

Trial Hearing
WITNESS: CAR-OTP-P-0487

(Open Session)

ICC-01/14-01/18

1 International Criminal Court
2 Trial Chamber V
3 Situation: Central African Republic II
4 In the case of The Prosecutor v. Alfred Rombhot Yekatom and Patrice-Edouard
5 Ngaïssona - ICC-01/14-01/18
6 Presiding Judge Bertram Schmitt, Judge Péter Kovács and Judge Chang-ho Chung
7 Trial Hearing - Courtroom 1
8 Tuesday, 28 February 2023
9 (The hearing starts in open session at 9.31 a.m.)
10 THE COURT USHER: [9:31:22] All rise.
11 The International Criminal Court is now in session.
12 Please be seated.
13 PRESIDING JUDGE SCHMITT: [9:31:48] Good morning, everyone.
14 Court officer, please call the case.
15 THE COURT OFFICER: [9:31:54] Good morning, Mr President, your Honours.
16 Situation in the Central African Republic II, in the case of The Prosecutor versus
17 Alfred Yekatom and Patrice-Edouard Ngaïssona, case reference ICC-01/14-01/18.
18 And for the record, we are in open session.
19 PRESIDING JUDGE SCHMITT: [9:32:09] Thank you.
20 Mr Vanderpuye, your team is unchanged for the Prosecution.
21 MR VANDERPUYE: [9:32:15] We're unchanged, Mr President. Good morning to
22 you, your Honours. Good morning, everyone. Good morning, Mr Witness.
23 PRESIDING JUDGE SCHMITT: [9:32:22] I think -- I'm not sure if there has been a
24 change with the Legal Representatives of Victims.
25 MR DANGABO MOUSSA: [9:32:29](Interpretation) Good morning, your Honour.

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1 Good morning, everyone. In our team you have Mrs dos Santos and Mrs Ombeni
2 Evelyne and myself, Dangabo.

3 PRESIDING JUDGE SCHMITT: [9:32:47] Ms Lau is unchanged.

4 MS LAU: [9:32:49] Good morning, Mr President, your Honours. Good morning,
5 everyone. The former child soldiers continue to be represented by myself. Thank
6 you.

7 PRESIDING JUDGE SCHMITT: [9:32:54] Thank you.

8 And good morning, Ms Bwiza, our Rule 74 counsel.

9 And we turn to Ms Dimitri. It's not so obvious with your team, actually.

10 MS DIMITRI: [9:33:06] Good morning, Mr President. Good morning, your
11 Honours. Good morning, everyone. Mr Yekatom is present in the courtroom.
12 The team is the same as yesterday with the addition of Mr Florent Pages-Granier.

13 PRESIDING JUDGE SCHMITT: [9:33:17] Thank you.

14 And Mr Knoops.

15 MR KNOOPS: [9:33:19] Good morning, Mr President. Good morning, your
16 Honours. Good morning, everyone in the courtroom. Good morning, Mr Witness.
17 We are in the same composition, Mr President, and Mr Ngaïssona is behind me,
18 present.

19 PRESIDING JUDGE SCHMITT: [9:33:32] So you may already start. We are in open
20 session.

21 MR KNOOPS: Yes.

22 PRESIDING JUDGE SCHMITT: [09:33:33] Please tell us if we can remain there or if
23 we have to go to private session.

24 MR KNOOPS: [9:33:39] Because it relates to the last topic of yesterday, I think we
25 could go to private session.

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1 PRESIDING JUDGE SCHMITT: [9:33:45] Yeah, then we go to private session.

2 MR KNOOPS: [9:33:49] Thank you.

3 (Private session at 9.33 a.m.)

4 THE COURT OFFICER: [9:33:53] We are in private session, Mr President.

5 MR KNOOPS: [9:34:20] Mr President, good morning, your Honours. I will try to

6 finish in one hour and a half, before 11. We can confirm -- if the Court wishes, we

7 can explain to the Court with the evidence - but then I suggest that the headphones of

8 the witness will be not active - because the Court asked us about (Redacted)

9 yesterday. We can confirm it was the same (Redacted), and we

10 (Redacted)

11 PRESIDING JUDGE SCHMITT: [9:34:55] Then if it is on record, I think then it is not

12 necessary to discuss it here.

