

Trial Hearing
WITNESS: CAR-OTP-P-2658

(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 Monday, 20 June 2022
9 (The hearing starts in open session at 9.32 a.m.)
10 THE COURT USHER: [9:32:15] All rise.
11 The International Criminal Court is now in session.
12 Please be seated.
13 PRESIDING JUDGE SCHMITT: [9:32:34] Good morning, everyone. Court officer,
14 please call the case.
15 THE COURT OFFICER: [9:32:40] Good morning, Mr President, your Honours.
16 Situation in the Central African Republic II, in the case of the Prosecutor versus
17 Alfred Yekatom and Patrice-Edouard Ngaïssona, case reference ICC-01/14-01/18.
18 And for the record, we are in open session.
19 PRESIDING JUDGE SCHMITT: [9:32:54] Thank you.
20 I ask for the appearances of the parties. We start with the Prosecution.
21 MS GALUPA: [9:33:00] Good morning, Mr President. Good morning, your
22 Honours. The Prosecution is represented today by Ms Manochitra Prathaban,
23 Mr Kweku Vanderpuye, Mr Yassin Mostfa, and myself, Irina Galupa.
24 PRESIDING JUDGE SCHMITT: [9:33:13] We turn to the victims,
25 Ms Rabesandratana.

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- 1 MS RABESANDRATANA: [9:33:26](No interpretation)
- 2 PRESIDING JUDGE SCHMITT: [9:33:37] Thank you.
- 3 Mr Suprun.
- 4 MR SUPRUN: [9:33:41] Good morning, Mr President, your Honours. The former
- 5 child soldiers are represented by myself, Dmytro Suprun, counsel at the Office of
- 6 Public Counsel for Victims. Thank you.
- 7 PRESIDING JUDGE SCHMITT: [9:33:55] Thank you.
- 8 We turn to the Defence.
- 9 Ms Guissé.
- 10 MS GUISSÉ: [9:33:59](No interpretation)
- 11 PRESIDING JUDGE SCHMITT: [9:34:05] Thank you.
- 12 And Mr Knoops. Also a new face, I would say.
- 13 MR KNOOPS: [9:34:11] Indeed, Mr President. Good morning, your Honours.
- 14 Good morning, everyone in the courtroom. The Defence team for Mr Ngaïssona
- 15 today is represented by Ms Chiara Giudici, case manager; on the left side,
- 16 Mrs Knoops Hamburger, my director of the firm. In the second row, Mrs Mathilde
- 17 Veronesi and Mr Ali Alabdali. Good morning.
- 18 PRESIDING JUDGE SCHMITT: [9:34:38] Thank you very much.
- 19 And, of course, most importantly, we have a new witness. We will start with his
- 20 testimony.
- 21 Witness P-2658, Mr Witness, good morning. Do you hear and understand me well?
- 22 WITNESS: CAR-OTP-P-2658
- 23 (The witness speaks Sango)
- 24 (The witness gives evidence via video link)
- 25 THE WITNESS: [9:34:53](No interpretation)

1 PRESIDING JUDGE SCHMITT: [9:35:06] Well, I don't know why I didn't get an
2 interpretation. So one of the two interpreters should -- I think I have understood in
3 the meantime, because we had some witnesses speaking this language, but
4 nevertheless we need the interpretation. So what did the witness say? Can we
5 please hear that.
6 Perhaps I repeat simply my question --
7 Mr Witness, you understand this can happen. You are sitting far away from this
8 Court at a video-link location, and there might be some communication problems, so I
9 apologise for that.
10 So again my question, do you hear and understand me well?
11 THE WITNESS: [9:36:00](No interpretation)
12 PRESIDING JUDGE SCHMITT: [9:36:12] Well, I still don't hear anything. So I don't
13 know what the reason for that is at the moment.
14 THE INTERPRETER: [9:36:21] Message from the other English booth: We believe
15 that the interpreter's consul is not working in that English booth on the other side, so I
16 shall take over while we wait for it to be repaired.
17 PRESIDING JUDGE SCHMITT: [9:36:35] Thank you very much for this flexibility.
18 We appreciate that a lot.
19 Can you tell us what the witness said. I think I know it, but perhaps you can inform
20 us. I think he understands well.
21 THE INTERPRETER: [9:36:47] He does, indeed.
22 PRESIDING JUDGE SCHMITT: [9:36:49] Thank you very much.
23 So, Mr Witness, on behalf of the Chamber I would like to welcome you to the
24 courtroom. You are called to testify to assist this Chamber in the case of
25 Mr Yekatom and Mr Ngaïssona.

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1 THE WITNESS: [9:36:58](No interpretation)

2 PRESIDING JUDGE SCHMITT: [9:37:04] Mr Witness, there should be a card in front
3 of you with the solemn undertaking. Could you please be so kind to read out this
4 card aloud.

5 THE WITNESS: [9:37:18](Interpretation) I solemnly declare that I shall speak the
6 truth, the whole truth and nothing but the truth.

7 PRESIDING JUDGE SCHMITT: [9:37:37] Thank you very much, Mr Witness.

8 You may be seated. You are now under oath. I want to reiterate to you, as you
9 have sworn, that you have to tell us everything you know and what you tell us must
10 be the truth. Before we start with your testimony, a few practical matters. You
11 have already recognised that everything we say here in this courtroom is written
12 down and interpreted. And to allow for the interpretation, we need to speak at
13 a relatively slow pace. And please only start speaking when the person that has
14 asked you a question has finished, and perhaps wait two or three seconds so that the
15 interpreters can catch up.

16 Have you understood this?

17 THE WITNESS: [9:38:27](Interpretation) I have understood very well.

18 PRESIDING JUDGE SCHMITT: [9:38:35] Thank you very much.

19 Then we begin with the examination. Of course we have to establish the Rule 68(3)
20 preconditions.

21 The Prosecution has the floor.

22 MS GALUPA: [9:38:46] Thank you, Mr President.

23 QUESTIONED BY MS GALUPA:

24 Q. [9:38:50] Good morning, Mr Witness.

25 We met a few days ago, very briefly. Let me reintroduce myself. My name is

1 Irina Galupa, and I will be asking you some questions today on behalf of the Office of
2 the Prosecutor. I want to also thank you once again for making yourself available to
3 testify in this case. And before we start, I have a few remarks.

4 First, as you are testifying with protective measures, your identity is not public, and
5 as we go, we might cover some areas of your testimony which might tend to identify
6 you. However, I will try my best to address all these in private session. This means
7 that the proceedings won't be broadcasted for a limited period, as directed by the
8 Chamber.

9 I will also do my best to refrain from asking questions which might inadvertently
10 suggest your identity in public session, and it will be helpful if you did as well in
11 your responses. But just to assure you, should any identifying information come out
12 in public session, there are means by which we can hide this so that it's not publicly
13 disseminated.

14 And finally, if the question is not clear, or if you want me to repeat it or to clarify it, or
15 if there's any other issue, please don't hesitate to let me know.

16 I think that's basically it. Are you with me so far?

17 A. [9:40:51] I have followed you all too well. There is no issue.

18 Q. [9:41:02] Thank you.

19 So regarding your questioning, I will first ask you some questions about your identify
20 and background.

21 Second, I will ask you some basic questions about your statement that you gave to the
22 Prosecution in February 2020.

23 And third, I will ask you to clarify some facts that you described in your statement
24 and ask you to comment on a few documents.

