

Trial Hearing
WITNESS: CAR-OTP-P-1858

(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
5 Patrice-Edouard Ngaïssona - ICC-01/14-01/18
6 Presiding Judge Bertram Schmitt, Judge Péter Kovács and
7 Judge Chang-ho Chung
8 Trial Hearing - Courtroom 1
9 Tuesday, 13 December 2022
10 (The hearing starts in open session at 9.33 a.m.)
11 THE COURT USHER: [9:33:04] All rise.
12 The International Criminal Court is now in session.
13 Please be seated.
14 PRESIDING JUDGE SCHMITT: [9:33:28] Good morning, everyone.
15 Court officer, please call the case.
16 THE COURT OFFICER: [9:33:33] Good morning, Mr President, your Honours.
17 Situation in the Central African Republic II, in the case of The Prosecutor versus
18 Alfred Yekatom and Patrice-Edouard Ngaïssona, case reference ICC-01/14-01/18.
19 And we are in open session.
20 PRESIDING JUDGE SCHMITT: [9:33:48] Thank you.
21 I ask for the appearances of the parties. We start with the Prosecution.
22 MS BERDENNIKOVA: [9:33:55] Good morning, Mr President, your Honours, and
23 everyone present in the courtroom.
24 The Prosecution is represented today by Irina Galupa, by Kweku Vanderpuye, by
25 Yassin Mostfa and myself, Maria Berdennikova. Thank you.

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1 PRESIDING JUDGE SCHMITT: [9:34:08] Thank you.

2 Representatives of the victims, next.

3 MS DOUZIMA: [9:34:15](Interpretation) Good morning, Mr President. Good
4 morning, your Honours.

5 The victims of the other crimes today are represented by Madam Ombeni Evelyne,
6 and by myself, Madam, *Maître* Douzima Marie-Edith. And I thank you.

7 PRESIDING JUDGE SCHMITT: [9:34:30] Thank you.

8 Mr Suprun.

9 MR SUPRUN: [9:34:33] Good morning, Mr President, your Honours. The former
10 child soldiers are represented by myself, Dmytro Suprun, counsel at the Office of
11 Public Counsel for Victims. Thank you.

12 PRESIDING JUDGE SCHMITT: [9:34:40] Thank you.

13 We turn to the Defence. First, Ms Dimitri.

14 MS DIMITRI: [9:34:44] Thank you, Mr President. Good morning. Good morning,
15 your Honours. Good morning, everyone.

16 Mr Yekatom is present in the courtroom. He is represented today by Léa-Marie
17 Gagnon, Ms Anta Guissé, Ms Laurence Hortas-Laberge and myself, Mylène Dimitri.

18 PRESIDING JUDGE SCHMITT: [9:35:00] Thank you.

19 Mr Knoops.

20 MR KNOOPS: [9:35:02] Good morning, Mr President. Good morning,
21 your Honours. Good morning, everyone in the courtroom. Good morning,
22 Mr Witness.

23 Our team is today composed of Ms Marie-Hélène Proulx, on my right side,

24 Mr Alexandre Desevedavy, Ms Brianna Dyer and Ms Despoina Eleftheriou. Thank
25 you.

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1 PRESIDING JUDGE SCHMITT: [9:35:25] Thank you very much.

2 We will now start with the testimony of Prosecution Witness P-1858.

3 Mr Witness, good morning. On behalf of the Chamber, I would like to welcome you
4 to the courtroom. You are called to testify to assist this Chamber in the case of the
5 Prosecutor against Mr Yekatom and Mr Ngaïssona.

6 There have been put into place protective measures to ensure that your identity is not
7 revealed to the public. I assume this has been explained to you already. These are
8 face distortion, so that nobody outside this courtroom can identify you by your
9 appearance, by your face. And we are using a pseudonym. That means that I'm
10 also addressing you always as "Mr Witness" and not with your real name.

11 Mr Witness, there should be a card in front of you with the solemn undertaking to tell
12 the truth. Please read this card out aloud.

13 WITNESS: CAR-OTP-P-1858

14 (The witness speaks French)

15 THE WITNESS: [9:36:51](Interpretation) I solemnly declare that I shall speak the
16 truth, the whole truth and nothing but the truth.

17 PRESIDING JUDGE SCHMITT: [9:36:57] Thank you very much.

18 We will then start with your testimony. Since you are -- I think Ms Berdennikova
19 explained to him where we have to speak slow, and so we don't have to do this twice.
20 And you are also aware that you have to establish the conditions for Rule 68(3).

21 Thank you very much.

22 So we start with the questioning by the Prosecution.

23 MS BERDENNIKOVA: [9:37:28] Thank you, your Honours.

24 QUESTIONED BY MS BERDENNIKOVA:

25 Q. [9:37:33] Good morning, Mr Witness. Good morning. My name is Maria

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1 Berdennikova. I'm the lawyer who works with the Office of the Prosecution who
2 will be asking you some questions today. We had the opportunity to very briefly
3 meet each other last week on Friday, you might recall. So it's nice to see you again
4 today in the courtroom.

5 You've noticed already that we are using different languages during your testimony.
6 So it's very important that we both speak slowly and that we make a little pause of
7 just a few seconds between my questions and your answers because that gives the
8 interpreters the necessary time to do their work. All right?

9 As the Presiding Judge already mentioned, I will also refer to you as "Mr Witness",
10 and that's not out of disrespect but simply to comply with the protective measures in
11 place for your identity.

12 Are you with me so far?

13 A. [9:38:43] Yes. Very well.

14 Q. [9:38:46] I will ask you to listen to my questions very carefully. And I already
15 tell you now that some of my questions will be quite long because I will be referring
16 back to a statement that you made in the past. So please listen to my questions
17 carefully. But if ever you don't understand something, or something is not clear to
18 you, please do let me know. It's not a problem at all, and I can repeat my question,
19 or I can rephrase my question also, so that we understand each other well, which is
20 important.

21 Another thing I wanted to mention is, perhaps some of my questions might seem
22 kind of obvious to you, you know, or you might wonder, you know, why I am asking
23 you certain things. So please just be patient because for us there are certain things
24 that are important. And if you explain things clearly, it will help the judges and
25 everyone in the courtroom understand how you know things and why you know

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1 certain things.

2 And I think the last thing is, if you need a break at any point during the testimony,
3 please feel free to let the judges know.

4 Is that okay?

5 A. [9:40:02] Yes. Thank you.

6 PRESIDING JUDGE SCHMITT: [9:40:05] If I may add, perhaps.

7 Mr Witness, if you need a break or you want a break, you can indicate that by raising
8 your hand, and then I'm asking you and I give you the floor. Thank you very much.

9 Ms Berdennikova.

10 MS BERDENNIKOVA: [9:40:18] If I could ask to go into a brief private session at
11 this stage.

12 PRESIDING JUDGE SCHMITT: [9:40:21] Yes, of course, of course.

13 Private session.

14 (Private session at 9.40 a.m.)

15 THE COURT OFFICER: [9:40:33] We're in private session, your Honours.

16 MS BERDENNIKOVA: [9:40:44]

17 Q. [9:40:44] Okay. Mr Witness, we are now in private session, which means that
18 only the people who are inside of this courtroom can hear what you are going to be
19 saying, and the public will not be able to hear anything when we are in this public
20 session -- private session. So I would first like to ask you a few things about your
21 identity. Could you just state your name for the record.

22 A. [9:41:15] My true name?

23 Q. [9:41:17] Yes, please.

24 A. [9:41:19] Okay. Thank you. I will answer on behalf of Mr (Redacted)

25 (Redacted)

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1 Q. [9:41:33] And could you tell us when and where you were born?

2 A. [9:41:39] I was born on (Redacted) in (Redacted).

3 THE INTERPRETER: [9:41:44] Message from the interpreter: Could the witness
4 please speak up. Thank you.

5 MS BERDENNIKOVA: [9:41:48]

6 Q. [9:41:48] And could you just confirm that you are a national of the Central
7 African Republic.

8 A. [9:41:56] Yes, I am of Central African nationality.

9 PRESIDING JUDGE SCHMITT: [9:42:02] Mr Witness, the interpreters have asked
10 you to speak a little bit up so that they can understand you better. Thank you very
11 much. Or perhaps speak closer to the microphone would also do the job, I think.
12 Ms Berdennikova.

13 MS BERDENNIKOVA: [9:42:18]

14 Q. [9:42:18] And do you also have a nickname?

15 A. [9:42:28] My nickname? Well, I don't believe so. I don't believe so.

16 Q. [9:42:35] I just have one last question about your identity. Could you tell us
17 what your religion is.

18 A. [9:42:45] I am a Catholic.

19 Q. [9:42:48] Thank you very much.

20 Could we go back to open.

21 PRESIDING JUDGE SCHMITT: [9:42:52] Open session.

22 (Open session at 9.43 a.m.)

23 THE COURT OFFICER: [9:43:06] We are back to open session, Mr President.

24 MS BERDENNIKOVA: [9:43:13]

25 Q. [9:43:14] So, Mr Witness, I will now just ask you a few questions about your

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1 statement. And is it correct that you were interviewed by investigators of the Court,
2 of the Office of the Prosecution, in October 2017?

3 A. [9:43:36] Indeed.

4 MS BERDENNIKOVA: [9:43:41] Your Honours, just for the record, I will read out
5 the ERNs of the statement and the French translation.

6 PRESIDING JUDGE SCHMITT: [9:43:45] Yes, yes.

7 MS BERDENNIKOVA: [9:43:46] So the statement is in the Prosecution binder at tab
8 3. It's CAR-OTP-2063-0050. And the French translation is at tab 27,
9 CAR-OTP-2104-0630.

10 Q. [9:44:16] And could you tell us, did you give that statement voluntarily?

11 A. [9:44:27] Certainly.

12 Q. [9:44:30] And is it correct that you had the opportunity to reread the statement
13 as recently as last week and to make corrections to it?

14 A. [9:44:45] Yes.

15 Q. [9:44:47] And just for the record, the ERN of the corrections that was made by
16 the witness is CAR-OTP-00000777.

17 Now, Mr Witness, can you confirm that your statement, read together with the
18 corrections that you made to it, is true and correct to the best of your knowledge and
19 recollection?

20 A. [9:45:25] Yes.

21 Q. [9:45:29] And do you agree for the Chamber to use that statement as evidence in
22 the case?

23 A. [9:45:39] Yes, Madam Prosecutor.

24 PRESIDING JUDGE SCHMITT: [9:45:41] Well, then we state for the record that the
25 conditions for the statement of the witness for Rule 68(3) are fulfilled with the

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1 corrections made by the witness, and we have on the record the different ERN
2 numbers.

3 Please continue, Ms Berdennikova.

4 MS BERDENNIKOVA: [9:46:02]

5 Q. [9:46:02] So, Mr Witness, your statement is quite complete, and I want to
6 reassure you that everything that is written in it, the judges and the lawyers in the
7 case are already familiar with the information that is in your statement. So today I'm
8 only going to put to you a few clarification questions and also some additional
9 questions, which means that I probably will not take too much of your time today.
10 And I will try to cover the various topics in chronological order as much as possible,
11 just for the sake of clarity.

12 For the record, I will be using the English version of the statement, which is at tab 3,
13 and I will not reference the ERN each time. I believe it's already on the record.

14 PRESIDING JUDGE SCHMITT: [9:46:55] Well, indeed. Just tell us the paragraph
15 then, yeah.

16 MS BERDENNIKOVA: [9:47:01] And, your Honours, for the first topic I would need
17 to go into a private session.

18 PRESIDING JUDGE SCHMITT: [9:47:06] Yeah. And for the audience, just to
19 explain that, you have already recognised that this is a protected witness, and
20 whenever issues are discussed with the witness that could -- where the content of the
21 answer could reveal the identity, we have to do that in private session.

22 And we go to private session.

23 (Private session at 9.47 a.m.)

24 THE COURT OFFICER: [9:47:40] We're in private session.

25 MS BERDENNIKOVA: [9:47:47]

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1 Q. [9:47:49] So, Mr Witness, now that we are in private session, the first topic that I
2 would like to start with is just to talk a little bit about (Redacted) experience in
3 (Redacted). And at -- just to situate you, at paragraph 29 of your statement, you
4 describe how you joined (Redacted) group -- group (Redacted), which stands for (Redacted)
5 (Redacted).

6 And you say that from (Redacted) this group was based in the
7 bush in (Redacted) area. So do I take it that you joined this group (Redacted)
8 (Redacted)?

9 A. [9:48:45] Yes, indeed, Madam Prosecutor.

10 Q. [9:48:50] So you already talk in quite a lot of detail about this group in your
11 statement. I am not going to go through all of that here today, but what I would like
12 to ask is a few additional questions about (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 Q. [9:50:38] Thank you. I would like to turn to the 5 December 2013 attack on
2 Bangui now.
3 And I would like to stay in the private session just for the first few questions.
4 Now, at paragraphs 41 and 45 of your statement, you explain that you were in (Redacted)
5 on the day of the attack. And you also say that (Redacted). You
6 explain at paragraph 41, I am quoting what you said: (Redacted)
7 (Redacted)
8 (Redacted)
9 (Redacted)
10 (Redacted)
11 (Redacted)
12 (Redacted)
13 (Redacted)
14 (Redacted)
15 (Redacted)
16 (Redacted)
17 (Redacted)
18 (Redacted)
19 (Redacted)
20 (Redacted)
21 (Redacted)
22 (Redacted)
23 (Redacted)
24 (Redacted)
25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 Q. [9:53:44] Do you know if he specified which areas of Bangui were being attacked
5 by the elements of Mr Yekatom?

6 A. [9:53:57] He specified that it was Kilometre 5.

7 Q. [9:54:09] And are you aware of where (Redacted) received his own information
8 from?

9 A. [9:54:25] Well, as he wasn't standing next to me, no.

10 Q. [9:54:31] And that's perfectly fine. In fact, if there are questions to which you,
11 you know, don't know the answer, then please, we very much welcome that you just
12 tell us that you don't know for whatever reason.

13 A. [9:54:49] All right.

14 Q. [9:54:51] You mentioned that -- when I asked about the areas of Bangui for the
15 attack, you mentioned Kilometre 5. Was this an area that was attacked or that was
16 supposed to be attacked, do you know?

17 A. [9:55:19] At Kilometre 5 there are a number of neighbourhoods, starting with the
18 5th arrondissement until the roundabout of Kilometre 5. There are a number of
19 areas. There's Gbaya-Doumbia. There is the Ramandji neighbourhood. There is
20 Boulata neighbourhood. There's *Boeing behind there. So that was -- it was that
21 block.

22 Q. [9:56:01] Thank you for that.

23 I think we can go back into public session.

24 PRESIDING JUDGE SCHMITT: [9:56:06] Yes, then we give this a try at least.

25 (Open session at 9.56 a.m.)

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1 THE COURT OFFICER: [9:56:29] We're in open session, your Honours.

2 MS BERDENNIKOVA: [9:56:32]

3 Q. [9:56:32] Mr Witness, we are back in open session, which means that the public
4 can also hear us now, and I will be careful with the questions that I ask. But if ever
5 you think that the answers that you have to provide to respond to my question may
6 identify you, also feel free to let us know, and, you know, we can request to go back
7 into private session. But I also want to reassure you that if ever something comes
8 out that may be identifying, don't worry about it, because we do have various
9 mechanisms in place, you know, to take the information out, if necessary. Okay?

