

Trial Hearing
Procedural Matters

(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
7 and Judge Chang-ho Chung
8 Trial Hearing - Courtroom 1
9 Wednesday, 14 December 2022
10 (The hearing starts in open session at 9.30 a.m.)
11 THE COURT USHER: [9:30:25] All rise. The International Criminal Court is now in
12 session. Please be seated.
13 PRESIDING JUDGE SCHMITT: [9:30:49] Good morning, everyone.
14 Court officer, please call the case.
15 THE COURT OFFICER: [9:30:53] Good morning, Mr President, your Honours.
16 Situation in the Central African Republic II, in the case of The Prosecutor versus Alfred
17 Yekatom and Patrice-Edouard Ngaïssona, case reference ICC-01/14-01/18. And we're
18 in open session.
19 PRESIDING JUDGE SCHMITT: [9:31:07] Thank you.
20 I ask for the appearances of the parties.
21 Prosecution first.
22 MS BERDENNIKOVA: [9:31:12] Good morning, Mr President, your Honours. Good
23 morning, everyone. Good morning, Mr Witness. This morning the Prosecution is
24 represented by Irina Galupa, by Kweku Vanderpuye, Yassin Mostfa, and myself, Maria
25 Berdennikova.

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- 1 PRESIDING JUDGE SCHMITT: [9:31:27] Thank you.
- 2 I turn to the representatives of the victims.
- 3 MS DOUZIMA: [9:31:33](Interpretation) Good morning, your Honour, your Honours.
- 4 The team has not changed. It's the same team as yesterday. Thank you.
- 5 PRESIDING JUDGE SCHMITT: [9:31:50] Thank you.
- 6 Mr Suprun.
- 7 MR SUPRUN: [9:31:52] Good morning, Mr President, your Honours. The former child
- 8 soldiers are represented by myself, Dmytro Suprun, counsel at the Office of Public
- 9 Counsel for Victims. Thank you.
- 10 PRESIDING JUDGE SCHMITT: [9:32:00] Thank you.
- 11 Ms Dimitri, for the Defence of Mr Yekatom.
- 12 MS DIMITRI: [9:32:06] Good morning, Mr President. Good morning, your Honours.
- 13 Good morning, everyone. Mr Yekatom is present in the courtroom. He is represented
- 14 today by Ms Anta Guissé, Mr Gyo Suzuki, Ms Léa-Marie Gagnon, Ms Laurence Hortas-
- 15 Laberge, and myself, Mylène Dimitri.
- 16 PRESIDING JUDGE SCHMITT: [9:32:26] Thank you.
- 17 And Mr Knoops.
- 18 MR KNOOPS: [9:32:30] Good morning, Mr President. Good morning, your Honours.
- 19 Good morning, everyone in the courtroom.
- 20 Our team is composed as the same persons as yesterday.
- 21 PRESIDING JUDGE SCHMITT: [9:32:37] Thank you very much.
- 22 And, of course, a very warm welcome to our witness.
- 23 Good morning. We hope you had a good rest, Mr Witness.
- 24 WITNESS: CAR-OTP-P-1858 (On former oath)
- 25 (The witness speaks French)

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- 1 THE WITNESS: [9:32:53](Interpretation) Thank you very much.
- 2 PRESIDING JUDGE SCHMITT: [9:32:53] We now turn to the continuation of the
- 3 questioning by Ms Dimitri. You have the floor.
- 4 MS DIMITRI: [9:33:07] Thank you, Mr President.
- 5 QUESTIONED BY MS DIMITRI: (Interpretation) (Continuing)
- 6 Q. [9:33:22] Good morning, sir. I hope that you survived this cold.
- 7 A. [9:33:25] Yes.
- 8 Q. [9:33:32] I am going to continue this morning by putting questions to you. You
- 9 have identified some positions on a map yesterday for our reference, so the map has
- 10 the following number: CAR-REG-0001-0012.
- 11 Just one last question regarding this map. Just to be absolutely sure we understood
- 12 something. Do you recall that you identified the place where there was a small
- 13 brigade, gendarme brigade that was very close to the customs post and close to the
- 14 position where the Seleka were positioned at the time? Am I right in saying that that
- 15 particular place, at that particular place at some point there were Burundi soldiers?
- 16 A. [9:35:00] Yes, madam.
- 17 Q. [9:35:10] Thank you very much, Witness. I'm going to show you now a video, and
- 18 I would just like you to tell us where this video is with respect to the map.
- 19 PRESIDING JUDGE SCHMITT: [9:35:27] So no translation needed for that video, if
- 20 you're only interested in the location.
- 21 MS DIMITRI: [9:35:35] Yes, no translation needed.
- 22 PRESIDING JUDGE SCHMITT: [9:35:37] Good.
- 23 MS DIMITRI: [9:35:53] I'm sorry, Mr President, may I have, if possible -- it's my
- 24 mistake, I should have printed it, but would you have an extra copy of CAR-REG-0001-
- 25 0102? An extra paper copy? No.

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- 1 THE COURT OFFICER: [9:36:09] We don't have an extra paper copy. I can print it. It's
2 going to be in black and white with poor quality --
- 3 MS DIMITRI: [9:36:10] No, it's fine --
- 4 PRESIDING JUDGE SCHMITT: [9:36:13] Which is -- perhaps we have it here.
- 5 MS DIMITRI: [9:36:16] It's the map that was annotated by the witness last night, Mr
6 President.
- 7 PRESIDING JUDGE SCHMITT: [9:36:19] Okay.
- 8 MS DIMITRI: [9:36:20] I just wanted to double-check --
- 9 PRESIDING JUDGE SCHMITT: [9:36:23] No, okay. I don't have the annotated map. I
10 have the non-annotated map.
- 11 MS DIMITRI: [9:36:29] With your permission, Mr President, if I could just have 30
12 seconds. My colleague has it. I just want to double-check something.
- 13 PRESIDING JUDGE SCHMITT: [9:36:35] Yes, of course. Of course.
- 14 MS DIMITRI: [9:37:00] Thank you.
- 15 Q. [9:37:00](Interpretation) Witness, I'm going to show you a video. And I want you
16 to confirm if we see on the video the place that you identified yesterday by DB, so the
17 place that we had the customs, the small brigade, and the Seleka.
- 18 MS DIMITRI: [9:37:20](Interpretation) So for the transcript, the video that I will show
19 you is at tab 5 of the Defence binder, CAR-OTP-2055-2610, 2:49 to 3:23. And the
20 transcript -- for the transcript is tab 6 in the Defence binder, CAR-OTP-2107-6906, from
21 line 89 to 107.
- 22 THE COURT OFFICER: [9:38:13] The Prosecution has the floor, evidence channel 2.
- 23 PRESIDING JUDGE SCHMITT: [9:38:14] Defence --
- 24 THE COURT OFFICER: [9:38:15] Defence, Yekatom Defence, my apologies.
- 25 PRESIDING JUDGE SCHMITT: [9:38:23] I think there was only a verbal

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1 misunderstanding. It was clear who was meant.

2 (Viewing of the video excerpt)

3 MS DIMITRI: [9:39:15](Interpretation)

4 Q. [9:39:16] Witness, you were able to see the video. We stopped it at 3:23. Am I

5 right to say that the place where we see the metal barrier, this is the place that you

6 identified on the map yesterday as being the small brigade, the customs, the place

7 where the Seleka were, and where there were some gendarmes and Burundi soldiers?

8 THE INTERPRETER: [9:39:49] We did not get the answer from the witness.

9 PRESIDING JUDGE SCHMITT: [9:39:51] Mr Witness, the same issue that we had

10 several times yesterday. No problem. The interpreter did not get your answer. Could

11 you please repeat it?

12 THE WITNESS: [9:40:05](Interpretation) I said, yes, indeed, that is the place.

13 PRESIDING JUDGE SCHMITT: [9:40:09] Thank you.

14 MS DIMITRI: [9:40:15](Interpretation)

15 Q. [9:40:20] Thank you, Witness. I'm going to move on to another topic.

16 MS DIMITRI: [9:40:30] Mr President, for the next three questions, if we could go into

17 private session, please.

18 PRESIDING JUDGE SCHMITT: [9:40:34] Okay. Let's say for three questions and

19 potential follow-ups, private session.

20 (Private session at 9.41 a.m.)

21 THE COURT OFFICER: [9:40:58] We're in private session, Mr President.

22 MS DIMITRI: [9:41:01] Thank you.

23 Q. [9:41:02] (Interpretation) Witness, when you arrived in The Hague, you made

24 some corrections to your statement, and I noted that you modified a term, "notre base,"

25 "our base," and you changed it for "la base (Redacted)" "the base of (Redacted)."

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1 THE INTERPRETER: [9:41:30] We did not hear the answer.

2 MS DIMITRI: [9:41:35](Interpretation)

3 Q. [9:41:35] Can you explain to us why you made this modification?

4 A. [9:41:48] I believe that there aren't that many modifications or changes. It's still
5 the same term.

6 PRESIDING JUDGE SCHMITT: [9:41:57] But, Mr Witness, what I think counsel is
7 heading at, you might have had a reason why you changed "notre base" to "la base". So
8 if there was a specific reason for that, could you provide us with it.

9 THE WITNESS: [9:42:19](Interpretation) Thank you very much, Mr President. If I
10 changed it, its because I wanted to be very precise, I wanted to specify la base, the base
11 of (Redacted)

12 PRESIDING JUDGE SCHMITT: [9:42:28] So there was not much behind it, but
13 absolutely I would have also asked it, potentially.

14 And, Mr Witness, if I -- you know, it functions much better when I'm speaking English
15 because then to you have wait for the translation and then you start speaking and the
16 interpreters get everything. But when Ms Dimitri is speaking the same language as
17 you are speaking, you are a little bit too quick. So please try to abide to that, that you
18 wait a couple of seconds with your answers. Thank you very much.

19 Ms Dimitri.

20 MS DIMITRI: [9:43:02] Thank you, Mr President.

21 Q. [9:43:08] (Interpretation) Can you tell us if at some point the group that you
22 belonged to was lead by (Redacted)

23 A. [9:43:26] Can I answer now? Yes, as you said it, when (Redacted) led this group,
24 that was for a very short period of time. (Redacted)
25 (Redacted)

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1 (Redacted)

2 Q. [9:44:07] Do you know why he left?

3 A. [9:44:09] I have no idea. I don't know what his motives were.

4 Q. [9:44:19] When (Redacted) led the group, did everybody listen to him just as they
5 listened to (Redacted)

6 A. [9:44:40] Yes.

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 PRESIDING JUDGE SCHMITT: [9:45:23] Open session.

16 (Open session at 9.45 a.m.)

