR VANDERPUYE: [10:23:55]

2 Q. [10:23:55] At the roadblock in particular, do you know how the roadblock was
3 manned?

4 A. [10:24:16] I cannot know how it was staffed.

5 Q. [10:24:29] Didn't you pass through that roadblock on a separate occasion?

6 A. [10:24:33] I never went to Sekia during this period. I did go through there when --
7 {ICR: (Redacted)}
8 (Redacted)}

9 Q. [10:25:11] I stopped you just a moment ago.

10 MR VANDERPUYE: [10:25:13] Mr President, can we ...

11 PRESIDING JUDGE SCHMITT: [10:25:16] I think we can go to private session.

12 MR VANDERPUYE: [10:25:31] Thank you, Mr President.

13 (Private session at 10.25 a.m.)

14 THE COURT OFFICER: [10:25:35] We are in private session, Mr President.

15 (Redacted)

16 (Redacted)

17 (Redacted)

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7 Q. [10:28:12] So it's in the area of the PK9 bridge. Have you heard of a compound
8 known as Pismis, or a building?

9 A. [10:28:26] I know that building.

10 Q. [10:28:28] Is that in the same area?

11 A. [10:28:29] Immediately after the bridge. When -- if you're coming from the
12 gendarmerie, it's on the left, immediately after.

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 Q. [10:30:08] Okay. We may come back to that. Now, as long as we're in private
21 session, let me just ask one other question regarding the Kpangaba school, as you
22 described. You mentioned that Mr Ngaissona had a meeting there; is that right?

23 A. [10:30:44] I said he held his first meeting at Boeing-Bercail. The second meeting
24 was at the Kpangaba school. (Redacted)

25 (Redacted)

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1 (Redacted)

2 The second meeting was the one that took place in the Kpangaba school, (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 Q. [10:32:26] Now, with respect to the first meeting at Boeing-Bercail that you say

10 that Mr Ngaïssona held when he returned from Cameroon, is this the same place where

11 Captain Ngremangou was situated?

12 A. [10:32:59] This is where Captain Ngremangou was situated, in Boeing-Bercail.

13 Q. [10:33:02] And you said that Captain Ngremangou, if I'm not mistaken, was the

14 leader of the coalition Anti-Balaka; is that right?

15 A. [10:33:20] That's right, indeed.

16 Q. [10:33:22] And do you know what Captain Ngremangou was doing in relation to

17 his -- well, what was he doing as the leader of the coalition Anti-Balaka at that time?

18 This would have been around the time or just before the time Mr Ngaïssona returned

19 from Cameroon.

20 PRESIDING JUDGE SCHMITT: [10:33:36] Open session possible?

21 MR VANDERPUYE: [10:33:37] Yes, perhaps, Mr President.

22 PRESIDING JUDGE SCHMITT: [10:33:39] Yes, we can go to open session, then.

23 (Open session at 10.34 a.m.)

24 THE COURT OFFICER: [10:34:04] We're in open session, Mr President.

25 MR VANDERPUYE: [10:34:06]

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1 Q. [10:34:06] Mr Witness, I was asking you about what Captain Ngremangou's role
2 was, what was he actually doing as the leader of the coalition Anti-Balaka.

3 A. [10:34:33] Ngremangou as the leader was the one giving orders. He was the one
4 giving all the orders. He was also in charge of food. He gave orders. He was
5 coordinating actions.

6 Q. [10:35:11] What about weapons and logistics, things like that of a military nature?
7 Was he involved in that?

8 A. [10:35:36] Could you please repeat the question.

9 Q. [10:35:42] Yes. You said that he gave orders, coordinated actions. And I was
10 asking about weapons, arms, ammunition, logistics, things of that nature, was he
11 involved in that?

12 A. [10:35:53] Yes, but he's the head. He is the head. So if there is a shortage, the
13 warlords would ask him questions. They would say, "I'm in short of such-and-such
14 commodity," and he's the only one there.

15 Q. [10:36:23] To your understanding, what was the relationship between Ngaïssona
16 and Ngremangou?

17 A. [10:36:29] I did not know the relation. What is sure is that they were very close.

18 Q. [10:37:27] In your statement, at transcript -- tab 44, transcript CAR-OTP-2076-0120,
19 at page 0127, you said the following, let me see if that helps you. I'll read it in French
20 as best I can. You're talking about Ngremangou starting at line 270, and you say:

21 (Interpretation) "Himself, he was the organiser who provided for the food. He was also
22 in charge of weapons -- procuring weapons and all this. And he was under the
23 command of Mr Ngaïssona."

24 (Speaks English) And then you spell Mr Ngaïssona's name.

25 First, do you recall that; and second, can you explain what you mean?

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1 A. [10:38:21] What was read was right.

2 Q. [10:38:40] And for what purpose was that relationship? In other words, what was
3 the combat and the organisation all about to your understanding? I'll rephrase it
4 because it's an exceedingly broad question.

5 PRESIDING JUDGE SCHMITT: [10:39:10] Actually, I also thought how could you
6 really understand the question and figure out what you expect as an answer.

7 MR VANDERPUYE: [10:39:17] Yes, I'll be more specific.

8 Q. [10:39:20] Have you heard of an expression that's been used, and we've heard in
9 this case often: (Interpretation) Return to constitutional order? First of all, have you
10 heard that?

11 A. [10:39:46] I've heard it several times. This return to constitutional order really
12 weighed heavily on us, and I was about to even lose my life.

13 Q. [10:40:04] To your understanding, was Captain Ngremangou involved in the
14 efforts of Bozizé and his acolytes with respect to the le retour de l'ordre constitutionnel
15 en Centrafrique?

16 A. [10:40:27] That's normal.

17 Q. [10:40:38] And what about Mr Ngaïssona?

18 A. [10:40:40] It was Ngaïssona who was the main person responsible for that, and it's
19 because of the return to constitutional order {ICR: (Redacted)}

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 (Redacted)}

3 PRESIDING JUDGE SCHMITT: [10:42:37] Okay. I think we should discuss this further
4 in private session.

5 Private session.

6 (Private session at 10.43 a.m.)

7 THE COURT OFFICER: [10:43:04] We are in private session, Mr President.

8 PRESIDING JUDGE SCHMITT: [10:43:13] Mr Vanderpuye.

9 No problem.

10 MR VANDERPUYE: [10:43:16]

11 Q. [10:43:17] Sorry, Mr Witness. I interrupted you again, and I apologise for that,
12 only because we're concerned about you perhaps making an identification. But as I
13 mentioned before, there are procedures and things that we can implement to mitigate
14 that, so don't worry.

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

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- 9 (Redacted)
- 10 MR VANDERPUYE: [10:55:59] Mr President, I think now is probably a good time.
- 11 PRESIDING JUDGE SCHMITT: [10:56:03] Yes, okay, I agree. Let's have a break until
- 12 11.30. Thank you.
- 13 THE COURT USHER: [10:56:09] All rise.
- 14 (Recess taken at 10.56 a.m.)
- 15 (Upon resuming in private session at 11.30 a.m.)
- 16 THE COURT USHER: [11:30:42] All rise. Please be seated.
- 17 PRESIDING JUDGE SCHMITT: [11:31:00] Now, Ms Dimitri.
- 18 MS DIMITRI: [11:31:01] Yes, Mr President. The Yekatom composition changed with
- 19 the addition of Mr Hannis.
- 20 PRESIDING JUDGE SCHMITT: [11:31:06] Yes, absolutely. I recognised him
- 21 immediately. So for the record, Mr Hannis is now also present.
- 22 And we are in open session, I think -- we are in private session. Do we stay in private
- 23 session?
- 24 MR VANDERPUYE: [11:31:22] Yes, please, Mr President.
- 25 PRESIDING JUDGE SCHMITT: [11:31:23] Yes, okay. Then please continue.

