

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 Friday, 24 February 2023

9 (The hearing starts in open session at 9.31 a.m.)

10 THE COURT USHER: [9:31:03] All rise. The International Criminal Court is now
11 in session. Please be seated.

12 PRESIDING JUDGE SCHMITT: [9:31:26] Good morning, everyone. Court officer,
13 please call the case.

14 THE COURT OFFICER: [9:31:34] 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: [9:31:50] Thank you. I ask for the appearances of
19 the parties. Mr Vanderpuye, first.

20 MR VANDERPUYE: [9:31:55] Good morning, Mr President, your Honours. Good
21 morning, everyone. Good morning, Mr Witness. The Prosecution is in the same
22 composition as yesterday.

23 PRESIDING JUDGE SCHMITT: [9:32:03] Thank you. The representatives of the
24 victims next.

25 MR DANGABO MOUSSA: [9:32:09](Interpretation) Good morning, your Honours.

Trial Hearing
WITNESS: CAR-OTP-P-0487

(Open Session)

ICC-01/14-01/18

- 1 Good morning, the bench. Good morning, everybody. Good morning, Witness.
- 2 The composition of the legal representatives of the other crimes is unchanged, it is
- 3 Mrs Mouhia Asso, Gabriella dos Santos and Maître Dangabo Moussa. Thank you.
- 4 PRESIDING JUDGE SCHMITT: [9:32:33] Mr Suprun.
- 5 MR SUPRUN: [9:32:35] Good morning, Mr President. Good morning,
- 6 your Honours. The former child soldiers are represented by myself, Dmytro Suprun.
- 7 Thank you.
- 8 PRESIDING JUDGE SCHMITT: [9:32:45] Ms Dimitri.
- 9 MS DIMITRI: [9:32:48] Good morning, Mr President. You can't tell?
- 10 PRESIDING JUDGE SCHMITT: [9:32:50] A different -- yes, I can't tell, I have to say,
- 11 yes.
- 12 MS DIMITRI: [9:32:53] It's the same composition save for Mr Suzuki.
- 13 PRESIDING JUDGE SCHMITT: [9:32:56] Oh, yes.
- 14 Mr Knoops.
- 15 MR KNOOPS: [9:32:58] A very good morning, Mr President, your Honours,
- 16 everyone in the courtroom, good morning.
- 17 We are in the same composition as yesterday. And I have to emphasise, Mr
- 18 President that Mr Ngaïssona is in the courtroom, and I apologise for the fact that I
- 19 neglected to mention him as being the most important person of our team too, in the
- 20 courtroom.
- 21 PRESIDING JUDGE SCHMITT: [9:33:13] Indeed, yes, thank you very much,
- 22 Mr Knoops.
- 23 MR KNOOPS: [9:33:16] You're welcome.
- 24 PRESIDING JUDGE SCHMITT: [9:33:17] And we also welcome Rule 74 counsel.
- 25 Ms Terzieva, good morning.

Trial Hearing
WITNESS: CAR-OTP-P-0487

(Private Session)

ICC-01/14-01/18

1 MS TERZIEVA: [9:33:23] Good morning, your Honours, I'm duty counsel for
2 witness P-0487 for today. Ms Bwiza will resume as duty counsel for the witness on
3 Monday. Thank you very much.

4 PRESIDING JUDGE SCHMITT: [9:33:35] Thank you very much. That was also
5 something that I would have conveyed, so she feels better but she needs a little bit of
6 rest and will resume on Monday.

7 And good morning, Mr Witness. Are you feeling well today?

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

10 THE WITNESS: [9:33:58](Interpretation) Yes, I am feeling well.

11 PRESIDING JUDGE SCHMITT: [9:34:00] Fine, we are happy to hear that. We will
12 continue with the cross-examination by Ms Guissé I assume, and we are at the
13 moment in open session.

14 MS GUISSÉ: [9:34:12](Interpretation) Good morning, your Honour. Unfortunately,
15 I think we will need to move to private session.

16 PRESIDING JUDGE SCHMITT: [9:34:19] I thought so too; so we go to private
17 session.
18 (Private session at 9.34 a.m.)

19 THE COURT OFFICER: [9:34:38] We are in private session, Mr President.

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

21 Q. [9:34:57] Good morning, Witness.

22 A. [9:34:59] Thank you.

23 Q. [9:35:01] I'm going to continue with my interrogation -- my cross-examination,
24 and I am going to ask you to stop briefly between my question and your answer, and
25 please pay attention to how the questions are worded so that you can reply so -- in

Trial Hearing
WITNESS: CAR-OTP-P-0487

(Private Session)

ICC-01/14-01/18

1 (Redacted)
2 We have a document, Mr Witness, where (Redacted)
3 (Redacted)
4 (Redacted)
5 (Redacted)
6 (Redacted)
7 (Redacted)
8 would you like to comment on this statement said by him?
9 A. [9:36:08] This -- the statement is untrue.
10 Q. [9:36:17] Now with the help of my colleague, I would like to play a video which
11 (Redacted)
12 (Redacted)
13 (Redacted)
14 (Redacted)
15 (Redacted)
16 (Viewing of the video excerpt)
17 THE INTERPRETER: [9:37:39] I have no relay from the Sango booth. Your Honour,
18 there was no French relay from the Sango booth.
19 PRESIDING JUDGE SCHMITT: [9:37:57] Obviously there was no French relay from
20 the Sango booth, we have to play it again. It was a small piece, it doesn't matter.
21 No problem. So we play it please again, and hope that there will be a full translation
22 now.
23 (Viewing of the video excerpt)
24 THE INTERPRETER: [9:38:15] (Interpretation of the video excerpt)
25 (Redacted)

Trial Hearing
WITNESS: CAR-OTP-P-0487

(Private Session)

ICC-01/14-01/18

- 1 (Redacted)
- 2 (Redacted)
- 3 (Redacted)
- 4 (Redacted)
- 5 (Redacted)
- 6 (Redacted)
- 7 (Redacted)
- 8 (Redacted)
- 9 (Redacted)
- 10 (Redacted)
- 11 (Redacted)
- 12 PRESIDING JUDGE SCHMITT: [9:39:28] Perhaps it escaped my attention. When
- 13 was this footage taken?
- 14 MS GUISSÉ: [9:39:40](Interpretation) It's -- your Honour, this was filmed by the
- 15 team of journalists around 13 December and it's P-1819. So between 13 and 17
- 16 December.
- 17 PRESIDING JUDGE SCHMITT: [9:40:01] Thank you. I was not aware of it at the
- 18 moment.
- 19 Yes, please continue.
- 20 (Redacted)
- 21 (Redacted)
- 22 (Redacted) Do you have a comment to make on this?
- 23 (Redacted)
- 24 (Redacted) They are actually referring to Captain Ngrémangou. (Redacted)
- 25 (Redacted)

Trial Hearing
WITNESS: CAR-OTP-P-0487

(Private Session)

ICC-01/14-01/18

1 Q. [9:40:58] Now, with the help of my colleague, I would like the video clip to be
2 played on tab 136 of the Defence binder, CAR-OTP-2065-4605 and the transcription is
3 in tab 137, CAR-D29-0006-1321.

4 (Viewing of the video excerpt)

5 THE INTERPRETER: [9:41:59] (Interpretation of the video excerpt)

6 "You are higher ups, that we've come from the bushes, and currently I don't think you
7 do not want us to leave to the bushes. If there is a place, we have to go to this place
8 in order to fight!

9 Max, Max, you're a soldier, don't take into account what the civilians are saying,
10 we've got a resource problem, we have no ammunition and you really do not have to
11 take into account what the civilians say. We are soldiers, like technicians, we are like
12 their father; do not give into rumours.

13 You have to look at what's happening on the ground.

14 Look at what's happening on the ground. Look at what's (indiscernible)...

15 We are soldiers and if we go without ammunition, what are we going to do? We are
16 going to retreat to have some equipment and we'll see what to do. And it's not to
17 stay there. Perhaps we can go somewhere. How did we come here?

18 Look at what's going on in the field!

19 Look at what's going on in the field, and this is why we want to go in this direction.

20 We are not going to PROJET. We are going in this direction; even though we go to
21 BIRAO, we know it. You are a soldier! You have to tell them. Do they know
22 what they are doing?

23 And you have to stop making noise!

24 If you do not have any ammunition, we are going to leave them in the field and we go
25 back and retreat?

Trial Hearing
WITNESS: CAR-OTP-P-0487

(Private Session)

ICC-01/14-01/18

- 1 So we're actually retreating to save your lives.
- 2 If people do not want to go into the bushes, it's for them to stand.
- 3 We will never go back to PROJET. There are several voices behind, and the only
- 4 place where we can retreat is M'POKO, and it's from there that we can really
- 5 implement our strategy.
- 6 You do not know what you're saying. Someone could actually speak over the
- 7 telephone. He called me and I'm going to meet him. So we're going to meet him,
- 8 so put yourself into groups, into columns.
- 9 Lieutenant, let them go in this direction.
- 10 Go on."
- 11 MS GUISSÉ: [9:44:35](Interpretation)
- 12 (Redacted)
- 13 (Redacted) Does this video confirm that the reason for the retreat is the shortage of
- 14 weapons and ammunition?
- 15 A. [9:45:00] The day Yamwara was attacked most of the soldiers were in
- 16 (indiscernible) and there was a minority that remained. (Redacted)
- 17 (Redacted)
- 18 (Redacted)
- 19 Q. [9:45:46] I would like to now move to another theme.
- 20 PRESIDING JUDGE SCHMITT: [9:45:53] Mr Vanderpuye.
- 21 MR VANDERPUYE: [9:45:54] I'm sorry to interrupt. There was just one part of the
- 22 answer that reads in the transcript at page 7, line 20 as "indiscernible" and I wonder if,
- 23 maybe, we could tackle that because I couldn't understand it in French and I didn't
- 24 see it in the English transcript as well.
- 25 PRESIDING JUDGE SCHMITT: [9:46:10] Well, I don't know what's missing.

