

Trial Hearing

(Open Session)

ICC-01/14-01/18

WITNESS: CAR-OTP-P-0965

1 International Criminal Court
2 Trial Chamber V
3 Situation: Central African Republic II
4 In the case of The Prosecutor v. Alfred Rombhot Yekatom and Patrice-Edouard
5 Ngaissona - 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 Wednesday, 1 September 2021
10 (The hearing starts in open session at 9.43 a.m.)
11 THE COURT USHER: [9:42:56] All rise.
12 The International Criminal Court is now in session.
13 Please be seated.
14 PRESIDING JUDGE SCHMITT: [9:43:30] Good morning, everyone.
15 Could the court officer please call the case.
16 THE COURT OFFICER: [9:43:37] Good morning, Mr President, your Honours.
17 The situation in the Central African Republic II, in the case of The Prosecutor versus
18 Alfred Yekatom and Patrice-Edouard Ngaissona, case reference ICC-01/14-01/18.
19 And for the record, we are in open session.
20 PRESIDING JUDGE SCHMITT: [9:43:52] Thank you very much.
21 I ask for the appearances of the parties. Ms Struyven first for the Prosecution.
22 MS STRUYVEN: [9:43:57] Good morning, Mr President, your Honours. For the
23 Prosecution today we have Manochitra Prathaban, Kweku Vanderpuye and
24 Yassin Mostfa.
25 PRESIDING JUDGE SCHMITT: [9:44:06] Thank you.

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- 1 And for the representatives of the victims, Ms Douzima first.
- 2 MS DOUZIMA LAWSON: [9:44:13](Interpretation) Good morning, your Honour,
3 your Honours. The victims of the other crimes are represented by myself,
4 Marie-Edith Douzima.
- 5 PRESIDING JUDGE SCHMITT: Mr Suprun.
- 6 MR SUPRUN: [09:44:26] Good morning, Mr President, your Honours. The former
7 child soldiers are represented today by Nadia Galinier, associate legal officer, and
8 myself Dmytro Suprun, counsel at the Office of Public Counsel for Victims.
9 Thank you.
- 10 PRESIDING JUDGE SCHMITT: [9:44:36] Thank you.
11 The Defence of Mr Yekatom.
- 12 MS DIMITRI: [9:44:39] Good morning, Mr President. Good morning, your
13 Honours. Good morning, everyone. Mr Yekatom, who is present in the courtroom,
14 is represented today by Mr Jean Michel Kola, Mr Gyo Suzuki and myself,
15 Mylène Dimitri.
- 16 PRESIDING JUDGE SCHMITT: [9:44:51] Thank you.
17 I turn to the Defence of Mr Ngaïssona.
- 18 MR KNOOPS: [9:44:57] Good morning, Mr President, your Honours. Everyone in
19 the courtroom, good morning. I'm assisted today by Ms Chiara Giudici on my right
20 side, case manager, and Eva Kalb, intern. And the defendant Mr Ngaïssona is
21 present in the courtroom.
- 22 PRESIDING JUDGE SCHMITT: [9:45:10] Thank you very much.
23 We will now start with the testimony of Prosecution Witness P-0965. He's already in
24 the courtroom.
25 Mr Witness, good morning. Can you hear and understand me well?

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2 (The witness speaks Sango)

3 THE WITNESS: [9:45:33](Interpretation) Good morning. Yes, I can hear you well.

4 PRESIDING JUDGE SCHMITT: [9:45:37] I didn't -- I understood it, but I did not
5 receive interpretation.

6 THE INTERPRETER: [9:45:43] Your Honour, can you hear the English language
7 interpreter?

8 PRESIDING JUDGE SCHMITT: Well, since everybody --

9 THE WITNESS: [9:45:53](Interpretation) Yes, I understand what you're saying.

10 PRESIDING JUDGE SCHMITT: [9:45:55] -- can hear the witness, but actually I don't
11 hear any --

12 THE WITNESS: [9:46:01](Interpretation) I can understand what you say.

13 PRESIDING JUDGE SCHMITT: [9:46:02] Okay. My fault, because -- but somebody
14 has changed here my video channels. My fault. Apologies.

15 On behalf of the Chamber, Mr Witness, I would like to welcome you to the courtroom.

16 You are called to testify to assist this Chamber in the case of Mr Yekatom and

17 Mr Ngaïssona. The Chamber also notes the presence of your legal adviser, that is

18 Mr Jean-Chrysostome Wang-You Sando.

19 Good morning. And Mr Wang-You Sando, you hear me also well. And of course,
20 tomorrow we start on time, 9:30, yeah?

21 MR WANG-YOU SANDO: Okay. Thank you, your Honour.

22 PRESIDING JUDGE SCHMITT: Okay, good.

23 MR WANG-YOU SANDO: I apologise.

24 PRESIDING JUDGE SCHMITT: That can happen for the first time. It's not a
25 problem.

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1 Mr Witness, it's important that there is counsel for you here in the courtroom.

2 Whenever you need to confer with your counsel, you raise your hand and I give you

3 the opportunity, especially when there are questions asked that might incriminate

4 you. It is not foreseeable with a certain -- or likelihood, so to speak, if we look at

5 your testimony, but it can happen, and in that case, you may raise the issue with us.

6 And also, of course, legal counsel and everybody else here in the courtroom and the

7 Chamber is also *proprio motu* aware of potential problems.

8 Mr Witness, there should be a card on the desk in front of you with a solemn

9 undertaking to tell the truth. Could you please read out loud the content of this

10 card.

11 THE WITNESS: [9:47:57](Interpretation) I don't see the card in front of me.

12 PRESIDING JUDGE SCHMITT: [9:48:02] The court usher will help you with that.

13 So indeed it was a little bit to the far right of your desk.

14 Could you please read this out aloud, Mr Witness.

15 THE WITNESS: [9:48:35](Interpretation) I solemnly undertake to tell the truth, the

16 whole truth and nothing but the truth.

17 PRESIDING JUDGE SCHMITT: [9:48:42] Thank you, Mr Witness. You are now

18 under oath. And it's an offence - you know that, it has been explained to

19 you - within the jurisdiction of this Court to give false testimony.

20 Before we start with your testimony, there are some practical matters. I think you

21 are aware that everything we say here in the courtroom is written down and

22 interpreted, and to allow the interpreters to follow, we have to speak at a relatively

23 slow pace and especially please start only speaking when the person who has asked

24 you a question has finished and allow for a couple of seconds till you start. This is

25 only so that especially the interpreters can follow and everybody understands what

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1 you say.

2 I give then the floor to the Prosecution and you may start. You have first to establish

3 I think the Rule 68(3) requirements and then we can continue from that. And this

4 should shorten the direct examination, like you would say, significantly.

5 MS STRUYVEN: [9:49:50] Yes, Mr President.

6 PRESIDING JUDGE SCHMITT: [9:49:52] Mr Knoops does not agree.

7 MR KNOOPS: [9:49:54] No, I fully agree, Mr President. Just to alert the Chamber

8 that before the Court concludes that the 68(3) requirements are met, we have a

9 preliminary observation to make. So we would kindly ask the Chamber to give us

10 the floor after the Prosecution went through the 68(3) requirements but before the

11 Court agrees that those requirements are met.

12 PRESIDING JUDGE SCHMITT: [9:50:21] I understand. So I give you the floor

13 before we (Overlapping speakers)

14 MR KNOOPS: [9:50:25] Mr President, thank you so much.

15 PRESIDING JUDGE SCHMITT: Okay, good.

16 QUESTIONED BY MS STRUYVEN: (Interpretation)

17 Q. [9:50:32] Good morning, Witness. We met briefly. My name is

18 Olivia Struyven and I will be putting questions to you today on behalf of the

19 Office of the Prosecutor.

20 Now, before I begin, I have three comments. First of all, the Court has authorised

21 protective measures, notably, the use of a pseudonym and also the distortion of your

22 voice and your face. I will explain how I suggest that we proceed in this connection.

23 Secondly, as the judge has already said, everything that we say is going to be

24 translated into Sango, into French and into English, so it's very important that we just

25 stop for a moment between the putting of a question and the answering of a question.

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1 Now, thirdly, if any of my questions are not clear, just let me know and I will try and
2 rephrase it.

3 A. [9:52:01] Understood.

4 Q. [9:52:02] Now, as regards my examination of you, I'm going to put questions on
5 what you said to the Prosecutor in 2016. I am secondly going to put some questions
6 to you about your identity. And then I'm going to put questions to you about that
7 statement that you made to the Prosecutor in July 2016.

8 So, first of all, is it correct that you made a statement to the Office of the Prosecutor in
9 July 2016 and notably between 23 and 26 July 2016?

10 A. [9:53:01] Yes, that is correct.

11 Q. [9:53:08] And when you made your statement, during that interview, questions
12 were put to you regarding the conflict in the Central African Republic and regarding
13 matters in 2013 and 2014?

14 A. [9:53:28] Yes.

15 Q. [9:53:33] And in particular, there were questions regarding the information that
16 you might have regarding the Anti-Balaka and the anti -- Séléka?

17 A. [9:53:49] Yes.

18 Q. [9:53:55] And is it correct to say that you were assisted by a lawyer during those
19 interviews?

20 A. [9:54:12] Yes.

21 Q. [9:54:12] And is it correct that your lawyer was able to give you advice
22 throughout your interview with the Office of the Prosecutor?

23 A. [9:54:34] Yes, that's right.

24 Q. [9:54:37] And during your interview by the Office of the Prosecutor, were you
25 informed that it was very important to tell the truth and to speak about what you

1 knew with regard to the events and the facts?

2 A. [9:55:03] Yes.

3 Q. [9:55:04] So would I be right to conclude that that is what you did, that you
4 spoke the truth during that interview?

5 A. [9:55:17] Yes, that is correct.

6 Q. [9:55:23] And now some further questions.

7 During your interview by the Office of the Prosecutor in 2016, was that interview
8 voluntary? Did you participate voluntarily or did somebody put pressure on you to
9 be interviewed?

10 A. [9:55:48] No, I took part in the interview voluntarily and with good will, in good
11 faith.

12 Q. [9:55:59] Thank you. Is it correct that in the preceding days you have been able
13 to reread the transcript of the interview that was held by the Office of the Prosecutor?

14 A. [9:56:19] Yes, I have.

15 Q. [9:56:25] And you provided a few corrections in the form of a two-page
16 document and you also provided some additional information on a sheet. And for
17 the court record, this is CAR-OTP-2131- -- and this document was provided to the
18 Chamber; is that correct? It's document 2130-9411.

19 A. [9:57:09] Yes, that is correct.

20 Q. [9:57:12] And the statement which you gave together with those corrections, is it
21 true and is it accurate and does it reflect what you told the Office of the Prosecutor?

22 A. [9:57:38] Yes, yes it is.

23 Q. [9:57:41] And now a final question: Do you have any objections to your
24 statement being entered in the file of this case? In other words, do you agree to the
25 Court using your statement as evidence in this case?

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1 A. [9:58:01] Yes, I agree entirely.

2 MS STRUYVEN: [9:58:07] Your Honours, I think as far as the witness is concerned,
3 the conditions of Rule 68(3) are met.