10 So you --

11 A. [9:57:15] Yes, thank you.

12 Q. [9:57:17] You explained at paragraph 44 of your statement that on the day of the
13 5 December attack, Bimbo was not attacked, "but there was a lot of fear and chaos
14 since people could hear the detonations coming from Bangui." And you also add
15 that: "People were running away towards the villages and the bush, carrying their
16 sick relatives."

17 Now, is this something that you saw with your own eyes that, the people were
18 fleeing?

19 A. [9:57:56] Yes, indeed, Madam Prosecutor.

20 Q. [9:58:00] And what kind of people were they that were fleeing?

21 A. [9:58:15] Well, it was the -- it was youngsters, it was the poor ladies, women,
22 mothers. The attack surprised them early in the morning and they were emptying
23 their neighbourhood. Even those neighbourhoods that were close to Kilometre 5,
24 Fatima *quatre-vingt douze*, et cetera.

25 Q. [9:58:46] And you also explain at paragraph 42 of your statement, and I will

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1 quote again that: "There were a lot of victims from both sides, Muslims and
2 Christians ..."

3 And you add that there were "some traders who were on their way to buy things
4 early in the morning and they were caught up in the attack."

5 So that's in your statement. Could you provide more details about what happened
6 to these traders you mention.

7 A. [9:59:23] Yes. When the attack occurred, no one was aware that something like
8 that was going to happen. People were coming and going to their activities as
9 normal. And it was then that there were some explosions which meant that people
10 started to flee. And there was damage everywhere, amongst both the Christians and
11 the Muslims, both sides.

12 Q. [10:00:00] Thank you. I'd like to concentrate just on the traders that you
13 mentioned, that you said were caught up in the attack. Do you know which part of
14 Bangui this -- these traders were caught up in?

15 A. [10:00:26] I took the example of {ICR: (Redacted)}
16 of my wife, and he would often go to Kilometre 5. And he was surprised when he
17 got there, there was the attack, and he had sustained injuries from the Muslims.
18 And {ICR: (Redacted)} took him to the Doctors Without Borders for health care.

19 Q. [10:01:04] Okay. And at paragraph 80 of your statement, you mention the
20 aftermath of the 5 December attack, and you say the following, so I will quote:
21 "Rombhot was the perpetrator of what happened to the Muslims in his area of control.
22 After the attack of 5 December 2013, the Muslims could not move freely and go
23 wherever they wanted. Muslims could not go to the areas controlled by Rombhot's
24 elements because they would be killed."

25 So first of all, could you specify which areas you mean when you say -- when you

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1 refer to "areas controlled by Rombhot's elements" in this context?

2 A. [10:01:57] If I'm referring to regions, I mean from Fatima onwards, *(inaudible),
3 going towards Bimbo. And when you -- and Boeing, and there was a lot of security
4 there. And no one could actually cross over the high-risk zones.

5 PRESIDING JUDGE SCHMITT: [10:02:26] Mr Witness, you have just heard what
6 Ms Berdennikova, the Prosecutor, read out. Where did you get this information
7 from, about Mr Rombhot and his elements?

8 THE WITNESS: [10:02:46](Interpretation) Thank you for your question. Thank you
9 for having asked me this question. You see, when there is a crisis, you need to know
10 who is responsible for the crisis, the person who would have triggered this crisis.
11 And we really must know his name.

12 PRESIDING JUDGE SCHMITT: [10:03:08] Well, I follow what you are saying, but
13 perhaps you can elaborate a little bit more. What are -- let me put it this way: What
14 were the sources this information that you got? So you wanted you have or you said
15 you needed the information, but where did you get it from?

16 THE WITNESS: [10:03:34](Interpretation) Could you please ask me that question
17 again.

18 PRESIDING JUDGE SCHMITT: [10:03:37] Yeah, that was too complicated. I
19 apologise for that. So you said in times of crisis you need to know who is
20 responsible for the crisis. And I want you to explain to us perhaps a little bit more
21 how did you get the information who was responsible. Did you speak with people?
22 Did you hear it on the radio, or whatsoever?

23 THE WITNESS: [10:04:07](Interpretation) Thank you for the question, your Honour.
24 You see, I also am part of a group, and information cannot just -- we can't be unaware.
25 We really need to be aware of this information. So whatever information, we should

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1 be aware of it. So with regards to my group, it's from this group I belong to that I
2 received the information.

3 PRESIDING JUDGE SCHMITT: [10:04:40] Thank you. So since he has not
4 mentioned the group, I think it's fine. And we have it in paragraph 80, but I think
5 it's really -- I think it is absolutely important to ask these questions. Perhaps in
6 doubt, we can -- next time we go to private session then. But the witness is very well
7 aware obviously, very clever person. He has circumvented the problem, so to speak,
8 Ms Berdennikova.

9 MS BERDENNIKOVA: [10:05:11] All right.

10 Q. [10:05:13] Could I ask you to clarify. You said that this area was controlled by
11 Yekatom and his elements. Could you elaborate a little bit on how this control was
12 manifested. What do you mean that it was controlled?

13 A. [10:05:34] When I say it was "controlled", it means there were elements in these
14 zones, everywhere. So this is what "controlled" means. The elements, in fact, had
15 taken control of the zone and they were constantly present in the zone. This is what
16 I mean by "controlled".

17 THE INTERPRETER: [10:05:57] And a message from the interpreter: The witness
18 should speak up. Thank you.

19 PRESIDING JUDGE SCHMITT: [10:06:00] Mr Witness, please, as I said before,
20 please try to speak a little bit up so that the interpreters can hear you very well. But
21 thank you very much.

22 Ms Berdennikova.

23 MS BERDENNIKOVA: [10:06:15]

24 Q. [10:06:15] So I will ask you for a further clarification on the same issue. And
25 could you explain to the judges, how is it -- how do you know that Muslims could not

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1 move around freely in those areas controlled by Yekatom and his elements?

2 A. [10:06:41] Can you please repeat the question.

3 Q. [10:06:45] So you mentioned in your statement that Muslims -- after the
4 5 December attack, Muslims could not move around freely within the areas controlled
5 by Yekatom and his elements. How do you know that Muslims could not -- could
6 not move around freely?

7 A. [10:07:08] Thank you for the question. At that point of time, Madam
8 Prosecutor, the president at that point of time was Djotodia, and when he came, there
9 were camps before Yekatom wanted to intervene. So there were Muslims who were
10 everywhere who controlled, as I said, the zone, and no one could move around freely.
11 So everyone would move with a lot of distrust. So when there was Yekatom's
12 intervention, we knew that there were two sides. There were Muslims who could
13 not move freely, and there were Christians who also could not cross over to the zones
14 controlled by the Muslims. So that was the way it was.

15 Q. [10:08:20] Okay. Just another clarification. When you mentioned that the
16 Muslims could not circulate freely in those areas, you say it's because they would be
17 killed. Can you elaborate a little bit more on that. Why do you say that the
18 Muslims would be killed if they moved around the areas controlled by Yekatom and
19 his elements?

20 A. [10:08:55] Thank you. As I said previously, there was this problem at
21 Kilometre 5. Even Christians would not cross over Kilometre 5. You have the
22 Petevo market that was reserved for the Christians. There was a market there. And
23 all Christians who were selling their wares at PK5 would go to the other market.
24 And no one could cross over, and you would do so at your own risk. And if you
25 could, you would cross over, otherwise you would just stay put. So there were

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1 tensions. And there were tensions like that.

2 Q. [10:09:48] Thank you for that clarification. But could you -- could you explain,
3 why do you say that the Muslims would be killed when they go to the areas
4 controlled by Yekatom? Because I am not sure that you quite answered that specific
5 question yet.

6 A. [10:10:16] The answer is there. When you know that there is an enemy and you
7 can't go there, you won't take the risk of crossing over because you know that your
8 enemy is waiting there. You can't go.

9 Q. [10:10:40] Correct me if I'm wrong, but does that mean that the Muslims were
10 the enemy?

11 A. [10:10:50] Not really. Both of them were enemies. Christians and Muslims
12 were enemies. There was some dysfunction.

13 Q. [10:11:04] Okay. Thank you. Now, further in your statement, so this is at
14 paragraph 81, you said that Muslims had fled as they were afraid of the insecurity
15 that was created by Rombhot and his elements. Can you clarify again which areas
16 you refer to when you say that the Muslims had fled. Is it the same areas that you
17 just mentioned in your previous answers?

18 A. [10:11:44] No, I'm referring to the areas around Bimbo, Fatima and others,
19 because no one knew that there would be crisis or problems like this. Everyone was
20 scattered everywhere. And the Christians were in Kilometre 5 and the Muslims
21 were in Bimbo, 92. So this is what I was referring to. It's the zones around Bimbo,
22 Nzangognan, Fatima and others.

23 Q. [10:12:25] Okay. And you say that they fled because they were afraid of the
24 insecurity. Can you elaborate a little bit more on what was this insecurity that was
25 created by Rombhot and his elements?

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1 A. [10:12:45] They fled for their safety. They were going back to Kilometre 5.

2 They wanted to go back to Kilometre 5, to not remain in unsafe areas. That was it.

3 Q. [10:13:03] And I think this is one of those questions that I mentioned at the very

4 beginning, that there might be questions that I ask you that seem obvious to you. So

5 I will ask you to be a little bit patient. But could you elaborate for us in the

6 courtroom who were not there at the relevant time. How was this insecurity created

7 by Rombhot's elements manifested? What was it that leads you to say that there was

8 this insecurity?

9 A. [10:13:41] Can you please repeat the question.

10 PRESIDING JUDGE SCHMITT: [10:13:44] I think the word "manifest" is a little bit

11 broad.

12 You know, Mr Witness, when you say there was insecurity created by a group, how

13 did that function? Why did people feel insecure? There are a lot of different

14 reasons that we could think about, but we have not been there. You have been there.

15 So how was it, if you put yourself in the shoes of the people, the simple people, the

16 civilians, why do you think did they feel insecure? What was the reason for that,

17 specifically?

18 THE WITNESS: [10:14:31](Interpretation) The reason of this insecurity is

19 this -- could you please repeat the question. Could you please repeat the question,

20 your Honour.

21 PRESIDING JUDGE SCHMITT: [10:14:52] Well, the difficulty is, you know, we don't

22 want to tell you what you should say. So you know when you live somewhere, yeah,

23 and you say, "Oh, it's not safe to go to a certain place. I feel insecure." There are

24 reasons for that. There could be, for example, that people with weapons are -- that

25 you think they will do you some harm, for whatever reasons. You mentioned such

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1 an insecurity, an uncertainty in your statement. And the Prosecutor wants to know
2 what caused this, what was the reason for this insecurity, if you can elaborate on that.
3 If not, we simply continue.

4 THE WITNESS: [10:15:39](Interpretation) The reason of this insecurity, and I'm
5 repeating again, when you know that you're safe here and just in the zone behind
6 you've got your enemy, you cannot cross over. You are forced to stay put.
7 Otherwise, you might lose your life. You might get yourself killed.

8 PRESIDING JUDGE SCHMITT: [10:16:13] We leave it at that, Ms Berdennikova.
9 Please move on.

10 MS BERDENNIKOVA: [10:16:24] Could we go into a brief private session just for
11 one topic.

12 PRESIDING JUDGE SCHMITT: [10:16:30] Yes.

13 Private session.

14 (Private session at 10.16 a.m.)

15 THE COURT OFFICER: [10:16:49] We're in private session, your Honour.

16 MS BERDENNIKOVA: [10:17:00]

17 Q. [10:17:00] All right. So now we are in private session again. And I want to
18 ask you to elaborate on something else you said in your statement, and this is at
19 paragraph 77 where you say, and I am quoting what you said: "Rombhot did things
20 that we did not understand. (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 So what things did Rombhot do that you did not understand? Can you elaborate on
25 that?

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1 A. [10:17:55] Thank you, Madam Prosecutor. Here I am referring to his way of
2 reacting. When he decides something, he will do it. He must do it. And if he
3 does not want to see you, you should avoid him. He wanted to command the zone,
4 Bimbo and the adjoining zones. That's what I wanted to say.

5 Q. [10:18:34] And what do you mean when you say that there would be a "*bagarre*"
6 in Bimbo?

7 A. [10:18:50] There would have been real chaos, disorder. That's what I mean.

8 Q. [10:19:00] Can you maybe give some concrete examples of what type of actions
9 Yekatom did to cause that situation.

10 A. [10:19:19] Type of actions? (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 With respect to Yekatom's zones, there, in those zones, he was the one who was in
15 charge. He had absolute control.

16 MS BERDENNIKOVA: [10:20:30] I believe we can go back into open session.

17 PRESIDING JUDGE SCHMITT: [10:20:32] Open session.

18 (Open session at 10.20 a.m.)

19 THE COURT OFFICER: [10:20:49] We're back to open session, Mr President.

20 MS BERDENNIKOVA: [10:20:57]

21 Q. [10:20:59] All right. So I'd like to move away now from Bangui and move on to
22 another area which is the Lobaye region. So in paragraph 60 of your statement, you
23 say that Lobaye was Rombhot's zone of influence. Is that right?

24 A. [10:21:24] Yes.

25 Q. [10:21:25] And you explain further at paragraph 83 that when Djotodia resigned,

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1 Rombhot and his elements left their Yamwara school base, and you say that: "Some
2 of his elements went to the route to Mbaïki and mostly a village called Sekia, while
3 others went to Boda." And you add that: "Rombhot himself was moving around,
4 and he was not permanently in any of these bases. Rombhot had a lot of other
5 houses located in Kalangoi, in Bossongo, in Palme d'Or and Pissa."

6 First, could you just tell the Judges how you know this, that Yekatom moved around
7 and stayed in these different houses?

8 A. [10:22:21] Yes. This is what I'd like to say: After Djotodia resigned, they left
9 the Yamwara base, and there were others who went to Boda. And Rombhot and the
10 others started at PK9. And after the bridge, they went to the peripheral areas. They
11 crossed Ombella-M'Poko, Lobaye, Kalangoi and Pissa. They were there.

12 Q. [10:23:04] And you mentioned the location Kalangoi. Can you describe --

13 A. [10:23:12] Yes, indeed.

14 Q. [10:23:14] Can you describe where it is.

15 A. [10:23:21] Kalangoi, I think, is at Kapou. It's the border between Ombella
16 M'Poko and Lobaye. Once you reach Kapou, you take a right and it's at -- Kalangoi
17 is 7 kilometres away from Kapou.

18 Q. [10:23:52] Thank you for that clarification. I'd like to now move on and discuss
19 a little bit the checkpoints in Yekatom's area of control that you mentioned.
20 And perhaps it's -- perhaps we can put the excerpts of the statement to the witness,
21 the French version, when I'm making a reference to them, if that's possible, just to
22 show him the relevant paragraphs.

23 PRESIDING JUDGE SCHMITT: [10:24:23] And that's CAR-OTP-2104-0630,
24 2104-0630. And then the paragraphs, we need -- well, let's -- well, I can help or you
25 can help with the specific page then.