Trial Hearing
WITNESS: CAR-OTP-P-0487

(Private Session)

ICC-01/14-01/18

1 THE INTERPRETER: [9:46:12] Your Honour, I think it's "most of the elements were
2 ousted."

3 PRESIDING JUDGE SCHMITT: [9:46:17] We have it. There we have it, "most of the
4 elements were ousted."

5 Ms Guissé.

6 MS GUISSÉ: [9:46:26](Interpretation)

7 Q. [9:46:29] So I was saying that I'm going to move on to another theme, which is
8 the departure from Yamwara.

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

Trial Hearing
WITNESS: CAR-OTP-P-0487

(Private Session)

ICC-01/14-01/18

1 A. [9:49:02] I did not attend the meeting on the move to -- from Yamwara with

2 Yekatom. (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 A. [9:51:44] (Redacted) He provides food, he

23 manages the elements, (Redacted) The -- the Anti-Balaka

24 were actually in touch with Ngrémangou, (Redacted) They were constantly in touch

25 with Ngrémangou.

Trial Hearing
WITNESS: CAR-OTP-P-0487

(Private Session)

ICC-01/14-01/18

1 (Redacted)
2 (Redacted)
3 (Redacted)
4 (Redacted)
5 (Redacted)
6 (Redacted)
7 (Redacted)
8 (Redacted)
9 (Redacted)
10 (Redacted)
11 (Redacted)
12 (Redacted)
13 (Redacted)
14 A. [9:53:44] Now the Yamwara period, I did mention a name here. (Redacted)
15 (Redacted) When Yekatom was still in Yamwara, he showed him where
16 the weapons were. The Seleka actually pushed them back, they fled and they went
17 with Yekatom and got the weapons back (Redacted)
18 (Redacted)
19 (Redacted)
20 (Redacted)
21 (Redacted)
22 (Redacted)
23 (Redacted)
24 (Redacted)
25 (Redacted) that was the time where Mr Yekatom took

Trial Hearing
WITNESS: CAR-OTP-P-0487

(Private Session)

ICC-01/14-01/18

1 the position at PK9. Am I right in saying that?

2 A. [9:55:36] You are talking about Pissmiss?

3 Q. [9:55:40] Yes.

4 A. [9:55:44] I don't know. When he set up base in Pissmiss, I don't know.

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 So my question remains, at what point of time exactly (Redacted)

11 (Redacted)

12 A. [9:57:02] I've already answered this question. (Redacted)

13 (Redacted) But I'm

14 forgetting the dates (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 Q. [9:58:11] Now I'm going to move on to another subject, (Redacted) and I

21 would like to talk about the contacts that you had at that point of time with (Redacted)

22 (Redacted)

23 Now during your interview with the investigators, you said that you were in touch

24 with (Redacted) two-to-three times a month. Now, do you confirm that this

25 was the frequency at which you were in touch with him?

Trial Hearing
WITNESS: CAR-OTP-P-0487

(Private Session)

ICC-01/14-01/18

1 A. [9:58:51] Yes.

2 Q. [9:58:54] At which period were you in contact with him (Redacted)

3 (Redacted)

4 (Redacted)

5 A. [9:59:20] I cannot remember that, I'm sorry.

6 Q. [9:59:31] I'm going to try and jog your memory. (Redacted)

7 (Redacted)

8 (Redacted) so you were communicating with (Redacted) much more

9 than two-to-three times a month that you stated to the investigators. Now, does this

10 jog your memory on the real frequency of the calls?

11 THE INTERPRETER: [10:00:33] I'm sorry, the witness was not clear when he says,

12 "*Je ne me ressaisis pas ...*"

13 Could you ask him to repeat that or reformulate this, please.

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 MS GUISSÉ: [10:01:41](Interpretation)

23 Q. [10:01:46] Now, this telephone conversation contact that I just referred to -- you

24 to, we find that by looking at your telephone activity with (Redacted) this

25 is the core sequence table that we find at tab 69 in the Defence binder, (Redacted)

Trial Hearing
WITNESS: CAR-OTP-P-0487

(Private Session)

ICC-01/14-01/18

1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 So Mr Witness, the reason why there are so many calls is because (Redacted)

10 (Redacted) Would I be right in

11 saying so, hence this telephone activity? (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 Q. [10:05:20] Now I've understood, Mr Witness, that (Redacted)

23 (Redacted) but I'd like to return to

24 the number of calls that you made at the time. What I put to you is that the reason

25 why you had -- you played down the number of telephone calls you had with him

Trial Hearing
WITNESS: CAR-OTP-P-0487

(Private Session)

ICC-01/14-01/18

1 going to the material time, is because basically (Redacted)

2 (Redacted) that you knew that there wasn't any rational

3 explanation other than (Redacted) to

4 explain, therefore, the huge volume of calls that you had (Redacted)

5 Would you like to respond to that, Mr Witness?

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 PRESIDING JUDGE SCHMITT: [10:06:49] Well, I know you have to put that -- these
10 call data records and that's perfectly fine, but I would like to revert to something that I

11 said I think yesterday or even the day before yesterday: Think about simply, as I

12 said, putting it on the record, documents -- call data records and yeah, and that's it.

13 MS GUISSÉ: [10:07:20](Interpretation) I will follow your recommendation,

14 your Honour.

15 Q. [10:07:35] What I put to you, Mr Witness, is that despite your denials -- your

16 persistent denials, and you have just made another one, it was -- this was the reason

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted) Have you anything to say to that?

25 A. [10:08:49] You put this question to me yesterday, I believe, and I said that my

Trial Hearing
WITNESS: CAR-OTP-P-0487

(Private Session)

ICC-01/14-01/18

1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 And I said clearly that there was Ngrémangou who was in liaison with the authorities.

8 Ngrémangou, he was responsible for food and a number of other things. (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 PRESIDING JUDGE SCHMITT: [10:10:21] My naive attempt was that you

14 perhaps -- for example, take the last example: "Tell us, okay, there was this video

15 where (Redacted) said this" and move to the next thing. Because we have

16 really -- I think we have the answer of the witness, and whatever you put to the

17 witness, the witness will maintain that (Redacted)

18 (Redacted) I

19 don't want to stop you, but you are also, you receive the same answer all over again.

20 MS GUISSÉ: [10:11:10](Interpretation) I hear what you say, your Honour. But as

21 the questions have gone, we have seen a change in the witness's answers who said

22 (Redacted)

23 (Redacted) So by putting to him a number of

24 additional information, his position changes and this is my duty to do this. I tried to

25 do it at a minimum, but I think it is my duty to prompt a reaction whenever I offer

Trial Hearing
WITNESS: CAR-OTP-P-0487

(Private Session)

ICC-01/14-01/18

1 him something new.

2 So I understand the need to make progress, me, myself, I mean, rest assured, I also
3 need to make progress, but with each new element, it is my duty to give him an
4 opportunity to react, even though he may produce the same answer. But I don't
5 know. But I will endeavour to go more directly when I can.

6 PRESIDING JUDGE SCHMITT: [10:12:08] I give up. Please continue.

7 MS GUISSÉ: [10:12:17](Interpretation)

8 Q. [10:12:19] Mr Witness, I suggest to you that you also had contacts with
9 (Redacted) would that be right?

10 (Redacted)

11 (Redacted) but I didn't call him (Redacted)

12 (Redacted) gave me his number.

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted) There are 148 contacts between you two.

21 Does that jog your memory? Because during your investigator interview, you said
22 that you couldn't recall having been in touch with him. So does this jog your
23 memory, Mr Witness? And what are you talking about exactly?

24 A. [10:14:45] Well, that man doesn't speak -- doesn't sleep at (Redacted)

25 (Redacted)

Trial Hearing
WITNESS: CAR-OTP-P-0487

(Private Session)

ICC-01/14-01/18

1 Q. [10:15:23] Yes, but I'm not talking about where (Redacted) sleeps. I'm talking
2 about contact that you had with him between (Redacted)
3 and I'm asking you what you spoke about together throughout those 148 telephone
4 contacts?

5 A. [10:15:46] I can't remember. I've got memory problems. This is five or
6 seven -- up to five, seven years ago. How can I possibly remember?

7 Q. [10:16:07] Did you get any money for (Redacted)
8 (Redacted)

9 A. [10:16:27] I told you here, how I was living. I could spend 500 francs per day.
10 500 francs. I had to buy with that money what we call coco.

11 Q. [10:16:51] Do forgive me, Mr Witness, for interrupting, but I'm not asking you
12 what you ate at Yamwara. I'm asking you whether you gave money to (Redacted)
13 All you had to do was to say no and we could go more swiftly. (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 Do you confirm that?

21 A. [10:17:59] No. That's untrue. Those are just lies. (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

Trial Hearing
WITNESS: CAR-OTP-P-0487

(Private Session)

ICC-01/14-01/18

1 PRESIDING JUDGE SCHMITT: [10:18:47] Mr Vanderpuye.

2 MR VANDERPUYE: [10:18:48] I'm just wondering if we can have a clarification
3 because we have a reference -- one to (Redacted) and a reference to (Redacted)
4 I am not clear on which -- to whom the defendant is referring -- the witness is
5 referring to.

6 PRESIDING JUDGE SCHMITT: [10:19:03] That is a good observation. Yes, could
7 we clarify this, please.

8 MS GUISSÉ: [10:19:10](Interpretation)

9 Q. [10:19:11] You used two names. Could you remind us the name of the
10 (Redacted)

11 (Redacted)

12 A. [10:19:28] (Redacted) it was (Redacted)

13 (Redacted)

14 A. [10:19:47] I don't know his name in full, I know him by the name (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 Now you can react very briefly, but I would like a reaction from you, Mr Witness.

21 A. [10:20:40] I never worked with (Redacted)

22 Q. [10:20:50] (Redacted) Is

23 that what we should surmise from your oral evidence, Witness?

24 A. [10:21:04] I had no disagreement with (Redacted) not at all.

25 (Redacted)

Trial Hearing
WITNESS: CAR-OTP-P-0487

(Private Session)

ICC-01/14-01/18

1 you talked about a strategic position that you held. So when you held that strategic

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 Q. [10:22:02] I say this, Mr Witness, because there is a Prosecution witness, and I

6 say this to the parties and the Chamber, I'm referring to (Redacted)

7 (Redacted) and here, we read:

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 So you maintain despite that, do you? Your initial answer, Mr Witness?

