

Trial Hearing  
WITNESS: CAR-OTP-P-0487

(Open Session)

ICC-01/14-01/18

1 International Criminal Court  
2 Trial Chamber V  
3 Situation: Central African Republic II  
4 In the case of The Prosecutor v. Alfred Rombhot Yekatom and  
5 Patrice-Edouard Ngaïssona - ICC-01/14-01/18  
6 Presiding Judge Bertram Schmitt, Judge Péter Kovács and  
7 Judge Chang-ho Chung  
8 Trial Hearing - Courtroom 1  
9 Thursday, 16 February 2023  
10 (The hearing starts in open session at 9.32 a.m.)  
11 THE COURT USHER: [9:32:24] All rise.  
12 The International Criminal Court is now in session.  
13 Please be seated.  
14 PRESIDING JUDGE SCHMITT: [9:32:48] Good morning, everyone.  
15 Court officer, please call the case.  
16 THE COURT OFFICER: [9:32:53] Good morning, Mr President, your Honours.  
17 Situation in the Central African Republic II, in the case of The Prosecutor versus  
18 Alfred Yekatom and Patrice-Edouard Ngaïssona, case reference ICC-01/14-01/18.  
19 And for the record, we are in open session.  
20 PRESIDING JUDGE SCHMITT: [9:33:09] Thank you.  
21 I ask for the appearances of the parties.  
22 First the Prosecution, Mr Vanderpuye.  
23 MR VANDERPUYE: [9:33:15] Good morning, Mr President. Good morning,  
24 your Honours. Good morning, everyone. Good morning, Mr Witness.  
25 Today the Prosecution is represented by Manochitra Prathaban, Yassin Mostfa and

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1 myself Kweku Vanderpuye. Good morning.  
2 PRESIDING JUDGE SCHMITT: [9:33:27] Thank you.  
3 I turn to the representatives of the victims.  
4 MR DANGABO MOUSSA: [9:33:30](Interpretation) Good morning, your Honour.  
5 Good morning, your Honours and everyone. Good morning, Witness.  
6 The representative of victims are represented by Mrs Ombeni Evelyne,  
7 Mrs Gabriella dos Santos and myself Moussa Dangabo. Thank you.  
8 PRESIDING JUDGE SCHMITT: [9:33:56] Thank you.  
9 Mr Suprun.  
10 MR SUPRUN: [9:33:59] Good morning, Mr President. Good morning, your  
11 Honours. The former child soldiers are represented by myself, Dmytro Suprun.  
12 Thank you.  
13 PRESIDING JUDGE SCHMITT: [9:34:06] I turn to the Defence, Ms Dimitri.  
14 MS DIMITRI: [9:34:10] Good morning, Mr President. Good morning,  
15 your Honours. Good morning, everyone.  
16 Mr Yekatom is present in the courtroom this morning. He's represented by Laurence  
17 Hortas-Laberge, Ms Fiona Houdin, Ms Anta Guissé, Ms Florent  
18 Pages-Granier -- Mr Florent Pages-Granier and myself Mylène Dimitri.  
19 PRESIDING JUDGE SCHMITT: [9:34:35] Thank you.  
20 I turn to Mr Knoops.  
21 MR KNOOPS: [9:34:37] Good morning, Mr President, your Honours. Good  
22 morning, everyone in the courtroom.  
23 Our team is today composed of Ms Chiara Giudici on my right side. In the second  
24 row, Ms Sara Pedroso, Brianna Dyer and Mr Mathias Goffe.  
25 PRESIDING JUDGE SCHMITT: [9:34:53] Thank you very much.

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1 MR KNOOPS: [9:34:56] Mr President, now I'm standing I would like to, if the Court  
2 allows me, to make an observation on the Court proceedings, but maybe the Court  
3 has different instructions in mind. But I would like to make an introductory remark  
4 about the proceedings.

5 PRESIDING JUDGE SCHMITT: [9:35:10] Actually, I don't want to receive that now.  
6 Is it about the -- what is it about, just in a nutshell?

7 MR KNOOPS: [9:35:21] Our team is not able to observe the witness from  
8 the position we have here. And for us it's like a video hearing, there's no difference.

9 PRESIDING JUDGE SCHMITT: [9:35:31] No, no, no, no. Really, Mr Knoops, no. I  
10 completely disagree. The most important is the impression for the witness -- of  
11 the witness for the Chamber because we have to deal with that. And, frankly  
12 speaking, I personally see the witness much better on the screen here because it's  
13 much bigger and enlarged. So there is no issue. We don't, we don't entertain that  
14 further. Please sit down, Mr Knoops, thank you. We have discussed that.  
15 And by the way, when we have a video-link witness the situation is the same also.  
16 But this is something that perhaps I can generally say, specifically in this huge  
17 courtroom - I speak for myself - if we don't have the big screen, that I even look to  
18 observe the witness more closely on my screen that I have here, and you have also  
19 screens there, and we have decided that there is no further discussion about it.  
20 We will start now with the testimony of Prosecution witness 0487.

21 Mr Witness, good morning. Can you hear and understand me well?

22 WITNESS: CAR-OTP-P-0487

23 (The witness speaks French)

24 THE WITNESS: [9:36:54](Interpretation) I can hear you very well, your Honour.

25 PRESIDING JUDGE SCHMITT: [9:36:56] Thank you.

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1 On behave of the Chamber I would like to welcome you to the courtroom. You are  
2 called to testify to assist this Chamber in the case of the Prosecutor against  
3 Mr Yekatom and Mr Ngaissona.

4 I also note, for the record, the presence of Ms Dignité Bwiza, that's your counsel,  
5 pursuant to Rule 74 of the Rules. Good morning, Ms Bwiza. And she will be  
6 present during your whole testimony.

7 Mr Witness, the Chamber granted the request by your counsel for assurances under  
8 Rule 74 of the Rules. This is the email decision from the Chamber from  
9 15 February 2023 at 1549.

10 This means, just to explain this to you, I think Ms Bwiza will have already explained  
11 it to you, but I think it's good to have it explained in a nutshell again, to use this word,  
12 to you by the Presiding Judging. This means that the Chamber may require you to  
13 answer questions even if the answer might tend to incriminate you.

14 However - and that is the essence of the Rule 74 assurance - in that event, your  
15 evidence will be kept confidential and will not be either -- used either directly or  
16 indirectly in any subsequent prosecution by the Court. There is one exception, if you  
17 lie to the Court, of course, then proceedings can be initiated against you by  
18 the Prosecutor.

19 So you're on the safe side if you tell us the truth. And now I turn to the -- your  
20 taking the oath, Mr Witness.

21 There should be a card on the desk in front of you with a solemn undertaking to tell  
22 the truth. Could you please read out loud the content of this card.

23 THE WITNESS: [9:39:06](Interpretation) I solemnly declare that I shall speak  
24 the truth, the whole truth and nothing but the truth.

25 PRESIDING JUDGE SCHMITT: [9:39:16] Thank you, Mr Witness.

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1 You are now under oath. You have already been informed by the representatives of  
2 the Victims and Witnesses Unit and by the Prosecution about the importance to speak  
3 the truth and to tell us everything what you know. And I want to reiterate to you  
4 that you have to tell us everything you know and you have to speak truthfully.

