

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 Monday, 20 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: [9:32:45] Good morning, everyone.
14 Court officer, please call the case.
15 THE COURT OFFICER: [9:32:50] 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: [9:33:05] The appearances of the parties. We start
20 with the Prosecution.
21 MR VANDERPUYE: [9:33:10] Good morning, Mr President, your Honours. Good
22 morning, everyone. Good morning, Mr Witness. Today the Prosecution is
23 represented by Manochitra Prathaban, Yassin Mostfa and myself,
24 Kweku Vanderpuye. Good morning again.
25 PRESIDING JUDGE SCHMITT: [9:33:23] Thank you.

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1 And the Legal Representative of the Victims next.

2 MR DANGABO MOUSSA: [9:33:26](Interpretation) Good morning, your Honour.

3 Good morning, your Honours. Good morning to everyone. The victims of the
4 other crimes are represented here today by Gabriella dos Santos, by Asso Mouhia and
5 myself, Dangabo Moussa. Thank you.

6 PRESIDING JUDGE SCHMITT: [9:33:44] Thank you.

7 Ms Lau.

8 MS LAU: [9:33:47] Good morning, Mr President, your Honours. Good morning,
9 everyone in the courtroom. Today the former child soldiers are represented by
10 myself, Fiona Lau, Office of Public Counsel for Victims. Thank you.

11 PRESIDING JUDGE SCHMITT: [9:33:56] Thank you.

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

13 MS DIMITRI: [9:34:03] Good morning, Mr President. Good morning, your
14 Honours. Good morning, everyone. Mr Yekatom is present in the courtroom and
15 he's represented today by Mr Florent Pages-Granier, Ms Fiona Houdin, Ms Laurence
16 Hortas-Laberge, Ms Anta Guissé and myself, Mylène Dimitri.

17 PRESIDING JUDGE SCHMITT: [9:34:17] Thank you.

18 Mr Knoops.

19 MR KNOOPS: [9:34:20] A very good morning, Mr President. Your Honours, good
20 morning. Good morning, everyone in the courtroom. The Defence team of
21 Mr Ngaïssona appears today before the Chamber with Ms Chiara Giudici, on my
22 right side; the second row, Sara Pedroso, Ms Brianna Dyer and Mr Mathias Goffe.
23 *Merci.*

24 PRESIDING JUDGE SCHMITT: [9:34:39] Thank you.

25 And we also welcome in the courtroom the Rule 74 counsel for the witness,

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1 Ms Dignité Bwiza.

2 And of course, good morning, Mr Witness. I hope you're feeling well today.

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

4 (The witness speaks French)

5 THE WITNESS: [9:34:59](Interpretation) Yes, thank you.

6 PRESIDING JUDGE SCHMITT: [9:35:01] We have this small procedural issue. It's
7 of course fair, Mr Vanderpuye, that you ask for a bit more time to assess the request
8 by the Defence, and Ms Dimitri and Ms Guissé know that of course. Would 11.30 be
9 all right or would you -- just make a suggestion, please.

10 MR VANDERPUYE: [9:35:24] Thank you, Mr President. Yes, I think it's fine. It
11 shouldn't take me more than 15 minutes to look at it, but I just want to look at it. I
12 realise that it was quite involved as to the bases of some of the requests, but it
13 shouldn't take long (Overlapping speakers)

14 PRESIDING JUDGE SCHMITT: [9:35:35] Okay, then, let's say, any objections until
15 11.30 when we start with the second session. I think that's fair enough.

16 Okay. Good. Then we continue with your examination.

17 And we are in open session.

18 MR VANDERPUYE: [9:35:55] Thank you, Mr President.

19 QUESTIONED BY MR VANDERPUYE: (Continuing)

20 Q. [9:36:10] Good morning, Mr Witness.

21 A. [9:36:15] Thank you.

22 Q. [9:36:16] Welcome back. I'll try to be brief because we've covered a lot in the
23 last few days so ...

24 We are in open session, so just be mindful of that. And I want to put a few questions
25 to you about your understanding of the relationship between Mr Yekatom and

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1 Mr Ngaïssona, if you have information in that respect.

2 So my first question to you is: What was your understanding of the relationship
3 between the two within the context of the Anti-Balaka movement?

4 A. [9:37:08] As far as I know, Mr Ngaïssona and Mr Yekatom are of the same ethnic
5 background.

6 Q. [9:37:26] And what does that signify in the context of their relative positions
7 within the movement?

8 A. [9:37:50] I'm sorry, I do not understand that question very well.

9 Q. [9:37:56] Was Mr Ngaïssona -- did Mr Yekatom report to Mr Ngaïssona to your
10 knowledge?

11 A. [9:38:18] From what I was able to see, is that from time to time they would meet,
12 so if they met, there must have been a reporting procedure. I had not seen them, but
13 according to the information that I have seen, that was that.

14 Q. [9:38:41] Do you know if there was a hierarchical relationship between them?

15 A. [9:39:01] From time to time they would meet, there were organised meetings.
16 Mr Ngaïssona called them and they would meet.

17 Q. [9:39:21] And was Mr Yekatom subject to Mr Ngaïssona's orders?

18 A. [9:39:40] Yes, he was subject to his orders. He was subject to the orders of
19 Ngremangou and Ngaïssona. So not only Ngaïssona.

20 Q. [9:40:05] How do you know this?

21 PRESIDING JUDGE SCHMITT: [9:40:07] Yes, exactly.

22 Ms Guissé.

23 MS GUISSÉ: [9:40:10] (Interpretation) Thank you, Mr President. Would it be
24 possible to have an idea of the period that's covered at the present time when the
25 witness is answering, in -- in the period, which period he's referring to?

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1 PRESIDING JUDGE SCHMITT: [9:40:28] So I think, first of all, we -- it's your
2 question that has to be answered. That is: How does the witness know that.
3 Because this is of course of significance. And then, if you want, you can also try to
4 inquire if we're talking -- I think we're talking about the same period as always, but if
5 you want to make it sure, you can do so.

6 MR VANDERPUYE: [9:40:50] Thank you, Mr President.

7 Q. [9:40:52] So, Mr Witness, my question was: How do you know that
8 Mr Yekatom was subject to Mr Ngaïssona's orders? But if the answer might tend to
9 identify you, also let us know and then I can ask the Chamber if we can proceed in
10 private session.

11 A. [9:41:23] I was saying earlier that Mr Ngaïssona would call them and he would
12 organise meetings, so if you call somebody and that person goes to the meeting, that
13 means that that person is subject to Ngaïssona's orders.

14 {PFR: (Redacted)} {ICR: (Redacted)}

15 (Redacted)

16 (Redacted)

17 (Redacted)}

18 Q. [9:42:06] Let me ask you about -- you mentioned that Mr Yekatom followed the
19 order, not only of Mr Ngaïssona, but also of Captain Ngremangou. Let me ask a
20 slightly different question, which is besides Mr Yekatom within the movement, who
21 else, to your knowledge, was under the order of Mr Ngaïssona at the level of someone
22 like Mr Yekatom?

23 A. [9:43:10] The entire coalition was under the orders Ngremangou and Ngaïssona.

24 Q. [9:43:21] Now, if I could ask what period of time are you discussing here where
25 all of the coalition were under the orders of Mr Ngaïssona and Ngremangou?

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1 A. [9:43:47] Yes, indeed, I have already said that Ngaïssona had come back from
2 Cameroon after the 10th when the president had quit and so it's from that period on,
3 that's when he arrived and that is when the coalition was placed under his orders.

4 Q. [9:44:16] According to our information, that would be just after -- or around the
5 14th or so of January 2014, but from that point on until when would you say or was
6 your understanding that he was leading that coalition?

7 A. [9:44:48] As of the moment {ICR: (Redacted)}
8 (Redacted)}

9 Q. [9:45:08] All right. Can you tell us what you know about Mr Yekatom's
10 attitude towards the Muslim population in the areas in which he controlled?

11 A. [9:46:01] Yes. I can only talk about information that I have received from the
12 chief of the village {PFR: (Redacted)}. Muslims that were at the barricade were killed.
13 So that is the only information that I received by that chief of village, and he can talk
14 about all the other events, if you call him, and if he is not fearful, he can tell the truth
15 and then you will know.

16 Q. [9:46:54] If you're familiar with the areas in which Mr Yekatom's elements were,
17 do you know what happened to the Muslim populations that were living in those
18 areas after Mr Yekatom's elements came there - that is, the area along the PK9-Mbaïki
19 axis, Boeing, Bimbo, all the way down to Mbaiki - do you know what happened to the
20 Muslim civilian population living in those areas?

21 A. [9:47:37] They had an absolute discretion, which means that they led operations
22 during the night. Many operations were led during the night so that they are not
23 seen. I'm going to give you an example of the body without the head, headless body
24 that I saw. So many things were happening during the night, even at the barricades,
25 many things happened at night.

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1 Q. [9:48:25] Were you aware of Muslims being evacuated from Mbaiki around
2 February of 2014?

3 A. [9:48:51] I do not know.

4 Q. [9:48:57] Now, let me ask you the same question, more or less, concerning
5 Mr Ngaïssona. Can you tell us what his attitude was with respect to Muslim
6 civilians in the areas in which the coalition controlled the territory?

7 A. [9:49:40] I was not near to the place where Mr Ngaïssona was living. {ICR:
8 (Redacted)} and he was at Boy-Rabe. So all I can say is that I was not close to him.
9 I'd never walked over, so I have no idea about that.

10 Q. [9:50:03] Can you tell the Chamber, if you know, what was happening to
11 Muslim civilians in the area under the control of the coordination in early
12 January 2014?

13 MR KNOOPS: [9:50:31] Mr President, I think the question is still too vague and too
14 general, all the Muslim population. Where? Which areas?

15 PRESIDING JUDGE SCHMITT: [9:50:44] Yeah, if you could perhaps break it down a
16 bit. I agree with Mr Knoops. It would also potentially serve your purpose to get a
17 more specific answer perhaps.

18 MR VANDERPUYE: [9:50:57] Thank you, Mr President.

19 Q. [9:51:01] Let's pick someplace like Boda. Do you know what the conditions of
20 the Muslim population was in Boda in the first part of 2014? If your answer might
21 identify you, let us know and then we can go to -- I'll ask the Chamber to go to private
22 session if we need to.

23 A. [9:51:38] I could not know what was going on in Boda because Boda is far from
24 Bangui. Otherwise, what I can explain is that at some point {ICR: (Redacted)}
25 (Redacted)

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1 (Redacted)

2 (Redacted)}

3 MR VANDERPUYE: [9:52:28] Mr President, I stopped the witness --

4 PRESIDING JUDGE SCHMITT: [9:52:33] Yeah, I think we should go to private
5 session.

6 MR VANDERPUYE: [9:52:35] Thank you, Mr President.

7 (Private session at 9.52 a.m.)

8 THE COURT OFFICER: [9:52:53] We are in private session, Mr President.

9 MR VANDERPUYE: [9:52:59] Thank you.

10 Q. [9:53:00] I'm sorry, Mr Witness, I was concerned that you might say something
11 that might identify you. But please go ahead with your answer.

12 A. [9:53:19] (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 And in Boda, I noticed that there was a combat between the Balaka and the Muslim
18 and there were a lot of burnt houses according to the information -- I had seen the
19 houses that were burnt, and, according to the information that I had received, there
20 were also -- there was also -- there were deaths.

21 So that is all that I was able to see and tell you and that is the return that I talked to
22 you about. (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 Q. [9:55:23] Okay. I'd like to show you a couple of documents. The first is tab 93

4 (Redacted).

5 PRESIDING JUDGE SCHMITT: [9:55:39] And could the questions be asked and

6 answered in open session or what do you think?

7 MR VANDERPUYE: [9:55:44] Not with -- no.

8 PRESIDING JUDGE SCHMITT: [9:55:47] Okay, fine. I was just inquiring.

9 MR VANDERPUYE: [9:55:55]

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 Q. [9:59:06] (Redacted) Boda, from what I can see in your sketch, it appears that the
5 Christian community and the Muslim community were divided; is that right?

6 Physically.

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

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 A. [10:01:57] Well, based on the information I received, I can say that Yekatom was
25 the Gbaya of Boda.

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 PRESIDING JUDGE SCHMITT: [10:02:56] But the last answer of the witness was he
9 was the Gbaya, and I think since it is not absolutely clear what the witness means by
10 that, Mr Vanderpuye may -- may inquire what he means by that.

