

Trial Hearing
WITNESS: CAR-OTP-P-1839

(Open Session)

ICC-01/14-01/18

1 International Criminal Court
2 Trial Chamber V
3 Situation: Central African Republic II
4 In the case of The Prosecutor v. Alfred Rombhot Yekatom and Patrice-Edouard
5 Ngaïssona - ICC-01/14-01/18
6 Presiding Judge Bertram Schmitt, Judge Péter Kovács and Judge Chang-ho Chung
7 Trial Hearing - Courtroom 1
8 Monday, 31 October 2022
9 (The hearing starts in open session at 9.31 a.m.)
10 THE COURT USHER: [9:31:45] All rise.
11 The International Criminal Court is now in session.
12 Please be seated.
13 PRESIDING JUDGE SCHMITT: [9:32:14] Good morning, everyone.
14 Court officer, please call the case.
15 THE COURT OFFICER: [9:32:19] Good morning, Mr President, your Honours.
16 Situation in the Central African Republic II, in the case of The Prosecutor versus
17 Alfred Yekatom and Patrice-Edouard Ngaïssona, case reference ICC-01/14-01/18.
18 And for the record, we are in open session.
19 PRESIDING JUDGE SCHMITT: [9:32:34] Thank you very much.
20 I ask for the appearance of the parties. Mr Scaliotti.
21 MR SCALIOTTI: [9:32:41] Good morning, Mr President, your Honours and
22 everyone in the courtroom. The Prosecution today is represented again by
23 Mr Kweku Vanderpuye, Manochitra Prathaban, Yassin Mostfa, Alana Goncalves and
24 myself, Massimo Scaliotti. Thank you.
25 PRESIDING JUDGE SCHMITT: [9:32:59] Thank you.

1 And the representatives of the victims.

2 MS RABESANDRATANA: [9:33:01](Interpretation) Good morning, your Honour,
3 gentlemen. The team of the representatives of the victims of other crimes are
4 represented today by Gabriella dos Santos, Mouhia Asso and myself,
5 Elisabeth Rabesandratana.

6 PRESIDING JUDGE SCHMITT: [9:33:24] Thank you.

7 MS LAU: [9:33:26] Good morning, Mr President, your Honours. Good morning,
8 everyone in the courtroom. Today the former child soldiers are represented by
9 myself, Fiona Lau, associate legal officer, Office of Public Counsel for Victims.
10 Thank you.

11 PRESIDING JUDGE SCHMITT: [9:33:37] Thank you.

12 I turn to the Defence, Ms Dimitri first.

13 MS DIMITRI: [9:33:42] Good morning, Mr President. Good morning,
14 your Honours. Good morning, everyone. Mr Yekatom is present in the courtroom.
15 He's represented today by Ms Lena Casiez, Ms Sabine Bayssat, Ms Anta Guissé,
16 Ms Alexandra Baer, Mr Florent Pages-Granier, Ms Laurence Hortas-Laberge and
17 myself, Mylène Dimitri.

18 PRESIDING JUDGE SCHMITT: [9:34:03] Thank you.

19 I turn to Mr Knoops.

20 MR KNOOPS: [9:34:07] A very good morning, Mr President, your Honours. Good
21 morning, everyone in the courtroom. Our Defence team on behalf of Mr Ngaïssona
22 appears today before the Chamber with Ms Marie-Hélène Proulx, Mr Simon Décot
23 and Mr Michael Rowse. Thank you.

24 PRESIDING JUDGE SCHMITT: [9:34:23] Thank you.

25 And we also welcome Mr Diarrassouba, Rule 74 counsel for the witness. Thank you.

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1 And, of course, welcome and good morning, Witness. We all hope that you had
2 a good weekend and that you feel well today.

3 WITNESS: CAR-OTP-P-1839 (On former oath)

4 (The witness speaks French)

5 THE WITNESS: [9:34:45](Interpretation) Yes, I feel fine. Thank you.

6 PRESIDING JUDGE SCHMITT: [9:34:48] Then we can continue the examination by
7 the Prosecution.

8 Mr Scaliotti, you have the floor.

9 MR SCALIOTTI: [9:35:04] Thank you, Mr President.

10 QUESTIONED BY MR SCALIOTTI: (Continuing)

11 Q. [9:35:06] Good morning, Witness. I'm glad to hear that you are fine today and
12 welcome back to the courtroom.

13 So now I will start the final part of my examination. I still have a number of
14 questions for you, but not so many, so it shouldn't be too long.

15 And I would like to start with a clarification with regard to the transcript about
16 the hearing of Friday. So I'm referring to transcript 171, page 85, lines 13 to 15.

17 You were answering questions about groups of Anti-Balaka other than the one
18 commanded by Mr Yekatom. And I'm quoting straight from the transcript. You
19 said from -- answering a question, again, line 13 to 15: "When we were in Yamwara,
20 there were some people who joined us, who supposedly came from Yamwara, and we
21 would call them Gobere." End of quotation.

22 Now, I see going through the transcript that there was some attempt to clarify this
23 point, but it seems to me that in the end it was not clear, where this group that you
24 called Goberes -- actually, it is clear that this group came to Yamwara, but it's not
25 clear where the group was coming from.

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1 Could you please clarify this point, if my question is clear.

2 A. [9:36:52] I said that when we were in Yamwara, there were some people who
3 came, so perhaps from Bossangoa, and we called them the Goberes.

4 Q. [9:37:16] Thank you. I think it's -- the record -- for the record we clarified.

5 PRESIDING JUDGE SCHMITT: [9:37:21] May I ask you, Witness, why did you call
6 them with this name Goberes if they were coming from Bossangoa? What was
7 the reason for -- for this -- let me put it, for this nickname, so to speak, or whatsoever?

8 THE WITNESS: [9:37:34](Interpretation) I don't know. I don't know the definition
9 of Gobere. I heard the others being -- calling them as Gobere, so amongst each other
10 we called them Goberes, but I don't know the reason behind it.

11 PRESIDING JUDGE SCHMITT: [9:37:48] Thank you.

12 Mr Scaliotti.

13 MR SCALIOTTI: [9:37:52]

14 Q. [9:37:52] And I would like to ask you this, Witness: If I say the name
15 Yougouzou (phon) Sylvestre, does it ring any bell? Are you familiar with this
16 person?

17 A. [9:38:12] No.

18 PRESIDING JUDGE SCHMITT: [9:38:13] And Yagouzou, does that ring a bell?

19 THE WITNESS: [9:38:22](Interpretation) No.

20 PRESIDING JUDGE SCHMITT: [9:38:24] So to make it clear, because you can
21 pronounce it differently, the name.

22 MR SCALIOTTI: [9:38:34] Mr President, I would like now to show a document to
23 the witness. It's not exactly a clarification, but maybe it can help the better
24 understanding of evidence that the witness gave on Thursday.

25 The document that I'm referring to is tab 81, CAR-OTP-2066-1468.

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1 It is a confidential document, but I feel that as long as we don't display the document
2 to the public, we can certainly stay in open session.

3 This is a satellite image of the Yamwara school, and I would like to -- the portion of
4 the transcript I was referring to is about the incident where the three women and the
5 two men were captured. And the transcript is 170, page 36, 12 to 14.

6 Maybe if it is possible to zoom in a little bit in the central part of the document. This
7 is a satellite image of the -- of the Yamwara school.

8 Do you recall being shown this satellite image of the Yamwara school during
9 the interviews you had with the investigators of the Office of the Prosecutor?

10 A. [9:40:39] Yes.

11 Q. [9:40:41] And do you recall annotating that document?

12 A. [9:40:56] Could you please repeat that question, sir.

13 Q. [9:40:59] Of course, Witness.

14 I am asking you if you recall having annotating this document, this satellite image
15 during your interview with the investigators of the Office of the Prosecutor?

16 A. [9:41:21] Yes.

17 Q. [9:41:21] In fact, you can see a number of buildings and you have numbers on
18 those buildings marked with a red pen.

19 So for better understanding of your evidence, can you please say, if I go to
20 the building marked as number 2, what building -- what building is that?

21 A. [9:41:49] Number 2 is the building (Redacted)

22 We lived there inside that building.

23 Q. [9:42:06] And going further, what is the -- what is the building marked as
24 number 3?

25 A. [9:42:27] Number 3 is for the elements and other sections.

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1 Q. [9:42:54] And what about the building marked as number 4?

2 A. [9:43:12] This is where other sections lived.

3 Q. [9:43:20] And one more question. Just a reminder, we are in open session so
4 please don't give information that may lead to your identification.

5 Can you also tell me what is the -- the building marked as number 5?

6 A. [9:43:48] This is the building where the deputy of Mr Yekatom lived.

7 Q. [9:43:58] You said during the hearing on Friday, and I'm referring to real-time
8 transcript, 170, lines 12 to 14, you said that the three women were taken to a house
9 and the house was the house of Coeur de Lion.

10 So is the house that you were mentioning, the house of Coeur de Lion, the house that
11 now you marked as number 5?

12 A. [9:44:34] I can confirm that, yes.

13 PRESIDING JUDGE SCHMITT: [9:44:36] Ms Dimitri.

14 MS DIMITRI: [9:44:38] Yes. For future references, would you mind, because I'm
15 following the French transcript, would you mind just giving the timestamp, rather
16 than the page. Thank you. That would be very helpful.

17 MR SCALIOTTI: [9:45:04] In the subsequent line, 16, same page, the timestamp
18 closest I have is 10:43:18.

19 Q. [9:45:17] You said, that, and I'm quoting: "After that, I left. I saw the two
20 Seleka elements outside."

21 So my question is again with reference to the satellite image that you have in front of
22 you. When you said "outside", do you mean outside the house of Coeur de Lion
23 where the three women had been taken?

24 A. [9:45:46] Yes.

25 Q. [9:45:54] So it is there outside this building marked as 5 that you saw the two

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1 Seleka men, correct?

2 A. [9:46:10] They were take -- I saw them being taken there.

3 Q. [9:46:19] And without giving any specific detail, is that the place where the two
4 men were victimised?

5 A. [9:46:39] Yes.

6 Q. [9:46:53] We can take off the document on the screen, and I will move to another
7 set of questions.

8 Witness, I would like to give you now some -- I would like to put some names to you,
9 and then you can tell me if you know these persons, the names that I am giving you,
10 in case where you met them and what were their functions essentially.

11 So the first name that I would like to tell you is Max Maidana. Do you know this
12 person?

13 A. [9:47:30] Yes.

14 Q. [9:47:37] Was he a member of the group during the time that you spent with
15 the Anti-Balaka?

16 A. [9:47:46] Yes.

17 Q. [9:47:50] Was he an element or a chief?

18 A. [9:47:58] A chief.

19 Q. [9:48:04] And did you see him when you were at the Yamwara school or along
20 the Mbaïki road?

21 A. [9:48:21] At Yamwara.

22 Q. [9:48:28] A second name that I would like to put to you is Bolibo. Do you
23 know him?

24 A. [9:48:45] Bodibo?

25 Q. [9:48:47] Yes, Bolibo or Bodibo.

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1 A. [9:49:04] The name means something to me, but not the image, so I wouldn't
2 want to comment.