5 It is an offence within the jurisdiction of this Court to give false testimony. I only say  
6 that. I already told you that you are safe from prosecution with regard to answers  
7 that might tend to incriminate you, but your answers have to be truthful. I want to  
8 underscore that.

9 Just also for the record, you have also been informed there are protective measures in  
10 place to protect your identity. And these are face distortion, nobody will recognise  
11 your face; voice distortion, nobody will recognise your voice; and we're using a  
12 pseudonym. This is the reason, Mr Witness, why I don't address you with your real  
13 name but only with, I'm addressing you as "Mr Witness".

14 I think the practical guidance will -- Mr Vanderpuye will repeat that anyway, so I can  
15 give now the floor to the Prosecution for their examination.

16 MR VANDERPUYE: [9:40:42] Thank you, Mr President. If you just bear with me  
17 for one moment.

18 Thank you, Mr President. Good morning, again.

19 QUESTIONED BY MR VANDERPUYE:

20 Q. [9:41:06] Good morning, Mr Witness.

21 A. [9:41:10] *Merci.*

22 Q. [9:41:13] We met not too long ago. My name is Kweku Vanderpuye. I  
23 represent the Office of the Prosecutor and I'll be putting some questions to you  
24 regarding your testimony. I want to thank you, first of all, for making yourself  
25 available, because it's important that you're here and it's important that you give your

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1 evidence in this process.

2 As the Presiding Judging indicated, you have protective measures, which means that  
3 your identity will not be known. I just want to assure that if ever there is an  
4 inadvertence, that there are measures in place in the court to ensure that your identity  
5 is not divulged, either through the transcripts or (Overlapping speakers)

6 PRESIDING JUDGE SCHMITT: [9:42:01] And if I may say, that's also the core of  
7 these Rule 74 assurances, of course.

8 MR VANDERPUYE: [9:42:07] Indeed, Mr President.

9 PRESIDING JUDGE SCHMITT: [9:42:08] Yeah. So, to make it sure. So there is, if  
10 you will, a double overlapping protection in that regard, if you would want to frame  
11 it this way.

12 MR VANDERPUYE: [9:42:17] Thank you, Mr President.

13 Q. [9:42:21] I've tried to organise my questions to you in a way that will protect  
14 against revealing your identity. If ever I ask you a question and you think that  
15 the answer that you give may reveal your identity, just let us know, and I'll make an  
16 application to the Presiding Judging and the Chamber to see if we can proceed in  
17 private session to avoid -- to avoid that.

18 Are you with me so far?

19 A. [9:43:02] Yes, I understand you.

20 Q. [9:43:05] Your evidence is important in this case, so I'll try to lead as much of it  
21 in open session as possible. Obviously, without revealing your identity. But it is  
22 important and that's the reason for that.

23 And before we get started, I just wanted to remind you or tell you something, which  
24 is that we are aware that you've given statements in the past both to the Prosecution  
25 and to the Defence, as well as have made certain corrections and additions to those

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1 statements on having reviewed them. As such, the statements are not evidence in  
2 this case yet. That's a determination that the Chamber will have to make under  
3 the appropriate circumstances.

4 So it may be that I ask you questions that, to your recollection, you've already been  
5 asked and you've already answered, but the reason for that is because your evidence  
6 in this case normally will be your oral evidence, what your testimony is in respect of  
7 the questions that are put to you.

8 Okay?

9 PRESIDING JUDGE SCHMITT: [9:44:16] For you, as the first examiner,  
10 Mr Vanderpuye, because of the Rule 74 assurances, whenever at the horizon there  
11 might appear an issue of self-incrimination we go automatically to private session,  
12 please. Yeah.

13 MR VANDERPUYE: [9:44:31] Yes, Mr President. I'll do my best.

14 PRESIDING JUDGE SCHMITT: [9:44:34] And Ms Bwiza will be alert of that, and  
15 everybody else, and of course Presiding Judging. But I'll tell you because you -- and  
16 also for the Defence counsel will examine the witness. Yeah.

17 MR VANDERPUYE: [9:44:47] Thank you, Mr President.

18 Q. [9:44:50] One last thing, which is, if I ask you a question that you don't  
19 understand or it's not clear, also just let me know and I will do my best to rephrase it  
20 in a manner that we can best understand one another.

21 I think Mr President has already informed you that, because we're going through  
22 interpreters, it's important to speak a little more slowly than you might otherwise and  
23 allow for a pause between the question and answer so they can do their hard work  
24 and make sure that the transcript is accurate and reliable.

25 Okay?

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- 1 A. [9:45:42] Okay.
- 2 MR VANDERPUYE: [9:45:47] Mr President, can we go into private session, please.
- 3 PRESIDING JUDGE SCHMITT: [9:45:49] Obviously, yeah.
- 4 Private session.
- 5 (Private session at 9.46 a.m.)
- 6 THE COURT OFFICER: [9:46:07] We are in private session, Mr President.
- 7 MR VANDERPUYE: [9:46:12] (Redacted)
- 8 Q. [9:46:14] (Redacted)
- 9 (Redacted)
- 10 (Redacted)
- 11 (Redacted)
- 12 A. [9:46:41] (Redacted)
- 13 Q. [9:46:54] (Redacted)
- 14 A. [9:47:04] (Redacted)
- 15 Q. [9:47:16] (Redacted)
- 16 A. [9:47:25] (Redacted)
- 17 Q. [9:47:31] (Redacted)
- 18 PRESIDING JUDGE SCHMITT: [9:47:37] (Redacted)
- 19 (Redacted)
- 20 MR VANDERPUYE: [9:47:44] (Redacted)
- 21 Q. [9:47:45] (Redacted)
- 22 A. [9:47:57] (Redacted)
- 23 Q. [9:48:04] (Redacted)
- 24 (Redacted)
- 25 A. [9:48:22] (Redacted)



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6 Q. [9:58:45] (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 PRESIDING JUDGE SCHMITT: [9:59:13] (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Open session at 9.59 a.m.)

16 THE COURT OFFICER: [9:59:53] We are in open session, Mr President.

17 MR VANDERPUYE: [9:59:56] Thank you.

18 Q. [9:59:58] Mr Witness, we're in open session, so as I said, if there's anything that I

19 ask you that you feel may tend to identify you, just let us know and then we'll see

20 how to manage that.

21 I wanted to ask first if you can tell the Chamber about the type of training that is

22 given in the FACA on the laws of war, international laws of war, if you know.