25 Mr President, can we go in private session, please.

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1 PRESIDING JUDGE SCHMITT: [9:41:39] Of course. For these issues, we have to go
2 to private session, Ms Galupa.

3 MS GALUPA: [9:41:50] Thank you.

4 (Private session at 9.41 a.m.)

5 THE COURT OFFICER: [9:41:57] We are in private session, Mr President.

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- 20 (Open session at 9.46 a.m.)
- 21 THE COURT OFFICER: [9:46:09] We are in open session, Mr President.
- 22 MS GALUPA: [9:46:18] Thank you very much.
- 23 Q. [9:46:19] Mr Witness, do you remember meeting with the Prosecution
- 24 investigators for an interview in February 2020?
- 25 A. [9:46:43] Yes, I do recall meeting with that type of individual.

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1 Q. [9:46:49] And do you remember meeting them over several days?

2 A. [9:47:09] That is correct. We talked for a long time.

3 Q. [9:47:16] And is it correct that you reviewed your statement just recently, last
4 week, when you met with the representatives of the Victims and Witnesses Unit?

5 A. [9:47:49] Yes, I did have the opportunity to reread all of my statements.

6 Q. [9:47:56] And having read it, I understand that you made a few corrections to it?

7 A. [9:48:20] Yes, that is true.

8 MS GALUPA: [9:48:25] For your information, your Honours, the corrections have
9 been registered under ERN CAR-OTP-2135-3476.

10 PRESIDING JUDGE SCHMITT: [9:48:35] I have it in front of me, yes, and they are
11 handwritten corrections.

12 MS GALUPA: [9:48:40] Yes.

13 PRESIDING JUDGE SCHMITT: [9:48:41] Yes, you can continue from that and
14 finalise the Rule 68(3) conditions I think.

15 MS GALUPA: [9:48:48] Your Honours, there are about 16 corrections. I don't
16 intend to go through all them, but --

17 PRESIDING JUDGE SCHMITT: [9:48:54] No, no, you don't have to.

18 MS GALUPA: [09:48:53] Okay. Not at all.

19 PRESIDING JUDGE SCHMITT: [09:48:56] No. You know, if you ask the witness
20 simply if this statement from 2020 stands with the corrections he has made, that is
21 enough to -- for it now, that's -- and I assume that you or perhaps the Defence will
22 address these issues during their examination, if need be. And if not, it speaks in
23 favour of being marginal points. Thank you.

24 MS GALUPA: [9:49:27] Thank you very much, Mr President.

25 Q. [9:49:29] Mr Witness, can you confirm that read together with the corrections

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1 which you have made, your statement is true to the best of your knowledge and
2 recollection?

3 A. [9:49:53] That is correct. My statement is correct with the corrections that I
4 have brought to it.

5 Q. [9:50:04] Thank you very much. And we have those corrections.

6 And do you agree that the Chamber uses -- use your statement as evidence in this
7 case?

8 A. [9:50:35] Yes, I do accept for the Court to work with my statement -- on the basis
9 of my statement.

10 PRESIDING JUDGE SCHMITT: [9:50:46] So then I think we can state for the record
11 that the conditions for Rule 68(3) with regard to the former statement of the witness
12 are fulfilled with the corrections made by the witness.

13 MS GALUPA: [9:50:59] Thank you very much, Mr President. And perhaps I
14 should mention the translation as well.

15 PRESIDING JUDGE SCHMITT: [9:51:05] You can do it for the record, of course,
16 yeah, yeah. But for Rule 68(3), it is not, I think, a precondition.

17 MS GALUPA: Noted.

18 PRESIDING JUDGE SCHMITT: [09:51:11] But you can mention it if you want. I
19 mean the ERN of course.

20 MS GALUPA: [9:51:19] So the ERNs for the statement which can be found in tab 1 is
21 CAR-OTP-2126-0012. That translation can be found in tab 2 under ERN
22 CAR-OTP-2118-6221. And the corrections are at ERN CAR-OTP-2135-3476.

23 PRESIDING JUDGE SCHMITT: [9:51:48] So to make it clear, the Rule 68(3)
24 conditions are met for these statements and the translations and with the corrections
25 made. So you can continue now.

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1 MS GALUPA: [9:51:59] Thank you very much, Mr President.

2 Q. [9:52:00] Mr Witness, I would like to go now in private session to ask you a few
3 questions about certain parts of your statement.

4 MS GALUPA: [9:52:07] Your Honours, if we can please go --

5 PRESIDING JUDGE SCHMITT: [9:52:09] We have to go to private session.

6 For the audience, the witness has protective measures and if we discussed it in open
7 session, of course, people could figure out from the evidence revealed who he is, so
8 we have to go to private session.

9 (Private session at 9.52 a.m.)

10 THE COURT OFFICER: [9:52:33] We are in private session, Mr President.

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6 (Open session at 10.50 a.m.)

7 THE COURT OFFICER: [10:50:28] We are in open session, Mr President.

8 MS GALUPA: [10:50:42] Thank you.

9 Q. [10:50:44] Mr Witness, we are back to open session. I just want to remind you
10 not to say anything that might identify you or your family.

11 And now I would like to talk to you about your time at the Anti-Balaka base in
12 Gobere, and I know Mr Knoops said I shouldn't use the word "base", but it has been
13 established in his statement - paragraph 24 - that Gobere was a base.

14 PRESIDING JUDGE SCHMITT: [10:51:08] You have a point here, of course, yeah.

15 MS GALUPA: [10:51:11] So just to mention that.

16 Q. [10:51:14] Mr Witness, in paragraph 78 and 79 of your statement, you talk about
17 the Anti-Balaka based in Gobere - where you saw the marabouts and where you saw
18 Akim - and you explained that the elements stayed with their leaders around the
19 main camp and that they gathered at that place --

20 PRESIDING JUDGE SCHMITT: [10:51:37] I see already the objection by Mr Knoops.
21 Let me hear it.

22 MR KNOOPS: [10:51:44] Sorry, Mr President, exactly my point, that based on the
23 modifications in paragraph 78, the witness did state there was a base in Gobere.

24 PRESIDING JUDGE SCHMITT: [10:51:58] Yes, you're right, Mr Knoops, you're
25 absolutely right. So this was about the corrections that the witness made. So we

1 always change "Gobere" to "Gbonguere".

2 MS GALUPA: [10:52:09] Mr President, it was my understanding that he said that the
3 place where he saw the marabouts and the training, he's now calling Gobere. That
4 was my understanding from the witness's answer previously today.

5 I can go and find the lines.

6 PRESIDING JUDGE SCHMITT: [10:52:27] Nevertheless, I have here in front of me
7 the corrections made by the witness and whenever "Gobere" is mentioned, the
8 witness - with his own handwriting - changed it to "Gbonguere", I think.

9 MS GALUPA: [10:52:50] That is correct. But his testimony today, as I understand
10 it, corrects these corrections. So basically, he reinstates the former name.

11 PRESIDING JUDGE SCHMITT: [10:52:54] So then we have to clarify this, absolutely,
12 because then there is a little bit of confusion here.

13 So Mr Witness, you speak about a base of the Anti-Balaka. In which location had
14 this base been?

15 THE WITNESS: [10:53:11](Interpretation) The Anti-Balaka base was to be found in
16 Gobere, and they would leave and go to Gbonguere. They would move around to
17 go to Gbonguere, a small village.