13 MR KNOOPS: [9:34:58] Yes, Mr President.

14 PRESIDING JUDGE SCHMITT: [9:35:01] Okay, Mr Knoops.

15 MR KNOOPS: Yeah.

16 PRESIDING JUDGE SCHMITT: [09:35:00] Then please continue.

17 Thank you.

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

19 (The witness speaks French)

20 QUESTIONED BY MR KNOOPS: (Continuing)

21 Q. [9:35:07] Mr Witness, good morning.

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 A. [9:35:54] I don't know that person whose name you've just mentioned. I don't
5 know 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 Q. [9:37:39] So what you said in 2020 was not correct, right?

20 A. [9:37:48] I think at that time I even gave (Redacted)

21 PRESIDING JUDGE SCHMITT: Move on --

22 MR KNOOPS: [9:37:56] The evidence speaks for itself.

23 PRESIDING JUDGE SCHMITT: [9:37:58] Yeah, move on, please, Mr Knoops.

24 MR KNOOPS: [9:38:01]

25 Q. [9:38:02] Can you recall, Mr Witness, that in your prior statement you gave in

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1 2016 to the Office of the Prosecution you didn't speak about (Redacted)

2 (Redacted)

3 MR KNOOPS: [09:38:40] Maybe to shorten, Mr President, in my (Overlapping
4 speakers)

5 PRESIDING JUDGE SCHMITT: [9:38:46] I would -- there was a similar thing during
6 the examination by Mr Vanderpuye. I would not object if you simply say --

7 MR KNOOPS: Okay.

8 PRESIDING JUDGE SCHMITT: [09:38:49] -- "You have not mentioned that in 2016,
9 why?"

10 MR KNOOPS: [9:38:56] Yeah. Then, please, tab 49 of the Prosecution binder, it's
11 CAR-OTP-2076-0203-R01 at 0206, lines 97 till 99, if you --

12 PRESIDING JUDGE SCHMITT: [9:39:14] Also from a material viewpoint,
13 if -- imagine if you would be asked, I think the testimony of the witness, the statement
14 that the witness gave in 2016 was quite long and then you are asked seven years later
15 "Do you recall what you have not said?" Not said. So I think we can simply skip
16 that. You have not -- and if Mr Vanderpuye objects if he has said it, and if not, we
17 take it as a fact and from there on you can ask why.

18 MR KNOOPS: [9:39:49]

19 Q. [9:39:49] So, Mr Witness, can you please look at your statement you gave in 2016,
20 lines 97-99.

21 PRESIDING JUDGE SCHMITT: [9:40:04] And there he says that he has not said it?
22 No, I'm joking.

23 MR KNOOPS: [9:40:12] He did say, speaking (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 PRESIDING JUDGE SCHMITT: [9:40:40] Okay, that's a different issue, I understand.

3 I understand.

4 MR KNOOPS: [9:40:43]

5 Q. [9:40:43] So, Mr Witness, I put to you that in 2016 - and you confirmed that you
6 told the truth in 2016 - that you didn't speak about (Redacted)

7 (Redacted)

8 (Redacted) That was your evidence in 2016.

9 A. [9:41:12] I don't think I said that. I don't think -- I didn't say that. Perhaps
10 there is some incorrection or mistake somewhere along the line. Maybe this is a
11 mistake from the one who did the recording. (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 Q. [9:42:01] Well, Mr Witness, I'm sorry, I just have one hour 20 left. My question
16 was simply whether you recalled making this. So you said this is a mistake in the --

17 PRESIDING JUDGE SCHMITT: [9:42:13] Yeah, we have the answer of the witness.

18 MR KNOOPS: [9:42:15] We have the answer.

19 PRESIDING JUDGE SCHMITT: We have the answer.

20 MR KNOOPS:

21 Q. [9:42:16] On the second occasion in 2016 you said, by the way, the same - for the
22 Court, I'm not going to confront the witness with this, it's on page 0207 till
23 0228 - where you also repeated that (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

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5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 Q. [9:47:20] Mr Witness, lastly on this topic, everyone who came before this Court

12 (Redacted)

13 (Redacted)

14 (Redacted) So I put to you this never took place, this is an invention of

15 yourself.

