

Trial Hearing
WITNESS: CAR-OTP-P-2232

(Open Session)

ICC-01/14-01/18

1 International Criminal Court
2 Trial Chamber V
3 Situation: Central African Republic II
4 In the case of The Prosecutor v. Alfred Rombhot Yekatom and Patrice-Edouard
5 Ngaïssona - ICC-01/14-01/18
6 Presiding Judge Bertram Schmitt, Judge Péter Kovács and
7 Judge Chang-ho Chung
8 Trial Hearing - Courtroom 1
9 Friday, 12 November 2021
10 (The hearing starts in open session at 9.31 a.m.)
11 THE COURT USHER: [9:31:25] All rise.
12 International Criminal Court is now in session.
13 Please be seated.
14 PRESIDING JUDGE SCHMITT: [9:31:57] Good morning, everyone.
15 Could the court officer please call the case.
16 THE COURT OFFICER: [9:32:05] Good morning, Mr President, your Honours.
17 Situation in the Central African Republic II, in the case of The Prosecutor versus
18 Alfred Yekatom and Patrice-Edouard Ngaïssona, case reference ICC-01/14-01/18.
19 And for the record we are in open session.
20 PRESIDING JUDGE SCHMITT: [9:32:20] Thank you.
21 I call for the appearances of the parties.
22 Ms Struyven first.
23 MS STRUYVEN: [9:32:25] Good morning, Mr President, your Honours.
24 For the Prosecution today we have Kweku Vanderpuye, Yassin Mostfa,
25 Pierre Belbenoit-Avich, and myself, Olivia Struyven.

- 1 PRESIDING JUDGE SCHMITT: [9:32:35] Thank you.
- 2 Legal Representatives of the Victims, please.
- 3 MR DANGABO MOUSSA: [9:32:44](Interpretation) Good morning, Mr President.
- 4 Good morning, everybody. For the victims we have Mr Erico (phon),
- 5 Mrs Evelyne Ombeni, and myself, Dangabo Moussa.
- 6 PRESIDING JUDGE SCHMITT: [9:33:03] Thank you.
- 7 MR SUPRUN: [9:33:04] Good morning, Mr President, your Honours. The former
- 8 child soldiers are represented by myself, Dmytro Suprun, counsel at the Office of
- 9 Public Counsel for Victims. Thank you.
- 10 PRESIDING JUDGE SCHMITT: [9:33:12] Thank you.
- 11 I turn to the Defence.
- 12 Ms Dimitri first.
- 13 MS DIMITRI: [9:33:17](Microphone not activated) Mr President. Good morning,
- 14 your Honours. Good morning, everyone.
- 15 Mr Yekatom, who's present in the courtroom this morning, is represented by
- 16 Mr Thomas Hannis, Ms Yasmeen Hajjali, Mr Gyo Suzuki, Mr Jean Michel Kola on my
- 17 far left, and myself, Mylène Dimitri.
- 18 PRESIDING JUDGE SCHMITT: [9:33:33] Thank you.
- 19 And last but not least, Mr Knoops.
- 20 MR KNOOPS: [9:33:37] Thank you very much, Mr President. Good morning,
- 21 your Honours. Good morning, everyone in the courtroom. Good morning.
- 22 Today the Defence team of Mr Ngaïssona comprises of Ms Lauriane Vandeler,
- 23 Phoebe Oyugi and Barbara Szmatala. And the defendant is in the courtroom as
- 24 well.
- 25 PRESIDING JUDGE SCHMITT: [9:33:53] Thank you very much.

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1 And also good morning, Mr Witness.

2 Can we stay in open session, Ms Struyven?

3 MS STRUYVEN: [9:34:02] Yes. I will try to have a few questions at least in open
4 session.

5 PRESIDING JUDGE SCHMITT: [9:34:07] Okay. Good. Then -- then we proceed.

6 WITNESS: CAR-OTP-P-2232 (On former oath)

7 (The witness speaks Sango)

8 QUESTIONED BY MS STRUYVEN: (Continuing)

9 Q. [9:34:13] Good morning, Mr Witness. I'm going to continue your examination
10 today. But before I continue with the chronology, I would like to ask you a few
11 clarifications about what you said yesterday. And the first clarification concerns
12 the region that you explained Dedane went to. And more important -- and more
13 specifically, I would like to ask you if you've heard in that time period about a village
14 called Gobéré?

15 A. [9:35:23] Gobéré is a village where Dedane went for the first attack. The Seleka
16 chased them and they gathered together again in Gobéré. That they regarded this
17 village as the password for the Anti-Balaka. From Gobéré, they regrouped to go to
18 other villages and to organise other attacks.

19 Q. [9:36:10] And you explained that they gathered in Gobéré. Sometimes I will
20 ask you questions about who you're referring to just so that in the record we know
21 the individuals that are concerned. Can you give us examples of were there other
22 individuals other than Dedane who went to Gobéré and who regrouped there?

23 A. [9:36:54] There was Mauri, Azounou, Marabout. There was also Richard
24 Bezouane. Inga -- Corporal Inga was there also.

25 Q. [9:37:49] Yesterday you referred to an individual called Konate. Do you know

1 if he also went to the region of Gobéré?

2 A. [9:38:08] No. During the first attack Konate was not yet with them. It was
3 only afterwards that he joined them in Gobéré.

4 Q. [9:38:31] And when you say "afterwards", is that still before the 5 December
5 attack?

6 A. [9:38:56] Gobéré already existed before 5 December. After the attack of
7 Bozoum, they were chased by the Seleka and they gathered in Gobéré. They found
8 themselves there and launched other offences from there.

9 Q. [9:39:26] Indeed I think there was a translation issue. I could hear through
10 the Sango translation that the word "*après*" was used instead of "*avant*", the
11 5 December attack. But I think it's now clear in the record.

12 So Konate joined the group in Gobéré before the 5 December attack. Can you
13 explain to the Chamber what the role was of individuals like Konate, *caporal* Inga,
14 General Mauri. What was their role in Gobéré?

15 A. [9:40:31] They were like ComZones. They commanded troops. They
16 supervised the troops, they were in the front, and they also looked at how they
17 should attack the villages, et cetera.

18 ComZones were regarded as leaders of the group, of each group.

19 Q. [9:41:10] Did they also provide, for example, training to their elements?

20 A. [9:41:31] I already said that the Anti-Balaka movement didn't really have any
21 training, as such, or didn't have a centre for training. They didn't have one.

22 On the field, they learned how to shoot, how to get and put ammunition into the gun,
23 and the Anti-Balaka learned as they were going along.

24 Q. [9:42:10] Talking about learning how to shoot and ammunition, yesterday you
25 explained that ammunition was brought to the north. Was ammunition also brought

1 to Gobéré?

2 A. [9:42:47] No. When they went to -- left Bozoum to go to Gobéré, they didn't
3 have any support. They started receive support after the fight in Ndjo. So they
4 used their own materiel for the fight. They used their own means in order to fight.
5 And on the ground they recovered arms and ammunition.
6 Remember that everybody who belonged to this group were former hunters, others
7 were highway bandits. So they came together. They were used to handle hunting
8 guns. They were used to handle machetes, *arrows, but they didn't really teach
9 someone how to use a machete. You learn that by yourself.

10 Q. [9:44:30] Just one clarification about the -- the weapons. In your first statement
11 you refer at some point that weapons are being brought direction of -- in the direction
12 of Bossangoa. Do you remember an incident where weapons were brought to
13 Bossangoa?

14 MS DIMITRI: [9:44:53] Mr President.

15 PRESIDING JUDGE SCHMITT: [9:44:54] (Overlapping speakers)

16 MS DIMITRI: [9:44:56] It's not a 68(3) statement, so perhaps the questions could be
17 put in a more neutral way rather than referring to, especially uncontested matters,
18 what is -- what was said by the witness in the statement.

19 PRESIDING JUDGE SCHMITT: [9:45:08] You can perhaps rephrase it a little bit.
20 But I don't have an issue with addressing it. But you can perhaps reword it a little
21 bit.

22 MS STRUYVEN:

23 Q. [9:45:19] Did you ever become aware of an instance where weapons were
24 brought to Bossangoa?

25 And if you want to go into private session to answer the question, that is fine too.

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1 A. (No interpretation)

2 PRESIDING JUDGE SCHMITT: [9:45:58] I think the witness answered something,
3 but I haven't heard what he answered. There was no translation.

4 MR VANDERPUYE: [9:46:04] I would assume he wants to go into private session.

5 PRESIDING JUDGE SCHMITT: [9:46:06] Yeah, but I haven't heard it, so ...

6 MS STRUYVEN:

7 Q. [9:46:12] Mr Witness, there is a translation issue. Would you like to go into
8 private session to answer the question?

