

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 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 Tuesday, 21 February 2023

9 (The hearing starts in open session at 9.32 a.m.)

10 THE COURT USHER: [9:32:59] All rise. The International Criminal Court is now
11 in session. Please be seated.

12 PRESIDING JUDGE SCHMITT: [9:33:17] Good morning, everyone. Court officer,
13 please call the case.

14 THE COURT OFFICER: [9:33:31] Good morning, Mr President, your Honours. The
15 situation in the Central African Republic II in the case of the Prosecutor versus Alfred
16 Yekatom and Patrice-Edouard Ngaïssona, case reference ICC-01/14-01/18.

17 And for the record, we are in open session

18 PRESIDING JUDGE SCHMITT: [9:33:47] The appearances of the parties,
19 Mr Vanderpuye, first.

20 MR VANDERPUYE: [9:33:52] Good morning, Mr President, your Honours. Good
21 morning, everyone. Good morning, Mr Witness. The Prosecution today is
22 represented by Manochitra Prathaban, Yassin Mostfa, and myself, Kweku
23 Vanderpuye. Good morning.

24 PRESIDING JUDGE SCHMITT: [9:34:04] Thank you. The representatives of the
25 victims next.

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1 MR DANGABO MOUSSA: [9:34:09](Interpretation) Good morning, your Honours,
2 good morning to everybody in the courtroom. The victims of the other crimes are
3 represented today by Gabriella dos Santos, Madam Asso Mouhia and myself,
4 Dangabo Moussa.

5 PRESIDING JUDGE SCHMITT: [9:34:23](Previous translation continues)...Ms Lau.

6 MS LAU: [9:34:29] Good morning, Mr President, your Honours. Good morning,
7 everyone in the courtroom. Today the former child soldiers continue to be
8 represented by myself, Fiona Lau, Office of the Public Counsel for Victims. Thank
9 you.

10 PRESIDING JUDGE SCHMITT: [9:34:39] Thank you. I turn to the Defence.

11 Ms Dimitri, next.

12 MS DIMITRI: [9:34:42] Good morning, Mr President. Good morning,
13 your Honours. Good morning, everyone. Mr Yekatom is present in the courtroom,
14 and he's represented today by Ms Lena Casiez, Ms Laurence Hortas-Laberge, Ms
15 Fiona Houdin, Mr Florent Pages-Granier, Ms Anta Guissé and myself,
16 Mylène Dimitri.

17 PRESIDING JUDGE SCHMITT: [9:35:04] Thank you.

18 Mr Knoops, next.

19 MR KNOOPS: [9:35:07] Very good morning, Mr President. Good morning,
20 your Honours. Good morning, everyone in the courtroom. We are in the same
21 composition as yesterday, Mr President. Thank you.

22 PRESIDING JUDGE SCHMITT: [9:35:12] Thank you. And I also welcome Ms
23 Bwiza, she is the Rule 74 counsel for the witness - and, of course, otherwise we would
24 not sit here, a very warm welcome and good morning to Mr Witness. And I would
25 like to thank you that you have undertaken the first part -- the larger part of this task,

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1 I've been informed, to go through these photographs and the comments and I
2 understand that during the course of the day you will complete that. Is my
3 understanding correct, Mr Witness?

4 WITNESS: CAR-OTP-P-0487 (On former oath)
5 (The witness speaks French)

6 THE WITNESS: [9:35:47](Interpretation) That's exactly so, your Honour.

7 PRESIDING JUDGE SCHMITT: [9:35:52] A small procedural issue in that regard.
8 The Chamber appreciates a lot what the Defence has undertaken. It is not a Rule
9 68(3) witness, so I think when -- later on, I just want to inform you because I like
10 transparency in the proceedings, later on when the witness has finished the procedure
11 and he will be asked, Well, you have gone through that, your comments that have
12 been compiled, are these the ones that you still stand by, so to speak? You could
13 argue, well, is this testimonial in nature, does it revert to his old testimony. But if
14 both parties declare they are fine with that protocol, I think we don't have a problem
15 there.

16 You could also argue that the testimony is then that he says today, I'm saying this is
17 exactly what I have said, and I think we tried to elicit it this way, Ms Guissé or
18 Ms Dimitri was doing that; otherwise I will do it. I want to be open in that regard, so
19 that we don't get into any problems with that.

20 So we continue now. I think we are in open session and Ms Guissé has the floor.

21 MS GUISSÉ: [9:37:17](Interpretation) Good morning, your Honour. Good morning
22 honourable members of the Chamber.

23 QUESTIONED BY MS GUISSÉ: (Continuing) (Interpretation)

24 Q. [9:37:22] Good morning, Mr Witness. So we are in open session, and I think for
25 the time being we can stay in open session.

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1 So Mr Witness, I hope you had an opportunity to rest. I'd like to thank you for doing
2 that homework after hours, and then we'll have an opportunity to return to the
3 document that you were given yesterday at a later time. So for the time being, let's
4 hark back to a particular point.

5 On the 16 February, the first day of your oral testimony, you stated that the
6 Anti-Balaka leader, his location was known to the Central Africans. Now when you
7 answered the Prosecutor's question, you made reference to the Boeing-Bercail base
8 in -- Ngrémangou, I'm talking about the airstrip -- T-202, that's the transcript at 10:32
9 in the morning.

10 So would I be right in saying that particular base is located next to the M'Poko
11 airport?

12 A. [9:38:39] You're talking about Ngrémangou's base, is that right?

13 Q. [9:38:45] Yes, I am.

14 A. [9:38:49] Yes, it's near M'Poko.

15 Q. [9:38:57] Now I put that question to you, Mr Witness, because in the hearing, the
16 Prosecutor asked you -- and this is T-201, at 3:58 in the afternoon, he was asking you
17 to comment upon video footage, and he asked you whether there was a base next to
18 the airport in December 2013. And you said initially that you didn't know. That
19 was your first response.

20 So why did you say that then since the Ngrémangou base is next to the M'Poko
21 airport?

22 A. [9:39:41] Here's the problem, counsel. I was -- I've never been to Boeing-Bercail
23 and I don't know exactly where Ngrémangou's base is located. Boeing-Bercail is big,
24 it's a big place, but I don't have the exact details to give you.

25 Q. [9:40:09] Yes. But you would agree with me when I say that you actually made

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1 mention of that Boeing-Bercail base to the investigators when they interviewed you.

2 Do you remember that?

3 A. [9:40:32] Yes, I do remember that.

4 Q. [9:40:35] Now I can move on to another topic. Now would you

5 confirm -- would you maintain what you said to the investigators, namely, that you

6 saw the Yamwara attack made by the Seleka when you were in that location?

7 A. [9:41:01] {PFR: (Redacted)} between the 25th, 26th, that's right, and there

8 was an attack. There was an attack.

9 Q. [9:41:24] So there was an attack around the 25th, 26th of December -- best of

10 your memory. And when you were questioned by the investigators, you

11 stated -- and let me just take up what you said:

12 "The Muslims launched their offensive and they arrived all the way up to Yamwara

13 and there were -- was an exchange of gunfire." Do you maintain that, Mr Witness?

14 A. [9:41:57] Yes. They were about to enter -- they are on the brink of entering the

15 location where the Balaka were.

16 Q. [9:42:17] And when you say "the Muslims," you are talking about the Seleka and

17 armed Muslims, is that right?

18 A. [9:42:25] I'm talking about the Seleka.

19 Q. [9:42:30] Sorry, I'm just -- ask you, please observe the pause, please between my

20 question and your answer. You answered a bit too swiftly.

21 All right. So you're talking about the Seleka. Yesterday I noted at 3:23 in the

22 afternoon, you interchanged Muslim and Seleka indifferently. So this brings me to

23 my question, Mr Witness, at the material time, was it customary practice to call the

24 Seleka "the Muslims"?

25 A. [9:43:13] I said Muslims, and what I meant by that was the Seleka.

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1 Q. [9:43:26] Yes, I understood. But my question was slightly different, so perhaps
2 I will reiterate. Now, you used the word "Muslim" to refer to the Seleka. But my
3 question, Mr Witness, is to establish whether it was common practice, whether it was
4 frequent at the time when you were referring to the Seleka, that, as you did yesterday
5 and as you've done -- as you did with the investigators, you used the word "Muslim"
6 to refer to the Seleka.

7 Is this something that was done frequently?

8 A. [9:44:00] Yes, I always fall into that particular confusion, that particular
9 amalgam -- amalgamation --

10 THE INTERPRETER: [9:44:16] -- corrects the interpreter.

11 MS GUISSÉ: [9:44:20](Interpretation) All right, let me move on to another topic
12 altogether.

13 Q. [9:44:22] Would I be right in saying that at the material time in 2013, beginning
14 2014, the armed groups that were fighting the Seleka were frightened. They were
15 frightened about strategic information; in other words, they were frightened that that
16 information could come into the hands of the enemy, so they were very jealous of the
17 secrecy surrounding how their group functioned.

18 Would I be right in saying that, Mr Witness?

19 A. [9:44:58] Would you mind repeating your question, counsel.

20 Q. [9:45:05] You're absolutely right, it wasn't really put very well. Let me start
21 again.

22 Would I be right in saying that at the time the armed groups - the Anti-Balaka and the
23 self-defence groups, but primarily the Anti-Balaka groups - were very concerned
24 about safeguarding their information. They were frightened that information
25 relating to their group would leave their control?

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1 A. [9:45:38] I couldn't know such a thing because I was never among the Seleka.

2 PRESIDING JUDGE SCHMITT: [9:45:52] May I? Mr Witness, the question was

3 if -- let's be concrete, the Anti-Balaka -- the Anti-Balaka group, were they concerned

4 that, for example, their posts where they were -- where they were hiding armaments,

5 all these things, all these kind of information, that that would be leaked by spies or

6 whomever, informants to the Seleka?

7 THE WITNESS: [9:46:19](Interpretation) Well, when you are on the ground, you

8 take precautions, so there are no leaks from one side or the other, because when there

9 are leaks the consequences may lead to a nasty surprise.

10 PRESIDING JUDGE SCHMITT: [9:46:49] Thank you, Mr Witness.

11 I've -- yes, bear with me.

12 MS GUISSÉ: [9:46:54](Interpretation) Thank you, it was very effective what you said,

13 your Honour, so ...

14 Q. [9:47:01] All right. Now, given those circumstances, because you tell the Court

15 that you were frightened or there was a fear of leaks, so one of the ways to avoid

16 information being leaked was simply to confiscate a civilian -- civilians' telephones

17 because they weren't necessarily familiar with military secrecy.

18 A. [9:47:31] Well, I didn't make any such confiscation of telephones. I didn't do

19 such a thing from the beginning -- right way through to the end. And I didn't even

20 shoot a single bullet, I wasn't involved in manoeuvres.

21 Q. [9:47:57] Now I've understood your position, Mr Witness, but my question was

22 slightly different. I'm not talking specifically about you, but when, for example, {ICR:

23 (Redacted)} Yekatom's group, did you have knowledge of telephone confiscations?

24 Civilian telephones being confiscated by Yekatom's group?

25 A. [9:48:22] Well, I actually heard that in a statement, perhaps they were -- well, he

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1 talked about telephone problems, those who were disclosing secrets.

2 Q. [9:48:45] All right. I'd like my colleague to show some video footage now.

3 We find that at 56 in the list of the materials for the Defence CAR-OTP-2065-3220.

4 And we have the transcription -- the French transcription at tab 57. In my list, this is
5 the ERN CAR-OTP-2127-3668, line 17 through to 54. And we're going to be showing
6 from 56 seconds to 3 minutes 25, and this can be done in open session, your Honour.