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1 MR VANDERPUYE: [11:31:34]

2 Q. [11:31:34] Good morning again, Mr Witness. I have some follow-up questions

3 regarding what you were discussing earlier about (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

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12 (Redacted)

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- 8 (Redacted)
- 9 Q. [11:39:28] And what can you tell us about Beorofei?
- 10 A. [11:39:33] Beorofei was a civilian who was fully on Mr Ngaïssona's side.
- 11 Q. [11:40:01] Do you know if Mr Beorofei had a relationship with someone by the
- 12 name of Maxime Mokom?
- 13 A. [11:40:10] I'm not in a position to know that, because I don't go to that area.
- 14 Q. [11:40:32] So according to your --
- 15 A. [11:40:33] I don't go there.
- 16 Q. [11:40:36] -- information, he had a relationship with Mr Ngaïssona. Do I have that
- 17 right?
- 18 A. [11:40:41] They're all together. They're all from the same ethnicity.
- 19 Q. [11:40:53] And do you remember Mr Beorofei's first name?
- 20 A. [11:41:02] No, I don't know his first name.
- 21 Q. [11:41:11] Does Sylvain ring a bell?
- 22 A. [11:41:15] Could you please repeat that.
- 23 Q. [11:41:25] Does Sylvain ring a bell, the name Sylvain?
- 24 A. [11:41:37] No, I don't know his first name. I only know Beorofei.
- 25 Q. [11:41:41] Do you remember talking about him in your interview?

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1 A. [11:41:56] Yes.

2 Q. [11:41:57] In your interview, you provided a telephone number for him. Do you
3 remember that?

4 A. [11:42:00] Yes.

5 Q. [11:42:05] Okay. I'm not going to ask you if you remember the number, but I'll ask
6 you if you remember the number.

7 A. [11:42:31] No, I don't recall the number.

8 (Counsel confer)

9 PRESIDING JUDGE SCHMITT: [11:42:58] But what you can do, Mr Vanderpuye, if
10 you -- you could read the number -- if you think it's important, you could read the
11 number out and ask the witness -- obviously, the witness has provided the Office of the
12 Prosecutor at the time with that number and that's it.

13 MR VANDERPUYE: [11:43:15](Microphone not activated)

14 PRESIDING JUDGE SCHMITT: [11:43:18] Okay. That's, of course, an argument.

15 MR VANDERPUYE: [11:43:50] By some miracle, I found it with the assistance of my
16 colleague.

17 PRESIDING JUDGE SCHMITT: [11:43:54] Yes, okay.

18 MR VANDERPUYE: [11:43:55] It's at tab 61. The telephone number is -- I'll just read it
19 out. It's (Redacted). It's at line 234, transcript reference CAR-OTP-2076-0381, of the
20 transcript which begins at 0374.

21 PRESIDING JUDGE SCHMITT: [11:44:22] Okay. You can move on from there.

22 MR VANDERPUYE: [11:44:24] Okay.

23 Q. [11:44:24] What was the relationship between Mr Ngaïssona and Beorofei to your
24 knowledge?

25 PRESIDING JUDGE SCHMITT: [11:44:33] Possibility to go to open session? Still

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1 critical?

2 MR VANDERPUYE: [11:44:38] Let me just look ahead for one second, Mr President.

3 PRESIDING JUDGE SCHMITT: [11:44:41] Of course, of course. That's why I asked
4 you.

5 MR VANDERPUYE: [11:44:51] I think we can go to open session and I'll work the
6 different (Overlapping speakers)

7 PRESIDING JUDGE SCHMITT: [11:44:56] Very good. Thank you.
8 Open session.

9 (Open session at 11.44 a.m.)

10 THE COURT OFFICER: [11:45:14] We are in open session, Mr President.

11 MR VANDERPUYE: [11:45:15] Okay. Thank you. And sorry for that confusion on my
12 part.

13 Q. [11:45:25] To your understanding, aside from being of the same ethnicity, what
14 was the relationship between Mr Beorofei and Mr Ngaïssona? If you know.

15 A. [11:45:53] Beorofei was used a lot. He undertook a lot of errands.

16 PRESIDING JUDGE SCHMITT: [11:46:01] Well, Mr Witness, that's a little bit of a
17 cryptic answer, so to speak. What do you mean by "used a lot," and what do you mean
18 by "errands"?

19 THE WITNESS: [11:46:23](Interpretation) When I say {PFR: (Redacted)}
20 (Redacted)}

21 PRESIDING JUDGE SCHMITT: [11:46:31] I understand. So he was -- would it be
22 correct to say that you understood that he was {PFR: (Redacted)}

23 THE WITNESS: [11:46:52](Interpretation) Yes.

24 PRESIDING JUDGE SCHMITT: [11:46:53] Okay. Thank you.

25 Mr Vanderpuye.

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1 MR VANDERPUYE: [11:46:55]

2 Q. [11:46:55] Do you know if Mr Beorofei was involved in the purchase of weapons?

3 A. [11:47:02] Yes.

4 Q. [11:47:44] What do you know about that?

5 A. [11:47:46] I didn't see him making purchases, but I did hear by way of information
6 that Beorofei was purchasing weapons.

7 PRESIDING JUDGE SCHMITT: [11:48:15] And, you know, the question that we are
8 always asking, Mr Witness, about what timeframe are we speaking now? Are we still
9 at the beginning of 2014 or by the end of 2013?

10 THE WITNESS: [11:48:34](Interpretation) It was as soon as I arrived that I heard this
11 information. {PFR: (Redacted)} when I heard this information that
12 he was purchasing weapons.

13 MR VANDERPUYE: [11:48:54]

14 Q. [11:48:54] Okay. That's helpful. So this is still in December 2013 you're talking
15 about; right?

16 A. [11:49:05] Yes.

17 Q. [11:49:06] Did you receive other information after that concerning Beorofei's
18 involvement with arms?

19 A. [11:49:14] Nothing over and above the information that I had received.

20 Q. [11:49:31] And what was his relationship that is -- well, let me rephrase it. Was he
21 somebody that reported to Mr Ngaïssona? In other words, was Mr Ngaïssona
22 responsible for him?

23 A. [11:49:48] In that period, Ngaïssona was not yet there. It was only after the 10th
24 that Ngaïssona was there. In the period that we're mentioning now, {PFR: (Redacted)}
25 (Redacted)} it was about {PFR: (Redacted)}

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1 (Redacted)} that I heard that.

2 Q. [11:50:35] All right. I'd like to ask you about certain meetings that took place
3 toward the end of 2013.

4 MR VANDERPUYE: [11:50:51] I think, Mr President, we have to go to private session
5 again.

6 PRESIDING JUDGE SCHMITT: [11:50:55] Yes. And perhaps, for the audience, this
7 back and forth private session or open session, it's a protected witness and when issues
8 are discussed where the answer could reveal the identity, we have to do that in private
9 session.

10 So we go to private session.

11 (Private session at 11.51 a.m.)

