

Trial Hearing
WITNESS: CAR-OTP-P-1339

(Open Session)

ICC-01/14-01/21

1 International Criminal Court
2 Trial Chamber VI
3 Situation: Central African Republic II
4 In the case of The Prosecutor v. Mahamat Said Abdel Kani - ICC-01/14-01/21
5 Presiding Judge Miatta Maria Samba, Judge Maria del Socorro Flores Liera, Judge
6 Sergio Gerardo Ugalde Godínez and Judge Keebong Paek
7 Trial Hearing - Courtroom 2
8 Friday, 1 November 2024
9 (The hearing starts in open session at 9.32 a.m.)
10 THE COURT USHER: [9:32:19] All rise.
11 The International Criminal Court is now in session.
12 Please be seated.
13 PRESIDING JUDGE SAMBA: [9:32:44] Good morning, everyone.
14 Madam Court Officer, can you kindly mention the case.
15 THE COURT OFFICER: [9:32:55] Good morning, Madam President, your Honours.
16 The situation in the Central African Republic II, in the case The Prosecutor versus
17 Mahamat Said Abdel Kani, case reference ICC-01/14-01/21.
18 We are in open session.
19 For the record, the witness is in the transmission room but cannot hear us. Thank
20 you.
21 PRESIDING JUDGE SAMBA: [9:33:14] Thank you very much.
22 Can I ask for representations, starting with the Prosecution, please.
23 MS MAKWAIA: [9:33:20] Good morning, your Honours.
24 For the Office of the Prosecutor this morning, myself, Holo Makwaia, senior trial
25 lawyer; Marie-Jeanne Sardachti, trial lawyer; Brunhild Le Bailly, trial lawyer;

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1 Alessia Vitiello, analysis assistant; Anusha Rawoah, assistant legal officer. Thank
2 you.

3 PRESIDING JUDGE SAMBA: [9:33:43] Thank you very much, Ms Makwaia.
4 For the victims, please.

5 MS BEDOUCHA: [9:33:49] Thank you, Madam President, your Honours. Victims
6 are represented by Tars Van Litsenborgh and by myself, Adeline Bedoucha, on behalf
7 of counsel for the OPCV.

8 PRESIDING JUDGE SAMBA: [9:34:01] Thank you very much.
9 And for the Defence, Ms Naouri, please.

10 MS NAOURI: [9:34:06](Interpretation) Thank you, Madam President. Good
11 morning. To my right, Maître Jacobs; next to him Elina Legat; we have
12 Clémence Farigoule behind them; and myself, Jennifer Naouri, lead counsel for
13 Mr Said.

14 PRESIDING JUDGE SAMBA: [9:34:32] Thank you very much. Thank you very
15 much, Ms Naouri.
16 Rule 74 counsel, please.

17 MR LELIVELD: [9:34:37] Good morning, Madam President, and good morning,
18 your Honours. My name is Johannes Leliveld. I'm the legal representative of the
19 witness.

20 PRESIDING JUDGE SAMBA: [9:34:46] Thank you very much and welcome to the
21 courtroom.

22 And, for the record, we take note that Mr Said is in court with us.

23 A very good morning to you, Mr Said. I hope I see you well.

24 MR SAID: [9:34:59](Interpretation) Yes, good morning, Madam President.

25 PRESIDING JUDGE SAMBA: [9:35:04] Good morning.

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1 The Prosecution is calling P-1339 as its 58th witness, as a fully viva voce witness,
2 pursuant to decision numbered 685. It is our understanding that this witness will be
3 testifying in Sango via video link, so I remind everyone of the importance of the need
4 to speak slowly and to observe the five-seconds rule between questions and answers.
5 Before commencing, we note briefly that protective measures are confirmed for this
6 witness by virtue of decision numbered 481, and that the VWU recommends certain
7 special measures.

8 We will now discuss the issue of Rule 74 assurances. We have taken note of
9 Mr Leliveld's request for Rule 74 assurances and, for the record, this is filing
10 numbered 881.

11 In addition, the Chamber notes that the parties did not respond to the request. So I
12 will now ask whether the parties have any observations, starting with the
13 Prosecution.

14 Ms Makwaia, please.

15 MS MAKWAIA: [9:36:29] Thank you, Madam President.

16 The Prosecution does not object to the request filed by counsel -- Rule 74 counsel and
17 supports it. Thank you.

18 PRESIDING JUDGE SAMBA: [9:36:39] Thank you very much, Ms Makwaia.

19 Ms Naouri, do you have any observation?

20 MS NAOURI: [9:36:45](Interpretation) Thank you, Madam President. I was just
21 waiting for the interpretation. The Defence has no objection at all.

22 PRESIDING JUDGE SAMBA: [9:36:57] Thank you very much, Ms Naouri.

23 So we will now render a decision on the requested assurances. In accordance with
24 Rule 74 of the Rules of Procedure and Evidence - mindful of the factors specified in
25 Rule 74(5) of the rules, in particular, the content of P-1339's anticipated testimony - the

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1 Chamber has decided to provide P-1339 assurances, pursuant to Rule 74 of the rules
2 in order to enable the witness to testify without fear of the consequences of
3 self-incrimination.

4 The parties are ordered to be mindful during their questioning of P-1339, and to the
5 extent that a line of questioning raises issues of self-incrimination, they are ordered to
6 request the use of private sessions as necessary.

7 The Chamber will explain the assurances and their limits to the witness when he is
8 connected to us.

9 So this concludes our ruling.

10 Madam Court Officer, can you connect us to the witness, please.

11 THE COURT OFFICER: [9:38:50] Madam President, the witness can now hear us.

12 PRESIDING JUDGE SAMBA: [9:38:57] Thank you very much.

13 Good morning, Mr Witness. Can you see me? Can you hear me?

14 Good morning, Mr Witness. Can you see me? Can you hear me?

15 THE INTERPRETER: [9:39:28] Message from the English booth: The Sango booth
16 does not seem to be able to hear the witness.

17 THE SANGO INTERPRETER: [9:39:34] Message from the Sango booth: We cannot
18 hear the witness.

19 WITNESS: CAR-OTP-P-1339

20 (The witness speaks Sango)

21 (The witness gives evidence via video link)

22 THE WITNESS: [9:39:50](Interpretation) I can hear you now.

23 PRESIDING JUDGE SAMBA: [9:39:52] So, can you also see me, Mr Witness?

24 THE WITNESS: [9:40:03](Interpretation) No, I cannot see you. I cannot see you,
25 but I can hear you five on five.

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1 Now I can confirm that I can see the Presiding Judge very well.

2 PRESIDING JUDGE SAMBA: [9:40:46] Thank you very much for that confirmation.

3 Mr Witness, a very good morning to you.

4 THE WITNESS: [9:40:58](Interpretation) Good morning, Madam President.

5 PRESIDING JUDGE SAMBA: [9:41:01] Now, you are going to testify before the
6 International Criminal Court. On behalf of this Chamber, I welcome you to the
7 courtroom.

8 THE WITNESS: [9:41:22](Interpretation) I thank you.

9 PRESIDING JUDGE SAMBA: [9:41:24] Good.

10 You should have before you, Mr Witness, the solemn undertaking which every
11 witness who appears before the Chamber must agree to.