12 A. [10:22:59] These are ill-placed comments. (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)

Trial Hearing
WITNESS: CAR-OTP-P-0487

(Private Session)

ICC-01/14-01/18

1 PRESIDING JUDGE SCHMITT: [10:24:46] Mr Vanderpuye.

2 MR VANDERPUYE: [10:24:48] Yes, Mr President, it's not for him to explain
3 somebody else's testimony. At the end of the day, he can confirm or deny, but it's
4 not for him to explain anything.

5 PRESIDING JUDGE SCHMITT: [10:24:58] Well, you can, but you can put like you
6 always do, you can put this to the witness and we receive the expected answer,
7 but -- excuse me -- yeah, put it to the witness. But Mr Vanderpuye has a point. He
8 has not to explain why a witness said that.

9 You can ask him, "This witness said that. Hearing that, what is your comment?"
10 You did that before in this manner, I think that's okay.

11 MS GUISSÉ: [10:25:26](Interpretation)

12 Q. [10:25:28] So Mr Witness, have you any comment to provide?

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 Q. [10:26:03] I move now to another topic, Mr Witness.

18 When Mr Yekatom arrived at PK9 at that point, if I followed your evidence, (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

Trial Hearing
WITNESS: CAR-OTP-P-0487

(Private Session)

ICC-01/14-01/18

1

2

3

4

5

6

7

8

9

10

11

12 Page redacted

13

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: CAR-OTP-P-0487

(Private Session)

ICC-01/14-01/18

1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 A. [10:31:21] (Redacted) The PK9

8 was not doing that well. That was a position -- it was deep and heavy politics. The

9 context was rather charged with politics. There was so many things that happened

10 at PK9.

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 Q. [10:33:48] Now all this is very difficult to reconcile with what you said. You

Trial Hearing
WITNESS: CAR-OTP-P-0487

(Private Session)

ICC-01/14-01/18

1 (Redacted)

2 (Redacted)

3 (Redacted)

4 Now, I would like you to confirm that the person who is on the left of the screen -- my

5 colleague is pointing to him with the cursor -- he's working in -- he's wearing

6 a military attire and does not wear a hat. He is (Redacted)

7 (Redacted)

8 A. [10:34:47] Yes, that is him.

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted) I'm suggesting that there were not only face-to-face

18 meetings, but also telephone meetings between Yekatom and the gendarmerie of PK9.

19 Now, were you aware of these phone contacts and can you confirm this?

20 A. [10:36:20] Yes, he had given his contact to the director of the gendarmerie.

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 I suggest that Mr Yekatom actually did not only give his phone number, but there

Trial Hearing
WITNESS: CAR-OTP-P-0487

(Private Session)

ICC-01/14-01/18

1 were frequent phone calls and this confirms that there was a collaboration between
2 Mr Yekatom and the authorities as indicated in the video we just saw of the director
3 of the gendarmerie.

4 Do you have any comments to make on this subject?

5 A. [10:37:39] This could have been in the period when he hadn't broken the
6 gendarmerie apart, when he hadn't dismantled the gendarmerie.

7 Q. [10:37:50] Yes, I do confirm the incident that you are talking about when -- the
8 incident took place in June and, here, we have telephone calls that start well before.

9 And I'm also putting it to you that there were telephone conversations between 27th
10 of April and 17th of July, even well after the incident that took place with the
11 gendarmerie.

12 Now this is said for the records, it's the CFD that I just showed, and the source is the
13 call data records provided by the Prosecutor, CAR-OTP-2054-1481 and 1482 and 1483.

14 I would now, Mr Witness, like to move on to another subject. (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

Trial Hearing
WITNESS: CAR-OTP-P-0487

(Private Session)

ICC-01/14-01/18

1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 Q. [10:41:06] My Witness, my question was different. I did not ask you if you had
7 occupied this position. I'm asking you if you tried to get this position?

8 A. [10:41:22] No.

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 Now do you still challenge this witness's statement?

14 A. [10:42:04] Now, this is really not right. It's false. It's a witness who's trying to
15 basically blame the dog of rabies and shoot him. This is absolutely a lie.

16 Q. [10:42:22] Now, there's another witness who said before the Chamber (Redacted)
17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 Now do you again challenge this?

22 A. [10:42:57] That's not true.

23 (Redacted)

24 (Redacted)

25 (Redacted)

Trial Hearing
WITNESS: CAR-OTP-P-0487

(Private Session)

ICC-01/14-01/18

1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 Now are you aware of such a demand being made (Redacted)

12 A. [10:45:07] It's only now I'm seeing this and I don't know who prepared this.

13 Q. [10:45:15] The document can be removed from the screen. Thank you.

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

Trial Hearing
WITNESS: CAR-OTP-P-0487

(Private Session)

ICC-01/14-01/18

- 1 (Redacted)
- 2 (Redacted)
- 3 (Redacted)
- 4 (Redacted)
- 5 (Redacted)
- 6 (Redacted)
- 7 (Redacted)
- 8 (Redacted)
- 9 (Redacted)
- 10 A. [10:48:17] I said that it's only now I'm seeing this -- seeing this list.
- 11 Q. [10:48:31] Thank you so much, court officer, we can now remove the document.
- 12 Now we agree that (Redacted) was never part of Mr Yekatom's group?
- 13 A. [10:48:44] No.
- 14 (Redacted)
- 15 (Redacted)
- 16 (Redacted)
- 17 (Redacted)
- 18 (Redacted)
- 19 (Redacted)
- 20 (Redacted)
- 21 (Redacted)
- 22 (Redacted)
- 23 (Redacted)
- 24 (Redacted)
- 25 (Redacted)

Trial Hearing
WITNESS: CAR-OTP-P-0487

(Private Session)

ICC-01/14-01/18

1

2

3

4

5

6

7

8

9

10

11

12 Page redacted

13

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: CAR-OTP-P-0487

(Private Session)

ICC-01/14-01/18

1 (Redacted)

2 (Redacted)

3 A. [10:53:16] It was (Redacted) who took this document, he held this document in his
4 hands and he left with it.

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 A. [10:53:46] (No audible answer)

9 Q. [10:54:09] So I conclude that there is no reaction; that you don't wish to react, so
10 I'm going to move on to my next question.

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

Trial Hearing
WITNESS: CAR-OTP-P-0487

(Private Session)

ICC-01/14-01/18

1

2

3

4

5

6

7

8

9

10

11

12 Page redacted

13

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: CAR-OTP-P-0487

(Private Session)

ICC-01/14-01/18

- 1 (Redacted)
- 2 (Redacted)
- 3 (Redacted)
- 4 (Redacted)
- 5 (Redacted)
- 6 (Redacted)
- 7 (Redacted)
- 8 (Redacted)
- 9 (Redacted)
- 10 (Redacted)
- 11 PRESIDING JUDGE SCHMITT: [11:00:16] Mr Witness, did you speak with (Redacted)
- 12 (Redacted)
- 13 THE WITNESS: [11:00:23](Interpretation) I don't know (Redacted). It's only
- 14 now that I'm seeing this document. I don't know (Redacted)
- 15 PRESIDING JUDGE SCHMITT: [11:00:31] So you say (Redacted) has invented the
- 16 whole thing, also (Redacted) Is that what you are saying?
- 17 THE WITNESS: [11:00:41](Interpretation) Well, they made comments in my name,
- 18 but I didn't know this, and this is the first time that I'm seeing this document, but my
- 19 experience differs. (Redacted)
- 20 (Redacted)
- 21 (Redacted)
- 22 (Redacted)
- 23 (Redacted)
- 24 (Redacted)
- 25 (Redacted)

Trial Hearing
WITNESS: CAR-OTP-P-0487

(Private Session)

ICC-01/14-01/18

1 (Redacted)
2 (Redacted)
3 (Redacted)
4 (Redacted)
5 (Redacted)
6 PRESIDING JUDGE SCHMITT: [11:01:57] Okay, let's have the break until 11.30.
7 Mr Vanderpuye, yes, of course.
8 MR VANDERPUYE: [11:02:02] Yes, Mr President, just with respect to the document
9 that was just used, there seems to be some text missing from the second page, and
10 maybe I'll discuss with counsel about (Overlapping microphones)
11 PRESIDING JUDGE SCHMITT: [11:02:17] Yes, I'm fine with that, yes, and if
12 anything transpires, we can discuss it in the court here, yes.
13 THE COURT USHER: [11:02:25] All rise.
14 (Recess taken at 11.02 a.m.)
15 (Upon resuming in private session at 11.31 a.m.)
16 THE COURT USHER: [11:31:52] All rise. Please be seated.
17 PRESIDING JUDGE SCHMITT: [11:32:16] We are still in private session.
18 Mr Vanderpuye, Ms Guissé, could you solve the riddle of whatsoever it was? Yes,
19 okay. Good.
20 Ms Guissé, please continue.
21 MS GUISSÉ: [11:32:33](Interpretation) Your Honour, now, the discussion on the
22 document, I need to revert back to the document, because Mr Vanderpuye saw that
23 our document - that also features in another format in his binder - was incomplete.
24 So I'm going to be returning to that document by referring to the document that we
25 (Redacted)

Trial Hearing
WITNESS: CAR-OTP-P-0487

(Private Session)

ICC-01/14-01/18

1 And could we have that on our screens, please, and it's (Redacted) which is of interest
2 to me.

3 Q. [11:34:02] Right, Mr Witness, I'd like to return to (Redacted) and I'd like to read
4 another section that was actually lacking in the excerpt that I read out to you before
5 the break; so I will be reading it out in English now.

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 Do you have anything to say to that, sir?

19 A. [11:35:45] That's not true. The only reason is the one I gave you. (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

Trial Hearing
WITNESS: CAR-OTP-P-0487

(Private Session)

ICC-01/14-01/18

1 Q. [11:36:36] Let me now move on to a different topic, Mr Witness. Do you
2 confirm that in 2014, there was a campaign for the DDR process?