3 Q. [9:49:17] Next name that I have for you is Bedane Theodore. Do you know this
4 person?

5 A. [9:49:33] Yes.

6 Q. [9:49:34] Was he a member of the group?

7 A. [9:49:39] Yes. He's a soldier.

8 Q. [9:49:45] So when you say "soldier", do you mean he was a chief?

9 A. [9:50:02] I don't really know what function he had.

10 Q. [9:50:09] And did you see him at the Yamwara school or on the Mbaïki road?

11 A. [9:50:24] At the Yamwara school.

12 PRESIDING JUDGE SCHMITT: [9:50:29] Perhaps we can shorten the procedure and
13 ask the witness if she knows a certain person -- Ms Witness, when you know a certain
14 person, perhaps you can immediately tell us where do you know the person from and,
15 if you know so, which role he or she had in the group.

16 MR SCALIOTTI: [9:50:50]

17 Q. [9:50:52] The next name I have, Witness, is Beorofei Sylvain.

18 As the Presiding Judging instructed, can you please say if you know him. And in
19 case, if he was an element, a chief, and where did you see him?

20 A. [9:51:16] I'll move on. I don't know.

21 Q. [9:51:24] I only have a couple of more names for you.

22 The first one is Modibo.

23 A. [9:51:43] The name means something to me, but I can't visualise it, but the name
24 does mean something to me.

25 Q. [9:51:52] You can't remember if he was someone you saw with the Anti-Balaka,

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1 if he was an element or a chief?

2 A. [9:52:15] I don't know. I don't want to give you incorrect information.

3 Q. [9:52:20] Absolutely. Thank you, Witness.

4 Last name I have for you is Bodios or Bodios.

5 A. [9:52:33] Yes, Bodios was a chief of section and also a soldier. He was part of
6 the Anti-Balaka. I knew him in Yamwara.

7 Q. [9:52:56] Witness, I would like to show you now a -- we are moving to the final
8 part of the -- of my examination. I would like to show you some photos.

9 Do you recall providing photos to the investigators during (Overlapping speakers)

10 PRESIDING JUDGE SCHMITT: [9:53:09] Let's -- let's just assume she provided, and
11 if she says no, then we can continue from there, because it's -- it costs a lot of time to
12 always ask that. So I -- I really -- I trust you that these photos were shown and I
13 assume simply that you want to ask the witness if she knows the person, and then it
14 doesn't even matter if it has been shown to her already. So this could shorten
15 the whole thing a little bit. Thank you.

16 MR SCALIOTTI: [9:53:36] Thank you, Mr President.

17 So I would like to proceed with the first photo, which is at tab 68 of the Prosecution
18 binder, CAR-OTP-2125-0735. Again, it is a confidential document, but we can -- I
19 think we can stay in open session if we don't display the (Overlapping speakers)

20 PRESIDING JUDGE SCHMITT: [9:53:58] Yes, I also think so.

21 And looking at the photograph, it seems not to be too difficult.

22 MR SCALIOTTI: [9:54:16]

23 Q. [9:54:17] Witness, you have the photo in front of you?

24 A. [9:54:21] Yes.

25 Q. [9:54:24] Can you simply tell me if the name that is written on the photo

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1 corresponds to the person, to the name of the person that you have depicted on that
2 photo?

3 A. [9:54:41] Yes, I recognise him.

4 PRESIDING JUDGE SCHMITT: [9:54:52] Well, if it was only about -- let me just put
5 it in this words, if it was really about identifying a person, I would say there
6 would -- these pictures with the names on it would have some suggestive suggestion
7 to the witness already, but continue -- continue. So we can perhaps wrap it up.

8 MR SCALIOTTI: [9:55:13] Yes, the premise, Mr President, was that she provided
9 these photos, and so it's simply to -- because she mentioned some of the names, just
10 to --

11 PRESIDING JUDGE SCHMITT: [9:55:23] No, no, I don't have a problem with it, but
12 it would, of course -- perhaps without putting the names on it, would perhaps even
13 be more convincing, to put it mildly.

14 MR SCALIOTTI: [9:55:33] I understand you. It was more than identification. It
15 was just to see if -- because the witness mentioned certain names --

16 PRESIDING JUDGE SCHMITT: [9:55:39] It's okay, it's okay.

17 MR SCALIOTTI: [9:55:41] Thank you, Mr President.

18 Q. [9:55:41] The next document I would like to have on the screen is tab 70,
19 seven-zero, and it is CAR-OTP-2125-0737.

20 Witness, you have the new photo in front of you?

21 A. [9:56:10] Yes.

22 Q. [9:56:11] And I'm going to -- I'm going to ask the same question. Is the name
23 that is written on the photo corresponding to the name of the person that you have
24 depicted on that photo?

25 A. [9:56:24] Yes.

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1 PRESIDING JUDGE SCHMITT: [9:56:27] May I ask you, Witness, you say -- you

2 said that you provided the Office of the Prosecutor with these photographs. Where

3 did you have them from?

4 THE WITNESS: [9:56:45](Interpretation) I got them through Facebook.

5 PRESIDING JUDGE SCHMITT: [9:56:47] Thank you.

6 MR SCALIOTTI: [9:56:53] The exercise will not be too long. I still have a couple of

7 photos like that, not more than that.

8 Now I would like to have on the screen the photo which is tab 75,

9 CAR-OTP-2125-0742.

10 Q. [9:57:21] I assume you have it in front of you. You have the photo. And I'm

11 asking you again if the name that is -- that appears on the photo matches the name of

12 the person that you see on that photo?

13 A. [9:57:37] I confirm.

14 Q. [9:57:43] And the last photo I would like to show you is tab 77,

15 CAR-OTP-215 -- I'm sorry, 2125-0744.

16 And once again, Witness, does the name correspond to the person that is depicted in

17 the photo?

18 A. [9:58:20] I can confirm that.

19 Q. [9:58:38] Just one question. You have seen these names typed on the -- on

20 the photos. Did you type those names on the photo -- on the photos, actually,

21 because it is repeated?

22 A. [9:58:57] Yes.

23 PRESIDING JUDGE SCHMITT: [9:59:02] Well, that's good information. I actually

24 wasn't aware of that, frankly speaking. Okay.

25 Actually, I thought that perhaps the Office of the Prosecutor would have put

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1 the names on it, otherwise I wouldn't have made my intervention a couple of minutes
2 ago. Which was not an objection by the Presiding Judge, simply a remark.

3 Please continue, Mr Scaliotti.

4 MR SCALIOTTI: [9:59:29] Mr President, I'm essentially at the end, and I think just
5 for the last two or three questions maybe it's safe just to go to private --

6 PRESIDING JUDGE SCHMITT: [9:59:38] Yeah, then let's go to private session, yeah.

7 (Private session at 10.00 a.m.)

8 THE COURT OFFICER: [10:00:04] We are in private session, Mr President.

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- 14 (Open session at 10.06 a.m.)
- 15 THE COURT OFFICER: [10:06:03] We are in open session, Mr President.
- 16 PRESIDING JUDGE SCHMITT: [10:06:05] Thank you.
- 17 Just for the audience that we have in the room, we have now a 10-minute break,
- 18 because the Defence is starting with the examination and Ms Dimitri will shortly tell
- 19 me if we then continue in private or in open session.
- 20 MS DIMITRI: [10:06:22] Thank you, Mr President. I'll start with two to three
- 21 questions in -- in closed session. Then I'm moving to public for a few and then
- 22 another very short closed and then public for a while.
- 23 PRESIDING JUDGE SCHMITT: [10:06:40] Okay. Very good. Thank you very
- 24 much for this information.
- 25 So let's say in -- let us know, please, when you are ready, perhaps we do it this way.

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1 THE COURT USHER: [10:06:50] All rise.

2 (Recess taken at 10.06 a.m.)

3 (Upon resuming in open session at 10.17 a.m.)

4 THE COURT USHER: [10:17:59] All rise.

5 Please be seated.

6 PRESIDING JUDGE SCHMITT: [10:18:13] So I understand we are in open session
7 and Ms Dimitri has the floor.

8 MS DIMITRI: [10:18:18] Thank you, Mr President.

9 QUESTIONED BY MS DIMITRI: (Interpretation)

10 Q. [10:18:33] Good morning, Ma'am. We have met already but I'll introduce
11 myself once again. I am Mylène Dimitri. I am one of the Defence lawyers
12 representing Mr Yekatom. I'll be putting several questions to you in the days to
13 come. And as I explained to you, I'll be speaking in French, so it's important -- well,
14 you'll notice that between your answer and my next question, I'll be waiting five
15 seconds. Please do the same so that the various interpreters can interpret into
16 English and so the court reporters can transcribe everything that you say.
17 Over the next few days I will be asking you to provide further information,
18 clarifications, and each time I'd like to ask you to be very specific. I don't want you
19 to tell us what you understood or something that you guessed or something you
20 interpreted. I'd like to ask you to tell us what you saw, what you heard, because
21 that's important for me to make a distinction.

22 Do you understand so far?

23 A. [10:19:41] Yes.

24 Q. [10:19:43] I'll be showing you a number of pieces of video footage and also some
25 audio recordings and -- well, as you explained at the beginning of the testimony,

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1 the two statements that you gave to the OTP investigators in 2017 and 2020 are not in
2 evidence. So several times I'll be repeating some things that you said during those
3 interviews and ask you to confirm what you said. Because right now they have not
4 been placed in evidence, and I will be asking you to confirm something that you said
5 at that time.

6 Do you understand so far?

7 A. [10:20:34] I'm listening very carefully.

8 Q. [10:20:37] If at any time you need a break, tell me so and I'll ask

9 the Presiding Judge for us to take a break.

10 I'll try to ask most of my questions in open session. If at any time you fear that an
11 item of information or an answer might identify you, tell me so and I'll ask
12 the Presiding Judge for us to go into private session.

13 I've also explained to you, when we met, that my colleague, Ms Guissé, will also be
14 asking you some questions during my cross-examination.

15 So there you have it. Those are my recommendations before we begin.

16 Do you have any question for me before we get going? Or is everything clear to
17 you?

18 A. [10:21:39] Everything is clear, Ma'am.

19 MS DIMITRI: [10:21:52] Mr President, for a very few questions, if we could go into
20 private session, please.

21 PRESIDING JUDGE SCHMITT: [10:21:59] I thought so.

22 Private session.

23 (Private session at 10.22 a.m.)

24 THE COURT OFFICER: [10:22:09] We're in private session, Mr President.

25 (Redacted)

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- 14 (Open session at 10.27 a.m.)
- 15 THE COURT OFFICER: [10:27:07] We are in open session, Mr President.
- 16 MS DIMITRI: [10:27:15]
- 17 Q. [10:27:16](Interpretation) When you said that it was for your safety, am I to
- 18 understand that it was dangerous to cross the river at that time?
- 19 A. [10:27:28] Yes, because at that time as well, along the river there were Selekas at
- 20 the port.
- 21 Q. [10:27:47] Would you be crossing legally or illegally?
- 22 A. [10:27:52] Legally.
- 23 Q. [10:28:02] I don't know whether or not you're familiar with the river and
- 24 the various spots, but to your knowledge or going by what you saw, was there
- 25 a Seleka position or post at the cement factory?