23 A. [10:00:41] What I learned was that, if you are at war, don't believe that you have

24 to do everything. And what I mean by "everything" means kill everyone and

25 anything, all species. There are some species that should be respected. You're in

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1 the middle of a war, so -- but all the same, no matter what the scale of the warfare,  
2 you have to respect babies, women, the elderly. You are not allowed to \*take things  
3 by force that that you are not entitled to. Or kill someone so that you can take his  
4 belongings. There are many things that you must always respect. If you want to  
5 attack, you attack the enemy's institutions, not the institutions that do not belong to  
6 the enemy. If you want to kill, to fight, you fight the enemy, the enemy, who has his  
7 weapons in his hands. And even if the enemy is before you, if he raises his hands in  
8 the air you are not entitled to shoot that person, you must take custody of him and  
9 protect him. So that is what I remember or what I have retained from my training.  
10 Q. [10:02:33] Do you know if that type of training is provided as a standard for  
11 people that are entering the armed forces in Central African Republic?  
12 A. [10:03:00] That training is provided to all soldiers, starting with joint  
13 base -- basic training.  
14 Q. [10:03:24] Do you know if training is given -- I'm sorry, I see counsel on her feet.  
15 PRESIDING JUDGE SCHMITT: [10:03:31] Ms Dimitri, do you have an interpretation  
16 issue?  
17 MS DIMITRI: [10:03:33] Sorry. Yes, Mr President. Sorry, he said -- the opposite  
18 was interpreted at line 19 in page 14 of the English. It's written, "You have to respect  
19 the institutions of the enemy", but he said the opposite in French.  
20 PRESIDING JUDGE SCHMITT: [10:03:52] Okay, thank you.  
21 MR VANDERPUYE:  
22 Q. [10:03:56] I think you just heard what counsel said. Maybe you can clarify  
23 what you meant.  
24 A. [10:04:08] No, I didn't say that you have to respect the institutions of the enemy.  
25 On the contrary, the institutions of the enemy constitute targets, they're targets for

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1 you, targets. They are targets. But the institution -- but the civilian institutions that  
2 do not belong to the enemy you are not allowed to attack.

3 PRESIDING JUDGE SCHMITT: [10:04:36] Thank you, Ms Dimitri, so that we could  
4 clarify that.

5 Mr Vanderpuye.

6 MR VANDERPUYE:

7 Q. [10:04:42] Well, I think we have another issue here.

8 Here it says, in the transcript now, that "the civilian institutions that do not belong to  
9 the enemy are not allowed to attack." Maybe you could help us out with that and  
10 restate what you said.

11 A. [10:05:15] Well, it boils down to this. If you are at war, you're not allowed to  
12 destroy everything, because when normal life resumes and everything has been  
13 broken, how will the country get back on its feet \*immediately? So you're allowed to  
14 attack enemy institutions only where the enemy is regrouping to organise themselves  
15 and then counter-attack. You can destroy those points, but you are not entitled to  
16 attack the points that do not belong to the enemy.

17 Q. [10:06:02] Do you know whether there is any training given in the Central  
18 African Armed Forces with respect to -- I see counsel is shaking her head. We have  
19 a translation issue? Okay, we'll start again.

20 MS DIMITRI: [10:06:20] It's the same issue, Mr Vanderpuye. Again, it's written,  
21 line 14, "you are not allowed to attack the enemy institution". It's the same issue.  
22 It's an interpretation issue.

23 MR VANDERPUYE: [10:06:31] Okay.

24 PRESIDING JUDGE SCHMITT: [10:06:32] Well let -- that would be -- I think  
25 the witness has clarified it the last time. I think we let it, let it stand as it is. That I

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1 think the witness has said that you are allowed to do that, I understood. But if -- if  
2 these -- let's say, if there is a *regroupement* - Mr Witness, listen if I have understood it  
3 correctly - if there is a *groupement* of the enemy in institutions that are needed later  
4 you are not supposed to destroy them, or am I wrong with that?

5 Or you can clarify simply, again.

6 THE WITNESS: [10:07:13](Interpretation) The institutions that belong to the enemy,  
7 that belong to the enemy can be destroyed. Not civilian institutions that do not  
8 belong to the enemy. You're entitled to avoid that.

9 MR VANDERPUYE:

10 Q. [10:07:36] All right. I think we have that about as clear as it can be. Thank  
11 you.

12 Do you know if training is given in the Central African Armed Forces with respect to  
13 the recruitment or use of children?

14 A. [10:08:04] Could you repeat the question, please.

15 Q. [10:08:09] Do you know if training, or guidance or instruction is given with  
16 respect to the recruitment or use of children in the armed forces?

17 A. [10:08:32] The use of children in the armed forces is condemned. When a child  
18 reacts, he regrets nothing. I've even experienced that. I've even experienced that.  
19 Some children were going to execute me and they were supposed to do that without  
20 any regret, without mercy. A child regrets nothing when he responds. That is  
21 prohibited, prohibited, recruiting child soldiers into the armed forces.

22 Q. [10:09:24] Is that training or instruction given to all members of the armed forces,  
23 is that something that they are trained on or instructed on or directed on, in  
24 the Central African Republic?

25 A. [10:09:47] Yes, that training was given to all the armed forces, all the armed

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1 forces. But, but I don't think that would apply. The Red Cross goes to the -- into  
2 the army and gives that sort of training. There's also *Médecins sans Frontières*,  
3 Doctors Without Borders, who provides such training. Two people in the armed  
4 forces, they go to headquarters and ask for approval and then they do give that  
5 training.

6 PRESIDING JUDGE SCHMITT: [10:10:41] May I shortly.

7 Mr Witness, your understanding and the understanding that is -- that the military  
8 people in the Central African Republic are provided with, what age group would  
9 children be? How old would they be or how young would they be to be considered  
10 as children that are not allowed to be integrated into the forces?

11 THE WITNESS: [10:11:20](Interpretation) In the armed forces of the Central African  
12 Republic, mainly recruitment is authorised for people aged 18. Seventeen is possible,  
13 that is an exception, but that is allowed within the Central African Republic armed  
14 forces; 18 years of age, 17 exceptionally. In my case, I was recruited at age 19.

15 PRESIDING JUDGE SCHMITT: [10:11:58] Well, if you want to clarify what his  
16 understanding of the -- let's say, the legal concept of a child soldier, you may do so,  
17 otherwise I would be satisfied.

18 MR VANDERPUYE: [10:12:09] I may not at this moment.

19 Q. [10:12:10] But what I would like to ask you, sir, is if it were the case, and this is  
20 because of your experience, but if it were the case that a child of the age of under 17  
21 were to have been recruited, would that attract a sanction or some kind of inquiry  
22 within the armed forces?

23 PRESIDING JUDGE SCHMITT: [10:12:54] Ms Guissé.

24 MS GUISSÉ: [10:12:56](Interpretation) Thank you, your Honour. Perhaps  
25 the question should be rephrased in a less speculative fashion. The witness may

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1 have the experience, he may not. Otherwise we are within the realm of speculation.

2 PRESIDING JUDGE SCHMITT: [10:13:16] Well, you may rephrase, but in  
3 the essence, I think the witness can answer, can answer the question. I think it's not  
4 so important how you phrase it, but -- perhaps let -- let me give it a try.

5 Mr Witness --

6 THE WITNESS: [10:13:36](Interpretation) Yes.

7 PRESIDING JUDGE SCHMITT: [10:13:37] -- would -- would a *responsable* in  
8 the military be sanctioned if he would allow a 16 or 15-year-old boy into the army?