9 A. (Overlapping speakers)

10 PRESIDING JUDGE SCHMITT: [9:46:17] I don't need translation for that --

11 THE WITNESS: [9:46:31] Yes, I would prefer that.

12 PRESIDING JUDGE SCHMITT: [9:46:34](Overlapping speakers) Private session.

13 But also to make clear, it's not a wish list by the witness but is with regard to
14 the charter of the question. We take this into account and the Chamber decides that
15 we go to private session.

16 (Private session at 9.47 a.m.)

17 THE COURT OFFICER: [9:47:08] We are in private session, Mr President.

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- 14 (Open session at 9.54 a.m.)
- 15 THE COURT OFFICER: [9:54:30] We are back in open session, Mr President.
- 16 MS STRUYVEN: [9:54:39]
- 17 Q. [9:54:39] Mr Witness, yesterday at pages 70, 71, you explained that Ngaïssona
- 18 and Bernard Mokom, they went to Cameroon after the Seleka coup. And you
- 19 confirmed that they set up this crisis office and that they organised meetings with
- 20 the intention to organise themselves at the border in view of attacking. That's
- 21 roughly your -- your wording from the transcript. I'm curious about when you refer
- 22 to the border area, which area exactly are you referring to?
- 23 A. [9:55:41] Garam-Bouläi.
- 24 Q. [9:55:50] And was there, apart from Garam-Bouläi, was there any organisation
- 25 in other villages around Garam-Bouläi?

1 A. [9:56:14] Yes. There was a point in Garam-Boulai and there was also another
2 point towards Kenzo until the village of Berberati. The people were preparing
3 themselves for this front -- this battle that would take place on the border.

4 Q. [9:56:56] And can you explain to the Chamber how they were preparing
5 themselves, or what -- what was going on in that respect?

6 A. [9:57:17] As far as I know, Ngaïssona was on mission. Bernard Mokom was in
7 Cameroon and he joined them in Cameroon. They set up a crisis office in Cameroon.
8 The first bureau was called FROCCA, which worked towards getting back
9 the constitutional order. The aim was to resume power again. Since the president
10 had left, he couldn't rely on the front for the return of the constitutional order. That's
11 why they decided to set up a crisis office with Colonel Mboya, the presidential
12 secretary and other officers. These individuals set up the crisis office in Cameroon.
13 This is what I know.
14 I wasn't there myself in Cameroon, so I can't provide further details. At that
15 moment, I was on the other side of the river.

16 MS STRUYVEN: [9:58:58] I think for the next series of questions we will need to go
17 back into private session.

18 PRESIDING JUDGE SCHMITT: [9:59:04] Private session.
19 (Private session at 9.59 a.m.)

20 THE COURT OFFICER: [9:59:16] We are in private session, Mr President.

21 (Redacted)

22 (Redacted)

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6 (Open session at 10.22 a.m.)

7 THE COURT OFFICER: [10:22:47] We are in open session, Mr President.

8 MS STRUYVEN:

9 Q. [10:22:54] Mr Witness, you -- you just explained a very difficult event and you
10 explained that at the time of the event there was a generalised, I would almost say,
11 hatred against the Muslims.

12 Now, earlier in your testimony you explained that in the early days of 2013, so
13 the year before, when Bozizé made his speech at PK0, when he talked about
14 the foreigners in the fenced houses and how the youth had to be vigilant and
15 checkpoints were set up also then, and you even gave an example of a Muslim who
16 disappeared at those checkpoints. Do you believe that that sentiment against
17 the Muslims just continued throughout this period? Can you --

18 PRESIDING JUDGE SCHMITT: [10:23:57] Believe. You know, Ms --

19 MS STRUYVEN: [10:24:00]

20 Q. [10:24:01] Did you -- did you get to know whether or not that sentiment
21 continued throughout the period of 2013 and 2014?

22 MR KNOOPS: [10:24:08] Mr President, I don't think -- I don't think the witness can
23 speak for the whole population of Central African Republic.

24 PRESIDING JUDGE SCHMITT: [10:24:14] Did --

25 MR KNOOPS: [10:24:15] (Overlapping speakers)

1 PRESIDING JUDGE SCHMITT: [10:24:16] Mr Witness, did you -- did you observe
2 such acts that you described to us from 2014 when we were in private session. Did
3 you see the -- such acts and such circumstances that would make you conclude that
4 there was a similar sentiment already in 2013 towards the Muslim population?

5 THE WITNESS: [10:25:09](Interpretation) Yes. As Seleka moved forward or
6 advanced towards Bangui, Muslims and Christians used to live in symbiosis. Even
7 after Djotodia took power, Central Africans applauded it. But it is when the Seleka
8 started killing and committing acts of violence that hatred set in, because the Seleka
9 used their Muslim identity to attack the population. And that is how, on
10 5 December, during the attack, around Boeing to be specific, the Balaka erected
11 roadblocks and sometimes the population would give them money, 100 francs, 200
12 francs, 500 francs. That is what they were collecting at those checkpoints. And as
13 people went by they would check in their lists, and if they found out that someone
14 bore a Muslim name then problems started and one could easily lose one's life just for
15 that. But from time to time the lucky ones would simply be beaten up and left to
16 continue on their way.

17 You see, just simply because one bore a Muslim name on their identification
18 document, that for them was enough reason.

19 PRESIDING JUDGE SCHMITT: [10:27:13] Thank you. I think we can leave it at
20 that and you can continue with other issues.

21 MS STRUYVEN: [10:27:17] I have a few questions again in private session.

22 PRESIDING JUDGE SCHMITT: [10:27:21] Yeah, then we have to go to private
23 session. I understand.

24 (Private session at 10.27 a.m.)

25 THE COURT OFFICER: [10:27:44] We are in private session, Mr President.

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5 (Open session at 11.36 a.m.)

6 THE COURT OFFICER: [11:36:30] We are in open session, Mr President.

7 PRESIDING JUDGE SCHMITT: [11:36:31] And I think we don't need to say every
8 time CAR-OTP-something. Simply the names now. We know it is in the record,
9 what kind of ERN number it has.

10 Try, Ms Struyven, try to streamline this as much as possible because it could be
11 potentially a lot.

12 MS STRUYVEN:

13 Q. [11:36:48] So the first name, it's Richard Bezouane.

14 So the three questions: Do you if he was FACA or presidential guard?

15 A. [11:37:14] No, he was not a FACA member. He was a young person from
16 Bozoum. He was part of the Anti-Balaka general staff or headquarters.

17 Q. [11:37:35] And did he participate in the 5 December attack?

18 A. [11:37:49] Yes. Richard, they left Bozoum for the attack of 5 December.

19 Q. [11:38:03] Perfect. Then I move to the next name. Côme Hypolite Azounou.
20 The same questions.

21 A. [11:38:25] Yes, he participated in the attack of 5 December, a young man from
22 Bangui who joined the Anti-Balaka elements.

23 PRESIDING JUDGE SCHMITT: [11:38:41] And you're doing really great so that
24 you -- you fully understood what is required from you. And perhaps the only
25 addition always, where do you know it from, where's your source. And you can say

1 if your source is Richard or you -- or you observed it yourself. You know, the truth
2 what you know about, that you tell us why you know it, why you did come to know
3 it.

4 THE WITNESS: [11:39:27](Interpretation) After the attack, and when we returned,
5 we met these people, and I myself saw them with my own eyes after the attack of
6 5 December. I saw them in Bangui in Minister Ngaïssona's compound. They were
7 there and they attended the meetings.

8 MS STRUYVEN:

9 Q. [11:40:02] And then the next name, Rodrigue Ngaïbona, also known as
10 General Andjilo.

11 A. [11:40:29] Yes, he is a native of Bouca. He too participated in the attack of
12 5 December in Bangui.

13 Q. [11:40:36] And I take it he was not FACA or presidential guard?

14 A. [11:40:51] No, he was not a member of the presidential guard. And as I said,
15 he's a native of Bouca. He comes from Bouca.

16 Q. [11:41:02] And then the next name, Dieudonné Ndomate, also known as Papa
17 Dieu.

18 A. [11:41:30] Dieudonné Ndomate, as far as I know, is the paternal uncle of Andjilo.
19 He used to be a student at the Bangui university and then later joined the ranks of the
20 Balaka. Then he also went to Bangui.

21 Q. [11:41:54] And so did he participate in the 5 December attack, and, if so, from
22 which area did he come down to participate in the attack?

23 A. [11:42:19] Yes, he participated in the attack on Bangui. From Bouca. He left
24 Bouca and then went to Bangui.

25 Q. [11:42:39] Same questions for Samy Bawa.

1 A. [11:42:57] Samy Bawa is a soldier, he's a soldier, and he was on the other side
2 and that then crossed over to join the group.

