

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 Patrice-Edouard
5 Ngaïssona - ICC-01/14-01/18
6 Presiding Judge Bertram Schmitt, Judge Péter Kovács and Judge Chang-ho Chung
7 Trial Hearing - Courtroom 1
8 Thursday, 23 February 2023
9 (The hearing starts in open session at 9.32 a.m.)
10 THE COURT USHER: [9:32:22] All rise.
11 The International Criminal Court is now in session.
12 Please be seated.
13 PRESIDING JUDGE SCHMITT: [9:32:36] Good morning, everyone.
14 Court officer, please call the case.
15 THE COURT OFFICER: [9:32:44] Good morning, Mr President, your Honours.
16 Situation in the Central African Republic II, in the case of The Prosecutor versus
17 Alfred Yekatom and Patrice-Edouard Ngaïssona, case reference ICC-01/14-01/18.
18 And for the record, we are in open session.
19 PRESIDING JUDGE SCHMITT: [9:32:56] Thank you.
20 The appearances of the parties.
21 Mr Vanderpuye, your team is unchanged.
22 MR VANDERPUYE: [9:33:02] We are indeed, Mr President. Good morning to you,
23 your Honours. Good morning, everyone. Good morning, Mr Witness.
24 PRESIDING JUDGE SCHMITT: [9:33:09] Thank you.
25 And now the representative of the victims.

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- 1 MR DANGABO MOUSSA: [9:33:11](Interpretation) Good morning, your Honour.
2 Good morning, the Bench. Good morning, everybody. Good morning, Witness.
3 The victims of -- the victims are represented by Mr Dangabo Moussa and
4 Mouhia Asso.
5 PRESIDING JUDGE SCHMITT: [9:33:32] Mr Suprun.
6 MR SUPRUN: [9:33:35] Good morning, Mr President. Good morning, your
7 Honours. The former child soldiers are represented by myself Dmytro Suprun.
8 Thank you.
9 PRESIDING JUDGE SCHMITT: [9:33:42] Thank you.
10 Then next, Ms Dimitri.
11 MS DIMITRI: [9:33:43] Good morning, Mr President. Good morning, your
12 Honours. Good morning, everyone. Mr Yekatom is present in the courtroom.
13 The composition of the team is the same, save for the addition of Mr Gyo Suzuki and
14 Ms Lena Casiez.
15 PRESIDING JUDGE SCHMITT: [9:34:02] Indeed. Already noted.
16 Mr Knoops.
17 MR KNOOPS: [9:34:05] A very good morning, Mr President. Good morning, your
18 Honours. Good morning, everyone in the courtroom. We are in the same
19 composition, Mr President, as yesterday. Thank you.
20 PRESIDING JUDGE SCHMITT: [9:34:13] Thank you.
21 And also welcome a new Rule 74 counsel, Ms Terzieva. Good morning.
22 MS TERZIEVA: [9:34:22] Good morning, your Honours. For the record,
23 Vessela Terzieva, duty counsel for Witness P-0487.
24 Thank you.
25 PRESIDING JUDGE SCHMITT: [9:34:30] Thank you very much. And also thank

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1 you very much for being available on such short notice.

2 And I can already tell you that - I think you have been informed about that - but it's
3 good to tell you in the courtroom that the witness has full Rule 74 assurances so, in
4 the normal course of events, no such issue would appear. But for the benefit of the
5 witness, we have thought it is better to have a counsel in case he wants to confer.

6 So, Mr Witness, good morning. I heard that you are feeling better. Is this correct?

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

8 (The witness speaks French)

9 THE WITNESS: [9:35:08](Interpretation) That's right, your Honour.

10 PRESIDING JUDGE SCHMITT: [9:35:12] And we are happy to hear that, obviously.
11 Thank you also.

12 And you have heard that there is Ms Terzieva now as Rule 74 counsel, so when you
13 want to confer you can do that, and you can raise your hand, and then we will give
14 you the opportunity.

15 So we continue with the examination and it's Ms Dimitri is still examining you.

16 MS DIMITRI: [9:35:37] Thank you, Mr President.

17 With your leave, Mr President, I will continue on the subject addressed yesterday, so
18 I would like to go in private session.

19 PRESIDING JUDGE SCHMITT: [9:35:47] So, private session. Yeah, we have to go
20 to private session then.

21 (Private session at 9.35 a.m.)

22 THE COURT OFFICER: [9:35:59] We are in private session, Mr President.

23 MS DIMITRI: [9:36:11] Thank you.

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

25 Q. [9:36:17] Good morning, Mr Witness.

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1 A. [9:36:20] Thank you.

2 Q. [9:36:23] I'm going to continue with my interrogation, my cross-examination.

3 And just to give you some background, (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 Mr Witness, can you please confirm that you've got the video on the screen?

11 A. [9:38:03] No.

12 MS DIMITRI: If the court officer could assist the witness.

13 PRESIDING JUDGE SCHMITT: [9:38:15] In the meantime, I just got the information

14 now. It appears - just a second - it appears that Ms Bwiza is also better, so we can

15 expect and hope to see her perhaps tomorrow again, which is good, good news.

16 Okay. Excuse me.

17 Mr Witness, do you have it now on the screen?

18 THE WITNESS: [9:38:42](Interpretation) Your Honour, I can see the image now.

19 MS DIMITRI: [9:38:48] (Interpretation)

20 Q. [9:38:50] Thank you, Witness. So please listen (Redacted)

21 and I would have questions for you.

22 (Viewing of the video excerpt)

23 THE INTERPRETER: [9:39:02](Interpretation of the video excerpt)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 MS DIMITRI: [9:40:17](Interpretation)

7 Q. [9:40:19] (Redacted)

8 (Redacted)

9 (Redacted)

10 My question is as follows: Now, since you said several times that (Redacted)

11 (Redacted)

12 (Redacted), and am I to understand from your words that you were not aware that

13 (Redacted)

14 (Redacted)

15 A. [9:41:08] No, I was not aware of this.

16 Q. [9:41:18] I'm going to show you a press article, tab 75 of the Defence binder,

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 A. [9:43:16] It's now I'm seeing this piece of paper. I've never seen this before.

5 But I'm going to tell you that I have to tell you the truth (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted). I wasn't for the Balaka, neither the Seleka. The security of the people

15 was my prime concern.

16 PRESIDING JUDGE SCHMITT: [9:44:52] Mr Witness, you see this -- also you say it's

17 the first time that you see -- you see this press article. The information entailed in

18 there, (Redacted)

19 (Redacted); is this correct or is this not correct?

20 THE WITNESS: [9:45:26](Interpretation) Your Honour, I have just taken note of this

21 information right now. I was not aware of this when I was with the Balaka. I said

22 (Redacted)

23 (Redacted). That's all to it.

24 PRESIDING JUDGE SCHMITT: [9:45:53] Please move on.

25 MS DIMITRI: [9:45:56](Interpretation)

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1 Q. [9:46:00] I'm putting it to you, Mr Witness, that you were involved in a certain
2 way (Redacted)
3 (Redacted)

4 A. [9:46:24] No.

5 PRESIDING JUDGE SCHMITT: [9:46:27] We have to --

6 MS DIMITRI: I know.

7 PRESIDING JUDGE SCHMITT: [9:46:25] Yeah, yeah. Please move on.

8 As I said already yesterday, if you have more documents or so, I think it would
9 perhaps also really shorten the proceedings if you tell us, put it on the record. You
10 can try any angle here, if you want, but well, we all cannot see into the future, but
11 sometimes we can. No, but --

12 MS DIMITRI: I understand.

13 PRESIDING JUDGE SCHMITT: [9:47:00] -- continue, continue with what you want
14 to do, but keep in mind what I said simply --

15 MS DIMITRI: I do.

16 PRESIDING JUDGE SCHMITT: [9:47:05] -- and adapt to the situation, please.

17 MS DIMITRI: [9:47:10] I do, Mr President. And if I can reassure your Honours, I
18 took time, I took the opportunity yesterday afternoon to shorten it, but it's also I can't
19 make a bet on the future, so I need to put and see the reaction and see the explanation,
20 if any.

21 PRESIDING JUDGE SCHMITT: [9:47:29] Yeah, yeah, yeah, yeah. It's -- it's fine, but
22 (Overlapping speakers)

23 MS DIMITRI: [9:47:31] I'm sorry. But I shortened it. I can assure you.

24 PRESIDING JUDGE SCHMITT: [9:47:35] Of course. And since I don't know what
25 you still have in stock, so to speak, it is clear that I can't give you any advice, but

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1 what -- in a more really very basic general way, keep it in mind. And if we see, okay,
2 this does not lead to anything, move on.

3 MS DIMITRI: [9:47:53] I will. Thank you, Mr President.

4 Q. [9:47:58] You told my colleagues, Wilhelmina Whittingham, and my colleague
5 Maître Tiangaye, when they met you in Bangui, that you knew nothing about a
6 dissident Anti-Balaka wing; these are your words. CAR-D29-0009-0029, page 0132.

7 You said here in the Chambers, under *serment*, that I never heard that I was
8 (Redacted)

9 Why did you say that you never heard of it? Why did you tell my colleagues that
10 you did not know about this dissident Anti-Balaka wing, whilst there is an article in
11 the press that talks about (Redacted)
12 (Redacted)

13 A. [9:49:08] I don't know where the meeting was held.

14 PRESIDING JUDGE SCHMITT: [9:49:14] Mr Vanderpuye.

15 MR VANDERPUYE: [9:49:15] I object to the question. First of all, I don't think it
16 characterises the witness's evidence quite correctly, and it conflates being a dissident
17 with being minority. And that's not the same thing, by any stretch of the
18 imagination.

19 PRESIDING JUDGE SCHMITT: [9:49:33] Well, let's say -- well, Of course, in this -- in
20 this question there are, let's say, assessments like "dissident", that we could skip. But
21 this is one -- one, let's say, one issue that counsel has to put to -- must put to the
22 witness, obviously, but perhaps in a slightly different manner. Can we have the
23 citation what the witness said, and you refer to that, and then you say, and then you
24 continue.

