

Trial Hearing
WITNESS: CAR-OTP-P-2843

(Open Session)

ICC-01/14-01/18

1 International Criminal Court
2 Trial Chamber V
3 Situation: Central African Republic II
4 In the case of The Prosecutor v. Alfred Rombhot Yekatom and Patrice-Edouard
5 Ngaïssona - ICC-01/14-01/18
6 Presiding Judge Bertram Schmitt, Judge Péter Kovács and
7 Judge Chang-ho Chung
8 Trial Hearing - Courtroom 1
9 Friday, 5 November 2021
10 (The hearing starts in open session at 9.36 a.m.)
11 THE COURT USHER: [9:36:09] All rise.
12 The International Criminal Court is now in session.
13 Please be seated.
14 PRESIDING JUDGE SCHMITT: [9:36:34] Good morning, everyone.
15 Could the court officer please call the case.
16 THE COURT OFFICER: [9:36:39] Good morning, Mr President, your Honours.
17 The situation in the Central African Republic II, in the case The Prosecutor versus
18 Patrice-Edouard Ngaïssona and Yekatom, case reference ICC-01/14-01/18.
19 And we are in open session.
20 PRESIDING JUDGE SCHMITT: [9:36:54] Thank you.
21 The appearance of the parties.
22 Mr Vanderpuye.
23 MR VANDERPUYE: [9:36:59] Good morning, Mr President, your Honours. Good
24 morning, everyone. Today the Prosecution is represented by Manochitra Prathaban,
25 Yassin Mostfa and myself Kweku Vanderpuye.

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- 1 PRESIDING JUDGE SCHMITT: [9:37:10] Yes.
- 2 Mr Suprun.
- 3 MR SUPRUN: [9:37:11] Good morning, Mr President, your Honours. The former
- 4 child soldiers are represented by myself, Dmytro Suprun, counsel at the Office of
- 5 Public Counsel for Victims. Thank you.
- 6 PRESIDING JUDGE SCHMITT: [9:37:21] Thank you.
- 7 MR DANGABO MOUSSA: [9:37:22](Interpretation) Good morning, Mr President.
- 8 Good morning, everyone. I'm representing the LRV team and I am accompanied
- 9 with -- by Asso Mouhia, Anne Grabowski and myself Abdou Dangabo Moussa.
- 10 PRESIDING JUDGE SCHMITT: [9:37:40] Thank you.
- 11 For the Defence, Ms Dimitri.
- 12 MS DIMITRI: [09:37:44] Good morning, Mr President. Good morning, your
- 13 Honours. Good morning, everyone. Mr Yekatom, who is present in the courtroom
- 14 this morning, is represented by our new legal interim Victor-Louis Lapointe
- 15 Saint-Pierre, Dr Lena Casiez and myself, Mylène Dimitri.
- 16 And for the record, Mr President, Mr Jean-Michel Kola might join us after the break.
- 17 PRESIDING JUDGE SCHMITT: [9:38:04] Okay. Thank you. Mr Knoops.
- 18 MR KNOOPS: [9:38:06] Good morning, Mr President, your Honours. Good
- 19 morning, everyone in the courtroom. The Defence team of Mr Ngaïssona comprises
- 20 today, except for myself, Ms Sara Pedroso, Despoina Eleftheriou and Eva Kalb.
- 21 Thank you.
- 22 PRESIDING JUDGE SCHMITT: [9:38:19] Thank you.
- 23 We will have, first, to issue an oral ruling. The Chamber will address the pending
- 24 of -- the pending Prosecution's requests, notably its request to add four items to its list
- 25 of materials for its questioning of P-2843 and its request to add these four items to its

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1 list of evidence. So these are two different things.

2 It has further taken note of the objections to the requests submitted by the participants

3 in writing. I don't have to specify that in detail. And these were objections by

4 the Ngaïssona defence and Yekatom defence.

5 The Chamber has deliberated on the matter. The Chamber is very concerned about

6 the fact that this is not the first time that the Prosecution seeks an addition to the list

7 of materials for a witness examination concerning items not on the Prosecution's list

8 of evidence.

9 In this regard, the Chamber reiterates its previous instruction to the Prosecution to, I

10 quote, "thoroughly review its list of evidence for completeness and to request such

11 additions only on an exceptional basis". This was an email decision by the Chamber

12 on 29 September 2021.

13 The Chamber will not tolerate that the Prosecution ignores this procedural step,

14 which is essential to safeguard the procedural rights of the Defence.

15 The Chamber expects the Prosecution to do better in this regard in the future.

16 Turning now to the request to add the items to its list of evidence, the Chamber at the

17 outset recalls the applicable law as set out in its decision 989, paras 5 to 6.

18 The Chamber notes the nature and amount of relevant material concerned and

19 considers that the items seem to bear prospective significance to the proceedings.

20 Further, while the Chamber notes the Defence's objections to the request, it notes that

21 items CAR-OTP-210 -- excuse me, 2130-3372, 2130-5493 and 2133-7314 were disclosed

22 to the Defence at least three months ago.

23 In light of the above and considering that their addition to the Prosecution's list of

24 evidence is in the interest of the Chamber's determination of the truth and that

25 the Defence will not be unduly prejudiced by this addition, the Chamber grants

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1 the Prosecution's request to add items. I'll repeat it because it's really in the detail
2 here that you know what -- what you have to abide to, so to speak,
3 CAR-OTP-2130-3372, 2130-5493 and 2133-7314 to the list of evidence.
4 With regard to CAR-OTP-2130-1031, the Chamber notes that this item was disclosed
5 to the Defence only on 4 November 2021. That is yesterday. Thus, and noting
6 the limited prospective significance that this item seems to bear to the proceedings,
7 the Chamber rejects the Prosecution's request to add this item to its list of evidence.
8 Therefore, the Chamber will not address the Prosecution's request to add this item to
9 the list of materials for its examination of P-2843.
10 Turning now to the request of addition of these items, the remaining items, I have to
11 say, to the Prosecution's list of materials for its examination of Witness P-2843,
12 the Chamber notes the Defence's objections to the request.
13 With regard to item CAR-OTP-2130-4 -- excuse me, 5493, the Chamber has balanced
14 its prospective significance, specifically with regard to its use during P-2843's
15 examination against the potential prejudice that could be caused to the Defence and
16 considers that such prejudice outweighs any potential significance. Accordingly,
17 the addition of these items to the Prosecution's list of materials for P-2843 examination
18 is rejected.
19 However, with respect to items CAR-OTP-2130-3372 and CAR-OTP-2133-7314,
20 the Chamber considers that the prospective significance, specifically with regard to
21 their use during P-2843's examination, outweighs any potential prejudice that could
22 be caused to the Defence and thus authorises their addition to the Prosecution's list of
23 materials for its examination of P-2843.
24 This concludes the Chamber's ruling, which was quite technical, and I hope
25 everybody got the numbers here.

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1 We will now start with the testimony of the next witness.

2 Could -- court officer, could you kindly bring the witness into the courtroom.

3 (The witness enters the courtroom)

4 PRESIDING JUDGE SCHMITT: [9:44:34] Mr Witness, good morning. Can you
5 hear and understand me well?

6 WITNESS: CAR-OTP-P-2843

7 (The witness speaks French)

8 THE WITNESS: [9:44:44](Interpretation) I can hear you five on five.

9 PRESIDING JUDGE SCHMITT: [9:44:47] Okay. That's promising.

10 On behalf of the Chamber, I would like to welcome you to the courtroom. You are
11 called to testify this Chamber in the case of Mr Yekatom and Mr Ngaïssona. I also
12 note the presence of Mr Hédi Aouini who has been appointed as legal adviser to you,
13 pursuant to Rule 74 of the Rules of Procedure and Evidence. For the record, this is
14 filing number 1157.

15 Mr Witness, whenever you think there is a need to confer with your legal adviser,
16 please let us know.

17 You can raise your hand then. There might be questions put to you that might tend
18 to incriminate you. In these cases you can answer the questions or you can refuse to
19 answer them. And, of course, on a case-by-case basis the Chamber will have to
20 determine if assurances have to be given or not. You can consult in these cases with
21 your legal adviser for that purpose.

22 Do you understand that?

23 THE WITNESS: [9:46:02](Interpretation) Yes, I understand.

24 PRESIDING JUDGE SCHMITT: [9:46:06] You know that there are protective
25 measures put in place for you. This has been explained to you. I just repeat it also

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1 for the record here. We have face distortion, voice distortion and we use
2 a pseudonym. Because of that, I'm addressing you as "Mr Witness" and not with
3 your real name. That is to protect your identity.
4 And also we might go into private session and, if need be, so all these measures shall
5 ensure that your identity is not revealed to the public.
6 Mr Witness, there should be a card on the desk in front of you with the solemn
7 undertaking to tell the truth. Could you please read out loud the content of this
8 card?

9 THE WITNESS: [9:47:05](Interpretation) I solemnly declare that I shall speak
10 the truth, the whole truth and nothing but the truth.

11 PRESIDING JUDGE SCHMITT: [9:47:13] Thank you.

12 As you have just sworn, you have to speak the truth. It is an offence within
13 the jurisdiction of this Court to give false testimony. Before we start with
14 the questioning, I would like to note a few practical matters.

15 Mr Witness, everything we say here in the courtroom is written down and interpreted.
16 And to allow for the interpretation, for the interpreters to follow what you say or
17 what any other person in this room says, we have to speak at a relatively slow pace
18 and we -- please only - now concerning you - only speak when the person that has
19 asked you a question has finished. Thank you very much.

20 I give the floor now to the Prosecution.

21 MR VANDERPUYE: [9:48:03] Thank you, Mr President.

22 QUESTIONED BY MR VANDERPUYE:

23 Q. [9:48:06] And good morning to you and your Honours, once again. Good
24 morning, everyone.

25 And good morning to you, Mr Witness.

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1 We met a few days ago. My name is Kweku Vanderpuye. I'm going to be asking
2 you some questions on behalf of the Office of the Prosecutor.

3 As the Presiding Judge has said, you are testifying with protective measures so your
4 identify is not going to be made public. But as we go we will cover certain areas of
5 your testimony which might tend to identify you. I will do my best to avoid
6 covering those areas in public and I hope you will be able to do the same.