18 PRESIDING JUDGE SCHMITT: [10:53:48] Okay, nevertheless, of course, the
19 corrections at 78, 79 have been made the other way around; so perhaps we have to
20 figure out what this means, what we have to make out of it.

21 MS GALUPA: [10:54:06]

22 Q. And Mr Witness, you say that there were more than 400 Anti-Balaka gathered in
23 a place and that the -- where the elements stayed with their leaders. Is this place
24 called "Gobere"?

25 A. [10:54:27] Yes, indeed, it was Gobere. The most important base was Gobere.

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1 PRESIDING JUDGE SCHMITT: [10:54:50] Perhaps I can make a suggestion. Why
2 don't we put the corrected version -- this paragraph 78, especially - that is,
3 CAR-OTP-2135-3481 - on the screen and show it to the witness and then ask from
4 there, so that we can clarify it from there.

5 Because Mr Knoops, it was not a clear objection, but what he mentioned was correct,
6 obviously.

7 MS GALUPA: [10:55:22]

8 Q. [10:55:23] So Mr Witness, you're seeing on the screen the corrections that you
9 made to your statement. Can you see them now? It is at page 3481.

10 THE COURT OFFICER: [10:56:00] Could you please repeat the ERN number.

11 MS GALUPA: [10:56:02] Yes, sure. It is ...

12 PRESIDING JUDGE SCHMITT: [10:56:03] 2135-3481. I really think it's best to give
13 the witness also a visual presentation, because it's his handwriting and then we can
14 ask him what he meant by changing "Gobere" to "Gbonguere" with his handwriting.

15 MS GALUPA: [10:56:50] If it may assist the Registry, the ERN is 2135-3476 at
16 page 3481.

17 PRESIDING JUDGE SCHMITT: [10:57:49] So I think now we have it, 78, we need,
18 paragraph 78, that is 3481. Page 3481. Here we are. So perhaps we can enlarge it
19 a little bit.

20 So Mr Witness, now look at the screen, and, here, you see your former statement,
21 your written statement and the corrections that you made, yes?

22 And Ms Galupa, please continue.

23 MS GALUPA: [10:58:15] Thank you.

24 Q. [10:58:18] Mr Witness, in your statement here, you talk about Gobere -- initially,
25 you talked about Gobere being a training place for the Anti-Balaka, the fact that there

1 were more than 400.

2 Later on, you also talk about this place as being the one where you see the

3 Anti-Balaka taking Mbororo women as wives. And looking at the screen, we see

4 that you changed the name from "Gobere" to "Gbonguere".

5 Now today, you told us that this place is called Gobere again. Just to avoid any

6 confusion, can you please -- can you please confirm what the name of this place is

7 slowly, so we can understand.

8 A. [10:59:07] Gobere is the base. When they left Gbonguere, they went to fight

9 in -- and came back again. In Gobere, we didn't spend much time. We came back

10 to Gbonguere, and, at that time, I went with Dedane to Kaboro, and for the entire time

11 we were in Gbonguere.

12 Q. [11:00:00] And the place where you saw the training happen, what was the

13 name of the place?

14 A. [11:00:09] It was in Gobere.

15 THE INTERPRETER: The Sango interpreter would like to point out that on occasion,

16 the witness pronounces "Gobere", "Gobera" and vice versa.

17 MS GALUPA: [11:00:39]

18 Q. [11:00:41] And similarly, just to make it completely clear, the place where the

19 Anti-Balaka gathered as well for meetings, was it -- can you -- was it also in Gobere,

20 the base?

21 A. [11:01:00] Yes. The biggest base was in Gobere and, from time to time, they

22 would go to Gbonguere. So sometimes they also trained in Gbonguere, but the

23 largest base was at Gobere. So we would go there, sometimes we would go to

24 Benzambe and come back, but everything was happening in Gbonguere. After

25 attacking Benzambe, then they would go back to Gobere, and, then, after finishing

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1 there, then they will retreat to Gbonguere.

2 PRESIDING JUDGE SCHMITT: [11:02:02] There seems to be a back and forth, if I
3 understand it correctly, some sort of ...

4 MS GALUPA: [11:02:08] May I maybe suggest that potentially that might be a way
5 out --

6 PRESIDING JUDGE SCHMITT: [11:02:10] Yes.

7 MS GALUPA: [11:02:10] -- to -- for the witness to sketch something on a paper -- on
8 a blank paper, so we can understand what he means. I know he mentioned that the
9 places are 20 kilometres apart, but maybe that would be a solution.

10 PRESIDING JUDGE SCHMITT: [11:02:27] Okay, why not. Why not. I think it is
11 a good idea.

12 Mr Witness, you have heard that. Perhaps someone there at your place can give you
13 a piece of paper and you can try to mark where these different places, "Gobere" and
14 "Gbonguere", are in your opinion.

15 Perhaps you can explain it a little bit better, Ms Galupa, what you want from him and
16 then we can give him five minutes, we make a -- allow us a short break, and then we
17 continue from there.

18 Mr Witness, please listen.

19 MS GALUPA: [11:03:05]

20 Q. [11:03:05] Mr Witness, just to clarify what we would like to see on your sketch, if
21 you can please show where the town of Bossangoa is. Then also place Benzambe.

22 Then also tell us where Gbonguere is. And if you can place on your sketch also

23 where Gobere is. And maybe you can also put some major towns that you know are
24 around, so we can orientate ourselves a bit. For instance, you mentioned

25 Nana-Bakassa, or you mentioned Bowai and Kaboro. Maybe you can place them on

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1 your sketch as well.

2 PRESIDING JUDGE SCHMITT: [11:03:46] And I think we can -- we make a short
3 break, and, Mr Witness, please let us know when you are ready -- when you have
4 finished that, and then we can continue from there. Okay? Thank you.

5 THE COURT USHER: [11:04:00] All rise.

6 (Recess taken at 11.04 a.m.)

7 (Upon resuming in open session at 12.38 p.m.)

8 THE COURT USHER: [12:38:15] All rise.

9 Please be seated.

10 PRESIDING JUDGE SCHMITT: [12:38:34] Ms Galupa, I understand that there might
11 be a natural, so to speak, explanation for the confusion between Gbonguere and
12 Gobere, so -- and I also understand that you are going to inquire this with the VWU.
13 That would be appreciated of course.

14 Yeah, Ms Rabesandratana.

15 MS RABESANDRATANA: [12:38:55](Interpretation) Yes, Mr President, I would like
16 to point out to you the presence in our team of Madam Wahida Omari.

17 PRESIDING JUDGE SCHMITT: [12:39:08] Thank you -- thank you very much for
18 that.

19 And I also understand, Mr Witness, that you are not only here as a witness to testify
20 orally, that we now also gave you a task to do, which I apologise for.

21 So do we have this -- this image, what he has done? Can we put this on -- on the
22 screen.

23 And perhaps then, Ms Galupa, you can continue with your examination.

24 Can we switch it? Is this possible? Rotate it, not switch it.

25 Well, my first impression, Mr Witness, thank you very much, you really did a very

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1 thorough job. Thank you for -- for that. And perhaps -- and of course we see it
2 here, it will be part of the evidence, and if you have concrete questions on that image,
3 please let us know.