12 Can I ask you to read that out for us, please.

13 THE WITNESS: [9:41:40](Interpretation) Can I start?

14 I solemnly declare that I will speak the truth, the whole truth and nothing but the
15 truth.

16 PRESIDING JUDGE SAMBA: [9:42:18] Thank you very much, Mr Witness.

17 Do you understand and agree to what you just read out, Mr Witness?

18 THE WITNESS: [9:42:26](Interpretation) Yes, I understand very well.

19 PRESIDING JUDGE SAMBA: [9:42:37] Thank you. Now --

20 THE WITNESS: [9:42:40](Interpretation) I stated that I will say the whole truth.

21 PRESIDING JUDGE SAMBA: [9:42:43] Thank you very much, Mr Witness.

22 Now, let me explain to you the protective measures that the Chamber has put in place
23 for your testimony.

24 We have in place for the duration of your testimony voice and face distortion, which
25 means that no one outside the courtroom can see your face or hear your real voice.

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1 There will also be the use of pseudonym. In accordance with that, Mr Witness, we
2 will all refer to you only as "Mr Witness", to make sure that the public does not know
3 your name. When you answer questions that will not give away who you are, we
4 will do so in open session, which means that the public can hear what is said inside
5 the courtroom. When you are asked to describe anything that relates specifically to
6 you or you are asked to mention facts which might reveal your identity, we will do so
7 in private session.

8 Now, Mr Witness, you have also been assigned a lawyer to provide you with legal
9 advice about possible self-incrimination. Your lawyer has requested that the
10 Chamber grants you assurances with respect to self-incrimination and the Chamber
11 has decided to grant you such assurances.

12 So, this means the Chamber assures you that if you are asked questions where your
13 answers may incriminate you, then these answers will not be used against you in any
14 subsequent proceedings before this Court, and those questions and answers will be
15 kept confidential.

16 Practically speaking, Mr Witness, if any question is asked that could lead to your
17 self-incrimination, we will hear your answer in private session.

18 That being said, the assurances that this Chamber has granted you do not mean that
19 you are allowed to lie to the Chamber when giving your answers, and you may be
20 prosecuted for giving false or incomplete testimony. You are under oath now to tell
21 the truth and nothing but the truth.

22 Do you understand, Mr Witness?

23 THE WITNESS: [9:46:04](Interpretation) Absolutely. I have understood you
24 perfectly well and I thank you.

25 PRESIDING JUDGE SAMBA: [9:46:10] Thank you very much, Mr Witness.

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1 Now, before we start your testimony, I have a few practical matters you should have
2 in mind when giving your testimony. You see, everything we say here is written
3 down and interpreted. It is, therefore, important to speak clearly and at a slow pace.
4 Please speak into the microphone that you have before you and only start speaking
5 when the person asking you the question has finished. To allow for the
6 interpretation, we all have to wait a few seconds before we start to speak. If you
7 have any question, or if you need a break, please raise your hand so we know that
8 you want to say something to us.

9 Further, we hope that there are no issues with the video link. However, if there are
10 any issues with the technology, be rest assured that we will do our best to get things
11 sorted out as quickly as possible.

12 Have you understood all that I have said, Mr Witness?

13 THE WITNESS: [9:47:33](Interpretation) Yes, I have fully understood.

14 PRESIDING JUDGE SAMBA: [9:47:36] Thank you very much.

15 So, Mr Witness, I'm going to invite the Prosecution to put questions to you in chief.

16 Madam Prosecutor, your witness, please.

17 MS MAKWAIA: [9:47:50] Thank you, your Honour. I just lost my screen.

18 PRESIDING JUDGE SAMBA: [9:48:07] Your microphone is on, Ms Makwaia.

19 MS MAKWAIA: [9:48:11] Apologies for that, your Honours.

20 QUESTIONED BY MS MAKWAIA:

21 Q. [9:48:15] Good morning, Mr Witness.

22 A. [9:48:29] Good morning.

23 Q. [9:48:30] My name is Holo Makwaia. We have met previously virtually. I
24 shall be asking --

25 A. [9:48:53] (No interpretation).

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1 Q. [9:48:56] I shall be asking questions to assist you.

2 A. [9:48:59] Yes, I can hear you.

3 Q. [9:49:00] I shall be asking you questions today to assist you to tell the Court your
4 personal knowledge and experience in the year 2013 in the Central African Republic.

5 Okay?

6 A. [9:49:19] Very well.

7 MS MAKWAIA: [9:49:29] And, with your leave, Madam President, I would like to
8 go into a private session to ask questions that may lead to the identification of the
9 witness.

10 PRESIDING JUDGE SAMBA: [9:49:36] Very well.

11 Madam Court Officer, can we go into private session, please.

12 (Private session at 9.49 a.m.)

13 THE COURT OFFICER: [9:49:55] We are in private session, Madam President, your
14 Honours.

15 PRESIDING JUDGE SAMBA: [9:49:58] Yes.

16 Ms Makwaia, your witness, please.

17 MS MAKWAIA: [9:50:01] Thank you, your Honour.

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)
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15 (Redacted)
16 (Redacted)
17 (Redacted)
18 (Redacted)
19 (Redacted)
20 (Redacted)
21 (Redacted)
22 (Redacted)
23 (Redacted)

24 Q. [9:55:51] Now, I'd like to focus your attention to the year 2013, okay,

25 Mr Witness?

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1 A. [9:56:07] That's fine with me.

2 Q. [9:56:16] Were you still living in Bangui in January 2013?

3 A. [9:56:21] Yes. In 2013, I was living in Bangui.

4 Q. [9:56:39] Between January and March, did anything of -- end of March, did
5 anything of significance happen in your country?

6 A. [9:56:49] Yes. After the arrival of the Seleka in Bangui, after the Seleka coup
7 d'état, they entered (Redacted). They went there on several occasions. (Redacted)
8 (Redacted)

9 (Redacted)

10 PRESIDING JUDGE SAMBA: [9:57:40] Do you still want us to be in private session,
11 counsel? I mean, if you want to, we can still stay in private session.

12 MS MAKWAIA: [9:57:50] There's a few questions I can put in the public domain,
13 your Honours. However, there's a higher risk a response could identify the witness.
14 So, with your leave, I would prefer to remain in closed session.

15 PRESIDING JUDGE SAMBA: [9:58:03] That's okay. Carry on, then.

16 MS MAKWAIA: [9:58:07]

17 Q. [9:58:07] So, Mr Witness, you've delineated a few issues and I would like to start
18 with the first one, the arrival of the Seleka and the coup d'état.

19 Can you please tell the Court who or what is the Seleka?

20 A. [9:58:31] The Seleka is a Muslim coalition which came to overthrow the
21 government in Bangui. After the coup d'état, people were expecting that they would
22 restore peace in the country. Unfortunately, that was not the case. They had a
23 problem. It seemed to me they had a problem against Central Africans. They were
24 shooting at random and committing acts of violence and it is for that reason that all
25 those problems arose in the country.