12 THE COURT OFFICER: [11:51:38] We are in private session, Mr President.

13 MR VANDERPUYE: [11:51:43]

14 Q. [11:51:43] Mr Witness, I want to ask you if you took part in meetings with other
15 Anti-Balaka members (Redacted)

16 A. [11:52:08] There was a meeting that took place after (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

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16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 MR VANDERPUYE: [11:55:26]

21 Q. [11:55:26] In any event, I wanted to ask you about a meeting which, to our

22 understanding, took place around the end (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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16 (Redacted)

17 MR VANDERPUYE: [12:13:23] I'm sorry, I see counsel --

18 PRESIDING JUDGE SCHMITT: [12:13:24] Ms Dimitri.

19 MS DIMITRI: [12:13:27] And I'm really sorry for the interruption, but I lost everything.

20 I don't have -- my screen is completely dark. I have no Transcend. I'm very sorry

21 about that.

22 PRESIDING JUDGE SCHMITT: [12:13:36] No, yes, yes. Then we fix that. But it seems

23 to be a singular phenomenon.

24 Mr Vanderpuye, in the meantime, are you making progress? Are you making progress

25 in the meantime?

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- 1 MR VANDERPUYE: [12:14:15] I'm making progress.
- 2 PRESIDING JUDGE SCHMITT: [12:14:16] Yes, good.
- 3 MR VANDERPUYE: [12:14:17] I'm cutting as I go and (Overlapping speakers)
- 4 PRESIDING JUDGE SCHMITT: [12:14:20] Yes, yes, no, no, just I wanted to fill the gap,
- 5 you see.
- 6 Is it okay, Ms Dimitri? Not? Okay, then we ...
- 7 Technicians are coming. Can we continue in the meantime, Ms Dimitri?
- 8 MS DIMITRI: [12:14:43] Yes, we could continue a few minutes. I'll use the computer of
- 9 my colleague.
- 10 PRESIDING JUDGE SCHMITT: [12:14:48] Yes, yes, yes, but they are on their way, so
- 11 we can fix it.
- 12 So, please, Mr Vanderpuye.
- 13 MR VANDERPUYE: [12:14:54] Thank you, Mr President.
- 14 (Redacted)
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- 25 (Redacted)

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8 Q. [12:18:39] You'd mentioned the killing of innocents and that was occurring. Who
9 was killing innocents at the time (Redacted)

10 (Redacted)

11 A. [12:18:59] I haven't understood your question.

12 Q. [12:19:14] (Redacted)

13 (Redacted).

14 So my question is, with respect to the killing of innocent people, who was killing
15 innocent people (Redacted)

16 A. [12:19:48] It was the Balaka.

17 Q. [12:20:06] And the innocent people that the Balaka were killing were whom?

18 A. [12:20:11] I do not know that, because you'd just receive information that someone
19 was killed. On the M'Baiki axis, someone was killed around PK12, and such as that.

20 Information circulates freely, we get this information, but we do not know exactly what
21 happened. The people are far there. It's difficult to know.

22 Q. [12:21:02] Did you discuss the plight of Muslim civilians (Redacted)

23 A. [12:21:07] I cannot raise that subject (Redacted)

24 (Redacted)

25 PRESIDING JUDGE SCHMITT: [12:21:35] Well, but, again, Mr Witness, you have

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1 already spoken nearly now one and a half days, and you have taken an oath, and an
2 oath has to be kept, if I may remind you on that. Furthermore, you have given a
3 statement to the Office of the Prosecutor which entails already a lot of information and
4 this is already known. And it is important that you tell us here in the courtroom - you,
5 personally - what you experienced and what is the truth and what is the whole truth.
6 So I would like to ask you to answer the question of the Prosecutor truthfully.

7 THE WITNESS: [12:22:40](Interpretation) Could you please remind me of the question
8 again.

9 PRESIDING JUDGE SCHMITT: [12:22:42] That's okay, of course, because that was a
10 long speech.

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

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6 Q. [12:25:50] Let me just ask a few other questions. As we've reached this point now,
7 has the concern that we are now addressing affected your testimony up until now? In
8 other words, have you been concerned about the possible security implications
9 regarding what you're saying during the course of your testimony up until this
10 moment, all along, so to speak?

11 A. [12:26:31] Now since you're giving me assurances that I have nothing to fear, I can
12 only just accept what you said.

13 Q. [12:26:45] Okay. But --

14 PRESIDING JUDGE SCHMITT: [12:26:46] Mr Witness, more clearly worded: Up until
15 now, have you told us the truth?

16 THE WITNESS: [12:27:04](Interpretation) I can only tell you the truth and nothing but
17 the truth. What's coming out of me is the truth. I cannot lie to you.

18 PRESIDING JUDGE SCHMITT: [12:27:15] We appreciate that. And we would ask you
19 to maintain this attitude, so to speak, and to continue speaking the truth.
20 Mr Vanderpuye.

21 MR VANDERPUYE: [12:27:28] Thank you, Mr President.

22 Q. [12:27:29] In light of that then -- I have to apologise because I can't see my
23 transcript very well. It's a function of the age, I think. But --

24 PRESIDING JUDGE SCHMITT: [12:27:44] So a technician would not help.

25 MR VANDERPUYE: [12:27:47] He wouldn't help.

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1 Q. [12:27:49] However, in light of that, my question is, I'm not sure that you've
2 answered Mr President's question, then, which --

3 PRESIDING JUDGE SCHMITT: [12:28:00] He has answered that he has told us the
4 truth up until now.

5 MR VANDERPUYE: [12:28:02] That's right.

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 A. [12:30:54] Muslims are Central Africans. And everybody, of course -- well,
2 perhaps there's something that sets this operation apart from what's going on on the
3 ground. There is no distinction. The difference with Muslims *who are killed in
4 particular comes down to language. They speak Arabic, but most Central Africans,
5 mostly speak Sango. Most Central Africans are speaking Sango.

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

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1 A. [12:34:35] In Bangui, the events that occurred were being followed by everybody
2 wherever they were. Today, if there is any looting going on, news of it would circulate
3 around Bangui. When there were cases of deaths, people would hear of it. All of
4 Bangui knows what's going on.

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

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12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted) we had

20 not even seen one another, I don't think, at any point. We had not met. I never met

21 Ngaïssona. All of the meetings that he called, I was never present. I never attended. I

22 was not there.

