

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 Thursday, 24 February 2022  
10 (The hearing starts in open session at 9.33 a.m.)  
11 THE COURT USHER: [9:33:39] All rise.  
12 The International Criminal Court is now in session.  
13 Please be seated.  
14 PRESIDING JUDGE SCHMITT: [9:34:04] Good morning, everyone. Court officer,  
15 please call the case.  
16 THE COURT OFFICER: [9:34:08] Good morning, Mr President, your Honours.  
17 This is the second situation in the Central African Republic, in the case of The  
18 Prosecutor versus Alfred Rombhot Yekatom and Patrice-Edouard Ngaissona, case  
19 reference ICC-01/14-01/18.  
20 And for the record, we are in open session.  
21 PRESIDING JUDGE SCHMITT: [9:34:32] Thank you. The appearances of the  
22 parties. Mr Vanderpuye for the Prosecution.  
23 MR VANDERPUYE: [9:34:36] Good morning, Mr President, your Honours. Good  
24 morning, everyone. Today the Prosecution is represented by Nicholas Leddy, Yassin  
25 Mostfa, and myself, Kweku Vanderpuye. Good morning.

1 PRESIDING JUDGE SCHMITT: [9:34:46] Good morning. We turn to the  
2 representatives of the victims.

3 MR FALL: [9:34:52](Interpretation) Good morning, Mr President. Good morning,  
4 your Honours. The victims of the other crimes are today -- represented today by Ms  
5 Mouhia Asso and myself, Yaré Fall.

6 MS LAU: [9:35:07] Good morning, Mr President, your Honours. Today the former  
7 child soldiers are represented by myself, Fiona Lau, Associate Legal Officer at the  
8 Office of Public Counsel for Victims. Thank you.

9 PRESIDING JUDGE SCHMITT: [9:35:19] Thank you.  
10 Ms Dimitri.

11 MS DIMITRI: [9:35:22] Good morning, Mr President. Good morning, your  
12 Honours. Good morning, everyone. This morning Mr Yekatom, who is present in  
13 the courtroom, is represented by Mr Florent Pages-Granier, Mr Jérémy Pizzi, Ms Anta  
14 Guissé and myself, Mylène Dimitri.

15 PRESIDING JUDGE SCHMITT: [9:35:37] And Mr Knoops.

16 MR KNOOPS: [9:35:39] Good morning, Mr President, your Honours. Good  
17 morning, everyone in the courtroom. The Defence team of Mr Ngaïssona is today  
18 appearing before the Chamber with Ms Barbara Szmatura, Sara Pedroso, Elsa Bohne  
19 and Ali Alabdali. Mr Landry is following the proceedings from the field office.  
20 And Mr Ngaïssona himself is present in the courtroom.

21 PRESIDING JUDGE SCHMITT: [9:36:06] Thank you. And good morning,  
22 Mr Namsio, we are glad to see you again. And I have the impression in good shape,  
23 good health, fully motivated; am I right?  
24 And also welcome to Mr Madoukou, Rule 74 counsel for --  
25 WITNESS: CAR-OTP-P-0446 (On former oath)

1 (The witness speaks French)

2 (The witness gives evidence via video link)

3 THE WITNESS: [9:36:34](Interpretation) Everything is fine.

4 PRESIDING JUDGE SCHMITT: [9:36:37] That's -- we are glad to hear that.

5 MR MADOUKOU: [9:36:43](Interpretation) Thank you, Mr President.

6 PRESIDING JUDGE SCHMITT: [9:36:45] Okay. Then there was a little bit overlap,  
7 but I promise the interpreters that we try to reduce that as much as possible in the  
8 coming sessions. Ms Dimitri, you have the floor.

9 MS DIMITRI: [16:32:09] Thank you very much, Mr President.

10 QUESTIONED BY MS DIMITRI: (Continued) (Interpretation)

11 Q. [9:37:03] Good morning once again, Mr Namsio.

12 Can you hear me well?

13 A. [9:37:15] Yes, five on five.

14 Q. [9:37:18] Mr Namsio, this is the last day, the home stretch that you will spend  
15 with me. I worked with my colleagues yesterday very late so that my questions  
16 should be very specific so that you should be able to answer in the most concise  
17 manner possible. Is that okay?

18 A. [9:37:41] I agree very much with you.

19 Q. [9:37:48] Mr Namsio, my next topic is the Seleka bases in 2013. You talked  
20 about that during your testimony. I have three or four questions in -- on other bases  
21 that I think you did not talk about. There is an OTP witness who confirmed that  
22 there was -- there were two Seleka bases on each side of the Ndress cemetery. There  
23 was a base at the Pougoulou market and another one at another place called Cattin.  
24 Can you confirm that?

25 A. [9:38:33] There was a base there, but when Seleka took power they set up a base

1 opposite *lycée* Boganda. There was a base that was set up there opposite *lycée*  
2 Boganda in the 4th arrondissement of Bangui town.