17 THE COURT OFFICER: [9:45:43] We're in open session, your Honours.

18 MS DIMITRI: [9:45:48](Interpretation)

19 Q. [9:45:49] Witness, you stated in your statement, the statement that you read and
20 signed, that at the time when the base of Basile Mbomon was situated on General
21 Gambi's street, Mr Yekatom came to visit the base -- came to the base. I just want to
22 know what period it was. Can we say that it was between January 2014 and, for
23 instance, the junction of the two coordinations in June 2014?

24 A. [9:46:41] Well, to be very specific about the exact time, I'm not sure. It could be as
25 you say.

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1 Q. [9:46:51] I'm going to show you another video, and I'm going to ask you a few
2 questions.

3 MS DIMITRI: [9:47:00](Interpretation) So it's tab 5, it's still the same video, CAR-OTP-
4 2055-2610. I'm going to show you the excerpt starting at 1:28 to 2:24. And the
5 transcription is in tab 6 for the interpreters, it's in your binder, CAR-OTP-2107-6906,
6 and it's from lines 45 to 82.

7 Q. [9:47:43] And to make it easier for you, I believe that our team prepared for you a
8 paper tab. If it's easier, please let me know.

9 THE INTERPRETER: [9:47:52] Interpreter's note: Freelance interpreters do not have
10 binders, so we don't have a binder.

11 PRESIDING JUDGE SCHMITT: [9:47:59] So you need electronic -- yeah.

12 THE INTERPRETER: [9:48:02] Yes, please.

13 PRESIDING JUDGE SCHMITT: [9:48:03] But this is possible, I think, no? We can put it
14 on the screen like we did yesterday.

15 Ms Dimitri, she is in charge at the moment. The lady (Overlapping speakers)

16 MS DIMITRI: [9:48:16] I'm sorry, I can't see her from my position.

17 PRESIDING JUDGE SCHMITT: [9:48:19] She might be or they might be freelancers but
18 they are very quick too, so no problem. And I see a thumbs-up, so I think we can play
19 it.

20 MS DIMITRI: [9:48:28] Thank you, Mr President.

21 (Viewing of the video excerpt)

22 THE INTERPRETER: [9:48:33](Interpretation of the video excerpt) "... an appointment
23 for the allies, which was surprising.

24 "Hello.

25 "Thank you very much.

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1 "We are very happy to see you.

2 "Yes, we are very happy to be here.

3 "These men belong to a group of Anti-Balaka, Christian militia and they are there for
4 about 100 kilometres.

5 "You see the gendarmerie, it stops just at the barrier that we have crossed. What was
6 happening after the barrier, well, what happens at the barrier we do not -- we don't
7 have anything about, we cannot control it. So they intercept stolen objects and they put
8 it at the disposal of the gendarmerie. That is collaboration.

9 "The gendarmes do not have any other choice. They have to work with the Anti-
10 Balaka, but they were designed as the enemies by Ms Samba-Panza, the new president
11 of the Central African Republic. The militia group ..."

12 MS DIMITRI: [9:49:34](Interpretation)

13 Q. [9:49:35] Witness, you saw the video. Did you recognise Captain Kamezalai and
14 did you recognise the director, general director of the gendarmerie who is the minister
15 Henri Wanzet-Linguissara?

16 A. [9:49:49] I was not able to identify him. The only person that I've seen on this
17 video is Mr Joachim Kokate that I identified.

18 Q. [9:50:03] I'm going to go back a little bit, and I'm going show you the excerpt
19 where you can maybe recognise Captain Kamezalai.

20 A. [9:50:16] Yes, I see.

21 MS DIMITRI: [9:50:25](Interpretation) So for -- yeah, I --

22 PRESIDING JUDGE SCHMITT: [9:50:26] Well, Mr Witness, you say you see Captain
23 Kamezalai. Can you please tell us which person it is on the screen?

24 THE WITNESS: [9:50:41](Interpretation) Thank you, Mr President. Captain

25 Kamezalai, it's the person who's here at the back with a shirt -- red shirt with lines like

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1 this.

2 PRESIDING JUDGE SCHMITT: [9:51:01] Thank you. That is identifying, I would say.

3 MS DIMITRI: [9:51:05] Thank you, Mr President. For the record, the video is stopped
4 at 2:17:15, and it's the person with the shirt with the red dots.

5 PRESIDING JUDGE SCHMITT: [9:51:20] Exactly.

6 MS DIMITRI: [9:51:29](Interpretation)

7 Q. [9:51:29] I am just going to go back a few minutes to enable you to see the current
8 Minister Henri Wanzet-Linguissara. So the video is at 2:07:03. Are you able to
9 recognise the general director who is to the right on the screen and who wears the
10 uniform?

11 A. [9:51:47] I see a gendarme wearing a uniform, but I have never seen him before.

12 Q. [9:52:04] Do you confirm that Kokate is the person who is sitting down and he
13 wears a black suit or dark grey suit, and he's sitting between the gendarme and Mr
14 Kamezolai?

15 A. [9:52:18] Yes, that's correct.

16 Q. [9:52:29] You have heard in the video, even though you don't know him, but you
17 have heard the general director of the gendarmerie mentioning that there is a
18 collaboration or a cooperation to stop people who have stolen objects. {PFR: (Redacted)
19 (Redacted)
20 (Redacted)}

21 was there as well this -- did you see this collaboration to stop people who are thieves
22 and who wanted to destroy the Central African Republic?

23 A. [9:53:17] Yes, that's exactly true.

24 Q. [9:53:29] And this cooperation, can we agree that it started as soon as the Seleka
25 left the PK9 position?

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1 A. [9:53:40] Yes.

2 Q. [9:53:50] I am going to ask you to listen to an audio recording at tab 7 of the
3 Defence binder, CAR-OTP-2076-0815, from 7:15 to 8:36.

4 MS DIMITRI: [9:54:16](Interpretation) For the interpreters, the transcription is in your
5 binder at tab 8, CAR-OTP-2130-0317, and lines 121 to 129.

6 PRESIDING JUDGE SCHMITT: [9:54:42] Perhaps, again, for the interpreters, you can
7 indicate -- oh, she's already ready, so we can continue.

8 MS DIMITRI: [9:54:50] Thank you, Mr President.

9 Q. [9:55:01] (Interpretation) Witness, I'm going to ask you to listen to an audio. It's an
10 interview between a journalist and Captain Kamezalai. It's an interview that took place
11 in 2014 before the junction of the two coordinations. So this interview took place in the
12 month of April 2014, and it was broadcast in May 2014. I would like to ask you to
13 listen to what was said between the journalist and Captain Kamezalai, and then I will
14 have some questions for you.

15 (Playing of the audio excerpt)

16 THE INTERPRETER: [9:55:38](Interpretation of the audio excerpt) "... military and
17 armed men that they found in the maquis until they fused. The FACA officers took
18 rapidly the direction of the Anti-Balaka group but until the departure of Michel
19 Djotodia and the trans -- and the international intervention. And Anti-Balaka was
20 represented by Joachim Kokate who became minister counsel. Captain Kamezalai,
21 whose men are controlling the region of the Lobaye in the south of Bangui, are working
22 well with the authorities. He even answered to the call of the new defence minister to
23 reintegrate the ranks of the future new national army.
24 "We are currently for the power which is in place and which is going to make the
25 transition happen, and we want to support it so that we can have election year.

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1 "We have 3.800 men today are in their families. Where are they?

2 "3.800 men are currently from Zila up until to Lobaye. It's them who are ensuring the
3 safety of the citizens that are also -- that live all the way to the south up until today. So
4 one day we will be at the disposal of the government and they will be ..."

5 MS DIMITRI: [9:57:08](Interpretation)

6 Q. [9:57:09] Witness, you heard Captain Kamezalai. When the reporter is asking
7 him, "Your 3.800 men today, where are they," and when Captain Kamezalai says, "The
8 3.800 men from Zila all the way to the Lobaye, they are the ones who are ensuring the
9 safety of citizens up until the south."

10 To your knowledge, since you were referring to exchanges and discussions which took
11 place with Captain Kamezalai, when my colleague from the Prosecutor's Office asked
12 you questions, to your knowledge, Mr Kamezalai is referring to whose men here when
13 he's talking about men who are ensuring the safety of citizens all the way to the south?

14 A. [9:58:11] Thank you, madam. It would have been me if Mr Kamezalai was there.
15 The answer came from him. So I don't know how to answer.

16 Q. [9:58:34] No problem, Witness. I'm going to show you another video. I'm going
17 to show you a video where we see Basile Mbomon at tab 9 of the Defence binder, CAR-
18 OTP-2084-1307, from 00:00 to 00:32.

19 MS DIMITRI: [9:59:12](Interpretation) The transcription is at tab 10 for interpreters,
20 CAR-OTP-2122-2366, lines 4 to 8.

21 Q. [9:59:37] Before we start watching the video, you recognise Basile Mbomon on the
22 screen; is that right?

23 A. [9:59:48] Yes.

24 Q. [9:59:55] I would like to ask you to listen to what he said, and I will then put
25 questions to you.

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1 (Viewing of the video excerpt)

2 THE INTERPRETER: [9:59:59](Interpretation of the video excerpt) "I am on the other
3 side of the Ngulanga bridge. I am commanding here all the way to Île Bongossoa. If
4 you do not know what it is, it's the main site of Bongossoa. And me -- and here I am.
5 And I work in collaboration with my brother, Corporal Chief Rombhot Yekatom and
6 Captain Kamezolari, who is our major-general."

7 MS DIMITRI: [10:00:51](Interpretation)

8 Q. [10:00:51] Witness, you've heard about Basile Mbomon explain about the control
9 and indicate the area of control and indicate that he was collaborating with Corporal
10 Chef Rombo Yekatom. I'd like to establish a date in order to help you refresh your
11 memory, because you spoke about this collaboration a bit earlier. Would I be right --
12 because we said that this collaboration had started from the departure of the Seleka
13 when Basile Mbomon established his new base. Would I be right to say, because this
14 video is from 15 May 2014, does this collaboration still exist?

15 A. [10:01:34] Certainly, counsel.

16 Q. [10:01:45] Thank you, Witness. I'm now going to change subject. Now, you spoke
17 in paragraph 112 of your statement. You spoke about a mission that Mr Yekatom went
18 on to M'Baiki, Scad, and Boda. M'Baiki, Scad, and Boda. And I would like to put a
19 date on this mission that you refer to in 112 of your statement. I'm going to present a
20 document to you, and you will tell me if it refreshes your memory.