9 THE WITNESS: [10:13:58](Interpretation) Yes. That person could be punished.  
10 He can be punished if he does not respect the grid, the -- usually it's 18 years. You're  
11 supposed to recruit people at the age of 18.

12 PRESIDING JUDGE SCHMITT: [10:14:20] Okay. Fine. I think we can move on.

13 MR VANDERPUYE: [10:14:24] Thank you, Mr President.

14 Q. [10:14:26] Are you aware of an office of international humanitarian law  
15 established in the FACA around September of 2008, have you heard of that?

16 A. [10:14:50] I heard about it, but I didn't actually see it.

17 Q. [10:14:59] Do you know what its function was?

18 A. [10:15:08] Could you repeat the question.

19 Q. [10:15:12] Yes, the question is: Do you know what the function of the office of  
20 international humanitarian law in the FACA was?

21 A. [10:15:25] Yes. Yes.

22 Q. [10:15:36] And what was the function of that office, to your -- to your  
23 recollection?

24 A. [10:15:50] That office was primarily tasked with providing knowledge that  
25 the FACA did not have, so as to ensure respect for the laws of war.



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- 1 Q. [10:16:23] Okay.
- 2 I think we can go into private session, Mr President.
- 3 PRESIDING JUDGE SCHMITT: [10:16:27] Yes, private session.
- 4 (Private session at 10.16 a.m.)
- 5 THE COURT OFFICER: [10:16:46] We are in private session, Mr President.
- 6 MR VANDERPUYE: [10:16:51] (Redacted)
- 7 Q. [10:16:53] (Redacted)
- 8 (Redacted)
- 9 (Redacted)
- 10 (Redacted)
- 11 A. [10:17:31] (Redacted)
- 12 (Redacted)
- 13 (Redacted)
- 14 Q. [10:18:00] (Redacted)
- 15 (Redacted)
- 16 A. [10:18:25] (Redacted)
- 17 (Redacted)
- 18 Q. [10:18:45] (Redacted)
- 19 (Redacted)
- 20 A. [10:19:06] (Redacted)
- 21 (Redacted)
- 22 THE INTERPRETER: [10:19:28] (Redacted)
- 23 MR VANDERPUYE: [10:19:32]
- 24 Q. [10:19:33] (Redacted)
- 25 (Redacted)

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- 1 (Redacted)
- 2 (Redacted)
- 3 THE WITNESS: [10:57:11](Interpretation) (Redacted)
- 4 (Redacted)
- 5 (Redacted)
- 6 (Redacted)
- 7 (Redacted)
- 8 (Redacted)
- 9 (Redacted)
- 10 PRESIDING JUDGE SCHMITT: [10:58:03] (Redacted)
- 11 (Redacted)
- 12 (Redacted)
- 13 THE COURT USHER: [10:58:16] (Redacted)
- 14 (Recess taken at 10.58 a.m.)
- 15 (Upon resuming in private session at 11.33 a.m.)
- 16 THE COURT USHER: [11:33:31] (Redacted)
- 17 (Redacted)
- 18 PRESIDING JUDGE SCHMITT: [11:33:41] (Redacted)
- 19 (Redacted)
- 20 MR VANDERPUYE: [11:33:45] (Redacted)
- 21 Q. [11:33:49] (Redacted)
- 22 (Redacted)
- 23 (Redacted)
- 24 (Redacted)
- 25 (Redacted)

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Trial Hearing  
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(Open Session)

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1 (Redacted)

2 (Redacted)

3 PRESIDING JUDGE SCHMITT: [12:40:58] (Redacted)

4 MR VANDERPUYE: [12:41:00] (Redacted)

5 (Open session at 12.41 p.m.)

6 THE COURT OFFICER: [12:41:15] We are in open session, Mr President.

7 MR VANDERPUYE: [12:41:20] Thank you.

8 Q. [12:41:23] Mr Witness, we're in open session, so just be mindful of that so that  
9 we avoid identifying you inadvertently.

10 I have a number of photographs I want to show you, so I'll just go ahead and do that.

11 And then I'll ask you some questions about them, to see if you can help us with some  
12 of the information.

13 The first one is CAR-OTP-2095-5570.

14 MS DIMITRI: [12:41:57] Could we have the tab, please.

15 MR VANDERPUYE: [12:41:59] It's at tab 91. Tab 91.

16 Q. [12:42:19] Sorry. This is a photograph that was taken around  
17 15 December 2013, which depicts a particular location.

18 First I want to ask if you recognise the location? And if not, that's okay.

19 A. [12:42:49] I don't recognise the place.

20 Q. [12:42:54] Do you recall if at the time that you arrived at the school it was open  
21 for students?

22 A. [12:43:20] That's the back of the Yamwara school, I believe. The school.  
23 The back of the school.

24 Q. [12:43:35] Do you know if the school was open for -- for classes or for students  
25 between, let's say, 15 or 16 December and the end of the year?



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1 A. [12:43:57] There were no pupils there when I was there.

2 Q. [12:44:05] Were there kids around there when you were there? Like we see in  
3 this photograph here.

4 A. [12:44:22] There were no students at the school. These might be children from  
5 the neighbourhood, because at the time the people were still living in the area, they  
6 were staying in their houses.

7 Q. [12:44:42] Do you know how frequently -- or, maybe you can tell us, how  
8 frequently did you see or were children like this on the premises of the school during  
9 the time that you were there? Daily? Weekly?

10 A. [12:45:15] It was too difficult to move around, around the school or towards  
11 the school. This was an area where I could not walk around for the fun of it or  
12 anything like that. I avoided this area. No one could understand that I was  
13 avoiding this area. But I'm a human being, I was afraid of myself.

14 Q. [12:45:58] Well, let me try a different way, then. In the occasions or on  
15 the occasions where you could move around, or from what you could see, was it rare  
16 to see children of the type and age that we see in this photograph in the school area?

17 A. [12:46:40] Could you please repeat the question.

18 Q. [12:46:48] Yes. What I mean to ask is that, in the time you were there, and  
19 given your limited movement, was it rare, unusual, to see children of this age in  
20 the area of the school base?

21 A. [12:47:16] I'm not in a position to know that.

22 PRESIDING JUDGE SCHMITT: [12:47:20] I think -- yeah. I would not say it's over,  
23 generally, but this -- this subject, I think you could move on.

24 MR VANDERPUYE: [12:47:30] One other question, sorry.

25 Q. [12:47:33] You said that these, probably kids in the neighbourhood, what would

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1 kids in the neighbourhood -- or what were kids in the neighbourhood doing on  
2 the school base?

3 A. [12:47:56] I didn't say that specifically. I said they might have been. I'm not  
4 confirming directly. Because, you see, I had problems. I moved around rarely, for  
5 security reasons. And then I saw that there was something going on. I was always  
6 very careful, so it was difficult for me to move around. (Redacted).

7 (Redacted). So it -- it was just that. But also, when it comes to the school, no, no, no,  
8 rarely.

