

Trial Hearing
WITNESS: CAR-OTP-P-1719

(Open Session)

ICC-01/14-01/18

1 International Criminal Court
2 Trial Chamber V
3 Situation: Central African Republic II
4 In the case of The Prosecutor v. Alfred Rombhot Yekatom and
5 Patrice-Edouard Ngaïssona - ICC-01/14-01/18
6 Presiding Judge Bertram Schmitt, Judge Péter Kovács and
7 Judge Chang-ho Chung
8 Trial Hearing - Courtroom 1
9 Tuesday, 12 July 2022
10 (The hearing starts in open session at 9.32 a.m.)
11 THE COURT USHER: [9:32:19] All rise.
12 The International Criminal Court is now in session.
13 Please be seated.
14 PRESIDING JUDGE SCHMITT: [9:32:38] Good morning, everyone.
15 Court officer, please call the case.
16 THE COURT OFFICER: [9:32:44] Good morning, Mr President, your Honours.
17 Situation in the Central African Republic II, in the case of The Prosecutor versus
18 Alfred Yekatom and Patrice-Edouard Ngaïssona, case reference ICC-01/14-01/18.
19 And for the record, we are in open session.
20 PRESIDING JUDGE SCHMITT: [9:32:59] Thank you.
21 I ask for the appearances of the parties.
22 We start with the Prosecution.
23 MS STRUYVEN: [9:33:04] Thank you. Good morning, Mr President. Good
24 morning, everyone.
25 For the Prosecution today, we have Orla Cronin, Yassin Mostfa, Kweku Vanderpuye

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1 and myself, Olivia Struyven.

2 PRESIDING JUDGE SCHMITT: [9:33:15] Thank you.

3 I turn to the representatives of the victims. Ms Rabesandratana first.

4 MS RABESANDRATANA: [9:33:24](Interpretation) Good morning, Mr President,
5 your Honours.

6 For the representatives of victims we have Enrique Carnero, Mrs Evelyne Ombeni
7 and myself, Elisabeth Rabesandratana.

8 PRESIDING JUDGE SCHMITT: [9:33:38] Thank you.

9 Ms Lau.

10 MS LAU: [9:33:41] Good morning, Mr President, your Honours. Good morning,
11 everyone in the courtroom.

12 Today the former child soldiers are represented by myself, Fiona Lau, associate legal
13 officer, Office of Public Counsel for victims. Thank you.

14 PRESIDING JUDGE SCHMITT: [9:33:53] Thank you.

15 I turn to the Defence. Ms Dimitri or Ms Guissé, whoever wants to step up.

16 MS DIMITRI: [9:34:00] Good morning, Mr President. Good morning,
17 your Honours. Good morning, everyone.

18 This morning Mr Yekatom is present in the courtroom. He's represented by
19 Mr Victor-Louis Lapointe Saint-Pierre, Ms Anta Guissé and myself, Mylène Dimitri.

20 PRESIDING JUDGE SCHMITT: [9:34:12] Thank you.

21 And Mr Knoops.

22 MR KNOOPS: [9:34:15] Good morning, Mr President. Good morning, dear
23 members of the Chamber. Good morning, everyone in the courtroom.

24 The Defence team of Mr Ngaïssona appears today before the Chamber with

25 Ms Barbara Szmatala, Mr Michael Rowse and Mr Ali Alabdali. And the defendant is

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1 present in the courtroom.

2 PRESIDING JUDGE SCHMITT: [9:34:36] Thank you very much.

3 And of course welcome, Mr Witness, again. We can continue today with your
4 testimony and hope to finish this week. And I also welcome counsel, which is not
5 same counsel that we had the other days, it's Mr -- if I'm informed correctly, Mr Emile
6 Aoun.

7 Is this spelt correctly?

8 MR AOUN: [9:34:57] Good morning, your Honours. Yes, it's right, Emile Aoun.
9 I'm assisting the witness today. Thank you so much.

10 PRESIDING JUDGE SCHMITT: [9:35:05] Thank you very much.

11 Before we continue with the testimony, we have a request that we have to decide
12 upon by Mr Ngaïssona's Defence.

13 The Chamber takes note of Ngaïssona's Defence's request concerning the deadlines
14 for the provision of lists of materials for witness examination - in the following it's
15 called "the request" - and the Prosecution's response thereto. These were received by
16 email on 23 June 2022.

17 The Chamber recalls the relevant deadlines according to paragraphs 41 and 42 of the
18 initial directions on the conduct of the proceedings, and I quote:

19 "The calling party shall provide a list of any materials to be used during its
20 examination of that witness at least five days before a witness commences testifying.

21 The non-calling party shall provide its list at least one day before a witness
22 commences testifying."

23 The request essentially seeks clarification on whether days are to be interpreted as
24 working days or calendar days.

25 In accordance with Regulation 33(1) of the Regulations of the Court, the Chamber

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1 clarifies that all time limits should be interpreted as calendar days. It further notes
2 that a calendar day should be interpreted as 24 hours.
3 So I can assure you in every, also domestic systems, there are discussions about these
4 matters.
5 That said -- that said, the Chamber has considered the impact of this interpretation on
6 the applicable deadlines. We have something that is written down and can be
7 interpreted and we have also the reality on the ground, so to speak.
8 It is of the view that the initial directions need to be amended in relation to the
9 non-calling participants' list of material for witnesses who start testifying on a
10 Monday or a day following a court holiday. In this regard, it notes that if the
11 non-calling party has to provide its list of material only one calendar day before the
12 start of the testimony, lists may be provided only on Sundays or on court holidays.
13 This is what I mean by the reality that we have. This limits everyone's ability to
14 adequately and timely prepare for the hearing.
15 Accordingly, the Chamber amends, or I think it's better to say supplements, the initial
16 directions in paragraph 42 as follows, I quote: "When a witness commences to testify
17 on a Monday, or a day following a court holiday, the non-calling participant shall
18 provide its list on the last preceding working day."
19 To give an example, if a witness starts testifying on Monday, the list should be
20 provided by Friday.
21 Taking note of the Ngaïssona's Defence submission that the same interpretation of
22 days should apply to the calling and non-calling participants, the Chamber
23 emphasises that this amendment will equally apply to the Prosecution if and when
24 the Defence calls its witnesses.
25 It goes without saying that the Chamber expects the participants to comply with these

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1 deadlines. However -- however, a trial of this scale requires a certain degree of
2 flexibility of everyone involved. The Chamber's also mindful of the parties'
3 workload and interest at stake - we have enough fantasy and imagination for
4 that - particularly in light of the schedule changes for the present evidentiary block,
5 and we don't know what comes in the future.

6 For these reasons, the Chamber has shown great flexibility so far by accepting lists of
7 materials, or amendments thereto, which have been sent past the applicable deadlines
8 by both the Prosecution and the Defence, and we do that because we have the
9 impression that every party, participant here in this courtroom tries his or her best in
10 that regard.

11 The Chamber expects the participants to equally continue to apply a certain degree of
12 flexibility and collegiality. It also expects the participants to communicate any
13 deviation from the deadlines and reasons in a timely and transparent manner. And
14 in any case, please provide your lists at the latest by 4 o'clock in the afternoon.

15 This concludes the oral ruling.

16 I think -- it's quite some time, but you have still the floor, Ms Struyven.

17 MS STRUYVEN: [9:40:00] Yes, Mr President. Thank you.

18 WITNESS: CAR-OTP-P-1719 (On former oath)

19 (The witness speaks Sango)

20 QUESTIONED BY MS STRUYVEN: (Continuing)(Interpretation)

21 Q. [9:40:14] Good morning once again, Mr Witness. It has been a short while since
22 you started your testimony, but I will resume my questions as we started two weeks
23 ago.

24 Two weeks ago, at one point I showed you a document with messages that you had
25 sent to Mr Yakete, it was conversations, and I asked you some specific questions on

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1 that, especially to tell me the time, because you were at different locations. I will
2 repeat that message.

3 For the first part, I think we will need to go private session because I will ask you
4 questions about people that you know.

5 PRESIDING JUDGE SCHMITT: [9:41:12] Yeah.

6 Private session.

7 (Private session at 9.41 a.m.)

8 THE COURT OFFICER: [9:41:29] We are in private session, Mr President.

9 MS STRUYVEN: [9:41:34](Interpretation)

10 Q. [9:41:35] Mr Witness, I had asked you the question, page 67 of the question,

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 My first question to you is: Who is this Colonel Lengbe?

23 A. [9:44:14] Thank you. Mr President, Madam Prosecutor, before -- or, rather, in

24 answer to your question, Colonel Lengbe is a public figure. He was the director of

25 the presidential security during the tenure of President Francois Bozizé, and everyone

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1 in the country knew him well.

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 Q. [9:45:43] Did you know whether during that period Mr Lengbe was playing a
7 role in that Anti-Balaka movement?

8 A. [9:45:59] Not at all.

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 A. [9:48:12] Thank you. Madam Prosecutor, you have talked about a message, but
22 I cannot see it on the screen of my computer -- my computer. It is not displayed on
23 my screen.

24 Q. [9:48:38] It is not a problem. Maybe it is a technical issue.

25 Are you on evidence 1?

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1 PRESIDING JUDGE SCHMITT: [9:48:51] I think we can help the witness, yeah.

2 You have it, Mr Witness? Okay. Fine.

3 MS STRUYVEN: [9:49:02](Interpretation)

4 Q. [9:49:03] Take your time to read the message, obviously.

5 A. [9:49:36] Madam Prosecutor, in relation to your question, I do not know what is

6 being said in this document. (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 A. [9:51:54] (Redacted)

19 (Redacted)

20 (Redacted). In any case, for that first part, I do not

21 recall.

22 PRESIDING JUDGE SCHMITT: [9:52:26] Well, that seems not to be very promising.

23 I think you can move on.

24 MS STRUYVEN: [9:52:40](Interpretation)

25 Q. [9:52:41] Maybe one last question on that topic. There is a reference to a certain

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 Q. [9:54:25] Thank you very much. I will show you another conversation and I
9 will ask a question about it. (Redacted).

10 THE INTERPRETER: [9:54:57] From the interpreters, Mr President, if counsel can
11 give the tab number first.

12 PRESIDING JUDGE SCHMITT: [9:55:01] Yeah, could you please give the tab
13 number first always, then we are quicker in finding it.

14 MS STRUYVEN: [9:55:12] Excuse me. I will try.

15 Q. [9:55:27](Interpretation) Mr Witness, normally, at the top of the page, you are
16 supposed to see a message. (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 A. [9:58:00] Thank you. The names? Well, I no longer remember. As you know,
6 during that period, there were several communications we exchanged with several
7 people, and I do not remember very much about what you are asking me about a
8 question. Perhaps you could give me, if you could give me a little bit more
9 information it could refresh my memory and I will be able to elaborate, that is, if I
10 remember.

11 (Redacted)

12 Q. [9:58:56] There's no problem, Mr Witness, it is just to find out whether you knew
13 those person coincidentally. (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 A. [10:00:53] (Redacted)

23 (Redacted). Perhaps it is possible that we discussed on the Internet, but I
24 really do not remember him very well, because what I'm reading here is totally
25 different from the questions that you are putting to me.