3 Q. [9:39:04] Mr Namsio, please listen to my question. It is very specific. I know  
4 that there were many Seleka bases. What I want to know from you, is it correct that  
5 there were two Seleka bases on each side of the road on the Ndress cemetery, a base  
6 at the Pougoulou market and at another location known as Cattin?

7 A. [9:39:35] Thank you, Mr President. This is what I was going to say. When the  
8 Seleka came in, they set up a base around Cattin towards Zongo, but the base at  
9 Pougoulou was the warehouse of the coordinator Ngaïssona. Now, and there was  
10 another Seleka base which was opposite *lycée* Boganda. That is what I was  
11 confirming to you.

12 Q. [9:40:16] Thank you very much, Mr Namsio.

13 Now, the other bases in Pougoulou and Cattin, did these two bases stay at those two  
14 locations until the entry of the Anti-Balaka on the 5 December 2013.

15 Do you agree with me or not?

16 A. [9:40:43] No, because when I crossed over to Zongo, I did not know what  
17 happened after I had left so I cannot say anything about the bases which were present  
18 there. Thank you.

19 Q. [9:41:06] No problem, Mr Namsio. Thank you. Now, last question on the  
20 Ndress cemetery. Is it correct that there is a single road leading to the Ndress  
21 cemetery?

22 A. [9:41:20] There is a single road leading to the Ndress cemetery, and that is the  
23 road that the population used when they also wanted to go to the Camp Kassai in the  
24 7th arrondissement. Thank you.

25 Q. [9:41:46] Thank you, Mr Namsio. I am happy that you are concise this morning.

1 Now, I'll move on to something else. And before asking you questions, let me  
2 explain what I'm going to be talking about. I want to talk about the various groups,  
3 the various associations which were created during the Seleka regime and which had  
4 a peaceful objective. Their objective was to denounce what the Seleka were doing.  
5 Are you with me?

6 A. [9:42:23] Yes.

7 Q. [9:42:24] Now, during your testimony you talked about the ACLPC or, rather,  
8 the CLPC. And it is tab 6 of the Defence file, CAR-OTP-2124-0996.

9 You remember, Mr Namsio, during your testimony we saw documents mentioning  
10 the CLPC that came from the CLPC.

11 Do you agree with me that this was a structure that was trying to mobilise the  
12 population for negotiations and a peaceful struggle? Do you agree with that?

13 A. [9:43:21] If I'm not mistaken, I have already given you a precise answer  
14 regarding the CLPC. The CLPC - and I said that before - it was initiated by Maxime  
15 Mokom when he was based in Zongo, so I didn't want to come back to that because I  
16 had actually talked about that at length. The structure that was set up to denounce  
17 the barbaric acts perpetrated by the Seleka was rather a collective of victims, an  
18 association of victims of the 4th arrondissement. I was a member of that. There  
19 was the mayor of the 4th arrondissement, Mr Mobeala, amongst others, and I  
20 mentioned them.

21 Q. [9:44:36] Thank you, Mr Namsio. I would like to come back. I understand  
22 that you explained who initiated the CLPC. I'm talking about the objective of the  
23 CLPC. I want to show you a second document. My question is very specific. It's  
24 because you didn't tell us the objective. It is at tab 82 of the OTP file. That's  
25 CAR-OTP-2124-0998. I'll wait for it to be displayed on the screen, Mr Namsio, and I

1 will draw your attention to a few excerpts of that document so that you can tell us  
2 about what you know about the objectives of the CLPC.

3 You can see the document on the screen, Mr Namsio?

4 A. [9:45:53] Yes.

5 Q. [9:45:57] The first paragraph there is reference made to the various  
6 demonstrations to oppose Seleka which did not produce any result.

7 Do you agree?

8 A. [9:46:20] I am still reading the document, please.

9 And who signed that document?

10 Q. [9:46:38] Your name appears on the last page, but there is no signature?

11 A. [9:46:44] There's no signature? I was the spokesperson and there is always a  
12 signature or signatures on each document, so I don't like to further talk about this  
13 document, but it is a reality. In principle, it could have been initiated and read by  
14 me, the spokesperson. But since it is not signed, it may mean that maybe it was not  
15 used. That is what I can tell you about this project. Thank you once again,  
16 Mr President.

17 Q. [9:47:30] If we can go back to the first page of that document, please.

18 PRESIDING JUDGE SCHMITT: [9:47:42] Well, May I shortly remark, because also  
19 we had this yesterday and the day before. I'm not sure if press declarations are  
20 signed, frankly speaking. So it's something that is also produced in numbers and at  
21 press -- not always, but at press conferences being given out to interested people. So  
22 not necessarily we have here a, I think, a signature or not necessarily. For the  
23 authenticity, it is absolutely indispensable to have a signature in my opinion.