9 MR VANDERPUYE: [12:48:55] Just bear with me for a moment, I'm fighting with  
10 my binder. Okay.

11 PRESIDING JUDGE SCHMITT: [12:49:01] Well, you have a binder, that's -- that's  
12 something already. Yeah. That's ...

13 MR VANDERPUYE: [12:49:08] Just one second. Okay, I think I have something.

14 PRESIDING JUDGE SCHMITT: [12:49:16] Actually, I think all, Ms Dimitri,

15 Ms Guissé, you have also a binder. Mr Knoop, anyway, you have binders, see, so  
16 I'm not alone in the courtroom here.

17 If you want to entertain something completely new, we could also have perhaps  
18 a little bit of a shorter lunch break. I could suggest that also. But it's up to you.  
19 We have still 10 minutes, but ...

20 MR VANDERPUYE: [12:49:53] I have a short video clip I'd like to play, if I can.

21 PRESIDING JUDGE SCHMITT: [12:49:57] Yeah, of course. Yeah, yeah, then we do  
22 that. That seems to be related also, yeah, good.

23 MR VANDERPUYE: [12:50:02] I'd like to go to CAR -- tab 30, CAR-OTP-2065-3843.  
24 The translation is at tab 107, CAR-OTP-2118-5668. And it's 01:17, so it's the whole,  
25 the whole thing.

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- 1 So if you could let me know in the booth when we're ready to go, we can do that.
- 2 THE INTERPRETER: [12:50:45] Message from the interpreter: Could tab 107 be  
3 placed on the screen and we will sight translate off the screen.
- 4 (Viewing of the video excerpt)
- 5 THE INTERPRETER: [12:51:24](Interpretation of the video excerpt)
- 6 "Unidentified speaker: Talk in Sango.
- 7 Unidentified speaker: That's right, talk in Sango only, only in Sango, just in Sango.
- 8 Unidentified speaker: The person that you said you -- who struck you said you slit.
- 9 Unidentified speaker: Yes.
- 10 Unidentified speaker: Is the body there?
- 11 Unidentified speaker: Yes, it's still on the ground there.
- 12 Unidentified speaker: We also cut off his ear.
- 13 Unidentified speaker: So should we put it here?
- 14 Unidentified speaker: No, less noise; have you finished cutting up the meat?
- 15 Unidentified speaker: Yes, I -- yes, it's already done.
- 16 Unidentified speaker: Have you already cooked the meat?
- 17 Unidentified speakers: Yes.
- 18 Unidentified speaker: And have you stirred the fire underneath the pot?
- 19 Unidentified speaker: Yes.
- 20 Unidentified speaker: But there's no money to buy manioc.
- 21 Unidentified speaker: Money for manioc?"
- 22 THE INTERPRETER: [12:52:51] Message from the booth: How long -- what  
23 line should the interpreter stop at?
- 24 MR VANDERPUYE: [12:53:06] I believe I said it was the whole thing, but maybe I'm  
25 mistaken.

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- 1 PRESIDING JUDGE SCHMITT: [12:53:11] Well, it makes sense the whole thing,  
2 actually. Yeah.  
3 So perhaps we can -- we can have a translation of the whole thing then, yeah, please.  
4 THE INTERPRETER: [12:53:22](Interpretation of the video excerpt) Line 21:  
5 "Unidentified speaker: Money for manioc?  
6 Unidentified speaker: We already sent someone to buy manioc. We've already sent  
7 someone to buy manioc.  
8 Unidentified speaker: Go get a stick of wood.  
9 Unidentified speaker: We've already bought the Maggi cube.  
10 Unidentified speakers: Oh, really?  
11 Unidentified speaker: We still have to buy some salt.  
12 Unidentified speaker: Oh.  
13 Unidentified speaker: Did you -- have we sent someone to crush the manioc?  
14 Unidentified speaker: Ho less silence.  
15 Unidentified speaker: People like making noise. The money -- the food is there;  
16 does she have feet to run away?  
17 Unidentified speaker: Come to attention.  
18 Unidentified speaker: Their remains ...  
19 Unidentified speaker: Shut up.  
20 Unidentified speaker: Okay.  
21 Unidentified speaker: Shut up.  
22 Unidentified speaker: No one talk.  
23 Unidentified speaker: So ...  
24 Unidentified speaker: Indeed, get into position.  
25 Unidentified speaker: Go.

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- 1 Unidentified speaker: Yes boss.
- 2 Unidentified speaker: Shut up.
- 3 Unidentified speaker: Get up saying ...
- 4 Unidentified speaker: Thanks, good service, boss.
- 5 Unidentified speaker: Message received.
- 6 Unidentified speaker: Okay. Already or well?"
- 7 End of recording.
- 8 MR VANDERPUYE: [12:55:23] All right. Thank you very much, Mr Interpreter.
- 9 Q. [12:55:26] Mr Witness, we've stopped this frame at 01:20. Let me just ask you
- 10 briefly, do you recognise, (a), the location; (b), any individuals in this frame?
- 11 A. [12:55:51] I don't recognise anyone. I can't exactly say who.
- 12 Q. [12:56:09] Do you recall seeing members of the Balaka of a -- what appears to be
- 13 the approximate age and size of the individual in the middle of the frame here,
- 14 talking to the -- the man sitting down with the -- with the flag on his head?
- 15 A. [12:56:58] I don't recognise him. I haven't seen any such group.
- 16 Q. [12:57:07] And I think I asked you if you recognised the location, do you?
- 17 A. [12:57:19] It's hard for me to recognise the place.
- 18 Q. [12:57:28] Have you heard the name Bougie Noire before?
- 19 A. [12:57:42] No, I haven't heard that name.
- 20 Q. [12:57:46] Okay. Do you know if there were children within Mr Yekatom's
- 21 group?
- 22 A. [12:58:16] I don't have any children within that group.
- 23 Q. [12:58:28] Do you know if there were members of the Balaka in Mr Yekatom's
- 24 group who were children?
- 25 MS DIMITRI: [12:58:39] He just answered. He just said "*Je n'ai pas d'enfants dans ce*

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1 *groupe.*"

2 PRESIDING JUDGE SCHMITT: [12:58:42] Yeah, yeah.

3 MR VANDERPUYE: [12:58:43] He said I don't have children in the group, is not  
4 (Overlapping speakers)

5 PRESIDING JUDGE SCHMITT: [12:58:48] Yeah, yeah, but "*je n'ai pas*", I allow -- I  
6 allow, because it has to be clarified. I think the result will be, but, Mr Vanderpuye,  
7 you must try to clarify that, yes.

8 Please repeat the question, excuse me.

9 MR VANDERPUYE: [12:59:02] Sorry.

10 Q. [12:59:08] Do you know if there were members of the Balaka in Mr Yekatom's  
11 group who were children?

12 A. [12:59:32] The composition of the Anti-Balaka, it wasn't something respected  
13 like recruitment in the army. It wasn't a respected thing for 18-year-olds. Frankly,  
14 there were young children amongst them, little children.

15 Q. [12:59:58] When you say there were young children or little children amongst  
16 them, what do you mean by that? If you can give us an idea of what you're talking  
17 about, age or size wise.