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1 Q. [10:01:26] No worries, Mr Witness. I will come back to the conversation that
2 you had with Mr Yakete.

3 And I think we can try to go back to open session.

4 PRESIDING JUDGE SCHMITT: [10:01:44] Open session.

5 (Open session at 10.01 a.m.)

6 THE COURT OFFICER: [10:01:59] We're in open session, Mr President.

7 MS STRUYVEN: [10:02:10](Interpretation)

8 Q. [10:02:11] Let's go back to the message which you sent to Mr Yakete. I'd like to
9 ask you some question as regards the message of 5 November, which you can see on
10 the screen. I'm going to try and read it out or to translate it:

11 "Lima Tango Kossi of Berberati is president of the court and the prosecutor. They're
12 no longer at Berberati and the chief who's called Chad is disarmed -- has disarmed all
13 our brothers in Berberati including the person who sold hunting ammunition."

14 I have several questions on this particular message. The first question is -- is Lima
15 Tango Kossi, who are you referring to?

16 A. [10:03:25] Thank you.

17 Mr President, Madam Prosecutor, Lima Tango Kossi is a lieutenant. At that time he
18 was the commander of a company of the gendarmerie in Berberati. It was a public
19 figure who had some authority. (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted). And one of the generals of the

24 Seleka disarmed all the men who were present in the town. Even the hunting

25 ammunition which were in the cartridges were retrieved. He managed to control the

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1 town almost completely. (Redacted)

2 (Redacted)

3 (Redacted)

4 Q. [10:05:42] (Redacted)

5 (Redacted) the Seleka disarmed people in Berberati and they recuperated or retrieved

6 all the hunting ammunition?

7 A. [10:06:22] Thank you. I want to tell you what I said. (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted).

11 At that time we were on the ground. The 5 November, I was still in Garam-Boulai.

12 The 5 December I was already in Garam-Boulai and we continued to exchange

13 information.

14 Q. [10:07:26] Lieutenant Kossi, did you know his name or his first name, or several

15 names that he had?

16 A. [10:07:54] Thank you. In order to answer your question, the name escapes me

17 for the moment.

18 Q. [10:08:10] Does the name Lucien or Fred mean anything to you? Fred or

19 Freddy?

20 A. [10:08:27] Lucien? Fred? I know Freddy. I know a certain Freddy Lengo in

21 Berberati. He belonged to the Berberati team.

22 As regards Lucien, I do know a certain Lucien at Berberati. He was chief of

23 personnel in the SEFCA company.

24 Q. [10:09:13] My question was related to Lieutenant Kossi. Could you remember

25 whether his first name was Lucien or Fred, Freddy?

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1 A. [10:09:41] If you are talking about Lieutenant Kossi, I can't remember. I only
2 know him under the name of Kossi. He was a public figure. He was an authority.
3 That's all I can tell you as far as he's concerned.

4 Q. [10:10:12] No problem, Mr Witness.

5 I have one final question on this. Once the Seleka took control of the weapons and
6 the hunting ammunition, do you know whether the Anti-Balaka in Berberati found a
7 way to obtain new weapons or ammunition?

8 A. [10:10:56] Thank you. At that time I was still on the border. I couldn't know
9 whether they procured new ammunition or weapons. I don't know what happened
10 at that side, in Berberati, in particular.

11 Q. [10:11:28] No problem, Mr Witness.

12 There were two weeks ago where I showed you a message which you sent to Yakete
13 saying -- I can show you again if you like. It's at page 6849. It's order to work out
14 the moment (Redacted)
15 (Redacted).

16 I think that we should go into private session, Mr President.

17 PRESIDING JUDGE SCHMITT: [10:12:21] Indeed.

18 Private session. Private session.

19 (Private session at 10.12 a.m.)

20 THE COURT OFFICER: [10:12:38] We are in private session, Mr President.

21 MS STRUYVEN: [10:12:44](Interpretation)

22 Q. [10:12:47] This is on page 6449. This is a message you've already seen of 1
23 December 2013. (Redacted)
24 (Redacted)
25 (Redacted)

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1 (Redacted)

2 (Redacted). You already gave us quite a few details in page 45 and 49 of
3 your testimony 10 days ago.

4 I do have some questions on this, if you remember. You said in page 49 of your
5 statement that it seemed to you that (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted).

9 A. [10:14:40] Thank you.

10 Mr President, Madam Prosecutor, I'm going to answer in the following manner:

11 When I arrived in Yaounde, the person who welcomed us was Mokom father. He
12 welcomed us. He provided us with some details.

13 In the beginning, he spoke about our return to the country. He talked about to -- our
14 return to our country and he said we should go back to our country. And what
15 motivated us to accept this, to return, was this: You know, at that time there was a
16 lot of killings and we didn't have information about them. We had relations. We
17 had children who were in the country. And that's why we had the courage to return.
18 Me personally, I wasn't -- (Redacted), so we accepted to move.

19 What can I say about Bernard Mokom? He made us understand that (Redacted)
20 (Redacted).

21 At the border, I noticed that people, and others, joined us from Yaounde.

22 Q. [10:16:54] And at that moment did Bernard Mokom talk about any
23 compensation, that's to say, that if you would go, were there discussion of any
24 compensation at that moment?

25 A. [10:17:21] Thank you.

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1 Not at all. At that moment no promise was made, but our sole motivation was to
2 return to our country. He motivated us to return to our country. And after the
3 briefing which he gave us, we wanted to chase the armed mercenaries in our country
4 so that we could return. That is what I heard from the very mouth of Mokom.

5 Q. [10:18:40] There might be a problem in the transcription. "Encouraged", is that
6 what you said in French? "*Encourager*"?

7 A. [10:18:58] Thank you. Yes, I can confirm that. He encouraged us to mobilise
8 ourselves, to mobilise all our forces to return to our country, but at no point in time I
9 heard of any compensation or reward.

10 Q. [10:19:45] And you said that he wanted to chase out the armed mercenaries.
11 Did he provide more information about that, or was it clear for you who he was
12 talking about?

13 A. [10:20:13] Thank you. Well, you know, (Redacted)
14 (Redacted)
15 (Redacted)
16 (Redacted)
17 (Redacted).

18 He told us that we must go to the border and we must mobilise ourselves to go back
19 into our country. I think those were the words of encouragement that he provided
20 us with.

21 Q. [10:21:38] Perhaps a final question. At that moment, end of November 2013,
22 did you hear anyone talk about the fact that Bernard Mokom and Mr Ngaïssona
23 would go to the frontier, the border themselves?

24 A. [10:22:09] Thank you.

25 In order to answer your question, Madam Prosecutor, the day when we arrived in

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1 Yaounde, after our meeting with Ngaïssona and Bernard Mokom, when we arrived at
2 the border, there were some messages and direct instructions which were given to the
3 men who were close, men who were trusted. Perhaps at some point in time they
4 share the information, sometimes they didn't share the information. (Redacted)
5 (Redacted).

6 That is my answer to your question.

7 Q. [10:23:16] And since you speak of men of trust, could you give us an example of
8 who these men might be, who were these men who were trusted by Bernard Mokom
9 and Ngaïssona who were based at the border.

10 A. [10:23:46] Thank you. At that time, the men who were in the close circle of
11 these individuals was Rocca Mokom, the younger brother of Bernard Mokom. And
12 Sabe Elysé. Yambete Steve. Ouilibona Arno -- Aron. These were the key
13 individuals at the time.

14 Q. [10:24:49] Thank you very much.

15 I'd like to ask you questions as regards your arrival in Garam-Boulaï. You already
16 explained during your testimony 10 days ago.

17 Firstly, I think perhaps we could move into open session.

18 PRESIDING JUDGE SCHMITT: [10:25:22] I think we can at least try it.

19 Open session.

20 (Open session at 10.25 a.m.)

21 THE COURT OFFICER: [10:25:42] We're in open session, Mr President.

22 MS STRUYVEN: [10:25:52](Interpretation)

23 Q. [10:25:53] Mr Witness, a general question first. When you arrived there, how
24 many individuals, approximately, were part of the Anti-Balaka group, roughly
25 speaking?

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1 A. [10:26:38] Thank you. When I arrived at the border, initially, I found one team.
2 The one responsible for the group, the main person responsible, people mainly
3 responsible were people I met. In the beginning, I did not know the names of all the
4 individuals who were there. And it is only after the attack of 10 January, then I had
5 some idea of the names of the fighters, because, initially, these soldiers or these
6 fighters were mixed with -- in with the civilian population. It is only after the
7 fighting that I realised that there were at least 200 individuals.

8 Q. [10:27:44] At that moment or later on, did you notice who was FACA amongst
9 those individuals?

10 A. [10:28:06] Thank you. Yes, indeed. There were gendarmerie, there were
11 FACA members, even some elements of the presidential guard at that time. And
12 you should add civilians to that list.

13 Q. [10:28:42] And do you know -- do you have an idea where these people came
14 from, from which towns, which regions? Just a rough idea, so that the Chamber can
15 understand where these people came.

16 A. [10:29:11] Thank you. Well, you know, at the border with Cameroon, when we
17 met over there at the border with our country. But the elements, the persons who
18 went on the ground are those who came from Douala and from Bertoua. They are
19 the ones who came to the border. So some men came from Bouar, but there weren't
20 many because the majority of the fighters were in exile. There was also some
21 civilians who came from small localities close to the border, but the bulk of the troop
22 came from Douala, Yaounde and Bertoua.

23 Q. [10:30:34] Now, you have explained to the Chamber that Mr Bernard Mokom
24 and Mr Ngaïssona were the ones who had encouraged you to go to the border zone.
25 Did you get to know --

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1 PRESIDING JUDGE SCHMITT: [10:30:55] Mr Knoops.

2 MR KNOOPS: [10:30:56] Mr President, this is a misleading question. It's not
3 established by the Prosecution that it was Mr Ngaïssona.

4 PRESIDING JUDGE SCHMITT: [10:31:05] Yes, I tend to agree, actually.

5 So you have to -- not to rephrase. You have to skip out one name and continue with
6 the other.

7 You're right, Mr Knoops.

8 MS STRUYVEN: [10:31:20] My apologies.

9 Q. [10:31:23](Interpretation) Mr Witness, I will repeat the question.

10 You have explained that Mr Bernard Mokom had encouraged you to go to the border
11 area. Do you have any knowledge or did you subsequently learn who had
12 organised the transportation of the other people that you met at the border? Can
13 you explain that to the Chamber.

14 A. [10:32:17] Thank you.

15 To answer your question, Madam Prosecutor, I believe I told you that when I arrived
16 Yaounde it was Bernard Mokom who received us. And those who were living in
17 that house at the *Cité du Golf*, those who were living there were Ngaïssona and
18 Bernard Mokom. That is what I know.

19 Apart from those two people, I did not see anyone else. Thank you very much.

20 Q. [10:33:19] Thank you very much for that clarification.

21 My next question is as follows: Did you hear who or how the other people who
22 were at the border had been encouraged, if that was indeed what happened, or why
23 they had come to the border?