7 Mr Witness, when the video has been played, I'll then have one or two follow-up
8 questions thereto.

9 So I will just wait for the green light from the interpreters

10 (Viewing of the video excerpt)

11 THE INTERPRETER: [9:50:17] (Interpretation of the video excerpt)

12 "So, these are my latest instructions. The instructions that I received and I handed
13 on to all the sites. Well, this is forbidden; destroying houses, pillaging boutiques,
14 that's all forbidden. We shouldn't add suffering to suffering that people have
15 already experienced, that families have experienced. Did you understand?

16 Yes -- yes, boss.

17 This is -- this is all I wanted to say at this particular point in time. We're going to ask
18 BODIBO and these elements coming to establish their base here to be in contact with
19 us and coordinate operations jointly. We're going to be green-lighting operations
20 tomorrow, so please, don't resort to looting -- looting, killings.

21 C'mon, that's enough. We have to disperse them quickly. It's pointless to make
22 a long speech. This is what we have to say to you. What we need to do here is to
23 search the telephones, we'll find the rest later on. When operations are launched,
24 there will be decisions to take. Your -- c'mon, your -- your soldiers. If we give you
25 orders, we mustn't let civilians dominate you. This is the truth, isn't it?

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1 ... I agree, chief caporal.

2 ... I prefer to get you abreast of what's going on, because I don't want people putting
3 things wrong in my work. This is what I'm saying, you have to give instructions
4 at -- right from the start. This is how I do things. There are some things that you
5 can't say in front of everybody because we don't know what everybody thinks.

6 Primarily we need to be quick and need to confiscate all cell phones. Those that
7 want to stay, stay; those who don't want to stay, well they should go and that's it.
8 What are you going to say by way of conclusion?

9 As a soldier, we have things to do, we need to do; at -- at your particular level, we can
10 do it. It's not for you to give orders. That's how I am. Because we can't say one
11 thing here, but without knowing other people's objectives. I wanted to confiscate
12 telephones, some people said that shouldn't be done because telephones belong to
13 such-and-such a person; but -- so tomorrow we're going to be suffering the
14 consequences because some things can be revealed here and some other people can
15 go and twist them. And that's why we have to be short on certain things, quick on
16 certain things. We can tell them some things, but you and I, we can meet and do
17 something altogether...you need to understand what I'm saying.

18 ...All right."

19 MS GUISSÉ: [9:53:45](Interpretation)

20 Q. [9:53:46] Now, we've heard that extract, Mr Witness. You hear Mr Yekatom
21 speaking specifically about those -- that telephone confiscation given the civilian
22 presence. So would I be right in saying, Mr Witness, that this was very much in line
23 with what you said, namely, you couldn't reveal any old information to somebody
24 who hadn't received military training?

25 A. [9:54:24] Yes.

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1 Q. [9:54:27] Do you agree with me when I say that safeguarding operational
2 secrecy was for armed groups a matter of life or death?

3 A. [9:54:43] Yes, I agree with you.

4 Q. [9:54:47] You also stated in your oral evidence {ICR: (Redacted)} Yekatom's
5 group, and let me quote:

6 "Primarily civilians came under the command of soldiers." End of quote.

7 So given that, would I be right to say that based on the excerpt we've just heard, this
8 really does tally -- this corresponds to Mr Yekatom's line; in other words, he didn't
9 want civilians to order around the soldiers and that on the contrary it should be the
10 soldiers that were directing the civilians?

11 A. [9:55:33] Yes, that's it. It's exactly it.

12 MS GUISSÉ: [9:55:45](Interpretation) Your Honour, for my next series of questions,
13 I'm going to have to ask if we can move into private session, and it will last quite
14 a while, I imagine.

15 PRESIDING JUDGE SCHMITT: [9:56:00] Thank you very much.

16 And for the audience, I will try to explain that so that you understand. Why we go
17 into private session, it's a protected witness, and the next series of questions that
18 counsel is going to ask, the answers to them might reveal the identity of the witness
19 and because of that it has to be elicited in private session.

20 So we go to private session.

21 (Private session at 9.56 a.m.)

22 THE COURT OFFICER: [9:56:27] We are in private session, Mr President.

23 PRESIDING JUDGE SCHMITT: [9:56:45] Mr Vanderpuye.

24 MR VANDERPUYE: [9:56:47] Thank you, Mr President. I'm just standing because
25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 PRESIDING JUDGE SCHMITT: [9:57:12] Actually -- actually, (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 MR VANDERPUYE: [9:57:42] (Redacted)

10 PRESIDING JUDGE SCHMITT: [9:57:47] No problem. Because on the other side,
11 the Chamber appreciates of course that counsel tries to be in open session as much as
12 possible. I just wanted to convey this.

13 Ms Guissé, please.

14 MS GUISSÉ: [9:58:01](Interpretation) Thank you, your Honour, and (Redacted)

15 (Redacted)

16 (Redacted)

17 MS GUISSÉ: [9:58:28](Interpretation)

18 Q. So Mr Witness, we are once again in private session. And I'd like now to turn
19 my attention to a topic that you touched upon with the OTP investigators. And to
20 them you said that you were never involved in any arms purchase when you were
21 within Mr Yekatom's group.

22 Do you maintain that, Mr Witness?

23 A. [9:58:58] Yes, I do maintain that. I confirm.

24 Q. [9:59:06] So once again, as a reminder, please observe the pause. It's not
25 because I didn't hear you, it's because I was waiting for the interpretation, so please, if

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1 you wouldn't mind allowing for that -- that lapse of time.

2 So I've heard your answer, Mr Witness. But despite that, I am going to ask one or
3 two questions that may strike you as slightly bizarre given your answer a moment
4 ago, but it is important in respect of this case and in respect of the evidence on the
5 record so that we can have accurate answers to my next round of questions.

6 So first -- so (Redacted)

7 Do you agree with me that you never went to (Redacted)

8 (Redacted)

9 A. [10:00:10] It would have been impossible. (Redacted)

10 (Redacted)

11 (Redacted)

12 Q. [10:00:42] During your conversation with one of the members of the Defence
13 team, you said that you did not know Bertin Nganabeam, a civilian that would have
14 been a member of Mr Yekatom's group. Can you confirm this?

15 A. [10:01:04] I do not know him.

16 Q. [10:01:12] Just a small precision with respect to your previous answer. You
17 said that (Redacted). Did I
18 understand you correctly?

19 A. [10:01:29] Yes, (Redacted).

20 Q. [10:01:34] I'm asking you once again to pause between my question and your
21 answer, please.

22 A. [10:01:42] Yes, certainly.

23 Q. [10:01:44] Do you know a soldier by the name of "Bodios"? He would have
24 been a member of Mr Yekatom's group.

25 A. [10:01:56] Bodios, yes, I was saying Bodios, he was a M'Poko-Bac. On the other

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1 side of the river M'Poko, and this is where he lived behind the -- on the other side of
2 the river, M'Poko-Bac by Yekatom. But no, it's not him. No, Bodios, it's a different
3 thing. He was -- I know him.

4 THE INTERPRETER: [10:02:31] The interpreter did not understand what the witness
5 just said.

6 MS GUISSÉ: [10:02:38](Interpretation)

7 Q. [10:02:38] Am I right in saying that (Redacted)

8 (Redacted)

9 (Redacted)

10 A. [10:03:03] That is another person, that is not me. (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 Q. [10:04:24] And still with respect to Bodios when you said that he was sleeping in
19 Cattin, you mean that he is from Cattin, is that right?

20 A. [10:04:34] His domicile is in Cattin.

21 Q. [10:04:50] Once again, thank you very much for your answers, but please do
22 pause between my question and your answer.

23 Am I right to say that at no point in time, (Redacted)

24 (Redacted) for the purchase of weapons (Redacted)?

25 (Redacted)

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1 (Redacted)
2 (Redacted)
3 (Redacted)
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20 (Redacted)
21 (Redacted)
22 (Redacted)
23 (Redacted)

24 PRESIDING JUDGE SCHMITT: [10:08:27] And who is this Mr Danzoumi? Can
25 you explain to us who this person is?

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1 THE WITNESS: [10:08:37](Interpretation) Danzoumi was somebody who's a -- who
2 was in Bangui, and he freed -- a freedom fighter, and then he was supposed to be
3 arrested, but he escaped and then he went abroad.

4 PRESIDING JUDGE SCHMITT: [10:09:04] I have here on the screen, "*c'est un*
5 *libérateur*", so that's little bit -- another connotation, so to speak, but that's just for
6 everyone's benefit.

7 (Redacted)

8 THE WITNESS: [10:09:30](Interpretation) Danzoumi never followed military
9 training -- any military training.

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)

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25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 Now, to just end on that question, do you agree with me that Mr Danzoumi Yalo was
4 a Muslim?

5 A. [10:14:47] Danzoumi Yalo was Nigerian, he is Nigerian.

6 Q. [10:15:03] A Nigerian Muslim?

7 A. [10:15:09] Yes.

8 Q. [10:15:18] I would now like to go back to my questions relating to the purchase
9 of weapons once again. (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 Q. [10:17:01] I would now like to move on to another topic, and I would like to ask
24 you to tell us something about weapons, since you have knowledge of weapons.

25 Can you please explain to the judges of this Chamber what is a weapon called

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1 "FAMAS"? What is it?

2 PRESIDING JUDGE SCHMITT: [10:17:26] I think we can discuss this in open
3 session.

4 MS GUISSÉ: [10:17:32] (No interpretation)

5 PRESIDING JUDGE SCHMITT: [10:17:33] Okay, you say so. Okay, then I trust you,
6 of course, yes. So please continue. So what was this weapon called? FAMAS.
7 Yes, Mr Witness, do you know this weapon?

8 THE WITNESS: [10:17:59](Interpretation) FAMAS is a French -- is a weapon of -- it's
9 a French brand, it's a weapon.

10 MS GUISSÉ: [10:18:10](Interpretation)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 Q. [10:18:51] To your knowledge, is it right in saying that only Lieutenant Donoh
16 had a FAMAS, that French weapon?

17 A. [10:19:09] Donoh had a FAMAS, (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 Q. [10:19:43] We'll get back to that topic a little bit later. But can you confirm to
22 me that at the time, most of the weapons available in Central Africa were Russian or
23 Chinese?

24 A. [10:20:00] Yes, those -- those were Russian-made weapons and Chinese-made
25 weapons. But I did say where Yekatom got his weapons. He got weapons from

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1 one element whose name (Redacted). And when they fought against the
2 Seleka, and when they didn't have enough weapons, (Redacted) made a stock of
3 weapons and when they met, they went somewhere and they took out those weapons.
4 So he went to -- for supplies twice at PK9; that's what Yekatom did. And Yekatom
5 also went to get supplies at Mbaïki, (Redacted)
6 (Redacted)

7 Q. [10:21:14] You're talking about getting supplies at PK9, so that's the period
8 where the group of Mr Yekatom was on the road, PK9 Mbaïki. Do we agree with
9 this?

10 A. [10:21:29] Yes.

11 Q. [10:21:34] So the questions that I've just asked you covered the period prior to 5
12 December 2013. So now I'm going to start to talk to you about the period of 5
13 December 2013. Do we understand each other?