3 A. [11:36:56] I don't remember. Time -- a lot of time has gone by since.

4 Q. [11:37:08] You don't remember that there was a campaign, a DDR campaign in
5 your country to disarm the armed groups?

6 A. [11:37:23] Yes, I heard talk of that.

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 Q. [11:38:56] Forgive me for interrupting you again, Mr Witness, but I'd like you to
15 listen very attentively to my question.

16 A. [11:39:04] Yes.

17 Q. [11:39:06] I talked about lists, not handing back weapons. My question was to
18 know whether (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 Q. [11:39:42] But there is a witness, (Redacted) who states that (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

Trial Hearing
WITNESS: CAR-OTP-P-0487

(Private Session)

ICC-01/14-01/18

1 Does that jog your memory, Mr Witness?

2 A. [11:40:15] That's not true. It's not true.

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

Trial Hearing
WITNESS: CAR-OTP-P-0487

(Private Session)

ICC-01/14-01/18

1 (Redacted)

2 (Redacted)

3 A. [11:44:13] It's now that I see this document, the disarmament and the weapons
4 were laid at the ministry doors, most of them handed over their weapons directly at
5 the ministry of defence.

6 Q. [11:44:31] I can hear what you're saying. I am just seeking confirmation from
7 you, that you were never at (Redacted)

8 (Redacted)

9 A. [11:44:45] No.

10 Q. [11:44:45] No, you never were there?

11 A. [11:44:50] No.

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 Q. [11:45:48] So in that case, would it be right to say that under the DDR, lists were
22 also drawn up for civilians who were part of the Anti-Balaka groups?

23 A. [11:46:16] (Redacted) his name was retained (Redacted)
24 because he wanted to join the Central African Armed Forces, but not for
25 a disarmament problem because he didn't hold any weapons.

Trial Hearing
WITNESS: CAR-OTP-P-0487

(Private Session)

ICC-01/14-01/18

1 Q. [11:46:42] Would I be right in saying that (Redacted)

2 many civilians tried --

3 PRESIDING JUDGE SCHMITT: [11:47:00] Mr Vanderpuye?

4 MR VANDERPUYE: [11:47:01] Yes, I think the question calls for speculation. First
5 of all, I don't know what she means by "many", and I don't know who she is referring
6 to by "*beaucoup de civils*".

7 PRESIDING JUDGE SCHMITT: [11:47:17] Well, can we skip the "many" and be
8 more specific, and specifically with regard of course to a potential knowledge of the
9 witness, yes?

10 MS GUISSÉ: [11:47:29](Interpretation)

11 Q. [11:47:33] Mr Witness, did you have knowledge of other civilians, other persons
12 (Redacted) were included on lists under the DDR because they either wanted
13 to join the army or to follow training courses? Did you ever have the opportunity to
14 know that other individuals, (Redacted) were also included in such
15 lists at that time?

16 A. [11:48:11] Yes. There were several people whose name was retained to be
17 incorporated.

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

Trial Hearing
WITNESS: CAR-OTP-P-0487

(Private Session)

ICC-01/14-01/18

1

2

3

4

5

6

7

8

9

10

11

12 Page redacted

13

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: CAR-OTP-P-0487

(Private Session)

ICC-01/14-01/18

1

2

3

4

5

6

7

8

9

10

11

12 Page redacted

13

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: CAR-OTP-P-0487

(Private Session)

ICC-01/14-01/18

1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 My first question to you, Mr Witness, does this jog your memory based on what you
12 said at the time to the OTP investigators; namely, that you'd started taking these notes
13 (Redacted) and then as time went by, you continued to write in that notebook. Do
14 you confirm having said that to the OTP investigators?

15 A. [11:56:57] Yes.

16 Q. [11:57:04] And Mr Witness, it was only at your second interview that you
17 started to express the need to deny the truth of what was recorded in that document,
18 pretty much similar to what you did in our hearings. But what I'm putting to you
19 now, Mr Witness, is what you said at the time in 2016 when you were first questioned,
20 that's the truth.

21 In other words, you wrote things indeed as time went by like a diary and because
22 these are personal notes, your explanation to say that it was out of overweening pride
23 that you wrote these notes, that doesn't hold water and that you changed version after
24 2018 -- or from 2018 because you said to yourself, (Redacted)
25 (Redacted)

Trial Hearing
WITNESS: CAR-OTP-P-0487

(Private Session)

ICC-01/14-01/18

1 Do you have any comment to make on that, Mr Witness, obviously with my
2 suggestion in mind?

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 Q. [11:58:53] And I suggest also to you, Mr Witness, that you told the truth, that on
10 page 0147 of that same document, you state (Redacted)

11 (Redacted) and I suggest to you in -- additionally, Mr Witness,

12 that you said the truth when you wrote -- and let me read what you wrote:

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 So these words, Mr Witness, it was you who wrote these words contemporaneously
17 with the events, and what I suggest to you is that this is indeed what happened. So
18 now, here is my question, Mr Witness, how do you reconcile those notes -- those
19 contemporary notes, those notes contemporary with the events on the ground with
20 your position that you have made here in the hearings?

21 A. [12:00:31] I told you that I wrote these papers out of sheer pride, but the Balaka
22 leaders are here. I'm actually before God where I'm sitting after having taken an
23 oath. The Balaka leaders are here. Ngrémangou is there. Yekatom, Ouandjio and
24 (Redacted) are responsible for their group. (Redacted)

25 (Redacted)

Trial Hearing
WITNESS: CAR-OTP-P-0487

(Private Session)

ICC-01/14-01/18

1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 Q. [12:01:44] (Redacted) I'm putting to you the same thing that was put to you
6 by the OTP investigators during your second interview in 2018; namely, for -- these
7 are personal notes and we really do not understand why you would provide wrong
8 information. When we are writing a diary -- when you have personal notes for your
9 own interest, there is no point in saying falsehoods and lies. And I put to you that
10 what you indicated in these contemporary notes, you said this in public on several
11 occasions.

12 And I'm going to come to that.

13 MS GUISSÉ: [12:02:53](Interpretation) Your Honour, can I just have a few minutes,
14 please? I have a technical problem to resolve. We have to play an audio.

15 PRESIDING JUDGE SCHMITT: [12:03:05] Of course. Whereas however several
16 minutes is --

17 MS GUISSÉ: [12:03:19](Interpretation) The problem has been resolved,
18 your Honour.

19 PRESIDING JUDGE SCHMITT: [12:03:23] So less than a minute.
20 Please continue.

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

Trial Hearing
WITNESS: CAR-OTP-P-0487

(Private Session)

ICC-01/14-01/18

1

2

3

4

5

6

7

8

9

10

11

12 Page redacted

13

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: CAR-OTP-P-0487

(Private Session)

ICC-01/14-01/18

1

2

3

4

5

6

7

8

9

10

11

12 Page redacted

13

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: CAR-OTP-P-0487

(Private Session)

ICC-01/14-01/18

- 1 (Redacted)
- 2 (Redacted)
- 3 (Redacted)
- 4 (Redacted)
- 5 (Redacted)
- 6 (Redacted)
- 7 (Redacted)
- 8 (Redacted)
- 9 (Redacted)
- 10 (Redacted)
- 11 (Redacted) Does it jog your memory
- 12 on the reasons why there were discussions between you and Mr Yekatom with (Redacted)
- 13 (Redacted) briefly?
- 14 Now is your memory coming back on these points?
- 15 A. [12:10:48] This lasted a long while -- this happened a long while ago and I can
- 16 forget.
- 17 (Redacted)
- 18 (Redacted)
- 19 (Redacted)
- 20 (Redacted)
- 21 (Redacted)
- 22 (Redacted)
- 23 (Redacted)
- 24 (Redacted)
- 25 (Redacted)

Trial Hearing
WITNESS: CAR-OTP-P-0487

(Private Session)

ICC-01/14-01/18

- 1 (Redacted)
- 2 (Redacted)
- 3 (Redacted)
- 4 (Redacted)
- 5 (Redacted)
- 6 (Redacted)
- 7 (Redacted)
- 8 (Redacted)
- 9 (Redacted)
- 10 (Redacted) So do we agree on the fact that you agree that there was some
- 11 cooperation at that point of time between Yekatom's group (Redacted) with the
- 12 Sangaris? Now does this jog your memory, given that these words came from your
- 13 very mouth?
- 14 A. [12:13:58] (Redacted)
- 15 (Redacted) It was Yekatom himself who was working with the Sangaris.
- 16 (Redacted)
- 17 (Redacted)
- 18 (Redacted)
- 19 (Redacted)
- 20 (Redacted)
- 21 (Redacted)
- 22 (Redacted)
- 23 (Redacted)
- 24 (Redacted)
- 25 (Redacted)

Trial Hearing
WITNESS: CAR-OTP-P-0487

(Private Session)

ICC-01/14-01/18

1 (Redacted)
2 (Redacted)
3 (Redacted)
4 (Redacted)
5 (Redacted)
6 (Redacted)
7 (Redacted)
8 (Redacted)
9 (Redacted)
10 (Redacted)
11 (Redacted)
12 (Redacted)
13 (Redacted)
14 (Redacted)
15 (Redacted)
16 (Redacted)
17 (Redacted)
18 (Redacted)
19 (Redacted)
20 (Redacted)
21 (Redacted)
22 (Redacted)
23 (Redacted)

24 PRESIDING JUDGE SCHMITT: [12:18:05] I give it a try.

25 Mr Witness, obviously, well, this is an assessment by me so I should not say

Trial Hearing
WITNESS: CAR-OTP-P-0487

(Private Session)

ICC-01/14-01/18

- 1 obviously. So it appears as if several people (Redacted)
- 2 (Redacted)
- 3 (Redacted)
- 4 How does that come? How do you explain that?
- 5 (Redacted)
- 6 (Redacted)
- 7 (Redacted) I said that I'm in front of God and I really cannot lie. (Redacted)
- 8 (Redacted)
- 9 (Redacted)
- 10 (Redacted)
- 11 (Redacted)
- 12 (Redacted)
- 13 (Redacted)
- 14 (Redacted)
- 15 (Redacted)
- 16 (Redacted)
- 17 (Redacted)
- 18 (Redacted)
- 19 (Redacted)
- 20 (Redacted)
- 21 (Redacted)
- 22 (Redacted)
- 23 (Redacted)
- 24 (Redacted)
- 25 (Redacted)