24 A. [10:34:08] Thank you.

25 Let me tell you this: The other people, the other brothers that I met in the border

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1 area, they were all together. They were all together. However, there was one who
2 did not get along with the others, and that was Steve Yambete. We had the
3 impression that there were misunderstandings between the groups, particularly the
4 group led by Steve Yambete. But one has to point out that, at that period, we were
5 all together.

6 As I have already told you, the majority of those who were in the border area came
7 from Douala, Yaounde and Bertoua, and they arrived in the border area. And as I
8 said, they came from Yaounde, Douala and Bertoua. I did not hear of any other
9 name. Thank you.

10 Q. [10:36:04] Maybe I should put the question in a different way. Do you know
11 who had asked those people from Bertoua, Yaounde and Douala to go to the border
12 zone, or who actually organised those trips?

13 A. [10:36:46] Thank you.

14 Mr President, Madam Prosecutor, the person who took out his money to pay my
15 transportation costs and that of those who were with me, as well as for those who
16 preceded us and those who came after us, to my knowledge, is the authority,
17 Ngaïssona, who is present here with us, and Mr Bernard Mokom. That is what I can
18 tell you.

19 Q. [10:37:42] Thank you. A minor follow up to that question. The money that
20 you got, you said you saw the transfer, you got that transfer of money. But the
21 people who came before you or after you, are they the ones who confirmed to you
22 that they had received that money from Mr Ngaïssona and Mr Bernard Mokom?

23 A. [10:29:00] Thank you.

24 MR KNOOPS: [10:29:00] Mr President.

25 PRESIDING JUDGE SCHMITT: [10:29:00] Mr Knoops.

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1 MR KNOOPS: [10:38:35] Before the witness answers, it's still on the record that it
2 was Mr Mokom who gave the money. It's not established Mr Ngaïssona gave the
3 money.

4 PRESIDING JUDGE SCHMITT: [10:38:45] Well, we had -- we had -- no, the
5 last -- the last answer included Mr Ngaïssona. And we had also, I think, this one
6 conversation where he was mentioned. So I -- this is overruled.

7 So you can answer the question, Mr Witness. This means, did you speak with the
8 other people that you met there? And how they received the means to get where
9 you also were. This would be the question. So your source of information, so to
10 speak.

11 THE WITNESS: [10:39:36](Interpretation) Thank you, Mr President. I am saying
12 this before your Court, that I do not know two or three people. At that time,
13 whoever talked about Bernard Mokom was talking about Mr Ngaïssona. Whoever
14 talked about Ngaïssona was talking about Bernard Mokom. They were together.
15 They were organising their projects together. They were together. They were
16 living together. All those who preceded us had received their transportation money
17 from Mr Ngaïssona and Bernard Mokom, and that was also the case for those who
18 arrived after us. That is what I know.

19 MS STRUYVEN: [10:40:52](Interpretation)

20 Q. [10:40:56] Thank you, Mr Witness.

21 (Speaks English) And, Mr President, just for the record, there is also a Facebook
22 message in which Ngaïssona's name is explicitly mentioned with respect to the
23 money. Just for the record to be complete.

24 PRESIDING JUDGE SCHMITT: [10:41:09] Yeah. It wouldn't have been necessary
25 to mention that, but okay.

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1 MS STRUYVEN: [10:41:27](Interpretation)

2 Q. [10:41:29] Mr Witness, I will now put you some questions in relation to the
3 attack of 5 December. You have already given quite a few details on that, and I will
4 not go back to that.

5 On pages 74 and 73 of your testimony, I have a few questions. You explained that
6 you heard and followed up the attack of 5 December. You were aware at the time it
7 was going on, but at that time when you were at the border, do -- did you get to know
8 who had organised the attack of 5 December on Bangui?

9 A. [10:42:46] Thank you.

10 Regarding the attack of 5 December, it was my ops who was the operational chief of
11 staff. It was Maxime Mokom and Lieutenant Konate who were in command of the
12 team in Bangui. We, on the ground, were not informed. Those of us who were at
13 the border area in Garam-Boulai, we were not informed about that attack. But the
14 select team was aware. But personally, I was not aware of that attack of 5 December.
15 It was only after that attack -- and you know that at the time there were telephones
16 which made it possible for us to call and to receive messages and information about
17 what was going on. It was only after the attack that I was informed, that I got to
18 know that there had been a project, a programme of that nature.

19 Subsequently, Yambete and Desiree Sabe informed us about the attack.

20 THE INTERPRETER: [10:44:46] And the name is actually Elysé Sabe.

21 THE WITNESS: [10:44:51](Interpretation) Subsequently, we heard a meeting, a rally,
22 and it was during that meeting that they gave us the details about what had
23 happened on the ground. I will stop there.

24 MS STRUYVEN: [10:45:19](Interpretation)

25 Q. [10:45:20] Mr Witness, you have said that there was this select team who

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1 was -- or, rather, which was aware, but that it was only subsequently that they
2 informed you. I am imagining that you are talking about the trusted individuals
3 that you mentioned before; Rocca Mokom, Sabe, Ouilibona and Yambete. Is that it?

4 A. [10:46:10] Thank you. Yes, I confirm that.

5 Q. [10:46:23] Now, during that time, we were obviously not there, can you explain
6 to the Chamber what you got to know in relation to the communications between that
7 select group or that trusted group and individuals such as Maxime Mokom, who
8 were organising the attacks on the ground? Do you have any information about
9 that?

10 A. [10:47:20] Thank you. The question that you have just put to me, well, I do not
11 know. Do you wish to have details as from the attack of Bangui and what was said
12 when we had the meetings? I -- is that what you are referring to? Otherwise, I
13 really have not quite understood your question.

14 In that case, if you can rephrase your question, I will know how to answer. You
15 know, on 5 December, from the 2nd, 3rd, 4th, and 5th, I was not aware. I did not
16 have any information. You know that some of the information was filtered and held
17 secret. The key team were talking about the attacks being prepared.

18 On the 5th, we started receiving calls from Bangui informing us that the Anti-Balaka
19 had attacked Bangui town. We had all ears and eyes turned towards Bangui, but at
20 our level, we are living clandestinely because we were at the border between the two
21 countries.

22 On the other side, the Seleka was controlling the territory, and we were on
23 Cameroonian territory. We received information and we were sharing information
24 amongst ourselves.

25 Later on, (Redaction)

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1 (Redaction) relating to what was supposed to have been happening in
2 Bangui, because they had had a video-link conversation with Mr Bara. He was the
3 minister of youth and sport under President Samba-Panza.
4 So what the Sangaris had agreed with the people in Bangui -- that is what came out of
5 their own mouths, that is the understanding that was between them inside the
6 country in Bangui, was that the Sangaris had told them to begin the fighting at 5 p.m.
7 That would give them two hours of fighting before nightfall. And since Sangaris
8 had infrared equipment, they would be able to help the teams on the ground to
9 neutralise the important positions controlled by the Seleka and that would allow the
10 Anti-Balaka to advance and control the territory.
11 I really do not know what happened, but the person who gave us the information
12 directly accused Commander Konaté. He said that the time agreed about -- on was 5
13 o'clock in the evening, but Konaté started the operations at 5 a.m. So there was a
14 difference in the conduct of the operations relating to time.
15 So from 11 o'clock, 12 o'clock, they had contacts with people. And they said, "But
16 you were asked to attack at 5 o'clock in the evening, but you came in the morning and
17 so we could no longer do anything."
18 Unfortunately, there were many compatriots who died on that day. Many, many
19 people died, both amongst the Seleka, the Anti-Balaka, and the civilian population.
20 This is the information that we received at that time.
21 And according to this brother or this compatriot, he was accusing Lieutenant Konate.
22 So that is what happened at that time.
23 Q. [10:53:24] Thank you. While you were at the border, did you hear where the
24 various groups that converged on Bangui to carry out the attack were coming from?
25 And if "yes", did you come to know about who had organised those arrivals?

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1 A. [10:54:20] Thank you. The organisation or the preparation of everything that
2 happened in the country, I believe Ngaïssona is right here, and he is in the best
3 position to tell you what he was intending to do. Because he was the one supporting
4 him, both -- or, rather, at the financial level, in collaboration with Maxime Mokom,
5 who was the chief of staff in charge of operations. So he is the one who is best
6 placed to give you details or to answer the question that you have just put to me.
7 At the level of Bangui, I did not know what was happening there. What I know is
8 that the chief of operations was Maxime Mokom. The chief of operations was
9 Maxime Mokom. So perhaps it is Maxime Mokom who can tell you where he
10 received his instructions from. That is what I can say.

11 PRESIDING JUDGE SCHMITT: [10:55:47] I think with regard to Bangui, it does not
12 make a lot of sense to continue.

13 May I ask, in the meantime, how long your examination is going to last, if you have
14 an idea?

15 MS STRUYVEN: [10:56:04] I think I have used -- last time I've used two hours and
16 40 minutes or so, and I think I had foreseen eight hours in total, so I will for sure use
17 today, but I hope to be done today.

18 PRESIDING JUDGE SCHMITT: [10:56:20] I think you should be done today, let me
19 put it this way, yeah?

20 MS STRUYVEN: [10:56:24] I will try. Can I have one more follow-up question on
21 what he just said before moving to another subject.

22 PRESIDING JUDGE SCHMITT: [10:56:31] Yes. Yes. Then we make a -- the pause,
23 yeah.

24 MS STRUYVEN: [10:56:39](Interpretation)

25 Q. [10:56:40] Mr Witness, thank you for those clarifications, but for the last -- just

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1 like the last time, the judge and the Chamber would really like to know what is your
2 foundation. What are you basing yourself on when you say that it was
3 Mr Ngaïssona who was financing or that it was Maxime Mokom who was organising
4 the activities? So how did you reach that conclusion at that time when you were at
5 the border? Can you explain that to the judges, please.

6 A. [10:57:25] Thank you. Mr President, Madam Prosecutor, you know, when we
7 were at the border, we organised meetings. We used to do so clandestinely. And
8 amongst all the members of the group, all of us knew that there was a coordination or
9 a directorate which was made up of the coordinator, who was like the captain of the
10 ship, in Yaounde. We also knew that the coordinator of operations during that
11 period was in Zongo in Congo. This is information that we had at our disposal and
12 that we shared. It was known to everyone, to every member of the group.

13 Some of the information was withheld, but what I am talking about was well known,
14 and I was aware of that. I believe I have mentioned to you the names of the people
15 with whom we were and who were providing information.

16 So I was aware of a certain amount of information that was circulating. So it was
17 during those various meetings that I received the information that I have given you
18 and that I'm continuing to give you today.

19 PRESIDING JUDGE SCHMITT: [10:59:44] Break until 11.30.

20 THE COURT USHER: [10:59:49] All rise.

21 (Recess taken at 10.59 a.m.)

22 (Upon resuming in open session at 11.31 a.m.)

23 THE COURT USHER: [11:31:18] All rise.

24 Please be seated.

25 PRESIDING JUDGE SCHMITT: [11:31:41] Ms Struyven, please continue.

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1 MS STRUYVEN: [11:31:59](Interpretation)

2 Q. [11:32:02] Hello again, Mr Witness.

3 During your testimony 10 days ago, you explained to us and provided more

4 information on Elysé Sabe. And in transcript 51, page 51, you explained to us, just

5 like you did today, that the soldiers had their professional secrets, and you had your

6 exchanges of information more with Sabe.