14 A. [10:21:55] Yes.

15 Q. [10:21:58] I would now like to move on to another topic, and I would like to
16 show you a document with the help of the court officer. It's at tab 47 -- Defence tab
17 47, CAR-OTP-2001-3823, page 3825. It's an article that talks about Mr Yekatom's
18 group, and it exists only in English -- the document is only in English, so I'm going to
19 quote to you the excerpt in English and then I will ask you questions.

20 On that page, 3825, could you please scroll down. There we are, thank you. So
21 here, it's about Mr Yekatom's group and it says: (Speaks English) "It seems to enjoy
22 warm relations with French Special Forces and several observers believe their
23 cooperation [...] from the start of *Opération Sangaris*."

24 (Interpretation) End of quote and the document may be removed from the screen.

25 According to your knowledge and what you were able to see, did Mr Yekatom's

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1 group indeed have good relations and if -- did they cooperate with the Sangaris?

2 A. [10:24:14] Yes. The Sangaris would come from time to time and they would
3 meet. (Redacted)

4 (Redacted)

5 PRESIDING JUDGE SCHMITT: [10:24:29] May I? Perhaps you'll ask it anyway,
6 but I don't want to forget it.

7 Do you have any information about a certain officer from the Sangaris who
8 specifically came to meet Mr Yekatom and his group?

9 THE WITNESS: [10:24:47](Interpretation) (Redacted)
10 (Redacted)

11 (Redacted) they
12 came many times.

13 PRESIDING JUDGE SCHMITT: [10:25:17] I understood that. I thought, you know,
14 (Redacted) but it

15 seems that you don't know. It was a comment by me, not a question.

16 Ms Guissé.

17 MS GUISSÉ: [10:25:36](Interpretation)

18 Q. [10:25:38] Am I right in saying, Witness, that during that period, the Sangaris
19 had put in place a number and that number could be contacted by SMS and people
20 could give information on that number?

21 A. [10:25:57] I don't know.

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 Q. [10:29:00] I would like to ask my colleague to show you a video that's at tab 52

18 of the Defence tab, document CAR-OTP-2065-4849, transcript from -- or at tab 53 of

19 the Defence, CAR-OTP-2118-5685. And we are going to show that video excerpt, it is

20 public and we are in private session, but it's from 1 minute 27 seconds to 2 minutes 09

21 seconds.

22 MS GUISSÉ: [10:30:07](Interpretation) And your Honour -- yes, I was just going to

23 think about it, whether I should go to open session or not.

24 PRESIDING JUDGE SCHMITT: [10:30:13] It depends on the questions obviously.

25 MS GUISSÉ: [10:30:17](Interpretation) It would be five minutes and then I will have

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1 to --

2 PRESIDING JUDGE SCHMITT: [10:30:24] Why not give it a chance, yes. So we go
3 to open session shortly.

4 (Open session at 10.30 a.m.)

5 THE COURT OFFICER: [10:30:40] We are in open session, Mr President.

6 PRESIDING JUDGE SCHMITT: [10:30:53] I think the video can be played. Are the
7 interpreters ready? Yes, they are so it can be played.

8 (Viewing of the video excerpt)

9 THE INTERPRETER: [10:31:01] (Interpretation of the video excerpt)

10 "Yes, I'm saying we, such as we are, we don't have the wherewithal nor weapons, and
11 there -- the people over there don't have weapons to attack any zone whatsoever any
12 more than we do. We don't have weapons to attack a zone. They don't have the
13 wherewithal to fight and we don't either. We don't have the wherewithal to fight, so
14 it's best that they join us so that we can organise ourselves and fix ourselves one
15 objective, like that French colonel, as he advises.

16 Yes.

17 We can organise ourselves and -- and send 10,000 -- 100,000 people in one single base
18 in a -- in a fight to the death. We can get stuff, all right? But this thing about
19 launching -- go-it-alone attacks over there, and then they don't sustain the
20 combat...they haven't done anything...and then where are they going to go over there
21 to launch the attack?"

22 MS GUISSÉ: [10:32:24](Interpretation)

23 Q. [10:32:25] So my first question, Mr Witness, do you recognise the elements who
24 we hear on this video footage?

25 A. [10:32:35] No, I don't know that element.

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1 Q. [10:32:42] Do you recognise the place?

2 A. [10:32:49] Not even that.

3 Q. [10:32:56] Now in that video footage, that person talks about this weapons
4 problem to say that there are not enough weapons. Does that tally with the position
5 that {ICR: (Redacted)}, namely, Yekatom's elements -- the
6 members of his group didn't have enough weapons for everybody within the group?

7 A. [10:33:27] Well, initially, he didn't have weapons. But at a given point in time,
8 he got supplies from the gendarmerie at PK9 and Mbaïki and Odimba had given him
9 weapons, so he was well armed.

10 Q. [10:33:57] Mr Witness, it's crucial that when I put questions to you that -- well,
11 my question relates to a specific point in time, so I understood that you spoke about
12 the gendarmerie and PK9. But here, we're confining ourselves to the period before
13 the pre-Mbaïki period. So that we can properly understand your answers, please be
14 alert to my questions and mindful of the period that I'm interested in in my question.
15 Now, in my up and coming questions, I'm going to try and clarify the temporal scope,
16 because otherwise we won't understand each other. All right?

17 Now in that video footage, the element that you didn't recognise is talking about
18 {PFR: (Redacted)} that name, does that ring a bell?

19 A. [10:35:10] I don't know him.

20 Q. [10:35:15] Well, I put it to you, Mr Witness -- well, maybe his name slipped your
21 mind, but his telephone number was {ICR: (Redacted)}, and could we please bring up
22 on our screens the document.

23 I will perhaps revert to this document later on because I have forgotten we are in
24 open session in actual fact.

25 MS GUISSÉ: [10:35:56](Interpretation) So I will return to that later, your Honour.

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1 PRESIDING JUDGE SCHMITT: [10:36:10] If you have the document, it is of course
2 of interest. I assume it might suggest that there was a contact or not. Yes, okay.

3 (Counsel confers)

4 PRESIDING JUDGE SCHMITT: [10:36:26] If it is too risky to stay in open session,
5 then we go to private session, no problem.

6 MS GUISSÉ: [10:36:35](Interpretation) Your Honour, I think that if we don't actually
7 show the document to the public, we can stay in open session.

8 PRESIDING JUDGE SCHMITT: [10:36:46] Yes, I think so, too. So the next
9 document, please, not to be displayed to the public.

10 MS GUISSÉ: [10:37:00](Interpretation) So the document is at tab 123, now this is

11 CAR-OTP -- CAR-D-29-444 --

12 THE INTERPRETER: [10:37:25] Correction by the interpreter --

13 MS GUISSÉ: [10:37:26](Interpretation) 0004-2616.

14 Now, let me just give you some background so that you can find your bearings with
15 this document. In technical parlance, it's called a core-sequence table, a "CST" for
16 short in its abbreviated form and I will be using that abbreviated form henceforth.

17 And we see here a telephone analysis. The analysis of your telephone calls and that
18 we have retrieved from the Prosecutor who, in his turn, received them from the
19 telephone operator, Orange, and it helps us analyse the telephone calls placed during
20 the material time.

21 Now, what I put to you, perhaps it slipped your mind, but I put it to you, Mr Witness,
22 that we do see telephone exchanges between you and {PFR: (Redacted)},
23 particularly -- now perhaps we will have to scroll down ever so slightly. It's {PRF: (Redacted)}
24 {PFR: (Redacted)} and then the {PFR: (Redacted)} of the same year, 2014.

25 So here's my question, Mr Witness, does this jog your memory?

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1 A. [10:39:18] I don't know {PFR: (Redacted)}. I never contacted a {PFR: (Redacted)}
2 Redacted}}.

3 Q. [10:39:32] Well, in that case, what explanation can you provide? The fact that
4 we see telephone contact on the {PFR: (Redacted)} and, as you can see, you have
5 your name, which I won't read out, on line 20247. We see that the conversation, on
6 the face of it, lasted 93 seconds.

7 On the {PFR: (Redacted)} the conversation lasted 133 seconds.

8 So can you tell us, Mr Witness, can you give us an explanation about those telephone
9 calls emanating from your telephone number?

10 A. [10:40:29] As I was saying earlier on, it's {ICR: (Redacted)}
11 {ICR: (Redacted)} Yekatom's
12 position and they came all the way up to PK9 -- all the way up to PK9.

13 Q. [10:41:05](Overlapping speakers)

14 PRESIDING JUDGE SCHMITT: [10:41:06] I'm not comfortable. We go to private
15 session actually for a certain reason.

16 (Private session at 10.41 a.m.)

17 THE COURT OFFICER: [10:41:33] We are in private session, Mr President.

18 PRESIDING JUDGE SCHMITT: [10:41:35] Thank you. Can you scroll up a little bit
19 to the beginning of this document. Thank you. If you look at it, Mr Witness, you
20 also see that there seems to be, at least as an attribution, (Redacted)
21 (Redacted)

22 So do you have an explanation for that?

23 THE WITNESS: [10:42:06](Interpretation) There was nothing in particular between
24 me and (Redacted)
25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 PRESIDING JUDGE SCHMITT: [10:43:04] Mr Witness, (Redacted)

6 (Redacted)

7 (Redacted). That is correct, isn't it?

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 THE WITNESS: [10:44:22](Interpretation) I just don't remember that, (Redacted)

15 (Redacted)

16 PRESIDING JUDGE SCHMITT: [10:44:29] Okay. We have to take this answer, Ms

17 Guissé.

18 MS GUISSÉ: [10:44:35](Interpretation)

19 Q. [10:44:39] All right, then, (Redacted)

20 (Redacted) you stated earlier on that Mr Yekatom was in touch with them. Do you

21 know whether the section leaders, such as Habib Beina -- Habib Beina, could he have

22 been in touch with the Sangaris as well?

23 A. [10:45:13] I couldn't possibly know, because where Yekatom sleeps, Habib was

24 next door and Yekatom is not too far away, (Redacted)

25 (Redacted)

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1 MS GUISSÉ: [10:45:46](Interpretation) Bear with me just a moment, your Honour, I
2 just need to check something.

3 (Counsel confers)

4 Q. [10:46:14] Now I'd like to revisit this matter of the Sangaris, and my colleague
5 can perhaps play another video that we find at tab 50 in my Defence list of materials,
6 CAR-OTP-2012-0523. The transcription is at tab 51 in my Defence list of materials, in
7 my binder. This is CAR-OTP-2118-5547, page 5583, lines 1175 through to 1182.

8 And can we start the footage from 45 minutes 48 seconds at 46 minutes 07 seconds.

9 (Viewing of the video excerpt)

10 THE INTERPRETER: [10:47:33] (Interpretation of the video excerpt)

11 "[...] The French would leave without seizing any weapons, the person says that he's
12 received reassurances from the French armed forces.

13 So at the end of the conversation, perhaps you can move forward, the way is free and
14 we can advance. This is what the adjutant told me and he gave me two telephone
15 numbers."

16 MS GUISSÉ: [10:47:57](Interpretation)

17 Q. [10:47:58] So you saw the video, Mr Witness, you would have heard that Mr
18 Yekatom refers to the fact that an adjutant gave him two telephone numbers. Now,
19 Yamwara -- at Yamwara, did you see that Yekatom was in telephone contact with the
20 Sangaris as early as December 2013?

21 Were you able to see that, Mr Witness?

22 A. [10:48:29] Yes. Earlier on I confirmed the fact that I heard the sound of the car
23 engine -- the armoured vehicle that came to where Yekatom slept from time to time,
24 so the Sangaris would come.