21 I see that you have a questioning look, but I have the impression that you're speaking
22 about a mission which you knew about after the north-south coordination, and you
23 knew about this mission -- or you found out about it during a meeting or you got
24 information from a report. So I'm presenting a document to you which goes back to
25 2015. And you can tell me if the mission which you're referring to in paragraph 112 is

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1 that.

2 MS DIMITRI: [10:03:17](Interpretation) It's at tab 11, CAR-OTP-2039-0020, tab 11 of the
3 Defence binder.

4 Q. [10:03:43] Can you see it on your screen, Witness?

5 A. [10:03:46] I can see it.

6 Q. [10:03:48] Do you see the date 2015? And you can also see the elements referred to
7 about the mission.

8 MS DIMITRI: [10:03:59](Interpretation) If the Registry could take the document further
9 down.

10 Q. [10:04:03] In particular, there are the individuals that you spoke about yesterday,
11 Paléon Zilabo, Vivien Beina, and I would invite you to look at the following page
12 where you can see stamps of the different gendarmerie posts or brigade posts. Is this
13 the mission that you were referring to?

14 A. [10:04:40] Thank you, madam. Thank you, Maître. I think that it is this certainly,
15 because in {PFR: (Redacted)}

16 Q. [10:05:08] And do you remember --

17 MS DIMITRI: [10:05:13](Interpretation) You can withdraw the document from the
18 screen.

19 Q. [10:05:15] Do you remember that when they came back from this mission, {PFR:
20 (Redacted)}

21 (Redacted)

22 (Redacted)}

23 A. [10:05:45] I have no idea about that. Where it concerns myself, I remember that
24 they had to go for a mission in the area where Mr Yekatom controlled. But with
25 regards to the content, I'm not aware of that. But to go on a mission, before I could go,

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1 I was aware that they were going to go on a mission into the area that Mr Yekatom
2 controlled.

3 Q. [10:06:18] And because you remember this discussion that they had to go on
4 mission, you would agree that this mission -- or the objective of this mission was peace
5 and disarmament and reconciliation?

6 A. [10:06:37] Yes.

7 Q. [10:07:01] Thank you. I'm going to change subject, Witness. I would now like to
8 speak a bit more specifically about Basile Mbomon. Could you tell me -- {PFR:

9 (Redacted)

10 (Redacted}}

11 So could you tell us what Basile Mbomon was doing on 5 December 2013? {(ICR:

12 (Redacted}}

13 A. [10:07:38] Thank you, Maître, for having given me the floor. I think that what
14 Basile Mbomon was doing on the day of 5 December, there was -- I was not aware of
15 the activity that he was carrying out on that day.

16 MS DIMITRI: [10:08:08] Mr President, I'll need a dozen of questions in private session
17 with your leave.

18 PRESIDING JUDGE SCHMITT: [10:08:15] Of course. We go to private session then.

19 (Private session at 10.08 a.m.)

20 THE COURT OFFICER: [10:08:42] We're in private session.

21 MS DIMITRI: [10:08:51] Thank you.

22 Q. [10:08:52] (Interpretation) In paragraph 46 of the statement that you signed with
23 the investigators, you state that on (Redacted)

24 (Redacted)

25 (Redacted)

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19 Q. [10:18:41] Thank you. I'm going to change subject, Witness. If we go to paragraph
20 60 of your statement, you speak about Mr Yekatom and Mr Ouandjio, and you state
21 that they had their base in the school Yamwara -- at the Yamwara school, but they were
22 only in transit there. So my question is as follows: Do I understand from that, that
23 after they left -- because they were only in transit there, should I understand that after
24 they left, other groups went there and set themselves up at Yamwara or other groups
25 stayed in Yamwara?

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1 A. [10:19:26] Thank you. I think Yamwara is in Boeing. And in Boeing, there were
2 several different Anti-Balaka chiefs. So when they left, it is certain that there were
3 others who stayed.

4 Q. [10:19:51] So when you said "when they left," you're talking about Yekatom and
5 Ouandjio? When they left some of the Boeing chiefs set up at Yamwara school; is that
6 correct?

7 A. [10:20:04] Yes, that is correct.

8 Q. [10:20:12] Thank you. Because (Redacted)
9 (Redacted)- could you tell me if (Redacted) was in contact with Captain Kamezolai
10 before the attack of 5 December?

11 A. [10:20:36] Thank you. (Redacted) contact with Mr Kamezolai I know nothing
12 about.

13 Q. [10:20:58] Had you ever taken part in discussions between (Redacted) and Captain
14 Kamezolai concerning the involvement of Captain Kamezolai in the attack of 5
15 December?

16 A. [10:21:16] I don't think so.

17 Q. [10:21:23] Still on the subject of Captain Kamezolai, Witness. (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 Would you agree with me that from the moment that Captain Kamezolai, (Redacted)
23 (Redacted) he's appointed military leader, or chief of staff as others would call him,
24 that he remains chief of general staff for a very long period, at least until the meeting of
25 15 May, which we saw part of in the video where (Redacted)

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1 was present?

2 A. [10:22:35] Yes, that's correct, madam.

3 Q. [10:22:47] And to the best of your knowledge, Witness, Captain Kamezolai, did he
4 try to obtain a post of responsibility with the government or in the military hierarchy?

5 A. [10:22:58] That's the idea. The idea, I think, with regards to that, was that he did
6 the interview, so he had done the interview to see what his position would be with the
7 government.

8 Q. [10:23:26] And to the best of your knowledge, he wanted to obtain what position
9 within the government or within the military hierarchy?

10 A. [10:23:34] I can't define it. I could never give it.

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 A. [10:25:16] And, thank you, this document reminds me. It's the minister, Bara-
22 Dessi, Minister Bara-Dessi who made this proposal or this document. Minister Bara
23 who made the proposal. And that's adviser to the prime minister, conseiller à la
24 primature.

25 (Redacted)

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1 (Redacted)

2 Q. [10:28:24] And who proposed Captain Kamezalai as the military adviser?

3 A. [10:28:41] Thank you. That takes me back. At the time, there was the prime
4 minister, Mr Nzapayeke. He was the brother of Captain Kamezalai. So certainly it was
5 like that.

6 Q. [10:29:12] If I understand your answer well, due to the family relationship
7 between the Prime Minister Nzapayeke at the time and Captain Kamezalai, Captain
8 Kamezalai wanted to use his family relationship with Andre Nzapayeke in order to
9 have a post of military adviser.

10 A. [10:29:34] Indeed.

11 Q. [10:29:43] Did that also -- or to your knowledge, was that document given by
12 Captain Kamezalai directly to the prime minister's office because of this relationship tie
13 with Andre Nzapayeke?

14 A. [10:30:08] How they did it, I really couldn't tell you.

15 Q. [10:30:17] Thank you very much. I'm going to now move on to another topic.

16 MS DIMITRI: [10:30:28](Interpretation) And I would like to ask to go into open session.

17 Q. [10:30:31] But just before we go into open session, I would like to talk to you or tell
18 you what my next topic will be. So we talked yesterday about the DDR, about the fact
19 that some people wanted to take advantage from the benefits of the DDR. You're not
20 the first person who told us about it. Many people have told us about that. They've
21 explained that the DDR lists were made in such a way that some people may benefit
22 from the DDR list. So that will be my next topic.

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 So do you follow me?

2 A. [10:31:18] Yes.

3 PRESIDING JUDGE SCHMITT: [10:31:19] Open session.

4 (Open session at 10.31 a.m.)

5 THE COURT OFFICER: [10:31:33] We're in open session, your Honours.

6 MS DIMITRI: [10:31:47](Interpretation)

7 Q. [10:31:47] Witness, my colleague to my right gave me my yellow warning, yellow
8 card warning, because I'm going too fast. So I'm going to try to speak slower, and I
9 invite you to do the same. Thank you.

10 So yesterday we talked about the fact that some people wanted to take part in the DDR,
11 and their names were put on lists in order to benefit from a programme; transcript
12 1507, yesterday.

13 So do you agree with me that some people wanted to benefit from the DDR at the time,
14 and on the civilian DDR lists - we'll talk about the military later - but on the civilian
15 lists, many names were found of individuals who were never part of the military, but
16 their names were put there in order to benefit from the advantages that the DDR was
17 offering?

18 A. [10:32:51] Yes.

19 Q. [10:32:56] I would like to show you a document that you've handed to the OTP,
20 because you are the person who gave the document.

21 I would like to ask the court officer not to show it to the public. It's tab 13 Defence
22 binder, CAR-OTP-2039-0031.

23 At the top of the page, Witness, if we can go -- you can see that it says "Phase 1." So can
24 we agree that this document was prepared during phase 1 of the DDR?

25 A. [10:33:47] Like it's written here, phase 1. But I don't know if there was also a

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1 phase 2 and 3 like this.

2 Q. [10:34:08] But since you're the one who handed this document to the OTP, and I
3 don't have the exact date on the document, I'm just trying to use your knowledge. So
4 can we agree that it was made during phase 1? So we're talking about the document
5 that was made in 2015, 2016, so this is a document that was prepared after 2014.

6 A. [10:34:38] Yes, yes.

7 Q. [10:34:44] Thank you. And can we also agree on the fact that this type of
8 document, the DDR, that's for civilians. As for the military, their names are on the
9 documents which regard promotions. Do you agree with me?

10 A. [10:35:07] Yes.

11 Q. [10:35:08] For rank promotions.

12 A. [10:35:20] Yes.

13 Q. [10:35:20] And when it comes to this civilian DDR document, I would like to draw
14 your attention to 0081 -- to the page 0041, number 539. Do you see the name of Gilbert
15 Kamezalai? Can we agree that this is not Captain Kamezalai, because Captain
16 Kamezalai, being a military man, his name will only be seen in the list of rank
17 promotions. So this Gilbert Kamezalai, he's a civilian, and he was part of the family of
18 the captain? He was a member of the captain's family?

19 A. [10:36:08] Yes.

20 Q. [10:36:08] Thank you. I would also like to show you another document at tab 14
21 of the Defence binder, CAR-REG-0001-0010.

22 MS DIMITRI: [10:37:04] Mr President, may I have a moment with my client please?

23 PRESIDING JUDGE SCHMITT: [10:37:07] Of course.

24 MS DIMITRI: [10:37:08] Thank you.

25 (Counsel confer)

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1 MS DIMITRI: [10:38:06] I'm sorry. We can remove the document. There was a
2 confusion on my part.

3 PRESIDING JUDGE SCHMITT: [10:38:11] Okay.

4 MS DIMITRI: [10:38:12](Interpretation)

5 Q. [10:38:12] I'm very sorry, Witness. I'm still going to continue to talk about DDR
6 lists, and I'm going to show you a document that's at tab 16 of the Defence binder,
7 CAR-OTP-2039-0063.

