

Trial Hearing  
WITNESS: CAR-OTP-P-0487

(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  
5 Patrice-Edouard Ngaïssona - ICC-01/14-01/18  
6 Presiding Judge Bertram Schmitt, Judge Péter Kovács and  
7 Judge Chang-ho Chung  
8 Trial Hearing - Courtroom 1  
9 Wednesday, 22 February 2023  
10 (The hearing starts in open session at 9.34 a.m.)  
11 THE COURT USHER: [9:34:57] All rise.  
12 The International Criminal Court is now in session.  
13 Please be seated.  
14 PRESIDING JUDGE SCHMITT: [9:35:20] Good morning, everyone.  
15 Court officer, please call the case.  
16 THE COURT OFFICER: [9:35:27] Good morning, Mr President, your Honours.  
17 Situation in the Central African Republic II, in the case of The Prosecutor versus  
18 Alfred Yekatom and Patrice-Edouard Ngaïssona, case reference ICC-01/14-01/18.  
19 And for the record, we are in open session.  
20 PRESIDING JUDGE SCHMITT: [9:35:42] Thank you.  
21 I ask for the appearances of the parties.  
22 Mr Vanderpuye, you are -- you remain unchanged.  
23 MR VANDERPUYE: [9:35:50] Indeed. Good morning, Mr President. Good  
24 morning, your Honours. Good morning, everyone. Good morning, Mr Witness.  
25 PRESIDING JUDGE SCHMITT: [9:35:54] That was a compliment you remain

Trial Hearing  
WITNESS: CAR-OTP-P-0487

(Open Session)

ICC-01/14-01/18

1 unchanged. Your team, of course, I meant.

2 And now to the representatives of the victims.

3 MR DANGABO MOUSSA: [9:36:01](Interpretation) Yes, good morning,

4 your Honour. Good morning, your Honours, and to everybody in the courtroom,

5 and indeed to the witness.

6 The -- it's Ms Gabriella dos Santos, Ms Mouhia Asso and Dangabo Moussa, myself,

7 representing the other crimes.

8 PRESIDING JUDGE SCHMITT: Thank you.

9 MS LAU: [9:36:22] Good morning, Mr President, your Honours. Good morning,

10 everyone in the courtroom. Today the former child soldiers continue to be

11 represented by myself, Fiona Lau. Thank you.

12 PRESIDING JUDGE SCHMITT: [9:36:26] Thank you.

13 And we turn to the Defence. Ms Dimitri, next.

14 MS DIMITRI: [9:36:31] Good morning, Mr President. Good morning,

15 your Honours. Good morning, everyone. Mr Yekatom is present in the courtroom.

16 The team remains unchange -- no, I think Ms Casiez deserted us, but otherwise

17 the team is the same.

18 PRESIDING JUDGE SCHMITT: [9:36:47] Okay. Thank you.

19 Mr Knoops.

20 MR KNOOPS: [9:36:48] Good morning, Mr President. Good morning,

21 your Honours. Good morning, everyone in the courtroom. We're in the same

22 composition as yesterday, Mr President, except for Ms Pedroso. Thank you.

23 PRESIDING JUDGE SCHMITT: [9:37:00] Thank you.

24 And then we welcome also Ms Bwiza, the Rule 74 counsel for the witness.

25 And good morning, Mr Witness. I hope you are feeling well today.

Trial Hearing  
WITNESS: CAR-OTP-P-0487

(Open Session)

ICC-01/14-01/18

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

2 (The witness speaks French)

3 THE WITNESS: [9:37:14](Interpretation) Everything's fine.

4 PRESIDING JUDGE SCHMITT: [9:37:16] We love to hear that.

5 And I would like to thank you, on behalf of the Chamber, that you underwent

6 this -- this exercise with the pictures. And I understand that you have completed

7 that, that you went through the compendium of the pictures with the comments on

8 the red side by yourself. I understand you did that exercise, have completed it?

9 THE WITNESS: [9:37:42](Interpretation) Yes, I believe I have completed it.

10 PRESIDING JUDGE SCHMITT: [9:37:48] And was it -- what you read there, was this

11 correct, with regard to your recollection that you have today? I know you have

12 made some amends, we will talk them now, a little bit later. But, in general, apart

13 from these amendments that you made, was it how you have it in your recollection?

14 THE WITNESS: [9:38:16](Interpretation) Yes, indeed it corresponded.

15 PRESIDING JUDGE SCHMITT: [9:38:18] Thank you very much.

16 And as I said, I have understood that the witness made some comments. Can we

17 perhaps put them on the screen.

18 Well, I see it now.

19 So, Mr Vanderpuye, yeah.

20 MR VANDERPUYE: [9:39:09] Just to be sure we're not broadcasting it, are we?

21 Okay.

22 PRESIDING JUDGE SCHMITT: [9:39:13] No, I don't think so. Yeah.

23 And I think we see that.

24 So perhaps look at this, Mr Witness. Is that what you added to your comments that

25 are reflected in the compendium made by the Defence?

Trial Hearing  
WITNESS: CAR-OTP-P-0487

(Open Session)

ICC-01/14-01/18

1 THE WITNESS: [9:40:01](Interpretation) Yes, the corrections which I have made  
2 start with CAR-OTP-2027-2606. I was asked -- or the question which was put was  
3 "you know the place?" But the place, *l'endroit*, was not written correctly, so I  
4 corrected it here. It wasn't written correctly on the photo.

5 Now the second is in relation to CAR-OTP-2027-2620. And here I added:

6 "the person's head has been crushed, his brain is visible."

7 The third relates to CAR-OTP-2027-2633. And here I added that: "it was a person  
8 who had been tortured, hit with a stick, and also his throat had been cut."

9 And the third -- or, rather, the fourth, was CAR-OTP-2027-2637. And I added that:

10 "It was a demonstration by young people. A demonstration against all that was  
11 going on." So the key thing was that it was a demonstration. That's it.

12 PRESIDING JUDGE SCHMITT: [9:42:18] Thank you, Mr Witness.

13 I may say that, make you a compliment, this was very professionally done, I have to  
14 say.

15 And perhaps just for the record, specifically, Mr Vanderpuye, the Prosecution does  
16 not have a problem to introduce this compilation with comments also compiled from  
17 his former testimony? And, additionally, we have what he said today into evidence  
18 by the Defence, so you don't object to that?

19 MR VANDERPUYE: [9:42:49] No objection whatsoever, Mr President. Thank you.

20 PRESIDING JUDGE SCHMITT: [9:42:51] And I think, of course, you have done it.

21 So, for you, it's something that is, let's say, what you wanted to do. So the parties  
22 agree that this is introduced into evidence and we thank the witness very much for  
23 doing that.

24 And we have the -- does this -- do these comments also have an ERN number? Okay,  
25 fine.

Trial Hearing  
WITNESS: CAR-OTP-P-0487

(Private Session)

ICC-01/14-01/18

1 THE COURT OFFICER: [9:43:14] Yes, your Honour. The CAR number is  
2 CAR-REG-0001-0017.

3 PRESIDING JUDGE SCHMITT: [9:43:24] Thank you very much.

4 Ms Dimitri, you still have the floor. We are in open session.

5 MS DIMITRI: [9:43:28] Thank you, Mr President.

6 Thank you. Indeed, I'm going to continue on the meetings we were discussing  
7 yesterday. So for, unfortunately, for part of the day I will have to address  
8 the witness in -- in closed session, in private session.

9 PRESIDING JUDGE SCHMITT: [9:43:45] And for the audience, the reason for that is  
10 that it is a protected witness and that the issues that are going to be discussed now  
11 could reveal the identity of the witness.

12 So we go to private session.

13 (Private session at 9.44 a.m.)

14 THE COURT OFFICER: [9:44:21] We are in private session, Mr President.

15 QUESTIONED BY MS DIMITRI: (Continuing) (Interpretation)

16 Q. [9:44:43] Good morning once again, (Redacted)

17 A. [9:44:50] Thank you.

18 Q. [9:45:06] Yesterday, we ended the day discussing the meetings (Redacted), so  
19 I'm going to pick up there this morning, okay?

