

Trial Hearing
WITNESS: CAR-OTP-P-1077

(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 Yekatom and Patrice-Edouard
5 Ngaïssona - ICC-01/14-01/18
6 Presiding Judge Bertram Schmitt, Judge Péter Kovács and Judge Chang-ho Chung
7 Trial Hearing - Courtroom 1
8 Tuesday, 30 August 2022
9 (The hearing starts in open session at 9.36 a.m.)
10 THE COURT USHER: [9:36:05] All rise.
11 The International Criminal Court is now in session.
12 Please be seated.
13 PRESIDING JUDGE SCHMITT: [9:36:58] Sorry for the delay. Good morning,
14 everyone.
15 Court officer, please call the case.
16 THE COURT OFFICER: [9:37:04] Good morning, Mr President, your Honours.
17 This is the situation in the Central African Republic II in the case of The Prosecutor
18 versus Alfred Yekatom and Patrice-Edouard Ngaïssona, case reference
19 ICC-01/14-01/18.
20 And for the record, we are in open session
21 PRESIDING JUDGE SCHMITT: [9:37:29] Thank you very much.
22 Mr Vanderpuye for the Prosecution, I think you are the same team as yesterday.
23 MR VANDERPUYE: [9:37:35] We are, indeed, Mr President. So it's
24 Manochitra Prathaban, Yassin Mostfa, Orla Cronin and myself. Good morning.
25 PRESIDING JUDGE SCHMITT: [9:37:45] And also no changes in the victims?

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1 MS MASSIDDA: [9:37:47] Yes, your Honour, for the victims of the other crimes, the
2 same team.

3 PRESIDING JUDGE SCHMITT: [9:37:51] Mr Suprun.

4 MR SUPRUN: [9:37:59] Good morning, Mr President. No changes for the child
5 soldiers.

6 PRESIDING JUDGE SCHMITT: [9:38:03] You're a little bit less than yesterday.
7 You have only two as compared with yesterday.

8 MS GUISSÉ: [9:38:03](Interpretation) Yes, Mr President, good morning. We have
9 Lena Casiez and I, and we are helping Mr Yekatom who is here present in the room.

10 PRESIDING JUDGE SCHMITT: [9:38:17] Thank you very much.
11 Mr Knoops.

12 MR KNOOPS: [9:38:20] Very good morning, Mr President, your Honours. Good
13 morning to everyone in the courtroom. The Defence for Mr Ngaïssona is in the same
14 composition as yesterday, that is to say, on my right side, Ms Chiara Giudici, in the
15 second row, Ms Sara Pedroso and Ms Saskia Afande, and in the third row,
16 Mr Ngaïssona.

17 PRESIDING JUDGE SCHMITT: [9:38:44] Thank you very much.

18 And we have the Rule 74 counsel for the witness, Mr Sangone.

19 And good morning, Mr Witness. I hope you had a good rest. WITNESS:

20 CAR-OTP-P-1077 (On former oath)

21 (The witness speaks French)

22 (The witness gives evidence via video link)

23 THE WITNESS: [9:39:00](Interpretation) Yes, I am well.

24 PRESIDING JUDGE SCHMITT: [9:39:01] So we can start, Mr Knoops, with your
25 examination.

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1 MR KNOOPS: [9:39:06] Thank you, Mr President.

2 QUESTIONED BY MR KNOOPS:

3 Q. [9:39:09] Good morning, Mr Yapele. My name is Alexander Knoops. I'm an
4 attorney at law in Amsterdam, the Netherlands, and one of the counsel of Mr Patrice
5 Ngaïssona. Good morning.

6 Mr Yapele, I have today - maybe tomorrow morning, depending on the pace of the
7 examination - some questions for you. And my first topic of this morning relates to
8 your motivation to join the Anti-Balaka and ultimately to become a ComZone.

9 Now, for this purpose, I would like to take you back to a very painful part of your
10 own history. And I'm sorry that I might cause grief to you with my questions, but I
11 would like the Court to understand that, based on your interview, you and your
12 family were victims of the Seleka. And in this courtroom, there's always a different
13 perspective, depending on how you look at the conflict.

14 Now I read, Mr Yapele, in your statement, your interview, that is, tab 24 of the
15 Prosecution binder, CAR-OTP-2107-3366, at page 3388, a very tragic part of your life,
16 namely, the loss of your father and 36 of your family members due to the actions of
17 the Seleka.

18 Again, I'm sorry for this tremendous loss you suffered.

19 And my question for today, my first question, is, can you describe to the Court what
20 the impact was in your life of the loss of your father, who helped you to pay your
21 school fees et cetera, and the 36 family members?

22 PRESIDING JUDGE SCHMITT: [9:42:47] Mr Witness, could you follow the
23 question?

24 THE WITNESS: [9:42:57](Interpretation) I did listen to your question, indeed. But
25 my head is a bit somewhere else, if you will, given what you've said. I don't even

1 know to what extent I will give you the details. For this situation I don't know what
2 to say, how to say it. It was not -- what I would -- what I used to say in the past was
3 everything that had happened was, well, for the better. Things had happened. I
4 had a big loss in my life and this is very regrettable, and it is not easy to overcome,
5 and as the eldest in the family, I'm the only one who is there to support my -- my
6 family. It was very hard -- it's very hard to help the family.

7 After I lost my father, he left behind a lot of grandchildren, and it's not easy to
8 manage all this. It's hard to give a value to this at my level. So it is something I
9 really deplore, this loss. I don't even know how to explain this. Thank you.

10 PRESIDING JUDGE SCHMITT: [9:44:42] Thank you, Mr Witness. We fully
11 understand that it is very difficult to talk about this and to find the right words, but I
12 think we could follow what you were saying and we could sense what this meant to
13 you. And when -- as Mr Knoops said, when he addresses that, it is not to bring you
14 pain. It is simply that also everyone in the courtroom, especially the Court itself, the
15 Judges, needs to have the whole picture.

16 Mr Knoops, please.

17 MR KNOOPS: [9:45:14]

18 Q. [9:45:14] Mr Yapele, again, I'm very sorry for what you had to go through with
19 your family. Yet my questions -- I hope you understand, and your counsel will for
20 sure understand, why I'm asking you these questions to you, sir.

21 Could you perhaps explain to the Court whether this loss you suffered in 2013, losing
22 36 family members due to the Seleka's actions, in any way motivated you to join the
23 Anti-Balaka?

24 A. [9:46:10] Indeed, yes.

25 Q. [9:46:18] And can you explain, if possible, what your relationship and that of

1 your father and your family was before these tragic events happened with the Muslim
2 population in your town?

3 A. [9:46:54] Well, actually we all lived in peace together. And I felt good. Once I
4 got to the village, sometimes I -- with my aunt or some other young relatives and I
5 would go there and I would spend a good time with people. And I would ask the
6 names of certain things and I didn't -- didn't always know the ... And sometimes I'm
7 with -- with my, you know, young family members, I -- I asked that they give us some
8 fish.

9 We lived peace as a family and this is -- this was -- this was beside our brother
10 Muslims. And I don't know how to say this, we had grown up together since my
11 childhood. And I know -- I know that my teacher had taught many Muslims. We
12 played football when we were still children. We did all kinds of things and I grew
13 up in this environment. So this really created a lot of emotion in me, and it really -- I
14 thought was sad that we were living together almost as if we were from the same
15 mothers and fathers, and then we started to fight.

16 So that's to say that everything that happened, is that the politics of our country was
17 not well managed and that's what created all these conflicts.

18 So I don't even know how to explain this, but at that time we were living in harmony
19 together, and our families lived together.

20 Q. [9:49:00] Mr Yapele, you were raised by your father who died in the -- after the
21 invasion of the Seleka. Were you raised by your father such that in your education,
22 you were given the life lesson that Muslims and Christians were equal? Was this the
23 background of your education by your father, your late father?

24 A. [9:49:47] Yes, that is indeed the case.

25 Q. [9:49:54] Now, I have read out a portion of your statement, on page 3388, where

1 you described the loss of the 36 family members. And there, you say, in line 825 till
2 826, that this indeed motivated you to join the Anti-Balaka. But there, you say:
3 "... there were patriots and revolutionaries and I was also part of the youth from the
4 Central African Republic and that's why I decided to join the Anti-Balaka."

5 My question to you, Mr Yapele, could you explain to the Court what you meant with
6 the words "patriot" as opposed to the word "rebel", because you make a clear
7 distinction in your evidence you gave to the Prosecution investigators.

8 A. [9:51:30] Yes. Actually, I -- I'm a Central African and I'm a nationalist, first and
9 foremost. And the way in which the Seleka treated my brothers and sisters, my
10 mother and father -- mothers and fathers and even Central Africans did not please me
11 one bit. And when I learned that my Central Africans brothers were revolting and I
12 too, as a Central African, I decided to join them to defend my homeland, as we have
13 been left to fend for ourselves.

14 In the nine months of reign of the Seleka, there were no authorities. The Selekas
15 were the ones managing the country, running the country. So we at a certain point
16 could not take this any more, so we preferred to revolt and to try to defend our
17 country. That's where we sacrificed our lives to try to counter these enemies because
18 we have suffered a great deal.

19 Q. [9:53:13] Mr Yapele, could you inform the Chamber, speaking about those days
20 you just recalled, whether there was any type of organisational level in those days?
21 Or was it a spontaneous development within the communities in the several villages
22 which led to this form of patriotism?

23 A. [9:53:46] Actually I will -- I said this in response to the question, so -- no, in
24 fact --

25 THE INTERPRETER: [9:53:59] The interpreter corrects herself.

1 THE WITNESS: [9:54:02](Interpretation) In fact, I did not grasp your question.

2 MR KNOOPS: [9:54:07]

3 Q. [9:54:08] Mr Yapele, would you agree with me that the joining by the people at
4 that time, like you, you had a specific motivation to join the Anti-Balaka, was this
5 initiated by anyone? In other words, was there anyone who told you you should
6 join the Anti-Balaka or was it your own decision?

7 A. [9:54:39] This was my decision vis-à-vis all I have just told you. Morally I
8 could not bear this, that is why I decided to join my brothers who had decided to
9 defend our nation and to defend the rest of Central Africans who had not yet been
10 attacked by the Seleka.

11 Q. [9:55:15] Was there -- as you can recall at that time, speaking about the time the
12 Seleka invaded the Central African Republic and you lost your family and you joined
13 the Anti-Balaka, was there any central authority who organised the movement, the
14 Anti-Balaka movement?

15 A. [9:55:43] No. The Anti-Balaka movement was created by the people in the
16 hinterland, in small villages. The torture of the -- by the Seleka was something that
17 the villagers could not bear, and so gradually the number of Anti-Balakas increased.
18 And there are people who supported the Anti-Balaka and then there was someone
19 who -- who began to lead it. It's not that there was one single founder of the
20 Anti-Balaka.

21 Q. [9:56:41] Mr Yapele, you just mentioned people started to support the
22 movement. Can you tell the Chamber what type of support you experienced in the
23 beginning of the movement, so after the invasion of the Seleka. And I'm referring
24 especially to how were you able to retrieve food. Were you provided with weapons?
25 Can you tell us more about how you were able to revolt against the Seleka.

1 A. [9:57:33] At the beginning -- well, at the beginning, it was -- there -- there was
2 a type of a pact that we were going to defend the nation. And gradually, we -- we
3 would get food, we would go and get things at the hands of the enemies, like money,
4 and that's how we began to pay for like ammunition et cetera. We did not have
5 enough weapons as the Seleka had, and the support we got was support of our
6 citizens who were in the small towns. When we were in the bush, we would hunt to
7 have something to eat. Sometimes for two to three days, we had nothing to eat but
8 we just drank water. And as soon as we got out into small villages and bigger cities,
9 the Central African population was praying to us, saying, "Thank you.
10 Thank you to -- thanks to you and the strength of our ancestors, we are -- we have
11 some food, we have a well with water." And that is what really motivated us. And
12 sometimes there were mamas who would come -- mothers who would come and cry.
13 We would see their tears and they would say, "Thanks to you." They would say,
14 "Make an effort to save the lives of your brothers." And that's what I perceived as
15 support from the population, from our brothers. That's all I can tell you.

16 Q. [9:59:37] Did you, Mr Yapele, also receive support from the Muslim community
17 in trying to push back the Seleka and stop them from committing crimes?

18 A. [10:00:05] Yes. Amongst the Anti-Balaka, there were also Muslims. You had
19 Hausas who were members of the Anti-Balaka. Because there were also Muslims
20 who were victims of the Seleka. It is not because the Seleka were Muslim majority.
21 Well, they -- if they came and they saw you and you were a Muslim and you had
22 money, they would seize the money. It's not only the non-Muslims that -- the
23 Christians that suffered from the Seleka.

24 But as you know, in the Muslim situation, they support each other. But in the
25 beginning, it was only small children who started and then some Muslims joined us

1 later.

2 So the Anti-Balaka movement is a national and patriotic movement. So there
3 were -- they are Christians and Muslims. Our objective was to fight against the
4 Seleka rebels.

5 Q. [10:01:35] Mr Yapele, you just told us about the way the movement was trying
6 to obtain support mainly from the local population. The events in February 2014,
7 around Berberati, was at that time the situation in this regard the same? That's to
8 say, there was no distribution by a central authority of weapons. There was no
9 distribution of food by any central authority. It was just up to the different
10 Anti-Balaka groups to find their own way in obtaining support. Is that correct?

11 A. [10:02:32] Yes, that is correct. We did not receive any support from the
12 authorities and so on. And even at that time, the authorities did not like what the
13 Anti-Balaka were doing. So it is thanks to what the Anti-Balaka themselves did,
14 chasing away the rebels into the bushes, and they were able to retrieve some property
15 from them. That also motivated them to make advances better. They did not
16 receive any assistance from any authorities.

17 Q. [10:03:17] Mr Yapele, can you briefly explain to the Court how you became
18 a ComZone; in other words, why were you asked to become a ComZone? Or if you
19 were not asked, how did you receive this so-called assignment as a ComZone?

20 A. [10:03:53] Well, initially, when Berberati was attacked by the Anti-Balaka from
21 the various villages, they came out of those villages and attacked for two days, and
22 then they returned. The French arrived on that same day in the afternoon, and they
23 started carrying out patrols in the town and to take certain measures. I remember
24 that the following day, a certain Friday, the French authorities and the authorities of
25 the town wanted to discuss with Mr -- with the Anti-Balaka, and it was Reverend

1 Father Pogola who left the town and went to see the Anti-Balaka in the bushes. And
2 they told them that the French army of the Sangaris and the authorities of the town
3 wanted to discuss with one or two Anti-Balakas. But when they said it was a French
4 army, we first of all thought that it was to arrest us or kill us. After that, we spent
5 about 30 minutes reflecting, and I decided that if they had intended to kill us, they
6 would have come to chase us down where we were. And since they wanted to meet
7 with one or two Anti-Balaka only, I was going to take the risk.
8 So I took a brother -- Anti-Balaka brother from Carnot. We had decided to fight for
9 our country and we were men, so we decided to go there. And there were not just
10 two of us, there were many -- there were even elderly people and women. So there
11 were many people and we could not just abandon them like that. So we had to
12 answer that call. And a brother to whom I was talking refused. He said, "I have
13 a wife and three children. Whatever happens, my family's life is important to me."
14 And the priest said, "Look, don't worry. I came to fetch you here to reach an
15 understanding with the Sangaris and the authorities of the town."
16 So he came to see us at 2 p.m., and we discussed right up to 5 p.m. So I told my
17 brother, "Look, let us go. Even if we have to die, then we are dying for a good
18 cause." So we went to the Catholic church of Berberati and we started talking right
19 to the end. And when we finished talking, the priest brought us back to where we
20 were. And then we gave a summary of what had happened in the meeting. The
21 authorities of the town had asked us to disarm, to not be moving around the town
22 with machetes, knives and weapons so that we should not frighten the inhabitants.
23 And since it was the authorities who knew what was going on, I told them that they
24 had taken that decision and we had to obey them.
25 After that, we started looking at where we would lodge, how we would find food,

1 and they said that they were going to help us, and mainly the -- the civilian
2 population, that they will give us food. So these were the people that mainly helped
3 us. And we were asked to choose someone who was responsible and who had -- did
4 not have to answer to another entity. That's why I was chosen.