3 Q. [11:43:17] The next name -- and did he participate in the 5 December attack?

4 A. [11:43:38] Yes.

5 Q. [11:43:39] The next -- the next name, Sylvain Beorofei Ngoyace. Same
6 questions.

7 A. [11:43:58] He was a trader. And in the movement he was like a local
8 coordinator.

9 Q. [11:44:17] And did he participate in the 5 December attack? And, if so, was he
10 already in Bangui or did he come from elsewhere?

11 A. [11:44:46] Yes, he is from Bangui. He left Bangui to do business in the province.
12 And then later he joined the ranks of the Anti-Balaka and came along with them back
13 to Bangui. But he was never involved in fighting.

14 Q. [11:45:12] And the next name, Sylvestre Yagouzou.

15 A. [11:45:26] Sylvestre Yagouzou is an inhabitant of Combattant neighbourhood.
16 He was -- he is a welder by trade or profession. He also joined the Anti-Balaka
17 movement. And his other name was Coordo. So he was one of the coordinators of
18 the group.

19 Q. [11:45:57] And did he participate in the 5 December attack and, if so, which
20 region did he come from? Meaning to -- to participate in the attack.

21 A. [11:46:22] Yes, he took part in the attack, but I do not know how he came to join
22 the group. I don't know how he joined the group. All I know is that he's an
23 inhabitant of Combattant neighbourhood, but I don't know how he joined the group.

24 Q. [11:46:45] That's not a problem, of course.

25 MR KNOOPS: [11:46:48] Mr President, we notice that the fourth question has not

1 been asked to the witness.

2 PRESIDING JUDGE SCHMITT: [11:46:55] Yeah, and it's -- we -- let me put it this
3 way: Since it -- you think it's relevant, and it might -- might be potentially relevant,
4 it's -- you can continue. But these are eight pages of names. So I'm not -- this takes
5 quite some time. So have you considered that?

6 So I have asked myself now why -- why this is not a Rule 68(3) witness, for example,
7 because in his second statement all these names were -- were put to him.
8 So -- but we don't -- there was no application, so ...

9 MS STRUYVEN: [11:47:32] No, Mr President. The relevance of these names is that
10 it shows the organisation.

11 PRESIDING JUDGE SCHMITT: [11:47:39] I understand -- I understand what you
12 want to achieve by that, but I simply flag it that it costs a lot of time, and Mr Knoops
13 is right. So we try to streamline that.

14 Mr Witness, you hear our discussion, because there are lot of names on -- in this book.
15 Please, simply without that Madam Prosecutor has to -- to ask you all the questions,
16 do you know the person, what was the function, did it participate and how do you
17 know it. Simply answer by yourself. So -- so perhaps this could streamline it.
18 Otherwise, I'm not sure when we will finish this exercise.

19 So please continue, Ms Struyven.

20 MS STRUYVEN:

21 Q. [11:48:28] So you can simply respond in -- in three words almost. So for
22 the next name I have Thierry Lebene, also known as 12 Puissances.

23 A. [11:48:53] Yes, he is a native of Bogangolo. He was a trader. He used to live
24 in Ouango, but from time to time he would go to Bokangolo, and it is in Bokangolo
25 that he joined the Anti-Balaka group and participated in the 5 December attack.

1 PRESIDING JUDGE SCHMITT: [11:49:21] And how do you know that, Mr Witness?

2 Where do you have the information from?

3 THE WITNESS: [11:49:44](Interpretation) Well, you know, we used to talk together,
4 we used to have discussions together, and I used to be together with those people.

5 They knew where I came from. And I was also able to know where they came from,
6 because we would chat with each other.

7 PRESIDING JUDGE SCHMITT: [11:50:02] Thank you very much. So -- but you
8 understand this, that this is also important, for example, if you only have heard or if
9 you really knew the people personally or if you, for example, had the information
10 from Richard. So things like that. Yeah. So we understand each other.

11 MS STRUYVEN: [11:50:20] I may try it a different way.

12 Q. [11:50:23] Just, generally speaking, you had a chance to have a look at the
13 document in front of you over the break. Would you be able to say, or not, that
14 before the 5 December attack you were in contact with these individuals in
15 the document in front of you, through Richard, or were you aware that Richard was
16 in contact with these individuals before the 5 December attack?

17 MR KNOOPS: [11:50:58] Is it with all the people in the notebook or the names which
18 were put to the witness?

19 PRESIDING JUDGE SCHMITT: [11:51:03] No, no, the question was with regard to
20 all -- all of the names, which would be difficult. But perhaps the witness
21 might -- might tell us.

22 This is at least worth a try, Ms Struyven.

23 THE WITNESS: [11:51:28](Interpretation) There are some people whom I knew
24 before 5 December. Some I got to know after 5 December, because those people
25 came from the provinces. But the Bawas and the others, I had known them well

1 before I got to meet persons like Andjilo and others.

2 As I told you yesterday, Richard and myself, we travelled through the various bases.

3 And whenever we got to a base, the leader would introduce himself and tell us his
4 origins or where he came from. And that is how we came about that information.

5 Now, even if it were in the bush, that person had to introduce themselves, mention
6 their name and their place of origin. That is how I got to know each and every one
7 of them.

8 PRESIDING JUDGE SCHMITT: [11:52:51] Okay. Then please continue.

9 MS STRUYVEN:

10 Q. [11:52:56] Okay, I think that then we can maybe streamline it. I'll ask another
11 general question.

12 Could you maybe just tell us, as we go through the names, who did not participate in
13 the 5 December attack. That maybe speed up things as well.

14 So we assume that they all took part in the 5 December attack, but you tell us if they
15 didn't. So then the only answers I would like to have from you is whether they were
16 FACA soldiers or members of Bozizé's presidential guard, that. And then which is
17 the region they came from to participate in the 5 December attack.

18 So I go to the next name, General Mauri.

19 A. [11:53:52] General Mauri, is that the person you want to talk about? I think it's
20 Mauri. He is a young man from Boali. He was the very first general of the
21 Anti-Balaka movement. He was the self-proclaimed general of the Anti-Balaka
22 before 5 December. It is after he died that Andjilo became general in his place.
23 The MINUSCA soldiers killed him in -- in Boali. I think it was the Congolese
24 contingent. Soldiers from the Congolese contingent.

25 Q. [11:54:43] And so I take it he was not a FACA, he was not an official FACA?

1 A. [11:54:59] No, he was a civilian. He wasn't a soldier.

2 Q. [11:55:05] So the next name, Yvon or Yvon Konate. Same questions.

3 A. [11:55:21] Yvon Konate is a soldier. He graduated from the officers' school and
4 he's a lieutenant. He joined the Anti-Balaka and acted as the military spokesperson.
5 Mr Emotion Namsio was the civilian spokesperson and Konate was the military
6 spokesperson for the Anti-Balaka.

7 Q. [11:56:01] And before the 5 December attack did he come down from
8 a particular region?

9 A. [11:56:25] I don't know the province from which he came. But I know that he
10 participated in the attack of 5 December. But I don't know the provincial base to
11 which he belonged. You see, when Seleka attacked, the soldiers dispersed and some
12 settled behind the mountain. All I know is that he was the military spokesperson of
13 the movement and that he also participated in the 5 December attack.

14 Q. [11:57:11] And then the next name, Papa Romain. Same questions, was he
15 a soldier or not, and which region did he descend from to participate in the attack?

16 A. [11:57:53] (No interpretation).

17 PRESIDING JUDGE SCHMITT: [11:57:54] No interpretation.

18 THE WITNESS: [11:58:06](Interpretation) Let me repeat myself. Papa Romain is
19 a native of Bossangoa. He is not a soldier, he's a civilian and he participated in
20 the attack of 5 December.

21 But I see on this list names of ComZones. But the elements were around Bangui
22 town as they prepared for the attack of 5 December. And I notice that most of the
23 names on this list are the names of ComZones who came from the provinces towards
24 Bangui. They participated in the attack of 5 December. That's what I can say.
25 Most of the names that I see here are the names of ComZones.

1 PRESIDING JUDGE SCHMITT: [11:59:01] And shorten that a little bit.

2 So, Mr Witness, it's perhaps a little bit difficult because we have here, as I already said,
3 six or seven pages of names. But were any of those names, did it occur to you, to
4 your knowledge, that they did not participate in the 5 December attack? You
5 understand the negative way. So if you looked at -- you had the time to look at it
6 and when you looked at it did it occur to you that one or many of them did not
7 participate in the 5 December attack?

8 THE WITNESS: [12:00:03](Interpretation) I can see Patrick de la Nana-Mambéré.

9 Patrick of Nana-Mambéré, no, no, he did not participate in the attack of 5 December.
10 It is only after 5 December that I got to know him. He got to Bangui after
11 5 December.

12 Who else do I see? Lieutenant Dokabona, for example, did not participate in
13 the attack of 5 December. He remained on the other side of the river because -- or at
14 the time of the attack of 5 December.