20 A. [9:45:18] Yes.

21 Q. [9:45:21] And, Witness, I would remind you, and I'll also try and remember  
22 myself, that as we are both speaking French we need to count 3 to 5 seconds before  
23 we speak, to assist the interpreters and the court reporters in their work today. That  
24 will allow them the time to note both our questions and our answers.

25 Now, yesterday in the transcript 204 at 3.51, we were discussing (Redacted)

Trial Hearing  
WITNESS: CAR-OTP-P-0487

(Private Session)

ICC-01/14-01/18

1 (Redacted)

2 (Redacted)

3 (Redacted). Now my question is: Am I to understand from what you said and

4 from your testimony that back then, (Redacted)

5 never communicated directly with you by telephone or by SMS or in any other way,

6 (Redacted)

7 Have I understood correctly?

8 A. [9:46:51] Yes, that is indeed the case. Or, that was indeed the case.

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)

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Trial Hearing  
WITNESS: CAR-OTP-P-0487

(Private Session)

ICC-01/14-01/18

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Trial Hearing  
WITNESS: CAR-OTP-P-0487

(Private Session)

ICC-01/14-01/18

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Trial Hearing  
WITNESS: CAR-OTP-P-0487

(Private Session)

ICC-01/14-01/18

1 (Redacted)

2 (Redacted)

3 Q. [9:56:51] You say that was the only reason. Was it not more so because

4 (Redacted)

5 (Redacted)

6 A. [9:57:23] I'm not aware of any other reason. What I've explained to you is

7 the explanation, the only explanation I can give to you, the only detail I can offer you.

8 Q. [9:57:45] But this is a detail that you provided to the Office of the Prosecutor

9 three times, not just once. They asked you why (Redacted)

10 (Redacted)

11 (Redacted). You never said that (Redacted)

12 (Redacted)

13 A. [9:58:23] Yes, (Redacted)

14 Q. [9:58:30] So in fact that was the reason. It wasn't so much what you said here

15 in court, it was that, that was the reason that (Redacted)

16 (Redacted)

17 A. [9:58:46] Yes.

18 Q. [9:58:59] (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted). And there was also (Redacted)

22 (Redacted) now, is that correct?

23 A. [9:59:48] I don't know the people you've just mentioned, (Redacted)

24 (Redacted)

25 (Redacted)

Trial Hearing  
WITNESS: CAR-OTP-P-0487

(Private Session)

ICC-01/14-01/18

1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 Q. [10:02:54] A bit earlier I've asked you questions about (Redacted)

14 meeting and you said: "I only knew (Redacted)

15 Am I to understand that you did not know (Redacted)

16 A. [10:03:25] No, I do not know (Redacted). Even if today you would put

17 (Redacted) before me, I would not be able to recognise him, (Redacted)

18 (Redacted)

19 Q. [10:03:50] So perhaps it is the question, because I asked you do you know, just to

20 be absolutely clear, I just want to know if a person called (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

Trial Hearing  
WITNESS: CAR-OTP-P-0487

(Private Session)

ICC-01/14-01/18

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Trial Hearing  
WITNESS: CAR-OTP-P-0487

(Private Session)

ICC-01/14-01/18

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4 (Redacted)

5 (Redacted)

6 (Redacted)

7 THE WITNESS: [10:09:47](Interpretation) There is -- there are not many people here,  
8 but I don't know why a person who is present (Redacted). That's very strange.

9 (Redacted), if the person is present, (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 PRESIDING JUDGE SCHMITT: [10:10:20] Please move on.

14 MS DIMITRI: [10:10:23] I will, Mr President. But I was -- my question was specific  
15 to (Redacted), so if I, with your leave --

16 PRESIDING JUDGE SCHMITT: [10:10:30] No, no, but that -- no, that is answered  
17 now. He has -- I think he has now said if a person who is present (Redacted)- I have  
18 the French transcript here - (Redacted), so he said.

19 So if the person (Redacted)

20 Is this conclusion too far-fetched?

21 MS DIMITRI: [10:10:55] No, but my question was does he know him, did he ever see  
22 him. I was more --

23 PRESIDING JUDGE SCHMITT: [10:10:59] And he answered that he does not know  
24 him.

25 Mr Witness, have I understood you correctly, you do not know the person (Redacted)

Trial Hearing  
WITNESS: CAR-OTP-P-0487

(Private Session)

ICC-01/14-01/18

1 THE WITNESS: [10:11:17](Interpretation) I do not know (Redacted)

2 PRESIDING JUDGE SCHMITT: [10:11:20] Really, please move on.

3 MS DIMITRI: [10:11:28](Interpretation)

4 Q. [10:11:29] Can you then explain to me, please, why is it that you told the OTP  
5 investigators, transcript (Redacted), page 0544, and I'm quoting you:

6 (Redacted)-- the investigator said "Please spell his name." And you spell his name.

7 And then you say, "He was there, I now remember." And then the investigator is  
8 asking you if you know his name and you say, "I do not know his name." And then  
9 you specify, "(Redacted),

10 he is an element of (Redacted)."

11 So do you know (Redacted) or you don't know him? And was he present or was he  
12 not present?

13 A. [10:12:28] If he was present, (Redacted). If he had been present,  
14 (Redacted)

15 PRESIDING JUDGE SCHMITT: [10:12:38] You don't get any other information out  
16 of that. I'm saying this since 10 minutes and -- not I'm -- I did not say it since  
17 10 minutes, but I thought it since 10 minutes. Please continue.

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

Trial Hearing  
WITNESS: CAR-OTP-P-0487

(Private Session)

ICC-01/14-01/18

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16 (Redacted)  
17 (Redacted)  
18 (Redacted)  
19 (Redacted)  
20 (Redacted)  
21 (Redacted)

22 Q. [10:17:49] And if I told you that there was a group, an Anti-Balaka group that  
23 were later on referred to as the Anti-Balaka of the south, tell me if you have ever  
24 heard of them.

25 A. [10:18:32] Could you please repeat your question.

Trial Hearing  
WITNESS: CAR-OTP-P-0487

(Private Session)

ICC-01/14-01/18

1 Q. [10:18:37] If I put to you -- I'm just putting it to you, it's a question. So if I put  
2 to you that there was a group of Anti-Balaka and that group was called  
3 the Anti-Balaka of the south, can you tell me if you have ever heard of them?

4 A. [10:19:08] I think that it was during the period when the issue of the return to  
5 the constitutional order was raised and there was a minority that did not want  
6 the return to the constitutional order. And it is only at a given point in time that  
7 they had meetings with Ngaïssona and everybody was placed under his orders.

8 Q. [10:20:00] So that minority, according to your testimony, are they referred to as  
9 the Anti-Balaka of the south? Am I to understand you this way?

10 A. [10:20:14] Yes.

11 Q. [10:20:20] And amongst that minority there was -- well, yesterday you said that  
12 there was Mr Yekatom. But am I to understand that Sergeant Chief Basile Mbomon  
13 was also in that group?

14 A. [10:20:38] Basile Mbomon was --

15 THE INTERPRETER: [10:20:41] The interpreter did not hear what the witness has  
16 said.

17 THE WITNESS: [10:20:48](Interpretation) Was from the south.

18 MS DIMITRI: [10:20:51](Interpretation)

19 Q. [10:20:51] And when you said that at some point they had meetings with  
20 Ngaïssona and that everybody was placed under his orders, am I right to say that you  
21 were referring to the period from June 2014 up -- (Redacted)  
22 the period where Mamadou became commissioner of accounts and -- in the name of  
23 Basile Mbomon for the national coordination of the Anti-Balaka; is that correct? Is  
24 that the period that you're referring to?

25 A. [10:21:42] (Redacted), I did not take part in any meetings together with

Trial Hearing  
WITNESS: CAR-OTP-P-0487

(Private Session)

ICC-01/14-01/18

1 Mr Ngaïssona. All the meetings that he held, I was not present to any of those

2 meetings. (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 Q. [10:22:44] But that was not my question, sir.