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1 A. [10:28:21] No.

2 Q. [10:28:32] Would it be correct to say that at the Hotel Oubangui, which was
3 the Sofitel in the past, if my information is correct, that there -- it was possible to cross
4 from there to Zongo at that time?

5 A. [10:28:54] Yes.

6 Q. [10:29:00] I'd like to show you a map, Ma'am.

7 Tab 1 of the Defence binder, CAR-D29-0003-0026. This is a satellite image that dates
8 back to 2019, August 2019.

9 I'll just wait for the map to come up on your screen.

10 Can you see the map up on the screen?

11 A. [10:29:38] Yes.

12 Q. [10:29:41] Is it correct that Camp de Roux is just above Oubangui Hotel, which
13 used to be the Sofitel Hotel?

14 A. [10:30:02] Yes. Camp de Roux is just facing it.

15 Q. [10:30:09] I'd like to show you some video footage now, and this is video footage
16 from the OTP disclosed by the OTP, tab 2, CAR-OTP- -- correction, D29- -- I beg your
17 pardon, CAR-OTP-2049-0524, tab 2 Defence binder.

18 Let me explain something to you, Ma'am, before we look at the footage. These are
19 aerial shots that are dated to the year 2017, and we'll be going from 50 seconds to
20 1 minute, then from 2:10 to 2:30.

21 This is -- these are images from 11 February 2017.

22 It is not necessary to have any interpretation.

23 These are images of the crossings of the river towards Zongo.

24 Before we look at the footage, just to confirm, you never crossed over at the cement
25 factory?

1 A. [10:31:33] No.

2 Q. [10:31:33] So you crossed over at another spot?

3 A. [10:31:37] Just opposite the French embassy.

4 Q. [10:32:13] (No interpretation)

5 (Viewing of the video excerpt)

6 MS DIMITRI:

7 Q. [10:32:47] (No interpretation)

8 (Viewing of the video excerpt)

9 MS DIMITRI: [10:33:12](Interpretation)

10 Q. [10:33:14] Do you agree with me that is Camp de Roux and the Oubangui hotel,
11 the former Sofitel, which we saw on the second footage?

12 A. [10:33:28] As regards Camp de Roux, I cannot confirm, but as regards the Sofitel
13 hotel, yes.

14 Q. [10:33:40] And do you agree with me that at that time, there was a strong
15 presidential Seleka guard at that level of the river, because in particular of
16 the presence of President Djotodia at the camp?

17 A. [10:34:06] A strong presence as such, no, but as far as I know, there were Seleka
18 where I usually crossed.

19 Q. [10:34:18] When I say "a strong presence," I want to say there were
20 certain -- a certain number of Seleka at that point?

21 A. [10:34:27] Yes.

22 Q. [10:34:35] I'm going to change topics.

23 MS DIMITRI: [10:34:42] (Interpretation) And for seven or eight questions,
24 your Honour, I would like to go into private session.

25 PRESIDING JUDGE SCHMITT: Private session.

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WITNESS: CAR-OTP-P-1839

(Private Session)

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1 (Private session at 10.35 a.m.)

2 THE COURT OFFICER: [10:35:03] We are in private session, Mr President.

3 (Redacted)

4 (Redacted)

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Trial Hearing
WITNESS: CAR-OTP-P-1839

(Private Session)

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Trial Hearing
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(Private Session)

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Trial Hearing
WITNESS: CAR-OTP-P-1839

(Private Session)

ICC-01/14-01/18

1 (Redacted)

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8 (Redacted)

9 (Open session at 10.45 a.m.)

10 THE COURT OFFICER: [10:45:46] We are in open session, Mr President.

11 MS DIMITRI: [10:45:50] Thank you.

12 Q. [10:45:50](Interpretation) During your interview with the OTP investigators,
13 you also said that the persons that you saw told you that the houses ruined and
14 destroyed by the Seleka was from Sagbado up to Cattin. Can you confirm that?

15 A. [10:46:18] Yes.

16 Q. [10:46:25] I would like to identify some places, Sagbado more closely on a map.
17 It is tab 3 of the Defence binder, CAR-D29-0003-0051.

18 If you look at the map before you -- displayed before you, Madam, you can see
19 the Cattin crossing or crossroads and then you'll see there is a small house which is
20 called "R Cattin." You can't see it very clearly but you can see "R Cattin" a small little
21 house on the screen and you can see the dirt road which goes towards PK5.

22 Am I correct to say that when you arrive in Sagbado, there's football pitch, and my
23 colleague said this is the Sagbado football pitch, and this is before you arrive at the
24 Kina mosque which you can see on the right and it is indicated in green. Can you
25 confirm my configuration?

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1 A. [10:47:51] Yes.

2 Q. [10:47:53] Thank you.

3 A witness of the Prosecution who came before you said that the Seleka did undertake
4 retaliatory actions when entering Boulata, Cattin and Boeing, and they killed and
5 pillaged in houses. Is this something you're aware of?

6 A. [10:48:48] I know that the looting took place -- well, as regards this question, I
7 really can't answer.

8 Q. [10:48:58] Don't worry, Madam.

9 When you had an interview with OTP investigators in 2017, you said that the Seleka
10 killed people and went from house to house to do that. Can you confirm that?

11 A. [10:49:32] Yes, I can confirm that.

12 Q. [10:49:34] I'm going to show you a series of videos, Madam, and I'm still on
13 the same subject. I will tell you when we change subjects.

14 The tab 5, CAR-OTP-2065-1568. And the translation is on tab 6, CAR-D29-0006-0090.

15 The metadata are at tab 7, CAR-OTP-2065-6376. The translation is from Arab from
16 Chad into French, but I don't expect the interpreters to do the interpretation, but it is
17 on tab 6 nevertheless.

18 PRESIDING JUDGE SCHMITT: [10:50:44] So it's about the footage again?

19 MS DIMITRI: [10:50:46] It's both.

20 PRESIDING JUDGE SCHMITT: [10:50:47] Then let's --

21 MS DIMITRI: [10:50:49] That's why -- that's why we -- we had a company translate it
22 from Arabic to French.

23 PRESIDING JUDGE SCHMITT: [10:50:55] Okay, okay. Fine.

24 Then when the interpreters are ready, please indicate it.

25 THE INTERPRETER: [10:51:06] We have it displayed now on the screen. Thank

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1 you.

2 PRESIDING JUDGE SCHMITT: [10:51:13] Thank you.

3 Then we can start with it.

4 (Viewing of the video excerpt)

5 THE INTERPRETER: [10:51:23](Interpretation of the video excerpt)

6 "Don't shoot. Don't shoot there.

7 Don't shoot.

8 There are people in the room. Don't shoot.

9 Haven't you got a cigarette?"

10 MS DIMITRI: [10:52:07](Interpretation)

11 Q. [10:52:10] Sorry, Madam, it was a bit loud.

12 So can you confirm that on 5 December, the Seleka went from door to door in Cattin
13 and killed? So we've seen the video of 5 December, and it is the Seleka who were
14 shooting at a house, and according to the words you can hear on the video, there are
15 still inhabitants in the house.

16 So on 5 December, am I correct in saying, when you're talking about the Seleka who
17 went from door to door shooting, they went from house to house, whether there are
18 inhabitants or not, they just simply shot?

19 A. [10:52:56] Yes.

20 Q. [10:53:01] Madam, during your interview with the investigators, you see people
21 from Cattin flee with luggage on their head, women, men, children. Can you
22 confirm that?

23 A. [10:53:15] Yes, I can confirm that.

24 Q. [10:53:22] And during your statement with the Prosecution, you said you spoke
25 some of the -- spoke to some of these people who were fleeing when you were in front

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1 of your compound. Let me remind you again, you won't identify the compound
2 where you were, but can you confirm that you spoke to several of these individuals
3 who were fleeing?

4 A. [10:53:44] I can confirm that.

5 Q. [10:53:47] And then those very individuals who were fleeing told you, and I
6 quote what you said, "Then when you kill the people, house by house, you burn
7 down the houses and that is the reason why that they are fleeing"?

8 A. [10:54:03] Yes.

9 Q. [10:54:09] And apart from your discussions with these people, they are fleeing
10 because the Seleka attacked them without making any distinction between civilians
11 and systematically went from door to door?

12 A. [10:54:25] I said those people there went from door to door killing. And that's
13 why they fled, to seek refuge somewhere else.

14 Q. [10:54:39] And do you know that because of the retaliatory actions of the Seleka
15 that day, whether some fled into the bush as well?

16 A. [10:55:22] I don't know. I never saw any people in the bush.

17 Q. [10:55:32] You also said that some individuals who were fleeing went and
18 sought refuge in the church Saint Pio; is that correct?

19 A. [10:55:50] Yes.

20 Q. [10:55:51] And is it correct that you went to see and discuss with some refugees
21 at the church Padre Pio, you said to the investigators, "I went there," you're talking
22 about -- that you went to the church Padre Pio; is that correct?

23 A. [10:56:19] I can confirm that.

24 Q. [10:56:19] And you talked to some of them; is that correct?

25 A. [10:56:30] Yes.

1 Q. [10:56:41] And you also said to the investigators of the OTP in 2017, that when
2 you talked to these people, they told you, and I quote what you said: "The Muslims
3 burned down their houses with grenades and rockets." Can you confirm that?

4 A. [10:57:27] I confirm. But I would like to know, did I say Muslims?

5 Q. [10:57:32] Those are your very words, Madam.

6 A. [10:57:39] Okay.

7 Q. [10:57:47] And on this particular term, when the refugees in Padre Pio spoke
8 about the Muslims, do you agree that they're referring to the Muslims -- the fighters
9 who came to destroy their property, to attack them and to burn their houses?

10 A. [10:58:15] I think they were talking about the Seleka. Yes, that's it.

11 Q. [10:58:26] When you say, "Yes, that's it," the Seleka and the -- and the Seleka
12 fighters?

13 THE INTERPRETER: [10:58:37] And the Muslim fighters. Correction by
14 the interpreter. Muslim fighters.

15 THE WITNESS: [10:58:44](Interpretation) I said it was the Seleka.

16 MS DIMITRI: [10:58:52](Interpretation)

17 Q. [10:58:53] In your statement, you said again in 2017, and these are your words:
18 "The Muslims use weapons that you cannot detect."

19 Firstly, I'd like you to confirm that, and also to explain what you mean by that.

20 A. [10:59:25] Could you just show me the statement so that I can -- that it might
21 help jog my memory, please?

22 Q. [10:59:32] Yes, of course.

23 MS DIMITRI: [10:59:35] Mr President, I'm sorry, I have the transcript number, but
24 I don't -- I -- I don't have the corresponding tab. So if you just give me a second.

25 But it's CAR-OTP-2072-0578. I'm told it's tab 38 of the OTP. Page 0586,

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1 line 260, 261.