11 So, please, Mr Vanderpuye, give it a try.

12 MR VANDERPUYE: [10:03:15] Thank you, Mr President.

13 Perhaps I can rephrase it. What the witness had said was --

14 PRESIDING JUDGE SCHMITT: [10:03:18] Yes, yes.

15 MR VANDERPUYE: [10:03:19] -- (Redacted)

16 (Redacted)

17 PRESIDING JUDGE SCHMITT: [10:03:28] Well, yes, exactly.

18 MR VANDERPUYE: [10:03:29] -- I want to know why --

19 PRESIDING JUDGE SCHMITT: [10:03:29] So this was already an answer to your
20 question. Since the witness specified and used the term "Gbaya" and it's not
21 completely clear what the relation between being superior and being a Gbaya is, I
22 allow the question.

23 MR VANDERPUYE: [10:03:50] That's essentially my question.

24 Q. [10:03:53] Perhaps you can answer Mr President's reformulation of my question.
25 What does being a Gbaya have to do with being a superior to the Anti-Balaka in

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1 Boda?

2 A. [10:04:23] I'm afraid I don't understand the question well. Could you put it in
3 other terms.

4 PRESIDING JUDGE SCHMITT: [10:04:29] Mr Witness, please listen to me. You
5 said (Redacted)

6 (Redacted) Mr Yekatom was a Gbaya and since, you know, we are not from the
7 Central African Republic - so we might not know what you have in mind and why
8 you make a relationship between these two things, being a superior on the one hand,
9 being Gbaya on the other hand - so we simply would want to understand what you
10 mean by that.

11 THE WITNESS: [10:05:11](Interpretation) Well, based on the information I had, I
12 had heard that he was born in Boda and most of the Anti-Balaka knew him, they
13 knew him. So the information I received was that he was born in Boda. I don't
14 know what it is that I need to explain. Perhaps you'd like to investigate it further to
15 confirm that.

16 PRESIDING JUDGE SCHMITT: [10:05:53] But Mr Witness, this is new information
17 that you give us (Redacted)
18 and that's exactly what we asked for.

19 I think, Mr Vanderpuye, we have an answer here.

20 MR VANDERPUYE: [10:06:07] Thank you, thank you, Mr President.

21 Q. [10:06:09] Thank you, Mr Witness. (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 Q. [10:10:41] What was the position of the Anti-Balaka in Boda with respect to the
2 Muslims that were in the town?

3 A. [10:11:01] Now, the Muslim district, as far as I could ascertain, was located in
4 the centre, and to the rear there were the Anti-Balaka and to the fore there were
5 Anti-Balaka and the Muslim district was in the middle, just as you see on the map.

6 Q. [10:11:28] Did they accept that the Muslims could remain in Boda?

7 A. [10:11:45] Would you repeat that question, please.

8 Q. [10:11:50] Did the Anti-Balaka accept that the Muslims could remain or should
9 remain in Boda?

10 A. [10:12:15] Well, there was a lot of friction between the Anti-Balaka and the
11 Muslims, a lot of friction. (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 Q. [10:13:05] Let me show you a document. It is a newspaper article from
17 26 March 2014. It's at tab 23 of the binder, CAR-OTP-2064-1015.

18 I think you have it on the screen in front of you now. I just wanted to ask you about
19 a couple of things. Just below the picture here, there's two things I want to draw
20 your attention to. The first is -- I would read in French:

21 (Interpretation) "The Anti-Balaka fighters of the mining town of Boda, in the Central

22 African Republic, have rejected an initiative sponsored by the government, an

23 initiative intended to maintain the presence of the 12,000 strong Muslim community."

24 (Speaks English) (Redacted)

25 A. [10:14:36] (Redacted)

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- 1 Q. [10:14:43] It goes on to attribute to a certain d'Edgar Flavien -- (Interpretation)
- 2 So now we have a citation, a quotation, attributed to Edgar Flavien, who is a speaker
- 3 of the Anti-Balaka of Boda town, and is said to have said:
- 4 "We don't want the Muslims to stay here. They have torched our houses and killed
- 5 our families. We don't want them in the CAR or in Boda."
- 6 (Speaks English) The first thing is, are you aware of a position like this taken by the
- 7 Anti-Balaka in Boda (Redacted)
- 8 A. [10:15:30] No, they didn't -- they didn't occupy the Muslim district. The
- 9 Muslim district continued to exist. It was the periphery that was occupied by the
- 10 Anti-Balaka and yes, you're right, that was the decision of the Anti-Balaka (Redacted)
- 11 (Redacted) They refused reconciliation.
- 12 (Redacted)
- 13 Q. [10:16:18] I'd like to go to the next page, 1016. And this is the second
- 14 paragraph under the second title -- or under the first title there in bold. Also
- 15 attributing a statement to the *porte-parole*, Flavien, where he says, I quote:
- 16 (Interpretation) "'We only have knives and machetes', he said. 'We don't have
- 17 grenades or rifles'. He also said that his group recognised Patrice-Edouard
- 18 Ngaïssona as being the national coordinator of the Anti-Balaka, and not Mr Kokate."
- 19 (Redacted)
- 20 (Redacted)
- 21 (Redacted)
- 22 (Redacted)
- 23 Q. [10:17:34] Were you aware that the Anti-Balaka of Boda recognised Ngaïssona
- 24 as the coordinator, the national coordinator of Anti-Balaka at that time?
- 25 A. [10:17:54] Yes, but Ngaïssona wasn't only the coordinator of the Anti-Balaka in

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1 Bangui. He was the national coordinator of all Anti-Balaka.

2 Q. [10:18:10] And to your understanding, what does that mean? What does that
3 mean to be the national coordinator of all the Anti-Balaka?

4 A. [10:18:37] Well, me -- when I say he was coordinator, that encompasses a lot.
5 Many, many things.

6 Q. [10:18:49] Can you give an example of what you mean by that? You know, we
7 never held -- I've never held that position, so if you were to describe it to someone
8 who has never done that work, what would you -- how would you describe it?
9 That's what I'm asking.

10 A. [10:19:15] Coordination, well, coordination starts with -- well, it's important that
11 those who you are using are able to fight, that they are able to eat, and when you have
12 met those needs, there's also their health needs. Next you have -- you have the
13 orders, the orders issued in the field, that's part of coordination. And coordinating
14 the actions, that's part of it too.

15 Q. [10:20:06] And when you say of all the Anti-Balaka in the Central African
16 Republic, practically speaking, how was that coordination carried out?

17 A. [10:20:55] Well, that coordination, I don't know whether it was well followed up,
18 well supervised, I don't know. There were fatalities, there was looting. Were the
19 orders issued by the coordination or what? I -- I can't understand.

20 PRESIDING JUDGE SCHMITT: [10:21:32] I'm asking myself if we could discuss this
21 in open session.

22 MR VANDERPUYE: [10:21:39] We could but I'm just about to go to --

23 PRESIDING JUDGE SCHMITT: [10:21:44] Then continue in private session, yes, I
24 understand. Yes, please.

25 MR VANDERPUYE: [10:21:48] Thank you, Mr President. I have one or two

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1 follow-ups and then I have another section in private session.

2 Q. [10:21:56] Do you -- to your understanding, did the National Coordination play
3 any role in the continuation of the fight or the continuation of the crimes committed
4 by the Anti-Balaka in 2014?

5 MR KNOOPS: [10:22:44] Mr President, we let it go, the Prosecution with this
6 question, but the witness repeatedly said he had no knowledge on the whereabouts of
7 the coordination and it's now --

8 PRESIDING JUDGE SCHMITT: [10:22:57] Well, it's also -- yeah --

9 MR KNOOPS: [10:22:59] -- borderline with speculation.

10 PRESIDING JUDGE SCHMITT: [10:23:01] Whatever the witness answers, the
11 follow-up question will be where he has the information from, you're right.

12 So please answer the question, Mr Witness.

13 THE WITNESS: [10:23:23](Interpretation) Could you repeat the question, please.

14 MR VANDERPUYE: [10:23:29]

15 Q. [10:23:30] My question was whether the National Coordination played a role in
16 the continuation of the fight or the crimes committed by the Anti-Balaka.

17 A. [10:23:59] In that period, I think that (Redacted)
18 and I wasn't following in detail what was going on in the field. It was in this period
19 that (Redacted)
20 (Redacted)

21 Q. [10:24:29] Let me ask you something about what you said during your interview,
22 I'm going to refer you to tab 46, CAR-OTP-2076-0146, and that's at transcript page 159,
23 lines 454 through 458. And what you say there is:

24 (Interpretation) "Ngaïssona, I didn't see him as [incomprehensible] but what's sure is
25 that it was he who was encouraging the Anti-Balaka to continue, it was he who

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1 encouraged the Anti-Balaka to continue to fight so that his relation could hold power
2 anew. So, the crimes caused by the soldiers are due to him because he encouraged
3 them to continue on. There was looting, there were fatalities, all that. That, that
4 was him."

5 (Speaks English) Do you remember saying that during the course of your interview?

6 A. [10:25:52] Yes, I recall that.

7 Q. [10:25:55] Can you elaborate on it, explain what you meant?

8 A. [10:26:12] Well, when we're talking about returning to constitutional order, he
9 always incited soldiers to continue the fight and when -- by whipping them up, there
10 were always deaths and pillaging. That's why I said that (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 The return to constitutional order brought many problems (Redacted)

17 (Redacted)

18 PRESIDING JUDGE SCHMITT: [10:27:47] May I shortly, Mr Vanderpuye.

19 MR VANDERPUYE: [10:27:49] Yes, Mr President.

20 PRESIDING JUDGE SCHMITT: [10:27:51] You said that Mr Ngaïssona incited the
21 soldiers. Can you give a concrete example of that. Where do you have this
22 information from?

23 THE WITNESS: [10:28:13](Interpretation) Well, information was circulating in
24 Bangui. It was going around. And above all, when (Redacted)

25 (Redacted)

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22 PRESIDING JUDGE SCHMITT: [10:35:09] Mr Vanderpuye.

23 MR VANDERPUYE: [10:35:11] Thank you, Mr President.

24 Q. [10:35:15] Mr Witness, I'm going to show you a video. There's about three of

25 them. But I'll show the first one in private session, then I think we can go to open

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1 session for a bit.

2 This is at tab 77, CAR-OTP-2084-1307. The transcript is at tab 112,

3 CAR-OTP-2122-2366. We will play just from 2 minutes 17 to 2 minutes 54 -- oh, no,

4 I'm sorry we'll play it straight through, 2 minutes 17 to 4 minutes 44. And the

5 transcript reference will be page 2369, lines 51 to 2370, line 78.

6 So if you just let me know in the booth when you're ready, we can play it.

7 Just for your information, Mr Witness --

8 THE INTERPRETER: [10:36:26] Could it be placed on the screen, please.

9 MR VANDERPUYE: [10:36:33] We need to display the transcript, yeah.

10 THE INTERPRETER: [10:36:37] Could the transcript please be displayed on the
11 screen. Thank you.

12 MR VANDERPUYE: [10:36:41]

13 Q. [10:36:42] Just so you're orientated, Mr Witness, this is a video dated about
14 15 May 2014.

15 PRESIDING JUDGE SCHMITT: [10:36:54] So is it on the screen? Yeah. So it's
16 obviously on the screen.

17 (Viewing of the video excerpt)

18 THE INTERPRETER: [10:37:00] (Interpretation of the video excerpt)

19 "Hello, my name is Caporal Rombhot Alfred Yekatom, I am a military by career. Yes,
20 I would like to present myself and I am very proud of myself. What I am saying is
21 what I'm doing, because when Seleka came, they thought that they were -- the army
22 did not exist. And today, God helped and we can prove with the enemies and the
23 army, the Central African army does exist and I would like to present myself and
24 I would like to thank you -- thank you very much. I believe that ..."

25 (Redacted)

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1 (Redacted)

2 Q. [10:44:08] All right.

3 MR VANDERPUYE: [10:44:10] Mr President, we can go into open session.

4 PRESIDING JUDGE SCHMITT: [10:44:13] Open session.

5 MR VANDERPUYE: [10:44:14] I have a couple more videos.

6 PRESIDING JUDGE SCHMITT: [10:44:15] Yes, and --

7 MR VANDERPUYE: [10:44:16] I'm running tight. In fact, I'm not running at all.

8 PRESIDING JUDGE SCHMITT: [10:44:24] Okay.

9 MR VANDERPUYE: [10:44:25] I have some --

10 PRESIDING JUDGE SCHMITT: [10:44:26] Yes, let's discuss this in open session, why
11 not, because there's -- otherwise there's an overlap.

12 (Open session at 10.44 a.m.)

13 THE COURT OFFICER: [10:44:51] We are in open session, Mr President.

14 PRESIDING JUDGE SCHMITT: [10:44:53] So, Mr Vanderpuye, from what you've
15 said, I take it that you will need a part of the second session.

16 MR VANDERPUYE: [10:44:59] I think so. There are some issues with respect to
17 certain phone data that I would like to cover with the witness, but maybe I can work
18 out an agreement with the Defence as to the provenance of that information. But if I
19 have to lead it, then I'll need a little bit of time. It shouldn't be too much, but a little
20 bit of time.