15 Then Lieutenant Tribunal as well did not participate in the attack of 5 December. He
16 too remained on the other side of the river at the time of the attack of 5 December.

17 PRESIDING JUDGE SCHMITT: [12:01:19] Take your time, Mr Witness, there is
18 a very -- you've very helpful with this exercise because this could really shorten
19 the thing. Please have a look at the whole list and continue if there are any of these
20 names. I know -- I know we require a lot of work by you, I have to apologise for that.
21 But it would be very helpful if you could do that for the Chamber.

22 THE WITNESS: [12:02:07](Interpretation) Lieutenant Abel, he participated in
23 the attack of 5 December.

24 Lieutenant Dhonot Yvon participated in the attack of 5 December.

25 Dika, no. I think he was in Bouar when the attack took place.

1 He's a soldier and participated in the attack of 5 December. But he wasn't
2 a ComZone. That was Kossi I'm talking about.
3 Ata Koli, he was part of the attack which took place near Bossangoa. I didn't see him
4 after the attack of 5 December.
5 Sergeant Method, it's a native of Fatima. He was a native of Fatima. I don't know if
6 he participated or not in the attack of 5 December. He is a native of Fatima.
7 And -- and there's Feissona. He participated in the attack of 5 December. He was
8 a soldier. He was chief of staff of the Anti-Balaka. He was a soldier.
9 Achille, Colonel Achille. He participated in the attack of 5 December. A native of
10 Bossangoa. He is not a soldier. He's a civilian. Colonel Achille.
11 Ngaisse (phon), he's a civilian. Yes, he prepared for the attack of 5 December. He
12 worked as a marabout.
13 Juvénal, he was a civilian. He was from the other side of the river and he crossed
14 the river. He was based on the checkpoint near the River Bangui.
15 Wenezere, he was a soldier. He was part of the team, of Yekatom's team, Rombhot's.
16 He was part of Rombhot's group. Afterwards he joined the group of Dhonot,
17 towards Boeing.
18 Commander -- Commandant Ngremangou. Charles Ngremangou. He was
19 a soldier. He supervised all the military actions that were part of the Anti-Balaka
20 movement.
21 Gabin Bouca, I met him one single time only. I don't know if he participated in
22 the attack of 5 December or not. I stress that I only met him once.
23 Chiki Chiki is a native of Berbérati. He is a native of Berbérati. I only saw him after
24 5 December. I didn't see him during the attack. It is only afterwards that he came
25 to Bangui. He was with Nice Demowanset. They went to the provincial villages

1 towards Berbérati. He didn't participate in the Bangui attack.
2 Baudouin, he was -- he never fought. He was -- he never took part in the fights. He
3 was responsible for the badges of the Anti-Balaka. I knew him after several months.
4 Several months after 5 December is when I got to know him. That's when the pages
5 were being issued. He was going around and taking photos.
6 Some of these individuals whose names I see here, I only knew them after the events.
7 I cannot confirm whether they participated in the 5 December attack or not.
8 For some people I can say, but I cannot say something about all the individuals on
9 the list, whether they participated in the 5 December attack or not. I can't really say.
10 PRESIDING JUDGE SCHMITT: [12:09:52] Yeah. That's absolutely correct. If you
11 don't know, you can't say. It's the right attitude, so to speak, to these answers.
12 But can you tell us which individuals these are where you -- where you can't be sure.
13 As you said, only got to know afterwards. Can you point them out for us. Is this
14 possible? And then we can conclude, perhaps, from the rest, if you have not
15 mentioned them specifically yet, that they participated.
16 THE WITNESS: [12:10:42](Interpretation) Could I see the list again on the screen?
17 Can you enlarge it and then maybe scroll through it so that I can see the names.
18 PRESIDING JUDGE SCHMITT: [12:10:56] That's a very good idea, actually.
19 So -- so -- you have -- actually, what we have here in paper is a little bit small. It's
20 a good idea. I think we can do that. And you tell us when you are finished with
21 one page, yeah. Can you please tell us. And then we scroll further down.
22 MS STRUYVEN: [12:11:13] And I think he may also -- I'm not sure if the witness has
23 a hard copy in front of him.
24 PRESIDING JUDGE SCHMITT: [12:11:20] Yes, but the hard copy is small, so he
25 wants to have it enlarged, so we do that on the screen.

1 THE COURT OFFICER: [12:11:29] I'm sorry. From page 1, or since the start?

2 PRESIDING JUDGE SCHMITT: [12:11:32] I think the first page you went through
3 with him completely, so perhaps we start with page 2. And he mentioned also
4 others already on the list, but it would -- this would be 1562, I think.

5 And, Mr Witness, do you have it now enlarged on the screen?

6 THE WITNESS: [12:12:28](Interpretation) Yes. The first page is displayed. But
7 can we move on to the second page, please.

8 PRESIDING JUDGE SCHMITT: [12:12:35] Yeah. Okay, exactly, because
9 you -- these names were -- we went already through. That's correct.

10 I think further down. Yes, here.

11 THE WITNESS: [12:13:05](Interpretation) As I said, Patrick of Nana-Mambéré,
12 I didn't see him during the 5 December attack. I only knew him after the events of
13 5 December.

14 For example, Lieutenant Gouldane, he wasn't part of the preparation of the attacks of
15 5 December. He is from Dokabona and he didn't take part in the preparations of the
16 attack.

17 Can you go down again. Can you scroll down, please, because I've spoken about
18 the other names.

19 PRESIDING JUDGE SCHMITT: [12:13:47] That's very good, Mr Witness. Simply
20 direct the court officer -- when you -- when you are done with a page and then
21 we -- they scroll further on.

22 THE WITNESS: (No interpretation)

23 MS DIMITRI: [12:14:25] Mr President, the Sango booth is saying in French that they
24 didn't hear the answer of the witness. It wasn't said in English, but the Sango booth
25 is requiring the witness to repeat his last answer.

1 PRESIDING JUDGE SCHMITT: [12:14:36] So, please, Mr Witness, could you repeat
2 your last answer. Or if -- what we now see on the screen, is there any of the names
3 where you would say you don't have knowledge if he participated in the 5 December
4 attack?

5 THE WITNESS: [12:15:11](Interpretation) I have already read this page. We can go
6 to another part of the page, if you could scroll down.

7 PRESIDING JUDGE SCHMITT: [12:15:26] And you also spoke about Ngremangou
8 already, so I think we can scroll even further down. So we were here already.
9 So we would have to bring up a new page because we can't scroll down further.
10 I think here we had stopped. I think you spoke about the first person on this and ...

11 THE WITNESS: [12:16:22](Interpretation) Guedoza, he's military. He's a soldier.
12 He's a young person from Miskine. He was from the other side. And then he
13 crossed so that he could participate in the attack of 5 December.

14 THE INTERPRETER: [12:16:46] The Sango interpreter didn't understand the next
15 name. If the witness could repeat the name, please.

16 PRESIDING JUDGE SCHMITT: [12:16:56] Could you please repeat the next name
17 that you spoke about or want to speak about.

18 THE WITNESS: [12:17:16](Interpretation) Tchakpa Blaise.

19 Guedoza is a young person from Miskine. He was also from the other side and then
20 he crossed to participate in the attack of 5 December.

21 Tchakpa Blaise, he was also a young person of Miskine. He joined the Balaka when
22 the elements were on the outskirts of Bangui.

23 Mbayo Junior, he's a soldier, he was a sergeant. It's a young person from Miskine,
24 but I don't know in what context he joined the movement.

25 Baba, I don't know who that is.

1 There's Aubin Chocolat, he's a soldier. He was a young person from Combattant,
2 from Combattant. He also participated in the attack of 5 December. He was
3 a ComZone.
4 As regards Beina, Aristide Beina. I don't know him.
5 Teddy, I don't know him.
6 Orofei Jean Noelle, I also don't know him.
7 Aaron Coxis, I mentioned him already. He -- he was at the border. He's a younger
8 brother and he is a soldier. They were based in Garam-Boulai.
9 Fabrice Tchokolat is a soldier. He was under Konate. They were together.
10 Ozaguein, he is from Damara. He's a ComZone from Damara.
11 Kousala (phon), I don't know him.
12 Raoul is a soldier. He was an aide-de-camp de Maxime Mokom. Having said that,
13 he was a civilian.
14 Sica, I know him. He was quite stoutly, quite fat. I don't know whether he
15 participated in the 5 December. I can't say.
16 Method is a soldier. He was based in Fatima. I don't know whether he participated
17 in the attack or not.
18 Feissona, he was a chief of staff of the Anti-Balaka.
19 Malefoto, I don't know him. I don't know him. I don't know Malefoto Junior.
20 PRESIDING JUDGE SCHMITT: [12:22:09] Did this person Feissona -- did this
21 person Feissona participate in the 5 December attack?
22 THE WITNESS: [12:22:20] (No interpretation)
23 PRESIDING JUDGE SCHMITT: [12:22:22] I think we have now the next
24 page displays, Mr Witness, so you can continue. There was no translation, but I
25 understand "oui", but perhaps I'm wrong. Is it in the transcript? So that would

1 be -- no ...