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1 Q. [9:59:34] Do you remember the date and the month when the Seleka overthrew
2 the government? And can you also -- first answer that, and then I'll do a follow-up
3 question.

4 A. [10:00:07] Unless I am mistaken, it was on 25 March 2013. Those events
5 occurred a long time ago now, so unless I am mistaken, I believe that that is the date.

6 Q. [10:00:21] Thank you, Mr Witness. And you referred to a coup, or the
7 throwing -- the overthrowing of the government in Bangui. Which government was
8 this?

9 A. [10:00:35] It was Bozizé's government that had fled when the Seleka arrived, and
10 after the coup d'état, it was Mr Djotodia who became president and took over power.

11 Q. [10:01:11] Thank you, Mr Witness.

12 Who, if you know, were the other leaders of the Seleka?

13 PRESIDING JUDGE SAMBA: [10:01:28] Sorry, Ms Makwaia.

14 Yes, Mr Jacobs.

15 MR JACOBS: [10:01:34](Interpretation) Yes. Good morning, Madam President.

16 Good morning, your Honours.

17 To my knowledge, he just indicated that Djotodia said -- he just said that Djotodia
18 became president, but he didn't talk about a leader of the Seleka yet. I think this
19 question is too -- is not yet appropriate, too rapid. I think we need to ask him whom
20 the other leaders of the Seleka were before saying that Djotodia was the lead
21 of -- leader of the Seleka.

22 So I think it's going a little bit too fast and I am objecting to this question,
23 Madam President.

24 PRESIDING JUDGE SAMBA: [10:02:15] Madam Prosecutor, please, your response.

25 MS MAKWAIA: [10:02:19] First of all, it's not an objectionable --

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1 (Counsel confers)

2 MS MAKWAIA: [10:02:29] It's not an objectionable question. And, secondly, your
3 Honours, I actually put to the witness "Who, if you know, were the other leaders of
4 the Seleka?" That's at the transcript, page 13, line 25, the English version.

5 PRESIDING JUDGE SAMBA: [10:02:53] Yes, Mr Jacobs.

6 MR JACOBS: [10:02:55](Interpretation) I want to be certain that I am clear for the
7 interpretation. He did not talk about a leader of the Seleka, as such, this witness.
8 This is an objection that I'm raising because this is a leading question. He has not yet
9 talked about a Seleka leader. He said that Djotodia became president without
10 specifying who he was, so we cannot put the question to him as to who the other
11 leaders are if we have not yet spoken about who the main leader is. So we need to
12 put an open question to the witness before asking him if he knows of any other
13 leaders, when he has not yet made mention of a Seleka leader. So, of course, this is
14 an objection to do with a leading question that has not yet any foundation based on
15 what the witness has already said.

16 He just said, I repeat, that Djotodia became president, and that is it. So, it is the OTP
17 that is drawing the conclusion that he was a Seleka leader, but that is not at all what
18 the witness said.

19 PRESIDING JUDGE SAMBA: [10:04:17] I'm sure you're not -- I mean, the records
20 before us, the evidence before us, show that -- show the leaders of the Seleka, but if
21 you are -- if you do not like the word "other" leaders, I will ask, Madam Prosecutor,
22 can you ask your question without the use of the word "order" -- "other", sorry.

23 MS MAKWAIA: [10:04:50]

24 Q. [10:04:50] Mr Witness, you've told the Court Djotodia became president after the
25 coup that overthrew the government, Bozizé's government. Who was Djotodia?

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1 A. [10:05:03] If I talked about Djotodia, it is because he represented the Central
2 Africans and the Seleka. There were many leaders, but it was he who represented
3 the Seleka, because he was the one who was the president. If he had given his men
4 good advice, he would have not caused acts of violence. Unfortunately, he did not
5 do so and his underlings caused a great deal of trouble.

6 There were captains like Aba Tom, and Bichara who were selling things at *Kilomètre 5*,
7 and there were many other people. I no longer recall the name, the other names, in
8 fact. There were many lieutenants, there were many captains, and I do not
9 remember their names.

10 Q. [10:06:23] Why do you say Djotodia's underlings were causing a great deal of
11 trouble? Why do you say that, Mr Witness? Can you tell the Court, please.

12 A. [10:06:43] Yes. You know, when they arrived, rather than cooperate with the
13 population, they started looting. They started looting the population. I was a
14 (Redacted) at the time and I wasn't interested in politics, but because of their
15 behaviour, I was obliged to behave in a different way and it really reduced me as a
16 person. So, they came with a view to cooperating with us, but that was not the case,
17 unfortunately, and that is why to date there is still instability in the country.

18 All the traders at the time wanted to behave like Selekas, wanted to pass themselves
19 off as Seleka. For example, in (Redacted), there was a delegation of -- or a delegate,
20 or a trader (Redacted), and after the Seleka arrived, when the Seleka went to
21 (Redacted) in order to loot the population, then he started offering them tea. He
22 volunteered his services.

23 Q. [10:08:30] What is the name of this person?

24 A. [10:08:35] So, he was selling second-hand clothing at Kilometre 5. So, they
25 reconverted themselves in order to become part of the Seleka. There were many of

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1 them. I do not remember their names. I do not remember all of their names.

2 Q. [10:09:00] Do you remember the name of this individual (Redacted), can you
3 please tell the Court?

4 A. [10:09:29] There was Force. His true name is Almeri, and his nickname was
5 Force. Force. There was Aba Tom. Aba Tom was a seamstress, * but when the
6 Seleka entered, they all became captains, and they had vehicles. There was also
7 Bichara. There was also that trader who was in (Redacted). His name was Delegué.
8 I do not know what his first name was. Delegué.

9 Q. [10:10:33] So, when you say they all became Seleka chiefs, can you give a
10 concrete example of what this entailed? We can start with Delegué, and then we'll
11 go down to Aba Tom and Bichara.

12 A. [10:11:03] The Delegué in question was a trader. He was not a military man. *
13 But on the 5th, he was armed, he had a weapon in his house. Before he got killed, he
14 was armed. Aba Tom, for example, was a tailor. All of those people, they were selling
15 second-hand clothing at Kilometre 5, but as soon as Djotodia arrived, well, they all
16 had vehicles so I considered them to be Seleka leaders.

17 Q. [10:12:00] Given you've stated there were leaders, did they have any men
18 following them?

19 A. [10:12:15] Yes. Bichara had three Land Cruisers and there were many elements
20 under his control. Aba Tom also had two vehicles with many other elements. They
21 went to (Redacted) in order to fire into the air and loot the population with all of
22 those elements in tow.

23 Q. [10:13:09] Can you tell the Court, Mr Witness -- (Redacted)
24 (Redacted), can you tell the Court what was the composition of the population
25 religion-wise during this period?

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1 A. [10:13:45] In (Redacted), specifically, there were far more Christians. The
2 Muslims were a minority. However, at PK5, the Muslims were the majority group,
3 up to Miskine. But in (Redacted), there were not that many Muslims.