Trial Hearing
WITNESS: CAR-OTP-P-0487

(Private Session)

ICC-01/14-01/18

- 1 (Redacted)
- 2 (Redacted)
- 3 (Redacted)
- 4 (Redacted)
- 5 (Redacted)
- 6 (Redacted)
- 7 (Redacted)
- 8 (Redacted)
- 9 (Redacted)
- 10 (Redacted)
- 11 (Redacted)
- 12 (Redacted) Mr Yekatom's group helped to ensure that there was relative
- 13 order, rule of law in that region, (Redacted) from Zila to Lobaye.
- 14 Now, do you confirm this?
- 15 A. [12:22:34] Yekatom at Zila was very brutal. Very brutal. The Zila population
- 16 is aware of this until Lobaye. Now, the -- he forced the population with arms to vote
- 17 for him during the elections. This is why he's a deputy. The population was forced
- 18 to accept to vote only Yekatom.
- 19 (Redacted)
- 20 (Redacted)
- 21 (Redacted)
- 22 (Redacted)
- 23 (Redacted)
- 24 (Redacted)
- 25 (Redacted)

Trial Hearing
WITNESS: CAR-OTP-P-0487

(Private Session)

ICC-01/14-01/18

1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 Q. [12:26:23] Witness, now I'd like to move on to another subject please, and I

18 would like to seek clarity in terms of the order of certain things. You said when you

19 replied to the Prosecutor (Redacted)

20 (Redacted)

21 Now I would like to put a date on that period and I would like to try and help you

22 with the documents we have in our possession. First of all, there is a first document,

23 and with the help of the court officer I'd like to display that document, which is at tab

24 150 of the Defence binder.

25 The reference is CAR-D29-0002-0177.

Trial Hearing
WITNESS: CAR-OTP-P-0487

(Private Session)

ICC-01/14-01/18

1 At the first page of this document -- and I would like the document to come up on the
2 screen, tab 150.

3 PRESIDING JUDGE SCHMITT: [12:28:05] And which part do you want to show?

4 MS GUISSÉ: [12:28:11](Interpretation) First of all, the first paragraph, which is
5 actually very very -- in small font on the screen. If we could just see that, yes.

6 Your --

7 Q. [12:28:25] Now, Witness, can you see the document displayed on your screen?

8 Witness, can you see the document on the screen? Can you see the document
9 displayed on your screen?

10 A. [12:28:47] Yes.

11 Q. [12:28:50] We are going to read the first paragraph together, and this is what's
12 said:

13 "Mahamat Kamoun's government was just reshuffled for the fourth time this
14 Thursday, 29th of October 2015."

15 And then you have the list of portfolios that changed.

16 Now, the part of interest to me is in the next page, so 0178, right in the beginning of
17 the page, and here you can see the -- we've listed the ministers in the government and
18 number 7, we see:

19 "Minister of Defence, and Restructuring of the Armies and Veterans: Joseph
20 Bindoumi ..."

21 And it's indicated that's he's a new minister.

22 And I suggest to you -- I put to you that Mr Bindoumi was the minister of defence as
23 of 29 October 2015 and he was only a minister for a day and -- do you agree with me?

24 A. [12:30:05] Yes.

25 Q. [12:30:21] I'd now like to move on to another document, it's tab 151 of the

Trial Hearing
WITNESS: CAR-OTP-P-0487

(Private Session)

ICC-01/14-01/18

1 Defence binder, CAR-D29-0002-0175.

2 Now this document dates back to 26 January 2016, and I would like the document to
3 be brought up on the screen and to focus on the fourth paragraph of 0175, which is
4 the first page.

5 PRESIDING JUDGE SCHMITT: [12:30:55] Still not possible to go to open session?

6 Because the last question could, I think could have been asked in (Overlapping
7 microphones)

8 MS GUISSÉ: [12:31:02](Interpretation) Yes, that's right.

9 PRESIDING JUDGE SCHMITT: [12:31:03] And now with this one?

10 MS GUISSÉ: [12:31:06](Interpretation) Yes.

11 PRESIDING JUDGE SCHMITT: [12:31:08] Okay. Then we give it a try, we go to
12 open session.

13 MS GUISSÉ: [12:31:10] I ...

14 PRESIDING JUDGE SCHMITT: [12:31:12] No, then you know better what may
15 follow up. Okay, we stay in private session.

16 MS GUISSÉ: [12:31:29](Interpretation)

17 Q. [12:31:31] So this is what's written in reference to Bindoumi:

18 "That he was at the origin of the creation of several control positions in the capital that
19 managed to counter the troublemakers. Bindoumi and his team had the ingenious
20 idea of entrusting to soldiers the responsibility for surveilling their respective
21 neighbourhoods." End of quote.

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

Trial Hearing
WITNESS: CAR-OTP-P-0487

(Private Session)

ICC-01/14-01/18

1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 Now -- I'd like now to -- to -- to ...

6 An addendum to this statement that you provided at your second stay at The Hague,

7 I'd like to return to the circumstances surrounding the making of that statement.

8 MS GUISSÉ: [12:33:56](Interpretation) Your Honour, perhaps I can try to move into
9 open session. We can try.

10 PRESIDING JUDGE SCHMITT: [12:34:04] Good. Open session.

11 (Open session at 12.34 p.m.)

12 THE COURT OFFICER: [12:34:11](Overlapping speakers)...

13 THE INTERPRETER: [12:34:17] Correction from the interpreter: A document that
14 you entitled, "Recomplètement".

15 THE COURT OFFICER: [12:34:30](Overlapping speakers) We are in open session,
16 Mr President.

17 MS GUISSÉ: [12:34:35](Interpretation)

18 Q. [12:34:35] Mr Witness, we're once again in open session, so please be mindful
19 about how you answer my questions, and for the time being my questions will be
20 general enough to avoid identifying you, but if at any point in time you feel that you
21 can't answer without giving information likely to disclose your identity, then
22 obviously tell me.

23 All right, so you made an initial trip to The Hague for providing oral evidence around
24 5 December 2022. Now in that first stay, the VWU of the Court gave you your prior
25 statements so that you could reread them and familiarise yourself somewhat and to

Trial Hearing
WITNESS: CAR-OTP-P-0487

(Open Session)

ICC-01/14-01/18

1 offer potentially any correct -- corrections and amendments, and that process went
2 between 24 November and 1 December 2013.

3 Would I be right in saying that?

4 A. [12:35:36] Yes.

5 Q. [12:35:45] And during that first trip, you offered a certain number of addenda
6 and amendments that you made available to the witness and victims' section. Is that
7 right?

8 A. [12:36:04] Yes, that's right.

9 Q. [12:36:06] Thank you. Thank you for your answer, but please, please be
10 mindful of the pause to facilitate the work of the interpreters because I think our
11 exchanges are too quick.

12 MS GUISSÉ: [12:36:29](Interpretation) Your Honour, I'm being told that I'm tired
13 because I talked about 24 November to 1 December 2013; whereas, of course it was 24
14 November to 1 December 2022.

15 PRESIDING JUDGE SCHMITT: [12:36:47] (Overlapping speakers)... please continue.

16 MS GUISSÉ: [12:36:55](Interpretation)

17 Q. [12:36:56] All right, so you had that first stay during which you had an
18 opportunity to make amendments, which you did. So what I'd like to know is what
19 brought you to make addenda -- to add material? When you went back to Bangui,
20 why is it that these addenda that feature in this 'Recomplètement' entitled document,
21 why doesn't that feature in the document that was prepared at The Hague? Because
22 after all, that was the whole purpose?

23 A. [12:37:36] I don't know the procedure here. I'm not a legal professional, I am
24 a soldier. Now, I read my statements and once I'd done that, I saw -- because I've
25 got my -- my memory fails me sometimes, I saw that there were events that I didn't

Trial Hearing
WITNESS: CAR-OTP-P-0487

(Open Session)

ICC-01/14-01/18

1 include in my statements; that's why I was -- you know, I was compelled to go over
2 them so that that could be made known to The Hague. That's it, really.

3 Q. [12:38:22] Well, the question I was putting to you is that, yes, I've understood
4 that you wanted to add things. But what I don't understand is why. Whereas you
5 spent several days in The Hague during your first stay here, why is it that it's only
6 when you get back to Bangui that you decided to use a computer? You decided to
7 prepare a document?

8 And, you know, this raises a question, how long did it take you to make that
9 additional document and -- that you brought for your second stay here at The Hague?

10 A. [12:39:10] It was when I arrived at Bangui that I did this and it only took two
11 days. I even reported to the VWU people in Bangui about it. I told them that that's
12 what I had done, but they were a bit late, otherwise they should have sent it a long
13 time ago.

14 Q. [12:39:51] During your interviews with the OTP investigators, at a certain point
15 in time when they tried to get information from you about the 2013-2014 events, you
16 say -- and, let me quote you, Mr Witness:

17 "I need to find out without being -- without being proven that I'm being overheard."
18 CAR-OTP-2076-0514, page 0546:

19 "I have to find information without proving that I am being overheard."

20 So things that you didn't see directly, you had no direct knowledge of. I understand
21 from this that that you were going to get information from third parties. Is that
22 right?

23 Is this -- is this your custom practice to find information and then hand on said
24 information?

25 A. [12:40:59] For the events in question, where was I? I was there and everything

Trial Hearing
WITNESS: CAR-OTP-P-0487

(Open Session)

ICC-01/14-01/18

1 that happened, I didn't contribute to that. I was reluctant and I didn't have enough
2 power to stop that.

3 Q. [12:41:26] Mr Witness, can I ask you to be very careful about how I'm putting
4 my questions to you, because you didn't in fact answer my question. I quoted
5 you -- I quoted what you said to the investigators about your custom practice that you
6 would go and get information that you didn't have yourself.