16 PRESIDING JUDGE SCHMITT: [9:47:55] Mr Vanderpuye.

17 MR VANDERPUYE: [9:47:56] If Mr Knoops has a particular site as to which

18 witnesses were asked that question, that would be helpful. Otherwise, I would

19 submit that that's not (Overlapping speakers)

20 PRESIDING JUDGE SCHMITT: [9:48:07] Well, I think nobody has been asked that

21 question, but Mr Knoops refers to that they have not mentioned it. You could argue

22 that perhaps the witnesses would have mentioned it if it had happened because

23 it's -- well, to threaten (Overlapping speakers)

24 MR KNOOPS: [9:48:23] It was not, Mr President.

25 PRESIDING JUDGE SCHMITT: [9:48:26] Even ask --

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- 1 MR KNOOPS: Yeah, yeah.
- 2 PRESIDING JUDGE SCHMITT: [09:48:23] Okay, then give us the reference, please.
- 3 (Redacted)
- 4 (Redacted)
- 5 (Redacted)
- 6 (Redacted)
- 7 (Redacted)
- 8 (Redacted)
- 9 (Redacted)
- 10 (Redacted)
- 11 (Redacted)
- 12 (Redacted)
- 13 And also, all the other witnesses who were there never referred to any (Overlapping
- 14 speakers)
- 15 PRESIDING JUDGE SCHMITT: [9:49:41] It's good to have this -- to have this
- 16 summarised.
- 17 So you have heard there were these two witnesses who have been specifically asked,
- 18 Mr Witness, about the incidents. What would you say to that? Are they wrong?
- 19 Are they right?
- 20 THE WITNESS: [9:50:05](Interpretation) * They will never be able to say anything
- 21 bad about Mr Ngaïssona, they will never be able to tell the truth regarding
- 22 Mr Ngaïssona. (Redacted)
- 23 (Redacted)
- 24 (Redacted)
- 25 (Redacted)

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- 1 (Redacted)
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- 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 You did say, Mr Witness, on 17 February before this Court that (Redacted)
- 19 (Redacted) the problem of the return of the
- 20 constitutional order. And now you say today he didn't say. What should we
- 21 believe, Mr Witness, of your evidence?
- 22 A. [9:58:34] I think that might be an error. This could be not my testimony.
- 23 Could be a mistake. I did not speak about the return of the constitutional order to
- 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) This is just simply an invention of you to gain credibility before this Court.
- 12 You invented this whole story. The facts are the facts, sir. (Redacted)
- 13 (Redacted)
- 14 (Redacted)
- 15 (Redacted)
- 16 (Redacted)
- 17 (Redacted)
- 18 (Redacted)
- 19 (Redacted)
- 20 (Redacted)
- 21 (Redacted)
- 22 PRESIDING JUDGE SCHMITT: [10:02:00] I think (Overlapping speakers)
- 23 MR KNOOPS: [10:02:02] Sorry.
- 24 PRESIDING JUDGE SCHMITT: [10:02:03] Mr Knoops, it's --
- 25 MR KNOOPS: It's clear.

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1 PRESIDING JUDGE SCHMITT: [10:02:01] It's clear.

2 MR KNOOPS: [10:02:05] Yeah, yeah, I know.

3 PRESIDING JUDGE SCHMITT: [10:02:06] If, Mr Vanderpuye, if you think, the

4 Prosecution, (Redacted)

5 (Redacted), I think we can simply have this in writing, these arguments. So it

6 doesn't make sense now to discuss this with the witness further, I think.

7 Please, Mr Knoops.

8 MR KNOOPS: [10:02:25] Yeah.

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 Can you recall, sir, that when you were interviewed in February 2020 by the

13 investigator of the team of Mr Yekatom, you mentioned somebody else who visited

14 you.

15 PRESIDING JUDGE SCHMITT: [10:02:56] Simply tell the witness whom he

16 mentioned.

17 MR KNOOPS: [10:03:00] Okay. I'll make it shorter.

18 PRESIDING JUDGE SCHMITT: [10:03:02] Please.

19 MR KNOOPS: [10:03:03]

20 Q. [10:03:04] Can you recall that you rectified your statement and said: "No, it

21 was not (Redacted)

22 (Redacted)

23 That was your evidence given at the February meeting in 2020. We have it on the

24 transcript and we can show it to you if you deny it. You deny this? Do you accept

25 that you in February (Overlapping speakers)

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1 A. [10:03:28] (Overlapping speakers)

2 Q. No, that's not my question. My question: Can you recall whether you in

3 February 2020 --

4 PRESIDING JUDGE SCHMITT: [10:03:38] No, not "recall". Who was it, (Redacted)

5 (Redacted)? Or whomsoever. The witness has told, you know --

6 THE WITNESS: [10:03:48](Interpretation) It was (Redacted)

7 PRESIDING JUDGE SCHMITT: [10:03:51] So then you can ask: Why did you say

8 in 2020 ...