7 But I do want to reassure you, because sometimes there is the error that occurs in the
8 courtroom and information is led in a public way, but there is mechanism by which
9 that can be expunged from the public record so that there is no trace of it ultimately.

10 If there's a question that I ask you which might tend to identify you, even if I'm not
11 particularly aware of that, just let us know. Let me know and I can ask
12 the Presiding Judge whether we might be able to proceed in private session so that
13 your identity is not revealed.

14 And I have tried to organise and think about ways to lead your evidence in a way that
15 can best protect against revealing your identity. It is a bit difficult because of the
16 subject matter of what I expect to put to you, but I'll do my best to do that.

17 If there's anything that I ask you that's not clear also, please just let me know and I'll
18 do my best to try to rephrase it or explain it in a way that you can better understand it
19 and respond.

20 There may be questions also that not just me but the Chamber might ask you or
21 the Defence counsel may ask you that might tend to incriminate you, as
22 the Presiding Judge has just said. And obviously you have Mr Aouini here to assist
23 you if that should happen and to advise you on whether to answer the question or
24 whether to answer the question with particular assurances that the Chamber can
25 provide in that respect.

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1 And, of course, the Presiding Judge has just said - I'm probably the greatest
2 offender - but we try to speak and respond -- I'll try to ask questions and your
3 response in a way that does not overlap so that the interpreters can follow everything
4 that we say and everything can be accurately recorded in the record of the
5 proceedings.

6 Now, that was a really long list and I apologise for that, but did you understand what
7 I have said so far?

8 A. [9:51:15] Yes, I hear you loud and clear.

9 MR VANDERPUYE: [9:51:19] Mr President, I'd like to go into private session please
10 for some biographical information.

11 PRESIDING JUDGE SCHMITT: [9:51:27] Yes, private session.

12 (Private session at 9.51 a.m.)

13 THE COURT OFFICER: [9:51:36] We're in private session, Mr President.

14 MR VANDERPUYE: [9:51:46] Thank you.

15 Q. [9:51:46] For the record, Mr Witness, could you please state your full name.

16 A. [9:52:00] My name is (Redacted).

17 Q. [9:52:02] What is your date of birth?

18 A. [9:52:10] (Redacted)

19 Q. [9:52:15] Are you a Central African citizen?

20 A. [9:52:28] Yes.

21 Q. [9:52:30] And where were you born?

22 A. [9:52:40] I was born in (Redacted) the Central African Republic.

23 Q. [9:52:44] What is your religion?

24 A. [9:52:51] I am a (Redacted).

25 Q. [09:52:57] What is your ethnicity?

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1 A. [9:53:06] I am (Redacted).

2 Q. [9:53:09] And we understand that you are currently (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

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16 (Redacted)

17 (Redacted)

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22 (Redacted)

23 PRESIDING JUDGE SCHMITT: [10:12:41] Okay, yeah. Please continue.

24 MR VANDERPUYE: [10:12:42]

25 Q. [10:12:42] I wanted to ask you some questions concerning your telephone

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1 numbers, the contact information that you may have used in 2013 and 2014.

2 Just so that I'm clear -- first of all, do you remember the telephone numbers that you
3 used in the context of -- well, rather, in 2013 and 2014, your telephone numbers that
4 you used in the CAR?

5 A. [10:13:17] No, I don't remember anymore.

6 Q. [10:13:33] Does or do the -- well, let me ask one at a time.

7 First, does the number (Redacted) ring a bell?

8 A. [10:13:54] No, I don't remember that number anymore.

9 Q. [10:13:57] Does the number (Redacted) ring a bell?

10 A. [10:14:11] No.

11 Q. [10:14:13] And let me just ask you before I move on to your -- about your -- your
12 email address. Do you recall the email address that you used in that period?

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

14 Q. [10:14:33] What -- what do you recall that email address to have been?

15 A. [10:14:55] I don't remember exactly. But if you have that and you show me,
16 then it will refresh my memory.

17 Q. [10:15:01] (Overlapping speakers) But -- but before we do that, I want to show
18 you a document. It has just been added to the list, I believe.

19 So please correct me if I'm wrong, Mr President. I have it at as CAR-OTP-2133-7314.

20 PRESIDING JUDGE SCHMITT: [10:15:20] (Microphone not activated)

21 MR VANDERPUYE: Okay.

22 PRESIDING JUDGE SCHMITT: [10:15:22] Let me check, so to be -- because, you
23 know, I'm -- I'm quite good in numbers, but these were -- this is quite difficult. Yeah,
24 yeah. And we have Defence counsel here. They would, of course, jump up
25 immediately and ...

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1 MR VANDERPUYE: [10:15:41] All right.

2 Q. [10:15:42] What I'd like to show you is a Facebook message. We're now at the
3 first page of it. And you can see -- we are in private session, right?

4 This is a conversation between you and someone named (Redacted). And if
5 we can go to the bottom of this page, you will see a bit of the conversation. (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 The numbers that are -- that are attributed to you, those are your phone numbers you
14 used during that period in time; is that right?

15 A. [10:17:33] No doubt, but I can't remember.

16 Q. [10:17:39] Okay. And in this conversation, you are referred to -- or, rather,
17 your name appears as, as you've indicated, (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 Q. [10:18:17] All right. I'd like to ask you some questions about your relationship
22 with Mr Ngaïssona.

23 I understand that (Redacted)

24 (Redacted) How long have you known Mr Ngaïssona?

25 A. [10:18:56] That's more than 10 years.

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- 1 Q. [10:19:01] In what context did you come to know him?
- 2 (Redacted)
- 3 (Redacted)
- 4 (Redacted)
- 5 (Redacted)
- 6 (Redacted)
- 7 (Redacted)
- 8 (Redacted)
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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 Q. [10:23:04] I'd like to ask you some questions.

5 Mr President, I think we can go into public session, at least briefly, for this few series
6 of questions.

7 PRESIDING JUDGE SCHMITT: [10:23:12] Okay. Why not? We go to public
8 session.

9 We are all aware of the potential dangers.

10 (Open session at 10.23 a.m.)

11 THE COURT OFFICER: [10:23:26] We are in open session, Mr President.

12 MR VANDERPUYE: [10:23:32]

13 Q. [10:23:32] Mr Witness, the Chamber has heard evidence of Mr Ngaïssona's
14 position in the Central African Football Federation, and I wonder if you could
15 describe for the Chamber what Mr Ngaïssona's appeal was in that position, for
16 example, to the youth, whether he was influential, whether he was, you know, well
17 known. Can you tell the Chamber how he was perceived in the position as
18 the president of the Central African Football Federation?

19 A. [10:24:23] Mr Ngaïssona, outside his professional activities, or business affairs,
20 he is involved in the football world. He started by being a player in the region, in
21 the clubs, and led the football team in Bangui and then the federation of CAF. So
22 he's someone who belongs in that environment.

23 Q. [10:24:58] And was he well regarded in that role, somebody that was respected?

24 A. [10:25:15] Yes, of course he was respected. He was very popular in this world.

25 Q. [10:25:23] He was popular among the youth because football is a very popular

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1 sport in the Central African Republic, isn't it?

2 A. [10:25:39] Yes, he is popular in the -- amongst the youth in CAR. He's very
3 popular in general. Very popular.

4 Q. [10:25:51] And do you know whether that popularity translated into political
5 influence in the country?

6 A. [10:26:09] Firstly, he -- he was popular before he became involved in politics.
7 Before that, he was very popular. Even his candidacy for the federation of the
8 Central African federation was supported by the clubs and the players. So even
9 before his political activities he was very popular.

10 Q. [10:26:43] Okay. Would you consider yourself someone who was close to
11 Mr Ngaïssona?

12 A. [10:27:04] {ICR: (Redacted)}.

13 MR VANDERPUYE: [10:27:12] (Redacted)

14 Mr President, I'd like to go back into private session, if I could.

15 PRESIDING JUDGE SCHMITT: [10:27:27] Yeah. Private session.

16 (Private session at 10.27 a.m.)

17 THE COURT OFFICER: [10:27:37] We're in private session, your Honours.

18 MR VANDERPUYE: [10:27:41] Thank you.

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

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3 MR VANDERPUYE:

4 Q. [10:35:50] (Overlapping speakers)

5 PRESIDING JUDGE SCHMITT: [10:35:51] Mr Vanderpuye, the witness added

6 something. The interpreter had it -- had to interrupt it. So I think we did not hear

7 your question.

8 MR VANDERPUYE: [10:35:59] I'm sorry. Just one moment.

9 Sorry. Thank you.

10 (Redacted)

11 (Redacted)

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1 MR VANDERPUYE: [10:42:01] Oh, yeah, yeah, yeah.

2 PRESIDING JUDGE SCHMITT: [10:42:06] Okay. Good.

3 MS DIMITRI: [10:42:08] Mr President?

4 PRESIDING JUDGE SCHMITT: [10:42:09] Ms Dimitri.

5 MS DIMITRI: [10:42:09] I'm wondering, given the generality of the questions,

6 whether we could go back in public session?

7 PRESIDING JUDGE SCHMITT: [10:42:14] Yes, but since I -- you know, my

8 intervention was meant, perhaps, to -- to expedite proceedings. So I think we will

9 probably soon hear more specific with regard to the case we have in front of us, more

10 specific questions. So I assume, perhaps, it doesn't make sense to go to public

11 session for one or two questions.

12 MR VANDERPUYE: [10:42:38] Yes. I'm coming to that. And also --

13 PRESIDING JUDGE SCHMITT: [10:42:43] And please assure -- let me reassure,

14 Mr Vanderpuye, that I'm the least who is not interested in (Redacted) here in the

15 courtroom.

16 Please continue.

17 MR VANDERPUYE: [10:42:53] So I understand. Thank you, Mr President.

18 Just -- just -- just so that you know, the reason why I'm asking these questions in

19 private session is because (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)
2 (Redacted)
3 (Redacted)
4 (Redacted)
5 (Redacted)
6 (Redacted)
7 (Redacted)
8 (Redacted)
9 (Redacted)
10 (Redacted)
11 (Redacted)
12 (Redacted)
13 (Redacted)
14 (Redacted)
15 (Redacted)
16 (Redacted)
17 (Redacted)
18 (Redacted)
19 (Redacted)
20 (Redacted)
21 (Redacted)

22 Q. [10:46:45] Now, following the Seleka coup on 24 March 2013, did you make
23 efforts to be in contact with Mr Ngaïssona?