2 If you could go above, please. It's line 260, 261.

3 PRESIDING JUDGE SCHMITT: [11:00:27] Only a little bit, yes.

4 MS DIMITRI: [11:00:29] Yeah.

5 Q. [11:00:31](Interpretation) Can you see, Ma'am, line 260 and line 261?

6 Does that refresh your memory, Ma'am, the words you said about Muslims using
7 weapons that could not be detected?

8 A. [11:01:15] Yes.

9 MS DIMITRI: [11:01:20] We can remove the transcript from the screen.

10 PRESIDING JUDGE SCHMITT: [11:01:22] And do you recall, Madam Witness, what
11 you meant by that?

12 THE WITNESS: [11:01:38](Interpretation) I said the Muslims, and I was referring to
13 the -- I wanted to refer to the Seleka, but I used the word "Muslims".

14 PRESIDING JUDGE SCHMITT: [11:01:46] And what did you mean by the wording,
15 "weapons that could not be detected"?

16 THE WITNESS: [11:02:09](Interpretation) The weapons that couldn't be detected,
17 because at the Seleka time they used sophisticated weapons. They also had mines.
18 They had many weapons, like I said, weapons that we could only see at a distance
19 when they came into our country. I never was in the army, so I can't really -- I don't
20 really have the words to -- to describe them to you.

21 PRESIDING JUDGE SCHMITT: [11:02:49] No problem. You know, we can -- I
22 think we can follow you and your answer.

23 Let's have a break now until 11.30.

24 THE COURT USHER: [11:03:02] All rise.

25 (Recess taken at 11.03 a.m.)

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(Private Session)

ICC-01/14-01/18

- 1 (Upon resuming in private session at 11.32 a.m.)
- 2 THE COURT USHER: [11:32:08] All rise.
- 3 (Redacted)
- 4 (Redacted)
- 5 (Redacted)
- 6 (Redacted)
- 7 (Redacted)
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- 10 (Redacted)
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Trial Hearing
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(Private Session)

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1 (Redacted)

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5 (Redacted)

6 (Open session at 11.35 a.m.)

7 THE COURT OFFICER: [11:35:41] We are in open session, Mr President.

8 MS DIMITRI: [11:35:49](Interpretation)

9 Q. [11:35:50] Now, during your interview with the OTP investigators in 2017, you
10 made reference to a Muslim at Cattin who was constantly bothering people, and this
11 person was a guard of a Seleka general. Can you confirm that? A Seleka general in
12 Cattin. Can you confirm that?

13 A. [11:36:20] Yes.

14 Q. [11:36:21] Do you remember the name of the general who was living in Cattin?

15 A. [11:36:25] No.

16 Q. [11:36:30] During the clash of 5 December, you said that he -- he was firing
17 a weapon to scare people, to frustrate people and he was shooting around in Cattin.
18 Can you explain what you meant exactly.

19 A. [11:37:07] He was firing warning shots not far from where I was living, so we
20 heard the shots. We heard these warning shots.

21 Q. [11:37:38] Before 5 December, just before or a day before the days preceding
22 5 December, have I correctly understood from your testimony that he would fire off
23 shots rather frequently in Cattin?

24 A. [11:37:53] Yes.

25 Q. [11:38:00] Could you tell us where the general's house was in Cattin. If you

1 could take R Cattin or Dameca as your reference point, where was the Seleka
2 general's house located?

3 A. [11:38:17] In Dameca.

4 Q. [11:38:27] Could you be more specific. On the Dameca road? At the Dameca
5 crossroads? On the -- on the dirt road?

6 A. [11:38:40] Along that spot, there is an intersection and one road leads towards
7 Cattin. I don't know whether you could show the map.

8 Q. [11:38:52] Of course, Ma'am.

9 MS DIMITRI: [11:39:06] If we could put on the screen tab 4 of the Defence binder,
10 CAR-D29-0003-0050.

11 Q. [11:39:26](Interpretation) Ma'am, here you can see at the top to the left we see
12 the airport and then there's the road that goes down towards Dameca. Then you
13 have the Cattin crossroads. Then you have a building that is a place where coffee is
14 sold. And then far to the right we see PK5.

15 A. [11:40:06] As I told you, the road heading towards Cattin, well, there's a house
16 here. It's alongside the road, the dirt road, there is a house here, a large compound.
17 And the house was built out of brick, aggro brick, just along the road.

18 Q. [11:40:42] Thank you. That's very useful. I believe I understand. So it's
19 alongside the Cattin dirt road, the road that heads towards PK5, and it was at the
20 Cattin intersection.

21 A. (No interpretation)

22 THE INTERPRETER: [11:41:01] Very rapid exchange.

23 MS DIMITRI: [11:41:05](Interpretation) The map can be taken off the screen now.

24 Q. [11:41:12] Now do you know, I'm asking you for an estimate, do you know how
25 many elements were with this Seleka general?

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1 A. [11:41:20] No.

2 Q. [11:41:32] Please be careful and don't identify yourself, but on 5 December did
3 you see that general?

4 A. [11:41:40] No.

5 Q. [11:41:46] I'd like to show some video footage to you, tab 8 of the Defence binder.

6 And if you could confirm that we're a few metres away from Dameca and
7 the intersection.

8 This is tab 8, CAR-OTP-2065-1320. This is an HD version, and I thank my colleagues
9 from the OTP. And you'll find the metadata at tab 9, CAR-OTP-2065-6214.

10 And once again, I would like to instruct the interpreters that it is not necessary to
11 provide a sight translation.

12 The footage is about 40 seconds. It was shot on 5 December 2013 at 8.25 in
13 the morning.

14 Can you see the video footage? Do you -- are you familiar with this "R Cattin"?

15 Before we start the footage, the soldier that we see who seems to be holding a rocket
16 launcher is looking towards the Dameca-Cattin intersection. Do we agree on that
17 point?

18 A. [11:43:31] Yes.

19 Q. [11:43:32] Please watch the footage and then I'll put some questions to you.
20 (Viewing of the video excerpt)

21 MS DIMITRI: [11:44:27](Interpretation)

22 Q. [11:44:29] Do you recognise anyone in this video footage?

23 A. [11:44:32] No.

24 Q. [11:44:37] Do we agree that, judging by the footage we just saw, the Seleka are
25 shooting towards the Cattin-Dameca roundabout?

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1 A. [11:44:49] Yes.

2 Q. [11:44:55] And do we also agree that we're a few metres away from
3 the Cattin-Dameca roundabout?

4 A. [11:45:07] Yes.

5 Q. [11:45:08] Thank you, Ma'am. I'd like to show some other footage to you.

6 MS DIMITRI: (Speaks English) If I could have just one moment to confer,
7 Mr President.

8 (Counsel confer)

9 MS DIMITRI: [11:45:34](Interpretation)

10 Q. [11:45:35] I'd like to show you another piece of footage. Tab 10,
11 CAR-OTP-2065-1300. And once again, this is the HD version. The metadata are at
12 tab 11, CAR-OTP-2065-6204. This footage was shot also on 5 December 2013, a bit
13 earlier than the previous one at 8.15 in the morning.

14 And once again, I would like to tell the interpreters they can take a break.

15 This is footage that lasts 1 minute and 25 seconds, so I'll let you watch the footage and
16 then I'll have some questions for you.

17 (Viewing of the video excerpt)

18 MS DIMITRI: [11:48:04](Interpretation)

19 Q. [11:48:06] My first question to you, Ma'am, is this: This is still the same
20 location a few metres away from the residence of the general you mentioned, a few
21 metres from the Cattin-Dameca intersection, correct?

22 A. [11:48:25] Correct.

23 Q. [11:48:27] Now, I don't know if you know the people in the footage, but have
24 you seen them before, the people in the footage?

25 A. [11:48:34] No.

1 Q. [11:48:41] Now for the purposes of the transcript, can you confirm that they're
2 shooting towards the Cattin roundabout?

3 A. [11:48:51] Yes.

4 Q. [11:49:06] During your interview with the OTP investigators in 2017, you said
5 that at one point on 5 December things degenerated. You heard shooting, you heard
6 rockets being shot off at the crossroads and that people were fleeing.
7 Do you agree with me in saying that what we see in the video footage is
8 the beginning of what you referred to as things degenerated on 5 December, because
9 the Seleka were shooting rockets, they were shooting at houses, as we saw somewhat
10 earlier on? Would you agree?

11 A. [11:50:00] I wasn't there, but I heard, I heard shooting, I heard heavy weaponry
12 being fired, rockets. There was a clash. Whether it was the Seleka or
13 the Anti-Balaka, I don't know, but I did hear weapons being fired.

14 Q. [11:50:29] In 2017 you were more specific. And I'd like to ask you to confirm
15 something you said, and I quote: "During these clashes, people fled. We were told,
16 'Listen, the Seleka are torching houses, going door to door and killing people. So we
17 too have to flee.'" Can you confirm that those were your words, Ma'am?

18 A. [11:51:08] Yes. I was very specific. I said "people told us." I didn't say that
19 I was there that day. People went by and told us. And I want to be a bit more
20 specific. (Redacted) was the Christians who were there, to be more
21 explicit. The people fled and said that people were being killed as they went door to
22 door and we too also had to flee. Not that I was there, no.

23 Q. [11:51:49] Ma'am, we agree that -- (Speaks English) I think it's better just one
24 question in private, Mr President.

25 PRESIDING JUDGE SCHMITT: [11:52:01] Yes, let's have this question in private

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(Private Session)

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1 session.

2 (Private session at 11.52 a.m.)

3 THE COURT OFFICER: [11:52:16] We're in private session, Mr President.

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

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15 (Redacted)

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17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Open session at 11.58 a.m.)

23 THE COURT OFFICER: [11:58:06] We are in open session, Mr President.

24 MS DIMITRI: [11:58:12]

25 Q. [11:58:13](Interpretation) Now the next video footage is also from

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1 5 December 2013, 9:11 is the timestamp. Please look at the footage carefully and then

2 I'll put some questions to you.

3 And we don't -- we don't need interpretation.

4 (Viewing of the video excerpt)

5 MS DIMITRI: [11:59:25](Interpretation)

6 Q. [11:59:26] First of all, the people that you saw, don't give me their names, but

7 have you ever seen them before, before I showed you this footage? Have you seen

8 these people?

9 A. [11:59:39] No.

10 Q. [11:59:42] Do we agree that this is a Seleka truck arriving and we are now at the

11 Cattin roundabout?

12 A. [11:59:55] The video footage really didn't show the spot, so I really can't say.

13 Q. [12:00:02] I can show it to you again. Please pay attention, because I would like

14 you to confirm that we are truly at the house of the general -- of the Seleka general

15 that you referred to.

16 (Viewing of the video excerpt)

17 MS DIMITRI: [12:00:34](Interpretation)

18 Q. [12:00:36] I'm going to ask my colleague to make a pause here and to go back

19 one or two seconds.

20 Do you recognise that here we are reaching the roundabout, Cattin?

21 And we are at 12 seconds, for the records.

22 (Counsel confer)

23 MS DIMITRI: [12:01:10](Interpretation)

24 Q. [12:01:11] The roundabout would be some metres away on the left.

25 And what I'm saying to you, that this is very close to the compound of the Seleka

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1 general you mentioned.