9 Now you can continue.

10 MR KNOOPS: [10:03:56] Yeah.

11 Q. [10:03:57] Well, just to shorten things, maybe that we should pull up tab 11 of

12 the Defence binder, that's CAR-D29-0009-0133 at 137 -- sorry, 0137. In particular,

13 line 26-28. Actually, it runs from 3 till 28, also 22.

14 You say: (Interpretation) "I do not believe even that it was (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 So it was clear, Mr Witness, that you in 2020 mentioned (Redacted). You even stated that

21 you didn't know a gentleman with the name (Redacted)

22 PRESIDING JUDGE SCHMITT: [10:05:26] How do you explain that, Mr Witness?

23 THE WITNESS: [10:05:29](Interpretation) Those are two names that are very similar.

24 I made a mistake and then I remembered afterwards. The real name is (Redacted)

25 But I made a mistake believing that it was (Redacted)

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- 1 (Redacted)
- 2 (Redacted)
- 3 (Redacted) -- can you recall first name
- 4 (Redacted)
- 5 A. [10:06:07] I do not know his first name.
- 6 (Redacted)
- 7 (Redacted)
- 8 (Redacted)
- 9 (Redacted)
- 10 (Redacted)
- 11 (Redacted)
- 12 (Redacted)
- 13 (Redacted)
- 14 (Redacted)
- 15 (Redacted)
- 16 (Redacted)
- 17 (Redacted)
- 18 (Redacted)
- 19 (Redacted)
- 20 Q. [10:08:50] (Speaks English) So I put to you, sir, that also here you changed your
- 21 evidence, that while in 2016 you said (Redacted)
- 22 during your evidence in court you changed it to different locations. What is your
- 23 response to this?
- 24 A. [10:09:15] No, they did not come. (Redacted -- that I
- 25 made a mistake. (Redacted)

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- 1 (Redacted)
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- 3 (Redacted)
- 4 (Redacted)
- 5 (Redacted)
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- 8 (Redacted)
- 9 (Redacted)
- 10 (Redacted)
- 11 (Redacted)
- 12 (Redacted)
- 13 (Redacted)
- 14 (Redacted)
- 15 (Redacted)
- 16 By the way Ouandjio, Habib died in the meantime, so quite convenient to mention
- 17 these names now. We cannot interrogate them anymore.
- 18 So why, sir, didn't you testify in 2016 about names (Redacted)
- 19 (Redacted)
- 20 (Redacted)
- 21 (Redacted). How come,
- 22 Mr Witness?
- 23 A. [10:12:29] I had forgotten it. It just escaped my mind. I mean, maybe they
- 24 didn't put me the question. Maybe they didn't ask me and I didn't give them the
- 25 name. If now you would ask me what was the name of the people, I would have

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1 given the name of those persons. But I wasn't asked that question at the time.

2 Q. [10:12:50] Well, you were asked that question in February 2020 and can you
3 recall what you said to the investigator of the team (Overlapping speakers)

4 PRESIDING JUDGE SCHMITT: [10:12:58] No, he cannot recall. He has said
5 something. Really, can't we expedite that?

6 MR KNOOPS: [10:13:06] Yes.

7 Q. [10:13:07] In 2020, sir, February, you again made a different statement. You

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted). Three times you

15 changed your statement for such an important event, which actually --

16 PRESIDING JUDGE SCHMITT: [10:14:28] Mr Knoops, you have made your point,
17 but we don't discuss and argue with the witness.

18 MR KNOOPS: [10:14:38]

19 Q. [10:14:38] So what is your answer? What should we believe now today from
20 your evidence?

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 Q. [10:15:16] And why, sir, did you say in 2016 that (Redacted)

25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted), which is a totally new

4 statement compared to, first of all, what you said in 2016 and, secondly, in

5 February 2020? Also here you have given us a totally different account three times

6 of these so-called events.

7 PRESIDING JUDGE SCHMITT: [10:16:13] Mr Vanderpuye.

8 MR VANDERPUYE: [10:16:14] First of all, I object to that question. I think it's

9 pretty clear that the witness has implicated Mr Ngaïssona (Redacted) in

10 2016 and again in 2018, explicitly in the transcript of his statement to the Office of the

11 Prosecutor. So if Mr Knoops wants to put the question to him, that's fine, but

12 I would ask for a site and I would ask for it to be put in context and fairly to the

13 witness.