7 My question is as follows: During that time, did you find out whether Mr Sabe

8 travelled to Yaounde himself?

9 A. [11:33:13] Thank you.

10 In answering your question, I would say that I have no idea. When he left the

11 border to go to Yaounde before returning, I did not receive any information about this.

12 All I know, that he received information. He was always in communication with

13 Yaounde. Thank you.

14 Q. [11:33:53] And when you said he had communication with Yaounde, could you

15 specify with whom. Who did he have communication with?

16 A. [11:34:11] Thank you.

17 What enabled me to make the statement before the Court was that he was in contact

18 with Yaounde because that's what he told us during the meetings. He could say, for

19 example, that he called the authorities given a certain situation. This is the type of

20 information which led me to understand that he had contact with Yaounde. Thank

21 you.

22 Q. [11:35:06] Just for the statement, when you say "in communication with the

23 authorities", you are saying Mr Ngaïssona or Bernard Mokom, or both?

24 A. [11:35:34] Thank you. In order to answer your question, the people who were

25 in Yaounde, whom I know, were Ngaïssona and Bernard Mokom as authorities.

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1 Those are the people who were in Yaounde. And so if I talk about Yaounde, you
2 must understand that I'm talking about these two individuals. Thank you.

3 Q. [11:36:09] I now want to move on to another subject. During your testimony 10
4 days ago you explained to us that the group tried to attack Baboua and Beloko.
5 Before asking you questions on that, I would like to know if you could explain to the
6 Chamber, if you know, of course, what was the purpose, what was the importance of
7 those particular towns or that region? Why was the strategic advantage of
8 controlling those villages, if you know?

9 A. [11:37:18] Thank you. To answer this question, you must understand that at
10 the time, only the soldiers, the military had firearms. Amongst the civilians, there
11 were no firearms. Even some individuals expressed the desire to buy arms so that
12 they could participate in the fighting better.
13 I remember during a meeting, we said to ourselves, if we ever reach Baboua and we
14 manage to take over the area, we could get equipment from the Seleka. When we
15 arrived, it didn't work out like that. One of us was killed over there and we returned
16 in Garam-Boulai.

17 Q. [11:39:06] Given that you're talking about weapons, could you explain to the
18 Chamber generally, in general terms, what weapons you had and how you had access
19 to weapons and ammunition at that time. This is the period after the attack in
20 Bangui until the attack on Beloko in January and the weeks that followed the attack in
21 Beloko. How did you obtain weapons for the group?

22 A. [11:39:52] Thank you. As I've just said, amongst the soldiers who were with us,
23 in fact, all those soldiers already had their own weapons. They had weapons
24 themselves. I don't know how they proceeded in getting them, but if I talk about the
25 authority, Mokom and -- they had military equipment there. Unfortunately, on the

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1 ground, only soldiers had fighting equipment are.

2 I do not know how they got that equipment. And the weapon I received came from
3 the gendarmerie in Kounde. The gendarmerie in Kounde were fleeing. And before
4 leaving, they buried their weapons somewhere. They informed some elements who
5 were with us of the place of those weapons. They went there to find the weapons,
6 and I benefit so that I could get a weapon. But I do not know how the first elements
7 received their weapons.

8 Q. [11:42:19] Thank you. This is another question. At that time, so it's the same
9 period, were you in contact with other Anti-Balaka groups which were in the
10 surroundings, like Bouar, or Bohong, or Bozoum, or in the villages and towns in the
11 surroundings?

12 A. [11:42:51] Thank you. I can confirm to you that, from Bouar, we had contact
13 with the elements who were there. At the time we were looking for contact with all
14 the localities who had elements, because this enabled us to get more information in
15 order to advance better.

16 Q. [11:43:45] To advance better? Could you explain what you mean. It might
17 seem obvious to you, but could you explain to the Chamber what you mean.

18 A. [11:44:06] Thank you. Your question was to know whether at that time we
19 were in contact with other Anti-Balaka elements of Bouar and --

20 THE INTERPRETER: [11:44:27] Inaudible, but I think it's Bohong.

21 THE WITNESS: [11:44:31](Interpretation) That's to say, surroundings, the localities
22 in the soundings where we were. I answered by saying that indeed, we did have
23 contact. We could exchange contacts. Every one of us was looking to have contacts
24 with the other elements so that we could get more information. So we called them,
25 they called us so that we could exchange information. That is the question you put

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1 to me and I answered by saying, yes, indeed, we did have contact with the people at
2 Bouar and at Bohong.

3 MS STRUYVEN: [11:45:21](Interpretation)

4 Q. [11:45:22] Then two follow-up questions: Do you know at that time some
5 talking about December 2013, January 2014, do you know who was in charge of the
6 Anti-Balaka in Bouar or Bohong?

7 A. [11:45:54] Thank you. Those who were in charge in Bouar was Armel Emtenou
8 and Pessere Jules. At Bohong it was Basil.

9 Q. [11:46:25] Do you know the name of Basil? Do you know his full name?

10 A. [11:46:44] Thank you. I know his name, but I can't remember now. But if I am
11 able to remember, then I'll tell you later.

12 Q. [11:46:58] Does the name Basil Dika, Dika mean anything to you?

13 A. [11:47:11] Affirmative, yes. It is Dika Basil.

14 Q. [11:47:29] And as regards the Bouar group, have you heard of a person called
15 Amadou Ndalé? And if "yes", do you know what role he was playing at that time?

16 A. [11:47:57] Thank you. Amadou Ndalé -- there were in fact two. Amadou
17 Ndalé and Amadou Ndalé. Both were part of the main chiefs of the Anti-Balaka in
18 Bouar. They were coordinating of the civilians, because they were civilians
19 themselves. Pessere, Armel, whom I already mentioned, were soldiers. However,
20 Ndalé was civilian. They had civilian elements. And the soldiers also had their
21 components. That's what I know.

22 Q. [11:49:21] A last question. At that time, have you heard of contact between
23 Ndalé and the authorities in Yaounde?

24 A. [11:50:00] Thank you. What might enable me to confirm this in front of the
25 Court is that in Bangui, he was recognised as the coordinator within the coordination

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1 of the Ngaïssona authority. But what he did in Bouar is something I cannot answer.

2 Q. [11:50:47] A final question on the Anti-Balaka group who were in the
3 surroundings. Did you get any reinforcement or did you reinforce each other? Did
4 it happen that a group asked another group to come and help?

5 A. [11:51:31] Thank you. Yes, it's true. I'll give you an example of what
6 happened at the border. There was a brother of Bohong who asked us and asked for
7 reinforcement. When we got ready to go there, some of us refused. Others decided
8 that we leave to go to Baboua. We were having this discussion when another group
9 went there already. It was only afterwards that we received this information saying
10 that a group had already gone there and that group only came back after having
11 taken Garam-Boulai by us. So there were two possible destinations, and we were
12 discussing this. And at that moment, it was on 10 January that Djotodia resigned.
13 Brothers asked that we move and help them and that we concentrate on recuperating
14 Beloko. So that's what happened.

15 Q. [11:53:35] I'm now going to move to these two attacks of Baboua and Beloko.
16 Can you remember the date, approximately, of Baboua -- the first attack on Baboua
17 where you lost a man?

18 A. [11:54:17] Yes, I do remember. Yes. Thank you. I repeat, I remember it very
19 well.

20 Q. [11:54:29] Could you give us the date.

21 A. [11:54:45] Thank you. No, I no longer recall the date.

22 Q. [11:55:02] I would like to show you a document which might assist you. It is
23 tab 37, CAR-OTP-2101-9451, and it's page 9597. I don't know if you can see it
24 displayed on the screen.

25 A. [11:55:49] Not yet.

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- 1 MR KNOOPS: [11:55:55] Mr President. Sorry.
- 2 PRESIDING JUDGE SCHMITT: [11:55:57] Mr Knoops.
- 3 MR KNOOPS: [11:55:59] Yes, if it's a Facebook message which is not relating to the
- 4 witness, if he's not mentioned there or was one of the participants, there's a ruling of
- 5 the Chamber that these messages are not to be used for the witness.
- 6 PRESIDING JUDGE: [11:56:13] Yeah, a rule in general, yes, but I trust, Ms Struyven,
- 7 that in the text is something that should jog the memory of the witness, or not?
- 8 MS STRUYVEN: [11:56:24] Yes, hopefully.
- 9 PRESIDING JUDGE SCHMITT: [11:56:26] Yeah, yeah, but it's something concrete
- 10 or -- otherwise I would -- I would agree with Mr Knoops.
- 11 MS STRUYVEN: [11:56:33] I can explain it. So the message refers to the actual
- 12 attack, and it has a date, and then it continues with another date on the second attack.
- 13 PRESIDING JUDGE SCHMITT: Yeah, but then --
- 14 MS STRUYVEN: [11:56:38] So it gives two dates.
- 15 PRESIDING JUDGE SCHMITT: [11:56:40] Then it would not have been necessary, I
- 16 think, to show the witness this conversation where he's not part of it. That has no,
- 17 no additional value, I think. In such a case, I think I agree with Mr Knoops. It's
- 18 enough if you simply say, you know: Does that date X jog your memory? Yeah?
- 19 There is no harm done, Mr Knoops, but in general, you are right. So I think -- yeah?
- 20 MS STRUYVEN: [11:57:11] Yes, I will, for sure.
- 21 PRESIDING JUDGE SCHMITT: [11:57:14] And we had before, we had already one
- 22 of the participants or alleged participants of this conversation, and there was not too
- 23 much knowledge of the witness about him, yeah. Simply put a date to him, and if it
- 24 jogs his memory, it's fine. And it's also quicker.
- 25 MS STRUYVEN: [11:57:36](Interpretation)

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1 Q. [11:57:38] Mr Witness, in fact, we have conversations where you are not
2 mentioned. These are not your conversations, but these are conversations between
3 others. And in those conversations, they talk in particular about the attack which
4 was in preparation, which was very secret, on Beloko and Baboua and it was on 3
5 January 2014. It's just after Christmas, just after the new year.

6 Does this help you to focus on the time period?

7 A. [11:58:31] Thank you. Yes. From 1 January until 10 January, it was at that
8 time that we drew up the programme, either to reinforce Bohong or to attack Bouar.
9 That was being discussed. That was the period during which we discussed and we
10 prepared ourselves. Other brothers amongst us were scared because during the first
11 attack, we had lost someone. So some of us were scared.

12 I can confirm that this is the right time frame of 3 January. That is the period where
13 we were preparing ourselves. And suddenly, on 10 January, we abandoned the
14 entire programme either to go to Bohong or attack Baboua. We just abandoned
15 everything, and we focused on taking over Beloko.

16 Q. [12:00:13] Thank you very much. In fact, I'd like to discuss those dates of 10
17 January 2014. You explained to us you heard that Mr Djotodia resigned. Can you
18 remember a conversation which you had with Mr Aron Ouilibona regarding
19 Ngaïssona on that day? So after having heard the news that Djotodia had resigned,
20 can you remember a conversation that you had with Mr Aron Ouilibona on -- or
21 about Mr Ngaïssona?