9 You are now making allegations and it is my role to try to be very precise. So you  
10 are saying that there is a minority, you also stated that that minority were

11 Sergeant Chief Basile Mbomon was part of, and Yekatom, that that minority was  
12 called or they were referred to as being the Anti-Balaka of the south.

13 Now, you say that that minority, that group, that Anti-Balaka of the south group, that  
14 they held meetings at some point in time and they held meetings with Mr Ngaïssona.

15 And I just want to know when those meetings took place and I put to you that that  
16 point in time corresponds to the period where Mamadou Guiyegba became

17 *commissaire au compte* for the National Coordination of the Anti-Balaka, *et*

18 Vivien Beina became, unless I'm mistaken, treasurer for the National Coordination.

19 Is that when meetings took place, that the minority group of the Anti-Balaka of  
20 the south started to have meetings with Mr Ngaïssona? Did I understand you  
21 correctly?

22 A. [10:24:45] Yes.

23 PRESIDING JUDGE SCHMITT: [10:24:45] Ms Dimitri, shorter questions, please.

24 Shorter. And perhaps it's okay, because he has answered and he has confirmed, but

25 you can ask him what time was it, if you recall it. And then, according to the answer,

Trial Hearing  
WITNESS: CAR-OTP-P-0487

(Private Session)

ICC-01/14-01/18

1 if it is not sufficient you can say then, okay, was it this time concretely. So I think it  
2 would be easier also for the witness. Please continue.

3 MS DIMITRI: [10:25:10] Thank you, Mr President. I will. I'm sorry, it's -- it's -- I  
4 will.

5 PRESIDING JUDGE SCHMITT: [10:25:12] It's not an objection, I'm just -- it's just  
6 a remark, because I would not say they are convoluted questions, but you have a train  
7 of thought and you put other informations in it and then it's -- it's -- the answer is  
8 not -- it's for the witness. But he has understood, obviously, what you wanted to  
9 know from him.

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

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Trial Hearing  
WITNESS: CAR-OTP-P-0487

(Private Session)

ICC-01/14-01/18

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Trial Hearing  
WITNESS: CAR-OTP-P-0487

(Private Session)

ICC-01/14-01/18

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10 (Redacted)

11 (Redacted)

12 Q. [10:32:16] And I would be right in saying that when Léopold Bara gave his

13 speech at the national assembly, he emphasised in particular that the appoint of

14 a head or of transition had to be based on a national consensus. In other words, one

15 didn't want Bozizé returning to power and that it should be the Central

16 African -- the citizens of Central African Republic who decided on the new head of

17 state for the transition and that that was the basic tenor of his speech to the national

18 assembly; is that right?

19 A. [10:33:18] Yes.

20 Q. [10:33:19] I'm going to put a document to you, because it's important for me to

21 be able to date when things took place in time.

22 Now this is at tab 16 of the Defence folder, CAR-OTP-2063-0073.

23 THE INTERPRETER: [10:33:43] Interpreter corrects: 76.

24 MS DIMITRI: [10:33:48](Interpretation) So if we could go to the second page.

25 THE INTERPRETER: [10:33:54] The interpreter corrects the reference,

Trial Hearing  
WITNESS: CAR-OTP-P-0487

(Private Session)

ICC-01/14-01/18

1 it's tab 6, 2063-0075.

2 MS DIMITRI: [10:34:04](Interpretation)

3 Q. [10:34:05] Now tell me if you can see the document, Witness?

4 A. [10:34:08] Yes.

5 Q. [10:34:08] Now, could I take you to 15 January 2015 -- or, 2014, rather.

6 It's signed by Léopold Bara and, as you see, it says that the appointment of  
7 the transitional chief of state should not be placed solely in the hands of a national  
8 council for transition, but, rather, should be placed or should be based on a national  
9 consensus.

10 Now, would I be right in saying that that meeting, or that ceremony which took place  
11 at the national assembly where Léopold Narcisse Bara gave a speech, that that took  
12 place on 15 January 2014?

13 A. [10:35:03] Yes.

14 Q. [10:35:07] Thank you. We can remove the document.

15 Now I'm going to change topic. I'm going to speak now about the transitional  
16 president, Catherine Samba-Panza. (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

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Trial Hearing  
WITNESS: CAR-OTP-P-0487

(Private Session)

ICC-01/14-01/18

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Page redacted

Trial Hearing  
WITNESS: CAR-OTP-P-0487

(Private Session)

ICC-01/14-01/18

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6 (Redacted)

7 were two basic groups at the meeting. There was a minority which was against  
8 the return to the constitutional order and another group; am I right?

9 A. [10:40:58] Yes, you're right.

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 PRESIDING JUDGE SCHMITT: [10:42:06] Mr Vanderpuye.

20 MR VANDERPUYE: [10:42:06] I think the witness has already said that about 15  
21 times, (Redacted)

22 The second is, if the insinuation is that (Redacted)  
23 the witness has also answered that question.

24 PRESIDING JUDGE SCHMITT: [10:42:19] Ms Dimitri.

25 MS DIMITRI: [10:42:21] He answered now. But I had to come back. It was -- it

Trial Hearing  
WITNESS: CAR-OTP-P-0487

(Private Session)

ICC-01/14-01/18

1 was said in the examination by the Prosecution that (Redacted)  
2 (Redacted). And it is my duty, especially considering the evidence your Honours  
3 heard in this courtroom before, to put it to him that it's not the case.

4 (Redacted)

5 PRESIDING JUDGE SCHMITT: [10:42:49] Mr Vanderpuye, we don't -- please, we  
6 don't discuss the evidence now here.

7 MR VANDERPUYE: [10:42:53] She did put it to him, and he answered it, which is  
8 why I raised the objection that it has been asked and answered.

9 PRESIDING JUDGE SCHMITT: [10:43:00] Yeah. Well, he has answered it and we  
10 continue now.

11 And please move on, Ms Dimitri.

12 MS DIMITRI: [10:43:08] Thank you, Mr President.

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)

Trial Hearing  
WITNESS: CAR-OTP-P-0487

(Private Session)

ICC-01/14-01/18

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Trial Hearing  
WITNESS: CAR-OTP-P-0487

(Private Session)

ICC-01/14-01/18

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Trial Hearing  
WITNESS: CAR-OTP-P-0487

(Private Session)

ICC-01/14-01/18

1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 Q. [10:53:49] (Interpretation) Now, before we start, can you just confirm that you  
7 can see Léopold Narcisse Bara on the screen?

8 A. [10:54:04] Yes.

9 Q. [10:54:05] I'm going to ask you to listen carefully to what he says and then I have  
10 some questions for you on that.

11 (Viewing of the video excerpt)

12 THE INTERPRETER: (Interpretation of the video excerpt)

13 "Now we have held a number of meetings to set up a single coordination. I have  
14 always pleaded in favour of a single Anti-Balaka coordination, which is not an official  
15 structure, but which must have a single vision, a single language, with the message  
16 that Djotodia must leave and the government has to step down for Prime Minister  
17 Tiangaye, to allow the Central Africans to be able to appoint neutral Central Africans  
18 to lead the transition so that we can make a call. If there isn't a call, we must take  
19 note of that, but only -- only if peace returns to the country. This is what we want,  
20 this is the nature of our fight, a fight that has continued on. We have set up an initial  
21 coordination involving everybody, including the other country, these from -- those  
22 from here. It's a sole and single coordination and that coordination will be set up  
23 the day after because the whole point of a return to the constitutional order is not  
24 defended. A second coordination will be put -- will be set in place and that  
25 coordination, once again, it will be refused, because we do not want a return to

Trial Hearing  
WITNESS: CAR-OTP-P-0487

(Private Session)

ICC-01/14-01/18

1 the constitutional order. It is from this point onwards that there will be a session.

2 And I thank you, thank you, organiser, for -- and the international community for  
3 having permitted us to meet today."

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 Q. [10:57:56] Now, I also have an audio clip from Sébastien Wenezoui, and this is  
15 an interview which he gave on 3 March 2014. And I'd like you to listen to it.

16 And this is at tab 13 of the Defence binder. That's CAR-OTP-2076-0825. And I'm  
17 going to play from 01:16 to 02:09.