25 Q. [10:48:51] Thank you for your answer. But my question wasn't exactly on that

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1 point, Mr Witness. I wanted to know whether you saw, learnt, heard that he was
2 also in touch -- had telephone contact over and beyond the Sangaris' visits to the
3 base?

4 A. [10:49:15] Yes.

5 Q. [10:49:23] And he continued contact with Sangaris after his arrival at PK9, is that
6 right?

7 A. [10:49:33] Well, on that point I couldn't possibly know (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 Q. [10:50:08] Now I'm going to turn to my colleague once again, and I'd like to

12 broadcast another video or at least -- yes, another -- another video, and we find this

13 video at -- it's the same video in fact, it's another excerpt from the same video.

14 So it's transcription at tab 51, still tab 51, 1184 to 1204, those are the lines, so the same

15 video, same document.

16 PRESIDING JUDGE SCHMITT: [10:50:48] A question: Can we go back to open

17 session for that? You know, I thought it would be good to go to private session

18 because when we again -- I have in mind the nice expression by

19 Mr Vanderpuye -- (Redacted) -- but what are your questions then, are they more

20 general or specific?

21 MS GUISSÉ: [10:51:14](Interpretation) Well, it will, in my view, be a bit too specific

22 on certain points, so it's probably best to stay --

23 PRESIDING JUDGE SCHMITT: [10:51:21] Thank you. Let's continue with the

24 video.

25 MS GUISSÉ: [10:51:29](Interpretation)

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1 Q. [10:51:29] So 46 minutes 09 seconds to 46 minutes 52 seconds, that's the scope,
2 please.

3 (Viewing of the video excerpt)

4 MS GUISSÉ: [10:52:02](Interpretation) Your Honour, there was a technical hiccup,
5 but apparently it's disappeared.

6 THE INTERPRETER: [10:52:08](Interpretation of the video excerpt)

7 "They said, 'They should calm.' And that maybe if the way is open, we can move
8 forward. He gave two telephone numbers.

9 Next day a fresh visit from the French army on Caporal RHOMBOT's base, but this
10 time, we are not allowed to film at all.

11 No video.

12 Can we avoid this?

13 The 13 dragons parachute regiment is a special forces unit responsible for garnering
14 intelligence. The Christians, for their part, are banking on the French army to
15 neutralise the Seleka, everybody seems to feel that that fits in with their own
16 individual plans."

17 MS GUISSÉ: [10:53:08](Interpretation)

18 Q. [10:53:08] So Mr Witness, you will have seen that video footage. Now you said
19 that you heard vehicles arrive. So on the video, did you see what vehicles they were?
20 Did you see those vehicles at Mr Yekatom's base at a given point in time?

21 A. [10:53:30] Yes, I said earlier on that I could only hear the sound of the engines,
22 because the Sangaris' engine sounds were different.

23 Q. [10:53:49] So throughout your entire stay on the base, you never saw -- you
24 never saw the vehicles? Is that what I should glean from your evidence, Mr
25 Witness?

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1 A. [10:54:02] I didn't see the vehicles, but the sound of the engine only.

2 Q. [10:54:12] (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 So I would like to know -- Cyril, that name, does that ring a bell? Does that refresh
7 your memory, Mr Witness?

8 A. [10:54:57] I don't know Mr Cyril.

9 Q. [10:55:12] Did Mr Yekatom ever talk to you about this Cyril, that he met and
10 with whom he worked?

11 A. [10:55:27] No.

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 Q. [10:56:08] Now, I turn once again to my colleague, in fact, rather the court officer,
16 please forgive me, and with her help perhaps we can bring onto our screens tab 123 in
17 the list of Defence materials, this is CAR-D29-0004-2616.

18 Can you see the document, Mr Witness, appearing on your screen?

19 PRESIDING JUDGE SCHMITT: [10:57:14] We would have to scroll down a bit.

20 MS GUISSÉ: [10:57:17](Interpretation) Yes, we need to scroll down a bit. So the
21 bottom of the screen, line 20 ... Hang on, I can't see it anymore. 20916, it's the

22 penultimate line in this document. We see there that there is a telephone contact

23 here on the 3 April 2014. This is a very short call of 11 seconds, but 9 April 2014, it's

24 21505, that line, we see a call of 100 and -- well, 40 seconds.

25 Now these two telephone contacts are with (Redacted) we found those

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1 numbers there, calls with (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 Q. [10:59:11] Yes, I've understood -- I understood what you told me earlier on, but

9 now here I'm showing you a document, a document which analyses your telephone

10 activity (Redacted). But during the period that runs between December

11 2013 and here, April 2014, (Redacted). So with this particular period,

12 the analysis of your Orange telephone activity shows us that you were in contact with

13 (Redacted)

14 (Redacted). Now you tell us that you had no such contact, I have heard your answer

15 but now I'm asking you, how is it then that we see telephone activity -- telephone

16 contact between those individuals and your Orange telephone number?

17 A. [11:00:12] I confirm that I have receive -- had received a phone call, but I did not

18 know the person who had called me. So I did receive a phone call from (Redacted)

19 (Redacted)

20 (Redacted)

21 PRESIDING JUDGE SCHMITT: [11:00:33] I think we have also -- since you will

22 submit this, we have also on the next page, further contacts and you don't have

23 to -- we have recognised I think four or five, if I have it correctly in mind.

24 Let's have now the coffee break until 11.30.

25 THE COURT USHER: [11:00:55] All rise.

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1 (Recess taken at 11.00 a.m.)

2 (Upon resuming in open session at 11.31 a.m.)

3 THE COURT USHER: [11:31:56] All rise. Please be seated.

4 PRESIDING JUDGE SCHMITT: [11:32:14] It would have been my question, but I
5 have been informed that we are in open session. Ms Guissé, you have the floor.

6 MS GUISSÉ: [11:32:25](Interpretation) Thank you, Mr President.

7 Q. [11:32:27] Mr Witness, we are again in public session, so I would like to ask you
8 to be careful and be mindful of the way you're giving your answers.

9 I would now like to speak about a period when the group of Mr Yekatom was in PK9,
10 Mbaïki, and I wanted to put questions to you regarding that period when they were
11 on the road of PK9, Mbaïki. So, according to the information that you had received,
12 can you agree with me to say that the Sangaris force was positioned at PK9, Mbaïki,
13 but it was rare and unusual to meet them on the road going from one point to the
14 other on that stretch of the road?

15 A. [11:33:27] {ICR: (Redacted)} because I went back
16 home, {ICR: (Redacted)}... So from the month of February, I believe, yes, in
17 February, late February.

18 Q. [11:34:09] And you had no information as to where the Sangaris military group
19 was positioned?

20 A. [11:34:18] I cannot know that or I can't tell you that because I was not
21 particularly interested in Sangaris. There was nothing for me to be interested in and
22 so I don't know.

23 Q. [11:34:38] Do you know whether Mr Habib Beina and Mr Yekatom and his
24 group, if they worked together in cooperation with the Sangaris group in order to
25 secure the PK9 area on that stretch of the road of about 100 kilometres separating PK9

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1 and Mbaïki?

2 A. [11:35:02] I can't tell you that. You see, I stated already that {ICR: Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted))

7 PRESIDING JUDGE SCHMITT: [11:35:40] Other questions in that regard or shall we
8 go back to private session?

9 MS GUISSÉ: [11:35:47](Interpretation) I will talk about this topic a little bit later, but
10 basically I'm talking about the Sangaris right now.

11 Q. [11:35:56] So Witness, perhaps we should (Overlapping speakers)

12 PRESIDING JUDGE SCHMITT: [11:35:58] But we agree what to do, put it this way.

13 Yes? Okay. Thank you.

14 MS GUISSÉ: [11:36:06](Interpretation)

15 Q. [11:36:07] Witness, I would like to make sure that you don't repeat many times

16 the same story because we have heard what you have said earlier and it is on the

17 record as you stated. But when I put to you a question, it's on something very

18 specific. If you don't know the answer to that question, you can just say, "I don't

19 know." But you don't have to give me the entire story, which has nothing to do with

20 the question.

21 So we have a lot of questions for you, and if every time we go back to things that

22 you've already stated, we won't be going fast enough and you will just spend more

23 time here than you would wish to do. So let's try to proceed this way.

24 A. [11:37:01] Thank you.

25 MS GUISSÉ: [11:37:03](Interpretation) Mr President, with the help of my colleague, I

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1 would like to ask if a video can be put up and it is a video at tab 54, tab
2 OTP-2094-7618, and I will give you the tab of the transcript, and is at tab 55 of the
3 Defence binder, CAR-OTP-2118-4260.
4 But I would like to specify for the interpreters and for the Chamber as well, I do not
5 have the intention to show large parts of this video that you have already seen many
6 times, but I would just like to stop and focus on some excerpts just to be able to ask
7 some specific questions.
8 So I would like to ask my colleague, the court officer, to go to 1 minute and 58
9 seconds of the video and to stop to -- to just stop there.

10 (Viewing of the video excerpt)

11 MS GUISSÉ: [11:37:17](Interpretation)

12 Q. [11:38:18] Witness, you have seen this image. Do you see the image here on the
13 screen? And we can see it at 1 minute 59 seconds, so 1:59:08.

14 Do you see members of the population and they are holding a sign and it is -- it says:
15 "No Arabs in the Central African Republic."

16 Do you see that image on the screen?

17 A. [11:38:46] Yes.

18 Q. [11:38:52] So my question is the following, at that time - and of course these
19 images were shot when Michel Djotodia stepped down - do you or can you tell us if
20 at that time, and maybe even before that period, was this something that could be
21 heard in the population in Bangui?

22 A. [11:39:17] Everywhere in the sector.

23 Q. [11:39:30] Just a reminder, it is not the case now, but please be careful if I put
24 a question to you and if you get the impression that the answer you would give could
25 identify you, please, tell me so that I can ask the presiding judge to go to private

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1 session. Is that all right?

2 A. [11:39:57] Yes.

3 Q. [11:39:59] I would now like to ask the court officer to show us the video from
4 3 minutes 52 seconds, all the way to 4 minutes and 01.

5 (Viewing of the video excerpt)

6 THE INTERPRETER: [11:40:21] Inaudible.

7 MS GUISSÉ: [11:40:27](Interpretation)

8 Q. [11:40:28] Witness, you have seen the image. Can we agree that we just saw
9 the bridge at PK9?

10 A. [11:40:36] Yes. Yes, the barrier and the bridge at PK9.

11 Q. [11:40:48] I would like to show an excerpt from 4 minutes 01 to 4 minutes 38.

12 (Viewing of the video excerpt)

13 MS GUISSÉ: [11:41:40](Interpretation)

14 Q. [11:41:42] Witness, do you agree with me that at the PK9 area, we see Sangaris
15 elements, MINUSCA elements and they're right next to FACA elements of Mr
16 Yekatom. Does that correspond to what you know with respect to the forces that
17 were present at the time after Djotodia's -- after Djotodia stepped down with respect
18 to the PK9 area?

19 A. [11:42:15] Yes, this is exactly what I can see here.

20 PRESIDING JUDGE SCHMITT: [11:42:22] Can we be specific when this footage was
21 taken if possible?

22 MS GUISSÉ: [11:42:34](Interpretation) I do not have the exact date, Mr President,
23 but it's around 10 January 2014. But we will get back to that later with a more
24 specific date, but it's around the 10th of January 2014.