4 Q. [10:14:15] So what happened to the civilians when the Seleka went into the
5 (Redacted) neighbourhood?

6 A. [10:14:22] When the Seleka entered (Redacted), they entered it as they wanted.
7 They went there in the morning, they would fire into the air and then they would
8 come back the next day and do the very same thing, until after the 5th.
9 For example, the Seleka, they are Muslims, in fact, and Delegué was killed, and, at
10 any given moment in time, they would come and fire into the air and shoot at the
11 population and then leave again.
12 Now, if you take the main road that goes to (Redacted) in front of the (Redacted)
13 church, you will see that the Seleka were all gathered there. They would come there
14 and shoot at the population, which meant that the population of (Redacted) was
15 obliged to flee in order to seek refuge at the airport. They caused a great deal of
16 disarray amongst the population.

17 Q. [10:16:04] And, Mr Witness, when the Seleka first entered (Redacted), can you
18 just remind the Court, please, which month was this?

19 A. [10:16:23] You know that event dates back quite some time ago, I'm not in a
20 position to provide you with a date. Those events occurred a long time ago. So, for
21 fear of lying to you, the only thing that I can tell you is that after they entered in 2016,
22 they started to commit acts of violence and this continued until after 5 December.
23 After 5 December, they no longer came into (Redacted) but, on occasion, they would
24 come to -- up to the main street that separated (Redacted). That was the road that
25 we called the red line.

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1 It separated the Anti-Balaka from the Seleka.

2 Q. [10:17:43] All right, witness, before we arrive in December - and I heard your
3 testimony through interpretation - you stated the year 2016; is that correct?

4 A. [10:18:08] No, I talked about 2013, not 2016. That's when the Seleka entered.
5 It was 2013, not 2016.

6 Q. [10:18:25] Thank you, witness, it's corrected on the transcript.

7 Now, so, before we arrive to December 5, 2013, I would still like to direct and focus
8 your mind to the arrival of the Seleka during the month of March 2013, (Redacted).

9 Okay?

10 PRESIDING JUDGE SAMBA: [10:18:57] Yes, Mr Jacobs.

11 MR JACOBS: [10:18:59](Interpretation) Nothing at all, Madam President. I'm going
12 to sit down again.

13 PRESIDING JUDGE SAMBA: [10:19:12] Thank you very much, because I'm sure
14 that's the witness's testimony.

15 Ms Makwaia, please continue.

16 MS MAKWAIA: [10:19:20] I thank my learned brother. Thank you, your Honours.

17 Q. [10:19:26] So, I had told you, Mr Witness, I wanted to focus your attention and
18 direct your mind to the month of March 2013, (Redacted). All right?

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 Q. [10:22:03] Thank you, witness. We'll take it sequentially, step by step, so that
9 your narrative is understood and we will get to (Redacted). But, for --

10 A. [10:22:20] (Overlapping speakers)

11 Q. [10:22:21] Sorry. But, for now, can you tell the Court, please, apart from your
12 wife, the one you've just mentioned, did you have other family members in Bangui
13 during March when the coup occurred?

14 A. [10:22:45] Indeed, I have all my family in Bangui. My mother and father, who
15 are deceased since (Redacted). I was with my mother and my younger brothers.
16 We were all together when people went to seek refuge at the airport. They also went
17 to seek refuge at the airport. My mother died in (Redacted) of natural causes.

18 MS MAKWAIA: [10:23:35]

19 Q. [10:23:35] Why did your family members seek refuge at the airport, and can you
20 also tell us the name of this airport?

21 A. [10:23:48] I'm talking about the Bangui M'Poko airport. It was not only the
22 members of my family, the Seleka were opening fire and then the entire population,
23 even those living in (Redacted) the entire population went to the airport or the charity
24 refuge. The population living in Fatima went to the Fatima church. So it wasn't only
25 the members of my family, but it was the Central African population in general.

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1 Q. [10:24:42] Do you know what was the religion or the majority -- I will take that
2 up again and I will rephrase.

3 Can you assist the Court by telling it whether or not the persons who took refuge at
4 the airport, at the church in Fatima, can you tell the Court, please, what was their
5 religion for the most part, do you know?

6 A. [10:25:17] Most of these people were Christian. In the Central African Republic,
7 for the most part there are Christians. The Muslims are in the minority. When
8 these events occurred, the Muslims went to seek refuge at Kilometre 5. The
9 Christians -- Muslims also went to seek refuge at Kilometre 5. In a sector, those who
10 went to seek refuge at the airport or in the churches were Christians.

11 Q. [10:26:31] When Bozizé was in power, was there a national army?

12 A. [10:26:37] Of course there was. There were the Central African Armed Forces,
13 some of whom created an alliance with the Seleka. What country would not have
14 armed forces? When the Seleka took power, they did everything the way they
15 wanted to and this did not allow any collaboration between them.

16 Q. [10:27:21] Did the national army have a name or an acronym?

17 A. [10:27:31] The FACA, the Central African Armed Forces.

18 Q. [10:27:57] You also testified that the Muslims sought refuge at Kilometre 5, PK5.
19 Now, this is still during the month when the coup occurred. Were they
20 attacked -- were the Muslims attacked?

21 A. [10:28:22] No. I talked to you about what incited the Muslims to go to
22 Kilometre 5, and that was principally the attack of 5 December. That is why the
23 Christians went to seek refuge. It did not happen before 5 December. So this
24 happened after 5 December when the Seleka and Anti-Balaka came to loggerheads.
25 The Christians went to seek refuge and the Muslims did the same.

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1 Q. [10:29:22] Thank you, Mr Witness.

2 Now, you've told the Court some of your family fled to the airport in M'Poko and
3 other places. Is it within your knowledge whether or not the Seleka attacked any
4 member of your family?

5 A. [10:29:44] No, the Seleka did not attack members of my family. I said to you
6 that after the 5th, the population was seeking refuge and I personally had come under
7 threat. (Redacted). It was after the 5th, because the Central African population was
8 also fleeing.

9 That is why my family also went to the airport in order to seek refuge.

10 Q. [10:30:44] So, can you describe for the Court (Redacted)?

11 A. [10:30:51] A short while ago I told you that I was threatened, my life was at risk.

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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12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 Q. [10:51:04] Who is Yekatom?

23 A. [10:51:08] Yekatom is an Anti-Balaka chief. He was arrested and he's currently
24 at The Hague.

25 Q. [10:51:32] And what is the Anti-Balaka?

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1 A. [10:51:41] The Anti-Balaka is a group made up of soldiers and civilians, and they
2 were set up to fight against the Seleka and liberate the Central African Republic. The
3 Anti-Balaka chiefs were all soldiers.

4 Q. [10:52:36] And did the Anti-Balaka fight the Seleka?

5 A. [10:52:41] It was after 2005, after.

6 THE INTERPRETER: [10:53:02] If the interpreter understood correctly.

7 THE WITNESS: [10:53:08](Interpretation) I told you about 2005, but it began on
8 5 December.

9 MS MAKWALA: [10:53:18] Clearly we are having some interpretation problem.

10 Q. [10:53:21] Witness, I'm going to restate the question, because we have an answer
11 from you about 2005. So the question is --

12 A. [10:53:41] I wanted to talk about 5 December. That is why I repeated myself.
13 I said it was not 2005, but it was on 5 December when the Anti-Balaka started fighting
14 against the Seleka. So, once again, it was 5 December.