18 And the transcript, for the interpreters, is -- the transcript is at tab 14 of the Defence  
19 binder. That's CAR-OTP-2122-7403, lines 20 to 30.

20 Now, once again, please take particular note of what Mr Wenezoui has to say.

21 (Playing of the audio excerpt)

22 THE INTERPRETER: [10:59:48](Interpretation of the audio excerpt)

23 "... we arrived in the town, and as regards our actions and because we didn't have  
24 a political representative, in agreement with all of the soldiers of Boeing, Boy-Rabe,  
25 and the province as well as PK9 and Bimbo, we chose Mr Ngaïssona as our political

Trial Hearing  
WITNESS: CAR-OTP-P-0487

(Private Session)

ICC-01/14-01/18

1 representative. But Mr Kokate, we didn't recognise him initially, but when both of  
2 them arrived in Bangui, you will see that there are small groups of people that went  
3 to or are going to the chief of staff to be received there, and it is in this connection that  
4 the chief of staff does not want one or two groups come to see him. And so it is that  
5 the chief of staff has now advised the groups to set up an office, and it is based on  
6 a common agreement with Ngaïssona, Kokate, Bara, that they have set up an office  
7 and they have elected Mr Ngaïssona as the general coordinator of that office who is  
8 available to be received by the chief of state as work requires, that is the issue."

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 PRESIDING JUDGE SCHMITT: [11:02:32] We have a break until 11.30.

21 THE COURT USHER: [11:02:34] All rise.

22 (Recess taken at 11.02 a.m.)

23 (Upon resuming in private session at 11.40 a.m.)

24 THE COURT USHER: [11:40:58] All rise.

25 Please be seated.

Trial Hearing  
WITNESS: CAR-OTP-P-0487

(Private Session)

ICC-01/14-01/18

1 PRESIDING JUDGE SCHMITT: [11:41:19] We are in private session. And as far as  
2 I understand it, it is -- it might -- so we are in private session. As far as I understand  
3 it, it will not be possible for Rule 74 counsel to continue today. On the other hand,  
4 there is no legal requirement for Rule 74 counsel to be present, and I suggest, and we  
5 have deliberated on, I suggest the following:

6 Mr Witness, you have the full Rule 74 protection. I have explained this to you. You  
7 understood that. So that nearly everything we elicit here is in private session. So,  
8 and I would suggest, if you're fine with it, that we continue until your Rule 74 counsel  
9 is better and when she comes back is fine. Is that okay with you?

10 And we will be vigilant also, everybody here in the courtroom, the Judges, Prosecutor,  
11 also Defence, when issues arise. So is this fine with you that we continue? Because  
12 it's -- otherwise we also would get in some time -- really time problem; is that fine?

13 THE WITNESS: [11:42:47](Interpretation) Yes, we can go on.

14 PRESIDING JUDGE SCHMITT: [11:42:50] And also for -- for the benefit and  
15 protection for you, Mr Witness, if an instance arises where you think you need -- you  
16 need advice by the counsel, then you tell us and then we have also options. We can  
17 say, for example, to counsel, perhaps continue with other questions and we can come  
18 back to that when your counsel is better. Do you understand?

19 So you can raise the issue any time you want. Is that fine?

20 THE WITNESS: [11:43:30](Interpretation) Yes, that's fine.

21 PRESIDING JUDGE SCHMITT: [11:43:33] Ms Dimitri.

22 MS DIMITRI: [11:43:34] Mr President, just before we continue, I understand your  
23 decision, I just want to, just to make sure that you have all the facts. I'm coming to  
24 touchy subject, if I may put it that way, that's one. And so I'm a bit concerned.  
25 I don't know about my learned friend.

Trial Hearing  
WITNESS: CAR-OTP-P-0487

(Private Session)

ICC-01/14-01/18

1 And to reassure the Chamber, we are -- we already engaged, prior to today, with  
2 the Prosecution in relation to the schedule, because, as you know, Mr Vanderpuye  
3 took a bit more time than expected. And because of the situation and the length of  
4 the answers and the fact that sometimes we need to ask a question more than once,  
5 we're not going to make it for Friday, but we are, as you always asked us to do,  
6 engaging in inter partes discussions to take the last standby witness and put her on  
7 the next block to give us a bit more room, also because I understand that Mr Knoops  
8 also some question. I'm not done, Ms Guissé is not done. In other words, if -- if  
9 your Honours think, and considering the subjects I'm coming to, it's better to wait for  
10 the return of counsel, if we remove the last -- the witness of the last, of this block,  
11 the last witness of this block which was on standby, we will make it in any event,  
12 even if we lose a day. So it's -- I just wanted to convey this so you have all the facts.  
13 PRESIDING JUDGE SCHMITT: [11:45:17] No, unfortunately, I haven't asked you  
14 before. So this is a little bit -- Mr Vanderpuye, do you have any comment on that? I  
15 think you would perhaps agree also with counsel?  
16 MR VANDERPUYE: [11:45:27] Not entirely. But we are -- we are obviously  
17 discussing this. We have a witnesses that's coming that we expect to go shorter  
18 rather than longer on, so that may also make up some of the difference.  
19 And I think, as your Honour has said, Rule 74 assurances really only arise when  
20 the question is put and when the witness in fact refuses to answer on that basis or  
21 seeks counsel in relation to that, which wasn't arisen at all, I don't think, up until now.  
22 So I'm not overly concerned about the subject matter that counsel may be coming to  
23 and, in any event, we can deal with it as it arises.  
24 PRESIDING JUDGE SCHMITT: [11:46:07]  
25 (Trial Chamber confers)

Trial Hearing  
WITNESS: CAR-OTP-P-0487

(Private Session)

ICC-01/14-01/18

1 PRESIDING JUDGE SCHMITT: [11:46:22] Ms Dimitri, please continue with the  
2 examination.

3 MS DIMITRI: [11:46:24] Thank you, Mr President.

4 Q. [11:46:33](Interpretation) Witness -- I'm very sorry, I dropped my documents.

5 The Prosecutor showed you a document and I'm going to show it to you again. In

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 So, as you can see, we can see signatures.

13 If you can please scroll down so that the witness can see all the signatures, please.

14 Please, more, scroll down, further down.

15 Could you please show him the next page as well. Thank you.

16 Witness, my question is the following: You were able to see that we can see

17 the signature of (Redacted), but the signature of Mr Yekatom and the signature of

18 (Redacted) do not appear on this document, those two signatures do not appear on

19 this document. So do we agree on the fact that (Redacted)

20 (Redacted) dissociated himself from (Redacted), he moved away from it?

21 Is that correct?

22 A. [11:49:40] That is correct.

23 Q. [11:49:50] I would like to show you another document, (Redacted)

24 (Redacted)

25 (Redacted)

Trial Hearing  
WITNESS: CAR-OTP-P-0487

(Private Session)

ICC-01/14-01/18

1 Could you please show the witness the signatures.

2 (Redacted)

3 (Redacted)

4 (Redacted). And the name and the signature of Mr Yekatom are not on this document;  
5 do you agree with me?

6 A. [11:51:05] Yes.

7 Q. [11:51:05] Thank you. I'm going to move on to another topic now.

8 I would like to talk to you about the meeting, the meeting that, according to you, took  
9 place after (Redacted); do you follow me?

10 A. [11:51:39] Yes.

11 Q. [11:52:00] When you talked about that meeting, you stated the following:

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 Q. [11:53:06] You've told us that you were not invited to that meeting?

20 A. [11:53:13] No, no, I was not invited.

21 (Redacted)

22 (Redacted)

23 A. [11:53:31] That meeting in fact was part of (Redacted)

24 (Redacted)

25 (Redacted) if once again we were to go back to the constitutional order, lives would

Trial Hearing  
WITNESS: CAR-OTP-P-0487

(Private Session)

ICC-01/14-01/18

1 be lost. Only that.