5 Q. [10:09:19] Mr Yapele, is it fair to say you were chosen as a ComZone by your
6 own brothers in your vicinity? These were the ones who asked you to become
7 a ComZone?

8 A. [10:09:47] Yes.

9 Q. [10:09:51] And the Sangaris you described who were there, were they aware and
10 in agreement with the proposal that you would become a ComZone?

11 A. [10:10:10] It was after their departure. When we finished the meeting with the
12 Sangaris it was at 6 p.m. I went back to see my elements, my brothers who were still
13 in the bushes. We discussed and spent the night together. So it was about 3 a.m. in
14 the morning that the Sangaris left the town. But in the morning, the time had come
15 to decide on who would be a leader to represent us with the Sangaris and the other
16 authorities. So we drew up a list of three and we were only three of us leaders
17 remaining because the other three had fled. So we decided to choose -- decide
18 amongst the three of us left. So amongst the three, I could speak French a little bit,
19 and those other people said, "Okay, you are our brother. You have a certain
20 authority and you can defend -- represent us." So they said I should be the one to
21 become the ComZone.

22 Q. [10:11:53] Mr Yapele, could you explain to the Court briefly what the purpose at
23 that time was of becoming a ComZone? What did the responsibility entail of
24 a ComZone you just mentioned? I understood you were an interlocutor with the
25 Sangaris, but can you explain what actually were the activities of a ComZone in

1 accordance with your experience?

2 A. [10:12:35] The activities of the ComZones in my case was to try and see how
3 things are happening and to lead the elements and guide them, to tell them that our
4 movement has to act in a certain way. That is, we, the Anti-Balaka, are members of
5 the population who revolted against the rebels, so our objective is -- is to chase out the
6 Seleka. And amongst us, there were certain Anti-Balaka who were acting on their
7 own behalf, and they were saying, "Look, I don't even want to see a Muslim in front
8 of me." And I told them, "No, that is not how we should act. We have the objective
9 of chasing out the Seleka." So I started making the distinction to them and gave
10 them small examples. The example, the difference between a revolt and a rebellion.
11 You have the Seleka, for example, who came from a neighbouring country, made
12 a rebellion and then became rich. But we, the anti-Seleka, we were acting in our own
13 country and when foreigners would leave, we would still remain there. So we had
14 to know how to treat our population because it was thanks to them that we were able
15 to work. They assisted us.

16 So if you did something wrong, I would tell you, "No, that's not how it was done."
17 But there were some rogue elements, there were some who had not even gone to
18 school, and so -- who did not know why they were there, and I needed to explain
19 them -- that to them. That was my objective.

20 Q. [10:15:14] Mr Yapele, you just mentioned that part of your activities as
21 a ComZone was to be an interlocutor with the Sangaris. Can you explain to the
22 Court, what did you communicate with the Sangaris or even the MINUSCA, as
23 a ComZone? Was there a type of cooperation between you and the international
24 forces at that time? And we are speaking about the whole time frame you were
25 a ComZone, up to the moment you were released after becoming a prefectural

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1 coordinator.

2 A. [10:16:03] No, no. In fact, if the MISCA chief called me, it was to tell me that,
3 "Look, I have heard that the Anti-Balaka went into a neighbourhood and they stole
4 property, they caused trouble." So if I heard that there were Anti-Balakas who had
5 gone out of order and attacked civilians, then they would give us the details, if they
6 had the details. Otherwise, we would say that it is a lie.

7 Now, regarding a revolution, at the beginning it is not easy at all. I will give you an
8 example of myself. Initially no one -- it was not easy for anyone to come and tell me,
9 in front of me, that, "You should stop what you are doing." Now, since I got to have
10 an understanding with the Anti-Balaka, I told the authorities and even the Sangaris
11 that "These are the brothers, I know them, but given the level of tension, you have to
12 progress very slowly. You have to move very slowly." And that's how they
13 progressed until they managed to get the Anti-Balaka to disarm.

14 PRESIDING JUDGE SCHMITT: [10:18:17] Mr Knoops, please allow me.

15 A couple of minutes ago you said, on the question by Mr Knoops, that you had to
16 find your own way in obtaining support. You said:

17 "Yes, that is correct. We did not receive any support from the authorities [...] even at
18 the time, the authorities did not like what the Anti-Balaka were doing."

19 What authorities did you mean by that? Just to clarify. The CAR authorities or the
20 Anti-Balaka authorities? Just to make sure that we understand the answer correctly.

21 THE WITNESS: [10:18:54] (Interpretation) The Central African authorities.

22 PRESIDING JUDGE SCHMITT: [10:19:09] Actually, I thought so, but just to make
23 sure.

24 Mr Knoops.

25 MR KNOOPS: [10:19:19]

1 Q. [10:19:19] Mr Yapele, still on your actions as a ComZone throughout the whole
2 time frame you functioned as a ComZone, in your evidence given to the investigators
3 of the Prosecution - and that's for the Court tab 27 of the Prosecution binder,
4 CAR-OTP-2107-3428 at page 3437 - you did say you worked together with the
5 MINUSCA. And you explained that if you heard about an attack of the Seleka, you
6 went to a Captain Onana from MINUSCA to have a mission order -- you signed
7 a mission order and you went to Captain Onana from MINUSCA. And the
8 MINUSCA captain would give his blessing, his okay for that operation to chase
9 certain individuals in the bush.

10 Now, my question to you, Mr Yapele, can you explain to the Chamber how this
11 system worked and whether you -- every time you went into an operation into the
12 bush, the specific captain of -- Onana, Mr Onana of MINUSCA was aware of that
13 operation?

14 A. [10:21:15] Well, I'll give you this answer. It was a trap, a trap laid by the
15 MISCA captain and the mayor of the town. The first day, there was a village chief
16 who sent a note saying that there were Anti-Balaka in his village attacking Muslims
17 and Peuhls. And I asked them, "What type of Anti-Balaka?" And he said, "No,
18 they're your elements." And I told them, "No, the Anti-Balaka who are with me are
19 in town." So I decided to take motorbikes and I took about 20 Anti-Balaka to go and
20 see what was going on in the village.

21 Once we arrived there, the fake Anti-Balakas fled. I met the Peuhls. There was
22 another person who was injured and they said they were injured by Anti-Balaka.
23 And I told them, "Look, those are bandits. These are the real Anti-Balaka who are
24 with me. I am their leader." And when we got the news that people are being
25 attacked, that is when I decided to come. And after I told them that, I brought those

1 people with me back to Berberati at around 9 p.m.

2 Once we came back, I took the telephone, I called Captain Onana and I told him that I
3 had gone to assist the Peuhls in a small village and, "I am coming back behind the
4 airport, and that is why I'm calling you to inform you. After that, our own national
5 authorities will call you." And then they said Anti-Balakas went and stole from the
6 Peuhls and attacked them and so on. So if -- he told me that if it -- "If that is what
7 you had done, then it is a good thing."

8 Now, those people who had come, there were 26 of them, men, women, elderly
9 women, children and so on, and they slept together. Two days afterwards, I think
10 that is when I realised that they were planning to kill me. There was a plan to kill
11 me because I was not a native of Berberati.

12 Now, the mayor of the town called me and said that, "If you're going into the bush,
13 you have to call us and give us details of why you're going into the bush. Is it going
14 to chase the Seleka or to assist people or Muslims who are in trouble? So if you say
15 that, he can give you elements to accompany you." So if there was that type of
16 mission, then I would call him to ask for his support. That is what I said. He said,
17 "Fine, if that is the way it is, we have to organise a meeting." And I think it was -- I
18 believe it was a plot to kill me on that day.

19 And the Anti-Balaka and the authorities said -- they found us at 9 o'clock, because
20 they said that the meeting would start at 10.

21 I had arrived with my junior man, the aide-de-camp at the sub-prefecture. There
22 was the MINUSCA who was there, but the chief himself, Onana, was not in the room.
23 There was the sub-prefect, the mayor, the company commander, the commissioner,
24 all the authorities of the town were there together. And we said that "No, Mr Mayor,
25 before starting this meeting, you had told me that Mr Onana would be there. He

1 had reports of my activities the other day, and now he is not there. That captain is
2 not there, so who is going to represent the captain?"

3 And he told me, "Look, you just wait, maybe we will start the meeting and the captain
4 will come later."

5 Then, he handed over 3 million to the mayor. And three others, they gave 3 million
6 to Captain Onana so that he should give the orders for me to be killed. So this
7 person had gone and met with the captain. And then the person I was talking to
8 was a mechanic, he was repairing the captain's vehicle. He was repairing the vehicle
9 and he was able to follow up the conversation. So he asked where was the shower,
10 and he came and took the telephone and called me. And since I was in the meeting
11 room, I had switched off my phone, but he called me and he said, "There was Mr Goel,
12 the mayor, who had removed 3 million and had given the money to the captain in
13 order to kill you. So I decided that I did not like what was going on." That is what
14 he said. And I told him that I was in the sub-prefecture, I was not far away, so I
15 would be able to find out what was happening.

16 I heard some noises, explosions, warning shots from outside and I went out to see
17 what was happening. Then I saw then my aide-de-camp had been taken, they had
18 waved a weapon at him and then he was -- they had taken my motorbike and they
19 were destroying it. So I said, "It is MISCA trying to have a meeting with the
20 authorities." So I called the captain to ask him what was happening. "Your people
21 had come and started firing and if they had been Anti-Balaka, what were you going to
22 say?" So I called him and he hung up on me. He hung up on me.

23 So there were eight of them -- eight of them there -- members there. They
24 surrounded me and I was in the middle. So all those elements were pointing their
25 weapons at me and then they ordered me to strip down. And I said, "Why should I

1 strip down?" They said, "You have to undress." So I started following the order. I
2 removed my T-shirt, my trousers and so on. I remained only with my underwear.
3 So they told me, "Go and lie down there." I went and laid down there. And my
4 bodyguard -- all eight of them started firing. And we were not -- we were not hit.
5 They were shooting into the soil. They were shooting with -- there were many
6 people who had gathered, more than 1,000 people gathered, because this location was
7 close to the station, close to the hospital. So they started firing at us, but the bullets
8 could not touch us.

9 At one point, they stopped. And there was one of them who was like their leader.

10 He was speaking in Pidgin, Pidgin English, the Pidgin English that is spoken in
11 Cameroon. And I could listen a little bit, and he was talking over the phone, "We
12 have fired, fired, fired and they are not being struck." And it was Goel who told
13 them that in order for you to shoot them, you have to do this and that.

14 After that, I was looking at him. He turned and then he removed his magazine and
15 urinated on the magazine. After having urinated on the magazine, he handed it
16 back to him. I knew that was my last day. I closed my eyes before he arrived.

17 And they kept shooting at me until my leg was broken and I got -- I received bullets.

18 So we did not get along. If there is a mission, if I -- you know, I had things to do, I
19 would go into the bush. He was opposing another activity, so we could not find an
20 agreement with him. I said that this is an agree -- going to be an agreement between
21 me and the authorities that are local and MISCA. But this, in fact, was a trap, it was
22 a setup.

23 PRESIDING JUDGE SCHMITT: [10:34:23] Thank you, Mr Witness. I think we stop
24 here for the moment. Thank you. You have explained that.

25 Mr Knoops, I would ask you perhaps to put questions to him where we can expect

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1 a straightforward --

2 MR KNOOPS: [10:34:37] Yes. I agree, Mr President.

3 PRESIDING JUDGE SCHMITT: [10:34:37] -- answer.

4 MR KNOOPS: [10:34:38] Out of respect for the witness, I let him answer --

5 PRESIDING JUDGE SCHMITT: [10:34:42] Yes. No, but, of course this was a story
6 that had -- that the witness told in its entirety. That's absolutely okay. But I think
7 for your further examination, you please keep that in mind. Thank you.

8 MR KNOOPS: [10:34:55] Thank you, Mr President. I'm aware. Just out of
9 curiosity, because this was not the answer we elicited -- wanted to elicit from the
10 witness as such, but now that the witness has elaborated on this incident, I would like
11 to ask and then go back to my initial question.

12 Q. [10:35:11] Mr Yapele, did you learn at any moment in time why MINUSCA
13 acted against you in the way you just at length described? Why were they willing to
14 set -- what you say, willing to set up a trap for you or your men?

15 A. [10:35:39] Because it had been paid. It had been paid by the mayors of the city.
16 The mayor of the city supported the Seleka rebellion. So they did not want to listen
17 to the Anti-Balaka.

18 PRESIDING JUDGE SCHMITT: [10:36:05] Well, if I may already say --
19 Mr Vanderpuye, I'm thinking about if you might ponder a redirect. It will not -- we
20 will -- I think we will not come to the heart of this matter, what happened there. I'm
21 just -- you know, I'm fearful a little bit what might happen then tomorrow.

22 MR VANDERPUYE: [10:36:28] At this stage, Mr President, that's not an issue, I don't
23 think.

24 PRESIDING JUDGE SCHMITT: [10:36:33] Thank you.

25 Mr Knoops.

1 MR KNOOPS: [10:36:34] Thank you.

2 Q. [10:36:35] Mr Yapele, my initial question, still expanding on your role as
3 ComZone, related to the level of cooperation with the authorities for MINUSCA, if
4 any. And I was struck by an answer you gave in your evidence to the investigators
5 of the Prosecution. It is at tab 27 of the Prosecution binder, and that's
6 page -- CAR-OTP-2107-3428, and it's at page 3452, where you say that the police,
7 gendarmes, the MINUSCA were afraid to go into the bush to apprehend bandits, and
8 it was therefore the Anti-Balaka who was called upon to go into the bush to arrest
9 bandits and bring them to the gendarmerie.

10 And you mentioned it as a kind of an assistance to the authorities.

11 Now, my question to you is, Mr Witness, first of all, can you give us a time frame
12 when this happened, when this type of assistance was given by you, as a ComZone,
13 to the local authorities?

14 A. [10:38:34] It was after -- after the Brazzaville forum. After the Brazzaville
15 forum, as we had decided to put an end to the hostilities, the commissioner gave us
16 all the copies. Once I got to Berberati, I made a photocopy and I gave it to the local
17 gendarmerie. And it was with these copies that the bandits, who were in small
18 villages or in the bush, acting in the name of the Anti-Balaka, as the authorities did
19 not know their identity. And at the time of the Balaka, the authorities were
20 afraid -- they were afraid to go get the Anti-Balakas in the bush. So it was amongst
21 ourselves as the Anti-Balakas, we knew where the bandits were hiding. And then
22 we could then pick -- get them and then take them to the gendarmerie.

23 So it was after the Brazzaville forum, because we had decided to stop everything.

24 And there were these bandits posing as Anti-Balaka, so I did this to facilitate things.

25 Q. [10:39:57] And before the Brazzaville talks in July 2014, can you tell us anything,

1 if any, about your cooperation with the gendarmerie? Was this happening in the
2 same way or different before Brazzaville? So the way you operated with the
3 authorities, and specifically, the gendarmerie.

4 A. [10:40:39] In fact, I became the ComZone, not just when we -- it was after the
5 events of Berberati. I was -- had only been one or two weeks after I was head of -- I
6 was the ComZone, there was this meeting, they broke my leg, I was hospitalised. So
7 there was three -- I spent three and a half months at the hospital. So there was
8 nothing between -- or there was a link between me and the authorities. Sometimes
9 they would call me, sometimes I would call them. Sometimes those would manage
10 things, instead of me. Like the Mapao brothers, who I had taken to supervise the
11 city, to help the gendarmerie catch bandits or thieves, they would act on behalf of a
12 neighbourhood -- or on behalf of Anti-Balaka in neighbourhoods or villages. So I
13 didn't have a direct cooperation between the authorities and myself. I spent all my
14 time at the hospital.