24 A. [10:47:06] After the coup d'état, Mr Ngaïssona fled the country. He left
25 the country and so he was in exile. And during that period of exile, I was in contact

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1 with him. (Redacted)

2 Q. [10:47:30] How often would you say you were in contact with Mr Ngaïssona?

3 Let's say up until June of 2013.

4 A. [10:47:50] I no longer remember the frequency, but I was in contact with him.

5 Q. [10:47:58] I'd like to show you a document. I want to confirm once again if

6 it's -- if it's on the list.

7 I have it as CAR-(Redacted). I don't see the Defence jumping up, so I think I

8 might be right.

9 If I could please show that document to the witness.

10 It is an email, sir. It's dated (Redacted) June 2013. If we could just go down to -- yes,

11 there it is, (Redacted) June 2013. Read that email there.

12 Just read it to yourself and let us know when you're -- when you're done with that. I

13 have just a few questions regarding it.

14 (Microphone not activated)

15 PRESIDING JUDGE SCHMITT: [10:49:21] Microphone, please.

16 MR VANDERPUYE: [10:49:23] If we could just go down the page a little bit, so we

17 can see his name at the bottom.

18 There you go. Thank you.

19 PRESIDING JUDGE SCHMITT: [10:49:55] Have you read it, Mr Witness?

20 THE WITNESS: [10:50:01](Interpretation) Yes, I have read it.

21 MR VANDERPUYE: [10:50:04] All right.

22 Q. [10:50:06] My question lies in the last sentence of this email, which reads, I'll

23 read it in French: (Interpretation) "To that effect, (Redacted)

24 (Redacted) the situation of

25 the country, specifically certain aspects (Redacted)

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1 (Redacted)"

2 (Speaks English) First of all, where in Cameroon was Mr Ngaïssona at the time that
3 you sent this, if you can recall?

4 A. [10:50:52] He was in Cameroon, but I did not know specifically where he was.

5 Q. [10:50:57] And then (Redacted) situation in
6 the country.(Redacted)

7 (Redacted) what situation in the country this refers to?

8 A. [10:51:33] (Redacted)

9 (Redacted) situation in the country. Because
10 the situation was very difficult in the country with the arrival of Seleka.

11 (Redacted) was ransacked. Everything was taken away.

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 We worked at home. So it was those subjects that I wanted to discuss with him
16 because even while in exile (Redacted)

17 (Redacted)

18 Q. [10:52:44] Here we refer to the -- (Overlapping speakers)

19 PRESIDING JUDGE SCHMITT: [10:52:47] May I shortly?

20 MR VANDERPUYE: [10:52:50] Oh, I'm sorry, Mr President.

21 PRESIDING JUDGE SCHMITT: [10:52:51] Why -- what are these areas that
22 (Redacted)

23 THE WITNESS: [10:53:02](Interpretation) I have told you -- well, (Redacted)

24 the situation of the country. During that period, it was very difficult and it was

25 (Redacted) Seleka totally controlled the country. So it was extremely difficult.

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1 There were too many killings and (Redacted)

2 the situation of the country (Redacted)

3 MR VANDERPUYE: [10:53:33]

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 Q. [10:54:17] (Overlapping speakers) -- Mr Ngaïssona's response. Just go up

11 a page.

12 What do you make of that, Mr Witness?

13 A. [10:54:53] What topic?

14 Q. [10:54:56] This is a response of Mr Ngaïssona to your email about

15 the complicated situation in the country (Redacted) What

16 do you make about that?

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 Q. [10:56:11] (Overlapping speakers) I see that.

25 A. [10:56:20] Yes, that is correct.

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- 1 PRESIDING JUDGE SCHMITT: [10:56:29] Mr Aouini.
- 2 MR AOUINI: [10:56:32] Good morning, your Honour. I hesitate to intervene, but
- 3 what we see on the screen is just a part of an email concerning signature.
- 4 The Prosecutor referred to some more substance, which we don't see, so...
- 5 PRESIDING JUDGE SCHMITT: [10:56:52] Mr Vanderpuye.
- 6 MR VANDERPUYE: [10:56:53] What I'm referring to is the last sentence of the email
- 7 that the witness sent, which is what I was asking about concerning: (Interpretation)
- 8 (Redacted)
- 9 (Speaks English) That's what I'm referring to. And (Overlapping speakers)
- 10 PRESIDING JUDGE SCHMITT: And (Overlapping speakers)
- 11 MR VANDERPUYE: -- response doesn't make a mention of that (Overlapping
- 12 speakers)
- 13 PRESIDING JUDGE SCHMITT: [10:57:12] And, of course, since we -- since this
- 14 comes up again, it of course also appears from the wording of the email by you,
- 15 Mr Witness, that it was about the situation in the country (Redacted)
- 16 (Redacted) But, okay, so you have answered the question, so we won't go back to that.
- 17 Mr Vanderpuye, do you want to entertain a new area or so --
- 18 MR VANDERPUYE: [10:57:37] Just a couple of questions on this and then
- 19 (Overlapping speakers)
- 20 PRESIDING JUDGE SCHMITT: [10:57:40] On this, okay, good. Then we have
- 21 a break, yeah.
- 22 MR VANDERPUYE: [10:57:43] Really almost one question about it.
- 23 Q. [10:57:46] With respect to (Redacted)
- 24 (Redacted)
- 25 (Redacted) either in other emails or other means, that you've

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1 just expressed here concerning matters in the country?

2 A. [10:58:08] I no longer remember. I really do not remember that, no.

3 MR VANDERPUYE: [10:58:20] Okay. Well, Mr President, I think now is a good
4 time to go to a different topic. I see that it's the break.

5 PRESIDING JUDGE SCHMITT: [10:58:28] We have now the break until 11.30 and
6 then you start with your new topic.

7 And for the further scheduling of the day, you have indicated that you would need
8 four hours. That's fine with the Chamber.

9 MR VANDERPUYE: [10:58:36] It seems that, yes.

10 PRESIDING JUDGE SCHMITT: [10:58:38] So -- but, also, I already flag it, so to speak,
11 that out of fairness to the Defence, especially of Mr Ngaïssona, that we would -- we
12 don't know what -- what comes out of it, of course, we said that yesterday, we really
13 have to give them time to prepare. So it -- what I want to say by that is you have to
14 finish today with your examination. It was too long, the speech, for the message that
15 I wanted to convey. Okay. Thank you.

16 MR VANDERPUYE: [10:59:08] (Microphone not activated)

17 PRESIDING JUDGE SCHMITT: [10:59:10] 11.30.

18 THE COURT USHER: [10:59:13] All rise.

19 (Recess taken at 10.59 a.m.)

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

21 THE COURT USHER: [11:30:50] All rise.

22 Please be seated.

23 PRESIDING JUDGE SCHMITT: [11:31:18] Mr Vanderpuye, please continue with
24 your examination.

25 MR VANDERPUYE: [11:31:22] Thank you, Mr President.

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(Open Session)

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1 We were -- we are in open session or we are in private session, still?

2 PRESIDING JUDGE SCHMITT: [11:31:30] I think we are in open session. Normally
3 we would be in open session, so I -- (Overlapping speakers)

4 MR VANDERPUYE: [11:31:37] (Overlapping speakers) It's okay.

5 PRESIDING JUDGE SCHMITT: [11:31:37] It's fine? Okay.

6 MR VANDERPUYE: [11:31:38] I think so.

7 PRESIDING JUDGE SCHMITT: Okay, good.

8 MR VANDERPUYE: I think so. Thank you, Mr President.

9 Q. [11:31:45] Good morning, Mr Witness.

10 I'm going to ask you some questions concerning contact you may have had with

11 Mr Ngaïssona, but to the extent that it may identify you, if you feel that might be

12 the case, just let me know and then we can try to go into private session.

13 But in respect of the email we just looked at from June 2013, did you at that time or

14 around that time have an opportunity to visit with Mr Ngaïssona while he was in

15 Cameroon?

16 A. [11:32:26] No, we didn't see each other.

17 Q. [11:32:35] Did you visit with him from between June and, say, September of

18 2013 in Cameroon?

19 A. [11:32:48] I never paid him a visit.

20 Q. [11:33:00] All right. And did you go to Cameroon yourself at all in that period,

21 between the time of the coup up until September 2013? Whether you visited

22 Mr Ngaïssona or not, did you actually go to Cameroon at all?

23 A. [11:33:19] During that period, I didn't go to Cameroon.

24 Q. [11:33:28] All right. I'd like to ask you about a certain number of individuals to

25 see if you know them. And if you do, just indicate that, but not how, not

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1 the circumstances.

2 The first person I would like to ask you about is someone by the name of {PFR:

3 (Redacted)}. Do you know him?

4 A. [11:33:57] Yes.

5 Q. [11:34:00] Do you know of whether he had any relationship to Bozizé or his
6 circle of -- you know, people that were within his circle?

7 A. [11:34:21] He was a member of the party of President Bozizé.

8 Q. [11:34:30] The president -- I'm sorry, the party of President Bozizé was the KNK,
9 *Kwa Na Kwa* party?

10 A. [11:34:41] Yes.

11 Q. [11:34:46] Do you know if Mr Ngaïssona was a member of that party?

12 A. [11:34:58] Officially, no. But Mr Ngaïssona had his own party. He created his
13 own party.

14 Q. [11:35:06] Okay. Were you a member of the KNK?

15 A. [11:35:16] Yes, I was a member of the KNK.

16 Q. [11:35:20] Were you in contact with {PFR: (Redacted)} in 2013 and 2014?

17 A. [11:35:36] During that period, I don't remember. {PFR: (Redacted)}.

18 (Redacted)

19 (Redacted)

20 (Redacted)}

21 MR VANDERPUYE: [11:35:49] Mr President, can we go to private session, please.

22 PRESIDING JUDGE SCHMITT: [11:35:51] Yes, private session.

23 (Private session at 11.36 a.m.)