15 Q. [10:54:10] So, when you decided to join the Anti-Balaka in (Redacted), did you
16 have any particular role?

17 A. [10:54:44] In my statement, I did not tell you that I was an Anti-Balaka in
18 (Redacted).

19 (Redacted) I joined the Anti-Balaka.

20 Q. [10:55:00] All right, witness.

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 Q. [10:58:23] When you saw these soldiers, were they armed?

18 A. [10:58:28] No. You see, they had gone to (Redacted) to seek refuge, so how

19 could it be possible for them to be bearing weapons? (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 MS MAKWAIA: [11:00:37] I'm in your hands, your Honours.

5 It's 11 o'clock.

6 PRESIDING JUDGE SAMBA: [11:00:42] Yes. Thank you very much, Ms Makwaia.

7 Now, Mr Witness, we are going to take a short break and come back and continue

8 with your testimony.

9 Before we go away, I want to know -- you said Mr Ngaikosset was nicknamed

10 Diambar (phon). What's the meaning, if you know?

11 THE WITNESS: [11:01:08](Interpretation) As you know, he was a soldier. Even in

12 Bangui, he was called Diambar (phon). I am not in a position to know the meaning

13 of that nickname. I have told you, (Redacted).

14 It is possible that it is the nickname that he had, but I also know he had that nickname

15 even in Bangui.

16 PRESIDING JUDGE SAMBA: [11:01:48] Thank you very much.

17 We are going to go away and come back in 30 minutes.

18 I rise the Court for 30 minutes.

19 THE COURT USHER: [11:01:56] All rise.

20 (Recess taken at 11.01 a.m.)

21 (Upon resuming in open session at 11.34 a.m.)

22 THE COURT USHER: [11:34:52] All rise.

23 Please be seated.

24 PRESIDING JUDGE SAMBA: [11:35:23] Good morning again, everyone.

25 Mr Witness, we are going to continue with your testimony, so the Prosecution is

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1 going to continue putting questions to you, and we require of you to answer the
2 questions as best as you possibly can, not forgetting that we already have your prior
3 recorded testimony and assurances in respect of Rule 74 have already been given to
4 you.

5 Madam Prosecutor, your witness, please.

6 MS MAKWAIA: [11:36:07] Thank you, Madam President, your Honours.

7 Can -- with your leave, can we revert back to private session.

8 PRESIDING JUDGE SAMBA: [11:36:15] Madam Court Officer, can we go back to
9 private session, please.

10 (Private session at 11.36 a.m.)

11 THE COURT OFFICER: [11:36:30] We are in private session, Madam President, your
12 Honours.

13 PRESIDING JUDGE SAMBA: [11:36:34] Ms Makwaia, your witness please.

14 MS MAKWAIA: [11:36:37]

15 Q. [11:36:37] So, Mr Witness, you have heard the Presiding Judge's assurances to
16 you that were given with relation to your testimony. And just to remind you again,
17 we're in a closed session, so the public cannot hear your testimony and you can give
18 full and complete answers, including your own role; all right?

19 A. [11:37:21] I have understood only too well.

20 Q. [11:37:31] So when we took the break, you were testifying that many civilians
21 and many young people joined (Redacted); do you remember that?

22 A. [11:38:09] I did not talk about the Seleka. I was talking about the Anti-Balaka
23 movement, not the Seleka.

24 Q. [11:38:27] I never mentioned Seleka, Mr Witness, so I don't know if it's -- I really
25 don't know where that came from, your Honours.

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1 So, Mr Witness, thank you for that clarification. And if you get any further incorrect
2 interpretation, please alert the Chamber, okay.

3 A. [11:39:05] I have understood. Thank you.

4 Q. [11:39:14] So, can you assist the Court, please. When is it you went to
5 (Redacted)?

6 PRESIDING JUDGE SAMBA: [11:39:21] Can you put the question again so that he
7 understands, being that there was a little bit of an interpretation problem in respect of
8 Seleka as against Anti-Balaka.

9 MS MAKWAIA: [11:39:47]

10 Q. [11:39:48] Mr Witness, so that it is clear on the record, as just indicated by the
11 President, I am discussing the Anti-Balaka and not the Seleka at this stage; all right?

12 A. [11:40:15] Yes, I have understood.

13 Q. [11:40:18] So can you assist the Court, please, and tell it when is it you went to
14 (Redacted)?

15 A. [11:40:50] I can't tell you exactly when I went to (Redacted). However, once
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 Q. [11:42:36] And where was this base -- where was the base located, please?

4 A. [11:42:51] It was in (Redacted), in the bush. Once we had reached a certain
5 number, we left (Redacted).

6 Q. [11:43:23] In which country is (Redacted) found?

7 A. [11:43:40] (Redacted).

8 Q. [11:43:58] So when you got (Redacted), for how long did you stay there? You
9 can give an approximate.

10 A. [11:44:40] I believe that we spent two weeks at the most before leaving, if
11 my -- if I'm not mistaken.

12 THE INTERPRETER: [11:44:49] Says the witness in French.

13 MS MAKWAIA: [11:45:01]

14 Q. [11:45:01] Did Yekatom have a deputy?

15 A. [11:45:16] Yes, of course he had a deputy and his name was Ouandjio Freddy.

16 Q. [11:45:28] Did he have a nickname?

17 * A. [11:45:46] Are you talking about Ouandjio? Or are you talking about Yekatom?

18 Yekatom's nickname was Rombhot. Ouandjio's nickname was Coeur de Lion.

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

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6 (Redacted)

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11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 Q. [11:50:37] Once these weapons were purchased, what did your group of
18 elements, or individuals, do with them?

19 A. [11:51:15] Well, (Redacted), we then trained the elements in handling the
20 weapons. On a daily basis, before the date of the 5th, we would conduct training
21 sections. The soldiers were trained and we would teach them self-defence. And
22 that is how we trained the elements in the bush before coming out on the date of the
23 5th of December.

24 Q. [11:52:02] Who was in charge, who was the leader, the overall leader of this base
25 where the elements were trained?

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1 A. [11:52:31] Yekatom was the highest in rank. His deputy was Ouandjio Freddy.
2 It is those two who gave the instructions to Habib, to Keapex, to train the elements of
3 each section.

4 Q. [11:53:03] And who was Habib? I believe we are hearing this name for the first
5 time today. Who was Habib or who is Habib?

6 A. [11:53:23] Habib is a soldier. Keapex is also a soldier. There was also another
7 soldier called Satana and mostly we would refer to him as Satan. He belonged to the
8 gendarmerie. He is no longer living today.

9 Q. [11:53:55] So you have testified that once the new arrivals were registered,
10 (Redacted), they were then put into sections. How was a section structured? Are
11 you in a position to tell us?

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 Q. [11:55:34] (Redacted)

20 (Redacted). Can you please tell us where is Camp Béal found?

21 A. [11:56:13] Camp Béal is to be found in the 4th arrondissement. When you cross
22 the *Avenue des Martyrs*, opposite the community hospital is a large military camp.
23 The Seleka were based there and they also spent the night there. This camp is called
24 Camp Béal. Under Patassé's regime, it was under the control of the French army.
25 Once they left, it was left to the FACA.