4 PRESIDING JUDGE SCHMITT: [9:58:15] I already -- we have already heard that
5 Mr Knoops wants to make a statement. Then you have the floor Mr Knoops.

6 MR KNOOPS: [9:58:21] Thank you very much, Mr President, for giving us the floor.
7 Our preliminary observation relates to the additional statement the witness gave on
8 27 August. Defence has no objections to the corrections given by the witness on
9 25 August, but with respect to the addition given on 27 August, which was served
10 only on 30 August around 4 o'clock p.m. to the Defence, we have three objections.
11 First, although it might be interesting to invite Mr Ngaïssona to ask him why in
12 November 2015 he asked an individual to buy 200 cows in Bouca for the end of the
13 year's anniversary, we still believe that apart from its relevance, this falls outside the
14 scope of the ruling the Chamber made on 28 June of last year on the 68(3) application.
15 If the Chamber takes note of the statement on 27 August, the Chamber will observe
16 that this is not a correction, but it includes a new allegation, a totally new allegation
17 which five years after the statement the witness gave in July 2016 arrives at this court.
18 It's not a correction, Mr President, your Honours, it's a new statement.
19 Now, if the Chamber would have been aware of this new allegation of
20 November 2015, it might have rendered a different decision on 68(3). It's not
21 unlikely that the Chamber would have come to a different assessment in its Rule 68(3)
22 reasoning. And it would also have enabled the Defence in its application to oppose
23 a 68(3) application with a new argument saying that this might go directly to the acts
24 and conduct of the accused.

25 So my first point is, Mr President, your Honours, that the Chamber should not allow

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1 this statement into evidence.

2 Secondly, the statement of the witness, the additional statement of 27 August, clearly
3 falls fully outside the both contextual and temporal scope of the charges. When we
4 look at the temporal scope, the Court ruled on 29 October of last year, you'll see it's
5 one year after the contextual scope and it's almost two years after the temporal scope
6 which ends in February 2014.

7 Third, as mentioned, this statement was served on 30 August around 4 o'clock, which
8 has not given the Defence any opportunity to investigate this allegation. For
9 instance, the statement goes into a number of alleged victims in a certain village, I will
10 not mention the name and the number. It mentions a call between Mr Ngaïssona
11 and an individual. It mentions an amount of cows, 200, do they really fit in one
12 camion? It is mentioned the alleged arrangement of this transportation by
13 Mr Ngaïssona. And I can then mention many other details which would have
14 enabled the Defence to conduct a proper investigation to countervail this narrative.
15 In conclusion, Mr President, your Honours, we submit that the statement of
16 27 August, therefore, falls outside the 68(3) scope and, therefore, the Prosecution is
17 not allowed to examine the witness on the basis of that statement. Thank you.

18 PRESIDING JUDGE SCHMITT: [10:03:31] Thank you very much.

19 Ms Struyven, shortly, please.

20 MS STRUYVEN: [10:03:34] Yes, very shortly. We do not object to those
21 submissions, your Honours, in this particular case.

22 PRESIDING JUDGE SCHMITT: [10:03:39] But nevertheless, I think the Chamber
23 would need a short deliberation time, but please don't go too far away, so to speak.
24 Yeah. Thank you.

25 THE COURT USHER: [10:03:52] All rise.

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1 (Recess taken at 10.03 a.m.)

2 (Upon resuming in open session at 10.22 a.m.)

3 THE COURT USHER: [10:22:38] All rise.

4 Please be seated.

5 PRESIDING JUDGE SCHMITT: [10:23:00] So the Chamber has really taken a close
6 look here and decides the following:

7 The Chamber has deliberated on the Defence's request that the Prosecution should
8 not be allowed to examine the witness in relation to the 27 August 2021 statement.

9 The Chamber recalls -- this is, by the way, for the record, CAR-OTP-2130-9412. The
10 Chamber also recalls its findings in decision 1040, noting that the Prosecution does
11 not object to the Ngaïssona Defence's request, and in light of the limited relevance of
12 the 27 August 2021 statement, the Chamber grants the Ngaïssona Defence's request
13 and instructs the parties, do not examine the witness on the matters contained in this
14 additional statement.

15 And I add with regard to the other statements by the witness, the preconditions of
16 Rule 68(3) are fulfilled according to the decision of the Chamber.

17 So you can start now. Little bit -- but that happens sometimes if there are made
18 corrections, but that's a normal process. We have to go through that. It can
19 happen.

20 Ms Dimitri.

21 MS DIMITRI: [10:24:27] Thank you, Mr President, just for the record, I would like to
22 indicate that our legal intern, Yousra Lamqaddam, has joined us in the courtroom.

23 Thank you.

24 PRESIDING JUDGE SCHMITT: [10:24:36] Thank you for that. I think sometimes
25 people say, okay, why do we take all the presence, but I think it's out of courtesy and

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1 respect. I like that.

2 So please start, Ms Struyven.

3 MS STRUYVEN: [10:24:49] I have a few questions in private session in respect of the
4 identity.

5 PRESIDING JUDGE SCHMITT: [10:24:53] That is perfectly clear.

6 We go to private session.

7 (Private session at 10.25 a.m.)

8 THE COURT OFFICER: [10:25:08] We are in private session, Mr President.

9 MS STRUYVEN: [10:25:20] (Interpretation)

10 Q. [10:25:21] For the record, can you provide your full names, please?

11 A. [10:25:32] My names are (Redacted).

12 Q. [10:25:40] And your date of birth?

13 A. [10:25:45] I was born on (Redacted).

14 Q. [10:25:52] Thank you. In your statement you explained that (Redacted)

15 (Redacted)

16 (Redacted) ?

17 A. [10:26:18] Yes, that is correct.

18 Q. [10:26:24] Now, I have a few questions for you regarding what happened when

19 (Redacted). And I will try to follow a chronological order so that the

20 judges may have an idea of what was happening at that time.

21 You have already provided quite some details in your statement and I will not be

22 revisiting all those details with you through any further questions because you have

23 already provided them, but let me start with my first question.

24 When (Redacted), the Anti-Balaka whom you found there, where did

25 they come from?

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1 A. [10:27:25] Thank you for giving me the floor. The Anti-Balaka movement in
2 Bossangoa started in Gobéré. That is where the movement was created and then
3 they came all the way to Bangui.

4 Q. [10:27:58] So you -- you are saying that (Redacted)
5 (Redacted), they all came from Gobéré?

6 A. [10:28:09] Yes.

7 Q. [10:28:18] I have several questions for you on this matter, but I believe that we
8 can go back into open session, but be mindful that whenever you want to talk about
9 (Redacted), you should refer to him as "Commander Roger".

10 Do you understand me? Now, what I'm saying is that --

11 THE INTERPRETER: The interpreters have lost counsel. We can't hear counsel.

12 PRESIDING JUDGE SCHMITT: [10:28:53] Could you please repeat the last portion,
13 Ms Struyven? The interpreters didn't get it, simply. But I think everything was
14 said what had to be said, but nevertheless, we can't be sure.

15 MS STRUYVEN: [10:29:19] (Interpretation)

16 Q. [10:29:20] Yes, there was an interpretation problem, but I just want to make sure
17 that you understood that when you refer to (Redacted), you should state
18 "Commander Roger" instead.

19 And then secondly, when you refer to (Redacted), simply say the village where you
20 joined the Anti-Balaka without mentioning the name of the village.

21 Are we on the same page?

22 A. [10:29:51] Yes, yes, I've understood you.

23 MR KNOOPS: [10:29:56] Mr President, I do object to this suggestion. There's no
24 reason why the name of that individual should be held secret from the public, nor the
25 place of (Redacted). I can imagine that when we speak about the position of the

1 witness, something different. But I think it's very important for everyone, also
2 outside this courtroom, to follow the proceedings and also the allegations this witness
3 is making about other people. And I don't see any reason why disclosing the name
4 of the person who should feature as "Commander Roger" would jeopardise, in any
5 event, the identity of the witness, as long as his position -- alleged position in this
6 group is kept confidential and we discuss it in private session.

7 And I also object that the location (Redacted) should be identified with a pseudonym
8 because it's very important. Again, it's a public trial and it's already much secrecy
9 here and I ask the Court, because there's no reason why those two names should be
10 held secret from the public, that this is not permissible. I'm going not to question the
11 witness on pseudonym "Commander Roger" in my examination by a non-calling
12 party. I think it's going really too far. Thank you.

13 PRESIDING JUDGE SCHMITT: [10:31:37] Ms Struyven.

14 MS STRUYVEN: [10:31:40] Yes, your Honour, I think we have had enough security
15 issues in this case. The relationship between this witness and (Redacted), plus the
16 task that he was performing, plus the area where he joined, plus the time that he
17 joined, if we put all of these things together, at the end of the day it becomes
18 extremely difficult for us to -- to surf around security issues. And I think at the end
19 of the day, the most important part is that this witness is safe and that he can testify
20 with that in mind. If -- at the end of the day, the most important is that this witness
21 is able to testify and that he's able to testify securely.

22 (Trial Chamber confers)

23 PRESIDING JUDGE SCHMITT: [10:32:53] So the Chamber decides that we stay in
24 private session and the name -- the names that have to be named, and we think
25 later on of lifting any redactions if need be. Yeah, so we stay in private session.

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1 Please continue with your examination.

2 MS STRUYVEN: [10:33:09] Okay. So in that case --

3 PRESIDING JUDGE SCHMITT: [10:33:10] And also, there might be, but this is -- this,
4 of course, means that you have to think creatively. If there are -- there might be
5 areas that are not so difficult, let's say, to address in open session, then we can go to
6 that.

7 And perhaps, Mr Vanderpuye, you also are aware of that and you can -- because the
8 examiner is very much absorbed by the act he has to conduct, so to speak, you can
9 also help with that regard.

10 MS STRUYVEN: [10:33:44] Thank you, Mr President. I think with the pseudonym
11 we could actually have a lot of information in public session.

12 PRESIDING JUDGE SCHMITT: [10:33:51] No, but the Chamber is of the opinion
13 that we should do that in private session.

14 MS STRUYVEN: [10:33:56] Okay.

15 PRESIDING JUDGE SCHMITT: [10:33:58] Especially with regard when it comes to
16 the close connection of the witness with the certain person.

17 MS STRUYVEN: [10:34:16] (Interpretation)

18 Q. [10:34:16] So, Witness, let me just explain. We are going to remain in private
19 session, so for the time being you can refer to (Redacted)
20 directly because the general public cannot hear what we are saying.

21 So, I shall now continue on with my questions.

22 So when you arrived in (Redacted), you explained that you met there with other
23 Anti-Balaka who had come from Gobéré. Now, can you explain to the Court why
24 you grouped in (Redacted)? What was the objective?

25 A. [10:35:12] Thank you very much for having put that question to me.

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1 Well, the reason why the Anti-Balaka congregated in (Redacted), well, there was a
2 good reason for that. These were not men who had traveled there by a car or some
3 other type of motorised vehicle, no. They have moved village by village to
4 (Redacted). When they arrived in Yassinda, they congregated there quite simply
5 because they had to move group by group, so they waited there until there was a
6 significant number of persons present who would then move on Bangui. And that is
7 why we congregated at (Redacted).

8 Q. [10:36:10] Well, to make sure everything is captured in the transcript, why -- or
9 what was going to happen in Bangui? Why were you congregating before moving
10 on to Bangui?