4 MS GALUPA: [12:40:14] Thank you, Mr Witness. Thank you, your Honour.

5 Q. [12:40:18] I would like to ask you about Gobere. I see now where you place it.
6 But more precisely, maybe you can tell us, when you were in Gobere, what did you
7 see there?

8 A. [12:40:47] In Gobere, whilst I was there, I didn't spend too long there. This
9 base existed before I did. And it was when I went there that I discovered that it was
10 an important base. I saw that and I realised that it was an important base. It was
11 only subsequently that the Anti-Balaka group divided into two, and one group went
12 one way and the Dedane group went to set up in Gbonguere. That is what created
13 the confusion. So I remained with Dedane in Gbonguere before I went to Bossangoa.
14 When I was in Gbonguere, I saw the training ongoing. And there was a former
15 FACA by the name of Kokofere who was there. He had two weapons of war in his
16 hands. He shot and he wanted to kill everybody. So this created confusion and he
17 was killed.

18 PRESIDING JUDGE SCHMITT: [12:42:08] Thank you, Mr Witness.

19 We are in open session. I'm not sure if -- it was a little bit generic, so I don't think
20 any harm is done, but we have to keep that at least on our radar, so to speak. Yeah.
21 Please continue.

22 Excuse me for the interruption, Mr Witness. It was for your protection, yeah.
23 Because of that I intervened.

24 Ms Galupa.

25 MS GALUPA: [12:42:32]

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1 Q. [12:42:33] Please continue, Mr Witness. But maybe you can be mindful of not
2 putting out to the public information that may identify you. But you may proceed.
3 Thank you.

4 A. [12:43:12] In Gobere I took part or I saw the training of the elements. And then
5 the group divided. One went to Bouca and we went to Gbonguere, from where we
6 went to Bossangoa. I was in Dedane's group.

7 Q. [12:43:45] Thank you for that. And can I ask you how often did you go to this
8 Anti-Balaka base in Gobere?

9 A. [12:44:20] Yes, we would go there on a regular basis because Dedane was a chief.
10 We might go in the morning and then come back.

11 Q. [12:44:38] And you mentioned seeing people training in the Gobere base. Can
12 you tell me more about what you saw there?

13 A. [12:45:05] Yes. People were gathered together and they were taught how to
14 handle weapons. They were shown what being a soldier was all about. The
15 civilian elements had joined the group and they were taught how to be true fighters.
16 They would also do sports and it was a military training of sorts.

17 Q. [12:45:49] I would like to ask you about whether you heard any of the following
18 names mentioned in the context of Gobere or the Anti-Balaka. Did you ever hear the
19 name of Houronti Dieudonne?

20 A. [12:46:18] No.

21 Q. [12:46:23] Did you ever hear the name Richard Bejouane?

22 A. [12:46:37] No, I do not know him.

23 Q. [12:46:41] Or did you ever hear about the name Marabout Lundi?

24 A. [12:46:58] Yes, I did hear talk of marabout, of the marabout.

25 Q. [12:47:09] And do you remember his name?

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1 A. [12:47:25] No. Everyone would call him marabout. Everyone would call him
2 marabout.

3 Q. [12:47:34] And did you also hear about someone being addressed as Modibo?

4 A. [12:47:49] No, I've never heard that name Modibo.

5 Q. [12:48:00] And looking at the sketch that you provided us, that you drew, I -- I
6 see that it's quite detailed. I just have one last question about this in connection to
7 your corrections.

8 When you met with representatives of the Victims and Witnesses Unit, did you write
9 the corrections yourself on the statement? Or were you assisted by someone?

10 A. [12:48:56] Are you talking about the document up on the screen?

11 Q. [12:49:00] No. I'm referring to your -- the corrections to your statement.

12 Maybe it will be possible to put them up again.

13 The ERN number is --

14 PRESIDING JUDGE SCHMITT: [12:49:13] And I think the Chamber will
15 inquire -- will ask the VWU. I think it's -- it's better if not -- if not the parties are
16 doing that. We decided that in this moment, so to speak.

17 We also see, of course, that there seems to be a different handwriting, there's a
18 handwriting more with -- with connecting all the different dots, and the other one.
19 But we will see what --

20 MS GALUPA: [12:49:36] Okay.

21 PRESIDING JUDGE SCHMITT: [12:49:36] And -- and let me also comment the
22 witness had -- had now enough time to -- to clarify it with your -- with your help, so
23 I think it is clear what -- what he wanted to say.

24 MS GALUPA: [12:49:51] Okay. Thank you.

25 PRESIDING JUDGE SCHMITT: [12:49:53] I would say so, at least.

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1 MS GALUPA: [12:49:56] Thank you.

2 Q. [12:49:57] Mr Witness, I will now move on to another topic, which is your time
3 with Dedane, and I would like to first ask you a few questions about Dedane's
4 communications.

5 In paragraph 71 and 72 of your statement you say Dedane was living on a hill since it
6 was the only area with a telephone network, and you heard him communicate on the
7 phone with people such as Charli, Kommas and Yongo. Now I want to ask you about
8 Charli. Do you know the last name of Charli?

9 A. [12:50:50] No, I do not know his family name. I noted at the time he was called
10 Charli.

11 Q. [12:51:03] And do you maybe know if Charli or Charly was a -- military?

12 A. [12:51:24] I knew Charli before, because I knew his younger brothers who were
13 involved in tyres. I know him and I know his brother -- his younger brothers.

14 Q. [12:51:49] I'm sorry, can you maybe repeat in what they were involved.

15 A. [12:52:18] I know that Charli is a soldier since Bozize was in power. When
16 I was in Bossangoa he was on mission, he'd go via Bossangoa to go to another location.
17 I know him well.

18 Q. [12:52:37] Thank you for that. And do you know who he was working with
19 within the Anti-Balaka?

20 A. [12:53:05] When I was in Dedane's group, Dedane would contact him over the
21 telephone. But when I was there, I didn't see Charli in person. However, I noted
22 that Dedane would communicate with him over the telephone, but personally I did
23 not see him.

24 Q. [12:53:35] And I will ask you some questions about the second person you've
25 named, Kommas. Now in the statement you corrected the spelling of the name Kommas

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1 to Kema.

2 PRESIDING JUDGE SCHMITT: [12:53:52] Where is it?

3 MS GALUPA: [12:53:54] It is, if I'm not mistaken, in paragraph 38, but maybe give
4 me a second to check.

5 PRESIDING JUDGE SCHMITT: [12:54:06] Well, we can anyway, because I think it's
6 good to prepare the whole thing with enquiring with the VWU a little bit. Perhaps
7 we can bring this up, paragraph 38, that is CAR-OTP-2135-3476 at 3478.

8 MS GALUPA: [12:54:25] I'm sorry, your Honour, it's actually paragraphs 164 and
9 (Overlapping speakers)

10 PRESIDING JUDGE SCHMITT: [12:54:30] Doesn't matter. Doesn't matter. We
11 bring -- I have too, a question on that. Doesn't matter. I took advantage of your
12 little mistake, so to speak.

13 Yes. Very good.

14 So, Mr Witness, you see it, this paragraph 38. What I want to ask you is, is this your
15 handwriting, the corrections made here?

16 You know the handwritten part, I want to ask you if this is your handwriting, if you
17 did write this yourself?

18 THE WITNESS: [12:55:52](Interpretation) No. No. I just gave the instructions for
19 the corrections to be brought to the document. I did not write it in my own
20 handwriting.

