

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
- 5 Patrice-Edouard Ngaïssona - ICC-01/14-01/18
- 6 Presiding Judge Bertram Schmitt, Judge Péter Kovács and
- 7 Judge Chang-ho Chung
- 8 Trial Hearing - Courtroom 1
- 9 Thursday, 27 October 2022
- 10 (The hearing starts in open session at 9.29 a.m.)
- 11 THE COURT USHER: [9:29:20] All rise.
- 12 The International Criminal Court is now in session.
- 13 Please be seated.
- 14 PRESIDING JUDGE SCHMITT: [9:29:41] Good morning, everyone.
- 15 Court officer, please call the case.
- 16 THE COURT OFFICER: [9:29:46] Good morning, Mr President, your Honours.
- 17 The 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: [9:30:01] Thank you very much.
- 21 I ask for the appearance of the parties. We start with the Prosecution.
- 22 MR SCALIOTTI: [9:30:06] Good morning, Mr President, your Honours. Good
- 23 morning, everyone in the courtroom.
- 24 The Prosecution today is represented by -- by Kweku Vanderpuye, Yassin Mostfa,
- 25 Manochitra Prathaban, Alana Goncalves and myself, Massimo Scaliotti.

Trial Hearing  
WITNESS: CAR-OTP-P-1839

(Open Session)

ICC-01/14-01/18

- 1 PRESIDING JUDGE SCHMITT: [9:30:26] Thank you, Mr Scaliotti.
- 2 Ms Rabesandratana.
- 3 MS RABESANDRATANA: [9:30:30](Interpretation) Good morning, your Honour.
- 4 Good morning to all. The Legal Representative of Victims, of victims of the other
- 5 crimes, are represented by the ladies, Ms Gabriella dos Santos, Enrique Carnero Rojo
- 6 and myself.
- 7 PRESIDING JUDGE SCHMITT: [9:30:54] Thank you.
- 8 MS LAU: [9:30:56] Good morning, Mr President, your Honours. Good morning,
- 9 everyone in the courtroom. Today the former child soldiers are represented by
- 10 myself, Fiona Lau, associate legal officer, Office of the Public Counsel for Victims.
- 11 Thank you.
- 12 PRESIDING JUDGE SCHMITT: [9:31:06] Thank you.
- 13 We turn to the Defence, Ms Dimitri, first.
- 14 MS DIMITRI: [9:31:11] Good morning, Mr President. Good morning,
- 15 your Honours. Good morning, everyone.
- 16 Mr Yekatom is present in the courtroom and he's represented by Ms Laurence
- 17 Hortas-Laberge, Mr Florent Pages-Granier, Ms Alexandra Baer, Ms Anta Guissé,
- 18 Ms Lena Casiez and myself, Mylène Dimitri.
- 19 PRESIDING JUDGE SCHMITT: [9:31:30] Thank you.
- 20 And I turn to Mr Knoops.
- 21 MR KNOOPS: [9:31:33] A very good morning, Mr President, your Honours. Good
- 22 morning, everyone in the courtroom. Our Defence team today on behalf of
- 23 Mr Ngaïssona consists of Ms Marie-Hélène Proulx, Ms Sara Pedroso,
- 24 Ms Chiara Giudici and Ms Brianna Dyer. Thank you.
- 25 PRESIDING JUDGE SCHMITT: [9:31:51] Thank you. And most importantly, we

Trial Hearing  
WITNESS: CAR-OTP-P-1839

(Open Session)

ICC-01/14-01/18

1 have a witness in the courtroom.

2 Madam Witness, good morning. Can you hear and understand me well?

3 WITNESS: CAR-OTP-P-1839

4 (The witness speaks French)

5 THE WITNESS: [9:32:02](Interpretation) Yes, I'm listening, your Honour.

6 PRESIDING JUDGE SCHMITT: [9:32:04] On behalf of the Chamber I would like to  
7 welcome you to the courtroom. You are called to testify to assist the Chamber to  
8 find the truth in the case of Mr Yekatom and Mr Ngaïssona.

9 I also note the presence of your counsel, Mr Mamadou Diarrassouba, who has been  
10 lost in the maze of the floors of this court and been saved by one of my former  
11 members of legal staff. I'm thankful for that. So it's good to see you here,  
12 Mr Diarrassouba, and you are here, as you know, as Rule 74 counsel.

13 And Madam Witness, I explain this to you, I think you know that already but I  
14 explain it. Whenever you think you need to confer with your legal adviser, please  
15 let us know. There might be questions put to you that tend to incriminate you. In  
16 these cases, you can answer the questions or you can refuse to answer them. And to  
17 make a founded decision on that, you can consult with your legal adviser for that  
18 purpose.

19 Do you understand that, Madam Witness?

20 THE WITNESS: [9:33:10](Interpretation) Yes.

21 PRESIDING JUDGE SCHMITT: [9:33:12] Madam Witness, there should be a card in  
22 front of you with a solemn undertaking to tell the truth. Could you please read out  
23 that card aloud.

24 THE WITNESS: [9:33:26](Interpretation) I solemnly declare that I shall tell the truth,  
25 the whole truth and nothing but the truth.

Trial Hearing  
WITNESS: CAR-OTP-P-1839

(Open Session)

ICC-01/14-01/18

- 1 PRESIDING JUDGE SCHMITT: [9:33:34] Thank you, Madam Witness.
- 2 Before we start with your testimony, also something that you might be aware of but
- 3 it's also good that you hear it from the Presiding Judge. You are a protected witness,
- 4 so we have several measures in place for you.
- 5 First of all, there is face distortion. Nobody outside the courtroom can see you.
- 6 Then we have voice distortion, so nobody can identify you by your voice. And
- 7 thirdly, we are using a pseudonym, and that's the reason why I don't address you,
- 8 which might seem a little bit impolite, with your real name but that I address you as
- 9 "Madam Witness". I think you have been informed about that but I wanted to tell
- 10 you from the side of the judges this -- these measures too.
- 11 A practical -- some practical guidance, everything we say here in the courtroom,
- 12 Madam Witness, is interpreted. And to allow for the interpreters to follow, we need
- 13 to speak at a relatively slow pace. And, please, Madam Witness, only start speaking
- 14 when the person that has asked you a question has finished and perhaps wait
- 15 a couple of seconds until you start with your answer.
- 16 Have you understood that, Madam Witness?
- 17 THE WITNESS: [9:34:55](Interpretation) Yes, I understand, your Honour.
- 18 PRESIDING JUDGE SCHMITT: [9:34:57] Very good. Very well. Then we start
- 19 with the examination by Mr Scaliotti for the Prosecution.
- 20 MR SCALIOTTI: Thank you, Mr President.
- 21 QUESTIONED BY MR SCALIOTTI:
- 22 Q. [9:35:17] Witness, good morning. We met briefly a few days ago, as you may
- 23 remember. However, let me introduce myself again today.
- 24 My name is Massimo Scaliotti and I'm a trial lawyer. I represent
- 25 the Office of the Prosecutor, and I will ask you questions today and probably in the

Trial Hearing  
WITNESS: CAR-OTP-P-1839

(Open Session)

ICC-01/14-01/18

1 next few days.

2 You heard a number of recommendation from the Presiding Judge, so I don't have to  
3 repeat myself. Just really a few things from my side. Again, let's try both to speak  
4 as slowly as possible, that's very important, to allow the interpretation process.

5 As the Presiding Judge said, when I ask you a question and I stop talking, please,  
6 before giving your answer, just wait a few seconds. That's also important for  
7 the interpretation process.

8 If you don't understand a question, just let me know. And if a question is not clear  
9 or you didn't understand, let me know and I will rephrase it.

10 As the Presiding Judge said, you have been granted protective measures, which  
11 means that your identity is not known to the public. So whenever we will address  
12 topics that may lead to your identification, I will ask the judges to move to private  
13 session, which means only the people inside the courtroom will hear what you say,  
14 but not the public outside.

15 However, it is also important that at least part of your examination be given in open  
16 session. So to a certain extent, I anticipate your examination to take place in open  
17 session and for those portions I will remind you to be careful not to give information,  
18 details, names or references to situation that may lead to your identification.

19 And finally, if you have -- if you need a break at any point in time, just let  
20 the Chamber know.

21 Mr President, I will start with the biographical information, so we --

22 PRESIDING JUDGE SCHMITT: [9:37:23] We go in private session.

23 MR SCALIOTTI: [9:37:25](Overlapping speakers)

24 PRESIDING JUDGE SCHMITT: [9:37:27] Obviously for that we go to private session,  
25 yes.

Pursuant to the Trial Chamber V's Initial Directions, ICC-01/14-01/18-631, dated 26 August 2020, the public reclassified and lesser redacted version of this transcript is filed in the case.

Trial Hearing  
WITNESS: CAR-OTP-P-1839

(Private Session)

ICC-01/14-01/18

1 (Private session at 9.37 a.m.)

2 THE COURT OFFICER: [9:37:41] We are in private session, Mr President.

3 MR SCALIOTTI: [9:37:45]

4 Q. [9:37:48] Witness, can you please state your full name for the record.

5 A. [9:37:57] (Redacted) is my name.

6 Q. [9:38:05] Your date of birth, please.

7 A. [9:38:11] Fourth of (Redacted).

8 Q. [9:38:18] What is your nationality?

9 A. [9:38:27] I am from the Central African Republic.

10 Q. [9:38:32] And what is your ethnicity?

11 A. [9:38:42] I said I'm from the Central African Republic.

12 PRESIDING JUDGE SCHMITT: [9:38:47] That's a good answer. We continue from

13 there.

14 You know, I always -- I think I addressed that at one point in time with another  
15 witness, that it's -- I don't -- this is not a political consideration. But nevertheless, to  
16 this ethnicity, I know and because of that I -- I allow the questions, but asking for  
17 ethnicities can also be a dividing factor in society. I word it in these more general  
18 terms.

19 Thank you, Mr Scaliotti. Please continue.

20 MR SCALIOTTI: [9:39:19] Thank you, Mr President. I will take into consideration  
21 your (Overlapping speakers)

22 PRESIDING JUDGE SCHMITT: [9:39:22] No, it was not a reproach at all for you.  
23 I know we have heard in this -- during this trial that this played a role or plays a role  
24 in the country, and also in other countries, we know that. But as I said, it can  
25 also -- it can be something that you can take recourse to, as a person, as a personality,

Trial Hearing  
WITNESS: CAR-OTP-P-1839

(Open Session)

ICC-01/14-01/18

1 but it can also be a dividing factor for society. Yes, please.

2 MR SCALIOTTI: [9:39:48] Yeah, I understand the way you put it, but just I will  
3 consider your remark. Thank you.

4 I think, Mr President, for the beginning of the -- of the examination, I think we can  
5 start in open session.

6 PRESIDING JUDGE SCHMITT: [9:40:07] Yeah, open session.

7 (Open session at 9.40 a.m.)

8 THE COURT OFFICER: [9:40:23] We're in open session, Mr President.

9 MR SCALIOTTI: [9:40:30]

10 Q. [9:40:31] Witness, you gave two interviews, or you had two interviews with  
11 the investigators of the Office of the Prosecutor back in 2017 and 2020. Do you recall  
12 that?

13 A. [9:40:52] Yes, I remember.

14 Q. [9:40:55] To start, I would like to ask you a few questions -- a number of  
15 questions about -- about that.

16 And my first question is: After those interviews, have you been in contact with  
17 anyone with regard to your cooperation in this case and the prospect of your  
18 testimony?

19 A. [9:41:23] No.

20 Q. [9:41:33] So you recall, as you said, meeting the investigators.

21 And the purpose of those interviews and the questions that were asked of you was to  
22 ask your knowledge, to test your knowledge about the conflict in the Central African  
23 Republic and the events that took place in 2013 and onwards; am I right?

24 A. [9:42:04] Yes, that is true.

25 Q. [9:42:07] So essentially the investigators were interested to know about the time

Trial Hearing  
WITNESS: CAR-OTP-P-1839

(Open Session)

ICC-01/14-01/18

1 that you spent with the group of the Anti-Balaka, the activity of the Anti-Balaka in  
2 general, and some specific events that occurred; is this correct?

3 A. [9:42:30] Yes, that's right.

4 Q. [9:42:37] During those two interviews that you had with the investigators, were  
5 you informed that it was important for you to tell the truth about what you knew  
6 about those facts?

7 A. [9:43:04] Yes.

8 Q. [9:43:04] And did you also understand that it was important for you to give  
9 answers to the questions as completely and accurately as you could at the time?  
10 Was that your understanding?

11 A. [9:43:24] Yes.

12 Q. [9:43:31] During those two interviews, you had the assistance of a counsel that  
13 was beside you, right?

14 A. [9:43:45] Yes.

15 Q. [9:43:47] And on both occasions the counsel was present throughout  
16 the interviews; is this correct?

17 A. [9:43:58] That is correct.

18 Q. [9:44:03] I understand that recently you had the opportunity to read those  
19 statements again, you made some corrections, some additions, which were provided  
20 to the Court and to the -- to the parties; is that right?

21 A. [9:44:21] Yes.

22 Q. [9:44:27] Now, I would like to explain to you that your statements,  
23 the statements that you gave and the information contained there is not the evidence  
24 in this case. What will be evidence in this case are the answers, the information that  
25 you will provide here before the Judges. This is the reason why I may ask you

Trial Hearing  
WITNESS: CAR-OTP-P-1839

(Open Session)

ICC-01/14-01/18

1 questions similar or even the same questions that you have -- that were already put to  
2 you and you have already answered during the interviews. If this happens it's not  
3 because we didn't understand your answers, but it's simply because we need your  
4 evidence -- your answers, the information that you can provide, we need that to  
5 become part of the evidence of this case. And in order to do that, I need to ask you  
6 again certain questions.

7 Is that clear? Do you understand this?

8 A. [9:45:24] Okay, understood.

9 Q. [9:45:28] A few more questions and then we can turn to the real start of your  
10 examination.

11 Witness, did anybody make any promise or assurances to you with respect to the two  
12 interviews that you gave in 2017 and 2020 in order to get you to say one thing or  
13 another thing?

14 A. [9:45:56] No, no one.

15 Q. [9:46:00] Did anyone force you or threaten you to participate in those interviews  
16 and to testify today here before the Judges?