11 A. [10:36:38] Well, they congregated there before moving on Bangui and they were
12 going to Bangui with the intention of overthrowing the Séléka regime.

13 Q. [10:36:48] Am I correct in understanding that you were congregating ahead of
14 the 5 December attack?

15 A. [10:36:57] Yes, that is correct.

16 Q. [10:37:06] And while you were in (Redacted), did other Anti-Balaka troops
17 arrive in after you but prior to the attack?

18 A. [10:37:27] Well, it's as I just explained. The Anti-Balaka movement was based
19 on groups. Each one was a member of a group. And travel was on foot.
20 (Redacted) was the rallying point. The idea was that the groups would meet there
21 and set their strategy before moving on. It's a bit like the organisation of this trial.
22 You wait until everybody is here before you begin work.

23 Q. [10:38:15] Now, you referred to a strategy. Well, who set the strategy or how
24 was that organised?

25 PRESIDING JUDGE SCHMITT: [10:38:29] You know, we have not tackled a certain

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1 person at all, so I have to agree, let's say, with Mr Knoops that all these questions,
2 especially this one now, could have been asked and answered in open session.

3 MS STRUYVEN: [10:38:49] Yes, Mr President. Actually, as I said, I designed my
4 outline quite clearly with public sessions and private sessions. But it's true, that
5 indeed so far as he doesn't accidentally mention --

6 PRESIDING JUDGE SCHMITT: [10:39:05] Yeah, but he knows that, he knows that
7 obviously. So I think we give it a try, at least for some time, in open session, yeah.
8 (Open session at 10.39 a.m.)

9 THE COURT OFFICER: [10:39:36] We are back in open session, Mr President.

10 MS STRUYVEN: [10:39:43] (Interpretation)

11 Q. [10:39:45] Witness, we are now in open court, so you need to just be careful not
12 to mention anything that could identify you. If you ever do want to say something
13 that identifies you, let me know and the Court will order that we return to private
14 session. Is that okay?

15 A. [10:40:15] Yes, that's fine.

16 Q. [10:40:20] So you explained that you met -- you congregated at that place and
17 various groups came together there with the objective of attacking Bangui on
18 5 December. You also mentioned a strategy. Now, we would like to understand
19 how this came about. How was it done? Who took the decisions and how?

20 A. [10:41:05] Okay. When I refer to a strategy, well, it's like a plan, but it's a little
21 bit like what's going on here, sometimes you're talking about open session, sometimes
22 you're talking about private sessions. That's also the strategy, the way you work.
23 So when I refer to strategy, each group could determine a plan. In other words, such
24 a group will go to such a district and act there. So when I refer to a strategy, that's
25 what I'm referring to. If you want to launch an attack, you can't all just attack at the

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1 same time, to all get up and go and attack at the same time. That's what I mean by
2 strategy.

3 Q. [10:42:04] And who decided on the strategy? Who took the decisions?

4 A. [10:42:26] Well, to be more specific, there were not only civilians in the
5 Anti-Balaka movement. There were also people with a military background who
6 had -- who had worked under the Bozizé regime. There was a lieutenant, for
7 instance, Lieutenant Yvon Konate. He was an army lieutenant, an officer of the
8 army, so an experienced military man, and he was the one who defined the plans.
9 He would group together all the group leaders and issue instructions. That's what I
10 can say.

11 Q. [10:43:14] And could you be more specific as to the types of instructions that
12 Lieutenant Konate would give to the group leaders?

13 A. [10:43:40] Well, the answer I can give you is this: In an army or during a
14 rebellion, the authorities or the superiors issued the instructions to go into battle.
15 And those instructions are to not be afraid, to be motivated, to be courageous in battle
16 and to return victorious, so to win the battle.

17 Q. [10:44:09] Now, you've just referred to Mr Konate. In your statement, you also
18 explain that at one point in time the group was called Sirisiri. Now, is that the same
19 group, was the group referred to as the Sirisiri the Anti-Balaka group that you're
20 talking about right now?

21 A. [10:44:41] Yes, that is the case. That is right because they started off in Gobéré.
22 And in fact, it was Siriri, which was the original name and everybody knew the group
23 by that name. The Séléka came, they carried out abuses, but their objective was to
24 bring back peace and, therefore, they adopted the name Siriri, which means peace.

25 Q. [10:45:16] Thank you. So you explained that Konate spoke to the group leaders.

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1 Do you know if Konate was also in contact with people who were not on site?

2 A. [10:45:45] Yes.

3 Q. [10:45:49] Could you give examples?

4 A. [10:46:01] Yes, I can give you a few examples. One example would be for
5 President Bozizé, Mr Ngaïssona, Steve Yambete, Francis Bozizé. He was in contact
6 with all of them because they funded the group, they had the means to finance the
7 group.

8 Q. [10:46:38] Now, when you say they were in contact, could you explain, tell us
9 more about that? Do you have more information about that?

10 A. [10:47:11] In their conversations, their telephone conversations, they were secret
11 because you cannot trust everybody in a group, there can be traitors. And the
12 communication between them, what was said between them was not known to all
13 comers, so of course we could not know exactly what they were saying. But
14 sometimes after being in communication, they would come and report to us, would
15 relate to us what had been said. But we did not necessarily know what they were
16 talking about.

17 Q. [10:47:59] Now, with respect to your statement, as I said before, I will be putting
18 questions to you on particular topics. Now, in your statement you said that one of
19 your tasks was to draw up a list for your commander, the commander that you were
20 working under - let's call him Commander Roger - you spoke about victory, but what
21 was the objective of that list?

22 A. [10:48:49] Thank you. Well, the reason why I referred to the list was because
23 there could be soldiers who were not identified, so the idea was to draw up a list to
24 ascertain exactly who our fighters were and their numbers. That would allow us to
25 know which fighters were a part of which group, which may have committed a

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1 certain act of violence, for instance. So that was the purpose of drawing up the list.
2 Now, it's important to note that after fighting, if there was a victory, those lists were
3 also used to recompense the fighters who had won the victory. So that was the
4 reason for drawing up the list.

5 Q. [10:49:59] Well, yes, I'd like to have some information about this recompense.
6 Were the fighters told that in the event of victory, that they would receive this award?

7 A. [10:50:25] Yes, yes indeed. That is the case. Before you work for somebody,
8 you need to establish what the rules are. In the case of victory, for instance, what
9 would happen. Now, back then -- for example, if we take the case of 2003, if some of
10 the Balaka wanted money, Bozizé might provide him or them with money or provide
11 them with other things as need be.

12 Q. [10:51:11] And do you know whether this idea of a reward in the case of a
13 victory was known to all of the Balaka? Do you think that was the case?

14 A. [10:51:41] Yes, it was clear. Nobody could agree to sacrifice their life without
15 knowing what it is that they would be rewarded with afterwards. So every soldier
16 had that reassurance. And in the head of each soldier was the idea that they would
17 be treated in that way. So everybody was, therefore, courageous when going into
18 battle.

19 Q. [10:52:24] I'm sorry to put a question on this again, but just to make sure we've
20 understood correctly, who, who made this promise? Who issued this promise or
21 made this commitment?

22 A. [10:52:53] Well, as I told you, the Anti-Balaka fought for Bozizé and for
23 Ngaïssona as well. So the hope of all fighters was that Bozizé would return, or if he
24 could not be head of the republic, that Ngaïssona would be so in his stead or as his
25 deputy.

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1 Q. (Overlapping speakers)

2 PRESIDING JUDGE SCHMITT: [10:53:38] Ms Struyven, you are too quick. And
3 just a remark I think with regard to yesterday, also, I can say that I had the impression
4 at least yesterday that it worked quite well with the transcript and we hope that we
5 can improve even further. Whereas I will not say that it's always and in any case the
6 fault, so to speak, of the participants.

7 Please.

8 MS STRUYVEN: [10:54:11] (Interpretation)

9 Q. [10:54:12] Witness, I've been speaking a little bit too fast, so I'm going to try and
10 speak more slowly.

11 Now, in your statement, you explained that the list that you produced was later
12 provided to Mr Ngaïssona. Do you recall that?

13 A. [10:54:39] Yes, yes, I remember. That's correct.

14 Q. [10:54:51] Do you know what the purpose was of Mr Ngaïssona having this list
15 somewhat later?

16 A. [10:55:16] Well, Ngaïssona had that list because he was the general coordinator
17 and it was incumbent -- it was incumbent upon him to know how many fighters there
18 were. So it was logical, therefore, that that list be provided to him.

19 Q. [10:55:53] And do you know whether he had lists of -- of other fighters, that is to
20 say, not only of the fighters in your group but also of other groups?

21 A. [10:56:15] Yes. Each ComZone had his soldiers and as general coordinator the
22 list of each group had to be provided to him. That was normal and I can confirm it
23 here.

24 Q. [10:56:41] Do you know whether he explained to the ComZones what he was
25 going to do for the people whose names were listed on the lists?

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1 A. [10:57:07] I see you're putting the same questions to me, but I'll try and answer.

2 Now, the lists were provided to him so that in the event of a victory, and if they
3 succeeded in overturning the Séléka regime, those lists were used to recompense
4 those fighters. It could have been that at -- or during the DDR questions would be
5 put to them about what they had done or what other fighters had done, and it was
6 based on that -- those lists that one would be able to identify each of the fighters.

7 Now, if one didn't have those lists, anybody could turn up and say that he had been a
8 fighter. That's why the lists were drawn up and they were important.

9 Q. [10:58:21] And I do apologise, sometimes I will by putting questions which are
10 similar. It's because sometimes adjusting my questions in light of your answers
11 which can lead to some repetition.

12 Now, in your statement you also explained that the Anti-Balaka that came from
13 Gobéré, amongst other places, that those Anti-Balaka members were poor young
14 people who had little to do. They were often uneducated and poorly informed. I
15 think that's the way you put it.

16 Was that clear to everybody, that is to say, did everybody understand or realise that
17 in fact it was a group that was quite poor and quite poorly informed?

18 A. [10:59:33] Well, by way of answer, as I said to you, the movement was born in a
19 village where we were from. The level of education was -- was poor and it was low.
20 Only those who live in the capital have the opportunity to go to school, and most of
21 these combatants were from the Gbaya ethnic group. In other words, villagers had
22 to join the movement.

23 But I would underline that this movement was not born in Bangui and moved from
24 there to the villages, no. It started in the villages and moved to Bangui. So I think
25 that if you understand that, you will understand that almost all of those who made up

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1 the movement were in fact illiterate.

2 PRESIDING JUDGE SCHMITT: [11:00:48] I think we have now reached a time

3 where we can have a break. But you see, I think there was no problem at all to have

4 had these past 20 minutes or so in open session. There will, as I assume, after the

5 break, there will come a situation where we would have to go to private session then.

6 We have now a coffee break until 11.30.

7 THE COURT USHER: All rise.

8 (Recess taken at 11.01 a.m.)

