

Trial Hearing

(Open Session)

ICC-01/14-01/18

WITNESS: CAR-OTP-P-1193

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  
7 Judge Chang-ho Chung  
8 Trial Hearing - Courtroom 1  
9 Wednesday, 4 May 2022  
10 (The hearing starts in open session at 9.32 a.m.)  
11 THE COURT USHER: [9:32:34] All rise.  
12 The International Criminal Court is now in session.  
13 Please be seated.  
14 PRESIDING JUDGE SCHMITT: [9:32:59] Good morning, everyone.  
15 Court officer, please call the case.  
16 THE COURT OFFICER: [9:33:05] 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 for the record, we are in open session.  
20 PRESIDING JUDGE SCHMITT: [9:33:21] Thank you.  
21 I ask for the appearances of the parties.  
22 Mr Vanderpuye first.  
23 MR VANDERPUYE: [9:33:26] Good morning, Mr President. Good morning, your  
24 Honours. Good morning, everyone. Good morning, Witness. Today the Office of  
25 the Prosecutor is represented by Manochitra Prathaban, Yassin Mostfa, and myself,

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1 Kweku Vanderpuye. Good morning.

2 PRESIDING JUDGE SCHMITT: [9:33:38] Thank you.

3 Mr Fall.

4 MR FALL: [9:33:40](Interpretation) Good morning, your Honour. Thank you.

5 And good morning to everybody. The team for other crimes is represented today by

6 Mrs Asso and myself, Yaré Fall. Thank you.

7 PRESIDING JUDGE SCHMITT: [9:33:58] Mr Suprun.

8 MR SUPRUN: [9:34:00] Good morning, Mr President, your Honours. The former

9 child soldiers are represented by myself, Dmytro Suprun, counsel at the Office of

10 Public Counsel for Victims. Thank you.

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

12 Next is Ms Dimitri.

13 MS DIMITRI: [9:34:12] Good morning, Mr President. Good morning, your

14 Honours. Good morning, everyone. Good morning, Mr Witness. Mr President,

15 this morning Mr Yekatom is present in the courtroom. He's represented remotely by

16 Guy Rufin Pabingui, and in the courtroom, Victor-Louis Lapointe Saint-Pierre,

17 Ms Laurence Hortas-Laberge, Ms Anta Guissé and myself, Mylène Dimitri.

18 PRESIDING JUDGE SCHMITT: [9:34:35] Thank you.

19 Ms Proulx next.

20 MS PROULX: [9:34:40] Good morning, Mr President, your Honours. Good

21 morning, everyone. Mr Ngaïssona is represented today by Ms Sara Pedroso,

22 Ms Mathilde Veronesi, Ms Camille Stuckel, Mr Landry from the field office, and

23 myself, Mr Marie-Hélène Proulx. Mr Ngaïssona is in the courtroom. Thank you.

24 PRESIDING JUDGE SCHMITT: [9:34:54] Thank you very much.

25 And of course a very warm welcome to our witness. Good morning.

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1 And witness's counsel, Ms Bagaza Dini, will soon be there, too, I have been  
2 informed -- oh, she's already there. So then good morning, Ms Bagaza Dini.  
3 Mr Vanderpuye, shortly before we start, any news about the next witness, if we could  
4 start with him already this afternoon? It is not -- let me put it this way, it is an idea  
5 to take a little bit of pressure out of the time question. But if not, okay, then we try to  
6 fix it on Thursday and Friday.

7 MR VANDERPUYE: [9:35:30] Thank you, Mr President. I think that VWS is still  
8 working on it. I apologise, I did communicate with somebody from Chambers on  
9 Friday -- Monday about it and my understanding is that they were reaching out to try  
10 to accommodate the Chamber, but we won't know until later this morning. So it  
11 could -- it could be that it's this afternoon, but we won't know just now.

12 PRESIDING JUDGE SCHMITT: [9:35:51] Okay. So we take it as it comes, like  
13 always. We have no other option anyway.

14 And we continue with the examination by Ms Dimitri.

15 MS DIMITRI: [9:36:01] Thank you, Mr President.

16 WITNESS: CAR-OTP-P-1193 (On former oath)

17 (The witness speaks French)

18 (The witness gives evidence via video link)

19 QUESTIONED BY MS DIMITRI: (Continuing) (Interpretation)

20 Q. [9:36:06] Good morning, Mr Witness.

21 A. [9:36:16] Good morning, Counsel.

22 Q. [9:36:18] We've almost finished, I assure you, because in less than an hour's time  
23 you will be free. I am going to continue with my questions --

24 PRESIDING JUDGE SCHMITT: [9:36:33] May I shortly. The witness is free

25 anyway. Just to say. No, I'm, you know, sometimes you want to take a little bit of

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- 1 pressure out of -- out of such a hearing, of course, and I think it's not such a burden to
- 2 be questioned by you, so I think the witness will also appreciate that.
- 3 Please continue.
- 4 MS DIMITRI: [9:36:54] Thank you, Mr President. Mr President, with your leave,
- 5 for my first two questions, out of precaution I'd like to go in private session.
- 6 PRESIDING JUDGE SCHMITT: [9:37:02] Of course. Private session.
- 7 (Private session at 9.37 a.m.)
- 8 THE COURT OFFICER: [09:37:16] We are in private session, Mr President.
- 9 MS DIMITRI: [9:37:22] Thank you.
- 10 Q. [9:37:24] (Interpretation) Mr Witness, you spoke at length during your
- 11 questioning with the Prosecution in your statement and also during the questions that
- 12 I put to you yesterday, before yesterday, of the different relations you had with the
- 13 (Redacted)
- 14 (Redacted)
- 15 My question is specific. Am I to understand that you were working with them, but
- 16 you also received information from them, that's to say, (Redacted)
- 17 (Redacted), did they also
- 18 provide you with information so they also passed on information to you when they
- 19 contacted you?
- 20 A. [9:38:25] Thank you, Counsel. I was in contact with the (Redacted)
- 21 (Redacted). They
- 22 asked me questions relating to the (Redacted)
- 23 (Redacted)
- 24 (Redacted) and that is how
- 25 the movement became a political party. So there wasn't any instruction or

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1 information from -- it was an interaction so that we could move forward and work  
2 towards peace.

3 Q. [9:39:37] My question, \*on the other hand, is a bit more specific. I don't have  
4 the impression that you fully understood it.

5 If you put aside the movement, am I to also understand that (Redacted)

6 (Redacted)

7 (Redacted), that's to say, (Redacted)

8 (Redacted)? Do you understand what I'm saying?

9 A. [9:40:06] Yes, I understand.

10 As I said before, (Redacted)

11 (Redacted) we looked

12 at it together. (Redacted)

13 (Redacted)

14 Q. [9:40:38] Thank you. We're going to go back to this in my questioning about  
15 the (Redacted), but it's -- just to clarify, (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 A. [9:41:03] (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 Q. [9:41:49] The final question on this subject: (Redacted)

24 (Redacted)

25 A. [9:42:05] No, but this contact started at the moment when the coordination was

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1 being set up.

2 Q. [9:42:20] You spoke in several places about (Redacted), and

3 in your testimony you spoke about it in paragraph 36, 46 and 66. You also referred

4 in page 30 of the transcript of (Redacted).