24 Ms Dimitri.

25 MS DIMITRI: [9:48:25] Thank you, Mr President.

1 Q. [9:48:37](Interpretation) Mr Namsio, I will come back to the idea underlying this  
2 document. It is not signed, but that is not a pre-approach against you. I simply  
3 want to come back to the idea behind the initiative of this document. In the  
4 document, they denounced the fact that the peaceful demonstrations did not produce  
5 any result. It also denounces the absence of the state authority and the incompetence  
6 of the transitional -- the authorities and it is referring to President Djotodia.

7 Do you agree with me?

8 A. [9:49:24] Yes.

9 Q. [9:49:26] The idea behind this initiative is to denounce the fact that the peaceful  
10 demonstrations do not serve any purpose because the authority of the state was  
11 incompetent and did not ensure the security of the citizens. Do you agree with that?

12 A. [9:49:48] Yes, I agree. That is what happened during that period.

13 MR VANDERPUYE: [9:49:51] Thank you, Mr President.

14 PRESIDING JUDGE SCHMITT: [9:49:53] Yeah.

15 MR VANDERPUYE: [9:49:53] I don't have an objection per se as to the conclusions  
16 that Ms Dimitri is putting to the witness, but it doesn't say *manifestations pacifiques*  
17 here, it just says *manifestations*, and that's what the document says. So if that's the  
18 conclusion she draws that's fine, but she needs -- she needs to make that clear in the  
19 question that that's her perception of it. Because there wasn't just one manifestation  
20 and there were different types and it says, in fact, that there were several different  
21 types.

22 PRESIDING JUDGE SCHMITT: [9:50:22] As I used to say, and I think you have  
23 heard that many times, but nevertheless, since the situation arises again, I repeat it.  
24 This is a document that has a certain wording. The wording does not escape the  
25 attention of the Chamber and we will put it into perspective and the witness has

1 answered and I would like to ask you to continue and move forward. So we really  
2 want -- that you can finish this witness today. And I think we will.

3 MS DIMITRI: [9:50:57] Thank you, Mr President. I'll move to the second page, if  
4 that's okay. If we could have the second page of the document on the screen.  
5 Thank you.

6 Q. [9:51:14](Interpretation) Mr Namsio, I am showing you the second page of the  
7 document. Once again, it is not a reproach trying to find out the idea behind the  
8 CLPC. During your testimony, you said that you never wanted the exodus of the  
9 Muslims. In paragraph 6 of the document, the CLPC demands the billeting of the  
10 Seleka Central African Muslims. You're not asking for their departure, you're asking  
11 for their billeting.

12 Do you agree?

13 A. [9:52:00] Yes, the idea had come up because, Mr President, we wanted to avoid  
14 the partition of the country and there was no question of harming anyone on the -- on  
15 behalf of the movement. So the issue was to avoid excesses. There were also  
16 mercenaries that had come to accompany the person, that is President Djotodia,  
17 during that period as well as jihadists mercenaries from Sudan. That is what came  
18 out of what we discussed. So we did everything to save our country. We did  
19 everything for the CAR to remain one and indivisible. That was the general idea  
20 behind what was written in the paragraph that you have just read. Thank you,  
21 Mr President.

22 Q. [9:53:19] Thank you, Mr Namsio. And to follow up on your statement, you  
23 agree with me that on the other hand the CLPC did not really talk about the billeting  
24 of the foreign mercenaries?

25 A. [9:53:43] Yes, that is correct. We were talking about all the Central African



1 Muslims in the movement also who belonged to the Seleka. They had to be billeted,  
2 but with regard to repatriation we demanded that the Chadian and Sudanese  
3 mercenaries who had invaded our country, that is the CAR, should be repatriated. If  
4 it was a Central African problem, we had to resolve it amongst ourselves and not with  
5 the strangers. That was the idea, Mr President, of our document. We wanted the  
6 Central Africans to remain one and indivisible and repatriate the mercenaries, the  
7 Chadian jihadists and the sons of the country, Muslims and Christians. We could sit  
8 around a table and resolve our problem instead of bringing in mercenaries who fear  
9 neither God nor man and who were killing people and harming the Central African  
10 people. That was the idea that we were thinking about. Thank you, Mr President.  
11 Now, I remember this document.

12 MS DIMITRI: [9:55:05] Mr President, just a slight correction. At page 10, line 15 of  
13 the English, I didn't say billeting of the foreign mercenaries. When I spoke about the  
14 foreign mercenaries, I said in French (Speaks French).

15 PRESIDING JUDGE SCHMITT: [9:55:28] Yeah, you're right. And it -- also, in light  
16 of the document and what the witness said it makes sense.

17 MS DIMITRI: [9:55:41]

18 Q. [9:55:41] Thank you, Mr Namsio, for your answer. Another group, do you  
19 know the group *Action populaire pour la défense et la patrie*?