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

10 THE COURT USHER: [11:31:45] All rise.

11 Please be seated.

12 PRESIDING JUDGE SCHMITT: [11:32:10] Ms Struyven.

13 MS STRUYVEN: [11:32:23] (Interpretation)

14 Q. [11:32:26] Good morning once again, Witness.

15 A. [11:32:30] Thank you.

16 Q. [11:32:35] Earlier on you explained that the young Anti-Balakas who came from

17 Gobéré were mostly illiterate. Now, just to clarify, was this knowledge that was

18 publicly available, was it commonly known that they were illiterate?

19 A. [11:33:01] Yes, that is true.

20 Q. [11:33:08] You also explained that in preparing for the Bangui attack, Konate

21 was in contact with Steve Yambete and Mr Ngaïssona. Did they also know that this

22 group of young persons were mostly illiterate?

23 A. [11:33:33] Yes, they were aware of this.

24 Q. [11:33:44] In your statement you provided much detail relating to the orders

25 given to the Anti-Balaka, which in general terms was to attack Muslims and that quite

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1 often there was no distinction being made between Muslims and the Séléka. Does
2 the illiteracy or poor information of the young persons play any role in their attacks
3 on the Muslims, as far as you know?

4 MR KNOOPS: [11:34:27] Mr President, I think this calls for speculation. How can
5 this witness say anything about whether illiteracy played, for these individuals, role
6 in their potential perception of the war or the battle?

7 PRESIDING JUDGE SCHMITT: [11:34:40] Please rephrase it, Ms Struyven.

8 MS DIMITRI: [11:34:43] Mr President, just before, if I may, I would be greatly
9 assisted when -- when my learned friend is quoting the transcript if I could have a
10 reference.

11 PRESIDING JUDGE SCHMITT: [11:34:54] You are absolutely right, yeah. That
12 is -- I would agree to that, yes.

13 MS STRUYVEN: [11:35:00] For the reference to the confusion that existed between
14 the Muslims in general and the Séléka, it's at tab 17. It's CAR-OTP-2046-0182 at
15 18 -- 0186, lines 131 to 0187, lines 152. And I can add that the witness explained in
16 his statement that the reason why they were ordered to attack the Muslims was
17 because they were the reason that Bozizé had been chased from power.

18 PRESIDING JUDGE SCHMITT: [11:35:46] You can -- Mr Knoops has a point. So as
19 you have phrased it, it calls for speculation a little bit. But what you could do is
20 simply to ask him if he has any information from his perception how these illiterate
21 people did perceive certain things that had been said. Perhaps something like that,
22 like that. That was not excellent English, but you know what I mean, I think, in
23 general.

24 MS STRUYVEN: [11:36:25] (Interpretation)

25 Q. [11:36:27] According to you, Mr Witness, how did these young persons or these

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1 youth, these ill-informed, uneducated young persons, how -- what was their
2 perception of the enemy? Did you discuss any of these with them and can you tell
3 the Court what you know going by those discussions and what you know.

4 A. [11:37:06] Thank you. I said that they were illiterate because they hadn't gone
5 far in their education. Therefore, they were able to do whatever they were asked to
6 do. If you give any of them a document to read, they would not be able to read it
7 because they are illiterate. They were unable to write any documents, but there are
8 people with ears and eyes and arms who would be ready and willing to implement
9 instructions. So if they are asked to do something, they have the capacity to do so.
10 Now, the person who is not educated reacts differently to orders that they receive.
11 Now, if there were many of them who were educated or well-trained, then we would
12 not have experienced all those excesses. You see, an illiterate person is like a
13 wandering dog which has not been properly trained. So if you ask that dog to go
14 bite somebody, that dog would bite the person.
15 So if you take gendarmes and soldiers, for example, if you dispatch gendarmes to an
16 incident or an accident, they would try to establish the facts and determine what had
17 happened. But when it is soldiers, they go and they shoot to re-establish order by
18 force. So I think you can see what the comparison is. An intelligent, educated
19 person who has been to school, who knows their rights and the law react differently
20 from someone who has not been to school, who does not know the law, and who does
21 not know their rights. That is why I'm saying that an educated person is aware that
22 if they behave in a certain manner, they may come under the law. And this is what I
23 just want to say.

24 PRESIDING JUDGE SCHMITT: [11:39:47] I think you can move on from here. I
25 think, I think with this answer, the subject is exhausted, so to speak.

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1 MS STRUYVEN: [11:40:06] (Interpretation)

2 Q. [11:40:07] I have another series of small questions relating to weapons or arms.
3 During your interview, you provided much detail as to how your group was able to
4 obtain weapons before the attack of 5 December. I would like to know whether you
5 are aware of how other Anti-Balaka groups were able to get weapons?

6 A. [11:40:48] Okay. Thank you. You see, I did not work with all the different
7 groups to be able to know what happened in each group when it comes to obtaining
8 weapons. But let me specify that when the Anti-Balaka was born, the troops did not
9 have firearms. The elements only had machetes, knives and arrows. Now, it was
10 during the military operations. When the Séléka were killed, it was during those
11 operations that they were able to recuperate weapons of war.

12 So before the attack on the 5th, Lieutenant Konate received a phone call from
13 President Bozizé who told him that Yves Ngaikosset had hidden some weapons in the
14 Ndress cemetery. He asked Konate to contact Ngaikosset to find out whether the
15 weapons were still at the same location so that he could collect them and use them in
16 the attack. Because, you see, the Séléka were armed with weapons of war so they
17 could not attack Séléka with bladed weapons. That is how they went and checked
18 and found those war weapons. And that is how the Anti-Balaka were able to
19 recuperate those weapons and then go on to attack Bangui on the 5th.

20 Q. [11:43:10] Thank you very much. You have already provided much detail in
21 your statement on this point, so I will not ask too many questions on it. But I want
22 you to clarify one small point.

23 Do you know whether these weapons that were used for the attack of 5 December,
24 and generally speaking were these the very weapons that were used in other
25 operations subsequently? Are you aware of this?

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1 A. [11:43:45] I'm sorry, I did not quite understand your -- your question. Could
2 you please rephrase.

3 Q. [11:43:57] Yes. Once those weapons were recuperated, were those very
4 weapons again used subsequently in other operations?

5 A. [11:44:15] Well, weapons are like -- like your work tools. The purpose of the
6 weapons was not only that they be used on the 5th and then be set aside. They could
7 not only be used on the 5th and then left aside while looking for other weapons.

8 Q. [11:44:39] So if I understand you, the Anti-Balaka kept the weapons which they
9 had fetched in order to conduct the attack of 5 December; is that correct?

10 A. [11:44:52] Yes, that is correct.

11 Q. [11:45:05] One further question on that point. Now, do you know whether
12 after the attack of the 5th the Anti-Balaka had a general weapons or arms depot
13 anywhere?

14 A. [11:45:32] After the attack of the 5th, each element kept their weapon with
15 themselves or to themselves. There was no armoury or no depot where weapons
16 were kept. Each element kept their weapon upon themselves, and so they could use
17 it for whatever purpose they wanted. We're not dealing here with a disciplined
18 army which may have had an armoury where weapons could be kept and then used
19 whenever an attack occurred.

20 So each Anti-Balaka had their weapon upon themselves and could use it at any time.

21 Q. [11:46:23] Thank you. I will now move on to another topic, but if I ask very
22 specific questions, it is simply because your statement is very detailed.

23 Now, in your statement, CAR-OTP-2203 (sic) at page 0190, line 280 to 295, in that
24 statement, you explained that there had been a convoy, a MISCA convoy which

25 transported or evacuated Muslims from Bangui to Bambari, to Chad and to Sudan. I

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1 have a few questions on that topic.

2 First of all, were you able to see the convoys yourself?

3 A. [11:47:37] I am here today to testify and I have made some assertions and I did
4 so because I experienced these things myself. I cannot come here to tell you about
5 things that I was told. I am talking about things that I experienced myself. So if
6 you ask me any questions about them, I am able to answer you and to provide you
7 with details. I cannot come here to tell you about things that I was told by a
8 third-party.

9 Q. [11:48:21] Yes, quite, quite correct, yes. But can you help the Chamber to
10 understand about how many convoys you saw, or do you have an idea of the number
11 of Muslims who were evacuated, so to speak?

12 A. [11:48:53] Thank you, and I'm sorry. You see, when the evacuations were
13 being prepared -- and I had said that the Anti-Balaka had come to PK5, which was a
14 mostly Muslim neighbourhood. So all the Muslims in Bangui had sought refuge at
15 kilometre 5. So when it came to putting them in the trucks, I was not on the spot to
16 count the number of persons who were taken in the trucks. They could not have
17 only been 10 or 20. So we were dealing here with a war situation, people had to be
18 evacuated in order to be protected. Look at what happened in Afghanistan. I saw
19 the number of persons who were packed into planes in order to be evacuated. So
20 similarly, everybody wanted to go onto the trucks in order to be evacuated, but I am
21 not able to give you an exact number. You see, in the CAR, Muslims were the
22 owners of huge lorries or trucks, so they could not leave their fellow believers in
23 danger. So I am not able -- I am not able to tell you a number, an exact number.

24 Q. (Overlapping speakers)

25 A. [11:50:29] There were actually very many people.

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1 Q. (Overlapping speakers)

2 PRESIDING JUDGE SCHMITT: [11:50:33] Please wait when you -- for the
3 interpretation when you start your question.

4 MS STRUYVEN: [11:50:55] (Interpretation)

5 Q. [11:50:56] Maybe, maybe a different question on this point.

6 Was it common knowledge that those Muslims were indeed transported or evacuated
7 from Bangui?

8 A. [11:51:26] Yes, that's true. The evacuation was conducted publicly on the
9 public roads and everybody knew that it was Muslims who were being evacuated.

10 This was not done in hiding. It was a public event.

11 MS STRUYVEN: [11:51:49] Mr President, I now have a few questions in private
12 session.

13 PRESIDING JUDGE SCHMITT: [11:51:52] Private session.

14 (Private session at 11.52 a.m.)

15 THE COURT OFFICER: [11:52:07] We are in private session, Mr President.

16 MS STRUYVEN: [11:52:20] (Interpretation)

17 Q. [11:52:20] We are now in private session, Witness, and I will be talking about
18 (Redacted). Specifically, I want to ask you about your duties and what you did for
19 (Redacted). Once again, you have provided a lot of information in your statement,
20 but I want to narrow in on some specific questions.

21 In your statement you say that you were in charge of (Redacted), tab 13,

22 CAR-OTP-2046- --

23 THE INTERPRETER: [11:53:03] And counsel reads out references too fast for the
24 interpreter.

25 MS STRUYVEN: [11:53:13] (Interpretation)

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1 Q. [11:53:13] Could you please provide us with examples of persons with whom
2 (Redacted) was in contact?

3 A. [11:53:40] I can provide you with examples. For example, President Bozizé
4 used to call (Redacted). It is true that he did not do so on a regular basis, but at least
5 once a month. The person with whom he was in regular contact was Mr Ngaïssona.
6 You know, in Bangui they do not live far away from each other. And by my
7 estimate, the distance would be about 300 metres. Therefore, whenever necessary,
8 he would call Mr Ngaïssona, whom he affectionately referred to as Papa. He would
9 call him or sometimes go to his house to talk to him. His colleagues who were
10 leaders of the other groups would sometimes go through him and at other times
11 would also call directly to convey their own messages.

12 PRESIDING JUDGE SCHMITT: [11:54:58] The interpreters did not get the last ERN
13 completely. And they asked you to say these ERNs and the references a little bit
14 slower, please.