22 A. [12:01:08] Thank you. I don't remember very well. What I do remember is
23 that Sabe and Aron and the deceased, Rocca Mokom --

24 THE INTERPRETER: [12:01:42] Says the witness.

25 THE WITNESS: [12:01:44](Interpretation) -- that it was Sabe who confirmed that the

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1 authority had provided instructions according to which we should take over Beloko
2 on that day. (Redacted)
3 (Redacted) and also in the presence of others.

4 At that moment, we gave up our initial plans to go either to Baboua or Bohong. It
5 was about 11 or 12 o'clock --

6 THE INTERPRETER: [12:02:35] Says the witness in French.

7 THE WITNESS: [12:02:37](Interpretation) -- on 10 January. This is when we
8 received the information via France 24. However, it was Sabe Elysé who gave us the
9 information from Yaounde, issuing instructions that (Redacted).

10 MS STRUYVEN: [12:03:08](Interpretation)

11 Q. [12:03:10] And just for the record, when you say "the authority had given the
12 instructions to recapture Beloko on that day", who specifically are you referring to, or
13 which persons?

14 A. [12:03:34] Thank you. I was talking about the leadership which was in
15 Yaounde. I was referring to Ngaïssona and Bernard Mokom who were in Yaounde.
16 They were the ones who issued the instructions. And Elysé Sabe conveyed those
17 instructions to the troops on the ground for the purposes of implementation. That is
18 what Sabe told us.

19 We were not there when he was receiving the instructions, but that is what he told us,
20 that is, after he said he had contacted those who were the authority in Yaounde. We
21 were compelled to obey the instructions coming from Yaounde.

22 That is what happened.

23 Q. [12:05:01] And at that time, did you know why it was important on that day to
24 recapture Beloko?

25 A. [12:05:24] Thank you. I did not personally receive any additional information

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1 on that specific point. That is all I can say for the time being.

2 Q. [12:06:00] There is no problem.

3 What I wanted to talk about now is based on what I understood from your testimony,
4 the first attempt to recapture or to attack Beloko had failed, but you attempted a
5 second time. But from the outset, I would like to situate you in time, it would be
6 more efficient.

7 I want to show you a message from you to Mr Yakete, and that is tab 33,
8 CAR-OTP-2101-6428 and it is on page 6467.

9 So it is a message from you to Mr Yakete. You said:

10 "Good evening my friend. I lost a brother in fighting yesterday the CB of Kound.

11 So he died during -- he was a companion at the front."

12 Now, do you remember who you were talking about?

13 A. [12:07:58] Thank you. The person who lost his life in Beloko was the
14 commander of the Kounde brigade. (Redacted)
15 (Redacted). This was the only one who lost his life.

16 Q. [12:08:48] Can you give us his name.

17 A. [12:09:00] Elysé Sabe.

18 THE INTERPRETER: [12:09:04] Says the witness.

19 MS STRUYVEN: [12:09:11](Interpretation)

20 Q. [12:09:12] Thank you very much. So there we have an indication about the
21 dates. So if I understand you very well, (Redacted)

22 (Redacted); is

23 that correct, more or less?

24 A. [12:09:56] Thank you. Yes, of course, I would like to answer your question.

25 Do you want me to give you all the details linked to your question, or do you simply

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1 prefer me to give you the date?

2 Q. [12:10:27] It is specifically the date that is of importance to us, and specifically
3 whether there was an attack or not, and if so, what basically happened, without
4 necessarily giving all the details of the attack.

5 A. [12:10:57] Thank you. (Redacted) captured the town of Baboua one week
6 and a few days before organising the second attack. I do not have the precise date,
7 but I can see here the date of the 21st, and I remember that it was the day after that I
8 wrote to Yakete to inform him. So this means that it was on the 20th (Redacted)
9 captured Beloko, and it was on the following day that I informed the authority
10 through the message.

11 So the first attack was on 10 December, while the second attack was on 20th of -- or,
12 rather, January, while the second attack was on 20 January, if I'm not mistaken.

13 Q. [12:12:24] Thank you. I have some very specific questions relating to this
14 second attack. Do you remember whether there were any senior leaders of the
15 Seleka who lost their lives during that attack, any important members of the Seleka?

16 A. [12:13:03] Thank you. Yes, in fact, to what -- according to what I know,
17 General Souleymane, who was the major leader of Seleka at the time, was hit by a
18 bullet during the second attack. They tried to transfer him elsewhere, but he died on
19 the way.

20 That is the information that I received. I did not see the dead body with my own
21 eyes, but we received the information according to which the general had been killed
22 in the course of that second attack.

23 Q. [12:14:00] And when you say he was the major or chief leader of the Seleka, can
24 you be more specific? Was he the leader of a specific location or a specific region?

25 A. [12:14:28] Thank you. General Souleymane was the commander of the

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1 Nana-Mambere region, with residence in Bouar during that period. And when ,
2 (Redacted), there was a border between us and the Seleka. They were at the
3 level of the commissariat and we were at the border. It was the MISCA contingent
4 who was a Congolese who had instituted that border between us and the Seleka, and
5 no one was supposed to cross that border.

6 Afterwards, there was an incident that happened, during which
7 Souleymane's -- General Souleymane's elements captured one of our elements and
8 engraved the name Abdel with a knife on his back. They did not kill him, but they
9 engraved that name. He succeeded in escaping, and that is what triggered the attack
10 of the 20th.

11 On that day, if I remember correctly, from noon to the evening, and in the -- the next
12 morning, they launched their counterattack. And it was during that counterattack
13 that the general was hit by a bullet. After that, they fled, and (Redacted)
14 (Redacted).

15 Q. [12:16:59] I will ask you questions about what happened after the attack, but
16 before that, if you remember, do you remember the names of the chiefs of the
17 Anti-Balaka who led that second attack against Beloko? That is, the names of the
18 leaders of the Anti-Balaka during the attack.

19 A. [12:17:38] Thank you. In answer to your question --

20 PRESIDING JUDGE SCHMITT: [12:18:03] Mr Witness.

21 THE WITNESS: [12:18:07](Interpretation) I would like us to go into private session
22 so that I can say what I want to say.

23 PRESIDING JUDGE SCHMITT: [12:18:13] We understand and I think we follow
24 that.

25 We go to private session.

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1 (Private session at 12.18 p.m.)
2 THE COURT OFFICER: [12:18:36] We are in private session, Mr President.
3 PRESIDING JUDGE SCHMITT: [12:18:38] You may now answer, Mr Witness.
4 THE WITNESS: [12:18:49](Interpretation) Thank you. I will try to give you a few
5 details.
6 During the first attack of the 10th, (Redacted)
7 (Redacted)
8 made up of the coordinators who were Steve Yambete; the chief of staff was Hervé
9 Fylai; the chief of operations was Ouilibona Aron; the chief of operations was
10 Seregaza Steve. (Redacted)
11 (Redacted), there was Feindiro, Garazan. I no
12 longer remember the other names.
13 Yes. The deputy chief of staff, well, I am mistaken, but I think the deputy chief of
14 staff was Elysé Sabe. And there were four or five sections. I no longer remember
15 certain names.
16 And just for clarification, the coordinator was Steve Yambete.
17 (Redacted)
18 (Redacted)
19 (Redacted)
20 (Redacted)
21 On the day of the attack, Yambete was not there. He was still on the other side of the
22 border, that is, on the Cameroonian territory.
23 (Redacted)
24 (Redacted). The only person who was not
25 there was Steve. During that attack of the 20th, he was not there. He was still in

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1 Cameroon.

2 Within this general staff team, if I remember correctly, the only person who was part
3 of that general staff but who was not present was Steve. However, there were phone
4 calls. They were communicating amongst themselves. That is what the case was.

5 Q. [12:24:11] Thank you very much.

6 Now, regarding this second attack, if you know, (Redacted)

7 (Redacted)

8 A. [12:25:00] Thank you. To answer your question, I do not have any idea

9 concerning that point, but what I know is that within the select team, the inner circle,

10 someone must have been responsible for informing Yaounde. As you know, these

11 were soldiers and they were experienced. So before taking any decision, before

12 taking any action, they would necessarily inform the general coordination. And as

13 you know, during that period, (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 Q. [12:26:44] Now you are explaining that General Souleymane died during that

18 attack, and you also added that Seleka fled, (Redacted)

19 (Redacted)

20 Now, according to what you know, can you explain to the Chamber what happened

21 at the time of General Souleymane's death. What were the Seleka elements in the

22 region doing during that time?

23 A. [12:27:36] Thank you. In answer to your question, Madam Prosecutor, I can tell

24 you that during the first attack of the 20th, the Central African side was under the

25 control of the Seleka. It is true that the police and the gendarmerie were there, but

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1 those two forces did not have any powers.
2 On 10 January (Redacted). The
3 gendarmes and the police who were at the barricade, (Redacted)
4 (Redacted)
5 (Redacted).
6 The Seleka base were at the commissariat. (Redacted)
7 (Redacted)
8 (Redacted)
9 (Redacted)
10 (Redacted)
11 (Redacted)
12 (Redacted)
13 So during their flight, a pickup stopped in front of Ecobank. They came out of the
14 vehicle. They broke down the door of the bank. (Redacted)
15 (Redacted)
16 (Redacted)
17 (Redacted)
18 (Redacted)
19 Some of the Seleka elements -- or, rather, some of the Anti-Balaka elements who were
20 there, and some members of the population, entered the bank and took away the
21 banknotes, the degraded banknotes. But the safe remained intact and in security.
22 Towards the evening, (Redacted)
23 (Redacted). It was
24 the select group which was doing everything and which was organising all the plans
25 in the field. (Redacted), and this lasted for two days.

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1 I do not know the precise amount of the money which was inside. The general
2 treasury -- treasurer at that time was Rocca Mokom, and he was the one who kept the
3 bulk of the money. (Redacted)
4 (Redacted)
5 (Redacted)
6 (Redacted)
7 (Redacted)
8 There was another bank known as Express Union. It was a Cameroonian bank,
9 which was across the road. (Redacted)
10 (Redacted)
11 (Redacted)
12 (Redacted)
13 (Redacted)
14 (Redacted)
15 (Redacted)
16 (Redacted)
17 (Redacted)
18 At that time there was a brother from the Gbaya ethnic group who was on the
19 Cameroonian side and who was working for the Cameroonian intelligence service.
20 (Redacted). For the case of
21 the Ecobank, it is because the Seleka had already broken into it and the population
22 had entered the bank. (Redacted)
23 (Redacted)
24 (Redacted)
25 (Redacted)

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1 (Redacted)
2 (Redacted)
3 (Redacted). Not to go and kill Muslims and to
4 break down and steal public and private property. (Redacted).
5 It was only afterwards that Steve Yambete was arrested. (Redacted)
6 (Redacted)
7 (Redacted)
8 (Redacted)
9 (Redacted)
10 (Redacted)
11 (Redacted)
12 (Redacted)
13 (Redacted)
14 (Redacted)
15 One week later, a MISCA mission arrived from Bangui, commanded by a Rwandan or
16 Burundian officer. That mission came and escorted those trucks to Bangui because
17 no vehicle was importing goods to Bangui. And these were semitrailers. So there
18 was hunger in Bangui, but these semitrailers went through intact.
19 (Redacted)
20 (Redacted). And that is how
21 MINUSCA -- or, rather, MISCA escorted these trucks to take them to Bangui
22 (Redacted).
23 Let me stop here for now.
24 Q. [12:39:41] Thank you, Mr Witness, for those explanations. I will have some
25 follow-up questions, but let me talk about something specific.