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1 MS BERDENNIKOVA: [10:24:43] Yes, it's just for the witness to be able to maybe
2 more easily orientate himself and read for himself the portions.

3 PRESIDING JUDGE SCHMITT: [10:24:53] Yeah, but perhaps we would prefer it if
4 we could at least give it a try without showing him the document. Well, what
5 paragraphs are we thinking of -- are you thinking of?

6 MS BERDENNIKOVA: [10:25:11] Well, it's just that it's already in evidence under
7 Rule 68(3) --

8 PRESIDING JUDGE SCHMITT: [10:25:15] Yeah, yeah, but --

9 MS BERDENNIKOVA: [10:25:15] -- and I think it might facilitate it for the witness,
10 because sometimes the passages I read out are quite long. So to keep it all in mind,
11 it's not always easy.

12 PRESIDING JUDGE SCHMITT: [10:25:30] Yeah, then we can also -- yeah, okay.

13 Let's start and we will see how -- if it is feasible or not. Also, we don't like reading
14 lesson -- reading exercises. Since you are saying it is already in evidence, which is
15 correct, of course, which is absolutely correct.

16 MS BERDENNIKOVA: [10:25:53] All right.

17 Q. [10:25:54] So as I mentioned before that little discussion, I'd like to ask you a few
18 questions about checkpoints in Yekatom's area of control. So you say at paragraph
19 50 of your statement that: "There were incidents of theft and looting on checkpoints
20 on the roads to Mbaïki where Yekatom's elements were based." And you specify
21 that you recall checkpoints located at Sekia and another one at the intersection
22 between the Oubangui and the M'Poko rivers.

23 And you also mention that: "Rombhot's elements had a checkpoint near the PK9
24 bridge at Mr Pismis' place."

25 Are you able to recall any other locations of checkpoints under Mr Yekatom's control?

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1 And if not, it's not a problem, but I just wanted to ask you.

2 A. [10:27:07] It's only that checkpoint that I mentioned.

3 Q. [10:27:11] It's totally fine. Thanks.

4 PRESIDING JUDGE SCHMITT: [10:27:14] Which actually is the same what he said
5 in paragraph 50.

6 MS BERDENNIKOVA: [10:27:22]

7 Q. [10:27:24] So still at paragraph 50, you say that you heard rumours that people
8 had been victimised in these checkpoints. Can you just provide more details on who
9 was victimised at the checkpoints.

10 A. [10:27:45] There were many victims. They were travellers. They were
11 travellers, people who were coming from Mbaïki to Bangui or were leaving Bangui to
12 go to other villages. These were travellers.

13 Q. [10:28:08] And how were they victimised? What happened to them at these
14 checkpoints?

15 A. [10:28:22] They would -- we would extort money from them or goods. Money
16 and goods.

17 Q. [10:28:41] And how did you come to know this, of these victimisations at
18 checkpoints controlled by Yekatom's elements?

19 A. [10:29:00] You know that rumours don't stay in one place. Once the victim
20 would cross over and get to the -- get to the PK9, where there were military men, he
21 would tell his family members, and the word would spread like that to the entire
22 village. So when you come and when you -- you've come with goods, and you have
23 to pay a certain amount, and then you are freed. Or you give a part of your goods,
24 and then you are allowed passage.

25 MS BERDENNIKOVA: [10:29:51] Could I ask for a brief private session for a few

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1 questions.

2 PRESIDING JUDGE SCHMITT: [10:29:54] Yeah, private session.

3 Yes, private session.

4 (Private session at 10.30 a.m.)

5 THE COURT OFFICER: [10:30:09] We're in private session, your Honours.

6 MS BERDENNIKOVA: [10:30:16]

7 Q. [10:30:16] All right. You mentioned that you learned about this victimisation

8 of people via rumours. And in your statement you also say that - still paragraph

9 50 - that (Redacted)

10 (Redacted)

11 A. [10:30:50] Yes, indeed. When, on occasion, (Redacted)

12 (Redacted)

13 (Redacted)

14 Q. [10:31:15] Can you provide some more concrete details of the types of things

15 that these -- that people would complain about what was done to them at the

16 checkpoints.

17 A. [10:31:35] As I told you at an earlier stage, Madam Prosecutor, if it wasn't money,

18 it was either their goods that were taken. So that's -- that's what it was.

19 Q. [10:31:57] And generally, what type of victims were they? You know, was it

20 men? Was it women? Was it - I don't know - children, Christians, Muslims?

21 What type of victims would make these complaints?

22 A. [10:32:19] They were Christians, and most of them were men.

23 PRESIDING JUDGE SCHMITT: [10:32:21] I think you can move on. Well, it's also

24 not the type of crimes actually that -- well, okay. I don't elaborate further.

25 MS BERDENNIKOVA: [10:32:36] Can I maybe one follow-up or one or two

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1 follow-up questions?

2 PRESIDING JUDGE SCHMITT: [10:32:40] It's always like that when I intervene.

3 But since I don't know what you are going to ask, yes, of course, we are very

4 indulgent in that regard.

5 MS BERDENNIKOVA: [10:32:50] Thank you.

6 PRESIDING JUDGE SCHMITT: [10:32:50] But -- and normally you at least try to

7 take what comes from the bench and the, perhaps, underlying reasons for that. So

8 please put your question to the witness.

9 MS BERDENNIKOVA: [10:33:09]

10 Q. [10:33:09] You also say that some of the victims also went to the gendarmerie of

11 PK9 to file complaints about the incidents at the same checkpoints. (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 Q. [10:33:57] Was it the same type of victims that made complaints to the

17 gendarmerie?

18 A. [10:34:10] I believe that that victim did not file a complaint, but they did go to

19 tell the gendarmerie what had happened to them.

20 Q. [10:34:23] And just a few moments ago, when asked to describe the victims, you

21 said they were Christians and mostly men. Do you know why -- did Muslims make

22 complaints as well?

23 A. [10:34:42] I'm not aware of that.

24 MS BERDENNIKOVA: [10:35:00] Okay. I think we can go into open session again.

25 PRESIDING JUDGE SCHMITT: [10:35:03] Open session.

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1 (Open session at 10.35 a.m.)

2 THE COURT OFFICER: [10:35:16] We are back to open session, your Honours.

3 MS BERDENNIKOVA: [10:35:24]

4 Q. [10:35:25] Okay. So I'd just like to ask you a few additional questions with
5 regards to Yekatom and his role and interaction with the other elements in his group.
6 And here, in particular, at paragraph 82 of your statement, you said that you had seen
7 Yekatom giving orders and threats.

8 So, just, what orders and threats did you see him issue?

9 A. [10:36:04] Well, as you know, a leader is a leader, and when the leader gives
10 orders, his elements have to obey. And if you do not obey, that's when he is going to
11 take it out on you.

12 Q. [10:36:33] And when you say that he will "take it out on you", can you be a little
13 bit more specific as to the type of consequences?

14 A. [10:36:49] Well, a consequence would be either he would hit you or you would
15 be killed.

16 Q. [10:36:59] And as you say that you saw him giving orders and threats, can
17 you -- do you recall what the orders were about or what were the threats, a more
18 concrete example?

19 A. [10:37:23] Well, I can't remember because I have noise in my head.

20 Q. [10:37:37] That's totally understandable. And, listen, we all understand that
21 this was a long time ago. A lot of years went by. There are details that it's
22 understandable not to necessarily recall.

23 PRESIDING JUDGE SCHMITT: [10:37:51] When you say you have noise in your
24 head, do you think you need a break? Would it help you if we made a break?

25 THE WITNESS: [10:38:04](Interpretation) Yes, yes, because I feel a bit dizzy.

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1 PRESIDING JUDGE SCHMITT: [10:38:12] Absolutely, then we do that. We resume
2 at a quarter past 11, I would suggest.

3 Thank you. Mr Witness, take your time, please.

4 THE COURT USHER: [10:38:23] All rise.

5 (Recess taken at 10.38 a.m.)

6 (Upon resuming in open session at 11.19 a.m.)

7 THE COURT USHER: [11:19:14] All rise.

8 Please be seated.

9 PRESIDING JUDGE SCHMITT: [11:19:40] Mr Witness, we have been informed that
10 you have brought pictures with you that you wanted to show. We don't know if we
11 want to see them even, I have to say. But what are these pictures about? If you
12 want to discuss this in private session, we can go to private session.

13 THE WITNESS: [11:20:13] Okay.

14 PRESIDING JUDGE SCHMITT: [11:20:14] Then we go to private session.

15 (Private session at 11.20 a.m.)

16 THE COURT OFFICER: [11:20:35] We are in private session, Mr President.

17 PRESIDING JUDGE SCHMITT: [11:20:37] Thank you.

18 Mr Witness, what are these pictures about? What do they picture, so to speak?

19 THE WITNESS: [11:20:49](Interpretation) Thank you, Mr President. Thank you,
20 your Honours.

21 These photos -- well, there is a victim. I had given this photograph to the members
22 of the Office of the Prosecutor, and this is an example that I had brought with me and
23 that, if asked, I could bring out and show to you.

24 PRESIDING JUDGE SCHMITT: [11:21:17] Thank you very much.

25 Ms Berdennikova or Mr Vanderpuye, I assume, if the witness has provided a

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1 photograph already the -- the Prosecution already viewed the photograph.

2 Do you recall anything like that, Ms Berdennikova?

3 MS BERDENNIKOVA: [11:21:34] Thank you.

4 Q. [11:21:35] Mr Witness, is it one of the photographs that you also reviewed when
5 you reread your statement last week?

6 A. [11:21:50] Yes.

7 PRESIDING JUDGE SCHMITT: [11:21:51] Then, Mr Witness, it's already, so to speak,
8 on the record, so there is no problem. But thank you very much for informing us
9 about this, so this is not lost, so to speak.

10 Can we continue in open session?

11 THE WITNESS: [11:22:04] Okay.

12 PRESIDING JUDGE SCHMITT: [11:22:04] Thank you, Mr Witness.

13 MS BERDENNIKOVA: [11:22:07] Yes, we can continue (Overlapping speakers)

14 PRESIDING JUDGE SCHMITT: [11:22:12] We go to open session then.

15 (Open session at 11.22 a.m.)

16 THE COURT OFFICER: [11:22:25] We are back to open session, your Honours.

17 MS BERDENNIKOVA: [11:22:32]

18 Q. [11:22:32] I hope you are feeling better now, Mr Witness. Are you fine to
19 continue? Are you feeling better?

20 A. [11:22:42] Yes.

21 Q. [11:22:44] I will try as much --

22 A. [11:22:47] I said yes.

23 Q. [11:22:50] Thank you. I'm just taking a little pause for -- in order to allow the
24 interpreters to translate.

25 I'm going to try to keep my questions as clear as possible and as concise as possible,

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1 you know, within -- within what I can. If ever there is something that you don't
2 understand, or if you want me to repeat a question, please don't hesitate to let me
3 know. Okay?

4 A. [11:23:19] Yes.

5 Q. [11:23:20] All right. So I'll pick up where we left off. And we were talking
6 about sort of the interaction -- did you want to say something?

7 A. [11:23:35] No, no, no.

8 PRESIDING JUDGE SCHMITT: [11:23:36] Please continue.

9 And the witness has -- last time has also indicated when he needs a break, and we
10 will also be -- we will observe him and we will be very much vigilant in that regard.

11 MS BERDENNIKOVA: [11:23:51]

12 Q. [11:23:51] So just before the break we were discussing the interaction and the
13 role of Mr Yekatom in relation to the elements in his group. And I'd like to follow
14 up with that. What you said at paragraph 82 of your statement, you said: "It
15 seemed to me that people, even FACA, were afraid of him. His elements were also
16 afraid of him, and his orders were obeyed without question."

17 What did you observe or hear that makes you say that Yekatom's elements, including
18 the FACA, were afraid of him?

19 A. [11:24:41] Thank you, Madam Prosecutor. If I said that in my statement, it
20 means that Mr Yekatom, as I underscored earlier, does not speak a lot. But when he
21 needs to intervene, or when he intervened, everyone must remain calm and listen to
22 what he has to say. Nobody can react when he is talking. Even the FACA and his
23 FACA elements, and even the civilians are afraid of him.

24 Q. [11:25:33] Thank you for that clarification.

25 Now, in relation to Yekatom, you also mentioned that he himself was not afraid,

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1 including of those who were above him in rank. And you said, you know, to

2 demonstrate that, at paragraph 82 of your statement, I quote: "Even though

3 Kamezolai was his senior and older, Rombhot was not afraid of him."

4 I just wanted to ask you to elaborate a little bit on that specific point. So how do you

5 know that Yekatom was not afraid of Kamezolai? How did that show?

6 A. [11:26:21] I said that because he is a warlord. He is the chief of his group. So

7 he does not want somebody else to come and give orders to his group. That's it.

8 Q. [11:26:40] And maybe without going into specific details right now because we

9 are in public session, did you witness some of the interactions between Mr Kamezolai

10 and Yekatom?

11 A. [11:27:03] No.

12 Q. [11:27:03] So how is it -- so how is it that you know?

13 A. [11:27:12] Yes, thank you. I'm getting to it. I wasn't present. However, via

14 the {ICR: (Redacted)} I came by this

15 information.

16 Q. [11:27:39] Thank you. I'd just like to change topics now, and I only have a

17 couple of topics left for you for today. And I'd like to turn to the Anti-Balaka

18 National Coordination now. So just to give you a little bit of the context, because

19 this is already in your statement, it's already in evidence, I will only ask you for a

20 couple of clarification questions, just like I did this morning. So to give you a

21 background, you describe in your statement, first, the split, so in December 2013, and

22 then the -- eventually the reunification of the so-called north and south Anti-Balaka.

23 And you describe at paragraph 71 that Ngaïssona took the leadership of the

24 Anti-Balaka as the coordinator and Wenezoui became his deputy.

25 And then at paragraph 74, you also speak about another position within the

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1 coordination. So this is the one that I will ask you a couple of questions on. And

2 this is the position of *chargé des opérations* that was assigned to Maxime Mokom.

3 Yeah? Is that right?

4 A. [11:28:57] Yes.

5 Q. [11:28:58] And --

6 PRESIDING JUDGE SCHMITT: [11:29:00] Ms Dimitri.

7 MS DIMITRI: [11:29:01] Thank you, Mr President. I'm sorry for the interruption.

8 I just -- just a matter of clarification, because I see the statement moving on channel 1.

9 Is that how we are going on? I mean is the statement being shown as my learned
10 friend is going from subject to subject?

11 PRESIDING JUDGE SCHMITT: [11:29:16] No, we have not agreed to that. So I
12 would like to stop that.

13 MS DIMITRI: [11:29:18] Thank you.

14 PRESIDING JUDGE SCHMITT: [11:29:19] You are right obviously. And there is no
15 problem. The witness obviously knows what he has said and he is forthcoming in
16 his answers.

17 So we were talking about the one responsible for operations and the witness
18 confirmed that it was Maxime Mokom. You can continue from there.

19 MS BERDENNIKOVA: [11:29:44]

20 Q. [11:29:44] Do you know since when did Maxime Mokom have this role?

21 A. [11:29:59] Thank you. From the time when the coordination had been put in
22 place.

23 Q. [11:30:08] So here are you referring to the June 2014?

24 A. [11:30:17] That is correct.

25 PRESIDING JUDGE SCHMITT: [11:30:20] May I ask.

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1 Do you know, Mr Witness, what role Maxime Mokom had before June 2014?