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1 Q. [11:57:05] How do you know it was under the control of the Seleka?

2 A. [11:57:28] I know that when the Seleka arrived in Bangui, they took up base at
3 the BSS and at Camp Béal, because they were the largest military camps of the capital.

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 Q. [12:00:03] Thank you, Mr Witness.

19 Where did...

20 PRESIDING JUDGE SAMBA: [12:00:22] Are you okay, Mr Witness?

21 Is there any VWU?

22 THE WITNESS: [12:00:48](Interpretation) I am with you.

23 PRESIDING JUDGE SAMBA: [12:00:54] Thank you very much.

24 Madam Prosecutor, please continue. We'll observe the witness.

25 MS MAKWAIA: [12:01:02] Thank you, Madam President.

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1 Q. [12:01:08] (Redacted)

2 (Redacted). Can you please assist the Court and tell it why is it it was necessary for
3 your group, under Yekatom, to attack the Seleka?

4 A. [12:01:51] You know, after having overthrown President Bozizé, the Seleka
5 practically subjected all the Central Africans to slavery. We wanted to recover our
6 freedom. I have told you that I'm not a soldier. I have never fired a firearm, but
7 there was a lot of anger in us following what had been happening. So it was because
8 of the acts of violence of the Seleka that I revolted and took up arms.

9 As you know, we are men, we were in our country and we could not accept that
10 people should come and intimidate and repress us in our country. So at one point
11 we said to ourselves that this should stop and that we must face up to them.

12 Q. [12:03:18] Can you describe for the Court, Mr Witness, where did the elements
13 stay, the various elements (Redacted)? Where did they sleep when you were in the
14 bush? And here we're still (Redacted).

15 A. [12:03:58] We were sleeping in the bushes. There were no houses where we
16 were. As you know, we were at the mercy of the sun and the rain. As the days
17 went by, the young people started joining us and we became quite numerous in
18 (Redacted) and that is why we left because (Redacted) had become too small for us.
19 So we left (Redacted), which was -- (Redacted), which was on the other side of the
20 river. At (Redacted) there were many elements there, and from (Redacted) we
21 crossed over once again to go (Redacted).

22 PRESIDING JUDGE SAMBA: [12:05:07] Madam Prosecutor, if you may allow me
23 before we miss this.

24 Just for clarification, Mr Witness, your evidence so far is that, you know, young
25 people joined you in (Redacted) and you people had quite, you know, a big number

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1 in (Redacted). And you've also said that you trained in (Redacted) on the use of
2 weapons, both attack and...

3 THE WITNESS: [12:05:49] *Oui*.

4 PRESIDING JUDGE SAMBA: [12:05:52] Yes. That is your testimony, so far, before
5 you moved on to (Redacted).

6 THE WITNESS: [12:05:56](Interpretation) No. In (Redacted), initially there were
7 not many of us, but after that, many young people joined us, so we left (Redacted) to
8 go to (Redacted). It was in (Redacted) that the young people started being trained in
9 the handling of weapons. And from (Redacted), we went to (Redacted). In
10 (Redacted) we did not yet have any weapons. So from (Redacted) we went to
11 (Redacted) and it was in (Redacted) that we started procuring weapons. The
12 soldiers who had joined the Anti-Balaka movement also arrived with their weapons.
13 Some of them went and dug up the weapons that they had buried before fleeing.
14 That is how we had the weapons that were used to train the young people.

15 PRESIDING JUDGE SAMBA: [12:07:06] Okay. Thank you very much for that
16 clarification.

17 So, but what I want to know really is to turn your mind to a kind of a time
18 frame -- that's why I mentioned the places (Redacted).

19 So my question to you, Mr Witness is: As far as you remember,
20 approximately -- you don't need to have an exact, you know, time, like, you -- five
21 days or two days. How long did you stay in (Redacted), to start with? How long were
22 you in (Redacted), yourself and the other elements before you moved to (Redacted)?

23 THE WITNESS: [12:08:12](Interpretation) We did not spend too much time in
24 (Redacted). I cannot tell you precisely how long, but we spent about two weeks or
25 slightly longer than that in (Redacted). But I cannot tell you precisely how long.

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1 PRESIDING JUDGE SAMBA: [12:08:39] Yes.

2 THE WITNESS: [12:08:46](Interpretation) We spent about one month in (Redacted)
3 before moving on to (Redacted), and in (Redacted), up until 5 December we spent
4 approximately three months there. So, as you know, we are talking of events that
5 took place a long time ago, so I cannot tell you precisely how long we spent in
6 (Redacted).

7 PRESIDING JUDGE SAMBA: [12:09:23] Thank you very much, your answer is
8 appreciated. It helps.

9 Madam Prosecutor, please.

10 MS MAKWAIA: [12:09:38] Thank you, Madam President.

11 Q. [12:09:40] Mr Witness, you said many young people joined and for that reason
12 you had to move from (Redacted). Can you tell the Court, please, from which areas
13 of Central Africa were they joining from, those you remember?

14 A. [12:10:15] Thank you for that question. The young people who joined us, for
15 the most part had come from Boeing, Fatima, Guitangola and Combattants. Once
16 they arrived, they were asked, "Why do you want to take up arms?" And all of them,
17 including the women in the group, would tell us that it was because of what the
18 Seleka were doing and that they wanted to take up arms to defend their country.
19 Those were the answers that they gave to me. But, as you know, the young people
20 were coming from the four corners of Bangui. At Kilometre 5, there were many
21 Seleka, so the majority came from Boeing, Fatima, and Cattin. Even when we
22 crossed the river, there were many young people who had come from M'Poko-Bac
23 and it was the young people from that locality who helped us with canoes to cross the
24 river.

25 Q. [12:11:53] Now, the sections you've spoken about, did they have leaders?

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1 A. [12:12:13] Yes, I had told you that once the new recruits had arrived, they would
2 be divided into sections and there was a soldier who was the chief of every section
3 and they were the ones who taught military discipline to the new recruits.

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 A. [12:14:53] (Redacted), and it is an artisanal weapon,

14 commonly known as gana-point. It was elements who had come from Bossangoa

15 who made, who produced that weapon, and you can see that my signature is at the

16 bottom of the page.

17 Q. [12:15:35] Now, what would it use to -- let me just put it straight to you. Were
18 bullets used for this weapon?

19 A. [12:15:56] Yes, of course. If you look at the sketch, there is a single-bullet
20 gun - that is, the barrel uses only one bullet - and we have the barrels of hunting rifles
21 to fabricate that weapon. You see, I have designated a tube, but since it's not in
22 colour, it is not visible. So you have to unfold the weapon, place in the bullet and
23 then fire, and after each shot, you have to reload the weapon.

24 Q. [12:16:52] Can you just describe where this tube is?

25 A. [12:17:12] Well, where you have the trigger and the butt, you have the butt of

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1 the gun at the back. But before that, there is a small drawing inside. That is the
2 ammunition. There is a spring that separates the tube from the butt. And once the
3 bullet is inserted, the butt can be used and it lies against the butt and it is possible to
4 fire.