23 PRESIDING JUDGE SCHMITT: [12:54:17] I think we have to take this as an answer.

24 You see, it might not be what we would expect, but still.

25 MR VANDERPUYE: [12:54:30] Yes, I have a slightly different --

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- 1 PRESIDING JUDGE SCHMITT: [12:54:34] Angle?
- 2 MR VANDERPUYE: [12:54:35] -- question related --
- 3 PRESIDING JUDGE SCHMITT: [12:54:39] Angle?
- 4 MR VANDERPUYE: [12:54:42] -- but a slightly different angle, yes.
- 5 PRESIDING JUDGE SCHMITT: [12:54:42] Okay, good.
- 6 MR VANDERPUYE: [12:54:44]
- 7 (Redacted)
- 8 (Redacted)
- 9 (Redacted)
- 10 (Redacted)
- 11 (Redacted)
- 12 A. [12:55:19] I am telling you the truth. I never met with Ngaïssona, (Redacted)
- 13 (Redacted). I am not lying. I have told the truth. I did not meet with
- 14 Ngaïssona. (Redacted)
- 15 (Redacted)
- 16 (Redacted)
- 17 (Redacted)
- 18 (Redacted)
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- 9 (Redacted)
- 10 PRESIDING JUDGE SCHMITT: [12:57:56] Okay. Thank you, Mr Witness.
- 11 Mr Vanderpuye.
- 12 MR VANDERPUYE: [12:57:59] I think we can break.
- 13 PRESIDING JUDGE SCHMITT: [12:58:00] Yes.
- 14 MR VANDERPUYE: [12:58:01] I was going to go to another meeting.
- 15 PRESIDING JUDGE SCHMITT: [12:58:04] Yes, I think it's better to break then.
- 16 MR VANDERPUYE: [12:58:06] Yes, Mr President.
- 17 PRESIDING JUDGE SCHMITT: [12:58:06] Yes, okay.
- 18 Do you finish today with the examination? No. I would have also been surprised,
- 19 actually. We will discuss later then. Okay. Until 2.30.
- 20 THE COURT USHER: [12:58:19] All rise.
- 21 (Recess taken at 12.58 p.m.)
- 22 (Upon resuming in private session at 2.30 p.m.)
- 23 THE COURT USHER: [14:30:33] All rise. Please be seated.
- 24 PRESIDING JUDGE SCHMITT: [14:30:53] Good afternoon. We are in private session.
- 25 Mr Vanderpuye, you have still the floor.

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1 MR VANDERPUYE: [14:31:04] Thank you, Mr President. I think we'll need to stay in
2 private session for a little while.

3 PRESIDING JUDGE SCHMITT: [14:31:08] Yes.

4 MR VANDERPUYE: [14:31:09] Yes.

5 PRESIDING JUDGE SCHMITT: [14:31:09] Then be it so.

6 MR VANDERPUYE: [14:31:11] Thank you.

7 Q. [14:31:24] Good afternoon, Mr Witness. When we left off, I think I was going to
8 ask you about some other meetings that perhaps you are aware of.

9 So I'll start with this first one. And I want to show you a document. It's on 10 January.
10 It's tab 113, CAR-OTP-2124-0516. I think we have it on the screen now. This is a
11 document dated 10 January 2014. Well, there's two dates. On the second page there's a
12 date of 9 January 2014.

13 PRESIDING JUDGE SCHMITT: [14:32:27] Well, be it the 9th or the 10th.

14 MR VANDERPUYE: [14:32:32] Yes.

15 PRESIDING JUDGE SCHMITT: [14:32:32] Around 10 January.

16 MR VANDERPUYE: [14:32:36] Indeed.

17 Q. [14:32:37] And you can see that it refers to the Combattants de Liberation de
18 Peuple Centrafricain (CLPC), and it says that it's (Interpretation) Minutes of the
19 meeting amongst the officials of the movement -- the CLPC movement.
20 (Speaks English) First of all, were you aware of a meeting that took place on that day,
21 in particular, this is -- in paragraph 1, you can see that it happened in the Boeing
22 quartier.

23 A. [14:33:41] I don't know about that.

24 Q. [14:33:42] In this document it refers to, in paragraph 2, the opening of the meeting
25 that was done by Captain Charles Ngremangou. And in this document it refers to him

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1 as a chef d'état-major général. Do you know what that refers to?

2 A. [14:34:22] Yes.

3 Q. [14:34:22] I'm sorry, I thought I heard you answer but I don't see -- okay, I do see
4 now in the transcript. What does it refer to, to your knowledge?

5 A. [14:34:30] To my knowledge -- well, what I was saying before, the head of the
6 coalition was heading in that direction. He was responsible for all the elements.

7 Q. [14:35:25] (Redacted)

8 (Redacted). Do you know why

9 between this date, 10 January and 23 January, Ngremangou, who is referred to as the
10 chef d'état-major, is no longer referred to as the chef d'état-major in the document that's
11 signed by Mr Ngaïssona?

12 A. [14:36:08] This is the first time I've seen this document. Now, that is where I was
13 saying, you know, (Redacted), because Ngaïssona could never give
14 me a mission order if he entrusted me with a responsibility. And when there were
15 problems, he would avoid his responsibility and leave me suffering for nothing. So I
16 never worked with Ngaïssona. (Redacted) I never worked
17 with Ngaïssona.

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 Q. [14:37:42] I just want to ask you one other question about this document.

22 MR VANDERPUYE: [14:37:46] We'll have to go to the next page, 0517. And if we go
23 down to the bottom -- yes, that's it. The numerated paragraphs.

24 Q. [14:38:01] It describes the conclusion of the meeting and the points that are arrived
25 at by the group. At point number 2, you can see here it refers to the (Interpretation)

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1 "Return to constitutional order or a transitional body." (Speaks English) I think you
2 already described what you understood of the retour à l'ordre constitutionnel, and I
3 think you described it in rather oblique terms, that it meant for someone to return to
4 power. What did you understand, or if you do, what do you understand of the Collège
5 de Transition?

6 A. [14:39:04] Well, I've never seen this document before. This is the first time I've
7 seen. Otherwise, (Redacted)
8 (Redacted) but this is the first time I've seen this
9 document. Return to the constitutional order. (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted) But he just wanted to

13 resume warfare. Return to constitutional order meant war, warfare, and the people
14 would still die. So ...

15 Q. [14:40:06] Okay. I have your answer there. Let me show you another document
16 and I'll ask you some questions about that one as well. This is at tab 35, (Redacted)
17 (Redacted) I see we have it on the screen already. This is a document that was drafted
18 by (Redacted). First of all, do you know that name?

19 A. [14:41:17] (Redacted), I don't know that person.

20 Q. [14:41:20] It's a document that was drafted by him on (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 A. [14:42:55] I did not receive a copy of this document. I'm just seeing it now for the
7 first time.

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 A. [14:44:23] I didn't meet with Mokom. This is the first time I've seen this
16 document. I've never seen it before.

17 Q. [14:44:41] And with respect to Mokom. Can I ask, do you know if Maxime
18 Mokom was referred to as Commandant Mokom?

19 A. [14:44:53] Well, primarily Mokom was not a military man. I don't know where he
20 was trained. Even joint training, I don't know. Basic training, I don't know. So I don't
21 see how he could be called commander.

22 Q. [14:45:28] Okay. Do you know if he was considered the Coordonnateur Général
23 des Anti-Balaka at any point?

24 A. [14:45:36] Yes, his name was out there. There were two names out there: Mr
25 Ngaïssona and Mr Mokom. They were very much connected to this problem, and

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1 many things happened as part of this.

2 Q. [14:46:14] And when you say "beaucoup de choses se sont passées aussi," what do
3 you mean by that?

4 A. [14:46:40] Well, you said that I should not be afraid and I should not hold back. So
5 according to the intelligence I received, Mokom had a huge number of weapons that
6 had come in to Bangui via Zongo. That was according to the intelligence I had
7 received. And with these weapons, he was able to begin the movement of the 5th.

8 Q. [14:47:25] How do you know that?

9 A. [14:47:27] (Redacted) gave me that information. (Redacted).

10 Q. [14:47:43] When did he give you that information and what did he tell you?

11 A. [14:47:47] He gave me that information when (Redacted). I can't remember the
12 exact date.

13 Q. [14:48:09] What did he tell you about Mokom and the weapons?

14 A. [14:48:15] He said that there were weapons and that they had been sent by way of
15 Zongo. *There was bush behind behind Boy-Rabe, it was an area that was not
16 inhabited, and so the weapons were sent there. And they were gathered up there, and
17 there was to be something on the 5th. Camp Kassai would be attacked. (Redacted)
18 (Redacted)

19 Q. [14:49:23] Did he tell you who was involved in the delivery of those arms? How
20 often, how many arms, what types of arms? Did he tell you that?