2 Excuse me, Ms Berdennikova, that was perhaps your question.

3 THE WITNESS: [11:30:39](Interpretation) Before, I did not know what his role was.

4 PRESIDING JUDGE SCHMITT: [11:30:42] I thought so.

5 Ms Berdennikova.

6 MS BERDENNIKOVA: [11:30:46] Thank you.

7 Q. [11:30:49] I'd like to ask a little bit more about the role itself, and you do provide
8 a little bit of detail about it at paragraph 106 of your statement, where you say that the
9 *chargé des opérations* was responsible for the planning of military operations in the
10 field.

11 So, a lot of us in the courtroom are not very familiar with, you know, the way things
12 work in the military. So what I would like to ask you is just to clarify what kind of
13 military operations are you referring to?

14 A. [11:31:31] Thank you. As you asked me, you asked me about the military
15 operations. So these are activities that concerned the soldiers. These are activities
16 specific to the soldiers. If there is a problem at PK26, it's this coordination that will
17 go and investigate the problem. If -- if they have to manage it, they would do it from
18 there. The -- this is the person who is in charge of military operations. He is the
19 number one.

20 Q. [11:32:29] And could you provide some more -- some more examples, maybe, or
21 some more information about this military part of the operations. I don't want to
22 put words, obviously, in your mouth, but for example, you know, did it concern, I
23 don't know, deployment of troops, reinforcement, selection of targets, or what type of
24 things? Combat?

25 A. [11:33:03] For instance, if there are enemies who have come to a certain zone, it's

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1 the person in charge who would take the elements to go and intercept the enemies. I
2 could put it this way.

3 Q. [11:33:24] And I'd like to ask you also some additional information about the
4 relationship between the coordinator, so who was Ngaïssona at the time, and between
5 the *chargé des opérations*. And in particular, I will go back to your statement at
6 paragraph 106. You say, I'm quoting your words: "The *chargé des opérations* was
7 responsible for the planning of military operations in the field, but Ngaïssona would
8 have to agree with his decisions."

9 So could you elaborate a little bit more on that point, that Ngaïssona would have to
10 agree with the decisions of the *chargé des opérations*?

11 A. [11:34:15] Could you please repeat the question.

12 PRESIDING JUDGE SCHMITT: [11:34:17] The other way around. What would
13 have happened, if you have information on that, if the coordinator would not have
14 agreed with the decision taken -- if Ngaïssona would not have agreed with the
15 decision taken by Mr Mokom, what would have happened, according to the
16 information that you possess?

17 THE WITNESS: [11:34:44](Interpretation) Well, if Mr Ngaïssona did not agree with
18 the decision taken, I think Mr Mokom did not want Mr Ngaïssona to be his
19 coordinator. This is why in the long run, he created his -- he set up his own group.
20 And this is why he became the leader of his own group. Mr Mokom did not want
21 to -- did not want Mr Ngaïssona to be the coordinator of Anti-Balaka. I could put it
22 this way.

23 MS BERDENNIKOVA: [11:35:40]

24 Q. [11:35:40] Thank you. And I understand that that, Mokom setting up his own
25 group, that happened at the end of 2014; right?

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1 A. [11:35:57] Yes, 2014. Was it not *2015? This, the coordination was actually set
2 up in 2014, yes.

3 Q. [11:36:13] That's right. So the coordination, you describe also in your statement
4 how the coordination was set up in June 2014. But I understand that Mokom had his
5 own then Anti-Balaka, you know, branch at the end of 2014.

6 A. [11:36:29] Yes, yes, indeed.

7 Q. [11:36:31] But what I would like to ask you specifically about -- so this is before
8 the end of 2014. Here we are talking about the moment when the coordination was
9 set up, so closer to June 2014 and in the subsequent months.

10 And maybe we could put that paragraph to the witness so that it's more clear for him
11 and he can read it for himself.

12 But at paragraph 106, you say that "the *chargé des opérations* was responsible for the
13 planning of military operations in the field, but Ngaïssona would have to agree with
14 his decisions."

15 And I would just like you to elaborate on how do you know that Ngaïssona would
16 have to agree with the decisions of the *chargé des opérations*? Here we are not talking
17 about the end of year.

18 A. [11:37:30] Now, in the beginning, after having set up the coordination, is that
19 what you want to refer -- is that what you are referring to? Okay, fine.

20 I'm saying that because I'm going to repeat the same thing again. Mokom had the
21 intention, he already had the intention of becoming the leader. He wanted to be the
22 leader, the number one, the person in charge of the Anti-Balaka, the coordinator. So
23 whatever the decision Mr Ngaïssona takes, he doesn't really have to abide by it. In
24 his thinking, he wanted to be the leader, and he would do what he wanted to do.

25 PRESIDING JUDGE SCHMITT: [11:38:32] Well, the witness has answered that now,

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1 I think. And we have the whole statement also, and we -- perhaps you could refer to
2 paragraph 107, if you want. But perhaps I ask the question.

3 Mr Witness, you are saying in paragraph 107 that Mr Ngaïssona could discipline
4 people by replacing them. Did this also happen in regard with Mr Mokom?

5 THE WITNESS: [11:39:13](Interpretation) Exactly. I would say this: After
6 returning from the Brazzaville forum, I think two weeks down the line, Mr Mokom
7 went back. He actually made his own trip to the country where he wanted to go.

8 And as of that point of time, Mr Mokom was not there. And Mr Ngaïssona replaced
9 him with Mr Ndomate.

10 MS BERDENNIKOVA: [11:39:56]

11 Q. [11:39:56] Okay. Thank you for that. I'll ask you a couple more questions
12 about -- on this issue, and at paragraph 74, you say that the *chargé des opérations* was in
13 contact with the ComZones. What was the purpose of these communications?

14 A. [11:40:22] I beg your pardon?

15 Q. [11:40:26] You mentioned that the *chargé des opérations* was in communication
16 with the various ComZones. So the purpose of these communications, you know,
17 was it to discuss and coordinate military operations that we just talked about?

18 A. [11:40:42] Yes. As you say, as he is the person in charge of the military
19 coordination, the very core, he actually supervises all ComZones. If there is a
20 problem with Yekatom, he is the one who will go and investigate the problem at *the
21 level of Mbomon and the others.

22 Q. [11:41:16] And do you know anything about the frequency of these
23 communications?

24 A. [11:41:30] No.

25 Q. [11:41:31] That's fine. Thank you. And you also say that the deputy to the

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1 *chargé des opérations* at the time was Sylvestre Yagouzou. Was he also in regular
2 contact or was he also in communications with the ComZones?

3 A. [11:41:52] With regard to Sylvestre, he could not have exercised this role before
4 he died. He just could not have.

5 Q. [11:42:08] You mentioned Yagouzou a few times in your statement. Are you
6 familiar with Mr Yagouzou's role before he became Mokom's deputy within the
7 National Coordination?

8 A. [11:42:35] No, I'm not familiar with the role he held before.

9 Q. [11:42:38] And do you know if he was a member of any specific group?

10 A. [11:42:45] He was around Boeing, but I don't know which group he belonged to.

11 Q. [11:42:53] All right. Now, you actually identified Yagouzou and also several
12 other individuals, you know, including Yekatom and Ngremangou and Rodrigue
13 Momokama. You identified them in a video that was shown to you during your
14 interview. And I'm not going to show you the whole video again. Again, just like
15 the statement, it's already in evidence.

16 But what I would like to do is show you a couple of raw footages now, primarily for
17 identification purposes.

18 So I would like to start with the one at tab 19 of the Prosecution binder. And I'll read
19 out the ERN. It's CAR-OTP-2065-2548. We can play it from the Prosecution bench.
20 We will play excerpt 00:20 until 01:15. And it comes with a French transcript, which
21 is at tab 33. It's CAR-OTP-2127-3653 at lines 14 to 32.

22 So just for the record, this video was filmed around 10 December 2013. And when
23 the interpreters are ready, we can play it.

24 THE COURT OFFICER: [11:44:29] Is it a public video?

25 MS BERDENNIKOVA: [11:44:30] It can be played publicly, yeah.

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1 Q. [11:44:36] So, Mr Witness, just for your information, we will play a short footage
2 for you, less than a minute, and then I'll ask you a couple of follow-up questions. All
3 right?

4 PRESIDING JUDGE SCHMITT: [11:44:47] Is it about the content, what the person is
5 saying, or is it about identification, or both?

6 MS BERDENNIKOVA: [11:44:51] Well, it's primarily about identification.

7 PRESIDING JUDGE SCHMITT: [11:44:54] So do we need interpretation then at all?

8 MS BERDENNIKOVA: [11:44:57] I think it's better.

9 PRESIDING JUDGE SCHMITT: [11:44:59] Okay.

10 You are ready. I see a thumbs-up. So we can play it now.

11 THE COURT OFFICER: [11:45:07] Prosecution has the floor. Evidence channel 2
12 for everyone.

13 (Viewing of the video excerpt)

14 THE INTERPRETER: [11:45:16](Interpretation of the video excerpt)

15 "Hello. We want to send this person to fetch four rockets. Is the zone safe?

16 Right. You can see that we need four rockets in -- from Gbaya, and you also can give
17 us the rockets. We really need it. I'm going to give you to Rambo. I'm going to
18 pass you Rambo. Hello, CB. How are you?

19 Yes, there is a connectivity issue.

20 What's happening in Boeing?"

21 MS BERDENNIKOVA: [11:46:21]

22 Q. [11:46:22] Could you see well the footage that just played?

23 A. [11:46:29] Yes, I did see it.

24 Q. [11:46:36] Do you recognise anyone?

25 A. [11:46:39] Yes.

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- 1 Q. [11:46:40] Could you tell us who you recognised, please.
- 2 A. [11:46:48] I saw Mr Yekatom.
- 3 Q. [11:46:53] Did you recognise anyone else in the footage?
- 4 A. [11:47:04] I think on this side, there was Mr Yagouzou.
- 5 Q. [11:47:12] Thank you for that. Did you happen to recognise also the individual
- 6 in the black T-shirt who was standing between Mr Yagouzou and Mr Yekatom?
- 7 A. [11:47:26] I think he was a gendarme.
- 8 Q. [11:47:33] Do you happen to remember the name of the gendarme?
- 9 A. [11:47:45] I don't remember the gendarme's name.
- 10 Q. [11:47:51] Is it the gendarme that is mentioned in your statement?
- 11 A. [11:47:58] Yes, it's him, indeed.
- 12 Q. [11:48:01] So would that be the gendarme Ngaiganam Jean Nestor?
- 13 A. [11:48:09] Yes, that's him.
- 14 Q. [11:48:12] I'd like to show you another short video, again similar exercise, we'll
- 15 play it for you and then I'll ask you a couple of questions.
- 16 I'm just being reminded to put on the record that the gendarme identified by the
- 17 witness also appeared at timestamp 00:38 that we'd scrolled to just now.
- 18 So I'd like to show you another short video now which was filmed on the same day.
- 19 And that's at tab 21 of the Prosecution binder, CAR-OTP-2065-3220. And we can
- 20 play it again from the Prosecution bench from 01:21 until 03:21. So two minutes.
- 21 The French transcript is at tab 34. It's at CAR-OTP-2127-3668. It will be at lines 23
- 22 to 54. And we are ready to go when the interpreters are ready to go.
- 23 THE COURT OFFICER: [11:49:44] Transcript on evidence channel 1. The
- 24 Prosecution has the floor. It's a public video I guess, so we can go ahead, I guess.
- 25 Thank you.

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1 (Viewing of the video excerpt)

2 THE INTERPRETER: [11:50:05](Interpretation of the video excerpt)

3 "INI: We agreed to ask Bodibo and some elements to come set up their base here so
4 that they can be in touch with us and coordinate operations in common agreement.
5 We have given the green light for the operations scheduled tomorrow. Please,
6 coming back to the killings and looting.

7 AY: Well, that's enough. You really need to be dispersed quickly. It's no point in
8 making a long speech.

9 INI: This is what we have to say ...

10 AY: What we should do here, it's ... this is the way it is. We do not want anyone to
11 throw a spanner at our works. We should give instructions, and that's the way it is.
12 There are certain things that we really cannot say in front of everybody because we do
13 not know what everyone's thinking.

14 We should confiscate telephones. People who want to stay can stay. People who
15 do not want to stay can just leave. That's it.

16 As soldier, we have responsibilities to discharge and let's just do that. At your level,
17 you can do it, and you are not the ones who will be calling the shots. I'm like this.

18 Because we can say one thing here, we do not know what the objectives of the other
19 people are. I wanted to confiscate telephones, but some people did not want that to
20 happen, but we are going to be putting up with the consequences. Certain truths
21 can be spoken here that can be completely distorted. We can say certain things, but
22 we should do something else. We really should -- you should understand what I'm
23 trying to tell you."

24 MS BERDENNIKOVA: [11:52:37]

25 Q. [11:52:38] All right. I was just waiting for the interpretation to finish.

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1 Now, Mr Witness, in that footage that was just played, did you recognise anyone
2 other than Yagouzou and Yekatom?

3 A. [11:52:57] Yes.

4 Q. [11:52:59] Could you -- could you tell us who you recognised.

5 A. [11:53:06] I think the person who is bald wearing a blue T-shirt.

6 Q. [11:53:15] Okay, I will -- we will display this individual at 01 -- or, in fact -- okay.

7 Is it the individual that appears on or your screen now, which is at 03:21?

8 A. [11:53:29] Yes.

9 Q. [11:53:29] Okay. And who is that person in the blue T-shirt with the beige
10 sleeves?

11 A. [11:53:37] I think it's Mr Sylvain Beorofei.

12 Q. [11:53:41] Is there anyone else that you recognise in that footage?

13 A. [11:53:52] I think the soldier in uniform, who was following orders given by
14 Mr Yekatom.

15 Q. [11:54:09] We will just bring that up on the screen to make sure that we are
16 talking about the same person.

17 Okay. And now we paused at 1:20. Is that the person that you are talking about,
18 the one in the military attire with the green hat? Okay.

19 A. [11:54:28] Yes. That's him.

20 Q. [11:54:30] Can you tell us his name?

21 A. [11:54:35] I think it's Kando, John Fred.

22 Q. [11:54:40] All right. Thank you very much.

23 Now, you mentioned Mr Sylvain Beorofei in the blue T-shirt with the beige sleeves.

24 Can you tell the -- can you tell the judges anything about this individual's role within
25 the Anti-Balaka?

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1 A. [11:55:07] I think he is the one who spoke a lot to the president, Bozizé over the
2 telephone.

3 Q. [11:55:18] Can you elaborate a little bit more on his relationship -- on the
4 relationship between Sylvain Beorofei and Bozizé?

5 A. [11:55:29] I don't know that. I don't know what their relation was.

6 Q. [11:55:36] And can you tell us anything about Sylvain Beorofei's relationship
7 with Mokom, with Maxime Mokom?

8 A. [11:55:51] Sorry. I'm not aware of that --

9 Q. [11:55:54] Thank you. And that's totally fine also. I'm glad you tell us when
10 you don't know something.

11 Do you know if Beorofei was a member of a specific group within the Anti-Balaka?

12 A. [11:56:12] Can you -- well, I know Mr Beorofei was on Mr Mokom's side.

13 Q. [11:56:21] Can you just clarify how you know that?

14 A. [11:56:30] There was a forum that was supposed to be organised in Kenya and
15 he was part of Mokom's delegation that was sent there.