5 Q. [12:18:10] You've testified, Mr Witness, that elements from Bossangoa came with
6 this type of weapon. Can you please assist us, where is Bossangoa?

7 A. [12:18:37] Bossangoa is 305 kilometres from Bangui town. They all came from
8 there. Some of them had been in Bangui before 5 September, others arrived on 5
9 December. They were based behind the airport, just in the vicinity of the Muslim
10 cemetery.

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 PRESIDING JUDGE SAMBA: [12:21:01] Yes, Mr Jacobs.

20 MR JACOBS: [12:21:06](Interpretation) Yes, Madam President. It's not an objection.

21 It is just a small correction for the transcript. In French, the witness said - page 44,
22 line 4 -- "They came, all of them, from there. Some arrived Bangui on
23 5 -- 5 December, while the others arrived after 5 December".

24 And in the English transcript, I can see "September" but that is not what the witness
25 said.

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1 So I just wanted to correct that minor error in the English transcript.

2 PRESIDING JUDGE SAMBA: [12:21:55] Yes, I also saw that. That some of them
3 had been in Bangui before 5 September and others arrived on 5 December.

4 Can we get some clarification on the record please, counsel?

5 MS MAKWAIA: [12:22:11] Thank you, Madam President.

6 Q. [12:22:13] Mr Witness, can you please tell the Court, the elements from
7 Bossangoa, when did some of them first arrive in Bangui? The reason for this -- okay,
8 just answer that first.

9 A. [12:22:58] Thank you for that question.

10 When we were in the bush, I did not know that there was preparation in Bossangoa.

11 On 4 December, when we came out of the bush, we arrived at (Redacted). That was
12 where I realised that there were other groups. You had the FACA group and the
13 group of Bossangoa. One of the groups had arrived on 4 December, and we
14 launched the attack on 5 December. After 5 December, other elements continued
15 arriving, so this means that those from Bossangoa were in very high numbers.

16 Q. [12:24:01] Thank you, witness.

17 You also testified that some elements arrived from -- that were known as Gobere 2,
18 arrived from Bossembele. Where is Bossembele found in relation to Bangui?

19 A. [12:24:53] The distance between the two towns, Bossembele, Bangui, is about
20 150 kilometres. It is on the road to Bossangoa. From Bossembele, you reach Boali
21 and then Bangui. And if I'm not mistaken, the distance between those two is
22 158 kilometres.

23 Q. [12:25:25] And Gobere? What would be the distance for those elements who
24 came from Gobere?

25 A. [12:25:50] When I was telling you, I said Bossangoa was 305 kilometres from

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1 Bangui and Bossembele is 158 kilometres from Bangui. So I'm not god to describe to
2 you how they arrived in Bangui. On 4 December, I found them in (Redacted)
3 neighbourhood, in this -- it was only in the evening that I met all those people. That
4 is when I realised that some of the elements came from Bossangoa and Bossembele.
5 Some of the soldiers who also carried their weapons joined us too, but regarding the
6 roads that they took to arrive Bangui, in any case, I'm not god to know about that.

7 Q. [12:26:50] Thank you, witness. I understand, but it was just an approximate in
8 terms of the kilometres that I wanted. But that's fine if you do not know.

9 MS MAKWAIA: [12:27:03] Your Honours, can I please formally submit the tab 6
10 that was displayed previously, CAR-OTP-2041-0766.

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 PRESIDING JUDGE SAMBA: [12:27:57] Objection upheld.

15 MS MAKWAIA: [12:28:05]

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 MS MAKWAIA: [12:29:51] With that, your Honours, can I have displayed at tab 16,
25 CAR-OTP-2041-0783.

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- 1 Can you scroll down a bit.
- 2 PRESIDING JUDGE SAMBA: [12:30:41] I don't think the list is yet on the witness's
- 3 screen --
- 4 MS MAKWAIA: [12:30:46] Oh.
- 5 PRESIDING JUDGE SAMBA: [12:30:48] -- counsel.
- 6 (Redacted)
- 7 (Redacted)
- 8 (Redacted)
- 9 (Redacted)
- 10 MS MAKWAIA: [12:31:43]
- 11 Q. [12:31:43] Thank you, Mr Witness.
- 12 With that, your Honours, I would like to tender this list as a Prosecution exhibit.
- 13 (Counsel confers)
- 14 MS MAKWAIA: [12:32:15]
- 15 Q. [12:32:16] (Redacted)
- 16 (Redacted)
- 17 Sorry, your Honours, with your leave, if we can have displayed at tab 15,
- 18 CAR-OTP-2041-0781-R01.
- 19 PRESIDING JUDGE SAMBA: [12:33:06] Yes, counsel. It's on the witness's screen,
- 20 please.
- 21 MS MAKWAIA: [12:33:11]
- 22 (Redacted)
- 23 (Redacted)
- 24 (Redacted)
- 25 Q. [12:33:53] Thank you, Mr Witness.

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1 The Prosecution moves to submit -- to formally submit this list as well, your Honour.

2 Mr Witness, I'll come to other similar lists later, but for now I would like to ask you
3 the following questions.

4 After you left (Redacted) and you said you went to (Redacted) and then (Redacted),
5 were the elements continuing to be trained?

6 A. [12:35:06] Yes, the training had started in (Redacted), and once we arrived in
7 (Redacted)-- or once arriving in (Redacted), the new recruits continued to arrive.

8 And for the elements not to become bored, they received training on a daily basis in
9 the morning for them to be able to know how to defend themselves were they to be
10 attacked. We trained until 4 December in the afternoon. (Redacted)

11 (Redacted)

12 (Redacted)

13 Q. [12:35:58] And how was this selection done?

14 A. [12:36:17] You know, even in football there is a selection process. During the
15 training, we ascertained that such an element was brave, even some of the women
16 were braver than some of the men. You know, unfortunately, we didn't have that
17 many weapons to distribute to the elements, which meant that some of them did not
18 have any weapons. But during the training, we could see who was more courageous
19 and who was more capable, if you like.

20 Q. [12:37:05] Apart from AK-47s and other weapons you have described, were
21 other weapons which were not -- which did not require the use of bullets utilised for
22 your training?

23 A. [12:37:59] Well, you know, if you're not taught how to handle a weapon
24 properly, you can't just get up and handle it. It was the soldiers in the group who
25 would train those who joined us in the handling of those weapons.

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1 Q. [12:38:28] I think you've testified to that. I'm going to put again and make it
2 more clear the question I had asked.

3 Apart from weapons that required the use of bullets, such as guns --

4 A. [12:38:51] Okay.

5 Q. [12:38:59] Apart from weapons that required the use of bullets, such as guns,
6 were the elements trained in the use of other types of weapons?

7 A. [12:39:33] Yes. The young men, or the young people who had joined us were
8 also trained in the handling of bladed weapons, such as machetes. You know, there
9 weren't many weapons, which meant, as I said to you at an earlier stage, not everyone
10 had a -- a gun. And they had been trained in how to use machetes and many of
11 them had machetes.