20 A. [9:55:59] Mr President, do you have any document on that? Because there  
21 were all sorts of groups that came out to demonstrate such that the Central African  
22 people should be saved from that group, so if you have any document or documents  
23 that I can see that may make it possible for me to explain further. Thank you.

24 PRESIDING JUDGE SCHMITT: [9:56:28] I don't want to stop you here, but when the  
25 witness not immediately recognises the organization, any information that he might

1 have, if you jog his memory or you show him any documents, will perhaps not be so  
2 promising, to put it this way. I think you understand what I mean. It was different  
3 with the CLPC now, obviously, but with this, so perhaps you keep that in mind.

4 MS DIMITRI: [9:57:00] Thank you, Mr President. I'll move forward.

5 Q. [9:57:08](Interpretation) Mr Namsio, still with regard to this myriad of groups,  
6 independent from each other, do you remember a certain Oubabiro Dana Joe Brice,  
7 AKA Captain Joe.

8 A. [9:57:30] Captain Joe, I no longer remember this person.

9 Q. [9:57:39] Just to refresh your memory, it is not a reproach, do you remember that  
10 this Captain Joe is supposed to have threatened you at his base because he did not  
11 want you to speak on behalf of his group as a spokesperson?

12 A. [9:58:01] There is a sound issue. Maybe if you can repeat. There is an echo  
13 there. That will make it possible for me to understand certain things.

14 Q. [9:58:23] Thank you, Mr Namsio. I don't have that sound echo, so I'll move on  
15 to another question.

16 Now, I'll talk about the creation of the Anti-Balaka in reaction to the Seleka crimes.  
17 That will be my next topic. Are you with me?

18 A. [9:58:42] Yes.

19 Q. [9:58:49] Now, I have a soundbite for you. You gave an interview. It is  
20 document 44, CAR-OTP-2076-1082. And the transcript is tab 45,  
21 CAR-OTP-2087-8944. The interview was on 28 February 2014. And there is an  
22 excerpt you will listen to which -- to the public, also 27, 38 seconds to 28 minutes. It  
23 is lines 430 to 442 for the interpreters.

24 THE INTERPRETER: And if counsel can kindly indicate a tab in the interpreter file.  
25 Could counsel indicate the tab number in the interpreter file, please.

- 1 MS DIMITRI: [10:00:04] I'll repeat for the interpreters. It's tab 45 in your binder.  
2 It's line 430 to 442. Thank you.  
3 And for the court reporter, if you could please give the floor to Mr Florent  
4 Pages-Granier for him to play the audio.  
5 THE COURT OFFICER: [10:01:01] Your Honours, it's unclear which computer is  
6 being used, if it's the one to the extreme right or the middle one, but we're not  
7 receiving a signal so it may be a technical issue.  
8 PRESIDING JUDGE SCHMITT: [10:01:44] There's a technician on his way, so I  
9 wonder if we, perhaps, simply have a five-minutes break and it shall be fixed.  
10 MS DIMITRI: [10:01:49] I can make a suggestion.  
11 PRESIDING JUDGE SCHMITT: [10:01:54] Or even better, you put questions to him  
12 that need no technical assistance.  
13 MS DIMITRI: [10:02:02] Perhaps.  
14 PRESIDING JUDGE SCHMITT: [10:02:03] And I know -- I know -- you want -- you  
15 want your sequence, but that's not set in stone, is it?  
16 MS DIMITRI: [10:02:08] No. I was going to suggest, Mr President, I know he likes  
17 to listen to the audio. If we explain that there's a technical issue and we show him  
18 the transcript and I can put my questions --  
19 PRESIDING JUDGE SCHMITT: [10:02:20] Good. That is very flexible indeed. The  
20 more immediate impression you have, of course, from the audio, that's clear, but as a  
21 means to mitigate the situation it's a very good suggestion. Thank you.  
22 MS DIMITRI: [10:02:37]  
23 Q. [10:02:38](Interpretation) Mr Namsio, we got a technical glitch here and we  
24 really can't get you to listen the soundtrack, as you put it. I can reassure you, you're  
25 the one speaking to the reporter and since time is of the essence, I'm going to ask you

1 to be indulgent. I'm going to show you your own words and I will ask you  
2 questions. Is that agreeable?

3 A. [10:03:09] Yes.

4 Q. [10:03:09] Thank you for your flexibility, Mr Namsio. So if we could just get on  
5 the screen tab 45, page 8956 and the lines 430 to 442 be pulled up. Thank you.

6 Mr Namsio, can you see your own words from the soundtrack that have been -- that  
7 have been put on paper?

8 A. [10:03:49] Not as yet. That hasn't been displayed. Now, I can see it.

9 Q. [10:03:54] So you can see in line 430 you say the population gave you food to eat.  
10 You were on foot without any sophisticated weapons or vehicles. Now, do I  
11 understand that your explaining to the reporter here that you did not have resources  
12 during the Bangui attack?