25 MS DIMITRI: [9:50:01] Yes. Of course, Mr President.

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- 1 PRESIDING JUDGE SCHMITT: [9:50:02] So I agree partly, Mr Vanderpuye.
- 2 MS DIMITRI: [9:50:06] Yes. For the record, Mr President, to answer
- 3 Mr Vanderpuye's objection, at 10:27 on the transcript of 205: (Interpretation) "Have
- 4 you already heard that (Redacted)
- 5 (Redacted). Answer: "I did not hear."
- 6 PRESIDING JUDGE SCHMITT: [9:50:37] Well, with regard to (Redacted)
- 7 (Redacted)
- 8 MS DIMITRI: [9:50:42] I'm not talking about (Redacted)
- 9 PRESIDING JUDGE SCHMITT: [9:50:44] Yeah, yeah, exactly.
- 10 MS DIMITRI: [9:50:45] I'm talking about: "Why did you answer that you never
- 11 heard about it? Now there's an article that (Redacted)
- 12 PRESIDING JUDGE SCHMITT: [9:50:52] He did -- yeah, he did not hear. Well,
- 13 from this answer I take it he did not hear (Redacted)
- 14 (Redacted). Perhaps you ask him do you know of - to satisfy also
- 15 Mr Vanderpuye - or, I ask him.
- 16 Mr Witness, have you ever heard of such a wing of the Anti-Balaka, Anti-Balaka of
- 17 the south? Ever heard of that?
- 18 THE WITNESS: [9:51:20](Interpretation) (Redacted)
- 19 (Redacted). I have not even heard of this. I looked at videos here that (Redacted)
- 20 (Redacted)
- 21 (Redacted). I'm not aware. I don't know.
- 22 PRESIDING JUDGE SCHMITT: [9:51:49] Ms Dimitri, please continue.
- 23 MS DIMITRI: [9:51:52](Interpretation)
- 24 Q. [9:51:55] I'm going to make you listen to another audio track.
- 25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 Please listen to the words of the journalist and then I would have a question.

4 (Playing of the audio excerpt)

5 THE INTERPRETER: [9:53:10](Interpretation of the audio excerpt)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 Q. [9:53:52] Have you heard the words of the journalist? And you said in the

13 hearing that (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 A. [9:54:40] I repeat that (Redacted)

19 Q. [9:54:48] I'm going to change the subject, Mr Witness, and I'm going to talk

20 about Leopold Bara.

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 (Redacted). I would have several questions subsequently on this video, so please
3 carefully listen to Leopold Bara's words.

4 (Redacted)

5 (Redacted)

6 (No interpretation)

7 (Viewing of the video excerpt)

8 THE INTERPRETER: [9:56:28](Interpretation of the video excerpt)

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 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 Q. [9:59:00] Witness, you've heard Leopold Bara's words. We agree that, unlike in
7 your witness statement, Leopold Bara says that (Redacted)

8 (Redacted)

9 A. [9:59:20] You actually asked me this question. I don't know how many times
10 you're going to keep asking this question to me.

11 Q. [9:59:27] You gave me an answer and it's my duty today to basically present
12 videos, documents, dating back to those times that contradict your testimony so that
13 we can give you an opportunity to come back on your testimony.

14 PRESIDING JUDGE SCHMITT: [9:59:45] Mr Vanderpuye.

15 MR VANDERPUYE: [9:59:45] Mr President, it's asked and answered. This is
16 argumentative. Furthermore, the video says (Redacted)
17 (Redacted).

18 So if there's more specific information, it's totally appropriate for counsel to put it to
19 the witness, but I don't think this is it.

20 PRESIDING JUDGE SCHMITT: [10:00:08] Yeah, I think we can also -- this is again
21 an instance where we can also shorten the whole thing. The witness has indeed
22 asked and answered. This is my point since yesterday at some point in time when
23 everybody felt well still. So, as I said, I think we can -- we can move on here.

24 I don't know what kind of evidence --

25 MS DIMITRI: [10:00:33] I am coming to the next document.

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1 PRESIDING JUDGE SCHMITT: [10:00:36] Next document.

2 MS DIMITRI: [10:00:37] Yes.

3 PRESIDING JUDGE SCHMITT: [10:00:38] And perhaps indeed we look at the
4 document, it's enough to say -- to put it on the screen, we have it on the record, and
5 that we have discussed it. If you have -- of course, if you have, as I always try to
6 word it, a different angle on it.

7 MS DIMITRI: [10:00:53] It is. It is. It is.

8 PRESIDING JUDGE SCHMITT: [10:00:56] For example, for example also, when the
9 witness has -- has told your colleagues something different, or whatsoever, it's of
10 course clear you have to put this on the record. This is perfectly clear. Please move
11 on.

12 MS DIMITRI: [10:01:10](Interpretation)

13 Q. [10:01:13] I've heard what you've said, Mr Witness, but let me put you -- to you
14 another document.

15 (Redacted).

16 Can you see the document on the screen, Mr Witness?

17 A. [10:01:35] No.

18 Q. [10:01:39] Can you see it now?

19 A. [10:01:42] Yes, I can.

20 (Redacted)

21 (Redacted)

22 PRESIDING JUDGE SCHMITT: [10:02:03] (Redacted)

23 (Redacted). I think we can really shorten that.

24 MS DIMITRI: [10:02:10] I understand, Mr President. But -- I understand your
25 position, and I understand that I need to move on, but my -- the point is also to show

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1 that every time he's --

2 PRESIDING JUDGE SCHMITT: [10:02:29] I -- I --

3 MS DIMITRI: [10:02:29] I have to give him an opportunity to see if he's going to
4 change his answer.

5 PRESIDING JUDGE SCHMITT: [10:02:35] Yes.

6 So, Mr Witness, it appears here that you (Redacted)

7 (Redacted). What are you saying to that?

8 THE WITNESS: [10:02:50](Interpretation) Well, counsel put this question to me and

9 I gave an answer. (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted), but I don't know. I don't know what's coming through on this document.

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 PRESIDING JUDGE SCHMITT: [10:04:03] Move on, Ms Dimitri.

20 MS DIMITRI: [10:04:06](Interpretation)

21 Q. [10:04:07] Yesterday, Witness, (Redacted) yesterday, I asked whether during
22 that (Redacted)

23 (Redacted)

24 (Redacted). And you answered, (Redacted)

25 (Redacted)

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1 Now, I put it to you, Mr Witness, that (Redacted)

2 (Redacted)

3 (Redacted)

4 Mr Witness, I put it to you that you had (Redacted)

5 (Redacted)

6 A. [10:05:03] No.

7 Q. [10:05:07] (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 Now, once again, Mr Witness, this contradicts what you previously said. (Redacted)

12 (Redacted)

13 (Redacted)

14 A. [10:05:59] (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted). You're trying to force me into accepting that I (Redacted). But it's just

19 not the case. I didn't.

20 Q. [10:06:34] Now, my -- the Prosecutor put before you Leopold Bara's speech, and

21 we've just seen excerpts of that speech. And here in these hearings, you stated,

22 (Redacted)

23 (Redacted)

24 Now, once again, Mr Witness, I put it to you that the video speaks for itself and

25 contradicts what you said here in open court, because as we've just seen in this film,

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- 1 (Redacted)
- 2 (Redacted)
- 3 (Redacted)
- 4 A. [10:07:43] Let me say, on the day of (Redacted)
- 5 (Redacted)
- 6 (Redacted)
- 7 (Redacted)
- 8 (Redacted)
- 9 Q. [10:08:28] Please, let me interrupt you just a second.
- 10 A. [10:08:31] Okay.
- 11 Q. [10:08:33] I'm not talking about the (Redacted). Here I'm talking about
- 12 (Redacted)
- 13 When the Prosecutor showed you this excerpt --
- 14 A. [10:08:52] Yes.
- 15 Q. [10:08:52] -- you said, and let me quote you, "(Redacted)
- 16 (Redacted)." That's what you said, Mr Witness.
- 17 A. [10:09:03] Yes.
- 18 Q. [10:09:05] What I put to you is that your -- what you say is contradicted by the
- 19 pictures we've just seen. (Redacted)
- 20 (Redacted)
- 21 (Redacted)
- 22 That's what I'm putting to you, Mr Witness.
- 23 PRESIDING JUDGE SCHMITT: [10:09:34] Mr Vanderpuye.
- 24 MR VANDERPUYE: [10:09:34] Mr President, this has already been established. As
- 25 you may recall during the direct examination, when he said that, I indicated to him

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1 that the reason why I showed that (Redacted)
2 (Redacted). So all counsel is doing is repeating exactly the same issue which arose
3 during the direct examination.
4 PRESIDING JUDGE SCHMITT: [10:10:08] So let me put it this way, Mr Witness, to
5 shorten -- to shorten this --
6 MS DIMITRI: [10:10:11] May I answer, Mr President?
7 PRESIDING JUDGE SCHMITT: [10:10:13] No. No. It's clear. You are right and
8 Mr Vanderpuye is also right. Sometimes this happens in the courtroom.
9 Mr Witness, let me -- let me be frank. It is -- you have -- we have now seen several
10 times this video, (Redacted)
11 (Redacted)
12 (Redacted)
13 (Redacted)
14 Can we agree on that, Mr Witness?
15 THE WITNESS: [10:10:49](Interpretation) Yes, your Honour.
16 PRESIDING JUDGE SCHMITT: [10:10:56] Please move on.
17 (Redacted)
18 (Redacted)
19 (Redacted)
20 (Redacted)
21 (Redacted)
22 (Redacted)
23 Q. [10:11:24] (Redacted)
24 Those are my questions. Counsel Guissé will take over now.
25 PRESIDING JUDGE SCHMITT: [10:11:32] Okay, thank you.

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1 And I assume this will take a little bit of arranging, so take your time.

2 Perhaps in the meantime, Ms Dimitri -- you can't -- you can't hear me now.

3 But I can perhaps ask Mr Knoops. Do you have already an idea - you are surprised
4 that I address you - you have already an idea how long your examination will last?
5 Round -- round about, of course.

6 MR KNOOPS: [10:11:58] Yes, Mr President. We estimate four sessions in total.

7 PRESIDING JUDGE SCHMITT: [10:12:02] So like you did in advance.

8 MR KNOOPS: [10:12:05] Yeah, five, six hours. And also, in light of the evidence
9 the witness gave, we don't see an option yet to diminish the time, depending on
10 whether we can continue next week. I'm of course willing, if I would start Monday,
11 that would be my preference, if I may say so, that I can use the weekend to streamline
12 my examination. I could try to do my best to finish in three sessions, but for now it
13 looks like more of two -- four sessions, Mr President.