2 Q. [11:54:14] But that was not my question. My question is how did you hear  
3 about this meeting? You said, (Redacted). But did you hear about that meeting on  
4 that same day, somebody told you, "Oh, there's going to be a meeting in  
5 (Redacted)

6 Is this how I am to understand your testimony?

7 A. [11:54:44] Yes.

8 Q. [11:54:54] Please do not forget to pause between my question and your answers,  
9 Mr Witness.

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 A. [11:56:35] You see, that time was very difficult, that period was very difficult.

22 And I already said that it's thanks to God that I am here to testify, otherwise I would  
23 have been under the ground. It was very difficult.

24 (Redacted)

25 A. [11:57:08] Yes, that's correct. You know, the Gbaya race is a majority. They

Trial Hearing  
WITNESS: CAR-OTP-P-0487

(Private Session)

ICC-01/14-01/18

1 are the most numerous at -- in the Central African Republic. And aside from  
2 the Gbaya, they're very numerous, there are no other races, (Redacted)  
3 (Redacted)  
4 (Redacted)  
5 (Redacted)  
6 (Redacted)  
7 (Redacted)  
8 (Redacted)  
9 (Redacted)  
10 (Redacted)  
11 (Redacted)  
12 (Redacted)  
13 (Redacted)  
14 (Redacted)  
15 (Redacted)  
16 (Redacted)  
17 (Redacted)  
18 (Redacted)  
19 (Redacted)  
20 (Redacted)  
21 (Redacted)  
22 (Redacted)  
23 Q. [12:00:38] (Redacted), did you notice that (Redacted)  
24 (Redacted)  
25 (Redacted)

Trial Hearing  
WITNESS: CAR-OTP-P-0487

(Private Session)

ICC-01/14-01/18

1 And earlier you have said (Redacted), so I put it to you that you were not entirely  
2 honest when you were testifying?

3 A. [12:01:24] (Redacted)

4 (Redacted)

5 (Redacted)

6 That's what I said already.

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 I recognise before God, I swear before God that (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted), I did not do that.

16 PRESIDING JUDGE SCHMITT: [12:02:40] Just one follow-up question, and I think

17 we -- because the witness has really answered.

18 But do you have an explanation why (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

Trial Hearing  
WITNESS: CAR-OTP-P-0487

(Private Session)

ICC-01/14-01/18

- 1 PRESIDING JUDGE SCHMITT: [12:04:04] Please move on.
- 2 (Redacted)
- 3 MS DIMITRI: [12:04:14](Interpretation)
- 4 Q. [12:04:15] Witness, when you said (Redacted)
- 5 (Redacted)
- 6 I mean, we can't really reconcile this with the fact that (Redacted)
- 7 (Redacted)
- 8 (Redacted)
- 9 (Redacted)
- 10 Q. [12:04:55] (Redacted)
- 11 (Redacted)
- 12 When you started to testify here, you just said (Redacted).
- 13 But we cannot reconcile that with your testimony.
- 14 A. [12:05:28] That does not confirm that (Redacted)
- 15 (Redacted)
- 16 (Redacted)
- 17 (Redacted). I did not do that.
- 18 Q. (Overlapping speakers)
- 19 PRESIDING JUDGE SCHMITT: [12:05:51] Ms Dimitri, Ms Dimitri, the witness has
- 20 really answered that now.
- 21 MS DIMITRI: [12:05:54] I was moving on, Mr President.
- 22 PRESIDING JUDGE SCHMITT: Okay, good.
- 23 MS DIMITRI: [12:05:52] I'm sorry, but this is -- this is quite an important part of
- 24 the --
- 25 PRESIDING JUDGE SCHMITT: [12:05:59] I don't doubt it, but I -- when you move

Trial Hearing  
WITNESS: CAR-OTP-P-0487

(Private Session)

ICC-01/14-01/18

1 on it's fine, but the witness, you know, has answered it, several times now. And he  
2 has also answered, I think, similar questions yesterday or -- or whenever, if I recall it  
3 correctly. And it is -- his answer is as his answer is.

4 MS DIMITRI: [12:06:16] No, I know. But, but it's also my duty to put to him  
5 answers he gave versus evidence we have. I'm moving -- I'm coming back on -- on  
6 this, but I'm -- I'm now starting that subject of the (Overlapping speakers)

7 PRESIDING JUDGE SCHMITT: [12:06:31](Overlapping speakers) But please, please  
8 not -- please not on the same thing where he (Redacted)  
9 He has answered that.

10 MS DIMITRI: [12:06:36] No, I was moving on. I was moving on.

11 PRESIDING JUDGE SCHMITT: [12:06:39] He has answered he (Redacted)  
12 (Redacted). Well, so please continue.

13 MS DIMITRI: [12:06:53](Interpretation)

14 Q. [12:06:55] When you testified you said that it was (Redacted)

15 (Redacted)

16 (Redacted), did he speak?

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 Q. [12:07:47] But this is not my question. Please listen to my question, because

21 when my learned friend asked you questions you said here that it was (Redacted)

22 (Redacted)

23 (Redacted). So my question is very simple. I would like you to stop avoiding

24 answering to my question. I would like to know if (Redacted)

25 (Redacted) spoke?

Trial Hearing  
WITNESS: CAR-OTP-P-0487

(Private Session)

ICC-01/14-01/18

1 A. [12:08:31] I answered by saying if (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 Q. [12:09:22] Listen to me, please.

8 PRESIDING JUDGE SCHMITT: [12:09:25] The witness has answered. I think -- I

9 think it's now -- we are now reaching a point where I think your -- your examination

10 is really putting pressure on the witness. And also, you know, if -- if the witness

11 indeed -- let's just imagine he was (Redacted), it is 10 years ago, he obviously does not

12 know more or he doesn't say more at the moment, we have to take that at one point in

13 time.

14 We cannot -- we cannot revolve constantly around the same issues.

15 MS DIMITRI: [12:09:57] Mr President, if I may. I'm listening in French. He's

16 saying if, *si*. I don't have an answer. He's the one who said --

17 PRESIDING JUDGE SCHMITT: [12:10:05] Then -- then -- (Overlapping speakers)

18 MS DIMITRI: [12:10:05] I'm sorry, Mr President, if I may speak, if I may.

19 PRESIDING JUDGE SCHMITT: [12:10:12] Yeah.

20 MS DIMITRI: [12:10:13] In -- while answering Mr Vanderpuye's question, he's

21 the one who says (Redacted)

22 That's the evidence. So I have to go back on it, (Redacted)

23 PRESIDING JUDGE SCHMITT: [12:10:24] And we have further evidence --

24 MS DIMITRI: [12:10:24] (Redacted)

25 (Redacted)

Trial Hearing  
WITNESS: CAR-OTP-P-0487

(Private Session)

ICC-01/14-01/18

1 (Redacted) So I have three questions.

2 PRESIDING JUDGE SCHMITT: [12:10:40] It's obvious -- it's obviously -- it's obvious  
3 that we have additional evidence that is not so clear anymore, so -- and we have had  
4 several instances and I think we have -- we have simply to take it as it is where we can  
5 say - and that's no reproach to the witness, we are speaking of events that are a long  
6 time ago and the witness said he has sometimes forgotten things - and this might be  
7 an explanation for that. He is obviously not so sure anymore if this was

8 (Redacted)

9 And, again, I doubt that we get any certainty here, so.

10 And also, please, but my main point is please tone down a bit when you ask  
11 the witness. That's my main point, actually.

12 Let me give it a try in that regard.

13 (Redacted)

14 (Redacted)

15 do you have a clear recollection what (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

Trial Hearing  
WITNESS: CAR-OTP-P-0487

(Private Session)

ICC-01/14-01/18

1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 THE WITNESS: [12:13:50](Interpretation) Yes, I was present.

9 PRESIDING JUDGE SCHMITT: [12:13:51] If you want you can follow from there.

10 So obviously we have now the testimony that is -- what he said to the Prosecutor, he

11 has now a better or another recollection, so -- so what I have expected, actually.

12 So perhaps you can follow, because you're interested, obviously, (Redacted)

13 (Redacted). If you want, you can follow up from there.