13 A. [10:04:30] Of course, yes. During the Bangui attack, there was not even a single  
14 vehicle. We did not use a vehicle and I don't know if it was used somewhere. I  
15 don't know about that. There were no resources and everything was said and I  
16 actually spoke on behalf of the movement since I was the spokesperson. And there  
17 were no resources. And even food was something that was given to us by the  
18 population, by the -- there was no one who supported us. This is what I recollect, so  
19 I don't have much to say. You've already seen and this has been cross-checked and  
20 this is what happened and we did not have any sophisticated means to engage in  
21 warfare. It was basically to put pressure on the president so that he could find a  
22 solution for the Central African population because the situation was really serious.  
23 The country was basically invaded by mercenaries. And this is -- and this is why we  
24 decided to attack and put pressure so that the president would find a reasonable  
25 solution as the father of the nation. And this was the entire objective. Thank you so

1 much, your Honour.

2 Q. [10:06:13] Thank you, Mr Namsio. When you say in this interview the  
3 Anti-Balaka is not a military movement, it is a civilian movement, it's the population  
4 without weapons, do you agree with me that the Anti-Balaka are not structured, they  
5 have no equipment, they don't have food rations, they don't have a proper attire?  
6 You agree with me that during the attack ...

7 A. [10:06:55] We were in civilian attire. We weren't armed -- we weren't equipped.  
8 That must be recognised. And with regards to the groups that came to attack, I said  
9 that they were youth who lost their parents in the hinterland and there were parents  
10 who were killed, who were massacred by the Seleka. Myself, at a certain point of  
11 time I said, the president has the power in his hands and how can he -- what is the  
12 point in hurting his people? And this is how we said and this is what you read in  
13 the document. Thank you. Thank you. Thank you. There'll be time for other  
14 answers. Thank you.

15 Q. [10:07:51] Thank you, Mr Namsio.  
16 Now, during your meeting with the Prosecutor -- we can actually remove the  
17 document from the screen. During your meeting with Prosecutor, 65 -- tab 65,  
18 OTP-2118-6278, page 6284, you said that we've lost our parents and to defend our  
19 land from man factors and I was forced to be part of the moment to defend my  
20 motherland. And it's not about taking or exacting revenge on anyone. My question  
21 is very precise, Mr Namsio. Why did you say that "I was forced to be part of the  
22 moment to defend my motherland"?

23 A. [10:08:58] Thank you, once again, your Honour. I said I lost everything. Just  
24 like the other people of Central Africa who experienced things. What left -- what  
25 was left of me was my soul, and if I didn't protect my soul -- you see, it had to be

1 protected and my country is my country. The only country God has given us is the  
2 Central African Republic that was left to us by *le feu* Boganda and this country was  
3 being destroyed -- invaded, I'm sorry, by foreign mercenaries, so how can we just  
4 twiddle our thumbs and stay silent? You must act. Even if we don't have the  
5 resources to defend ourselves, but the national opinion was there, the international  
6 opinion was there and we had to intervene. So this is why we said we had to rally  
7 and act. You've seen -- I did -- did I act with a weapon in hand? No, I didn't, but  
8 it's because -- it was in the interest of the Central African people who were  
9 assassinated, who were victims of pillaging and we said we had to act to put an end  
10 to this. And I gave interviews on the radio and everyone knows that and no one can  
11 say the contrary. These were peaceful actions. I personally acted without any  
12 weapons. What does that mean? It means that no one can come and recover our  
13 land. This is our country left to us by our founding father Boganda and I really was  
14 forced to take part in this action to save our country. You already -- thank you,  
15 again, your Honour.

16 Q. [10:11:37] Thank you, Mr Namsio.

17 Again, on the objective of Anti-Balaka, I'm going to ask you to listen to an interview  
18 that you gave. I'm just going to ask you to confirm that this is you. It can be  
19 broadcast to the public. It's tab 2 of the Defence folder, CAR-OTP-2030-0203.  
20 Transcription is in tab 13 in the Defence folder, CAR-OTP-2104-0915. It is a video  
21 that lasts for one minute and four seconds and it's dated to 31 March 2014. We  
22 always have technical problems, so if you could just play the video completely and it  
23 can be broadcast to the public. Thank you.

24 THE COURT OFFICER: [10:13:01] Your Honours, we will play the video from the  
25 Registry bench, but for the interpreters that means that we will not be able to display

1 the transcript. Thank you.

2 MS DIMITRI: [10:13:09] If I can assist, for the interpreters, it's tab 13 of your binder  
3 and it's the entirety of the transcript, which is about 15 lines. Thank you.

4 PRESIDING JUDGE SCHMITT: [10:13:36] I think we start anew. This was too  
5 quick. I suggest this was too quick and it's not so long.