24 THE COURT OFFICER: [11:36:02] We are in private session, Mr President.

25 MR VANDERPUYE: [11:36:08] Thank you.

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1 Q. [11:36:12] I asked to go to private session because I want to avoid eliciting
2 information which may tend to identify you, even to people that are your friends or
3 something like that. Okay?

4 So let me ask you then more particularly about some other people.

5 Do you know someone by the name of (Redacted)?

6 A. [11:36:38] Yes, I know him.

7 Q. [11:36:40] And as we're in private session, how do you know him?

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 Q. [11:37:10] All right. So you've known him and also (Redacted) for a long time;
12 is that right?

13 A. [11:37:20] Yes, for a very long time.

14 Q. [11:37:23] Do you know if (Redacted) is someone who is also
15 within the circle of people that support President Bozizé? Aside from being in
16 the KNK.

17 A. [11:37:46] I know him as (Redacted) So he was close to
18 President Bozizé and I know that within that framework, but outside that I don't
19 know.

20 Q. [11:38:02] Do you know someone -- one moment. I'm sorry.

21 Do you know someone by the name of (Redacted)

22 A. [11:38:25] No. (Redacted) No.

23 Q. [11:38:26] Do you know someone by the name of (Redacted)?

24 A. [11:38:31] No.

25 Q. [11:38:34] Do you know someone by the name of (Redacted)

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- 1 A. [11:38:45] No.
- 2 Q. [11:38:45] Do you know someone by the name of (Redacted)
- 3 A. [11:38:52] Yes, I know (Redacted)
- 4 Q. [11:39:02] How do you know (Redacted)
- 5 A. [11:39:02] I know (Redacted) in the same circumstances as the other. (Redacted)
- 6 (Redacted).
- 7 Q. [11:39:12] All right. So he's someone you also know quite well; is that right?
- 8 A. [11:39:21] I haven't understood the meaning of your question.
- 9 Q. [11:39:25] You know him quite well, like, in the sense that you've known him for
- 10 a long time?
- 11 A. [11:39:31] Yes. I know (Redacted) for a long time already.
- 12 Q. [11:39:37] Were you in contact with (Redacted) in 2013 and 2014?
- 13 A. [11:39:50] Yes. During that period, I was in contact with him.
- 14 Q. [11:39:58] And what about the other two, (Redacted)
- 15 (Redacted)
- 16 (Redacted)
- 17 (Redacted)
- 18 Q. [11:40:16] Do you know where Mr -- do you know where
- 19 (Redacted) fled to?
- 20 (Redacted)
- 21 (Redacted)
- 22 (Redacted)
- 23 A. [11:41:07] (Redacted) also fled the country. He went to Cameroon.
- 24 Q. [11:41:26] Do you know where in Cameroon he went to?
- 25 A. [11:41:29] No.

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 Q. [11:41:54] No, you don't remember or, no, you never had those conversations?

5 A. [11:42:06] I had some exchanges with (Redacted), but I don't remember that in
6 particular.

7 Q. [11:42:14] Did you have such exchanges with (Redacted)

8 A. [11:42:34] You know, it's a long time ago. With (Redacted) we were all in
9 the country and saw each other regularly, but I can't remember anymore. I can't
10 remember.

11 Q. [11:42:47] Can I show you a document, it's at tab 1.

12 We're in private session, yeah. It's CAR-OTP-(Redacted). This is a Facebook
13 conversation that I want to show you that is at page (Redacted)

14 All right. Maybe we can zoom out a little bit.

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 Q. [11:45:48] And in that period of time you were in contact with (Redacted) by
7 telephone, weren't you?

8 A. [11:46:02] By telephone, I can't remember. I think that during that time
9 (Redacted) was in Bangui and (Redacted)

10 (Redacted)

11 Q. [11:46:18] Okay. So you don't recall ever calling (Redacted) and speaking to him
12 in this period in July 2013?

13 A. [11:46:32] No, no.

14 Q. [11:46:33] No, you don't remember or no you never called him?

15 A. [11:46:41] I never called (Redacted) at that time.

16 Q. [11:46:44] That wasn't my question. My question is, do you remember calling
17 him, period, in this -- in this time frame? Not what you were calling him about, but
18 calling him at all.

19 A. [11:47:03] I don't remember. It's a long time ago.

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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- 1 (Redacted)
- 2 (Redacted)
- 3 (Redacted)
- 4 (Redacted)
- 5 (Redacted)
- 6 (Redacted)
- 7 (Redacted)
- 8 (Redacted)
- 9 (Redacted)
- 10 (Redacted)
- 11 Q. [11:49:03] All right. Let me show you another document. This is at tab 2. It's
- 12 CAR-OTP-(Redacted).
- 13 Great. And we're going to have to go to page (Redacted).
- 14 And this conversation is -- goes all the way through page (Redacted). So I'd like you
- 15 to just have a read of it and then let us know when you're done. It should start at this
- 16 page and if you start at the line (Redacted) which is right at the top of the page,
- 17 we can read down through that. And let us know when you want to go to the next
- 18 page and so forth.
- 19 A. [11:50:35] Okay.
- 20 (Pause in proceedings)
- 21 PRESIDING JUDGE SCHMITT: [11:53:40] In the meantime, Mr Vanderpuye,
- 22 perhaps when we have the lunch break and you still would have some of the
- 23 Facebook messages to show to the witness, perhaps he -- we could give it to them and
- 24 he can read them during the lunch break and then you can ask immediately so we
- 25 don't have this reading exercise here in the courtroom. I let it pass for now, but for

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1 future questions, the Chamber would prefer to do it this way.

2 MR AOUINI: [11:54:28] Sorry, your Honour. In the meantime -- sorry, in
3 the meantime, also if I could have a copy also to be able to consult with the witness
4 about this content.

5 PRESIDING JUDGE SCHMITT: [11:54:38] I think that would indeed be good, yes.
6 Actually, I thought you might have it so --

7 MR AOUINI: [11:54:45] No, (Overlapping speakers)

8 PRESIDING JUDGE SCHMITT: [11:54:46] Yeah, okay. But you can -- of course you
9 can follow now at the moment, can't you?

10 MR AOUINI: [11:54:51] Yes.

11 PRESIDING JUDGE SCHMITT: [11:54:51] Yes, okay, good.

12 MR VANDERPUYE: [11:54:58]

13 Q. [11:54:58] Have you managed to get through it, sir?

14 A. [11:55:04] Yes, I've read through it.

15 Q. [11:55:15] Beyond this, you can read it if you want and I can give it to your
16 lawyer, (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 A. [11:56:17] I am following you.

24 Q. [11:56:20] What is the nature of the conversation and what is the nature of what
25 you were expressing here concerning (Interpretation) (Redacted)

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- 1 PRESIDING JUDGE SCHMITT: [11:56:34] Mr Aouini.
- 2 MR AOUINI: [11:56:37] Thank you, your Honour. I think this might be the time to
- 3 probably consult with the witness before he answers.
- 4 PRESIDING JUDGE SCHMITT: [11:56:44] Yes, I agree. So you take your time.
- 5 MR AOUINI: [11:56:50] Thank you. Thank you, your Honour.
- 6 Do we need to suspend?
- 7 PRESIDING JUDGE SCHMITT: [11:56:57] I think -- yeah, I think that might be
- 8 the best because it is uncomfortable and not advisable to let you talk with the witness
- 9 and in front of us. But the Chamber would appreciate it, since this might appear
- 10 again, that we do not have to go outside into the deliberation room every time. So,
- 11 yeah, but for the time being, perhaps in five minutes. Let us know when you've
- 12 finished, but we would appreciate it if would you have a quick discussion with your
- 13 client, yes.
- 14 MR AOUINI: [11:57:29] Thank you. Your Honour. The request is before you and
- 15 we took note of your decision to go on a case-by-case, just consult to confirm this is
- 16 the right moment to -- to reintroduce it, maybe gather a little bit more of information
- 17 and probably do it one time to avoid --
- 18 PRESIDING JUDGE SCHMITT: [11:57:48] Exactly. So I agree with you, so we go
- 19 into the deliberation room and you let us know when you're finished and you explain
- 20 again the situation to your client and then you can come back to us with a request.
- 21 Thank you.
- 22 MR AOUINI: [11:58:03] Perfectly understood, your Honour.
- 23 PRESIDING JUDGE SCHMITT: [11:58:07] Thank you.
- 24 THE COURT USHER: [11:58:08] All rise.
- 25 (Recess taken at 11.58 a.m.)

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- 1 (Upon resuming in open session at 12.13 p.m.)
- 2 THE COURT USHER: [12:13:17] All rise.
- 3 Please be seated.
- 4 PRESIDING JUDGE SCHMITT: [12:13:39] Are we in private session?
- 5 THE COURT OFFICER: [12:13:43] We have resumed in open session, your Honour.
- 6 PRESIDING JUDGE SCHMITT: [12:13:45] Then we go to private session.
- 7 (Private session at 12.13 p.m.)
- 8 THE COURT OFFICER: [12:13:57] We are back to private session, your Honours.
- 9 PRESIDING JUDGE SCHMITT: [12:13:59] Thank you.
- 10 Mr Aouini, you have the floor.
- 11 MR AOUINI: [12:14:06] Thank you, your Honour, and sorry for the interruption.
- 12 I have had the chance to consult with the witness, based on the folder, which,
- 13 unfortunately, he didn't know the purpose of. He had it on his desk -- couldn't see it
- 14 before. It was also the first time I see this binder, so we could consult briefly, but
- 15 very constructively about the content. And, at this stage, your Honour, the witness
- 16 invokes his right under the Rule 74 to object to make any statements and responses in
- 17 answers to those questions as they involve the risk for which the rule is -- is made for.
- 18 However, the witness is disposed and ready to answer questions, provided
- 19 assurances under this rule are given to him.
- 20 If your Honour wants more specific ...
- 21 But we really skimmed through not to really delay the proceedings. We see evident
- 22 risk in all the, let's say, digital communications involved, at least documents that are
- 23 in the tabs 1 to 15.
- 24 So we believe that the rule, either the right to not make statements or the assurances
- 25 should cover the context of these documents.

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1 PRESIDING JUDGE SCHMITT: [12:15:34] I understand. And this extends to
2 this -- this Facebook conversation.