15 MS STRUYVEN: [11:55:20] (Interpretation) CAR-OTP-2046-0134 at page 0146,
16 line 421 to 431.

17 Q. [11:55:53] Mr Witness, you explained that (Redacted) would go to see
18 Mr Ngaïssona from time to time, so I would guess that it would have been after
19 Ngaïssona returned to Bangui, but do you know whether there were any contacts
20 between (Redacted) and Ngaïssona before the attack of 5 December or before
21 Ngaïssona returned to Bangui?

22 A. [11:56:37] The meetings between Ngaïssona and (Redacted) took place after
23 Ngaïssona returned to Bangui. It is after Ngaïssona returned to Bangui that they met
24 face to face to talk.

25 Q. [11:56:53] Would you know whether they had any contact before Mr Ngaïssona

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1 returned to Bangui?

2 A. [11:57:08] Before he returned to Bangui, it is true that (Redacted)

3 (Redacted)

4 (Redacted)

5 Q. [11:57:37] (Redacted)

6 (Redacted)?

7 A. [11:58:02] As far as I can recall, I think I already answered that question. The
8 instruction was for the leaders to ensure that the elements behaved properly, that
9 they would not panic on hearing gunshots, but that they should act as courageous
10 fighters in order to win battles. That was the guideline for conduct.

11 Q. [11:58:42] So if I understand well, that was before the attack of 5 December; is
12 that correct?

13 A. [11:58:51] Yes, it was the same instructions, even before 5 December. It is true
14 that the Anti-Balaka entered on 5 December and after they failed, they fell back, they
15 withdrew. So the Anti-Balaka attacked on 5 December but did not win the battle
16 against the Séléka. So the same instructions applied even after 5 December. The
17 same instructions before and after were maintained in order to mobilise and motivate
18 the fighters and keep their morale up.

19 Q. [12:00:13] Now, regarding (Redacted), I just want to

20 show you one document. Now, this is a document that can be found at tab 12 (sic), if
21 you have a binder in front of you.

22 I don't know if the witness has access to the documents.

23 This is document CAR-OTP-2022-9361 at page 9532. And this is a note which was
24 drawn up by the investigators when they rang you. I think that was a few weeks

25 after your interview. And they put some questions to you regarding some telephone

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1 numbers which you had -- or which were recorded in your notebook.

2 Do you recall that?

3 A. [12:01:22] Yes.

4 Q. [12:01:27] So they noted down four telephone numbers known to be a phone
5 number of (Redacted), another phone number of (Redacted), another one which was
6 the number of (Redacted) and a fourth one, which was (Redacted)

7 number. Do you recall that?

8 A. [12:01:53] Yes.

9 Q. [12:01:56] Could you confirm that the telephone numbers which you provided
10 were correct?

11 A. [12:02:09] Yes. Those were the -- those were the telephone numbers which they
12 used and that's what I provided.

13 Q. [12:02:23] And just so that it is noted in the transcript, I am putting the question
14 to you.

15 Now, were there other telephone numbers in the notebooks which contained those
16 telephone numbers?

17 A. [12:02:46] You know, these were the first numbers that I called on my telephone.
18 During the events, you know, it was very easy to lose your telephone and to buy
19 another SIM card. And so I didn't spend my time recording the different numbers
20 each time they changed SIM. So I have no other telephone numbers to add.

21 Q. [12:03:25] No problem.

22 PRESIDING JUDGE SCHMITT: [12:03:30] Again, something. I think the last ERN
23 should be CAR-OTP-2046-0122. Or you meant another tab? Either that or you
24 meant another tab. Then it might be -- might have been right, but with regard to the
25 tab that you told us, this would be the CAR-OTP number.

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1 MS STRUYVEN: [12:03:54] It should be tab 21.

2 PRESIDING JUDGE SCHMITT: [12:03:57] Okay, then that's different. Then it's
3 okay. Yeah, please continue.

4 MS STRUYVEN: [12:04:17] (Interpretation)

5 Q. [12:04:17] Now, in your statement, you also explained that (Redacted)

6 (Redacted) and here the reference is -- so I'll now give you the

7 reference numbers to the passages concerned and they are the following:

8 CAR-OTP- -- this is at tab 15, 2046-0150 at page 0153, paragraph -- page 107 and
9 onwards.

10 Now, questions are regarding the meetings. First of all, how did they take place and
11 how frequently did these meetings take place?

12 A. [12:05:34] Well, no, the meetings that were held, I would say they were twice a
13 week.

14 Q. [12:05:51] And who took part in those meetings (Redacted)?

15 A. [12:06:11] Well, usually the meetings took place in Mr Ngaïssona's home. And
16 it was not all members who attended the meetings, but rather only group leaders and
17 each leader could be assisted by his aide-de-camp or his secretary. So those
18 meetings took place in Mr Ngaïssona's home and he was the general coordinator.

19 Q. [12:06:54] And what was discussed at those meetings in general?

20 A. [12:07:21] The main topics were matters of organisation. The discussions
21 considered organisational matters and the strategies to be pursued to win battles.
22 And we also discussed topics which related to making a profit. You know, when the
23 Séléka came to the capital, they took over the whole town, but when the Anti-Balaka
24 came, the Séléka were in charge of some districts and the Anti-Balaka had other
25 districts. And so the idea was for the Anti-Balaka to take over more districts and so

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1 to gain territory and to win the battle against the Séléka. So that -- those were the
2 topics that were discussed, topics of that type.

3 Q. [12:08:39] And did you discuss the end objective? Did you discuss what the
4 end objective was?

5 A. [12:08:56] Yes, but what was the end objective? The end objective was if we
6 managed to win the war, we would -- could then organise a transition which could be
7 led by Mr Ngaïssona as president of the republic and he could run for election
8 and -- because Mr Bozizé was still in power at that time, but under those conditions,
9 he could -- he could run for election and be provided with a post.
10 So back then everybody already had a plan, had some -- some ideas about the posts
11 that should be occupied. So you see, they were talking about strategies which could
12 be put in place after victory was obtained.

13 Q. [12:10:13] And at those meetings, did one also discuss the demobilisation of
14 soldiers? Was that process discussed?

15 A. [12:10:34] Well, we couldn't be talking about DDR during the war. Fighting
16 was still going on. We couldn't be talking about that because DDR is disarmament.
17 We could only talk about DDR when the fighting was finished, when we would have
18 more money, when the armies were in a position to organise a process like that or a
19 programme like that. And generally that would happen after the war was finished
20 and when peace had been re-established.

21 Q. [12:11:39] So you've referred to Mr Ngaïssona being appointed as president
22 during the transition. Now, did you hear Ngaïssona himself say that, that that was
23 something which he planned, something which he aspired to?

24 A. [12:12:01] I've told you that I'm here to relay things which I witnessed myself.
25 I'm not here to report on imagined matters. So what I'm talking about are things

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1 which I saw and heard myself. When we would go to meetings, Ngaïssona would
2 take the floor as general coordinator. That was the first thing he did. Then he
3 would offer the floor to the various people present to give their points of view. But
4 he was the boss and it's what he said. One can't just imagine or dream up things and
5 attribute to him. I've given you the example of him being a president during the
6 transition. As that didn't work, he stepped forward as a candidate for the
7 presidency of the republic, but the constitutional court rejected his candidacy. What
8 I'm telling you is the truth.

9 Q. [12:13:19] Thank you. And I can reassure you that it's not because I don't
10 believe you. It's simply that sometimes I want to clarify certain minor points or
11 aspects for the transcript, for our records.

12 Now, I'm going to move on to another topic, although it is similar. In your
13 statement, I refer to tab 20, and this is CAR-OTP- -- and this is 2046-0228 at page 0246
14 (sic), lines 407 to 441.

15 Now, I've already touched upon this, but I'd like to return to it. In this passage, you
16 say that Ngaïssona, Mokom, Francis Bozizé, and others were all involved in
17 providing aid and support to the Anti-Balaka. Now, could you explain to the Court
18 what you meant by that.

19 PRESIDING JUDGE SCHMITT: [12:14:44] Ms Dimitri.

20 MS DIMITRI: [12:14:45] Yes, Mr President, I'm wondering, I mean, I defer to
21 Professor Knoops, but the last line of question about the wish to become a president
22 and now this next line of question could probably be done in public.

23 PRESIDING JUDGE SCHMITT: [12:14:58] Yeah. I think that's correct, yeah.

24 Thank you for reminding us. You were very, let me say, very present to that. I
25 understand also that of course Ms Struyven wants to have chunks, so to speak, longer

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1 chunks together.

2 But I think -- but of course I don't know what the next questions by yourself will be.

3 MS STRUYVEN: [12:15:28] It's okay. It's okay. We can go in --

4 PRESIDING JUDGE SCHMITT: [12:15:32] Open session.

5 Thank you very much, Ms Dimitri.

6 (Open session at 12.15 p.m.)

7 THE COURT OFFICER: [12:15:50] We are back in open session, Mr President.

8 MS STRUYVEN: [12:15:58] (Interpretation)

9 Q. [12:15:58] So my question was, you said that those individuals provided support
10 to the Anti-Balaka. Could you explain to the court what you meant by that?

11 A. [12:16:37] When I say that they were the ones who were providing support to
12 the Anti-Balaka, it's because they did so. They provided financial support. It was
13 they who provided the money to feed the Anti-Balaka fighters. The Anti-Balaka
14 didn't have an armoury. There were a lot of weapons available in the
15 neighbourhoods, and they would buy those weapons and provide them to the
16 Anti-Balaka soldiers.

17 For instance, Mr Ngaïssona, he bought weapons with the funds he had and he bought
18 them to then distribute them to the group leaders, who would then distribute them to
19 their fighters.

20 And at the meetings they provided money. They provided 10,000 Central African
21 francs per day to each leader per meeting. So I can certainly assure you it was they
22 who were financing the Anti-Balaka. So they were the financial partners and they
23 were heavily involved in the movement and that's why I cited their names. I didn't
24 cite their names for -- just wantonly.

25 Q. [12:18:23] You also referred to Mr Yambete.

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1 Now, do you know what was the relationship between Ngaïssona and Yambete and
2 Bozizé and other people who supported the Anti-Balaka? Do you know what their
3 relationship was before the 5 December attack?

4 A. [12:19:03] Thank you. I can tell you publicly that all of the people listed were
5 people who had worked under the Bozizé regime. They were all close to Bozizé.
6 They were big personalities, powerful people in the Bozizé regime and they are all of
7 the same ethnic group as former President Bozizé. There is no one from another
8 ethnic group. They are all Gbaya. And I'm testifying to their involvement in the
9 movement and in what happened.

10 Q. [12:20:06] Now, you referred to Ngaïssona and to him buying weapons. Now
11 is that something that was discussed at the meetings?

12 A. [12:20:29] Yes, yes, I heard Ngaïssona say to ask people who had any weapons
13 of war or grenades and to send them to him because he was looking to buy such
14 supplies, so he asked that people come to him who were in possession of such
15 military equipment.

16 Q. [12:21:10] And do you know whether there are people who did indeed bring
17 weapons or grenades to Mr Ngaïssona so that they could be redistributed to
18 Anti-Balaka fighters?