21 PRESIDING JUDGE SCHMITT: [12:56:07] Yeah, I think now we understand and
22 becomes clearer.

23 And why not then go back to 78, paragraph 78, that is at CAR-OTP-2135-3481.

24 Thank you.

25 Mr Witness, please be so kind and read this paragraph -- first question: Again, you

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1 did not write the annotations yourself; am I correct in assuming that?

2 THE WITNESS: [12:56:53](Interpretation) That is correct. You are right.

3 PRESIDING JUDGE SCHMITT: [12:56:56] Then please be so kind, take your time,
4 read this paragraph 78, and tell us if -- which place it was, to be in a neutral way.
5 Please be so kind. Read it and tell us when you have finished paragraph 78, and
6 then tell us which place you were talking about.

7 Have you finished, Mr Witness?

8 THE WITNESS: [12:59:00](Interpretation) Yes, I have read it.

9 PRESIDING JUDGE SCHMITT: [12:59:02] So you see that whenever in this
10 paragraph 78 in your original statement made 2020 to the Office of the Prosecutor it
11 was written down "Gobere", it has now been changed to "Gbonguere". So which of
12 it -- which of it is right?

13 THE WITNESS: [12:59:40](Interpretation) Gobere.

14 PRESIDING JUDGE SCHMITT: [12:59:43] So let me say, obviously there is simply a
15 miscommunication with VWU. The problem is we have a Rule 68(3) statement here
16 and the Gobere and/or Gbonguere appear very often. So let me just -- I have to
17 confer with my colleagues.

18 (Trial Chamber confers)

19 PRESIDING JUDGE SCHMITT: [13:00:24] So the Chamber decides that VWU is
20 ordered to go through the statement of the witness from 2020 only, so to shorten the
21 whole thing, with regard to the names Gobere and Gbonguere and to verify that
22 again. So they have to do that. I think we have the witness for two -- two further
23 days, so they have to do that whenever they can.

24 Yeah, Mr Knoops.

25 MR KNOOPS: [13:00:53] Mr President, very sorry, maybe that the witness can take

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1 of his earphones.

2 PRESIDING JUDGE SCHMITT: [13:00:59] He doesn't have any earphones. So we
3 would have -- we can perhaps shortly disconnect him. Or is this possible?

4 Okay. Yeah.

5 So we only have the English language, you can speak freely, so he (Overlapping
6 speakers)

7 MR KNOOPS: [13:01:18] Thank you, Mr President. Sorry.

8 PRESIDING JUDGE SCHMITT: [13:01:27] I have the same problem today actually,
9 Mr Knoops.

10 MR KNOOPS: [13:01:30] Excuse me, Mr President.

11 PRESIDING JUDGE SCHMITT: No, no. I understand.

12 MR KNOOPS: [13:01:30] Yes. Mr President, the Chamber might imagine that this
13 review of the statement is, for the preparation of our examination, very important.
14 We also give the suggestion to the Chamber that prior to continuing with this witness
15 statement that, the person of VWU is also heard as witness *proprio motu* by the
16 Chamber because we cannot exclude there are two different handwritings - I will
17 spare the details of the analysis - and, of course, the page 3490, it's the addition to
18 paragraph 38 and 116.

19 The handwritten texts also begs the question whether -- how this addition to the
20 statement was actually composed. And therefore we suggest that maybe based on
21 the explanation by VWS, which is, in our view, not very clear because the email says:
22 Upon directions of the witness, we modified the statement.

23 But the modifications go further than the names of the two cities. It goes to various
24 details in the statement, such as paragraphs 13, 21, 34 and 38, where (Overlapping
25 speakers)

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1 PRESIDING JUDGE SCHMITT: [13:03:03] You're right.

2 MR KNOOPS: [13:03:05] Apparently, there's a different handwriting, but mostly
3 also the page 3490 is very important for our examination. So we suggest that maybe
4 also the individual who allegedly modified the statement will be heard by the
5 Chamber.

6 PRESIDING JUDGE SCHMITT: [13:03:21] Which might be two individuals then.
7 Because we have -- I think we have obviously two handwritings, I think we can
8 already --

9 MR KNOOPS: [13:03:24] Yes.

10 PRESIDING JUDGE SCHMITT: [13:03:25] -- say that.

11 Ms Galupa or Mr Vanderpuye, what do you think? The Chamber is hesitant to call a
12 VWU member as a witness yet, and we -- actually, we have the impression as a
13 Chamber that something went wrong, not with the witness, but with VWU here,
14 frankly speaking.

15 Ms Galupa.

16 MS GALUPA: [13:03:49] Mr President, the witness is also a witness to the
17 corrections, so he already explained that he didn't write. Maybe he was precise in
18 saying which instances he didn't write. Maybe we can ask him generally if he wrote
19 anything, but I think he (Overlapping speakers)

20 PRESIDING JUDGE SCHMITT: [13:04:06] He didn't write anything, obviously.

21 MS GALUPA: [13:04:09] I think he (Overlapping speakers).

22 PRESIDING JUDGE SCHMITT: [13:04:10] So what we could do, is -- what we then
23 perhaps would have to do is simply, also for the fairness to the Defence, that we
24 perhaps unfortunately would have to go through each direction and ask the witness
25 again if he stands by it. Perhaps that is the easiest way to do it; that's perhaps the

1 quickest way -- the easiest way. You know, sometimes thinking and -- also ideas are
2 evolving. So I wanted to avoid that because this costs a lot of time, but I think we
3 have to do this here, Mr Knoops. I would agree with you. We have to go
4 through every -- then, we start by the first correction, go through everything, and we
5 have to then verify with the witness if this is his correction or not.

6 MS GALUPA: [13:04:57] I would just mention that in this case, if we go through
7 them one by one, we might stumble upon the same issue with Gobere or Gbonguere,
8 because there are a lot instances where it's corrected. So I thought that the
9 suggestion to give the VWU the chance to go one by one - because it's literally in
10 many paragraphs - would be a good solution.

11 PRESIDING JUDGE SCHMITT: [13:05:19] Yeah, so that is -- I would ask you,
12 Mr Knoops, what do you think about that? It would be of course extremely time
13 consuming if we indeed went through over Gbonguere. So my suggestion as a
14 midway would be that we go through the first handwriting, so to speak, that are five
15 or six, ask the witness, "Is this based on your information or not?" And then follow
16 up on the so-called second handwriting, which seems to be the writing of the village
17 "Gbonguere", and, as I have already said, instruct the VWU to go with the witness
18 through that.

19 Is this something you could agree upon? Both parties.

20 MR KNOOPS: [13:06:00] Mr President, with all due respect, it's also about, I think,
21 the verification of the statement of the witness. The witness might say: "I told
22 VWU to correct." But it seems to us there is still also in the pronunciation, a
23 difference between the two cities.

24 So I think for the Chamber - we are all trying to find the truth - important that the
25 narrative of the witness that he apparently instructed the VWU to change it, is

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1 verified by the individuals who took the statement from -- or verified the statement
2 with the witness.