3 MR AOUINI: [12:15:39] Exactly.

4 PRESIDING JUDGE SCHMITT: [12:15:41] Completely.

5 MR AOUINI: [12:15:42] We believe that at least from tab 1 to 15, and any digital
6 communication, there might be one document in the -- in the end of the Prosecution
7 queue or order --

8 PRESIDING JUDGE SCHMITT: [12:16:01] Okay.

9 MR AOUINI: [12:16:02] -- of documents at the end, which is also a Facebook
10 document. (Redacted)

11 PRESIDING JUDGE SCHMITT: [12:16:10] Okay, so then we could ...

12 Okay, Mr Vanderpuye, any comments on that?

13 MR VANDERPUYE: [12:16:15] Mr President, as I -- I think we indicated in our
14 communication on this matter that we do not object to the assurances being granted
15 under, I think it's 74(5) -- Rule 74(5) in the particular circumstances. And in order to
16 abbreviate the procedure, so to speak, I think it's probably just enough for counsel to
17 raise the issue, and if the witness doesn't want to answer the question, that we simply
18 proceed with that in mind on any particular issue.

19 PRESIDING JUDGE SCHMITT: [12:16:43] Thank you very much.

20 Yes, so the Chamber decides that it grants the witness the assurances according to
21 Rule 74(5) with regard to this digital evidence. And we can do this, again, on a
22 case-by-case basis. When there are questions, that you object to them, and then
23 we -- we proceed there, so we don't have to go to the deliberation room always.
24 This means the Chamber, Mr Witness, assures you that the evidence provided in
25 response to such questions will be kept confidential and will not be disclosed to

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1 the public or any state and it will not be used either directly or indirectly against you
2 in any subsequent prosecution by the Court, except under Article 70 or 71.

3 I think you have explained it to him, Mr Aouini. That means that, of course, if he
4 does not tell the truth here, as he has said, then this could be prosecuted.

5 That means, Mr Witness, you therefore have to answer the questions and your answer
6 has to be truthful.

7 So, since we all have forgotten the question, please put it again to him.

8 MR VANDERPUYE: [12:18:06] Thank you, Mr President.

9 I think the document is no longer on the screen, so if we can have it back up, that
10 would be helpful. It is tab 2, CAR-OTP-(Redacted) -- do I have that right? Yes.

11 MR AOUINI: [12:18:23] Excuse me, your Honour, can I ...

12 PRESIDING JUDGE SCHMITT: [12:18:25] Yeah.

13 Mr Vanderpuye, wait a moment.

14 Yes, Mr Aouini.

15 MR AOUINI: [12:18:30] Sorry, can I be allowed to give back the binder of the
16 witness because I -- I was provided with it.

17 PRESIDING JUDGE SCHMITT: [12:18:34] Of course.

18 MR AOUINI: [12:18:35] To give it back to the witness.

19 PRESIDING JUDGE SCHMITT: [12:18:38] Of course, of course, please do that and
20 then Mr Vanderpuye (Overlapping speakers)

21 MR VANDERPUYE: [12:18:42] Yes, the reason why it was provided to counsel is so
22 that he actually has it, since the witness is following, and it appears to be on
23 the screen anyway.

24 But however --

25 PRESIDING JUDGE SCHMITT: [12:18:49] (Overlapping speakers)

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- 1 MR VANDERPUYE: [12:18:50] -- however they want to (Overlapping speakers)
- 2 PRESIDING JUDGE SCHMITT: [12:18:50] Perhaps --
- 3 MR VANDERPUYE: [12:18:51] -- is fine.
- 4 PRESIDING JUDGE SCHMITT: [12:18:51] -- perhaps, now Mr Vanderpuye has
- 5 a point here. Perhaps it's not -- it's the best that you, from your professional
- 6 perspective, have it in front of you. I think that might be even the best way to
- 7 proceed. Yeah?
- 8 MR AOUINI: [12:19:04] Thank you, your Honour.
- 9 PRESIDING JUDGE SCHMITT: [12:19:05] Yeah.
- 10 MR VANDERPUYE: [12:19:06] Oh, we do have it in front of us. Okay, thank you
- 11 very much.
- 12 Okay. Yes, 3818, we're on.
- 13 Q. [12:19:31] And then, I believe I was going to ask you -- yeah, (Redacted)
- 14 (Overlapping speakers)
- 15 PRESIDING JUDGE SCHMITT: [12:19:38] And perhaps for the record, for the record,
- 16 so the assurance, the -- let's say, the preconditions for the assurance are in Rule 74(5),
- 17 but now that I'm recalling it, I think the rule -- the assurance as such is Rule 74(3)(c), I
- 18 think. So it's not material, but I like to have it -- have it correctly on the record.
- 19 Yeah.
- 20 MR VANDERPUYE: [12:20:05] Thank you, Mr President. I appreciate that. And
- 21 I'm not sure which assurances the Court has granted, but I always assume that they
- 22 would be -- they are elicited in Rule 74(7).
- 23 PRESIDING JUDGE SCHMITT: [12:20:11] Yes.
- 24 MR VANDERPUYE: [12:20:12] And I would assume that they would be all that are
- 25 applicable in the circumstances and would assure the truthful responses of the

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1 witness.

2 PRESIDING JUDGE SCHMITT: [12:20:23] Yeah.

3 MR VANDERPUYE: [12:20:23] Okay. Thank you, Mr President.

4 We need to go to page ERN (Redacted).

5 PRESIDING JUDGE SCHMITT: [12:20:32] This is a consequence. You know,
6 Rule 74(7), paragraph 7, is the consequence of having given the assurance according
7 to Rule 74(3)(c). This is not to educate here, but this is really -- you don't have so
8 often the rules with seven, eight or nine or 10 - I don't know - paragraphs. So we
9 really have to put this a little bit together.

10 Please continue.

11 MR VANDERPUYE: [12:20:59] Thank you very much, Mr President. Okay, we're
12 now on page ERN ending 3820.

13 Q. [12:21:12] And my question to you, Mr Witness, was in relation to (Redacted)
14 that you see here.

15 Do I see it?

16 Yes, at the bottom of the screen in front of you: (Interpretation) (Redacted)
17 (Redacted)

18 (Redacted) I think my question was, what is that about?

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 Q. [12:22:48] Okay. Let me ask you about (Redacted) response at (Redacted), ERN
2 ending page (Redacted)

3 PRESIDING JUDGE SCHMITT: [12:23:01] And to make it clear to everyone, we said
4 with regard to this digital conversation, these assurances are given. So we don't
5 have to come back to that with every question. So to make it a little bit more
6 practical.

7 MR VANDERPUYE: [12:23:20]

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

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- 18 (Redacted)
- 19 (Redacted)
- 20 Q. [12:27:23] Have you heard of the following individuals? Now, you've already
- 21 mentioned (Redacted), you have heard of him. Have you heard of someone
- 22 named (Redacted)
- 23 (Redacted)
- 24 (Redacted)
- 25 (Redacted)

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16 (Redacted)
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19 (Redacted)
20 (Redacted)
21 (Redacted)

22 PRESIDING JUDGE SCHMITT: [12:30:25] Mr Vanderpuye, I assume that you will
23 address the answer from (Redacted) or not? Otherwise, I do it.
24 MR VANDERPUYE: [12:30:40] (Microphone not activated) I have that, but I'm
25 willing to cede that to you, if you prefer.

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1 PRESIDING JUDGE SCHMITT: [12:30:49] I think, then, I prefer that you continue.

2 MR VANDERPUYE: [12:30:52] Thank you, Mr President.

3 Q. [12:30:55] I think I was just going through these names and I'd like to complete
4 that. But I wanted to ask you whether you know someone by the name of (Redacted)
5 (Redacted)

6 (Redacted)

7 Q. [12:31:13] He also goes by the nickname (Redacted)

8 (Redacted)

9 Q. [12:31:19] Maxime Mokom, have you heard that name before?

10 (Redacted)

11 (Redacted)

12 Q. [12:31:36] And you've heard the name of Alfred Yekatom, right?

13 (Redacted)

14 (Redacted)

15 Q. [12:31:49] So if I understand your testimony correctly, you did not know that
16 any of these individuals were in Zongo at any point in 2013?

17 (Redacted)

18 Q. [12:32:08] Let me ask you about your response. And that is at page 3821.

19 Your response is in front of you now. As I understand it, (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted) what did you mean?

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- 1 (Redacted)
- 2 PRESIDING JUDGE SCHMITT: [12:36:14] Mr Vanderpuye, please allow me.
- 3 I'm going to CAR-OTP-(Redacted), and there (Redacted) there you say:
- 4 (Interpretation) (Redacted)
- 5 (Redacted)
- 6 (Redacted)
- 7 (Redacted)
- 8 (Redacted)
- 9 (Redacted)
- 10 (Redacted)
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1 (Redacted)

2 PRESIDING JUDGE SCHMITT: [12:39:01] Please continue, Mr Vanderpuye.

3 MR VANDERPUYE:

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 PRESIDING JUDGE SCHMITT: [12:41:14] I explain something to you, Mr Witness.

25 When you are required to answer and you have this assurance, this assurance only

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1 means that you get the assurance if you answer truthfully. Perhaps in the -- during
2 the break, or so, your -- your counsel can explain this to you again.

3 Mr Vanderpuye, continue.

4 And let me add, we have -- you have put it to him, Mr Vanderpuye, the conversation
5 and his contribution (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

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14 (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 Q. [12:44:40] You mean at the time that (Redacted) came to see you, he had been
5 designated the coordinator of the Anti-Balaka? That was your understanding?

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 Q. [12:45:10] When did (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 Q. [12:45:33] All right. We'll come to that.

14 But before I go there, in response that you gave that the Presiding Judge just referred
15 to, at page (Redacted) of the document on the screen, you say something here about
16 (Interpretation) (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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7 (Redacted)

8 (Redacted)

9 (Redacted)

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11 (Redacted)

12 (Redacted)

13 (Redacted)

14 Q. [12:48:23] The rebellion you're talking about being organised outside

15 the country, and that was in -- was that in relation to removing the Seleka and

16 reinstating Bozizé? (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

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25 (Redacted)

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4 Q. [12:50:24] (Microphone not activated)

5 PRESIDING JUDGE SCHMITT: [12:50:27] Microphone, please.

6 MR VANDERPUYE: [12:50:29] Sorry, Mr President.

7 Q. [12:50:30] I'd like to move to October 2013.

8 We're still in private session, right?

9 I think we can -- maybe I can ask a couple of questions in open session. I'll --

10 PRESIDING JUDGE SCHMITT: [12:50:42] Okay. Why not? Then open session, if

11 you say so.