2 PRESIDING JUDGE SCHMITT: [12:01:55] Can you confirm that, Madam Witness?

3 THE WITNESS: [12:02:07](Interpretation) I can't confirm it because I have no idea on
4 the approach.

5 PRESIDING JUDGE SCHMITT: [12:02:14] Okay.

6 MS DIMITRI: [12:02:18](Interpretation)

7 Q. [12:02:22] I'm going to show you another video, 17 of the Defence binder,

8 CAR-OTP-2065-1396. It is 26 seconds long. It was filmed on 5 December at 8.51,

9 according to the metadata, which is at tab 18 of the Defence binder,

10 CAR-OTP-2065-6252.

11 And once again, no interpretation is required.

12 Madam, I'm going to ask you, before playing the video, there's a building which is

13 before us, which you can see, and at a certain moment the video will go right and

14 you'll see the corner of the Dameca building, and that's what I would like you to

15 confirm. After that, I'm going to ask you to look very carefully at the Seleka which

16 you can see on the video, and I'd like to ask you whether you've seen him before or

17 not.

18 (Viewing of the video excerpt)

19 (Counsel confer)

20 MS DIMITRI: [12:04:10](Interpretation)

21 Q. [12:04:11] Well, Madam, can you confirm that you see a small part of

22 the Dameca building, and since you know the neighbourhood, the building which is

23 in front of you is a building which is on the Dameca route very close to

24 the roundabout Cattin-Dameca; is that correct?

25 A. [12:04:35] I cannot confirm because I've never taken this route.

1 Q. [12:04:41] And when you can say you've never taken this, you've never taken
2 the route that goes from the Cattin roundabout going to the airport?

3 A. [12:04:50] No. In order to go to Dameca I never took this particular road. But
4 this is the crossing and if you're talking about the roundabout, I have an idea about
5 that.

6 Q. [12:05:07] Thank you, Madam. Can you tell me whether you've seen the Seleka
7 which we see on the screen before today?

8 A. [12:05:26] No.

9 Q. [12:05:29] Have you heard, Madam, of a Muslim trader, Muslim merchant who
10 sold thrift who lived in Cattin-Kina and was known as Assamani?

11 A. [12:05:53] No clue.

12 Q. [12:05:55] Have you heard of talk of a tailor who became a Seleka chief and was
13 called Abatom, he too was based at Cattin with his men?

14 A. [12:06:16] No clue.

15 Q. [12:06:29] I'm now going to talk about an area which we call *Foyer Charité*.

16 I'm going to show a video, tab 19, CAR-OTP-2065-1444. It is in HD and the metadata
17 says that it was filmed on 5 December 2013 at 9.18. This is on binder 20,
18 CAR-OTP- - of the Defence binder - 2065-6276.

19 And there's no need to have interpretation, so interpreters have a break.

20 Madam, I'd like you once again to look carefully and say that we're very close to
21 the *Sacré-Cœur* complex and the *Charité Foyer*.

22 Do you recognise it, Madam? Do you agree with me that it's very, very close to
23 the *Charité Foyer* and the complex *Sacré-Cœur*? So it's clear for everybody,

24 the complex -- the *Foyer Charité* is to the west of the Cattin crossing. Do you agree
25 with that?

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1 A. [12:08:25] To the west --

2 Q. [12:08:26] Let me help you. I understand your difficulty. I've got the same
3 problem.

4 If I'm looking at the airport and I'm on the dirt road of Cattin, PK5 is on my right and
5 towards the left, so towards the west I'm going to see *Foyer Charité* and *Sacré-Cœur*
6 complex, if I look in front of me, if the airport is straight ahead of me.

7 A. [12:09:10] I have my way of defining. If you came from Kilometre 5 to Cattin,
8 well, this place is on the right, I think. It's on the right to -- close to the Cattin
9 crossing.

10 Q. [12:09:27] Thank you. Perfect.

11 And for it to be really clear, Madam, I -- if you arrive from Kilometre 5 towards Cattin,
12 you have to pass Cattin roundabout before arriving at the *Foyer Charité*; is that
13 correct?

14 A. [12:09:54] Pass the Cattin crossing?

15 Q. [12:09:57] You -- you have to go past it. You have to go over it to reach
16 the *Foyer*?

17 A. [12:10:06] Yes. Yes.

18 Q. [12:10:11] If you know the *Sacré-Cœur* complex and *Foyer Charité*, I'm going to
19 show you another video. It is in fact the video which you have just seen where you
20 could confirm that it's *Sacré-Cœur* complex, and this was taken at 9.18 in the morning.
21 The next video which I'm going to show you is taken one minute afterwards, so in
22 the same sector, and I want you to confirm this.

23 It is Defence binder 21, CAR-OTP-2065-1448, and once again it's the HD version.

24 The metadata indicates that it was made on 5 December 2013 at 19.19, so one minute
25 later than the one we've just seen. The metadata is in tab 22 of the Defence binder,

1 CAR-OTP-2065-6278.

2 No interpretation is required.

3 And I'm going to ask you, Madam, to carefully look at the Seleka which you see on
4 the screen are shooting close to the *Foyer Charité* or the *Sacré-Cœur* complex where
5 there were refugees at that time.

6 (Viewing of the video excerpt)

7 MS DIMITRI: [12:12:12](Interpretation)

8 Q. [12:12:12] Do you agree with me that the Seleka that you see on the screen are
9 shooting in the direction of the *Foyer* or the *Sacré-Cœur* complex where there were
10 refugees?

11 A. [12:12:28] Well, there I cannot confirm. And I have my reasons because I was
12 not there on that day and I didn't know that the refugees were there, so I cannot
13 confirm.

14 Q. [12:12:47] I will divide my question in two. Just forget the refugees. Do you
15 agree that, according to what you know, that the sector and the video we've just seen,
16 the direction, the direction towards they are -- the Seleka are shooting is the direction
17 towards the complex *Sacré-Cœur* or the *Foyer Charité*?

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

19 Q. [12:13:19] And now to my second question, Madam. I understand you weren't
20 there and thank you for your clarification. Did you hear it being said that on
21 5 December 2013, people sought refuge at this place?

22 A. [12:13:42] No.

23 Q. [12:13:52] I'm going to change subjects, Madam. Just one moment, please.

24 Madam, I'm going to try and remain in public session. If you run the risk of being
25 identified, we'll change into private session.

1 Now I want to talk about the days which follow on from 5 December. I want to talk
2 about the situation in Bangui. I don't want to talk about the Anti-Balaka yet. That
3 will be part -- the Anti-Balaka will be part of a lengthy subject of questions which I
4 have for you, but my next subject concentrates on civilians. I want to make
5 a distinction together because, unfortunately, it is under the context of the time. I'm
6 going to show you videos where you can see Christian civilians expressing their
7 hatred towards the Muslims, and this is the purpose of my next series of questions.
8 Do you follow what I'm saying?

9 A. [12:15:45] Yes, I follow what you're saying.

10 Q. [12:15:48] Well, I have a video which is 1:36 minutes long, taken in Bangui on
11 28 December 2013. It is 23 of the Defence binder, CAR-OTP-2120-0301.

12 The transcription for the interpreters is tab 24 in your binder, CAR-D29-0006-0005.

13 We're going to see the entire video.

14 THE INTERPRETER: [12:16:42] The interpreters are ready.

15 (Viewing of the video excerpt)

16 THE INTERPRETER: [12:16:47](Interpretation of the video excerpt)

17 "The scene became a daily scene in Bangui. The crowd of Christians held by
18 operation Sangaris waited for the occasion of looting and attacking the Muslims.

19 At each incidents, the French soldiers shot in the air to disperse the crowd.

20 A Muslim man, wounded by the Christians, moves out of the crowd. He is taken
21 care by the French soldiers.

22 I don't know -- I don't understand anything. They attacked me, I don't know why.

23 Look, look, look what they've done to me. They are on a motor -- on the motorbike.

24 Finally, they've been taken by -- under the protection of the African forces.

25 They've been evacuated or moved directly. The population is against them.

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1 Some minutes later only, two young Muslims became the new target for a furious
2 crowd who were asking for assistance from the French soldiers.

3 You can't take people like that.

4 The Red Cross was called upon to take them back home.

5 You can't do -- can you give them some protection?

6 They were asked to go into the car.

7 Because they were scared to be the target, the social assistance changed and

8 finally -- changed their advice and took care of the two young people.

9 We were moved forward by 500 kilometres and finally they entered in an armed

10 vehicle, because they were scared that the Christians who were booing them would
11 seek their revenge or wanted to take revenge."

12 MS DIMITRI: [12:18:41](Interpretation)

13 Q. [12:18:42] Madam, we want to talk about the population. We will come back to
14 the Anti-Balaka a bit later on. We want to talk now about the population.

15 The journalist at the beginning of the report said that the scene had become a daily
16 one in Bangui.

17 My question is as follows: Am I correct in understanding, is it something that you
18 noticed, namely, that members of the population who are not part of the Anti-Balaka
19 civilians, Christians, attacked Muslims at that time in December 2013?

20 A. [12:19:22] I have no idea because I wasn't there seeing it, so I can't confirm it.

21 Q. [12:19:49] So you're telling me that you never saw a member of the population,
22 a civilian, non -- not a member of Anti-Balaka attack the Muslims; is that what I'm
23 meant to understand?

24 A. [12:20:05] Can you repeat the question, please.

25 Q. [12:20:09] Of course, Madam.

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1 You, personally you, Madam, did you ever see a member of the population, not an
2 Anti-Balaka, but a member of the population attack Muslims?

3 A. [12:20:30] No.

4 Q. [12:20:43] Have you heard it said that members of the population, we're only
5 talking about the civilian population, not the Anti-Balaka, that members of
6 the population expressed their hatred against Muslims?

7 A. [12:21:44] They expressed their dissatisfaction, yes.

8 Q. [12:21:51] Thank you, Madam.

9 I'm now going to change subject completely.

10 (Speaks English) Mr President, I think unfortunately for the next topic, which
11 involves a number of questions, it's going to have to be in private session.

12 PRESIDING JUDGE SCHMITT: [12:22:12] We go to private session.

13 (Private session at 12.22 p.m.)

14 THE COURT OFFICER: [12:22:27] We're in private session, Mr President.

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

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6 (Redacted)
7 (Redacted)
8 (Redacted)
9 (Redacted)
10 (Redacted)
11 (Recess taken at 12.52 p.m.)
12 (Upon resuming in open session at 2.31 p.m.)
13 THE COURT USHER: [14:31:02] All rise.
14 Please be seated.
15 PRESIDING JUDGE SCHMITT: [14:31:24] We are in open session, Ms Dimitri, and
16 you may continue.
17 MS DIMITRI: [14:31:28] Thank you, Mr President.
18 Q. [14:31:36] (Interpretation) Good afternoon, Madam.
19 A. [14:31:42] Thank you.
20 Q. [14:31:44] This morning -- I can actually show it to you if you need -- earlier on
21 this morning you identified on a satellite photo with the Prosecutor certain buildings
22 in Yamwara, and at that point in time during your meeting with the investigators,
23 you actually identified a well from where we drew water.
24 My question is as follows: First of all, can you confirm that it's -- is it true that there
25 was a well in Yamwara where you could go and draw water?