21 A. [14:49:31] I was told about that in general terms. The weapons, according to the
22 intelligence, had been sent by General Bozizé.

23 Q. [14:49:59] Did he tell you how the arms were transported, one; and two, do you
24 know if any of those arms wound up with Mr Yekatom's group?

25 MS DIMITRI: [14:50:19] Mr President.

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- 1 PRESIDING JUDGE SCHMITT: [14:50:20] Ms Dimitri.
- 2 MS DIMITRI: [14:50:23] If I may, could we have a more neutral question, "where did
3 they end up with"?
- 4 PRESIDING JUDGE SCHMITT: [14:50:31] Well, I would prefer one question after the
5 other. I think it's better. Start with the first question and, from there, the next question.
6 Because it's always -- you know, if we ask two questions in one, a witness might choose
7 to answer one of the two questions only. So I think it's better really you start with the
8 first question. And then you can, indeed, ask in a more neutral way where the -- do
9 you know where the weapons ended up and then -- yes.
- 10 MR VANDERPUYE: [14:51:06]
- 11 Q. [14:51:06] Did he tell you who was involved in those arms, in transmitting those
12 arms?
- 13 A. [14:51:10] The transfer to Bangui? Yes. According to the intelligence, the weapons
14 arrived in Zongo, after the river to Bangui. People crossed on canoes, and they brought
15 the weapons to the location that I mentioned behind the mountain. And from there,
16 the people who were supposed to use those weapons went and got them.
- 17 Q. [14:52:08] Do you know who gathered those arms and who used them?
- 18 A. [14:52:12] I am not in a position to know who got them. Otherwise, the coalition,
19 in its entirety, was manoeuvring from Camp Kassai and, indeed, Ngaïssona was part of
20 that --
- 21 THE INTERPRETER: [14:52:42] Correction.
- 22 THE WITNESS: [14:52:43](Interpretation) Yekatom was part of that manoeuvre, was
23 part of it. And the entire coalition, not just him, the entire coalition was part of that
24 manoeuvre on the 5th. Not just Yeka --
- 25 MR VANDERPUYE: [14:52:51]

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1 Q. [14:52:51] I think I asked you at the beginning of your testimony what you --

2 THE INTERPRETER: [14:53:00] The witness ended his reply by saying: Not Yekatom alone.

3 MR VANDERPUYE: [14:53:04]

4 Q. [14:53:04] I think I asked you at the beginning of your testimony, I think, about
5 what you knew about Mr Yekatom's -- the disposition of Mr Yekatom's group and
6 what they were doing, where they were, but let me ask this way.

7 You've mentioned that his group was part of the operation concerning 5 December.

8 What is your --

9 PRESIDING JUDGE SCHMITT: [14:53:38] Open session?

10 MR VANDERPUYE: [14:53:40] Yes, I think so.

11 PRESIDING JUDGE SCHMITT: [14:53:42] I think so. I also thought so.

12 We go to open session.

13 Excuse me for interrupting, but you know it's better in -- I have to.

14 (Open session at 2.54 p.m.)

15 THE COURT OFFICER: [14:54:14] We are in open session, Mr President.

16 MR VANDERPUYE: [14:54:16] Thank you.

17 Q. [14:54:17] Mr Witness, I was asking you because you've mentioned that Mr
18 Yekatom's group was involved in the 5 December operation you've described, not the
19 only group but one of them. And I wanted to know about the basis of your
20 information. If you think it will identify you, let us know. But otherwise, what was
21 your understanding of the involvement of Mr Yekatom's group in the 5 December
22 operation?

23 A. [14:54:47] He took part just like everyone else, because it was the entire coalition.

24 Q. [14:55:19] When you say he participated like everyone else, what do you mean by
25 that?

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1 A. [14:55:22] I'm not in a position to clearly know how to answer that question
2 because {PFR: (Redacted)}. I wasn't with them, so I don't know how
3 to define my answer.

4 Q. [14:56:09] I think I understand your answer, but there's lots of ways to participate
5 in an operation. I think you would agree with that. So when you say that your
6 understanding was that he participated in the operation, what exactly do you mean?
7 What was your understanding? How did he participate in the operation according to
8 the information that you had?

9 PRESIDING JUDGE SCHMITT: [14:56:33] Ms Dimitri.

10 MS DIMITRI: [14:56:34] Yes, Mr President. It's again the same situation. Mr
11 Vanderpuye asked -- the previous question was: What do you mean by he
12 participated? And then the witness said: I don't know how to answer that question.
13 So he doesn't know the answer. We can push him and then we're going to lead him to
14 a specific answer. He doesn't know. {PFR: (Redacted)}

15 PRESIDING JUDGE SCHMITT: [14:56:55] No, if he says he doesn't know how to
16 answer that does not mean he doesn't know the answer. Not necessarily.

17 So, Mr Vanderpuye, you can give it a try. What I assume is that -- okay, I don't want to
18 tell my assumption because the witness hears it. But you can give it another try. I
19 don't have any objection against this.

20 MR VANDERPUYE: [14:57:19]

21 Q. [14:57:29] According to the information you had, which you said, he participated
22 in the 5 December operation. What is the information that you had? How did he
23 participate according to that information?

24 A. [14:57:44] Taking part in an operation is that he carried out the manoeuvre, just
25 like any other Anti-Balaka group.

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1 Q. [14:58:28] Do you mean combat?

2 A. [14:58:33] Yes.

3 Q. [14:58:33] Well, this is what I'm asking. Militarily, you can participate in an
4 operation through combat, through intelligence, through communications, through
5 coordination. So when you say "participate" in this instance, say exactly what you
6 mean.

7 PRESIDING JUDGE SCHMITT: [14:59:29] Mr Witness, please answer.

8 THE WITNESS: [14:59:42](Interpretation) Yes, I answered earlier. I said that he carried
9 out the manoeuvre.

10 PRESIDING JUDGE SCHMITT: [14:59:53] And what was your source of information
11 for that? Where did you get the information from?

12 THE WITNESS: [15:00:07](Interpretation) I was saying earlier that it was {PFR: (Redacted)} who
13 gave me that information. On 5 December, {PFR: (Redacted)}.

14 PRESIDING JUDGE SCHMITT: [15:00:21] Thank you.
15 Mr Vanderpuye.

16 MR VANDERPUYE: [15:00:23]

17 Q. [15:00:24] Okay. Thank you. We're in open session.

18 MR VANDERPUYE: [15:00:36] Mr President, I think I have to go to private session.

19 PRESIDING JUDGE SCHMITT: [15:00:39] I understand that. And also, since we have
20 audience, this is a protected witness. And when we go to private session, that means
21 that the questions that are going to be asked, the answers of the witness might reveal
22 his identity, and that's the reason why we are going to private session, which we do,
23 please.

24 (Private session at 3.01 p.m.)