14 PRESIDING JUDGE SCHMITT: [10:16:41] Well, but Mr Knoops refers to, let's say,

15 different versions that the witness has said about. And as I always say, I think we

16 could perhaps put the questions more to the point and more concise so that the

17 witness can answer. If I have understood it correctly, in 2016 the witness has said

18 (Redacted)

19 (Redacted) And in 2020 and '23, today, he says something different.

20 (Redacted) Please

21 tell us again.

22 (Redacted)

23 (Redacted)

24 PRESIDING JUDGE SCHMITT: [10:17:50] Okay. Please move on.

25 MR KNOOPS: [10:17:51]

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1 Q. [10:17:52] Mr Witness, do you accept that you did say in 2016 -- in the transcript
2 you did say "I didn't know these people". You didn't know them. You were asked
3 in 2016 who were these people. You didn't know them. Lines 230 till 235. So why
4 didn't you say in 20 -- why did you say in 2016 that you didn't know these people and
5 now years later you say it was Habib, Ouandjio and Yekatom?

6 PRESIDING JUDGE SCHMITT: [10:18:28] He has answered that question. He has
7 said that he now -- that he later on only recalled. Whatever we make out of this, he
8 has answered the question. Please move on.

9 MR KNOOPS: [10:18:39]

10 Q. [10:18:40] Mr Witness, in your evidence you gave before this Court on two
11 occasions, 16 February and 17 February, T-59, line 14 of the transcript 16 February,

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 Now, do you know when Mr Ngaïssona arrived in Bangui, sir?

21 A. [10:20:24] I do not know when he arrived exactly. But it's when he went to the
22 meeting that I knew about it.

23 Q. [10:20:36] Right. I put to you, sir, that Mr Ngaïssona, which is an uncontested
24 fact, arrived only on 14 January 2014 in Bangui. (Redacted)

25 (Redacted)

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1 (Redacted). It was simply physically impossible. So I put to you
2 that the timeline you gave to the Court simply does contradict your allegation that
3 Mr Ngaïssona (Redacted)
4 PRESIDING JUDGE SCHMITT: [10:21:14] Mr Vanderpuye.
5 MR VANDERPUYE: [10:21:14] I think that's an objectionable question. The
6 suggestion that (Redacted)
7 (Redacted) because they're not physically present is just incongruent.
8 (Redacted)
9 (Redacted)
10 (Redacted)
11 MR KNOOPS: [10:21:40] Mr President, the witness said Mr Ngaïssona returned
12 (Overlapping speakers)
13 PRESIDING JUDGE SCHMITT: [10:21:44] We know, we know when Mr
14 (Overlapping speakers)
15 (Redacted)
16 PRESIDING JUDGE SCHMITT: Yes, plus --
17 MR KNOOPS: [10:21:46] Our submission is it cannot be -- how could he --
18 PRESIDING JUDGE SCHMITT: [10:21:51] Yeah, yeah, yeah, I understand -- I
19 understand your point. So I don't have a problem with it. I'm not sure if the
20 witness is completely sure when (Redacted)
21 (Redacted)
22 (Redacted)
23 (Redacted)
24 So, Mr Witness, I give it -- I know it's difficult with dates after 10 years now, nearly
25 10 years. Could you try to recall how long (Redacted)

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1 (Redacted). Is it possible to really orientate us in time, so to speak?

2 THE WITNESS: [10:22:52](Interpretation) I've always said that I had problems with
3 dates because I didn't write things down and my memory is not very good (Redacted)
4 (Redacted). If I had written things down, I would have been able
5 to give you dates. But when it comes to these events, those events remained
6 engraved in my memory.

7 PRESIDING JUDGE SCHMITT: [10:23:22] Mr Knoops, please move on. Please
8 move on I said.

9 MR KNOOPS: [10:23:26] Yes.

10 Q. [10:23:28] Last point, Mr Witness: Can you recall that in your prior statement
11 of 2016, which is again OTP binder --

12 PRESIDING JUDGE SCHMITT: [10:23:41] Really, also for future witnesses, it would
13 be surprising if a witness who has given hundreds of pages of testimony recalls what
14 he has said in -- you obviously want to show the witness something that comports not
15 with what he said later. And again, I repeat myself, and if Prosecution does not
16 object, saying you are citing here wrong, I think you can simply say you said in 2016
17 this, you say now that, can you explain that.

18 MR KNOOPS: [10:24:15] I would like to show the witness -- that's my last question
19 and I'll stop it, Mr President.

20 PRESIDING JUDGE SCHMITT: [10:24:20] That's okay. You can do it this way, but
21 to ask the witness if he recalls what he has said 2016 ...