3 In other words, if the witness clearly said to VWU, according to VWU, "Gbonguere",
4 not "Gobere", then the statement of the witness that he meant "Gobere" will be
5 evaluated differently. So I think for the importance of the statement and the veracity,
6 this should be a very important check by the members of VWU. How were the
7 directions of the witness given to them? Because it might be different from what he
8 will say today to you - I can't imagine that he will say, "Yes, I made a mistake, VWU
9 did -- didn't understand me correctly" - but is this really what happened within the
10 four walls where the members of VWU took the statement, went through the
11 statement and then gets (Overlapping speakers)

12 PRESIDING JUDGE SCHMITT: [13:07:50] Well, I see your point and understand it,
13 but if, of course, this would be -- would become the regular in the future, then we can
14 skip Rule 68(3) all in all, I have to the say. That's not your fault, but actually I
15 suspect that something went wrong at VWU.
16 Let me just confer with my colleagues again.

17 (Trial Chamber confers)

18 PRESIDING JUDGE SCHMITT: [13:08:28] The Chamber goes for deliberations for a
19 couple -- please stay here. I don't think in the end it's such a serious issue, but we
20 have to protect the rights of everyone here.

21 THE COURT USHER: [13:08:43] All rise.

22 (Recess taken at 1.08 p.m.)

23 (Upon resuming in open session at 1.15 p.m.)

24 THE COURT USHER: [13:15:35] All rise.

25 Please be seated.

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- 1 PRESIDING JUDGE SCHMITT: [13:15:49] So the Chamber decides the following:
2 We have a live witness here in the courtroom and the courtroom is the best place to
3 try to figure out if any contradictions are there to solve any confusions and this is
4 what we are going to do. It will be a cumbersome procedure, but we are going to do
5 that and, perhaps, I take over in that regard. We are doing it paragraph by
6 paragraph. The annotations is unfortunate, but the Chamber thinks it's important
7 also to maintain the rights, especially of the accused.
8 So let's go to paragraph -- let's go to paragraph 13, that is CAR-OTP-2135-3476.
9 Mr Witness, what we are going to do, is, you see there has been a little bit of
10 confusion with regard to the corrections that have been made on your advice, so to
11 speak. So we are going through them and I'm going to ask you if the correction that
12 you see in handwriting there, if this indeed is your correction that you have made or
13 not.
14 So you see paragraph 13, and here's something, "22" kilometres instead of "21"
15 kilometres and you see also what is written down here.
16 Is this based on your recollection, and is this your correction that you have made?
17 A. [13:18:05] Yes, that is correct. 22 kilometres.
18 Q. [13:18:12] Then we go to paragraph 21, that is at page 3477.
19 You see, Mr Witness, here is a small handwritten correction. Is this correct?
20 A. [13:18:47] Yes, that is correct.
21 PRESIDING JUDGE SCHMITT: [13:18:52] We continue to page 3478, paragraph 34.
22 Ms Galupa, when I forget something, please tell me.
23 So we have here inserted "*déjà*". Is this based on your recollection?
24 THE WITNESS: [13:19:17](Interpretation) That is correct.
25 PRESIDING JUDGE SCHMITT: [13:19:34] Then, we continue on the same page to

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1 paragraph 38, there's a little bit more and it seems to be that information is a little bit
2 changed. So please read this carefully, this paragraph 38, and tell us if this, with the
3 correction, is your evidence or if the original part is your evidence.

4 MS GALUPA: [13:19:55] Mr President?

5 PRESIDING JUDGE SCHMITT: [13:19:56] Yeah.

6 MS GALUPA: [13:19:57] Just to let you know at the end of the document, there is a
7 handwritten corrected version of this paragraph that's more helpful than the
8 correction on that ...

9 PRESIDING JUDGE SCHMITT: [13:20:07] You are right. Thank you for your help.
10 So we go to 3490. Thank you. The same document, the last page.

11 So you see here, Mr Witness, handwritten, "Page 8 - Paragraph 38", please read
12 carefully and tell us if this is your evidence.

13 THE WITNESS: [13:21:48](Interpretation) Yes, I've read it and it is correct.

14 PRESIDING JUDGE SCHMITT: [13:21:54] Mr Witness, may I say to you that we
15 appreciate it very much that you so patiently follow this instruction and this exercise.
16 Thank you very much.

17 We go to paragraph 58, this is --

18 MR KNOOPS: [13:22:08] Mr President, I'm sorry.

19 PRESIDING JUDGE SCHMITT: [13:22:09] Yeah.

20 MR KNOOPS: [13:22:10] Mr President, could the Chamber ask the witness whether
21 this would replace paragraph 38 in his statement, or is this supposed to be an
22 addition?

23 PRESIDING JUDGE SCHMITT: [13:22:21] Yeah, yeah, you're right, Mr Knoops. So
24 let's go to page - thank you very much, actually - 3478, paragraph 38. That is indeed
25 important.

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1 Mr Witness, you see here, the -- let me put it this way, the original paragraph 38.

2 What you have just read and confirmed, this handwritten thing -- paragraph, does
3 this replace the paragraph 38 that you read here or is this an addition?

4 THE WITNESS: [13:23:24](Interpretation) Yes, the handwritten part replaces the
5 initial statement.

6 PRESIDING JUDGE SCHMITT: [13:23:37] Thank you, Mr Witness. And also thank
7 you to Mr Knoops. Because otherwise you would have to go through this again
8 when you are questioning.

9 Then we go to paragraph 58, which is at page 6233.

10 Again, Mr Witness, the same question, the handwritten correction or -- is this by you,
11 is this based on your recollection?

12 THE WITNESS: [13:24:39](Interpretation) Yes, the handwritten correction was done
13 under my instruction. It is correct.

14 PRESIDING JUDGE SCHMITT: [13:24:47] Thank you, Mr Witness.

15 The same page, paragraph 61, there is the "camp", *le camp*, substituted by "*village*". Is
16 that correct?

17 THE WITNESS: [13:25:10](Interpretation) Yes, I asked that this be changed to
18 village.

19 PRESIDING JUDGE SCHMITT: [13:25:20] Thank you. Then we go on the same
20 page, we can -- to paragraph 63 and 64, I think we can put them together. You know
21 I don't have to repeat the question, Mr Witness, you know what we are talking about.
22 Simply always tell us if this is correct to your recollection with the handwritten
23 annotation or not.

24 THE WITNESS: [13:26:08](Interpretation) Yes, this correction was done at my
25 request.

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1 PRESIDING JUDGE SCHMITT: [13:26:14] Thank you.

2 Then the next one is paragraph 72, that's the next page 3480.

3 Ms Galupa.

4 MS GALUPA: [13:26:32] Mr President, I'm sorry, I've noticed that on the screen
5 paragraph 64 wasn't appearing, so I don't think the witness --

6 PRESIDING JUDGE SCHMITT: [13:26:40] Then we have to do that first, yeah.

7 I had hoped when I said that they are so close together 63 and 64.

8 So first of all, Mr Witness, paragraph 64, is this also correct now?

9 MS GALUPA: [13:27:03] Maybe we can put paragraph 64 on the screen.

10 PRESIDING JUDGE SCHMITT: [13:27:13] Which is at 3479. I said 6233, but this
11 was the original. That was my fault last time. 3479.

12 THE WITNESS: [13:27:42](Interpretation) Yes, it is correct. Just now, there was a
13 confusion between -- between Gbonguere and Gobere and now this is correct. This
14 is what it should be.

15 PRESIDING JUDGE SCHMITT: [13:28:02] Thank you. Then we can go to 72, that is
16 3480 now.

17 You see now, Mr Witness, why it is so important that we go through this - also for
18 you a very cumbersome procedure - so we can clarify exactly where the locations
19 were.