1 A. [14:32:25] It was not a well. It was like a spring from where you could draw
2 water in Yamwara.

3 Q. [14:32:38] Thank you for the clarification.

4 And am I right in saying that at that point of time when you were in Yamwara, there
5 were people from the neighbourhood, children sometimes, who would come and
6 draw water at the spring?

7 A. [14:32:58] In Yamwara there were residents who would draw water from
8 the spring and we drew water from the spring as well.

9 Q. [14:33:09] Thank you, Madam.

10 I'm just going to move on to another series of questions. My objective is to just have
11 you bear out certain statements that you made in 2017 and 2020, with
12 the investigators. You gave certain names. And you were asked did you know this
13 person. Most of the time you said no. So this is a rather repetitive exercise, so I'm
14 going to give you the names, I am going to remind you of the time as well and please
15 bear them out for me.

16 Do you follow me?

17 A. [14:34:00] Yes, I do follow you very closely.

18 Q. [14:34:07] Now just for the records, Madam, since you used this expression this
19 morning, you said it several times in 2020 when you say I -- when I say "*J'en passe*" it's
20 like "I don't know the person, I don't know the answer", is that how you mean
21 "*J'en passe*" means?

22 A. [14:34:31] Yes, exactly.

23 Q. [14:34:38] Thank you. In 2020 the Prosecutor asked you if you knew a person
24 called Ossema (phon), and you said "No idea." Do you confirm that, please.

25 A. [14:34:57] No idea.

1 Q. [14:35:14] In 2020, the Prosecutor asked you if you knew a person who went by
2 the name Renault Gonaba (phon), and you said, "No, let's move on." Do you
3 confirm that?

4 A. [14:35:34] Yes, I confirm. The name does not ring a bell.

5 Q. [14:35:39] Again in 2020, Madam --

6 MS DIMITRI: I'm sorry, I went too fast.

7 Q. [14:35:50] (Interpretation) In 2020, Madam, the Prosecutor said if you knew
8 a person by the name Jordan. You said, "No, let's move on." Do you confirm that,
9 please?

10 A. [14:36:06] Yes.

11 Q. [14:36:13] In 2020, the Prosecutor asked you if you knew someone by the name
12 Kevine Bomassa, and you said, "No." Do you bear that out?

13 A. [14:36:28] Yes, I do.

14 Q. [14:36:43] Again, in 2020, Madam, the Prosecutor asked you if you knew
15 a person who went by the name Chat Noir, and you said, "Let's move on, no"?

16 A. [14:37:03] Yes, I do confirm.

17 Q. [14:37:04] Thank you.

18 In 2020 again the Prosecutor asked you if you knew a person who went by the name
19 Dragon, you said, "No." Do you confirm that?

20 A. [14:37:20] Yes.

21 Q. [14:37:35] In 2020 the Prosecutor asked you if you knew someone who went by
22 the name 2 Giga, and you said, "No idea at all." Do you confirm that?

23 A. [14:37:50] Yes, I do confirm.

24 Q. [14:37:57] Again in 2020, the Prosecutor asked you if you knew someone who
25 went by the name Papillon, and you said, "No." Do you confirm that?

1 A. [14:38:09] Yes, I do confirm that.

2 Q. [14:38:17] In 2020, the Prosecutor asked you if you know someone who went by
3 the name Tête de Mort, and you said -- well, I'm going to quote exactly what you said.
4 I'm going to quote your words. At that point of time you said: "I'm confused. It is
5 not Cheveux de la Mort, Tête de Mort, I don't know." And then you were thinking,
6 then you said, "Cheveux de la Mort is different. Tête de Mort, I'll just move on."
7 So do you confirm that with regards to Tête de Mort, the Prosecutor already spoke
8 about Cheveux de la Mort, but do you confirm that you do not know someone who
9 went by the name Tête de Mort?

10 A. [14:39:04] No. I know Cheveux de la Mort, but I did not know Tête de Mort.

11 Q. [14:39:13] Thank you, Madam.

12 You -- during your witness statement -- witness deposition, you spoke about certain
13 women who were part of the group of the movement. And I'm going to show you
14 a video and I will ask you to identify an individual, a lady on the video and confirm
15 that it is not someone special. Anyway, I'll explain it once we see it.

16 Tab 73 Defence binder, CAR-OTP-2065-1055. The metadata are in tab 74,
17 CAR-OTP-2065-6762. No transcription. So we're going to actually play it from 51
18 seconds to 54 seconds.

19 (Speaks English) Mr President, for the Chamber's information, it was -- this video,
20 according to the metadata, was taken on 7 December by P-1819.

21 Madam, we're going to look at the video together, and I'm going to ask you to
22 specially focus on -- to the woman who is in red attire and you can see that in
23 the screen. I do not want you to identify her, I just want you to confirm that
24 the person, the lady that we will see on the screen, it's not Cynthia.

25 (Viewing of the video excerpt)

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1 MS DIMITRI: [14:41:39](Interpretation)

2 Q. [14:41:39] So can you see the woman at 57 seconds on the screen. For
3 the records, can you confirm that this is not Cynthia, please?

4 Madam, just to help you --

5 A. [14:42:20] Yes, I'm actually thinking, Madam.

6 Q. [14:42:24] I understand. I don't want to force you -- I don't want to hurry you.
7 Just to let you -- during your meeting with the Prosecutor, we showed you the same
8 woman, you did not recognise.

9 Now for the records, I really need to show you this extract. It's actually a different
10 angle, but it's the objective of my exercise. So I'm just asking you to confirm - take
11 your time, I don't want to rush you - that this is not Cynthia. Please confirm that this
12 is not Cynthia. Please take your time.

13 PRESIDING JUDGE SCHMITT: [14:43:55] Witness, if you are not sure, you can also
14 tell us. You can also answer in that regard.

15 THE WITNESS: [14:44:15](Interpretation) I don't remember.

16 PRESIDING JUDGE SCHMITT: [14:44:19] And actually recognition is a sort of
17 a moment of realisation, so you know, you recognise someone, yes, but if you have to
18 think minutes about it ...

19 Please.

20 MS DIMITRI: [14:44:29] Thank you, Mr President.

21 Q. [14:44:31](Interpretation) No problem at all, Madam.

22 Again, on Cynthia -- on the lines of Cynthia, I'm just going to go back to the previous
23 exercise. So the OTP asked you questions about Cynthia in 2020. I'm going to
24 quote you and I'm going to ask you to bear it out.

25 So in 2020, the Prosecutor asked you if you could tell us a bit more on what she was

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1 doing at the Yamwara school, her role amongst the Anti-Balaka. And you said, and
2 I'm quoting you here: "I cannot explain you imaginary things, but I know that we
3 were there in Yamwara. That's all." End of quote.

4 Can you confirm this, please.

5 A. [14:45:44] Can I have that quotation again, please.

6 Q. [14:45:48] I'm just going to try and find the tab. Please bear with me. So this
7 is -- it's CAR-OTP-2122-6839. 6866 -- page 6855, sorry, tab 20 of the Prosecution
8 binder. And if the court officer could zoom in on the -- on line 542 to 545.

9 (Speaks English) If you could just zoom Line 542 to 545, please.

10 No, could you go up, please. Just a bit down, a bit down, a bit down, a bit down,
11 down. Yes, thank you.

12 (Interpretation) Do you see your answer in the -- on lines 544, 545.

13 (Speaks English) (Overlapping speakers) up one line, please, so she can see the
14 discussions about Cynthia.

15 Could you move upwards, please.

16 PRESIDING JUDGE SCHMITT: [14:48:25] I think you can continue. The witness
17 has signalled that she is ready.

18 MS DIMITRI: [14:48:32](Interpretation)

19 Q. [14:48:34] I'm waiting for your answer. So do you confirm that, please?

20 A. [14:48:42] If you have a question, I have -- I'm ready to answer it.

21 PRESIDING JUDGE SCHMITT: [14:48:46] (Overlapping speakers) if this what you
22 have seen now on the screen, what you said at the time, is this your testimony today
23 too? Or do you want to add something, or whatsoever, change something?

24 THE WITNESS: [14:49:02](Interpretation) Your Honour, I acknowledge that there is
25 a girl called Cynthia amongst us, but it's the -- it's a face that doesn't come to my mind.

1 But there a girl in our ranks who's called Cynthia.

2 MS DIMITRI: [14:49:26](Interpretation)

3 Q. [14:49:27] Thank you so much. I'm not going to blame you for the fact that
4 you can't remember the face, it's not a problem at all, but you do acknowledge the fact
5 that there was a girl called Cynthia so please forget the face. Can you just tell us, it's
6 important for us, can you just confirm and -- because I've got two or three questions
7 on Cynthia, the OTP asked you at that point of time, I'm not going to misquote you,
8 so can you please tell us move on what Cynthia was doing at the Yamwara school,
9 what was her role. And you said that "I cannot explain imaginary things. I know
10 that we were at Yamwara and that's it."

11 A. [14:50:12] I bear out what I said.

12 Q. [14:50:18] Thank you, Madam. So again on Cynthia -- we can actually now
13 remove the transcript from the screen.

14 On the same lines, on Cynthia, according to your memories, you said to the OTP that
15 she was near Coeur de Lion. I want to be fair to you, you were not sure. You said:
16 "If I have a good -- if I have a fair idea, it was part of the -- she was part of the girls
17 who were with Coeur de Lion." I just want you to bear this out.

18 A. [14:51:19] Yes, I do confirm that.

19 Q. [14:51:21] Thank you so much. Again, during your meeting with
20 the investigators of the OTP, they asked you if you knew if Cynthia participated in
21 certain crimes and you said: "I have never seen it with my own eyes." Could you
22 bear this out, please?

23 A. [14:51:45] Yes, I do confirm.

24 Q. [14:51:54] Last question on Cynthia. The Prosecutor asked you, and I'm
25 quoting, you have -- you talked about the PK9-Mbaïki axis. Do you know what role

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1 did she have to play in that axis. When the Prosecutor asked the role, it's talking
2 about Cynthia's role, and you -- your answer was, "No idea." Can you bear that out,
3 please?

4 A. [14:52:20] Yes, I do confirm.

5 Q. [14:52:27] Thank you.

6 (Speaks English) Unfortunately, I have about 20 to 30 questions that will have to be
7 asked in private session.

8 PRESIDING JUDGE SCHMITT: [14:52:48] Okay.

9 So we go to private session. For -- for the audience, this is of course for you a little
10 bit unfortunate. But we have a protected witness and when things are discussed in
11 the courtroom that might reveal the identity of the witness, we have to do that in
12 private session.

13 So we go to private session.

14 (Private session at 2.53 p.m.)

15 THE COURT OFFICER: [14:53:19] We're in private session,

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

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19 (Redacted)

20 (Open session at 3.15 p.m.)

21 THE COURT OFFICER: [15:15:20] We're in open session, Mr President.

22 MS DIMITRI: [15:15:40](Interpretation)

23 Q. [15:15:42] As for your objective, your motivation, actually, when you joined

24 the group, you told the investigators of the OTP that when you joined the Anti-Balaka,

25 it was particularly because of the way that the Seleka were treating people in your

1 neighbourhood. And you said, I quote: "When they wore military clothing, they
2 would hit you. If -- if you refuse, they would hit you. And so I saw that it was
3 abuse, a form of mistreatment."