15 When I got out of the hospital, I was at home, and I was having to do rehabilitation.
16 I wasn't able to walk. So the coordination came and helped me to prepare the
17 Brazzaville forum.

18 After my return from Brazzaville, as coordination has given us instructions and gave
19 us copies of everything that -- of what came from Brazzaville, we had to follow the
20 document. And that's when I began to cooperate with the authorities of the city.

21 Q. [10:42:37] Mr Yapele, it is correct, isn't it, that you never received an
22 appointment as ComZone from the National Coordination?

23 A. [10:43:08] No. Actually, the National Coordination, that is, we, the
24 Anti-Balakas, we did not have coordination at the outset. Then, the -- well, the -- the
25 Anti-Balakas belonged to someone, but we acted alone. I used my own money to go

1 to get my brothers, the younger ones, who mustered the courage to join us. I got
2 them together. And after things that had happened, the Anti-Balakas from some
3 cities, and as Bangui was the capital and -- all the Anti-Balakas met in Bangui. They
4 decided to set up a coordination to help the Anti-Balakas, to see how it would happen.
5 And that's why coordination was set up in Bangui.

6 So within the coordination, there was -- it was the day of the proclamation of the
7 bureau that I got a call. As I was still in the hospital, I sent Nestor and Mapao to
8 attend this meeting. Once in Bangui, they reported back to me and -- so that there
9 was a vote in Bangui among the candidates. And it was Patrice Edouard Ngaïssona
10 who was named the -- or voted the national coordinator of the Anti-Balaka. And I
11 said okay. And I asked, "Can I have his coordinates?" To have his coordinates, I
12 would have to call Mr Mokom or Judicael. And Mokom, they were working with
13 him. And I said okay. And I said, "Okay, if I have the time, I will contact them."

14 Q. [10:45:28] Mr Yapele, is it correct this must have been around the month of
15 June 2014?

16 A. [10:45:47] No. It was between May, May or June. I was still in the hospital. I
17 was two or three months in the hospital, and when this happened I was still in the
18 hospital.

19 Q. [10:46:04] Thank you.

20 Well, going now to my next topic which relates to the attack on Berberati. First,
21 Mr Yapele, can you recall that prior to this attack in Berberati, around 7 February 2014,
22 the group led by Mr Rocca Mokom arrived in Berberati and had a meeting, first, with
23 the gendarmerie in the presence of the Muslim representatives of the city, during
24 which meeting, the gendarmerie gave its approval for the Anti-Balaka to search the
25 houses for weapons. In other words, they gave approval to the group of Mokom

1 Rocca to search the houses in the city.

2 A. [10:47:44] At the time I was not in Berberati. I was still in Carnot. So I don't
3 know if the -- if the gendarmerie of the city had authorised Rocco to go and search the
4 Muslims' houses. I don't know.

5 Q. [10:48:10] In your evidence given to the Office of the Prosecution, and that is at
6 tab 30 of the Prosecution binder, CAR-OTP-2107-3500, at pages 3534 till 3536, you did
7 say that Rocca Mokom was searching the houses in Berberati with the gendarme, with
8 the state authorities. He stayed only for a few days there and then left.

9 Can you recall giving this information to the investigators of the Office of the
10 Prosecution?

11 A. [10:49:12] Yes. But I was asked the question saying that before I got to
12 Berberati, the Anti-Balakas were already in the city, and so there was Rocca Mokom
13 acting as chief. And I got there at 6 p.m., and I heard -- I learned that Rocca was in
14 the city with the elements from Amada-Gaza. He was doing the patrolling with the
15 gendarme, and also they were going around the houses of the Muslims for security.
16 And I said, "Okay, I'm going to try to join them." And that's how I got his phone
17 number. And I called him and I said, "Okay, you are there, you are the head of the
18 city, but I'm now back here. I'm the head of the Anti-Balaka. But I heard that you
19 were working with the authorities of the city. Well, as you're there, I'm going to
20 arrange so that we can meet."

21 I spent the night there. At 8 in the morning, he called me. The next day he said,
22 "I'm at the gendarmerie, you can come by." And so there we -- he said, "I'm meeting
23 with the reps of the Muslim community" and he said, "Okay. You're with the
24 revolutionaries, and these are the authorities of the city." And I left where I was to
25 go. And once I got there, Rocca, he pointed with his finger to me and he said, "You

1 and your elements, you are in Carnot. And if anything happens in Berberati, if you
2 attack here, you will be responsible. And don't open your mouth. If you answer
3 one or two words, I will close you -- I will lock you up in this jail." He said this at the
4 gendarmerie. He had not yet finished this conversation because, well, everyone was
5 starting to leave. The Balakas are there, the Balakas are there. And I don't know
6 if -- he left and then I also left, so the conversation ended. The gendarmes all left.
7 There was no one left at the gendarmerie. And I also left. And he left as well.
8 And we didn't see each other after that.

9 Q. [10:52:02] Mr Yapele, did Mr Rocca Mokom intimate to you at that time when
10 you saw him at the gendarmerie what the purpose of the meeting was he apparently
11 held with the Muslim representatives and the gendarmerie?

12 A. [10:52:25] He did not give me the details. They had a meeting in the room, in
13 an office of the commander of the company. And when I got there, the -- his close
14 guards, if you will, called him in the room, to come and see me. And when he got
15 out of the room, I said, "Hello." He did not say hello to me. And he started to stare
16 at me, and then he said what he had to say to me. He started to tell his stories and
17 he had not yet finished that "The Balakas are in the city", and then he stopped.
18 So in terms of what was happening between him and the Muslims at the gendarmerie,
19 with the gendarme, he was -- they had been together from the very beginning. He
20 spent two or three days before I got there. In those two, three days, he was making
21 the rounds with the gendarme. He was with the authorities, with MISCA and the
22 authorities of the city. He was together with them. He said his goal was to protect
23 the Muslim population of Berberati as the Selekas were not there. That was his goal.
24 That was what he was thinking. As he's not from Berberati, I came. And there are
25 thousands of Anti-Balakas in Carnot that want to attack Berberati. That's why he

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1 said we have to set up provisions or mechanisms to stop the advance of the Balakas
2 from Berberati. So he -- and it was during the meeting that the Balakas attacked the
3 city.

4 Q. [10:54:36] Thank you, Mr Yapele.

5 Maybe for the Court's information, the foundation of this question is to be found in
6 a Rule 68(2) witness, P-2324, CAR-OTP-2100-2002-R02, at 2010, paragraph 35.

7 Thank you.

8 Mr Yapele, was there in any way a form of coordination between your group and that
9 of Rocca Mokom's at that time? Did you work together with his group after he left
10 in terms of communication with him or any agreement how you would proceed with
11 your group in Berberati?

12 A. [10:55:39] No. I have told you when I was at the gendarmerie, he was walking
13 out of the bureau, he was pointing at me, threatening me, and using words that
14 disturbed me. We didn't even have a 10-minute exchange with Rocco. I will not lie
15 to you. And that's when the Balaka attacked the city. I did not spend a lot of time
16 talking to him, to ask him how he had come to Berberati.

17 Q. [10:56:20] Thank you, Mr Yapele.

18 My last question, Mr President, before the break. Then I go to the next topic.

19 Mr Yapele, apart from your group and that of Rocca Mokom's, which group already
20 left when you arrived, were there any other, as you can recall, groups of the
21 Anti-Balaka present in Berberati in February 2014?

22 A. [10:56:58] In fact, I have given you all the details at the beginning. I don't know.
23 There wasn't this entire Anti-Balaka in Berberati. It was I who had taken the
24 initiative. And I called the five people, so we were six, to join the Anti-Balaka in the
25 bush, in Baoro. And that's where they were afraid and they didn't want

1 to -- they -- they came back and stayed in the city. There was I, Goel and Mapao
2 who remained there. And I came two days earlier than Mapao and Goel with the
3 other Balakas. So before Rocca got there, there were no Balakas in Berberati. There
4 was Rocca who was there three days before the arrival of the Anti-Balakas from the
5 different cities.

6 So it was after the event of Berberati. As there was no one to run the Berberati group,
7 there was no one to represent the group, that's when I decided to respond to the
8 invitation of the Sangaris, the authority. But prior to that there had been no
9 Anti-Balaka group in Berberati. It was after the Berberati attack. As all the
10 Anti-Balakas from different cities had come and then left, I said we cannot leave the
11 city like this. But there were Seleka in the bush. We could not leave the city just
12 like that.

13 So I -- as I was already there and there was also people in the city and in the small
14 villages that were part of the Anti-Balaka, so that's why I could not leave it like that.
15 As a chief, I stayed to guide them. It was two days, so it was the third day after. So
16 there were no Balakas who were strictly from Berberati.

17 Q. [10:59:29] Thank you.

18 PRESIDING JUDGE SCHMITT: [10:59:31] Thank you. We have a break until 11.30.

19 THE COURT USHER: [10:59:35] All rise.

20 (Recess taken at 10.59 a.m.)

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

22 THE COURT USHER: [11:34:49] All rise.

23 Please be seated.

24 PRESIDING JUDGE SCHMITT: [11:34:58] Mr Knoops, you still have the floor.

25 MR KNOOPS: [11:35:02] Thank you very much, Mr President.

1 Q. [11:35:06] Mr Yapele, still on the same topic, the actions of the various groups.

2 I arrive now at a different sub-topic, and this has to do with your statement given to

3 the investigators of the Prosecution service. It's Prosecution tab 27, it's

4 CAR-OTP-2107-3428 at page 3443, specifically line 540 till 541, and 553 till 558, and

5 565 till 567, but I will summarise what you told at that time.

6 Very briefly, Mr Yapele, you informed the Prosecution service investigators at that

7 time that sometimes the elements would range from 100 on one day, 50 the next day,

8 200 the day after. There was no military structure and there was no list of elements,

9 only after the conflict.

10 Now my question to you, first, is the following: Would you agree with me, based on

11 your testimony or your evidence given to the investigators, that the elements of the

12 Anti-Balaka, the groups, were not fixed in composition or size and were therefore

13 fluid, and, you, as a ComZone, you had no influence on the amount of the elements?

14 Did you understand my question, Mr Yapele?

15 A. [11:37:56] Yes. I heard your question. And I actually answered that it is

16 correct that I do not know the exact number of the elements. Sometimes the number

17 will grow, sometimes reduce. Sometimes people -- some of them go and find food at

18 night. Sometimes they would leave one village and go to another village, because it

19 was not easy at all.

20 Q. [11:38:46] The purpose of my question was to ask you, based on this evidence,

21 whether it was for you as a ComZone possible to control all those elements which

22 changed from day to day?

23 A. [11:39:15] Yes, I had to control the elements who were changing from day to day.

24 When I was appointed ComZone, three days afterwards, I had that -- that incident, so

25 I did not have control. So people were outside and I did not have control.

1 Q. [11:39:46] Mr Yapele, you mentioned in this statement on page 3443, line 556 till
2 558, that at that time, in the time frame of the beginning of 2014, there were no lists of
3 elements and that those lists only appeared after the conflict.

4 Can you tell the Court what you mean with "after the conflict"? When was the first
5 time in the time frame of 2014 that those lists appeared?

6 A. [11:40:39] It was after my appointment as a ComZone. When the conflict broke
7 out, three or four days later, I was appointed ComZone, and then I took the initiative
8 and told my section chiefs and group chiefs to prepare a list of each section. Four
9 days after that, I had this accident and then I was admitted to the hospital -- to the
10 hospital. So it was Mapao controlling all the sections, and he simply came and
11 visited me and briefed me about what was going on.

12 Q. [11:41:26] Was it your initiative to draw up a list at that time?

13 A. [11:41:44] Yes, I'm the one who took the initiative to try to see whether -- for
14 example, in Poto-Poto sector where Commander Eto was there, he was a section
15 commander, so he would be the one who knows the number of Anti-Balaka in
16 Poto-Poto. So if there is trouble, destruction of a house or violence, I would call him,
17 even directly from the hospital, and I would ask him, "Look, I've heard that there was
18 damage here. Is it the members of your group who were involved?" And then he
19 would start calling to find out whether it was elements of his group or not. And
20 then that is how we would have concrete results.

21 Q. [11:42:52] Mr Yapele, if the composition and the size of the groups changed
22 sometimes from day to day, you say in your statement sometimes there were 100 and
23 then the day after it was 50 and then the day thereafter it was 200, was it possible for
24 you to keep track of all the individuals who claimed to be Anti-Balaka?

25 A. [11:43:31] It was not possible. It was not possible. Because at one point, when

1 I was at the hospital, there was no one responsible for feeding them. So each person
2 made their own efforts. They were left to their own devices. And some would
3 come and introduce themselves as Anti-Balaka in one village and then they are given
4 food. Then he can go to another village to try and find or buy something to eat. So
5 the numbers would grow or reduce, depending on where there was a financing for
6 food. So that's why I said that sometimes the numbers grew and sometimes they
7 reduced because they would have gone to another town.

8 Q. [11:44:40] Mr Yapele, was it possible for you as a ComZone in that time frame to
9 expel somebody who claimed to be an Anti-Balaka from the movement in case that
10 individual trespassed any of your advices or even instructions?

11 A. [11:45:09] Yes. If, for example, an Anti-Balaka from Berberati, he can go and
12 carry out exactions in different villages, then we can -- if he's an Anti-Balaka, then we
13 ask that they be taken directly to the police and the gendarmerie so that they should
14 explain. So it was up to me to take those people to the authorities. And sometimes
15 it would be those authorities that release them. They would give money and be
16 released, and then they would go to another place and commit crimes. And since I
17 was the leader, they'll say, "It is his leaders, it is his leaders." Whereas I was the one
18 who had sent rogue Anti-Balakas or fake Anti-Balakas to the authorities. So -- and
19 instead of locking them up, they are released in exchange for a small amount of
20 money. And all that falls back on me.

21 Q. [11:46:38] So, Mr Yapele, it would have been possible, wouldn't it, that if you
22 have brought a rogue Anti-Balaka individual to the gendarmerie, that individual was
23 released by the authorities, that individual could have connected himself to another
24 group and continue under the umbrella of being an Anti-Balaka, wouldn't it?

25 PRESIDING JUDGE SCHMITT: [11:47:13] Mr Vanderpuye.

1 MR VANDERPUYE: [11:47:15] Yes, Mr President.

2 PRESIDING JUDGE SCHMITT: [11:47:15] Speculation?

3 MR VANDERPUYE: [11:47:17] Yes, speculation.

4 PRESIDING JUDGE SCHMITT: [11:47:19] Yes. But like always, Mr Knoops, if you
5 try to rephrase it a little bit. How you phrased it, indeed, Mr Vanderpuye has
6 a point. But I waited for him to step in.

7 MR KNOOPS: [11:47:36] Okay.

8 Q. [11:47:36] Mr Yapele, are you familiar with an incident whereby an individual
9 you brought as a rogue Anti-Balaka to the gendarmerie, that individual was delivered
10 by you or your men at the gendarmerie, and was ultimately released, that you heard
11 or saw that individual participating as an Anti-Balaka at a different group? Are you
12 familiar with such an example, either yourself or you heard it?

13 A. [11:48:13] Yes. There was an Anti-Balaka of the Kantitis (phon) sector,
14 Baba Salao, Baba Salao. Since there was -- he had a small amount of money, he left
15 Berberati and went to Bangui. He left his property at one location. And there was
16 one Anti-Balaka who came there and said that it was -- he was coming on behalf of
17 the Muslims, and the goats had already been kept there by this person. And I was
18 told about that and I had told people that if something like that happened, I will
19 verify directly and find out whether it is really an Anti-Balaka. And in this case, I
20 took the seven goats that this person had stolen and took the person to the
21 gendarmerie, and I said that he should spend at least 10 days there. But he was
22 released back barely two days later. And so he went back to the same group and
23 committed other crimes, and then he would be saying that -- going around saying
24 that I was responsible because I was the leader. And then, because of those things,
25 these people became my enemies.