25 THE COURT OFFICER: [15:01:24] We are in private session, Mr President.

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WITNESS: CAR-OTP-P-0487

(Private Session)

ICC-01/14-01/18

- 1 MR VANDERPUYE: [15:01:25] Thank you.
- 2 Q. [15:01:26] Mr Witness, I wanted to ask you about (Redacted)
- 3 (Redacted)
- 4 (Redacted)
- 5 (Redacted)
- 6 (Redacted)
- 7 (Redacted)
- 8 (Redacted)
- 9 (Redacted)
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- 25 (Redacted)

Trial Hearing
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(Private Session)

ICC-01/14-01/18

1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

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6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 Ngaïssona?

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 A. [15:09:16] Ngaïssona represented all the Anti-Balaka during that period. That was

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(Private Session)

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1 at Bangui. They were the two chiefs. Two chiefs. So Captain Ngremangou, the
2 coordinator; and Ngaïssona.

3 Q. [15:09:58] Did he represent the people that we see on (Redacted)
4 (Redacted)

5 A. [15:10:03] He didn't only represent those (Redacted) He represented all
6 the coalition.

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 Q. [15:11:11] Okay. That's fine. (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 Q. [15:12:25] All right. That's helpful. I think where you referred to Grezangou that
17 might be a handwriting issue, but you'll let me know, because the first name is Charles.

18 A. [15:12:48] Yes.

19 Q. [15:12:50] Could it be referring to Charles Ngremangou?

20 A. [15:13:03] Yes, that's him. It's Ngremangou.

21 Q. [15:13:10] Okay. I want to ask you about (Redacted) Zila, Pismis area.

22 (Redacted)

23 (Redacted)

24 Are you able to provide the Chamber with an approximation of how many elements
25 came down there or were there amongst Mr Yekatom's group (Redacted)

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1 A. [15:13:54] I don't know if I can. Maybe there were 50 or so.

2 Q. [15:14:28] Do you know where the other elements under Mr Yekatom were, the
3 ones that were with him at the Yamwara school at that time?

4 A. [15:14:54] Usually those elements were at their posts. They put the elements -- for
5 example, in Zila there was a post, in Sekia there was a post, in Pissa there was a post.
6 Also at Carmel there was a post. So there were several posts. I couldn't really know all
7 the posts. Those are the ones I know. Those are the ones I've mentioned.

8 Q. [15:15:34] Okay. I want to show you a video and then I'll ask you some questions
9 about it.

10 MR VANDERPUYE: [15:15:41] I think we can show the video in open session.

11 PRESIDING JUDGE SCHMITT: [15:15:43] Open session.

12 MR VANDERPUYE: [15:15:44] And perhaps I'll follow up in private session. But the
13 ERN number is tab 21 -- rather, it's tab 21, ERN --

14 PRESIDING JUDGE SCHMITT: [15:15:54] Open session.

15 MR VANDERPUYE: [15:15:55] Oh, sorry. I'll wait.

16 (Open session at 3.16 p.m.)

17 THE COURT OFFICER: [15:16:15] We're in open session, Mr President.

18 MR VANDERPUYE: [15:16:18] The video is in tab 21, CAR-OTP-2055-2610. The
19 transcript is tab 111, CAR-OTP-2122-2271. We'll play the video from about 1:17
20 through 2:21. And the transcript references will be at page 2275 through 2276, lines 36
21 through 82.

22 PRESIDING JUDGE SCHMITT: [15:16:53] Interpreters, please let us know when you're
23 ready.

24 THE INTERPRETER: [15:16:58] We're waiting for it to be displayed. We now have it
25 on screen.

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(Open Session)

ICC-01/14-01/18

- 1 PRESIDING JUDGE SCHMITT: [15:17:32] However, I don't see any video on the
2 screen -- ah, no. Good. Yes.
3 (Viewing of the video excerpt)
4 THE INTERPRETER: [15:17:53](Interpretation of the video excerpt)
5 "... confines of the ville, the situation becomes even more complicated. The bridge PK9,
6 which is kilometre 9, shows the exit of the capital on the strategic axis.
7 On the other side, the general director of the gendarmerie has a meeting with the allies,
8 which is rather surprising.
9 JK: Colonel.
10 Mr Minister.
11 Please be -- we welcome you.
12 Thank you.
13 These men belong to an Anti-Balaka group, Christian militaries who rule over a
14 hundred kilometres of the route over there.
15 You can see the gendarmerie just stops at the barrier which you can see over there.
16 What is happening after the barrier is something we don't master. But today, the men
17 are here, intersect the stolen objects, the false Central Africans who want to destroy our
18 countries, and hand them over to the gendarmerie. That is collaboration.
19 The gendarmes have nothing else but must work with them but since February have
20 been regarded as enemy of the peace by Samba-Panza, the new president of the Central
21 African Republic."
22 PRESIDING JUDGE SCHMITT: [15:19:19] Just for the record, the correct ERN number
23 for this video is CAR-OTP-2055-2610.
24 MR VANDERPUYE: [15:19:31] Thank you, Mr President.
25 Q. [15:19:37] I hope you saw the video, Mr Witness.

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1 A. [15:19:41] Yes, I saw it.

2 Q. [15:19:49] You're familiar with the area, I believe. It's the area of the PK9 bridge, is
3 it?

4 A. [15:19:59] The bridge, yes.

5 MR VANDERPUYE: [15:20:04] Now I'd like to go into private session, if I can, Mr
6 President.

7 PRESIDING JUDGE SCHMITT: [15:20:07] Private session.

8 (Private session at 3.20 p.m.)

9 THE COURT OFFICER: [15:20:31] We are in private session, Mr President.

10 MR VANDERPUYE: [15:20:33]

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 Q. [15:21:38] Okay. This is about as good a spot as we can be. I can't see the time,
18 though. 02:06? Okay. Here you can see the DG of the gendarmerie that you're
19 referring to; yes?

20 A. [15:22:00] Yes.

21 Q. [15:22:00] Mr Kokate in the middle of the screen?

22 A. [15:22:04] Kokate, yes.

23 (Redacted)

24 (Redacted)

25 (Redacted)

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(Private Session)

ICC-01/14-01/18

1 (Redacted)

2 (Redacted)

3 (Redacted)

4 MR VANDERPUYE: [15:22:42]

5 Q. [15:22:42] (Redacted)

6 (Redacted)

7 A. [15:22:55] I think -- I think it's dealing with the gendarmerie of PK9 and the
8 weapons were taken from there.

9 Q. [15:23:21] Tell the Chamber about that.

10 A. [15:23:41] The gendarmerie of PK9 was broken into twice in order to get the
11 weapons by Mr Yekatom. It was public knowledge in Bimbo. All citizens were aware
12 of it.

13 Q. [15:23:58] And do you know what the reason was to take those arms from the
14 gendarmerie?

15 A. [15:24:09] I don't know why he took them and for when. The gendarmerie was
16 working. But I don't know what pushed him to retrieve the weapons. Not only the
17 gendarmerie of PK9. There were also other sectors.

18 Q. [15:24:47] When you say, "There were also other sectors," what do you mean?
19 Other sectors where Mr Yekatom's group took arms from the gendarmerie, or do you
20 mean something else?

21 A. [15:24:55] What I want to say, that he took weapons twice in PK9. Also from
22 M'Baiki, he also tried to recover weapons or retrieve weapons.