14 PRESIDING JUDGE SCHMITT: [10:12:42] And what does that mean for the rest of
15 the block, Mr Vanderpuye?

16 MR VANDERPUYE: [10:12:49] You caught me off guard.

17 PRESIDING JUDGE SCHMITT: [10:12:55] What could -- what could that mean for
18 the rest of the block?

19 MR VANDERPUYE: [10:12:58] It may mean that we have to move, I think it's
20 2082 - I spoke to the Defence about that - into the next block. It seems that that's
21 likely to occur. But I believe the witness that precedes 2082, 2354, may take a
22 substantially shorter period than we estimated. So I'm half a foot in and half a foot
23 out, but I think it's likely that we'll end up moving 2082 at this pace.

24 PRESIDING JUDGE SCHMITT: [10:13:34] Okay. Then we see. So, as I always say,
25 we cannot force things.

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- 1 Ms Guissé, in the meantime you have arranged yourself. You can start.
- 2 MS GUISSÉ: [10:13:44](Interpretation) My thanks, your Honour. Good morning.
- 3 QUESTIONED BY MS GUISSÉ: (Continuing) (Interpretation)
- 4 Q. [10:13:57] Good morning, Mr Witness.
- 5 Your Honour, I think we're still in private session, but we can move into open session,
- 6 for the beginning at least, of my questions.
- 7 PRESIDING JUDGE SCHMITT: [10:14:11] Then let's go to open session.
- 8 (Open session at 10.14 a.m.)
- 9 THE COURT OFFICER: [10:14:16] We are in open session, Mr President.
- 10 MS GUISSÉ: [10:14:25](Interpretation)
- 11 Q. [10:14:28] So, good morning, Mr Witness. I'll take over. And I've got one or
- 12 two questions still to put to you, so let's get back into agreement about how we move
- 13 forward, to make sure that we do indeed make progress, and that we keep things as
- 14 short as possible for you.
- 15 So I'm going to be putting questions to you based on topic, endeavouring to hew to
- 16 particular time frames, there will be different time sequences. So please, I know
- 17 you're tired, but please be alert to the way I phrase my questions so that we can be
- 18 absolutely sure that we're on the same page when we're talking about the same thing.
- 19 All right.
- 20 Next, as previously, I'll be asking you to please observe the pause in our exchanges.
- 21 And I'll obviously try to -- try to do the same thing.
- 22 So, first of all, can we clarify a point. I return to the PK9 matter on our Tuesday
- 23 hearing exchange. I'd like to refer you to tab 54 in our Defence binder, video footage,
- 24 CAR-OTP-2094-7618.
- 25 And I'd ask my colleague to kindly -- but I think he's actually already done it, anyway,

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1 to stop at the 4 minute mark.

2 First of all, Mr Witness, can you see the picture on your screen?

3 A. [10:16:12] Yes.

4 Q. [10:16:12] Would you agree with me that what we see here, the person who's
5 filming at least, is at the PK9 bridge on the Bangui side of the river; is that right?

6 A. [10:16:27] Yes, that's right.

7 Q. [10:16:33] Would you agree with me also when I say that on the other side of the
8 bridge, where we see the car with the taillights on, would you agree when I say that
9 that's the Pissmiss side of the PK9 bridge?

10 A. [10:16:52] Yes.

11 Q. [10:16:52] Thank you very much for your answer, but please, please observe a
12 pause between my question, your answer, so that we can have an accurate record of
13 our proceedings. So you answered "Yes." Okay, so we're in agreement.

14 And we also agree, I imagine, that on the Pissmiss side, on Lobaye side, it's on that
15 side that Mr Yekatom's elements were based, yes, next to the car?

16 A. [10:17:22] Yes.

17 Q. [10:17:26] Thank you for that clarification. I now move to another topic.

18 I'd like to return to the document that was given to you, namely, the photo
19 compilation, the photo compilation of photos taken of Seleka crimes. And yesterday,
20 with his Honour, the Presiding Judge, you said you were to recognise the photos, to
21 acknowledge the comments that you made to the Prosecution, in addition to the
22 addendums that you made before this Chamber. So I'm not going to revisit this
23 point, because that's been cleared up.

24 And for the record, I clarify that we're talking about the document that we find at tab
25 41 in the Defence binder. This is CAR-D29-0010-0068.

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1 All right, then. So you confirmed your comments and I've got now one or two
2 follow-up questions about how these photos reached you in the first place.
3 Now, you spoke to the OTP investigators. You said that you entrusted to a young
4 Muslim, that you made mention of him a few days ago in your evidence, you
5 entrusted him to take these photos and that you gave him -- so that he could do that,
6 you gave him a camera that belonged to you. Do you confirm that?

7 A. [10:19:04] Yes.

8 Q. [10:19:06] Yes, okay. So you do confirm that.

9 You also stated to the investigators that it was that young man who personally took
10 the photos, and that you then loaded on your computer, and then, subsequent to that,
11 on a memory stick. Do you confirm that?

12 A. [10:19:30] Yes.

13 MS GUISSÉ: [10:19:34](Interpretation) Your Honour, unfortunately, I've reached the
14 end of my open session questions for the time being and I would ask you if we can
15 move into private session.

16 PRESIDING JUDGE SCHMITT: [10:19:45] Yeah, of course.

17 Private session.

18 (Private session at 10.19 a.m.)

19 THE COURT OFFICER: [10:19:51] We are in private session, Mr President.

20 MS GUISSÉ: [10:20:05](Interpretation)

21 Q. [10:20:07] So, Mr Witness, we find ourselves once again in private session, so
22 you can answer without any problem whatsoever my -- to my questions now.

23 Now, staying with this young Muslim who took these photos, now before the OTP
24 investigators you said that his name was (Redacted). Do you confirm that?

25 A. [10:20:33] Yes, I do.

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1 Q. [10:20:34] Thank you. Once again, let me reiterate, please observe the pause
2 between my question and your answer.

3 Now, Mr Witness, I'd like now to touch upon another topic, namely, how you arrived
4 at Yamwara, the circumstances thereto. And let me just tidy up a point now.

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 Q. [10:22:36] Now, a question was put to you by the Prosecutor. He asked you
21 when you saw Yekatom again after your B3 visit, and you said: "From then, we hadn't
22 seen each other since." In other words, (Redacted)

23 We find that T-201, 10:54:56.

24 So do you agree that you made a mistake and that you had indeed seen Mr Yekatom
25 between the time where you (Redacted), when you went to the B3 (Redacted),

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1 (Redacted) and (Redacted), because you'd seen him at least once in the interim,

2 (Redacted)

3 Would I be right in saying that you made a mistake there, Mr Witness?

4 A. [10:23:43] Yes, I did make a mistake.

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 Q. [10:24:25] All right. So, once again, perhaps I need to jog your memory,

10 because Mr Yekatom only joined the army in 2003, (Redacted)

11 (Redacted). So would I be right in saying that you also made a mistake there and

12 that you actually saw him later than you think?

13 A. [10:24:49] (Redacted) I can't tell you exactly when I saw him. The same holds

14 true for (Redacted)

15 (Redacted)

16 Q. [10:25:17] And maybe this will jog your memory somewhat. Do you remember

17 that Mr Ngremangou was responsible for that particular office?

18 A. [10:25:36] Yes, he was in charge there.

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 Q. [10:26:24] Thank you for that clarification.

24 All right. Perhaps now we can move on to another topic. I'd like to return a little

25 back in time, I want to look at the circumstances by which you actually arrived at

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- 1 Yamwara.
- 2 (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 (Redacted)
- 24 (Redacted)
- 25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 THE WITNESS: [10:30:04](Interpretation) Yes, his base was at the Yamwara school,
6 where he was located. It was highly probable that you would find grasses in which
7 to hide yourself in. There were grasses that were pretty close together, so it was a
8 strategic place, (Redacted)

9 (Redacted)

10 (Redacted)

11 PRESIDING JUDGE SCHMITT: [10:30:45] Ms Guissé, I think that answers the
12 question.

13 MS GUISSÉ: [10:30:49](Interpretation)

14 Q. [10:30:50] (Redacted), I would like to show you a person on a video clip, and I'm
15 going to ask you to tell me what his identity is.

16 So, with my colleague, I would like to play a video track, 6 seconds, (Redacted)

17 (Redacted)

18 And according to the metadata of the video, it was filmed by P-1819 on

19 17 December -- on 7 December 2013.

20 Mr Witness, can you see the video?

21 A. [10:31:47] Yes, I can see it.

22 (Viewing of the video excerpt)

23 MS GUISSÉ:

24 Q. [10:32:02](Interpretation) So we've actually paused at 6 seconds, and please turn
25 your attention to the person who is wearing a blue shirt. You can actually see the

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1 cursor on that person. So the person on -- wearing a blue shirt who has a backpack
2 worn in the front. Now, can you see the person to the left of the screen?

3 A. [10:32:29] Yes.

4 Q. [10:32:31] Do you recognise this person (Redacted)
5 (Redacted)

6 A. [10:32:38] He is (Redacted)

7 Q. [10:32:49] Could you please reveal his name?

8 A. [10:32:53] His name is (Redacted)

9 Q. [10:33:01] Do you confirm that he was with Mr Yekatom's group at least on that
10 date, 7 December?

11 A. [10:33:10] Yes.

12 Q. [10:33:15] You said "yes", but you really have to make a pause after your
13 answer.

14 PRESIDING JUDGE SCHMITT: [10:33:26] You are right, but you yourself did not
15 oblige, so to speak -- or abide, so to speak. So it is -- but, of course, that does
16 not -- that does not make your request or statement wrong, obviously.

17 MS GUISSÉ: [10:33:49](Interpretation) Absolutely, your Honour. I should be the
18 first person to follow my own recommendations and I will try to do so.

19 And can we remove the video. Right.

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 A. [10:35:30] I called Mr Yekatom (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 Q. [10:36:24] And how many times did you call him?