12 (Open session at 12.50 p.m.)

13 THE COURT OFFICER: [12:50:56] We are back to open session, Mr President.

14 MR VANDERPUYE:

15 Q. [12:51:02] Mr Witness, I was asking you some questions concerning some

16 contacts you had with some other individuals, but I would like to know whether in

17 October 2013 you were in contact with Mr Ngaïssona.

18 A. [12:51:27] I can't remember, really, the date. But I do know that I was in

19 contact with Mr Ngaïssona when he was in exile.

20 Q. [12:51:40] {ICR: (Redacted)

21 (Redacted)}

22 PRESIDING JUDGE SCHMITT: [12:51:57] Private session.

23 MR VANDERPUYE: [12:52:02] Very well, Mr President.

24 (Private session at 12.52 p.m.)

25 THE COURT OFFICER: [12:52:11] We are in private session, Mr President,

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1 your Honours.

2 PRESIDING JUDGE SCHMITT: [12:52:14] Yes. And please repeat the question.

3 And I think we are still in the realm of Rule 74 assurances, so we stay in private

4 session.

5 MR VANDERPUYE:

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

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9 (Redacted)

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11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 PRESIDING JUDGE SCHMITT: [12:59:07] Mr Vanderpuye, I think it's -- it's time for
16 the lunch break. I suggest the following: Since -- I assume -- no, no. I assume that
17 you have some questions more to ask.

18 MR VANDERPUYE: [12:59:20] I do.

19 PRESIDING JUDGE SCHMITT: [12:59:21] So would it be a suggestion to say we
20 shorten the lunch break --

21 MR VANDERPUYE: [12:59:25] Yes, please.

22 PRESIDING JUDGE SCHMITT: [12:59:26] -- until 2 o'clock. So that we can be sure
23 that we finish at 4 o'clock.

24 MR VANDERPUYE: [12:59:31] Or 4.30.

25 PRESIDING JUDGE SCHMITT: [12:59:32] 4.30 will not be possible for several

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1 reasons.

2 MR VANDERPUYE: [12:59:35] Okay.

3 PRESIDING JUDGE SCHMITT: [12:59:36] Two-hour afternoon session is
4 also -- we cannot extend on that. So we do it this way. We have now the lunch
5 break until 2 o'clock.

6 THE COURT USHER: [12:59:47] All rise.

7 (Recess taken at 12.59 p.m.)

8 (Upon resuming in open session at 2.03 p.m.)

9 THE COURT USHER: [14:03:21] All rise.

10 Please be seated.

11 PRESIDING JUDGE SCHMITT: [14:03:47] Mr Vanderpuye, you still have the floor.

12 MR VANDERPUYE: [14:03:52] Thank you, Mr President. I think we're probably
13 still -- we're probably in open session, so I would ask to go into private session. And,
14 if possible, to have tab 14 -- yeah, I think it's tab 14. In any case, CAR-OTP-(Redacted)
15 back on the screen. Oh, it is there already. Thank you very much. And if we
16 could maybe blow it up and go to the bottom of the page once again. Thank you.

17 (Private session at 2.04 p.m.)

18 THE COURT OFFICER: [14:04:29] We are in private session, your Honours.

19 PRESIDING JUDGE SCHMITT: [14:04:32] Thank you.

20 MR VANDERPUYE: [14:04:36] Thank you.

21 Q. [14:04:37] And good afternoon, Witness.

22 I was asking you some questions about the email that you sent to Mr Ngaïssona

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 PRESIDING JUDGE SCHMITT: [14:08:23] I think you can move on, Mr Vanderpuye.

2 MR VANDERPUYE: [14:08:26] Okay.

3 (Redacted)

4 MR VANDERPUYE:

5 Q. [14:08:29] And on the second page of this document, if you could turn it over,

6 you point out that (Redacted) That's at

7 page (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

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8 (Redacted)

9 At the time that you were communicating with Mr Ngaïssona, where was he, by
10 the way? Do you know?

11 (Redacted)

12 Q. [14:15:57] I think I asked you this earlier, but just to be sure. The reference in

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 Q. [14:17:39] Did you discuss with Mr Ngaïssona at least this particular email,

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1 these series of emails, when you were in contact with him?

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 Q. [14:20:50] All right.

22 MS DIMITRI: [14:20:51] Apologies. Mr President, I'm -- I'm really sorry to

23 interrupt the flow, but my client needs to step out, with your permission, for a few

24 seconds.

25 PRESIDING JUDGE SCHMITT: [14:21:03] Of course, of course.

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- 1 MS DIMITRI: [14:21:04] Thank you.
- 2 PRESIDING JUDGE SCHMITT: [14:21:02] But we stay in -- we stay here in the room,
3 so ...
- 4 (Mr Yekatom exits the courtroom)
- 5 PRESIDING JUDGE SCHMITT: [14:21:12] And you know that I like to fill the gap,
6 the void, the silence, so to speak.
- 7 Mr Knoops, you are thinking about what you want to request as additional
8 preparation time. I assume you can only tell us after Mr Vanderpuye has finished,
9 but you're still in a state of constant pondering, so to speak.
- 10 MR KNOOPS: [14:21:35] We have already a proposal for the Chamber for --
- 11 PRESIDING JUDGE SCHMITT: [14:21:38] Okay.
- 12 MR KNOOPS: [14:21:38] -- Monday and further, yes.
- 13 PRESIDING JUDGE SCHMITT: [14:21:42] Yeah.
- 14 (Pause in proceedings)
- 15 MR AOUINI: [14:22:02] Your Honour. Sorry.
- 16 PRESIDING JUDGE SCHMITT: [14:22:04] Yes.
- 17 MR AOUINI: [14:22:05] Maybe to further fill the gap, and for logistical purposes, if
18 the information that there is further than Monday is available, I would like to have
19 that information to be able to -- to organise with competent administrative --
- 20 PRESIDING JUDGE SCHMITT: [14:22:27] We will -- the Chamber will decide that
21 on the spot today.
- 22 MR AOUINI: [14:22:31] Thank you.
- 23 PRESIDING JUDGE SCHMITT: [14:22:31] So -- and since you are in the room, I
24 assume that you will become aware of it automatically.
- 25 MR AOUINI: [14:22:35] Thank you.

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1 (Mr Yekatom enters the courtroom)

2 PRESIDING JUDGE SCHMITT: [14:22:35] So we can continue, please,

3 Mr Vanderpuye.

4 MR VANDERPUYE: [14:22:38] Thank you, Mr President.

5 All right. Yes.

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

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15 (Redacted)

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- 6 (Redacted)
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- 8 (Redacted)
- 9 (Redacted)
- 10 (Redacted)
- 11 (Redacted)
- 12 PRESIDING JUDGE SCHMITT: [14:30:10] Mr Vanderpuye, I think you can move on
- 13 from there. Yeah, because ...
- 14 MR VANDERPUYE: [14:30:14] I have just maybe one or two questions on it.
- 15 PRESIDING JUDGE SCHMITT: [14:30:17] But the witness has -- has -- has made
- 16 clear what his point of view is on that, so ...
- 17 MR VANDERPUYE: [14:30:22] No, no, no, I've got that. That's clear.
- 18 PRESIDING JUDGE SCHMITT: [14:30:26] Yeah. Okay. Good.
- 19 MR VANDERPUYE: [14:30:26] I understand -- I understand it.
- 20 PRESIDING JUDGE SCHMITT: [14:30:23] What I want to say is it doesn't make
- 21 sense to go on in that -- that direction further. But if you have other questions, of
- 22 course.
- 23 MR VANDERPUYE: [14:30:33] Thank you, Mr President.
- 24 (Redacted)
- 25 (Redacted)

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23 (Redacted)

24 PRESIDING JUDGE SCHMITT: [14:33:08] Mr Vanderpuye, I suggest that you put to
25 the witness the -- the other emails and then continue from there so that we make

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1 progress.

2 MR VANDERPUYE: [14:33:11] I'm moving to another document, Mr President.

3 PRESIDING JUDGE SCHMITT: [14:33:11] That we make progress here, yeah.

4 MR VANDERPUYE:

5 Q. [14:33:17] If we could go to tab 2, please. I'd like to show you a conversation

6 that you had. It is CAR-OTP-(Redacted). And we're going to go to page (Redacted)

7 I'd like you to read it down to the point where you say: (Interpretation) (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 Have you had a chance to read it, sir?

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 Q. [14:36:37] All right. I want to show you another document. This is at tab 1.

6 CAR-OTP-(Redacted). This one is from (Redacted) October 2013. And we're going to go to

7 page -- I believe it's (Redacted)

8 All right. We need to go to the very bottom of that page, I believe. Yeah.

9 This is a conversation between (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 Q. [14:39:20] Let me show you another document. This one is from

25 (Redacted) October 2013. Tab 8. CAR-OTP-(Redacted)

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- 1 This one is entitled (Interpretation) (Redacted) (Speaks English) And
- 2 it's from you to Mr Ngaïssona.
- 3 Here we talk -- you talk about, again, (Interpretation) (Redacted)
- 4 (Redacted)
- 5 (Redacted)
- 6 (Redacted)
- 7 (Redacted)
- 8 (Redacted)
- 9 (Redacted)
- 10 (Redacted)
- 11 (Redacted)
- 12 (Redacted)
- 13 (Redacted)
- 14 (Redacted)
- 15 (Redacted)
- 16 (Redacted)
- 17 (Redacted)
- 18 (Redacted)
- 19 (Redacted)
- 20 (Redacted)
- 21 Q. [14:42:10] I heard your answer, but I don't think it answered my question.
- 22 (Redacted)
- 23 (Redacted)
- 24 (Redacted)
- 25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 Q. [14:42:51] Why do you think that is? Why -- why did they ask you to send it to
4 him in particular, as opposed to anybody else?