14 MS DIMITRI: [12:14:22](Interpretation)

15 Q. [12:14:22] Where was it?

16 A. [12:14:30] (Redacted) at the same place.

17 Q. [12:14:40] In (Redacted)

18 A. [12:14:41] Yes.

19 Q. [12:14:47] Before or after?

20 A. [12:14:54] I could not tell you right now.

21 Q. [12:14:59] (Redacted), did he speak?

22 A. [12:15:10] I do not recall entirely.

23 Q. [12:15:15] But you have seen -- you saw him?

24 A. [12:15:17] Yes.

25 Q. [12:15:24] Now I'm going to put it to you that you're not being entirely honest in

Trial Hearing  
WITNESS: CAR-OTP-P-0487

(Private Session)

ICC-01/14-01/18

1 your answers and that there never was (Redacted)

2 (Redacted)

3 because you said here in the courtroom -- because you said here on transcript

4 (Redacted), you said, "I don't know (Redacted) to see."

5 A. [12:16:03] It's true, I don't know him to see. The same applies today. If you  
6 were to put him here in front of me, I wouldn't recognise him, because I only saw him  
7 once (Redacted). You, you could -- you're doing investigation to find these various  
8 instances, (Redacted). And if I -- if there's a doubt and you show that I'm wrong, I  
9 will accept that.

10 Q. [12:16:52] (No interpretation)

11 MS DIMITRI: [12:17:04] It's another (Overlapping speakers)

12 PRESIDING JUDGE SCHMITT: [12:17:07](Overlapping speakers) We don't have  
13 translation. I don't know why.

14 MS DIMITRI: [12:17:13] I'm sorry, I thought you were objecting to my question.

15 PRESIDING JUDGE SCHMITT: [12:17:16] No, I'm not objecting at all. No, no. So  
16 do we have -- can we resume translation, please.

17 Excuse me for interrupting.

18 MS DIMITRI: [12:17:27] No worries.

19 Q. [12:17:35](Interpretation) You have been telling us since the beginning of your  
20 testimony that (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

Trial Hearing  
WITNESS: CAR-OTP-P-0487

(Private Session)

ICC-01/14-01/18

1 Q. [12:18:22] And because he was aware, and because it's somebody who was close  
2 to you, he never (Redacted). He respected the fact that you (Redacted)  
3 (Redacted)

4 do you agree with that?

5 A. [12:18:44] Yes.

6 Q. [12:19:03] Now I'm going to show you another extract from the video.

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 Perhaps the interpreters could let me know when they're ready.

11 Now, do you see the image on your screen, Witness, before I put my next question?

12 A. [12:20:07] Yes.

13 Q. [12:20:08] I'm going to ask you to listen very carefully to what the speaker says.

14 (Viewing of the video excerpt)

15 THE INTERPRETER: [12:20:19](Interpretation of the video excerpt)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 MS DIMITRI: [12:20:49](Interpretation) (Redacted)

22 Q. [12:20:54] (Redacted)

23 (Redacted)

24 I would put it to you once again that you haven't been honest here in the courtroom,

25 because the way in which --

Trial Hearing  
WITNESS: CAR-OTP-P-0487

(Private Session)

ICC-01/14-01/18

1 PRESIDING JUDGE SCHMITT: [12:21:25] No, no, Ms Dimitri, we -- we -- I let it pass  
2 one or two times, but I will not do in the future. We neither say that the witness is  
3 not honest, nor do we -- do we say other things. You can pose the discrepancies that  
4 you think, and you can make your point, but not this way, and not word it this way,  
5 please. Thank you.

6 MS DIMITRI: [12:21:46] No problem, Mr President.

7 Q. [12:21:54](Interpretation) (Redacted)

8 (Redacted)

9 (Redacted)

10 Now, I put it to you that this does not line up, or what we see (Redacted)

11 (Redacted) does not line up with what you have said here in the courtroom.

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 A. [12:22:56] This is the same context. Given it's the same context, I don't see what  
16 answer I can give you. (Redacted)

17 (Redacted)

18 It's by the grace of God that I'm able to appear before the Court.

19 Q. [12:23:30] I'm now going to play a further extract.

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 Now, before we start to show the video, Witness, can you tell me whether you can see  
24 the person on the screen?

25 A. [12:24:44] Yes.

Trial Hearing  
WITNESS: CAR-OTP-P-0487

(Private Session)

ICC-01/14-01/18

1 Q. [12:24:45] Who is that?

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 THE INTERPRETER: [12:25:48] The interpreter does not have the transcript in front  
11 of her.

12 (Viewing of the video excerpt)

13 PRESIDING JUDGE SCHMITT: [12:25:58] Can we please stop it, there is no sight  
14 translation.

15 MS DIMITRI: [12:26:08] It's my fault, Mr President, I forgot to ask the interpreters if  
16 they were ready.

17 PRESIDING JUDGE SCHMITT: [12:26:12] Yeah, well, but it's not your fault, I have  
18 assumed that they will be ready, but ...

19 THE INTERPRETER: [12:26:20] Thank you. The transcript is now displayed.

20 MS DIMITRI: [12:26:33] If I could have a thumbs up when they are ready. Thank  
21 you.

22 (Viewing of the video excerpt)

23 THE INTERPRETER: [12:26:38](Interpretation of the video excerpt)

24 (Redacted)

25 (Redacted)

Trial Hearing  
WITNESS: CAR-OTP-P-0487

(Private Session)

ICC-01/14-01/18

1 (Redacted)

2 (Redacted)

3 (Redacted)

4 MS DIMITRI: [12:27:25](Interpretation)

5 Q. [12:27:26] Now you just heard (Redacted)

6 A. [12:27:30] Yes.

7 Q. [12:27:32] And you told us at 10.27 this morning that you had never (Redacted)

8 (Redacted)

9 (Redacted)

10 Once again, this -- what you said does not line up with (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 PRESIDING JUDGE SCHMITT: [12:28:59] Ms Dimitri, let me perhaps.

18 Mr Witness, we -- we have seen now several documents, and also in the video footage,

19 (Redacted)

20 So there are several instances where -- (Redacted)

21 Do you have an explanation for that? For example, now concretely why (Redacted).

22 This is the -- this is the thing that the Defence wants, Ms Dimitri wants to clarify. Do

23 you have an explanation for that?

24 THE WITNESS: [12:29:50](Interpretation) (Redacted)

25 (Redacted)

Trial Hearing  
WITNESS: CAR-OTP-P-0487

(Private Session)

ICC-01/14-01/18

1 (Redacted)  
2 (Redacted). I didn't do that (Redacted)  
3 (Redacted)  
4 (Redacted)  
5 (Redacted)  
6 (Redacted)  
7 (Redacted)  
8 (Redacted)  
9 (Redacted)  
10 (Redacted)  
11 And I'm saying that in -- in the full view of God. I never (Redacted)  
12 (Redacted)  
13 (Redacted)  
14 (Redacted)  
15 (Redacted). And that was the case through the end.  
16 PRESIDING JUDGE SCHMITT: [12:32:14] Thank you, Mr Witness.  
17 May I make a suggestion. If you have further documents or videos to play, can we  
18 simply put it on the record, or if you want video we can watch, of course, yes. But I  
19 think further questions in that regard, specifically with regard to (Redacted), we have  
20 had the answer so many times. This, I think, this does simply not make any sense.  
21 And it's -- in the end it's a point of assessing what -- what we have on the record and  
22 what the witness says. Yeah.  
23 MS DIMITRI: [12:32:49] I understand, Mr President.  
24 PRESIDING JUDGE SCHMITT: [12:32:51] Like always. So I think we could  
25 shorten perhaps here a little bit.

Trial Hearing  
WITNESS: CAR-OTP-P-0487

(Private Session)

ICC-01/14-01/18

1 MS DIMITRI: [12:32:58] May I -- may I ask -- may we ask, with respect, the witness  
2 just to remove his headset just for a few seconds and I'll answer your question.

3 PRESIDING JUDGE SCHMITT: [12:33:06] Mr Witness, please be so kind and take  
4 off, just for a few seconds, the headphones. And I'll tell you when you can put them  
5 on again. Thank you so much.