21 PRESIDING JUDGE SCHMITT: [10:45:19] Then my question would be to the
22 Defence. Would you want then to start immediately after the Prosecution in the
23 second session then, Ms Guissé?

24 MS GUISSÉ: [10:45:32] (Interpretation) Yes, Mr President. We would be ready to
25 start immediately right after because the time that we thought would be the same

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1 basically, maybe even more, maybe we would need even more time. So this is why
2 it would be good if we could start right away. Thank you.

3 PRESIDING JUDGE SCHMITT: [10:45:54] When we see during the week that we
4 have a time problem, we have perhaps to simply shorten lunch breaks and things like
5 that, so that we have half an hour more per day.

6 Okay, Mr Vanderpuye, please continue.

7 MR VANDERPUYE: [10:46:09] Thank you, Mr President. We're in open session?

8 Yes.

9 Q. [10:46:12] We're in open session, Mr Witness, so bear that in mind. There's two
10 videos I'd like to show you. The first one is at tab 81, CAR-OTP-2084-1331. The
11 transcript is at tab 101, CAR-OTP-2107-1586. We will play from 55 seconds to
12 3 minutes 49. And the transcript reference should be at page 1587, lines 11 through
13 40.

14 Just let me know when you're ready to go in the booth, please?

15 PRESIDING JUDGE SCHMITT: [10:46:56] We can play it.

16 MR VANDERPUYE: [10:46:59] Excellent.

17 (Viewing of the video excerpt)

18 THE INTERPRETER: [10:47:04] (Interpretation of the video excerpt)

19 "The name of that coordinator is Mr Sebastien Wenezoui. Take good note of it - Mr
20 Sebastien Wenezoui. Let's applaud the new general coordinator. He is going to be
21 in charge to manage all the Anti-Balaka of the Central African Republic up until the
22 end ... up until the end of the transition. And he will introduce himself to everyone.
23 [Applause].

24 Thank you very much. Thank you. Indeed I would like to tell you one thing. We
25 have created Anti-Balaka with everybody and we know each other. Those who are

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1 from a different country, we know them, and those who are from here, we know
2 them as well. I am the speaker of the Anti-Balaka - and that is not completely by
3 chance. We worked, we worked hard, we sweated. And I'm here and I'm the
4 fighter of this country. And I have organised the city at the airport on 20 August.
5 For three days, there were no landings, there were no flights. It is me, Mr Wenezoui.
6 And this is at this particular time that we had Mr Djotodia on his knees, who gave us
7 a sum of 10 million. It's with that sum of 10 million that we have that we tried now
8 to organise with my big brother Rombhot Yekatom and Captain Kamezolai, Captain
9 Ngremangou, and all my brothers here. And in the meantime, there were 16
10 military men who left this country because of the Seleka crimes, and they have -- they
11 went to Bossangoa, and they created a very hard pillar of the Anti-Balaka. And they
12 arrived in Bangui with *nous*, and we fought well. But if you -- if you come from
13 somewhere else, and if you want to ... uh ... if you want to take advantage of my -- of
14 our movement, we are not going to just sit here, twiddle our thumbs and watch you
15 destroy a movement that doesn't have a political movement. I am speaking as a man.
16 I fought for this country and that is not by chance. And the ones who are not in
17 agreement with this, well, they can go to the radio, and we have informed everybody
18 from Boy-Rabe. We have informed everybody, the ComZone *de* Bossangoa, there's
19 the ComZone of Yaloke, there's the ComZone of Bossembele, and Berberati.
20 Everybody is here. Everybody is gathered here. And we are here for the peace.
21 This is my statement. Thank you very much.

22 [Applause]."

23 MR VANDERPUYE: [10:50:06]

24 Q. [10:50:06] I have a couple of questions about that video for you. First, you will
25 see -- you would have seen that Mr Zilabo introduces Mr Wenezoui in this video clip

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1 as the new coordinator and says that, as such, he has charge of all of the Anti-Balaka
2 in the Central African Republic through the end of the transition.

3 So my first question is, does that comport with your understanding of what the role
4 of the coordinator of -- or the national coordinator of the Anti-Balaka is or was at that
5 time?

6 A. [10:51:02] Yes. At a certain point in time, Wenezoui took over, but I did not
7 always agree with him. I basically never met him during the time that he
8 took -- when he took over.

9 Q. [10:51:26] In his speech he also refers to himself as the *porte-parole* of the
10 Anti-Balaka. At that time were you aware that that was the position that he had?

11 A. [10:51:55] He was the new coordinator and this is what he just said here. He
12 took over after Ngaïssona.

13 Q. [10:52:07] What I mean -- and my question is, up until this point, were you
14 aware that he held the position of the *porte-parole* of the Anti-Balaka?

15 A. [10:52:22] Yes, before he was the spokesperson.

16 Q. [10:52:28] And he was the *porte-parole* in the coordination of the Anti-Balaka
17 under Mr Ngaïssona?

18 A. [10:52:43] Yes.

19 Q. [10:52:45] In his speech he refers to -- he talks about taking advantage of the
20 movement and then refers to -- refers to those who were not there as being anti-peace.
21 What was your understanding of what he said there? Who was he referring to, to
22 your understanding?

23 A. [10:53:30] Those who are not there. I, for instance, never met him. I have not
24 met him and I have also not met Ngaïssona.

25 Q. [10:53:46] Let me show you another series of videos.

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- 1 Mr President, I think we can -- we can do it before the break if that's okay.
- 2 PRESIDING JUDGE SCHMITT: [10:54:02] How long are they?
- 3 MR VANDERPUYE: [10:54:03] They are -- I have to add them, let's see. A minute
- 4 and a half -- about minute and a half, minute and a half, minute and a half. Four and
- 5 a half minutes.
- 6 PRESIDING JUDGE SCHMITT: [10:54:14] But I think it makes sense to play them
- 7 consecutively and then ask the question. So let's have now the --
- 8 MR VANDERPUYE: [10:54:21] Okay.
- 9 PRESIDING JUDGE SCHMITT: [10:54:21] -- coffee break. I think that makes more
- 10 sense because otherwise, you know, the recollection of what was on the screen is not
- 11 so fresh any more, yeah? So let's have -- well, a five minutes' longer than usual
- 12 coffee break.
- 13 MR VANDERPUYE: [10:54:35] Thank you, Mr President.
- 14 THE COURT USHER: [10:54:36] All rise.
- 15 (Recess taken at 10.54 a.m.)
- 16 (Upon resuming in open session at 11.30 a.m.)
- 17 THE COURT USHER: [11:30:22] All rise.
- 18 Please be seated.
- 19 PRESIDING JUDGE SCHMITT: [11:30:46] Mr Vanderpuye, you said you have three
- 20 videos to show.
- 21 MR VANDERPUYE: [11:30:52] I do, Mr President.
- 22 PRESIDING JUDGE SCHMITT: [11:30:54] Each one and a half minutes.
- 23 MR VANDERPUYE: [11:30:56] Yes, they're all short excerpts of the same video.
- 24 And we're in open session. That's good.
- 25 Q. [11:31:03] Good morning again, Mr Witness.

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1 I would like to show you a series of videos, it's actually one, but we'll start with tab 78,
2 CAR-OTP-2084-1319. The transcript is CAR-OTP-2107-1577.
3 We'll play 2 minutes 43 to 4 minutes -- about 4 minutes.
4 And then the transcript reference should be at page 1578, lines 25 through 37.
5 So if you could let me know in the booth when you're ready, we'll play this.
6 MS DIMITRI: [11:31:54] Do you have the tab of the transcript?
7 MR VANDERPUYE: [11:31:59] I'm sorry, it's tab 98.
8 PRESIDING JUDGE SCHMITT: [11:32:06] Interpreters ready?
9 Yes. So we can play it.
10 (Viewing of the video excerpt)
11 THE INTERPRETER: [11:32:12] (Interpretation of the video excerpt).
12 "I arrived in Bangui on 3 September 2013. I made contact with the Anti-Balaka, who
13 at the point in time were still on the road on the higher parts of the Bas-Oubangui hill,
14 which is much further behind Camp Kassai. I met them a number of times and I
15 spoke with them, in support of organisation with political demonstrations if we want
16 to oust Djotodia. It started by attacking the Muslims if we will resolve our problems.
17 Although the behaviour of the Muslims may be reprehensible, if we attack them
18 because they're Muslims, I think that we won't be any better than them. Our
19 behaviour will not be better than the reprehensible behaviour of the Seleka. We
20 must behave in a different way. That is what I've always preached. Unfortunately,
21 each time when there is a meeting, the message is put across. After it is all said by
22 all that we must necessarily support the return to the constitutional order and the
23 reinstallation of the national assembly which was dissolved and the return of the
24 Djotodia regime that has been brought to an end. You know, if we did that today,
25 the country would be in blood and in fire."

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1 MR VANDERPUYE: [11:33:53]

2 Q. [11:33:54] Mr Witness, did you hear the -- and see the video?

3 A. [11:34:07] Yes, I saw it, your Honour.

4 Q. [11:34:10] You recognised the individual speaking?

5 A. [11:34:17] Yes, it's Mr Leopold Bara.

6 Q. [11:34:24] And do you have a recollection of this talk or this speech that he
7 gave?

8 A. [11:34:38] I don't know where he gave that speech. I've just followed it now
9 here.

10 Q. [11:34:50] And where he describes what the -- he describes the return to the
11 constitutional order in pretty stark terms. Was that -- did your recollection or your
12 understanding of the return to the constitutional order, is that reflected in what he
13 said? Is it the same?

14 A. [11:35:16] I listened and I heard -- I heard return to the constitutional order
15 when Ngaïssona returned to Bangui. And that's the same thing as -- as
16 Mr Ngaïssona. He has pretty much the same ideas -- or, rather, Mr Leopold Bara, he
17 has pretty much the same ideas.

18 Q. [11:35:58] Why, in your view, since it's the same idea, would the return to the
19 constitutional order result in putting -- putting the country alight or on fire and in
20 blood, as he describes it?

21 A. [11:36:25] Well, setting it alight and shedding blood, well, because there had
22 already been a lot of looting and a lot of people had died and basically returning to
23 the constitutional order, if that were to take place, there would be even more deaths
24 and more pillaging. It would be even worse. That's what he said.

25 Q. [11:36:52] He also describes attacking Muslims, I think, quite specifically. Is

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1 that an observation that you made as well?

2 A. [11:37:09] Yes. Here, he's talking about the -- he's talking about the negotiation
3 and not the return to the constitutional order. He's talking about the negotiation.

4 Q. [11:37:29] Okay. Let's have a listen to --

5 PRESIDING JUDGE SCHMITT: [11:37:32] Before we do that, I take it the
6 Prosecution has no objection to the Yekatom Defence adding the 15 items to their list
7 of evidence.

8 MR VANDERPUYE: [11:37:42] Indeed I don't. We resolved that. I forgot to
9 address that.

10 PRESIDING JUDGE SCHMITT: [11:37:47] Okay. Then just so that we have it on
11 the record. Noting the explanations provided by the Yekatom Defence and that
12 there are no objections by the Prosecution, the presiding judge allows and grants the
13 request, allows the adding of the 15 items.

14 So the second portion of the video.

15 MR VANDERPUYE: [11:38:04] Thank you, Mr President.

16 This is at tab 79, CAR-OTP-2084-1323. The transcript reference is at tab 99,
17 CAR-OTP-2107-1580. This one we'll play also from 2 minutes 43 to 3 minutes 48.

18 And the transcript references should be at page 1581, lines 32 through 43.

19 So if we're ready in the booth, just let me know.

20 THE INTERPRETER: [11:38:47] Yes. The interpreters are ready.

21 (Viewing of the video excerpt)

22 THE INTERPRETER: [11:38:58] (Interpretation of the video excerpt).

23 "And that's why I'm going to explain why we have to stop warring. It's what I said
24 with negotiation, we can obtain what we need without shedding blood. But if we
25 have war, we're going to -- we're going to have to outweigh the SELEKA. We have

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1 to be consistent today and always. If the SELEKA decide to march on BANGUI,
2 despite the intervention of the international community, the SANGARIS forces and
3 the MISCA, I don't see how we, the ANTI-BALAKA, we are going to hold against
4 them. They have followed me, they have remained automatically with me at this
5 position. And I have said my position, if you are going to stick with it, we must not
6 forget the return to the constitutional order. It's not by creating the return to the
7 constitutional order ... even if we do it today, that we will open the doors to BANGUI,
8 to BOZIZE that he might return to power. What is sure, the SELEKA even if
9 *[inaudible]* the power today, they're never go to lay down arms and the country is
10 always -- is going to be led into a certain degree of sleep -- 'somalisation'."