6 I think we start anew. This was too quick. We play it again, I suggest. This was  
7 too quick and it's not so long.

8 (Viewing of the video excerpt)

9 THE INTERPRETER: [10:13:52] (Interpretation of the video excerpt) "Our country is  
10 a secular country. The secularism is something we hold on to the Anti-Balaka and  
11 it's to say that we do not have any point in extracting vengeance and killing off  
12 mercenary brothers. Our Muslims and Christian brothers were living together for a  
13 very long time even before independence and it's -- it's surprising that the  
14 Anti-Balaka would come now to kill all the Muslims. That's really far from being the  
15 truth. The Anti-Balaka are the Central African people. They stem from the Central  
16 African people. The Anti-Balaka -- it's the Central African people. Even when the  
17 war was triggered by General Mokoko against the Anti-Balaka, he actually waged a  
18 war against the Anti -- not only just against the Anti-Balaka, but also against the  
19 entire Central African population. They suffered a lot and they suffered so much  
20 that the entire youth has rallied and organised themselves to defend themselves to  
21 deliver these people."

22 MS DIMITRI: [10:15:07]

23 Q. [10:15:07](Interpretation) Mr Namsio, did you see the video and have -- did you  
24 recognise the content?

25 A. [10:15:16] It's me, all right.

1 Q. [10:15:21] Thank you, Mr Namsio. I'm just going to come back to the interview  
2 that you gave to the reporter, the German reporter. And unfortunately, we still have  
3 a technical glitch and I cannot give you -- I cannot get you to listen to the soundtrack  
4 with the German journalist, so I'm just going to show you the extract. It's tab 44 of  
5 the Defence folder, CAR-OTP-2076-1082. It's -- for the interpreters, it's tab 45,  
6 CAR-OTP-2087-8944. The extract for the summary records is from 816 to 842. And  
7 for the interpreters, it's line 125 to 129.

8 Mr Namsio, I just want the document to be displayed on the screen and then I will  
9 ask you the questions.

10 MS DIMITRI: [10:17:07] I'm sorry, if -- if you could --

11 PRESIDING JUDGE SCHMITT: [10:17:13] That was not immediately  
12 understandable, frankly speaking.

13 MS DIMITRI: [10:17:17] It's a -- it's a 20-minute interview and we had selected an  
14 extract. My understanding is that when we select an extract it has to be played from  
15 this computer, so to save time we're just not going to play it and we're just going to  
16 show him the transcript.

17 PRESIDING JUDGE SCHMITT: [10:17:36] And thank you very much, Ms Dimitri.

18 MS DIMITRI: [10:17:45]

19 Q. [10:17:46](Interpretation) So we're going to start again, Mr Namsio. We're  
20 going to show you on the screen an extract, line 125 to 129. Please make a sign when  
21 you can see the displayed document on the screen. In this extract, Mr Namsio, you  
22 say that on the 5 December the Anti-Balaka basically held back to avoid a bloodbath.  
23 So you're referring to the reprisals of the Seleka who were killing without distinction?

24 A. [10:19:08] Yes, we had talked about this and just as you read -- and this was  
25 what we did. That was our objective.



1 Q. [10:19:27] Thank you. I'm going to -- I'm going to talk about the Seleka  
2 reprisals dated 5 December.

3 Are you with me?

4 A. [10:19:37] Yes.

5 Q. [10:19:38] So I'm going to show you an article that was written by a journalist on  
6 6 December 2013, the day after the attack. This was France 24, 26 tab, Defence folder  
7 D29-000 -- D29-002-0112, and if you could just display it for the public as well. It's  
8 page 0113. So if you can just go to the bottom of the article, a bit further down.  
9 Mr Namsio, it's written that a certain number of people were armed in the population  
10 or in the former Seleka groups who probably were trying to clean up certain districts.  
11 It's a French colonel who said this. My question is as follows: Did you have any  
12 knowledge about this clean-up or any operations done by -- on these civilians by the  
13 Seleka in the 5 December attacks?

14 A. [10:21:19] Thank you so much. When the attack happened, there were reprisals.  
15 The Seleka elements that were in the firefighters barracks came to Bangui, to the  
16 4th arrondissement to be specific, for reprisals. And, yes, there were reprisals. It  
17 happened. So I can only bear out this. There were reprisals. And even after some  
18 days they left, but until the -- until the carting of Boy-Rabe there were reprisals. And  
19 during this time they had also disarmed themselves in the 4th district. So there  
20 was -- there were reprisals after the attack, after the 5 December attack. Thank you  
21 so much, your Honour.