1 Q. [11:50:23] Could you give us the name of that individual, Mr Yapele, you
2 referred to?

3 A. [11:50:32] Well, it has been quite a long time. I will try to reflect to see whether
4 I can remember that element's name, and if I succeed, I will tell you.

5 Q. [11:50:57] Thank you. And can you tell us whether this happened before or
6 after Brazzaville, this example you mentioned?

7 A. [11:51:11] It was before the Brazzaville forum, when I was at the hospital.

8 Q. [11:51:21] Thank you, sir. Mr Yapele, I'm going to next question, still on the
9 topic of the actions of the various groups, first, the Seleka.
10 This morning, in the English real-time transcript, page 31, line 3 till 4, you did say that
11 you couldn't "leave the city like this. But there were Seleka in the bush. We could
12 not leave the city just like that."

13 My question to you is, did you at that time have information, either directly or
14 through other sources, that the Seleka were still operative after February 2014? They
15 were still attacking civilians or objects?

16 A. [11:52:29] Yes. During that time when the Seleka people were leaving Berberati,
17 some of them -- instead of joining everyone and go to the Carnot route, some of them
18 went back into the bush.

19 Q. [11:52:54] Are you familiar, Mr Yapele, that in the region in the Mambéré-Kadéï,
20 the Seleka attacked in April 2014, precisely 26 April 2014, a hospital of the MSF,
21 *Médecins Sans Frontières*, in Carnot?

22 A. [11:53:35] I'm sorry, I did not quite understand your question. If you can
23 kindly repeat, please.

24 Q. [11:53:47] Maybe I can turn it around. Can you give us examples in accordance
25 with your recollection of Seleka attacks after February 2014 which you either

1 witnessed yourself or you heard of?

2 A. [11:54:16] I heard about the Seleka who attacked, but it was not in Carnot. It
3 was Amada-Gaza. They went and attacked. It is Amada-Gaza. So they went and
4 attacked the ComZone over there Nice (phon). So there were people who were
5 injured there in Berberati, so they attacked the hospital of the town. So that is what I
6 was told. It was around Amada-Gaza.

7 Q. [11:55:02] And, Mr Yapele, can you give us, if you can, a time frame when this
8 attack happened on this ComZone, approximately?

9 A. [11:55:18] I'm beginning to remember, but I was still in the hospital. But
10 that -- that was not the only attack. There was one at Amada-Gaza, then
11 Sosso-Nakombo, towards the Congolese border. So people were found there, some
12 were killed, some had broken legs. So it was February, March, April, during the
13 period I was in the hospital. So there was a period of conflict, and I didn't pay
14 attention to really note the details. I was trying to take care of my own health. And
15 since people thought that it was a revolution, people thought they could assume their
16 former activities if it came to an end. So we didn't pay too much to the details.

17 Q. [11:56:41] Maybe for the Court's reference, the foundation of this question is to
18 be found in a document of the OTP. That's CAR-OTP-2005-0323, in specific,
19 the -- it's an Excel sheet, very long document, and I have referred to lines 937, 1011,
20 but also 568 till 570, 691 and 914, which reports various Seleka attacks after
21 February 2014.

22 Now, Mr Yapele, in the same vein, my next question to you is, sir, whether you have
23 information, either yourself or through other sources, that the Seleka, also after
24 February 2014, not only pursued operations, but were also arming the Muslim
25 population to join them in the fights?

1 A. [11:58:27] Well, there I would say no. I did not hear anything about that type
2 of information.

3 Q. [11:58:42] In your statement you gave in -- a few years ago to the Office of the
4 Prosecution investigators, you mentioned the role of the civilian population. In
5 specific, in tab 30 of the Prosecution binder, CAR-OTP-2107-3500 at page 3538, you
6 were asked by the investigators whether you saw that the Anti-Balaka were
7 destroying or pillaging, and you did say that it was not the Anti-Balaka, but rather,
8 the civilian population.

9 Now, my question to you is, sir, you have information for us, either yourself or
10 through other sources, that the acts by the civilian population were sometimes
11 wrongfully or unjustly attributed to the Anti-Balaka; and if so, can you give us
12 examples?

13 A. [12:00:12] Yes, in the majority, the population began to destroy houses and pick
14 up the property of some Muslims. For instance, I will give you an example. I -- one
15 example is a Seleka, and this was in Berberati -- I've -- "I have met you, you're
16 a Muslim. And I've seen you two, three times and there were old problems, let's say,
17 with an old Christian and you -- you saw me. And now the Seleka are governing the
18 country." And he says, "Okay, this Christian has brought me to the gendarmerie and
19 I've had to pay a fine. And then you -- I have -- this money has to be paid back to
20 me." And the idea is to act properly, to say, okay, this is something that goes back to
21 2010, for a given problem, and he pay -- let's say he paid 10 million or 5 million, I
22 want you to reimburse with interest, and the person forgot to reimburse. You
23 understand?

24 So the day that the Seleka have already left, and the city is attacked by Anti-Balakas,
25 revolutionaries and civilians, and civilians are -- are, let's say, becoming active and

1 they're going to say, "Okay, look at what you have done. It's my turn. The
2 Muslims are leaving, so now your house will be pillaged instead of my money."
3 So to tell you it's the population that had waited that the rebels had left, and they
4 began to pillage the houses, to take their property. "As you're not here, okay, I'm
5 going to take your things." It's a vengeance.
6 As it was the civilian population and the Balakas were there, there is no distinction
7 made between the two. As they see one going by, people like -- for example, the
8 priest who lied with my name, he took a photo of me. People like that, they see the
9 civilian population doing something and they're saying, "Ah, these are the Balakas,
10 Balakas doing this."
11 So if you want to ask these questions -- the day when the Balaka supposedly did
12 something, they can't even give you any details.
13 So that's just one small example that I've given you.
14 Q. [12:03:23] Were you aware, either yourself or you heard, that civilians were
15 taking advantage of the situation to settle sometimes private, financial or economic
16 scores with the Muslim population, and therefore, turned into violence against them
17 while attributing these acts to the Anti-Balaka?
18 A. [12:04:07] Yes, precisely. The Anti-Balakas are the civilian population and the
19 Anti-Balakas are, in the majority, victims. I don't know how to explain this to you.
20 If one day an -- and if among the Seleka -- or among the Seleka, okay, there's a Seleka
21 who is there, okay, he killed my aunt or my -- my brother. You know what's going
22 to happen? You know, you have to, let's say, burn the house in the place of the
23 death of my father, my aunt, my brother. This is what happened at the time during
24 the conflict. And so Balaka, it's the civilian population. So as he's a victim
25 and -- that's why they've taken the initiative to revolt. And then after there's the

1 Anti-Balaka revolution with machetes and knives. Anti-Balakas are nationalists.

2 We are the Central African population. The Anti-Balakas are not -- not just a group
3 belonging to one person, not just killers.

4 Q. [12:05:28] Mr Yapele, are you familiar with examples whereby civilians in
5 Berberati were committing violence against Muslim population because they wanted
6 to scare off the Muslims from returning to Berberati to restart the economic business?
7 For instance, the diamonds industry.

8 A. [12:06:06] No. Well, that's a personal thing, maybe. You know, it could be
9 a personal thing or -- let's say, you get swindled or there's a diamond collector, you
10 have your activities. But at the time there were the Selekas, you send the Selekas to
11 get diamonds using force, and then sometimes when someone is there with a 5
12 million diamond and you, yourself, you've been accused by the Seleka in -- it -- he
13 says, "2 million", and he has to take it because the Seleka are their friends -- are their
14 brothers, rather. And sometimes there is some bitterness.

15 This whole thing of the Selekas, Muslims, Christians, Balakas, these are very complex
16 issues that are difficult for me to explain to you. So everyone acts depending on
17 what that person has suffered. I don't how to differentiate this. It's difficult.

18 Q. [12:07:26] Mr Yapele, are you familiar with an incident involving a citizen of
19 Berberati with the name Fawaz, F-A-W-A-Z, that is a Lebanese civilian who was at
20 that time involved in the diamond business in Berberati, allegedly a financier of the
21 Anti-Balaka, it could have happened later, whereby Mr Fawaz ordered the killing of
22 Muslims because he didn't want a return of Muslims in order to have them restarting
23 the diamond business? Are you familiar with that incident?

24 A. [12:08:23] No. No. But I can give you information, talking about the group
25 of -- there was Hassan Fawaz that I'd known in the past. And when he came to

1 Berberati, he was tortured and threatened and he was locked up several times, over
2 three times, according to what he told me, by the Seleka. And he could not stay in
3 Bangui, so he left Bangui to go to Berberati. And one day, I don't remember the date,
4 he came, I was walking out, and so he asked me, "How are you?" And he said, "Oh,
5 I have heard you're in charge of the Balaka." I said yes. He said, "I'm in -- left
6 Bangui to come here, but I don't have enough money to begin my business. So could
7 you find something for me? Because I'm an Anti-Balaka," he said, "100,000, 200,000,
8 so you can start the business." And then two days later, I paid him. He came to see
9 me at the hospital. Perhaps -- perhaps not two days, but three or four days after my
10 accident, I called him, and I said, "How are things?" I told him there was an
11 accident -- he knew about the accident and he visited me at the hospital. He said,
12 "How are things?" I said, "Have you started your activity?" He said, "No, I have
13 money problems." And I said, "I have a young guy, and I can give you some, and
14 then you can work things out." He said, "Yes, no problem." I didn't give it to him
15 directly, 2,500,000. And I said, "Give it to your brother and he will begin his
16 business, and I would get a percentage." So it was 2.5 million. Every week, he
17 would give -- he would owe me.

18 PRESIDING JUDGE SCHMITT: [12:10:55] Mr Witness, I think you have answered
19 the question of Mr Knoops, and we are very short on time.

20 So, Mr Knoops, please continue. The question was answered.

21 MR KNOOPS: [12:11:03] Yes, it was, indeed.

22 PRESIDING JUDGE SCHMITT: [12:11:03] It was another incident which seemed not
23 to be relevant in this context.

24 MR KNOOPS: [12:11:11] Yes.

25 Q. [12:11:12] Mr Yapele, do you know examples whereby you apprehended rogue

1 Anti-Balaka which you delivered at the gendarmerie which turned out to have been
2 paid by civilians to commit trespasses of the instructions or even commit crimes?

3 Are you familiar with examples whereby those people you apprehended were
4 actually paid to commit those acts?

5 A. [12:11:41] No.

6 Q. [12:11:53] In your statement, you told the investigators, and that is - for the
7 Court, tab 32 of the Prosecution binder, CAR-OTP-2107-3554 at page 3574, in
8 connection with tab 33, CAR-OTP-2107-3584, page 3589, 3590 - that the Anti-Balaka
9 sometimes were unfairly blamed for everything and labelled as enemies of peace.

10 And you refer in your statement -- you refer in your statement that the gendarmerie
11 sometimes in bad faith provided negative reports about the Anti-Balaka to the
12 MISCA/MINUSCA in order to have them attacked.

13 Now my question to you, Mr Yapele, is, can you give us specific examples, if any, of
14 those incidents you described in your statement? And please also refer every time to
15 the time frame, if you can, where this happened.

16 A. [12:13:30] I can give you a typical example. A while ago I had been called, it
17 was the bishop of the city of Berberati, with someone from the city's administration,
18 the authorities, saying that someone --

19 THE INTERPRETER: [12:14:02] If the interpreter heard.

20 THE WITNESS: [12:14:04](Interpretation) -- had killed some people of Berberati.

21 And I was accompanied by Seregaza, Mapao, I think we were five, we went to the
22 meeting. And the mayor of the city took the floor and said, "As it's been six to seven
23 months, the Muslims have come here, it's hard to have enough money to live and
24 have food. But the calm has come to the city. They have to stay in their houses and
25 they have to start working again, doing what they were doing." The representative

1 of the Muslim community took the floor, and I took the floor as well as others, and I
2 said, "Here, where we are, it's not the entire population that has pardoned certain
3 Muslims who are associated with the Seleka for the harm that was done to them.
4 Each person has his or her own personal problem, so it's not the right time. If it was
5 the right time, there would be national reconciliation, which will start in Bangui and,
6 little by little, it will reach the hinterland. But in Bangui, there are still some
7 Muslims taking refuge somewhere, so reconciliation has not begun. So if you decide
8 to let Muslims go back to their homes, their usual homes, and if something happens at
9 night, for example, you're going to say, 'Aha, it's the Anti-Balaka.' And not to have
10 any problems with the Anti-Balakas, it's not the right time to have the Muslims go out
11 and return home."

12 During this meeting, we had not -- beginning -- and the population was saying
13 throughout the city that the Muslims had paid me 5 million, which had ordered that
14 they pay to -- so that they could then go back to their homes. And some are
15 benefiting from the absence of the Muslims. They took their homes and were
16 sleeping in their homes, and they -- they, let's say, were not wanting them to come
17 back. They wanted to kick them out. There were many examples like this.
18 There was the *chef* of the neighbourhood. There were many who did not want the
19 Muslims to come back. So to tell the truth, they camouflaged truth and then just
20 called this the Anti-Balakas who refused the return of the Muslims.

21 Could the Anti-Balakas refuse the return of the Muslims? For what reason? No,
22 the people would have to agree. If it had been the Seleka -- but if we are talking
23 about the Muslim population, up until today, as I speak now, all the Anti-Balakas
24 who have stopped their activities, they are still -- they're back to living with their
25 Muslim brothers. But if they didn't want to -- even today --

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1 THE INTERPRETER: [12:17:40] And the interpreter did not hear the end of that last
2 sentence.

3 PRESIDING JUDGE SCHMITT: [12:17:44] I would like to add something. The last
4 ERN is CAR-OTP-2107-3554 and it was tab 32 of the Prosecution binder.

5 And, Mr Knoops, you are also aware that it's a little bit up to you and the kind of
6 questions you ask rhetorically, so to speak, if the answers are concise or perhaps a
7 little more elaborate -- yes?

8 MR KNOOPS: [12:18:19] Thank you, Mr President. I will take note of your
9 observation, which is also my observation, by the way.

10 Q. [12:18:27] Mr Yapele, were you able to find out why it was that these reports, as
11 you say, in bad faith were sent by the Anti-Balaka, the negative reports by the local
12 authorities? Was there any reason for it which you found out?

13 A. [12:18:56] Yes. There are reasons. At the time, in the city of Berberati, there
14 was someone at the gendarmerie. They talked about a motive concerning me, and
15 with this PCOM --

16 THE INTERPRETER: [12:19:26] If the interpreter heard.

17 THE WITNESS: [12:19:28](Interpretation) They -- they took a pickup and it had gone
18 to Cameroon and there was a trafficking of Muslims. So every Muslim who would
19 come to Berberati, if you're a trader, you give them 250 -- if you transport this person
20 in the pickup, you give the person, let's say, 500,000 to have the person transported to
21 Berberati. Those who don't have money, they would give things, like a freezer. So
22 there's -- there are also some Muslims who were complicit with the Seleka. And the
23 city of Berberati do -- does not want to see these people. And the commander of the
24 campaign had taken this money and imposed them in this neighbourhood, so they
25 have to stay in this neighbourhood. And when people start to see this, instead of

1 talking about the truth, they blame everything on the Anti-Balakas, saying that the
2 Anti-Balakas don't want the return of the Muslims. Whereas those Muslims were
3 Seleka, financed by the Seleka, and they were the ones at the origins of certain killings
4 and some violence and violations at the time of the Seleka. You understand? There
5 is a Muslim, in terms of behaviour.

6 And when they began to leave the city, he took charge of those who loaded the trucks.
7 They discovered three cassettes of ammunition. There was 150,000 Central African
8 francs that were given to the police officer and then he left for Cameroon. When I
9 went to the gendarmerie, and when I was there, the commander left and he went and
10 he got this guy. This man gave him 2,500,000. And he wanted to impose on the
11 people of Berberati that he would leave, but people were opposed to that.