7 So my question is, is this something that you do on a regular basis; namely, go to see
8 third parties to get information? That's my question.

9 A. [12:42:03] No.

10 Q. [12:42:13] So what you mean by that then is that the information that you gave
11 in this -- in the framework of this *recomplètement* process, it was you who had that
12 information directly. Is that right?

13 A. [12:42:35] Yes.

14 Q. [12:42:52] Now, what I want to understand - and we can dwell on this - is that
15 you were examined on two occasions in 2016 and then in 2018 by the OTP
16 investigators and you -- these interviews were very long. Many, many questions
17 were put to you, Mr Witness, and it's only now in 2023, it's only now that you bring
18 out things that you had never spoken about before.

19 Now, you say that you have memory problems, therefore you can understand the
20 concern that may be ours, and so once again, can I ask you again, are you certain that
21 the things you mentioned in that document entitled 'Recomplètement', do they flow
22 from your own memory or are they just the fruit of rumour?

23 A. [12:44:00] No, it's -- it's not rumour, it came from me. I even asked here,
24 whether the presiding judge could give a green light so that on the ground, truth can
25 come out because you think that I'm lying in respect of Mr Yekatom. You can

Trial Hearing
WITNESS: CAR-OTP-P-0487

(Private Session)

ICC-01/14-01/18

1 appoint black people, they go on the ground, and I can bear out the truthfulness of
2 everything I've entered into evidence so that truth will out. You are lawyers to
3 defend, so truth, the bread and butter truth, the raw truth must be there.

4 Q. [12:44:53] I'd like to talk about a first point that you raised for the very first time
5 in the hearings here after a question from the Prosecutor on the basis of this document
6 entitled 'Recomplètement'. You talked about a cemetery at Yamwara. How far was
7 that cemetery away from the school? Because as far as I've understood, you saw that
8 cemetery {PFR: (Redacted)}

9 PRESIDING JUDGE SCHMITT: [12:45:30] Mr Vanderpuye.

10 MR VANDERPUYE: [12:45:32] I'd like to make a remark and in private session, if I
11 could.

12 PRESIDING JUDGE SCHMITT: [12:45:37] Yes. Private session.

13 (Private session at 12.45 p.m.)

14 THE COURT OFFICER: [12:45:42] We are in private session, Mr President.

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 Q. [12:46:20] All right, so you say that there was a cemetery at Yamwara. (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

Trial Hearing
WITNESS: CAR-OTP-P-0487

(Private Session)

ICC-01/14-01/18

1 So how far was the cemetery away from the school?

2 A. [12:46:55] About 250 to 300 metres I would say, a rough estimate.

3 Q. [12:47:05] And also I seek clarification in terms of terminology. At a certain
4 point of time you said there were several cemeteries; so would I be right in saying
5 that what you meant was there were several graves?

6 A. [12:47:26] The person who gave me that information showed me one single
7 cemetery and he said that, "There were others in the grasses around here," he said.
8 So it wasn't the only ...

9 THE INTERPRETER: [12:47:48] The witness stops.

10 MS GUISSÉ: [12:47:50](Interpretation)

11 Q. [12:47:50] Yes, I've understood your answer but my problem is one of
12 terminology. Do forgive me but a cemetery, in French, at least that's a place where
13 there are several graves. My question is, did you conflate the words "grave",
14 "cemetery", because a grave is an individual plot, if you will.
15 I hope you see the distinction. I need this clarification for the record.

16 A. [12:48:19] Yes, there were several graves.

17 Q. [12:48:23] And just to return to the person who gave you that information, who
18 was that person? What was his name?

19 A. [12:48:35] I don't remember the person. There were several elements and the
20 information came from various sources. I don't know who it was, I cannot know.

21 Q. [12:48:59] And where did you know that individual?

22 A. [12:49:04] He was among Yekatom's men.

23 Q. [12:49:17] And so how did you know that he was one of Yekatom's men?

24 A. [12:49:24] Because I knew that he was at Yamwara. There weren't two leaders
25 at Yamwara, there was only one and it was Yekatom at Yamwara.

Trial Hearing
WITNESS: CAR-OTP-P-0487

(Private Session)

ICC-01/14-01/18

1 Q. [12:49:37] All right, let me rephrase my question. How did you know that that
2 person was an element?

3 A. [12:49:43] Yes, an element.

4 Q. [12:49:51] So this is an element, a Yekatom element that you didn't know
5 beforehand and that you met at the Yamwara base, and you don't remember his name
6 and he gives you that information spontaneously. Is that right?

7 A. [12:50:15] That's exactly right.

8 PRESIDING JUDGE SCHMITT: [12:50:25] Why would he do so, Mr Witness? If
9 you don't -- let me just pose my question, it's a little bit difficult to understand, but
10 you said you didn't know the person, why would he come to you and tell you about
11 that?

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)

Trial Hearing
WITNESS: CAR-OTP-P-0487

(Private Session)

ICC-01/14-01/18

1 (Redacted)

2 (Redacted) How did you know he was an element and not just any old
3 person from the local population?

4 A. [12:52:26] No, it was an element.

5 Q. [12:52:35] You still haven't answered my question. How can you be so sure
6 that he was an element? What makes you say with such certainty that it was indeed
7 an element?

8 A. [12:52:49] I was saying that he was also based at Yamwara.

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

Trial Hearing
WITNESS: CAR-OTP-P-0487

(Private Session)

ICC-01/14-01/18

1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 MS GUISSÉ: [12:55:34](Interpretation) I turn to my team, your Honour, because I'm
6 moving to another topic now, which is entirely different and I'm told -- no, all right
7 then, everybody is in agreement about whether I can finish today.

8 So I have -- I live in every hope, Counsel Dimitri lives in hope. It wasn't the case this
9 morning, so maybe it's time to go on the lunch break.

10 PRESIDING JUDGE SCHMITT: [12:56:02] So with this comment of course we agree
11 until 2.30, lunch break.

12 THE COURT USHER: [12:56:07] All rise.

13 (Recess taken at 12.56 p.m.)

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

15 THE COURT USHER: [14:31:11] All rise. Please be seated.

16 PRESIDING JUDGE SCHMITT: [14:31:27] Good afternoon, everyone. We are in
17 private session.

18 Ms Guissé, without further ado.

19 Mr Knoops, yes?

20 MR KNOOPS: [14:31:35] Just, Mr President, for the transcript, on my right side is Ms
21 Alexandre Desevedavy and my left side Mr Mike Rowse; and Ms Giudici has left the
22 courtroom today.

23 PRESIDING JUDGE SCHMITT: [14:31:44] I see Mr Rowse. Thank you.

24 Ms Guissé, please.

25 And if at some point we can have a short portion of open; but, if not, it's not a

Trial Hearing
WITNESS: CAR-OTP-P-0487

(Private Session)

ICC-01/14-01/18

1 problem at all.

2 MS GUISSÉ: [14:32:09] (Interpretation) Just give me a moment to reflect.

3 No, your Honour. I think that, unfortunately -- I'm hoping that this will be the end
4 stretch for my questions, but that will be in closed session.

5 PRESIDING JUDGE SCHMITT: [14:32:26] No, no; and I understand fully. Please
6 continue.

7 THE INTERPRETER: [14:32:39] Private session.

8 MS GUISSÉ: [14:32:41] (Interpretation)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

Trial Hearing
WITNESS: CAR-OTP-P-0487

(Private Session)

ICC-01/14-01/18

1 (Redacted)
2 (Redacted)
3 (Redacted)
4 (Redacted)
5 (Redacted)
6 (Redacted)
7 (Redacted)
8 (Redacted)
9 (Redacted)
10 (Redacted)
11 (Redacted)
12 (Redacted)
13 (Redacted)
14 (Redacted)
15 (Redacted)
16 (Redacted)
17 (Redacted)
18 (Redacted)
19 So, basically, could you specify the date? Was it indeed in 2015?
20 A. [14:37:50] Now, I've always said that when it comes to dates, I have difficulty.
21 I have difficulty dating events.
22 (Redacted)
23 (Redacted)
24 (Redacted)
25 (Redacted)

Trial Hearing
WITNESS: CAR-OTP-P-0487

(Private Session)

ICC-01/14-01/18

1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 A. [14:40:03] (Redacted) was before that.

12 Q. [14:40:06] Ah, does that mean that you were -- you made an error when the
13 transcript T-202 states what it does, that you mixed up the two events? Have I
14 understood correctly?

15 A. [14:40:20] Yes.

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 Q. [14:41:19] Now, I would return to the manner in which you refer to this incident.

23 (Redacted)

24 (Redacted)

25 (Redacted)

Trial Hearing
WITNESS: CAR-OTP-P-0487

(Private Session)

ICC-01/14-01/18

1

2

3

4

5

6

7

8

9

10

11

12 Page redacted

13

14

15

16

17

18

19

20

21

22

23

24

25

Trial Hearing
WITNESS: CAR-OTP-P-0487

(Private Session)

ICC-01/14-01/18

1 (Redacted)

2 So, my question is: Was Mr Yekatom at the (Redacted)

3 A. [14:45:07] I don't recall if he was there because there were a number of people

4 present. Where I saw him was at (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 I see that you're smiling, Witness.

16 A. [14:47:22] (Redacted) It's what I saw. What I went through

17 when I left. There are people -- or there would be nobody who would testify

18 negatively with respect to Yekatom. Yekatom was a demigod. It is God who has

19 given me the force to speak of what happened. What I have said, I have -- I say in

20 the eyes of God. (Redacted) that I come here

21 and lie to the ICC? No, that wouldn't be right.

22 Q. [14:48:26] Witness, I would put it to you that not only does that person who was

23 also present that day not have the same version of events as you, but I would also put

24 it to you that you -- that you recounted the matter of that meeting to members of the

25 Defence team and you never spoke about gunshots, gunfire, by Yekatom.

Trial Hearing
WITNESS: CAR-OTP-P-0487

(Private Session)

ICC-01/14-01/18

1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 Now, that was in 2020. You said that when you were talking to members of the
10 Yekatom team and you did not refer to gunshots by Yekatom (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 But as you say that you have memory issues, we could look further back. Even prior
15 to that, you did not provide this version.