5 Can you recall the names of the (Redacted)?

6 A. [9:42:52] There was (Redacted), there was the (Redacted), who also spoke

7 French, there was (Redacted). Well, there was -- (Redacted)

8 (Redacted), but he invited Mr Ngaïssona, and (Redacted)

9 (Redacted). But I didn't -- I didn't collaborate directly with him. But, however,

10 (Redacted)

11 (Redacted)

12 Q. [9:44:02] So (Redacted), do you remember his first name?

13 A. [9:44:05] No, I don't remember his first name.

14 Q. [9:44:13] If I say (Redacted) to you, does it mean anything?

15 A. [9:44:17] Sorry?

16 Q. [9:44:18] (Redacted).

17 A. [9:44:22] I said look, I can't remember his first name. I know that he was called

18 (Redacted)

19 MS DIMITRI: [9:44:32] Mr President, for my next series of questions, I think we can

20 safely go back into open session.

21 PRESIDING JUDGE SCHMITT: [9:44:35] Open session.

22 (Open session at 9.44 a.m.)

23 THE COURT OFFICER: [9:44:53] We are in open session, Mr President.

24 MS DIMITRI: [9:45:03] (Interpretation)

25 Q. [9:45:03] Before the next series of questions, I would like to tell you that we are

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1 in open session, we don't see your face, so I'm going to ask you questions. If you feel  
2 at any stage that your answer could identify you, let me know and we will ask the  
3 judges so that we can return into private session. Do you understand?

4 A. [9:45:22] Fine, Counsel.

5 Q. [9:45:30] I want to show you a document of the -- tab 26 of the Defence binder,  
6 CAR-OTP-2001-3811.

7 If the court officer could go to page 3817 at the top of the page.

8 Whilst we're displaying the document, I'm going to read it out to you because it's in  
9 English. So I'm going to read an extract out from this article which talks about the  
10 group of Alfred Yekatom, Rombot Yekatom. Just listen carefully the extract of the  
11 article and after that I have some questions I'll put to you.

12 So in this document, they talk about the group led by Rombot Yekatom. It is written:  
13 (Speaks English) "It seems to enjoy warm relations with French Special Forces and  
14 several observers believe their cooperation dates from the start of *Opération Sangaris*.  
15 These *Anti-Balaka* want to be part of the future DDR and became relatively moderate  
16 as soon as Djotodia had quit: they reconciled with Goula near PK9 and avoided  
17 indiscriminate violence."

18 PRESIDING JUDGE SCHMITT: [9:47:21] May I shortly. Just for the orientation of  
19 the witness, this appears to be an article, a paper from -- dated from 7 March 2014.

20 Okay. Thank you.

21 Please continue.

22 MS DIMITRI: [9:47:34] Thank you, Mr President.

23 Q. [9:47:41] (Interpretation) My question is as follows: According to what you  
24 know, according to the communications you had, either with the international parties,  
25 the Sangaris, or even with the discussions you had with Mr Yekatom, do you know

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1 whether there were good cordial relationships with the Sangaris forces?

2 A. [9:48:10] Counsel, well, at that time I wasn't with them, but the -- the video you  
3 showed beforehand with the Sangaris, with *caporal-chef* Rambo present, but I wasn't  
4 there. The Sangaris forces were -- came to meet Rambo. Now, when I was with the  
5 international forces, they didn't say what happened between them and what  
6 happened before. They didn't talk about what happened before. They didn't talk  
7 about that. They only asked about how the movement was working and what was  
8 happening. We were at the roundabout and we were waiting for the elections and  
9 they took note. Captain Mathieu sometimes passed by from time to time in PK9 to  
10 see that after the return of Brazzaville there could be an opening up - how should I  
11 put it - of the checkpoints that were really -- that the dismantling was a reality and  
12 when they looked at the checkpoints, \*I informed Colonel Didier, who at the time was  
13 the number two of the Sangaris forces. One evening (Redacted).

14 "(Redacted), I flew over in a helicopter, and I saw what you saw, what you were  
15 doing with President Nguissoua." So sometimes they checked the reliability of what  
16 was happening and when I gave them information, they also checked it.

17 Q. [9:50:22] I have more specific questions than the more general answer you gave  
18 me.

19 You referred to a video where in fact you see the Sangaris come to meet Mr Yekatom.  
20 I'm not going to re-present him because I think you know who we're referring to.  
21 We'll just refer to it. It's tab 43 of the Defence binder, CAR-OTP-2065-4898.

22 In this video, Mr Yekatom indicates that the two white adjutants, that we understand  
23 are the Sangaris, gave telephone numbers. This is December 2013. I know you're  
24 not yet with Mr Yekatom at that time, but my question is more specific, Mr Witness.  
25 During your meetings with Mr Yekatom, when you had various conversations with



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1 Mr Yekatom, did he indeed let you know about the fact that he too was in telephone  
2 contact with Sangaris after he arrived in PK9?

3 A. [9:51:53] When I was with *caporal-chef* Rambo, they didn't call, but they did come  
4 from time to time. Captain Mathieu had wanted to stop him, arrest him, and there  
5 was a discussion and I was contacted and say, "Mr Rambo is about to be arrested."  
6 "But for what reason?" And he said, "No, no, no." And I don't quite know what  
7 happened because Mr Rambo was then released. And when he was released, we  
8 were no longer in contact with the Sangaris. It was only I who had contact with the  
9 Sangaris and reported.

10 Q. [9:52:57] During your testimony you spoke about the incident with the  
11 gendarmerie in Bimbo. Do you recall, because I'm trying to situate it in time, do you  
12 remember that during this incident there was an exchange in the Sangaris forces  
13 which corresponded to a new deployment, a new Sangaris group led by  
14 Colonel Leurs?

15 A. [9:53:36] Who?

16 Q. [9:53:37] Colonel Leurs, L-E-U-R-S.

17 A. [9:53:42] No, I don't know that.

18 Q. [9:53:52] Do you remember during this altercation between the brigade of PK9  
19 and -- do you remember that there was no communication between Mr Yekatom and  
20 the new -- the Sangaris new team, which led to disarmament of Mr Yekatom and the  
21 fact that he tried to recover weapons in the brigade of PK9?

22 A. [9:54:27] Could you once again explain more simply in French so that I fully  
23 understand? Because I'm not quite sure I'm following what you're saying.

24 Q. [9:54:42] Of course. You spoke on Monday of the incident of Mr Yekatom who  
25 retrieved weapons at PK9 and Bimbo gendarmerie. Are you following me?

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1 A. [9:55:04] Yes, I follow.

2 Q. [09:55:10] What I'm asking you, do you recall that this incident followed on from  
3 the arrival of a new intervention Sangaris group led by Colonel \*Didier Leurs and the  
4 arrival of this new group which was poorly communicated about the disarmament of  
5 Mr Yekatom who wanted to recover arms or weapons from the gendarmerie in Bimbo,  
6 which ultimately led to the incident where you had to intervene to retrieve the  
7 weapons. Is this description something that you remember?

8 A. [09:56:05] No, madam. We only -- we don't really recall that. You asked me  
9 the question it was Colonel Didier Leurs who was there. You say that he  
10 was -- Yekatom was arrested and then he was released. And I said I don't know  
11 really what happened. But I do know that Rambo intervened in PK9, the gendarme  
12 was disarmed and (Redacted). so that the weapons that were taken from PK9 were  
13 returned. (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 \*Was this following an altercation with Didier or the Sangaris, or was it because of the  
18 arrest of his brother, which had degenerated, I don't know.

19 Q. [9:57:28] And when you went to look for the weapons, was Gbiegba Mamadou,  
20 who you -- who was -- was present or not?

21 A. [9:57:42] He was not present.

22 Q. [9:57:49] I'm now going to change topics.

23 I am going to talk -- you made reference this morning several times of the  
24 disappearance of this young man. In paragraph 66, you mention it in your statement,  
25 you also mentioned it very briefly last Thursday on page 30 of the transcript.

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1 I'm not going to go back to the facts because it's very clear in your statement, your  
2 statement is there as part of the evidence, and you re-explained it twice during the  
3 hearing. My question is just a "yes" or "no" answer. I just am seeking clarification  
4 from you. Do you follow me?