16 Q. [11:56:48] All right. And now we -- obviously, in the footage we see
17 Mr Beorofei in the company of Yekatom and Yagouzou. Do you know -- what do
18 you know about the relationship between Mr Yekatom and Mr Beorofei?

19 A. [11:57:08] I do not know that.

20 Q. [11:57:12] Okay. Thank you.

21 And I'm being told that we perhaps did not catch in the transcript the name of the
22 second person that you identified in the footage, so the man in the military uniform
23 with the green hat that still appears on the screen at minute 1:20. Could you just
24 repeat his name again, please, for the interpreters and the transcribers so we have it
25 clear on the record.

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1 A. [11:57:41] His name is Kando, but he is already dead.

2 Q. [11:57:50] So it's Kando. Thank you.

3 PRESIDING JUDGE SCHMITT: [11:57:54] Was he a soldier? He seems to be in
4 military attire. But was he a soldier, according to your knowledge, a member of the
5 FACA, for example?

6 THE WITNESS: [11:58:04](Interpretation) Yes. He was a soldier and a member of
7 FACA.

8 PRESIDING JUDGE SCHMITT: [11:58:08] Thank you.

9 Ms Berdennikova.

10 Ms Dimitri.

11 MS DIMITRI: [11:58:14] Thank you, Mr President. I didn't want to interrupt the
12 flow, but the French transcript is frozen for several minutes now.

13 PRESIDING JUDGE SCHMITT: [11:58:22] Oh, okay. That's not good, of course.
14 Can we fix this quickly or -- I don't like to go out of the courtroom.

15 THE COURT OFFICER: [11:58:39] Mr President, I have contacted my colleagues.
16 They are trying to fix the issue now. I have no -- no information as to estimation of
17 length that it will take to -- to fix --

18 PRESIDING JUDGE SCHMITT: [11:58:51] It's two minutes, I think I see. It's frozen
19 on my screen as 11:56, so to speak. So we have 11:58. Perhaps we give it a chance
20 by staying here in the courtroom and I am -- always like to fill gaps by asking
21 Ms Berdennikova the dreaded question of any examiner, do you know already how
22 long your examination -- I assume you will be finished today. So I think we assume
23 that. Yeah.

24 MS BERDENNIKOVA: [11:59:22] I think my answer should not upset you because I
25 only have one topic left to cover after this. So we probably will be done maybe even

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1 before lunch, depending on when we break for lunch.

2 PRESIDING JUDGE SCHMITT: [11:59:36] Okay, good. So then the next question,
3 so you have already a prospect from the Prosecution side. It would, of course, let me
4 put it this way: I always look into what the estimates are before we start with a
5 witness. It would of course for everybody would be comfortable if we could finish
6 on Thursday. But I will I would not put any undue pressure on you.

7 So the question first would be, who will start, Ms Dimitri or Ms -- I see -- Ms Proulx is
8 pointing at you. Not I'm pointing at you. So in case -- yeah, it's working already.

9 In case Madam Berdennikova finishes before the lunch break, would you then like to
10 start in the afternoon or would you start tomorrow? But I would only want us to do
11 it this way if we have a good chance that we can finish on Thursday then, anyway.

12 MS DIMITRI: [12:00:35] Thank you, Mr President. I'm looking at my question plan.
13 What I can tell you definitely is that I will -- in light of the answers, I will shorten my
14 examination. So I, of course, will appreciate time to make it shorter. However, I
15 think -- I think I would like to start with the first part maybe this afternoon, but if you
16 allow me the end of Ms Berdennikova's examination to think --

17 PRESIDING JUDGE SCHMITT: [12:01:08] Absolutely.

18 MS DIMITRI: [12:01:08] -- about it and come back to you.

19 PRESIDING JUDGE SCHMITT: [12:01:13] Absolutely. Absolutely.

20 MS DIMITRI: [12:01:14] Thank you.

21 PRESIDING JUDGE SCHMITT: [12:01:14] Ms Proulx, can you say already anything?

22 MS PROULX: [12:01:17] I don't think I will be more than two sessions for this
23 witness. But it still is --

24 PRESIDING JUDGE SCHMITT: [12:01:24] That's very good, important information
25 also for Ms Dimitri. So we simply finish the examination by Madam Berdennikova

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1 and then I ask you again how we proceed for today and the coming two days.

2 So, Ms Berdennikova, we are now also on time with the French transcript again. So
3 please continue.

4 MS BERDENNIKOVA: [12:01:46] Thank you.

5 Q. [12:01:49] One follow-up question for you stemming from the videos that we
6 just watched and then I will move on to my last topic for you for today. So could
7 you tell the judges where is quartier Gbaya? There was a reference to quartier
8 Gbaya. Are you aware of where it is?

9 A. [12:02:21] Yes, I believe that the quartier Gbaya-Doumbia neighbourhood is to
10 be found just behind PK5. When you go along the canal towards Boeing, just by the
11 side is Gbaya-Doumbia neighbourhood. Boulata. You go from -- to Boulata and
12 then you get to Boeing.

13 Q. [12:02:48] Okay. Thank you for that. So now I'd like to move on to the
14 National Coordination meetings and this will be my last topic for you today, as I
15 mentioned.

16 Now, at paragraph 76 of your statement, you explain that the meetings of the
17 coordinations were held at Hotel Azimut under Ngaïssona's authority.
18 Approximately, how frequent were these meetings?

19 A. [12:03:22] Thank you, Madam Prosecutor. Well, the matters covered in the
20 meetings was to coordinate the various groups, either the various ComZones, because
21 the aim was to reach peace or to restore peace. The president of the transition was
22 already in place, and that was how Mr Ngaïssona would convene meetings with a
23 view to being -- warning the various ComZones not to continue in a disorderly
24 manner. That was the aim.

25 Q. [12:04:08] Were these meetings --

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1 PRESIDING JUDGE SCHMITT: [12:04:10] Ms Proulx.

2 MS PROULX: [12:04:13] Yes, I apologise for the interruption. I'm afraid the French
3 transcript is frozen again.

4 PRESIDING JUDGE SCHMITT: [12:04:21] Well, that's unfortunate, but since you are
5 close to the end, I would not want to make the lunch break now. So perhaps we can
6 really fix that or try to fix it. Last time it went relatively quickly. So ...

7 THE COURT OFFICER: [12:05:12] Yes, Mr President, I see that what the court
8 reporter is typing is actually working now. There is a technical issue which will be
9 investigated further during the break, so I can I guess we can continue.

10 PRESIDING JUDGE SCHMITT: [12:05:24] Yes, then we do that.

11 Please, Ms Berdennikova.

12 MS BERDENNIKOVA: [12:05:30]

13 Q. [12:05:35] And were these coordination meetings attended by ComZones from
14 the provinces as well?

15 A. [12:05:52] Well, as regards those meetings, I believe that there were ComZones
16 from Bangui and surroundings. Bangui, Bimbo, PK12, et cetera.

17 Q. [12:06:11] And how frequent were these meetings? How often did they take
18 place?

19 A. [12:06:20] As I said, the aim was to monitor the ComZones and to warn them
20 that they needed to put a stop to their disorderly acts, and, on occasion, also to pass
21 on information to them. Because when the coordinator is called by the president of
22 the transition, he will bring information to share with the coordination. There we
23 are.

24 Q. [12:06:59] Thank you. I think there may be an interpretation issue because
25 what I wanted to ask about was not the purpose necessarily, in my last question, not

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1 the purpose and the aim of these meetings, but how often these meetings took place.

2 You know, was it something that took place weekly, monthly? I don't know.

3 THE INTERPRETER: [12:07:27] Message from the English booth --

4 THE WITNESS: [12:07:31](Interpretation) Well, it wasn't weekly or monthly. But

5 when there was a matter to be discussed, then he would convene a meeting. If there

6 was no need, then no meeting was convened.

7 MS BERDENNIKOVA: [12:07:46]

8 Q. [12:07:47] I just want to follow up on something that you said, and not to

9 misquote you, I will try to read it from here. You said: "The aim was to monitor

10 the ComZones and to warn them that they needed to put a stop to their disorderly

11 acts ..."

12 Can you clarify what kind of disorderly acts you are talking about?

13 A. [12:08:17] Yes. All right. When I say that, the acts were -- that were not, you

14 know, things to do with theft, holdups and such things. That was the aim, to

15 convene them and to call them to order.

16 Q. [12:08:47] Okay. And was Maxime Mokom also present in these coordination

17 meetings?

18 A. [12:08:59] I believe once I saw him.

19 Q. [12:09:08] All right.

20 THE INTERPRETER: [12:09:09] Could the witness please repeat his answer. It

21 wasn't clear.

22 MS BERDENNIKOVA: [12:09:13]

23 Q. [12:09:16] Are you aware of any meetings of the senior leadership of the

24 coordination held in locations other than Hotel Azimut?

25 A. [12:09:33] I'm not aware of that.

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1 PRESIDING JUDGE SCHMITT: [12:09:37] Shortly, please, Ms Proulx.

2 MS PROULX: [12:09:40] Apologies again. The answer regarding the presence of
3 Maxime Mokom seems to have an interpretation issue. In French it sounds like he
4 didn't see him. He says (Interpretation) I believe -- (No interpretation). (Speaks
5 English) But in English it said: "Once -- I believe once I saw him". So it's a bit
6 unclear.

7 PRESIDING JUDGE SCHMITT: [12:09:59] Well, it was translated, he believed that
8 once he saw him. So maybe you can ask him again.

9 You see, sometimes, Mr Witness, there are interpretation issues because we are
10 interpreting into different languages. So, again, the question, perhaps you can
11 repeat your answer, if you recognised Mr Mokom during these meetings.

12 THE WITNESS: [12:10:28](Interpretation) As you have just said, certainly, on one
13 occasion, and not in the hotels and others. I think it must have been during the
14 return to Brazzaville and in the compound of the coordinator that I saw him.

15 MS BERDENNIKOVA: [12:10:54]

16 Q. [12:10:54] Thank you for that clarification.

17 Do I understand from that last answer that some of the meetings were also held at the
18 residence of the coordinator, so at the residence of Ngaïssona?

19 A. [12:11:17] Not obviously. When we talk about meetings, I believe it was
20 frequently at the Hotel Azimut, to bring those from Bimbo and others. Because the
21 compound could not take all of the elements that came.

22 Q. [12:11:41] And you discussed a little bit the issues that were touched upon in
23 these meetings. Were attacks on Muslims also discussed in these meetings?

24 A. [12:12:02] During those meetings, the attacks on the 5 December, if I'm speaking
25 correctly, but after that, when the coordination was put in place, there was nothing

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1 like that. So that was the frequency that I talked to you about earlier, the frequency
2 of the meetings.

3 Q. [12:12:27] All right.

4 And I just have a few more questions to ask, but I would like to ask a few in private
5 session.

6 PRESIDING JUDGE SCHMITT: [12:12:35] So, unfortunately, we have to go to
7 private session, I say that because of the audience, for a couple of questions. But not
8 all questions that you have to ask until the end are in private session?

9 MS BERDENNIKOVA: [12:12:48] No. I mean, there are a handful and then there
10 will be a few in public and then I will finish.

11 PRESIDING JUDGE SCHMITT: [12:12:54] Handful sounds promising.

12 So we go to private session.

13 (Private session at 12.13 p.m.)

14 THE COURT OFFICER: [12:13:10] We are in private session, Mr President.

15 MS BERDENNIKOVA: [12:13:17]

16 Q. [12:13:18] All right. So you do describe (Redacted)
17 at paragraph 74. (Redacted) did you yourself regularly
18 attend meetings at Hotel Azimut?

19 A. [12:13:40] Certainly. If I was aware of it, I would go. If I hadn't -- was not
20 aware, I would not go. But if I was aware, I would always go.

21 Q. [12:13:54] And did you ever attend meetings prior to the creation of the
22 coordination in June 2014, did you ever attend meetings where Ngaïssona would
23 have been present? So prior to the coordination.

24 A. [12:14:15] I believe it was -- the aim of the meeting was the reunification of the
25 Anti-Balaka from the north and the Anti-Balaka from the south. I spoke, and I said

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1 in my statement that there was a local NGO by the name of MOUDA that brought us
2 together in the PNUD, the UNDP compound. And that is where a meeting was held
3 in order to bring the Anti-Balaka together. Because prior to that, Wenezoui to the
4 south, Ngaïssona to the north, that was the tendency towards Boy-Rabe, that was the
5 tendency.

6 Q. [12:15:09] All right. And then, again speaking about meetings that would have
7 taken place prior to June 2014, are you aware also of any meetings that would have
8 been attended by Ngaïssona and (Redacted)?

9 A. [12:15:32] I do not know.

10 Q. [12:15:36] And are you aware of any meetings that were held between
11 transitional president Samba-Panza and (Redacted), prior to the coordination?

12 A. [12:15:53] I do not remember.

13 Q. [12:16:00] All right. That's fine.

14 I believe we can actually go back into open session now.

15 PRESIDING JUDGE SCHMITT: [12:16:06] Open session.

16 (Open session at 12.16 p.m.)

17 THE COURT OFFICER: [12:16:23] We are back to open session, your Honours.

18 MS BERDENNIKOVA: [12:16:30]

19 Q. [12:16:30] All right. So I just have a few more questions about the National
20 Coordination meetings for you. And in that context, you talked about some of the
21 participants of these meetings. And at paragraph 76 of your statement, you say
22 sometimes Rombhot, Mbomon and other leaders would also participate. Can you
23 just clarify what other leaders took part in these meetings?

24 A. [12:17:03] Thank you. The other leaders are the other ComZones from the
25 other zones. That means those in charge, the leaders of the other zones, Ouango,

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1 PK12, and others. And as Boy-Rabe is very large, there were leaders scattered here
2 and there.

3 Q. [12:17:27] And did you see Bernard Mokom at any of these meetings?

4 A. [12:17:35] Bernard Mokom? Or Bera Mokpem? Can you please give me the --

5 Q. [12:17:46] Bernard Mokom.

6 A. [12:17:50] Mokom? I don't know Bera Mokom.

7 Q. [12:17:58] That's fine. Could you give us the names of the ComZones that you
8 mentioned who attended the meetings.

9 A. [12:18:14] The ComZones? Well, maybe the ComZones who would frequently
10 come. I think there was Yekatom. There was Mbomon. There were others whose
11 names I do not know, but their zones go from PK12, Boeing, Combattant and others.
12 But I forget some ...

13 THE INTERPRETER: [12:18:52] The witness trails off.

14 MS BERDENNIKOVA: [12:18:54]

15 Q. [12:18:54] And again, that's very understandable, so I appreciate that you tell us
16 when you don't remember certain things.

17 Are you aware of whether the father of Maxime Mokom attended any of the
18 coordination meetings?

19 PRESIDING JUDGE SCHMITT: [12:19:10] Ms Proulx.

20 MS PROULX: [12:19:11] That question was already answered.

21 PRESIDING JUDGE SCHMITT: [12:19:14] Actually, it was -- well, not the same
22 question was answered. And I understand that, actually, Ms Berdennikova puts it
23 this way.