17 A. [9:46:14] No, no one.

18 Q. [9:46:19] Now, having read recently your statements, made corrections and  
19 additions, are you satisfied that the contents of those statements and the correction  
20 that you made reflect your versions of the facts and what you intended to say to  
21 the investigators of the Office of the Prosecutor?

22 A. [9:46:47] Could you please repeat your question.

23 Q. [9:46:51] Of course.

24 My question was, you -- like we said, you had recently the opportunity to read again  
25 your statements, to review them, make corrections and additions. So the question

Trial Hearing  
WITNESS: CAR-OTP-P-1839

(Open Session)

ICC-01/14-01/18

1 was: Are you satisfied that your statements and the corrections that you made fairly  
2 and accurately reflect your version of the facts, the facts that -- about which you -- you  
3 answered questions, and reflect what you intended to say to the investigators during  
4 those two interviews?

5 A. [9:47:33] Yes. Yes.

6 Q. [9:47:37] So my final question, so having read the statements, made corrections,  
7 reviewed them again, do you stand by what you said during those interviews in  
8 the statements and in the correction that you made?

9 A. [9:48:01] Could you repeat, please.

10 Q. [9:48:07] You read the statements recently, like we said, you reviewed them, you  
11 made some corrections. So can you confirm that whatever you said in those  
12 statements and in the correction is truthful to the best of your recollection and  
13 knowledge?

14 A. [9:48:28] Yes, I confirm that.

15 MR SCALIOTTI: [9:48:34] Mr President, I think we'd better move to private session  
16 now for (Overlapping speakers)

17 PRESIDING JUDGE SCHMITT: [9:48:39] Yeah, I think will have -- unfortunately,  
18 but it's clear to protect the witness, we have to go relatively often into private session.

19 MR SCALIOTTI: [9:48:46] Yeah, I really had a thought of course, a thorough thought  
20 about that. I'll try my best during the examination from time to time, too, but --

21 PRESIDING JUDGE SCHMITT: [9:48:56] Yeah, yeah, yeah. No, I trust you on  
22 that --

23 MR SCALIOTTI: [9:48:56] Thank you.

24 PRESIDING JUDGE SCHMITT: [9:48:57] -- and to be on the same side, it's clear.

25 And when we touch upon -- yeah, we go to private session, first of all, and then I add

Trial Hearing  
WITNESS: CAR-OTP-P-1839

(Private Session)

ICC-01/14-01/18

1 something.

2 (Private session at 9.49 a.m.)

3 THE COURT OFFICER: [9:49:14] We are in private session, Mr President.

4 PRESIDING JUDGE SCHMITT: [9:49:17] Thank you.

5 And of course you are also aware that we might touch areas which might  
6 incriminate -- tend to incriminate the witness, and then we will -- before you ask such  
7 questions, you tell the Chamber and we will decide then if we give the Rule 74  
8 assurances on a case-by-case basis. Like we did that in other cases too. Thank you  
9 very much. You can continue now.

10 MR SCALIOTTI: [9:49:42] Absolutely, Mr President, it will be my duty to carefully  
11 flag before we enter into certain areas.

12 PRESIDING JUDGE SCHMITT: [9:49:47] Okay. Please.

13 MR SCALIOTTI: [9:49:50]

14 Q. [9:49:50] Witness, I understand from your statement that you had been victim of  
15 the Seleka, and I can understand and imagine how painful this must have been for  
16 you. We will go to that -- to your victimisation in due course during  
17 the examination, but for the time being, I would like to start by asking you some  
18 questions about you joining the group of the Anti-Balaka.

19 My first question is, did anybody help you to join the Anti-Balaka? How did it  
20 happen?

21 A. [9:50:34] I was at (Redacted)

22 (Redacted)

23 (Redacted).

24 PRESIDING JUDGE SCHMITT: [9:51:01] And, Madam Witness, what was  
25 the reason for you to join the Anti-Balaka?

Trial Hearing  
WITNESS: CAR-OTP-P-1839

(Private Session)

ICC-01/14-01/18

1 THE WITNESS: [9:51:12](Interpretation) The reason was to fight for my country and  
2 with everything that I endured, that is why I joined.

3 PRESIDING JUDGE SCHMITT: [9:51:23] Of course, we could now ask what has  
4 happened to her, but -- but I don't want to impose on you a certain sequence of  
5 questions, of course. But it's good to try to -- I think because this shortens  
6 examination, to try to get into a narrative with a witness.

7 This means, Madam Witness, so that you know when we discuss these things, that  
8 you are not kept in the dark, that it's sometimes simply good that we let you talk  
9 about what happened to you. You know, not only these very confined questions,  
10 yes or no or whatever, but then that you can talk, because that might have been  
11 the reason -- to tell what happened to you and what you observed and what you saw,  
12 that might be the reason why you came here in the first place.

13 Mr Scaliotti.

14 MR SCALIOTTI: [9:52:10]

15 Q. [9:52:11] Witness, you mentioned (Redacted). What did (Redacted)tell you about  
16 the Anti-Balaka group and what was the reason for you -- according to (Redacted),  
17 what was the reason for you to join the group?

18 A. [9:52:35] As I told you, (Redacted) into joining the group. (Redacted)  
19 (Redacted) I said to him that I wanted to go back to our brothers, to join our brothers  
20 to fight for our country.

21 When he came, he explained things to me. He explained how things operated.  
22 That I wasn't allowed to take my mobile phone with me and I wasn't allowed to bring  
23 my allowed to bring my necklace either. I had to leave everything behind in  
24 (Redacted) so that I could join.

25 Q. [9:53:24] So you had this conversation with (Redacted). And what happened next?

Trial Hearing  
WITNESS: CAR-OTP-P-1839

(Private Session)

ICC-01/14-01/18

1 Did you go anywhere, to a place to -- did you make your decision to join  
2 the Anti-Balaka? What happened?

3 A. [9:53:46] Well before that, some things occurred in (Redacted). There was  
4 gunshots exchanged, and so on, and I saw some bodies, as I said in my statement,  
5 bodies of people who had been massacred savagely. And I also saw at the (Redacted)  
6 some dead people. That really revolted me. And at that point I said to (Redacted),  
7 I asked him about the possibility of joining the group. So it was because of what  
8 happened in (Redacted) that I went back to (Redacted).

9 Q. [9:54:43] What do you mean by -- when you say, "I went back to (Redacted)",  
10 where? Can you clarify, please?

11 A. [9:54:53] In (Redacted), well, that's where I joined Yekatom's Anti-Balaka group.  
12 The group of Yekatom Rombhot.

13 PRESIDING JUDGE SCHMITT: [9:55:05] If I may, Mr Scaliotti.  
14 THE WITNESS: [9:55:09](Interpretation) Alfred.

15 PRESIDING JUDGE SCHMITT: [9:55:10] Madam Witness, was there a specific  
16 reason why you joined this group, the group of Mr Yekatom, or was this accidentally,  
17 so to speak?

18 THE WITNESS: [9:55:26](Interpretation) As I told you, I joined of my own free will.  
19 No one forced me. I joined the group of my own free will, and it was for my country  
20 and because of everything I was subjected to during the time of the Seleka as well.

21 PRESIDING JUDGE SCHMITT: [9:55:46] Madam Witness, I have to apologise, my  
22 question was not clear enough. I have understood that.

23 But you know there were different Anti-Balaka groups, as we have understood it here  
24 in the courtroom since we have hearings in this case, so was there a specific reason  
25 why you joined this group, the group of Mr Yekatom? If not, you can tell us too.

Trial Hearing

(Private Session)

ICC-01/14-01/18

WITNESS: CAR-OTP-P-1839

1 You know there were many, many Anti-Balaka -- different Anti-Balaka groups, that is  
2 my question. Why did you join this group?

3 THE WITNESS: [9:56:28](Interpretation) Because it was the (Redacted) group to  
4 where I was.

5 PRESIDING JUDGE SCHMITT: [9:56:32] Thank you.

6 Mr Scaliotti. Perhaps you can really ask what she went through during the Seleka  
7 time, because it's -- she has mentioned it several times now and perhaps we should  
8 ask her that. I can do it if -- yeah.

9 Madam Witness, you mentioned also twice now that one of the reasons why you  
10 joined the Anti-Balaka was that you went through terrible things during the Seleka  
11 time. If you feel free and feel prepared to tell us about that, we would appreciate it.  
12 If this is too problematic for you and this brings back too difficult memories for you,  
13 we would also understand that. But if you want to tell us a little bit about that, what  
14 happened to you during that time and was one of the reasons why you joined  
15 the Anti-Balaka, if you could do that, we would appreciate it.

16 And we are in private session, I have to say.

17 THE WITNESS: [9:57:43](Interpretation) Okay. As I stressed in my statement,  
18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

Pursuant to the Trial Chamber V's Initial Directions, ICC-01/14-01/18-631, dated 26 August 2020, the public reclassified and lesser redacted version of this transcript is filed in the case.

Trial Hearing  
WITNESS: CAR-OTP-P-1839

(Private Session)

ICC-01/14-01/18

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12 Page redacted – Private session.  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

Trial Hearing  
WITNESS: CAR-OTP-P-1839

(Private Session)

ICC-01/14-01/18

1 (Redacted).

2 And now I'm before this Court and I am telling you the truth.

3 PRESIDING JUDGE SCHMITT: [10:03:37] Madam Witness, it -- I think everybody  
4 here in the courtroom is very sorry about what you went through and we can only get  
5 a glimpse of that, what you said, of course, what you went through and what has  
6 been done to you. But we appreciate it that you told us about it. And may I say so,  
7 it takes a lot of courage to do so here in a courtroom in front of so many strangers.

8 So we appreciate that a lot.

9 Mr Scaliotti, I think you can continue now then with the Anti-Balaka things. But it's  
10 important, you know, if we have a witness who we definitely know has been also  
11 a victim, that we let the witness speak about that.

12 Please continue.

13 MR SCALIOTTI: [10:04:24] Thank you, Mr President.

14 Q. [10:04:28] Witness, we heard these awful events that you had to go through. So  
15 as I understand, after these happened to you, you made the decision to join  
16 the Anti-Balaka. You were mentioning (Redacted). Did (Redacted)accompany you  
17 anywhere to -- in order to join the Anti-Balaka?

18 A. [10:04:53] No. (Redacted). I

19 took up the courage and said to him, "Look, I too would like to join that group."

20 Q. [10:05:18] Can you talk about the first time when you -- the very first time when  
21 you went to the -- to the Anti-Balaka group. Where did you go, first of all?

22 A. [10:05:36] (Redacted). It was close to

23 the Yamwara school. I met (Redacted) there. There weren't enough elements because  
24 he placed these elements scattered around in the forest and in other zones. When I  
25 came, (Redacted)

Trial Hearing  
WITNESS: CAR-OTP-P-1839

(Private Session)

ICC-01/14-01/18

1 And (Redacted) saw me, he asked me questions to know my reasons why. I  
2 explained to him, and that was accepted by him.

3 Q. [10:06:31] And what happened after this conversation that you had with  
4 (Redacted)? I mean on that day. So you went to the -- to this place, you met  
5 (Redacted), you had a conversation with him, what happened after that?

6 A. [10:06:51] Well, after that, I tried to adapt to his rhythm because it is someone  
7 (Redacted), so I told him if he could share  
8 (Redacted), then that would be good. And that's how we started working  
9 together.

10 After that, I also got visits, as I said, of certain chiefs who came to see me and they  
11 also asked me why I was joining or wanted to join. And after the second meeting, I  
12 met other chiefs again. That's it. And after, they said that they would observe me,  
13 because it's unusual to have a (Redacted) come into that group. So they  
14 didn't really trust me completely.

15 Q. [10:08:18] Who were the Anti-Balaka leaders that you met after (Redacted)?

16 A. [10:08:32] I met Mr Yekatom Alfred Rambo. Coeur de Lion. Habib Beina.  
17 Yes, Habib Beina. And others. But I can't remember their names.

18 Q. [10:08:56] What was the role of -- when you were introduced to Mr Yekatom,  
19 did you understand what his role was in the -- in the Anti-Balaka group?

20 A. [10:09:11] I didn't know his role. But he introduced himself with his own name.  
21 He introduced himself with his own name and he said the following, that he likes  
22 women, perhaps Mr Djotodia sent me in order to cut off his head. I didn't really pay  
23 attention to what he was saying because I had my own personal objectives.

24 (Redacted) said that he was the chief, that he was the chief of the Anti-Balaka.

25 Q. [10:09:55] You also mentioned Coeur de Lion. Who was Coeur de Lion?

Trial Hearing  
WITNESS: CAR-OTP-P-1839

(Private Session)

ICC-01/14-01/18

- 1 What was his role? Did you -- did you understand that?
- 2 A. [10:10:10] Coeur de Lion is the deputy of Mr Yekatom Alfred Rambo.
- 3 Q. [10:10:22] So just to understand from the beginning the hierarchy.
- 4 Coeur de Lion was the deputy of Rambo. So who was the overall commander?
- 5 A. [10:10:41] The chief of the group, as I said, is Mr Yekatom Alfred Rambo. And
- 6 his deputy was Coeur de Lion. And his right-hand man, that's to say the one who's
- 7 very close to him, was Habib Beina.
- 8 Q. [10:11:10] So did I understand -- did we understand correctly that you were
- 9 questioned by both Rombhot, Mr Yekatom, and -- and Coeur de Lion about
- 10 the reasons why you were joining the group?
- 11 A. [10:11:30] Yes. I was questioned by them.
- 12 Q. [10:11:53] Did you observe elements around (Redacted)?
- 13 A. [10:12:04] Yes. (Redacted). And
- 14 he was commanding (Redacted) at that time.
- 15 Q. [10:12:22] So the first place where you went when you joined the group, you
- 16 said you met (Redacted). Was that a place where (Redacted) was living, was having
- 17 his home?
- 18 A. [10:12:42] No. We usually to send them to certain zones. And on that day I
- 19 found him where he was. But he didn't live there.
- 20 PRESIDING JUDGE SCHMITT: [10:13:00] Ms Dimitri.
- 21 MS DIMITRI: [10:13:02] Mr President, with your leave, my client would like to step
- 22 out for a minute, please.
- 23 PRESIDING JUDGE SCHMITT: [10:13:07] That's no problem. We stay in the room
- 24 here.
- 25 MS DIMITRI: [10:13:09] Thank you.