13 A. [10:36:27] Only once.

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 Q. [10:39:20] Am I also right in saying that (Redacted) went by the name (Redacted)

10 and was nicknamed (Redacted)

11 A. [10:39:35] That's how we would call him (Redacted)

12 He has already passed away.

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 Q. [10:41:34] Did Ouandjio have aides-de-camp in Yamwara?

3 A. [10:41:43] He was the boss. He couldn't have been short of aides-de-camp.

4 He had several of them around him.

5 Q. [10:41:53] Who were the aides-de-camp of Ouandjio?

6 A. [10:42:00] I don't know them. (Redacted)

7 I can't know everyone around me. It's really impossible.

8 Q. [10:42:26] You spoke about a certain Abdoulaye, nicknamed Alkanto, we spoke

9 about him a few days ago. (Redacted)

10 Was he close to Ouandjio? Do you confirm this point?

11 A. [10:42:44] I don't know what his position was in all this. I just saw Abdoulaye.

12 Q. [10:42:58] Now I'm going to move on to another theme. (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 I know that you made a sketch, but we have a satellite image that dates back to

18 February 2014 of the Yamwara base and I would like to know if you could pinpoint

19 the buildings that you spoke about with the Prosecution. So, first of all, the house of

20 the director and (Redacted) that you personally spoke about.

21 Now I would like the court officer to kindly display tab 161 of the Defence binder,

22 (Redacted)

23 Can you see the image on the screen?

24 A. [10:44:32] Yes.

25 Q. [10:44:35] Now, just to help you orientate yourself -- I'm really sorry, I've

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1 actually made a mistake. I wanted to actually say with the help of my colleague to
2 basically point out the zones that I'd like to show the witness. So could you please
3 give him the hand, to my colleague.

4 Right. Normally, you should be able to see on the screen -- is the display clear
5 enough for you?

6 PRESIDING JUDGE SCHMITT: [10:45:30] I think if we perhaps enlarge it, it would
7 benefit the witness, the area.

8 Exactly like that, so thank you.

9 MS GUISSÉ: [10:45:47](Interpretation) My colleague is going to put the cursor on the
10 ground in the middle of the school.

11 Q. [10:45:53] Now, can you see the cursor on the ground and can you orientate
12 yourself?

13 A. [10:45:59] Yes, I can.

14 MS GUISSÉ: [10:45:57](Interpretation) Now, I must say that I'm not very good with
15 the technology that helped the witness.

16 PRESIDING JUDGE SCHMITT: [10:46:12] Why not let the court usher go to the
17 witness and explain to him how it functions. And you ask him, I think, in the
18 meantime which was this building, which was that building, and perhaps ...

19 Thank you very much, Madam Court Usher.

20 MS GUISSÉ: [10:46:39](Interpretation)

21 Q. [10:46:41] First of all, with the help of the court usher, can you please mark on
22 this document where the director's house was. That's the first point that I'd like to
23 make to you.

24 A. [10:47:33] The director's house was there.

25 PRESIDING JUDGE SCHMITT: [10:47:37] Actually, we don't see on the screen,

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1 Madam Court Usher. Could you help the witness with --

2 THE COURT USHER: [10:47:46] The witness is trying to mark.

3 PRESIDING JUDGE SCHMITT: [10:47:48] Yeah, and it does not function? Okay,
4 that's ...

5 MS GUISSÉ: [10:47:58](Interpretation) I'm sorry, I can actually -- I think the problem
6 comes from the fact --

7 PRESIDING JUDGE SCHMITT: [10:48:13] So now we get reinforcements there at the
8 witness stand.

9 Mysterious things happening on the screen.

10 MS GUISSÉ: [10:48:45](Interpretation) I could actual -- I'm all in for the old paper
11 version, but I just want to be at the cutting edge of technology, but it doesn't work
12 always.

13 PRESIDING JUDGE SCHMITT: [10:49:01] That's the same for me, because, you
14 know, that can counter any accusations of age, or something like that. But, still, if we
15 don't -- we can't solve it, we simply can do it during the break. And, yeah.

16 But it looks now promising. You get even a thumbs up.

17 So, Mr Witness, can you try to -- now to mark it. Oh, you have marked it already.

18 Okay. Thank you. That's the green dot that is the director's, I think you said, the
19 director's building. Is this a green dot? It looks a little bit small. It looks a bit --

20 THE WITNESS: [10:49:42](Interpretation) Yes.

21 PRESIDING JUDGE SCHMITT: [10:49:44] Excuse me for overlapping, was my fault.
22 Looks a little bit small, the building. Are you sure?

23 THE WITNESS: [10:50:03](Interpretation) This is a map. I can't orientate myself.
24 The director's house was close to the school.

25 PRESIDING JUDGE SCHMITT: [10:50:11] Okay. Thank you. We have to take it

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1 now, the witness marks it, yeah.

2 Please continue, Ms Guissé.

3 MS GUISSÉ: [10:50:17](Interpretation)

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. [10:51:46] Do I also understand, so that we're really clear and we do not spoil

18 things on the document, you could not orient yourself on the map and precisely

19 pinpoint the location of the director's house?

20 A. [10:52:05] This is -- this is a map which is not very specific, not very precise.

21 Q. [10:52:25] Your response is clear.

22 And your Honour, I would request the map to be removed from the screen.

23 PRESIDING JUDGE SCHMITT: [10:52:35] Thank you, Madam Court Usher. Thank

24 you very much for assisting. And also for court officer quickly running from one

25 place to the other.

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1 MS GUISSÉ: [10:52:49](Interpretation) Before the break, your Honour, I would like
2 to come back to the video that was shown by the Prosecution during the
3 examination-in-chief.

4 Q. [10:53:03] And you recognised, in transcript T-202 at 10:02:29, the director's
5 dwelling or house. I think the image would have been easier. And my colleague
6 broadcast the video and stopped at the 52nd second. It's the document in the
7 Prosecution binder, tab 109, CAR-OTP-2120-0305.

8 Now, can you see the image on the screen?

9 A. [10:53:42] No.

10 PRESIDING JUDGE SCHMITT: [10:53:49] Please tell us when you see it, Mr Witness.
11 Please be so kind.

12 THE WITNESS: [10:53:55](Interpretation) Yes.

13 MS GUISSÉ: [10:53:59](Interpretation) For the purposes of the records, the image as
14 at zero 53 minutes -- sorry, zero 52 seconds.

15 Q. [10:54:16] And, for you, we agree that the director's house is to the right of the
16 screen; am I right?

17 A. [10:54:23] Yes.

18 Q. [10:54:25] Do you see a cement structure in the middle of the ground with
19 children holding cans? You agree that there was a kind of spring near the director's
20 house, a fountain?

21 A. [10:54:48] Yes.

22 Q. [10:54:48] And do you remember that the population from the adjoining areas
23 would come to this fountain to drink water; do you agree?

24 A. [10:54:59] Yes.

25 MS GUISSÉ: [10:55:00](Interpretation) Your Honour, I'm going to move on to

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1 another theme. I think this is the right moment to proceed.

2 PRESIDING JUDGE SCHMITT: [10:55:09] Yeah. I think you're right. I think

3 you're right. Thank you very much.

4 We have now a break until 11.30.

5 THE COURT USHER: [10:55:19] All rise.

6 (Recess taken at 10.55 a.m.)

7 (Upon resuming in private session at 11.30 a.m.)

8 THE COURT USHER: [11:30:57] All rise.

9 Please be seated.

10 PRESIDING JUDGE SCHMITT: [11:31:18] Ms Guissé, you have the floor. We are

11 in private session.

12 MS GUISSÉ: [11:31:26] (Interpretation) Thank you, your Honour. I've got some

13 technical hiccup. Just bear with me a moment.

14 Q. [11:31:52] So, Mr Witness, let's resume.

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 Q. [11:33:35] Do forgive me. There was a question, in fact, that I neglected to ask
2 you when I talked about your prior contact with Mr Yekatom. I wanted to know at
3 what particular time you saw his personal number.

4 A. [11:33:59] I can't remember the exact time when I had his telephone number.

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 A. [11:34:31] It could be at that particular period that I had his telephone number,

9 or beforehand. But I can't tell you with any certainty.

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 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 So I just remind you of what you said, just to allow you to have your bearings, and to
10 elicit from you clarity with regard to the date. Because it's the date that is of interest
11 to me, and I put it to you that either you made a mistake or you forgot. Because I
12 took a calendar of the day and I made the calculations from the date (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 So this is my question: Since you are certain of (Redacted)

19 (Redacted)

20 would you agree with me when I say that you are mistaken (Redacted)

21 PRESIDING JUDGE SCHMITT: [11:39:22] Mr Vanderpuye.

22 MR VANDERPUYE: [11:39:23] I don't think that's a fair question. The witness has
23 said about 10,000 times that he doesn't recall the dates and then he gave the dates
24 where (Redacted) and the dates after and that anybody can do the math.

25 PRESIDING JUDGE SCHMITT: [11:39:37] I also thought we had already figured

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1 that out that -- well, yeah, we can do the math, and the witness was not sure about the
2 date so -- but perhaps we give it one try.

3 Mr Witness, hearing that -- and there is no and not the slightest reproach in that
4 because this is 10 years ago (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 PRESIDING JUDGE SCHMITT: [11:40:53] Thank you.

12 MS GUISSÉ: [11:40:58] (Interpretation)

13 Q. [11:41:01] So we arrive on (Redacted) based on the calculations on which we
14 now agree.

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 Q. [11:42:23] (Redacted)

25 Do you remember that at a given point in time there was a female journalist, a French

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1 woman journalist that came to shoot video footage at the base for doing a journalist's
2 report? Do you remember that, Mr Witness?

3 A. [11:42:47] She filmed me without my knowledge.

4 Q. [11:42:58] Well, you've partially answered my question. So you do remember
5 having seen a female French journalist at the Yamwara base; is that right?

6 A. [11:43:11] Yes, I said there was a white woman with Yekatom. That's what I
7 said.

8 Q. [11:43:23] Well, that's the clarification I was seeking because you did speak of a
9 white woman who, at a given point of time, must have slept next to the director's
10 house. So you're talking about that particular journalist; is that right, Mr Witness?