4 Can you confirm that?

5 A. [15:16:35] I confirm that.

6 Q. [15:16:36] You also said that you joined the -- rather, you joined the Anti-Balaka
7 in particular because of the innocent people that the Seleka had killed.

8 Can you confirm that?

9 A. [15:17:04] I confirm that.

10 Q. [15:17:13] You were asked during your interview with the OTP investigators, in
11 relation to the objective of the group when you arrived, you were asked what
12 the objective was of your arrival, and you said that "The objective of the Anti-Balaka
13 when I joined them was to liberate the people of the Central African Republic and to
14 lay down weapons at the end so that everyone could go back to their normal
15 activities."

16 Can you confirm that you said that?

17 A. [15:17:50] I can confirm that.

18 Q. [15:18:02] You said, once again in relation to the objective, you said, "Our
19 objective was to" -- well, when you joined the group, your objective was "to drive out
20 the mercenaries who were at Kilometre 5 so that our country could return to peace."

21 Can you confirm that?

22 A. [15:18:35] Yes, I confirm that.

23 Q. [15:18:48] You also said that Mr Yekatom Alfred, you said that he had arrived
24 from Zongo. He had -- I'd like to play a video -- some video footage, and tell me if
25 Mr -- what Mr Yekatom is saying corresponds to what you said about Zongo, all

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1 right?

2 We have two items, two pieces of footage, one right after another. The first one is at
3 tab 26, CAR-OTP-2065-0716, from timestamp 38 seconds to the end. The French
4 translation for the interpreters is at tab 27, CAR-OTP-2122-2292, from lines 17 to
5 the end, from line 17 to the end. And the transcript is at tab 48, CAR-OTP-2107-6924.
6 Once again, line 17 right to the end. And the metadata are to be found at tab 29 of
7 the Defence binder, CAR-OTP-2065-6610.

8 Ma'am, please carefully listen to what Mr Yekatom says and then I'll ask you some
9 questions about Zongo and Zaïre.

10 (Viewing of the video excerpt)

11 THE INTERPRETER: [15:21:26](Interpretation of the video excerpt) Sight translation,
12 line 17:

13 "Journalist: You were a student, you were in the army, then President Djotodia
14 arrived and you left. Explain to us a bit the whole story, how things happened.

15 AYR: Yes, yes, in power, leaving. I -- I'm an administrator. I work in the third
16 office. Even though I'm FACA, but I'm an administrator and ever since the other one
17 had come I left for -- once and for all.

18 Journalist: You left when Djotodia arrived?

19 Unidentified speaker: Tell me about your imprisonment and your escape from
20 prison.

21 AYR: Yes, when I am -- when he came, I had gone to the bank to get my salary and
22 he arrested me and I fled to cross over to Zongo. Eh? On the other side, that's
23 the former Zaïre. And there we had some ideas to start our own movement in
24 response to the exaction of the soldiers.

25 Journalist: So your movement started in Zaïre?

1 AYR: No, we crossed here. It was here.

2 Journalist: And how did you manage to recruit 1500 men like that? Where did you
3 find them?

4 AYR: Well, most of the soldiers, currently, Djotodia doesn't want to work with them.
5 And currently, as I'm speaking, a majority of soldiers who are in city, because when
6 he came with his men, he doesn't work with us. So what are we going to do?

7 Trained soldiers can't just stay like that. Even the young people that you see there,
8 they're young people, they're young recruits, but they too are being driven out by
9 Michel Djotodia.

10 Journalist: And why is it that he doesn't want to work with you?

11 AYR: Well, I don't know, because they had come with -- they came with their
12 mercenaries, they didn't -- he didn't want to work with us.

13 Journalist: So for the French public, could you explain the difference between
14 the FACA and the Seleka? Because the French are not aware of the difference, they
15 don't understand it. Could you explain the difference to us?

16 AYR: Yes, well the difference between the Seleka and the FACA, if you look at it like
17 that, you have to know. I said that we were trained by the French, eh, we were
18 colonised by the French, our training, our basic training was by the French."

19 MS DIMITRI: [15:24:33](Interpretation)

20 Q. [15:24:33] My first question, regarding Zongo, did that correspond generally to
21 what Mr Yekatom said?

22 A. [15:24:44] I reiterate, he acknowledged that they began the rebellion from
23 Zongo.

24 Q. [15:24:56] So coming from Zongo, you mean it started once he had crossed over.
25 He had -- he had fled to Zongo before that, is that what he told you?

1 A. [15:25:10] Yes, that does correspond to what ...

2 Q. [15:25:13] Thank you, Ma'am.

3 I'd like to play another piece of footage for you.

4 I'd like to play some more footage for you, and I'd like you to focus particularly on
5 the word "Anti-Balaka".

6 You made reference during your testimony and in your interview with
7 the investigators, with -- you really focused on revolution for the people. And I'll
8 play the footage for you, and then I'll ask you some questions about this term
9 "Anti-Balaka" and whether it was used or not by the group that you were a member
10 of. Then I will hark back to a number of things that you said in your testimony and
11 in your statement. So please listen carefully to what Mr Yekatom says.

12 Tab 33, CAR-OTP-2065-3180. And the French translation is at tab 34 of the Defence
13 binder, CAR-OTP-2122-7503. The metadata are at tab 35, CAR-OTP-2065-7126.

14 This is footage that was shot by P- -- by P-1819 on 10 December 2013, according to
15 the metadata.

16 So listen carefully to the question put by the journalist and the answer.

17 (Viewing of the video excerpt)

18 MS DIMITRI: [15:28:25] I'm sorry, Mr President, I forgot to give the timestamp.

19 So for the interpreters, it's 01:45 to 02:07 and it's line 33 to 37. I'm just going to wait
20 for the sign from the booth. It's tab 34 in your binder.

21 You have it? So line 33 to 37. She's going to stop right after the word "Anti-Balaka".

22 Thank you.

23 (Viewing of the video excerpt)

24 THE INTERPRETER: [15:29:22](Interpretation of the video excerpt)

25 "Journalist: Are you happy with what France can do at this time in Bangui?

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1 AY: Yes, we're happy because when France was -- the French soldiers came and we
2 saw a lot of changes because we -- we want -- it's necessary for the French" --

3 (Overlapping speakers)

4 MS DIMITRI: [15:29:53](Interpretation)

5 Q. [15:29:53] Witness, on several occasions during your meeting with
6 the Prosecutor you made a distinction and we're going to see this in detail now.
7 We're going to cover the period when Alfred Yekatom's group does not consider itself
8 as Anti-Balaka, but when you joined the group, they were making a distinction,
9 they -- they did not consider themselves as Anti-Balaka. They did not want to use
10 the term "Anti-Balaka"?

11 A. [15:30:26] Yes.

12 Q. [15:30:29] We can remove the video from the screen.

13 You also told the investigators from the OTP and you spoke about this on Friday, but
14 it wasn't very clear. During your meeting with the OTP investigators, you said, and
15 I'm quoting you here, on -- referring to Anti-Balaka -- "We are not together in
16 Yamwara." And then you say that "Our group was a revolutionary group to save
17 the country. And it's after the -- after Rambo's movement became Anti-Balaka, but
18 otherwise at Yamwara, there were no Anti-Balaka, the Anti-Balaka came to see us and
19 they went back home, but there were no Anti-Balaka in Rambo's group. It's only
20 afterwards that he transformed his group into an Anti-Balaka group."

21 Do you bear these statements out?

22 A. [15:31:40] Yes, I do.

23 Q. [15:31:48] When you told the investigators "We are not together in Yamwara",
24 do I understand that when Mr Rombhot Yekatom's group came to Yamwara, there
25 were Anti-Balaka who would come and visit. But when you say that "we're not

1 together", that means they're not part of your group. Did I understand the thrust of
2 your testimony?

3 A. [15:32:24] Yes, of course, they came from the other side.

4 Q. [15:32:28] You also said during the interview with the investigators from
5 the OTP that, if I understand you well, to make a distinction, Mr Yekatom would take
6 the name "revolutionaries". Your term is, he would take the term revolutionaries for
7 freedom -- or you were a bit more specific. So have I actually understood the thrust
8 of your argument?

9 A. [15:33:02] Yes. Revolution for the people for army, something to that effect.

10 Q. [15:33:20] I'm going to show you a video, and I'm going to jot your memory.
11 It's in tab 36 of the Defence binder, CAR-OTP-2065-0396. According the metadata, it
12 dates back to 7 December 2013. I'm going to play from 39 seconds to 55 seconds and
13 then from 01:49 till the end.

14 For the interpreters, the French translation is in tab 37 of your binder, and it would be
15 line 17 to 20 and 36 to -- 37 to 50.

16 (Viewing of the video excerpt)

17 THE INTERPRETER: [15:34:42](Interpretation of the video excerpt)

18 "AYR: [...] so they chased out FACA, they don't want to work with FACA. And we
19 can actually see better to see the freely Central African people. This is why the
20 FACA are organised, this is why we are there for the people. We are there to free up
21 the people."

22 (Viewing of the video excerpt)

23 THE INTERPRETER: [15:35:18] (Interpretation of the video excerpt)

24 "AYR: [...] we are not Anti-Balaka. You see, we don't have anyone with machetes.

25 We are FACA. We are organised. When you came, you saw how we are all

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1 soldiers. We have our registration numbers. We are not Anti-Balaka.

2 Journalist: Does François Bozizé support you?

3 AYR: No, we do not have any contact with François Bozizé. I told you that we are
4 the Central African revolutionary forces. We do not have any contact with Bozizé.
5 If we had contacts with Bozizé, we would have more equipment than that.

6 [Inaudible]

7 Journalist: Thank you.

8 AYR: Mm?

9 [Inaudible]."

10 MS DIMITRI: [15:35:55](Interpretation)

11 Q. [15:35:52] I see you smiling. So does that jolt your memory on the terms he
12 used to describe his group, the Central African forces for --

13 A. [15:36:03] Yes. This is a name I was looking for and it did not come to my
14 mind. He has -- he's used to using this in -- with the media and everything.

15 Q. [15:36:14] Yes. Thank you. We're going to talk about the media. I still have
16 a few questions.

17 Right. Am I right in saying that during the period -- let's start with Yamwara. He
18 insists on the fact that he's not Anti-Balaka. These are FACA and this is why he's
19 giving them a name to the group. So *Révolution des forces armées centrafricaines*, the
20 Central African revolutionary army for the people. And as you just said last Friday
21 at 1504, you said that you are -- "Anyway, we considered ourselves to be
22 Anti-Balaka." So do I understand that everyone calls you Anti-Balaka even though
23 Mr Yekatom tries to make a distinction between the groups by giving them a name,
24 that is, the revolutionary Central African forces? I'm talking about Yamwara for the
25 moment, Madam.

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1 A. [15:37:22] In Yamwara it was the revolution or Central African forces for
2 the people. That was the name in Yamwara.