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1 At the time of the death of General Souleymane, during the fighting, what were the
2 Seleka troops doing? I was talking about the Seleka. Did they remain there
3 without any command structure or did they go elsewhere? What did they do
4 concretely?

5 A. [12:40:33] Thank you. During the second attack - and that was on 20 January, it
6 was very early in the morning, around 5 or 6 o'clock in the morning - when
7 General Souleymane was struck by a bullet. His state was serious. That is on that
8 day that the elements of the Seleka based at the commissariat fled. They took the
9 body of General Souleymane. They went towards the customs office. They stole a
10 vehicle and left. So it was on that day of the 20th that the Seleka finally left Beloko.

11 Q. [12:41:28] That is what I was coming to, in fact. Do you know what was
12 happening with the Seleka in the vicinity of Beloko? After 20 January did they
13 remain in the surroundings or did they also leave?

14 A. [12:42:00] Thank you. Yes, after the attack, (Redacted)
15 (Redacted), and I think it was on the 21st that they left Beloko once and for all. Not a
16 single Seleka element remained in the town. That was on 21 January.

17 Q. [12:42:38] Thank you very much. I will try to ask the question differently.

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 A. [12:43:36] (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted). So Beloko, Baboua, Gallo, Aba, these localities were under
2 the control of the general staff based at Beloko. That is how it happened.

3 Q. [12:44:53] And during those attacks, was there any resistance from the part of
4 Seleka?

5 A. [12:45:10] Thank you. In answer to your question, I will say that there was
6 resistance only at the border area, during which General Souleymane was shot.

7 However, the teams that went to Bouca, Gallo and Aba, the teams that went
8 there -- and I'm saying that the team that was transporting General Souleymane's
9 dead body evacuated the Seleka elements on their way, at the same time.

10 In Gallo, a Chadian businessman, the owner of a shop, was shot dead by the team
11 located at Gallo. That was the only person who was killed in Gallo. I was informed
12 that his shop was pillaged by the elements and by the population. That is what I can
13 say.

14 Q. [12:47:08] In your last answer, you have been making reference to the general
15 staff, and I suppose that you are referring to the Beloko general staff; is that correct?

16 A. [12:47:31] Yes, thank you. I confirm that what you have said is true.

17 Q. [12:47:39] Now, can you explain to the Chamber, if I understood you correctly,
18 during that period, which was after 21 January, the Seleka left that region. If I
19 understood you correctly, the Beloko group started advancing on villages such as
20 Baboua, Gallo, Aba and so on.

21 Now, what happened to the Muslim civilian population during that period? That is,
22 if you know.

23 A. [12:48:27] Thank you. (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 These people in those localities were Central African citizens. (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted). I only heard about that shop owner, the Muslim shop owner who was

9 killed. (Redacted)

10 (Redacted). The only thing -- the only incident that I know

11 about concerns that Chadian shopkeeper in Gallo who was killed and his shop

12 pillaged.

13 MS STRUYVEN: [12:50:52](Overlapping speakers) Mr President, I think we can go

14 back into open session. I think we're still in private session.

15 PRESIDING JUDGE SCHMITT: [12:50:55] Yeah, indeed so. Yeah.

16 We go to open session.

17 (Open session at 12.51 p.m.)

18 THE COURT OFFICER: [12:51:12] We're in open session, Mr President.

19 MS STRUYVEN: [12:51:24](Interpretation)

20 Q. [12:51:27] Mr Witness, I will have several questions relating to the fate of the

21 civilian Muslims. (Redacted), if I understood

22 you correctly, to leave the locations in which they lived.

23 Now, do you know what happened at that time with their houses or their property?

24 A. [12:52:21] Thank you. To answer your question, I will say that, as from Beloko,

25 (Redacted), the houses in which the Muslim civilian

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1 populations, after their departure, some of the elements occupied those houses and
2 used them as their places of residence. I can give you the example of Rocca Mokom.
3 The house of Ngon Baba (phon), a Central African Muslim, that Muslim left, and all
4 his property remained in the house, so he took that house and settled in it.
5 Fylai also took the house of another Muslim and transformed it into his residence.
6 As you know, there was no one in those houses, and all their property had been
7 pillaged. So there were many people, and all of them could not be controlled.
8 On the contrary, in Gallo, (Redacted), most of the Muslims had already left.
9 The oldest ones were the ones who had remained behind, and it was to them that
10 (Redacted). They could not take their property with them. So
11 what was most important was to save their lives.
12 So after their departure, all their property was pillaged. That was automatic.
13 With your leave, I will give you another example.
14 Q. [12:54:58] Please go ahead, Mr Witness.
15 A. [12:55:03] Thank you. Thank you. In Besson, the brigade commander of the
16 Besson gendarmerie had been chased away by the Seleka, the Seleka who had taken
17 over control of the locality. So this person fled and sought refuge at the border.
18 A few days after the attack of the 20th, I think it was on the 23rd or the 24th,(Redacted)
19 (Redacted). I think it was 75 -- or rather, 115 kilometres from there, 15 kilometres from
20 Baboua. The mayor of the place was a Muslim, (Redacted), there were
21 Muslims there. (Redacted), that mayor became afraid given what was
22 happening. You know, during that time, the Muslims and the Christians were
23 looking at each other as enemies. I can give the example of what happens between
24 cats and dogs. So the mayor became afraid. (Redacted)
25 (Redacted)

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1 (Redacted)

2 (Redacted) organised meetings or rallies in the villages or in the village, in order to
3 give a certain degree of hope to the population who were there. The Muslims and
4 Christians were there, and those were natives of that locality. (Redacted)

5 (Redacted)

6 (Redacted).

7 There were many Anti-Balaka who were there who wanted to create negative
8 incidents or criminal incidents, but we persuaded them not to act in that way. And
9 when we finished, the mayor slaughtered a cow and we were given food to eat. And
10 I can tell you that that mayor is still alive, and he is still in position today. And if
11 you are able to contact him, he can give you more details.

12 So when we met him, we used diplomatic techniques and gave him hope so that he
13 should not continue being afraid. And it was only after that that we returned to
14 Beloko. There are many other examples that I can give you. So if you ask me
15 questions about that, I am fully ready to answer them.

16 PRESIDING JUDGE: [12:59:14] I think you can think about if you need further
17 examples during the lunch break, I would suggest, which we have from now on for
18 everyone until 2.30.

19 THE COURT USHER: [12:59:27] All rise.

20 (Recess taken at 12.59 p.m.)

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

22 THE COURT USHER: [14:31:52] All rise.

23 Please be seated.

24 PRESIDING JUDGE SCHMITT: [14:32:11] Ms Struyven, you still have the floor.

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1 MS STRUYVEN: [14:32:17] Thank you, Mr President.

2 Q. [14:32:21](Interpretation) Good day, Witness. Before the break, we were
3 talking about the attacks on Gallo and Baboua after the 20 January attack on Beloko.
4 And I just wanted to continue in the same order of dates with two other attacks that
5 followed. So I just wanted to know if you've heard about the attacks on Berberati
6 and Carnot?

7 A. [14:33:14] Thank you. To answer your question, (Redacted), a
8 team had left for Berberati. I'm sorry.

9 PRESIDING JUDGE SCHMITT: Is there a connection problem, Mr Witness?

10 MS STRUYVEN: [14:33:58] I think the witness may want to go into private session.

11 PRESIDING JUDGE SCHMITT: [14:33:59] You want to go to private session?

12 Of course, then we do that.

13 (Private session at 2.34 p.m.)

14 THE COURT OFFICER: [14:34:13] We are in private session, Mr President.

15 THE WITNESS: [14:34:27](Interpretation) Thank you.

16 (Redacted), and this team left for

17 Berberati. The person in command of this group was Mokom Rocca, as well as
18 certain other elements. They left with two or three vehicles. I was not aware of this
19 trip. And when they reached there, it's only then that I got to know. I was made
20 aware. What -- I do not know what happened then because I wasn't present, but I
21 think that they did not get along with some elements that occupied the city. (Redacted)
22 (Redacted) I asked him the question on what was happening in Berberati. He said
23 that it was between them, and he wasn't really happy. It was actually -- he said, it
24 was actually shameful.

25 THE INTERPRETER: [14:36:11] The interpreter corrects himself.

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1 THE WITNESS: [14:36:15](Interpretation) And he wasn't really happy. He gave his
2 point of view with respect to what happened. Rocca and the elements that went
3 along for Berberati came back. (Redacted)
4 (Redacted)
5 (Redacted). Carnot was the same. So the same thing
6 happened in Berberati. (Redacted) who was commanding the zone, he had a
7 nickname. I don't remember that, but (Redacted) big black because he had a fairer
8 hue of skin. I have the name somewhere in my memory, but I'm not sure that I
9 remember it. That's what I know.

10 MS STRUYVEN: (Interpretation)

11 Q. [14:37:39] Thank you. (Redacted)
12 (Redacted). Do you know with respect to Berberati and
13 Carnot, was there an order given from the exterior, from the outside, to attack the
14 villages?

15 A. [14:38:17] Thank you. As you are aware, each group would receive
16 instructions through ordinary or usual means. (Redacted)
17 (Redacted). I do not know if the orders given to attack
18 Berberati or Carnot, I don't know if that came from outside or not. I'm not in a
19 position to tell you.

20 Q. [14:39:26] You said -- you mentioned Rocca Mokom. Do you know at that
21 point of time was he in touch with his father, Bernard Mokom, or his brother, Maxime
22 Mokom?

23 A. [14:40:01] Thank you. I can confirm in this Chamber that he was in constant
24 touch with Yaounde and Bangui, because at that time he was one of the key elements
25 of the restricted team, (Redacted). So I can confirm that he was in

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1 constant touch. Thank you.

2 Q. [14:40:42] This might appear as a strange question, but can you explain to the
3 Chamber, how do you know this?

4 A. [14:41:06] Thank you. Could you please reformulate your question because
5 there are two aspects to it, and I just want to know on what part would you like
6 further information or clarification.

7 Q. [14:41:35] The -- it's like the judge, he asked you a question 10 days ago, how do
8 you know certain things? (Redacted) How do you
9 know that Rocca Mokom was in constant touch with the people you named, Maxime
10 Mokom and Bernard Mokom?

11 A. [14:42:23] Thank you. I can confirm that I know. (Redacted). I
12 know that Rocca Mokom was constantly in touch with Yaounde, with Bangui, and
13 with Zongo in Democratic Congo. But I do not know the content of what they were
14 saying in their telephone conversations, but I am sure and I know that the fact that he
15 was constantly in touch with Yaounde, Bangui and Zongo.