11 A. [11:43:39] Yes, but I didn't know she was a journalist.

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 (Redacted)

2 (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 MS GUISSÉ: [11:47:16] (Interpretation) My colleague will replay the beginning of the
17 video and stop the footage at 16 seconds.

18 Q. [11:47:49] Now, upon hearing that or seeing that, did you recognise yourself at
19 the beginning of that footage?

20 A. [11:47:59] It was me, it was indeed me, yes.

21 Q. [11:48:12] All right. Now, I've understood that you said that the journalist
22 filmed you without your knowledge, and it's true that you move away from
23 the -- from the camera and you don't want to be filmed, but does this really cement
24 what we've said (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 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 Q. [11:51:23] And, Mr Witness, I'd like you to confirm to me who is the person we
23 see on the right with the green T-shirt. Can you see that on your screen?

24 A. [11:51:45] Ouandjio là.

25 Q. [11:51:57] I don't know whether that's quite clear. I heard Ouandjio, I think.

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1 It's Ouandjio; is that right?

2 A. [11:52:03] Yes, Ouandjio.

3 Q. [11:52:06] And we heard in the video footage that he was angry and he was
4 talking about an incident that occurred with people belonging to FOMAC. Now, do
5 you remember that particular incident?

6 A. [11:52:35] I don't remember.

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 Q. [11:54:32] Mr Witness, let me return to this sentence: (Redacted)

21 (Redacted)

22 So at that particular point, you're referring to the fact that the group didn't have
23 enough weaponry to repel the Seleka combats; would you agree?

24 A. [11:54:55] No, they didn't have the resources. At that particular time, they
25 didn't have the resources.

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1 (Counsel confers)

2 PRESIDING JUDGE SCHMITT: [11:55:16] I'm trying to bridge a gap here -- no, I'm
3 stepping in, actually. I have had the opportunity to look into the material now of the
4 next witness and I understand the next witness is scheduled for two days, if I'm
5 correct. Yes, testify 27, 28 February. Looking at -- well, at the material, of course I
6 have not studied it, but looking at the material, two days is pessimistic.

7 MR VANDERPUYE: [11:55:54] I think and can't be -- not feet to the fire, so to speak,
8 but I think we intend to be short with this witness. I think an hour or an hour and a
9 half, an hour. But I'm not sure (Overlapping speakers)

10 PRESIDING JUDGE SCHMITT: [11:56:13] Okay, but because I'm always looking to
11 squeeze in everything that was initially planned, so under -- well, how can I word it
12 not to be misunderstood. It should be -- in a very neutral way, it should be possible
13 really to finish this witness in one day. Everybody think about it and whatever,
14 whatever this means for the total schedule next week. Yeah? Thank you.

15 MS GUISSÉ: [11:56:43] (Interpretation) Thank you, your Honour. Do forgive me.
16 Sorry for that problem. I couldn't find the reference.

17 PRESIDING JUDGE SCHMITT: [11:56:53] I interrupted you. I made use of this
18 short break.

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 Q. [11:57:31] Mr Witness, you've just stated that at that particular time, the group
24 didn't have the resources to repel the Seleka. You said they didn't have the resources.
25 You made that clear. And this corresponded to what you said to the OTP

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1 investigators when you were questioned; you said (Redacted)
2 there were a few -- only a few people who had weapons. I'm saying this from
3 memory. And you even stated that there were, I don't know, seven or eight
4 weapons on site at the time. Does that tally with your -- does that accord with your
5 memory, and to this idea which you just said that there were -- they had very little
6 resources?

7 A. [11:58:16] Yes, that's true.

8 Q. [11:58:21] (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 And I'd like my colleague now to set the video in motion from the beginning all the
14 way through to the 20-second mark, please.

15 (Viewing of the video excerpt)

16 THE INTERPRETER: [11:59:45] The interpreter requests: Does counsel request
17 interpretation?

18 MS GUISSÉ: [11:59:52] (Interpretation) I would also like now to freeze at the
19 5-second mark in this video footage.

20 Q. [12:00:06] And can you confirm, Mr Witness, that the gentleman that we see on
21 the right-hand side of this video with a red and white checkered scarf, that's

22 (Redacted)

23 Remember, please observe the pause.

24 He is nicknamed (Redacted). Is that -- is that that gentleman there that we see?

25 A. [12:00:33] Yes, that's him.

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1 Q. [12:00:42] Now I would like to go over one or two documents that -- that relate
2 to your telephone activity from November and December.

3 MS GUISSÉ: [12:00:51] (Interpretation) And, your Honour, before I address myself
4 to that, I'm going to have to give you one or two technical points of information, in
5 inverted commas, so that we can understand how we have put together a document
6 that we'll be putting before for the witness. And this is for the purposes of the
7 record.

8 So the OTP disclosed to us two documents that were given to them by the telephone
9 operator Orange. These are called call data records, CDRs. Don't ask me to go into
10 the finer details, technically, but we find these at tab 99, CAR-OTP-2036-0236 and tab
11 100 in our Defence binder, CAR-OTP-2002-4276.

12 (Counsel confers)

13 MS GUISSÉ: [12:02:13] Slight mistake from my side. I'm going to start it over again.
14 I'm not very good with technical aspects.

15 So we had CDRs, call data records, these technical information recorded by Orange.

16 This was sent by the Prosecutor. And on the basis of this information, we extracted
17 data that constitute call sequence tables, CSTs, and we extracted from the CDR the
18 numbers that were attributed to the witness present here. So we've got a list of calls
19 that were received and made by the witness on the basis of the number he confirmed
20 during the hearing.

21 Now, as of the general CSTs, we prepared restricted specific CSTs, depending on the
22 interlocutor, or the period of time. So it's these general CSTs that I've got to quote.

23 It's tab 128, document CAR-D29-0004-2650. Now, this is for the phone number

24 (Redacted). And we also have a general CST for the number (Redacted). Now, this

25 is in tab 129 of the Defence binder, CAR-D29-0004-2371.

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1 So this is just to give you an idea of the basic documents that have been used before
2 extracting the restricted CSTs that I'm going to use now.

3 And just to sum everything up and correct the error I made in the beginning, the
4 documents that are in tab 99 and tab 100 are the information given by the operator
5 Orange on the localisation of telephone cells of Orange that have been activated when
6 there is a call made.

7 So this is a technical side and I'm going to stop right here because you've understood
8 that I have a slight issue with technical aspects.

9 So I'm going to now continue with my cross-examination.

10 Q. [12:05:29] (Redacted), you've been very clear today and a few days ago on the
11 fact that you made (Redacted) contact with Mr Yekatom (Redacted)
12 (Redacted)

13 However, with the OTP investigators, you gave a different version. On the
14 circumstances (Redacted)

15 (Redacted)

16 (Redacted)

17 Now, do you remember having communicated this version of the circumstances to
18 the OTP investigators?

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 Q. [12:07:06] (Redacted)

25 (Redacted)

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- 1 (Redacted)
- 2 (Redacted). And I'm going to jot your memory.
- 3 (Redacted)
- 4 (Redacted). And this is what the Prosecutor asked you:
- 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 So, you see the difference between the two versions, and I'm asking you what is the
- 18 right version. Is the version you gave today, is that the right version?
- 19 A. [12:09:52] I think I have answered this question a few moments ago. This
- 20 question was already asked.
- 21 Q. [12:10:02] No, Witness, the question was not asked. I'm asking you today
- 22 because you gave two different version, one to the OTP investigators and one before
- 23 the Chamber. So I just wanted you to confirm, is the version that you gave today
- 24 before the Chamber, is that the version that we should retain?
- 25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 PRESIDING JUDGE SCHMITT: [12:11:00] So the answer is, if we interpret it, yes,
4 the version here in the courtroom.

5 MS GUISSÉ: [12:11:08] (Interpretation)

6 Q. [12:11:11] You actually went a step forward with the investigators. You said
7 that you were not in contact with Mr Yekatom before (Redacted). I'm going to quote
8 you here.

9 (Redacted)

10 Now, the person who was interrogating you asked you if you were in touch with
11 Mr Yekatom using either of the numbers you used. You said: (Redacted)
12 (Redacted), I was not in touch with him."

13 My question is as follows: Do you remember having said that and do we agree that
14 the version to be retained today on the fact that there was a telephone call made or
15 not is the version that you provided to the Court today?

16 A. [12:12:24] No. I called him before (Redacted). He's a warlord, (Redacted)
17 And I called him before (Redacted)

18 Q. [12:12:45] I take note of your answer. My logical question is: Why did you
19 say the opposite to the OTP investigators when you were interviewed by them?

20 A. [12:13:09] I don't know what answer to give because I'm -- I'm stumped.

21 PRESIDING JUDGE SCHMITT: [12:13:17] And, well, there's always a difference to
22 testify or to speak in a courtroom where you are -- where you have given an oath.
23 Please continue.

24 MS GUISSÉ: [12:13:35] (Interpretation) Your Honour, I understand, but I did ask
25 him when he was interrogated by the OTP investigators and the Defence team, he

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1 said he told the truth, so I had to come back to certain points and make

2 sure (Overlapping speakers)

3 PRESIDING JUDGE SCHMITT: [12:13:54] I did not -- I did not comment or I did not

4 want to say that you should not do that. I simply say what is a fact, obviously.

5 And, well, if you have two versions, one, well, one should be right, but which one is

6 then another thing. That's what the Court has to establish.

7 Please continue.

8 MS GUISSÉ: [12:14:25] (Interpretation)

9 Q. [12:14:31] So we agree that you called him and I asked you whether you called

10 him several times and you said that you only called him once. And I am putting it to

11 you that (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 MS GUISSÉ: [12:15:47] (Interpretation)

22 Q. [12:15:47] And Mr Witness, these are telephone calls that were received and that

23 were made from your Orange number, (Redacted). You will see that on one column

24 you have your name that corresponds to the phone number (Redacted), and on the

25 other column you have the name of Mr Yekatom that corresponds to the phone

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1 number he was using that ends with (Redacted), and you can see that there are
2 (Redacted) calls that were made during that period.

3 And for the attention of the Chamber and the parties, I specify that in the yellow
4 column on the right, these are ERNs of the call data records used to make the CST
5 tables. So this allows you to know what we used to extract the CSTs.