22 MR KNOOPS: [10:24:26]

23 Q. [10:24:26] If you look, Mr Witness, at your evidence given 2016, that is tab 49 of
24 the Prosecution binder, CAR-OTP-2076-0203-R01 at 0209, especially line 129, I start
25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted). Which is a totally different

7 narrative, and I think there's no doubt that is a totally different narrative, as opposed

8 to the evidence you gave before this Court.

9 PRESIDING JUDGE SCHMITT: [10:26:23] And now --

10 MR KNOOPS: [10:26:25] And the question is --

11 PRESIDING JUDGE SCHMITT: [10:26:29] The witness has to explain that, or you

12 want the witness to explain --

13 MR KNOOPS: Well, if (Overlapping speakers)

14 PRESIDING JUDGE SCHMITT: [10:26:29] We are -- we are here, if I understand it,

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted), so this

23 is something different as 2014 you spoke about before. Can you explain that?

24 (Redacted)

25 THE WITNESS: [10:27:33](Interpretation) I did not understand the question.

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1 PRESIDING JUDGE SCHMITT: [10:27:47] That was indeed my fault. I was
2 also -- you know, you explained under what circumstances (Redacted)
3 (Redacted)
4 (Redacted)
5 (Redacted)
6 (Redacted)
7 (Redacted)
8 (Redacted), and that seems to be something
9 different. So I would ask you if you can explain that.
10 (Redacted)
11 (Redacted)
12 (Redacted). And this is why I said that.
13 And as soon as I said that, things * took another turn. It was very hard.
14 (Redacted)
15 (Redacted)
16 (Redacted)
17 (Redacted)
18 (Redacted)
19 (Redacted)
20 (Redacted)
21 (Redacted)
22 (Redacted)
23 (Redacted)
24 (Redacted). This is something that it would be good if you could explain it.
25 THE WITNESS: [10:30:33](Interpretation) It is not because (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 PRESIDING JUDGE SCHMITT: [10:31:38] Yes, thank you, Mr Witness. You have
8 said that already.

9 Mr Knoops, move on. So we have this simply.

10 MR KNOOPS: [10:31:44] Of course, yes.

11 Two remaining questions before I close my examination and then I have two or three
12 final questions for the witness.

13 Q. [10:31:52] First, sir, in your evidence of 2016, still the same tab 49 of the

14 Prosecution binder, CAR-OTP-2076 at page 0210, the interview was of the Prosecution,
15 starting at line 232, asked you who (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Speaks English) So you were asked specifically who were these people and you gave
24 totally different names as opposed to your evidence before this Court. Why did you
25 change your statement?

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1 A. [10:33:45] My statement doesn't work in that direction. The names you just
2 mentioned were those who (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 Q. [10:35:05] Do you have any explanation why you constantly change names, sir?
16 Why you keep accusing people and changing names?

17 PRESIDING JUDGE SCHMITT: [10:35:13] Mr Knoops, you have -- you make a point
18 and you don't -- we don't discuss with the witness.

19 Mr Vanderpuye, was this your point? Yeah, okay.

20 Mr Witness.

21 THE WITNESS: [10:35:46](Interpretation) Yes, it is Mr Yagouzou who is the
22 commander of staff. It's not Yambete.

23 PRESIDING JUDGE SCHMITT: [10:35:54] But, Mr Witness, however, you said a
24 couple of minutes ago you recall that it was Mr Yambete. So what is correct? Was
25 it Mr Yambete or was it Mr Yagouzou?