25 PRESIDING JUDGE SCHMITT: [11:42:47] Thank you.

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1 MS GUISSÉ: [11:42:51](Interpretation)

2 Q. [11:42:54] Do I understand you correctly, Witness, that you have seen these
3 images on the screen, but my question is a little bit different. Does this fit with what
4 you know with respect to the forces that were there at PK9, i.e., the Sangaris elements,
5 elements from the MISCA and elements from Mr Yekatom's group?

6 A. [11:43:20] I see it now on the screen and I see that they are at PK9 together with
7 Yekatom and for -- for -- but for the rest, I have no idea.

8 Q. [11:43:44] So what you are telling me today is that you never knew that -- or you
9 never knew which forces were present at PK9 after Djotodia stepped down. Should
10 we understand what you said like that?

11 A. [11:44:06] Well, I didn't see that, because I wasn't present when they arrived.

12 PRESIDING JUDGE SCHMITT: [11:44:17] Well, I think you can move on
13 because -- yeah, with regard to such images, you have always, in principle, you have
14 always two pieces of evidence: The image and the comment of a witness to the
15 image.

16 MS GUISSÉ: [11:44:32](Interpretation)

17 Q. [11:44:34] And since you were not there, tell us if the military groups that we
18 saw on the image, so with respect to the military vehicles that we see - and we also
19 see some people who are white-skinned people - does that fit with your
20 understanding?

21 A. [11:45:03] Could you please rephrase your question.

22 Q. [11:45:04] You saw on the screen vehicles, armoured vehicles, and I'm asking
23 you the following: Given your experience, does that correspond to the vehicles that
24 were used by the Sangaris military group?

25 A. [11:45:23] I only see that now on the screen, {ICR: (Redacted)} Yekatom and

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1 Sangaris.

2 PRESIDING JUDGE SCHMITT: [11:45:42] Ms Guissé, really, you know, my remark
3 was intended in a certain way. You don't always get the comment you want from
4 a witness, but you still have whatever it is worth, yeah? You still have the images as
5 such.

6 MS GUISSÉ: [11:46:03](Interpretation)

7 Q. [11:46:10] I'm going to stay with this video and I would like to ask the court
8 officer to stop at 4 minutes and 27 seconds.

9 (Viewing of the video excerpt)

10 MS GUISSÉ: [11:46:23](Interpretation)

11 Q. [11:46:24] Do you recognise the Seleka base at PK9 on this image?

12 A. [11:46:53] We cannot see it here. The image here is ... The Seleka were at the
13 barrier and they occupied the house of General ...

14 THE INTERPRETER: [11:47:17] The interpreter did not get the name of the general.

15 THE WITNESS: [11:47:21](Interpretation) But the house is not seen on this picture.

16 MS GUISSÉ: [11:47:24](Interpretation)

17 Q. [11:47:25] Can we agree that this is a post that was occupied by the Seleka at the
18 time? There was a Seleka post at that place and this is what we see on this image, is
19 that right?

20 A. [11:47:37] This is the barrier of PK9, the checkpoint at PK9.

21 Q. [11:47:44] Which was manned by the Seleka?

22 A. [11:47:49] Yes.

23 Q. [11:47:56] I would like to have this video shown at from 5 minutes 53 to 6
24 minutes 04; so 5:53 to 6:04, please.

25 (Viewing of the video excerpt)

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1 MS GUISSÉ: [11:48:29](Interpretation)

2 Q. [11:48:29] Can we agree that this is the arrival at the MISCA in the area, and do
3 you recognise on the screen an element of Mr Yekatom?

4 A. [11:48:48] I can't recognise anybody here.

5 Q. [11:48:55] You do not recognise on the screen, Mr Momokama?

6 A. [11:49:08] Yes. As I see him, he's -- I see him from profile and he has something
7 on his head.

8 Q. [11:49:22] So you recognise him. Can we freeze and stop at 5 minutes 53
9 seconds.

10 (Viewing of the video excerpt)

11 MS GUISSÉ: [11:49:49](Interpretation).

12 Q. [11:49:51] Do you see here elements with green berets? Do we agree that those
13 are elements from the MISCA Chad -- Chadian elements from the MISCA?

14 A. [11:50:07] With the green berets?

15 Q. [11:50:10] Yes.

16 A. [11:50:14] I do not know them, but I see them now.

17 PRESIDING JUDGE SCHMITT: [11:50:25] But I think the question is, Mr Witness,
18 would you recognise, you know, the military attire and the berets? From the colour
19 of the berets or how they are or they look like that they are indeed elements from the
20 MISCA?

21 THE WITNESS: [11:50:43](Interpretation) I have never seen Chadians when they
22 were in Bangui. I do not know how they were dressed. I do not know what their
23 berets looked like, so I cannot lie and I cannot just say anything like that.

24 MS GUISSÉ: [11:51:16](Interpretation)

25 Q. [11:51:16] Can we please freeze at 06 minutes and 06 seconds approximately.

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1 (Viewing of the video excerpt)

2 MS GUISSÉ: [11:51:29](Interpretation)

3 Q. [11:51:29] You recognised Momokama, but do you recognise the military who is
4 standing to his right? Was he a member of Mr Yekatom's group?

5 A. [11:51:44] No, I do not know him.

6 Q. [11:51:51] Have you heard or seen or gotten information about the cooperation
7 of Mr Yekatom with the international forces after Djotodia stepped down?

8 A. [11:52:14] I have no information about all of that.

9 MS GUISSÉ: [11:52:23](Interpretation) I'm done with this video, Mr President.

10 Q. [11:52:27] And I would like to ask you now something else, I would like to move
11 on to another topic, Witness.

12 Am I right in saying that you have never heard that Yekatom's group called
13 themselves "Kopiada" in Kapou?

14 A. [11:52:54] No, I have never heard anything like that.

15 Q. [11:53:04] Am I right to say that there has never been a general within Mr
16 Yekatom's group, is that right?

17 A. [11:53:14] No.

18 PRESIDING JUDGE SCHMITT: [11:53:27] And we understand the no as a yes.
19 Please, continue.

20 MS GUISSÉ: [11:53:37](Interpretation) Yes.

21 THE INTERPRETER: [11:53:41] Says Mrs Guissé in French.

22 MS GUISSÉ: [11:53:43](Interpretation) Yes, yes. I don't know how it was
23 translated, but yes.

24 MS GUISSÉ: [11:53:48](Interpretation)

25 Q. [11:53:49] Witness, on two occasions, the investigators of the OTP interviewed

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1 you in May 2016 and in January 2018 and that was part of the taped meetings with
2 you. Do you confirm that you've answered sincerely and that you told them the
3 truth?

4 A. [11:54:19] I answered but I forget, you know, as I told you after {ICR: (Redacted)
5 (Redacted)} I forget things. So it's not like -- my memory is not a computer that
6 writes down the text with precision.

7 MS GUISSÉ: [11:54:48](Interpretation) Perhaps we should move to private session,
8 just to make sure that the witness does not disclose any information.

9 PRESIDING JUDGE SCHMITT: [11:54:57] We can do that, yes.
10 (Private session at 11.55 a.m.)

11 THE COURT OFFICER: [11:55:20] We are in private session, Mr President.

12 PRESIDING JUDGE SCHMITT: [11:55:23] It's always a little bit -- you know, how
13 we address such issues in open session, sometimes to simply act as if nothing has
14 happened is also an idea, and then silently make the redactions so not to alert people,
15 but I'm fine with that. Yes, please, Ms Guissé.

16 And the witness has several times said that he has problems with his memory. You
17 can be more direct I think, if you want to present a certain portion of his statement to
18 him and ask him about it, you can do that directly I think.

19 MS GUISSÉ: [11:56:00](Interpretation) Thank you, Mr President, but for now I
20 would like to ask some general questions and then we'll go to a more specific topic.

21 PRESIDING JUDGE SCHMITT: [11:56:15] Fine.

22 MS GUISSÉ: [11:56:16](Interpretation)

23 Q. [11:56:17] Witness, I understand that (Redacted)

24 (Redacted), but with respect to what you

25 remember, can we agree with the fact that you have answered to -- questions put by

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1 the Office of the Prosecutor in a very sincere way.

2 So when you answered their questions, you gave them the truth. Is that correct?

3 A. [11:56:52] Yes, I have heard and this has lasted up until today. Even though if
4 they had given me --

5 THE INTERPRETER: [11:57:08] Correction --

6 THE WITNESS: [11:57:09](Interpretation) Even if you would give me something to
7 read so that I can remember, that's not enough because I forget. So I told you, I go
8 back home and I want to take something that I want to take, I just go out of the house,
9 because I forget what is it that I wanted to get when I went back in, and then I
10 remembered two or three times.

11 And even here, it's the same thing. You know, I'm suffering. I'm not well. I'm
12 doing this work, I'm doing the job because I know that it's necessary, but I have
13 a headache. But -- but I will be tough and I'll just go on with everything.

14 PRESIDING JUDGE SCHMITT: [11:57:49] Mr Witness, when you think you need
15 a break, you can always tell us, meaning you raise your hand and I give you the floor.
16 So I just wanted to remind you of that because it's very uncomfortable to sit here and
17 have a headache.

18 And perhaps, we can help the witness during the lunch break then.

19 Yes, Ms Guissé, please.

20 MS GUISSÉ: [11:58:18](Interpretation)

21 Q. [11:58:18] I understood, Witness, that you are really doing your utmost and we
22 thank you for that. And now I would like to put a very specific question to you.
23 Some things you forgot and then when you forget something and you don't
24 remember you said "I forget." But if you were telling us a story, we agree on the fact
25 that when you tell us a story that is the truth. Is that correct?

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1 A. [11:58:47] Yes.

2 Q. [11:58:49] So when you were heard -- interviewed by a member of the Defence
3 team in 2020, you were also heard in the presence of an investigator of the Office of
4 the Prosecutor and that interview was recorded. Do you remember that?

5 A. [11:59:08] Yes.

6 Q. [11:59:09] And that day, I would like to know if you also answered truthfully to
7 the questions that were put to you and did you tell the truth that day?

8 A. [11:59:26] Yes, I did tell the truth.

9 Q. [11:59:32] Thank you, Witness, thank you for your patience. Up until now, I
10 have no more questions.

11 MS GUISSÉ: [11:59:45](Interpretation) Mr President, if you wish, we could maybe
12 go into public session -- open session.

13 PRESIDING JUDGE SCHMITT: [11:59:49] Yes, I wish. Open session.
14 (Open session at 11.59 a.m.)

15 THE COURT OFFICER: [11:59:57] We are back in open session, Mr President.

16 MS GUISSÉ: [12:00:08](Interpretation)

17 Q. [12:00:12] Witness, we are again in open session and I just wanted to tell you
18 that I have no more questions for my first -- for the first part of my questions, and, as I
19 told you at the very beginning, my colleague, Mylène Dimitri will continue, and she'll
20 be putting to you some very specific questions and then I will continue and finish all
21 the questions that I have for you later on.

22 MS GUISSÉ: [12:00:36](Interpretation) So Mr President, there's going to be a little
23 move here and Ms Dimitri will continue.

24 PRESIDING JUDGE SCHMITT: [12:00:48] Yes, no problem. I don't think it will last
25 a long time, so take your time.

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1 QUESTIONED BY MS DIMITRI: (Interpretation)

2 MS DIMITRI: [12:02:46]

3 Q. [12:02:49] Good afternoon, Mr Witness.

4 A. [12:02:58] Good afternoon.

5 Q. [12:03:01] Now we met in December last, but let me introduce myself again, my
6 name is Mylène Dimitri, one of Mr Yekatom's Defence counsel.