11 MR VANDERPUYE: [11:40:48] Yes.

12 Q. [11:40:49] Did you hear that, Mr Witness?

13 A. [11:40:57] Yes, indeed I followed it, your Honour.

14 Q. [11:41:01] And what Mr Bara refers to there was "somalisation". Do you know
15 what that means?

16 A. [11:41:22] Well, what Bara wants is that the Anti-Balaka go and negotiate rather
17 than simply fighting.

18 Q. [11:41:37] Was that your understanding as well at that time? That that was the
19 direction that the movement was taking or had been taking?

20 A. [11:42:03] The movement had got off on a bad footing because they had started
21 by pillaging and looting and that's what Bara was saying. My view is the same {PFR:
22 (Redacted)}

23 (Redacted)} avoid looting, avoid killing, but there had already been -- or much had
24 already happened whence this remark.

25 Q. [11:42:56] Let me show you the last part of -- well, the last segment that I will

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1 show you on Mr Bara's speech. This is tab 80, CAR-OTP-2084-1327. The transcript
2 is at CAR-OT- -- is at tab 100, CAR-OTP-2107-1583. That one we will play from
3 2 minutes, 4 seconds to 3 minutes 33. And the transcript reference should be at page
4 1584, lines 26 through 41.

5 So just let us know when you're ready in the booth, we'll -- and we can play it.

6 All right, thank you.

7 (Viewing of the video excerpt)

8 THE INTERPRETER: [11:43:53] (Interpretation of the video excerpt)

9 "I ask that we call to those -- on those on the one side to bring about a single
10 coordination because there is already a coordination in place under the international
11 community - the general coordinator is Mr Ngaïssona. I was the political
12 spokesperson and coordinator. It was Kokate who was the military coordinator.
13 The chief of staff, it was Captain Kamezalai, the chief in staff in charge of operations
14 was Lieutenant Konate; the adviser was Caroline Deboulet. This coordination was
15 set up. But we have to restructure the movement. It's important that those on the
16 other side are not forgotten - irrespective of any disagreement between us. We all
17 want to move in the direction of peace. We all want peace. But peace cannot be
18 brought back unless we are united. I'll be finished in two minutes, just a moment.
19 So today, whether we want it or not, we need to recognise that the action that is
20 demanded of us since the beginning of today, that the abuses are -- it is said that the
21 abuses are the responsibility of the Anti-Balaka, and that we are responsible. We
22 must not forget, it is because today, Mr Bara, he is in the government. We have to
23 believe that he will escape one day, even if it is under the vigilance of the
24 International Criminal Court."

25 THE INTERPRETER: [11:45:56] The interpreter does not know at what point this

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1 ends. I think one more line -- says the interpreter.

2 "The general coordinator, it is important that one day we are responsible for the
3 Anti-Balaka's abuses."

4 MR VANDERPUYE: [11:46:15] Okay.

5 Q. [11:46:19] You had the chance to hear and see this video. I have a few
6 questions. The first is, Mr Bara refers to "[...] *des exactions des Anti-Balaka*."

7 And earlier in the clip that I showed you, he talked about (Interpretation) "Take from
8 the Muslims".

9 (Speaks English) To your recollection and to your understanding, did the abuses of
10 the Anti-Balaka that he's referring to also concern crimes committed against Muslims
11 by the Anti-Balaka?

12 A. [11:47:16] Yes, your Honour.

13 Q. [11:47:25] The second question I have concerns his reference to the coordination
14 that was set up before this day, 15 May 2014. He names a number of individuals
15 who were part of that coordination. First of all, did you hear that part of the video?

16 A. [11:47:57] Yes, I followed it, your Honour.

17 Q. [11:48:02] And to your understanding, is what Mr Bara saying accurate?

18 A. [11:48:17] Yes, what he says is accurate, {PFR: (Redacted)} {ICR: (Redacted)}
19 (Redacted)}

20 PRESIDING JUDGE SCHMITT: [11:48:34] Yes, Ms Bwiza.

21 MS BWIZA: [11:48:36] I would make my objection in private session (Overlapping
22 speakers)

23 PRESIDING JUDGE SCHMITT: [11:48:43] Yeah, we go to private session.

24 MS BWIZA: [11:48:52] Thank you, your Honour. I --

25 PRESIDING JUDGE SCHMITT: [11:48:55] You're a bit too quick.

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1 Court officer will tell you.

2 (Private session at 11.49 a.m.)

3 THE COURT OFFICER: [11:49:00] We are in private session, Mr President.

4 PRESIDING JUDGE SCHMITT: [11:49:03] Yes, please.

5 (Redacted)

6 (Redacted)

7 (Redacted)

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18 (Redacted)

19 MR VANDERPUYE: [11:56:23] I would like to play a video. I think we have to stay
20 in private session, Mr President.

21 PRESIDING JUDGE SCHMITT: [11:56:33] Yeah, if you say -- I think so, I assume.

22 MR VANDERPUYE: [11:56:35] Yeah.

23 This one is at (Redacted). I have a transcript reference, actually, it's provided by the
24 Defence in this case. I'm not sure if I have it as a tab, but I have the ERN so that
25 should work. It's (Redacted).

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- 1 We're going to play it from 1:57 to 3:13 -- hang on one second.
- 2 MS DIMITRI: [11:57:40] The tab is in our binder for the interpreters.
- 3 MR VANDERPUYE: That would be helpful. Thank you.
- 4 THE INTERPRETER: [11:57:44] Note from the interpreters: We do not have the
- 5 binder.
- 6 PRESIDING JUDGE SCHMITT: [11:57:47] So then we refer to the ERN number and
- 7 I think it could then be displayed on your screen, I assume.
- 8 MR VANDERPUYE: [11:57:56] Yes, that's right.
- 9 PRESIDING JUDGE SCHMITT: [11:58:11] As always, when it appears, please
- 10 thumbs up.
- 11 THE INTERPRETER: [11:58:19] Note from the interpreter: There's a document on
- 12 the screen, but it's too small to read from and the interpreter does not know from
- 13 what line the transcript is to be sight translated.
- 14 PRESIDING JUDGE SCHMITT: [11:58:31] So then we please enlarge it and
- 15 Mr Vanderpuye tells us the lines.
- 16 Or Ms Dimitri tells us. I don't know.
- 17 MR VANDERPUYE: [11:58:40] Well, it's in the -- it's in the middle because I cut it
- 18 down. It may -- I don't have the line numbers, so it may be helpful if -- if it plays for
- 19 a couple of seconds for the interpreters to catch up and (Overlapping speakers)
- 20 PRESIDING JUDGE SCHMITT: [11:58:55] Yeah, absolutely. I think the interpreter
- 21 will quickly -- quickly catch up.
- 22 MR VANDERPUYE: [11:59:01] So I'm going to play it from 1 minute 57 seconds.
- 23 PRESIDING JUDGE SCHMITT: [11:59:06] Okay. So please play it.
- 24 (Viewing of the video excerpt)
- 25 THE INTERPRETER: [11:59:10] (Interpretation of the video excerpt)

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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 PRESIDING JUDGE SCHMITT: [12:00:36] Mr Vanderpuye.

14 MR VANDERPUYE: [12:00:37] Thank you.

15 Q. [12:00:39] Mr Witness, this is an audio recording -- a video recording, rather,

16 that we have dated (Redacted), approximately. (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 So it's the military that were being the strength of Anti-Balaka, so if we get them from

25 there, the movement will weaken and fail. And meaning that the return to the

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1 constitutional order will not take place. (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 PRESIDING JUDGE SCHMITT: [12:02:58] Before we continue, just for the record,

7 the correct ERN of the transcript of the video is (Redacted).

8 MR VANDERPUYE: [12:03:08] Thank you, Mr President.

9 Q. [12:03:10] Mr Witness, in your talk you -- you indicate that after Djotodia had

10 gone, that it was -- (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 Q. [12:07:12] Okay. I'd like to ask you a few questions about some information
8 you provided during your interview. But just before that -- I do that, there's some
9 names I'd like to ask you about in relation to some other documents.

10 Do you know someone by the name of Simeon Samba?

11 A. [12:07:41] I do not know that name, Mr President.

12 Q. [12:07:54] Do you know someone by the name of Edya Emtenou?

13 A. [12:08:02] Can you please repeat the name.

14 Q. [12:08:12] Emtenou Edya.

15 A. [12:08:23] I do not know this person, Mr President.

16 Q. [12:08:28] Steve Yambete?

17 A. [12:08:46] I do not know him.

18 Q. [12:08:48] And (Redacted)

19 A. [12:09:00] (Redacted) yes, I know him.

20 Q. [12:09:13] How do you know (Redacted)

21 A. [12:09:26] With (Redacted)

22 (Redacted)

23 Q. [12:09:43] And do you know of his relationship, if any, with
24 Captain Ngremangou, that is, during the period of these events in 2013 and 2014?

25 A. [12:09:57] I do not know.

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1 Q. [12:10:02] Okay. Now I want to ask you some questions about some
2 information you provided during your interview and hopefully I'll get it right.
3 You gave some telephone numbers during the course of your interview. Do you
4 recall doing that?

5 A. [12:10:36] I gave what telephone to whom? I don't know.

6 Q. [12:10:41] Of yourself and of several other individuals. Do you remember
7 having done that during the course of your interview?

8 A. [12:11:07] No. My telephone was no longer with me. And everything that
9 was inside was registered in a computer. I did not give any phone numbers.

10 Q. [12:11:23] Let me just show you at least one tab from the transcript of your
11 interview and maybe that will jog your memory.

12 This is tab 44, CAR-OTP-2076-0120. For this one we'll have to take a look at line 176.
13 Do you have it up on the screen? Okay. 120, it's the first one up there. And line
14 176 should be around 0125.

15 I just want to show you at least this one so that you -- well, we can start actually there,
16 that's good, 167 is a good one. If you can page up, we can see that this is a number
17 that you attributed to - up a little bit more - you can see that this is a number you
18 attributed to Mr Yekatom. You were asked about that. You spelled his name,
19 Yekatom. You referred to him as Balaka in your phone you give the number
20 (Redacted) Do you remember doing that?

21 A. [12:13:13] That number does not belong to me.

22 Q. [12:13:18] Maybe I've not -- maybe I can be clearer. What I'm -- what I'm telling
23 you here is that you were asked about a phone number and you put that in your
24 phone and it corresponded to "Balaka", who you say in your interview was Yekatom
25 Alfred Rombhot. And that telephone number at line 167 of the transcript of your

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1 interview, so that's you talking, says "*c'est le* (Redacted)". Do you remember having
2 done that during your interview?

3 A. [12:14:19] Yes.

4 Q. [12:14:25] I have several other numbers that I want to ask you about, but first let
5 me confirm that you recall having given the telephone numbers for several -- several
6 other individuals. Is that -- is that right? Do you have that recollection?

7 A. [12:14:49] Numbers given to the people who were interviewing me? Yes.

8 Here I did say that they took my phone number -- sorry, they took my telephone and
9 they copied the content of the phone. And then they asked me questions about each
10 of these numbers.

11 Q. [12:15:22] Okay. That's what I wanted to confirm. So these are numbers that
12 came from your telephone?

13 A. [12:15:35] Yes.

14 Q. [12:15:37] All right. So here we can see a number for a person named
15 (Redacted). At line 176 the telephone number that corresponds to that individual in
16 this same transcript is (Redacted)

17 PRESIDING JUDGE SCHMITT: [12:15:57] I think you can really accelerate that
18 because we have -- you have established that the witness, if not personally, has given
19 the telephone numbers but why are they this telephone, they come from this
20 telephone, then you can just put it on the record, to be quicker.

21 MR VANDERPUYE: [12:16:13] Thank you, Mr President. So for the record, the
22 number attributed to (Redacted) is (Redacted). That's also at tab 44,
23 line 183.

24 Telephone number attributed to (Redacted), (Redacted) is (Redacted) and
25 (Redacted). That is also at tab 44 at lines 212 and 228, and also at tab 46,

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- 1 lines 575 through 590.
- 2 Telephone number attributed to (Redacted) is (Redacted).
- 3 That is at tab 44, lines 229 through 237.
- 4 The telephone number of (Redacted) is (Redacted). That is at tab 61,
- 5 CAR-OTP-2076-0374, lines 82 through 96.
- 6 The telephone number for (Redacted) is (Redacted). That's also at tab 61,
- 7 CAR-OTP-2076-0374, at line 273.
- 8 Telephone numbers of the witness confirmed by him are (Redacted) and (Redacted).
- 9 This is at tab 60 again, CAR-OTP-2076-0348, line 753 to 770.
- 10 The telephone number for (Redacted) (Redacted). That's at tab 61,
- 11 CAR-OTP-2076-0374, lines 309 through 323 and 337 through 341.
- 12 The telephone number for (Redacted) is (Redacted). That's also at tab 61, lines 493
- 13 through 502.
- 14 PRESIDING JUDGE SCHMITT: [12:20:00] Ms Dimitri.
- 15 MS DIMITRI: Thank you, Mr President.
- 16 MR VANDERPUYE: Have I misspoken?
- 17 MS DIMITRI: [12:20:02] No, but you're speaking too fast so the French court
- 18 reporter can't follow so some of the numbers you're giving are incorrect in the French
- 19 transcript.
- 20 MR VANDERPUYE: [12:20:16] Well, I'll finish. What I can do then -- here's what I
- 21 propose: I'll finish, I'll put this all in writing and then maybe we can just stipulate to
- 22 it. That way (Overlapping speakers).
- 23 PRESIDING JUDGE SCHMITT: [12:20:26] Yeah, please. Not that -- not that it's a
- 24 great pleasure to hear numbers for a couple of minutes, but still, well, I would prefer
- 25 simply to have such a procedure in place.