23 Q. [15:25:24] How did you come to know about that?

24 A. [15:25:27] I received information on that. M'Baiki is not very far from Bangui. It's
25 about 104 kilometres away.

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1 Q. [15:25:49] In this footage we played, I think, and hopefully I've got it right, the DG
2 of the gendarmes talks about working together with this group. Do you know if the
3 DG of the gendarmes or the gendarmerie was working together with Mr Yekatom's
4 group? He talks about -- if I'm not mistaken, he said (Interpretation) for Central
5 Africans.

6 A. [15:26:40] These are political arguments which he put forward with the Balaka. It
7 is a gendarmes.

8 Q. [15:26:52] So what is your understanding of the relationship between the
9 gendarmerie -- did I cut someone off?

10 PRESIDING JUDGE SCHMITT: [15:27:03] It was not your fault. The interpreter --

11 THE INTERPRETER: [15:27:03] He was not very clear.

12 PRESIDING JUDGE SCHMITT: [15:27:05] The microphone was still on from the
13 interpreter, so please repeat your question, Mr Vanderpuye.

14 MR VANDERPUYE: [15:27:10] Thank you, Mr President.

15 PRESIDING JUDGE SCHMITT: [15:27:16] Ms Dimitri.

16 MS DIMITRI: [15:27:20] Mr President, (Redacted)

17 (Redacted), maybe we could go back into (Overlapping speakers)

18 PRESIDING JUDGE SCHMITT: [15:27:25] Indeed, yes. Yes, you're right, of course.

19 You're right. We can go to open. Yes, I agree with you. Open session.

20 (Redacted)

21 (Redacted)

22 THE WITNESS: [15:28:01](Interpretation) I haven't understood the question.

23 (Open session at 3.28 p.m.)

24 THE COURT OFFICER: [15:28:06] We are back in open session, Mr President.

25 PRESIDING JUDGE SCHMITT: [15:28:08] Thank you.

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1 The question will be repeated.

2 Please, Mr Vanderpuye.

3 MR VANDERPUYE: [15:28:11] Thank you, Mr President.

4 Q. [15:28:12] My question was, sir, what was your understanding of the relationship
5 between Mr Yekatom's group and the gendarmerie in the area of PK9 bridge, or in PK9
6 more generally?

7 *A. [15:28:23] As I said, this is a political language, because the gendarmerie had a
8 motorised unit on duty in Zila. He came to look at this area so that the gendarmerie
9 could be present there. It's not really -- this reason, that's not the only reason really
10 why he came.

11 Q. [15:29:11] And in terms of the arms that were taken by Mr Yekatom's group from
12 the gendarmerie, on two occasions you indicated, do you know if those arms were
13 returned?

14 A. [15:29:25] I couldn't know that. I heard that it was taken, but I really don't know if
15 it was returned. Even that of the company of M'Baiki.

16 Q. [15:29:58] Do you know if you can approximate how many members there were of
17 the gendarmerie in PK9 around the time that Mr Yekatom's group took the arms from
18 them? What was their manpower at that time? Do you know?

19 A. [15:30:21] The gendarmes couldn't resist. Even if they came with only ten men,
20 the gendarmes would flee. Yekatom was too influential. Yekatom was very
21 influential. Even with ten or five men, the gendarmerie would flee.

22 Q. [15:30:59] Okay. Let me show you another part of this same video.

23 MR VANDERPUYE: [15:31:13] This should be from 07:29 through 08:13. And the
24 transcript reference should be at page 2279 through 2280, lines 200 through 233. If you
25 could just let us know when you're ready.

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1 THE INTERPRETER: [15:31:44] The transcript is up on the screen. The interpreter is
2 ready.

3 PRESIDING JUDGE SCHMITT: [15:31:49] You can go ahead, Mr Vanderpuye.

4 MR VANDERPUYE: [15:31:54]

5 Q. [15:31:54] Can you see it on your screen, sir?

6 A. [15:31:56] Yes.

7 (Viewing of the video excerpt)

8 THE INTERPRETER: [15:32:03](Interpretation of the video excerpt) "Journalist: All the
9 -- but Souleymane, since you were there the last time when we saw one another, six
10 weeks ago, you were on that side of the bridge. He was on the other side of the bridge
11 ...

12 AY: Yes.

13 Journalist: ... and you were firing upon?

14 AY: Yes, we were there when ... with our brothers there, the Seleka.

15 Journalist: Yes.

16 AY: Yes.

17 Journalist: And yet you know one another, you are both ...

18 AY: Yes, but we know one another, but if he wants to kill us, what are we going to do,
19 eh? We're going to defend ourselves all the same."

20 MR VANDERPUYE: [15:33:02]

21 Q. [15:33:02] I think you saw Mr Yekatom speaking there. First of all, did you
22 recognise the location where he was speaking?

23 A. [15:33:20] That must still be just before the bridge.

24 Q. [15:33:36] And would that be the area of Zila or Pismis? Can you be more
25 specific? Or just after the bridge, as you say, just on the other side?

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1 A. [15:33:42] This Pismis sector.

2 Q. [15:33:54] In this footage, Mr Yekatom indicates that he's got 3,000 men. That's a
3 lot of men. Does that comport with your understanding at the time?

4 MS DIMITRI: [15:34:09] Mr President.

5 PRESIDING JUDGE SCHMITT: [15:34:10] Ms Dimitri.

6 MS DIMITRI: [15:34:11] The question was asked earlier. He said 50. He said he had
7 men at posts. That he didn't know where these posts specifically were, apart from a
8 couple. He gave the numbers. Now he heard on the video 3,000. We're leading him to
9 3,000.

10 PRESIDING JUDGE SCHMITT: [15:34:28] I don't think we're leading him to 3,000. No,
11 I respectfully disagree. The witness has, of course, provided his impression of the
12 manpower, so to speak, of Mr Yekatom at a certain point in time, but now we have
13 here a statement by Mr Yekatom himself, and we may ask the witness what he think
14 about that. And, actually, the answer can go in all sorts of directions.

15 So when you hear that -- when you hear, Mr Witness, Mr Yekatom saying he has 3,000
16 men, what do you make of it?

17 THE WITNESS: [15:35:17](Interpretation) The number of men was increasing. The
18 number of people did not remain stable. He himself said so. He knew how many
19 people he had, how many men he had. So that is where I was saying I couldn't know
20 the exact number. So 3,000, that's normal, because he said so.

21 MR VANDERPUYE: [15:35:49]

22 Q. [15:35:49] And in the interview, he's asked about how he takes care of them, and
23 he indicates that he has to feed them. Do you know through what means or by what
24 means he managed to take care of his elements or feed them?

25 A. [15:36:07] The roadblocks that had been set up brought in money. For example,

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1 the roadblock -- after the bridge there was a roadblock. At Zila there was a roadblock.
2 At Pissa there was a roadblock. At the Bossangoa company, the Société Bossangoa was
3 under his command, Palme d'Or, that company, he ensured security there. So these
4 places I'm mentioning -- I believe also at Carmel. Not just -- well, the lumber company,
5 and then after Pissa, according to the intelligence, he was the one ensuring security at
6 all those various companies.

7 Q. [15:38:03] If we start with the roadblocks, you said that they bring money in. Do
8 you know how that worked? Practically speaking. Cars were stopped, I would guess,
9 or vehicles were stopped. Could you describe to the Chamber what you know about
10 that.

11 A. [15:38:31] Each vehicle would pay some money before passing through,
12 motorcycles. During that period of time, things were tough. Even a farmer on his way
13 to his fields with some vegetables, even such a farmer would be asked for 100 francs.
14 Sometimes the person didn't have that money and would complain. So that's how it
15 worked.