18 A. [13:00:32] I can't give anything really specific. This is something that goes back.  
19 It would have been a problem. I wouldn't want to lie to the Court or tell you  
20 something wrong just to give an answer, to tell you the size. But, as far as I know,  
21 the Balakas were open to everyone, be you a child, old, that was part. Minors were  
22 there. And even I heard about the reintegration of some minor children in Mbaïki,  
23 yes. Something like that happened as information flash.

24 MR VANDERPUYE: [13:01:49] I see that it's 1 o'clock, but I have two more questions,  
25 if I could, Mr President.

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(Open Session)

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1 PRESIDING JUDGE SCHMITT: [13:01:57] I think it makes sense to ask these  
2 questions.

3 MR VANDERPUYE: [13:01:59]

4 Q. [13:02:00] And I don't have the reference from your testimony earlier this  
5 morning, but you mentioned that at a certain point the Seleka had intelligence all  
6 around, including through the use of, I think you said eight to 12-year-old children  
7 were even informing the Seleka.

8 So my question is: In terms of the children in the Anti-Balaka, whether you're  
9 talking about children about the same age, or including children about the same age?

10 A. [13:03:00] Yes, that's about the same thing.

11 Q. [13:03:03] And if I could ask, were they doing about the same thing? That is,  
12 providing intelligence or helping out? Or what were they doing, to your  
13 knowledge?

14 A. [13:03:25] I'm not in a position to know that.

15 Q. [13:03:30] Okay. Thank you.

16 Mr President, I think --

17 PRESIDING JUDGE SCHMITT: [13:03:32] Yeah, until 2.30 the lunch break.

18 MR VANDERPUYE: [13:03:36] Thank you, Mr President.

19 THE COURT USHER: [13:03:37] All rise.

20 (Recess taken at 1.03 p.m.)

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

22 THE COURT USHER: [14:31:55] All rise.

23 Please be seated.

24 PRESIDING JUDGE SCHMITT: [14:32:17] So we are in open session,

25 Mr Vanderpuye, you are aware of that.

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(Open Session)

ICC-01/14-01/18

1 MR VANDERPUYE: [14:32:23] Thank you, Mr President.

2 Good afternoon to you, Mr President. Good afternoon, your Honours.

3 Q. [14:32:37] Good afternoon, Mr Witness. We're in open session. So, again, if I  
4 ask you anything that might tend to identify you, then please let me know so that we  
5 can arrange that.

6 I believe that before we broke I was asking you about the presence of children in  
7 Mr Yekatom's group and the Anti-Balaka under his command, and you mentioned  
8 that you had some information concerning some event in Mbaïki. Can you tell us  
9 what you learned or what you know about that. Again, if it will identify you, then  
10 just let us know.

11 A. [14:33:44] I \*only heard that there were child soldiers who had been handed  
12 over to an association in Mbaïki. That's the only thing I heard. But I never saw  
13 them.

14 Q. [14:34:09] If you can recall, when did you hear about that?

15 A. [14:34:21] I'm not able to recollect the date.

16 Q. [14:34:30] And do you know, by chance, how many children were involved?

17 A. [14:34:45] I have no way of knowing.

18 PRESIDING JUDGE SCHMITT: [14:34:50] If I may make a remark.

19 I think the witness might refer to events that we have already discussed here, but he  
20 seems, to put it mildly, not to have first-hand knowledge about it. Also for  
21 the Defence, yeah, I think it's clear, from what the witness said.

22 Yeah, Mr Vanderpuye.

23 MR VANDERPUYE: [14:35:12] Thank you, Mr President.

24 I'm actually glad that you raised the issue. I was going to find out where  
25 the information came from, but I don't know if it would identify them.



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- 1 PRESIDING JUDGE SCHMITT: [14:35:22] Well, you can try, but, actually, I'm -- well,  
2 you have to -- you have to decide. But I don't think it's too promising, but you have  
3 to decide that. Do you think we should go to private session then? Perhaps --
- 4 MR VANDERPUYE: [14:35:34] Potentially.
- 5 PRESIDING JUDGE SCHMITT: [14:35:35] Perhaps, if you want to ask it, then -- then  
6 I think we would have to ask it in private session.
- 7 MR VANDERPUYE: (Overlapping speakers)
- 8 PRESIDING JUDGE SCHMITT: [14:35:37] Ms Dimitri, we don't go to private  
9 session?
- 10 MS DIMITRI: [14:35:44] If I recall correctly, Mr President, earlier the witness  
11 answered already that question by saying that he heard it on the radio as an *annonce*  
12 *flash*.
- 13 PRESIDING JUDGE SCHMITT: [14:35:56] Well, let's go to private session and ask  
14 the question --
- 15 MR VANDERPUYE: Thank you, Mr President.
- 16 PRESIDING JUDGE SCHMITT: -- to make sure. But, as I said, I would be  
17 surprised if it was promising for you.
- 18 (Private session at 2.36 p.m.)
- 19 THE COURT OFFICER: [14:36:26] We are in private session, Mr President.
- 20 MR VANDERPUYE: [14:36:33] (Redacted)
- 21 Q. [14:36:34] (Redacted)
- 22 (Redacted)
- 23 A. [14:36:54] (Redacted)
- 24 PRESIDING JUDGE SCHMITT: [14:37:01] (Redacted)
- 25 (Redacted)

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- 1 MR VANDERPUYE: [14:37:09] (Redacted)
- 2 PRESIDING JUDGE SCHMITT: [14:37:10] (Redacted)
- 3 (Redacted)
- 4 MR VANDERPUYE: [14:37:13] (Redacted)
- 5 (Redacted)
- 6 PRESIDING JUDGE SCHMITT: [14:37:18] (Redacted)
- 7 MR VANDERPUYE: [14:37:20]
- 8 Q. [14:37:20] (Redacted)
- 9 (Redacted)
- 10 (Redacted)
- 11 A. [14:37:47] (Redacted)
- 12 (Redacted)
- 13 Q. [14:38:05] (Redacted)
- 14 A. [14:38:20] (Redacted)
- 15 Q. [14:38:28] (Redacted)
- 16 A. [14:38:29] (Redacted)
- 17 Q. [14:38:31] (Redacted)
- 18 PRESIDING JUDGE SCHMITT: [14:38:34] (Redacted)
- 19 (Redacted)
- 20 MR VANDERPUYE: [14:38:41] (Redacted)
- 21 PRESIDING JUDGE SCHMITT: [14:38:45] (Redacted)
- 22 (Open session at 2.39 p.m.)
- 23 THE COURT OFFICER: [14:39:06] We are in open session, Mr President.
- 24 MR VANDERPUYE: [14:39:15] Thank you.
- 25 Q. [14:39:16] I want to ask you just a couple of questions and then I want to go back

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1 to some questions about the school. But do you know whether the localities of Pissa,  
2 Mbata, Batalimo, Mougoumba and Mbaïki fell under the control of Mr Yekatom and  
3 his elements at any point?