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1 Please finish.

2 MR VANDERPUYE: [12:20:40] Yes, I have just two or three --

3 PRESIDING JUDGE SCHMITT: [12:20:43] Yeah, good. Please be a little bit slower
4 then.

5 MR VANDERPUYE: [12:20:46] Okay. The telephone number for (Redacted)

6 And that's found at tab 44, CAR-OTP-2076-0120, at lines 160 through 167.

7 And I've already confirmed a number attributed to Mr Yekatom.

8 So that does it, Mr President.

9 Mr Witness, I've finished my examination and I want to thank you for your patience.

10 And also for the Chamber's indulgence. I know I've gone over (Overlapping
11 speakers)

12 PRESIDING JUDGE SCHMITT: [12:21:56] No, no, that's no problem. Thank you.

13 Are there any questions by the representatives of the victims?

14 MR DANGABO MOUSSA: [12:22:03](Interpretation) Thank you, Mr President. We
15 don't have any questions.

16 MS LAU: [12:22:11] Thank you, Mr President. No questions from our side either.

17 PRESIDING JUDGE SCHMITT: [12:22:15] Thank you.

18 What we could do now is it's -- I thought we'd finish a little bit earlier. We could
19 have a two-hour afternoon session and -- I don't know what you would -- you would
20 prefer so I would leave it a little bit up to you, but you would only have half an hour
21 now, so we could have now the lunch break until 2 o'clock and then have a two-hour
22 session.

23 MS GUISSÉ: [12:22:44] (Interpretation) Mr President, I'm in your hands, whatever
24 you wish. We can -- we can start now or later this afternoon. Really as you wish.
25 Thank you.

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1 (Trial Chamber confers)

2 PRESIDING JUDGE SCHMITT: [12:23:05] So lunch break until 2 o'clock and then
3 we have a two-hour afternoon session. Thank you.

4 THE COURT USHER: [12:23:11] All rise.

5 (Recess taken at 12.23 p.m.)

6 (Upon resuming in open session at 2.01 p.m.)

7 THE COURT USHER: [14:01:38] All rise.

8 Please be seated.

9 PRESIDING JUDGE SCHMITT: [14:01:58] Good afternoon. It's the turn of the
10 Defence of Mr Yekatom. I give Ms Guissé the floor. And we are in open session.
11 You have to tell us what you are planning.

12 MS GUISSÉ: [14:02:09] (Interpretation) Thank you very much, your Honour. Let
13 me introduce myself in open session and then very swiftly I'd like to move into
14 private session with your leave, your Honour.

15 QUESTIONED BY MS GUISSÉ: (Interpretation)

16 Q. [14:02:36] So good morning, Mr Witness.

17 A. [14:02:38] Thank you.

18 Q. [14:02:39] My name is Anta Guissé. We introduced ourselves to each other a
19 few weeks back, but I introduce myself again. I'm one of the lawyers representing
20 Mr Yekatom and I'm going to be putting to you one or two questions.

21 Now, as was stated when we had our courtesy visit, Mylène Dimitri will also have
22 questions to put to you. There will be a parenthesis in my flow of questions, and so
23 there will be a small break, if I can put it that way, in my questions before I resume.
24 But it will be up to me to put the bulk of the questions to you that will be put to you
25 by way of clarification.

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1 Now we both speak French, so once again if I can just reiterate what was said to you
2 at the beginning of your oral testimony, namely, please speak slowly. But it will be
3 more of my problem than yours, I think. But at least to observe a break between the
4 time when I'm putting a question to you, Mr Witness, and the time when you provide
5 your answer, and that will enable the interpreters the requisite time to interpret what
6 we're saying properly.

7 I'd also like to point out to you, Mr Witness, that we did hear of course your
8 testimony over these last few days, so the purpose of my questions is not to get you to
9 reiterate what you've already said in your evidence, but basically I'm looking for
10 additional information based on what you've already offered to the Court.

11 Are you following what I'm saying?

12 A. [14:04:20] Yes.

13 Q. [14:04:23] And then as the Prosecutor did, I'll be going in and out of private
14 session and to open session, but if we're in open session and you think that you're not
15 able to answer a question without revealing your identity, and please don't hesitate,
16 interrupt me and I will ask leave of the Presiding Judge that we then go into private
17 session.

18 There again, do you understand what I've just said, Mr Witness? Is that clear?

19 A. [14:04:57] Yes, that's perfectly clear.

20 Q. [14:04:59] Very well. Well, perhaps now we can start.

21 MS GUISSÉ: [14:04:59] And, your Honour, for this first phase of my questioning,
22 I would like to go into private session, please.

23 PRESIDING JUDGE SCHMITT: [14:05:09] Yes, private session.

24 (Private session at 2.05 p.m.)

25 THE COURT OFFICER: [14:05:15] We are in private session, Mr President.

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1 MS GUISSÉ: [14:05:28] (Interpretation)

2 Q. [14:05:31] So, (Redacted), we're now in private session. This means that you
3 can speak freely without any fear that your identity be disclosed.

4 So my first set of questions, I would like to seek greater clarification about your
5 professional trajectory and also talking about your military knowledge so that you
6 can enlighten the Chamber and the parties to the proceedings because we of course
7 are parties to these proceedings.

8 All right, then, so first of all, you talked about your experience with the Prosecutor.

9 You said that in your training you had a number of traineeships, internships and you
10 obtained the rank of (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 A. [14:09:13] There were three things. First, if you move from one rank to the next,
7 two or three years, then you would receive another rank. (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 Would I be right in saying that the presidential guard was also called the GP?

18 A. [14:10:58] Yes.

19 Q. [14:11:05] And would it also be accurate to say that this is an elite body or at
20 least a prestigious body because it was working directly for the presidential office?

21 A. [14:11:21] This body was primarily responsible for the security of the head of
22 state, initially at least.

23 Q. [14:11:36] All right. And we would agree when we say that it was an elite
24 corps, (Redacted)

25 A. [14:11:54] Yes. Primarily at the time it was the republican guard, the

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1 *garde républicaine*.

2 Q. [14:12:12] All right, perhaps you could clarify the presidential guard and the
3 *garde républicaine*. Those are two distinct bodies; is that right?

4 A. [14:12:34] They fulfilled the same role, it's just the names that differ.

5 Q. [14:12:45] So I understand indeed that the names are different, but these are two
6 distinct bodies, aren't they? There's one person who is responsible for the republican
7 guard on the one hand, and another person who is responsible for the presidential
8 guard on the other; is that right?

9 A. [14:13:09] No. It's the only name that was given during that particular period
10 of time. The body that was responsible for the heads of state security was called the
11 *garde républicaine*, the republican guard.

12 PRESIDING JUDGE SCHMITT: [14:13:36] Actually, Ms Guissé, I also understood
13 that the witness simply equates the two things. It's the same thing. In his answer.

14 MS GUISSÉ: [14:13:48] (Interpretation)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 Q. [14:14:18] So if the court officer can help me, I would like to show you a
19 photograph that we find at tab 36, CAR-D29-0010-0002.

20 Can you see the photo on your screen, Mr Witness?

21 A. [14:14:52] Yes, I can.

22 Q. [14:14:56] So my first question thereto: Do you recognise the person that we
23 see on this photo?

24 A. [14:15:05] No, I don't know that person.

25 Q. [14:15:18] What's of interest to me here is his beret. Can you confirm to me that

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1 this is the presidential guard's beret?

2 A. [14:15:31] Yes.

3 Q. [14:15:35] And would you agree when I say that such berets are green, as we see
4 on this photo; is that right?

5 A. [14:15:43] Yes.

6 MS GUISSÉ: [14:15:51] (Interpretation) We can take that document down now.

7 Thank you very much, court officer.

8 Q. [14:15:53] Can we now move on to another point, Mr Witness.

9 And to do this I'd like brought up on the screen 92 in my list of materials, please,

10 (Redacted), please.

11 So, Mr Witness, just to put you into the proper context, this is a memorandum coming
12 from the intelligence cell and the archives of the president's office and we see here the
13 makeup of what's called (Redacted)

14 (Redacted)

15 So here's my first question: Do you know that particular movement?

16 A. [14:17:12] Yes, I do know that movement.

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. [14:22:11] Now before we move back into open session, I have one or two
7 further questions, as did the Prosecutor, going to the telephone number that you gave
8 to the investigators.

9 Now you've already confirmed at the hearing of the 16 February, transcription 201 at
10 10:23 that your telephone number was the (Redacted). This is the number that
11 featured on a document that was shown to you. Is that your current telephone
12 number, Mr Witness?

13 A. [14:23:02] Yes, I still have that telephone number.

14 Q. [14:23:07] You also stated to the Prosecutor earlier on, but in French the
15 transcript was unclear so I'd like to return to that point. You stated that during the
16 period 2013-2014, you also used another telephone number, namely, (Redacted).

17 This is something that you said to your -- to the investigators. Do you confirm that,
18 Mr Witness?

19 A. [14:23:48] Yes.

20 Q. [14:23:55] Now earlier on you explained that when you were heard by the
21 investigators, they used the telephone numbers that were in your telephone directory
22 and they located a number that was recorded under the name of "(Redacted)". Now,
23 at the time, you said that this was the (Redacted) telephone number. Do you
24 maintain that?

25 A. [14:24:42] A telephone number can be somebody's cell phone number.

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1 (Redacted) must be a landline.

2 Q. [14:24:56] That's right. Sorry, I didn't put my question properly. I'll take it up
3 again.

4 Now, would you agree that generally speaking brigadier commandant in an army
5 carries the abbreviation "CB", so that's what "CB (Redacted)" stands for, "Brigadier
6 Commander (Redacted)"; is that right?

7 A. [14:25:29] Yes.

8 Q. [14:25:29] And the number that you gave at the time was (Redacted). And I
9 don't expect you to remember it off by heart, but in your statement
10 CAR-OTP-2076-0374 at tab 61 in the Prosecution's list of materials. On page, let me
11 clarify, I can give you the document number, 0398, that's the page.
12 Now, you also gave the number of (Redacted), in other words, (Redacted).
13 And this was at tab 61 of the Prosecution's list of materials, CAR-OTP-2076-0374, page
14 which ends by 385.

15 Do you remember having given that number, Mr Witness?

16 A. [14:27:17] Yes, I gave (Redacted) telephone number.

17 Q. [14:27:23] And I have another telephone number to put to you, Mr Witness.
18 You also stated to the investigators, the OTP investigators that the following number,
19 namely, the (Redacted) is the number of (Redacted). And we find that information
20 in your statement at tab 72 of the Prosecution's list of materials, CAR-OTP-2076-0556
21 on page 566, lines 366, 367 where you say that "This is (Redacted) number."

22 So do you remember having given that telephone number, Mr Witness?

23 A. [14:28:30] Yes, I do.

24 Q. [14:28:33] You also gave another number saying that it was (Redacted) number.
25 And this we see on the OTP binder 63, so this is tab 63, number CAR-OTP-2076-0408,

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1 page that ends with 0423. And here you talk about (Redacted), that's the telephone
2 number that you refer to there.

3 Now, do you recall having given that telephone number to the investigators?

4 A. [14:29:26] Yes, I do.

5 Q. [14:29:33] So could you clarify the -- (Redacted)

6 (Redacted)

7 A. [14:29:46] (Redacted)

8 Q. [14:29:56] (Redacted)

9 (Redacted)

10 A. [14:30:15] (Redacted)

11 Q. [14:30:20] Is it true that you would use sometimes (Redacted) number when
12 your telephone was not charged or ran out of balance, you would use these numbers
13 to make your own calls during that period?

14 A. [14:30:53] (Redacted) I had balance. I would top up my phone. During this
15 period we did not have enough money to pay for the balance on your phone and
16 sometimes there was no balance.

17 Q. [14:31:21] Yes, this is precisely why I'm saying that sometimes you would use
18 (Redacted) telephone when you -- your telephone ran out of balance. Is that true?