7 Now I have a series of questions to put to you. Let me tell you how this will play out.

8 As you would've -- as you see, I'll be speaking to you in French, so please remember

9 to observe a five-second pause between the end of my question and when you start

10 your answer.

11 Now through my questions today, I'm going to return to certain matters -- certain

12 topics that were visited during the examination-in-chief by the Prosecution and I'm

13 going to be referring to what you said at the beginning of your oral evidence and I'll

14 also be quoting what you said to the OTP investigators in 2016 and in 2018.

15 Sometimes I'll be asking you whether you confirm or maintain or even offer

16 explanations. Additionally, I will be quoting what you said to my Defence

17 colleagues, Mr Tiangaye, for example, and his colleague who met you in Bangui, Ms

18 Wilhelmina Whittingham -- and Mr Tiangaye who met you in Bangui in 2020.

19 Do you understand what I've just said, Mr Witness?

20 A. [12:04:49] Yes, I have.

21 Q. [12:04:52] Now, in my questioning, I'm going to be putting to you some

22 documents, audio, video and, in each case, I'll be asking you to offer confirmation or

23 an explanation. If at any point in time you require a break because obviously

24 I'm -- I've heard that you've said you suffer from headaches, then just point that out to

25 me and then we'll be asking the presiding judge to have a break.

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1 Have you understood?

2 A. [12:05:28] Yes, I have understood.

3 MS DIMITRI: [12:05:32] (Speaks English)(Overlapping microphones) Mr President, I
4 will address several subjects and all the subjects I will address unfortunately will
5 have to be done in private session. So it's going to be a couple of hours in private,
6 I'm sorry for that.

7 PRESIDING JUDGE SCHMITT: [12:06:00] I understand, so for the audience, I will
8 explain this, so that you follow what's happening. This a protected witness,
9 obviously you can see that or not see that, and Ms Dimitri just said she will address
10 issues that when answered by the witness could reveal his identity.

11 So we go to private session.

12 (Private session at 12.06 p.m.)

13 THE COURT OFFICER: [12:06:42] We are in private session, Mr President.

14 MS DIMITRI: [12:06:49] (Interpretation)

15 Q. [12:06:55] So, Mr Witness, when you met my colleagues, Mr Tiangaye and Mrs
16 Whittingham, they asked you whether you had already gone to Boda, and your
17 answer -- let me quote you:

18 "Since my birth, my foot has never entered Boda."

19 That is in tab 4, in the OTP binder, CAR-D-29-0009-0133, page 0166.

20 Now in light of your oral evidence (Redacted) in response to
21 a question put to you by the Prosecutor opposite, can you tell me why you answered
22 to my Defence colleagues that you had never gone into Boda?

23 A. [12:08:02] I muddled things up. My answer wasn't in the right place. Carnot
24 and Boda, I -- I muddled them up. I have been to Boda.

25 Q. [12:08:30] All right, then. (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 Q. [12:08:50] -- so when you testified yesterday at 9:53, transcript 203, you stated
6 that there were houses that had been burned -- several in fact, and there were also
7 dead people.

8 So as I said at the beginning when I rose initially, I'll be seeking clarification from you
9 based on what you said at the time to the OTP investigators or indeed to my
10 colleagues on the Defence bench.

11 So during your interview with the OTP investigators, you said, and let me quote you:
12 "There was a Muslim attack and when you arrived, you even see the traces of that,
13 there were even burned houses. There were even Christian houses that were
14 damaged. From the town moving on towards the Catholic church, which means that
15 that entire population gathered together at the Catholic church as refugees." End of
16 quote.

17 Do you maintain what you said to the OTP investigators?

18 A. [12:10:16] I remember that.

19 Q. [12:10:26] You say a little further on in response to an OTP investigator question
20 asking you who damaged those houses, and you say that it was the Seleka who had
21 launched the attack. Do you maintain that?

22 A. [12:10:39] Yes, I do.

23 Q. [12:10:50] (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 And further on you say -- and you're still making reference to these masses:

6 "But they don't want to see a Muslim in Boda."

7 Would you confirm that?

8 A. [12:11:58] Yes, I do confirm that.

9 Q. [12:12:06] In your OTP investigator interview, you also say that the population
10 was highly aggressive and that their behaviour was not good and that it was very
11 tense.

12 Do you confirm that?

13 A. [12:12:22] Yes, I do confirm that.

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

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1 (Redacted)

2 (Overlapping microphones)

3 MS DIMITRI: [12:21:08](Speaks English) I will rephrase. I think I know what --

4 PRESIDING JUDGE SCHMITT: [12:21:09] Yes.

5 MS DIMITRI: [12:21:10] I will rephrase it.

6 PRESIDING JUDGE SCHMITT: [12:21:11] Okay. Mr Vanderpuye, perhaps you can
7 let us know shortly.

8 MR VANDERPUYE: [12:21:15] Well, my objection probably goes beyond what
9 counsel anticipates, and I'd like to make that objection outside the hearing of the
10 witness, if he can remove his headphones.

11 PRESIDING JUDGE SCHMITT: [12:21:29] Yes, Mr Witness, would you please be so
12 kind to remove your headphones and I will let you know when you can put them on
13 again. Thank you.

14 Yes, Mr Vanderpuye.

15 MR VANDERPUYE: [12:21:39] In the last question that was formulated by counsel
16 she referred to the witness having himself said that perhaps he muddled things up
17 and confuses things, and the reason why I raised it is because the (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 And so the way the question seems to be phrased in this way seems to suggest to the
24 witness that he's completely confused and off base on a number of facts, when that's
25 not actually quite fair to him and that's the reason why I raised it outside of his

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1 hearing but ...

2 PRESIDING JUDGE SCHMITT: [12:22:31] Okay, I understand. So I think also an

3 issue was - but for Ms Dimitri, (Redacted)

4 (Redacted)

5 So -- but nevertheless, he has a little bit of -- he has point here. So we should not

6 give the witness also an easy escape, so to speak, for other questions -- you see, "Well,

7 I muddled this up."

8 See what I mean, so ...

9 MS DIMITRI: [12:23:01] I understand, I'll come back -- I'm still on it and I'm not

10 done with (Redacted)

11 PRESIDING JUDGE SCHMITT: [12:23:08] I know, I think Mr Vanderpuye has

12 a point but of course for you, also (Redacted) as such is not clear. If I

13 may -- since we are talking so nicely with each other, it might -- I only suggest and do

14 it when the witness is not sitting here -- not listening, excuse me, it might very well be

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 MS DIMITRI: [12:23:44] I'm coming back to that --

19 PRESIDING JUDGE SCHMITT: [12:23:46] Okay, good --

20 MS DIMITRI: [12:23:47] -- as well. It was --

21 PRESIDING JUDGE SCHMITT: [12:23:48] -- good. Yeah, I'm always --

22 MS DIMITRI: [12:23:49] -- you're faster than me.

23 PRESIDING JUDGE SCHMITT: [12:23:52] -- interfering.

24 Thank you. So we continue.

25 Thank you, Mr Vanderpuye.

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1 Ms Dimitri -- thank you, Mr Witness.

2 Ms Dimitri.

3 MS DIMITRI: [12:24:05](Interpretation)

4 Q. [12:24:07] So I'm going to put my question differently, Mr Witness. Now as the

5 Prosecutor just stated, it is accurate to say that (Redacted)

6 (Redacted)

7 (Redacted)

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

9 Q. [12:24:45] Do you maintain that (Redacted)

10 (Redacted)

11 (Redacted)

12 A. [12:25:01] Yes. (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 Q. [12:26:19] (Redacted)

24 (Redacted). Would we agree then, Mr

25 Witness, that Joachim Kokaté in March 2014 was special adviser at the office of the

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1 Prime Minister Nzapayéké?

2 A. [12:26:50] Yes.

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

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18 Q. [12:51:36] (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 So I would like to present to you some audio recordings which talk about the
23 situation in Boda and then I will ask you some questions.

24 Do you follow me?

25 A. [12:52:23] Yes, I do.

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9 Q. [12:53:12] We are now going to hear the first audio clip, it's Mr Kokaté at 102
10 Defence tab CAR-OTP-2042-3464.

11 For the interpreters, it's at tab 103, CAR-D29-0006-0053, lines 1 to 25.

12 (Playing of the audio excerpt)

13 THE INTERPRETER: [12:54:27] (Interpretation of the audio excerpt)

14 "They had time to explain to us why they don't want to collaborate with Muslims.

15 First they said that they were natives of the city of Boda and that they have accepted
16 to receive Muslims in their -- amongst them.

17 The Christians, according to them, cannot understand why it is only the date of 28

18 January that this unfortunate event which had happened in Boda... and they want to

19 know why, why, why are the houses burnt, why were there deaths and they are not

20 ready to reconcile. As long as -- as long as the Muslim and their people do not give

21 clear explanations, they do not want to reconcile with them.

22 We attempted to -- we have attempted to discuss with the Christians. We tried to go

23 a bit further, but the message and I'm not going to hide it from you, it was very

24 difficult for them. They've accepted Muslims amongst them. The Muslims came

25 and they did everything. They became rich according to their own terms. There

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1 were children with Muslims and even when the Séléka arrived in Boda, the Muslims
2 received the Séléka well in Boda, And then, the natives, they also received elements
3 of the Séléka coalition in Boda. They lived in perfect harmony. They didn't -- there
4 was no problem in Boda. But, to their great surprise, on 28 January, after the
5 departure of the elements of the coalition of the Séléka, a few hours later, the Muslims
6 took weapons and they attacked and they burnt their houses. And this is how they
7 had to defend themselves."

8 MS DIMITRI: [12:56:10](Interpretation)

9 Q. [12:56:10] I would like you to hear the second video and it comes from Radio
10 Centrafrique. It's at tab 104, CAR-OTP-2042-4040. For the interpreters, the
11 transcript is at CAR-OTP-2122-9433. It's tab 105 of the Defence binder.

12 (Playing of the audio excerpt)

13 THE INTERPRETER: [12:56:51] (Interpretation of the audio excerpt)

14 "The situation in BODA is extremely difficult; two communities which always lived
15 together - the Muslim community and the non-Muslim community, which lived
16 together forever well - they started to kill each other and to reject each other. The
17 government of the national transition council made a move, so on 13th and 14th of
18 May in BODA, they listened to both parties, they listened to the population, and as of
19 today, the government and the national council for the transition are able to say with
20 precision what had really happened and what were the causes of this massacre, which
21 together saddened this whole richer place in the CENTRAL AFRICAN REPUBLIC.
22 The non-Muslim community is reproaching to the Muslim community with whom
23 they always lived nicely together, woke up one morning and started to kill them. This
24 community, the non-Muslim community, they fled to ref- -- to go to
25 the SAINT-MICHEL church, and many of them went to the bush. The Muslim

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1 community said that they only tried to defend themselves. And the non-Muslim
2 community lost everything because the houses were burnt, the -- everything was
3 destroyed, a lot of people were killed in BODA. As of today, the non-Muslim
4 community is asking -- this is not negotiable -- they're requesting the departure of all
5 the Muslims of BODA. However, the Muslim community is saying that they are
6 ready to accept the pardon of the non-Muslim community and they're also ready to
7 re-learn how to live together with their non-Muslim brothers."

8 MS DIMITRI: [12:58:33](Interpretation)

9 Q. [12:58:34] (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 Do you agree with me that this summarises well the situation in Boda at the time?