22 Q. [10:22:38] Thank you for your response. I'm going to go to another press article  
23 dated 8th December 2013 from *Nouvel Afrik*, tab 28 of the Defence folder,  
24 CAR-D29-0002-0115. I'm just going to wait for the article to be displayed on the  
25 screen. It's another individual who's talking about Seleka reprisals and I'm going to

1 ask you a series of questions. If you could just scroll down a bit more. A bit more.  
2 Mr Namsio, in this article it is stated that -- we're referring to the 5 December attacks.  
3 It's an attack of the city by the Anti-Balaka self-defence militia, why the Seleka  
4 opposed blind resistance to this attack on shooting everything on -- by terrorising the  
5 population which was forced to move. The Bangui -- the tarmac of the Bangui  
6 International Airport M'Poko was invaded. Later on in the article the individual  
7 states that the Seleka elements were firing on all non-Muslim elements walking in  
8 their way. My question is as follows: Did you have any knowledge of the exodus  
9 of the civilian population after the 5 December in reprisal to the Seleka?

10 A. [10:24:54] Thank you so much, your Honour, for this. I've said that in my  
11 deposition, in my testimony. Because of what the Seleka did, the population was  
12 forced to leave their homes and go to sites, to airports, to monasteries, everyone is  
13 aware of that. And this is exactly what this person said and this is what many  
14 people experienced, including this person. And if I'm not mistaken, your Honour,  
15 and if you allow me -- and science has made progress and everything that happened  
16 in the Central African Republic during this time, there are also films on that. But  
17 there are films that were made and you can understand that Seleka invaded the city  
18 of Bangui. There were so many exactions -- there were so many things that were  
19 committed on the population. There were human losses and I really cannot dwell on  
20 that because I have no time. But since time is of the essence I'm going to stop here,  
21 and if you have any other concerns, please feel free. Thank you so much.

22 Q. [10:26:50] Thank you, Mr Namsio. I'm going to show you another article that  
23 was published on 11 December 2013 by the NGO International Crisis Group,  
24 tab 28 -- 27, sorry, Defence folder, CAR-D29-0002-0017.

25 I'm just going to wait for the article to appear on the screen, Mr Namsio. Thank you

1 very much.

2 (Speaks English) If you could scroll down a little bit, please. Thank you very much.

3 (Interpretation) Mr Namsio, in this article, it is said that the Seleka combatants  
4 continued to assassinate everyone who is suspected of being in -- working in close  
5 collaboration with the Anti-Balaka and doing door to door to basically get their hands  
6 on men above 15 in districts such as Boeing, Boy-Rabe, PK12, et cetera, very often to  
7 execute them. The description in the article, does it correspond to your memory,  
8 please, Mr Namsio?

9 A. [10:28:46] The document that I just saw, yes. During the attacks on 5 December  
10 by the Balaka there were immediate reprisals. There were people who were  
11 kidnapped. There were also cases where people were murdered. And when  
12 Djotodia relinquished power, things did not stop there. There were exactions  
13 committed by the Seleka, so the person who experienced this had seen all this, had  
14 been witness to this and this is precisely why he -- he's speaking about this. So I'm  
15 really not going to dwell on this. I said everything that after 5 December there were  
16 reprisals and the population was killed and they really had to -- it was -- they were  
17 deprived of so many things and there were cases of kidnapping. So no one can deny  
18 that, your Honour. Thank you so much once again.

19 PRESIDING JUDGE SCHMITT: [10:30:16] Just a correction to the transcript. It  
20 is -- zero -- the four end digits are 0117 instead of 0017. It's ...

21 MS DIMITRI: [10:30:32] Thank you, Mr President.

22 Q. [10:30:36] (Interpretation) Mr Namsio, in this article, the office says there was a  
23 raise to arms in the urban population and from now on majority of Muslims in  
24 Pk7 -- PK5 are armed.

25 Does it correspond to what you observed during that time?

1 A. [10:31:06] I've already replied to this question with regards to the population  
2 around the 3rd arrondissement that was armed. I've already given answers on that.  
3 With respect, because of time I really cannot, once again, come back to that. Thank  
4 you so much. Your Honour, if you remember what I told you, thank you so much,  
5 that would be very kind. Thank you.

6 MS DIMITRI: [10:31:51] Mr President, if I could just have a moment to confer.

7 (Counsel confers)

8 MS DIMITRI: [10:32:37]

9 Q. [10:32:38](Interpretation) Mr Namsio, I would like to talk about the chronology  
10 of the attack of 5 December 2013, so we are going to talk about the day of the  
11 5 December, the day of the attack.

12 Are you with me?

13 A. [10:32:54] Yes.

14 Q. [10:32:58] In your interview with the OTP, that is tab 41 of the Prosecutor's file,  
15 CAR-OTP-2059-1696, page 1697, you indicated that the attack started around 5 a.m. in  
16 the morning.

17 Do you agree with me that quite quickly a few hours only, the Seleka forces better  
18 equipped and better armed pushed back the Anti-Balaka?