19 A. [14:31:33] No. During that period, I did not use (Redacted) phone.

20 Q. [14:31:41] I'm going to jot your memory. It's true that it's been a long time.

21 Now, to the OTP investigators it's document (Redacted), tab 63 of the OTP binder.

22 The question that was asked to you by the investigator was: "Did you sometimes
23 use (Redacted) telephone with the number ending by (Redacted)?"

24 And you answered: "It's when I had a problem with the balance, I would use it, but
25 it was rare." And you also specified that it -- the investigator said: "It's rare, but

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1 you would use it from time to time?" And you answered: "Yes." End of quote.

2 So I'm asking you the question once again. Did -- would it happen that you use

3 (Redacted) telephone when your phone ran out of balance, for instance?

4 A. [14:33:11] During those times it was rare. Perhaps I did it and I forgot. I don't
5 think that I used (Redacted) telephone.

6 MS GUISSÉ: [14:33:26] (Interpretation) I would now like to bring up another
7 document on the screen, (Redacted)

8 It's document (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 Mr Witness, could you please confirm that Mr Yekatom never used either of the lines

13 (Redacted)

14 A. [14:34:34] I do not know.

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted) Anyway, it was added to the first number, and it's the number that you
23 confirmed that it belongs to (Redacted).

24 So my question is: (Redacted) why this number has found itself on the list just by

25 the side of Mr Yekatom's name?

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1 A. [14:36:11] I haven't seen Mr Yekatom's name as yet. Perhaps it's not clear.

2 Q. [14:36:17] Perhaps if you start from the bottom of the document, it's the fourth
3 name starting from the end, the fourth name. You're putting on your glasses,
4 perhaps that should help you out.

5 A. [14:36:50] What number are you referring to?

6 Q. [14:36:54] (Redacted), it's the second number that's been added, because I feel
7 it's a different handwriting. I'm not an expert in that, (Redacted)
8 (Redacted)

9 Can you see that on the screen? If you do not have explanations why (Redacted).

10 And since it's a document that we have in our file, it's quite normal that I should
11 interrogate you on this aspect.

12 A. [14:37:36] I don't know why this number is here.

13 Q. [14:37:39] There's no problem. And we have taken due note of your answer,
14 (Redacted).

15 We can remove the document from the screen. I've got document and I've got
16 another question on a phone number. First of all, am I right in saying that
17 (Redacted) is a member of your family?

18 A. [14:38:12] Yes.

19 Q. [14:38:15] Do you remember having this -- having held this phone number
20 (Redacted)?

21 A. [14:38:47] Could you please repeat the number.

22 Q. [14:38:51] (Redacted)

23 A. [14:39:10] That is not my number.

24 Q. [14:39:18] This is indeed what you said to the investigators from the OTP when
25 you were auditioned during that period of time, and this is why I would like to put to

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1 you another document in the Defence binder of Mr Ngaïssona. Tab 1 of
2 Mr Ngaïssona's Defence binder is (Redacted), page 0135.
3 With the court officer's assistance -- it's not our binder, so with the court officer's
4 assistance, please, tab 1 of Mr Ngaïssona's Defence binder.
5 Thank you so much.

6 And I would like -- so this is a letter. I think you've already seen this with the
7 Prosecutor. It's a letter saying: (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 Q. [14:41:21] When -- we can go to the penultimate paragraph, end of the page the
16 penultimate paragraph. Yes. You can see two mobile numbers (Redacted), which
17 you confirm that it belongs to (Redacted), you just confirmed that shortly. And also
18 another number, (Redacted). And while specifying that, (Redacted) says that these
19 two phone numbers belong to you.

20 So my question is: Do you know why (Redacted) gave these two numbers saying
21 that these numbers belong to you?

22 A. [14:42:18] This is -- the first number is (Redacted) phone number. Now, the
23 second number, I don't recognise this number.

24 Q. [14:42:31] Now, since the first number is that of (Redacted), do you know why
25 (Redacted) put this number on the letter saying that it's your number?

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 Q. [14:43:48] (Redacted), do you know which number you used?

10 A. [14:44:00] I started using the Orange number that I submitted to my file.

11 Q. [14:44:12] The number that ends with (Redacted)

12 A. [14:44:16] Yes.

13 Q. [14:44:30] (Redacted)

14 (Redacted)

15 So you said that you met Mr Yekatom when he was in the B3 office, office 3, in the

16 Camp de Roux, (Redacted)

17 (Redacted)

18 (Redacted)

19 Am I right in saying that you went to the office 3, B3, office 3 several times?

20 A. [14:45:24] To the B3, office 3? I think I went there at least three to four times.

21 Q. [14:45:38] During that -- those times, the officer in charge who was

22 Mr Yekatom's boss was Captain Ngremangou?

23 A. [14:45:54] I do not remember who was the chief or the boss during that period of

24 time because it lasted.

25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 MS GUISSÉ: [14:46:40] (Interpretation) Your Honour, we could move to open
5 session, please, with your leave.

6 PRESIDING JUDGE SCHMITT: [14:46:45] Open session.

7 (Open session at 2.46 p.m.)

8 THE COURT OFFICER: [14:46:51] We are in open session, Mr President.

9 MS GUISSÉ: [14:47:07] (Interpretation)

10 Q. [14:47:09] Witness, we are now in open session so please be vigilant on how you
11 answer the next questions. Normally they have been worded in such a way that
12 there would be no problems.

13 To the best of your knowledge, Mr Yekatom was part of the liberators; is it right?

14 A. [14:47:41] I do not know that.

15 Q. [14:47:47] I conclude that you do not remember that in 2003 Mr Yekatom joined
16 the liberators whilst he wasn't a soldier as yet. And it's only after Bozize rose to
17 power that he became a soldier all this does not jot your memory am I to take it?

18 A. [14:48:10] There were so many civilians. There were so many civilians, I really
19 do not recognise everyone during that period.

20 MS GUISSÉ: [14:48:33] (Interpretation) I'm just going to refer to a document. No
21 need to display that. This is for the Chamber. This is just for -- this has already
22 been submitted as exhibit. It's at tab 39 of the Defence binder, CAR-D29-0001-0081.

23 Q. [14:48:51] So in this document, Mr Witness, this is an official document, it is
24 indicated that Mr Yekatom was inducted in 2003 at the -- as the republic -- in grade as
25 the second class -- in 2004, sorry.

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1 Now, can you explain what is the *bataillon provincial* of the republican guard. You
2 just explained what it was a short while ago.

3 PRESIDING JUDGE SCHMITT: [14:49:27] No, no, I thought you wanted -- the
4 question is fine. But, as I always say, in these matters when the witness has
5 answered he doesn't really know, the proof is -- if any, is the document. But your
6 question is absolutely -- you have another question. I thought it would be to ask him:
7 Does this jog your memory? That doesn't help. The document might be even
8 stronger than witness's testimony. That depends, of course. Excuse me for
9 interrupting.

10 MS GUISSÉ: [14:50:10] (Interpretation)

11 Q. [14:50:11] So I was asking you if you can explain what the *provincial bataillon* of
12 the republican guard is.

13 A. [14:50:26] The *bataillon provincial*, it's the soldiers who have set a base in the
14 provinces mainly, who have been sent to the provinces to ensure the security of
15 institutions such as the prisons in the provinces. They also are entitled to
16 have -- entitled to manoeuvres in case they have problems in those provinces. The
17 unit head or the military head, if there is some kind of problem on his side, he can
18 actually have recourse to soldiers to use them in the battalions if there's a shortage on
19 his side.

20 MS GUISSÉ: [14:51:20] (Interpretation) Now, no need to bring up the document.

21 It's document in tab 40, CAR-D29-0001-0087. Now, this is again an official document
22 that says that in 2011, Mr Yekatom was promoted to become a *caporal-chef* again
23 within the *bataillon provincial* of the republican guard.

24 Q. [14:51:49] My question is as follows: When you saw Mr Yekatom again in 2013,
25 2014, do we agree that he was still a *caporal-chef*?

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1 A. [14:52:13] Yes, this is the rank he held.

2 Q. [14:52:22] Do you agree with me in saying that Mr Yekatom was never part of
3 the presidential guard?

4 A. [14:52:35] I am not privy to all this. The presidential guard also has many
5 soldiers and I cannot tell you if he has been put in that unit or not. I do not know.

6 Q. [14:52:52] I'm going to reword my question. {ICR: (Redacted)
7 (Redacted)}

8 A. [14:53:16] No.

9 Q. [14:53:17] You referred to Maxime Mokom in your -- in your examination with
10 the Prosecutor and you've said the following words, you don't know how he could
11 have been referred to as a commander because he was a civilian to the best of your
12 knowledge, he never received a military rank.

13 Now, does it jot your memory that it's a civilian who became a police officer? Is this
14 something that you're aware of?

15 A. [14:54:05] I do not know.

16 Q. [14:54:14] But to the best of your knowledge, he did not have a military career; is
17 that right?

18 A. [14:54:24] Yes, that's right.

19 Q. [14:54:32] To the best of your knowledge, was he a part of the liberators?

20 A. [14:54:44] I did not see him during this period and I did not know him.

21 Q. [14:54:54] You spoke about a certain Ouandjio also nicknamed as Coeur de Lion.
22 Am I right in saying that you knew him as a soldier who was part of the presidential
23 guard?

24 A. [14:55:14] Yes.

25 Q. [14:55:19] Could you tell me what year it was?

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1 A. [14:55:26] Ouandjio, I cannot remember the year.

2 Q. [14:55:45] In December 2013, is it right -- am I right in saying that he was a
3 *caporal-chef*, he held this rank?

4 A. [14:55:57] Yes.

5 Q. [14:56:05] You also referred to a certain Habib Beina. Do we -- do we agree that
6 he was a *caporal* in 2013?

7 A. [14:56:28] He was a *caporal*, but I don't know as of which date.

8 MS GUISSÉ: [14:56:37] (Interpretation) Your Honour, I realise that I need to move to
9 private session for five minutes to look at certain points before coming back to open
10 session.

11 PRESIDING JUDGE SCHMITT: [14:56:48] No problem. And we appreciate that
12 you indicate when we can go back to open session.

13 So we go for a short period to private session.

14 (Private session at 2.56 p.m.)

15 THE COURT OFFICER: [14:57:03] We are in private session, Mr President.

16 MS GUISSÉ: [14:57:21] (Interpretation)

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 Q. [14:59:40] When you speak about his brother, to whom are you alluding to?

9 A. [14:59:45] I am alluding to Beina Aristide.

10 Q. [14:59:56] And to the best of your knowledge, Habib Beina, did he have a wife,
11 was he married before joining Mr Yekatom's group?

12 A. [15:00:11] I just don't know because that's his private life.

13 Q. [15:00:23] So you don't know whether he was married or whether he had
14 children, should I understand that?

15 A. [15:00:30] He had children.

16 Q. [15:00:32] And you never had an opportunity to meet his wife or partner or at
17 least to know whether he was married to the mother of his children?

18 A. [15:00:41] No, I couldn't know that.

19 Q. [15:00:52] And would it be right to say that Habib Beina died in a road accident
20 at a time where he was involved in buying and selling wooden planks. Were you
21 privy to that information, Mr Witness?

22 A. [15:01:08] Yes, he died in an accident.

23 MS GUISSÉ: [15:01:14] (Interpretation) Your Honour, we can now revert back into
24 public session.

25 PRESIDING JUDGE SCHMITT: [15:01:19] Open session.

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1 (Open session at 3.01 p.m.)

2 THE COURT OFFICER: [15:01:24] We're in open session, Mr President.

3 MS GUISSÉ: [15:01:50] (Interpretation)

4 Q. [15:01:52] Mr Witness, we've now reverted back into open session, so please be
5 careful about how you answer my questions.

6 Alkanto, that nickname, does that ring a bell?

7 A. [15:02:13] Alkanto, he was also a member of the security detail, the republican
8 guard.

9 Q. [15:02:23] And would I be right in saying, Mr Witness, that his real name was
10 Tokoi Abdoulaye Mahamat?

11 A. [15:02:37] Yes.

12 Q. [15:02:39] And do you know what the Hibou operation was?

13 A. [15:02:53] I don't know.

14 Q. [15:02:56] All right, then, perhaps we can move on to another subject altogether,
15 namely, what you knew about, what you saw in terms of the 2013 arrival of the Seleka.
16 That would be the thrust of my next round of questions.

17 So my first question, Mr Witness: Would you agree with me when I say that after
18 the Seleka coup d'état in March 2013, a number of the civilians joined the Seleka's
19 ranks?

20 A. [15:03:39] Yes.

21 Q. [15:03:43] Would you maintain what you said to the investigators, the OTP
22 investigators, namely, that the Seleka broke clothing stores to retrieve military
23 apparel, berets, camouflage, camouflage clothes, rangers', berets, military insignia,
24 et cetera?

25 A. [15:04:14] Yes, they broke all sorts of shops, weapons shops, and they took

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1 everything.