15 A. [12:59:15] Yes.

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 PRESIDING JUDGE SCHMITT: [13:00:21] Yes, okay, lunch break until 2.30, and my
24 colleague here, he has reminded me - and this is absolutely correct that since the
25 witness has a headache, as he has said, to let him do this exercise during this lunch

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- 1 break under the pressure is perhaps too much and we should give him more time.
- 2 And since we expect that you will continue with your examination tomorrow, we can
- 3 give him much more time.
- 4 I just wanted to inform you about that.
- 5 So we break until 2.30.
- 6 THE COURT USHER: [13:00:58] All rise.
- 7 (Recess taken at 1.01 p.m.)
- 8 (Upon resuming in private session 2.30 p.m.)
- 9 THE COURT USHER: [14:30:57] All rise.
- 10 Please be seated.
- 11 PRESIDING JUDGE SCHMITT: [14:31:14] Ms Dimitri, you continue in private
- 12 session.
- 13 MS DIMITRI: [14:31:23] Yes, Mr President. Thank you. Before I start, I would like
- 14 to apologise to the interpreters. I was told I was going too fast in the last hour.
- 15 PRESIDING JUDGE SCHMITT: [14:31:31] Well, you know, you were going too fast,
- 16 indeed. So it doesn't help if you observe the pauses, if you're speaking is so quick
- 17 that the interpreters have difficulties to catch up. Yeah. Please, continue.
- 18 MS DIMITRI: [14:31:46] I will do better.
- 19 PRESIDING JUDGE SCHMITT: [14:31:48] And just shortly, I understood,
- 20 Mr Witness, that -- and it's absolutely understandable, that you could not do this
- 21 exercise to the end, so take your time after this hearing and perhaps we can ask you
- 22 then tomorrow. So -- and I'm also informed that you feel better and we are very
- 23 happy about that.
- 24 Ms Dimitri, please continue.
- 25 MS DIMITRI: [14:32:17] Thank you, Mr President.

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1 Q. [14:32:19] (Interpretation) Good afternoon, Witness. We're still in private
2 session. So, again, we are on Boda. I'm going to ask you to listen to another radio
3 excerpt. It's dated 20 March 2014, 56 tab, Defence binder, CAR-OTP-2042-3548 from
4 zero minutes to 1 minute 58 seconds.

5 For the interpreters, the transcription is in tab 107, CAR-OTP -- D29. I'm going to
6 start all over again. It's CAR-D29-0006-0057, from lines 4 to 20 -- to 14 of page 0058.
7 I'm going to ask you to listen to this audio excerpt and I would have questions. And
8 if I can -- and if I could just have a sign from the interpreters.

9 (Viewing of the video excerpt)

10 THE INTERPRETER: [14:34:27](Interpretation of the video excerpt)

11 "... in the city of Boda and this was the focus of discussions that the associations -- the
12 regional associations held yesterday with the Prime Minister, head of the transition
13 government, Mr André Nzapayéké.

14 During more than 45 minutes, a group of seven members representing citizens of
15 Boda, Boganangon and Boganda, called the three Bs, led by Mrs Paulette Ouilidane,
16 president of the Association of Women of Boda, provided explanations on the safe
17 security and the humanitarian situation in the three cities and the surrounding
18 villages. We remember that on 29 January, last 29 January, after the ex-coalition
19 elements withdrew from Boda, there were assassinations committed in this city, there
20 was also fire and destruction of property that was perpetrated. This was the
21 situation that led to violence between communities.

22 Three months after the conflict was triggered between the two communities that
23 peacefully coexisted, the Boda population is still living in fear, fearing every day that
24 the situation might take a spin for the worse.

25 The explanations provided by the citizens of Boda, Boganangon and Boganda have

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1 surprised the Prime Minister on the security and humanitarian situation in the region.
2 The noteworthy persons have called the government to act promptly to restore
3 security in the three cities after certain exactions that were committed where certain
4 youth, youngsters, basically organised themselves into self-defence groups in order to
5 compensate for the lack of institutional security.

6 ... so women and children in order to basically compensate for the lack of safety forces,
7 thousands of women and children are living in the bushes in unacceptable health
8 conditions. Others are confined in certain places and avoid leaving the security
9 perimeter for the fear of their lives.

10 The Prime Minister listened to everyone, provided advice and asked the population
11 to exercise restraint.

12 The Prime Minister also said that the mission conducted by the Prime Minister aimed
13 at basically restoring dialogue amongst the various stakeholders of the society. He
14 said that in the days to come, a mission comprising the noteworthy people of the
15 region will be sent out to assess the security situation and the humanitarian situation
16 in the cities of Boda, Boganangon and Boganda and in the surrounding areas.

17 For them, there is too much of hatred and passion. They should, first of all, disarm
18 the minds and hearts in order to calm the tension, and this is what the Prime Minister
19 declared."

20 PRESIDING JUDGE SCHMITT: [14:38:14] Just shortly, so the translation has
21 finished, the complete ERN of the audio is CAR-OTP-2042-3548 and the transcript is
22 CAR-D29-0006-0057.

23 THE INTERPRETER: [14:38:33] Excuse me, your Honour. This is just a message
24 from the interpreter. The transcript that was shown did not correspond to what was
25 said in the audio, and we did not have the transcript, so I did my best. I did what I

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1 could; just to put it on the record.

2 PRESIDING JUDGE SCHMITT: [14:38:46] Well, to make a compliment here, nobody
3 noted, I think.

4 So, Ms Dimitri, please continue.

5 MS DIMITRI: [14:38:56] Thank you, Mr President. And, indeed, it's my mistake.

6 We played the audio up to 3 minutes and 15 seconds, although I had initially
7 indicated, I think, 1:58. So just for the record, we played from the beginning to 3
8 minutes 15 seconds.

9 Q. [14:39:21](Interpretation) So, Mr Witness, you heard the audio excerpt. There
10 are two questions that will follow. You agree that we are basically alluding to the
11 mission that was sent by the prime minister, Nzapayéké. (Redacted)

12 (Redacted)

13 (Redacted)

14 A. [14:39:50] Yes.

15 Q. [14:39:58] You also agree with me, since you said yesterday, that this mission
16 failed and the Prime Minister immediately, as we heard in the audio excerpt,
17 sent -- announced that he would send another mission; am I right?

18 A. [14:40:22] Yes, that's right.

19 Q. [14:40:42] According to a document drafted by the Prime Minister, André
20 Nzapayéké, as you've observed in the audio track we just heard and as you confirmed
21 earlier, he was closely monitoring the situation in Boda. According to a document
22 drafted in -- by the Prime Minister, the General Guillaume Lapo would have been
23 involved in inciting violence in Boda.

24 Do you bear this statement out?

25 A. [14:41:16] Yes, I can attest to that.

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1 Q. [14:41:25] Could you provide us some more details on the involvement of
2 General Guillaume Lapo in the incidents of violence in Boda?

3 A. [14:41:49] I received information that it was Lapo who was coordinating the
4 Balaka stationed in Boda.

5 Q. [14:42:14] Again we're going to be still on Boda, but I am going to slightly
6 change the subject. (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 Q. [14:42:56] You said yesterday in response to a question asked by the Prosecution,
13 Mr Yekatom was born in Boda but it's -- but this is information you received. And
14 you said that, "I don't know, I must deepen that" -- at 10:15. I say that you are wrong
15 and Mr Yekatom was not born in Boda. In fact, in the arrest warrant that was issued,
16 the Prosecutor says that he was born in Bangui, so would you agree with me that
17 your information is flawed?

18 PRESIDING JUDGE SCHMITT: [14:43:53] (Overlapping speakers) Just a second, Mr
19 Witness. Just a second, Mr Witness. Mr Vanderpuye?

20 MR VANDERPUYE: [14:43:57] I'm not sure what the purpose of the question is.

21 His information is different from the information that the Defence has, but he's not in
22 a position to conclude whether it's correct or not because he says he doesn't know.
23 His information is his information.

24 PRESIDING JUDGE SCHMITT: [14:44:11] Well, but I think the Defence can put to
25 the witness that they have information and we have them also that he was born in

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1 Bangui. And hearing that -- let me do it, Ms Dimitri.

2 And hearing that, Mr Witness, what do you think about it? I had the impression that
3 you were not completely sure, but you can enlighten us please.

4 THE WITNESS: [14:44:38](Interpretation) I never saw Mr Yekatom's birth certificate.
5 I just heard that he was born in Boda. If this is true or false, I do not know. This is
6 what I meant to say.

7 PRESIDING JUDGE SCHMITT: [14:44:57] Thank you.
8 Ms Dimitri.

9 MS DIMITRI: [14:45:02] Thank you, Mr President.

10 Q. [14:45:07](Interpretation) During your interview with the investigators from the
11 OTP, you specified that (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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9 (Redacted)

10 Q. [14:52:28] Am I right in saying that the Sangaris operation was in Boda and had
11 drawn a red line?

12 A. [14:52:40] Yes. Sangaris was in Boda and, yes, it's true that they had drawn a
13 red line.

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

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6 (Redacted)

7 Q. [14:55:39] You said to the OTP investigators, and I'm quoting you on this:

8 (Redacted)

9 (Redacted)

10 These are your words. So my question is as follows: Now since you're using "I

11 guessed", I understand from your words, that you're drawing conclusions on what

12 happened, but (Redacted) and due

13 to the fact that you did not hear or see what actually happened, you're concluding

14 that (Redacted)

15 (Redacted)

16 Have I understood your testimony properly?

17 A. [14:56:57] Yes. That's exactly it.

18 Q. [14:57:09] Thank you. Now I'm going to change the subject. Am I right in

19 saying that you are related (Redacted)?

20 A. [14:57:22] Yes.

21 Q. [14:57:26] During your testimony on -- you spoke about (Redacted).

22 Was he also related to (Redacted)?

23 A. [14:57:44] Could you please ask your question once again?

24 Q. [14:57:57] During your testimony you spoke about (Redacted)

25 (Redacted). Is he also related -- does he also have ties, family ties, with (Redacted)

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1 (Redacted)?

2 A. [14:58:18] I do not understand your question. You're talking about me?

3 Q. [14:58:32] I'm going to repeat. You spoke -- (Redacted) I think it's
4 perhaps the term I'm using. You have someone, a member of your family, who is
5 called (Redacted) am I right?

6 A. [14:58:50] Yes.

7 Q. [14:58:51] Is (Redacted) related? Does he have blood ties with (Redacted)
8 (Redacted)?

9 A. [14:59:18] I think I spoke about (Redacted)
10 (Redacted)

11 (Redacted) and myself, we belong to the same ethnic group. (Redacted)
12 (Redacted) as well, he also belongs to the same -- he also belongs to the same ethnic
13 group.

14 Q. [14:59:56] I'm going to be a bit more specific. When you met my colleagues
15 Wilhelmina Whittingham and Tiangaye, Mrs Whittingham asked you if you knew
16 (Redacted). You spontaneously said, (Redacted)
17 (Redacted).

18 First question: Do you confirm what you said earlier?

19 A. [15:00:31] Yes, I do.

20 Q. [15:00:36] (Redacted)

21 Does he have family ties with (Redacted)?

22 A. [15:01:07] (Redacted). But we're all of the same ethnic group (Redacted)
23 (Redacted)
24 (Redacted)
25 (Redacted)

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9 (Redacted)

10 MS DIMITRI: [15:09:51] Thank you, Mr President.

11 Q. [15:09:56](Interpretation) Now, Witness, I'm going to change topic. Do you

12 recall that yesterday my colleague, Ms Guissé, asked you to confirm your current

13 telephone number. And we also have the telephone number of (Redacted)

14 (Redacted) in our records. Now, could you tell me, or could you indicate to me, since

15 when have you had telephone calls with (Redacted) before today or prior to

16 today?