5 A. [9:58:39] Yes, Counsel.

6 Q. [9:58:48] Do you remember the name of this young man is Kolema (phon) or  
7 Takarmo (phon), alias Rahman?

8 A. [9:59:02] As regards the name of the person who disappeared, I don't know that.  
9 What I did, I did for a good cause. I wasn't expecting a follow-up just like that. If I  
10 saw a situation like that, I should do everything about the name. I was explained the  
11 role that I was playing during all this.

12 Q. [9:59:33] But it's important to try and get as much clarification as possible from  
13 you.

14 Is this a trader of Boubaguere in the 6th arrondissement? Did he have a kiosk in the  
15 Petevo market? Because you don't remember the name, do you at least remember --

16 A. [9:59:56] Yes, as regards the activities he was carrying out, he was -- he was  
17 managing a bar, a bistro.

18 Q. [10:00:21] And he was a kiosk in the Petevo market?

19 A. [10:00:21] As regards the Kiosk, I don't know, but I know that he was running a  
20 bar at the Boman (phon) crossing.

21 Q. [10:00:33] Another clarification about his identity. Was this a Christian person?  
22 Is that right?

23 A. [10:00:36] I don't know whether he was Christian or Muslim.

24 Q. [10:00:51] One last clarification. I don't want to hark back to the incident, but I  
25 just want to elicit some additional information. Am I correct to say that there were

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1 several statements made on the radio and in the newspapers accusing Mr Yekatom of  
2 having buried this man alive?

3 A. [10:01:15] Yes, that's the information that was going around.

4 Q. [10:01:25] Thank you.

5 I'd like to try one last thing just to see if anything comes back to you. Was the father  
6 of this young man a plumber called Antoine Kolema (phon), does that ring a bell?

7 A. [10:01:45] I don't know his family as such, but when (Redacted)

8 (Redacted) -- well, there was

9 the driver, and I believe the driver of the vehicle was the brother-in-law. There was  
10 a gentleman who was part of the gendarmerie. That's what I know.

11 Q. [10:02:21] Thank you. I'll move on to another topic now.

12 Once again, I'd like to ask you to listen to my question very carefully. It's very  
13 specific. I think you'll remember that the Prosecutor showed you some video  
14 footage in which we saw Habib Beina speaking. I'm not going to play the video to  
15 you again.

16 This was transcript 124, page 42. And the video, for the purposes of the record, is at  
17 tab 45 of the Prosecutor binder, CAR-OTP-2065-0436.

18 Please listen carefully. When the video footage was shown, the Prosecutor said that  
19 Habib was a reference to a Muslim civilian, but I'd like to quote exactly what Habib  
20 said in the video footage.

21 He said: "The Seleka, the Chadians, the Sudanese, the Touraboural (phon), the  
22 Janjaweed, they have to go back home." End of quote.

23 Habib also made reference to Idriss Deby and al-Bashir. At no time did he say the  
24 word "Muslim" in the footage, so my question to you is this: Would you agree, yes  
25 or no, that Habib was referring to the Seleka and the foreign mercenaries, not to

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1 Muslim civilians?

2 PRESIDING JUDGE SCHMITT: [10:04:31] Please wait a moment with your answer,

3 Mr Witness. Excuse me for interrupting you. Mr Vanderpuye has been rising.

4 MR VANDERPUYE: [10:04:36] Yes, Mr President, it's an objectionable question.

5 The video speaks for itself. The words he used are on the transcript and it's not up

6 to this witness to interpret what the witness -- what he meant. He said what he said.

7 PRESIDING JUDGE SCHMITT: [10:04:50] Actually, I agree, Ms Dimitri, I agree with

8 Mr Vanderpuye. What you can ask the witness is if he has spoken with Mr Beina,

9 what he -- if he knows what he expressed personally to him, you see. But the words

10 are, let me put it this way, are here to see and to interpret, to be interpreted.

11 MS DIMITRI: [10:05:13] Mr President, if I may respond.

12 PRESIDING JUDGE SCHMITT: [10:05:15] Of course you may respond.

13 MS DIMITRI: [10:05:17] I understand the Prosecution's argument that the video

14 speaks for itself, but if the video speaks for itself, why did the Prosecution show that

15 video to the witness and ask for its interpretation and to extrapolate on what Habib

16 meant and what others may have meant when they also used those words?

17 I first want to go back on it. If -- in my respectful opinion, if it's good for the

18 Prosecution, it's good for the Defence. I first want to go back on it to cite the words

19 and then the question you suggest is indeed my next question.

20 PRESIDING JUDGE SCHMITT: [10:05:53] Mr Vanderpuye.

21 MR VANDERPUYE: [10:05:53] Well, with respect to that, then, I would say that

22 she -- counsel should provide the cite in the transcript where those questions were

23 put to the witness because I don't believe I asked him to interpret it. I believe I asked

24 him if he discussed that sort of thing with either Mr Beina or anybody else in the

25 group. So that's a totally different question.

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1 PRESIDING JUDGE SCHMITT: [10:06:11] It's -- exactly, it depends on that. You  
2 know, we have an equality of arms, and if the Prosecution indeed did ask the witness  
3 to interpret, then I would of course allow you to interpret too. That is clear.  
4 Although, in hindsight, I would have to tell myself perhaps that I would have had to  
5 intervene at the time. I don't think we have a real big issue here. But I'm not sure  
6 that Mr Vanderpuye indeed asked --

7 MS DIMITRI: [10:06:48] I have the -- I have the quote, Mr President, if it can assist.

8 PRESIDING JUDGE SCHMITT: [10:06:52] Please read it to me and then I interpret.  
9 I interpret it.

10 MS DIMITRI: [10:06:55] It's at page 53 of T-124. And the question was: "You've  
11 heard what he said. When you described earlier that that's how people felt in  
12 general, is that what you mean about Muslims?" So he's extrapolating from  
13 Mr Beina's intervention what other people felt about Muslims. So it's not only an  
14 interpretation of the words Mr Beina used, but then --

15 PRESIDING JUDGE SCHMITT: [10:07:26] I think -- I think this cost such a long time,  
16 so let me put the question to the witness.

17 Mr Witness, you have -- a couple of days ago you have heard this video, you have  
18 heard what Mr Beina has said, and it has been repeated by Ms Dimitri now.  
19 How -- with regard to how you knew Mr Beina and according to perhaps  
20 conversations you had with him, how did he mean this? Only with regard to what  
21 you know from him with your conversations that you might have had with Mr Beina.  
22 The talk about Janjaweed and everything and -- how did you interpret that?

23 THE WITNESS: [10:08:23](Interpretation) Your Honour, thank you for allowing me  
24 to answer.

25 My interpretation, is an accusation against the mercenaries who came. Just them.

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1 If it hadn't been for the mercenaries, we wouldn't have experienced what the country  
2 experienced. That's what I think. But I'm not Mr Beina. He mentioned  
3 mercenaries from Chad and the Sudan, that's what he said. So what he said -- he  
4 was saying that they were the ones who came and created disorder in the country.  
5 And the Amica (phon) said as well that it was the Chadian and Sudanese mercenaries  
6 who came to the CAR. That's what I can tell you. But I'm not Mr Beina.  
7 PRESIDING JUDGE SCHMITT: [10:09:23] Okay. I think this is an answer that is in  
8 a positive way typical for the witness, who always, since the beginning of his  
9 testimony, differentiated clearly between what he has experienced, what he has direct  
10 knowledge of, and about things that might be hearsay and that might be, let me put it  
11 this way, in the intellectual realm of other people.  
12 Ms Dimitri, please continue.  
13 MS DIMITRI: [10:09:59] Thank you, Mr President. With your leave, may I have just  
14 one minute of consultation.  
15 PRESIDING JUDGE SCHMITT: [10:10:04] You have even one and a half minutes for  
16 consultation, if you need it.  
17 MS DIMITRI: [10:10:09] Thank you.  
18 (Counsel confers)  
19 MS DIMITRI: [10:10:17] Thank you, Mr President.  
20 Q. [10:10:27] (Interpretation) Mr Witness, thank you for your answer. I'd like to  
21 switch to another topic. And please be careful. I don't want you to identify  
22 yourself again. I'll be talking about some documents that you provided to the OTP.  
23 Now if ever during your reply you want to get into details, tell me so and then we  
24 will go into private session. But I think we can do this in open court.  
25 Now, you provided a document to the OTP which is at 11 -- tab 11 of its binder,

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1 CAR-OTP-2039-0063. This is a document that the Prosecution showed you on  
2 Thursday at page 42 of T-124. I'll show you the document again just to refresh your  
3 memory.