19 A. [12:21:28] Certainly.

20 Q. [12:21:37] I'm now going to move on to another related topic. In your
21 statement, and I'm referring now to tab 9, CAR-OTP-2046-0072, at page 0089,
22 line -- lines 567 to 573.

23 Now, in your statement you mentioned that soldiers, military men taught some
24 Anti-Balaka fighters how to use weapons. Now, do you know whether that
25 happened prior to the attack of 5 December or do you recall when that happened?

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1 A. [12:22:49] Yes, it was before the attack of 5 December. As you know, if you're
2 planning on launching an attack, you need to prepare before launching it. So I can
3 tell you that that training took place before 5 December, and indeed from the Gobéré
4 days onwards they were taught how to handle weapons, how to defend themselves,
5 how to partake in combat. So this training certainly took place before the attack.

6 Q. [12:23:31] Do you recall the names of the military men who taught the others
7 how to use these weapons?

8 A. [12:23:53] Yes, there were a lot of military men. You know, when Séléka
9 took power, a lot of military personnel fled. I could, for instance, refer to
10 Lieutenant Konate, for instance. Mokpem, he was amongst those who were in
11 Gobéré and who were taking care of the training of Anti-Balaka fighters.

12 Q. [12:24:41] I'm now going to move on to a further topic. I'm going to ask you
13 about the crimes which you described in your statement and which were perpetrated
14 by the Anti-Balaka.

15 Now, in your statement, and I refer to tab 19, CAR-OTP-2046-0213 at page 0214,
16 lines 22 to 24.

17 Now, in your statement, you said that those who joined the Anti-Balaka committed to
18 perpetrate, and I quote you, you said "blood crimes", "*crimes de sang*". So my
19 question is, was it a well-known fact that when you became a member of the
20 Anti-Balaka that you had to perpetrate crime?

21 A. [12:26:07] Well, I can answer in the affirmative because when you go into battle,
22 it's not just to shoot into the air to intimidate the enemy. When you enter battle, you
23 enter battle to shoot and kill. So the Anti-Balaka were not coming out just to joke or
24 have fun, no. The Anti-Balaka turned out to conquer, vanquish the enemy, and of
25 course blood had to be spilled. You can't win a war without spilling blood.

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1 PRESIDING JUDGE SCHMITT: [12:27:00] May I?

2 Mr Witness, when you say that blood was spilled and that when you go into battle,
3 it's a natural course of events, so to speak, that people are killed, are you referring to
4 an armed enemy or are you referring to civilians or to both?

5 THE WITNESS: [12:27:42](Interpretation) Thank you very much for your question.
6 You see, when we talk about combat between the Séléka and the Anti-Balaka, the
7 Anti-Balaka, for example, simply were shooting at armed Séléka, but when you see
8 Anti-Balaka killing Muslims, although not all Muslims are members of the Séléka.
9 Secondly, not all Muslims were Arab in origin. There were Christians who had been
10 Islamised. Everybody was free to choose their religion. There are Central African
11 women who had married Muslim men and had converted to Islam. So when I say
12 we killed Muslims, it was civilians we killed.

13 PRESIDING JUDGE SCHMITT: Thank you. Judge Chung has a question.

14 JUDGE CHUNG: [12:29:05] Thank you, President.

15 Mr Witness, you mentioned about training and some military person who were in
16 charge of training of Anti-Balaka. And do you have more details, information about
17 training? Was it done only personally by some such military person, or it was done
18 by the system or guidelines or any manuals for the training of the Anti-Balaka?

19 THE WITNESS: [12:30:02](Interpretation) Thank you for your question.

20 During these event, the trainers were former military men who had been trained in
21 military academies, so they shared in their experience and knowledge. They didn't
22 have any books or anything like that, but they trained based on their personal
23 experience and knowledge.

24 PRESIDING JUDGE SCHMITT: [12:30:37] Thank you.

25 Ms Struyven.

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1 MS STRUYVEN: [12:31:01] (Interpretation)

2 Q. [12:31:03] I seek a small clarification on something which you already talked

3 about, so I'm going to hop back to the weapons and the grenades that were brought to

4 Mr Ngaissona for -- or which he was asking people to bring to his house for

5 redistribution to the Anti-Balaka elements.

6 Just for the record, can you explain to the Court how you became aware that this is

7 what was happening.

8 A. [12:31:51] He himself said so. He had bought a weapon, a galley, and an AK-47,

9 which he gave to (Redacted). So this is not information that I got from someone else.

10 If I recall properly, he called (Redacted) to his residence one evening and gave him

11 the weapon. So that's one of the examples that I can use to say that he is the one who

12 bought the weapons. He said so and he did so.

13 Q. [12:32:46] Let me now turn to another topic in your statement, and I'm referring

14 here to tab 10, CAR-OTP-2046-0090, at page 0103, line 436 to line 0104 -- or to

15 page 0104, line 480.

16 Here, you talk about the presence of child soldiers among the Anti-Balaka. And

17 talking about their age, you mention in your statement that the children were aged

18 from 12.

19 Now, to -- just to be clear on this point, can you explain to the Court how you were

20 able to estimate the age of these children. What indices did you use to come to the

21 conclusion, for example, that they would be 12 years old?

22 A. [12:34:19] These were children who were mostly under (Redacted) authority.

23 There were times when I would talk with them and they themselves told me how old

24 they were. These were children with whom I talked about their age and they

25 themselves answered me and provided their ages themselves. And that is how I

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1 became aware of how old the children were.

2 Q. [12:34:56] Would you know whether these children also went about in Bangui?

3 A. [12:35:17] Most of the children who were part of the movement came from small
4 villages such as Bouca and Bossangoa and others. They were children who relied on
5 their fetish because they came from the villages and their mentality was different
6 from the mentality of children in town. So the children in the village used their
7 fetishes or amulets and they believe in it and that is why they were the majority of the
8 children.

9 Q. [12:36:05] Let me put the question differently. Did they accompany their
10 commanders, for example, to meetings? Would they be seen, for example, in the
11 streets, or were they hidden in the houses or the various commanders?

12 A. They could not hide. They went about openly, publicly. Everybody saw
13 them. They were rebels. And by the way, they were proud of their status as rebels,
14 so they went about proudly. And again, they were not prisoners and they were not
15 bound to stay at home. They moved about freely so that everybody would know
16 that they too were capable of something. So they were not in hiding.

17 Q. [12:37:20] Do you know whether members of the coordination which you
18 already referred to, whether they also saw these children? Did you have any
19 opportunity to see members of the coordination at the same location as these child
20 soldiers?

21 A. [12:37:52] Well, I have talked to you about a list of the elements. That list was
22 not only made up of old persons. The names of those children were also included on
23 those lists. So the members of the coordination were fully aware of these elements.
24 How can you work for someone without the person you are working for knowing
25 that you are there?

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1 Q. [12:38:32] During meetings, were there any discussions around the topic of child
2 soldiers in the group?

3 A. [12:38:50] Yes, there was talk about them. There was also talk about them.

4 Discussions did not only focus on one group and not the other or on some and not the
5 others. When there were discussions about elements, it was about all the elements
6 without distinction. They were all considered to be elements in the same capacity as
7 the others.

8 Q. [12:39:23] Just to conclude then on this point, you explained that they told you
9 that they were 12 years old. Now, when you saw them, did their appearance
10 correspond to the ages that they were mentioning to you? In other words, did they
11 look to you like they were 12, 13 years old physically?

12 MR KNOOPS: [12:39:52] Mr President, I don't believe this witness is competent to
13 answer that question.

14 PRESIDING JUDGE SCHMITT: [12:39:56] We had that before. He has -- he is not
15 an expert. He has not measured any bones or you can see from the teeth, of course,
16 also. But we -- as I have already said, we all -- when we assess age, we do this via
17 certain parameters that we perceive and the witness may provide us with the
18 parameters he chose or he determined to come to the conclusion of a certain age. So
19 he can answer the question.

20 Or let me put the question, perhaps. I have to rephrase it a little bit.

21 Mr Witness, you have obviously heard the exchange with counsel. So we would be
22 interested to know how you, apart, apart from the talk you had with certain
23 individuals, how you came to the conclusion for yourself that what they told you
24 might be right about their age. You know, you can refer this from different forms of
25 appearances, details of appearances, but we would like to know from you how you

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1 did determine that.

2 THE WITNESS: [12:41:37](Interpretation) Thank you for that question.

3 I was able to know their age because (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted). And that is how I became aware of their ages and

7 their date of birth.

8 PRESIDING JUDGE SCHMITT: [12:42:19] But the question was, you know

9 sometimes people, for all sorts of reasons, want to appear to be older or also what

10 happens sometimes when you get older you want to appear to be younger. So how

11 did you determine that what has been told to you, in your perception, was correct or

12 was not correct?

13 THE WITNESS: [12:43:04](Interpretation) Your question is in order, and yes, when

14 somebody wants to hide their age, they can do so. But you see, there are others who

15 know how old they are and who provide their real age. It is true that some people

16 can lie about their age. They may say that they are older, whereas when you look at

17 them physically, you would understand that they are younger. So among the

18 elements, there were some who told the truth, while others did not. As for me,

19 personally, when I looked at them, when I saw them, I felt or I was of the view that

20 what they told me about their ages was true.

21 PRESIDING JUDGE SCHMITT: [12:44:01] Perhaps you can continue from there.

22 It's an answer, but of course it's not very detailed what the parameters, as I have

23 worded it, might have been. Perhaps you can put some possibilities, you know,

24 growth and voice and whatsoever.

25 MS STRUYVEN: [12:44:30] (Interpretation)

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1 Q. [12:44:31] Witness, to help the Chamber, can you speak of their physical
2 appearances, for example, and tell the Court what indicia made it possible for you to
3 come to the conclusion that a 12-year-old was effectively 12 years old. Were there
4 any physical traits and characteristics which helped you to come to the conclusion
5 that what you were being told was the truth?

6 A. [12:45:10] Thank you. I'm sorry, but let me give you an example. You see,
7 there is a difference between black skin and white skin. Sometimes when I look at a
8 white person I think that they might be older than myself. They might be bigger in
9 size than myself and I might think that they're older than me, than I am, but that is
10 often wrong. So children born in the villages do not live under the same conditions
11 as those born in the city. A child in the village, born in the village may be 12 years
12 old but look like a six-year-old, physically.

13 Now, in the village, particularly in the Central African Republic, children who are
14 born in the village begin to do adult work at a very early age and they can physically
15 change in appearance and look like they were older, whereas it is all because of the
16 hard labour and the difficult life that they molded physically in that way. And all of
17 a sudden the child looks like an adult or appears to look like an adult. So this is
18 what I can say to you in answer to that question.

19 Q. [12:47:04] Just to understand you properly, you have said that because children
20 in the village have to work, they might have more muscle and may look older; is that
21 what you have said?

22 A. [12:47:26] Yes, yes, that's it. That's the truth.

23 Q. [12:47:44] So maybe one last question on that point. Now, when you felt that a
24 child was say 12 years old, did you take into consideration the fact that he came from
25 the village and you yourself being from that area, did you take into account the fact

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1 that he might have looked older because he came from the village?