16 Q. [14:43:41] So this is the first question: Do you know that the Carnot and
17 Berberati attacks, do you know how much time after the 20 January attacks on Beloko,
18 the attacks on Carnot and Berberati occurred? Do you have an approximate idea?
19 Was it one weeks -- one week or two weeks?

20 A. [14:44:28] Thank you. With regard to the precise dates of the Carnot and
21 Berberati attacks, it's hard for me to say. I wasn't there. I have -- even when they
22 actually went there, I did not know. So I do not remember the year, exact dates.

23 Q. [14:45:04] But it was well after the 20 January attacks on Beloko; isn't it?

24 A. [14:45:24] Thank you. Yes, I can confirm that. It was after the 20 January
25 attacks, shortly after that they left for Berberati. I can confirm that it was after the 20

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1 January attacks.

2 Q. [14:45:52] So when you say that Rocca Mokom was in touch with Yaounde,
3 Bangui and Zongo, when you're referring to Bangui, who are you specifically
4 referring to?

5 A. [14:46:23] Thank you. Concerning Bangui, I do not have any name in my mind.
6 To the best of my knowledge, during these conversations and discussions,
7 I -- through the conversations -- I knew that he was -- he was talking to Bangui, but I
8 could not tell you name of the person he was talking to in Bangui.

9 With regards to Yaounde and Congo, at that point of time, there was Maxime who
10 was there. And after 5 December, he came back to Bangui. Was he in touch with
11 Maxime? I cannot say that for sure. But for the other districts, yes.

12 Q. [14:47:43] Thank you so much. I have a question on the Muslim civilian
13 population in Carnot and Berberati. Do you know that during the attacks, whether
14 it was in Berberati or Carnot, did you know that -- whether Seleka elements were still
15 there in Berberati or Carnot?

16 A. [14:48:24] Thank you. This is going to be my answer: After the death of
17 General Souleymane, all the Seleka that were in the Central African Republic wanted
18 to leave the country. And the ones who were in Songabayi (phon) -- in Lobaye, they
19 regrouped in Berberati. They were looking for ways to leave. We had friends in
20 Berberati. We were in touch via telephone. They were giving us information, and
21 they told us that the Seleka had regrouped, and they wanted to leave with their
22 belongings. And it was the same with the ones who were in Mambere, they left
23 Berberati around 8 o'clock in the evening. They left. They -- we had the -- we
24 received confirmation of their departure, (Redacted)
25 (Redacted), and there is a way, there is a path,

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1 more specifically, that leads to Bouar, and they actually left through that path.

2 (Redacted). This

3 is the information that we received. And people who were coming from Berberati

4 would actually go through the entry through -- at Bouar, but unfortunately they

5 actually left through another destination.

6 So people came back, and according to this information we received, there were

7 fightings. Some went through the Bozoum axis and there were casualties. Many

8 people lost their lives in the fighting that ensued.

9 This is what I can say on the various fightings that took place at that point of time.

10 Q. [14:52:18] Just to be clear, when Rocca Mokom was attacking Berberati, the

11 Seleka elements had already fled Berberati?

12 A. [14:52:44] Thank you. When Rocca reached Berberati, the Seleka had already

13 left. The ones that were in Berberati and Carnot were only civilians. They were

14 Muslim civilians. They were the ones who were still in Berberati. The military had

15 already left.

16 Q. [14:53:17] Can you explain to the Chamber if you knew what was the plight of

17 this civilian Muslim population that stayed on in Berberati and Carnot during the

18 attacks by Rocca Mokom and others.

19 A. [14:53:47] Thank you. When Rocca came there, we got information in real time.

20 (Redacted)

21 (Redacted)

22 Certain civilians who died during the fighting were Muslims. That must be

23 specified. Some died, but I really cannot put a figure on the casualties.

24 There was also a lot of pillaging. (Redacted)

25 (Redacted). There was a lot of chaos, but I can't tell you precisely how many people

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1 died. There was a lot of pillaging, forced displacement in this neighbourhood.

2 Q. [14:55:36] Just a small specification. Did you know whether the mosques were
3 intact after the attack?

4 A. [14:55:59] Thank you. (Redacted)
5 (Redacted).

6 Q. [14:56:42] Thank you. I'm going to show you a message. It's one of your
7 messages, in fact, and I will ask you a few specific questions subsequently. It's
8 CAR-OTP-2101-6428, tab 33. And it's page 6469. And it's the message that dates
9 back to 6 April 2014, if I'm not mistaken.

10 You wrote to Mr Yakete. And I'm going to try and zoom in:

11 "... we want peace. We created a good atmosphere and there is someone who has
12 come with a vicious intention to ruin everything. It's the son of the old -- of old
13 Mokom."

14 So my first question is: What son are you talking about of which old Mokom? Who
15 are you referring to in this specific message?

16 A. [14:58:18] Thank you. Yes, it is true that I sent -- I wrote -- I wrote the message
17 and sent it to Yakete. You see, I'm just going to go back a bit in time. (Redacted)
18 (Redacted). We used diplomacy and I feel that the

19 coordination did not agree with our way to proceed. And this is why there -- there
20 was a time where we did not get along with each other. We did not love each other
21 the way we used to before. And at that point of time, a team would come, attack
22 you and kill you. So there was no accountability at all at that time.

23 What happened in Berberati and I sent this message when Rocca came back to the
24 borders. (Redacted)

25 (Redacted)

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1 (Redacted)
2 (Redacted)
3 (Redacted)
4 (Redacted)
5 (Redacted)
6 (Redacted)
7 (Redacted)
8 (Redacted)
9 (Redacted)
10 (Redacted)
11 (Redacted)
12 (Redacted)
13 (Redacted)
14 (Redacted)
15 (Redacted)
16 (Redacted)
17 (Redacted)
18 (Redacted)
19 (Redacted)
20 (Redacted)
21 I'm just going to stop here to give an example. (Redacted)
22 (Redacted). They said that the team who
23 was on the ground have taken two Muslims and one was killed, one of them was
24 killed in public, and the other was held in a cell at the gendarmerie. (Redacted)
25 (Redacted).

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 I'm going to stop here. Perhaps there may be further questions which you are going

7 to put to me as regards what I've just told you.

8 Q. [15:05:19] Indeed. So that we're absolutely clear, (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 And when the Seleka were in Berberati, there was no fighting that took place. It was
3 when the Seleka left, there were only Muslim civilians, and that is the time when
4 looting and killing started. (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 So everything that happened as an exaction in the town was under his control or

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1 responsibility. (Redacted) that he could have some sort of
2 discipline imposed in the children who were under his authority, in the group of the
3 children under him.

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 In all the documents which we have in front of us here and -- we talk about

8 self-determination of people. I think in the statutes of the United Nations, there is

9 the right of self-determination and the right to defend yourself.

10 (Redacted)

11 (Redacted)

12 (Redacted) Does this mean you have to kill all the Muslim civilians?

13 That's the questions I was asking myself.

14 (Redacted)

15 (Redacted)

16 I think I'll stop here on this particular point. If there are any questions, I will do my

17 best to answer them.

18 Q. [15:14:04] Thank you. I do have some specific questions because I've looked at
19 time.

20 (Redacted), does the name Yapelet mean anything to you?

21 A. [15:14:34] Thank you. I can confirm, yes, Yapelet Chrysostome, alias
22 Chiki-Chiki.

23 Q. [15:14:46] Second clarification, the Muslims, the civilian Muslims who were in
24 Berberati, do you know where they found themselves or where they went after the
25 attack?

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1 A. [15:15:25] Thank you. (Redacted)

2 (Redacted).

3 Many of them sought refuge in the bishopric. There were many. There were many,
4 and they went to the bishopric, because at least there they felt safe. Some others
5 crossed the border to go to Cameroon.

6 Q. [15:16:06] Thank you.

7 A final clarification before tackling another subject. (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 THE INTERPRETER: [15:16:42] Correction of the interpreter: Not Rocca, but

12 Maxime Mokom.

13 THE WITNESS: [15:17:06](Interpretation) Thank you.

14 What I can give you by way of explanation, (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted). Even the Christians,

25 because there were no Muslims anymore, even the Christians' relations took by force

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1 everything that had belonged to the Muslims. (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 Q. [15:21:41] Thank you, Mr Witness. I'm now going to deal with the final subject,
19 and I'll show you some documents at the end. But firstly I'd like to tackle the subject
20 in a general manner. The idea is not to have all the possible details of what
21 happened but, rather, to have a general idea that is given to the Chamber on the
22 subject I'm now going to tackle.

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 Firstly I'll put the question. Do you know at that time whether the Anti-Balaka in
3 Bangui committed crimes?

4 A. [15:23:26] (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 Would you like me to give you details, or should I just answer your questions? I
15 don't know.

16 Q. [15:25:29] It's not very easy for you always to know.

17 No, no, my question was very specific, because in your statement you talked about
18 this. (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)
2 (Redacted)
3 (Redacted)
4 (Redacted)
5 A. [15:27:37] (Redacted)
6 (Redacted)
7 (Redacted)
8 (Redacted)
9 (Redacted)
10 (Redacted)
11 (Redacted)
12 You have to understand, they were badly organised, without any discipline. They
13 didn't take anything seriously. (Redacted)
14 (Redacted)
15 (Redacted)
16 (Redacted)
17 (Redacted)
18 (Redacted)
19 (Redacted)
20 (Redacted). I do remember Dieudonné. I can't remember the rest of
21 the name. He was the former minister.
22 I'm sorry. Dieudonné Ndomate was the name. (Redacted)
23 (Redacted)
24 (Redacted)
25 (Redacted)

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1 (Redacted)

2 (Redacted). You

3 can imagine that the leaders who were in the various districts or even the Anti-Balaka

4 leaders who were in the same zone as the general commander were pillaging as of 3

5 o'clock we couldn't move about freely. (Redacted)

6 (Redacted).

7 At the beginning we were applauded by the population, but then they were very

8 discouraged due to the behaviour displayed by the elements of the movement.

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 Meanwhile, there was a coup being prepared. (Redacted)

19 (Redacted)

20 (Redacted) transformed into a

21 political party and it will bear the name PCUD. (Redacted)

22 (Redacted)

23 (Redacted).

24 So if you want me to give further details, I can do so. Thank you.

25 Q. [15:35:11] Yes, we've got limited time. So if you could just explain to the

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1 Chamber, what was the reaction of the coordination in Bangui with respect to the
2 exactions that you mentioned, the exactions committed by the Anti-Balaka members
3 that you were referring to?

4 A. [15:35:52] Thank you, your Honour. I'm saying it in front of this Court what I
5 heard. When I arrived in Bangui, what I saw was terrible. You can imagine from
6 (Redacted) till Bangui, I did not see what I saw in Bangui. It was total
7 chaos. People died, both Muslims and Christians alike. Muslims died; Christians
8 died too. Homes were destroyed. People were deprived of all forms of freedom.
9 There was forced displacement of people, and I saw this in Bangui.

10 Your Honour, if I'm before you today, might I seize the opportunity to add something.
11 Perhaps I did not say this in my witness testimony, but I'll take -- I'm under oath to
12 speak the truth and nothing but the truth. I will tell you this now.