4 Please let me know when you can see it and then I'll put my questions to you.

5 MS DIMITRI: [10:12:05] Mr President, I don't know if I have a problem with my  
6 screen, but I see nothing on evidence 2, neither on evidence 1.

7 PRESIDING JUDGE SCHMITT: [10:12:13] So we are on the same page, or monitor,  
8 so to speak, in this case. But I think it will appear soon.

9 I think now we have it.

10 MS DIMITRI: [10:12:37] If the court officer could zoom out a bit so he can see the  
11 entirety of the page, please.

12 Thank you.

13 Q. [10:12:51] (Interpretation) Now, you can see the document and I -- you  
14 explained that Mr Rambo provided it to you. My question is this. I'd like to  
15 know -- because you were very, very clear last week when -- and even this week  
16 when you said that Basile Mbomon was never in Mr Yekatom's group. And you'll  
17 see the name of Basile Mbomon at number 5. You see Mr Yekatom on this list, first  
18 name.

19 Now, the way I read this document and understand it - and since you gave it to the  
20 OTP, I need your help - am I correct in saying that this document was drawn up well  
21 after the Brazzaville agreements and so all the soldiers from the southern axis were  
22 included in one group, the soldiers of Mr Mbomon, Mr Mbomon himself as well as  
23 the soldiers of Mr Yekatom? Is my reading of this document correct?

24 A. [10:14:10] May I?

25 Q. [10:14:14] Absolutely.



Trial Hearing

(Open Session)

ICC-01/14-01/18

WITNESS: CAR-OTP-P-1193

1 A. [10:14:21] Your reading is \*correct because this list was given to me by Master  
2 Corporal Rambo. And it is the list of soldiers to the south. So the soldiers got  
3 together and worked together to draw up a list of all the soldiers in the sector. But  
4 Mr Mbomon Basile, he was not one of Mr Rambo's men. He was not one of his  
5 elements. He had his group, which was over by PK9, and Mr Rambo had his group  
6 as well from the Pissmiss group. If his name is here, it's because he was a soldier,  
7 and this list includes all the soldiers of the south, all of the ones in the south. If you  
8 check carefully, you will see that they were there.

9 Q. [10:15:44] Thank you very much. That's very clear.

10 I'd now like to ask you to go to page 0064 and perhaps we could do a bit of a memory  
11 exercise.

12 Now, in the middle of the page - I'd like to ask the court usher to expand the  
13 image - and we see Marius Hemba -- Hena, number 7, first class. Can you see that?

14 A. [10:16:14] I'm looking for it, ma'am.

15 Yes, I can see it.

16 Q. [10:16:24] I know you're not a soldier, but I'll call upon your memory. Am I  
17 correct in saying that this person was an element of Basile Mbomon?

18 A. [10:16:33] I don't know. Mr Mbomon would have to be the one to say so. I  
19 can't tell you that.

20 Q. [10:16:41] No problem. Thanks for trying.

21 The document can be taken off the screen.

22 One last question about the soldiers and the lists. Do you remember, I suppose you  
23 knew Boris Beina, the brother of Vivien and Habib. He was not a soldier, but he was  
24 a gendarme. And my question is: Am I correct in saying that he was never part of  
25 the movement?

Trial Hearing

(Open Session)

ICC-01/14-01/18

WITNESS: CAR-OTP-P-1193

1 A. [10:17:22] Gendarme Boris Beina was never part of the movement, Counsel.

2 He was never part of the movement. He remained neutral.

3 Q. [10:17:40] Thank you very much.

4 (Speaks English) Mr President, for your Honours' reference, the relevance of the

5 question on Boris Beina is CAR-OTP-2101-3241 at page 3244.

6 (Interpretation) Once again, I'll switch topics.

7 I'd like to speak about the recording and the profiling of the elements in Sekia.

8 So Friday, you explained to us that you had gone to Sekia for the DDR process. This

9 is transcript 125, page 36. You explained that you had said to the MINUSCA staff

10 that you would take them to Sekia to meet with Mr Rambo Yekatom's elements.

11 So I suppose you remember that part of your testimony. This is important for me.

12 We need to clarify what DDR means exactly and I have some questions about that.

13 Am I correct in saying that this process was for civilians so that they could benefit

14 from training, from a profession, and the soldiers were on another list so that

15 probably they would be given an -- a higher rank. Have I understood correctly?

16 A. [10:19:37] It was for civilians, Counsel. It was the civilians who took part in

17 that.

18 Q. [10:19:45] Thank you.

19 Am I correct in saying that the first time -- I'm trying to understand as well the

20 amount of time that it took, the registration. Now, the first time you went to Sekia

21 with the person from -- for -- the person who was responsible for the DDR and the

22 actual time that you started registering people, how much time went by? Do you

23 understand what I'm driving at?

24 A. [10:20:30] (Overlapping speakers)

25 THE INTERPRETER: [10:20:30] Overlapping.

Trial Hearing  
WITNESS: CAR-OTP-P-1193

(Open Session)

ICC-01/14-01/18

1 MS DIMITRI: [10:20:31] (Interpretation)

2 Q. [10:20:32] It wasn't just one time that the DDR official visited. You took him  
3 the first time to meet with the elements and then I suppose he had to do some  
4 organisation to carry out the registration.

5 Was it more than one visit?

6 A. [10:20:48] Yes. The first time we went there so that he could check whether  
7 there was indeed a base in Sekia. They checked, and yes, there was a base. Now,  
8 they gave the number of people who would be demobilised and in relation to that, a  
9 list was drawn up and the list was drawn up with the one from Bangui. And that's  
10 where you'll see the 8th arrondissement, the 4th arrondissement, the various  
11 neighbourhoods.

12 I provided the list and I set up a schedule, a timeline. And on the basis of that  
13 schedule they would go to Sekia to do the work. And since they were trying in vain,  
14 like me, to find the former Balaka combatants, and I said that Mr -- they provided  
15 more of a quota, and in Sekia that lasted -- that lasted.

16 So that's my answer to you, Counsel.

17 Q. [10:22:25] Thank you very much for your reply.

18 I'd now like to show you some articles.

19 Just to be careful, I'd like to ask the Presiding Judge if we could go into private  
20 session.

21 PRESIDING JUDGE SCHMITT: [10:22:44] Private session.

22 (Private session at 10.22 a.m.)

23 THE COURT OFFICER: [10:22:57] We are in private session, Mr President.

24 MS DIMITRI: [10:23:13] (Interpretation)

Trial Hearing

(Private Session)

ICC-01/14-01/18

WITNESS: CAR-OTP-P-1193

1 Q. [10:23:16] I have three articles in which (Redacted) is mentioned. I reassure  
2 you we are in private session right now. I'll show them to you. And the purpose  
3 for me is to better understand the actual process of registration and profiling.  
4 Now, the first article -- to gain some time, I don't need to actually show it to you. I'll  
5 just quote it for the record. This is CAR-D29-0002-0100, tab 39.