16 Q. [15:39:02] Just to be clear, what is the period that we're talking about here? Are
17 we talking at the end of December through early 2014, that those roadblocks were
18 under Mr Yekatom's control? Or a different period or a longer period, as far as you
19 know?

20 A. [15:39:45] Yes, I believe -- it was -- it began around late December, I believe.

21 Q. [15:39:49] Did that continue through 2014?

22 A. [15:39:53] It continued -- I explained. I explained how -- how he began to *release or
23 open up the roadblock at Zila, at PK9, and also the sort of the toll crossing at Sekia. I
24 explained that. {ICR: (Redacted)}

25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)}

7 MR VANDERPUYE: [15:41:48] Mr President, may we --

8 PRESIDING JUDGE SCHMITT: [15:41:50] The question is if the next question by you
9 also would incite a narrative -- a certain narrative. I don't want to be more outspoken.

10 MR VANDERPUYE: [15:42:00] Yes. I think it might.

11 PRESIDING JUDGE SCHMITT: [15:42:15] Okay. Then let's, I think for safety's sake,
12 for the benefit of the witness, we have to go to private session.

13 It's a protected witness. And when the answers to certain questions might reveal his
14 identity, we have to ask them in private session, obviously.

15 We go to private session.

16 (Private session at 3.42 p.m.)

17 THE COURT OFFICER: [15:42:44] We are in private session, Mr President.

18 MR VANDERPUYE: [15:42:47]

19 Q. [15:42:47] Mr Witness, I'm sorry to interrupt you. As I mentioned before, if I think
20 that you might answer a question that might identify you, I might do that.

21 So I didn't mean to interrupt you. If there's more that you want to add to your answer,
22 please go ahead. Otherwise, I do have some questions for you. (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 Q. [15:51:23] What I mean is, did you speak to Mr Yekatom about what the (Redacted)

24 (Redacted) told you, (Redacted)

25 (Redacted). Did you speak about those same things with Mr Yekatom?

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1 A. [15:51:46] If I had talked to him about that, that would have been provoking him.

2 That would have been difficult. (Redacted)

3 (Redacted). But otherwise, before I couldn't. When you even hear his voice, he was a

4 man of influence. And he was trigger-happy.

5 Q. [15:52:35] (Redacted)

6 (Redacted) those roadblocks, as I understand it, so the Defence will correct me if I'm

7 wrong, they were under the control of Mr Yekatom and his men? That is, the

8 roadblock at Sekia, Zila, Pismis, at that time, Mr Yekatom was in control of those

9 roadblocks?

10 A. [15:52:56] Yes.

11 PRESIDING JUDGE SCHMITT: [15:53:10] Ms Dimitri.

12 MS DIMITRI: [15:53:12] Yes, Mr President. "At that time," what's "at that time"?

13 Because I'm not sure what period we are -- what's the period (Redacted)

14 PRESIDING JUDGE SCHMITT: [15:53:14] Indeed. Indeed. Indeed. Absolutely.

15 Absolutely.

16 Mr Witness, you have heard the intervention by counsel. Could you specify what time

17 we are speaking about -- or you are speaking about, better to say?

18 THE WITNESS: [15:53:41](Interpretation) It was the period of time when (Redacted)

19 (Redacted) I don't remember the

20 date. Sorry.

21 MR VANDERPUYE: [15:54:01]

22 Q. [15:54:01] Do you remember the year?

23 A. [15:54:02] It was in 2014.

24 Q. [15:54:09] All right. That's helpful as well. (Redacted)

25 (Redacted)

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1 A. [15:54:29] (Redacted)

2 (Redacted)

3 (Redacted)

4 Boy-Rabe was Mr Ngaïssona's neighbourhood. (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 A. [15:56:03] The soldiers were the only ones who were supposed to be part of the
11 elements to conduct the operations for the return to constitutional order. That's how it
12 was. (Redacted)

13 Q. [15:56:49] I understand you. I'd like to show you ...

14 MR VANDERPUYE: [15:57:12] One moment, Mr President. I want to show you a
15 document. It's tab 76, CAR-OTP-2084-0049.

16 PRESIDING JUDGE SCHMITT: [15:58:17] Which part do you want to enlarge?
17 Because on the screen it's too small at the moment.

18 MR VANDERPUYE: [15:58:24] Yes, it is. I'm sorry, Mr President. The first paragraph.

19 PRESIDING JUDGE SCHMITT: [15:58:35] Okay, that's good.

20 MR VANDERPUYE: [15:58:36] I had to search through all these papers just to give you
21 that answer.

22 Q. [15:58:41] So here we can see it's a declaration. It's dated 14 February. Of course,
23 the Chamber is familiar with this document. It has another date of 17 February some
24 pages down at 0053. But it's a declaration, the CLPC, as I'd shown you before on the 10
25 January document. And it's issued by the Combattants Anti-Balaka. It is signed by the

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members of the coordination. If we go to page 0053, you'll see a number of names there. Some will probably be familiar to you; some might not be.

At number 17, you will see the names Yvon Donoh. At number 18, you will see the name Sylvain Beorofei. You will see the name at number 8, Lebene Thierry, who we and the Chamber know to be Douze Puissances. And you will see on the next page, 0054, the name of Maxime Mokom at number 21. At number 19, you will see the name of Dieudonné Houronti.

Substantively in this document, at page 0051, you will see that it discusses the arrest of ten Anti-Balaka elements. It discusses also a statement made by the transition president on 12 February 2014.

So the first thing I'd like to ask you is that with respect to the arrest of some 10 Anti-Balaka elements in and around February 2014, were you aware of that?

A. [16:01:02] I was not aware of it.

(Redacted)

(Redacted)

(Redacted)

Q. [16:01:58] Were you aware that there was an attempt to arrest Mr Ngaïssona by MISCA forces in February 2014?

A. [16:02:09] I couldn't know. (Redacted) *Ngaïssona was or lived in Boy-Rabe. (Redacted) That's a bit of a distance between the two.

Q. [16:02:36] Okay. So in (Redacted) you weren't aware at all that the Anti-Balaka members had been arrested in February 2014 in Bangui? You had no knowledge of that?

A. [16:03:00] I can't recall that.

MR VANDERPUYE: [16:03:22] Mr President, I have got two or three topics to go

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- 1 through with the witness, so with your leave, I'll stop now.
- 2 PRESIDING JUDGE SCHMITT: [16:03:29] Do you think you can make it in the first
- 3 session on Monday?
- 4 MR VANDERPUYE: [16:03:33] I think so.
- 5 PRESIDING JUDGE SCHMITT: [16:03:34] Yes, okay. Then --
- 6 MR VANDERPUYE: [16:03:36] I'll take a look at it over the weekend and I should be
- 7 able to check --
- 8 PRESIDING JUDGE SCHMITT: [16:03:40] Then we plan for the Defence to start with
- 9 the second session. Is that okay? Yes. And I don't ask the Defence now what your
- 10 prospects are. You cannot tell now, I'm sure.
- 11 So then this concludes the session for today and also for this week.
- 12 I wish everyone a good weekend, and we see each other again tomorrow at -- ah,
- 13 tomorrow. You see? Tomorrow, yeah. So far have we come. Monday, 9.30.
- 14 (The hearing adjourned in private session at 4.04 p.m.)