Trial Hearing  
WITNESS: CAR-OTP-P-1839

(Private Session)

ICC-01/14-01/18

- 1 (Mr Yekatom exits the courtroom)
- 2 MR SCALIOTTI: [10:13:24]
- 3 Q. [10:13:25] Mr Witness, so what did you do --
- 4 PRESIDING JUDGE SCHMITT: [10:13:27] No, Mr Scaliotti, we wait --
- 5 MR SCALIOTTI: [10:13:28] I'm sorry.
- 6 PRESIDING JUDGE SCHMITT: [10:13:28] -- until Mr Yekatom -- Mr Yekatom is
- 7 back. But we have a ...
- 8 And I repeat perhaps that we now have this session until 11 o'clock and then we have
- 9 a half-an-hour break and then we have a two-hour session. Then we -- so just to fill
- 10 the gap a little bit, Mr Scaliotti, I assume your -- I think you said eight or nine hours is
- 11 your examination that you envision; is that correct?
- 12 MR SCALIOTTI: [10:13:59] Yes, Mr President. That's essentially the anticipation --
- 13 PRESIDING JUDGE SCHMITT: [10:14:02] Understandable.
- 14 MR SCALIOTTI: [10:14:03] I -- I think that (Overlapping speakers)
- 15 PRESIDING JUDGE SCHMITT: [10:14:07] Because we don't have a Rule 68(3)
- 16 witness, I understand that, yes.
- 17 MR SCALIOTTI: [10:14:10] And also looking at the pace we are going now, I think
- 18 most probably I will need maybe hopefully only Monday morning and not more than
- 19 that.
- 20 PRESIDING JUDGE SCHMITT: [10:14:20] Okay. Then we will see, and of course
- 21 it's perfectly clear that the Defence cannot say anything at that point in time. So we
- 22 should have enough time to finish next week. Once we recognise that it's getting
- 23 tight, we can shorten lunch breaks, like always, and we can also amend sitting hours,
- 24 so it's clear.
- 25 Ms Dimitri.

Trial Hearing  
WITNESS: CAR-OTP-P-1839

(Private Session)

ICC-01/14-01/18

1 MS DIMITRI: [10:14:43] Yes, Mr President.

2 (Mr Yekatom enters the courtroom)

3 MS DIMITRI: [10:14:48] Because of the time lost today, I would be ready to shorten  
4 the lunch break tomorrow already. Because I fear that with this pace --

5 PRESIDING JUDGE SCHMITT: [10:14:52] No problem.

6 MS DIMITRI: [10:14:52] I don't want to be pressured next week.

7 PRESIDING JUDGE SCHMITT: [10:14:58] No, absolutely, you never get pressured.

8 MS DIMITRI: [10:15:01] No, no, I know, but I pressure myself, that's what I mean.

9 PRESIDING JUDGE SCHMITT: [10:15:05] Yeah, yeah, yeah. No, I understand that,  
10 I fully understand that. So good idea. Then perhaps we can take this already as an  
11 advice and we will follow that tomorrow, we will shorten the lunch break too.

12 So now everyone is back in the courtroom. You can continue, Mr Scaliotti.

13 MR SCALIOTTI: [10:15:22] Thank you, Mr President.

14 Q. [10:15:23] So my next question, Witness, is so you joined the Anti-Balaka, you  
15 went to this place. What were the first tasks or jobs that you were given at the  
16 beginning, the first few days, the very first few days?

17 A. [10:15:48] I wasn't given any tasks. I was under observation. I was there. I  
18 stayed close to (Redacted). Nothing serious happened.

19 Q. [10:16:19] Where was the bases of the -- of the group, of the Anti-Balaka group  
20 located?

21 A. [10:16:37] At that time it was at the school Yamwara.

22 PRESIDING JUDGE SCHMITT: [10:16:40] Perhaps when we speak -- when you say  
23 "at that time", do you recall what time frame we are speaking about? Are you able to  
24 tell us, you know, was it in 2013, 2014? Can you narrow it? If you are able to do  
25 that.

Trial Hearing  
WITNESS: CAR-OTP-P-1839

(Private Session)

ICC-01/14-01/18

1 THE WITNESS: [10:17:00](Interpretation) It was in 2013, in the month of December.  
2 (Redacted) after the conflict of 5 December. In my head it is in the month of  
3 December.

4 PRESIDING JUDGE SCHMITT: [10:17:16] Thank you.

5 MR SCALIOTTI: [10:17:18]

6 Q. [10:17:21] And, Witness, were you taken to the Yamwara school at some point?

7 A. [10:17:39] When I was close to (Redacted), the mission was completed, we joined  
8 the base and that was at the Yamwara school.

9 Q. [10:18:02] I don't understand completely. Can you please clarify what you  
10 mean when you say when "the mission was completed"?

11 A. [10:18:18] When they sent the chiefs to some zones, after having completed that,  
12 they went back to the base.

13 Q. [10:18:42] Can you describe briefly the -- the layout of the Yamwara school.

14 A. [10:19:01] Yamwara school, which has two buildings on the left-hand side. I  
15 think that on the right-hand side there are also buildings and then there's a large  
16 football pitch which was there. There was also - how do you call that? - a fountain in  
17 the centre, the middle of that school.

18 Q. [10:19:47] And were the elements living there in those buildings?

19 A. [10:19:55] Yes, I can confirm that.

20 Q. [10:20:00] Were they all -- were all the elements living at the Yamwara school or  
21 some were living somewhere else?

22 A. [10:20:13] I couldn't say that all the elements were, because some were in certain  
23 zones for their own security and there were also those who were within the base  
24 itself.

25 PRESIDING JUDGE SCHMITT: [10:20:33] Did the chiefs live together with

Trial Hearing  
WITNESS: CAR-OTP-P-1839

(Private Session)

ICC-01/14-01/18

1 the elements at the school? And did the chiefs and the elements sleep in the same  
2 building or same rooms?

3 THE WITNESS: [10:20:51](Interpretation) Yes, I can say yes. The chiefs of sections  
4 who were with their elements. As far as (Redacted) were concerned, (Redacted) in  
5 (Redacted). The elements (Redacted) side of that and (Redacted)  
6 (Redacted).

7 MR SCALIOTTI: [10:21:23]

8 Q. [10:21:23] Any other chief that was living in a house at the base at the Yamwara  
9 school?

10 A. [10:21:38] Yes, there was the deputy of Mr Yekatom who also lived in Yamwara.  
11 There's *manguier* in the Yamwara school. Just behind the *manguier*, there was his  
12 house. \*Just behind the mango tree, a little bit to the right, that's where his house was.

13 Q. [10:22:07] How many elements, roughly, were at the base?

14 PRESIDING JUDGE SCHMITT: [10:22:14] Ms Dimitri.

15 MS DIMITRI: [10:22:15] Mr President, I'm sorry for the interruption and I -- I fully  
16 agree that we need to be careful and go into private session to protect the witness, but  
17 if we're describing the Yamwara base in private --

18 PRESIDING JUDGE SCHMITT: [10:22:27] You're right, you're right, yeah.

19 That's -- I think that's correct. We can try this in open session. But, of course, we  
20 have done already a lot of information. How many questions with regard to  
21 the Yamwara school and its layout?

22 MR SCALIOTTI: [10:22:49] No, with this specific topic, I'm almost done but also --

23 PRESIDING JUDGE SCHMITT: [10:22:55] And the --

24 MR SCALIOTTI: [10:22:56] -- the next few questions -- I anticipate for a few  
25 questions still we should stay in private session and --

Pursuant to the Trial Chamber V's Initial Directions, ICC-01/14-01/18-631, dated 26 August 2020, the public reclassified and lesser redacted version of this transcript is filed in the case.

Trial Hearing  
WITNESS: CAR-OTP-P-1839

(Private Session)

ICC-01/14-01/18

- 1 PRESIDING JUDGE SCHMITT: [10:23:01](Overlapping speakers)
- 2 MR SCALIOTTI: [10:23:01] -- the next topic we can try --
- 3 PRESIDING JUDGE SCHMITT: [10:23:06] But Ms Dimitri was right, but I think then
- 4 with -- then it doesn't make sense to go back and forth. Please continue.
- 5 MR SCALIOTTI: [10:23:12] Thank you, Mr President.
- 6 Q. [10:23:16] So my question was roughly how many elements were at the -- at the
- 7 base at the Yamwara school?
- 8 A. [10:23:37] When I joined the group I didn't know the name. But it's when go to
- 9 the Mbaïki route that I got an idea of the number of elements.
- 10 PRESIDING JUDGE SCHMITT: [10:23:54] Well, then we ask her and at that -- later
- 11 on, so what was your idea, how many elements roughly?
- 12 THE WITNESS: [10:24:04](Interpretation) We were a thousand and something.
- 13 MR SCALIOTTI: [10:24:11]
- 14 Q. [10:24:12] If I can just go back for a few seconds. You -- you mention -- I mean
- 15 something that you just said a few seconds ago. You mentioned a mission made by
- 16 the chief. Can you explain a bit more what was this mission and what chiefs were
- 17 involved in that. You said it was that you joined -- you moved to the Yamwara
- 18 school when the mission was completed. Can you say something about that mission
- 19 and what chiefs were involved in that.
- 20 A. [10:24:56] It was not really a mission as such. After the battles of the 5th, there
- 21 were some sections that were dispatched to certain areas for the security of
- 22 the Yamwara base. \*For example, I gave you the (Redacted)
- 23 (Redacted) was sent. So the aim of this
- 24 was to occupy the zones to make sure that they were safe and that the Yamwara base
- 25 was safe.

Trial Hearing  
WITNESS: CAR-OTP-P-1839

(Private Session)

ICC-01/14-01/18

1 Q. [10:25:50] Thank you, Witness. Did you receive a training at some point at the  
2 Yamwara school?

3 A. [10:26:06] Yes, I say yes.

4 PRESIDING JUDGE SCHMITT: [10:26:11] With regard to specificities of the training,  
5 I think this could perhaps also be discussed in open session. Not with regard to, of  
6 course, specifically what the witness went through there, potentially, but I think we  
7 can -- we can discuss that in general, the general matter at least, at least this portion  
8 we can discuss in open session.

9 We go to open session shortly.

10 (Open session at 10.26 a.m.)

11 THE COURT OFFICER: [10:26:50] We're in open session, Mr President.

12 MR SCALIOTTI: [10:26:55]

13 Q. [10:26:59] Witness, now, as you understood, we are in open session, so I remind  
14 you that we have to be careful of the information that we give.

15 So my question was what did this training consist of?

16 A. [10:27:25] We were -- we had to crawl, do push-ups. And how to disassemble  
17 and reassemble firearms. How to feed the cannons. And also how to deal with  
18 the magazines and how to hold a weapon, how to put it on your shoulder and how to  
19 aim within a target. There's a small thing which helps you aim and helps to you  
20 look inside so that you can aim properly.

21 Q. [10:28:12] Were there other women at the -- at the base at the Yamwara school?

22 A. [10:28:25] Yes.

23 Q. [10:28:28] Do you recall approximately how many?

24 A. [10:28:47] There were many. Perhaps six, seven. That's my rough estimate.

25 PRESIDING JUDGE SCHMITT: [10:28:59] What age did they have, these women?

Trial Hearing  
WITNESS: CAR-OTP-P-1839

(Open Session)

ICC-01/14-01/18

1 If you can -- if you can tell. Also roughly, of course. You might not have asked  
2 everyone how old she was, but ...

3 THE WITNESS: [10:29:14](Interpretation) No, I don't know.

4 PRESIDING JUDGE SCHMITT: [10:29:17] Okay. Thank you.

5 MR SCALIOTTI: [10:29:19]

6 Q. [10:29:21] How can you describe these -- how would you describe this training,  
7 was it intense, was it hard?

8 A. [10:29:37] Yes, it was really difficult, because when I was inside I had gained  
9 weight and I completely lost all those extra pounds. It was very intense. There was  
10 no distinction between men and women. They told us that we are all men and not  
11 women. So everything that the men did, we had to do exactly the same.

12 PRESIDING JUDGE SCHMITT: [10:30:10] And what would happen,  
13 Madam Witness, if you -- you or any other one of the trainees, so to speak, would fail  
14 in something? What there -- would there happen something?

15 THE WITNESS: [10:30:34](Interpretation) Well, actually, I don't know. But as for  
16 the women, if you didn't agree, it was better to get into a relationship with one of  
17 the chiefs of section. I was there and I saw some girls who went out with some of  
18 the chiefs within our group so as to avoid the worst.

19 PRESIDING JUDGE SCHMITT: [10:31:05] So was there -- were there any measures  
20 of discipline, so to speak, installed in the group that you can talk about?

21 THE WITNESS: [10:31:25](Interpretation) What do you mean by disciplinary  
22 measures?

23 PRESIDING JUDGE SCHMITT: [10:31:34] Let's say if one in the group, be it a man  
24 or a woman, did not obey or did something not in a way that was agreed upon, did  
25 not -- did not do it well, so to speak, was there some disciplinary measures, in other

Trial Hearing  
WITNESS: CAR-OTP-P-1839

(Open Session)

ICC-01/14-01/18

1 words, would there be punishments or things like that?

2 THE WITNESS: [10:31:56](Interpretation) Yes, I can confirm that. There were such  
3 measures. There was called *lamda*, if you didn't obey, they would put your head on  
4 the ground and the two hands behind your back. Or they would tell you to put  
5 your -- one of your fingers on the ground and you would have to turn around it. Or  
6 you would have to carry one of the elements on your back and go all around the field.  
7 Or you would have to do push-ups.

8 PRESIDING JUDGE SCHMITT: [10:32:45] Mr Scaliotti.

9 MR SCALIOTTI: [10:32:48]

10 Q. [10:32:54] Given the nature of this training and how tough it was, was it possible  
11 for someone to leave the base, the Yamwara school?