12 MINUSCA came to make the verification. And the population got closer to the
13 MINUSCA captain and -- to say, "This man is a criminal. By leaving here, we saw
14 these cassettes of weapons and ammunition in his house and he was providing the
15 munitions and weapons to the Seleka. We do not want to see this person in this
16 country or he's going to repeat the same acts, other -- you have to arrest him
17 therefore." But as he wanted to benefit from this conflict, he would have to write an
18 Anti-Balaka report, that is, against the Anti-Balaka.

19 We had no one to support us. That's why we had to not say anything, keep our
20 mouths closed, and we had to just see what would happen to us.

21 Q. [12:23:08] Thank you, Mr Yapele. What was your own position at that time
22 when it concerned the return of the Muslims to Berberati?

23 A. [12:23:21] I personally -- well, I sometimes went to see my Muslim brothers, give
24 them money for food, because, you know, we had been living together and you -- you
25 know me, my mentality, my behaviour, but what I can say -- what I have to say is that

1 it's not easy to go back to the city. I understand, I shared this time with the people.
2 If you come back quickly and if something happens at night, you are going to say it's
3 who? You're going to say it's the Anti-Balaka, but it's not. But calm down to -- take
4 things slowly. You will be able to go back home, but it will take time.

5 Q. [12:24:14] Mr Yapele, there is a witness who gave a statement in this case,
6 a Prosecution witness, and also another Prosecution witness, Rule 68(2) witness, and
7 the first one, that's P-2324, CAR-OTP-2100-2002-R02 at 2029, paragraph 93, who
8 mentions a speech you gave that must have been before you were hospitalised, where
9 you explained that you joined the Anti-Balaka because the Seleka killed your father
10 and you lost everything you had. And you, in this speech, according to this witness,
11 claimed that it was not a good time for the Muslims to come back because there were
12 still many bandits in town and the MINUSCA was not able to protect them.

13 Can you recall having given such a speech or a statement? And the statement was
14 apparently given at the Catholic Cultural Centre of Berberati when the topic of return
15 of Muslims was discussed.

16 A. [12:25:58] Yes, indeed, I said this. I see, vis-à-vis what's happening, the
17 authorities are taking advantage of the situation to let the Muslims away with things,
18 and I see, you know, they're going to lie to the Muslims to get a bit of money; whereas
19 there are people who had -- in their activities, they wanted to have a bit of money.
20 As he did not take pity on them, he would pay money. I said that I'm not
21 responsible for everything that happens in their neighbourhoods. They are many,
22 and MINUSCA did not take measures to -- to ensure that each house would be
23 secured by one or two elements, for each house. At that time there were no
24 Anti-Balakas walking around with weapons. So we said that we had to go toward
25 dialogue and reconciliation. That's what I had said there, at that Catholic centre.

1 Q. [12:27:26] Did you, yourself -- or hear from any other individuals at that centre
2 during this gathering that one was also afraid that the Muslims who would return
3 could be armed and could, therefore, harm the Christian population, and that in the
4 absence of a proper security from both sides, the return of Muslims should only be
5 made possible under conditions of security?

6 A. [12:28:13] No.

7 Q. [12:28:27] I just asked you a few minutes ago whether you had information that
8 the Seleka did arm Muslim population in 2014. Now, the same question arises for
9 2013. Do you have any information whether the Seleka was also arming the Muslim
10 population to join them in suppressing the Seleka -- the Anti-Balaka? Sorry.

11 A. [12:29:05] When I went and became ComZone, the Seleka were no longer in the
12 city of Berberati. The Seleka left Berberati and they went to live in the bush near
13 Amada-Gaza or Nakombo; so there were no Seleka in Berberati. There were not -- so
14 that's false information.

15 Q. [12:29:47] No, Mr Yapele. My question is do you have information that in 2013
16 the Seleka was arming the Muslims civilian population? Do you have any
17 information on specifically the time frame of 2013?

18 A. [12:30:20] No. The information was even made available by the transitional
19 president at the time. He talked about 5,000 Seleka elements. When they were
20 leaving, marching, they were about 20 -- 15 or 20,000, but upon arrival, they became
21 35,000, 40,000. So the civilian population had been morally supporting them. And
22 when the Seleka arrived, they supported the Seleka. Even the transitional president
23 spoke about that. This is information that is available to everyone. Everyone was
24 aware that, in the beginning, the Seleka were not many, and it was the civilian
25 population that joined to inflate their numbers.

1 Q. [12:31:27] Mr Yapele, we just spoke about the wrongful accusations towards the
2 Anti-Balaka through various channels, among which negative reports sometimes of
3 the gendarmerie. Are you aware of any examples whereby the Anti-Balaka were
4 accused of destroying mosques while this was not true in reality?

5 A. [12:32:02] Well, some crimes were committed at night. Even when I was in the
6 hospital, at night, I would hear people taking off the roofs of the houses. The
7 authorities of the town are also in their own houses, so if there are bandits or thieves,
8 nothing happens to them. But anything that happened when there were an
9 Anti-Balaka, people would accuse the Anti-Balaka. So I cannot tell you it was the
10 Balaka or the civilian population.

11 So all the violence, the pillaging of houses and roofs, I was at the hospital
12 recuperating so I do not know about those.

13 Q. [12:33:10] You can recall, I assume, that you were asked by the investigators of
14 the Prosecution service during your interview to -- asked to identify mosques that
15 were destroyed, and you gave the information that the only mosque which was
16 partially destroyed or attached was the one where only the roof was removed and
17 that was the central mosque in Berberati.

18 And it's for the Court tab 35, Prosecution binder, CAR-OTP-2107-3636, at page 3644.

19 You were at that time healing from your injury, but we received quite recently
20 a Facebook information from you.

21 And that's the Defence binder tab 20. What's the CAR-OTP? Yeah, it's
22 CAR-OTP-2103-7208 of the Defence binder, tab 20, two-zero.

23 And we kindly ask the court officer to pull up this Facebook message. Actually, it's
24 two pages, because the page 7209, you see the second part of the mosque.

25 Now, first of all, Mr Witness, before we show you the Facebook, your -- you have

1 a Facebook account under the name "Chiki le Petrolier"?

2 A. [12:35:27] Yes.

3 Q. [12:35:28] And can you recall that in November, precisely 15 November 2014,
4 you forwarded to Mr Jean Louis Ngaidjiounou a photo of the -- of a mosque.

5 And we can show the witness now the Facebook message on page 7208.

6 You see, Mr Yapele, that is your Facebook message page, I reckon. Chiki le Petrolier,
7 local user, sent 15 November 2014. If the court officer could scroll down, please, you
8 will see a photo of a mosque. Can you first tell us which mosque this was, or still is?

9 A. [12:37:03] That was the central mosque.

10 Q. [12:37:13] And can you tell us what happened with this mosque in your
11 estimation?

12 A. [12:37:21] Well, it -- it was just hearsay, because at the time that all these things
13 were happening, I was still in the hospital. So I really do not know how to answer
14 you. So that photograph was also forwarded to me by someone and I forwarded it
15 to other people. So I was in the hospital, so I cannot give you details.

16 Q. [12:38:07] Did you -- did you hear at that time that there was an accusation that
17 the Anti-Balaka had destroyed this mosque?

18 A. [12:38:29] Yes, I heard that. As you know, when people are talking about the
19 Anti-Balaka and they said that they were civilians, these are people who acted
20 depending on what happened to them by the Seleka, for example. So personally,
21 what was happening disturbed me. It was not the mosque that killed people. It is
22 not the mosque that committed violence. I wonder whether you understand me.
23 But people went and pillaged the mosque for nothing. So they know -- only they
24 know why they went there. But since I was the leader of the Anti-Balaka in Berberati,
25 everything fell back on me.

1 Q. [12:39:31] Just for the sake of clarity, can the court officer please also show
2 page 7209. That's the lower part of the mosque. And let the record reflect that the
3 mosque was not in this picture destroyed.

4 Mr Witness, why did you send this photo to --

5 PRESIDING JUDGE SCHMITT: [12:39:56] Mr Vanderpuye is rising.

6 MR VANDERPUYE: [12:40:00] Obviously the picture speaks for itself so I won't
7 dwell on it. But the issue here is also, it's unclear when the photograph itself was
8 taken. The date of the message appears to be, I think, 15 November 2014. And I
9 don't know whether the witness is responding to that or responding to the condition
10 of the mosque in February of that year.

11 PRESIDING JUDGE SCHMITT: [12:40:24] Yes, but that's -- I think we will not figure
12 out when this photograph was taken, so you can't -- Mr Knoops, you can ask the
13 witness --

14 MR KNOOPS: [12:40:29] I was about to ask it.

15 PRESIDING JUDGE SCHMITT: [12:40:31] Yes, actually, otherwise I would have
16 done it. But so -- then we could put everything together --

17 MR KNOOPS: [12:40:30] Of course.

18 PRESIDING JUDGE SCHMITT: [12:40:30] -- or not.

19 MR KNOOPS: [12:40:34] Yes. Yes, Mr President. Thank you.

20 Q. [12:40:37] First of all, before trying to reconstruct with you, Mr Yapele, the
21 potential date of this photo, I first have to ask you why did you send this photograph
22 of the mosque to Mr Jean Louis Ngaidjiounou? Was there any reason that you sent
23 this photograph, which apparently you got from someone?

24 A. [12:41:10] Well, he was the *chargé de mission* of the coordination -- of the Kadei
25 region. So he asked me questions that -- he said he had heard that the mosque, the

1 central mosque had been destroyed. And I told him, "No, it was just the roof." And
2 people were talking about the Anti-Balaka. So two or three weeks later, I think I sent
3 people to go and photograph this mosque to show the situation of the mosque. So it
4 is the -- only the roof that was removed, so that's why I wanted to let them know.

5 Q. [12:42:08] Mr Yapele, do I understand your evidence correctly that the
6 photograph of that mosque was made in the time frame after Brazzaville?

7 A. [12:42:43] Yes. It could be after the Brazzaville forum. It's been a long time so
8 I don't really remember.

9 Q. [12:42:55] The last question on the subject of the attribution of crimes and the
10 position of the Anti-Balaka in this regard. Can you tell us, sir, if you can, whether
11 you, yourself, experienced or heard that after the Brazzaville forum, there was an
12 improvement of the security situation in the Central African Republic, specifically in
13 Bangui? In other words, did the Brazzaville forum bring more security in the
14 Central African Republic or not in your experience?

15 A. [12:43:56] That is difficult to answer. After the Brazzaville forum, I spent just
16 four days in Bangui and came back directly to Berberati. So each Anti-Balaka from
17 each ethnic group acted depending on what had happened to them. So at that time,
18 it was the transitional authorities who can tell you about the security issues at that
19 time. It's not my level.

20 Q. [12:44:41] I would like to show you a document, which is CAR-OTP-2001-5677,
21 which is in our Defence binder tab 5, specifically, page 5679.

22 This is a document, Mr Yapele, called (Interpretation) Special intelligence report
23 (Speaks English) from the *Direction sécuritaire du territoire* of 28 July 2014, which notes
24 on this page 5659 in the fifth paragraph, I will read it in French, and I'll ask your view
25 on this observation:

1 (Interpretation) "In fact, we note significant progress in the security situation in ..."

2 (Speaks English) And it mentions then several districts, among which

3 Mambéré-Kadéï. Mambéré-Kadéï.

4 Mr Witness, specifically for Mambéré-Kadéï, where you, after Brazzaville, were

5 appointed as a provincial prefecture, did you observe an improvement of the security
6 climate?

7 A. [12:47:04] Yes. In my region, after the Brazzaville forum in Bangui, the national
8 coordinator had a meeting to give details of what had happened. So he ordered that
9 each provincial chief should go back to his region and tell all members of the
10 Anti-Balaka to not commit any crimes prohibited in Brazzaville. And so people
11 understood that, they stopped that. So it was after the cessation of hostilities
12 agreement, so we thought that it had happened correctly. And I can say that there
13 were improvements.

14 Q. [12:48:18] Speaking about the contacts with the national coordinator, after
15 Brazzaville, how many meetings did you attend with the national coordinator at that
16 time, approximately?

17 A. [12:48:40] Two meetings, maybe.

18 Q. [12:49:05] And this was apart from the preparatory meeting you had with the
19 National Coordination before the Brazzaville forum, correct?

20 A. [12:49:22] Yes. The second meeting was the report of what had happened in
21 Brazzaville, and the coordinator wanted to circulate the information to those who had
22 not taken part in the forum. So he organised that meeting in Hotel Azimut. I
23 myself, I was able to attend that meeting.

24 Q. [12:49:55] And the third meeting, the second meeting after Brazzaville, where
25 was that meeting held? Can you recall?

1 A. [12:50:05] It was at the Hotel Azimut.

2 Q. [12:50:16] Was there any reason why the national coordinator organised those
3 meetings in a hotel, like Azimut?

4 A. [12:50:29] The Hotel Azimut, well, they had a large meeting room which could
5 host a good number of guests. I think that's why he chose it. And the objective was
6 to give details on what had happened in Brazzaville, because there were four or five
7 of us there, but there were ComZones who had not been able to attend that forum.

8 Q. [12:51:14] Can you recall, Mr Yapele, whether anyone of the transnational
9 government attended those meetings in the Azimut hotel?

10 A. [12:51:33] No.

11 Q. [12:51:55] Did you ever hear or learn that Mr Ngaïssona as being the national
12 coordinator advised the attendees of the meeting in Azimut to commit violence
13 against the Muslims?

14 A. [12:52:32] No.

15 Q. [12:52:36] You said yesterday in your evidence, in the English real-time
16 transcript page 54, that "the National Coordination couldn't -- didn't give orders but
17 gave advice, which we respected."

18 Can you specify for the Chamber a little bit more what you meant with "advice".

19 What type of advice did you receive from Mr Ngaïssona?

20 A. [12:53:09] In fact, the advice given by Mr Ngaïssona simply advised us that we
21 were patriots, we were Central Africans, and that it was a conflict, and what had
22 happened had already happened. We had not wanted that conflict, but the conflict
23 had come to an end. And since it had ended, we should assume responsibility for
24 the security of our country and not commit acts of violence against Muslims. He
25 said, "Stay where you are and wait for what the process would bring. Whatever

1 happens to you in the hinterland, try to call the people in the coordination and give
2 details so that we can try to see how the solution could be found."

3 I thanked him very much. If Mr Ngaïssona, Patrice-Edouard Ngaïssona was not the
4 Balaka coordinator at that time who was able to calm them down, I don't know what
5 the level of violence would have been in that country.

6 Q. [12:55:00] Did you ever hear or see that Mr Ngaïssona gave money to buy
7 weapons for the Anti-Balaka or was part of the distribution of weapons or
8 ammunition in the time frame of 2014?

9 A. [12:55:35] I never heard of that. If he had been doing that, I think he would
10 also have called me. But I never had any information relating to that, Mr Ngaïssona
11 was giving money -- or that he was financing whatever. So I never heard such thing.
12 What I heard was that if an Anti-Balaka dies, for example, the parents could go and
13 see Ngaïssona. He would give them a little bit of money to prepare the funeral.
14 That's it.

15 Q. [12:56:26] Did you hear or experience yourself that Mr Ngaïssona, being
16 the national coordinator, was instrumental in the return of vehicles which were stolen
17 from civilians?

18 A. [12:56:55] No. During that time, I was not very interested in what was
19 happening at the level of the coordination or with the Anti-Balaka in Bangui. I was
20 interested in what I myself was doing. So what was happening there was not even
21 important for me, so I really didn't make any effort to have information on that.

22 Q. [12:57:30] In your evidence you gave to the Prosecution investigators, when
23 speaking about the creation of this bureau in Berberati of which your deputy Max
24 was a member, you did say that there was no involvement of the National
25 Coordination in Bangui after Brazzaville to set up this bureau. It was your own

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1 decision, without having been asked by the national coordinator Mr Ngaïssona to set
2 up such a bureau.