6 But I'd like to draw your attention to the one at tab 41. And also tab 40. We'll start  
7 with tab 40, CAR-D29-0002-0102. And I'll just wait until the article is up on the  
8 screen and then I'll put a number of questions to you.

9 PRESIDING JUDGE SCHMITT: [10:24:37] Actually, we appreciate it, the Chamber,  
10 that you only present articles when the witness is mentioned, otherwise it's -- we have  
11 always the discussion of what it is worth to let a witness comment on any newspaper  
12 articles. So we appreciate that. I thought I had to intervene, but I don't have to.

13 MS DIMITRI: [10:24:59] Thank you, Mr President.

14 If the court reporter could scroll down completely. There's a second paragraph.  
15 Yes, that's fine. Thank you.

16 Q. [10:25:22] (Interpretation) You can see the article up on the screen and the  
17 second paragraph reads that (Redacted), one of the Anti-Balaka officials in  
18 Sekia, were happy about this operation which was encouraging return to a normal  
19 situation, quote, (Redacted)  
20 (Redacted), he explained." End of quote.

21 And then it's a -- (Redacted)

22 (Redacted), and in the last paragraph we read that, "(Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

Trial Hearing

(Private Session)

ICC-01/14-01/18

WITNESS: CAR-OTP-P-1193

1 (Redacted)

2 So I would like to understand, (Redacted), what was the actual process? Am I

3 correct in understanding that (Redacted)

4 (Redacted)

5 (Redacted)? Is that how it happened?

6 A. [10:27:24] Yes. You can check with (Redacted). That's how -- that's what was

7 done. That's what happened.

8 Q. [10:27:35] Thank you very much.

9 And in another article, tab 41 of the Defence binder, CAR-D29-0002-0103 -- and I'll just

10 wait until the article comes up on the screen and I'd like to ask the court usher to

11 display page 0104.

12 Thank you.

13 You can see (Redacted) at the top of the page, (Redacted)

14 (Redacted). But please, if you could look at

15 the bottom of the page, the last paragraph, where we read that (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 Have I understood correctly that (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)? Have I understood

23 correctly?

24 A. [10:29:30] That's right, Counsel. That's right. And thus, (Redacted)

25 (Redacted)

Trial Hearing

(Private Session)

ICC-01/14-01/18

WITNESS: CAR-OTP-P-1193

1 (Redacted)

2 THE INTERPRETER: [10:29:59] Inaudible.

3 PRESIDING JUDGE SCHMITT: [10:30:03] Can we go back to open session? Not  
4 yet?

5 THE INTERPRETER: [10:30:10] Interpreter correction: The last response --

6 MS DIMITRI: [10:30:15] We could, but -- sorry.

7 THE INTERPRETER: [10:30:15] -- ended with "They were very happy." That was  
8 the last part of the witness's reply.

9 MS DIMITRI: We could -- oh, sorry.

10 PRESIDING JUDGE SCHMITT: [10:30:24] No, now.

11 MS DIMITRI: [10:30:25] Sorry. I followed your lead.

12 PRESIDING JUDGE SCHMITT: [10:30:28] Rightfully so.

13 MS DIMITRI: [10:30:31] We could go back to open session. I have two documents.  
14 Just if we -- we won't show them to the public and then I'll ask specific questions, it's  
15 two documents where the (Redacted). So we could -- we could finish in open  
16 session.

17 PRESIDING JUDGE SCHMITT: [10:30:48] I also thought, you know the information  
18 that the witness is providing us with would not identify him.

19 Then we go to open session.

20 (Open session at 10.31 a.m.)

21 THE COURT OFFICER: [10:31:13] We are back in open session, Mr President.

22 MS DIMITRI: [10:31:20] (Interpretation)

23 Q. [10:31:20] I'll show you a photo, Mr Witness. It won't be shown to the public.

24 It is only you and the judges who will see it, and the people in the room will see it.

25 It is tab 47 of the Defence binder, CAR-OTP-2110-1075.

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(Open Session)

ICC-01/14-01/18

WITNESS: CAR-OTP-P-1193

1 I just want to confirm, is that what -- is the person we see on the left you, next to  
2 Yekatom? And my second: Do you agree with me - I know you might find this a  
3 strange question - but do you agree with me you were never the lieutenant of Mr  
4 Yekatom?

5 A. [10:32:16] I'm not a lieutenant of Mr Yekatom, Counsel. I am close to Yekatom.  
6 I'm like his brother.

7 Q. [10:32:28] It's quite clear, but can you also confirm that you're on the left-hand  
8 side of the photo?

9 A. [10:32:34] Yes, that's certainly me.

10 PRESIDING JUDGE SCHMITT: [10:32:38] Well --

11 MS DIMITRI: [10:32:38] I know. Stating the obvious.

12 PRESIDING JUDGE SCHMITT: [10:32:40] Indeed. Indeed. Let me put it this way:  
13 The witness has not aged so significantly that we would not recognise him.

14 Mr Witness, you're clearly to be seen on that picture. Thank you.

15 Ms Dimitri.

16 MS DIMITRI: [10:32:55] Thank you, Mr President. If ever your Honours wants the  
17 reference for why I'm asking that question, I have it at hand, but --

18 PRESIDING JUDGE SCHMITT: [10:33:03] No, no. Please continue.

19 MS DIMITRI: [10:33:06] Thank you.

20 Q. [10:33:07] (Interpretation) I'm going to show you another document. It's tab 48  
21 of the Defence binder, CAR-OTP-2030-0232.

22 And I'm going to ask the court officer to firstly take you to the top of the page and  
23 then -- and this is not to be broadcast to the public. And then we are going to take  
24 you to another specific page where the lieutenant is mentioned.

25 Can you see that it says "List of Anti-Balaka ComZones".

Trial Hearing

(Open Session)

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WITNESS: CAR-OTP-P-1193

1 Now I'm going to ask you to look at 0237. I assure you that this document is not  
2 being seen by the public.

3 0237, and could the court officer zoom to 95, 96.

4 Do you agree, Mr Witness, the content of this document is incorrect, that neither you  
5 or Vivien Beina, you were neither ever ComZones?

6 A. [10:34:43] We were never ComZones. If we would have been ComZones, we  
7 would have signed. I am not a ComZone and I repeat again that you can go there  
8 and you will see that I have never been ComZone, just like Vivien Beina was never a  
9 ComZone.

10 PRESIDING JUDGE SCHMITT: [10:35:05] Ms Dimitri, or Mr Vanderpuye, do we  
11 know when this document was produced? It seems not to be -- it seems to be a little  
12 bit of a later stage.

13 MR VANDERPUYE: [10:35:15] I understood that this document was provided by  
14 P-889, and it was produced in the context of the coordination or the -- the unified  
15 coordination in respect of that.

16 PRESIDING JUDGE SCHMITT: [10:35:29] Thank you, Mr Vanderpuye.  
17 Ms Dimitri.

18 MS DIMITRI: [10:35:36] Indeed, I have a specific reference if that can assist.

19 PRESIDING JUDGE SCHMITT: [10:35:41] Yeah, I think so, yes.

20 MS DIMITRI: [10:35:43] CAR-OTP-2034-0463, paragraph 100.

21 (Interpretation) Thank you very much for answering these questions. That was my  
22 last question, and I hope that you enjoy the rest of the day.

23 PRESIDING JUDGE SCHMITT: [10:36:11] Mr Vanderpuye.

24 MR VANDERPUYE: [10:36:13] We have a few minutes left. Mr President, I have a  
25 few questions I'd like to ask the witness if I could.