12 A. [10:33:11] It was possible for some people, but not for others.

13 Q. [10:33:21] Why it was not possible for others?

14 A. [10:33:28] For some other people it was difficult because they -- let's say they  
15 would not reach their objective. Myself, I took on everything I had to do. And  
16 even though it was tough for me, I held up and I really took things all the way.  
17 Some people had to go back home and now they're deemed to be traitors. It's not so  
18 logical to leave a place when the battle isn't over.

19 MR SCALIOTTI: [10:34:18] Mr President, I would like to flag now to the Chamber  
20 we are approaching one of those areas (Overlapping speakers)

21 PRESIDING JUDGE SCHMITT: [10:34:23] Yes, then we go to private --

22 MR SCALIOTTI: [10:34:25] -- maybe --

23 PRESIDING JUDGE SCHMITT: [10:34:27] Yeah, private session.

24 (Private session at 10.34 a.m.)

25 THE COURT OFFICER: [10:34:37] We are in private session, Mr President.

Trial Hearing  
WITNESS: CAR-OTP-P-1839

(Private Session)

ICC-01/14-01/18

- 1 PRESIDING JUDGE SCHMITT: [10:34:40] Thank you.
- 2 MR SCALIOTTI: [10:34:46] I was saying, Mr President, I'm approaching now a topic
- 3 that may raise Rule 74 issues. And for the Chamber's information, I'm referring with
- 4 regard to the summary, maybe it can be convenient for your information.
- 5 PRESIDING JUDGE SCHMITT: [10:35:01] Yeah, thank you.
- 6 MR SCALIOTTI: [10:35:02] It will be paragraphs 47 to 50.
- 7 PRESIDING JUDGE SCHMITT: [10:35:13] Yes, of course.
- 8 (Trial Chamber confer)
- 9 PRESIDING JUDGE SCHMITT: [10:35:17] So when it comes now to these, let's
- 10 say -- we can refer to the summary, paragraph 47 until 50, to potential crimes that you
- 11 might have committed for whatever reason, Madam Witness, we give you assurance
- 12 that you -- that your identity would not be revealed, that there will be no -- that there
- 13 will be kept your testimony -- your testimony will be kept confidential, that your
- 14 testimony will not be used either directly or indirectly against you in any other
- 15 proceedings at this court, except under if you would lie to us, but that's clear, of
- 16 course. And also the -- the national authorities will not get knowledge of that.
- 17 So because that we are in private session and this is called Rule 74 assurance. But
- 18 this means, when you get this assurance, that you have to tell the truth.
- 19 Do you understand that or do you want to confer shortly with your counsel?
- 20 THE WITNESS: [10:36:31](Interpretation) No, thank you.
- 21 PRESIDING JUDGE SCHMITT: [10:36:33] You understand that. So then I think we
- 22 continue. So it's on the record, Rule 74 assurances. With regard to all -- so that we
- 23 do not lose too much time, and I see a nodding by the Defence, whenever also in the
- 24 future it comes to potential crimes that the witness might have committed, in that case
- 25 the Chamber give the witness the assurances according to Rule 74.

Trial Hearing  
WITNESS: CAR-OTP-P-1839

(Private Session)

ICC-01/14-01/18

1 So please, you can continue from there.

2 MR SCALIOTTI: [10:37:05] Thank you, Mr President. So if I understand, I don't  
3 have to flag you on future occasions because it's --

4 PRESIDING JUDGE SCHMITT: [10:37:11] I think you can shortly flag and we repeat  
5 it so that it's on the record, but actually I -- I did say it now so that we have a short of  
6 a general assurance insofar and -- but it doesn't -- I think it also serves if you -- if you  
7 flag it every time and then I simply repeat it shortly.

8 Yeah, okay.

9 MR SCALIOTTI: [10:37:35] Thank you very much for your direction, Mr President.

10 Q. [10:37:41] Witness, as I understand, (Redacted) when  
11 you first joined the Anti-Balaka group and Mr Yekatom said (Redacted)  
12 (Redacted); am I right?

13 A. [10:38:05] Yes, I can confirm that.

14 Q. [10:38:06] And at the beginning of your stay with the Anti-Balaka, (Redacted)  
15 (Redacted); am I correct?

16 A. [10:38:20] Correct, yes.

17 Q. [10:38:24] Did he make you -- did (Redacted) make you understand how you could  
18 (Redacted) -- how you (Redacted) of -- of the Anti-Balaka chiefs and the (Redacted)  
19 (Redacted)?

20 A. [10:38:51] He didn't tell me about anything.

21 Q. [10:39:00] Did you start working with (Redacted) at some point?

22 A. [10:39:11] Yes, I worked with him.

23 Q. [10:39:13] And what was your role at that point when you started working with  
24 him?

25 A. [10:39:24] I was close to him. (Redacted)

Trial Hearing  
WITNESS: CAR-OTP-P-1839

(Private Session)

ICC-01/14-01/18

1 but I was like his (Redacted).

2 Q. [10:39:37] So my question is if you were not trusted at the beginning, how could  
3 you become (Redacted)? Did anything happen between the time you  
4 were (Redacted)?

5 PRESIDING JUDGE SCHMITT: [10:39:55] And again, for you, Ms Witness, so that  
6 you really understand, whatever you say that might incriminate you, this will be kept  
7 confidential, it will not be disclosed to the public and also not to any other state. So  
8 just to assure you again.

9 THE WITNESS: [10:40:22](Interpretation) Initially I wasn't his (Redacted). I was an  
10 element and I was (Redacted). The day (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

Trial Hearing  
WITNESS: CAR-OTP-P-1839

(Private Session)

ICC-01/14-01/18

- 1 After that, I went back to where I was staying.
- 2 PRESIDING JUDGE SCHMITT: [10:43:18] You said (Redacted)
- 3 (Redacted). And again, we have given you the assurance so that this will not be
- 4 used against you in any other proceedings, will be kept confidential. Can you tell us
- 5 more about that? I know it will be very difficult again, but we would appreciate it.
- 6 And it's also important to know some of the details, I have to say, so please.
- 7 THE WITNESS: [10:43:59](Interpretation) (Redacted)
- 8 (Redacted)
- 9 (Redacted)
- 10 (Redacted)
- 11 (Redacted). That's all. (Redacted).
- 12 PRESIDING JUDGE SCHMITT: [10:44:57] When you did this, did somebody order
- 13 you to do that?
- 14 THE WITNESS: [10:45:11](Interpretation) No, no one gave me an order. I just -- I
- 15 wanted to do that so that (Redacted). But there was
- 16 (Redacted)
- 17 (Redacted)
- 18 (Redacted)
- 19 So, yeah.
- 20 PRESIDING JUDGE SCHMITT: [10:45:49] Which (Redacted)?
- 21 THE WITNESS: [10:46:04](Interpretation) (Redacted).
- 22 PRESIDING JUDGE SCHMITT: [10:46:23] Mr Scaliotti.
- 23 MR SCALIOTTI: [10:46:26]
- 24 Q. [10:46:28] Witness, if I understand correctly, this happened the very first days
- 25 that you were at the -- with the Anti-Balaka; is this right?

Pursuant to the Trial Chamber V's Initial Directions, ICC-01/14-01/18-631, dated 26 August 2020, the public reclassified and lesser redacted version of this transcript is filed in the case.

Trial Hearing  
WITNESS: CAR-OTP-P-1839

(Private Session)

ICC-01/14-01/18

- 1 A. [10:46:41] Yes.
- 2 PRESIDING JUDGE SCHMITT: [10:46:43] Well, I have forgotten something which I  
3 think is important.
- 4 You said, Madam Witness, that you -- in the end, (Redacted).
- 5 (Redacted), to your knowledge?
- 6 THE WITNESS: [10:47:06](Interpretation) That's what I learned, apparently, but  
7 I don't know for sure. I didn't see it. I heard about it.
- 8 PRESIDING JUDGE SCHMITT: [10:47:14] Thank you.
- 9 MR SCALIOTTI: [10:47:17]
- 10 Q. [10:47:19] Do you know (Redacted) were?
- 11 A. [10:47:29] I didn't know them. It was (Redacted), who had identified them, that  
12 they were (Redacted).
- 13 Q. [10:47:51] And what about the men? Do you know who they were?
- 14 A. [10:48:00] They were (Redacted). (Redacted)  
15 (Redacted).
- 16 Q. [10:48:14] You mentioned (Redacted). (Redacted)  
17 around when this incident happened?
- 18 A. [10:48:32] Yes. There, we were in the habit of -- well, I can think of some  
19 people, but at the time I really wasn't -- well, I -- I don't really like to think back to  
20 the past, so I've forgotten, but there were some chiefs too that day.
- 21 Q. [10:49:02] I don't want to push you too much, Witness, but can you just make an  
22 effort and try to recall who the chiefs were.
- 23 A. [10:49:36] No. The names don't come back to me. No.
- 24 PRESIDING JUDGE SCHMITT: [10:49:44] That's okay, Madam Witness. It's  
25 perfectly clear. First of all, it has been a long time. Secondly, these are horrible

Trial Hearing  
WITNESS: CAR-OTP-P-1839

(Private Session)

ICC-01/14-01/18

1 events and there might -- or this might also impair sometimes what we recollect and  
2 what we don't recollect.

3 MR SCALIOTTI: [10:50:00]

4 Q. [10:50:00] We talked about the men. Do you remember what happened to  
5 the (Redacted)?

6 A. [10:50:17] I heard that (Redacted) Yekatom Alfred  
7 Rambo.

8 Q. [10:50:28] Do you know (Redacted) to Mr Yekatom's (Redacted)?

9 A. [10:50:42] To (Redacted).

10 Q. [10:51:03] Can you clarify a bit more this, how -- (Redacted)  
11 (Redacted) Mr Yekatom's (Redacted)?

12 MS DIMITRI: [10:51:17] Mr President.

13 PRESIDING JUDGE SCHMITT: [10:51:18] Yeah.

14 MS DIMITRI: [10:51:20] Mr President, I -- I think we're going to ask the witness to  
15 speculate. She specifically said, "I learned that", so, for me, there's no -- she's not  
16 a direct witness as to what happened. She's -- she specifically said "I learned", so if  
17 we push on that subject, all we're getting is -- is speculation.

18 PRESIDING JUDGE SCHMITT: [10:51:43] I also think -- I also think with regard to  
19 this witness, I think you can concentrate on other issues. I agree with Ms Dimitri.

20 MR SCALIOTTI: [10:51:54] Yeah, Mr President, I can certainly drop these couple of  
21 questions.

22 Q. [10:52:02] Witness, can we talk briefly about, let's say, the structure of  
23 the Anti-Balaka group.

24 I think we can move to open session now, Mr President.

25 PRESIDING JUDGE SCHMITT: [10:52:13] Yeah, we can do that in open session, I

Trial Hearing  
WITNESS: CAR-OTP-P-1839

(Open Session)

ICC-01/14-01/18

1 think.

2 Open session.

3 (Open session at 10.52 a.m.)

4 THE COURT OFFICER: [10:52:29] We're in open session, Mr President.

5 MR SCALIOTTI: [10:52:36]

6 Q. [10:52:39] So I understand that within the group of the Anti-Balaka there were  
7 obviously chiefs and simple elements. What was the background of the -- of  
8 the chiefs? Or I explain myself better. Did they have a military background and  
9 that's why they were chiefs?

10 A. [10:53:07] Yes, they were soldiers.

11 Q. [10:53:12] So they were coming from the CAR army, right?

12 A. [10:53:19] Yes, I can confirm that.

13 Q. [10:53:25] And the elements were civilians who joined the -- the group, correct?

14 A. [10:53:33] Yes, I confirm that. Um ...

15 PRESIDING JUDGE SCHMITT: [10:53:49] Did you want to add something,

16 Madam Witness?

17 THE WITNESS: [10:53:55](Interpretation) No, thank you.

18 PRESIDING JUDGE SCHMITT: [10:53:57] I -- it came to my attention that we -- that  
19 for the first time there was mentioned Seleka cards by the witness and we have never  
20 heard about that.

21 Can you describe what those cards were. Was it like an identification card? Or can  
22 you explain to us what you meant by that.

23 THE WITNESS: [10:54:28](Interpretation) Their cards were like the ID cards, same  
24 shape, but on them it was written "Seleka". It was quite clear.

25 PRESIDING JUDGE SCHMITT: [10:54:42] Thank you. Because we had heard -- I

Trial Hearing  
WITNESS: CAR-OTP-P-1839

(Open Session)

ICC-01/14-01/18

1 think we heard for the first time of that and it seems to be quite relevant. We don't  
2 know yet, but not irrelevant on the face of it.

3 Mr Scaliotti.

4 MR SCALIOTTI: [10:54:56]

5 Q. [10:54:56] So we were talking about these chiefs having a previous background  
6 with the CAR army.

7 Did they have military uniforms and grades from the CAR army?

8 A. [10:55:19] When we were at Yamwara they would wear military uniforms.  
9 Sometimes civilian clothing as well.

10 Q. [10:55:34] Do you know among the chiefs in the Anti-Balaka groups coming  
11 from the CAR army who had the highest rank in the CAR army?

12 A. [10:55:55] Captain Kamezolai was the highest ranked.

13 Q. [10:56:05] You said Alkanto was the chief of the 1st Section of the 1st Company.  
14 How many section did the -- the 1st Company have?

15 A. [10:56:24] There were many sections, but I was focused a lot more on my own  
16 section. I wasn't very curious about other things.

17 Q. [10:56:39] And do you know how many elements were in each section?

18 A. [10:56:51] Thirty to 40 people per section.

19 Q. [10:57:08] You were quite close to Alkanto, you said. Who was his chief?

20 A. [10:57:23] Could you repeat the question.

21 Q. [10:57:27] Of course, Mr -- Witness. My question is, you spent some time with  
22 Alkanto. Who was Alkanto's chief?

23 A. [10:57:47] The chief was Mr Yekatom Alfred Rambo.

24 Q. [10:57:59] Did Alkanto have any particular expertise or was in charge of  
25 something in particular?

Trial Hearing  
WITNESS: CAR-OTP-P-1839

(Private Session)

ICC-01/14-01/18

1 A. [10:58:21] Alkanto was the person amongst us who was in charge -- in charge of  
2 rocketry. He was in charge of the rocket -- the rockets, the strike of the rockets.