8 Paragraph 31 of your statement, you talk about a First Class Hena person, First Class
9 Hena, Hena. I would like to draw your attention to page 0064 of the document that we
10 have in front of us. Are we talking about Marius Hena that we see at -- corresponding
11 to number -- well, we don't really see the number that's on the left, but you do see the
12 name of Marius Hena on the document that's on the screen, first class, with his number.
13 Can you please go down, scroll down, please? Yes, thank you very much. We can stop
14 there. Thank you.

15 A. [10:39:30] Yes.

16 Q. [10:39:30] Do you see with badge number 200511 -- 1125?

17 THE INTERPRETER: [10:39:43] The interpreter did not catch the number.

18 MS DIMITRI: [10:39:45](Interpretation)

19 Q. [10:39:46] Do you see that name and that number?

20 A. [10:39:47] Yes.

21 Q. [10:39:47] Thank you very much. And as you {(ICR: (Redacted))
22 (Redacted))}

23 A. [10:39:54] Yes, he was a member of that group.

24 Q. [10:40:08] {(ICR: (Redacted))

25 (Redacted))}. And I'm going to show you some names

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1 that we can see on this document.

2 {(ICR: (Redacted))

3 (Redacted)

4 (Redacted)}

5 A. [10:41:03] Yes.

6 Q. [10:41:04] Thank you. And we also see another name that we can see on the first
7 page of the document, Sergeant -- I'm sorry. {(ICR: (Redacted))

8 (Redacted)

9 (Redacted)

10 A. [10:41:33] (Redacted)}

11 Q. [10:41:33] Thank you very much.

12 MS DIMITRI: [10:41:37](Interpretation) The document can be withdrawn from the
13 screen.

14 Q. [10:41:47] Witness, {(ICR: (Redacted))

15 (Redacted)

16 (Redacted)

17 (Redacted)}

18 Q. [10:42:26] Do you know a person by the name of Sanzema (phon) -- I'm very sorry
19 about the pronunciation. It's a FACA and his name is Sanzema or Sangema aka Baisou
20 (phon)?

21 A. [10:42:51] I do not know Sanzema.

22 Q. [10:43:05] All right.

23 I'll move on to another topic, Witness.

24 MS DIMITRI: [10:43:13] Mr President, the next subject, because of the limited number
25 of individuals who participated in those meetings, will have to be addressed in private

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- 1 session.
- 2 PRESIDING JUDGE SCHMITT: [10:43:22] Yes, that makes sense.
- 3 Private session.
- 4 (Private session at 10.43 a.m.)
- 5 THE COURT OFFICER: [10:43:52] We are in private session, Mr President.
- 6 MS DIMITRI: [10:43:57](Interpretation)
- 7 Q. [10:43:58] Witness, I'm now going to talk about (Redacted)
- 8 (Redacted)
- 9 (Redacted)
- 10 (Redacted)
- 11 (Redacted)
- 12 So my first question is the following: You were already a member (Redacted)
- 13 group at the time; right?
- 14 A. [10:44:38] Yes.
- 15 Q. [10:44:38] And you arrived, you joined the group of (Redacted) in the month of
- 16 (Redacted). Did I understand you correctly?
- 17 A. [10:44:51] Yes.
- 18 Q. [10:44:51] And when you arrived or when you became a member of (Redacted)
- 19 group, you remained permanently with that group?
- 20 A. [10:45:01] What do you mean, "remained permanently"?
- 21 Q. [10:45:05] I mean you were always in the -- all the time you were in the bush.
- 22 A. [10:45:13] Yes, all the time. (Redacted)
- 23 (Redacted)
- 24 (Redacted)
- 25 (Redacted)

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6 (Redacted)

7 (Redacted)

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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. [10:54:32] And so what was in that note block or book that you showed to the

23 OTP?

24 A. [10:54:40] Well, I cannot remember everything.

25 Q. [10:54:49] Yes, I understand perfectly. But it's events -- regarding the events from

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1 2013, 2014; is that right?

2 A. [10:55:02] Not really, because I also have other activities and then I note down
3 those other activities. It was not just those events.

4 Q. [10:55:19] So it's a notebook that contains personal information, that contains your
5 (Redacted), and other activities, but it also contained information on the Anti-Balaka
6 and on the events which took place in 2013 and 2014.

7 Did I understand you correctly?

8 A. [10:55:39] As I told you, or as you said.

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

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- 1 (Redacted)
- 2 MS DIMITRI: [10:58:20] Sorry.
- 3 PRESIDING JUDGE SCHMITT: [10:58:26] What about the break now, or do you have a
- 4 question that is so inextricably linked to the ones before that it has to be asked? No,
- 5 then let's have a break.
- 6 Do you have already an idea when you will finish your questions?
- 7 MS DIMITRI: [10:58:48] Mr President, my goal is 1.00, but it's going to be a bit tight.
- 8 PRESIDING JUDGE SCHMITT: [10:58:57] Let's see. Simply see.
- 9 MS DIMITRI: [10:59:00] Yes.
- 10 PRESIDING JUDGE SCHMITT: [10:59:00] Then we have to wait. Okay. Thank you.
- 11 11.30.
- 12 (Recess taken at 10.59 a.m.)
- 13 (Upon resuming in open session at 11.31 a.m.)
- 14 THE COURT USHER: [11:31:08] All rise. Please be seated.
- 15 PRESIDING JUDGE SCHMITT: [11:31:30] Just a reminder, we are in open session.
- 16 MS DIMITRI: [11:31:35] Thank you, Mr President. Since we are in open session, I'll just
- 17 take advantage to clarify something that could be done in open session before I come
- 18 back to the subject of the meetings.
- 19 PRESIDING JUDGE SCHMITT: [11:32:02] Fine.
- 20 MS DIMITRI: [11:32:09](Interpretation)
- 21 Q. [11:32:09] Hello again, Witness. Good morning again. So I'm just going back to
- 22 one of the answers that you gave before the break with reward to Likoundou and
- 23 Marius Hena, it wasn't very clear. Likoundou, your answer isn't very clear. I'm going
- 24 to show you your statement.
- 25 MS DIMITRI: [11:32:34](Interpretation) If we can have shown on the screen your

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- 1 statement, paragraph 31 of the French version thereof. And it's statement CAR-OTP-
2 2104-0630. 31. Thank you. If you could zoom in on it. If you could go up a bit, please.
3 So the half of the paragraph. No, the middle of the paragraph. Thank you.
- 4 Q. [11:33:12] Witness, so do you see paragraph 31? I'm just going to clarify. You're
5 speaking about a group of {ICR: (Redacted)}
6 (Redacted)}. And then you list the
7 names of some, {ICR: (Redacted)}
8 (Redacted)
9 (Redacted)
10 (Redacted)
11 (Redacted)} and that they left? Because you say that
12 they were there until Djotodia's resignation. So did they leave the group when
13 Djotodia resigned?
- 14 A. [11:34:38] No, that's not correct.
- 15 PRESIDING JUDGE SCHMITT: [11:34:42] Ms Berdennikova.
- 16 MS BERDENNIKOVA: [11:34:44] Thank you. I just wanted to note that, in fact, the
17 witness has already quite clearly answered the question in relation to two of the
18 individuals in that list, at least, at line 29 earlier today, and he provided the relevant
19 timeframe. So I think we're going back and asking him a question that has already
20 been answered.
- 21 PRESIDING JUDGE SCHMITT: [11:35:04] Well, partly, I would say. And the witness
22 has no -- "partly," by meaning that there were more names in this paragraph 31 than
23 had been asked before.
- 24 So please continue, Ms Dimitri.
- 25 MS DIMITRI: [11:35:29] I'm clarifying in view -- and that's why I told the witness "you

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- 1 said something before the break, there's something in your statement" -- so I can follow
2 up on my --
- 3 PRESIDING JUDGE SCHMITT: [11:35:42] Yeah, yeah, you can follow up.
- 4 MS DIMITRI: [11:35:45] Thank you.
- 5 Q. [11:35:46](Interpretation) Do you see your statement on the screen, Witness?
- 6 A. [11:35:47] Yes, I can see it.
- 7 Q. [11:35:49] Would you confirm that the people who I've just mentioned, as you say
8 in your statement, were there since the creation of the group until Djotodia's
9 resignation? So they left the group a bit after Djotodia's resignation.
- 10 A. [11:36:06] Well, I didn't say that they left after Djotodia's resignation. What I said
11 was {ICR: (Redacted)
12 (Redacted)
13 (Redacted)} That was the answer.
- 14 Q. [11:36:34] Thank you. I understand that better now. So a few days after the attack
15 of 5 December they joined the group?
- 16 A. [11:36:40] Yes.
- 17 Q. [11:36:41] And then they stayed at least until the resignation of President
18 Djotodia?
- 19 A. [11:36:48] After the resignation of President Djotodia.
- 20 Q. [11:36:51] Thank you. It's clearer now.
- 21 MS DIMITRI: [11:37:18](Interpretation) We can take off the statement from the screen.
22 (Speaks English) Mr President, I'm going back in the subject of the meetings, so if we
23 can go in private session.
- 24 PRESIDING JUDGE SCHMITT: [11:37:31] Private session.
25 (Private session at 11.37 a.m.)

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1 THE COURT OFFICER: [11:37:47] We're in private session, Mr President.

2 MS DIMITRI: [11:37:51] Thank you.

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

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10 (Redacted)

11 (Redacted)

12 (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 Q. [11:40:44] In the document that we looked at together on the screen, I'm going to
6 show you once again tab 17 of the Defence binder, CAR-OTP-2063-0074. Now, you can
7 see on the right-hand side Corporal Chef Rombhot Yekatom, do you see the numbers
8 (Redacted)

9 A. [11:41:40] I haven't seen it yet.

10 Q. [11:41:42] Is there a document on your screen?

11 A. [11:41:44] Yes.

12 Q. [11:41:44] Well, I'm going to help you, Witness. The name of Corporal Chief
13 Rombhot Yekatom is the fourth from the bottom.

14 A. [11:41:58] The last person?

15 Q. [11:41:59] No, no, not the last person. If you count four from the bottom of the
16 page. If you look at the arrow -- can you see the arrow?

17 A. [11:42:07] Yes.

18 Q. [11:42:08] Can you see a first number, (Redacted)

19 A. [11:42:13] (Redacted)? That's not the number of Yekatom.

20 Q. [11:42:21] Now look at the right. There's another number. I'm going to ask you a
21 question with regards to this: (Redacted). Do you see that number? So according to a
22 document which is signed by Captain Kamezalai, that's the number of his wife, the
23 wife of Captain Kamezalai. So you -- because you're the one who is showing the
24 document to the Office of the Prosecutor, did you know why the number of
25 Kamezalai's wife was on the document or not?