24 So do you recall that the father of Maxime Mokom attended one of these meetings?

25 THE WITNESS: [12:19:40](Interpretation) Well, I do not know the father of Maxime

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1 Mokom.

2 PRESIDING JUDGE SCHMITT: [12:19:44] Well.

3 MS BERDENNIKOVA: [12:19:45] Thank you.

4 Q. [12:19:45] Now, you mentioned that some of these meetings were attended by
5 Yekatom. How often did he attend the coordination meetings, if you recall?

6 A. [12:20:07] I can't count. I can't count. I can't *increase the number or give you
7 the precise number of people who attended the meetings. So ...

8 Q. [12:20:20] And that's also completely understandable. Would you be able to
9 say, for instance, if he was a regular attendee of these meetings, or was this something
10 that -- that was more rare, you know, was on exceptional occasions that he would
11 come?

12 A. [12:20:48] Well, when he was busy, he might have sent one of his members.
13 Sometimes when he did not come, I think it was Momokama who would come.

14 Q. [12:20:59] All right. And actually, that leads directly to my next and last
15 question for you today. You do mention that Yekatom's representatives
16 were -- within the coordination were Romaric Vomitiade, Vivien Beina, and Paleon
17 Zilabo. So did these individuals regularly attend the coordination meetings?

18 A. [12:21:27] Yes.

19 Q. [12:21:32] All right. Well, Mr Witness, that was my last question for you. So I
20 just want to thank you very much for -- for answering the questions today, for your
21 patience. So thank you.

22 PRESIDING JUDGE SCHMITT: [12:21:42] Thank you, Ms Berdennikova, also for the
23 really, let's say, thorough yet short questioning of this witness.

24 Well, can you say more now, Ms Dimitri?

25 MS DIMITRI: [12:21:55] Thank you, Mr President. Yes, indeed, if we start after

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1 lunch break, I could address two, maybe three topics that are not affected by today's
2 response, and then I would like to take the afternoon and evening to shorten the rest.

3 PRESIDING JUDGE SCHMITT: [12:22:14] Then let's say we have now the lunch
4 break until 2 o'clock and then we start with the questioning by the Defence of
5 Mr Yekatom. Thank you for the moment.

6 THE COURT USHER: [12:22:23] All rise.

7 (Recess taken at 12.22 p.m.)

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

9 THE COURT USHER: [14:01:24] All rise.

10 Please be seated.

11 PRESIDING JUDGE SCHMITT: [14:01:48] Good afternoon.

12 I give the floor to Ms Dimitri.

13 MS DIMITRI: [14:01:53] Thank you, Mr President.

14 QUESTIONED BY MS DIMITRI: (Interpretation)

15 Q. [14:02:06] Good afternoon, Witness.

16 A. [14:02:11] Thank you.

17 Q. [14:02:12] I'll introduce myself. My name is Mylène Dimitri. I'm one of the
18 Defence lawyers of Mr Yekatom. And contrary to my colleague, I'm going to speak
19 to you in French. So it is important for the interpreters that you can see on each side
20 of the courtroom to be able to wait five seconds between my question and my
21 answer -- and your answer in order to make it possible for them to interpret my
22 question into English before starting to interpret your answer in English.

23 A. [14:02:52] Very well.

24 Q. [14:02:56] So, like my colleague, I'm going to put a certain number of questions
25 to you in order to clarify certain things in your statement, and I will ask you to do the

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1 same exercise as you did this morning. That is to say, to listen to my question well,
2 and when you don't know the answer to one of my questions, then it's important not
3 to guess and just tell the truth, and to tell me, "I don't know. I'm not aware" of
4 something. I don't want to try to guess what the answer might be.

5 A. [14:03:51] Okay.

6 Q. [14:04:01] So before we start to speak about the substance of your statement, I
7 would like to understand the circumstances in which you met the investigators of the
8 Office of the Prosecution for the first time and for the second time, when you started
9 to give your statement. Is it correct to say that when the investigators of the Office of
10 the Prosecutor met you in the Central African Republic a few years ago, you knew
11 that they were looking for information about Mr Yekatom?

12 A. [14:04:45] Could you put your question again, please.

13 Q. [14:04:51] Certainly, Witness. When you met the investigators of the Office of
14 the Prosecutor in the Central African Republic, did you understand from your
15 meeting with them that they were looking for information about Mr Yekatom?

16 A. [14:05:17] When I spoke to them, I found out that they were looking for
17 information about Mr Yekatom.

18 Q. [14:05:30] Thank you. And do you know -- or did you know if they had met
19 some of your colleagues before you?

20 A. [14:05:43] I don't know. I don't know.

21 MS DIMITRI: [14:05:53] Mr President, with your leave, for the next four, five
22 questions, if we could go into private session.

23 PRESIDING JUDGE SCHMITT: [14:05:59] Private session.

24 (Private session at 2.06 p.m.)

25 THE COURT OFFICER: [14:06:17] We're in private session, your Honours.

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1 MS DIMITRI: [14:06:21] Thank you.

2 Q. [14:06:22](Interpretation) (Redacted)

3 (Redacted)

4 A. [14:06:38] (Redacted). I didn't know who had given my contact

5 or my office number to the Office of the Prosecutor. I didn't even know that.

6 Q. [14:06:58] You mean you don't know who had given your contact details to the

7 Office of the Prosecutor?

8 A. [14:07:07] Yes.

9 Q. [14:07:13] Witness, today, with regards to today's session, could you tell me

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 Q. [14:09:42] And you told us that when the investigators of the Office of the
4 Prosecutor met you at the time, you did not know who had passed on your telephone
5 number to them.

6 A. [14:09:57] Yes.

7 Q. [14:09:57] Did you ask the investigators who had given the telephone number to
8 them? How did they get your details?

9 A. [14:10:06] This is a relevant question. I asked them who gave you my
10 telephone number, and they didn't tell me, to say the person who had given the
11 number.

12 Q. [14:10:26] I'm going to get your memory to work somewhat. Now, your
13 telephone number at the time, is that the (Redacted)?

14 A. [14:10:44] Yes, that's correct.

15 Q. [14:10:45] And do you also have an Orange number, (Redacted)?

16 A. [14:10:58] Yes. Those are my contact details.

17 Q. [14:11:01] Were they your contact details in 2013-2014?

18 A. [14:11:08] I never changed my contact details.

19 PRESIDING JUDGE SCHMITT: [14:11:11] Ms Dimitri, you correctly told the witness
20 to wait a couple of seconds. But you would have to do so too, because you are
21 immediately when the witness has finished starting with your new question.

22 MS DIMITRI: [14:11:26] Thank you for the reminder, Mr President.
23 Apologies to the interpreter.

24 PRESIDING JUDGE SCHMITT: [14:11:33] When we can go back to open session,
25 you are aware of it.

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1 MS DIMITRI: [14:11:36] Yeah. It's my last question in private, Mr President.

2 Q. [14:11:43](Interpretation) Now, you say that you never changed telephone
3 number. Do I understand from that that you still have the same number today?

4 A. [14:11:52] Yes.

5 MS DIMITRI: [14:12:00] Mr President, I am ready for --

6 PRESIDING JUDGE SCHMITT: [14:12:02] Open session.

7 MS DIMITRI: [14:12:03] Thank you.

8 (Open session at 2.12 p.m.)

9 THE COURT OFFICER: [14:12:16] We are back to open session, your Honours.

10 MS DIMITRI: [14:12:21](Interpretation)

11 Q. [14:12:22] So, Witness, you heard the court officer say that we are in open
12 session. So if one of the answers which you are giving to one of my questions could
13 identify you, then please tell me, and I will ask the Presiding Judge to take us into
14 private session.

15 A. [14:12:42] Yes.

16 Q. [14:12:45] I'm now going to address certain paragraphs in your witness
17 statement. Witness, now in paragraph 19 of your statement, you state that you saw
18 the Seleka giving weapons and uniforms to local Muslims who then joined the Seleka.
19 So there I'm talking about the period well before.

20 A. [14:13:20] Before the Anti-Balaka.

21 Q. [14:13:21] Indeed. So do I understand from it that when you used the term
22 "local Muslims" that you are referring to Central African civilians who are of Muslim
23 religion who received weapons and uniforms from the Seleka?

24 A. [14:13:45] Yes.

25 Q. [14:13:51] Now, you've also state in the same paragraph that even the Muslims

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1 who were traders in PK5 became militaries or soldiers. Those are your words. Do I
2 understand from that that the Muslim traders, without going through any kind of
3 military training, declared themselves to be a colonel or a general or another military
4 rank, and they joined the Seleka; is that correct?

5 A. [14:14:26] That is indeed correct.

6 Q. [14:14:37] In your statement, you give the example of traders from PK5, Muslim
7 traders from PK5. Do you know if it was also the case of Muslim traders in other
8 markets in Bangui, such as the Boeing market?

9 A. [14:14:56] I never went to the Boeing market.

10 Q. [14:15:09] And if we go back to paragraph 19 of your statement, when you state
11 that a commander of the Seleka was responsible for the area around Bimbo and PK9,
12 that he gave weapons and uniforms to local Muslims, should I understand from that
13 that at the time of the Seleka there was the distribution of military uniforms and
14 weapons taking place in Bimbo, given to local civilian Muslims who had no military
15 training, no military background?

16 A. [14:15:51] Certainly.

17 Q. [14:16:07] Would I be right also to say that certain Muslims, Muslim civilians I'm
18 talking about here, who did not receive military uniforms, nevertheless, assisted the
19 Seleka by taking weapons or knives or by becoming informers?

20 A. [14:16:40] I'm not aware of anything in that sense.

21 PRESIDING JUDGE SCHMITT: [14:16:44] You know, I let the answer pass because I
22 thought this would be the answer. So any objection is moot, so to speak.
23 Ms Dimitri can continue.

24 MS BERDENNIKOVA: [14:16:56] Indeed, I was just going to say that it calls for
25 speculation, but ...

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1 PRESIDING JUDGE SCHMITT: [14:17:01] Well, you know, it is always a thin line,
2 and we -- and as I'm usually saying, if you reword it, rephrase it a little bit, it does not
3 call so much for speculation, meaning, if you include in the question, "And please tell
4 us where your sources are from, where you get your information from", and so on
5 and so forth. But you were not -- as the question was put, you were not wrong, but
6 the answer was as it was.

7 Ms Dimitri, please continue.

8 MS DIMITRI: [14:17:36] Thank you, Mr President.

9 Q. [14:17:37](Interpretation) Earlier today, and that's also in paragraph 43 of your
10 statement, you referred to an individual. I'm not going to name that individual
11 because we are in open session, but please listen. You referred to an individual who
12 was a member of your family who was attacked in PK5 by a Muslim. He was
13 injured.

14 Do you remember that?

15 A. [14:18:23] Yes.

16 Q. [14:18:24] Now, should I understand from what you know about what
17 happened, the person who attacked the member of your family in PK5, do I
18 understand that that person was not a Seleka soldier, but that person was a civilian
19 who took a bladed weapon and attacked him?

20 A. [14:18:49] Yes.

21 Q. [14:18:53] I just want to remind you, because I have the impression that I'm
22 asking the question but you are not waiting for the end of my question, and it's
23 making the work of the interpreters more difficult.

24 A. [14:19:09] Please accept my apologies.

25 PRESIDING JUDGE SCHMITT: [14:19:10] That is correct, what you're saying. But

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1 we did not have any problems in that regard for two reasons; firstly, because the
2 interpreter is so quick; secondly, the last answers were so short.

3 Please continue.

4 MS DIMITRI: [14:19:37](Interpretation)

5 Q. [14:19:38] So if we stay on the Muslim civilians, Witness, in another dossier
6 before the International Criminal Court, the Prosecutor stated that there was mass
7 recruitment of Muslim civilians by the Seleka. Is that something that you saw at the
8 time of the Seleka? Just to say that there was mass recruitment by the Seleka of
9 Muslim civilians to join their ranks.

10 A. [14:20:05] Yes, I mentioned that. There were traders who became colonels and
11 commanders.

12 Q. [14:20:19] And, if you know, was a consequence of this mass recruitment of
13 traders who became colonels, who made themselves colonels or commanders, were
14 there small bases that were trained? That is to say that they -- people created little
15 military bases in a little residential compound in Bimbo, Boeing, PK5.

16 A. [14:20:52] Thank you. I would say that Commander Moussa, who was in PK9,
17 he resided in the compound of a soldier, and that was opposite the brasserie. That
18 was his bases.

19 THE INTERPRETER: [14:21:21] That was his base, corrects the interpreter.

20 MS DIMITRI: [14:21:24](Interpretation)

21 Q. [14:21:24] Thank you very much. We will go back to the Commander Moussa
22 later.

23 Now, you spoke in your statement about local Muslims who joined the Seleka. And
24 what I would like to know now is, where it concerns these local Muslims who
25 decided to join the Seleka, whether in Bimbo, in PK5, which we spoke about earlier, or

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1 even in Boeing, if you know, what did they do? What did these local civilians do at
2 the time of the fall of the Seleka authorities when -- what did these -- when Djotodia
3 resigned, what did these local Muslims do?

4 A. [14:22:10] Well, I can shed some light on that. When these Muslims, these local
5 Muslims, at the example of those who were in Bimbo, when they received weapons,
6 they did not very much go to their old zone or area. What they did was that they
7 were in their base, either at Kilometre 5 or they were -- there was the commander who
8 was in PK9, and they were behind that. So where they were prior to that, they did
9 not go there.

10 For example, if I can clarify that. Next to me, there is a man, and he had a guard, a
11 Mbororo Muslim subject. Now, having received weapons and such like, then when
12 the relatives came, they didn't return even until now. They have left for good
13 because they didn't have the courage to return there.

14 Q. [14:23:34] So they left the place where they were living before?

15 A. [14:23:40] Yes.

16 Q. [14:23:46] So I'm going to speak about Christian civilians, not about armed
17 groups, not Anti-Balaka, we are going to come back to tomorrow. But speaking
18 about Christian civilians, how did they react? If you know, if you are able to say that,
19 if you saw it, how did they react with regards to the local Muslims who took up
20 weapons and who joined the Seleka?

21 A. [14:24:10] Well, I would say that their language -- all the Christian civilians, they
22 said "*lawwa lawwa*" (phon). That means that the others are going to be finished. From
23 one moment to the other, it's going to be finished. That's the reaction that they had,
24 the civilian Christians had.

25 Q. [14:24:45] So we spoke about -- once again, I'm asking for your vigilance. I am

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1 not going to name this person, but the member of your family who was attacked by a
2 Muslim civilian in PK5, would you agree with me, if you know, that it was not an
3 isolated case? You had heard people speak about other cases, other incidents which
4 were similar where Muslim civilians attacked non-Muslims.

5 A. [14:25:22] Well, during this event, it wasn't only the case of my relatives. There
6 were also other people. Those who were there in Kouki, they went there. And also
7 there were others in hospitals earlier.

8 Q. [14:25:53] So a few seconds ago you spoke about guardian Mbororo. And did I
9 understand from that that Mbororo is another name for -- is a Peuhl name?