6 Now, (Redacted), we can see that you've had (Redacted) calls with Mr Yekatom from
7 your number (Redacted) and there are several calls (Redacted)
8 (Redacted)

9 So my question is: Does this jog your memory on the fact that you did not make just
10 one call to Mr Yekatom before (Redacted)

11 A. [12:17:37] I cannot exactly remember. (Redacted)

12 (Redacted). I could actually call him when I wanted.

13 (Redacted)

14 Q. [12:17:59] I'm going to draw your attention particularly to the date of

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 So my question is as follows: Does this correspond to the (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 THE WITNESS: [12:19:21](Interpretation) It must be that. I cannot exactly tell you
24 the day I called him, but that could only be that day, (Redacted)

25 MS GUISSÉ: [12:19:40] (Interpretation)

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1 Q. [12:19:41] You mean (Redacted)

2 A. [12:19:43] (Redacted)? No. It's not that.

3 Q. [12:19:54] (Redacted)

4 (Redacted)

5 (Redacted). Once again, the telephone data provided by Orange suggests that you

6 made calls (Redacted)

7 (Redacted)

8 (Redacted)

9 So we do agree that we are talking about the call made on (Redacted)

10 A. [12:20:42] No, it's not (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 That was it. And it's -- and that date is not normal.

19 (Redacted)

20 (Redacted)

21 PRESIDING JUDGE SCHMITT: [12:22:14] Again, we have -- we have the document

22 here on the screen. And, well, the witness has given his answer, so ...

23 MS GUISSÉ: [12:22:29] (Interpretation) For the records, your Honour, I would also

24 like to indicate that on (Redacted) on the same document, we can see that there are

25 calls (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 Q. [12:23:57] In the light -- in light of these CSTs, call sequence tables, I put it to you

10 that not only you spoke to Mr Yekatom (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 Now, does that jot your memory on the telephone discussions you had in (Redacted)

19 with Mr Yekatom?

20 (Redacted)

21 Q. [12:25:52] I understand your answer. My question is different. The fact that

22 you are seeing these CST tables, does that jolt your memory on the fact that you have

23 been in telephone contact (Redacted)?

24 A. [12:26:18] I confirm that he called me and I called him.

25 PRESIDING JUDGE SCHMITT: [12:26:39] I think that's okay.

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1 MS GUISSÉ: [12:26:43] (Interpretation)

2 Q. [12:26:43] Now, when you met the OTP investigators, you told them that you
3 did not follow the developments of the attack of 5 December even though you had a
4 mobile phone. Do you confirm that?

5 A. [12:27:03] I confirm.

6 Q. [12:27:13] In the courtroom you said that (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted). So you're talking about the night of the 4 to 5 December attacks, you're
13 talking about that night?

14 A. [12:28:23] It's the night of the 5th to 6th. (Redacted)

15 The night of 5th to 6th (Redacted)

16 (Redacted)

17 Q. [12:28:51] So perhaps I want to clarify something with you. The -- when do
18 you think the Anti-Balaka attack occurred?

19 A. [12:29:10] The attack occurred on the 5th.

20 Q. [12:29:19] And the day you were woken by gunshots, when was that? What
21 day was that?

22 A. [12:29:28] It was the night of the 5th to the 6th.

23 Q. [12:29:35] So the -- you're saying that on the night of the 5th to the 6th you heard
24 gunshots and there was another attack that woke you up?

25 A. [12:29:47] This attack was the Seleka. (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 Q. [12:30:58] So if I understand you well, what you're telling me it's the Seleka that
10 was retaliating to the attack on 5 December?

11 A. [12:31:09] No. It's infiltration to basically attack a well-determined target.

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 Q. [12:31:46] I don't think we can -- you're not understanding me, so I'm going to
16 try and rephrase my question.

17 Now, you've just talked about the night of the 5th to the 6th and you're saying this
18 was a Seleka attack. That's -- well, that's the rattle of gunfire that you heard. Have
19 I understood properly, Mr Witness?

20 A. [12:32:06] Yes.

21 Q. [12:32:10] All right. I'm now moving on to a different point of time, which is
22 the previous night, in other words, the night from 4 to 5 December. (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 Q. [12:32:49] (Redacted). And in the 4th -- from the night of the 4th or the
3 5th -- 4th to the 5th, you slept without being woken up by gunfire?

4 A. [12:33:05] I've already answered this question. I did say that it was the night
5 from 5 to 6 December that the attack took place (Redacted)

6 Q. [12:33:22] Yes, I've understood, but I'm interested now in the previous night, the
7 night from 4 to 5 December. Now, in that particular night, (Redacted)
8 (Redacted); is that your evidence, Mr Witness?

9 A. [12:33:41] Yes, it is.

10 Q. [12:33:45] And you were not woken up by any rattle of gunfire or anything else
11 for that matter; have I properly understood your evidence?

12 A. [12:34:03] In the night of 4 to 5 December, we spent the night without any
13 problem whatsoever.

14 Q. [12:34:17] Now, I say this because there's an apparent confusion. When you
15 were questioned by the investigators, this is document (Redacted), you're asked
16 whether you were in touch with people at that particular point of time prior to the
17 Anti-Balaka attack. And you answer: "No, it was night, and all of a sudden in the
18 morning gunfire suddenly could be heard."

19 I understand now that you're talking about something entirely different, that you
20 spent an untroubled night from 4 to 5 December, but not only did you say something
21 that was -- that is different to the OTP investigators, but you also said something
22 different when you met members of our Defence team. And we find that account in
23 document (Redacted), from line 14 onwards.

24 And here the question that was put to you was the following: "Did you know what
25 was happening? You heard gunfire? Did you know what was happening? Did

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1 you know that it was the 5 December attack?"

2 Answer: "I didn't know what it was all about. I was only told that it was the
3 Anti-Balaka that had risen up."

4 You are asked: "Who gave you that information?"

5 And you answer: "It was the local inhabitants, the people who I bumped into, I
6 asked them."

7 So at the time when you were questioned, well, obviously you're told clearly about
8 5 December, when you're talking about gunfire, it is the 5 December attack. So today
9 we should understand that the morning of 5 December you heard no gunfire; is that
10 what we should be understanding from your evidence today, Mr Witness?

11 A. [12:36:59] (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 All -- all the areas that I moved around can be checked up upon, where I went. Well,
22 I can show you. I can give you details. Because I think that -- well, it's my
23 impression that you think that I'm possibly lying. If it's on the ground, it's easy to
24 verify.

25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 Q. [12:39:13] And here this is a telephone compilation, Mr Witness, calls emitting
4 and received on (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted). So, can you tell the Chamber, please, why on 4 December 2013 in
9 particular you received and emitted so many calls?

10 PRESIDING JUDGE SCHMITT: [12:41:06] Do you have an explanation for that,
11 Mr Witness?

12 How many have you counted? And I trust you on that.

13 MS GUISSÉ: [12:41:13] (Interpretation) (Redacted) of various lengths, but (Redacted)
14 calls nevertheless.

15 PRESIDING JUDGE SCHMITT: [12:41:20] Okay. Mr Witness --

16 THE WITNESS: [12:41:24](Interpretation) I -- I was saying that I didn't have any
17 problems with Yekatom. We called each other. I even had relatives that I would
18 call. (Redacted)

19 (Redacted)

20 (Redacted)

21 PRESIDING JUDGE SCHMITT: [12:42:16] May I -- I think we can be a little bit more
22 direct here.

23 So it appears that you have made really a lot of calls on

24 4 December 2013 - Mr Vanderpuye is also noting - (Redacted) it appears at least. So
25 we agree that this is quite a lot. Were these calls or some of them or all these calls,

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1 were these calls to Anti-Balaka elements or (Redacted)?

2 THE WITNESS: [12:43:03](Interpretation) I can't remember the numbers here.

3 I don't remember the numbers.

4 PRESIDING JUDGE SCHMITT: [12:43:13] Well, you don't -- that is also

5 understandable. I would not insist you to -- or expect, better to say, for you to

6 remember the exact numbers, but the people whom you spoke with, at least in

7 general, were these people from the Anti-Balaka, be it elements, (Redacted), be it

8 Mr Yekatom, whoever?

9 THE WITNESS: [12:43:49](Interpretation) The majority of these calls can only be
10 with my relatives, (Redacted)

11 PRESIDING JUDGE SCHMITT: [12:44:01] Ms Guissé, please move on. Continue.

12 MS GUISSÉ: [12:44:07] (Interpretation)

13 Q. [12:44:09] Now, 5 December, these calls are of interest to me now, (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 A. [12:45:37] These are -- this is my wife's telephone number. The first number,

23 that's my wife's telephone number.

24 Q. [12:45:50] That's not a problem. I don't disagree with you, Mr Witness. When

25 we have the attributed telephone numbers that you confirmed, we find them in these

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1 tables, but the question remains, (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 Q. [12:47:07] Well, once again, Mr Witness, I'm not denying that you had telephone

9 communication with your wife, but here (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 So my question again to you, Mr Witness, and my question remains: What was the

15 purpose of these numerous calls (Redacted)

16 (Redacted)

17 A. [12:48:19] I was saying that my relatives were calling me (Redacted)

18 (Redacted). Many relatives called me.

19 And I personally didn't have enough telephone credit, so it was my relatives calling

20 me.

21 PRESIDING JUDGE SCHMITT: [12:48:40] May I ask you something, ask you

22 something, Ms Guissé.

23 Can you tell the Chamber, for example, how long these calls lasted, or at least give an

24 idea, not every, but if it were unanswered calls or -- how long -- this is the line we see

25 here.

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1 MS GUISSÉ: [12:49:02] (Interpretation) Yes, that's right. It's the number of seconds,
2 the length of the call in that column. And we see when there's zero -- generally
3 speaking, when it's zero, it's an SMS, generally speaking.

4 PRESIDING JUDGE SCHMITT: [12:49:15] Then, Mr Witness, it -- so somebody
5 picked up the phone, and since it is your number, it appears that you have been the
6 one who picked up the phone and who talked for, let's say, (Redacted)

7 (Redacted)

8 (Redacted)

9 Do you have an explanation for that (Redacted)

10 (Redacted)

11 THE WITNESS: [12:50:07](Interpretation) It's my relatives (Redacted)

12 (Redacted)

13 My relatives called me a lot. They called me a lot.

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 PRESIDING JUDGE SCHMITT: [12:50:50] Did you make this exercise also for other
21 days?