2 A. [12:48:16] Yes, that is correct, yes.

3 Q. [12:48:23] Let me now turn to my last document in relation to the document you
4 provided.

5 And I believe that we need to go into private session.

6 The document is at tab 1.

7 PRESIDING JUDGE SCHMITT: Private session.

8 (Private session at 12.48 p.m.)

9 THE COURT OFFICER: [12:48:57] We are in private session, Mr President.

10 PRESIDING JUDGE SCHMITT: [12:48:59] And I think before you continue I can use
11 the opportunity to ask you how long your examination will last, what you plan? I
12 would like to ask you, I would like to take the opportunity to ask you how long you
13 plan to examine the witness.

14 MS STRUYVEN: [12:49:18] Mr President, this is my last subject so it's just the
15 questions about the (Redacted). We can also do it after the break. It's going to be --

16 PRESIDING JUDGE SCHMITT: [12:49:27] No, no, no. So you would finish until
17 the break.

18 MS STRUYVEN: [12:49:31] I may go a little bit after. I don't think I can do it in ten
19 minutes.

20 PRESIDING JUDGE SCHMITT: [12:49:37] Okay. Then, perhaps -- then perhaps we
21 have now the break. And what about continuing at 2 o'clock, would that be fine?

22 And then we can have also the victims, I would say, victims representatives, they said
23 they want to question the witness today. And then we would have two full days for
24 the Defence. I think that that would do, I think. That would be fine. If I look at
25 the estimates, that would be more than enough time I would say.

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1 Fine. So we have now the break until 2 o'clock.

2 THE COURT USHER: [12:50:10] All rise.

3 (Recess taken at 12.50 p.m.)

4 (Upon resuming in open session at 1.59 p.m.)

5 THE COURT USHER: [13:59:24] All rise.

6 Please be seated.

7 PRESIDING JUDGE SCHMITT: [13:59:50] So we are not in closed session anymore

8 now.

9 Ms Struyven, we are -- meaning, we are in open session. So I think you wanted to go
10 to private session, wasn't it like that? Then we go to private session.

11 (Private session at 2.00 p.m.)

12 THE COURT OFFICER: [14:00:21] We are in private session, Mr President.

13 MS STRUYVEN: [14:00:30]

14 Q. [14:00:31] Welcome back, Witness. Now, before I put questions to you
15 regarding your (Redacted), I would just like to clarify one point. My question is, do
16 you know someone name (Redacted)?

17 A. [14:01:00] No. I have heard the name, but I don't know him personally.

18 Q. [14:01:08] And in what context have you heard the name? Do you recall?

19 A. [14:01:22] I have heard the name, but I've never seen him or met him.

20 Q. [14:01:37] I'm now going to put questions to you on (Redacted) and this is
21 located at tab 1. Perhaps you can see it in front of you. I'm not sure if you have a
22 binder in front of you containing documents?

23 A. [14:01:59] No. No, I don't see the documents on the screen.

24 PRESIDING JUDGE SCHMITT: [14:02:04] Mr Witness, I think there is also a binder
25 in front of you. It might even be easier for you to have a look at that. Can you

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1 please open it? And at number 1 there should be the documents that the Prosecutor
2 refers to, if I'm right.

3 Do you see it? Yellow front page. I think these. You won't -- Ms Struyven, you
4 don't go through every page here. You just verify or ask him how it was produced
5 or whatsoever, yeah.

6 MS STRUYVEN: [14:03:24](Interpretation)

7 Q. [14:03:26] So my first question is, do you recognise this document?

8 A. [14:03:35] Yes.

9 Q. [14:03:37] Could you explain to the Court what it is?

10 A. [14:03:50] Yes, no problem. It's a programme, (Redacted). (Redacted)
11 (Redacted)

12 PRESIDING JUDGE SCHMITT: [14:04:20] Mr Witness, what do you mean by
13 programme?

14 THE WITNESS: [14:04:48](Interpretation) By "programme" I mean the names of the
15 superiors in the Anti-Balaka as well as different events in -- over the time that the
16 meeting took place.

17 PRESIDING JUDGE SCHMITT: [14:05:07] Do you recall when (Redacted)
18 this document?

19 THE WITNESS: [14:05:28](Interpretation) No, I don't remember the date because it
20 was (Redacted)

21 (Redacted)

22 (Redacted)

23 PRESIDING JUDGE SCHMITT: [14:05:51] Yeah, I was a little bit unclear in my
24 question.

25 Approximately. You know, (Redacted)? You know, do you

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1 have an estimate, an idea at least back in time?

2 THE WITNESS: [14:06:30](Interpretation) Well, if I see correctly, it starts with the

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 PRESIDING JUDGE SCHMITT: [14:07:04] Perhaps I may help. First of all, we need

7 the ERN number. It's CAR-OTP-2033-8065. And if you could go to the last page,

8 perhaps, Mr Witness. Last page of this document. For the record, that's 8074.

9 And if you look at the last line, it reads: (Interpretation) (Redacted)

10 (Redacted)

11 (Speaks English) What does that mean?

12 THE WITNESS: [14:08:18](Interpretation) Excuse me. This is the date in which the

13 document was written.

14 PRESIDING JUDGE SCHMITT: [14:08:32] Thank you very much, Mr Witness.

15 Madam Struyven.

16 MS STRUYVEN: [14:08:44](Interpretation)

17 Q. [14:08:45] Could you explain to the court on the basis of what information

18 (Redacted)?

19 A. [14:09:17] (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 Q. [14:10:03] And if we take, for example, the meetings at page -- at the third

25 page - so that would be page 8067 - there is reference there to the date of a regrouping

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1 on (Redacted) and there's also a reference to a meeting of the -- of the army's group,
2 which took place in (Redacted).

3 Now, (Redacted)

4 (Redacted)?

5 A. [14:11:08] (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 Q. [14:12:17] (Redacted)

15 (Redacted)

16 A. [14:12:35] Yes, that's correct.

17 Q. [14:12:39] (Redacted)

18 (Redacted)?

19 A. [14:13:02] (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 Q. [14:13:42] I now have some brief questions. If we look at the first page, or if
25 you like it's the second page, that is page 8066, there we see General Coordinator

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1 Patrice-Edouard Ngaïssona. (Redacted)?

2 A. [14:14:18] Yes, absolutely, directly, in French.

3 Q. [14:14:30] And if you could now turn to page 8069 and look at the bottom of that
4 page, so that's CAR-OTP -- I'm going to have to count?

5 PRESIDING JUDGE SCHMITT: [14:14:50] I think it's enough now, if you say
6 860 -- eight -- now, I'm wrong. 8069. So -- because we had the whole CAR-OTP
7 before.

8 MS STRUYVEN: [14:15:06](Interpretation)

9 Q. [14:15:08] So here, if I understand correctly, (Redacted)
10 (Redacted)
11 (Redacted)
12 (Redacted)
13 (Redacted)
14 (Redacted)?

15 A. [14:16:19] All the ComZones were under the orders of the people that you see.
16 Here we have Patrice-Edouard Ngaïssona. He was the leader in that case and the
17 general coordinator was Mr Ngaïssona. (Redacted) the coordinator general was
18 Patrice-Edouard Ngaïssona. He was leading the movement, but the ComZones in
19 each sector had their own soldiers. But as I said, the general coordinator was
20 Ngaïssona.

21 Q. [14:17:08] Now, on the last page of the (Redacted), reference 8704, there's
22 reference to Corporal Rambo. And in your statement, too, you referred to a certain
23 Rambo who was in charge of the Mbaïki Road, the road to Mbaïki. This is at tab 18.
24 Do you have any other name for this Rambo. Let me give you the reference. It's at
25 tab 18, CAR-OTP-2460-195 (sic) -- page 0204.

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1 A. [14:17:53] No, I have no further details to give regarding Corporal Rambo. I
2 was asked to describe him. (Redacted)
3 (Redacted)
4 (Redacted)
5 (Redacted)
6 (Redacted), so I don't have any further details to give
7 you regarding Rambo.

8 Q. [14:18:49] Was Mr Rambo known by any other name, if you know?

9 A. [14:18:59] I know him under the name of Corporal Rambo, corporal being his
10 military rank and Rambo being his first name or, rather, his nickname. It's only after
11 he was arrested that I -- I learned his name was Rambo Yekatom. Prior to that, I
12 simply knew him as Rambo.

13 Q. [14:19:37] Now, I'm going to put some questions to you regarding page 8067.
14 That is the page that refers to these two meetings. It refers to a regrouping date of
15 (Redacted)
16 (Redacted).

17 Now, before you joined the Anti-Balaka, in other words, before you were a member,
18 had you ever heard of this organisation which was in place?

19 A. [14:20:29] No, no, I didn't know anything about it.

20 Q. [14:20:38] So if I'm not mistaken, Zongo was on the other side of the river, it was
21 in the Democratic Republic of the Congo.

22 Had you -- before you became a member of the Anti-Balaka, had you heard of other
23 meetings taking place to prepare, to prepare this Anti-Balaka group?

24 A. [14:21:13] No, no, I didn't know anything about it.

25 Q. [14:21:34] And then later when you joined the Anti-Balaka, did you hear about

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1 what was going on in Zongo or elsewhere?

2 A. [14:22:03] In a rebellion everything has to be kept secret and nobody is
3 authorised to reveal anything at all. So there was a lot of talk before they arrived in
4 our area, but what was said before, I don't know anything about that.

5 Q. [14:22:36] And just a final few questions. At page 8070, (Redacted)

6 (Redacted)

7 (Redacted)?

8 MS DIMITRI: [14:23:01] (Overlapping speakers) My learned friend wanted to
9 address the document in private session, in closed session, but the type of questions
10 could be done in public, in my opinion, I'm sorry.

11 PRESIDING JUDGE SCHMITT: [14:23:12] Yes, again, I have to agree with you, so
12 we go to open session. Yes, indeed.

13 (Open session at 2.23 p.m.)

14 THE COURT OFFICER: [14:23:37] We are in open session, Mr President.

15 PRESIDING JUDGE SCHMITT: [14:23:39] Thank you. So perhaps you repeat it.

16 We are at page 8070.

17 MS STRUYVEN: [14:23:54](Interpretation)

18 Q. [14:23:56] Yes, indeed. Now, on this page here we see references to towns and
19 villages, Bossangoa, Bouca, Batangafo and Benzambe. Could you explain to the
20 court what the significance of these towns and villages was?

21 A. [14:24:33] Well, I listed these villages because they are villages where the -- the
22 majority residents are Gbaya and, of course, they are also in the majority in the
23 movement. As I told you before, the -- the movement finds its origins in that area in
24 those villages. That's why I noted them in this document.

25 Q. [14:25:08] Now, I think you've already answered my following question in part,

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1 but we see that reference is made to a number of soldiers, 2,045 soldiers.

2 Could you tell the Court where that figure comes from without mentioning the name
3 of the person who owned the notebook.

4 A. [14:25:58] I repeat myself. When they started in Gobéré I was not with them.

5 These are the very first ones who joined forces together in Gobéré. The number was
6 provided to me by Lieutenant Konate and each time they moved forward and passed
7 through a village they recruited, recruited and did so again and again until they got
8 to Bangui. But those who started in Gobéré were these ones here. This is the
9 number of those who were from Gobéré. So that's a -- an older piece of information.