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1 A. [11:42:52] If I remember correctly, when he fled from prison he was there with his
2 wife.

3 Q. [11:43:12] When you say "he", you're speaking about Captain Kamezolai?

4 A. [11:43:15] Yes.

5 Q. [11:43:15]?

6 MS DIMITRI: [11:43:28] If I could have a moment.

7 Q. [11:43:34] (Interpretation) Witness, when you say "he was there with his
8 wife," Captain Kamezolai was with his wife, did you know if it was Captain Kamezolai
9 who wrote his wife's number on the document?

10 A. [11:43:47] I don't know that. I don't know.

11 Q. [11:43:51] Thank you.

12 MS DIMITRI: [11:43:55](Interpretation) We can take off the document.

13 Q. [11:43:56] Do you remember, Witness, (Redacted)

14 (Redacted)

15 (Redacted) another Rambo whose full name was Julien Modo (phon). He was a FACA
16 warrant officer. Does that refresh your memory?

17 A. [11:44:27] A warrant officer in Bimbo. He resides in Bimbo.

18 Q. [11:44:34] So you remember him?

19 A. [11:44:35] Yes.

20 Q. [11:44:39] To the best of your knowledge, is it correct that in December 2013 he
21 was in -- commander of Boeing area and he worked with Captain Ngremangou?

22 A. [11:45:17] I have no idea.

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 Q. [11:46:17] I've understood from your statement that -- and this is in paragraph 59.

5 You state that the lieutenant or the sublieutenant in this period, the second-lieutenant

6 or sublieutenant Yvon Donon was based at the Yamwara school. (Redacted)

7 (Redacted), he joined Captain Ngremangou in Boeing. So do I understand from this

8 that Lieutenant Donon left and he joined Captain Ngremangou in Boeing, because he

9 joined Captain Ngremangou's group? He left Yekatom, Kamezolai's group?

10 A. [11:47:27] Well, I think that Boeing -- Yamwara is still in Boeing, so it could be the

11 case that he was there. He was together with Captain Ngremangou and had been for a

12 long time, so I think that he was -- whether he was with him or not, I have no idea

13 about that. But what I do know is that Boeing and Yamwara are in Boeing.

14 THE INTERPRETER: [11:47:55] The Yamwara school, corrects the interpreter, is in

15 Boeing.

16 MS DIMITRI: [11:48:10](Interpretation)

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)

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5 (Redacted)

6 Q. [11:49:57] And would I be right to say that after the departure of Leopold Bara
7 from N'Djamena to the summit in which Djotodia resigned, afterwards there was a
8 speech given by Leopold Bara in front of the National Assembly before the transitional
9 president Nguendet?

10 A. [11:50:24] Yes.

11 Q. [11:50:25] Were you present?

12 A. [11:50:26] No.

13 Q. [11:50:37] You provided a document to the Office of the Prosecutor. I'm going to
14 present it to you. This is at tab 19, CAR-OTP-2063-0075.

15 MS DIMITRI: [11:51:09](Interpretation) Can we look at the second page.

16 Q. [11:51:17] Is this essentially the content of the speech that Bara held before the
17 National Assembly. And some people use the term spokesperson and you said that he
18 was a political coordinator. If you look at the end.

19 MS DIMITRI: [11:51:41](Interpretation) At the bottom of the page, if we can go down.
20 Thank you.

21 Q. [11:51:44] "Political coordinator, spokesperson," is that the role that Leopold
22 Narcisse Bara had in the group that we would call the Anti-Balaka Sud, the southern
23 Anti-Balaka?

24 A. [11:51:58] This was the speech.

25 Q. [11:52:09] And for our understanding, you see that there are a series of -- there are

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1 a certain number of countries and embassies that are listed. And under the speech,
2 there is MISCA, BINUCA. So do I understand from that that the role of Leopold
3 Narcisse Bara was to continue with dialogue and cooperation on behalf of the southern
4 Anti-Balaka with the international community?

5 A. [11:52:54] That was it.

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 MS DIMITRI: [11:55:56](Interpretation) I'm now going to change subject. I believe we
6 can go into open session.

7 (Speaks English) Mr President, with your leave, we could go back --

8 PRESIDING JUDGE SCHMITT: [11:56:01] Open session then.

9 (Open session at 11.56 a.m.)

10 THE COURT OFFICER: [11:56:16] We are back to open session, Mr President, your
11 Honours.

12 MS DIMITRI: [11:56:21](Interpretation)

13 Q. [11:56:21] Witness, we spoke about several meetings. Could you confirm that to
14 the best of your knowledge you never participated in any kind of meeting in
15 Lakouanga?

16 A. [11:56:47] I never participated in a meeting in Lakouanga.

17 Q. [11:56:52] Thank you very much. Now in paragraph 68 to 70 of your statement,
18 you speak about the meeting that took place on 15 May in Pismis.

19 A. [11:57:02] Yes.

20 Q. [11:57:02] And what we've seen is an excerpt earlier about the Pismis meeting.

21 What we saw was that Sergeant Basile Mbomon, well, we saw him hold a speech, a
22 major speech. And now I'm going to speak about the objective of this meeting in
23 Pismis because you speak about it in paragraphs 68 to 70.

24 Would I be right to say that during this meeting, the objective was to remind the
25 participants in the meeting that they had to continue with the reconciliation and peace

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1 and cooperation initiatives with the international community? That's the reason why
2 there was, for example, Sangari present at the meeting, there were ONGs. So the
3 objective was to remind all of them that they had to continue to follow the
4 reconciliation and conciliation initiatives.

5 A. [11:58:07] Thank you. I don't think it was these objectives because it was
6 following this meeting that Wenezoui was appointed as coordinator of the south. So
7 what you have just mentioned there, what you have just mentioned, I am not aware of.
8 And when he was minister, he also came. Because Bara, when he was also minister, he
9 also came to hold a speech here.

10 Q. [11:58:39] Do you remember the presence of Sangari and certain NGOs, such as
11 Human Rights Watch, during this meeting?

12 A. [11:58:53] I remember Sangari.

13 Q. [11:59:03] And you will remember that Mr Yekatom was present with Captain
14 Kamezolari during this meeting?

15 A. [11:59:08] Yes.

16 Q. [11:59:11] And I'm going to try -- well, I understand that you said after this, that
17 following this, he presented himself as the coordinator of the southern region, but we'll
18 come back to that.

19 But do you remember that just before this meeting, just before the meeting of -- on 15
20 May, the Minister for Reconciliation, Antoinette Montaigne had asked on behalf of the
21 government, well, had insisted to have one sole Anti-Balaka group, because you spoke
22 about tendency or two tendencies. When my colleague put questions to you, you said
23 there was a northern tendency and a southern tendency.

24 A. [12:00:05] Yes.

25 Q. [12:00:07] Until the union of two tendencies in June 2014. So we're going to come

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1 back to that. But if you listen to me carefully, before the meeting of 15 May 2014, did
2 you remember or do you remember that the Minister for Reconciliation, Antoinette
3 Montaigne had asked, on behalf of the government, for there to be one sole group,
4 because it was difficult to have two groups? She just wants one.

5 I can present you a video in order to refresh your memory, but first of all I'd like to
6 hear you speak on it.

7 A. [12:00:45] It's true.

8 MS DIMITRI: [12:00:53](Interpretation) And purposes of the record - I don't need to
9 present you a video but I'm just going to list it - it's at tab 21 of the Defence binder,
10 CAR-OTP-2023-1990, from 1:19 to 1:44. And the transcript is at tab 22, CAR-OTP-2122-
11 9420, lines 18 to 22.

12 Q. [12:01:39] And during this televised interview, she says in particular -- well, the
13 journalist explains that in answer to all the concerns, the minister for communication
14 and --

15 PRESIDING JUDGE SCHMITT: [12:01:47] Let me. I think we can shorten that. We
16 have seen this video, I think, twice or three times. The witness has already said, "C'est
17 vrai." You can move on. It's absolutely clear. I don't have to read out anything from
18 the speech.

19 MS DIMITRI: [12:02:06] I was -- it was a follow-up question.

20 PRESIDING JUDGE SCHMITT: [12:02:07] Oh, it was a question.

21 MS DIMITRI: [12:02:09] Yes.

22 PRESIDING JUDGE SCHMITT: [12:02:09] I thought it -- okay, yeah.

23 MS DIMITRI: [12:02:11] Sorry, it was a question. Yes. Sorry.

24 PRESIDING JUDGE SCHMITT: [12:02:12] Then a question is okay but -- because really
25 I have it -- I would not be able to recite it word by word, but I have it clearly in my

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1 mind.

2 MS DIMITRI: [12:02:29](Interpretation)

3 Q. [12:02:29] So you state that, to the best of your knowledge, the minister called
4 upon the Anti-Balaka to have a sole coordination and a sole representative office for all
5 sides. Now, is it the case that you remember, if you know, that it was from this
6 perspective that the Anti-Balaka -- the south Anti-Balaka insisted on officialising their
7 entity and appointing Sébastien Wenezoui as coordinator and say, "That's the person
8 who we want as our possible representative in the government"?

9 A. [12:03:04] For this question, I think that I don't have the answer to this question.

10 Q. [12:03:27] No problem. Do you also agree with me, because we talked about the
11 two tendencies, Mr Ngaïssona and Mr Namsio did not -- were not present on 15 May in
12 Pismis. And I'm telling you that there are two tendencies, the north and the south, and
13 it is only in June, as you said, that there is only one coordination. In a way, that is the
14 reason for which we do not see Ngaïssona, Namsio, and others during the meeting of
15 15 May 2014.

16 PRESIDING JUDGE SCHMITT: [12:04:16] Ms Berdennikova.

17 MS BERDENNIKOVA: [12:04:18] I'm sorry to interrupt, but again this calls for
18 speculation.

19 PRESIDING JUDGE SCHMITT: [12:04:22] I tend to agree with you.

20 If you rephrase it a little bit, perhaps we would let it pass.

21 MS DIMITRI: [12:04:29] Yes, I was trying to save time, because it's not speculation. It's
22 based on a video where Leopold Bara, during that meeting, says, "We don't see
23 Ngaïssona. We don't see Namsio, we don't see Kokate." The witness spoke about that
24 reunion in his statement.

25 PRESIDING JUDGE SCHMITT: [12:04:56] Ask him if he has himself, himself, any

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1 information about it and then it's okay.

2 MS DIMITRI: [12:05:19](Interpretation)

3 Q. [12:05:19] Witness, you talked about the fact that Leopold Bara then came to

4 Pismis and he also then held a speech, and let me try to save time because I'd like to

5 finish before the lunch break, so there is a portion of the speech of this person, so I

6 would like to refresh your memory.