3 PRESIDING JUDGE SCHMITT: [10:58:54] I think we have now the break until 11.30  
4 and then we have two hours. And let's say at half past or half past 12 we have  
5 another five minutes, like we have agreed on with the Registry in such cases. Thank  
6 you.

7 THE COURT USHER: [10:59:08] All rise.

8 (Recess taken at 10.59 a.m.)

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

10 THE COURT USHER: [11:30:45] All rise.

11 Please be seated.

12 PRESIDING JUDGE SCHMITT: [11:31:07] So we are in open session, and have that  
13 in mind. Can we continue there in open session for the moment? No, then we go  
14 to private session, if you think so.

15 MR SCALIOTTI: [11:31:18] Please, Mr President.

16 (Private session at 11.31 a.m.)

17 THE COURT OFFICER: [11:31:33] We are in private session, Mr President.

18 MR SCALIOTTI: [11:31:50]

19 Q. [11:31:51] Witness, I would like to go back just for really a few questions, really  
20 a few, about the incident that we discussed where the (Redacted)  
21 (Redacted).

22 And I would like to ask you, with regard to (Redacted)  
23 (Redacted)?

24 A. [11:32:38] What do you mean by a (Redacted)? (Redacted)  
25 (Redacted)?

Trial Hearing  
WITNESS: CAR-OTP-P-1839

(Private Session)

ICC-01/14-01/18

1 Q. [11:32:45] This is a good clarification. Thank you, Madam Witness.

2 What I was -- what I mean is within the group.

3 A. [11:32:59] It wasn't a (Redacted). On the other hand, well, in contrast, it was  
4 (Redacted).

5 THE INTERPRETER: [11:33:05] Correction: (Redacted) for.

6 MR SCALIOTTI:

7 Q. [11:33:15] Can you explain a bit more what you mean by -- so as I understand, it  
8 was -- (Redacted) for this. Can you explain in a bit more details, please.

9 A. [11:33:37] As I told you, (Redacted).

10 And (Redacted)

11 (Redacted).

12 Q. [11:34:13] Did you know if Mr Yekatom happened to know (Redacted)  
13 (Redacted)

14 A. [11:34:39] Well, I don't know.

15 MR SCALIOTTI: [11:34:55] Mr President, we are approaching now another of those  
16 areas with potential -- with -- actually with Rule 74 implications (Overlapping  
17 speakers)

18 PRESIDING JUDGE SCHMITT: [11:35:06] With potentially self-incrimination.

19 MR SCALIOTTI: [11:35:10] And this time -- actually, I'm referring again to the  
20 paragraphs that I was referring to before.

21 PRESIDING JUDGE SCHMITT: [11:35:15] No, that's fine. That's fine.

22 What -- okay. Then we reiterate as a Chamber that the Rule 74 assurances still are in  
23 place and her identity will not be revealed, not to any other state, no proceedings  
24 against her if she tells the truth before this Court and other courts.

25 Please.

Trial Hearing  
WITNESS: CAR-OTP-P-1839

(Private Session)

ICC-01/14-01/18

1 MR SCALIOTTI: [11:35:37]

2 Q. [11:35:39] Witness, do you recall (Redacted) by  
3 (Redacted)?

4 A. [11:36:02] At Yamwara, it was the (Redacted) that I mentioned in  
5 my -- in my statement.

6 Q. [11:36:14] Can you please explain what that -- with regard to (Redacted).

7 A. [11:36:25] (Redacted)  
8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 And - how shall I put this? - (Redacted)

13 (Redacted).

14 Q. [11:37:21] Do you recall approximately when this happened? At least with  
15 regard to the other incident that we discussed, did this happen later or before?

16 A. [11:37:37] It was after.

17 Q. [11:37:40] And you said you (Redacted). Do  
18 you remember where they were?

19 A. [11:37:55] In (Redacted). At the Yamwara school.

20 Q. [11:38:20] So you (Redacted), and as I understand, they have  
21 been (Redacted)

22 (Redacted). What happened then?

23 A. [11:38:41] They were (Redacted).

24 THE INTERPRETER: [11:38:42] Correction: They were (Redacted).

25 THE WITNESS: [11:38:46] (Interpretation) They were subjected to the (Redacted),

Trial Hearing  
WITNESS: CAR-OTP-P-1839

(Private Session)

ICC-01/14-01/18

- 1 and they were (Redacted). And after,
- 2 (Redacted) because he said -- well, they hadn't said the -- they hadn't said
- 3 the (Redacted)
- 4 (Redacted)
- 5 (Redacted)
- 6 Q. [11:39:47] I apologise for my next question, and I understand it's -- it's not easy
- 7 for you to answer, but you said earlier that (Redacted)
- 8 (Redacted). Can you explain in possibly more details (Redacted)
- 9 (Redacted) supposed to do.
- 10 A. [11:40:17] The (Redacted).
- 11 Q. [11:40:27] And did you do that job?
- 12 A. [11:40:35] Yes, I did. I did it, yes.
- 13 Q. [11:40:42] Were you given any specific instructions as to what you had to do?
- 14 A. [11:40:53] Yes, we were given instructions. (Redacted)
- 15 (Redacted)
- 16 (Redacted)
- 17 (Redacted)
- 18 Q. [11:41:29] (Redacted)? Can you explain
- 19 that?
- 20 A. [11:41:46] Yes. (Redacted)
- 21 (Redacted).
- 22 THE INTERPRETER: [11:42:05] Correction: She was -- (Redacted)
- 23 (Redacted).
- 24 THE WITNESS: [11:42:10](Interpretation) I was worried about (Redacted)
- 25 (Redacted).

Pursuant to the Trial Chamber V's Initial Directions, ICC-01/14-01/18-631, dated 26 August 2020, the public reclassified and lesser redacted version of this transcript is filed in the case.

Trial Hearing  
WITNESS: CAR-OTP-P-1839

(Private Session)

ICC-01/14-01/18

1 THE INTERPRETER: Correction: (Redacted).

2 MR SCALIOTTI:

3 Q. [11:42:41] So I understand (Redacted).

4 And (Redacted)?

5 A. [11:42:59] The (Redacted)?

6 Q. [11:43:07] You said that (Redacted)

7 (Redacted)?

8 A. [11:43:27] (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 A. [11:45:07] I have no idea. I don't know.

18 Q. [11:45:10] And if I understand correctly, there was another person there and you  
19 said he was a chief. Do you recall who that chief was?

20 A. [11:45:31] I don't remember. I don't remember. But you can't do such a thing  
21 without -- without some chiefs being present alongside, but I don't remember who.

22 PRESIDING JUDGE SCHMITT: [11:45:50] So if in her statement a name appears,  
23 you can put it to her. No, then we leave it at that.

24 MR SCALIOTTI: [11:45:59]

25 Q. [11:46:01] Thank you, Witness. It's certainly not a problem if you don't recall

Trial Hearing  
WITNESS: CAR-OTP-P-1839

(Private Session)

ICC-01/14-01/18

1 the name.

2 So do I understand correctly that after those incidents you started working as

3 (Redacted)?

4 A. [11:46:19] That's correct.

5 Q. [11:46:23] Can you describe shortly what your (Redacted) were when you were  
6 (Redacted)?

7 A. [11:46:41] When (Redacted)

8 (Redacted)

9 (Redacted). And I think that was all.

10 Q. [11:47:14] Were you explained what the objectives of the group at the Yamwara  
11 school were at that time?

12 A. [11:47:37] When we entered the Anti-Balaka, we were told it was to liberate our  
13 country from the Seleka mercenaries. That's all.

14 MR SCALIOTTI: [11:47:59] Mr President, I think we can now move to open session,  
15 at least for -- for a while.

16 PRESIDING JUDGE SCHMITT: [11:48:03] Okay. Open session.

17 (Open session at 11.48 a.m.)

18 THE COURT OFFICER: [11:48:17] We're in open session, Mr President.

19 MR SCALIOTTI: [11:48:24]

20 Q. [11:48:25] Witness, once again we are in open session, so I have to repeat myself,  
21 again we have to be careful about the information that we mention when we are in  
22 open session.

23 I would like to talk now about the group moving out of the Yamwara school. Do  
24 you recall if at some point the Anti-Balaka group left the Yamwara school base?

25 A. [11:49:07] I remember, but I don't remember the date.

Trial Hearing  
WITNESS: CAR-OTP-P-1839

(Open Session)

ICC-01/14-01/18

1 Q. [11:49:16] That's not important. We can live with that. Anyway, you  
2 remember that the group at some point left; is this correct? I mean left the Yamwara  
3 school base, right?

4 A. [11:49:33] Yes.

5 Q. [11:49:37] Do you recall approximately who -- at least who was in power at the  
6 time when you moved? Was it still President Djotodia? Had he left?

7 A. [11:50:11] President Djotodia was not in power, but the Seleka were still there.

8 Q. [11:50:30] "The Seleka were still there", what do you mean? Where? Where is  
9 "there"?

10 A. [11:50:42] They were still in Bangui.

11 Q. [11:50:52] So at some point the group left the Yamwara school. Do you recall  
12 how the elements were informed about leaving the Yamwara school?

13 A. [11:51:18] It was one morning, we were told to assemble in rows. And we lined  
14 up, we were counted. And then, then our leaders told us that we would be leaving  
15 the Yamwara school and headed out on the Mbaiki road.

16 Q. [11:51:52] Were the leaders present at that gathering or meeting?

17 A. [11:52:05] Yes.

18 Q. [11:52:08] Do you recall who among the leaders was present?

19 A. [11:52:28] You said not to give names, so ...

20 Q. [11:52:34] You are correct, but you can say the name of the leaders. It's not  
21 a problem.

22 A. [11:52:44] All the chiefs of the sections were there. There was Rambo, there  
23 was Captain Kamezolaï, Coeur de Lion. Everyone was there actually.

24 Q. [11:53:06] So did you leave the Yamwara school base the same day, the day of  
25 the -- of the gathering?

Trial Hearing  
WITNESS: CAR-OTP-P-1839

(Open Session)

ICC-01/14-01/18

- 1 A. [11:53:19] Yes.
- 2 Q. [11:53:28] So the elements left the base. Were the leaders also moving along
- 3 with the elements?
- 4 A. [11:53:49] Yes.
- 5 Q. [11:53:56] Did Mr Yekatom also leave with the group?
- 6 A. [11:54:10] Yes.
- 7 Q. [11:54:34] Did the elements and the chiefs walk moving away from the -- from
- 8 the school?
- 9 A. [11:54:46] Yes.
- 10 Q. [11:54:50] So I understand you were heading to the -- sorry, you were heading to
- 11 the road to Mbäiki; am I correct?
- 12 A. [11:55:02] Yes, that's right. Around -- around Sekia, because the base, the new
- 13 base was at Sekia.
- 14 Q. [11:55:16] Before getting to Sekia, did you -- did the group arrive at any other
- 15 location along the Mbäiki road, so I mean southwest of Bangui?
- 16 A. [11:55:38] Yes, it was the Mbäiki road. Yes.
- 17 Q. [11:55:44] Did the village of Samba ring any bell to you?
- 18 A. [11:55:55] Yes, it does ring a bell.
- 19 Q. [11:56:00] What do you remember about -- about the village of Samba. Did
- 20 you -- did you recall stopping there before going to Sekia?
- 21 A. [11:56:13] Yes. At the village of Samba we went out on our way to Sekia.
- 22 Q. [11:56:29] Do you recall anything that happened in the village of Samba on that
- 23 day?
- 24 A. [11:56:48] I remember that day very well because I was in the first section. Our
- 25 group was at the front. So the soldiers were upstream, so to speak. They took some

Trial Hearing  
WITNESS: CAR-OTP-P-1839

(Open Session)

ICC-01/14-01/18

1 measures to protect us, because most of us did not have weapons, just machetes,  
2 knives, pieces of wood. So they were the ones who had the weapons. So they  
3 heard -- well, there was an ambush, they went into the forest expecting an ambush.  
4 They took one of the girls, dressed her up and put her alongside the road to see if  
5 there was any Seleka or if there were other people, spying. After that, the girl came  
6 back. It wasn't easy amongst us, because some of our leaders were afraid to go out  
7 because they were afraid of falling prey to an ambush. One of the chiefs screwed up  
8 his courage to go out and he fired some warning shots so that we might be released.

9 Q. [11:58:29] So were the Seleka still in the area?

10 A. [11:58:39] Yes, the Seleka were still there.

11 Q. [11:58:54] Was Mr Yekatom with a group at that point in time?

12 A. [11:59:03] Yes, he was there.

13 Q. [11:59:10] Do you recall anything in particular that he did?

14 A. [11:59:25] They were in the habit of speaking amongst one another, the soldiers,  
15 about possible plans to implement. But I didn't pay attention to what they were  
16 saying. And he also went behind Alkanto. I don't know what they were doing.

17 Q. [11:59:53] So now we are talking about the Anti-Balaka group being in Samba  
18 and the Seleka were still in the area.

19 What did the group do immediately after that? Did they go anywhere?

20 A. [12:00:19] The group went to Sekia.

21 Q. [12:00:32] And I take it that Sekia is another village on the Mbaiki road; am I  
22 correct?

23 A. [12:00:44] That's true. Correct.

24 Q. [12:00:51] When did the group arrive in Sekia, was it the same day?

25 A. [12:01:00] Yes, the same day.

Trial Hearing  
WITNESS: CAR-OTP-P-1839

(Open Session)

ICC-01/14-01/18

- 1 Q. [12:01:06] And where did the group install itself?
- 2 A. [12:01:24] The group settled behind a church in Sekia. There is a customs
- 3 checkpoint at Sekia and a few metres to the left, when you approach it from Bangui,
- 4 the place is on the left and there's a church just there, more or less on the roadside.
- 5 And it was behind that church.
- 6 Q. [12:02:00] So the Anti-Balaka group installed its base there. As I understand, it
- 7 was beside the Mbaiki road. Do you recall approximately how far from the road
- 8 was this base?
- 9 A. [12:02:24] A few metres away.
- 10 Q. [12:02:33] Was the area inhabited?
- 11 A. [12:02:47] It was in somebody's compound. I don't know its name.
- 12 Q. [12:03:07] So the group from the Yamwara school moved. When you arrive in
- 13 Sekia, were there also other Anti-Balaka coming from other locations or was it only
- 14 the elements coming from the Yamwara school?
- 15 A. [12:03:39] On that road I only saw faces that I recognised from Yamwara.
- 16 Q. [12:03:55] You said that Mr Yekatom was in Samba with the group. When did
- 17 you see him the next time?
- 18 A. [12:04:13] I saw him again in Sekia.
- 19 Q. [12:04:22] Was it the same day that you arrived in Sekia?
- 20 A. [12:04:33] Yes, I think so.
- 21 Q. [12:04:45] Did the Anti-Balaka group install any barrier in -- in Sekia?
- 22 A. [12:04:58] Yes.
- 23 Q. [12:05:05] Can you explain, was it a pre-existing barrier, a barrier pre-existing
- 24 the arrival of the Anti-Balaka or was it something that was installed by the group for
- 25 the first time?