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1 THE WITNESS: [10:36:13](Interpretation) It is Yagouzou. I got a bit confused.
2 These are people I don't know. I don't even have my paper where I made all the
3 additions, so it's difficult for me. It's Yagouzou, not Yambete.
4 PRESIDING JUDGE SCHMITT: [10:36:32] But you have cited correctly, of course,
5 Mr Knoops. Please continue.
6 MR KNOOPS: [10:36:36]
7 Q. [10:36:37] Finally, Mr Witness, we have listened, Mr Witness, very carefully to
8 the audio of the interview of you in February 2020 with the investigator of the team of
9 Mr Yekatom. We listened to the tape. And we can assure you - and we invite the
10 Chamber also to listen to this tape - that you did say (Redacted). It was
11 not a deformation of the transcript you just suggest today. You did not say
12 (Redacted)
13 And that's, for the Court, just a reference, CAR-OTP-2118-5594, track 2 at 1 hour
14 39 minutes. The Court can find exact on the audio the answer of the witness.
15 It's also here, Mr Witness, you have given us today an incorrect answer. It was not a
16 deformation of the transcript. It was really your voice we hear there, right?
17 PRESIDING JUDGE SCHMITT: [10:37:42] No, he cannot say -- he cannot say right --
18 MR KNOOPS: [10:37:45] I understand.
19 PRESIDING JUDGE SCHMITT: [10:37:46] -- to that, but he has tried to explain it.
20 So it seems -- simply, Mr Witness, it seems that you have said in 2020 to the
21 investigator of the Defence of Mr Yekatom, it was (Redacted)
22 So can you explain that? (Redacted)
23 THE WITNESS: [10:38:08](Interpretation) They were (Redacted)
24 PRESIDING JUDGE SCHMITT: [10:38:18] Thank you.
25 (Redacted)

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1 Q. [10:38:19] Finally, sir, it was your question to me yesterday - and I promised to
2 go back to it - why you would come before this Court to lie and that you swore an
3 oath on the Bible to tell the truth. I can tell you, sir, there's evidence before this
4 Court that there is a reason for you to appear before this Court to incriminate
5 Mr Ngaïssona and I put the evidence before you.

6 PRESIDING JUDGE SCHMITT: [10:38:46] Okay, good. Because we don't want
7 (Overlapping speakers)

8 MR KNOOPS: [10:38:49]

9 Q. [10:38:50] First of all, we have a Prosecution witness, P-0 -- (Overlapping
10 speakers)

11 PRESIDING JUDGE SCHMITT: [10:38:52] And a question, please then, yeah?

12 MR KNOOPS: [10:38:53] Yes.

13 PRESIDING JUDGE SCHMITT: Okay, good.

14 MR KNOOPS:

15 Q. [10:38:54] (Redacted) who told us that (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 PRESIDING JUDGE SCHMITT: [10:40:52] And wouldn't it be good one after the
5 other that you --

6 MR KNOOPS: Yeah.

7 PRESIDING JUDGE SCHMITT: [10:40:51] -- ask him -- you know, it's fine that you
8 do it, but also to break it down a little bit. And then ask him the two questions: Is
9 that true or is that correct --

10 MR KNOOPS: Yes, Mr President, I will.

11 PRESIDING JUDGE SCHMITT: [10:41:02] -- or was the other thing correct.

12 MR KNOOPS: [10:41:06]

13 Q. [10:41:08] So, Mr Witness, the first Prosecution witness who enlightened us that

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted). The Balaka of

7 Yekatom was his business. That's it.

8 Q. [10:43:41] Sir, you have accused Mr Ngaïssona for actually trying to destabilise

9 the government of Ms Samba-Panza because you say that he was as his strategic role

10 for the return of the constitutional order and that all those communiqués he released,

11 all those speeches were fake, right? That is your evidence.

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 PRESIDING JUDGE SCHMITT: [10:47:22] Yes, and I think really we don't -- I think
18 this is a document from (Redacted), yeah? Well, I -- I have no problem at all to put it on
19 the record, but I don't want to spend too much time in this courtroom with events
20 from (Redacted)

21 (Redacted). We don't have the time for that. What I suggest is that you put
22 on the record the document that you have. On the record meaning so that I'm
23 understood for today -- on today's record so that we have it together with the --

24 MR KNOOPS: [10:47:57] It's not yet, Mr President, disclosed. We will disclose it.
25 We just received it.

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- 1 PRESIDING JUDGE SCHMITT: [10:48:01] But I have no problem with it.
- 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)
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- 22 (Redacted)
- 23 (Redacted)
- 24 (Redacted)
- 25 (Redacted)

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12 (Paged redacted)

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12 (Paged redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

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5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted) is that your evidence?

13 A. [10:58:33] I've never seen this document, your Honour.

14 Q. [10:58:51] My question, sir, (Redacted)

15 (Redacted)

16 (Redacted)

17 A. [10:59:12] This is the first time which I heard and saw this document. I have

18 never seen this document before. It's today for the first time that I see it.

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 Q. [10:59:44] Sir, I'm at the end of my examination. I have just one minute left,
2 and I put to you, sir, that in the context of all the evidence I presented to you during
3 the course of my examination, you fabricated the allegations as to the supposed

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted), and that's why you were willing to give this evidence.