7 So in one portion of his speech he mentions, at tab 23, CAR-OTP-2084-1327, from 00:00

8 to 00:03. And the transcription is at binder 24, CAR-OTP-2107-1583, lines 4 to 14.

9 Listen to me carefully and let me finish my question, and then I will put the question to

10 you.

11 So during this meeting, during his speech, Leopold Bara says, "We should see

12 Ngaïssona, Namsio, and Kokate but they are not there." So do you agree with me that

13 one of the reasons for which they are not present is because there are still two trends,

14 two tendencies? Wenezoui is appointed following the request by Antoinette

15 Montaigne to have only one representative, and the south is appointing him. So there

16 are two tendencies, there are still two trends, two tendencies, and this is why Namsio,

17 Ngaïssona did not show up on 15 May. Do you agree with this statement of mine?

18 A. [12:07:00] I do agree with your statement, yes.

19 Q. [12:07:08] Thank you. Do you also agree with me that during his speech,

20 Wenezoui, and during this meeting that took place in Pismis, he did not state that you

21 should get organised in a military way?

22 A. [12:07:26] Pardon?

23 Q. [12:07:27] Would you agree with me, when Wenezoui speaks during this meeting

24 in Pismis on 15 May, Wenezoui is not mentioning at all that "let's organise ourselves on

25 a military plan"? He did not mention this.

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- 1 A. [12:07:55] Si, si.
- 2 Q. [12:08:00] Do you mean that he did not mention it?
- 3 A. [12:08:02] Yes, yes.
- 4 Q. [12:08:14] During the OTP questioning, you talked about a meeting with the
- 5 National Coordination.
- 6 A. [12:08:25] Yes.
- 7 Q. [12:08:25] You talked about the presence of Mr Yekatom at some point during the
- 8 meeting or one of his representatives or their representatives, Vomitiade Romaric, I
- 9 think you mentioned, and other names. My question is, do you agree with me that
- 10 when you were talking about the meetings of the National Coordination where Mr
- 11 Yekatom is present and where Vivien Beina, and where Paléon Zilabo and Vomitiade
- 12 Romaric were there, you were only talking about the period following the unification
- 13 of the north-south trend; i.e., after June 2014?
- 14 A. [12:09:18] Yes, that's correct.
- 15 MS DIMITRI: [12:09:35] Mr President, a short six questions in private with your leave.
- 16 PRESIDING JUDGE SCHMITT: [12:09:41] Private session.
- 17 (Private session at 12.10 p.m.)
- 18 THE COURT OFFICER: [12:10:09] We're in private session, your Honours.
- 19 MS DIMITRI: [12:10:23](Interpretation)
- 20 Q. [12:10:24] Witness, we have seen the south group on the video, Basile Mbomon.
- 21 You said that you took part in this meeting of 15 May 2013. There was Kamezolai,
- 22 Yekatom, Leopold Bara was there as well. Wenezoui was leading the south group. Do
- 23 we agree that from the onset, (Redacted)
- 24 (Redacted), Yekatom, Kamezolai, and others, Bara as well, that everybody is against the
- 25 return of Bozizé to power?

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1 A. [12:11:15] Absolutely, yes. That was it. It was not -- it was not something that
2 everybody agreed with as Leopold Narcisse Bara had said.

3 MS DIMITRI: [12:11:39] Mr President, if I could just have a moment, because my
4 transcript froze.

5 PRESIDING JUDGE SCHMITT: [12:11:42] Yes.

6 MS DIMITRI: [12:12:05](Interpretation)

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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1 (Redacted)

2 (Redacted)

3 A. [12:19:28] The notes of the meeting and the list. The list is on a piece of paper, so
4 the list could be inserted in the book and the book, as I mentioned, that book, notebook,
5 I had lost it. So I ended up with this piece of paper, this list later on.

6 Q. [12:19:57] And this notebook that you lost, this is not the notebook that you
7 showed the investigator of the OTP?

8 A. [12:20:47] Madam, I believe I already answered that question.

9 Q. [12:20:50] It's another notebook?

10 A. [12:20:51] I already answered that question.

11 Q. [12:20:55] But I'm asking it again. Is it a different notebook?

12 A. [12:20:59] Yes, it's a different notebook.

13 Q. [12:21:02] Can you tell me how did you lose your notes? What were the
14 conditions? What was the situation? What happened? What made you lose your
15 notes?

16 A. [12:21:21] In my statement I said that on (Redacted), I have received visitors in my
17 house. So I had visitors, and after that, I lost some documents. I had lost a document
18 during their visit and also many others things.

19 Q. [12:21:58] But not the list? Am I to understand you correctly? So you had visitors,
20 you lose a huge amount of documents, you lose notes, but you do not lose the list?

21 A. [12:22:11] Yes.

22 Q. [12:22:17] Can you explain, why did you change your statement in paragraph 62
23 of your statement? You changed something. You said the house was pillaged in
24 (Redacted), and the document concerning those two meetings were stolen. And then
25 when you arrive in The Hague, you cross "were stolen" and you say "were -- are lost,

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1 disappeared."

2 A. [12:22:57] Yes.

3 Q. [12:22:58] Can you explain to me how is it, what was the context that you said
4 your house was pillaged in (Redacted), and then you say, "Visitors came in (Redacted)
5 and I lost my documents"?

6 A. [12:23:10] Well, the visitors came to pillage, to steal stuff from my house. It was
7 nonidentified visitors. So the theft was made by those visitors. The looting was made
8 by those visitors.

9 Q. [12:23:29] So the visitors stole the documents?

10 A. [12:23:33] The visitors stole them.

11 Q. [12:23:48] Can you explain to me why did you cross over the words "were stolen,"
12 you crossed those words, and you replaced those words by "are lost, disappeared," in
13 paragraph 62?

14 A. [12:24:07] Well, stolen and lost, that means that the document is no longer in
15 existence. It doesn't exist anymore, if I can explain it this way.

16 PRESIDING JUDGE SCHMITT: [12:24:21] Ms Dimitri, really, I let it pass the whole
17 time, but I think we have exhausted that subject really now --

18 MS DIMITRI: [12:24:29] Yes.

19 PRESIDING JUDGE SCHMITT: [12:24:30] -- of the --

20 MS DIMITRI: [12:24:36] I'm --

21 PRESIDING JUDGE SCHMITT: [12:24:38] -- disappeared or stolen documents.

22 MS DIMITRI: [12:24:43] I'm moving on, Mr President.

23 Q. [12:24:48] (Interpretation) I'm going to move on to another topic.

24 MS DIMITRI: [12:24:51] Could I just have one moment in the interest of cutting down?

25 PRESIDING JUDGE SCHMITT: [12:24:54] Of course, of course. For this, always.

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1 (Counsel confer)

2 MS DIMITRI: [12:25:23] Thank you, Mr President. The cutting down was successful,
3 so if we could go to open session.

4 PRESIDING JUDGE SCHMITT: [12:25:29] And that is also a success.
5 We go to open session.

6 (Open session at 12.25 p.m.)

7 THE COURT OFFICER: [12:25:52] We are in open session.

8 MS DIMITRI: [12:25:53] Thank you.

9 Q. [12:25:54] (Interpretation) Witness, I'm going to move on to another topic,
10 paragraph 83 of your statement. And I just really need one clarification on your part.
11 You say:

12 "When Ouandjio was dead," you are talking about Freddy Ouandjio, aka Coeur de
13 Lion. "When Ouandjio died, many of the elements who were in the FACA returned to
14 Bangui and the remaining elements had another chief."

15 So I would just like to ask you to specify. When you say "many of these elements
16 returned to Bangui," you are talking about the elements of Ouandjio?

17 A. [12:26:47] Yes.

18 Q. [12:26:53] Thank you. I'm going to change topic and I'm going to talk about
19 Cedar. So you talk about it in paragraph 88 of your statement. You say there that three
20 people died, including Cedar. Did I understand you correctly in your statement?

21 A. [12:27:19] Yes.

22 Q. [12:27:24] And you say that three people died. We're talking about on the day
23 Cedar was killed?

24 A. [12:27:32] Yes, he was part of the -- was one of the three.

25 Q. [12:27:42] So Cedar died following his injuries. And the second person, you say

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1 that the second person was Vianney Kobonda. That is the person that was called Fadal.

2 His alias was Fadal.

3 A. [12:28:08] I do not know his alias.

4 Q. [12:28:09] And when you said that you heard that Mr Yekatom had killed his three
5 bodyguards, do you remember the name of the third? We just established that Cedar
6 was the first one, Vianney Kobonda was the second. Who is the third one?

7 A. [12:28:38] The third person was a civilian, a civilian soldier, but I do not remember
8 his name.

9 Q. [12:28:43] Did you talk about this incident {PFR: (Redacted)}

10 A. [12:28:48] Talked? I don't think so.

11 Q. [12:28:51] Did you never speak about the death of Cedar, Fadal, you never talked
12 about that {PFR: (Redacted)}

13 A. [12:29:00] Maybe right after, when the incident took place, but not later.

14 Q. [12:29:13] Were you there or did you learn about this incident from someone else?

15 A. [12:29:17] I learned about it from someone else.

16 Q. [12:29:31] I put it to you that your information regarding this incident is -- the
17 information is not very reliable. The reason why you do not remember the name of the
18 third person is because there were no three dead people on that day. A third person
19 did not die on that day.

20 A. [12:29:53] Well, you know, {PFR: (Redacted)}, and the Pismis house is {ICR:
21 (Redacted)} in Bimbo. So I specified that there was Cedar, Vianney Kobonda, and a
22 civilian soldier. But the reason why I said that is because I do not know the name of
23 that soldier. But it was three people, I believe. Yes, it was three people.

24 Q. [12:30:32] I'm going to talk about something else now. In paragraph 89 of your
25 statement, you talk about a Raman, you talked about Bienvenue Tacarmo, nicknamed

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1 Raman. Did you talk about this incident regarding Raman with {PFR: (Redacted)}.

2 Did you discuss it with him?

3 A. [12:30:56] That was a long time ago. I can't remember.

4 Q. [12:31:18] And during the questions put by my colleague from the Office of the
5 Prosecutor, you made reference to an example of a victim who was allegedly -- or who
6 allegedly spoke to the gendarmerie, and you made reference to a photograph. You
7 referred to the incident concerning -- so you made a reference to the incident with
8 Tacarmo?