Trial Hearing  
WITNESS: CAR-OTP-P-1839

(Open Session)

ICC-01/14-01/18

- 1 A. [12:05:31] There were roadblocks which the group had set up for the first time.
- 2 They were set up because our base was behind the church. And I think that we -- we
- 3 set up two -- two roadblocks, it seems to me.
- 4 Q. [12:05:48] So I understand the -- the -- both barriers were near the base. And
- 5 what was the purpose of the barrier?
- 6 A. [12:06:04] The purpose of these roadblocks were to check the cars and
- 7 motorcycles that were coming and going and also to ensure the security of the base.
- 8 Q. [12:06:27] Was any barrier installed to collect money from the people who were
- 9 passing by?
- 10 A. [12:06:49] I don't recall that. But I think that at the roadblock on the Sekia side
- 11 near the -- that toll point, I think that there all the vehicles and motorbikes that would
- 12 pass paid something, indeed. At that location, at that particular roadblock you had
- 13 the section chiefs.
- 14 Q. [12:07:34] Is this barrier that you are talking about a toll barrier that was
- 15 managed before by the *Eaux et Fôrets*?
- 16 MS DIMITRI: [12:08:13] The French interpreter is asking you to repeat your question
- 17 because he didn't hear the end of your question.
- 18 MR SCALIOTTI: [12:08:20] Sure. I repeat the question.
- 19 Q. [12:08:23] And it was, the barrier that the witness just mentioned, was it
- 20 a barrier that was manned, managed before the arrival of Seleka by the *Eaux et Fôrets*?
- 21 A. [12:08:48] That was a roadblock which was occupied by the Seleka, and it was
- 22 one that was under the control of the state. But the heads or the chiefs of each
- 23 section were to go there to collect money.
- 24 Q. [12:09:30] I understand from your answer so far that when you moved from
- 25 the Yamwara school to the Mbaïki road, Mr Yekatom was coming, at least from time

Trial Hearing  
WITNESS: CAR-OTP-P-1839

(Open Session)

ICC-01/14-01/18

1 to time, to -- to be with the group, to reach the group. So my question is: When  
2 you moved to the Mbaïki road, when the group moved to the Mbaïki road, who was  
3 the leader of the group?

4 A. [12:10:02] The group chief was Mr Alfred Yekatom Rombhot.

5 Q. [12:10:14] And when Mr Yekatom was not there, I mean on the road to Mbaïki,  
6 who was giving orders to the elements?

7 A. [12:10:33] It was Coeur de Lion.

8 Q. [12:10:40] Was Coeur de Lion still under the command of Mr Yekatom at that  
9 time?

10 A. [12:11:04] I do not know.

11 Q. [12:11:16] So when the -- the chiefs on the field, on the ground were giving  
12 orders, do you know from whom they were giving -- they were taking, receiving  
13 those orders?

14 A. [12:11:45] Well, I think, when it comes to the military men, everything comes  
15 from the top down. On the road, what I saw was that Mr Yekatom was the person  
16 who had the greatest influence in the group. And the chiefs then complied with  
17 what he said.

18 MR SCALIOTTI: [12:12:32] Mr President, maybe we can move to open session, but  
19 unfortunately for some questions -- but then for the next topic I have to go back  
20 (Overlapping speakers)

21 PRESIDING JUDGE SCHMITT: [12:12:42] Well, but if we have -- if we have at least  
22 meaningfully a couple of minutes in open session --

23 MR SCALIOTTI: [12:12:42] I would say so.

24 PRESIDING JUDGE SCHMITT: [12:12:42] -- then we could do it in open session and  
25 then we go to private. Open session.

Trial Hearing  
WITNESS: CAR-OTP-P-1839

(Open Session)

ICC-01/14-01/18

- 1 By the way, we are in open session, you confused me. So you stay in open session.
- 2 Or do you want to go now to private session, so I'm --
- 3 MR SCALIOTTI: [12:12:58] No, my apologies, I was --
- 4 PRESIDING JUDGE SCHMITT: [12:12:58] No, no (Overlapping speakers)
- 5 MR SCALIOTTI: [12:13:00] I got confused with my examination plan.
- 6 PRESIDING JUDGE SCHMITT: [12:13:06] So you want to -- you want us to go to --
- 7 MR SCALIOTTI: [12:13:03] We can stay for a little while. Let's stay in open session.
- 8 PRESIDING JUDGE SCHMITT: [12:13:08] Then, you know what we do then, then
- 9 we stay where we are.
- 10 MR SCALIOTTI: [12:13:13] Exactly.
- 11 PRESIDING JUDGE SCHMITT: [12:13:13] Okay.
- 12 MR SCALIOTTI: [12:13:19]
- 13 Q. [12:13:19] When you moved to the Mbäiki road and you talked about
- 14 the -- the base that you installed at Sekia, did the group have any other base in
- 15 the nearby area?
- 16 A. [12:13:44] Well, basically what I knew was that that was the big base.
- 17 Q. [12:13:54] Was there any base in the area of PK9, the M'Poko river bridge?
- 18 A. [12:14:14] Yes, there was a base there.
- 19 Q. [12:14:21] Do you recall who were the chiefs there?
- 20 A. [12:14:39] Well, what I know is -- can I state names?
- 21 Q. [12:14:51] Yes. In this context, if you give the names of the chief that I
- 22 requested, yes, you can.
- 23 A. [12:15:04] Yes, it was most -- more so Rodrigue Momokama and Habib Beina.
- 24 Q. [12:15:21] And in addition to these two chiefs, I guess there were also elements
- 25 at that base, right?

Pursuant to the Trial Chamber V's Initial Directions, ICC-01/14-01/18-631, dated 26 August 2020, the public reclassified and lesser redacted version of this transcript is filed in the case.

Trial Hearing  
WITNESS: CAR-OTP-P-1839

(Private Session)

ICC-01/14-01/18

1 A. [12:15:31] Yes, there were also elements.

2 Q. [12:15:38] Do you recall what was the purpose of this base? What were  
3 the elements doing there?

4 A. [12:15:58] Well, as I said, sometimes you had chiefs who would manage 30 or 40  
5 people. Well, they would issue orders to their elements to collect money from  
6 traders and traffic through the sector.

7 MR SCALIOTTI: [12:16:44] Mr President, I think now it's time to move to private session.

8 PRESIDING JUDGE SCHMITT: [12:16:49] Yeah, fine. Private session.

9 (Private session at 12.17 p.m.)

10 THE COURT OFFICER: [12:17:03] We're in private session, Mr President.

11 MR SCALIOTTI: [12:17:08]

12 Q. [12:17:11] Witness, you talked about your work as a (Redacted).

13 Did you (Redacted)?

14 A. [12:17:31] Yes, (Redacted) for Mr Yekatom. Alfred Rambo Yekatom.

15 Q. [12:17:44] Were you already on the (Redacted) road when (Redacted) for  
16 Mr Yekatom?

17 A. [12:17:54] Yes.

18 Q. [12:17:59] At the beginning of (Redacted) with Mr Yekatom, were you  
19 (Redacted) ?

20 A. [12:18:13] \*At the start, yes, he came to ask the (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted).

25 Q. [12:19:04] Before getting to that (Redacted), do you recall how many elements

Trial Hearing  
WITNESS: CAR-OTP-P-1839

(Private Session)

ICC-01/14-01/18

1 were -- Anti-Balaka elements were on the Mbaiki road?

2 A. [12:19:29] On the Mbaiki road we were more than a thousand. And after that  
3 the numbers went up.

4 Q. [12:19:44] Did you receive any (Redacted) with regard to the number of (Redacted)  
5 (Redacted) on the Mbaiki road?

6 A. [12:20:03] Yes. Yes.

7 Q. [12:20:08] Can you explain something about this (Redacted).

8 \*A. [12:20:26] It was for the DRR. Yes, the DDR, which later became the DDRR.  
9 And also in the case of some soldiers for a promotion in rank.

10 Q. [12:20:52] Before getting into the -- the details of the (Redacted), you mentioned  
11 DDR. What do you mean by DDR?

12 A. [12:21:15] Well, I don't know. At the time they said -- well, what did they tell  
13 us? I forget. Frankly, I forget. It was basically a disarmament process.  
14 Disarmament, repatriation, something like that.

15 PRESIDING JUDGE SCHMITT: [12:21:36] Well, that's an answer.

16 MR SCALIOTTI:

17 Q. [12:21:46] Thank you, Witness. Your clarification is sufficient.  
18 And so can you explain a bit more what, in practical terms, (Redacted)  
19 (Redacted)?

20 A. [12:22:05] Well, (Redacted)  
21 (Redacted) so that (Redacted)  
22 (Redacted)  
23 (Redacted)  
24 (Redacted).

25 Q. [12:23:02] So I understand (Redacted) of elements, Anti-Balaka

Trial Hearing  
WITNESS: CAR-OTP-P-1839

(Private Session)

ICC-01/14-01/18

1 elements who were part of the group at the time.

2 (Redacted)? You said the (Redacted). Anything  
3 else?

4 A. [12:23:28] No. No. (Redacted). (Redacted)

5 and then (Redacted) to Alfred Rambo Yekatom.

6 Q. [12:23:45] How did you get (Redacted)?

7 PRESIDING JUDGE SCHMITT: [12:23:50] Ms Dimitri.

8 MS DIMITRI: [12:23:53] Thank you, Mr President. I'm intervening now because  
9 there's an interpretation issue and it might affect the follow-up questions.

10 In French she said (Redacted), meaning (Redacted), that's  
11 how I understood it. But in English its translated as they were (Redacted). So ...

12 PRESIDING JUDGE SCHMITT: [12:24:14] Indeed, that's a difference.

13 Thank you very much, Ms Dimitri.

14 MR SCALIOTTI: [12:24:19]

15 Q. [12:24:20] Witness, just for our clarification, there was probably an interpretation  
16 problem, can you say again (Redacted)?

17 Am I correct if I say it was (Redacted) belonging to the -- to  
18 the group?

19 A. [12:24:49] Yes, it was the (Redacted). And then for the soldiers you  
20 had the (Redacted), and if I'm not mistaken, also their (Redacted).

21 Q. [12:25:08] Thank you for this clarification.

22 My next question was (Redacted)  
23 (Redacted)?

24 A. [12:25:25] They were the (Redacted).

25 Q. [12:25:33] By whom?

Pursuant to the Trial Chamber V's Initial Directions, ICC-01/14-01/18-631, dated 26 August 2020, the public reclassified and lesser redacted version of this transcript is filed in the case.

Trial Hearing  
WITNESS: CAR-OTP-P-1839

(Private Session)

ICC-01/14-01/18

- 1 A. [12:25:41] By Mr Yekatom.
- 2 Q. [12:25:50] Do you recall approximately how many (Redacted)
- 3 (Redacted)?
- 4 A. [12:26:10] We went to 2,000 -- more than 2,000, possibly 3,000. Almost 3,000.
- 5 Q. [12:26:25] And if I'm not mistaken, you said that once (Redacted)
- 6 (Redacted) Mr Yekatom; is that correct?
- 7 A. [12:26:39] Yes, I confirm that.
- 8 MR SCALIOTTI: [12:26:53] Mr President, I would like to show a document to
- 9 the witness.
- 10 PRESIDING JUDGE SCHMITT: [12:26:56] Yes, of course.
- 11 MR SCALIOTTI: [12:26:57] The document is tab 63 in the Prosecution binder. And
- 12 it's CAR-OTP-2094-3642, and it is a confidential document but we are in private
- 13 session.
- 14 MR KNOOPS: [12:27:19] Mr President, sorry.
- 15 PRESIDING JUDGE SCHMITT: [12:27:21] Yes.
- 16 MR KNOOPS: [12:27:21] It would be very helpful if the Prosecution would also try
- 17 to obtain the time frames of the events the witness describes.
- 18 PRESIDING JUDGE SCHMITT: [12:27:31] Well, we have talked about Yamwara and
- 19 now we are Mbaiki and later. Perhaps we can try to -- you have -- you have heard
- 20 this, Witness. Do you have an idea at what point in time you were assigned these
- 21 tasks? What time frame we are speaking about. You know, you might not recall
- 22 exact dates, that that would be perfectly natural not to recall it. But perhaps you
- 23 know first half of 2014, or even the month when it happened.
- 24 THE WITNESS: [12:28:19](Interpretation) It was in 2014.
- 25 PRESIDING JUDGE SCHMITT: [12:28:25] Do you -- if you try to -- to recall it, was it

Trial Hearing  
WITNESS: CAR-OTP-P-1839

(Private Session)

ICC-01/14-01/18

1 early 2014? Was it in the middle or later on? Only if you really recall it.

2 THE WITNESS: [12:28:54](Interpretation) No.

3 PRESIDING JUDGE SCHMITT: [12:28:56] No problem.

4 Please, Mr Scaliotti.

5 MR SCALIOTTI: [12:28:58] Mr President, just if this can help just one further  
6 question.

7 PRESIDING JUDGE SCHMITT: [12:29:02] Yeah, yeah.

8 Ms Dimitri.

9 MS DIMITRI: [12:29:04] Mr President, I -- I object to the showing of the document  
10 for lack of foundation. In the statement it was very clear she said that she never saw  
11 it. I received the metadata from the Prosecution and it's dated 2018.

12 PRESIDING JUDGE SCHMITT: [12:29:23] Well, but the -- Mr Scaliotti can ask at  
13 least if she knows some of the names on the list. I don't see a problem with that.  
14 But you wanted to try to give another chance with regard to the time frame?