2 Q. [15:04:22] Would it be also accurate to say that a number of traders, shopkeepers
3 and also standard civilians in Bangui, particularly in Cattin, PK5, Boeing, that they
4 also joined the Seleka or at least became informants for the Seleka?

5 A. [15:04:51] Yes, that's true. A civilian in my neighbourhood, for example, led
6 the Seleka three times to my house. So I saw this myself. A number of civilians
7 joined the Seleka.

8 Q. [15:05:11] Now, you've just spoken about the fact that the Seleka broke into
9 armouries, weapons shops. Now, the quantity of weaponry taken by the Seleka at
10 this particular time, was it a sizeable amount and did they hand them out to civilians?
11 Would you agree with me when I say that?

12 A. [15:05:47] I don't know whether they handed them out. They started breaking
13 down -- breaking into armoury stores in Bossembele, in Bangui and Bossembele.
14 That was a huge quantity of weapons. And they even retrieved weapons that -- that
15 were in the Bouar training facility in Bangui. And in Bossembele, in Bangui,
16 everything. All the armouries were broken into by the Seleka.

17 Q. [15:06:33] You had an interview with investigators and you said that when the
18 Seleka came into Bangui, there was a commander called Moussa who set himself up
19 in the southern entry of PK9. Do you confirm that?

20 A. [15:06:57] Yes.

21 Q. [15:07:02] How many people did he have under his command; do you know?

22 A. [15:07:12] Well, I couldn't go up to them. I couldn't get close. It was very
23 difficult. If you went up to them, could be that you would be committing suicide.

24 Q. [15:07:30] Well, without going up to them directly, in terms of information or
25 intelligence that you were able to gather, did you learn how many men operated

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1 under that person's command?

2 A. [15:07:47] I don't know how many there were.

3 Q. [15:07:57] Now, 24 March 2013, how much time went by before they set up at
4 PK9?

5 A. [15:08:08] I don't know.

6 Q. [15:08:17] And to the best of your knowledge, Mr Witness, how many Seleka
7 positions were they on the PK9-Mbaiki axis?

8 A. [15:08:35] The PK9 position, I knew about. But the rest, I mean, you couldn't
9 move around at that time. {ICR: (Redacted)}.

10 And if you did so, you would expose yourself to risks. You could be abducted, you
11 could be killed, so you could -- you could see your last hours at PK9. So I couldn't
12 know the positions that they had occupied.

13 Q. [15:09:09] Would I be right in saying that the Seleka destroyed a number of
14 public infrastructure sites in Bangui? For example, the gendarmerie, the police
15 systems or even legal systems weren't operating correctly any more; is that right?

16 A. [15:09:30] The gendarmerie didn't operate at all any more. They retrieved
17 everything. The gendarmerie simply wasn't operating.

18 Q. [15:09:48] And the police, the judiciary, was that true also of them?

19 A. [15:09:55] Yes, it was the same thing.

20 Q. [15:09:59] Now, earlier {ICR: (Redacted)}
21 (Redacted)

22 (Redacted)}

23 A. [15:10:21] Yes.

24 Q. [15:10:24] Would I be also right in saying that in terms of that information given
25 by those informants to the Seleka, that they also -- well, since the Seleka didn't know

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1 necessarily Bangui very well, they were also shown or pointed out the houses of
2 people who were affluent or at least had financial resources and they could there be
3 directed to where they might find vehicles, sums of monies or objects that had
4 financial value? Was this -- was this also the type of information that was circulating
5 that could give rise to abuses and what have you?

6 A. [15:11:12] Yes, what you're saying was extremely frequent in Bangui.

7 Q. [15:11:17] And would we agree when we say that when the Seleka identified
8 FACA elements, as you yourself had stated, that there were abductions and
9 sometimes even killings, murders of these FACA elements?

10 A. [15:11:34] Yes, that's true.

11 Q. [15:11:40] And did you hear or see that Seleka had killed people occupying
12 homes, homes that had been looted, or living in homes that had been looted?

13 A. [15:11:57] Yes.

14 Q. [15:11:58] Did it come to your knowledge also any rapes or acts of physical
15 aggression fermented or performed by the Seleka?

16 A. [15:12:14] Rapes were indeed frequent.

17 Q. [15:12:18] And under that regime, Mr Witness, would I be right in saying that a
18 number of individuals, be they civil or military, had no other choice but to go into
19 hiding or leave the country altogether?

20 A. [15:12:43] Many people went away. Some remained in the fields. And that
21 continued all the way to today. Lots of -- lots of neighbourhoods were abandoned
22 and the Seleka took them over.

23 Q. [15:13:04] Sorry, our voices were overlapping, so we have to slow down a bit.

24 All right, then, so if people didn't leave the country, did people leave their
25 neighbourhood in the day and only returned at night to sleep but would go off into

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1 the bush to hide during the day?

2 A. [15:13:41] Yes, that did exist.

3 Q. [15:13:52] Now, when you were being questioned by the investigators, you

4 were -- you gave them a number of photos, this is 10 May 2016, and you commented

5 individually these photos. Can you identify what these photos were and what type

6 of scene in each case had been photographed?

7 A. [15:14:24] These were photos of crimes that had been committed against the

8 inhabitants of Bangui.

9 THE INTERPRETER: [15:14:42] Correction from the interpreter: Against city

10 dwellers.

11 MS GUISSÉ: [15:14:49] (Interpretation)

12 Q. [15:14:50] And crimes committed by who, exactly?

13 A. [15:14:53] By the Seleka, by the Seleka.

14 Q. [15:15:05] And in what circumstances did you obtain these photos; can you tell

15 us?

16 A. [15:15:13] It was {ICR: (Redacted)}

17 there was no -- no Christian at that time could go and then return unscathed. It was

18 very difficult to do so, so that {ICR: (Redacted)}

19 (Redacted)

20 (Redacted)}

21 I don't know how he did it. Maybe by his Muslim brothers at the PK5, how

22 he -- I don't know how he managed to put them on -- {ICR: (Redacted)}

23 (Redacted)}

24 Q. [15:16:47] And it's those photos on the USB stick that you gave to the OTP

25 investigators; is that right, Mr Witness?

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1 A. [15:16:54] Yes.

2 MS GUISSÉ: [15:16:56] (Interpretation) Your Honour, these photos were compiled
3 into a document that we see at tab 41 on the Defence materials, CAR-D29-0010-0068.
4 These are photos that are difficult and I don't seek to have them displayed on our
5 screens. And to save time, we've provided this photo compilation for -- tallying to
6 each photo the comments made by the witness during his OTP interview with the
7 investigators. So to save time - and we've talked about this prior with the
8 Prosecution - maybe the court officer can put this compilation to the witness that he
9 can then become mindful of that this evening and then perhaps we can confirm
10 whether they are indeed the photos that he gave and whether these are the comments
11 that he made. And then after that, later on, then we can ask that this can go in. But
12 at least the witness will have had an opportunity to take the time to look at these
13 photos one by one, which will be a timesaver I think for our hearings in this -- in this
14 room, if that suits you, of course. Unless the Prosecution has changed tack, at least it
15 was in agreement to that approach. And I'll come back tomorrow to request
16 confirmation from the witness about these comments.

17 PRESIDING JUDGE SCHMITT: [15:18:28] First of all, two things.

18 First of all, it's -- these are graphic pictures. You know, we are at the International
19 Criminal Court and we are dealing with this on a daily basis and it is very important
20 information that we have here.

21 Secondly, we appreciate a lot this approach to introduce it and again the photos are
22 documentary evidence and if Mr Vanderpuye, and I'm sure he will not have any
23 objections against it, I would really think it's a good idea to introduce this as it is into
24 evidence. And we can ask of course the witness just to confirm if this -- if these are
25 the pictures, one or two, but we don't have to go through everything, otherwise we

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1 would need a full day or more.

2 You are in agreement, Mr Vanderpuye?

3 MR VANDERPUYE: [15:19:23] I am, Mr President. There's no objection.

4 PRESIDING JUDGE SCHMITT: [15:19:28] Thank you.

5 MS GUISSÉ: [15:19:29] (Interpretation)

6 Q. [15:19:35] All right, Mr Witness, you will have followed what we've just said, so
7 you've understood that this evening, or at least after the hearing today, you will be
8 given the photo compilation, photos that you gave to the OTP investigators. Now,
9 we've put your comments that you made at the time in the presence of the
10 investigators into that compilation, and tomorrow morning I'd like you to confirm
11 that those were indeed the photos that you made so that that can go into -- into
12 evidence, all right?

13 PRESIDING JUDGE SCHMITT: [15:20:05] May I.

14 I would be interested, Mr Witness, so you entrusted {PFR: (Redacted)} with making
15 these photographs. What was your intention in that regard? Why did you -- why
16 did you do that?

17 THE WITNESS: [15:20:36](Interpretation) I did it and I kept those photos because I
18 knew that at some point we could potentially find ourselves in this configuration, that
19 we could find ourselves in this courtroom and that these matters had to be dealt with.

20 PRESIDING JUDGE SCHMITT: [15:21:00] Thank you for this answer. So it's sort of
21 documentation from your point of view that you wanted to have for these events and
22 these atrocities. Okay.

23 Please continue.

24 MS GUISSÉ: [15:21:14] (Interpretation)

25 Q. [15:21:19] Mr Witness, would I be right in saying that in response to the Seleka

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1 crimes and abuses such as we see them in the photos that you provided to the OTP
2 and not enjoying state protection, this is what you stated, the fact the institutions had
3 all crumbled away, would I be right in saying, therefore, that the local population
4 spontaneously decided to take up its own defence and in some cases to avenge itself?

5 A. [15:22:00] Yes, the local population was overwhelmed. Even those who went
6 to farm in the fields, they had no freedom to go through. When coming back from
7 the fields, they had to contribute to the checkpoints. You know, imagine these
8 citizens who have no resources, they go to their fields and they bring back from the
9 fields a few vegetables for their meal and then they're again asked to cough up at
10 the -- at the checkpoints, at these barricades. So it was very tense, very fraught, very
11 difficult.

12 Q. [15:22:45] And it was in those circumstances, Mr Witness, that self-defence
13 groups emerged pretty much right across the country; is that right?

14 A. [15:23:02] Yes, that's exactly right.

15 Q. [15:23:06] And it was also how the Anti-Balaka movement emerged?

16 A. [15:23:20] Yes, that could be it. The Anti-Balaka movement emerged because of
17 the Muslims' behaviour. The Seleka, the way they behaved, their behaviour was
18 intolerable, unbearable. Tortures, whippings, they took everything by force. The
19 Christians didn't have enough power to withstand them. It was too difficult to do
20 so.

21 Q. [15:24:02] Let me now return to the Anti-Balaka movement. Perhaps I'll do that
22 later on.

23 But I do have questions to put in private session, your Honour, before I can go back
24 into open session.

25 PRESIDING JUDGE SCHMITT: [15:24:25] Do you know -- last time you provided us

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1 with an estimate how long we will stay in -- have to stay in private session.

2 MS GUISSÉ: [15:24:33] (Interpretation) It will be five minutes, I think. It's just two
3 questions, but then who knows.

4 PRESIDING JUDGE SCHMITT: [15:24:41] Then we go to private session.

5 (Private session at 3.24 p.m.)

6 THE COURT OFFICER: [15:24:54] We are in private session, Mr President.

7 MS GUISSÉ: [15:25:06] (Interpretation)

8 Q. [15:25:08] (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 So, your Honour, I think we can do so now, with your leave.

5 PRESIDING JUDGE SCHMITT: [15:27:45] Just wait a second. Normally we would
6 have a five-minute break because we have extended hours, but can we continue?

7 Yeah, so I see a nodding so there is no objection. We go to open session and simply
8 continue until 4 o'clock.

9 (Open session at 3.28 p.m.)

10 THE COURT OFFICER: [15:28:03] We're in open session, Mr President.

11 MS GUISSÉ: [15:28:27] (Interpretation)

12 Q. [15:28:29] Mr Witness, we're back into open session so please be careful about
13 how you answer my questions.

14 All right, first of all, now you talked about briefly earlier on, but let's return to the
15 judicial system how it stood during the Seleka's regime. Would I be right in saying
16 that there were a number of arbitrary arrests during that period in particular in the
17 arrests of Christians while that regime held power?

18 A. [15:28:59] Yes, the prison was full. There were -- because there were Christians who
19 had been brought in but there had been no transfer papers for them, absolutely none at
20 all. And when Djotodia, the president, visited the prison, it was then {ICR: (Redacted)}
21 that this isn't -- this isn't the procedure. Seleka get the Christians in the neighbourhoods
22 and they take them directly to the prison. This way of doing things from a judicial
23 perspective is something I'm entirely unfamiliar with.