9 And that's my answer to your question yesterday why on earth would you come here
10 to lie.

11 PRESIDING JUDGE SCHMITT: [11:00:53] So do you want to comment on that,
12 Mr Witness?

13 THE WITNESS: [11:01:08](Interpretation) * Yes. Everything that was just said, I'm
14 not against Ngaïssona. I can't even hold his position against him. First of all, the
15 reactions contrary to international humanitarian law that came out of that, the
16 reactivation of the Anti-Balaka that he arrived at. There already was peace, and then
17 he came along and reactivated, and there were many deaths. But if you look at the
18 investigations, a lot of things will come out. A lot of things will come out.

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 MR VANDERPUYE: [11:02:02] Yeah, we can have the break and I don't think I'm
2 going to be that long.

3 PRESIDING JUDGE SCHMITT: [11:02:05] Yeah. I would like to discuss after the
4 break with you how we continue this week. Perhaps you can also talk with each
5 other, the Prosecution with Defence, if it is realistic to squeeze both witnesses in,
6 which seems to be difficult. If it is not realistic, next question would be -- then we
7 would have, I think, enough time to start with the next witness tomorrow.

8 Otherwise, we would start today simply.

9 So please come back to us after the break.

10 THE COURT USHER: [11:02:37] All rise.

11 (Recess taken at 11.02 a.m.)

12 (Upon resuming in open session at 11.30 a.m.)

13 THE COURT USHER: [11:30:56] All rise.

14 Please be seated.

15 PRESIDING JUDGE SCHMITT: [11:31:19] Mr Vanderpuye, we are in open session
16 and you have the floor.

17 MR VANDERPUYE: [11:31:25] Thank you, Mr President. I've actually given it
18 some consideration and I've determined that we have no further questions for the
19 witness, so we'll let it go at that.

20 PRESIDING JUDGE SCHMITT: [11:31:34] Okay. But then of course we have to
21 discuss the way forward, so to speak.

22 MR VANDERPUYE: [11:31:39] Yes. We've had an opportunity to speak with the
23 Defence concerning -- concerning the witness after the next one, and it appears that
24 there will not be sufficient time to do that witness. I think the Defence have between
25 them nine hours, about nine hours (Overlapping speakers)

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1 PRESIDING JUDGE SCHMITT: [11:31:58] I have it -- I have it quite exactly in my
2 mind, I think it would amount to around about three days for this witness.

3 MR VANDERPUYE: [11:32:06] That's exactly right, Mr President.

4 PRESIDING JUDGE SCHMITT: [11:32:08] Okay, I understand.

5 I see nodding everywhere.

6 So this means that we could start with the next witness also tomorrow, I would say.

7 MR VANDERPUYE: [11:32:17] Yes, Mr President. We're actually inquiring right
8 now as to the availability of the next witness, but tomorrow seems reasonable to me,
9 if that's fine with the Chamber.

10 PRESIDING JUDGE SCHMITT: [11:32:28] Availability, always the red light goes on.
11 But the witness will be available this week.

12 MR VANDERPUYE: [11:32:32] Yes. I was thinking about, you know, within the
13 next half an hour or something like that.

14 PRESIDING JUDGE SCHMITT: [11:32:36] Okay, no, no. No, then, we don't have to
15 force matters.

16 Okay, thank you very much.

17 So then this means that we will continue tomorrow 9.30 with the next witness.

18 Mr Witness, you have heard what the Prosecutor has said. This concludes your
19 testimony. I would like to address you on behalf of the Chamber. On behalf of the
20 Chamber, I would like to thank you that you have made yourself available as a
21 witness in this proceedings and thereby assisting the Chamber to determine the truth.

22 We thank you for that, and we wish you a safe trip back home.

23 THE WITNESS: [11:33:15](Interpretation) Thank you, your Honour.

24 (The witness is excused)

25 PRESIDING JUDGE SCHMITT: [11:33:16] So, as I said, tomorrow 9.30 we continue

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- 1 with P-2354. I know -- I accept that and I also see, of course, that it is -- the witness
- 2 that we had also foreseen for this block, it's really difficult and -- but for future blocks,
- 3 I would really appreciate it if we could squeeze in, so to speak, as many witnesses as
- 4 possible. And I really see potential in shortening the examination on all sides, I have
- 5 to say. I'm just saying it.
- 6 So this concludes for today.
- 7 THE COURT USHER: [11:33:57] All rise.
- 8 (The hearing ends in open session at 11.34 a.m.)