17 A. [15:10:45] (Redacted) well, we've been in contact for a long time. We've

18 known each other for a long time.

19 Q. [15:10:53] Now, that was not an answer to my question. Let me put my

20 question again.

21 A. [15:10:59] Please do so.

22 Q. [15:11:00] Now, my colleague asked you to confirm your current telephone

23 number, and we also have it in our records. And in our records we also have the

24 current telephone number of (Redacted) and what I'm asking you is when did

25 you last have telephone contact with (Redacted)?

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1 A. [15:11:35] Well, (Redacted) and myself are in (Redacted) we're in the same
2 district, so from time to time I ring him.

3 Q. [15:11:56] So I understand that you see him frequently since (Redacted)?

4 A. [15:12:03] Well, I haven't seen him since (Redacted) not for the time being.

5 Q. [15:12:22] Okay, and as regards telephone calls, have you spoken to him since
6 (Redacted)? Have you had telephone communication with (Redacted) since
7 then?

8 A. [15:12:37] Well, when (Redacted) I rang him to greet him.

9 Q. [15:12:56] And now I'm going to be more specific and I would ask you to be
10 more specific too. Since you came here in December have you had contact, any
11 contact whatsoever, with (Redacted)?

12 A. [15:13:28] Since I came here -- I haven't understood your question.

13 Q. [15:13:38] I'll repeat it. Now, we agree that this is your second trip to The
14 Hague. You came to The Hague in December?

15 A. [15:13:52] Yes.

16 Q. [15:13:57] Between your previous visit to The Hague and today, have you had
17 any contact whatsoever with (Redacted)?

18 A. [15:14:12] Since I travelled and returned, I have not contacted him. It was
19 when (Redacted) that I rang him to say to him (Redacted). And I
20 haven't physically seen him since (Redacted) to this day.

21 Q. [15:14:58] Now, you say that since you travelled and returned, you haven't
22 called him?

23 A. [15:15:04] No.

24 Q. [15:15:05] My question was broader than that. Have you had any contact
25 whatsoever, because there are various ways that one can be in contact with someone?

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1 Have you had any contact whatsoever with (Redacted)?

2 A. [15:15:23] No.

3 Q. [15:15:42] I'm now going to change topic and I'm going to talk about the
4 encounter, the meeting that took place (Redacted); do you follow me?

5 A. [15:15:54] I do.

6 Q. [15:15:57] And I would repeat to you, Witness, if at any point in time you need a
7 break, feel free to let us know.

8 MS DIMITRI: [15:16:15] Mr President, if I could just have a moment, please.

9 PRESIDING JUDGE SCHMITT: [15:16:18] Of course.

10 (Counsel confers)

11 MS DIMITRI: [15:16:54](Interpretation)

12 Q. [15:16:54] Now, I'd like to know (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

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- 11 (Redacted)
- 12 Q. [15:20:16] Now, I'm going to put events in chronological order. (Redacted)
- 13 (Redacted)
- 14 (Redacted)
- 15 Am I to understand from you that there was no meeting, no other meeting either
- 16 before or after?
- 17 A. [15:20:55] No.
- 18 Q. [15:20:56] No, there wasn't any other meeting?
- 19 A. [15:21:00] No. There wasn't another meeting.
- 20 (Redacted)
- 21 (Redacted)
- 22 (Redacted)
- 23 (Redacted)
- 24 (Redacted)
- 25 (Redacted)

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- 9 (Redacted)
- 10 (Redacted)
- 11 (Redacted)
- 12 (Redacted)
- 13 Q. [15:28:25] And that is what you were referring to when you said (Redacted)
- 14 (Redacted) went missing on that day?
- 15 A. [15:28:42] Yes, it was the next time that he went.
- 16 Q. [15:28:47] Am I right in saying that during that meeting (Redacted)
- 17 gave a speech?
- 18 A. [15:29:13] Yes.
- 19 (Redacted)
- 20 (Redacted)
- 21 (Redacted)
- 22 (Redacted)
- 23 (Redacted)
- 24 (Redacted)
- 25 (Redacted)

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1 Q. [15:30:10] And, now, I'm going to go back to the question that I put earlier to
2 which you did not answer. First of all, there were the two meetings which took
3 place in (Redacted)
4 (Redacted). Then
5 the next event was (Redacted)
6 (Redacted) and then the next one, the next meeting took place (Redacted)
7 (Redacted)
8 (Redacted). Now, have I just
9 listed the three events in order?

10 A. [15:31:21] Yes.

11 Q. [15:31:35] (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 Again, did I enumerate the various meetings, ceremonies, in the order in which they
17 occurred?

18 A. [15:32:31] Yes, that was exactly it.

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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- 1 (Redacted)
- 2 (Redacted)
- 3 (Redacted)
- 4 (Redacted)
- 5 (Redacted)
- 6 (Redacted)
- 7 (Redacted)
- 8 (Redacted)
- 9 (Redacted)
- 10 (Redacted)
- 11 I'm explaining it to you. This is a series of calls in December 2013 between (Redacted)
- 12 (Redacted) and a phone number that we are attributing to (Redacted)
- 13 (Redacted)
- 14 Now, during your conversation with (Redacted) do you remember, do
- 15 you know if he indicated that he was in contact with (Redacted)?
- 16 A. [15:36:43] I do not know that. He never explained that to me.
- 17 Q. [15:36:55] (Redacted)
- 18 (Redacted)
- 19 (Redacted)
- 20 Now, do you know that (Redacted) had provided (Redacted) phone number and that of
- 21 Mr Yekatom to (Redacted)?
- 22 A. [15:37:42] I do not know that.
- 23 Q. [15:37:55] The same witness indicated -- I'm sorry, I'm just going to reword my
- 24 question.
- 25 According to the evidence in the file and the testimony, (Redacted) told

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1 (Redacted) that (Redacted) and Mr Yekatom were opposed to Bozize's return to
2 power. (Redacted)
3 (Redacted)
4 (Redacted) opposed to Bozize's return
5 to power?

6 A. [15:39:18] In the beginning Yekatom was against that and (Redacted). And when
7 he started meeting Ngaïssona, he changed his position as of the reconciliation
8 meeting that was held at the bridge. It was as of that time that he changed position.

9 Q. [15:40:01] Just so that we are clear for the purposes of the record, when you say
10 "as of the reconciliation meeting held at the bridge", you're talking about the Pissmiss
11 meeting, right, because Pissmiss is near a bridge?

12 A. [15:40:25] Yes.

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 Q. [15:41:23] During your interviews with the investigators of the OTP when you
19 spoke about (Redacted) you said that the purpose of the meeting
20 was (Redacted) am I
21 right?

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 Q. [15:42:20] So from your testimony, am I to understand that (Redacted)

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1 (Redacted)

2 (Redacted) there was absolutely no discussion (Redacted)

3 (Redacted)?

4 A. [15:42:53] No.

5 (Redacted)

6 (Redacted)

7 A. [15:43:16] (Redacted) not the purpose of the meeting.

8 Q. [15:43:28] I'm going to quote you the text and then we'll look at the question.

9 During your meetings with the OTP investigators -- (Redacted)

10 (Redacted) -- when you were speaking about (Redacted) you said, and I'm quoting

11 you, (Redacted)

12 What was the purpose?

13 The purpose of the meeting was to (Redacted)

14 A. [15:44:26] The purpose of the meeting (Redacted)

15 (Redacted)

16 (Redacted)

17 Q. [15:45:18] I'm going to read what you said and then put a question to

18 you -- (Redacted) -- and I quote: "At the meeting,

19 (Redacted)

20 (Redacted)

21 Now, the OTP investigator asked you what the purpose was and you respond:

22 "The objective of the meeting was (Redacted).

23 What was the conclusion, the outcome?"

24 And you answered:

25 "The outcome was (Redacted)

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1 (Redacted)

2 (Redacted) So, why -- when the Prosecutor asked you

3 what was the objective of the meeting, why did you answer the objective of the

4 meeting was to (Redacted)?

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 Q. [15:48:12] And was -- to be clear, was Captain Ngrémangou the chief of the

12 coalition?

13 A. [15:48:21] Yes.

14 Q. [15:48:29] And we agree that on 10 January 2014, President Djotodia stepped

15 down in Chad, in the presence of Prime Minister Tiangaye who, for out of respect for

16 his country, himself stood down upon his return to the Central African Republic?

17 A. [15:49:01] Yes.

18 Q. [15:49:01] And is it correct that Léopold-Narcisse Bara was present in

19 N'Djamena, in Chad?

20 A. [15:49:10] Yes, he was in N'Djamena.

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 Q. [15:50:30] You haven't answered my question; and, in fact, you're adding a piece
5 of information. Now, when you say, "he called them," (Redacted)

6 (Redacted)

7 (Redacted)

8 Q. [15:50:47] And how do you know that, or is this something that you have
9 deduced, (Redacted)?

10 (Redacted)

11 (Redacted)

12 Q. [15:51:17] So how do you know that (Redacted)
13 (Redacted)?

14 A. [15:51:31] There's nobody but him that could call (Redacted)

15 (Redacted)

16 PRESIDING JUDGE SCHMITT: [15:51:43] So, Ms Dimitri, deduction. He was
17 deducing.

18 MS DIMITRI: [15:51:50] Thank you, Mr President.

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 Q. [15:53:00] (Redacted) Léopold Bara was

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1 talking on a video about negotiations and not about a return to the constitutional
2 order. You said he was against a return to the constitutional order, he -- and that he
3 wanted to negotiate it and that he did not want war. (Redacted)
4 (Redacted)
5 (Redacted)
6 (Redacted)
7 (Redacted)
8 (Redacted)
9 (Redacted)
10 (Redacted)
11 (Redacted)
12 (Redacted)
13 (Redacted)
14 (Redacted)
15 (Redacted)
16 (Redacted)
17 (Redacted)
18 (Redacted)
19 (Redacted)
20 (Redacted)
21 (Redacted)
22 (Redacted)
23 Q. [15:55:18] (Redacted)
24 (Redacted)
25 (Redacted) on a video you heard Léopold-Narcisse Bara express

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1 his disagreement, indeed his opposition to a return to the constitutional order. You
2 heard him express the importance of dialogue and negotiation. (Redacted)
3 (Redacted) that Léopold Bara was talking about negotiation. (Redacted)
4 (Redacted) he was not talking about a return to the constitutional order. (Redacted)
5 (Redacted)
6 (Redacted)
7 (Redacted)
8 (Redacted)
9 (Redacted)
10 (Redacted)
11 (Redacted)
12 (Redacted)
13 (Redacted)
14 MS DIMITRI: [15:57:59] Mr President, I'm changing sub-subjects. I'm still on the
15 same subject but I'm changing sub-subject and I'm looking at the time and maybe it's
16 a good time to stop.
17 PRESIDING JUDGE SCHMITT: [15:58:13] Well, okay. Then we do that.
18 Thank you very much.
19 Thank you very much, Mr Witness. This concludes the hearing for today and we
20 continue tomorrow at 9:30.
21 THE COURT USHER: [15:58:28] All rise.
22 (The hearing ends in private session at 3.58 p.m.)