Trial Hearing  
WITNESS: CAR-OTP-P-1193

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1 PRESIDING JUDGE SCHMITT: [10:36:20] Please do that.

2 QUESTIONED BY MR VANDERPUYE:

3 Q. [10:36:41] I don't have the reference for the photo that was shown to

4 you -- actually, I do, it's at tab 40.

5 It shouldn't be shown.

6 But anyway, I just wanted to ask you, Mr Witness, if you have a recollection as to

7 when this photograph was taken and where.

8 A. [10:36:52] May I?

9 PRESIDING JUDGE SCHMITT: Yes, of course.

10 THE WITNESS: [10:36:58] Must I answer?

11 MR VANDERPUYE: [10:37:01] Yes, please.

12 PRESIDING JUDGE SCHMITT: [10:37:05] Yes, please.

13 THE WITNESS: [10:37:09](Interpretation) I know that I'm on the photo, but I don't

14 remember where it happened. It is me, but I don't know where.

15 MR VANDERPUYE:

16 Q. [10:37:24] Do you remember when?

17 A. [10:37:34] We made several photos, so I don't know if it's the beginning of

18 August. I don't know, but what's the most important thing is that I know that it's

19 me.

20 Q. [10:37:46] Thank you for that.

21 You were shown a document which is at tab 41 of the Defence binder and asked some

22 questions about it. It related to the DDR programme and the process that was

23 involved in registering individuals. I noticed at the top of the document that it's

24 dated 23 May 2016. It's tab 41, CAR-D29-0002-0103. So I just wanted to clarify with

25 you that that's correct, that what you were referring to was the DDR process that took

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WITNESS: CAR-OTP-P-1193

1 place in 2016; is that right?

2 A. [10:39:02] Yes, I think it was at the time when the demobilisation was taking

3 place --

4 Q. In 2016, is that right?

5 A. [10:39:10] -- in Sekia.

6 PRESIDING JUDGE SCHMITT: [10:39:15] Mr -- Mr --

7 MR VANDERPUYE: [10:39:15] Oh, sorry, (Overlapping speakers)

8 PRESIDING JUDGE SCHMITT: [10:39:16] Mr Vanderpuye, really, I -- we -- as I've

9 always --

10 THE WITNESS: [10:39:16] (Overlapping speakers)

11 THE INTERPRETER: Overlapping speakers.

12 PRESIDING JUDGE SCHMITT: [10:39:27] Wait a second, Mr Witness.

13 Documents which have a date, and you can be assured that the judges understand

14 that and it does not escape our attention, and it is perfectly clear, also the second

15 document is also -- was also from 2016. So we will -- we have recognised that. So,

16 yeah.

17 MR VANDERPUYE: [10:39:47] Thank you, Mr President.

18 PRESIDING JUDGE SCHMITT: [10:39:48] To put it -- to put it this way.

19 MR VANDERPUYE: [10:39:49] I've got it clear. Thank you very much,

20 Mr President.

21 Q. [10:39:54] One other thing is that you were shown a document at tab 26,

22 CAR-OTP-2001-3811, and you were shown page 3817 and asked some questions

23 about that document.

24 I just wanted to confirm something with you that's in it. We'll go to page 3817.

25 That's helpful. And it's the top of the page, these three columns here.

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(Open Session)

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WITNESS: CAR-OTP-P-1193

1 I think you were asked some questions about the relationship between Mr Yekatom's  
2 group and the Sangaris forces or the French forces, but I wanted to ask you about two  
3 things that flank that column that you were shown. The first is that it refers to a  
4 group led by Colonel Alfred Yekatom who sometimes calls himself "captain" and  
5 controls the Boeing area close to the airport as well as Petevo and the road to Mbaïki.  
6 So my question is, first of all, does that conform to your recollection of the areas that  
7 he controlled?

8 MS DIMITRI: [10:41:21] Mr President.

9 PRESIDING JUDGE SCHMITT: [10:41:21] Yes.

10 MS DIMITRI: [10:41:22] I object to the question. It's a 68(3) witness. First, I don't  
11 see any contradiction between what was said during his testimony and what's  
12 contained in his statement.

13 Second, the area of control you will recall was specifically addressed by the  
14 Prosecution. He went through the entire axis, so this doesn't arise from my  
15 examination and it's not because there's a different paragraph in the document. It's a  
16 lengthy document that in my respectful opinion you could open the door to further  
17 examination on subject that I did not address.

18 PRESIDING JUDGE SCHMITT: [10:41:58] Well, Mr Vanderpuye, what do you say?

19 MR VANDERPUYE: [10:42:02] Well, I believe that counsel attempted to contest  
20 Mr Yekatom's control over the Petevo area and that she showed him a document  
21 which contradicts her position and I'm asking the witness about it.

22 PRESIDING JUDGE SCHMITT: [10:42:15] So the document has been presented to  
23 the witness and it's also always a problem if you draw something out of a document.  
24 That's perfectly clear. And we also take note that this document was produced in  
25 March 2014. And so what I'm going to do is I address two -- two things with regard

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ICC-01/14-01/18

WITNESS: CAR-OTP-P-1193

1 to this document additionally. One that perhaps Mr Vanderpuye would want to  
2 have -- to be addressed and one what Ms Dimitri would want to hear, perhaps, but  
3 has not addressed specifically.

4 So, Mr Witness, so now the Presiding Judge is putting the question to you.

5 In this document you have been shown, you have commented upon, and it is from  
6 March 2014, so to orientate you in time. It is said that the group of Mr Yekatom  
7 controlled the Boeing area close to the airport as well as Petevo and the road to  
8 Mbaïki. We know that you joined only in May and June 2014, but does this confirm  
9 with your knowledge of the events, this what refers to March 2014?

10 THE WITNESS: [10:43:53](Interpretation) Your Honour, thank you. In March I  
11 wasn't there. And I confirm that in Petevo, there were not Anti-Balaka. In Petevo  
12 there weren't Anti-Balaka. I know Corporal Yekatom when he was in PK9, on the  
13 map I have already handed in. And when the OTP showed me the map, it was I  
14 who pointed out the parts that were involved. So everything that happened before  
15 that, I don't really know anything about it.

16 PRESIDING JUDGE SCHMITT: [10:44:21] So furthermore, I think we don't have to  
17 put this as a question to the witness, but we take also note that in this article it is also  
18 said that the fourth and fifth groups, which means the group of Mr Yekatom and Mr  
19 Kamezolaï, "appear to be well disciplined and are not known for harassing civilians."  
20 So further questions, Mr Vanderpuye?

21 MR VANDERPUYE: [10:44:44] Yes, Mr President, just a couple of minutes, also on  
22 this one. I assume that it's going to be submitted, but --

23 PRESIDING JUDGE SCHMITT: [10:44:51] This seems to be perfectly clear that it's  
24 submitted, and then we take note of the whole document. But we have also always  
25 to keep in mind that this is an article so it's -- the probative value, well ...

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WITNESS: CAR-OTP-P-1193

1 MR VANDERPUYE: [10:45:07] Exactly, Mr President.

2 I have just a -- well, a handful of questions actually.

3 PRESIDING JUDGE SCHMITT: [10:45:19] Handful are five.

4 MR VANDERPUYE: [10:45:21] I was going to say five or so.

5 PRESIDING JUDGE SCHMITT: [10:45:20] Good.

6 MR VANDERPUYE: [10:45:20] They're short, I think.

7 Q. [10:45:24] During your examination, I have it at transcript - wait a

8 minute - transcript 125, page 44 through 55, you were asked some questions

9 concerning the DDR programme. And what I wanted to ask -- and also just today

10 you were asked some questions concerning the DDR programme and the process of it,

11 but what I wanted to ask you, sir, is with respect to the implementation of the DDR

12 programme in 2014, did it come to your attention that one of the conditions of

13 cantonment or the DDR programme in and of itself was the disarmament of the

14 Anti-Balaka?

15 PRESIDING JUDGE SCHMITT: [10:46:15] Ms Proulx.

16 MS PROULX: [10:46:16] Thank you, Mr President. I will object to that question. It

17 is -- the DDR programme, as implemented in 2014, is explicitly dealt with in the

18 witness's statement. It's at paragraph 81. So I don't know that this was anything

19 that could not have been dealt with in direct examination.