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 Q. [14:44:36] You can respond by telling the truth, first of all.

19 And the second issue is, you sent the email. You know why you sent it to him as
20 opposed to anybody else better than anybody in this room. So tell us why.

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 Q. [14:45:32] All right.

2 PRESIDING JUDGE SCHMITT: [14:45:36] I think you really -- Mr Vanderpuye, you
3 can move on, and -- yeah, good.

4 MR VANDERPUYE:

5 Q. [14:45:48] I'd like to take you to -- one minute. Sorry, one second.

6 PRESIDING JUDGE SCHMITT: [14:45:56] 17 October.

7 MR VANDERPUYE: [14:45:58] I'm not sure yet.

8 PRESIDING JUDGE SCHMITT: [14:46:01] Okay.

9 MR VANDERPUYE: [14:46:02] Bear with me. I'm sorry, Mr President.

10 (Redacted) October, I think. Let me just sort out the ERNs. Bear with me, please,
11 Mr President.

12 Okay, I've sorted it out. It's at tab 9.

13 I'm sorry. Let me put the ERN on the record as well. It's CAR-OTP-(Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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14 (Redacted)

15 MR KNOOPS: [14:50:15] Mr President, sorry. I object to the line of questioning
16 because there is no attribution evidence that this is an email belonging to (Redacted)
17 The Prosecution suggests this to the witness that nowhere in this email you find an
18 attribution that this --

19 PRESIDING JUDGE SCHMITT: [14:50:33] So I -- actually, I wasn't aware of that.
20 But since the --

21 MR KNOOPS: [14:50:37] (Overlapping speakers) misleading question, in other
22 words.

23 PRESIDING JUDGE SCHMITT: [14:50:39] Yeah, but it's now -- you know, it doesn't
24 make any -- any point to -- to say that you're right, because the witness has already
25 said he doesn't know. So in the end I would agree with you, but the witness has

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1 already said (Overlapping speakers)

2 MR KNOOPS: [14:50:54] I think, for the record, we can establish that the Prosecution
3 didn't submit any evidence that this email belongs to (Redacted), irrespective of what
4 the witness knows about a certain individual.

5 PRESIDING JUDGE SCHMITT: [14:51:06] Yeah. Yeah, yeah. No, no, but yeah,
6 yeah, I agree with you, but nevertheless the witness has said he was not -- he was not
7 influenced, unduly influenced in any case, so to speak, yeah. Or not influenced in
8 a matter that would be prejudicial for your client.

9 Mr Vanderpuye, continue.

10 MR VANDERPUYE: [14:51:23] Thank you, Mr President.

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 Q. [14:52:56] All right.

25 PRESIDING JUDGE SCHMITT: [14:53:08] Do you know the -- the email address

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1 here (Redacted) Do you know this, happen to know this?

2 (Redacted)

3 PRESIDING JUDGE SCHMITT: [14:53:24] Okay. Thank you.

4 MR VANDERPUYE: [14:53:31]

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

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- 14 (Redacted)
- 15 (Redacted)
- 16 (Redacted)
- 17 (Redacted)
- 18 (Redacted)
- 19 (Redacted)
- 20 Q. [14:58:19] It's not just that (Redacted)
- 21 (Redacted) It's that everyone knew that Ngaïssona was the coordinator
- 22 of the Anti-Balaka (Redacted) Isn't
- 23 that right?
- 24 (Redacted)
- 25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 Q. [14:59:02] (Redacted) you're under oath here.

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 MR KNOOPS: [14:59:27] Mr President, I object. This is a repetition and -- and
9 the Prosecution cannot put to the witness "everyone knew".

10 MR VANDERPUYE: [14:59:35] He said it.

11 PRESIDING JUDGE SCHMITT: [14:59:36] Yes, but I --

12 MR KNOOPS: [14:59:37] It's the -- is the Prosecution impeaching its own witness
13 now? What are we doing here?

14 PRESIDING JUDGE SCHMITT: [14:59:43] Yeah, but we don't -- we don't impeach
15 anyone here and we don't have hostile witnesses, because this is a completely
16 common law concept. If -- if witnesses seem to be elusive or we have doubts that
17 they might tell the truth, anybody in the room here might put questions to him or her
18 which address this, and so -- so it -- I don't see any problem in that. And I -- but
19 I -- perhaps I'm -- it's Friday and I don't recall it correctly, but I think the witness has
20 already answered that question.

21 MR KNOOPS: [15:00:17] Yeah.

22 PRESIDING JUDGE SCHMITT: [15:00:18] That is -- that is exactly -- that is what I
23 have in mind. If somebody could help me with the line of -- in the transcript, I
24 would be happy.

25 MR KNOOPS: [15:00:27] Yeah.

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1 PRESIDING JUDGE SCHMITT: [15:00:27] And then I would say it's repetitive.

2 MR KNOOPS: [15:00:30] Yes. And I think, with all due respect, it's -- it's borderline
3 of intimidation of this witness, what the Prosecution is doing now. It doesn't get its
4 answer it wants for its theory, and I think the Chamber should intervene that the line
5 of questioning of a Prosecution witness - it's the Prosecution who called this
6 witness - is now on the verge of intimidating.

7 PRESIDING JUDGE SCHMITT: [15:00:53] Actually, I also think, Mr Vanderpuye,
8 you -- you should -- at a certain point in time we should simply accept what
9 the witness answers and then move on. And -- and we have to -- and as I always say,
10 the Chamber will in the end have -- have to assess that and will have to think about if
11 the answers are credible, or not, and have -- the Chamber will have to put this
12 together in holistic view with the written communications we have here in front of us.
13 So this is -- this is what I want to say by that.

14 And it -- and all my experience, it then -- that I can claim to have, we -- we -- it's very,
15 very rarely by insisting and by getting louder or whatsoever, you get the answer that
16 you want. If -- if a witness has answered and wants to stick to the answer, normally
17 he or she will do, if I may say so.

18 MR VANDERPUYE: [15:01:54] Mr President, I could not agree with you more. I do
19 note that the witness is under an obligation to tell the truth in his testimony. And --

20 PRESIDING JUDGE SCHMITT: [15:02:05] Yeah, but may I shorten --

21 MR VANDERPUYE: [15:02:07] -- I think it's incumbent upon me to try to elicit
22 the truth before the Chamber.

23 PRESIDING JUDGE SCHMITT: [15:02:11] Yeah.

24 MR VANDERPUYE: [15:02:12] And I do not intend to intimidate anybody. I
25 simply ask the witness to tell the truth, because he's obliged to do so.

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1 PRESIDING JUDGE SCHMITT: [15:02:21] Yeah, but -- but this --
2 MR KNOOPS: [15:02:22] Yeah, but not in a (Overlapping speakers)
3 PRESIDING JUDGE SCHMITT: [15:02:23] No, no, I stop. Please, we don't get into
4 a discussion here. Please sit down. We are not -- not having now a talk show here.
5 So it might not have escaped your attention that I - also the Presiding Judge - has
6 several times already addressed the issue of Rule 74 assurances, that this means that
7 the witness is obliged to answer truthfully, has addressed this. I think that at
8 a point -- point in time must be enough. We have obviously an intelligent witness
9 before us, we have a counsel here, so the witness is aware of that. So we don't have
10 to repeat that every time. The witness knows that, hears it now again.
11 And it's also always an issue and I - I agree here with Mr Knoops - it's always an issue
12 how we do that. If we make a kind reminder or if also the tone and so on is -- might
13 be intimidating and -- and we will -- and the Chamber will also not, on questioning of
14 the Defence, will not -- will interfere if it is -- if it goes too far. And, as I said, we
15 should not -- we should not expect to get always the answer that we want, to put it
16 this way.
17 So, so please continue. There might be other documents you want to put to
18 the witness and it's -- you can -- you may ask him. And we know already, and
19 the witness knows that he has to speak the truth.
20 (Redacted)
21 (Redacted)
22 (Redacted)
23 (Redacted)
24 (Redacted)
25 (Redacted)

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1 (Redacted)

2 Q. [15:08:48] In respect of your understanding of Mr Ngaïssona's role as
3 a coordinator of the Anti-Balaka at that time, what did you understand he was doing?

4 (Redacted)

5 Q. [15:09:18] Really?

6 (Redacted)

7 Q. [15:09:23] You don't know -- you can't say what you think he was doing?

8 Really?

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 Q. [15:09:54] Did you discuss with (Redacted) what

14 Mr Ngaïssona was doing as everyone knew he was the coordinator of the Anti-Balaka
15 at that time? Or you didn't have that discussion ever?

16 (Redacted)

17 (Redacted)

18 Q. [15:10:29] (Overlapping speakers) So just so I understand, everyone knew he
19 was the coordinator of the Anti-Balaka, as you said, but you have no idea, not even an
20 opinion, about what he might be doing. That's your evidence?

21 MR KNOOPS: [15:10:43] Mr President, isn't this not asking the witness to speculate?

22 THE WITNESS: [15:10:49](Interpretation) I think --

23 PRESIDING JUDGE SCHMITT: [15:10:52] Please answer.

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 PRESIDING JUDGE SCHMITT: [15:11:14] Mr Vanderpuye, please move on. So
3 you don't get more --

4 MR VANDERPUYE: [15:11:18] If I just may ask ...

5 PRESIDING JUDGE SCHMITT: [15:11:20] Yes, but, but, I think it's repetitive now.

6 MR VANDERPUYE: [15:11:24]

7 Q. [15:11:24] You say everybody knows he's a coordinator, what does a coordinator
8 do? What do you understand a coordinator, like Mr Ngaïssona, to be doing? What
9 is a coordinator, in your view?

10 MR KNOOPS: [15:11:38] This is the same question but another try of the
11 Prosecution.

12 PRESIDING JUDGE SCHMITT: [15:11:42] Yeah. Do you have any -- do you have
13 any -- any information what -- not what you think - insofar Mr Knoops is right, of
14 course, this is speculative - but do you have any information what Mr Ngaïssona did
15 as a coordinator at the time?