2 THE WITNESS: [12:22:41](Interpretation) Yes, Feissona participated in the attack.

3 He was the chief of staff and he is a soldier.

4 PRESIDING JUDGE SCHMITT: [12:22:49] Understood.

5 THE WITNESS: (Overlapping speakers)

6 PRESIDING JUDGE SCHMITT: Thank you.

7 So the next name would be Gabin.

8 THE WITNESS: [12:23:11](Interpretation) Gabin Bouca. I don't know him.

9 Perhaps I might have seen him, perhaps, visually, but I don't know him.

10 Alfred Rhombot. That's Yekatom, if I'm not mistaken. I know him.

11 Chiki from Mambéré-Kadéï. Chiki fought in Berbérati. He was a civilian.

12 Baudouin, he was secretary-general.

13 Bagaza, Igor Bagaza, is a soldier. I mentioned him when we were in private session.

14 I don't know if you remember that.

15 Bereade, I don't know him.

16 Boali, I also don't know.

17 Captain Godomon, I know him. He was part of the presidential guard. We called

18 him Gbangouma.

19 Commandant Bruno, he was also part of the Anti-Balaka who participated in

20 the 5 December attack.

21 Aubin, I don't know him.

22 I also don't know Herman. I don't know him.

23 Nice Demowanset, I know him. He was ComZone for the Anti-Balaka. He didn't

24 participate in the attack of 5 December. He was at the other side.

25 Machin. Machin Machin fought in Berbérati. He's a native from Berbérati. I don't

1 really know if he participated in the 5 December attack. I'm not sure about that.
2 Claude Mbombole, he's a soldier. He's from the 5th arrondissement and participated
3 in the 5 December attack.
4 Pasteur, I don't know him.
5 Claude Ngaïkosset, he didn't participate in the 5 December attack.
6 Didatien. Chat noir, chat noir.
7 Yes, I know Corporal Gotiasse. He was from the other side. He crossed to
8 participate in the attack of 5 December. Corporal Gotiasse, he is a native of Boeing.
9 Fabi, yes, I know him. He's a soldier. He was always together with
10 Lieutenant Donoh.
11 I don't know Papin. No, no, no, I do know him. But I don't know if he participated
12 in the 5 December attack.
13 Apache is an element of 12 Puissances alongside the river. He had checkpoints. He
14 was part of the checkpoints at the river.
15 As regards --
16 THE INTERPRETER: [12:29:15] The interpreter didn't get the last name, sorry.
17 PRESIDING JUDGE SCHMITT: [12:29:21] Can you please -- can you please repeat
18 the last name, Mr Witness. The interpreters did not get the last name. Please repeat
19 the last name, Mr Witness.
20 THE WITNESS: [12:29:46](Interpretation) I spoke about Apache. I think he
21 belonged to the 12 Puissances group, if I'm not mistaken. However, Apache, as
22 coordinator in Bossembélé, I don't know.
23 And then the name of -- from the person who came from Nola, I don't know him.
24 MS STRUYVEN: [12:30:33] Thank you very much.
25 PRESIDING JUDGE SCHMITT: [12:30:35] Yeah. So -- yeah, so I think it was quite

1 a long exercise, but I think it was shorter this way than if you would have asked him
2 each name.

3 So, Mr Witness, thank you very much. A lot of work for you to do today, so, but we
4 thank you for your effort.

5 Ms Struyven, you might continue. You may continue, not might. I think you will,
6 even.

7 MS STRUYVEN: [12:31:02] Probably. That's a likelihood.

8 Q. [12:31:06] Mr Witness, thank you very much for that exercise. I have a few
9 follow-up questions in respect of a few specific names.

10 There was a reference to Bruno Ngaïssona in the list. Do you know if he was related
11 to Mr Ngaïssona?

12 We can show you the page. That's at page 2607. It's in the middle of the page.

13 A. [12:32:20] Bruno Ngaïssona, I don't know what relationship there was between
14 him and Mr Ngaïssona. I know he was part of the ComZones of the Anti-Balaka, but
15 I can't say that he's part of the family of Mr Ngaïssona. I don't have enough
16 information about that. All I know is that he was part of the Anti-Balaka movement.

17 Q. [12:32:57] And while we're at this screen, the -- the name before that, it says
18 Captain - and the spelling is a bit off, I think - Godomon. But I assume -- and then it
19 says Olivier Gbangouma. Is this Koudemon, the Olivier Koudemon that you
20 referred to already who was in Cameroon, I think, originally?

21 Could you just -- because you nodded. But for the record, if you nod, it's not
22 recorded in the record. So could you just confirm that you say "yes" or "no".

23 A. [12:33:58] He was in Cameroon.

24 Q. [12:34:04] One more follow-up question. You referred to Charles Ngremangou.
25 Do you know what his role was in respect of the 5 December attack?

1 A. [12:34:29] I already told you that Ngremangou was in charge of military
2 operations. His role entailed bringing together all the soldiers who were part of
3 the Anti-Balaka movement. Most of those soldiers had contact with him. He used
4 to work a lot with the officers who were there, particularly with Richard.

5 Q. [12:35:11] And just for the record, this was before the 5 December attack,
6 correct?

7 A. [12:35:29] Yes. That is correct.

8 Q. [12:35:33] And then one more clarification. It's at page 1563. Yeah. In
9 the middle of the page, more or less. Just after the -- the break of the page, somehow,
10 there is reference to Aaron "Koxisse" Ouilibona, and then with the reference of
11 Garam-Boulaï. You confirmed it already, but just for the record, is this the Coxis you
12 were referring to earlier in your testimony?

13 A. [12:36:32] Yes, he is the one, indeed.

14 Q. [12:36:35] And then the last question about the list. There is a reference to
15 Alfred Rombhot, and you -- this is at page 1564. Did he participate in
16 the 5 December attack?

17 A. [12:37:12] Yes, he participated in the attack of 5 December.

18 MS STRUYVEN: [12:37:21] I think I now have a few questions in private session.

19 PRESIDING JUDGE SCHMITT: [12:37:24] Yeah, we go in private session. But I
20 think it really worth to make an effort to try to elicit information also in open session.
21 So I think this is a good development, so to speak.

22 Yeah, we go to private session.

23 (Private session at 12.37 p.m.)

24 THE COURT OFFICER: [12:37:50] We are in private session, Mr President.

25 (Redacted)

Trial Hearing
WITNESS: CAR-OTP-P-2232

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Trial Hearing
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Trial Hearing
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6 (Open session at 2.37 p.m.)

7 THE COURT OFFICER: [14:37:47] We are in open session, Mr President.

8 MS STRUYVEN:

9 Q. [14:37:57] So, Mr Witness, you explained this meeting at Ngaïssona's house.

10 Just as a first question, do you remember more or less how many ComZones and
11 other individuals were at that meeting? Approximately, of course.

12 A. [14:38:32] There were very many ComZones there. Maybe more than 30 of
13 them. About 30 of them. So there were many of them.

14 Q. [14:38:54] And generally speaking, were these ComZones all coming from
15 Bangui or were there also coming -- ComZones who had come from the provinces?

16 A. [14:39:18] Those from Bangui were present. Those from the provinces were
17 also present, particularly Andjilo and his brother Dieu, as well many others who came
18 from the provinces. They all attended. ComZone of Boeing, Boy-Rabe, PK12, they
19 were all present at that meeting when Mr Mokom was introduced.

20 For some, they were meeting or discovering Mokom for the first time. And then
21 they would say, "Oh, we thought he was a big man. Oh, and it's just that man?"
22 Well, that's the first time they were seeing him.

23 Q. [14:40:17] Yesterday I think you -- you explained that at the meeting Ngaïssona
24 and Bernard Mokom and Maxime Mokom were presiding the meeting. Can you
25 explain to the Chamber as precisely as possible what they told the ComZones during

1 that meeting.

2 A. [14:41:00] The meeting, it wasn't chaired by Maxime. It was chaired by
3 the general coordinator. Maxime Mokom came when the participants were already
4 there. Andjilo gave him his seat. Andjilo had been sitting somewhere. And once
5 he arrived, Andjilo gave him his seat and he stood up. He was introduced to
6 the participants by the coordinator who said, "Here is Mr Mokom, Maxime, whom
7 you have heard of." Now, this was followed by the various ComZones introducing
8 themselves all over again.