20 PRESIDING JUDGE SCHMITT: [10:46:37] Let me just have a short look at 81.

21 Well, but why not put the question to the witness that this was linked to disarmament?

22 I fail to see why we -- why we cannot ask the witness that.

23 So please repeat your question, Mr Vanderpuye.

24 MR VANDERPUYE: [10:47:02]

25 Q. [10:47:03] Whether in 2014, the question of disarmament -- the question of the

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1 DDR programme was linked to the disarmament of the Anti-Balaka --

2 PRESIDING JUDGE SCHMITT: [10:47:11] It's just -- it's just something that could  
3 provide us with additional information then.

4 MR VANDERPUYE: [10:47:15]

5 Q. [10:47:15] Is that something that you were aware of or became aware of,  
6 Mr Witness?

7 A. [10:47:29] The evidence, the proof is that *caporal-chef* Rambo, after my dealings  
8 with the contingents -- Spanish contingent, he agreed to put down his weapons, so  
9 that was a form of disarmament.

10 Q. [10:47:46] Is it your -- is it your understanding that the Anti-Balaka was  
11 disarmed in 2014, it was no longer an armed group? Is that what you're trying to  
12 say?

13 [10:48:12] The Anti-Balaka, as far as I know what happened, the disarmament for the  
14 Anti-Balaka was the programme of MINUSCA. It was -- it was done with  
15 MINUSCA when we were -- was part of the demobilisation.

16 MR VANDERPUYE: [10:48:36]

17 Q. [10:48:36] All right. Maybe my question wasn't clear.

18 PRESIDING JUDGE SCHMITT: [10:48:40] What was this -- Mr Witness, in 2014, now,  
19 we are not -- we are in 2014 when you joined in May, June the coordination. At the  
20 time, was this DDR programme effectuated at all?

21 THE WITNESS: [10:49:11](Interpretation) After the return of Brazzaville, in the  
22 cessation of hostilities, there was the disarmament programme. There was the  
23 disarmament programme.

24 PRESIDING JUDGE SCHMITT: [10:49:23] So after, after Brazzaville we have now.  
25 And did that mean that the Anti-Balaka, as far as you know, did lay down their

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WITNESS: CAR-OTP-P-1193

1 weapons?

2 THE WITNESS: [10:49:48] (Interpretation) What I know is the part I did when I  
3 participated with MINUSCA. But if they had weapons somewhere else, I don't  
4 know. But the work I did with MINUSCA is something I know something about  
5 that. But beyond that, it's beyond anything I know.

6 PRESIDING JUDGE SCHMITT: [10:50:02] Please move on, Mr Vanderpuye.

7 MR VANDERPUYE: [10:50:07]

8 Q. [10:50:07] You were asked some questions about Brazzaville and in particular  
9 whether -- about a so-called accusation of Mr Ngaïssona concerning the  
10 embezzlement of certain money which was meant for the Anti-Balaka movement.  
11 You responded to that and you gave a narrative, if I recall, about how much money  
12 individual members were supposed to get and so on and so forth.

13 I wanted to show you a document which is at tab 43 of the Prosecution binder. It's  
14 CAR-OTP-2087-9029. And I'd like you to take a look at it and let us know if you've  
15 seen it before.

16 MS PROULX: [10:51:07] Mr President.

17 PRESIDING JUDGE SCHMITT: [10:51:09] Ms Proulx.

18 MS PROULX: [10:51:11] Given that this document was already in the Prosecution  
19 binder and that they chose not to use it during their examination-in-chief, I would -- I  
20 would take for granted that this topic had been anticipated by the Prosecution and  
21 they decided not to go on -- on this topic during examination, so at this stage I think  
22 (Overlapping speakers)

23 PRESIDING JUDGE SCHMITT: [10:51:28] I also don't want -- I don't want you to  
24 show a document here. And I think the case is not about embezzlement. I think I  
25 have said that before. And we have a lot of evidence, let me put it this way,

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1 diverging evidence even on this issue. So -- and the witness has given, and this is  
2 my main point, the witness has given on I think examination by Mr Knoops a very  
3 detailed account of what he knows and what he thinks had happened.

4 So if you have something completely different, let me say it this way, as your  
5 narrative to put to him, put it to him, but not show him any documents, please.

6 MR VANDERPUYE: [10:52:14] All right.

7 Q. [10:52:17] Are you aware, sir, that the government of the  
8 Central African Republic during the course of the Brazzaville agreements distributed  
9 money to each of the participant groups there and, in particular, that the government  
10 of the Central African Republic provided 3,450,000 CFA to the Seleka and 3,450,000 to  
11 the Anti-Balaka which was signed for by Mr Ngaissona? Are you aware of that?

12 PRESIDING JUDGE SCHMITT: [10:52:46] Ms Proulx.

13 MS PROULX: [10:52:46] Again, this is a topic that has been broached several times  
14 with other witnesses. The Brazzaville forum was discussed in the witness statement.  
15 There is -- there's no justification for bringing up this topic at this stage.

16 MR VANDERPUYE: [10:53:01] I can give you the reference in the transcript. It's  
17 transcript page -- transcript 125, page 59 through 60. The question was put by  
18 Mr Knoops: "There was also an accusation made before this Chamber that  
19 Mr Ngaissona embezzled money which was meant for the movement [by] the  
20 Anti-Balaka and the disarmament process. In specific, it was said that the  
21 government gave 2 million CFA to the movement which, supposedly, was embezzled  
22 by Mr Ngaissona. What would you say to that allegation?"

23 PRESIDING JUDGE SCHMITT: [10:53:36] So we have now other -- no, we  
24 don't -- we don't entertain a discussion here. And I'm really not sure how significant  
25 this would be at all, so I want to shorten the procedure by taking over, by taking this



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1 over, so to speak.

2 So, Mr Witness, you hear this discussion here. It is now said, alleged by the  
3 Prosecutor, that it was 3,250,000 to each of the groups, Seleka and Anti-Balaka. Have  
4 you heard of that? Does this figure trigger something in you?

5 THE WITNESS: [10:54:14](Interpretation) I don't know anything about it, your  
6 Honour. What I do know is that the Brazzaville money, which each of us was taken  
7 9,000 francs, but that there's a three -- three thousand four hundred something, I don't  
8 know anything about that.

9 MR VANDERPUYE: [10:54:34] Now, Mr President, the reason why I intended to put  
10 the document to the witness is because it bears Mr Ngaïssona's signature, which I'd  
11 like the witness to confirm.

12 PRESIDING JUDGE SCHMITT: [10:54:45] I think -- do you have --

13 MR VANDERPUYE: [10:54:47] Perhaps we don't need it, but ...

14 PRESIDING JUDGE SCHMITT: [10:54:49] No, no, if it is a document with  
15 Mr Ngaïssona's signature, then we have -- then it's a document, yes, and this  
16 document can be -- can be submitted via the bar table and there can be -- the Defence  
17 can contest that. So -- and the -- the witness is not a *graphologue*, so I think we  
18 understand each other. This is always -- this is always such a thing here that  
19 documents are a little bit underestimated and overestimated, sometimes by parties at  
20 this Court.