12 Q. [12:40:16] Thank you, witness.

13 (Redacted)

14 Do you recall about how many people were selected?

15 A. [12:40:48] (Redacted)

16 (Redacted)

17 It was the soldiers in charge of each section who knew who the most courageous were
18 within their section and they had recruited those elements. You know, these events
19 date back quite some time ago now. I can't tell you exactly how many, but if I'm not
20 mistaken, (Redacted).

21 I do not recall the precise number.

22 Q. [12:41:40] That's all right, Mr Witness.

23 So, after this happened, what did you do? After the selection of these elements,
24 what happened?

25 A. [12:42:07] They took the selected elements and we crossed the river. We

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1 arrived at (Redacted) and that is where we learnt that other elements were going to
2 come to join us. That was on 4 December. We met the elements who had come
3 from Bossangoa and some of the FACA, too. (Redacted)
4 and that is when I heard that people had come from Bossangoa, from Bossembele, to
5 join us. There were also people who had come from Yaloke, the Yara group, that is.
6 On 5 December very early in the morning, some soldiers -- well, many soldiers had
7 joined the group, but I didn't know them before then.

8 PRESIDING JUDGE SAMBA: [12:43:24] Yes, Mr Witness? I see your hand up.
9 We can listen to you.

10 THE INTERPRETER: [12:43:47] From the Sango booth.

11 THE WITNESS: [12:43:49](Interpretation) I would like to have a bathroom break,
12 please.

13 PRESIDING JUDGE SAMBA: [12:43:52] Yes, certainly, Mr Witness. We will wait
14 for you. Please go on.

15 THE WITNESS: [12:44:01](Interpretation) Thank you.

16 (The witness exits the video-link room)

17 (The witness enters the video-link room)

18 PRESIDING JUDGE SAMBA: [12:47:01] Yes. Welcome back, Mr Witness.
19 Madam Prosecutor, please continue.

20 MS MAKWAIA: [12:47:06] Thank you, Madam President.

21 Q. [12:47:09] Mr Witness, do you remember who led the group that came from
22 Yaloke, the Yara group?

23 A. [12:47:32] Yara Leroi. His name was Yara Leroi.

24 Q. [12:47:39] Okay. So, before you took nature's call, you had told the Court that
25 the soldiers amongst the elements --

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1 PRESIDING JUDGE SAMBA: [12:47:54] Sorry. Yes, Mr Witness? Can I hear you?

2 THE WITNESS: [12:48:14](Interpretation) If my memory serves me correctly,

3 I believe that the first leader of this group was Yagouzou. No, no. No, rather the

4 Gobere 2 group was headed up by Yagouzou. He was the first coordinator of the

5 group. After 5 December, they presented Mr Ngaïssona, or introduced

6 Mr Ngaïssona as coordinator. So it was he -- but it was Mr Yara who was in charge

7 of the group. But if my memory serves me correctly, the Gobere 2 elements were

8 headed up by Yagouzou.

9 (Redacted)

10 (Redacted). That was on 4 December.

11 MS MAKWAIA: [12:49:45]

12 Q. Thank you, witness. We shall have an opportunity to look at this video during
13 the course of your evidence.

14 So, after the elements were assembled - you've testified this was 4 December - what
15 happened to you? Where did you go?

16 A. [12:50:26] We crossed the river in a dugout, and then we walked in Indian file to

17 (Redacted). We walked throughout the night. And once we got to the (Redacted),

18 we met different groups such as the FACA group, the Bossembele group, the Yaloke

19 group and the Bossangoa group. There were many people there at the time and

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 THE INTERPRETER: [12:52:02] As the interpreter -- apologies.

4 MS MAKWAIA: [12:52:06]

5 Q. [12:52:06] Why was it -- why was it a reccy operation was conducted, and if you
6 can just elaborate what is a reccy operation?

7 PRESIDING JUDGE SAMBA: [12:52:37] Yes, Mr Jacobs.

8 MR JACOBS: [12:52:49](Interpretation) I'm sorry. I'm just looking for the reference.

9 I believe that there's a little problem, an issue of interpretation going back and forth
10 that gave rise to this question, because in French the witness talked about a

11 reconnaissance mission - page 54, line 4 - which was interpreted as a reccy operation.

12 THE INTERPRETER: [12:53:13] Message from the booth: "Reccy" is
13 reconnaissance.

14 MR JACOBS: [12:53:19](Interpretation) That was then interpreted back into French
15 as a "risky" or a "*risqué*" operation, where that is not at all what he said. He was
16 talking about a reconnaissance operation. So there was a little bit of a transformation
17 from one interpretation to another that then comes back to the witness in a form of an
18 expression that he did not use at all. I think that it would be useful to clarify. He
19 talked about a "reconnaissance mission", that from the English booth -- the English
20 booth interpreter interpreted as a "reccy mission", which is, in fact, military speak for
21 "reconnaissance". Thank you.

22 PRESIDING JUDGE SAMBA: [12:54:02] Yes, the interpreter have clarified their own
23 interpretation as that the "reccy" is really, in fact, the same meaning as "a
24 reconnaissance", which is the language used by the witness.

25 Madam Prosecutor, let's move on.

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1 Thank you very much, Mr Jacobs.

2 MS MAKWAIA: [12:54:23]

3 Q. [12:54:23] I'm going to put again the question, Mr Witness.

4 PRESIDING JUDGE SAMBA: [12:54:27] Yes, Mr Witness. Let's hear you.

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 PRESIDING JUDGE SAMBA: [12:55:30] Thank you very much for that clarification,

12 Mr Witness.

13 Madam Prosecutor, please.

14 MS MAKWAIA: [12:55:40] With that, your Honours, can I have tab 11 of the list of

15 material, CAR-OTP-2041-0777, displayed please.

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 MS MAKWAIA: [13:03:35] I'd like to submit it, formally submit it, your Honours.

2 And I'm mindful of the time.

3 PRESIDING JUDGE SAMBA: [13:03:42] Yes, thank you very much, counsel.

4 Now, Mr Witness, you mentioned a place (Redacted) when you were talking about,
5 you know, your movements. In which country is that, just for the record?

6 (Redacted), in which country is that, please?

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 PRESIDING JUDGE SAMBA: [13:05:20] All right. My question really was in which
14 country is that place, (Redacted)? Which country? Are you talking about the
15 Central African Republic or are you talking about any other country?

16 THE WITNESS: [13:05:48](Interpretation) Oh, now I understand you. (Redacted) is
17 in the Central African Republic. It is a village in the Central African Republic.

18 PRESIDING JUDGE SAMBA: [13:05:58] Thank you very much. And (Redacted)
19 and (Redacted), where are they, which country?

20 (Redacted)

21 (Redacted)

22 PRESIDING JUDGE SAMBA: [13:06:26] Okay, thank you very much for that answer
23 and clarification, Mr Witness.

24 Mr Witness, we're going to end with your testimony for today here, and I'm going to
25 advise that when you leave your location where you are at now, you do not discuss

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- 1 your testimony with anybody and you will still be on oath when we meet again on
- 2 Monday to continue with your testimony. I just realised today is Friday.
- 3 So with that, I rise the Court and ask that we come on Monday at 9:30.
- 4 Thank you very much.
- 5 THE COURT USHER: [13:07:06] All rise.
- 6 (The hearing ends in private session at 1.07 p.m.)