9 If I remember correctly what he said, he said that: "I want to know the needs of all
10 the ComZones. Their needs, particularly in relation to health, those who need
11 medication. Each ComZone should present their needs to the coordinator. That
12 will make it possible for me to see the status of the combatants and know who has
13 been injured."

14 On that day, he didn't speak much. I know that he is someone of few words.
15 During all meetings he would rarely speak.

16 It is true that there were many people who made a lot of noise, but he, no. In fact, it
17 was instead Mokom who asked the ComZones to present their -- an assessment of
18 their needs, particularly their weapons. And he promised that he would visit them
19 at their various bases.

20 Mauri asked to be reimbursed for his expenses and father Bernard answered, saying,
21 "We have not yet reached our objectives. We cannot reimburse you now. Keep
22 a record of all your expenditure and the day will come when we can reimburse you."
23 And after that, each participant took the floor and said whatever they had to say. So
24 this is the explanation I can provide to you now.

25 Q. [14:44:16] Indeed, yesterday, at page 85 of the English transcript, you explained

1 that, indeed, Bernard Mokom said something to the effect that they had to wait until
2 they got to power before they would be compensated. As you just explained, at the
3 time, Madam Catherine Samba-Panza was the interim president in Central African
4 Republic. Did -- how did they want to get to power?

5 A. [14:45:14] You know, the objective or goal of the organisers was not simply to
6 come and settle in Bangui. The goal was actually to recapture power. That was
7 the real goal.

8 When they got to Bangui, at some point misunderstandings broke out between
9 the organisers. They started to withdraw. Maxime backed out and created his
10 group. Ngaïssona went his own way. Wenezoui as well went his own way. So
11 there was a misunderstanding, and that led to failure. And that is how
12 Mr Ngaïssona transformed his movement into the PCUD. That's it.

13 At that time, the Sangaris and MINUSCA were already present on the ground and it
14 was difficult for them to meet their goal, because the international forces were there to
15 protect the power of the interim president. So there was no way. There were no
16 resources. Some children were hungry. They had no food. So they decided, some
17 of them, to return to their native villages.

18 Q. [14:47:33] Because you mentioned it, I -- I have some follow-up questions on
19 that. You mentioned MISCA and Sangaris. And, indeed, according to
20 the information we had, they significantly increased their troops after 5 December,
21 6 December, and then again in January of 2014.

22 Did you hear about the fact that the main goal after the arrival of Sangaris in -- in
23 Bangui in December 2013 - they had been there before but they increased their
24 troops - that the main goal was to disarm both the Anti-Balaka and the Seleka? Did
25 you hear about that?

1 A. [14:48:42] Yes, I -- I know that the Sangaris forces started by disarming
2 the Seleka forces. And then they also disarmed the Anti-Balaka.
3 The Sangaris forces arrested a number of Anti-Balaka and locked them up at the
4 jailhouse. They -- they even arrested Gbaya and Feissona and took them to
5 the prison in Bangui. The situation was thus tense.
6 There were many Anti-Balakas, and the coordinators were not even able to control
7 their elements because the number of Anti-Balakas was growing on a daily basis, and
8 the coordinators were not able to have a handle, so to speak, on their respective
9 elements.

10 Let me specify that there was a lack of determination, a lack of leadership and a lack
11 of resources, and this led the leaders and the ComZones to recruit
12 whoever -- whoever they wanted to and to do whatever they wanted to, given that
13 the National Coordination was no longer able to provide them with resources at the
14 end of each month.

15 Q. [14:50:45] I would like to show you one particular document. It's at tab 16.
16 And for the record it's CAR-OTP-2090-0603. I don't know if you have the document
17 in the binder or if you can see it in front of you.

18 So this is a document from 14 February. It was signed on 17 February 2014. So this
19 is really the early days, so to speak, after you crossed.

20 And I would like you to have a look at the third page.

21 PRESIDING JUDGE SCHMITT: [14:51:43] 0605?

22 MS STRUYVEN: [14:51:47] Yes, 0605.

23 Q. [14:51:54] And specifically the paragraphs about (Interpretation) "The attitude
24 towards the inflammatory statements of the leaders of the Sangaris and MISCA forces
25 on 10 February 2014 ..."

1 (Speaks English) And also the next two paragraphs.

2 So it says: (Interpretation) "Deplore the arbitrary arrests by the Congolese and
3 Cameroonian elements of MISCA of 10 Anti-Balaka elements ..."

4 A. [14:53:12] Yes, this document was published by the National Coordination of the
5 Anti-Balaka following the attempted arrest of Minister Ngaïssona. People even went
6 as far as shooting at his -- or within his house and leaving holes in the roof of his
7 house.

8 After that attempt, we came and saw how the bullets had impacted various pieces of
9 furniture in the building. And it was said that that action was undertaken by
10 the Sangaris and MISCA forces when they attempted to arrest Minister Ngaïssona at
11 his residence.

12 Q. [14:54:29] You just explained that the Anti-Balaka wanted to take power again
13 and that that was why the relationship with, I guess, Mrs Samba-Panza was so
14 difficult.

15 My question was: At the time did the coordination want to disarm the Anti-Balaka,
16 or at least cooperate with the disarmament by Sangaris or MISCA?

17 A. [14:55:20] What I know is that at some point in time the Anti-Balaka
18 coordination set up a military police, military police. It was set up with the goal to
19 neutralise elements who were unruly. You see, we must point out that at some point
20 the Anti-Balaka became unruly. They would not stand seeing somebody in
21 possession of a phone, a mobile phone. They would even kill someone just for that.
22 So they set up a unit made up of Namsio, Mazimbele, and I think the goal was to have
23 commander Gustave, Mazimbele and Namsio and others to disarm the elements at
24 their various bases. But, you know, it is not easy to disarm someone like Andjilo at
25 their base. But I did not hear of any cooperation from the coordinator to disarm

1 the Anti-Balaka. Their objective was to drive out Djotodia from power. That was
2 their goal on 5 December.

3 Since they failed, their entire strategy had been clear. Now, Djotodia was forced to
4 resign and Samba-Panza took over and continued to lead the affairs of state. There
5 was division within the Anti-Balaka. It splintered into several groups. And that is
6 what happened.

7 Now, to say that there was cooperation between the coordination and the Sangaris
8 and the MISCA in order to disarm the Anti-Balaka at any base, well, I didn't see any
9 such thing happen. But the military police of the Anti-Balaka were at work. I
10 remember that they went and disarmed Tchakpa's elements. They went and
11 disarmed Tchakpa's elements and reported back on that in the presence of Mokom
12 and in front of Minister Ngaïssona.

13 So the military police base was located at Commander Gustave's place. I do not
14 know what they did with the weapons. Did they give them back to the owners or
15 not? I have no clue.

16 Q. [14:58:48] So during that meeting, the meeting itself, the meeting where
17 Ngaïssona was, Bernard Mokom and Maxime Mokom, did Maxime -- he asked for
18 lists of each ComZone and his elements, the list of the weapons they had,
19 the ammunition they had. Was there any plan at that time to disarm the ComZones
20 and the elements?

21 A. [14:59:35] What I know, that during this meeting he asked for a list of their
22 elements and also the list of their materiel. He wanted to have this list and he
23 wanted them to be handed to the chief of staff Feissona. He wanted to know what
24 materiel they had, what equipment. But I don't know what he had in his head by
25 requesting such a list.

1 Q. [15:00:26] I'll ask you in a different way.

2 Yesterday at page 59 you explained that during the meeting Kokaté said -- or you
3 explained that Maxime got up and said that everyone must take stock of their
4 effective, of their elements and also of their arms and ammunition and that they
5 would meet again in order to give all the information to - and that's unreadable - and
6 to Konate so that they could see what they could do with the movement because there
7 was still a lot to do.

8 What was there still to do? I don't know if -- yeah.

9 A. [15:01:21] I said that the goal of the Anti-Balaka was to recapture power.
10 The leaders could be dispatched so that they could use the DDR. But unfortunately
11 there was a moment where the Anti-Balaka elements, or even the leaders, became
12 completely uncontrollable. So the international community at that time was
13 protecting the government of Samba-Panza. As they were not in a position to feed
14 themselves, they were forced to leave and go back to the provinces. The group split,
15 splintered, some said they belonged to Mokom, others to Rombhot. And then
16 ultimately there were two different coordinations. There was the coordination of
17 Ngaïssona who became a political party, the PCUD.

18 Q. [15:03:11] Yes, I will, I will -- in the chronology I will ask you a few questions
19 about the PCUD when I reach the end of 2014.

20 So, in short, if I understand you correctly, they didn't want Samba-Panza to be
21 the interim president of the Central African Republic; is that correct?