15 MR SCALIOTTI: [12:29:38] Yes, Mr President.

16 PRESIDING JUDGE SCHMITT: [12:29:39] Please do that.

17 MR SCALIOTTI: [12:29:41] I wanted to ask the witness.

18 Q. [12:29:43] With regard to this assignment that you were talking about, do you  
19 recall how long after you moved to the -- to Sekia?

20 A. [12:29:59] Could you repeat that, please.

21 Q. [12:30:01] Sure, Witness. We were trying to get a sort of timeline about your  
22 assignments. And so you talked about (Redacted). Do you  
23 recall how long after the group moved to Sekia you were given this assignment?

24 A. [12:30:37] I don't know.

25 PRESIDING JUDGE SCHMITT: [12:30:45] And with regard to the list, as I said, there

Trial Hearing  
WITNESS: CAR-OTP-P-1839

(Private Session)

ICC-01/14-01/18

1 is nothing objectionable to ask about certain names and to take this as a reference,  
2 perhaps, but we take note that the list is indeed from 15 March 2018. We take note of  
3 that, of course.

4 MR SCALIOTTI: [12:31:03] Mr President, you just anticipated exactly what was my  
5 objective in showing this document to the witness.

6 PRESIDING JUDGE SCHMITT: [12:31:09] We don't ask for every name. Because  
7 there are -- I think we have here -- please continue. I intervene if it goes too far.

8 MR SCALIOTTI: [12:31:31]

9 Q. [12:31:31] Witness, do you see a document in front of you?

10 A. [12:31:39] Yes.

11 Q. [12:31:42] So this is list of -- with names of Anti-Balaka elements. This  
12 document has actually two dates. One date is at the third page and it is  
13 15 March 2018. And at the bottom of the fourth and last page, the date is  
14 5 April 2015. This was a document that was taken from Mr Yekatom's computer.

15 Now, you -- you see like this --

16 PRESIDING JUDGE SCHMITT: [12:32:12] How do we know that, that it was taken  
17 from Mr Yekatom's computer?

18 MR SCALIOTTI: [12:32:19] It was part of the -- there was an exchange with  
19 the Defence and we provided the information related --

20 PRESIDING JUDGE SCHMITT: [12:32:21] Okay. Good. Yeah, okay.

21 MR SCALIOTTI: [12:32:21] The metadata related to this document.

22 PRESIDING JUDGE SCHMITT: [12:32:27] Yeah, yeah, yeah. Ms Dimitri.

23 MS DIMITRI: [12:32:28] Just two things, Mr President. Not on Mr Yekatom's  
24 computer but a company computer, Koya Security, that's first. Second --

25 PRESIDING JUDGE SCHMITT: [12:32:35] Okay, yeah. Thank you.

Trial Hearing  
WITNESS: CAR-OTP-P-1839

(Private Session)

ICC-01/14-01/18

1 MS DIMITRI: [12:32:37] Second, Mr Scaliotti said this is a list of Anti-Balaka. On  
2 the top of it it's written a list of the *Militaires* --

3 PRESIDING JUDGE SCHMITT: [12:32:44] I have already --

4 MS DIMITRI: [12:32:44] -- *et Gendarmes Ex* --

5 PRESIDING JUDGE SCHMITT: [12:32:45] Yes, I would --

6 MS DIMITRI: [12:32:46] Sorry.

7 PRESIDING JUDGE SCHMITT: [12:32:46] Yeah. Yeah, of course. I have also  
8 immediately recognised it and I would have addressed it. So it is a list of  
9 ex-Anti-Balaka. And actually also which is from 2015, the fourth page, is also called  
10 ex-Anti-Balaka. But nevertheless, please continue.

11 MR SCALIOTTI: [12:33:18]

12 Q. [12:33:18] Witness, so you have this list, this document in front of you. You  
13 mentioned earlier the name of Momokama. Do you see this name in this list at  
14 number 6?

15 PRESIDING JUDGE SCHMITT: [12:33:36] Yeah, well, of course she -- of course there  
16 is a name Rodrigue Momokama at number 6, so please continue from there. We all  
17 see it. And the witness is a clever, intelligent witness, of course she sees it also. She  
18 sees what everybody sees in the courtroom.

19 MR SCALIOTTI: [12:33:56]

20 Q. [12:33:56] So, Witness, you talked about Momokama, who was the -- for instance,  
21 you mentioned him as the chief of the base in PK9. So my question is: Was  
22 Momokama an element of the Anti-Balaka during the time that you were with  
23 the Anti-Balaka group?

24 A. [12:34:21] Yes, I can confirm that.

25 Q. [12:34:25] Do you see any other name in this list of individuals that you -- you

Trial Hearing  
WITNESS: CAR-OTP-P-1839

(Private Session)

ICC-01/14-01/18

- 1 know that you met during your time with the -- with the Anti-Balaka group?
- 2 A. [12:34:45] Would you mind scrolling down the list and I will call out the various
- 3 names.
- 4 Q. [12:34:56] Of course, Witness. You don't have to do -- maybe I can clarify my
- 5 question. You don't have to identify all the names that you know, just one or two, if
- 6 you -- if you know some names.
- 7 A. [12:35:12] Yes, I do recognise some names.
- 8 Q. [12:35:18] Can you please say for the record which ones are these names.
- 9 A. [12:35:34] At the top I see Mr Yekatom Alfred Rombhot, number 1.
- 10 Number 2, I recognise the name Yekatom Yves.
- 11 Number 4, I recognise Keapex Ozoui Junior.
- 12 Number 9 -- number 6, rather, Momokama Rodrigue.
- 13 Number 9, I know -- I recognise Bedane Théodore.
- 14 23, Satan Rodrigue.
- 15 Number 25, Maidanga Max, I know that name.
- 16 26, I know Dawili Stéphane.
- 17 Number 31, I recognise the name Beina Aristide.
- 18 34, Azou Héritier.
- 19 Number 40, Odimba Ephraïm, Youngaïna Ephraïm. I think that's all.
- 20 PRESIDING JUDGE SCHMITT: [12:37:14] I think that that will do. Please move on.
- 21 MR SCALIOTTI: [12:37:20]
- 22 Q. [12:37:21] Thank you, Witness. This is more than enough. So how do you
- 23 know these people whose names you mentioned?
- 24 A. [12:37:28] I knew all of them in the Anti-Balaka group. The group of
- 25 Mr Yekatom Alfred Rombhot.

Trial Hearing  
WITNESS: CAR-OTP-P-1839

(Private Session)

ICC-01/14-01/18

1 Q. [12:37:43] So were they elements of the Anti-Balaka during the time that you  
2 were with the group?

3 A. [12:37:58] Yes.

4 Q. [12:37:58] Just a few more questions, Mr President.

5 I would like to move now to page 3645.

6 Witness, do you see in front of you the document again and you see at number 3 you  
7 see a name, M'Bafolo Honorine. Do you know her?

8 A. [12:38:38] No.

9 Q. [12:38:44] And what about the name under number 7, M'Bafolo Nadège?

10 A. [12:39:03] No.

11 Q. [12:39:07] Thank you, Witness.

12 We can take the document off the screen and I will move to another topic now.

13 Witness, I would like to discuss again with you the assignments that you were given.  
14 We -- we talked about the (Redacted), and can you say any other assignment  
15 that you were given by Mr Yekatom?

16 A. [12:39:55] I think that that's all I've told you about.

17 I was, well, before, his (Redacted). And after that (Redacted).

18 Q. [12:40:13] Let's talk about your (Redacted).

19 I don't want to insist, but again, approximately, do you know when you started this  
20 assignment, how long after you moved to the -- on the (Redacted) road?

21 A. [12:40:44] When we were in (Redacted), it was the following day.

22 Q. [12:40:56] Were you given any instructions as to what to do in order to carry out  
23 this assignment?

24 A. [12:41:16] Mr Yekatom (Redacted)

25 (Redacted)

Trial Hearing  
WITNESS: CAR-OTP-P-1839

(Private Session)

ICC-01/14-01/18

1 an (Redacted).

2 Q. [12:41:41] So you were (Redacted), right?

3 A. [12:41:48] Yes.

4 Q. [12:41:52] How did (Redacted)?

5 A. [12:42:05] At first (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted).

9 Q. [12:42:47] So what vehicles were these ones you are mentioning and (Redacted)  
10 (Redacted)?

11 A. [12:43:02] It was Mr Yekatom's vehicle. It was a Hilux, a 4x4.

12 Q. [12:43:16] What (Redacted)?

13 A. [12:43:37] The roadblock at PK9. The one at PK9. The one at the Sekia  
14 roadblock. The Bimon roadblock. I think Bimon, yes, and PK9, Sekia. Bimon. I  
15 think that was it.

16 Q. [12:44:18] Is Bimon another village on the Mbaïki road?

17 A. [12:44:27] Yes, yes.

18 Q. [12:44:32] Do you know (Redacted)  
19 (Redacted)?

20 A. [12:44:51] As I stressed, this was the money from the people. Because when  
21 people crossed that road to get their goods, to buy their goods, each person would  
22 put some coins in a dish and the vehicles had to pay as well. And motorbikes as  
23 well. Motorbikes and large trucks carrying lumber and the like. So they had to  
24 give this money.

25 Q. [12:45:50] How often were (Redacted)?

Trial Hearing  
WITNESS: CAR-OTP-P-1839

(Private Session)

ICC-01/14-01/18

- 1 A. [12:46:14] Yes, (Redacted)
- 2 (Redacted).
- 3 Q. [12:46:30] And (Redacted)
- 4 (Redacted)?
- 5 A. [12:46:45] (Redacted)
- 6 (Redacted)
- 7 (Redacted).
- 8 Q. [12:47:16] And apart from the -- the people that you mention to whom you were
- 9 (Redacted) to anybody else?
- 10 A. [12:47:55] I'm -- my mind is saturated. I don't know. I don't know.
- 11 PRESIDING JUDGE SCHMITT: [12:48:04] Madam Witness, do you need a break?
- 12 Perhaps let's -- we have to make a break anyhow at some point for a couple of
- 13 minutes, if we want to continue.
- 14 Let's have a break, let's say, until five to 1, and perhaps you can -- you have time to
- 15 refresh yourself a little bit and we can ask the question again then.
- 16 THE COURT USHER: [12:48:28] All rise.
- 17 (Recess taken at 12.48 p.m.)
- 18 (Upon resuming in private session at 12.58 p.m.)
- 19 THE COURT USHER: [12:58:45] All rise.
- 20 Please be seated.
- 21 PRESIDING JUDGE SCHMITT: [12:59:06] We are in private session.
- 22 Mr Scaliotti, you have the floor.
- 23 MR SCALIOTTI: [12:59:12]
- 24 Q. [12:59:17] Thank you, Mr President.
- 25 Witness, when we stopped we were talking about the (Redacted)

Trial Hearing  
WITNESS: CAR-OTP-P-1839

(Private Session)

ICC-01/14-01/18

- 1 (Redacted), and I'm not sure if I understood. Based on these instructions,
- 2 (Redacted) to Mr Yekatom for his own needs, for his personal needs?
- 3 A. [13:00:13] (No interpretation)
- 4 PRESIDING JUDGE SCHMITT: [13:00:19] We didn't -- we didn't get the
- 5 interpretation.
- 6 THE INTERPRETER: [13:00:24] Apologies from the booth.
- 7 PRESIDING JUDGE SCHMITT: [13:00:25] Yeah, please repeat.
- 8 THE INTERPRETER: [13:00:25] The witness said --
- 9 THE WITNESS: [13:00:28](Interpretation) Well, (Redacted), yes.
- 10 In other words, if (Redacted)
- 11 (Redacted).
- 12 PRESIDING JUDGE SCHMITT: [13:00:42] So to make it clear, Witness,
- 13 the -- (Redacted), if I have understood it correctly,
- 14 before the short break you said that (Redacted)
- 15 (Redacted)
- 16 (Redacted)
- 17 (Redacted).
- 18 THE WITNESS: [13:01:20](Interpretation) (Redacted)
- 19 (Redacted).
- 20 PRESIDING JUDGE SCHMITT: [13:01:32] Okay. Then perhaps we leave it at that.
- 21 Thank you. But that was quite, you know -- we can picture that very well. Thank
- 22 you, Madam.
- 23 MR SCALIOTTI: [13:01:40]
- 24 Q. [13:01:41] Witness, do you recall during this time you were the (Redacted), and
- 25 you mentioned (Redacted), do you recall the highest

Trial Hearing  
WITNESS: CAR-OTP-P-1839

(Private Session)

ICC-01/14-01/18

- 1 (Redacted)
- 2 (Redacted)
- 3 A. [13:02:12] (Redacted).
- 4 Q. [13:02:19] Was Mr Yekatom checking on (Redacted)
- 5 (Redacted)
- 6 (Redacted)?
- 7 A. [13:02:42] He checked everything.
- 8 Q. [13:02:46] You talked about the (Redacted). (Redacted)
- 9 given to other leaders like Coeur de Lion, Habib, for example?
- 10 A. [13:03:10] I have no idea.
- 11 PRESIDING JUDGE SCHMITT: [13:03:12] But, though -- though we can take it from
- 12 your answer, but you yourself (Redacted) that you had
- 13 with you?
- 14 THE WITNESS: [13:03:31](Interpretation) No, (Redacted) Coeur de Lion
- 15 or anyone else. What I know is that (Redacted)
- 16 (Redacted)
- 17 (Redacted)
- 18 PRESIDING JUDGE SCHMITT: [13:03:54] I have a question that is perhaps -- but I'm
- 19 simply interested in it.
- 20 So when (Redacted)
- 21 (Redacted)
- 22 (Redacted)?
- 23 THE WITNESS: [13:04:20](Interpretation) No, I wasn't afraid of anyone or anything,
- 24 because most of the time (Redacted). (Redacted) Mr Yekatom's side. And if I
- 25 remember correctly, once (Redacted)

Trial Hearing  
WITNESS: CAR-OTP-P-1839

(Private Session)

ICC-01/14-01/18

- 1 (Redacted)
- 2 (Redacted).
- 3 PRESIDING JUDGE SCHMITT: [13:05:04] Okay. Thank you.
- 4 So do we understand it from there that (Redacted)
- 5 (Redacted)
- 6 (Redacted)? Or am I
- 7 wrong here?
- 8 THE WITNESS: [13:05:29](Interpretation) Most of the time I was with him.
- 9 MR SCALIOTTI: [13:05:34]
- 10 Q. [13:05:37] So if leaders like Coeur de Lion, Habib (Redacted),  
11 how did they (Redacted)?
- 12 A. [13:05:55] Sir, I have to be explicit. The (Redacted) was mixed.
- 13 What I mean is that (Redacted).
- 14 So it was a bit mixed, if you like, to be quite clear. And that is why I said to you
- 15 I don't know exactly (Redacted). (Redacted)
- 16 (Redacted)
- 17 (Redacted)
- 18 THE INTERPRETER: [13:06:51] Interpreter corrects, (Redacted)
- 19 (Redacted).
- 20 MR SCALIOTTI: [13:07:01]
- 21 Q. [13:07:01] So if I understood correctly you mentioned (Redacted)  
22 (Redacted); am I correct?
- 23 A. [13:07:19] Yes, that's what I (Redacted).
- 24 Q. [13:07:31] Can you explain what happened with regard to these (Redacted). Can  
25 you explain to the Chamber, please.