6 Ms Dimitri.

7 MS DIMITRI: [12:33:18] Yes, Mr President. I'm saying this very respectfully for  
8 the witness. My -- the issue for me is not only that (Redacted), but that there are  
9 other instances in his testimony where I submit, very humbly, that he wasn't truthful.  
10 Such one of this instance is the fact that he was (Redacted)

11 I'm coming to that, with another document, to show his implication  
12 (Redacted)

13 PRESIDING JUDGE SCHMITT: [12:33:55] That is different then, that is additional.  
14 Of course you can ask that. Yes, I was only because now I don't -- of course I don't  
15 know what you have on your list, but -- but to ask him the same question did he have  
16 (Redacted), I simply -- this does not make sense anymore.

17 MS DIMITRI: [12:34:12] No, that I understand. If I may, Mr President, I  
18 understand that, but let me put it this way, the witness keeps answering he didn't  
19 (Redacted), but every time my question has a different angle. I'm trying to suggest  
20 to him that when (Redacted)

21 PRESIDING JUDGE SCHMITT: [12:34:34] Yeah, yeah, yeah, I know --

22 MS DIMITRI: [12:34:36] But the -- he always answers the same thing and I have no  
23 control on his answers.

24 PRESIDING JUDGE SCHMITT: [12:34:41] No, but we -- but we have a lot of  
25 experience, everyone here in the courtroom, and we know now, I think, with

Trial Hearing  
WITNESS: CAR-OTP-P-0487

(Private Session)

ICC-01/14-01/18

1 99 per cent probability what the answer to a certain question will be. So I -- I will  
2 not -- I never would deprive you of any argument, I simply think we could shorten it  
3 if you present your documents and your arguments here in the courtroom and that's  
4 it.

5 Mr Vanderpuye, do you have an idea --

6 MR VANDERPUYE: [12:35:09] A short observation, if I may, Mr President.

7 PRESIDING JUDGE SCHMITT: [12:35:11] Okay, yes.

8 MR VANDERPUYE: [12:35:13] I think, substantively speaking, there's no issue with  
9 respect to the questions put to the witness as to (Redacted)

10 I think where we're going around in circles here is --

11 PRESIDING JUDGE SCHMITT: [12:35:26] That's my point. That's my point.

12 (Redacted)

13 (Redacted)

14 PRESIDING JUDGE SCHMITT: [12:35:41] Yeah. I think, Ms Dimitri, you have  
15 understood my point and I -- I would simply ask you if you could consider to adjust  
16 accordingly.

17 MS DIMITRI: [12:35:51] I do, Mr President.

18 PRESIDING JUDGE SCHMITT: [12:35:57] Thank you so much, Mr Witness, so ...

19 And, Ms Dimitri, please continue.

20 MS DIMITRI: [12:36:03] Thank you, Mr President. I'll take your observation and I'll  
21 keep them in mind.

22 Q. [12:36:11](Interpretation) Now I'm going to have you listen to another extract  
23 from the video at 9 seconds.

24 (Redacted)

25 (Redacted)

Trial Hearing  
WITNESS: CAR-OTP-P-0487

(Private Session)

ICC-01/14-01/18

1 the interpreters could let me know when they're ready.

2 And perhaps the witness could let me know whether he can see the video on his  
3 screen.

4 THE INTERPRETER: [12:37:21] Yes, the interpreters are ready.

5 (Viewing of the video excerpt)

6 THE INTERPRETER: [12:37:26](Interpretation of the video excerpt)

7 (Redacted)

8 (Redacted)

9 MS DIMITRI: [12:37:39](Interpretation)

10 Q. [12:37:41] You have just heard (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 This is what I am putting to you.

21 A. [12:38:55] (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted). I don't know what further detail I can give you. You're trying to force

25 me to admit or state that (Redacted), but that isn't the case.

Trial Hearing  
WITNESS: CAR-OTP-P-0487

(Private Session)

ICC-01/14-01/18

1 I wasn't.

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 PRESIDING JUDGE SCHMITT: [12:40:04] Ms Dimitri, I will not say I hate it, to be

6 right, but, really ...

7 MS DIMITRI: [12:40:10] I'm moving on, Mr President.

8 PRESIDING JUDGE SCHMITT: [12:40:11] Yes.

9 MS DIMITRI: [12:40:16](Interpretation)

10 Q. [12:40:17] (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 Now, does that refresh your memory regarding the circumstances in which

18 (Redacted)

19 A. [12:41:26] I didn't know that it was further to (Redacted)

20 (Redacted)

21 (Redacted), and I was surprised.

22 Q. [12:41:47] Did you know that the objective of (Redacted)

23 (Redacted)

24 (Redacted)

25 A. [12:42:12] No, I didn't know.

Trial Hearing  
WITNESS: CAR-OTP-P-0487

(Private Session)

ICC-01/14-01/18

- 1 (Redacted)
- 2 (Redacted)
- 3 (Redacted)
- 4 (Redacted)
- 5 (Redacted)
- 6 (Redacted)
- 7 (Redacted)
- 8 (Redacted)
- 9 (Redacted)
- 10 (Redacted)
- 11 (Redacted)
- 12 MS DIMITRI: [12:44:27] I'm sorry, there was a miscommunication.
- 13 PRESIDING JUDGE SCHMITT: [12:44:31] You know, sometimes there are those
- 14 days, you see. I expect even more today, whatever, from whatever direction.
- 15 (Viewing of the video excerpt)
- 16 THE INTERPRETER: [12:44:48](Interpretation of the video excerpt)
- 17 (Redacted)
- 18 (Redacted)
- 19 (Redacted)
- 20 (Redacted)
- 21 (Redacted)
- 22 (Redacted)
- 23 MS DIMITRI: [12:45:41](Interpretation) (Redacted)
- 24 Q. [12:45:41] Now, you've heard (Redacted)
- 25 Now, does that refresh your memory, that in fact the objective was (Redacted)

Trial Hearing  
WITNESS: CAR-OTP-P-0487

(Private Session)

ICC-01/14-01/18

1 (Redacted)

2 (Redacted)

3 A. [12:46:11] Yes, I followed that.

4 PRESIDING JUDGE SCHMITT: [12:46:15] Mr Vanderpuye.

5 MR VANDERPUYE: [12:46:16] Thank you, Mr President.

6 I don't think that's a fair characterisation of what the video shows, or what the videos

7 show, (Redacted)

8 (Redacted). There's no reference at all to (Redacted)

9 (Redacted)

10 PRESIDING JUDGE SCHMITT: [12:46:37] That's correct, yeah. That is correct.

11 And on the -- I think the witness also has already answered it, but you may try

12 another angle. I don't want to cut you here, but, indeed, when you refer to the video,

13 then do refer to the -- to the video insofar as what (Redacted) really has said.

14 MS DIMITRI: [12:47:14](Interpretation)

15 Q. [12:47:19] You've heard what (Redacted) said, and I will quote his words. He

16 said: (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

Trial Hearing  
WITNESS: CAR-OTP-P-0487

(Private Session)

ICC-01/14-01/18

1 (Redacted)

2 A. [12:48:49] (Redacted)

3 Maybe you have an excerpt, a different excerpt, but I don't know that.

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 Q. [12:50:50] (Redacted)

18 (Redacted)

19 (Redacted)

20 you don't know about it?

21 A. [12:51:10] I knew the -- I know it was going on. And today I repeat, I am

22 here -- if I am here, it's through the grace of God. What I have lived is very difficult.

23 Q. [12:51:25] Please answer my question. (Redacted)

24 (Redacted)

25 (Redacted)

Trial Hearing  
WITNESS: CAR-OTP-P-0487

(Private Session)

ICC-01/14-01/18

1 (Redacted)

2 (Redacted); is that what you're saying?

3 A. [12:51:58] I will repeat what I said. I said, if (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted). You have yourself followed what happened, what transpired in Bangui.

8 And on the day of the event many things happened, we can't even describe

9 everything up until today. So, please.

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 THE WITNESS: [12:53:17](Interpretation) (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 That is that, Mr President.

19 PRESIDING JUDGE SCHMITT: [12:54:00] Thank you. I'm -- you know, when you

20 say "if", there is already, let's say, the notion in it, "I'm speculating, I have not

21 (Redacted)", when it is said twice or three times, and I think we can take it, if there

22 was (Redacted). Please continue.