22 A. [15:03:57] I'm repeating myself by saying that the objective of the Anti-Balaka
23 was to chase out Djotodia and to regain power. After the attack of 15 December,
24 they couldn't recapture power. The international community that was present,
25 MINUSCA, protected the Samba-Panza government. So the international

1 community and the Sangaris at that time protected the Samba-Panza government
2 until there would be elections. But since they hadn't obtained their objective on
3 5 December, the group splintered. There was a division. Ngaïssona converted
4 the movement into a political party because he too wanted to present himself for
5 the elections.

6 Q. [15:05:18] As the president -- as a candidate to the presidency, right?

7 A. [15:05:34] Yes, that's correct. He created that political party in order to present
8 himself as a candidate for the elections. He created the party PCUD. He is
9 the founder of that party.

10 Q. [15:05:55] I know I'm not going chronologically anymore, and I normally like to
11 go chronologically, but because you mentioned the military police, I would like to
12 show you one more document. And it's at tab 5. It's CAR-OTP-2025-0356.

13 PRESIDING JUDGE SCHMITT: [15:06:19] May I, shortly.

14 I know that it seems to be a specificity at this Court and especially of Prosecutors to
15 want to go forward chronologically, but I think I repeated that or I said that already.
16 But sometimes to react spontaneously to what is being said in the courtroom shows
17 flexibility. So you are perfectly right if you do not follow always a script from day to
18 day.

19 MS STRUYVEN:

20 Q. [15:06:51] And if -- yes.

21 If I can ask you to just go to the fourth page. It's at 0359. And I just have a question
22 if you heard about this. Have you seen these type of mission orders?

23 And I would like to draw your attention just to the -- the first name, which is Andjilo's
24 name. And so it says: (Interpretation)

25 "He has been ordered by the Anti-Balaka patriots to carry out operations in

1 the military police on all the sites held by Anti-Balaka in the town of Bangui, as well
2 as in the locality of Bimbo and Begoua."

3 Here we have "Ngaïbona Andilo," head or leader of the mission.

4 (Speaks English) Do you recall that he was appointed as the military police? It's just
5 a question. It's really just a question. I don't know if you have.

6 A. [15:08:35] I have told you that when the bureau was set up, Emotion Namsio
7 was appointed and Mazimbele were also appointed. If you have another order of
8 mission, their names should appear.

9 Perhaps they completed the list with other elements. But as far as I know, they were
10 appointed to control what was going on. Because the commandant Gustave had
11 a vehicle which he could use to patrol and see and control what was going on.

12 Q. [15:09:26] You're right, Mr Witness. Actually, if you -- you look at the first
13 page, which is 0356, the very first page of this mission order, it's a different region.
14 So the names listed here are active or get a mission order for the region of Bangui,
15 Mbaïki, Batalimo, Boda, Berbérati and Carnot. And, indeed, there we see the name
16 of Namsio Emotion.

17 But I just wanted to ask you if you had heard of Andjilo being appointed as
18 the chef de mission of the military police.

19 MR KNOOPS: [15:10:15] Yeah, what is the answer of the witness?

20 PRESIDING JUDGE SCHMITT: [15:10:19] Yes, indeed. Good question.

21 Have you heard? Have you ever heard that, Mr Witness?

22 I think we did not get the answer yet.

23 MS STRUYVEN: [15:10:36] I think he explained that names may have been added
24 later on. But I'll --

25 PRESIDING JUDGE SCHMITT: [15:10:42] Yeah, yeah, but he explained, but

1 nevertheless it -- it ...

2 Mr Witness, have you -- have you heard of such a thing, that Mr Andjilo was
3 appointed for such a permanent mission?

4 THE WITNESS: [15:11:17](Interpretation) No, never. I'm only talking of what I
5 know. Perhaps this mission order appointing Andjilo as head of the mission was
6 established after my time.

7 PRESIDING JUDGE SCHMITT: [15:11:34] Absolutely correct, Mr Witness. If you
8 don't know and if you haven't heard it, tell us. That's absolutely okay.
9 Please continue.

10 MS STRUYVEN:

11 Q. [15:11:48] Now, you explained that elements were told during that meeting that
12 they would get compensation for their expenses made until then if they would get
13 back in power.

14 Were there any other promises made at the time, things that would happen if they
15 would achieve power, if the Anti-Balaka would get back in power?

16 A. [15:12:47] No. Such a promise was not made in front of me. Perhaps they did
17 it before. But they did insist on their expenses because they expended on
18 the elements until they arrived in Bangui. What I talked about is what I heard.
19 During the meeting there was a question of getting a list of each element, and once
20 the objective had been attained, then they would be compensated. So I don't know
21 what promises were made before that, therefore I can't give you more information on
22 that.

23 During the fight, all the Anti-Balaka knew that the aim was to regain power. All
24 the leaders of the Anti-Balaka had that on their mind when the battle was taking
25 place.

1 Q. [15:14:25] One last question about the continuation of the fighting. During
2 the meeting, was it also Ngaïssona who -- who explained to the individuals at the
3 meeting that they had to continue the fight?

4 A. [15:15:19] (No interpretation)

5 PRESIDING JUDGE SCHMITT: [15:15:20] Why don't we have interpretation now,
6 may I ask? Because the witness is --

7 THE INTERPRETER: [15:15:23] Sorry, my microphone was off, says the interpreter.

8 THE WITNESS: [15:15:28](Interpretation) What I heard is that Ngaïssona introduced
9 himself as coordinator and didn't say a lot.

10 PRESIDING JUDGE SCHMITT: [15:15:35] But I think he has said more.

11 So, excuse me, it was not your fault, Mr Witness. Could you please repeat your
12 answer.

13 THE WITNESS: [15:16:01](Interpretation) I will start again.

14 What I said is that Mr Ngaïssona didn't say a lot. He didn't talk a lot. In
15 the different meetings, he would only say one or two words and give the place to
16 the others to speak. And each Balaka could speak. We could be 50. So he didn't
17 really speak a lot.

18 It's true there were elements who wanted to speak to him privately. But what he
19 said, what he said on the first day was that he was the coordinator. And he also
20 looked -- he said, "Look, here this is Maxime Mokom. He's in front of you."

21 And then he took the floor and he asked the ComZones to say that he should tell
22 them of their needs, for example, what materiel they had, how many ill people they
23 had. And after that, he kept quiet.

24 The coordinator of operations took the floor. The father Mokom took the floor, and
25 the other participants talked as well. That's what I saw.

1 MS STRUYVEN:

2 Q. [15:17:54] Mr Witness, in your -- in your first statement at paragraph 136, you
3 cited his -- his actual words. Would it -- do you think it would help you if I would
4 cite those words to you and then you can say if you remember that that is what he
5 said or not? Because you cited his exact words during that first meeting.

6 MR KNOOPS: [15:18:19] Mr President, before the witness answers, can -- we ask if
7 he can recall the exact words. It might be that he knows more exactly used those
8 words before.

9 PRESIDING JUDGE SCHMITT: [15:18:34] Yeah, yeah, yeah. So -- so -- but I think,
10 yeah, I think he has answered what he remembers at the time.
11 So do you recall his exact words now here in this courtroom? If not, then Madam
12 Prosecutor will read out what you have said to the Office of the Prosecutor at the time
13 and that we will ask you then if this refreshes your memory.
14 So now, sitting here, do you recall what Mr Ngaïssona said?

15 THE WITNESS: [15:19:11](Interpretation) What I've just told you, I have said
16 the following: He introduced the coordinator. He said, "Here, this is your
17 coordinator." That was Maxime.

18 Then he asked them to bring him a list of their needs. For example, the sick people
19 should tell the coordinators of their situation so that he could take measures to help
20 them and that the elements must always remain aware. The sick people should
21 present themselves as well so that they could be helped. He said to the leaders to
22 address the coordinator.

23 After that, father Mokom and Maxime spoke, and Maxime asked the ComZones to list
24 the elements and also a list of their equipment. The ComZones also wanted to share
25 their different expenses which they had carried out. The father Bernard spoke and

1 answered that request.

2 PRESIDING JUDGE SCHMITT: [15:20:47] Mr Witness, you have said that, indeed.

3 Just perhaps this would bring back your memory.

4 Did, according to your recollection mention -- Mr Ngaïssona mention the French
5 ambassador in his speech?

6 THE WITNESS: [15:21:19](Interpretation) Yes, I remember that the French
7 ambassador was mentioned. And even the cardinal wanted to meet them.

8 PRESIDING JUDGE SCHMITT: [15:21:35] I think we -- we can put it to the witness.
9 This is paragraph 136. Obviously, he does not recall completely.

10 MS STRUYVEN:

11 Q. [15:21:45] Yes, Mr Witness, just to -- and, of course, this is not a problem as such.
12 But in your statement you said that Ngaïssona during that meeting, he stood up and
13 he said:

14 "We have fought the Seleka. We arrived in Bangui. We will not give up. We will
15 continue the work until the end. After the meeting, I will give everyone something
16 for the transport. We have the support of the French Ambassador, Charles Malinas.
17 The Ambassador has called me the day before today and told me to be strong."
18 Do you remember -- do you remember if he said that during the meeting?