3 And that's for the Court the tab 33 of the Prosecution binder, CAR-OTP-2107-3584,
4 page 3586.

5 Can you explain to the Court why you took that initiative yourself to organise this
6 bureau?

7 A. [12:58:39] Well, I had that idea because I'm not the founder of that -- I was not
8 the only founder of that movement. As I have told you, to begin with, there were six
9 of us. And when they voted me as ComZone, I said the ComZone cannot work
10 alone. So a ComZone needed support. So I took the initiative to put in that bureau
11 in place and appointed people responsible for information, for other things. If there
12 is information, you can go to the radio station and talk about it. So only the
13 Anti-Balaka know -- each Anti-Balaka knows why he became an Anti-Balaka. So we
14 had already built our own group and decided to join the Anti-Balaka. That is why I
15 created that bureau.

16 Q. [13:00:13] Thank you, Mr Yapele.

17 PRESIDING JUDGE SCHMITT: [13:00:17] We have our lunch break, then, until 2.30.
18 Do you have an estimate, Mr Knoops?

19 MR KNOOPS: [13:00:21] I think I could finish today.

20 PRESIDING JUDGE SCHMITT: [13:00:23] Yes, I also thought so, actually.

21 MR KNOOPS: [13:00:27] I will do my best to finish before.

22 PRESIDING JUDGE SCHMITT: [13:00:31] Yes. Okay.

23 Mr Vanderpuye also ponders everything what has been said in the past two days.

24 So lunch break until 2.30.

25 THE COURT USHER: [13:00:45] All rise.

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1 (Recess taken at 1.00 p.m.)

2 (Upon resuming in open session at 2.31 p.m.)

3 THE COURT USHER: [14:31:16] All rise.

4 Please be seated.

5 PRESIDING JUDGE SCHMITT: [14:31:36] Good afternoon.

6 Mr Knoops, you still have the floor.

7 MR KNOOPS: [14:31:45] Yes, thank you, Mr President.

8 Q. [14:31:50] Good afternoon, Mr Yapele. Before we continue with another topic,
9 for the sake of clarity, we just want to ask you again about the amount of meetings
10 you had with Mr Ngaïssona after Brazzaville. Is it your recollection that there was
11 one or two meetings in Hotel Azimut after Brazzaville?

12 THE INTERPRETER: [14:32:52] Silence from the witness.

13 PRESIDING JUDGE SCHMITT: [14:33:01] Perhaps you repeat the question,
14 Mr Knoops.

15 MR KNOOPS: [14:33:04] Thank you.

16 Q. [14:33:06] Mr Yapele, do you know whether there were -- there was one or two
17 meetings with the National Coordination after Brazzaville in Hotel Azimut?

18 A. [14:33:30] I just went to one meeting after the Brazzaville summit in -- at the
19 Hotel Azimut.

20 Q. [14:33:40] Thank you very much, sir.

21 My next topic relates to more specifically on the person of Mr Ngaïssona, his role as
22 national coordinator. And my first question in this regard to you is, Mr Yapele, a
23 Prosecution witness appeared before this Court some weeks ago and accused
24 Mr Ngaïssona of having ordered the attack on Berberati and specifically to attack
25 the Seleka in Poto-Poto.

1 And for the Court's reference that's P-2556. ICC transcript 145, English version,
2 page 11 till 12.

3 So what would be your comment about this accusation?

4 A. [14:35:02] Actually, I really wouldn't want to make a comment on that topic.

5 I have a question, if you don't mind, could I be excused for a moment? Could the

6 National Coordination office be set up at a particular month, which month? And

7 then the -- you see, the attack on Berberati was in February and the National

8 Coordination office was set up in April, April or May, something like that. So -- so

9 Ngaïssona had become the national coordinator of the Anti-Balaka, but the attack on

10 Berberati occurred before. Do you see what I'm driving at?

11 PRESIDING JUDGE SCHMITT: [14:35:56] I think that is an answer, Mr Knoops.

12 MR KNOOPS: [14:35:57] Yes.

13 PRESIDING JUDGE SCHMITT: [14:35:58] You can continue.

14 MR KNOOPS: [14:35:59]

15 Q. [14:36:01] The same Prosecution witness who appeared before this Court several

16 weeks ago claimed that Mr Aime Blaise led his group to Berberati to attack the town

17 and vaccinate there the locals, which led to the creation of the Anti-Balaka in

18 Berberati.

19 That was the narrative of an individual who came before this Court to testify.

20 Now, what would you comment on this statement of that witness? What would be

21 your response to this?

22 A. [14:36:51] I don't even know Mr Blaise. Who is Mr Blaise? I don't even know

23 this person. I was the person in charge of the Anti-Balaka in Berberati. I don't

24 know this person.

25 Q. [14:37:06] Maybe I pronounced it not correctly, Mr Yapele. Aime, you

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1 mentioned him yesterday, Aime. So that Prosecution witness who appeared before
2 this Chamber said that Aime went with his group to Berberati to attack the town and
3 vaccinate the locals, which led to the creation of the Anti-Balaka.

4 And my question to you is: What would be your response to this statement?

5 PRESIDING JUDGE SCHMITT: [14:37:47] I think it's easier when you -- when you
6 ask the witness if this also is in conformity with his knowledge about the matters.

7 I think you can be more direct here.

8 MR KNOOPS: [14:37:57] Thank you, Mr President.

9 PRESIDING JUDGE SCHMITT: [14:37:58] So, Mr Witness, if you heard that, is this
10 correct, according to your knowledge, or is it wrong?

11 THE WITNESS: [14:38:14](Interpretation) It's wrong.

12 MR KNOOPS: [14:38:26]

13 Q. [14:38:27] It was true, Mr Yapele, isn't it, that you yourself went to Carnot to
14 take the *gris-gris* yourself with I believe four or five of your comrades which you
15 bought there for them and which allowed you to vaccinate Berberati only later, the
16 locals in Berberati? Is that still your statement? Because this is what you told the
17 investigators in your interview.

18 A. [14:39:06] Yes, that's true.

19 Q. [14:39:12] Lastly, still speaking about the same Prosecution witness who
20 appeared before this Court several weeks ago, that individual accused Mr Ngaïssona
21 that he ordered to force Muslims to leave the country.

22 That's for the Court P-2556, transcript page 145, English version, page 28, 29.

23 Is this in accordance with your experience?

24 PRESIDING JUDGE SCHMITT: [14:39:55] Mr Vanderpuye.

25 MR VANDERPUYE: [14:39:56] Yes, Mr President. I don't think that's an

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1 appropriate question because the witness -- Mr Knoops hasn't laid a foundation for
2 the witness to know that. There's no indication that the witness knows what
3 Mr Ngaïssona was doing as of the coup up until the end of December, or even up
4 until he joined the Anti-Balaka, according to him, in February 2014. The question
5 extends well beyond that time retroactively, and it seems to me that the witness isn't
6 in a position to answer it on what he's testified to and what his statement contains so
7 far.

8 PRESIDING JUDGE SCHMITT: [14:40:28] Well, what he -- I think we can shorten
9 this.

10 Mr Witness, do you have any information, did it come to your attention that
11 Mr Ngaïssona ordered such things?

12 THE WITNESS: [14:40:48](Interpretation) No.

13 PRESIDING JUDGE SCHMITT: [14:40:51] And this "no" we put into perspective,
14 Mr Vanderpuye.

15 MR KNOOPS: [14:40:56] Yes. And Mr President, the statement of 2556 specifically
16 refers to an order given to ComZones and the regional coordinators, that is to say
17 (Overlapping speakers)

18 PRESIDING JUDGE SCHMITT: [14:41:09] I recall that, yes.

19 MR KNOOPS: [14:41:10] So there is a foundation for (Overlapping speakers)

20 PRESIDING JUDGE SCHMITT: [14:41:13] Yes, we have clarified that. You can
21 move on.

22 MR KNOOPS: [14:41:16]

23 Q. [14:41:17] In the same vein, Mr Yapele, speaking about the position of the
24 Muslims, I would like to ask you to look at a document, which is the Defence binder
25 tab 7, CAR-OTP-2084-0157.

- 1 It's a radio communiqué of 28 June 2014 issued by the national coordinator
2 Mr Ngaïssona. And I ask the attention specifically for the first paragraph, last
3 sentence, starting with -- it's actually quite a long sentence.
- 4 PRESIDING JUDGE SCHMITT: [14:42:21] Actually, I also -- I also was in search for
5 the beginning of the sentence. I would not say in vain, but I arrived at that. But
6 indeed it's a half a paragraph. It's about the issue that there was the Ramadan at the
7 time. Perhaps you can circumscribe it --
- 8 MR KNOOPS: Yes, yes.
- 9 PRESIDING JUDGE SCHMITT: [14:42:41] -- a little bit. That would facilitate
10 matters.
- 11 MR KNOOPS: [14:42:45] Yes.
- 12 Q. [14:42:46] This to say, Mr Yapele, that Mr Ngaïssona issued a communiqué in
13 which he granted Muslims free of movement during the Ramadan. And this is
14 actually the very last words of the first sentence -- of the first paragraph. And my
15 question to you is have you ever seen this document before, this communiqué of
16 28 June 2014?
- 17 A. [14:43:26] No.
- 18 Q. [14:43:29] Well, were you familiar with the position of Mr Ngaïssona in those
19 days - because I believe this happened before Brazzaville, this communiqué - that he
20 asked for free movement of the Muslim population during the Ramadan?
- 21 A. [14:44:05] I have no idea. I've never heard this so I can't tell you anything at all.
- 22 PRESIDING JUDGE SCHMITT: [14:44:15] Mr Knoops, with regard to the last
23 objection, let's say, of Mr Vanderpuye, which I did not grant, so to speak, but he had a
24 point here. I think with regard to the witness, he does not have, to put it so this way,
25 he does not have a lot of knowledge of the actions and whatever of Mr Ngaïssona.

1 He did not have a lot of contact. I think he only got to meet him in --

2 MR KNOOPS: Brazzaville (Overlapping speakers)

3 PRESIDING JUDGE SCHMITT: [14:44:45] -- in Brazzaville, so I think you can
4 shorten this part of the examination. I would suggest that, please.

5 MR KNOOPS: [14:44:52] Yeah, yeah. Maybe then just, Mr President, one
6 remaining question for Mr Yapele.

7 Q. [14:45:00] Either during the preparatory meeting to Brazzaville or after the
8 Brazzaville forum at the meeting in the Azimut hotel, did Mr -- what was
9 Mr Ngaïssona's position, if he expressed that during one of those occasions, with
10 regard to the Muslim population?

11 A. [14:45:34] Actually, regarding the situation of the Muslim population, I never
12 heard a word from the national coordinator. In the meeting room he only provided
13 counsel. We talk -- I don't know about the details. He was like our adviser. He
14 was our leader. And he was the one who calmed down all the Anti-Balaka, not a
15 word of a lie. He was the head of the movement. Ngaïssona did everything
16 necessary to establish what there was at his level.

17 Q. [14:46:45] Thank you. While you were at that time most likely in the hospital,
18 did you hear at any moment in time, Mr Yapele, that this press communiqué, or at
19 least the message which is contained in this communiqué, was presented in Berberati
20 by Mr Ngaizounou? That gentleman came with the delegation from the
21 coordination Bangui, according to evidence which is in the possession of the -- of the
22 Court.

23 I refer the Chamber to P-2324.

24 My question is did you hear afterwards of this delegation which came to Berberati
25 where this communiqué might have been presented?

1 A. [14:48:08] Yes. If -- actually, it was the mission officer, Jean-Louis, and when he
2 came to Berberati there was a misunderstanding between the authorities and us and
3 the MINUSCA staff. Everyone had a copy of the end of hostilities agreement.
4 Sometimes the Anti-Balaka were accused. And for the local authorities, they were
5 Peuhls. Because of that, the coordinator sent the mission officer to gather us together
6 and to provide all the documents that we signed in Brazzaville. So the people -- the
7 officials of MINUSCA and the people representing youth were asked to look at these
8 documents. Some of the Anti-Balaka who were in the town, not in Bangui, to attend
9 this meeting had an opportunity -- you see, this mission officer was visiting. The
10 goal of the mission was to provide more information about what was -- what had
11 truly happened in Brazzaville. To my mind, that was the purpose of his visit.

12 Q. [14:49:54] Okay. Now, Mr Yapele, we talked yesterday already about the
13 position you received as a prefectural coordinator. And in your statement you gave
14 to the Office of the Prosecution - it's tab 27, CAR-OTP-2107-3428, page 3449 - you say
15 that after Brazzaville, it was decided that each prefecture would have its coordinator.
16 Can you tell the Court how much time after Brazzaville this institution was
17 established of the prefectural coordinator or provincial coordinator? Was it several
18 days after the Brazzaville? Several weeks? Months?

19 A. [14:51:28] It was two weeks after the Brazzaville agreement. So once after the
20 meeting that was held at the Hotel Azimut, we went back home to our various areas
21 and we summoned all the ComZones from various areas and the small prefectures
22 around Berberati, we summoned them to Berberati and we spent two days with them.
23 And just because -- well, I was the coordinator because I was in Berberati and
24 Berberati was the prefecture. But there were people like Aime who were former
25 Anti-Balaka who were more senior than me, more seniority. Since he was in Carnot,

1 which is a sub-prefecture, and I was in Berberati, which is a prefecture, I was the one
2 who had to deal with the National Coordination in Bangui.

3 Q. [14:53:01] Mr Yapele, are you familiar with the individuals named Barthelemy
4 and Sylvain Namsenmo, if I pronounced them correctly?

5 A. [14:53:23] Actually, Barthelemy was one of the Anti-Balaka from Carnot.

6 Q. [14:53:35] And did he became regional coordinator after Brazzaville?

7 A. [14:53:49] No.

8 Q. [14:53:50] And what about a person with the name Sylvain Namsenmo?

9 A. [14:54:03] No.

10 Q. [14:54:06] So when a Prosecution witness appeared before this Court several
11 weeks ago did say that these two people were appointed by Mr Ngaïssona before
12 Brazzaville, as a regional coordinator, what would be your comment?

13 A. [14:54:30] I don't know. How did you get that information? Whoever gave
14 you that information must have been acting out of bad faith in regards to the
15 Anti-Balaka. All the questions you've been asking me, all of these questions are
16 based on wrong information. I know the people of the Central African Republic. A
17 real Central African Republic would not have said that. He must have been paid to
18 say that. He must have been from another nation. (Overlapping speakers)

19 Q. [14:55:09] Thank you.

20 PRESIDING JUDGE SCHMITT: [14:55:11] Mr Vanderpuye, your objection comes a
21 bit late, but nevertheless I give you the floor.

22 MR VANDERPUYE: [14:55:17] Yes. Just in principle, Mr President, you know, I
23 have no problem with Mr Knoops putting the question of facts to the witness that are
24 distinct from other witnesses, but to ask for a comment on what someone else's
25 testimony is or evidence I don't think is --

1 PRESIDING JUDGE SCHMITT: [14:55:32] Yes. You know, Mr Knoops, I also
2 addressed this a little bit, I think twice, before the break. It's simply a matter of
3 wording. I would also not -- not ask for comments to other witness statements.
4 Simply ask the witness if he has own knowledge, like I worded it, for example, but
5 you can also word it differently, if he has own knowledge or if this did come to his
6 attention too, or whatsoever, things like that. I think it's better than -- you know,
7 also commenting has another, let's say disadvantage. It tends to give the
8 witness -- or induce the witness to give very long answers. Any witness, not this
9 witness specifically.

10 MR KNOOPS: [14:56:17] Thank you, Mr President. Thank you.

11 Q. [14:56:21] Mr Yapele, you told us yesterday in the English real-time transcript
12 page 52 and 53 that this whole idea to set up a prefectural coordinator after
13 Brazzaville was an idea of Mr Ngaïssona. Can you explain to the Court what was
14 the idea behind this proposal, what was the purpose of having such a provincial
15 coordinator in place? Did Mr Ngaïssona at any point in time explain to you or
16 anyone what was the purpose behind this institution?