24 You can't just take a civilian without a transfer paper, transfer documentation to put that
25 civilian into the prison, {ICR: (Redacted)} to have this reviewed and

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1 revised." And he spoke to the justice minister and they organised things and they
2 revised and looked at the cases of a number of people and a number of people were
3 subsequently released.

4 Q. [15:30:11] Now, so we had these prisons overflowing with people and am I right
5 in saying that there was this period where there were convictions without trials, trials
6 that were rushed and also summary executions?

7 A. [15:30:39] Christians were tortured before being brought in. There was a
8 Christian who died, a Christian died. There were also many who were tortured and
9 they had no medical care. They were incapacitated in the prisons. It was really
10 hard everywhere.

11 Q. [15:31:12] Am I right in saying that -- that people did not trust the judiciary and
12 you observed that in the population people were -- felt a sentiment of injustice and
13 wanted to exact revenge against the Seleka?

14 A. [15:31:38] Yes. Yes, it was the law of the jungle that counted during these days.

15 Q. [15:31:50] To the best of your knowledge, did you observe that some Muslims
16 also made the most of the arrival of the Seleka to change their behaviour and become
17 more violent against their Christian compatriots, and that basically contributed to
18 strain the relations between the two communities?

19 A. [15:32:36] In the Central African Republic I never saw summary executions of a
20 man or a woman, but this happened and the people experienced this and they started
21 copying. And I think this is what happened. It was hard.

22 Q. [15:33:05] Gradually as the atmosphere was deteriorating amongst the
23 population, am I right in saying that peaceful coexistence that existed between the
24 two communities in the past also started to deteriorate and take a turn for the worse?

25 A. [15:33:27] Yes.

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1 Q. [15:33:39] And did that manifest itself in the words of non-Muslim Central
2 Africans who became verbally aggressive vis-à-vis their Muslim compatriots?

3 A. [15:34:01] Yes.

4 Q. [15:34:02] Am I right in saying that during this period there was no rule of law
5 or public order during the Seleka regime?

6 A. [15:34:15] This period was like as if there was no head of state. There were
7 cases of execution, torture, and he was just not bothered. And this is what incited
8 the Balaka to rebel.

9 Q. [15:34:50] I'd now like to move on to another subject again on the Seleka but
10 here more specifically on your knowledge on the positions that they had in Cattin in
11 December 2013. Do you know if there was a high-ranking Seleka who set up base
12 near the football ground in Sagbado along with his elements?

13 A. [15:35:28] Yes, I received information on a Seleka leader. I did not know his
14 name.

15 MS GUISSÉ: [15:35:44] (Interpretation) I would like the court officer to help me post
16 the document in tab 27, CAR-D29-0003-0051?

17 Q. [15:36:15] Do you see the map that's been posted on the screen?

18 A. [15:36:20] Yes.

19 Q. [15:36:22] To your left there is the Demeca establishment and then to the right
20 near the road you have the R-Cattin establishments, and you have the Cattin
21 crossroads in the -- in red. Now, can you manage to orient yourself on that map?
22 Do you know what district are we referring to and can you confirm that if we go to
23 the left of the screen, we are -- we will be going to M'Poko-Bac, and if we go to the
24 right of the screen -- of the map, while crossing the Sagbado football stadium, we will
25 be going to PK5?

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1 A. [15:37:34] Yes.

2 Q. [15:37:44] The place where it's written "Sagbado football ground", is it there that
3 your informers told you that there was a high-ranking Seleka who set up base there?

4 A. [15:38:02] I don't know where this high-ranking Seleka official set up base, but
5 there was -- once I got to know that this Seleka leader travelled to the market
6 to -- towards Petevo, once he got there, it was really down below, and he made some
7 mistakes and due to which there was a person -- there were deaths.

8 MS GUISSÉ: [15:39:03] (Interpretation) I think we can remove the document from
9 the screen.

10 Q. [15:39:06] Do you know of other places, Mr Witness, in the Cattin Boeing zone
11 where there were Seleka stationed or homes occupied by their elements, by their
12 soldiers?

13 A. [15:39:32] First of all, in Bimbo they occupied General Lenanguy's house.
14 There's a big house when you go towards PK9, before you take the road towards
15 Orchidee, there's a big house there. At the entrance of Orchidee, the house is to your
16 right and that house was occupied by the Seleka. The general could do nothing
17 about it. They just remained there till they left. And it was not just Lenanguy's
18 house that was occupied. There was -- when you take the Orchidee road, there was
19 the house of a customs officer, you go 100 metres and to the right there was another
20 house that was occupied by the Seleka. So there were many houses that were
21 occupied and some were there in the houses with all their families. It was like a
22 permanent occupation, so to speak.

23 Q. [15:41:01] Now, since you're talking about Lenanguy's house, General
24 Lenanguy's house, am I right in saying that it was where there was the Burundi
25 MISCA that set up base.

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1 A. [15:41:28] No, it's not that house. The Burundi MISCA, when they came, they
2 would actually hand over shifts, they would actually -- there would be a shift system.
3 But the Seleka set up base permanently, they occupied the houses. Even their
4 families would come and they were there.

5 Q. [15:42:10] You spoke about Seleka military leaders. Does the name Abatom
6 and Bichar, or Bichara, ring a bell? And do you know what was their position in
7 2013? When I say "their position", I mean the physical location that they occupied in
8 2013.

9 A. [15:42:39] Bichara is a name that I've heard. At Fatima, he -- there were -- there
10 were incidents on account of him and there were cases of death as well.

11 Q. [15:42:57] Now, Mr Witness, I would like to show you the photo of an
12 individual who's there in tab 28 of the Defence binder, CAR-D29-0010-0066.
13 Can you see the photo displayed on the screen and do you recognise this individual?

14 A. [15:43:51] I do not know him.

15 MS GUISSÉ: [15:43:58] (Interpretation) I would like to have another document be
16 displayed on tab 29, CAR-D29-0010-0052.

17 Q. [15:44:13] Same question: Do you recognise this man?

18 A. [15:44:29] I do not know him.

19 Q. [15:44:30] Now, without recognising him, can you tell us the camouflage attire
20 he's wearing is the same attire that the FACA would wear?

21 A. [15:44:43] Yes.

22 MS GUISSÉ: [15:44:58] (Interpretation) I would like to now move on to another
23 photo. The other document is tab 30, CAR-D29-0010-0067. And this is a screenshot
24 of the high definition version of the video CAR-OTP-2065-1320 at 33 -- 32 seconds.

25 Q. [15:45:53] Same question: There is a man wearing a beret -- a red beret on the

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1 left of the screen, do you recognise this man?

2 A. [15:46:08] I do not know him.

3 Q. [15:46:18] Thank you.

4 No need to display the document on the screen any more.

5 Now, I would like to move on to another theme, another subject. Now, without any

6 details, we're going to move on to private session, but am I right in saying that it's

7 {ICR: (Redacted)}

8 (Redacted)} {PFR: (Redacted)}

9 (Redacted)}

10 A. [15:46:55] {PFR: (Redacted)} {ICR: (Redacted)}

11 (Redacted)}

12 PRESIDING JUDGE SCHMITT: [15:47:17] I understand, Mr Vanderpuye. I think it

13 would make sense to go to private session, but there is -- I think there is no harm

14 done.

15 We go to private session.

16 (Private session at 3.47 p.m.)

17 THE COURT OFFICER: [15:47:32] We are in private session, Mr President.

18 PRESIDING JUDGE SCHMITT: [15:47:49] And I take it that the last question and

19 answer will be redacted. Thank you.

20 Ms Guissé.

21 MS GUISSÉ: [15:47:58] (Interpretation)

22 Q. [15:48:00] I'm going to start again, (Redacted), we're in private session. I've

23 understood that you (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 Q. [15:49:22] Did you learn that Mr Yekatom (Redacted) succeeded in avoiding to
9 be kidnapped by the Seleka, are you aware of this? Are you aware of this story?

10 A. [15:49:44] I'm not aware of this, but it's afterwards that I received information on
11 his arrest. As well as Beina Habib, who also was subjected to the same treatment
12 and he was forced to flee.

13 Q. [15:50:10] Did you know that before his abduction, Mr Yekatom continued his
14 job in the office 3 under the leadership of chief caporal called Abdel, who was
15 promoted as the deputy general after the Seleka arrived?

16 PRESIDING JUDGE SCHMITT: [15:50:37] Before you answer, Mr Witness.
17 Mr Vanderpuye.

18 MR VANDERPUYE: [15:50:40] Thank you, Mr President. I don't think that the
19 witness has conceded that Mr Yekatom was abducted, and I don't see that there's any
20 other evidence in the record of that. So either she could put the question to him,
21 which I think he's already answered, but I don't think it's appropriate to subsume it in
22 the next question as a fact.

23 PRESIDING JUDGE SCHMITT: [15:51:03] Yeah, yeah, but the question headed at
24 something else. You're of course right, but we have -- you know, whenever counsel,
25 be it you, your colleagues, or be it on the Defence side, incorporate in questions

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1 certain facts, that does not mean that they are facts necessarily. But your question
2 was different, you -- and he has answered the question if he knows that Mr Yekatom
3 was abducted. Perhaps just to shorten this, the question without the *enlèvement*.

4 MS GUISSÉ: [15:51:44] (Interpretation)

5 Q. [15:51:46] Right, to specifically ask you the question, Mr Witness, you said in the
6 transcript you said that you received information that, if I've understood you well,
7 that he was arrested. We agree on that. Now, did you know that before he was
8 arrested and after the arrival of the Seleka, he worked at the office 3, B3 under the
9 leadership of a *chef caporal* called Abdel, who was promoted to the ranks of deputy
10 general chief of staff after the arrival of the Seleka?

11 A. [15:52:34] I am not aware.

12 Q. [15:52:43] Thank you. And I'm now going to move on to another theme,
13 another subject, (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 Q. [15:53:53] I'd like to come back for a few seconds to a point that you raised.

25 You spoke about a home that was taken, occupied by the Seleka near the PK9 bridge.

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1 Am I right in saying that this home was just opposite the Castel factory?

2 A. [15:54:17] Yes.

3 Q. [15:54:22] A short while ago, you also talked about Habib Beina's arrest. Could
4 you specify what you know about this arrest and how did this happen?

5 A. [15:54:41] I received information that -- from (Redacted) that Beina was arrested
6 at OCRB.

7 (Redacted)

8 (Redacted)

9 Q. [15:55:12] When did he give you this information?

10 A. [15:55:16] I cannot tell you exactly the period.

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 MS GUISSÉ: [15:56:51] (Interpretation) Your Honour, I think it's 4 -- 3:56. Perhaps

25 in five minutes I can actually address a point.

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- 1 Can I address a point?
- 2 PRESIDING JUDGE SCHMITT: [15:57:08] Absolutely.
- 3 MS GUISSÉ: [15:57:09] (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 (Redacted)
- 18 (Redacted)
- 19 (Redacted)
- 20 (Redacted)
- 21 Is it the same individual or are they different people?
- 22 A. [16:00:29] It could be this -- it can only be this name because I cannot know.
- 23 We'll have to see what does the name (Redacted) mean, to see how it's written.
- 24 Q. [16:00:45] I'm sorry, I don't understand you, what you're saying. Is it the same
- 25 person or two different people?

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- 1 A. [16:00:52] I think it could only be the same person.
- 2 MS GUISSÉ: [16:00:56] (Interpretation) Your Honour, I think I've finished for today.
- 3 PRESIDING JUDGE SCHMITT: [16:01:01] Well, that's okay. And I think the
- 4 witness has an assumption it could be the same person, but he is not completely sure.
- 5 (Redacted)
- 6 So we have finished then for -- yeah, do you disagree?
- 7 MS GUISSÉ: [16:01:20] (Interpretation) No. We agree. But I just wanted to
- 8 remind the witness that we're going to show him the -- we're going to give him the
- 9 compilation of photos and I'm going to ask him to work this evening, look at these
- 10 photos and the comments which, once again, are the comments he provided to the
- 11 OTP investigators so that tomorrow we can very briefly talk about this. And I just
- 12 want to make sure it's the same photo. That's all.
- 13 PRESIDING JUDGE SCHMITT: [16:01:50] Thank you very much.
- 14 So, Mr Witness, unfortunately, when we say we are finished for today, you have a
- 15 little bit of homework. I have to apologise for that, but you could help us a lot if you
- 16 indeed look through this compilation of photographs and the comments by you that
- 17 are drawn out of your former statement, and simply when you are asked tomorrow
- 18 and you recognise, "That is indeed what I have said to the Office of the Prosecutor,"
- 19 that would help us a lot and that would shorten your testimony a lot. So thank you
- 20 very much, so to speak, in advance.
- 21 This concludes for today and we resume tomorrow at 9.30.
- 22 THE COURT USHER: [16:02:37] All rise.
- 23 (The hearing ends in private session at 4.02 p.m.)