23 MS DIMITRI: [12:54:26] Thank you, Mr President.

24 You said earlier that it's one of those days. My client is not feeling well.

25 PRESIDING JUDGE SCHMITT: [12:54:35] Then let's have the lunch break. I think

Trial Hearing  
WITNESS: CAR-OTP-P-0487

(Private Session)

ICC-01/14-01/18

1 it's also time.

2 So we hope, we hope that he will feel better and you will -- will keep informed how  
3 things are going.

4 Then let's say we have the normal lunch break until 2.30 so that he -- perhaps we can  
5 do something on the medical side of this.

6 Thank you very much, Mr Witness.

7 And 2.30.

8 THE COURT USHER: [12:55:01] All rise.

9 (Recess taken at 12.55 p.m.)

10 (Upon resuming in private session at 2.31 p.m.)

11 THE COURT USHER: [14:31:13] All rise.

12 Please be seated.

13 PRESIDING JUDGE SCHMITT: [14:31:34] Good afternoon.

14 We are in private session, and I -- we are happy to hear that Mr Yekatom feels better  
15 and we can continue. And I think we have also -- we try to get Rule 74 counsel for  
16 tomorrow, but we simply continue from now.

17 So, please, you have the floor. And I take it we stay in private session. Okay.

18 MS DIMITRI: [14:31:57] Yes, Mr President. Thank you.

19 PRESIDING JUDGE SCHMITT: [14:31:58] Good afternoon, Mr Witness.

20 THE WITNESS: [14:32:07](Interpretation) Thank you, your Honour.

21 MS DIMITRI: [14:32:09] And I know you like good news, so if I may?

22 PRESIDING JUDGE SCHMITT: [14:32:13] Please.

23 MS DIMITRI: [14:32:13] I have about two dozens of questions before we return to  
24 the more enjoyable voice of Ms Guissé.

25 PRESIDING JUDGE SCHMITT: [14:32:23] Well, Ms Guissé has taken note what you

Trial Hearing  
WITNESS: CAR-OTP-P-0487

(Private Session)

ICC-01/14-01/18

1 have said, like everyone else. No, but, you know, this also depends on the topics, of  
2 course.

3 MS DIMITRI: [14:32:37] Indeed.

4 PRESIDING JUDGE SCHMITT: [14:32:37] Well, we don't have to dwell on that. So  
5 please continue.

6 MS DIMITRI: [14:32:40] Thank you.

7 PRESIDING JUDGE SCHMITT: [14:32:41] But you understood my point in the last  
8 session.

9 MS DIMITRI: [14:32:44] I do.

10 PRESIDING JUDGE SCHMITT: [14:32:45] That is -- and we have also a witness who  
11 has gone through a lot of hardships and we respect that.

12 Please continue, Ms Dimitri.

13 MS DIMITRI: [14:32:55] Thank you, Mr President.

14 Q. [14:32:57](Interpretation) Good afternoon, Witness.

15 (Speaks English) Mr President, the witness just signalled that I think he wants to  
16 speak to you.

17 PRESIDING JUDGE SCHMITT: [14:33:09] Of course, Mr Witness.

18 Yeah, please, please tell us.

19 THE WITNESS: [14:33:15](Interpretation) I don't feel very well this afternoon,  
20 your Honour, and I wanted to explain something based on these recurring questions,  
21 if you can allow me to also have a break after.

22 (Redacted)

23 (Redacted)

24 (Redacted) I saw the Anti-Balaka. They were coming out of Boy-Rabe and they were  
25 going -- taking motorbikes and they were going off towards the south. And those

Trial Hearing  
WITNESS: CAR-OTP-P-0487

(Private Session)

ICC-01/14-01/18

1 Anti-Balaka went to Yekatom's base. (Redacted)  
2 (Redacted)  
3 (Redacted)  
4 (Redacted)  
5 (Redacted)  
6 (Redacted)  
7 So, questions are repeated and repeated, but I put the case before you. (Redacted)  
8 (Redacted)  
9 (Redacted)  
10 (Redacted). And counsel Ms Dimitri, she just doesn't understand what I'm saying,  
11 that too many things that have happened, too much water has gone under the bridge.  
12 These gentlemen that you can see here today, these were demigods, they were  
13 demigods, the power in Bangui was in their hands. And that's what I can explain to  
14 you, your Honour.  
15 PRESIDING JUDGE SCHMITT: [14:35:54] Mr Witness, I -- or, we hear what you say.  
16 (Redacted)  
17 (Redacted)  
18 (Redacted), here the proceedings follow certain rules and, specifically, the parties,  
19 the counsel, have a different role. So the role of Ms Dimitri, and also Mr Knoops, is  
20 to defend their clients and to put everything to the witnesses and before -- specifically,  
21 of course, all information before the Court that could support their cause and their  
22 case.  
23 And when there is something on the record that has to be discussed, for example, I  
24 think it's a good example what we discussed in the morning, (Redacted)  
25 (Redacted), she has to do that, it's her -- her professional obligation, so to speak. So

Trial Hearing  
WITNESS: CAR-OTP-P-0487

(Private Session)

ICC-01/14-01/18

1 please bear not only with us, but also with Ms Dimitri and Defence counsel that this is,  
2 so to speak, the rules of the game here. So it's -- and -- and you can really trust also  
3 the judges here, and me personally, that if this oversteps anything, and you have  
4 perhaps recognised that I took an issue with some formulations, but we will do that.  
5 And that we fully respect you as a person, as a witness, and everybody does here, and  
6 also Ms Dimitri does.

7 Yeah, do you understand that, Mr Witness?

8 THE WITNESS: [14:37:38](Interpretation) Yes, I have understood, your Honour.

9 PRESIDING JUDGE SCHMITT: [14:37:39] Okay, good.

10 Is it okay if we continue? Or you said you don't feel well. Do you have -- do you  
11 have an issue that you would -- information that you would want to give us? You  
12 don't have to, but do you feel not well?

13 THE WITNESS: [14:37:59](Interpretation) I feel very cold and I'm shivering.

14 PRESIDING JUDGE SCHMITT: [14:38:06] Okay. Then I think the best thing is to  
15 say now really to continue tomorrow. I think we have to -- we have to really take  
16 care of the health of everyone before us. But I would really ask all the parties that  
17 we can have the whole block with all the witnesses that are in and we finish them.  
18 Of course --

19 MS DIMITRI: [14:38:34] We're doing our best (Overlapping speakers)

20 PRESIDING JUDGE SCHMITT: [14:38:37] -- we don't know what happens  
21 tomorrow. We don't know that.

22 MS DIMITRI: [14:38:40] I understand that.

23 PRESIDING JUDGE SCHMITT: [14:38:42] But given -- let's assume that we can  
24 continue tomorrow without any problems, then I would really appreciate it that we,  
25 because we had so many hiccups in the past months, would really appreciate,

Trial Hearing  
WITNESS: CAR-OTP-P-0487

(Private Session)

ICC-01/14-01/18

1 the Chamber would really appreciate that.

2 So, Mr Witness, we take note of that, and you have heard what I have said. It's very  
3 important that you as the most important person at the moment here in  
4 this courtroom feel well.

5 So we finish for today and we very much hope that you can have a good rest in  
6 the afternoon and during the night and that you feel fresh enough tomorrow to  
7 continue.

8 And perhaps one last thing before we part, it is obvious that your testimony is very  
9 important and you came here for a reason, so it's very important that we complete  
10 that and that you finish your testimony. So do you understand me?

11 THE WITNESS: [14:39:40](Interpretation) Yes, your Honour.

12 PRESIDING JUDGE SCHMITT: [14:39:41] So thank you very much to you and to  
13 everyone. This was a special day. But, as I said, this is one of those days. So we  
14 finish for today and, as I said, all the best for the rest of the day and a good rest,  
15 Mr Witness.

16 Tomorrow, 9.30.

17 THE COURT USHER: [14:39:57] All rise.

18 (The hearing ends in private session at 2.40 p.m.)