Trial Hearing  
WITNESS: CAR-OTP-P-1839

(Private Session)

ICC-01/14-01/18

1 I'm sorry, Witness.

2 Here again, Mr President, there may be Rule 74 issues, just for -- just to flag --

3 PRESIDING JUDGE SCHMITT: [13:07:56] Yeah, just in case, so we repeat it. The  
4 assurances apply also for any -- any further questions with -- that might tend to  
5 incriminate the witness. Yes.

6 So what happened to (Redacted)?

7 THE WITNESS: [13:08:23](Interpretation) When I (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted).

11 MR SCALIOTTI: [13:09:05]

12 Q. [13:09:06] Just one clarification. You said (Redacted).

13 Who is this person that you are referring to?

14 A. [13:09:20] Mr Yekatom and his security. His bodyguards.

15 Q. [13:09:29] Again just trying to establish a timeline, do you remember  
16 approximately when this happened?

17 A. [13:09:49] That didn't continue on when we were occupying the Mbaïki axis.

18 Q. [13:10:03] So just to understand a bit more clearly. How long after you started  
19 working with Mr Yekatom this incident happened?

20 A. [13:10:33] I've forgotten. I don't know.

21 PRESIDING JUDGE SCHMITT: [13:10:40] Witness, you also said that the (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted) that had you with you, so to speak?

25 THE WITNESS: [13:11:05](Interpretation) Well, after a time everything was mixed

Pursuant to the Trial Chamber V's Initial Directions, ICC-01/14-01/18-631, dated 26 August 2020, the public reclassified and lesser redacted version of this transcript is filed in the case.

Trial Hearing  
WITNESS: CAR-OTP-P-1839

(Private Session)

ICC-01/14-01/18

- 1 up. In other words, one day (Redacted)
- 2 (Redacted)
- 3 (Redacted)
- 4 (Redacted).
- 5 PRESIDING JUDGE SCHMITT: [13:11:40] But, Witness, how did you know that
- 6 (Redacted)
- 7 (Redacted)
- 8 (Redacted)?
- 9 THE WITNESS: [13:12:02](Interpretation) Sir, the (Redacted)
- 10 (Redacted)
- 11 (Redacted)
- 12 (Redacted)
- 13 (Redacted)
- 14 (Redacted)
- 15 (Redacted)
- 16 (Redacted)
- 17 (Redacted)
- 18 (Redacted).
- 19 PRESIDING JUDGE SCHMITT: [13:13:13] Okay. So that's -- I've understood that
- 20 perhaps the concept of pillaging is a little bit different.
- 21 Mr Scaliotti, continue.
- 22 MR SCALIOTTI: [13:13:23]
- 23 Q. [13:13:23] So just to continue with these -- with this (Redacted).
- 24 So you saw it in (Redacted), correct?
- 25 A. [13:13:39] Yes.

Pursuant to the Trial Chamber V's Initial Directions, ICC-01/14-01/18-631, dated 26 August 2020, the public reclassified and lesser redacted version of this transcript is filed in the case.

Trial Hearing  
WITNESS: CAR-OTP-P-1839

(Private Session)

ICC-01/14-01/18

1 PRESIDING JUDGE SCHMITT: [13:13:42] I think at some point in time we can leave  
2 the (Redacted), because it's not -- it's not -- it's not, well, at the core of -- of  
3 Rome Statute crimes, so to speak.

4 MR SCALIOTTI: [13:14:01]

5 Q. [13:14:02] Just one final question on this.

6 So (Redacted)?

7 A. [13:14:23] The (Redacted) with Mr Yekatom. And then the (Redacted)  
8 (Redacted).

9 Q. [13:14:44] Let's go back to your assignments with Anti-Balaka chiefs. So do  
10 you recall how long did you work as (Redacted)?

11 A. [13:15:04] No, I don't remember.

12 Q. [13:15:14] You also mention Léopold Bara as a person that (Redacted). Who  
13 was Léopold Bara?

14 A. [13:15:31] Léopold Bara was somebody who I knew from Yamwara. He came  
15 to Yamwara often and I met him at a meeting. And that's where I met him.

16 Q. [13:15:54] Was he a civilian?

17 A. [13:15:59] Yes.

18 Q. [13:16:05] What (Redacted) him?

19 A. [13:16:26] When I (Redacted). When I was  
20 outside (Redacted).

21 Q. [13:16:42] And then any other assignment for Mr Yekatom or other Anti-Balaka  
22 chiefs?

23 A. [13:17:03] Could you be more specific, please.

24 Q. [13:17:09] Of course. I'm asking you if after (Redacted),  
25 (Redacted) if you were given any other

Trial Hearing  
WITNESS: CAR-OTP-P-1839

(Private Session)

ICC-01/14-01/18

1 (Redacted) by Mr Yekatom or other Anti-Balaka chiefs?

2 A. [13:17:40] No. But I recall that when we were at Yamwara we went to  
3 the (Redacted), but that's all.

4 Q. [13:18:04] Do you recall working as Mr Yekatom's (Redacted)?

5 A. [13:18:20] Yes.

6 Q. [13:18:28] What functions did you perform to -- for that role?

7 A. [13:18:46] Well, it was (Redacted)

8 (Redacted). So that's how it was. It's

9 me who came out with that message -- idea, not somebody else.

10 Q. [13:19:20] When you worked as Mr Yekatom's (Redacted), was it before or after  
11 working as (Redacted)?

12 A. [13:19:35] It was after.

13 Q. [13:19:41] Did Mr Yekatom have (Redacted) at the same time that you  
14 were (Redacted) for him?

15 A. [13:19:53] Yes.

16 Q. [13:19:57] Do you recall some of their names?

17 A. [13:20:04] Yes, I recall.

18 Q. [13:20:09] Can you tell the names that you recall, please.

19 \*A. [13:20:21] There was (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted). There was also

23 a soldier -- gosh, I'll stop there.

24 Q. [13:21:28] You said two child soldiers. Do you recall their names or  
25 nicknames?

Pursuant to the Trial Chamber V's Initial Directions, ICC-01/14-01/18-631, dated 26 August 2020, the public reclassified and lesser redacted version of this transcript is filed in the case.

Trial Hearing  
WITNESS: CAR-OTP-P-1839

(Private Session)

ICC-01/14-01/18

1 A. [13:21:50] I remember one of them, that his name was Ozoui. That was his  
2 name. I don't recall his first name. And the other one, I don't know his name or his  
3 first name.

4 PRESIDING JUDGE SCHMITT: [13:22:06] I think you can put -- put names to her to  
5 refresh her memory, if she -- if she recalls them and then we continue from there.  
6 Well, perhaps I can do it. Does the name or nickname, I don't know, Bougie Noire  
7 ring a bell?

8 THE WITNESS: [13:22:34](Interpretation) Yes, Bougie Noire was a child I knew at  
9 the Yamwara school.

10 PRESIDING JUDGE SCHMITT: [13:22:40] And Tangani, does that ring a bell too?

11 THE WITNESS: [13:22:51](Interpretation) Yes, Tangani was at Alfred Rambo  
12 Yekatom's side.

13 PRESIDING JUDGE SCHMITT: [13:22:56] And when you say -- what -- what age  
14 would they have in your assessment, in your estimation? What do you think?  
15 The one we spoke about and you have in mind.

16 THE WITNESS: [13:23:18](Interpretation) I don't know their true ages, really. But  
17 they were certainly not of age.

18 PRESIDING JUDGE SCHMITT: [13:23:36] What do you mean "not of age"? Just to  
19 be precise, that we have an idea.

20 THE WITNESS: [13:23:44](Interpretation) What I mean is that they were not yet  
21 18 years old.

22 PRESIDING JUDGE SCHMITT: [13:23:49] So not 18, you cannot be more precise.  
23 I don't want to insist. If you can't assess the age, it's not a problem. You're not an  
24 expert, so to speak. But -- but you say they were definitely not -- not 18 and older.  
25 Is that how we understand your testimony.

Trial Hearing  
WITNESS: CAR-OTP-P-1839

(Private Session)

ICC-01/14-01/18

1 THE WITNESS: [13:24:21](Interpretation) Yes, because I was older than them, I was  
2 a lot older than them (Redacted) at the time.

3 PRESIDING JUDGE SCHMITT: [13:24:31] Okay. Yeah.

4 MR SCALIOTTI: [13:24:34]

5 Q. [13:24:36] Witness, if I can continue with the child -- that child soldier that you  
6 mentioned nicknamed Bougie Noire. Do you recall what his functions were in  
7 the group?

8 A. [13:24:58] He was just an element. But he was not in (Redacted).

9 Q. [13:25:16] Do you know anything about him, about things that he did with  
10 the group while he was in the group?

11 A. [13:25:35] Well, as I said, I wasn't overseeing or monitoring anybody's behaviour,  
12 so I don't know.

13 Q. [13:25:46] Was anything related to you by other elements about Bougie Noire?

14 A. [13:26:01] Yes.

15 Q. [13:26:06] Can you say what was related to you about him?

16 A. [13:26:15] Well, people told me that he had already killed someone. That he'd  
17 already cut the head of a young man.

18 PRESIDING JUDGE SCHMITT: [13:26:37] Did they also talk about the age of -- of  
19 Bougie Noire? And also perhaps of Tangani? You know, did others talk with you,  
20 others from the group talk with you about the age of these young people.

21 THE WITNESS: [13:27:02](Interpretation) No.

22 PRESIDING JUDGE SCHMITT: [13:27:03] Yeah.

23 MR SCALIOTTI: [13:27:05]

24 Q. [13:27:06] So I'm asking you again, what was Bougie Noire's age? How old  
25 was he?

Trial Hearing  
WITNESS: CAR-OTP-P-1839

(Private Session)

ICC-01/14-01/18

1 PRESIDING JUDGE SCHMITT: [13:27:12] I think the witness has said she can't -- we  
2 can give -- but this is the last try.

3 I understand, Witness, you did not know his age, so we start with that, that that's  
4 correct, that's a correct understanding?

5 THE WITNESS: [13:27:33](Interpretation) Yes.

6 PRESIDING JUDGE SCHMITT: [13:27:33] So would you be able to say from, you  
7 know, you were at the time I think -- let me -- let me count, I'm not so good at that, 18,  
8 19, yeah, perhaps, at the time. And with regard to you, would you be able to say  
9 today that you could give an estimate of his age at the time?

10 THE WITNESS: [13:28:00](Interpretation) Well, I'd say 11, 12 years old.

11 PRESIDING JUDGE SCHMITT: [13:28:03] Okay. And the other, this -- we are now  
12 speaking about Bougie Noire, yes?

13 THE WITNESS: [13:28:13](Interpretation) Yes.

14 PRESIDING JUDGE SCHMITT: [13:28:14] And the other one, Tangani, could you try  
15 too?

16 THE WITNESS: [13:28:29](Interpretation) You're referring to the two who were at  
17 Rambo's sides -- side.

18 PRESIDING JUDGE SCHMITT: [13:28:35] Yeah, the two that you mentioned and  
19 said that -- that they were young. Exactly.

20 MS DIMITRI: [13:28:42] Mr President, for the record, she already answered that  
21 question. She said that that they were not *majeur*, they were not 18. And in my  
22 opinion, the more we push a witness to give an age --

23 PRESIDING JUDGE SCHMITT: [13:28:55] No, no, no, no, you are right, I think  
24 you are right, yeah. But did we understand it correctly, that was -- I agree with you.  
25 So we understood you correctly, for these two you could say they were not of age,

Pursuant to the Trial Chamber V's Initial Directions, ICC-01/14-01/18-631, dated 26 August 2020, the public reclassified and lesser redacted version of this transcript is filed in the case.

Trial Hearing  
WITNESS: CAR-OTP-P-1839

(Private Session)

ICC-01/14-01/18

1 that were the two that you referred to that you think they were -- they were not yet of  
2 age? Was this understanding correct?

3 THE WITNESS: [13:29:23](Interpretation) Bougie Noire is a young person who I  
4 knew, but the two others who were at Yekatom's side were not of -- did not have  
5 majority -- were not over the age of majority at all, so that applies to all three.

6 PRESIDING JUDGE SCHMITT: [13:29:42] Okay.

7 So if -- do we have with regard to this topic another question? Otherwise we would  
8 call it a day.

9 MR SCALIOTTI: [13:29:52] Maybe, Mr President, we -- now it's a bit late, maybe we  
10 can follow up tomorrow, but this is not exactly what the witness said during -- in her  
11 statement when she was asked these questions.

12 PRESIDING JUDGE SCHMITT: [13:30:04] Then I think -- I suggest that we put it  
13 then tomorrow to the witness. That is, of course, an instance where you can put  
14 the -- the former statement to the witness.

15 So, Madam Witness, this is it for today, but we continue tomorrow, and with all  
16 probability also next week, at 9.30. This concludes the hearing for today.

17 THE COURT USHER: [13:30:28] All rise.

18 (The hearing ends in private session at 1.30 p.m.)