16 So, first of all, do you recall speaking about (Redacted) to the members of

17 Mr Yekatom's Defence team and of not mentioning his name with respect to that
18 (Redacted)

19 A. [14:51:50] What I would have preferred, if the President allowed it, that the
20 investigation be taken up anew. Those who were present (Redacted)

21 could give the details, because here I can see that we're going around in circles and

22 we've been spending a lot of time on telephone numbers, on audio, on matters of the
23 (Redacted) Despite what I say, nobody seems to understand.

24 But these events that I have related to you are the reality. There's nobody to deny it.

25 Everything that I explained on paper is true and right. If a black could be sent to

Trial Hearing
WITNESS: CAR-OTP-P-0487

(Private Session)

ICC-01/14-01/18

1 Bangui, I could just point him in the right direction and he could go and investigate.

2 I wouldn't be with him. That's what I want to say, your Honour.

3 PRESIDING JUDGE SCHMITT: [14:52:59] Yeah. Ms Guissé, I understand that you
4 lay a foundation for these questions, but they get -- that's not a reproach. They get
5 very long and the essence of what, perhaps, you really want to know gets lost a little
6 bit by that.

7 So, Mr Witness, the thing is the following, what Ms Guissé is alluding to. You have
8 spoken to investigators of the Prosecution, you have spoken to members of the
9 Defence team in the past and you have spoken about this (Redacted) And
10 during the time you have not told neither the investigators nor the counsel that
11 Mr Yekatom was shooting.

12 So, the question is simply: Why did you not tell this -- the investigators at the time
13 or -- and/or the counsel at the time? That is the question.

14 THE WITNESS: [14:54:12](Interpretation) That was a misstep. It was -- I forgot.

15 PRESIDING JUDGE SCHMITT: [14:54:23] Ms Guissé.

16 MS GUISSÉ: [14:54:28] (Interpretation)

17 Q. [14:54:36] Witness, I would put it to you that this was not some oversight on
18 your part, but, rather, you changed your version of events. You didn't refer to this
19 when speaking to members of the Defence team in 2020. And even when talking
20 about the events, subsequent to (Redacted) with the representatives of the
21 Office of the Prosecutor, you never talked about (Redacted)
22 (Redacted)
23 (Redacted) So I would put it to you that the
24 only time that you referred to Mr Yekatom allegedly (Redacted) was when you
25 were talking about a (Redacted) You never spoke about (Redacted) or alleged

Trial Hearing
WITNESS: CAR-OTP-P-0487

(Private Session)

ICC-01/14-01/18

1 gunshots when you were speaking to the Office of the Prosecutor.

2 Now, do you have anything to say about that?

3 A. [14:56:05] What I've just recounted is true and right. I'm not lying. I didn't
4 have any history with Yekatom. Yekatom had done something that he shouldn't do.
5 He hadn't been -- he had done something which violated international humanitarian
6 law. There was no particular problem between me and Yekatom.

7 The issue that had come up was the matter of the crimes, the crimes that he'd caused.

8 You're seeking to protect him. But what he did in the field, it was very serious.

9 (Redacted)

10 (Redacted) But I didn't do that. I say that before God. I did not kill. I'm telling you

11 Yekatom was a demigod. That's what I'm telling you. When he arrived people

12 were afraid, people would flee. People were scared. That's all.

13 Q. [14:57:47] Now, Witness, I would put it to you that the only time that you

14 referred to (Redacted) when speaking with the investigators (Redacted)

15 (Redacted) following (Redacted) and you talked about that in court

16 and I'd like to return to that now.

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

Trial Hearing
WITNESS: CAR-OTP-P-0487

(Private Session)

ICC-01/14-01/18

1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 Q. [15:00:16] Could Madam Court Officer, please, put on the screen tab 3 of the

9 Prosecution binder. It's a document bearing number CAR-D29-0009-0029, page

10 0125 -- at the bottom of the page 0125 and the top of the page 0126, please? At the

11 bottom of the page, please. Could you please scroll down? Thank you very much.

12 Perfect.

13 Here, (Redacted) we have a transcript of the interview that you had with

14 Mrs Whittingham that day and you mention this (Redacted) and this is what you say

15 about this (Redacted) The question was put:

16 (Redacted)

17 And you answer:

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

Trial Hearing
WITNESS: CAR-OTP-P-0487

(Private Session)

ICC-01/14-01/18

1 (Redacted)

2 (Redacted)

3 End of quote.

4 (Redacted) this is what you said.

5 PRESIDING JUDGE SCHMITT: [15:03:16] I wanted to put the question. Excuse me,

6 no. Please continue. It's late. It's Friday and it's three o'clock.

7 Is this correct, Mr Witness? You hear that? You have said that to Mrs Whittingham?

8 Is this description of this event, complete event of the person that you met on that day;

9 is that correct?

10 THE WITNESS: [15:03:42](Interpretation) That's correct. (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 PRESIDING JUDGE SCHMITT: [15:04:00] Ms Guissé, please continue. That's one

15 follow-up question, I think, such, you see, suggests itself.

16 MS GUISSÉ: [15:04:14] (Interpretation) Your Honour, we're in the same boat.

17 Q. [15:04:17] So, Mr Witness, what date -- what date would you put for that

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 A. [15:05:02] If you're asking to -- me to give you a date, I really cannot recall. I

25 remember events, but I'm a bit confused about the dates. How do you want me to

Trial Hearing
WITNESS: CAR-OTP-P-0487

(Private Session)

ICC-01/14-01/18

1 remember those dates? If I knew that I was going to come and testify today before a
2 court of law, I would have written them down, the dates.

3 (Redacted)

4 (Redacted) At what particular time in space?

5 Can you refer to an event, for instance?

6 A. [15:05:58] It's very difficult for me.

7 Q. [15:06:08] Was it in 2014?

8 A. [15:06:15] I do not recall. I do not recall that -- the date.

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 longer --

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

Trial Hearing
WITNESS: CAR-OTP-P-0487

(Private Session)

ICC-01/14-01/18

1 (Redacted)

2 A. [15:08:28] You were not there to see the behaviour of Yekatom. But since you
3 are a lawyer you're trying to defend him but Yekatom, the Yekatom you're talking
4 about, well, people were frightened of him. Very frightened. He was a -- he had a
5 lot of influence.

6 PRESIDING JUDGE SCHMITT: [15:08:58] Mr Witness, I have said that before. It's
7 understandable. It's difficult to testify and speak and answer over so many days, but
8 it's simply the obligation of counsel to put such things to you. It's simply, as I said I
9 think my wording was last time, it's "the rules of the game" here in a courtroom. It's
10 simply like that, so please accept that.

11 Ms Guissé.

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 But my question is to ask you if you recall that you met with a member of (Redacted)

22 (Redacted)

23 A. [15:11:08] I do not recall.

24 (Redacted)

25 (Redacted)

Trial Hearing
WITNESS: CAR-OTP-P-0487

(Private Session)

ICC-01/14-01/18

1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 Does this refresh your memory?

9 A. [15:12:53] I do not recall that meeting.

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted) So the question is:

18 What was your relation with Mr Yekatom, your rapport with Mr Yekatom at the

19 time?

20 THE WITNESS: [15:14:24](Interpretation) Yekatom was where he was supposed to

21 be. He was the chief of his men, the leader of his men. I mean by that, that

22 Yekatom was the rebellious chief of his elements. In that period, I was saying that

23 (Redacted)

24 (Redacted) Yekatom set up his

25 elements on all the barriers everywhere and he followed them. He himself was

Trial Hearing
WITNESS: CAR-OTP-P-0487

(Private Session)

ICC-01/14-01/18

1 following them. And there were some sectors that were forbidden (Redacted)
2 (Redacted)
3 (Redacted)
4 PRESIDING JUDGE SCHMITT: [15:15:35] I was not -- I have to apologise that I was
5 not concrete enough. If we assume that this report has not invented (Redacted)
6 (Redacted)
7 (Redacted) Mr Yekatom (Redacted)
8 you got somehow along with him. This is what someone could suggest. (Redacted)
9 (Redacted)
10 THE WITNESS: [15:16:34](Interpretation) I do not know what meeting we are
11 talking about so I cannot accept it. I cannot talk about it.
12 PRESIDING JUDGE SCHMITT: [15:16:45] Ms Guissé.
13 MS GUISSÉ: [15:16:52] (Interpretation) Thank you very much, Madam Court
14 Officer. You can remove the document from the screen.
15 (Redacted)
16 (Redacted)
17 (Redacted)
18 (Redacted)
19 (Redacted)
20 (Redacted)
21 (Redacted)
22 (Redacted)
23 (Redacted)
24 (Redacted)
25 (Redacted)

Trial Hearing
WITNESS: CAR-OTP-P-0487

(Private Session)

ICC-01/14-01/18

1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 So from your telephone number (Redacted) and CDR that was given to us by the OTP

6 and the document CAR-OTP-2054-1481, and the analysis of your telephone activity

7 and the telephone calls put to Mr Yekatom shows that in the month of April 2014 you

8 made (Redacted) telephone calls. You called him (Redacted) times. And in the month

9 of May 2014, you called him (Redacted) times. In the month of June of 2014, you

10 called him (Redacted) times and in the month of July 2014 you called him (Redacted)

11 times. So I put to you, Witness, that the amount of phone calls that you put during

12 that period is in absolute contradiction with what you said regarding (Redacted)

13 (Redacted)

14 So do you have a comment to give us about all of that?

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 Q. [15:21:46] We're going to get back to that, Witness, but I would like to raise

21 another issue with you, but before mentioning this other point for the -- for the

22 transcript, the CDRs that were used for the last CST, which I just mentioned, are

23 documents CAR-OTP-2054-1480, 1482, 1483 and 1484.