22 MS GUISSÉ: [12:50:59] Yes, Mr President.

23 PRESIDING JUDGE SCHMITT: [12:51:01] (Redacted). So you will submit that, and,

24 yeah, I think we can move on from there. And you can also -- if you want, you can

25 also draw -- the Chamber will -- it will not escape the Chamber's attention, but you

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1 can draw our attention to the interesting -- it could be perhaps of interest if during
2 other nights also there were -- I think I don't have to explain myself.

3 MS GUISSÉ: [12:51:29] (Interpretation) It's actually what comes next in my line of
4 questioning, your Honour. I'm going to be offering very precise references to guide
5 the Chamber about the -- about the -- I'm getting there, I'm getting there. You're
6 leaping ahead of me, your Honour.

7 PRESIDING JUDGE SCHMITT: [12:51:49] I apologise for that.

8 MS GUISSÉ: [12:51:52] (Interpretation)

9 Q. [12:51:54] Mr Witness, I just seek a clarification. It could be because the
10 information is in English on this table, but do you see there's a column here, the
11 fourth column from the left where we see whether it is outgoing or incoming calls.
12 And in actual fact, in that column we see that there are outgoing calls and also
13 incoming calls, which means that, yes, indeed there are people calling you, but you
14 yourself, you were also emitting calls. Now, you said that you didn't have telephone
15 credit and you couldn't call, but the analysis of your telephone activity shows, in fact,
16 the contrary.

17 Does that jog your memory about the calls that you placed during that night?

18 A. [12:52:54] Yes. I can see (Redacted) has called me here three times, (Redacted),
19 when I see (Redacted) number. Most of these calls come from (Redacted). I can see
20 (Redacted) number, my wife's number here.

21 Q. [12:53:35] Can you clarify, what is (Redacted) number that you can see on the
22 screen, please?

23 A. [12:53:45] It could be the (Redacted), if my memory doesn't fail me.

24 Q. [12:54:05] Thank you very much for that clarification.

25 Mr Witness, your family, did it call you as frequently as that, every day?

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1 A. [12:54:22] Yes, they would call me every day. (Redacted)

2 (Redacted)

3 Q. [12:54:43] I think my question possibly wasn't quite clear. When I asked you
4 did your family call you at that frequency per day, I'm not saying did you receive
5 such calls every day, but did you receive as many calls per every day, (Redacted)
6 That's my question.

7 A. [12:55:13] My family would call me, but my friends would also call me.

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 Q. [12:56:07] Now, here again, Mr Witness, any explanation to provide to shed
16 light on that high volume of communication on 5 December?

17 A. [12:56:21] Most of those calls on 5 December, it was my relatives (Redacted)

18 (Redacted)

19 (Redacted)

20 MS GUISSÉ: [12:56:56] (Interpretation) Your Honour, if you wish to move to the
21 break, this would be an opportune moment.

22 PRESIDING JUDGE SCHMITT: [12:57:03] Okay, then we take this idea up and we
23 have the break until 2.30.

24 THE COURT USHER: [12:57:11] All rise.

25 (Recess taken at 12.57 p.m.)

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- 1 (Upon resuming in private session at 2.31 p.m.)
- 2 THE COURT USHER: [14:31:03] All rise.
- 3 Please be seated.
- 4 PRESIDING JUDGE SCHMITT: [14:31:27] Ms Guissé, you have the floor and we are
- 5 in private session.
- 6 MS GUISSÉ: [14:31:31] (Interpretation) Thank you, Mr President.
- 7 Q. [14:31:35] Witness, good afternoon.
- 8 A. [14:31:38] Thank you.
- 9 Q. [14:31:41] I am going to continue where we left off. (Redacted)
- 10 (Redacted)
- 11 (Redacted). And I would like to draw your attention to the specifics of that night
- 12 with respect to the previous nights.
- 13 (Redacted)
- 14 (Redacted)
- 15 Do you see the document on the screen?
- 16 A. [14:32:49] Yes.
- 17 (Redacted)
- 18 (Redacted)
- 19 (Redacted)
- 20 (Redacted)
- 21 (Redacted)
- 22 (Redacted)
- 23 (Redacted)
- 24 (Redacted)
- 25 PRESIDING JUDGE SCHMITT: [14:34:30] It's okay, but I think that that's enough

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1 already. We could go back in time indefinitely and go forward in time indefinitely,
2 but you have made your point. You can remind, I think, again how many telephone
3 calls it have been in the night between the 4th and the 5th and then we move on
4 simply.

5 MS GUISSÉ: [14:34:54] (Interpretation) That was actually the last day that I wanted
6 to show, but I do hear your comments, Mr President.

7 Q. [14:35:04] Witness, so you have understood that we compared the previous days,
8 so we compared previous nights and days, and then you can see that there's a huge
9 difference between the no phone calls or a few phone calls (Redacted)

10 (Redacted)

11 So my question is the following: Can you explain why is it that there was such an
12 unusual activity that night?

13 A. [14:35:48] (Redacted)

14 (Redacted). On my wife's side, including my brothers and children, they were
15 calling all the time. (Redacted)

16 (Redacted)

17 PRESIDING JUDGE SCHMITT: And I think the --

18 THE WITNESS: [14:36:24] (Interpretation) And my friends were also calling me.

19 PRESIDING JUDGE SCHMITT: [14:36:31] Okay, "and the friends were also calling
20 me", yeah.

21 Ms Guissé, please move on. We have the answer and it is not different to what the
22 witness said before.

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 THE WITNESS: [14:37:28](Interpretation) Well, the problem is that if -- of course it
4 depends on the circumstance. When Bangui was in trouble, my family was calling
5 me a lot, and when there was -- there were no problems, they were not calling.

6 PRESIDING JUDGE SCHMITT: [14:37:41] But I think that's the last -- I think the last
7 try.

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 PRESIDING JUDGE SCHMITT: [14:38:44] Okay. Thank you.

18 Please move on, Ms Guissé. I think this has really exhausted the subject. And the
19 documents speak to something -- okay.

20 MS GUISSÉ: [14:38:56] (Interpretation) Thank you very much, Mr President.

21 Q. [14:38:58] I'm going to move on to another topic which still relates phone calls.

22 But now I would like to talk about the telephone number that you confirmed as a
23 telephone number belonging to (Redacted), sir.

24 So I would like to put to you, Witness, that the contacts that you had with

25 Mr Yekatom are not limited to just your Orange number (Redacted), but I put to you

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1 that he was also in touch with you through the telephone number of (Redacted).

2 Does that jog your memory, that there were phone calls that were made through the
3 telephone number of (Redacted)?

4 A. [14:39:50] I do not know how that happened.

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 Q. [14:42:12] So, I put to you, Witness, in light of these telephone communications

19 between Mr Yekatom and the telephone number of (Redacted)

20 (Redacted)

21 (Redacted)

22 Does that jog your memory as to how things developed?

23 A. [14:42:40] I really do not know how this happened. (Redacted)

24 (Redacted)

25 So I don't understand how this may have happened.

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 PRESIDING JUDGE SCHMITT: [14:46:44] Yeah, Ms Guissé. I think you

9 understand. I did not want to interfere with your questioning, but I think you could

10 move on even.

11 MS GUISSÉ: [14:46:55] (Interpretation) I understand, Mr President, your desire to

12 move on, obviously, but I do have to ask some questions for the record. I'm going to

13 try to rephrase some questions, but there are some questions that I have to put to the

14 witness, otherwise I would not have done my work correctly.

15 Q. [14:47:22] So for the record, Witness, I would like to put to you that on this

16 record, telephone record with respect to (Redacted)

17 (Redacted), there were (Redacted) phone calls between the telephone number of

18 Mr Yekatom and the telephone number belonging to (Redacted). I understand from

19 your answer that you do not know why, but I would like to inform you nevertheless

20 that this is what this document shows.

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 So my question for you is, and it's a question for all the comments that I just made:

6 Do you maintain, do you still maintain that you do not know how is it that the

7 telephone number of (Redacted)

8 was in contact with the telephone number of Mr Yekatom?

9 A. [14:49:59] (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted). And this is why I'm saying that I really do not understand how it all

15 took place.

16 MS GUISSÉ: [14:50:58] Just to inform you, Mr President, and for the record, we also

17 have a CST at tab (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Counsel confers)

25 PRESIDING JUDGE SCHMITT: [14:52:18] And this is documentary evidence

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- 1 anyway, yeah?
- 2 (Redacted)
- 3 (Redacted)
- 4 (Redacted)
- 5 (Redacted)
- 6 (Redacted)
- 7 (Redacted)
- 8 (Redacted)
- 9 (Redacted)
- 10 (Redacted)
- 11 (Redacted)
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- 25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 MS GUISSÉ: [14:56:14] (Interpretation)

8 Q. [14:56:19] As I told you, Witness, just to finish this line of questioning about

9 these phone calls and the use of your telephone number, as we had seen, I put to you

10 that you did not discover the existence of an attack in the morning of 5 December, but

11 that you were -- you did not sleep during the night between 4 and 5 December

12 because, since we have seen it, there was an activity, an intense activity on your

13 phone, (Redacted). And I put to you that you had information about the attack on

14 5 December and you knew of the attack before it took place. What do you say to

15 that?

16 A. [14:57:19] I was surprised in the morning to hear the noise in the morning.

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 A. [14:58:35] (Redacted)

3 (Redacted)

4 (Redacted)

5 That was not my goal. My goal was not to go and fight against the Seleka. That
6 was not my goal.

7 And why is it that today I walk freely (Redacted), and sometimes when I get there,
8 the Muslims they say sit, and they buy fish to me and we eat, and they say if you need
9 anything, if you need equipment to build your house, you come and you take it here.

10 I don't have any problems with the Seleka. There's no bad blood between us
11 and -- between me and them. And I sit with them and one even gave me 1,000
12 francs to pay for my transportation. So I don't have any problems. There's no bad
13 blood and I just walk around freely at (Redacted)

14 Q. [15:00:00] (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 So let's start with this: Do you recall that it was him who informed you of that
24 arrest?