10 A. [14:26:10] Yes. It's a way of identifying Peuhls.

11 Q. [14:26:16] So, Witness, we have just spoken about an incident where Muslim
12 civilians attacked non-Muslim civilians. We've also just spoken about Christians
13 who said "*lawwa lawwa*". So all this situation at the time of the Seleka, would I be right
14 to say that all these incidents and the fact that Muslim civilians joined the Seleka and
15 turned against their compatriots, would I be right to say that that created an
16 important feeling between the Christian -- between the Christian community and the
17 Muslim community?

18 A. [14:27:13] I think it was really that. It was -- that's really -- it was really clear
19 that it was like that.

20 Q. [14:27:23] Now, you mentioned the behaviour of the Christians, the non-Muslim
21 civilians. Did you also see, if you know, after the attack of 5 December, in the days
22 following the -- and hours following 5 December, that a lot of non-Muslims were
23 going out on the street to say that they had enough of the Muslims? Is that
24 something that you noted?

25 A. [14:28:01] Well, I wasn't in the streets. So I couldn't hear that.

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1 Q. [14:28:15] I'm going to show you a video from this time. This is a video which
2 was taken in December 2013. And we are just going to listen to a short extract
3 therefrom and then I'm going to put questions to you about it to ask you if these are
4 scenes that you heard people speak about or that you saw at the time.

5 So this is at tab 2 of the Defence binder, CAR-OTP-2012-0523. And it can be shown
6 publicly. In fact, for the court officer, all videos can be shown publicly, unless I
7 indicate otherwise.

8 So we are going to watch it from 32:30 to 33:24.

9 For the interpreters, the transcript is at tab 3 of your binder, CAR-OTP-2118-5547, and
10 it's lines 830 to 844.

11 If the interpreters could tell me when they are ready.

12 THE INTERPRETER: [14:30:02] Just getting the document up in the computer now.

13 THE COURT OFFICER: [14:30:06] It will be played on evidence channel 2.

14 THE INTERPRETER: [14:30:09] Thank you.

15 THE COURT OFFICER: [14:30:10] The Defence has the floor. Allow the court clerk
16 to change the channel for the witness so he can watch the video. Thank you.

17 PRESIDING JUDGE SCHMITT: [14:30:16] And the interpreter can signal via a
18 thumbs-up if he is ready.

19 THE INTERPRETER: [14:30:21] Thank you.

20 THE COURT OFFICER: [14:30:35] If it can be of any assistance, the transcript is
21 displayed on evidence channel 1.

22 THE INTERPRETER: [14:30:41] Thank you very much. I will take it from there.

23 PRESIDING JUDGE SCHMITT: [14:30:45] Now let's play it, please.

24 (Viewing of the video excerpt)

25 THE INTERPRETER: [14:30:53](Interpretation of the video excerpt)

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1 "New movement of the crowd. Two Muslims dressed in black who are passing on
2 motorbike are ready to go.
3 The Central African police get -- intervene to stop a lynching. They finish by fleeing.
4 The fear has changed sides.
5 In future, the Muslims are threatened in another neighbourhood of Bangui, the crowd
6 burns vehicles belonging to the Seleka, disarm and pillages their houses.
7 After the month of terror, it is the major outpouring of the Christians."

8 MS DIMITRI: [14:32:00](Interpretation)

9 Q. [14:32:01] You've seen the video, Witness.

10 A. [14:32:04] Yes.

11 Q. [14:32:04] And you spoke earlier about the behaviour or conduct of the
12 non-Muslims, the civilians.

13 A. [14:32:13] Yes.

14 Q. [14:32:15] Are we in agreement that this is something that you knew, that you
15 had seen, the fact that due to everything that the local Muslims had done, the
16 non-Muslim civilians, the Christians wanted to parade and that was something that
17 affected the Muslims in a wide scale at the time? It's right to say, as we have seen it
18 on this video, that the non-Muslims, Christians were very angry and they were so
19 angry that even the police was not able to control the crowd?

20 A. [14:33:00] Yes.

21 Q. [14:33:09] Is it also right to say, if you know, that Muslim civilian -- Muslims
22 feared, they were afraid after, as we have seen on the video, and they wanted to leave
23 the country because nobody could ensure their protection, not even the police. Do
24 you agree with that statement?

25 A. [14:33:36] Yes.

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1 Q. [14:33:38] And is it in those circumstances, and once again, only if you know it,
2 Mr Witness, that we have seen at the time Muslims leave in huge numbers to
3 neighbouring countries?

4 A. [14:33:53] Yes.

5 THE INTERPRETER: [14:33:55] Please pause between questions and answers.

6 PRESIDING JUDGE SCHMITT: [14:33:59] Yes. Two things. First of all, please,
7 obey the five-second rule, everyone, also Mr Witness, so that the interpreter can
8 follow.

9 Second, Ms Berdennikova has the floor.

10 MS BERDENNIKOVA: [14:34:09] Yes, thank you, your Honours. Sorry for
11 interrupting. First of all, well, the witness can't possibly know what the Muslims
12 were thinking, you know, when they were fleeing. So that's one point.

13 And the second point is that it appears that a lot of questions based on the images that
14 we saw on the video are based on the assumption that the civilian population that is
15 shown in those videos excludes members of the Anti-Balaka, which is not that clear.

16 PRESIDING JUDGE SCHMITT: [14:34:42] Well, that is -- you know, that is a
17 question of interpreting and assessing the evidence, and that's up to the Judges,
18 simply. So, of course, we have seen certain footage and in this footage there appears
19 to be a certain part of population, and that might tell us something or not. So this is
20 simply up to the Judges to decide that.

21 And, of course, the witness cannot look into the heads of the Muslims. We are also
22 aware of that. What we can ask him, and I do that.

23 Mr Witness, when you say that this reaction, let me put it this way, of the Christian
24 population in December 2013, and this aggressive attitude towards the Muslim
25 population, that this forced them to leave the country, on what sources and what

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1 information do you base that? Is this your own observation, or have you talked to
2 Muslims, or have you talked to others who told you that?

3 THE WITNESS: [14:35:57](Interpretation) Mr President, I'm very sorry. Can you
4 please repeat your question.

5 PRESIDING JUDGE SCHMITT: [14:36:02] So when you say that the Muslim
6 population left because of the events, they left the Central African Republic and
7 where they lived, where do you get this information from? So how do you know the
8 intention of the Muslims and the reasons behind them leaving?

9 THE WITNESS: [14:36:29](Interpretation) Thank you very much, your Honour.
10 I will say it this way: When the Muslim subjects decided to leave, I believe that they
11 also had their reasons. And they are only traders. They are good traders, and they
12 only live from trade, and they are good traders in -- in that period, and so there was
13 no other possibility. There was no other possibility to go sell something, and they
14 couldn't feel safe doing it. And so they believed that it was better, those who were
15 from Cameroon or Chad, they thought that it was better to go and they just took
16 advantage of the procedure when it was announced that they could go. They just
17 took advantage of that situation and they left.

18 PRESIDING JUDGE SCHMITT: [14:37:23] Okay. Thank you.
19 Ms Dimitri, please move on.

20 MS DIMITRI: [14:37:29] Thank you, Mr President.

21 Q. [14:37:32](Interpretation) I'm just going to move on to another topic slightly. In
22 your statement, in paragraph 21, you talk about a house which was in front of the
23 Mocaf brasserie --

24 A. [14:37:55] Yes.

25 Q. [14:37:56] -- that Seleka used to use to torture people.

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1 The brasserie Mocaf, is that the Castel factory?

2 A. [14:38:07] Yes, that's right.

3 THE INTERPRETER: [14:38:09] Please pause between question and answer.

4 MS DIMITRI: [14:38:18](Interpretation)

5 Q. [14:38:19] And very specifically, Witness, if we talk about the Seleka in the
6 Bimbo sector, is it right to say that the Seleka from PK9 stayed there up until at least
7 mid-January? So just slightly after the resignation of President Djotodia.

8 A. [14:38:43] Yes. After the resignation of President Djotodia, the Seleka were
9 there, I believe. And if you are saying mid-January, I can agree with that, yes,
10 indeed.

11 Q. [14:39:13] Between the moment when the Seleka went to PK9 and took on their
12 position in front of the Mocaf brasserie, so between that moment in 2013 and between
13 the time they left after Djotodia's resignation, am I right to say that the Seleka were
14 patrolling the PK9 axis, or that area, the sector?

15 A. [14:39:52] Before the resignation, yes.

16 Q. [14:39:55] Yes, before the resignation.

17 A. [14:39:57] Yes, that is true.

18 Q. [14:40:07] Witness, can you be a little bit more specific about the place where the
19 bases was situated from the Seleka at PK9.

20 A. [14:40:34] Well, when you arrive, the house of the soldier that I was talking
21 about, that house was a prison. They were using it as a prison. So you cross the
22 barrier, so then there is the -- there were all these other houses that were there, and
23 they were here. They were here on the ramp.

24 Q. [14:41:11] Please correct me if I'm wrong, Witness, so if I leave Bangui and if I go
25 in the direction of Mbaïki, just before crossing the bridge, there is a small customs

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1 office, and a police office --

2 A. [14:41:35] Yes, police. And, yes, they were there. Yes.

3 THE INTERPRETER: [14:41:39] The witness is talking at the same time as

4 Ms Dimitri.

5 PRESIDING JUDGE SCHMITT: [14:41:43] Mr Witness, again, it's -- I fully

6 understand that you want to agree with the person who questions you and then you

7 speak at the same time, but then we do not get it for the record and the interpreters

8 cannot follow. So please simply wait until Ms Dimitri has finished her question and

9 please only answer then. Thank you.

10 Ms Dimitri.

11 MS DIMITRI: [14:42:05] Thank you, Mr President.

12 THE WITNESS: [14:42:12](Interpretation) Thank you.

13 MS DIMITRI: [14:42:14](Interpretation)

14 Q. [14:42:14] It's my fault in a way, Witness, because I'm asking you to explain

15 some specific places. And so I am just going to try to go step by step.

16 So during that period, so just before Djotodia resigned and before the Seleka left the

17 PK9 sector, we talked about the fact that the Seleka were patrolling. Am I right to

18 say that they were also patrolling near the cement factory up until the Castel factory?

19 That was part of their patrolling?

20 A. [14:42:58] Yes, from the cement to the Castel? That I don't know.

21 MS DIMITRI: [14:43:27] Mr President, if I could just have a moment, please.

22 PRESIDING JUDGE SCHMITT: [14:43:31] Sure.

23 MS DIMITRI: [14:43:45](Interpretation)

24 Q. [14:43:46] Thank you very much, Witness. I'm going to move to another topic.

25 But maybe this afternoon or tomorrow, I'm going to show you some maps so that you

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1 can explain to us the -- where the Seleka were.

2 Now, we talked about everything that the Seleka did. Do we -- can we agree on this:

3 That one of the consequences of the arrival of the Seleka and one of the consequences
4 of what they did, one of the consequences was that many self-defence groups were
5 created?

6 A. [14:44:16] Yes, that's right.

7 Q. [14:44:20] And in paragraph 36 of your statement - and please be careful because
8 we are in open session - you explain in that paragraph that you were staying -- you
9 stayed in the bush, you personally, you stayed in the bush in order to bring down the
10 Seleka regime, yourself and other people, and you wanted to get ready to bring down
11 the Seleka regime. Can you explain to me, please, why was it necessary to gather in
12 the bush in order to bring down the Seleka regime?

13 A. [14:45:06] As you've mentioned it, that's part of the consequences, and I would
14 say that the mother of this war would be the Seleka. The Seleka gave birth to that
15 group, if I can express myself that way.

16 Q. [14:45:47] And more specifically, Witness, I understand very well that it's the
17 Seleka that created this, but why was it necessary to stay in the bush to overthrow the
18 regime? Why stay in the bush?

19 A. [14:46:04] Well, to answer your question, I could say that if you want to prepare
20 something, it's important to step aside, to think about things, and to think about what
21 must be done.

22 PRESIDING JUDGE SCHMITT: [14:46:27] I think you can move on. We simply
23 have to take his answer.

24 MS DIMITRI: [14:46:32](Interpretation)

25 Q. [14:46:33] And when you say that "we were getting ready to overthrow the

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1 Seleka regime, it is important to step aside and to think about what one must do", am
2 I to understand that as a civilian, you felt that you had an obligation as a Central
3 African citizen to defend your country?

4 A. [14:46:59] Yes, something like that.

5 Q. [14:47:06] And from your discussions, from the other group members, and it's
6 important not to mention the name of the group because we are in public session, but
7 following your discussions with other civilians who joined that resistance group, am I
8 to understand that they also felt this need, this duty as being Central African citizens
9 to defend their country against mercenaries and against enemies?

10 A. [14:47:36] Yes. Absolutely.

11 MS DIMITRI: [14:47:45] Mr President, the next three questions in private session,
12 with your leave.

13 PRESIDING JUDGE SCHMITT: [14:47:55] Yeah.

14 Private session.

15 (Private session at 2.48 p.m.)

16 THE COURT OFFICER: [14:48:11] We are in private session, Mr President.

17 MS DIMITRI: [14:48:16](Interpretation)

18 Q. [14:48:19] Witness, you talked about very specifically, that for a certain period of
19 time, (Redacted). Am I right in saying that the name
20 (Redacted) it was not something that was known and people from outside called
21 everybody Anti-Balaka?

22 A. [14:48:48] That was a name that was not known, but I would say that it did not
23 have enough impact. This group did not really create something, realise something
24 or do something that would make them well known.

25 Q. [14:49:15] So am I to understand, if you know, and if you've noticed it, that

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1 people who were outside of this group and who do not know could very well refer to
2 people (Redacted) as being Anti-Balaka, they don't say, oh, this is (Redacted) and
3 this one is an Anti-Balaka. Am I right in saying that everybody from the outside was
4 referring to (Redacted) as Anti-Balaka?

5 A. [14:49:42] Yes.

6 MS DIMITRI: [14:49:50] Mr President, with your leave, we could go back to public,
7 open.

8 PRESIDING JUDGE SCHMITT: [14:49:55] Open or public.
9 (Open session at 2.50 p.m.)

10 THE COURT OFFICER: [14:50:13] We are back to open session, Mr President.

11 MS DIMITRI: [14:50:20](Interpretation)

12 Q. [14:50:22] Witness, we talked about the fact that these self-defence groups were
13 created, and in paragraph 35 of your statement, you say that you've heard of different
14 Anti-Balaka groups and they were all in different sectors. Am I right in saying, and
15 once again only if you know it, based on what you said in your statement, that
16 around Bimbo, in each small village, there were self-defence groups that were created
17 to -- to react against the Seleka?

18 A. [14:51:14] Yes.

19 Q. [14:51:15] I did not understand your question.

20 A. [14:51:17] No, it was not a little bit everywhere. It was not obvious.

21 Q. [14:51:29] So we cannot say that there were small self-defence groups in villages.
22 It's not something that you have heard.