3 Q. [15:37:33] I'm going to show you another video. I'm actually moving ahead in
4 time. This is January 2014 now when the group came to the PK9-Mbaïki axis.
5 The video is in tab 30, in Defence binder, CAR-OTP-2094-7618. And I'm going to
6 show you a few seconds, so from 06:04 to 06:21. The French translation for
7 the interpreters is in tab 39 of the binder, CAR-OTP-2118-4220. And it's line 75 to
8 line 86 of your binder. Sorry, it's 80 to 86. And the translation -- the English
9 translation is in tab 79, CAR-OTP-2118-4272. Again, lines 80 to 86.

10 So I'm going to ask you to listen to the words of Momokama in January 2014.
11 (Viewing of the video excerpt)

12 THE INTERPRETER: [15:39:44](Interpretation of the video excerpt)
13 "There's no Anti-Balaka amongst us.

14 Most of them are soldiers apart, from a few civilians.
15 Absolutely."

16 MS DIMITRI: [15:40:12](Interpretation).

17 Q. [15:40:13] Madam, on the use of term -- of the term "Anti-Balaka", do you
18 confirm that when the group came to the PK9-Mbaïki axis, at the time of the arrival,
19 once again they did not want to be considered as Anti-Balaka. There is this will to
20 make a distinction. And I'm then going to move on to another period, which is
21 the meeting at the Mbaïki church.

22 A. [15:41:04] It was not Anti-Balaka.

23 Q. [15:41:11] During the meeting held at the church in Mbaïki, I don't know if you
24 mentioned the name of the church, I'm going to try and jolt your memory, it's
25 the Saint Jeanne d'Arc church in Mbaïki. It's a meeting that took place on

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1 30 January 2014.

2 (Speaks English) Mr President, I'm sorry, I have to ask it in private session.

3 PRESIDING JUDGE SCHMITT: [15:41:38] How many questions do you think?

4 MS DIMITRI: [15:41:41] One.

5 PRESIDING JUDGE SCHMITT: [15:41:41] One, that's -- okay, that sounds good.

6 Then we go for one question to private session.

7 (Private session at 3.42 p.m.)

8 THE COURT OFFICER: [15:42:02] We are in private session, Mr President.

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

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7 (Redacted)
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9 (Redacted)
10 (Open session at 3.45 p.m.)
11 THE COURT OFFICER: [15:45:10] We are in open session, Mr President.
12 MS DIMITRI: [15:45:17](Interpretation)
13 Q. [15:45:19] During your testimony, you said, when you were part of Mr Alfred
14 Rombhot Yekatom's group and you specified that Mr Yekatom and Mr Ngaïssona did
15 not get along. You said that last Friday. And during the meeting with the OTP
16 investigators, and this is the object of my next set of questions, you said, and I'm
17 quoting you, "There were two different groups."
18 Do you confirm that?
19 A. [15:45:56] Yes, I do confirm that.
20 Q. [15:46:09] On the two different groups, or at least Mr Yekatom's group that's
21 trying to make a distinction, I'm going to actually get you to listen to an audio report.
22 It's tab 44. It's an interview made by, conducted by a journalist.
23 CAR-OTP-2076-0815. So we're going to play from 05:46 to 06:10. And for
24 the interpreters, it's tab 45 of your binder, CAR-D29-0006-0721, and this would be on
25 page 4, line 12 to 17.

1 PRESIDING JUDGE SCHMITT: [15:47:18] You said it it's an interview from the time.

2 I think you can be more specific.

3 MS DIMITRI: [15:47:24] Yes, of course, of course.

4 Q. [15:47:27](Interpretation) Madam, this is an interview. It was broadcast on
5 around 1 April 2014, and I think the interview was conducted -- you will recognise
6 the voice of Captain Kamezolaï. I think it was done in March 2014.

7 I would request you to listen to the comments of the journalist and then

8 Captain Kamezolaï.

9 (Playing of the audio excerpt)

10 THE INTERPRETER: [15:48:06](Interpretation of the audio excerpt)

11 "So there was another wing of Anti-Balaka. It was formed of former FACA soldiers
12 vanquished by Seleka. They were demobilised, humiliated, and they joined
13 Anti-Balaka. These professional soldiers did not adopt the village folklore of
14 the Anti-Balaka, no *gris-gris*, no charms around their necks or any bells.

15 The Captain Kamezolaï, who was a soldier, also belonged to this wing."

16 Ends of sight translation.

17 MS DIMITRI: [15:48:45](Interpretation)

18 Q. [15:48:48] Madam, you said that "We were considered outside as Anti-Balaka".

19 Now, do you agree with me that Mr Yekatom's group, you said that Mr Kamezolaï is
20 also part of the group, and he is also -- making a distinction because he bears for two
21 reasons, because people close to Yekatom must regularly wear the military attire.

22 And for a second reason is that the journalist says that they did not adopt -- these
23 professional soldiers did not adopt the village life folklore of the Anti-Balaka, no
24 *gris-gris*, no charms around their necks, no cartridge belts.

25 So my question is as follows. I'm not saying that they did not have discreet *gris-gris*,

1 but physically do you agree with me that there was a difference when we compare
2 them to the other groups such as the marabouts or people from Bossangoa to whom
3 you referred to?

4 Do you understand my question? It's a very long question. I'm talking about
5 the physical aspect, the way they dressed, was there a distinction?

6 A. [15:50:35] As far as I'm concerned, I don't -- I say that there's no distinction,
7 because the heads would dress up well, but the soldiers -- the elements, no. It's
8 the same behaviour, I must say.

9 Q. [15:50:55] Thank you so much.

10 A. [15:50:57] And people who were close to the leader must dress up well.

11 Q. [15:51:09] Thank you. You also told the investigators from the OTP that when
12 Mr Ngaïssona became the coordinator, I think you used the term "the president of the
13 Anti-Balaka," Mr Alfred Rombhot Yekatom did not consider himself as part of this
14 group. He did not declare that he was one among them. He was apart and his
15 objective was to free up the country and return back home.

16 Now, do you bear this out?

17 A. [15:51:48] Yes, I do.

18 Q. [15:52:01] You also added that there were two -- there were two groups,
19 Mr Ngaïssona's group and Mr Alfred Rombhot Yekatom's group. And when
20 Mr Ngaïssona wanted to bring together all the Anti-Balaka, including the ones from
21 Alfred Rombhot Yekatom's group, the latter refused. That's your statement. He
22 said, "No, no," they did not want to be part of the Anti-Balaka because he himself has
23 his own objectives.

24 So have I actually understood your words properly? Could you confirm your 2020
25 words, please?

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1 A. [15:52:42] Yes.

2 Q. [15:52:52] You also indicated, and I'm quoting you here, "Mr Ngaïssona's group
3 and Mr Rombhot's group were different, they did not have a common objective,
4 because in the beginning the visions were different. Rombhot wanted to free up
5 the country."

6 Do you confirm this, please?

7 A. [15:53:11] Yes, I do.

8 Q. [15:53:28] The investigators asked you if the objective of Mr Ngaïssona and
9 Mr Rombhot Yekatom were the same, and at some point of time you said, "No, I can
10 say that, no, because I do not know, because when I was with the Anti-Balaka,
11 the objectives were different."

12 THE INTERPRETER: [15:53:59] Correction: The interpreter would like to correct.
13 "When I was with the Balaka the objectives were different."

14 MS DIMITRI: [15:54:07](Interpretation)

15 Q. [15:54:08] Do you confirm this?

16 A. [15:54:09] Yes. I do not know, because on Rombhot's side, yes, I knew about
17 his objective, but not about Mr Ngaïssona.

18 Q. [15:54:23] You also said that, and I'm going to quote you here.

19 The -- Rombhot's objective was to free the Central African people from the hands of
20 the mercenaries and often he and the men of Ngaïssona would talk and he said that
21 he did not like their ideas because he had his objectives, his ideas were not the same."
22 And you were talking about a visit to PK9.

23 Do you confirm this?

24 A. [15:55:09] Yes.

25 Q. [15:55:20] I'm going to slightly move on to another subject.

1 You spoke about Léopold Narcisse Bara. You said during your testimony that he
2 would often come to Yamwara and (Redacted). Now, this
3 would be the subject of my next set of questions.

4 Now, am I right -- now, if you know this, I don't know if you participated or did you
5 hear -- (Redacted)but generally do you -- when

6 Léopold Narcisse Bara came to Yamwara, there were discussions on Djotodia's
7 departure. That was the will of the group, and who would be the head of
8 the transition and who would be the head of the National Assembly. So were these
9 the subjects of discussions that were broached when Léopold Narcisse Bara came to
10 Yamwara?

11 A. [15:56:27] I do not remember.

12 Q. [15:56:46] Do you remember, Madam, that during these discussions -- because
13 I don't know if you heard all the discussions, if you were privy to all the discussions,
14 so I'm trying to see things with you. During these discussions, did it come out that
15 Yekatom's group, Kamezolaï, and Léopold Bara were against the return of Bozizé to
16 power?

17 If you do not know, there's no problem.

18 A. [15:57:25] I do not know.

19 Q. [15:57:27] No problem.

20 You said during the meeting with the OTP investigators, while referring to Kamezolaï,
21 "I understood that Kamezolaï was with you, and he would come looking for positions
22 within the government or the army."

23 Could you elaborate on what Kamezolaï wanted and his will to look for a position.

24 A. [15:58:07] Please do not confuse things. I said that Léopold Bara came for
25 positions and for Mr Kamezolaï for the ranks. I said the word -- I used the word

1 "ranks" for Mr Kamezolai.

2 Q. [15:58:24] I'm going to reformulate the question. And thank you so much for
3 being so specific. Can you explain what you meant by saying that Kamezolai
4 wanted to get a rank. What do you -- what do you know about this?

5 A. [15:58:42] You see, at the end of the day, you see, there are lists of soldiers that
6 were drawn up with their registration numbers to be sent to the government so that
7 they can be given a promotion, they can go up in the rank, and Mr Yekatom would
8 actually make a case to the government for their military ranks to be promoted -- for
9 them to be promoted. So he's also part of it and that is why I alluded to that.

10 Q. [15:59:24] When you say "he also was part of it", you're referring to
11 Captain Kamezolai?

12 A. [15:59:30] Yes.

13 MS DIMITRI: [15:59:40] The next question, Mr President, in private session, with
14 your leave.

15 PRESIDING JUDGE SCHMITT: [15:59:49] We could also call it -- it depends a little
16 bit. If you think it is inextricably connected to -- then perhaps we get done with that.
17 We go to private session and then perhaps we call it a day.

18 (Private session at 4.00 p.m.)

19 THE COURT OFFICER: [16:00:18] We are in private session, Mr President.

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

Trial Hearing
WITNESS: CAR-OTP-P-1839

(Open Session)

ICC-01/14-01/18

- 1 (Redacted)
- 2 (Redacted)
- 3 (Redacted)
- 4 (Open session at 4.01 p.m.)
- 5 THE COURT OFFICER: [16:01:11] We are in open session, Mr President.
- 6 PRESIDING JUDGE SCHMITT: [16:01:14] Thank you.
- 7 This concludes the hearing for today.
- 8 Thank you, Witness, for answering the questions today.
- 9 And we reconvene tomorrow at 9.30.
- 10 THE COURT USHER: [16:01:25] All rise.
- 11 (The hearing ends in open session at 4.01 p.m.)