9 A. [12:31:57] Can you repeat the question, please?

10 Q. [12:32:00] Yes, I'm going to be a bit more precise. When my colleague questioned
11 you, you stated yesterday, and here I will quote:

12 "In this photograph, there's a presumed victim, and I gave the photograph off to the
13 Office of the Prosecutor. And this is the example that I envisaged. I can provide it to
14 you."

15 So you speak about an example when you speak about a victim who allegedly was
16 mentioned to the -- or who told the gendarmerie. When you spoke about this example,
17 you are speaking about Raman.

18 A. [12:33:02] Certainly.

19 Q. [12:33:11] I'm going to speak about a different subject, Lieutenant Konzi. Now,
20 you speak about Lieutenant Konzi in paragraph 95 of your statement, and I have
21 certain questions in that regard. It's Yves Konzi Junior; is that correct? Is that the right
22 person?

23 A. [12:33:36] Lieutenant, yes.

24 Q. [12:33:39] Could you confirm that Konzi was Christian by way of religion?

25 A. [12:33:49] Yes.

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1 Q. [12:33:50] I would like to put a date on the incident, the Konzi incident. In
2 paragraph 96 of your statement, you mention the presence of Igor Lamaka. Now, it's in
3 order to help you situate the incident in the time Igor Lamaka became spokesperson of
4 the coordination of the Anti-Balaka. And are you in agreement with me that the
5 incident, the Konzi incident was after September, October -- after September 2014,
6 because Igor Lamaka became spokesperson of the Anti-Balaka as by replacing Émotion
7 Namsio? And you remember, he was arrested on 17 December. So the incident took
8 place, therefore, after 17 December -- after 17 September 2014.

9 A. [12:35:01] Yes, certainly.

10 Q. [12:35:08] And would I be right to say that at the time Konzi was living in France?
11 He'd requested asylum due to -- with regards to that he was supposed to be involved
12 in a coup d'état with Jean-Jacques Demafouth. Do you remember that?

13 A. [12:35:31] Yes, he was living in France.

14 Q. [12:35:40] Is it correct to say that Konzi went to the Central African Republic --
15 returned to the Central African Republic at the time of the incident? Whereas before
16 this incident, he came clandestinely to the Central African Republic going through
17 Cameroon?

18 A. [12:35:54] I know nothing about that.

19 Q. [12:36:08] Do you know if it is correct that at the time of this incident Konzi had a
20 French asylum card which prohibited him from going to the Central African Republic?

21 A. [12:36:20] I have no idea about that, counsel.

22 Q. [12:36:31] Do you know if Konzi, at the time of this incident, in his car had
23 military materials, including certain firearms?

24 A. [12:36:41] I'm listening to you.

25 Q. [12:36:59] I'm listening to you. I put a question and I was awaiting your answer.

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1 I'll repeat it if you like.

2 A. [12:37:07] That's good.

3 Q. [12:37:10] So you're saying "yes" to my question, are you? Okay. Thank you. So
4 to the best of your knowledge, it is correct that Konzi was not arrested in Petevo but at
5 PK9?

6 A. [12:37:25] Yes.

7 Q. [12:37:25] Is it correct to say that he had been taken to Pissa gendarmerie? After
8 being arrested in PK9 he was taken to the Pissa gendarmerie?

9 A. [12:37:54] Yes. To the best of my knowledge, he was taken to Pissa. Whether it
10 was the gendarmerie, I don't know. But I do know that he was taken to Pissa, counsel.

11 Q. [12:38:13] Do you remember that Mr Yekatom had taken Konzi to the hospital in
12 order to treat his wounds?

13 A. [12:38:20] Yes.

14 Q. [12:38:28] And do you remember that Konzi, during the altercation, he tried to
15 stab with a knife an element when he was at PK9 barrier?

16 A. [12:38:44] I don't know that.

17 Q. [12:39:01] {ICR: (Redacted)}

18 (Redacted)) at the time that

19 Konzi {ICR: (Redacted)} there was the presence of people from the ICRC, the
20 International Red Cross? {ICR: (Redacted)}

21 A. [12:39:31] I don't remember.

22 Q. [12:39:35] In paragraph 95, you indicated that Konzi had his finger amputated.
23 And in paragraph 96, you said {ICR: (Redacted)}. When you say "amputated his
24 finger," his finger was amputated, what do you understand by "amputated"?

25 A. [12:40:11] By that, I want to say that he had a wound on his fingers. He had a

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1 wound.

2 Q. [12:40:29] Maybe it's a problem with the word. So was it a small cut? But he
3 didn't lose his finger. His finger wasn't amputated. We agree on that, don't we?

4 A. [12:40:43] Yes, that's correct. He had a wound, indeed.

5 Q. [12:40:51] Do you remember during the Konzi incident, {ICR: (Redacted)}
6 (Redacted)}

7 A. [12:41:15] {ICR: (Redacted)}

8 Q. [12:41:30] When you -- you say {ICR: (Redacted)}
9 (Redacted)}. Now, it would be false to say that Konzi was tortured and beaten for
10 days? In your statement, you stated that he had a small cut on his finger.

11 A. [12:41:48] I don't know if I mentioned it.

12 Q. [12:41:52] No, I'm confirming to you that it didn't take place. Konzi wasn't beaten
13 and tortured for days. It's not something that you heard or saw. You would agree
14 with me on that?

15 A. [12:42:05] Yes.

16 Q. [12:42:27] I'm going to change subjects, Witness. In paragraph 117 of your
17 statement, the Prosecutor showed you a video at the time. When you gave your
18 statement, you identified several people. Do you remember that?

19 A. [12:42:52] Yes.

20 MS DIMITRI: [12:43:10] Mr President, if I could have a moment.

21 PRESIDING JUDGE SCHMITT: [12:43:13] Yes.

22 (Counsel confer)

23 MS DIMITRI: [12:43:39](Interpretation)

24 Q. [12:43:40] Witness, I just wanted to go back to Konzi. Sometimes you speak about
25 -- when you speak, you answer, whereas I'm still putting a question. And then there's

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1 a question which I put to you, and you answered "yes," but it's not -- neither well
2 transcribed in English or French. So I'm going to put the question to you, and I would
3 ask you to reconfirm "yes" so that it is registered in the Court record.

4 Now, what you said to me was that Konzi had in his car at the time of the arrest, he
5 had military materials including firearms. You answered "yes." Could you confirm
6 that?

7 A. [12:44:24] Yes.

8 Q. [12:44:26] Thank you. Now, I'm going to change subject. And this is my last
9 subject. During your meeting with the investigators of the Office of the Prosecutor,
10 they showed a video to you. And this is at paragraph 117 of your statement. And you
11 made a comment at the time the video was presented to you at 51:12.

12 I'm going to present the video to you to refresh your memory.

13 PRESIDING JUDGE SCHMITT: [12:45:20] So that's the end of the video, if I --

14 MS DIMITRI: [12:45:23] Yes, I want to save time. So if I can try and refresh the
15 memory of the witness --

16 PRESIDING JUDGE SCHMITT: [12:45:29] Yes, yes --

17 MS DIMITRI: [12:45:31] -- with the extract --

18 PRESIDING JUDGE SCHMITT: [12:45:32] Yes, yes, fine. I think I know where you're
19 heading. But yeah, yeah, fine.

20 MS DIMITRI: [12:45:31] Thank you.

21 PRESIDING JUDGE SCHMITT: [12:45:31] Everything what expedites is welcome.

22 MS DIMITRI: [12:45:43](Interpretation)

23 Q. [12:45:43] Just to refresh your memory. I'm not going to show you the video. It's
24 already in evidence. The statement is in evidence. It's been signed. It's the excerpt
25 where there is a man on his knees, and you make the following comment. You say:

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- 1 "This is an example how Rombhot and his elements would treat anyone they suspected
2 of being a traitor. The person would be beaten and killed. I do not know this person."
3 That's what you say when you see the video -- what you said when you saw the video.
4 Now, I'm going to show you the video report which shows the same scene as the one
5 which you commented on. And this is at tab 2 of the Defence binder, CAR-OTP-2012-
6 0523. And the transcript is at tab 3, CAR-OTP-2118-5547. And at page 5587 --
- 7 PRESIDING JUDGE SCHMITT: [12:47:19] Just for the orientation of the Judges, this is
8 the same video that has been shown to the witness?
- 9 MS DIMITRI: [12:47:26] Yes, I was going to draw his attention to what the journalist
10 said.
- 11 PRESIDING JUDGE SCHMITT: [12:47:30] Now I understand. Thank you very much.
12 And I think, Ms Berdennikova, if it was not, you would, of course, stand up and tell us.
13 But if it's the same video, it's good. It's fine. Please ask him then really to listen to what
14 --
- 15 MS DIMITRI: [12:47:53] Yes, that's what I'll do.
- 16 MS BERDENNIKOVA: [12:47:55] Your Honours.
- 17 PRESIDING JUDGE SCHMITT: [12:47:56] You see.
18 Ms Berdennikova.
- 19 MS BERDENNIKOVA: [12:47:58] I do have more of a comment rather than an
20 objection, but I think it's very important to note that during the interview - and this is
21 clearly reflected in the statement - the witness was shown the footage without sound.
- 22 PRESIDING JUDGE SCHMITT: [12:48:11] I have understood that. That's clear. And
23 this is the reason why Ms Dimitri gives it a shot at the video with sound.
- 24 MS DIMITRI: [12:48:22] Indeed. Thank you.
- 25 Q. [12:48:28] (Interpretation) So I'll show you the video with the voice of the

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- 1 journalist, the excerpt where you say that the person was beaten and killed.
- 2 (Viewing of the video excerpt)
- 3 THE INTERPRETER: [12:48:46](Interpretation of the video excerpt) "They think that
- 4 they have unmasked a traitor amongst their ranks. The man spends a bad quarter of an
- 5 hour. By way of punishment, he has to attend the chief's meal. And in the evening, he
- 6 will be executed without any other form of trial."
- 7 MS DIMITRI: [12:49:23](Interpretation)
- 8 Q. [12:49:23] What I would like to know -- I understand that you don't know the
- 9 individual, but you make a comment and you say, nevertheless, that this person was
- 10 killed.
- 11 Now, the video that I've just shown to you was largely shown in the Central African
- 12 Republic at the time, if I'm not wrong.
- 13 Now, was it on that basis that you indicated -- and I'm going to finish my question
- 14 before putting --
- 15 PRESIDING JUDGE SCHMITT: [12:49:48] Where is the objection already?
- 16 MS BERDENNIKOVA: [12:49:52] Sorry, it's a mischaracterisation of what the witness
- 17 had said in his statement. The witness did not say that that specific individual was
- 18 beaten and killed. He said that this is an example. And there's a difference there.
- 19 PRESIDING JUDGE SCHMITT: [12:50:07] Yes, well, but it's -- yeah, well, it's not a
- 20 huge difference.
- 21 So the witness might have forgotten what he was asked.
- 22 So your stance is that this has been -- this video is something that was in the public
- 23 realm --
- 24 MS DIMITRI: [12:50:28] Yeah.
- 25 PRESIDING JUDGE SCHMITT: [12:50:29] -- if I understand it.