10 That's a piece of information which dates back in time.

11 Q. [14:27:01] Yes. We see also it's stated here, "arrived at Bangui on 5 December",
12 and we see that the number there is 25,000.

13 So is that the -- the outcome of the recruitment drive you just described to me?

14 A. [14:27:29] Yes, that is correct.

15 Q. [14:27:33] And now a final question. You refer here to the 5 December 2014.

16 Is that a reference to the attack on Bangui?

17 A. [14:27:54] This reference to 5 December is a date which is known to everyone.
18 It's on that date that the Anti-Balaka entered Bangui.

19 MS STRUYVEN: [14:28:15](Interpretation) Thank you very much, Witness. I have
20 no further questions for you, but I would like to thank you.

21 PRESIDING JUDGE SCHMITT: [14:28:21] Thank you very much, Ms Struyven.

22 Any questions by the representatives of the victims, by Ms Douzima or Mr Suprun or
23 one of them?

24 MR SUPRUN: [14:28:34] Mr President --

25 PRESIDING JUDGE SCHMITT: [14:28:35] Mr Suprun is rising, yeah.

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1 MR SUPRUN: [14:28:38] -- I have questions, but I can leave the floor to Ms Douzima
2 to start. I can continue then.

3 PRESIDING JUDGE SCHMITT: [14:28:44] Then, Ms Douzima, if you have questions
4 then you start. If not, then Mr Suprun, of course.

5 MS DOUZIMA LAWSON: [14:28:56](Interpretation) I have no questions to put.

6 PRESIDING JUDGE SCHMITT: [14:28:59] Then I give the floor to Mr Suprun, of
7 course.

8 MR SUPRUN: [14:29:17] Thank you, Mr President.

9 QUESTIONED BY MR SUPRUN: (Interpretation)

10 Q. [14:29:26] Witness, good afternoon. I am Dmytro Suprun, and I am
11 representing a group of former Balaka soldiers and I have some questions for you this
12 afternoon.

13 Witness, this afternoon when testifying you referred to child soldiers who were aged
14 12 years and above and who were members of the Anti-Balaka.

15 Now, my first question is this: Do you recall how many child soldiers were
16 members of your group?

17 A. [14:30:25] I remember of all those who I saw there would have been 18, but there
18 were -- there undoubtedly -- or, rather, 19. But during battles undoubtedly some
19 died, and if I remember correctly eight of the 19 survived.

20 Q. [14:30:43] And were there girls amongst these children?

21 A. [14:30:56] Yes, there were boys and girls.

22 Q. [14:31:01] According to your memory, under which circumstances were they
23 joined to the group? And under which circumstances?

24 A. [14:31:24] That's a very good question. In order to answer, these child soldiers
25 usually came from the hinterland. I don't know who motivated them to join the

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1 Anti-Balaka movement and come to Bangui. We saw them, but I don't know their
2 motivation. Were they forced or whether they did it voluntarily is something I can't
3 answer.

4 Q. [14:32:02] What was the duties of these children who were part of your group?

5 A. [14:32:26] The children -- the child soldiers were regarded as soldiers, so they
6 would become involved in the fighting of the group. They weren't there to observe
7 or to eat. They were part of the group and they fought as well, because if they didn't
8 want to then they wouldn't join. So they did exactly the same things as the adults.

9 Q. [14:32:53] Did they carry any arms?

10 A. [14:33:01] No, not all of them. Some did have arms, others didn't.

11 Q. [14:33:09] What type of weapons or arms did they carry?

12 A. [14:33:25] Kalashnikovs.

13 Q. [14:33:35] Amongst those children, the girls and the boys, did they do the same
14 thing or did they have different duties?

15 A. [14:34:05] The same duties. There were things that you shouldn't be surprised
16 about. A girl can do the same things as a boy, so there were no difference between
17 girls and boys.

18 Q. [14:34:29] Mr Witness, and you said you had the opportunity to speak and
19 communicate with these children. My question is as follows: Do you have any
20 specific comments that you'd like to share with the Chamber on the physical or
21 psychological or emotional condition of these children?

22 A. [14:35:16] What I can share with the Chamber is that these children were not
23 feeling very comfortable. They were expecting money, some rewards, and when
24 they arrived there was nothing and it was very difficult because there were quite a
25 few children and we couldn't feed them properly. When they had money, they

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1 could buy some food, but that wasn't the case. So it was difficult. They couldn't
2 have been very satisfied. They wanted to go back home, but they couldn't because
3 they came on foot and to go to Bouca or Bossangoa on foot is difficult. So these are
4 the difficulties that these children faced and these children then started stealing, say, a
5 mobile. And when they were caught they were beaten. That's a little bit the
6 situation.

7 Q. [14:36:23] As far as this is concerned, as far as you're aware, were any amongst
8 children, did they suffer from psychological or physical problems, health problems?

9 MR KNOOPS: [14:36:37] Mr President, I believe this is also a question for an expert.

10 PRESIDING JUDGE SCHMITT: [14:36:41] Yeah, yeah. Yes and no. Of course,
11 how it is worded it's -- but, Mr Witness, simply did you tell when you -- when you
12 spoke with these children, did they behave in any -- in any way that was apparent to
13 you that they had any problems? You know what I mean? So the counsel has
14 worded it as psychological. Of course, you wouldn't be able to deduce if it was a
15 trauma, but do you think or did you have the impression that they had specific
16 problems psychologically?

17 THE WITNESS: [14:37:38](Interpretation) Yes. I can tell you that psychologically
18 these children were not in a good place. If I say it like this, it's because these children
19 were taking drugs because they were given these drugs to get rid of the fear. It's a
20 bit like alcohol. You know, when you drink alcohol and your body isn't used to it,
21 you behave oddly. It's the same way with drugs. So once the drugs had
22 effect -- and also they weren't old enough, so they behaved in a way that wasn't
23 normal. They had to have proper food, they had to have a place to sleep, a bit of
24 money to look after their health, but they didn't have enough money. They didn't
25 have enough to eat. So the food they had was rationed, so one ration was given to

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1 ten. So how could these children be okay psychologically because of all this?

2 PRESIDING JUDGE SCHMITT: [14:39:01] Perhaps you would have answered it

3 also -- asked also, Mr Suprun, but Mr Witness, what kind of -- what kind of drugs did

4 the children take or did they get?

5 THE WITNESS: [14:39:43](Interpretation) I'm talking mainly of hemp. It was more

6 accessible. When they took this it motivated them to act, as you can imagine.

7 MR SUPRUN: [14:40:07](Interpretation)

8 Q. [14:40:08] Mr Witness, since you said that these children participated in the

9 combats, in the fights, did these children receive any military training before these

10 fights took place?

11 A. [14:40:36] I could say yes because they followed the same training as the others,

12 so they did have a form of training.

13 Q. [14:40:49] Could you say what type of training these children had?

14 A. [14:41:10] When you have a training, it means that you have to have the training

15 for the tasks that are going to be accomplished. So they were taught how to use a

16 weapon, how to kill, but it's not like in a school where you give them a positive

17 education they get a training, which is linked to the objective, that is to say, to go and

18 fight.

19 Q. [14:41:42] And generally speaking, how long was this military training? How

20 long did it last?

21 A. [14:42:01] I don't know how to answer this question. All I can say, that they

22 were trained in the movement. I wasn't with them, so I don't know how they're

23 training went. I can't really say much about the actual training.

24 Q. [14:42:18] Did the child soldiers respect the discipline rules?

25 MR KNOOPS: [14:42:26] Mr President, I think this goes outside the scope of the

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1 mandate.

2 PRESIDING JUDGE SCHMITT: [14:42:32] Yeah, but I think we can let this -- this

3 question pass and then, Mr Suprun, I think we had enough questions on that.

4 Please answer the question.

5 THE WITNESS: [14:43:09](Interpretation) Sorry. Could you repeat the question,

6 please?

7 MR SUPRUN: [14:43:13](Interpretation)

8 Q. [14:43:14] My question was as follows: Did the child soldiers respect or have to

9 respect the discipline rules that were in existence?

10 A. [14:43:39] As far as I know and as far as I can tell, the discipline that they had to

11 respect was to respect their leaders, their superiors. They weren't submitted to a

12 particular discipline, but they had to obey their leader.

13 Q. [14:44:03] As far as you know, were some of these children punished for being

14 disobedient or for anything else?

15 A. [14:44:30] Yes, that did happen. At a point in time there were problems with

16 having enough food and that made them steal, to try and get out, to take some

17 motorbikes. And if we could identify them, that it was this or that group, the leader,

18 in order to defend their honour and their group, would punish the child and take

19 away the object that had been stolen to show that it wasn't a good thing to do that.

20 Sometimes it happened along those lines.

21 Q. [14:45:12] Another question is this is concerned, what sort of punishment was

22 given, particularly as regards to the children?

23 A. [14:45:29] What sort of punishment? They could be tied up, they -- their arms

24 tied behind their back. It would really depend on their superior. They could also

25 be whipped. They could have a hundred whips. That also happened. That was

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1 up to him to decide what punishment he would mete out.

2 Q. [14:46:01] And apart from these punishments, were any of these children poorly
3 treated by any members of the group, in particular the leaders of the group?

4 A. [14:46:33] Yes. For example, they could be tied up and whipped. They could
5 have a hundred lashes or they could be one day without any food. Sometimes they
6 were wounded after these lashes and they couldn't go to the hospital. They stayed
7 in the dwelling and that was it. These were the type of things they suffered.

8 Q. [14:47:14] As far as you know, were some of these child -- children ever abused
9 sexually?

10 A. [14:47:41] Yes, there were girls in the groups, and in the end were the wife of the
11 leader. And sometimes they were -- they were with the leader by force, not because
12 they wanted to be the wife.

13 Q. [14:48:13] Were only girls subject to sexual abuse or also some of the boys?

14 A. [14:48:31] No, a man is difficult to sleep with a man. In the
15 Central African Republic homosexuality isn't that widespread, so that practice didn't
16 happen. It was always girls. It was with girls that this type of behaviour was
17 carried out.

18 Q. [14:49:01] Outside your group, as far as you know, did child soldiers participate
19 in other groups with other ComZones? (Overlapping speakers)

20 PRESIDING JUDGE SCHMITT: [14:49:08] Ms Dimitri?

21 MS DIMITRI: [14:49:12] (Overlapping speakers) According to the initial direction of
22 the proceedings, I think we need to stay within the scope.

23 PRESIDING JUDGE SCHMITT: [14:49:18] Yes. No, I agree. Mr Suprun, you
24 know it yourself. I agree with Ms Dimitri.

25 MR SUPRUN: [14:49:33] I think, your Honours, I have completed my questioning.

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1 Thank you.

2 PRESIDING JUDGE SCHMITT: [14:49:38] Thank you, Mr Suprun. Thank you,

3 Mr Witness, for today. This concludes your testimony, but only for today. You are

4 aware of that. We continue tomorrow at 9.30 with the Defence questioning.

5 Please, Mr Witness, don't talk with anybody about your testimony today, not even

6 with family members and friends. And on behalf of the Chamber, I wish you a good

7 rest and, as I said, until tomorrow at 9.30.

8 THE COURT USHER: [14:50:10] All rise.

9 (The hearing ends in open session at 2.50 p.m.)