20 THE WITNESS: [13:28:39](Interpretation) Yes. Gbonguere is correct.

21 PRESIDING JUDGE SCHMITT: [13:28:49] Then the next page, 3481 at paragraph 77.

22 THE WITNESS: [13:29:27](Interpretation) It's -- here, it's Gobere, Gobere, Gobere.
23 Here, there is a confusion. It's not Gbonguere. But it is Gobere, Gobere, Gobere
24 everywhere. That's what it should be.

25 PRESIDING JUDGE SCHMITT: [13:29:47] Okay. Then we take it that you mean

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1 paragraph 77, 78 and 79. Everything that is annotated on this page, you mean
2 instead of "Gbonguere", it should be "Gobere", correct?

3 THE WITNESS: [13:30:09](Interpretation) Yes, that is correct. It is Gobere.

4 PRESIDING JUDGE SCHMITT: [13:30:22] Next page, 3482 at paragraph 82, 83, 84,
5 85, if we can group them together, if this is possible. Thank you very much.

6 THE WITNESS: [13:30:56](Interpretation) Yes, here I maintain that it is Gobere.

7 PRESIDING JUDGE SCHMITT: [13:31:04] Thank you. And 86 on the same page.

8 THE INTERPRETER: [13:31:12] Correction from the English booth: I maintain that
9 it is "Gbonguere". "Gbonguere". Says the Sango booth.

10 PRESIDING JUDGE SCHMITT: [13:31:26] Well, okay. So again, I ask again.
11 So we have had now two different interpretations from Sango. So again, these
12 paragraphs 82, 83, 84 and 85, perhaps you can scroll up a little bit, just a little bit again.
13 Thank you for -- it's really difficult also for the court officer and court usher. Thank
14 you.

15 So here Gbonguere is correct, yes, if we have understand it now?

16 THE WITNESS: [13:32:13](Interpretation) That is correct.

17 PRESIDING JUDGE SCHMITT: [13:32:15] So and now a little bit further down, 86.

18 THE WITNESS: [13:32:37](Interpretation) That is correct.

19 PRESIDING JUDGE SCHMITT: [13:32:40] Then the next page, 3483, at paragraph 90,
20 91, if we can put them together on the screen, if this is possible.

21 THE WITNESS: [13:33:07](Interpretation) Yes, it is correct.

22 PRESIDING JUDGE SCHMITT: [13:33:15] Then 95 on the same page.

23 THE WITNESS: [13:33:48](Interpretation) It is correct.

24 PRESIDING JUDGE SCHMITT: [13:33:52] Then we go to the next page, 3484, at
25 paragraph 104 and 105. If we can put them together, if this is possible, although they

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1 are quite big. Yes, it's possible, yeah.

2 THE WITNESS: [13:34:40](Interpretation) It is four days.

3 PRESIDING JUDGE SCHMITT: [13:34:47] And what about paragraph 104 where the
4 original Gobere was substituted by Gbonguere, is this correct?

5 THE WITNESS: [13:35:07](Interpretation) Yes, that is also correct.

6 PRESIDING JUDGE SCHMITT: [13:35:09] Thank you. Then 3485, the next page at
7 paragraph 111.

8 THE WITNESS: [13:35:51](Interpretation) Yes, it is diesel fuel, that's correct.

9 PRESIDING JUDGE SCHMITT: [13:35:59] Thank you. Next page and we have to
10 read this then together with the handwritten amendment, 3486. Look at this
11 paragraph 116 and the end of this paragraph where it reads "*pour attaquer la ville et*
12 *qu'ensuite Dedane et ses hommes rejoindraient Andjilo*" is stricken out. Yeah, you see
13 that? And it seems to be replaced by -- we go to page 3490. Even further down,
14 please, 3490. It's at the end, it's the last page.

15 Here we are, a little bit further down. Stop. Thank you.

16 So you see this seems to be the replacement of the paragraph 116. Please read it
17 carefully and tell us if you -- if this is based on your recollection and your
18 information.

19 THE WITNESS: [13:37:49](Interpretation) It is correct.

20 PRESIDING JUDGE SCHMITT: [13:37:51] Then we go to the next page. It's not
21 correct, next page means in that instance 3487.

22 I have to apologise to the court usher for this back and forth, but thank you for
23 helping us on that so quickly.

24 That is, as I said, paragraph 121.

25 THE WITNESS: [13:38:52](Interpretation) It is correct.

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1 PRESIDING JUDGE SCHMITT: [13:38:55] Then we go to the next page, 3488, at
2 paragraph 156.

3 THE WITNESS: [13:39:19](Interpretation) It is correct.

4 PRESIDING JUDGE SCHMITT: [13:39:23] Then paragraph 161 on the same page a
5 little bit further down, please.

6 THE WITNESS: [13:39:46](Interpretation) It is correct.

7 PRESIDING JUDGE SCHMITT: [13:39:49] And again a little bit further down on the
8 same page, paragraph 164, you have changed -- seem to have a changed a name a
9 little bit.

10 THE WITNESS: [13:40:10](Interpretation) Yes, in fact it's Kema and not Komas.

11 PRESIDING JUDGE SCHMITT: [13:40:19] Just to make sure, Mr Witness, we go a
12 little bit further down the same paragraph, 3489, at page 3489. That was a little bit
13 too much, little bit further -- stop.

14 Here again we have the name. Do you also here mean the name Kema instead of
15 Komas?

16 THE WITNESS: [13:40:58](Interpretation) It is Kema.

17 PRESIDING JUDGE SCHMITT: [13:41:00] And still on the same page, perhaps we
18 can put together on the screen paragraphs 165, 166, and 167, if this is -- seems to be
19 possible.

20 So these are the last ones, Mr Witness. Again the question is are these changes based
21 on your information and your recollection?

22 THE WITNESS: [13:41:37](Interpretation) Yes, everything is correct.

23 PRESIDING JUDGE SCHMITT: [13:41:40] So thank you very much for your patience,
24 again, Mr Witness, and I think really for the benefit of all the parties and participants.
25 It is -- of course we can't do this always, perhaps we have to -- also VWU when they

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1 come to this correction process have to be very, very careful what they are doing.

2 So please continue, Ms Galupa.

3 MR KNOOPS: [13:42:06] Mr President, sorry. Before we continue, could we ask the
4 Chamber that before our examination tomorrow VWU could inform the Chamber
5 whether the process of reviewing the statement of the witness took place per
6 paragraph as your Honours just did. Because if the witness would have said to
7 VWU you have to change uniformly in the whole statement the two names, and it
8 would be in contravention to the answers today. If VWU went like your Honours
9 did per paragraph through the statement, then it's highly unlikely that these mistakes
10 were made. So I think it's very important for also the credibility of the witness that
11 the VWU may comment on the process. The main question for us is if the review of
12 the statement happened per paragraph and upon the same directions as the witness
13 gave the Chamber today the review took place.

14 PRESIDING JUDGE SCHMITT: [13:43:19] I understand perfectly your point, but as
15 we have said, we have a live witness here and it should -- let me put it this way, to
16 make corrections under the supervision of -- of the Court, of the judges, of the parties
17 and participants, by witness under oath is always -- has always a higher probative
18 value, to word it mildly, than what VWU might have done.

19 MR KNOOPS: [13:43:47] That's right, but Mr President, if -- if the witness today has
20 informed the Chamber differently from how the review went, he's actually suggesting
21 this is a mistake made by VWU, but VWU can confirm that this review process
22 happened per paragraph, that might shed light on the testimony today. That's what
23 I'm saying.