24 (Redacted)

25 (Redacted)

Trial Hearing
WITNESS: CAR-OTP-P-0487

(Private Session)

ICC-01/14-01/18

1 (Redacted)

2 (Redacted)

3 Do we agree on the fact that the chief of the (Redacted) neighbourhood was (Redacted)

4 (Redacted)

5 A. [15:23:10] Yes, it's him.

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 Q. [15:25:15] We agree on the fact that the Seleka killed a lot of people in 2013 on

22 (Redacted) is that right?

23 A. [15:25:31] Yes.

24 Q. [15:25:36] Witness, I would like to talk about another topic now. (Redacted)

25 (Redacted) You mentioned that you saw

Trial Hearing
WITNESS: CAR-OTP-P-0487

(Private Session)

ICC-01/14-01/18

1 Anti-Balaka and that they were coming out of Boy-Rabe on a motorcycle. So my first
2 question -- and this was at the hearing T-205, 14:33:17. Where were you exactly
3 when you saw those Anti-Balaka?

4 A. [15:26:10] At the university, near the university.

5 Q. [15:26:20] And how did you know that they were from Boy-Rabe? Did they
6 wear some distinctive sign?

7 A. [15:26:29] Yes, they came from Boy-Rabe, and I was close to the university.

8 They were numerous and they were on many motorcycles. Some were passing by.

9 Others were following them and so on and so forth.

10 From Boy-Rabe, some were crossing the river M'Poko from Orchidée, and they were
11 in a boat, a row boat, and that was to -- in order to get to Zila.

12 Q. [15:27:09] So those Anti-Balaka, they went to Mr Yekatom's camp. Are you
13 talking about (Redacted)

14 A. [15:27:17] Yes.

15 Q. [15:27:26] Do we agree with the fact that the Bangui university is very far from
16 Boy-Rabe and Mr Yekatom's camp, so if you're at the university, how were you able
17 to know, on the one hand, that those people were coming from Boy-Rabe and, on the
18 other hand, that they were going in the direction of Mr Yekatom's camp?

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 Q. [15:28:44] But what I don't understand, Witness, is that you said that

Trial Hearing
WITNESS: CAR-OTP-P-0487

(Private Session)

ICC-01/14-01/18

1 Mr Yekatom was in (Redacted) with those people from Boy-Rabe; is that what you're
2 saying?

3 A. [15:29:06] Most of the people from Boy-Rabe are Gbaya, and Yekatom is also a
4 Gbaya, and he had started meetings with Ngaïssona, and together they were -- they
5 were together.

6 Q. [15:29:27] So, I would like to tell you, Witness, that we heard a lot of evidence,
7 and we've heard also that there was a meeting in Pissmiss on 15 May 2014 and that it
8 is very clear that the participants to that meeting did not wish the return of the
9 constitutional order. And I put to you that there were many Gbaya who were not in
10 favour of the return of the constitutional order, so what do you have to say to that?

11 A. [15:30:09] I know that you're defending your clients, (Redacted)

12 (Redacted) I cannot lie about it. (Redacted)

13 (Redacted)

14 (Redacted) When we were in Yamwara, Yekatom was not

15 associated with Ngaïssona. But as soon as (Redacted) they associated

16 themselves and then there were meetings and the situation degenerated.

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 Q. [15:31:26] And just a point of clarification, because you haven't answered my
23 question: How did you know that those people had come from Boy-Rabe? And
24 how did you know that they were going to Yekatom's camp, because, as you said,
25 you were at the university?

Trial Hearing
WITNESS: CAR-OTP-P-0487

(Private Session)

ICC-01/14-01/18

1 (Redacted)

2 (Redacted)

3 Q. [15:32:04] I'll try one more time. If that fails, I'll move on. So you were at the
4 university. How could you see at that distance?

5 PRESIDING JUDGE SCHMITT: [15:32:12] Perhaps, yes, it's -- I would -- if I may, I
6 would pick up from the last answer of the witness.

7 So (Redacted) how did you figure out where these people were coming
8 from and where they were going? Did you talk to somebody (Redacted)
9 (Redacted) who told you? Or what did you do to find that out, because you
10 couldn't see it when you saw them from the university?

11 THE WITNESS: [15:32:46](Interpretation) I was in front of the university and they
12 took the Avenue des Martyrs, and Avenue des Martyrs goes through the university.
13 I was there, on the side of the main road, and they passed by, (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

Trial Hearing
WITNESS: CAR-OTP-P-0487

(Private Session)

ICC-01/14-01/18

1 (Redacted)

2 (Redacted)

3 MS GUISSÉ: [15:34:38](Interpretation) I'm going to move on to another topic, your
4 Honour.

5 Q. [15:34:40] I'd like to return to what you said to the investigators of the Office of
6 the Prosecutor. Now, in response to questions from investigators of the Office of the
7 Prosecutor who asked you specifically about Mr Yekatom, now this is what you
8 said -- and you were speaking in general terms as you say, but you said this,
9 quotation:

10 "Yekatom caused me many crimes. But what I know is that he killed two soldiers at
11 PK9. What I know is that he did it. (Redacted) End of
12 quotation.

13 Now, can you confirm that statement which you made to the investigators of the
14 Office of the Prosecutor? So, can you just confirm that or deny that and then I'll
15 move on with other questions?

16 A. [15:35:49] I confirm that that was my statement.

17 Q. [15:36:03] And do you also confirm that the two soldiers were Oscar Seda and
18 Viannet Kobola, is that right?

19 A. [15:36:19] Yes.

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

Trial Hearing
WITNESS: CAR-OTP-P-0487

(Private Session)

ICC-01/14-01/18

1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 Now, this is my question, Witness: A body without a head at the prefecture of

13 Yamwara, is that not a notable thing? And -- but we had to wait until February 2023

14 before you speak of it for the first time?

15 A. [15:39:50] I think that you're saying that in that way because you didn't see it in

16 the field. When you're in the field, it's different. Yekatom is somebody who is

17 quick on the trigger.

18 Q. [15:40:15] I would also put it to you, Witness, that you said that there was a

19 headless body at the director's home. We looked at a video together and you

20 confirmed the site, it being close to the water point where all of the local people

21 would go to collect water. But I would put it to you, Witness, that you never saw

22 that headless body and that is why it is something that you have only relayed at the

23 last minute in February 2023?

24 A. [15:40:55] That is wrong. I saw it. And I say that before God. I'm a Christian

25 and I pray. What you're saying is wrong. I personally saw it.

Trial Hearing
WITNESS: CAR-OTP-P-0487

(Private Session)

ICC-01/14-01/18

1 Q. [15:41:15] I would also put it to you, Witness, that in response to questions from
2 the Office of the Prosecutor, which were specifically on violations of inter -- of IHL,
3 that you said you were very familiar with, you gave the following answer and I
4 would quote. And this can be found in binder 70 -- or that should be tab 70 of the
5 Office of the Prosecutor, and we could post it on the screen. It's document
6 CAR-OTP-2076-0516, at the page 0537, starting from line 749, so at the bottom, 749.
7 There it is.

8 So, your answer is: "I don't have any. Otherwise, I would be lying. And I cannot
9 lie. I have to relay what I have seen and what I've experienced exactly. If I heard
10 something, I tell you what I heard. If I saw something, I tell you what I saw."
11 End of quotation.

12 THE INTERPRETER: [15:42:56] Note from the interpreter: Counsel has quoted a line
13 before that was not displayed on the screen.

14 MS GUISSÉ: [15:43:04] (Interpretation)

15 Q. [15:43:05] So you were asked whether you had examples of war crimes or
16 crimes against humanity and that was your answer. Your answer was: "I don't have
17 any." Do you have anything to say about that, (Redacted)

18 A. [15:43:22] I was afraid because (Redacted)
19 (Redacted)

20 Q. [15:43:44] I would put it to you, Witness, that as you told the investigators, you
21 were never present when crimes were allegedly committed by the Anti-Balaka. And
22 I will quote you once again, you said, "I didn't see any."

23 I would put it to you, Witness, that as the days have gone by, you have added and
24 added things, whilst telling us at the same time that you have memory problems and
25 you are forgetful. I would put it to you, Witness, that the reason why you're adding

Trial Hearing
WITNESS: CAR-OTP-P-0487

(Private Session)

ICC-01/14-01/18

1 things including now, in February 2023, is because you want to give -- you have the
2 impression that this will distance you from Mr Yekatom and you are making
3 statements which do not square with the material evidence that we have on file.

4 What do you say to that?

5 A. [15:44:57] My answer is that I haven't lied. These are true facts, true events.

6 Q. [15:45:10] I would also put it to you that when you were questioned by the
7 investigators of the Office of the Prosecutor and by the Prosecutors themselves, those
8 Prosecutors have said that the statements that you made to them did not tally with
9 other findings of the investigators -- in other findings of the investigation.

10 So I would put it to you, Witness, that these last-minute additions to your testimony,
11 which you have made in court, also do not tally with your previous testimony. They
12 do not square with the positions which you have adopted up until now. And that
13 your -- the changes to your testimony are not in line with the reality of what we find
14 in the case file.

15 What do you say to that?

16 A. [15:46:25] I -- my answer is that I cannot lie. I have simply relayed the truth so
17 that the Court can conduct its investigations into these matters. I wouldn't allow
18 myself to lie. What I have told you is the truth.

19 MS GUISSÉ: [15:46:53] (Interpretation) Your Honour, I have completed my
20 questioning.

21 Q. [15:46:55] Witness, thank you for your assistance. I think you'll be happy to
22 hear this is the end of my cross-examination.

23 PRESIDING JUDGE SCHMITT: [15:47:04] Thank you very much, Ms Guissé, and
24 this concludes also the hearing of today.

25 I wish everyone a good weekend -- also, Mr Witness -- and we convene

Trial Hearing

(Private Session)

ICC-01/14-01/18

WITNESS: CAR-OTP-P-0487

- 1 tomorrow -- do you see? Tomorrow, I said. We don't convene tomorrow at 9:30 but
- 2 on Monday at 9:30, and we start then with the examination of Mr Knoops. Thank
- 3 you.
- 4 THE COURT USHER: [15:47:32] All rise.
- 5 (The hearing ends in private session at 3.47 p.m.)