4 A. [14:40:02] Yes. Yes, all of those places mentioned were under his command.

5 PRESIDING JUDGE SCHMITT: [14:40:09] Could we specify the time frame we are  
6 speaking. Okay, excuse me. Yeah.

7 Mr Witness, when you say that, about what time frame are we speaking? You might  
8 not know exactly the day, but, you know, are we speaking 2013, '14? If you know  
9 month perhaps, it would be -- it would be helpful for us to know that.

10 THE WITNESS: [14:40:46](Interpretation) I cannot say with accuracy, but I do think  
11 that most of the time of the Anti-Balakas, these zones were occupied by them. I  
12 could not take the risk myself of travelling to those areas.

13 PRESIDING JUDGE SCHMITT: [14:41:17] Mr Vanderpuye.

14 MR VANDERPUYE: [14:41:29]

15 Q. [14:41:29] When you say that they were occupied by the Anti-Balaka, are you  
16 referring to Mr Yekatom's group or are you referring to other groups?

17 A. [14:41:49] I have no way of knowing, because I never went there. I was never  
18 there.

19 Q. [14:42:05] Did you ever talk about it with any member of his group? That is,  
20 where the elements were and what they were doing.

21 A. [14:42:27] I have no way of knowing.

22 Q. [14:42:33] I'm not asking if you know, I'm asking if you spoke about it, which  
23 you would know. Did you speak about it?

24 A. [14:42:49] I cannot take the risk of discussing that. It would have cost me  
25 dearly. If I had gone that far, it would have cost me dearly.

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1 Q. [14:43:11] Why would it have cost you dearly to know where the elements were  
2 and what they were doing?

3 A. [14:43:30] I was suspected as being (Redacted). And towards the end of  
4 the events of the Anti-Balakas, what proves this, and -- and I think it can be proved,  
5 what I'm about to say, is that towards the end, (Redacted) who --

6 PRESIDING JUDGE SCHMITT: [14:44:08] We go in -- we go to private session.

7 MR VANDERPUYE: [14:44:10] Yes, please, Mr President.

8 (Private session at 2.44 p.m.)

9 THE WITNESS: [14:44:26](No interpretation)

10 THE COURT OFFICER: [14:44:29] We're in private session, Mr President.

11 PRESIDING JUDGE SCHMITT: [14:44:31] (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 THE WITNESS: [14:44:50](Interpretation) (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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- 9 PRESIDING JUDGE SCHMITT: [14:47:39] (Redacted)
- 10 (Redacted)
- 11 MR VANDERPUYE: [14:47:49] (Redacted)
- 12 PRESIDING JUDGE SCHMITT: [14:47:51] (Redacted)
- 13 MR VANDERPUYE: [14:47:55]
- 14 Q. [14:47:55] (Redacted)
- 15 (Redacted)
- 16 (Redacted)
- 17 A. [14:48:25] (Redacted)
- 18 Q. [14:48:37] (Redacted)
- 19 A. [14:49:02] (Redacted)
- 20 (Redacted)
- 21 Q. [14:49:23] (Redacted)
- 22 (Redacted)
- 23 (Redacted)
- 24 (Redacted)
- 25 A. [14:50:01] (Redacted)

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- 1 MR VANDERPUYE: [14:53:10] (Redacted)
- 2 Q. [14:53:11] (Redacted)
- 3 (Redacted)
- 4 (Redacted)
- 5 (Redacted)
- 6 A. [14:53:49] (Redacted)
- 7 (Redacted)
- 8 (Redacted)
- 9 (Redacted)
- 10 Q. [14:54:36] (Redacted)
- 11 A. [14:54:53] (Redacted)
- 12 Q. [14:54:58] (Redacted)
- 13 A. [14:55:14] (Redacted)
- 14 (Redacted)
- 15 PRESIDING JUDGE SCHMITT: [14:55:26] (Redacted)
- 16 MR VANDERPUYE: [14:55:29] (Redacted)
- 17 PRESIDING JUDGE SCHMITT: [14:55:30] (Redacted)
- 18 Open session.
- 19 (Open session at 2.55 p.m.)
- 20 THE COURT OFFICER: [14:55:46] We're in open session, Mr President.
- 21 MR VANDERPUYE: [14:55:53]
- 22 Q. [14:55:54] Do you know the name Ouandjio Freddy?
- 23 A. [14:56:11] Ouandjio Freddy was his deputy at one point and only after his death
- 24 did Habib Beina become his deputy.
- 25 Q. [14:56:30] Did you exchange or have conversations with either Habib Beina or

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1 Freddy Ouandjio?

2 A. [14:56:48] Seldom.

3 Q. [14:56:59] About what kinds of things did you have exchanges with them when  
4 you had them?

5 We're in open session, so if you think it may identify you, then let us know before you  
6 answer.

7 A. [14:57:30] It's when there are events, for example. Let me give you an example:  
8 The case of the Mamour family. As soon as I learned of it, I ran to see Ouandjio. I  
9 went to see him so that we could talk about it. But that could turn against me, given  
10 the content of what we could discuss could turn against me. But I went to see  
11 Ouandjio for the -- in the case of the Ouandjio -- sorry, the Mamour family incident  
12 and I begged him, I begged him that that was it. So I -- but talking about Habib,  
13 talking with Habib about other subjects, I would avoid that, because I was always  
14 afraid that it could turn against me.

15 Q. [14:58:35] I'd like to ask you about the Mamour family.

16 But I'm concerned that it might identify the witness, Mr President.

17 PRESIDING JUDGE SCHMITT: [14:58:43] Yeah, I think it's difficult. And also, for  
18 the audience, we have a protected witness and, because of that, for you, unfortunately,  
19 a lot of the session today will be in private session, so because answers could reveal  
20 the identity of the witness.

21 So we go back to private session. I just wanted to explain it to the audience.

22 (Private session at 2.59 p.m.)

23 THE COURT OFFICER: [14:59:20] We are in private session, Mr President.

24 PRESIDING JUDGE SCHMITT: [14:59:23] (Redacted)

25 (Redacted)



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1 if you recognise the location.

2 (Viewing of the video excerpt)

3 MR VANDERPUYE: [15:51:58]

4 Q. [15:51:59] Were you able to see the footage?

5 We've stopped now at about 27 seconds. Can you recognise the individuals in  
6 the -- in the screen in front of you?

7 A. [15:52:21] I recognise just one person. The others I don't know.

8 Q. [15:52:33] I don't want to guess who you recognise, but who do you recognise?

9 A. [15:52:44] I just heard Mr Yekatom's voice. And it's he that I can see.

10 Q. [15:52:54] And that's the only person you recognise in the screen? So you don't  
11 recognise the person sitting to his left or to his right?

12 A. [15:53:10] No, I don't know them.

13 Q. [15:53:32] Okay.

14 I'd like to show you another video. Or, rather, the same video, different section.

15 This is again at tab 8, CAR-OTP-21 -- 2012-0523. And then the transcription is at  
16 tab 104, CAR-OTP-2118-5547. And here we'll just play a short excerpt from 35:22  
17 to 37:05.