23 A. [14:51:41] Yes.

24 Q. [14:51:43] And if we talk about the group of {ICR: (Redacted)} -- and I do not want
25 to know, because we are in open session, I do not want to know if you have any links

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1 with that group or not. I want to talk about {ICR: (Redacted)} group. But am I right
2 in saying that the civilians within {ICR: (Redacted)} group did not have a distinctive
3 sign, they did not wear any specific piece of clothing that could distinguish them from
4 the other Anti-Balaka groups or FACA groups, when it comes to the soldiers that
5 were part of the {ICR: (Redacted)} group?

6 A. [14:52:20] Yes, that's right.

7 Q. [14:52:33] Am I also right in saying that people from the country were looking
8 for bases, and civilians from various parts, various cities who identified themselves as
9 being Anti-Balaka went to join the group of {ICR: (Redacted)} and that he welcomed
10 them?

11 A. [14:53:12] I am not aware of that.

12 MS DIMITRI: [14:53:24] Mr President, I'm sorry, I'm struggling to try to stay in
13 public, but I think it's better for the next two questions to go in private session.

14 PRESIDING JUDGE SCHMITT: [14:53:32] Yeah, this was -- also one of the last
15 questions was a little bit borderline.

16 But, well, we go to private session.

17 (Private session at 2.53 p.m.)

18 THE COURT OFFICER: [14:53:55] We are in private session, your Honours.

19 MS DIMITRI: [14:53:58] Thank you.

20 Q. [14:53:59](Interpretation) Witness, we are in private session, so you can speak
21 freely. I am going to ask my question again. I understand that (Redacted)
22 (Redacted). Within (Redacted)
23 group, to your knowledge, were there civilians who came from various provinces
24 who had fled Seleka's attack and who went towards Bangui and who were looking
25 to -- to hide somewhere and they were welcomed by (Redacted) group?

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1 A. [14:54:39] Yes. This is what I was saying, because I am not aware of any of that.
2 Maybe they came when I was not there. Perhaps one day when I was not there,
3 maybe, but I am not aware of that.

4 Q. [14:54:59] And should I take it from your answer that civilians whom you knew
5 and who were members of (Redacted) group, those were all people who come from
6 the (Redacted) area?

7 A. [14:55:15] Well, since I don't know everybody, it's impossible for me to say
8 where they came from.

9 Q. [14:55:29] Paragraph 36 of your statement, there you say that the FACA who
10 were members of the group were training civilians to combat strategies. So I'm just
11 going to read your statement to you: "The FACA who were members of the (Redacted)
12 group were training these civilians in combat strategies ..."

13 (Redacted)

14 (Redacted)

15 A. [14:56:10] Thank you very much. Maître, yes, it seemed very strange, this to
16 me. (Redacted)

17 (Redacted)

18 (Redacted)

19 Q. [14:56:52] I do not understand your answer. I'm very sorry.

20 In your statement, you said that the FACA who were part of the group of (Redacted)

21 (Redacted) group, that they were training the civilians,

22 (Redacted) so they were training the civilians in combat strategies. So

23 let's go step by step.

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 Q. [14:57:49] To your knowledge, the civilians that were part of (Redacted), did
3 they follow a training on combat strategies -- please let me finish. So did they follow
4 a training on combat strategies from the FACA (Redacted)?

5 A. [14:58:16] Well, let me say the following: The fact to call them, to align them, to
6 put them in a row, and to show them the discipline, to teach them how you should
7 behave, to say "on your guard", (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 A. [14:59:36] No, not at all.

14 PRESIDING JUDGE SCHMITT: [14:59:38] If I may shortly.

15 Mr Witness, but when you are saying, we are again in this paragraph 36, the civilians
16 were trained in combat strategies and how to use weapons. So with "combat", you
17 do not associate from the word that it's only about discipline. It's about how to fight.
18 And also you connect this here with the use of weapons. (Redacted)
19 that this happened?

20 THE WITNESS: [15:00:24](Interpretation) (Redacted)

21 (Redacted)

22 (Redacted

23 (Redacted) that they talked about this strategy and this is why I mention
24 it -- mentioned it.

25 PRESIDING JUDGE SCHMITT: [15:01:01] Okay. Thank you.

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1 Ms Dimitri.

2 MS DIMITRI: [15:01:05] Thank you, Mr President.

3 Q. [15:01:08](Interpretation) I'm really sorry to belabour this point, but I just really
4 want to make sure I understand you. So to your knowledge, you have never seen
5 any FACA member of the (Redacted) train civilians in combat strategy and in
6 weapons?

7 A. [15:01:40] *Si*.

8 Q. [15:01:41] When you say "*si*", you mean you've never seen it?

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 Q. [15:02:11] But do you know how it is that that sentence ended up in your
15 statement? But you said here in your statement, the FACA that were members of the
16 group trained civilians in combat strategy and weapons use.

17 A. [15:02:29] But I think that I have mentioned it here, (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 Q. [15:03:27] But did you ever ask someone to say, "Why are we training civilians
2 in combat strategy and how to use weapons"? Did you ever ask them, (Redacted)
3 (Redacted)?

4 A. [15:03:42] Well, I was not interested in that.

5 PRESIDING JUDGE SCHMITT: [15:03:44] And still -- I really admire the interpreter,
6 that she catches up, but it's extremely -- it must be extremely difficult. We don't
7 want that anybody in the booth upstairs collapses at one point in time. So it's really
8 difficult. But we have everything on the record, strangely enough, I would even say.
9 Please continue.

10 MS DIMITRI: [15:04:10] I'm sorry, Mr President. I really keep an eye on the English
11 transcript and I wait before I put my question.

12 PRESIDING JUDGE SCHMITT: [15:04:16] It's also -- you know, Mr Witness, we
13 have said it several times, please, really, really wait with your answer until the
14 question has finished.

15 Now, Ms Dimitri. It was mainly also about the witness.

16 THE WITNESS: [15:04:40](Interpretation) Thank you.

17 MS DIMITRI: [15:04:44](Interpretation)

18 Q. [15:04:47] Now, on the members of the group, in paragraph 32, what you state is
19 that several hundreds of people joined the FACA and civilians. So is it the case
20 that -- well, do you know why the FACA joined you? What was the reason?

21 A. [15:05:35] Well, it's a group. The FACA are technicians, counsel, and it's their
22 duty, perhaps, to join up, to join up with the group.

23 Q. [15:05:57] And when you say "it's their duty", should I understand from your
24 discussions, because (Redacted) that it's the duty of a

25 FACA to protect their country against the invaders, against the mercenaries, against

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1 the Seleka and what the Seleka is doing?

2 A. [15:06:14] That could be the case.

3 Q. [15:06:27] And am I also right to say that at the time, while the international
4 forces were present in the Central African Republic, among the things that you saw,
5 were they insufficient in numbers in able -- to manage the chaos, and that's the reason
6 why the FACA tried to join together to get the tyrannic Seleka regime to stop?

7 Please wait before replying because there's an objection.

8 PRESIDING JUDGE SCHMITT: [15:07:09] Just wait a second.

9 Yes, Ms Berdennikova.

10 MS BERDENNIKOVA: [15:07:11] I believe that calls for speculation on the part of
11 the witness.

12 PRESIDING JUDGE SCHMITT: [15:07:14] If you can rephrase it a little bit and ask
13 for -- if he has information on that, I would let the question pass.

14 MS DIMITRI: [15:07:21] Thank you, Mr President.

15 In French, I said "*de part vos constatation*", "from what you saw", from -- I don't know if
16 it was --

17 PRESIDING JUDGE SCHMITT: [15:07:29] Well, that's enough. If this is the case,
18 then ...

19 So did you have any information about that, that this was the reason why they
20 joined?

21 THE WITNESS: [15:07:43](Interpretation) I don't have any information about that.

22 MS DIMITRI: [15:07:51](Interpretation)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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- 11 (Redacted)
- 12 PRESIDING JUDGE SCHMITT: [15:19:05] Fine. We go to open session.
- 13 And since we started at 2 o'clock, we finish at 3.30 today.
- 14 Open session.
- 15 (Open session at 3.19 p.m.)
- 16 THE COURT OFFICER: [15:19:27] We are in open session, Mr President.
- 17 MS DIMITRI: [15:19:32](Interpretation)
- 18 Q. [15:19:33] Witness, am I right to say that there was this certain fluctuation in
- 19 {ICR: (Redacted)} group? In other words, some people were coming, they were
- 20 joining the group, some of the people were leaving the group. It's not always the
- 21 same number of elements one week after the other.
- 22 A. [15:19:56] Yes, that's right.
- 23 Q. [15:20:02] Before 5 December 2013, the control posts, did {ICR: (Redacted)} and
- 24 his group, did they erect control posts at any place whatsoever?
- 25 A. [15:20:27] Control posts? Well, maybe yes. They would come during the

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1 night. They would put people to -- there to make sure that they are not

2 apprehended, yes.

3 Q. [15:20:54] And who was the enemy?

4 A. [15:21:03] The enemy of everybody at the time, it was the Seleka subjects.

5 Q. [15:21:19] I would like to show you the same map, but a different page, still at
6 page 0033. It's still Defence binder 4.

7 I'm very sorry. 0038. 38.

8 (Speaks English) Yeah, thank you.

9 (Interpretation) Earlier we spoke about the Mocaf brasserie from the Castel factory.

10 Is this what we see on the screen?

11 A. [15:22:49] Yes, that's correct.

12 Q. [15:22:56] Am I right to say that at a certain point in time, the base of Basile
13 Mbomon was situated on the street General Gambi?

14 A. [15:23:27] Yes. In front of his house.

15 Q. [15:23:28] So right in front of the house of General Gambi?

16 A. [15:23:32] Yes.

17 Q. [15:23:33] So I would like you to please look at the map on the screen, and
18 please tell us if you are able to show us the base. Not the control posts, but the base
19 of Basile Mbomon when it was close to General Gambi's house.

20 So just to orient you, at the centre of the screen, Witness, you could see it's written

21 "Castel". So that's the Mocaf brasserie. And then you see the road that leaves

22 Bangui, that crosses the bridge, and you will see the river.

23 A. [15:24:15] M'Poko?

24 Q. [15:24:16] Yes. That's dark to the left the screen. Then you see the bridge, PK9.

25 Are you able to tell us on this map if we see the place where Basile Mbomon's base

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1 was, so in front of General Gambi's house?

2 A. [15:24:35] It's behind the general's house. It's the crossing there.

3 Q. [15:24:50] When you say that it's at the crossing, are you talking about the
4 crossing that's to the right of the Castel factory or to the left of the factory, if you look
5 at this picture?

6 A. [15:25:05] To the right.

7 Q. [15:25:09] So if I am on the road and if I have the PK9 bridge behind me and that
8 I am going in the direction of the Castel factory on the main road, the crosses of the
9 street that brings -- leads to General Gambi, so it's the first street to the left that I will
10 cross after the Castel factory; is that right?

11 A. [15:25:42] Yes.

12 Q. [15:25:42] I would like to ask the court officer to put the cursor so that we can
13 identify it.

14 (Speaks English) Can you go down with your arrow. Okay, go on the main road.

15 Yes, yes, yes. No, move a bit. No, move to your right, up to the -- yes, and move a
16 bit up.

17 (Interpretation) Is that the general -- the street of General Gambi, where we see the
18 white arrow?

19 A. [15:26:19] Yes, that's right.

20 Q. [15:26:28] So, Witness, am I also right to say that under this white arrow on the
21 main road there is a gendarmerie post?

22 A. [15:26:44] Well, when you leave the brasserie, just before arriving at this
23 crossing that you could see the gendarmerie post, the gendarmerie of the PK9.

24 Q. [15:27:06] So the Bimbo gendarmerie or the post of the Bimbo gendarmerie is on
25 the main road, the road that goes -- just wait before you say "yes". The road that

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1 goes to the PK9 bridge, the main road, and this gendarmerie post is between the
2 Castel factory and the General Gambi lane; is that right?

3 A. [15:27:32] Yes, that's right.

4 Q. [15:27:38] And close to the bridge, where the Seleka were, there was a small
5 brigade of the gendarmerie where the customs post was; is that right?

6 A. [15:27:52] Yes.

7 Q. [15:27:52] Thank you very much, Witness.

8 (Speaks English) Mr President, I am looking at the time. I'm done for today. But
9 just before we adjourn, would it be useful that I give the witness a paper copy and he
10 puts an "X" so we have that on the record, or ...

11 PRESIDING JUDGE SCHMITT: [15:28:13] Well, we could do that, but I think it
12 was -- okay, it was -- of course, for the record, it was not clear. I understood it. I
13 could follow it. I saw Mr Vanderpuye nodding. You think it's a good idea. Then
14 why not do that.

15 So, Mr Witness, we are finishing soon, but you have really a task to do. When you
16 are a witness here, you have to do many exercises. So we would be grateful if you
17 could mark on the map what we have talked about. So this is then better. Then we
18 have it on the record, not only as a description but we have it visualised.

19 And I think the court usher can give this to the witness.

20 THE COURT OFFICER: [15:28:58] We can also have the witness annotating directly
21 on the smart board where the map is displaying on the evidence. Only if it's --

22 PRESIDING JUDGE SCHMITT: [15:29:06] Well, but we are now finishing for -- let's
23 give him the hard copy, so to speak, as we say these days. Thank you so much.

24 Or we can do that now.

25 So this concludes, as I understand it, the hearing for today. We continue tomorrow

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1 at 9.30.

2 I assume you finish tomorrow. You don't have to because --

3 MS DIMITRI: [15:29:40] I will, Mr President. But just for the record to be clear, can

4 I tell him -- because I have three things that I want --

5 PRESIDING JUDGE SCHMITT: [15:29:45] Absolutely. Yeah, absolutely. That

6 makes sense.

7 MS DIMITRI: [15:29:47] But, yes, I will finish tomorrow for sure.

8 PRESIDING JUDGE SCHMITT: [15:29:49] Mr Witness, please listen what we want

9 you to do, so to speak, in the meantime, until tomorrow.

10 MS DIMITRI: [15:29:58](Interpretation)

11 Q. [15:29:59] So the first thing that I'm going to ask you to show on this map is BM,

12 so "B" for base and "M" for Mbomon, where the Mbomon base was, at the time where

13 it was situated near the General Gambi compound.

14 A. [15:30:22] It's going to be very difficult because the lane continues.

15 Q. [15:30:28] But, Witness -- no, no, go ahead. You can do it, so it doesn't have to

16 be so specific. We are not going to measure it. But if you just put "BM" near the

17 lane that brings to the General Gambi compound, please.

18 Hold on. I didn't finish.

19 Now I would like you to put "GD" for the gendarmerie, so the gendarmerie post that

20 is situated on the main road between the Castel factory and General Gambi road.

21 A. [15:31:11] GR?

22 Q. [15:31:14] No. "G" for gendarmerie. GD.

23 And then we spoke about the customs in the small brigade near the PK9 bridge where

24 the Seleka were positioned. So I would like you to indicate that area with the letters

25 "DB", *douane brigade*, customs brigade.

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- 1 Thank you very much, Witness.
- 2 PRESIDING JUDGE SCHMITT: [15:31:49] Thank you also from the side of the bench,
- 3 Mr Witness. That was very quick. And this concludes for today, but as I said, we
- 4 are not finished with your testimony. We continue tomorrow at 9.30.
- 5 THE COURT USHER: [15:32:03] All rise.
- 6 (The hearing ends in open session at 3.32 p.m.)