19 A. [15:22:57] Yes. But what I said before related to the first meeting. But what
20 you have just read out relates to the second meeting, which we had in his residence.
21 It was during that meeting that we talked about the ambassador. There he presented
22 Maxime in the first meeting as ComZone.

23 So I repeat, this -- at the second meeting, he spoke about the French ambassador. I
24 repeat, the first meeting, there was the presentation and introduction of Maxime.
25 But what you've just talked about relates to the second meeting.

1 PRESIDING JUDGE SCHMITT: [15:23:40] Well, then, again, perhaps not
2 chronologically, since we are at the second meeting, other -- at least it appears to be
3 from the statement that other people have also spoken. Perhaps you can ask him if
4 he recalls what they said. And if not, then we can proceed the same way.

5 MS STRUYVEN:

6 Q. [15:24:03] Yes. So, Mr Witness, could you explain to us, or do you recall what
7 Bernard Mokom and Maxime Mokom said at that moment? So in reaction to what
8 Ngaïssona just had said.

9 A. [15:24:34] Yes, I remember some things. Some said they had come from far
10 away, from 100 kilometres, 200 kilometres. And Bernard said that he would not
11 leave them without support and that they must continue to fight until they had
12 regained power. At that moment, then they would receive compensation, because if
13 they came from 400 or 600 kilometres, they couldn't return back home without any
14 compensation.
15 When we have attained our objective, then they would receive compensation. Since
16 they came from 300, 400, 500 kilometres on foot, they couldn't just be left like that.
17 They were asked to come to Bangui.

18 So once the objective had been obtained, then compensation would be given, and that
19 it would be given to all -- to all elements. Some would be given to the soldiers,
20 the wounded. The casualties would obtain compensation as well. So if they could
21 not obtain the principal objective, who would be able to support them? Who would
22 be able to help them? Who would give them compensation?

23 PRESIDING JUDGE SCHMITT: [15:26:22] Mr Witness, in this speech did
24 Mr Bernard Mokom mention Madam Samba-Panza?

25 THE WITNESS: [15:26:45](Interpretation) Yes. I remember that he said, "What can

1 a simple woman do as a president? What can she give us? And you, what can you
2 get from a woman?"

3 PRESIDING JUDGE SCHMITT: [15:27:09] Please continue.

4 MS STRUYVEN:

5 Q. [15:27:16] So you explained what Ngaïssona said and what Bernard Mokom
6 said. Do you remember, again roughly, what Maxime Mokom said, if anything, in
7 response to that, or in addition to that?

8 A. [15:27:48] You know, I know Maxime. Maxime said that our objective was that
9 we had to do everything to attain our objective so that everybody could have
10 compensation. Every leader must make sure that the elements did everything so
11 that no exactions took place. The election -- the elements shouldn't shoot anyhow,
12 they shouldn't waste ammunition, because the fight continues. Ammunition
13 shouldn't be wasted uselessly.

14 Q. [15:29:03] Thank you for those clarifications.

15 So when the meeting ended, did the ComZones or anyone else in the meeting, were
16 they given money or anything else?

17 As we said before, the -- Ngaïssona referred to the fact that he was giving
18 everyone -- going to give people money for transportation, I think. Do you recall if
19 the ComZones were given money after that meeting?

20 A. [15:29:54] Money was given for transport and also to feed the elements. Some
21 elements were staying with private people. They didn't have family in Bangui.
22 They all came from the provinces and they didn't know anyone in Bangui. It is
23 the fight that brought them to Bangui. So it was important that they had enough to
24 eat so that they didn't do whatever silly things in the neighbourhood. And disorder
25 then started up because there was no money anymore. No funding.

1 Even us the Christians, we started to be scared of the Anti-Balaka. We Christians,
2 we were scared. They were aggressive vis-à-vis everyone. There was robberies,
3 killings. They were uncontrollable. They were uncontrolled. There was no one
4 who gave them food. Suddenly, they used their weapons in order to find food.
5 They started to steal, steal vehicles and motorbikes, even telephones. If you had
6 a large amount of money, they could kill you in order to get that money. They could
7 even go to your home to kill you. There was no funding, no means anymore to help
8 the troops, so everybody was trying to survive. They were uncontrollable. And
9 some left.

10 Q. [15:32:29] And do you recall at the time that that was also the reason -- so I'm
11 talking about early February 2014, the early period, was that also the reason why
12 Sangaris and MISCA were so adamant about disarming the Anti-Balaka?

13 A. [15:33:01] That is what pushed those forces to do everything to disarm
14 the Anti-Balaka, because the Anti-Balaka had become uncontrollable and
15 uncontrolled. They targeted everybody, not only Muslims. And that is how
16 the Sangaris forces began to attack them.

17 At some point, the Central Africans began to complain that the Anti-Balaka were
18 worse than the Seleka.

19 Q. [15:33:42] And then maybe my last question on that. So in the document that
20 we saw of 14 February 2013, the leadership of the Anti-Balaka, the coordination,
21 deplores the interventions of the, I think, Burundi and *camerounais* MISCA forces.
22 Why -- do you know why they were deploring the fact that they had intervened or
23 tried to intervene?

24 A. [15:34:38] I'm sorry, would you please kindly repeat your question.

25 Q. [15:34:44] So in the 14 February declaration that we saw of the Anti-Balaka

1 coordination, which has all the signatures of the ComZones, it has the signature of
2 Mokom. I can show it. It's at tab 16. It's CAR-OTP-2090-0603 at page 0605. And
3 maybe if I can show you the last page first. It's at 0607. You see all the people that
4 signed this document. I think most of the names you have mentioned by now.
5 So these are the -- the ComZones you have referred to already in the past. But if you
6 look at page 3, so at page 3, in the declaration, they say that they deplore the actions
7 of Congolese and *camerounais* MISCA troops vis-à-vis the Anti-Balaka.

8 PRESIDING JUDGE SCHMITT: Mr Knoops.

9 MR KNOOPS: [15:36:12] Mr President, this a misleading question, because
10 the *communiqué* clearly says deplores the arbitrary arrest, which is quite different from
11 actions and interventions.

12 PRESIDING JUDGE SCHMITT: [15:36:26] Yeah, but -- yeah, okay.

13 Haven't we discussed this document with the witness already? And did -- didn't we
14 read I think "deplores", "denounces", and so. And -- and we have a certain, let's
15 say -- we have a document which has a certain content which can be read, which can
16 be interpreted. I'm not sure if it is necessary to discuss this with the witness further.
17 And since we are at it, we take it -- you have 10 hours for your examination, so we
18 take it -- so I'm not very good at math, but that you finish on Monday after the first
19 session.

20 MS STRUYVEN: [15:37:22] Mr President, I was told yesterday that I had taken up
21 three hours and 40 minutes. I'm not sure how many hours I have taken up
22 (Overlapping speakers).

23 PRESIDING JUDGE SCHMITT: [15:37:33] You know, I'm -- I'm thinking in sessions,
24 because I -- of course, of course, I do not have a stopwatch or something like that.

25 So we have now nearly seven hours, so you would have -- you would have more then.

1 Yeah, so, so.

2 Obviously somebody keeps track of everything, thank you very much.

3 But perhaps you can -- you can try to finish as early as possible so that that would

4 give you another two sessions -- no, yeah, two sessions. But perhaps it's not needed.

5 MS STRUYVEN: [15:38:07] I will for sure re-evaluate over the weekend

6 (Overlapping speakers).

7 PRESIDING JUDGE SCHMITT: [15:38:12] Because we are shortly before the end of

8 this one. I don't know if you -- if you want to change subject. I think I would

9 suggest that we continue on Monday, because the Chamber wants to address a, let's

10 say, a housekeeping matter which is quite serious.

11 MS STRUYVEN: [15:38:28] Yes, absolutely. No problem. I can -- because I was

12 going to move subject, and it was going to be private session anyway, so.

13 PRESIDING JUDGE SCHMITT: [15:38:35] Yeah. Then -- then we do it this way.

14 We go to private session.

15 (Private session at 3.38 p.m.)

16 THE COURT OFFICER: [15:38:51] We are in private session, Mr President.

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

Trial Hearing
WITNESS: CAR-OTP-P-2232

(Private Session)

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Trial Hearing
WITNESS: CAR-OTP-P-2232

(Private Session)

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Trial Hearing
WITNESS: CAR-OTP-P-2232

(Private Session)

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Trial Hearing
WITNESS: CAR-OTP-P-2232

(Private Session)

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- 17 (The hearing ends in private session at 3.47 p.m.)