25 A. [15:01:25] I said I no longer remembered who it was who had informed me.

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1 (Redacted)

2 PRESIDING JUDGE SCHMITT: [15:01:39] But you said -- now that you hear that
3 you said this at another occasion a couple of years ago, does this jog your memory?
4 Was it true at the time according to the recollection that you had at that time that it
5 was this person?

6 THE WITNESS: [15:02:06](Interpretation) Your Honour, I don't know if it was him.
7 I don't recall.

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 Q. [15:03:36] And having seen him again, does that refresh your memory as to
22 whether it was him who informed you of the arrest of (Redacted)

23 A. [15:03:47] I don't recall. I'm sorry.

24 MS GUISSÉ: [15:04:13] (Interpretation) The English transcript is -- is of assistance to
25 me and it had just stopped. I see it's running again.

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1 (Redacted)

2 Q. [15:11:24] If you don't recall, there's no problem, just let me know.

3 A. [15:11:32] It's as if they are the same. The questions are repetitive. I don't
4 know.

5 Q. [15:11:43] Witness, in fact, I'm being very careful to make sure that I don't repeat
6 my questions and I don't re-question you on matters on which you've already
7 answered. So, once again, I would ask you to listen carefully to the exact question
8 that I put to you.

9 Now, I've noted from what you said that you don't recall the exact words that he used,
10 that's fine. Now I have a new question.

11 At the T-201 hearing, you answered the Prosecutor saying that you understood that
12 (Redacted)-- that he wanted to kill them because he said Ouandjio is Yekatom. But
13 in fact, in reality, did you just deduce this because you considered Yekatom to be the
14 leader? Was it indeed a deduction you imagined because he was the chief that they
15 wanted to kill him?

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 PRESIDING JUDGE SCHMITT: [15:13:16] (Redacted)

20 (Redacted)

21 (Redacted). What was your information or why did you come to say that

22 Mr Yekatom also wanted (Redacted) dead? What is your information on that?

23 What is your source of information? I think that was the question, if I understood it
24 correctly, *mas o menos*.

25 MS GUISSÉ: [15:13:57] (Interpretation) I suggested to the witness --

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1 PRESIDING JUDGE SCHMITT: [15:14:00] No, I asked -- I asked the question and I
2 want the witness to answer. Even if -- I know you spoke of deduction, we can do
3 that later.

4 But what was your source of information for that?

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 PRESIDING JUDGE SCHMITT: [15:14:40] How did you come to know that this
10 decision had been taken already?

11 (Redacted)

12 (Redacted)

13 PRESIDING JUDGE SCHMITT: [15:15:08] Try your deduction again, please,
14 Ms Guissé, if you want, deducing or whatsoever what you said. Otherwise, we
15 would have to continue like always in the past two days.

16 MS GUISSÉ: [15:15:27] (Interpretation)

17 Q. [15:15:35] Now, Witness, have I understood correctly that they had taken the
18 decision (Redacted), you had deduced that that was the situation, you had inferred
19 that this was the situation; is that right?

20 A. [15:15:53] Yes.

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 So my question to you is: Do you recall hearing that statement?

4 A. [15:24:12] I don't recall who made the statement.

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 Q. [15:24:41] And the statement that you heard, the communiqué you heard, do

9 you recall whether it was on the day after that you heard it or it was later? That will

10 be my last question.

11 A. [15:25:01] Yes.

12 Q. [15:25:17] I'd now like to go back to what you said --

13 PRESIDING JUDGE SCHMITT: [15:25:24] Mr Vanderpuye is rising.

14 MR VANDERPUYE: [15:25:26] I am. The last question was a compound question

15 and the answer is --

16 PRESIDING JUDGE SCHMITT: [15:25:32] Yeah, the answer was --

17 MR VANDERPUYE: [15:25:33] -- unclear.

18 PRESIDING JUDGE SCHMITT: [15:25:34] -- unclear, indeed. I thought nobody

19 noticed, but you are right, obviously.

20 So, excuse me, excuse me. So, indeed. If we have an "or", the "yes" is also not

21 completely clear. So please try to sort it out, Ms Guissé. But it's already late in the

22 afternoon, we have to give us credit for that.

23 MS GUISSÉ: [15:26:03] (Interpretation) I can reassure you that my colleagues have

24 pointed it out to me too, indeed.

25 Q. [15:26:16] Witness, could you clarify your last answer. I'm going to rephrase

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1 my question to make it clearer. Are you sure that you heard the communiqué, the
2 statement the day after (Redacted)?

3 A. [15:26:37] Yes.

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)

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10 (Redacted)
11 (Redacted)
12 (Redacted)
13 (Redacted)
14 MS GUISSÉ: [15:31:12] (Interpretation)
15 Q. [15:31:15] We have heard your answer loud and clear, Witness, but you did not
16 really answer my question. In your statement made to the OTP investigators, you
17 have mentioned on many occasions, (Redacted)
18 (Redacted)
19 (Redacted)
20 (Redacted). So, we are now faced with two very different versions of the events,
21 because at the hearing you have repeated three times (Redacted)
22 (Redacted)
23 (Redacted)
24 (Redacted)
25 (Redacted)

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1 (Redacted)

2 So my question is: How can you reconcile those two versions?

3 A. [15:32:49] That is the version that I confirm now.

4 Q. [15:33:06] (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 So do you maintain that it is the version of today that is the correct version?

12 A. [15:34:21] My version of today.

13 Q. [15:34:34] (Redacted) Coeur de Lion, Ouandjio, (Redacted), I would like to
14 confirm with you, we know that he belonged to the presidential guard at Yamwara,
15 from what you were able to see, am I right in saying that he was appreciated by his
16 men and that he -- that the men were very faithful to him?

17 A. [15:35:11] I don't know.

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 Q. [15:36:27] I'm going to show you the video and then I'm going to ask you a few
2 questions.

3 (Viewing of the video excerpt)

4 THE INTERPRETER: [15:36:40] (Interpretation of the video excerpt)

5 "We do not want Captain Ngremangou.

6 We do not know him; we only know Coeur de Lion. I do not need a picture.

7 We don't know him; only Coeur de Lion. What is it? We suffered too much in the
8 bush. You are happy without your -- with your promenades and then what do you
9 want?

10 Do not speak about it.

11 We don't need Captain Ngremangou, we need Coeur de Lion. Me myself,

12 Corporal-Chef Nazer, I am saying it; me, Corporal Nazer, I'm saying that."

13 MS GUISSÉ: (Interpretation)

14 Q. [15:37:28] Witness, you've seen the video, so my first question is to ask you do
15 you remember that there was a visit by Ngremangou to the Yamwara base and do
16 you remember what was the reaction of those elements - what we just saw on this
17 video - about the fact that they did not want Ngremangou, they wanted
18 Coeur de Lion? Does that jog your memory? Does that refresh your memory about
19 something?

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 Q. [15:39:10] I would like to move on to another topic, and at the hearing, in
4 answering a question by the Prosecutor, I believe you said that there were some
5 people ...

6 MS GUISSÉ: [15:39:49] Sorry, Mr President, I just wanted to know if I can go
7 perhaps into open session for just a brief moment, but it's for such short periods each
8 time that I am under the impression that it would just be more complicated than
9 anything else.

10 PRESIDING JUDGE SCHMITT: [15:40:07] Okay, I understand, yeah.

11 MS GUISSÉ: [15:40:14] (Interpretation)

12 Q. [15:40:18] At the hearing you stated that there were some people from
13 Bossangoa in Yekatom's group, and during the interview with the investigators of the
14 OTP, you said something different, slightly different, and I would like to know if that
15 perhaps refreshes your memory. I'm referring to your statement at tab 70 of the OTP
16 binder, CAR-OTP-2076-0516, page 0539, line 803.

17 And I would like to ask Madam Court Officer to show that, to put up that excerpt on
18 the screen. So it is tab 70 of the OTP binder, page 0539 from lines 803.

19 And this is what you said - maybe you see it on the screen - when you were talking
20 about people from Bossangoa, you say, I quote: "Those elements also had their chief
21 on the side. They had their chief. Yekatom had his elements handy." And you
22 say: "Those who come from Bossangoa have their chief, so they were not grouped in
23 one same base." End of quote.

24 Tell us if this refreshes your memory with respect to what you told the investigators
25 of the OTP, and can you confirm that there were two different bases, one base the

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1 base of Yekatom and another base where people from Bossangoa were
2 situated -- located?

3 A. [15:42:48] (Redacted)

4 (Redacted)

5 (Redacted). And so the place where the Bossangoa elements were, that was

6 approximately 3 kilometres from the Yekatom base. (Redacted)

7 (Redacted)

8 Q. [15:43:26] Thank you for this -- for this. And right now I would like to go on to

9 another topic.

10 And Madam Court Officer, you may remove the document from the screen because

11 we'll move on to another topic.

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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9 (Counsel confers)

10 MS GUISSÉ: [15:50:38] (Interpretation) Your Honour, I would ask for your patience,
11 I'm going to move on to another topic. I know we only have 10 minutes left.

12 Would you like to adjourn for today? That would allow me to refocus my questions.
13 I could continue on, but as you said a few moments ago, it's late in the afternoon.

14 PRESIDING JUDGE SCHMITT: [15:51:05] You're trying to lure me with the -- with
15 the words that you are -- would go through it. Well, how much, Ms Guissé and
16 Ms Dimitri, tomorrow how much time would you need?

17 MS GUISSÉ: [15:51:22] (Interpretation) Your Honour, I'm far from being finished.
18 I think that the estimate which we gave you at the outset stands, or a bit longer. But
19 I think I will need quite a bit more than two sessions and certainly all of tomorrow,
20 unless I manage to cut down a lot tonight.

21 PRESIDING JUDGE SCHMITT: [15:51:49] Okay. Then let's give you, you the
22 chance to cut down tonight that we at least can finish the examination by the Defence
23 of Mr Yekatom tomorrow.

24 So we conclude then for today.

25 Thank you very much, Mr Witness. This is very tiring, I understand that. We

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- 1 appreciate it that you answer the questions every day, patiently the whole day, but
- 2 still some days to go.
- 3 We resume tomorrow at 9.30.
- 4 THE COURT USHER: [15:52:18] All rise.
- 5 (The hearing ends in private session at 3.52 p.m.)