24 (Trial Chamber confers)

25 PRESIDING JUDGE SCHMITT: [13:44:35] So the Chamber is asking VWU to give

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1 us -- orders VWU to give us let's say a report on how they conducted these
2 corrections and we will look what comes out of this. And then we will -- we will see
3 what we are going to make out of it.

4 MS GALUPA: [13:44:59] Mr President, I was going to suggest, since the witness is
5 here, maybe we can ask him whether the process was also going paragraph through
6 paragraph. Maybe he has some recollection of that.

7 PRESIDING JUDGE SCHMITT: [13:45:12] Good point.

8 Mr Witness, you hear that and you have seen, you have seen that some of the
9 corrections being made and they all refer to the question if it was Gobere or
10 Gbonguere were not correctly put handwritten by handwriting in your written
11 statement. So do you recall how this unfolded? Did you go with the person from
12 VWU through every paragraph?

13 THE WITNESS: [13:45:44](Interpretation) When they were putting questions to me,
14 I would repeat the villages Gbonguere, Gobere and these are names of villages more
15 than anything else.

16 PRESIDING JUDGE SCHMITT: [13:46:24] Well, I think we don't get any more -- but
17 did you -- when you told them to make corrections to your initial statement, did you
18 tell them paragraph by paragraph?

19 THE WITNESS: [13:46:52](Interpretation) They read out the statement and as we
20 went along, I would indicate which items to modify. That's how things unfolded.

21 PRESIDING JUDGE SCHMITT: [13:47:06] Okay. Then I think Mr Knoops we don't
22 have to ask VWU about that. I think it seems to be clear that paragraph by
23 paragraph. And whatever this misunderstanding or whatever is -- wherever it
24 comes from, I think we have two paragraphs, two paragraphs where we have
25 discrepancies and they all refer to Gbonguere and Gobere. And by the way, we all

1 have our difficulties to pronounce it here in the courtroom. So I think -- I think there
2 is no need to hear from anybody from VWU.
3 Nevertheless, because we -- Ms Guissé I think is now concerned, which she's not now
4 listening, because with the last witness we had also something with VWU which was
5 not completely let's say, yeah, correct. Ms Guissé, have you listened? It's not -- it's
6 not important at the moment, but you have also a request pending on that. But I
7 recall it that there was also a procedure that was not -- not ideal, so to speak.
8 Okay. Please continue, Ms Galupa.

9 MS GALUPA: [13:48:16] Thank you very much, Mr President and Mr Witness.

10 Q. [13:48:20] Let me bring you back to what I was inquiring about before, namely
11 Kema. You mentioned hearing Kema speaking to Dedane in his communications.
12 Do you have more information on this person named Kema?

13 A. [13:48:53] Yes. That is someone I know. He comes from Bowai. (Redacted)
14 (Redacted) and every time we saw each other, I would know everything
15 that was going on and everything that he did amongst the Anti-Balaka. He would
16 talk about Kema. And let me say again that he hails from Boali.

17 Q. [13:49:34] So when you say that you would know everything that was going on,
18 was it because you were hearing what Dedane was saying?

19 A. [13:50:01] What are you talking about? Which information? As far as Kema is
20 concerned, I knew about that before.

21 Q. [13:50:13] Just to understand better, did you ever drive Kema anywhere on your
22 motorcycle?

23 THE INTERPRETER: [13:50:37] The Sango interpreter did not hear the witness's
24 response.

25 MS GALUPA: [13:50:44]

1 Q. [13:50:44] Can you please repeat your answer. The interpreter didn't hear your
2 answer.

3 A. [13:51:00] As I said, I have never driven him. I didn't know him physically, so
4 to speak.

5 Q. [13:51:13] And how did you come to know of him?

6 A. [13:51:28] I heard about him because I would go to his village before the events.
7 And when I was with the Anti-Balaka Dedane talked with him on a number of
8 occasions.

9 Q. [13:51:45] And can you describe those occasions on which you heard Dedane
10 speak about him?

11 A. [13:52:09] When we were coming back from a mission Dedane was talking about
12 him and in Bowai, specifically Dedane was there looking for somebody at night
13 because Kema had given a task out and Dedane had come to look for that person in
14 Boali, he couldn't find him, I was by the motorbike, the person was not there and they
15 had to turn back.

16 Q. [13:52:48] And on that occasion or another occasion that you've heard of, what
17 did he -- what did Dedane say about Kema?

18 THE INTERPRETER: [13:52:58] Correction from the English booth: Bowai was the
19 location, Bowai.

20 THE WITNESS: [13:53:07](Interpretation) He said he was coming to pick something
21 up in Bowai, but unfortunately when we went to Bowai we were not able to meet the
22 person in question and he looked for that individual and was not able to find them.
23 That is how we were then obliged to go back to Gbonguere.

24 MS GALUPA: [13:53:37]

25 Q. [13:53:38] And have you heard anything about Kema more recently since the

1 events, for instance, what he is now doing?

2 A. [13:53:59] Are you talking about before the events or now?

3 Q. [13:54:05] I'm talking about now.

4 A. [13:54:19] I do not know what he is doing currently.

5 Q. [13:54:28] Do you know if Kema was a military?

6 A. [13:54:38] No, he was not a soldier.

7 Q. [13:54:49] And since you said that you've heard about him before, since -- in his
8 village, what did you hear about him?

9 A. [13:55:08] Well, when I was in Chad, I heard that he had been elected as an MP.
10 That is the information that came to me from Chad. He was elected MP. As to
11 whether he is still alive or whether he's still there, I do not know. I do not have any
12 information to this effect.

13 Q. [13:55:38] Thank you about that.

14 I would like to move now to the third individual that you mentioned, Yongo. Do
15 you know the full name of Yongo?

16 A. [13:55:59] No. I do not know his full name. This is the only name I know,
17 Yongo.

18 Q. [13:56:12] And do you have more information about this individual called
19 Yongo? Do you know any more details about him?

20 A. [13:56:32] Yes, I do have information about him. What is more, I know him, I
21 know him very well, and I have information about him.

22 Q. [13:56:41] Can you tell us what information you have about him?

23 A. [13:56:59] Well, it was somebody that we lived with, somebody elderly,
24 somebody who sells goods. I know him very well.

25 PRESIDING JUDGE SCHMITT: [13:57:12] We are in open session and we have to

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1 let's say ponder if this information should be redacted later on. With the other
2 exercise, let me put it this way, the other evidence I don't have a problem in open
3 session. But here it could be identifying. And since we have no audience I can
4 address this openly here.

5 MS GALUPA: [13:57:37] Thank you.

6 Q. [13:57:40] Besides what you just told us, do you have more information about
7 this individual that might identify you?

8 A. [13:58:11] Who were you talking about? I haven't understood the question.
9 Could you please rephrase it.

10 MS GALUPA: [13:58:18] Mr President, I was going to go into private session in an
11 instant as well. Maybe I -- we can just --

12 PRESIDING JUDGE SCHMITT: [13:58:26] Yeah, that sounds reasonable. We go to
13 private session.

14 (Private session at 1.58 p.m.)

15 THE COURT OFFICER: [13:58:38] We are in private session, Mr President.

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

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- 10 (The hearing ends in private session at 2.30 p.m.)