17 A. [14:57:18] Actually, we, the ComZones in the provinces, we were the ones who
18 suggested that. We said that each prefecture should have its own coordinator. So it
19 was the provincial coordinators who were the ones to pass on information to people
20 in smaller places and to report back to the National Coordination. We were the ones
21 who made the suggestion. And the national coordinator agreed, he thought it was a
22 good initiative. There was some information that -- from the very small places, from
23 the hinterland that was not getting to him. The provincial coordinators were
24 supposed to give him concrete details, information over the phone, so they were the
25 ones who made the suggestion.

1 Q. [14:58:24] Thank you, Mr Witness. Still speaking about the role of
2 Mr Ngaïssona after Brazzaville in specific, I would like to show you a document
3 which is tab 6 of the Defence binder, it's CAR-OTP-2127-6169, specifically page 6172,
4 at paragraph 23.

5 It's an investigation report of an unfinished second interview with a Prosecution
6 witness.

7 For the Court, P-1521. Identity not to be displayed to the witness, of course.

8 In paragraph 23 of this investigation report it says -- I will summarise it for you,
9 Mr Yapele, that the National Coordination wanted to pacify the country, go to the
10 elections and through these elections find satisfaction for these men. The national
11 coordinator "told Chiki Chiki to get rid of that barriers because supplies were not able
12 to come through the routes in his area. We would call him on the phone.

13 Chiki Chiki did listen."

14 My question to you, sir, is can you recall whether Mr Ngaïssona did ask you to be
15 part of this action to get rid of the barriers in order to get the supplies being able to
16 come forward in the area?

17 A. [15:00:39] That is to say, who -- is something to remove the barriers, that's
18 strange. Even when I was the ComZone before being the coordinator, there were no
19 Anti-Balaka barriers in that area. So when you talk about barriers today, what type
20 of barriers are you referring to?

21 Q. [15:01:08] Roadblocks, for instance.

22 A. [15:01:17] There were no roadblocks that had been put up by the Anti-Balaka in
23 our region. As a ComZone, we're not there to impose on the population, on traders
24 and those in transport to set -- why would we set up barriers? What would be the
25 purpose of these barriers?

1 Q. [15:01:48] Mr Yapele, did Mr Ngaïssona, if he expressed during one of the
2 meetings you had with him, in the context of the preparatory meeting or after
3 Brazzaville in Azimut, explain to the attendees of the meetings how he was planning
4 to pacify the country? Did he have a plan or did he express how -- which
5 instruments he was about to use to pacify the country?

6 A. [15:02:35] Well, even if -- that's a good question. In fact, after the Brazzaville
7 forum, in the meeting room at the Azimut hotel he did say to us we have taken
8 money from the state, a certain amount of money to - the word escapes me a bit - to
9 keep the Seleka and the Anti-Balakas on site. But all the -- not all the Anti-Balakas
10 are ready. But for the Seleka, the Selekas have been camped, there are three or four
11 bases in Bangui. And then he would pursue negotiations with the government to
12 see if he could have a way of ensuring that the Anti-Balaka would be in certain bases
13 or camps so they would not create disorder. Everything the coordinator would say
14 to us would be advice and it would be us, we would have to stop everything and
15 resume our previous activities to help the country move forward.

16 That is what they often said to us.

17 Q. [15:04:06] You just said, Mr Yapele, you couldn't find the word. Were you
18 looking for the word "*cantonnement*"?

19 A. [15:04:21] Yes.

20 Q. [15:04:25] I noticed that in your statement you gave to the investigators of the
21 Office of the Prosecution that the *cantonnement* of the elements was so important that
22 if they were not cantoned at the neighbourhoods, they could start robbing people or
23 doing other wrongdoings to the people.

24 And that's, for the Court, tab 29 of the Prosecution binder, CAR-OTP-2107-3483 at
25 page 3495.

1 Now, my question to you, Mr Yapele, did Mr Ngaïssona specify in the meeting you
2 had with him in the Azimut hotel anything about the importance of *cantonnement*?

3 And if so, what did he say about that?

4 A. [15:05:52] Well, the importance of cantonment was to avoid disorder of some of
5 the elements who were rogue elements. So controlling the Anti-Balaka means the
6 civilians when they wanted to have them together or areas where people are sleeping
7 together, when they -- when they sleep at their own homes, they might come -- as
8 ComZone, I would call people to a meeting if -- when people slept in their
9 neighbourhoods. At the Brazzaville forum we had said that if the state can make an
10 effort and to see with the national coordinator to find a way to do the cantonment of
11 all the Anti-Balaka to avoid disorder in certain neighbourhoods. If someone, for
12 example, sleeps at home, they might be armed and go and do a holdup and then this
13 will fall on to the coordinator, and they'll say, oh, again, it's the Anti-Balaka. After
14 the Brazzaville forum, where we had seen -- they would say that there's a
15 continuation of torture. So we wanted to have all the *cantonnement* of all the
16 elements. But he wanted to try to see with the government to find a way to set this
17 up.

18 Q. [15:07:34] And, Mr Yapele, did you know what the, at that time, the outcome
19 was of the efforts of the national coordinator for this *cantonnement*? What was the
20 result of those efforts?

21 A. [15:07:59] It was to stop hostilities.

22 Q. [15:08:08] I mean, did Mr Ngaïssona succeed in this effort? Was he successful
23 with his efforts?

24 A. [15:08:23] Yes, he succeeded, despite the fact that the state did not put any
25 means at his disposal to do the cantonment of the Anti-Balaka. It did not -- he had

1 the courage and will to call us and give us advice, and we conscientiously, as citizens,
2 we had an interest in following this and stopping these uncontrolled elements and to
3 do everything he had told us to do to put an end to the hostilities and to live together
4 so that peace would come back.

5 Q. [15:09:05] Thank you. Before I go to my last topic, Mr Yapele, I have one
6 request to you to clarify the record. A few minutes ago I asked you about two
7 gentlemen, Mr Barthelemy and Mr Sylvain Namsenmo, who, according to a
8 Prosecution witness, were appointed by Mr Ngaïssona as the prefectural coordinators
9 before Brazzaville. Actually, we were referring to Mr Sylvain Sinakolo. And my
10 question, does this change your answer you just gave to me about whether or not
11 these two individuals were appointed by Mr Ngaïssona. So specifically Sylvain
12 Sinakolo.

13 A. [15:10:10] Well, there is a problem, but it's something difficult for you to
14 understand. In this conflict, I can give you a typical example of Seregaza, Seregaza,
15 someone you know well, he was of the first class of the Central African army, but as
16 soon as he became the Balakas, he left a certain place and he visited us. But in terms
17 of Arambuti (phon), he named himself captain. It could be the same thing with this
18 Sylvain in -- who named himself coordinator in a small village.

19 THE INTERPRETER: [15:11:10] And the interpreter missed the last word.

20 THE WITNESS: [15:11:14](Interpretation) But you'll excuse me, I personally do not
21 know someone like that. I did not know him at that time.

22 MR KNOOPS: [15:11:24]

23 Q. [15:11:25] Thank you, Mr Yapele. Now my last topic relates to the trip to
24 Nairobi and the establishment of the PCUD. First, it's my understanding that
25 Mr Ngaïssona was intending to transform the Anti-Balaka into a political movement.

1 When was the first time that you heard about this intention of Mr Ngaïssona, that he
2 would like to transform the Anti-Balaka in a political party, political movement?

3 How much weeks, months after Brazzaville this took place, this initiative?

4 A. [15:12:26] Well, after the Brazzaville forum, we met and I went to Berberati, but
5 later there was a call within the coordination of all the coordinators and ComZones
6 who were to go to Bangui to attend a meeting at the level of the National
7 Coordination. And so we went and we left there to go and attend this meeting.

8 Q. [15:13:09] Is it correct that Mr Ngaïssona was trying to create the Anti-Balaka
9 into a political movement for a specific reason? Was there a reason behind this
10 proposal, as far as you know? Did he explain to you or you heard why he was
11 trying to transform the Anti-Balaka into a political movement?

12 A. [15:13:52] Actually, the day where I learned of this, it was the day of a meeting
13 of all the ComZones. We were at the coordinator's, at his home, all the ComZones
14 and all the Anti-Balaka coordinators of Central African Republic. And we did not
15 know what the whole point of that meeting was. It was only after that he, the
16 coordinator, took the floor in person and said that since -- vis-à-vis everything that's
17 happened since the beginning of the conflict just up until before the Brazzaville forum
18 and then subsequent to that forum, no one has been supporting us. We are a civilian
19 population. There's no political party supporting us. And everyone rejects any
20 requests we have within MINUSCA, within the government, et cetera. That's why,
21 as he himself sees, that the Anti-Balakas are not that numerous and they are
22 abandoned, so he wanted to transform this movement into a political party. And
23 he -- if he transformed it into a political party, he could channel and guide the party.
24 And I myself, it was that day that he told us this.
25 Okay, okay.

1 Q. [15:15:43] Mr Yapele, is it correct that Mr Ngaïssona gave everyone who were
2 present at the meeting you just described a free choice to join such a party or not?

3 A. [15:16:07] He suggested the case. He wanted to transform this movement into
4 a political party. He was -- I mean, rather, those who wanted to could join it.
5 Others could stay with the party they had been with earlier. The coordinator did not
6 force anyone. He said, "You are all Anti-Balakas and Anti-Balaka coordinators. It
7 doesn't mean you are automatically going to want to be a member of this party." He
8 did not force anyone, but he said that he has the intention of creating a political party
9 in the name of the movement and those who want to join it can, among the
10 Anti-Balaka. And during the elections they can stay in their old political party if
11 they want.

12 Q. [15:17:06] Mr Yapele, what was your position at that time towards this idea?

13 A. [15:17:21] That day I declared to the coordinator that I want this movement to
14 succeed and all the South Africans -- or Central Africans could be united. Before
15 becoming an Anti-Balaka, every person there had their own political party, that is,
16 belonged to one. But I had never been in politics. Every person had a political
17 party, but not because we were Anti-Balakas we would have to join your party.
18 I had my reasons. I do not like engaging in politics, that's what I said. But I said,
19 "This is your initiative and I know that's why you want to change this into a political
20 party, but I am not in politics." So if there are some who want to, they might have
21 their own initiatives as well.

22 Q. [15:18:34] Were you aware at that time or later what the position was of
23 Mr Maxime Mokom versus the idea of Mr Ngaïssona to transform the Anti-Balaka
24 into a political party?

25 A. [15:18:59] In fact, Maxime Mokom is part of the staff of the coordinators of this

1 National Coordination, so his politics, they already had an agreement within their
2 bureau, so I don't know whether they agreed before calling us to declare this to us.

3 I don't know. He was within this coordination. He was there.

4 Q. [15:19:31] But at a certain point in time Mr Mokom left the group of
5 Mr Ngaïssona and established his own coordination, isn't it?

6 A. [15:19:47] Yes.

7 Q. [15:19:49] And can you enlighten us why Mr Mokom left the group of
8 Mr Ngaïssona?

9 A. [15:20:08] Okay. This might seem a bit long, if you -- if you will allow me.

10 Mokom -- or, rather, when I was in Berberati, I received a phone call from
11 Maxime Mokom and he said "Prepare yourself, we're going to -- perhaps this evening
12 or tomorrow morning, you will be asked to go to Bangui." This is regarding
13 Anti-Balakas. He didn't say it was about Nairobi or not. He said, "If there's
14 anything, call me."

15 And in the evening we were at the house with Mapao and others and I received a call
16 and it says, "Well, you have to come to Bangui. There is a movement of the
17 Anti-Balaka." It was Mokom who had called me, and he said, "You have to make
18 sure that you're in Bangui tomorrow." And I said, "Okay, I will go." And I will
19 leave Berberati before 2 o'clock and I arrived in Bangui on -- for ten years -- ten hours,
20 rather. So I told him I would get a hotel and I did.

21 And in the evening I went directly to his house. And he asked, "How are things?
22 How was the road?" I said, "Fine, fine." And he said, "Okay, now we are going to
23 travel to go to Nairobi, Kenya. This is a forum -- there's a forum between the Balaka
24 and the Seleka." And I said, "Okay." And he said, "I will call you once we will have
25 planned the departure."

1 As he was sending me with this coordination, and he is the one who called me during
2 the preparations for Brazzaville, that meant that the national coordinator was aware
3 of all this.

4 The next morning, he called me and he says, "It will be this -- this day and we have to
5 go to the airport." Once at the airport, I said, "Okay, where's the coordinator?" He
6 said, "Oh, he'll come later with the president, but he sent a representative who is
7 waiting for us in Nairobi." It was Joachim Kokate.

8 So we took a flight, we went from Brazzaville -- we landed in Brazzaville, then we
9 went to Nairobi, and then a bus came and picked us at the airport. Once we got to
10 the hotel, Joachim Kokate welcomed us at the hotel. We were given the key to the
11 room. We went and we had a little briefing of a meeting in the morning. And I
12 asked the question again, "But how is it that you are -- the members of the

13 coordination bureau are there, but the coordinator himself is not there?" He said,
14 "The coordinator will come with the president of transition on the eve of the forum."
15 So we began this forum one, two months. And at the third month the coordinators,
16 well, we received a copy at the time of our forum saying the national coordinator
17 Patrice-Edouard Ngaïssona does not know the Anti-Balaka in Nairobi. I don't know
18 why he said that. Or it's reality or this is a fake document. I don't know.

19 At that time, I was still with the people from the coordination who worked with him.
20 So we tried to continue, we spoke of the Nairobi forum.

21 We left Nairobi, then we got to Brazzaville, and as soon as we left Brazzaville to go to
22 Bangui, the president said that all Anti-Balaka had to be arrested, those who had been
23 to Nairobi and others, because they had gone to Nairobi to plan a coup d'état. We
24 had spent three days in Brazzaville saying to President Sassou that there was a
25 security issue before we go back to Bangui, because he was the mediator of this

1 initiative. So I don't know what the agreement was between President Sassou and
2 the transition president because we know anyway that the flight had been scheduled
3 for the next day. If they wanted to be in jail, we would at least be in jail in our
4 country and then -- and we would go to our country. So that's when we went back
5 to Bangui.

6 Once back in Bangui, we, the staff that had gone to Nairobi, asked, we said there had
7 been a donation of 800 billion from the Angolan government and this donation had
8 been given to the Central African government and that was to have the cantonment of
9 the Seleka and Anti-Balakas.

10 According to our investigations, they had succeeded the cantonment of the Seleka,
11 but where was the money for the Anti-Balaka cantonment? So we wanted to know
12 about this money and what had happened to it.

13 We followed this case and when we were in Brazzaville we didn't know who the
14 coordinator was, so we wondered how to organise a meeting. We organised them
15 for national mediation. We had all the ComZones get together and the -- as well as
16 the provincial coordinators. A UN representative was there, who was in the room,
17 Mr Kokate was there, Maxime Mokom was there, Wenezoui was there, but the
18 national coordinator Patrice was missing.

19 So as we had begun the discussions, how we could follow this, we needed to know
20 where the donation for the cantonment of the Balaka was. So we said, "Okay, you
21 have diverted the funds and we cannot follow the Anti-Balaka into the hinterland.
22 You received the money for this cantonment, but you did not give it, and now we
23 have the problem to deal with. So what are we going to do? So can we find
24 another coordinator who can lead us in the right direction?" That's where we asked
25 Wenezoui questions. He left. He was pretending that he was going to make a call

1 and then he just left.

2 So for us there was Maxime Mokom and Joachim Kokate and myself. As the others
3 were not there, we were the ComZones and the coordinators, we decided to find
4 another coordinator who could guide us and who could lead us in the right direction
5 so we could move forward where there would be -- that's where between Joachim
6 Kokate and Maxime Mokom, and Maxime Mokom got the majority, that's where he
7 became the national coordinator. That was the purpose.