13 If I have to -- I'm appearing before your Chamber today, it's because it's in my destiny,
14 and I wasn't supposed to die at that point of time. And why am I telling you this?
15 In Bangui, the government that was in place (Redacted)
16 (Redacted).

17 THE INTERPRETER: [15:38:29] Well, the witness says that the French word does not
18 come to his mind.

19 THE WITNESS: [15:38:33](Interpretation) The government really did not organise
20 any kind of awareness campaign. And I'm still looking for the French word.

21 THE INTERPRETER: [15:38:47] Says the witness.

22 THE WITNESS: [15:38:49](Interpretation) I remember that people were divided into
23 many commissions in the stadium. (Redacted)
24 (Redacted).

25 So the delegation included all entities, including the armed groups. And on that day,

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1 the Sangaris came to the stadium. There was a slight problem with the coordinator,
2 Yekatom Rombhot, because he's also a military man. And he managed to leave.
3 I also heard that the coordination had taken the decision that all people representing
4 armed groups should step back from the popular consultation. (Redacted)
5 (Redacted)
6 (Redacted)
7 (Redacted)
8 (Redacted).
9 (Redacted). And when I came back to Bangui, I received a visit
10 (Redacted), they're young people who respect me a lot and who gave
11 me the information. (Redacted)
12 (Redacted).
13 And this time, I took all precautions and I spent the night all over the place because I
14 was living in a district where everyone knew me. (Redacted)
15 (Redacted)
16 (Redacted)
17 (Redacted)
18 (Redacted)
19 (Redacted)
20 (Redacted)
21 (Redacted)
22 (Redacted)
23 (Redacted) And then it was resolved. And I knew that my destiny is not at the
24 hands of somebody else.
25 I said that in my witness statement, but I'm emotional now, and I'm -- this is pushing

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1 me to tell you the truth. I think I'm going to stop here on this subject.

2 Q. [15:44:19] Thank you so much.

3 PRESIDING JUDGE SCHMITT: [15:44:22] Mr Knoops. And Ms Dimitri. But

4 Mr Knoops was first.

5 Mr Knoops.

6 MR KNOOPS: [15:44:26] Just a question to the Prosecution and the Chamber, it

7 could help us in our preparation if the Prosecution could be so kind to ask for the

8 time frame of this (Redacted) the witness is speaking about.

9 PRESIDING JUDGE SCHMITT: [15:44:39] Yeah, perhaps we can inquire this. I

10 think it was July something. Could it -- could it be that I understood it this way?

11 Perhaps you can simply fix it.

12 MS STRUYVEN: [15:44:51](Interpretation)

13 Q. [15:44:53] Witness, thank you so much for your answer. Could you specify to

14 the Chamber what time frame are we talking about? We already established the fact

15 that the Brazzaville talks were held end of July 2014. Does that mean that it was

16 after Brazzaville? And if so, do you remember if it was before the start of the

17 Nairobi talks, or even further down, so the Bangui talks? Just give us the events so

18 that we can get an idea of when these things happened.

19 A. [15:45:42] Thank you so much. So these were consultations. They were called

20 consultations, basic consultations.

21 The transition government led by Mrs Samba-Panza took the initiative and looked

22 at -- and spoke about consultations. And this concerned all communities, all entities,

23 the civil society, armed groups, and I think all these entities should be -- should

24 participate, and delegations must go to the various prefectures.

25 The dates are mentioned in the document that I submitted when I gave my witness

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1 statement. If you could kindly refer to the document, that will also jog down my
2 memory, but I think it was after the Brazzaville forum and before the Nairobi talks.

3 PRESIDING JUDGE SCHMITT: [15:47:16] I think -- I think for the moment that's
4 okay.

5 MS STRUYVEN: [15:47:36](Interpretation)

6 Q. [15:47:39] Thank you, Witness. I may have another question from my
7 colleague, but I'm now going to move on to the document because we've got only 13
8 minutes and, unfortunately, we would have to go through some of these documents.
9 I know that you've given -- you've supplied the OTP with a lot of documents and I'm
10 going to ask you questions on some of these documents, and more specifically with
11 respect to the phone numbers that you have given us. It's very technical, the entire
12 exercise, but it's really important for the summary records. So we need to identify all
13 the phone numbers.

14 I'm going to start with a document that you've already seen, tab 33,
15 CAR-OTP-2104-6424 -- 28, sorry. And page 6482. And it's another message.
16 We've already seen one, but this is another message where you're giving two phone
17 numbers. And if you can just confirm that these are your phone numbers.
18 Page 6482. Can you please scroll down.

19 PRESIDING JUDGE SCHMITT: [15:49:53] Yes, here we are.

20 MS STRUYVEN: [15:49:54](Interpretation)

21 Q. [15:49:55] Can you just confirm that the two numbers that you see on the screen
22 are your phone numbers.

23 A. [15:50:10] I confirm that these are my phone numbers.

24 Q. [15:50:19] If I can show you tab 5. It's document CAR-OTP-2059-0016. We
25 don't have a lot of time.

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1 The question is: Do you recognise this document? So the first document. Can
2 you -- do you recognise this document?

3 A. [15:51:03] Yes, I recognise the document, and this is my handwriting.

4 Q. [15:51:08] The phone numbers that are on the sheet, were these the phone
5 numbers used during the -- 2013-2014, or were these phone numbers dating back to
6 another period, or do you not know -- do you not know anything at all about these
7 numbers?

8 A. [15:51:36] Thank you. These numbers were used during these events, and I
9 wrote them down on the request of the inspectors in the field. They asked me to list
10 out these numbers, and this is why I wrote them down on that paper.

11 Q. [15:52:14] Thank you so much.

12 If you could just move to another document. That's tab 22, CAR-OTP-2062-0086.

13 PRESIDING JUDGE SCHMITT: [15:52:47] I think it's -- it's enough when it
14 come -- because obviously the witness has written this down on -- on request. So if
15 he recognises that he has written it, and that is enough for authentication.

16 Authentication in the sense that the witness has written them down, not more, not
17 less.

18 MS STRUYVEN: [15:53:10](Interpretation)

19 Q. [15:53:14] Witness, do you recognise this document?

20 A. [15:53:27] Thank you. (Redacted)

21 (Redacted)

22 (Redacted)

23 PRESIDING JUDGE SCHMITT: [15:54:00] And who was it?

24 THE WITNESS: [15:54:20](Interpretation) It's not clear.

25 THE INTERPRETER: [15:54:26] Says the witness.

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- 1 THE WITNESS: [15:54:26](Interpretation) It's illegible.
- 2 PRESIDING JUDGE SCHMITT: [15:54:30] Do you recall the name? It's not a
- 3 problem if you don't recall the name, but just in case.
- 4 THE WITNESS: [15:55:09](Interpretation) I do not remember.
- 5 MS STRUYVEN: [15:55:13](Interpretation)
- 6 Q. [15:55:16] So tab 23, CAR-OTP-2062-0088.
- 7 PRESIDING JUDGE SCHMITT: [15:56:01] Do you recognise this list, Mr Witness?
- 8 THE WITNESS: [15:56:16](Interpretation) Thank you. Affirmative.
- 9 THE INTERPRETER: [15:56:22] Says the witness.
- 10 THE WITNESS: [15:56:24](Interpretation) I recognise this list, which is shown to me.
- 11 PRESIDING JUDGE SCHMITT: [15:56:28] Ms Struyven.
- 12 MS STRUYVEN: [15:56:34](Interpretation)
- 13 Q. [15:56:37] (Redacted)
- 14 (Redacted) Do you think the phone number corresponds to the names of the person
- 15 listed?
- 16 PRESIDING JUDGE SCHMITT: [15:57:05] Is this a document you have produced,
- 17 Mr Witness, first of all? Or is this a document that has been given to you?
- 18 THE WITNESS: [15:57:36](Interpretation) This document was drafted on 25 April
- 19 2015. This is only (Redacted)
- 20 (Redacted)
- 21 (Redacted)
- 22 (Redacted). And this is what the list is all about.
- 23 MS STRUYVEN: [15:58:36](Interpretation)
- 24 Q. [15:58:36] I have another document with phone numbers, tab 29,
- 25 CAR-OTP-2063-0125. And this is a report from an investigator, and I'm going to

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1 explain that to you. The report says that you gave phone numbers after your
2 meeting with the investigators in September 2017. You gave the phone numbers of
3 (Redacted) and -- do you remember that an investigator asked you
4 these questions after the meeting? It's the second page that will show you the
5 specific names of the people whose phone numbers were requested.

6 PRESIDING JUDGE SCHMITT: [15:59:38] It's 0128 that we have to go to. So what
7 you see here, Mr Witness, a number of telephone numbers, and do you recall that you
8 have provided the investigators of the Office of the Prosecutor with these telephone
9 numbers?

10 THE WITNESS: [16:00:22](Interpretation) Affirmative.

11 THE INTERPRETER: [16:00:26] Says the witness.

12 THE WITNESS: [16:00:27](Interpretation) There were two investigators. They were
13 men, if my memory doesn't fail me. And they gave the names, and they asked me to
14 give them the phone numbers, and this was done. But I don't know who, because
15 we met several times with these investigators, but I do not remember who was it.
16 Otherwise, the numbers and the names on the list is something that I recognise.

17 MS STRUYVEN: [16:01:25](Interpretation)

18 Q. [16:01:29] A last document. It's not a phone number. CAR-OTP-2117-0496,
19 tab 44. I just wanted to ask you if you recognise this document.

20 A. [16:02:11] Yes, I do recognise this document.

21 Q. [16:02:18] Can you explain to us where this document comes from.

22 A. [16:02:45] (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 Madam Prosecutor, may I add something, please? (Redacted)

2 Dieudonné Ngaibona, do you know he was very difficult. He was the monster of

3 the group. And if we would have to assess and evaluate and ask for the opinion

4 who was settling accounts between Christians and Muslims and who was killed by

5 Ngaibona, there were many. I would say going into thousands. But how can

6 (Redacted) choose someone who's already badly disciplined, who's already a thug to

7 bring about order?

8 It's up to you to assess that, your Honour.

9 Q. [16:04:34] Thank you, Mr Witness. I have no further questions for you.

10 (Speaks English) Thank you, Mr President, and I apologise for having passed the

11 time --

12 PRESIDING JUDGE SCHMITT: [16:04:42] No, no, it's -- it's not a problem and, you

13 know, there were other delays that were much longer.

14 So any questions by the representatives of the victims? Not now, but if

15 only -- only -- I want only to enquire if you have them or not.

16 MS RABESANDRATANA: [16:05:02](Interpretation) Yes, we will have a few

17 questions, your Honour, complementary questions, and it would take us about 20

18 minutes. It's about the conditions of life of the victim.

19 PRESIDING JUDGE SCHMITT: [16:05:21] Yeah, we can do that -- we can do that

20 tomorrow, I think. So we then conclude the hearing for today. We start tomorrow

21 with your questions, Ms Rabesandratana. And I don't know -- and you will figure

22 out who will start, I assume Mr Knoops, but -- so ...

23 Have a good day, Mr Witness, and we see each other tomorrow at 9.30.

24 THE COURT USHER: [16:05:44] All rise.

25 (The hearing ends in private session at 4.05 p.m.)