21 MR VANDERPUYE: [10:55:23] There's no problem.

22 PRESIDING JUDGE SCHMITT: [10:55:24] Yeah? Good. Overestimated in a sense  
23 that if you see something, you take it at face value; underestimated, that sometimes  
24 parties seem to think if you ask any other witness on a document that has been  
25 produced by some person, that this might have better probative value than the

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1 document in itself. But it all depends.

2 So Mr Vanderpuye, please continue.

3 MR VANDERPUYE: [10:55:51] Thank you. Thank you, Mr President.

4 Q. [10:55:55] You were asked some questions about the list of military and other  
5 members -- well, a list of military and other members of the Anti-Balaka *sud* and you  
6 were asked specifically about Mr Mbomon's group that figured on a list on  
7 CAR-OTP-2039-0063.

8 I just want to confirm that -- I think you said, so forgive me if I'm repeating it. This  
9 is a list that Mr Yekatom gave to you. And my next question with respect to that is:  
10 Do you know who prepared the list?

11 MS DIMITRI: [10:56:49] Mr President, I'll object to this question. The list of  
12 militaries was specifically addressed in the 68(3) statement. It was part of the  
13 statement. It was provided by the witness to the Prosecution. It -- there's a  
14 comment at the end of the statement on the list. And then during his direct  
15 examination - I'm trying to look for the exact reference, I'll find it in a  
16 second - Mr Vanderpuye directly went to the list, how was the list provided, went  
17 through some names and went through the content and the meaning of the list. This  
18 is why during my examination, I went on specific questions. And if now  
19 Mr Vanderpuye goes back, I will be deprived of asking further questions on the list.  
20 So --

21 PRESIDING JUDGE SCHMITT: [10:57:38] So if you -- so you would say it was asked  
22 and answered.

23 MS DIMITRI: [10:57:43] Asked, answered and anticipated.

24 PRESIDING JUDGE SCHMITT: [10:57:47] Mm-hmm.

25 MR VANDERPUYE: [10:57:48] First of all, it wasn't asked. That's the first. The

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1 second thing is that to the extent that counsel seeks to challenge the accuracy or  
2 reliability of the list that was provided by her client, it's -- it's exactly probative to ask  
3 the witness if he is aware how the list was produced. Mr Yekatom's signature is on  
4 it. The presumption is he prepared it, but we don't know that.

5 PRESIDING JUDGE SCHMITT: [10:58:13] Again, no discussion, so what I can -- I'm  
6 also interested, if the witness knows, I am relatively sure the answer, but if the  
7 witness knows who has produced the document.

8 And if you have further issues with that, Ms Dimitri, you will have the chance to put  
9 further questions on that to the witness afterwards, so to take the tension out of it.

10 So, Mr Witness, this document of the military personnel of the southern group that  
11 you said has been given by Mr Yekatom to you, do you know who has produced the  
12 document, meaning who has put the named on the list? Do you know that?

13 THE WITNESS: [10:58:58](Interpretation) I don't know, your Honour. I know there  
14 was a list for Rambo, but I do not know who made the list.

15 PRESIDING JUDGE SCHMITT: [10:59:09] The expected answer.

16 Please continue.

17 MR VANDERPUYE: [10:59:13]

18 Q. [10:59:10] Just to be sure, let me assume that that's the same answer with respect  
19 the list of ComZones that was presented to you and on which you commented, is that  
20 right? You don't know who prepared that list or when.

21 That is at tab 48, just so the witness knows what I'm talking about, tab 48,

22 CAR-OTP-200- -- sorry, 2030-0232.

23 And I believe you were shown page 0237.

24 PRESIDING JUDGE SCHMITT: [11:00:01] Mr Witness, to jog your recollection, this  
25 was one of the last documents that has been shown to you by Ms Dimitri and this was

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1 the one with the -- with the list of the ComZones where you appear on and you  
2 answered that you have never been a ComZone, yeah? Perhaps you recall it. This  
3 was, let's say, an hour ago or half an hour ago. So the question by Mr Vanderpuye is:  
4 Do you know who produced this list?

5 THE WITNESS: [11:00:38](Interpretation) Once again, I don't know, Mr President.

6 MR VANDERPUYE: [11:00:51]

7 Q. [11:00:52] Do you recognise your telephone number on it at number 96?

8 PRESIDING JUDGE SCHMITT: [11:01:01] Can we show it again, please, to the  
9 witness. I don't know if it is on the --

10 MR VANDERPUYE: [11:01:04] It's on the screen.

11 PRESIDING JUDGE SCHMITT: [11:01:06] It's on the screen, oh, yes.

12 Please, Mr Witness, have a look on the screen, number 96. Is this your telephone  
13 number from the time?

14 THE WITNESS: [11:01:22](Interpretation) Yes, indeed, it is my phone number and  
15 it's the number that I still use. \*I have (Redacted). Those are my numbers.

16 The other number isn't shown here.

17 MR VANDERPUYE: [11:01:54] Thank you for that, sir.

18 Just one moment.

19 PRESIDING JUDGE SCHMITT: [11:01:55] Of course.

20 It is clear that we have to take note of that, Mr Vanderpuye.

21 MR VANDERPUYE: [11:02:10] Yes, please, Mr President.

22 Just one second. I'm just reviewing very quickly what I might ask, and I think I  
23 might not ask anything, but I just want to make sure I haven't missed it.

24 All right. I'm satisfied now.

25 So thank you very much for your indulgence.

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1 Mr Witness, I have no further questions (Overlapping speakers)

2 PRESIDING JUDGE SCHMITT: [11:02:53] So to say you're satisfied goes far beyond  
3 having no questions, so to put it this way.

4 So thank you very much, Mr Vanderpuye.

5 But mainly, Mr Witness, thank you very much for coming to the video-link location  
6 and answering patiently the many questions over several days by the parties. We  
7 need witnesses to speak to this Court to help us establish the truth. Thank you very  
8 much for that, Mr Witness.

9 This concludes your testimony, obviously.

10 (The witness is excused)

11 PRESIDING JUDGE SCHMITT: [11:03:22] If we continue today or tomorrow, we  
12 will see, in due process, or do you have additional information, Mr Vanderpuye,  
13 now?

14 MR VANDERPUYE: [11:03:33] I'm checking just now, Mr President. One moment.

15 PRESIDING JUDGE SCHMITT: Please take your time.

16 MS DIMITRI: [11:03:39] Mr President, I don't have a Defence witness, but if I can  
17 reassure the Chamber and the parties, if the Prosecution -- and I had a discussion with  
18 Mr Vanderpuye yesterday, who believes he's going to stick to his proposed schedule  
19 with P-1704. If this is the case, we can confirm that we will be done at the latest by  
20 Friday 3 p.m. with his examination.

21 PRESIDING JUDGE SCHMITT: [11:04:01] Okay. Then I think we can -- but Ms  
22 Proulx, of course, yes. It's very important, yeah, not to forget that.

23 MS PROULX: [11:04:09] My apologies. I just meant to say that if it's not absolutely  
24 necessary to start today, I would suggest indeed to start tomorrow because otherwise  
25 our clients will be in the detention cell for a longer period.

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- 1 PRESIDING JUDGE SCHMITT: [11:04:24] Okay. That is a very good argument.
- 2 Actually, I did not have this in mind. So hearing that, Mr Vanderpuye, and you
- 3 have no other information, then this concludes also the hearing for today and we
- 4 continue tomorrow at 9.30 with P-1704. Thank you very much.
- 5 THE COURT USHER: [11:04:42] All rise.
- 6 (The hearing ends in open session at 11.04 a.m.)