8 I don't know if -- that is what I learned and this is how I can explain it to you.

9 Q. [15:28:38] Mr Yapele, did Mr Mokom Maxime, either before, during or after
10 Nairobi, express himself to you or the others about the idea of Mr Ngaïssona to
11 transform the Anti-Balaka into a political movement, did he think this was a bad idea
12 or a good idea? What did he say about this idea of Mr Ngaïssona to you?

13 A. [15:29:16] Well, he never spoke to me of this idea. At the time with the others
14 he did not tell me about this. Perhaps he talked to other coordinators or ComZones
15 about that.

16 Q. [15:29:30] Were you familiar with the fact that Mokom left the group of
17 Mr Ngaïssona because he wanted to continue with the Anti-Balaka as a self-defence
18 group and therefore was not willing to work alongside Mr Ngaïssona who thought
19 that it was time to transform the Anti-Balaka into a political movement, while Mokom
20 wanted to pursue the line of self-defence and the return of Mr Bozize?

21 A. [15:30:26] Well, I know it's up to Mr Mokom to answer the question. He knows
22 why he no longer got along with Mr Ngaïssona, why he left Ngaïssona's coordination
23 to create his own coordination. It's up to him to answer you.

24 Q. [15:30:42] 23 October 2014 there was a meeting with Mr Adamou Ndale
25 presiding the session, a reunion of a large number of ComZones which concerns the

1 decision of Mr Ngaïssona at that time to turn the political -- the Anti-Balaka into a
2 political party. Can you recall -- can you recall, Mr Yapele, that you attended such a
3 meeting (Overlapping speakers)

4 A. [15:31:20] I told you about that earlier. I told you about that earlier. I was
5 there. I attended that meeting when the coordinators supported this idea to turn the
6 movement into a political party. That was his vision. Not all the ComZones, not all
7 the coordinators shared that vision. But before becoming an Anti-Balaka, each
8 person had his own political party. So some Balakas decided to follow Ngaïssona
9 with his party. And there were also Anti-Balaka like me who said, "Well, I don't
10 want to be associated with a political party." So other people decided to go to their
11 own political parties. I was there that day. I made my own personal choice.

12 Q. [15:32:28] Thank you.

13 PRESIDING JUDGE SCHMITT: [15:32:29] I think you can move on, Mr Knoops.

14 MR KNOOPS: [15:32:32] Yes.

15 Q. [15:32:33] I just want to show you a document, number 10 of the Defence, which
16 is a procès-verbal of this meeting of 23 October 2014. That's Defence binder tab
17 4 -- tab 10, CAR-D30-0001-0082 and especially page 0083. And I ask the attention of
18 you, Mr Yapele, for the third paragraph starting with (Interpretation) "It emerges
19 from the discussions and debates of the participants, that they must categorically and
20 unanimously turn down the claim of Mr Edouard Patrice Ngaïssona to turn the
21 non-political patriotic movement of self-defence, the Anti-Balaka movement, into a
22 political party through reaffirmation of their firm claims that are set out below.
23 Number one, liberate the part of the country that is currently under the control of
24 Chadian and Sudanese mercenaries; ensure the protection of the people of the Central
25 African Republic and their own protection against the aggression of non-disarmed

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1 mercenaries."

2 (Speaks English) Now my question to you, Mr Yapele, is was this the information

3 Mr Mokom distributed, that he thought that the Seleka were not yet disappeared

4 from the territory and that the Anti-Balaka should continue as a self-defence

5 movement, while Mr Ngaïssona was opposed to this idea? Can you recall that this

6 was discussed during this reunion on 23 October 2014 while you were present?

7 A. [15:35:20] *Non.*

8 PRESIDING JUDGE SCHMITT: [15:35:22] The witness has said no.

9 MR KNOOPS: [15:35:25]

10 Q. [15:35:25] On page 0086 you find in the second deliberation a preparation for the
11 restructuring of the coordination.

12 The Prosecution showed you yesterday a document, tab 22, which was a document

13 on the budget for the restructuring of the coordination. Can you agree that this

14 document which was shown to you yesterday at tab 22, CAR-OTP-2101-0217, was the

15 result of the decision to remove Mr Ngaïssona from the coordination and the

16 restructuring of the movement by Mokom?

17 A. [15:36:30] I haven't reviewed the document. If you could remind me.

18 Q. [15:36:35] Maybe we can show the document tab 22 of the Prosecution binder,

19 just the first page, which is CAR-OTP-2101-0217.

20 It's -- you see, Mr Witness, it was shown to you yesterday by the Prosecution, but the

21 questions -- the question was really about the time frame of this document, which was

22 not clear. You see this document, maybe the title - if the court officer could show

23 that - (Interpretation) "Provisional budget of provincial ComZones and coordinators".

24 So this document, Mr Yapele, would you agree with me that this was the result of the

25 decision that Mr Ngaïssona was not longer to be the coordinator in October 2014?

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1 A. [15:37:58] That wasn't the reason. If I look at this document, I see that this is an
2 attendance sheet, all the people who attended this meeting of provincial ComZones
3 and coordinators. And he said that he wanted to turn the movement into a political
4 party, but he did not show us a document that said no, you can't sign. He said
5 openly that he wanted to turn the movement into a political party. He said that if
6 someone wanted to join, fine, but if someone didn't want to join, also fine, that person
7 would remain an Anti-Balaka.

8 Q. [15:38:46] But Mr Yapele, if you look at, please, the title of this document, it's a
9 document (Interpretation) "For the restructuring of the office of the National
10 Coordination of the movement of self-defence groups."

11 A. [15:39:13] Well, actually, who made -- who drew up this document? I see
12 national patriots here and ComZones, but were there ComZones? And if so, from
13 where? It seems -- this seems strange to me.

14 Q. [15:39:32] But can you recall that after the decision was made in October to
15 restructure the National Coordination without Mr Ngaïssona, that such a budget was
16 made by Mokom?

17 A. [15:39:59] Actually, I don't have an answer. I don't --

18 THE INTERPRETER: [15:40:05] Inaudible.

19 THE WITNESS: [15:40:08](Interpretation) This really is beyond me.

20 PRESIDING JUDGE SCHMITT: [15:40:10] I think you should move on, Mr Knoops.

21 MR KNOOPS: [15:40:13]

22 Q. [15:40:15] Mr Yapele, can you recall whether Mr Mokom, after Nairobi, did say
23 bad things about Mr Ngaïssona such as he actually embezzled money, he is
24 responsible for the arrest of Anti-Balaka, he conspired with Ms Samba-Panza,
25 et cetera? Can you recall any of those accusations by Mr Mokom towards

1 Mr Ngaïssona?

2 A. [15:40:59] You yourself know that when people were together and if there's a
3 division amongst them, if there is a division, each person tries to find some reasons
4 why they separated. So I don't know. I don't know what he was actually thinking
5 in his head. They were all together. But after, after the Nairobi forum, they said
6 that the -- that coordinator Ngaïssona treats us like bandits and thieves, not even like
7 Anti-Balaka, that is why he did not take part in the Nairobi forum.

8 Now, we had to go and see him and attend his meeting. After, once he became --

9 THE INTERPRETER: [15:42:02] Inaudible.

10 THE WITNESS: [15:42:05](Interpretation) After, this didn't please us, the true
11 Anti-Balaka. And as coordinator, you have to work with the ComZones and the
12 coordinators. So you see, there was a struggle amongst us, the leaders, the people
13 who had struggled and fought for the country, and then people who came in after the
14 crisis who took up the leadership of the movement, there were disagreements with
15 those people.

16 So there was Mokom, there was Ngaïssona, there was Kokate, Wenezoui, but by one
17 particular point, each one had their own coordination, so each person set up his own
18 coordination to take advantage and we, the brothers who had actually fought, we
19 were abandoned. So they, they are the ones to answer their question -- your
20 question. I don't know what the true reason was for their separation.

21 Q. [15:43:30] Okay. Two final questions, Mr Yapele. First of all, a final document
22 which I would like to show to you, it's at tab 14 in our Defence binder,
23 CAR-OTP-2101-1821. It's a letter written by Mr Ngaïssona in April 2014 to the
24 president, transitional president, in which he pledges his support in order to achieve
25 peace and reconciliation in the country. My question to you, can you recall whether

1 Mr Mokom mentioned this letter in -- at any moment to you after Nairobi or before?

2 A. [15:44:53] I have no idea about that. You know, after the Nairobi forum and we
3 went back home, I myself was wondering why there was these struggles amongst the
4 members of the National Coordination bureau and why each person wanted to set up
5 his own National Coordination. So there were interests at play that we were not
6 aware of.

7 So after the Brazzaville forum -- or rather, Nairobi, I went back to my own personal
8 activities, I went back to my own business and I ended -- I had no contact with
9 Ngaïssona or Mokom. For more than six years now I haven't had contact. We don't
10 know one another any more. We don't call each other. We have not called each
11 other or enquired after each other. I don't know why it happened like that. It's up
12 to them to answer and to tell you why they were so divided. What we did was in
13 the interest of the country.

14 Q. [15:46:22] Finally, Mr Yapele, you said today on my -- one of my questions that
15 if Mr Ngaïssona would not have been the national coordinator, the country would
16 have been in a far worse situation as it was before he became coordinator. Can you
17 explain to the Court finally how you arrived at that observation?

18 A. [15:47:05] He was the national coordinator and he dealt directly with the
19 president of the republic and the high authorities of the nation and senior authorities
20 of the United Nations. And everything he said -- when you are born of a father and
21 your father says do this, child, do that, child, he was like a father. He was the
22 coordinator of the Anti-Balaka. He was like a father. He told us -- he could see
23 what was in the interest of the nation and we agreed to follow him and to respect
24 what he said.

25 Q. [15:48:03] Thank you very much, Mr Yapele, for answering my questions.

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1 MR KNOOPS: [15:48:07] These were the questions, Mr President, of the Defence.

2 PRESIDING JUDGE SCHMITT: [15:48:10] Mr Vanderpuye has made a gesture
3 which I interpret that you have two questions.

4 MR VANDERPUYE: [15:48:15] I have about two questions, Mr President, if I may.

5 PRESIDING JUDGE SCHMITT: [15:48:18] About or two questions?

6 MR VANDERPUYE: [15:48:20] About.

7 PRESIDING JUDGE SCHMITT: [15:48:21] About. Okay, then let's please continue.

8 MR VANDERPUYE: [15:48:23] Thank you, Mr President.

9 QUESTIONED BY MR VANDERPUYE:

10 Q. [15:48:26] Thank you, Mr Witness. I have hopefully just a couple of questions
11 that arise from your cross-examination.

12 The first is you mentioned the meeting that you had in the Hotel Azimut after the
13 Brazzaville talks that you had. And as you were just now talking about what
14 Mr Ngaïssona said, at the time that you had the talks in late July 2014, when you had
15 the meeting thereafter, did Mr Ngaïssona talk about the Muslim civilians that were in
16 the enclaves in Berberati or in Carnot or Boda or Yaloke or Bossangoa, did he mention
17 those people during the course of that meeting at the Azimut hotel?

18 A. [15:49:29] No.

19 Q. [15:49:32] Another document that Mr Knoops just showed you, it's tab 10, I
20 guess, of the Defence binder, CAR-D30-0001-0082, it was just on the screen a minute
21 ago. There's one phrase in here I wanted to ask you about and this concerns the
22 meeting that you said you attended where it was voted to replace Mr Ngaïssona with
23 Mr Mokom.

24 And if we go to page ending 0084, it's the first sentence of the third paragraph from
25 the bottom, so if you go to the bottom of the screen, it begins with "*Les participants*".

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1 So it reads in French:

2 (Interpretation) "The participants unanimously and clearly defined under
3 international law the legal status of the Anti-Balaka and refuse to play along with the
4 political games" -- (Overlapping speakers)

5 (Speaks English) As you were at that meeting, this reference here to

6 (Interpretation) "Refuse to go along with the political" -- (Overlapping speakers)

7 THE INTERPRETER: [15:51:05] Overlapping speakers.

8 MR VANDERPUYE:

9 Q. (Overlapping speakers) What did you understand that to mean?

10 PRESIDING JUDGE SCHMITT: [15:51:07] It was a little bit too quick. You were a
11 little bit too quick, but I think -- I think we got everything. And I hope the witness
12 has understood everything.

13 MR VANDERPUYE: [15:51:16] Should I --

14 PRESIDING JUDGE SCHMITT: [15:51:19] No, but I -- perhaps you read it again.

15 MR VANDERPUYE: Okay.

16 PRESIDING JUDGE SCHMITT: [15:51:22] We have this time, we should not be in a
17 rush here. You have this time, perhaps take a little bit longer so that the interpreters
18 can follow and then ask your question.

19 MR VANDERPUYE: [15:51:32] Thank you. I'll read it in French.

20 Q. [15:51:35] It reads: (Interpretation) "The participants clearly and unanimously
21 defined under international law the legal status of the Anti-Balaka and refuse to go
22 along with the political games of their general coordinator

23 Mr Patrice-Edouard Ngaïssona."

24 (Speaks English) My question about that is what did you understand the reference to

25 (Interpretation) "going along" -- (Overlapping speakers) (Speaks English) What is

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1 meant by that or what did you understand as you were at that meeting?

2 A. [15:52:22] The document was written by whom? The document you just
3 showed me, who wrote it? You can't read out something to me like that and -- who
4 wrote this document?

5 Q. [15:52:38] (Overlapping speakers) It's at --

6 PRESIDING JUDGE SCHMITT: [15:52:40] It doesn't matter who wrote the -- it's
7 doesn't matter. The question is, Mr Witness, you have been at that meeting, and as a
8 result, this document was produced. But you have not produced it, obviously,
9 yourself, you're not responsible for it. So the question is you have heard what is
10 written down in this document. Is this in accordance with your recollection of what
11 has been said and discussed at this reunion?

12 THE WITNESS: [15:53:10](Interpretation) Yes, it does correspond to that.

13 PRESIDING JUDGE SCHMITT: [15:53:13] So and then now that we have laid this
14 foundation, the question by Mr Vanderpuye, I think we can follow that, is what did
15 you understand by "political games" at the time? What was your understanding?
16 Why this wording?

17 THE WITNESS: [15:53:35](Interpretation) We decided to look at the
18 presence -- when we had the two -- Mr Ngaïssona was absent. He had gone out of
19 the room and Maxime Mokom formulated his reasons and -- and they were together
20 and mention was made of political games. That was his reason. That was why.

21 PRESIDING JUDGE SCHMITT: [15:54:35] I think we don't get more,
22 Mr Vanderpuye, in that regard.

23 MR VANDERPUYE: [15:54:38] I agree, Mr President. Just give me one second, I
24 want to see if there's a third question. And if not, then I'm happy to -- happy to let
25 everyone go. Just one second.

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- 1 PRESIDING JUDGE SCHMITT: [15:54:51] To strike "about" and "a couple".
- 2 MR VANDERPUYE: [15:55:08] I think that's it, Mr President. Thank you very
- 3 much for your (Overlapping speakers)
- 4 PRESIDING JUDGE SCHMITT: [15:55:12] Thank you very much.
- 5 MR VANDERPUYE: Thank you, Mr Witness.
- 6 PRESIDING JUDGE SCHMITT: [15:55:09] And I took it from the silence of
- 7 Ms Guissé that there are no questions. Okay. Thank you very much.
- 8 So, Mr Witness, this concludes your testimony. On behalf of the Chamber, I would
- 9 like to thank you that you have made yourself available as a witness in these
- 10 proceedings. We thank you for that and wish you a safe trip back home.
- 11 THE WITNESS: [15:55:38](Interpretation) Thank you.
- 12 (The witness is excused)
- 13 PRESIDING JUDGE SCHMITT: [15:55:40] So this concludes the hearing for today
- 14 also. We start with Witness P-1339 on Thursday 1 o'clock. Thank you.
- 15 THE COURT USHER: [15:55:51] All rise.
- 16 (The hearing ends in open session at 3.55 p.m.)