18 And then the transcript pages will be page 5575 and 5576, lines 878 through 945.

19 So, Mr Witness, I'll play you another part of the video and then I will ask you --

20 THE INTERPRETER: [15:54:31] Message from the interpreter: Is interpretation  
21 required?

22 PRESIDING JUDGE SCHMITT: [15:54:37] Do we need interpretation for that or is it  
23 only about identification?

24 MR VANDERPUYE: [15:54:43] Just one second. I'm sorry, Mr President.

25 There was a slight miscommunication.



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1 PRESIDING JUDGE SCHMITT: [15:54:55] So can we assume that it is about  
2 identification again and not about the content, or would we need sight translation?  
3 MR VANDERPUYE: [15:55:08] It's (Overlapping speakers)  
4 PRESIDING JUDGE SCHMITT: [15:55:10] If you hesitate, if you hesitate, then please,  
5 let's --  
6 MR VANDERPUYE: [15:55:13] Yes. Thank you, Mr President.  
7 PRESIDING JUDGE SCHMITT: [15:55:34] As things stand at the moment,  
8 the question is required if you see something -- if the witness sees something on  
9 the screen.  
10 MR VANDERPUYE: [15:55:43] Not yet. Yes, maybe he does now.  
11 Wait a minute. Let me just check this one. Yes, 35:22.  
12 PRESIDING JUDGE SCHMITT: [15:56:04] I think we can start from there.  
13 MR VANDERPUYE: [15:56:08] I think so, Mr President.  
14 PRESIDING JUDGE SCHMITT: [15:56:09] Yeah.  
15 (Viewing of the video excerpt)  
16 THE INTERPRETER: [15:56:15](Interpretation of the video excerpt)  
17 "Out in the bush, Corporal Rombhot has not renounced attacking Bangui.  
18 Now that the Seleka are partially \*disarmed, the time for revenge has come.  
19 A small group of combatants has gathered together at the exit of the village, final  
20 instructions before the attack.  
21 Looting is forbidden. If I catch anyone looting, I'll kill them.  
22 And I'll tell you that straight. If I find you looting, I'll kill you. I'm telling you, let's  
23 not loot our own country, leave that to the Arabs. Am I being clear? Do you  
24 understand me? We don't pillage from our own neighbours. Everyone understood?  
25 Is that clear? These are our own people.

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1 Fear, the greatest fear is about leaks and, as a security measure, telephones have been  
2 banned.

3 If anyone makes the mistake of using their mobile phone, I'll surprise them. If I  
4 catch them telephoning, then I'll consider them a traitor. I will be asking 10 men to  
5 catch them, brutally, and we'll do what's necessary, without any regrets. Even if it  
6 takes 10 men to catch them, I'll just kill whoever's using their phone, brutally.

7 And then they take up their positions near the airport which is being held by  
8 the French."

9 MR VANDERPUYE: [15:58:03] Okay.

10 Q. [15:58:05] Did you see the video, Mr Witness?

11 A. [15:58:15] (No interpretation)

12 Q. [15:58:16] Did you recognise the location in the opening sequence?

13 That's at 36 -- 35:22 I think it is. Yes, this location here.

14 A. [15:58:32] I don't recognise it.

15 Q. [15:58:37] You don't recognise the location, is that what you said?

16 A. [15:58:42] I don't recognise that place.

17 Q. [15:58:46] At the end of the video you hear the reporter refer to a location by  
18 the airport. Are you aware of any Anti-Balaka bases that were near the airport  
19 around that period of time? This is dated 11 December.

20 A. [15:59:16] It was a really difficult period for me. It's possible that (Redacted)  
21 (Redacted). I cannot be sure.

22 Q. [15:59:37] But my question is: were you aware of Anti-Balaka bases or an  
23 Anti-Balaka base near the M'Poko airport?

24 A. [15:59:53] I don't know.

25 Q. [16:00:01] I want to show you -- well, let's go to 36:55 for one second. I'll ask

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1 you if you recognise individuals in that section.

2 Okay. We're at 36:55. Do you recognise, aside from Mr Yekatom in the middle, do  
3 you recognise the people around him?

4 A. [16:00:43] I only recognise him. I don't know the people around him.

5 Q. [16:00:52] Have you ever heard the name of Rodrigue Momokama?

6 A. [16:01:06] Yes, Momokama, I know him.

7 Q. [16:01:12] What is his position in Mr Yekatom's group, if you know?

8 A. [16:01:34] Momo was installed close to M'Poko-Bac. M'Poko-Bac is a location  
9 (Redacted).

10 Q. [16:01:48] Okay.

11 PRESIDING JUDGE SCHMITT: [16:01:53] I would like to remind you of the time.

12 But if you -- if you think it -- you want to ask it because it's in connection with what  
13 you did already ask. If you want, we can finish this video and then call it a day.

14 MR VANDERPUYE: [16:02:08] Yes. Yes, I think so, Mr President. I just have  
15 maybe one or two questions on it. That's it.

16 PRESIDING JUDGE SCHMITT: [16:02:14] Yeah, yeah. Yeah, yeah, it's okay.

17 MR VANDERPUYE: [16:02:16]

18 Q. [16:02:17] Do you know what Momokama's position was in the group? If you  
19 don't know, then that's okay as well.

20 A. [16:02:36] I just said that Momokama was -- established himself in M'Poko-Bac  
21 and M'Poko-Bac is an area close to my home. I think that he set himself up during  
22 the period when I had already returned to my home. That is what I've noticed.

23 Q. [16:03:02] And let me just back up one minute.

24 (Counsel confers)

25 All right.

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1 PRESIDING JUDGE SCHMITT: [16:03:59] Well, not for the first time, but not with  
2 this witness.

3 MR VANDERPUYE: [16:04:04] Indeed.

4 Q. [16:04:05] Do you recognise this individual with the multicoloured hat on?  
5 The one who is speaking to the men in formation.

6 A. [16:04:20] I do not recognise him.

7 Q. [16:04:23] All right.

8 Thank you, Mr President.

9 PRESIDING JUDGE SCHMITT: [16:04:26] Thank you very much, Mr Vanderpuye.  
10 Everyone.

11 Ms Dimitri, you want to address something?

12 MS DIMITRI: [16:04:32] Two things, Mr President. For the record, the timestamp  
13 now is 35:55.

14 PRESIDING JUDGE SCHMITT: [16:04:38] Indeed, yeah. You're right.

15 MS DIMITRI: [16:04:39] And the second thing, again for the record, I notice that  
16 the court officer sent the screenshot with the witness who identified on the annex  
17 the house of Coeur de Lion. Could we just put the ERN on the record so we don't  
18 have to later on --

19 PRESIDING JUDGE SCHMITT: [16:04:55] Yeah, if we have it already, the ERN, why  
20 not, of course. Yeah.

21 MS DIMITRI: [16:05:00] Thank you.

22 THE COURT OFFICER: [16:05:01] Mr President, the ERN is CAR-REG-001-0016.

23 PRESIDING JUDGE SCHMITT: [16:05:08] Thank you very much.

24 And thank you very much, Mr Witness.

25 We reconvene tomorrow at 9.30.

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- 1 THE COURT USHER: [16:05:16] All rise.
- 2 (The hearing ends in open session at 4.05 p.m.)