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1 MS DIMITRI: [12:50:31] I can rephrase and reguide the witness.

2 PRESIDING JUDGE SCHMITT: [12:50:35] Yeah. And you want to put to the witness --
3 simply put to this witness and he can answer then.

4 MS DIMITRI: [12:50:48] Thank you.

5 Q. [12:50:48](Interpretation) Witness, I will restart. So you state -- well, the
6 Prosecutor showed you this video, and in your statement you make a commentary, and
7 you state the person was beaten and killed and giving the example of the person who
8 was there in the video.

9 Now, what I would like to know is on what basis you say that the person was beaten
10 and killed, because the person in the video wasn't killed. That person's still alive. So
11 this commentary that you make to the investigators of the Office of the Prosecutor, is
12 that something that you do on the basis of what you saw at the time in the Central
13 African Republic in the media because the journalist says it?

14 The journalist says, wrongly, that the person was executed on that evening, and I will
15 show you that it's false. Is it on that basis that you make the comment at paragraph
16 117?

17 A. [12:51:49] On that basis. And it was one of the examples.

18 Q. [12:51:53] So it's on the basis of what the media was showing.
19 So I'm now going to present you with a video which was filmed slightly after the video
20 that I've just presented to you, and it's at tab 30 of the Defence binder, CAR-OTP-2067-
21 4966.

22 MS DIMITRI: [12:52:35](Interpretation) Play from 00:15 to 00:20. And the transcript is
23 at tab 31 in the interpreters' binder. CAR-OTP-2127-4583.

24 We don't need interpretation, in fact, because the aim is to show the picture.

25 Q. [12:53:19] You can see, Witness, a bit earlier the picture of the young man. It was a

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1 bit blurred. Can you see him there? You can see the same young man who's on his
2 knees for which the journalist says, by way of punishment, he had to watch the chief's
3 dinner. And we're going to zoom in on the picture of the young man. So I'm going to
4 let the video be played without the sound.

5 (Viewing of the video excerpt)

6 MS DIMITRI: [12:53:51](Interpretation) Thank you.

7 Q. [12:53:52] Now, I'm going to show you a photo montage, which is at tab 32, CAR-
8 D29-0010-0064. Can you see the photographs on your screen? The photograph on your
9 screen?

10 A. [12:54:29] Yes.

11 Q. [12:54:31] I'm going to show you another photograph which is the original of the
12 photograph that you can see on the right, {ICR: (Redacted)
13 (Redacted)}. I'm going to show you another photograph.

14 This is at tab 33 of the Defence binder, CAR-D29-0010-0063.

15 PRESIDING JUDGE SCHMITT: [12:54:53] Mr Vanderpuye.

16 MR VANDERPUYE: [12:54:55] Mr President, I'm not sure what the probative value of
17 this particular exercise is. Proving that this person was not killed does not in any way
18 suggest that the witness is inaccurate in characterising what is on video as his
19 punishment or discipline. And he doesn't know whether the person is alive or not,
20 because he doesn't discuss him in his statement.

21 PRESIDING JUDGE SCHMITT: [12:55:24] Yeah, this has two different angles.

22 First of all, it is important that, on questioning by Ms Dimitri, the witness has said that
23 his source of information is simply the video. So that is already an information that the
24 witness gave which is very important with regard to, let's say, the question, what basis
25 it might have, what has happened, I'll word it deliberately very -- in a very generic

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1 manner, what happened to this young person.

2 Ms Dimitri, make your point but don't put it to the witness. The witness can't know if
3 the person on the screen is alive or not. And it's not -- this would -- let's say, it's
4 unnecessary to confront the witness with that and to suggest that he said something
5 wrong, which is not the case.

6 But you can -- what -- I agree with you. You can make your point. You can try to -- I
7 don't know how you will do it, but please finish your point. But we don't put this to
8 the witness.

9 So you're partly right, I think, Mr Vanderpuye.

10 MS DIMITRI: [12:56:39](Interpretation)

11 Q. [12:56:40] Witness, I'm going to show another --

12 MS DIMITRI: [12:56:42] I take your point, Mr President, and it's my last question on
13 that subject.

14 PRESIDING JUDGE SCHMITT: [12:56:46] Just say you show the picture --

15 MS DIMITRI: [12:56:48] Yeah.

16 PRESIDING JUDGE SCHMITT: [12:56:50] -- and make your point.

17 MS DIMITRI: [12:56:54](Interpretation)

18 Q. [12:56:55] So the metadata from the photo can be found at tab 34, D29-0018-0001,
19 and I'm just going to show you tab 33, please. And this is the same young man. And I
20 would like us -- or I'd like an enlargement of the picture focusing on the T-shirt.

21 MS DIMITRI: [12:57:19] Could you zoom in on the T-shirt below the word "fever."

22 Q. [12:57:25] (Interpretation) Can you see it's written "2015"? So what I put to you,
23 witness, are you in agreement with me? I understand that the journalist says -- the
24 journalist indicates that he was executed on that evening. Would you agree with me
25 that in general, in the Central African Republic, not just Mr Yekatom, that there were,

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1 on the part of the journalists -- there was information that was communicated by
2 journalists which was not necessarily correct, and this contributed -- and you mention
3 it in your statement, this contributed to rumours? Would you agree with this
4 suggestion?

5 PRESIDING JUDGE SCHMITT: [12:58:07] No, I agree with the objection by Ms
6 Berdennikova, but let's hear it shortly.

7 MS BERDENNIKOVA: [12:58:14] Thank you, your Honours. I don't think the witness
8 can comment on in general how the information was --

9 PRESIDING JUDGE SCHMITT: [12:58:23] Yes.

10 And, really, Ms Dimitri, you can't put to the witness if something what the media is
11 saying, if this sometimes could be wrong also. The witness can have no information on
12 that. It's simply calling for an opinion and not for facts.

13 Please move on.

14 And I still don't see if it actually -- is it the same person?

15 MS DIMITRI: [12:58:49] It is. And another witness in this trial confirmed it.

16 PRESIDING JUDGE SCHMITT: [12:58:53] And that's the point that you wanted to
17 make.

18 MS DIMITRI: [12:58:57] Indeed.

19 PRESIDING JUDGE SCHMITT: [12:58:58] Okay. You don't get -- I don't know if you
20 contradict that, that it is the same person. I'm not sure. For me, it's not obvious from
21 the photographs, but you have made your point and that is for you the important
22 thing.

23 MS DIMITRI: [12:59:14] Could I have a moment, Mr President.

24 PRESIDING JUDGE SCHMITT: [12:59:16] Yes, please.

25 (Counsel confer)

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- 1 PRESIDING JUDGE SCHMITT: [12:59:20] Do you agree that this is the same person?
- 2 MR VANDERPUYE: [12:59:24] Yes, I think we can stipulate to that, Mr President. The
- 3 whole point was that the fact that he's alive doesn't mean he wasn't beaten and he was
- 4 beaten on the video.
- 5 PRESIDING JUDGE SCHMITT: [12:59:31] Yeah, yeah, yeah. That's up to us then, like
- 6 I'm always saying.
- 7 MS DIMITRI: [12:59:35] But that was not the point, Mr President. There is -- there is a
- 8 difference between, you know, the witness makes a comment based on the video --
- 9 PRESIDING JUDGE SCHMITT: [12:59:45] Yeah, yeah --
- 10 MS DIMITRI: [12:59:46] -- and the fact that --
- 11 PRESIDING JUDGE SCHMITT: [12:59:48] -- yeah --
- 12 MS DIMITRI: [12:59:51] -- you know, this person, by taking that video in example, will
- 13 -- they were beaten and they were killed.
- 14 PRESIDING JUDGE SCHMITT: [12:59:56] Now we're discussing the evidence --
- 15 MS DIMITRI: [12:59:59] Yes.
- 16 PRESIDING JUDGE SCHMITT: [12:59:59] -- which we don't do.
- 17 MS DIMITRI: [13:00:01] But my learned friend Mr Vanderpuye is insisting on the
- 18 probative value. In my humble opinion, the probative value is up to you.
- 19 PRESIDING JUDGE SCHMITT: [13:00:09] Well, yes.
- 20 MS DIMITRI: [13:00:10] And that's why I put the question.
- 21 PRESIDING JUDGE SCHMITT: [13:00:17] Well, that makes me happy when you say
- 22 that. Thank you very much.
- 23 Do you have other questions?
- 24 MS DIMITRI: [13:00:21] If I could confer for a moment.
- 25 PRESIDING JUDGE SCHMITT: [13:00:23] Yes, please.

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- 1 (Counsel confer)
- 2 PRESIDING JUDGE SCHMITT: [13:00:27] A short correction for the transcript. ERN
- 3 tab 30 of the Defence binder is CAR-OTP-2065-4966.
- 4 MS PROULX: [13:01:06] If I may --
- 5 PRESIDING JUDGE SCHMITT: [13:01:09] Yes, yes. Every -- let's say, every closing the
- 6 gap is welcome.
- 7 MS PROULX: [13:01:14] Thank you, Mr President. Yesterday, a full day was a bit
- 8 much for Mr Ngaïssona in his current state. He felt quite ill at the end of the day. And
- 9 for that reason I would request that we be allowed to start and finish our cross-
- 10 examination tomorrow morning, knowing that we will not take more than two
- 11 sessions.
- 12 PRESIDING JUDGE SCHMITT: [13:01:32] I don't have any problems with that, and I
- 13 think Mr Vanderpuye, I saw him nodding --
- 14 MS PROULX: [13:01:39] Thank you.
- 15 PRESIDING JUDGE SCHMITT: [13:01:40] -- with my peripheral view, so to speak.
- 16 Yeah, no, that's fine. That's fine.
- 17 MS DIMITRI: [13:02:09](Interpretation)
- 18 Q. [13:02:09] Witness, thank you very much for answering my questions. This was
- 19 my last question.
- 20 PRESIDING JUDGE SCHMITT: [13:02:12] Thank you very much. And also thank you
- 21 very much from the Bench, from the Judges to the witness, that you answer all the
- 22 many questions that are put to you so patiently.
- 23 It's still not over. We conclude for today and continue tomorrow at 9.30, and we hope
- 24 that you have a good rest until then.
- 25 THE COURT USHER: [13:02:35] All rise.

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1 (The hearing adjourned in open session at 1.02 p.m.)