16 I think we can phrase it this way and Mr Knoops will not object to it.

17 MR KNOOPS: [15:12:04] Could I object to you, Mr President, to your question?

18 PRESIDING JUDGE SCHMITT: [15:12:07] No, you couldn't. You couldn't --

19 MR KNOOPS: [15:12:09] You will make a precedent here.

20 PRESIDING JUDGE SCHMITT: [15:12:10] Yeah, you know, but -- but since I'm
21 absolutely certain that the question is not objectionable, I can put -- simply be
22 generous and put it on the table.

23 So do you have information in that regard what Mr Ngaïssona did at the time as
24 a coordinator?

25 (Redacted)

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1 (Redacted)

2 PRESIDING JUDGE SCHMITT: [15:12:53] Please move on, Mr Vanderpuye.

3 MR VANDERPUYE: [15:12:55] Thank you, Mr President.

4 Q. [15:12:59] We have your answer.

5 Let me show you another document. This is a Facebook entry from (Redacted)

6 November. It's at tab 2 again, I think. CAR-OTP-(Redacted). And this one, let me
7 give out a page, (Redacted).

8 As I said, this is dated (Redacted) November. Yeah.

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted) What is this

15 conversation about, to your knowledge or understanding?

16 (Redacted)

17 (Redacted)

18 Q. [15:15:10] All right. Let's go to page (Redacted). This is much later and it's in

19 December. (Redacted)

20 (Redacted)

21 (Redacted)

22 (Speaks English) Do you know what that's about?

23 (Redacted)

24 (Redacted)

25 Q. [15:16:31] But you don't ask him what it's about, do you, in your conversation

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1 here?

2 (Redacted)

3 Q. [15:16:44] (Overlapping speakers) (Redacted)

4 (Redacted)

5 (Redacted)

6 Q. [15:16:51] Okay. Let me take you to page (Redacted)

7 Oh, I'm sorry, (Redacted) Apologies.

8 Here you're talking about (Redacted)

9 (Redacted)

10 Q. [15:18:18] If we go down the page a little bit, you can see (Redacted) response.

11 You say:

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 Q. [15:20:49] Okay. I want to ask you just a couple of questions about your
7 contacts with Mr Ngaïssona in and around January of 2014. So the first question is
8 obvious: Were you in contact with Mr Ngaïssona in and around January 2014?

9 A. [15:21:25] I told you a short while ago that I was in contact with Mr Ngaïssona
10 (Redacted) But specifically on that date, I don't remember. I don't
11 remember.

12 Q. [15:21:44] And what did you know of Mr Ngaïssona's activities with
13 the Anti-Balaka in January of 2014, when you were in contact with him?

14 A. [15:22:09] I really do not have any mastery of his activities with the Anti-Balaka.
15 I really do not have any mastery of them.

16 Q. [15:22:21] Was he still the coordinator?

17 A. [15:22:32] He was coordinator of the Anti-Balaka until he returned to Bangui.
18 He continued to be coordinator while in Bangui. He is the one who had discussions
19 with the transition on behalf of the Anti-Balaka. So he was always the -- he was still
20 the coordinator.

21 Q. [15:22:55] You were in contact with him by telephone, I guess, (Redacted)
22 (Redacted) when he was back in -- in Bangui in January 2014?

23 A. [15:23:17] When he returned to Bangui, (Redacted)
24 (Redacted)
25 (Redacted)

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1 Q. [15:23:33] All right. And as you were in contact with him by telephone, do you
2 recall today what his telephone number was, or the contact number you were able to
3 reach him on was?

4 A. [15:23:58] I have not understood your question. Please kindly repeat it.

5 Q. [15:24:03] Yeah, it's a long time ago, but I'm asking whether you recall what
6 telephone number you might have been able to reach him on when you were
7 on -- when you were in (Redacted) and he was in Bangui in January or so of 2014.

8 A. [15:24:25] I have told you that, when he returned to Bangui, he resumed his
9 normal activities. (Redacted)

10 (Redacted)

11 (Redacted)

12 Q. [15:24:46] I completely understand that, but my question is very specific.

13 Regardless of (Redacted) the question is did you

14 communicate with him by telephone and if you recall the phone number on which
15 you communicated with him, on which he could be reached? That's all.

16 A. [15:25:15] No, I don't remember.

17 Q. [15:25:16] Does the number (Redacted) ring a bell?

18 A. [15:25:39] No, I don't -- I don't remember. I don't remember that.

19 Q. [15:25:45] Do you recall -- do you recall somebody by the name of (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 A. [15:26:25] Well, I don't remember anymore. It's a long time ago. But I know

24 (Redacted)

25 Q. [15:26:40] (Overlapping speakers) (Redacted)

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1 (Redacted)

2 A. [15:26:58] Really, I don't -- I don't -- I don't recall. I don't remember.

3 Q. [15:27:03] In respect of the events that transpired on 5 December 2013, were you
4 kept apprised of what was happening in Bangui? First of all, (Redacted) And
5 then the second question is: Were you kept apprised of what was happening?

6 A. [15:27:33] (Redacted) But about information, no.

7 Because there was a total break in communication or breakdown in communication
8 between ourselves.

9 (Redacted), there was a lock down or lock jam on the system, so there was no
10 information circulating. Those who were outside no longer trusted those who were
11 within.

12 So when those people came back, their very return - well, how do I put
13 this - was -- was a surprise to us. It surprised us.

14 Q. [15:28:23] And between 5 December and Mr Ngaïssona's return, were you
15 (Redacted) throughout that period or did you travel elsewhere?

16 MS DIMITRI: [15:28:33] If you're going on 5 December, may I suggest at least a short
17 moment of public session.

18 PRESIDING JUDGE SCHMITT: [15:28:40] No, I don't think so. No, with regard to
19 the assurances. And I think -- I think we keep it as it is for the moment. And
20 I don't think there are too many questions.

21 MR VANDERPUYE: [15:28:53] No, no --

22 PRESIDING JUDGE SCHMITT: [15:28:53] And we have the documents. Actually,
23 we have them on the table.

24 MR VANDERPUYE:

25 Q. [15:28:57] So my question is: Were you -- were you (Redacted) throughout that

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1 period?

2 A. [15:29:12] During that period when the Anti-Balaka entered Bangui, I was in

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 Q. [15:32:51] To this day, since Mr Ngaïssona's return to Central African Republic
14 in January 2014, have you discussed with him the events concerning the activities of
15 the Anti-Balaka in the context of the crisis in your country?

16 A. [15:33:09] No. (Redacted) no.

17 Q. [15:33:15] All right. Thank you, sir. I have no further questions.

18 Thank you, Mr President.

19 PRESIDING JUDGE SCHMITT: [15:33:18] Thank you very much.

20 So then we have, of course, to discuss the issue of the further scheduling.

21 And, Mr Knoops, it's obvious that you are the first person that I want to address in
22 that regard.

23 MR KNOOPS: [15:33:33] Thank you, Mr President. We -- we discussed, of course,
24 with the whole team the prospective work ahead of us. And I've actually four
25 points:

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1 First of all, we would suggest to the Chamber that our Defence team could start
2 Tuesday morning with the examination by the non-calling party. And our effort will
3 be to conclude our examination on Tuesday, so a maximum three sessions. We had
4 initiated, as the Court might recall in one of the filings, potentially two days, but we
5 would use the weekend and Monday to revisit our questionnaire, to study
6 the transcript, and based on the transcript study and the materials, that we revisit our
7 list on Monday. We have Monday our definite examination ready.
8 The advantage of having Monday for the preparation is, secondly, also that we can
9 also facilitate the ebinders and the hard copy binders of the definite list of materials.
10 We have already the provisional list of materials, but we would like to use
11 the weekend to, based on the transcript, revisit our materials and the questions.
12 And in addition, of course, I'm aware that the Court, like everyone, has also work to
13 do on the weekend, we of course work on the weekend as well, but the Court should
14 be mindful that we have also to prepare, the Defence team, the witness 2232, which is
15 conducted also by myself. I will do also the examination of 2232. So that means
16 that it would be very helpful if the Court would agree that we would start Tuesday
17 morning and that we have the weekend, plus Monday, to facilitate all
18 the preparations.
19 In addition, Mr President, I am made aware that the list of materials of
20 the Prosecution for Witness 2232 is only served this afternoon. That means that,
21 according to the protocol, five days of preparation should -- should proceed. If we
22 make the calculation, then the next witness, 2232, could not commence before
23 Wednesday. So, in any event, if -- even if the Court would oblige us to start on
24 Monday, in our submission we couldn't start with 2232 earlier than Wednesday or
25 even Thursday.

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1 PRESIDING JUDGE SCHMITT: [15:36:18] Okay.

2 Actually we have discussed this before, a little bit, and we have now communicated.

3 So I -- the Chamber thinks that this is absolutely acceptable and it's -- it's a fair

4 proposal, so to speak, also with regard to all the parties and the Chamber, and we do

5 it exactly like you suggest, Mr Knoops.

6 So we -- we continue with the examination by the Defence of this witness Tuesday

7 morning.

8 MR KNOOPS: [15:36:45] Thank you.

9 PRESIDING JUDGE SCHMITT: [15:36:46] And then we start with 2232,

10 Mr Vanderpuye, you would be ready on Wednesday.

11 MR KNOOPS: [15:36:53] But, Mr President, I'm not sure what the Defence team of

12 Mr Yekatom might do (Overlapping speakers)

13 PRESIDING JUDGE SCHMITT: [15:37:00] Yeah, yeah, I -- but I would be surprised

14 actually.

15 Would I be surprised?

16 MS DIMITRI: [15:37:05] We have no questions, Mr President.

17 PRESIDING JUDGE SCHMITT: [15:37:07] Yeah, okay. So then, then we do it this

18 way.

19 Then this concludes the hearing for today. Thank you very much everyone for -- it

20 was a very intense week, I know that, five days are, and the Chamber is always aware

21 also what burden is on the parties, on all of the parties with regard to the questioning

22 of these witnesses for the preparation.

23 And Mr Knoops, it was really, I think, a fair proposal, so to speak.

24 So we continue Tuesday morning, 9.30, and it will be your turn then, Mr Knoops.

25 Have a nice weekend. Mr Witness, too.

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- 1 THE COURT USHER: [15:37:49] All rise.
- 2 (The hearing ends in private session at 3.37 p.m.)