19 A. [10:33:39] That is what happened, Mr President.

20 Q. [10:33:46] Thank you very much, Mr Namsio, for being concise. And according  
21 to what you remember, is it correct that around 10 o'clock at the latest the attack was  
22 considered as ended and the town was under Seleka?

23 A. [10:34:06] Yes, Mr President. The attack did not last, given the resources that  
24 the Anti-Balaka had in their possession. And given the arsenal that was used by the  
25 Seleka, the Balaka could not do anything so the Balaka decided to avoid a bloodbath

1 so that the effects should not fall once again on other people. That is what happened,  
2 Mr President.

3 Q. [10:34:48] Thank you, Mr Namsio. In an interview that I'm not going to  
4 broadcast to you, but just for the record, tab 16, CAR-OTP-2023-1812 from 17 minutes  
5 38 to 18 minutes 18. And the transcription is CAR-OTP-2118-5597, lines 131 to 139.  
6 You spoke of the small weapons of the Anti-Balaka saying that you fought with sticks,  
7 with artisanal weapons made by your ancestors. Now, my question is as follows:  
8 Mr Namsio, on 5 December is it also true that the Anti-Balaka had very little  
9 ammunition?

10 A. [10:36:00] Mr President, there was very little ammunition used by the  
11 Anti-Balaka on that day. There were not many things, not many weapons. In fact,  
12 as the document has said, many of those Anti-Balakas were using artisanal weapons.  
13 That is what happened on that day of 5 December 2013.

14 Thank you, Mr President.

15 Q. [10:36:37] Thank you very much, Mr Namsio. You explained one of the  
16 reasons why the Anti-Balaka quickly retreated. Is it also correct that during your  
17 interview with the OTP, tab 4 -- OTP-2079-62, page 1700. Is it also correct that the  
18 lack of ammunition was one of the reasons why you told the Prosecutor it did not last  
19 for long, that is the attack of 5 December?

20 A. [10:37:21] Now, I said that during my interview, Mr President. I don't want to  
21 waste your time here because I know that you have other questions that you put to  
22 me and you have to put those other questions instead of sticking to these ones  
23 because I've already said all that, Mr President.

24 PRESIDING JUDGE SCHMITT: [10:37:43] Okay. Then that is the answer. And, of  
25 course, it also applies for the Defence. You can take it that the Rule 68(3) statements

1 to label them this way, that this information is simply a part of the evidence of this  
2 witness. So when he talked about this during one of the statements and he said  
3 something that you like, or that you not like, of course, also, then it's -- then it's simply  
4 on the table already.

5 MS DIMITRI: [10:38:16] Thank you, Mr President.

6 PRESIDING JUDGE SCHMITT: [10:38:17] And not only on the table in the room and  
7 it's -- and everything.

8 MS DIMITRI: [10:38:29]

9 Q. [10:38:29](Interpretation) Mr Namsio, I'm going to put a question to you, which  
10 may seem to you to be very strange, but sometimes lawyers have some very specific  
11 objectives. And the answer should be yes or no. Is it correct that the Anti-Balaka  
12 did not have in their possession combat helicopters, tanks, cannons or ground to air  
13 missiles?

14 A. [10:39:02] That is correct. And, in fact, we did not have the intention to do such  
15 things and we did not have the resources, so it is correct what you just said. We did  
16 not have such an arsenal to fight. We thank you once again.

17 Q. [10:39:22] Thank you, Mr Namsio. Still on the lack of resources on the  
18 Anti-Balaka, do you agree with me that the communication means were so  
19 insufficient that you had to borrow out your telephones frequently because you didn't  
20 have enough telephones in your group or you didn't have charged batteries or you  
21 didn't have telephone credit?

22 A. [10:39:54] That is what happened, Mr President. Even I, I said that sometimes  
23 you'll have your colleague who would come to you and ask for your phone just so  
24 that he could make a call. That is what was happening.

25 Q. [10:40:20] Mr Namsio, during your testimony, you talked about the arrival on

1 4 December of the journalist, Camille Lepage, and the OTP showed you photographs  
2 taken on 4 December with Camille Lepage and his colleagues and you recognised  
3 yourself. I am going to show you some of the photos and put questions to you, then  
4 I will show you other photos that were taken with colleagues who were with Camille  
5 Lepage, but on the following day.

6 Are you with me?

7 A. [10:41:07] Yes.

8 Q. [10:41:07] Thank you, Mr Namsio. Tab 39 of the Defence file,  
9 CAR-OTP-2061-4172. Can that be displayed on the screen and to the public?

10 PRESIDING JUDGE SCHMITT: [10:41:59] I think we are there.

11 MS DIMITRI: [10:42:05]

12 Q. [10:42:06](Interpretation) Mr Namsio, when you talk about artisanal weapons, it  
13 is the weapons that we can see on that screen?

14 A. [10:42:19] Yes, that is correct, Mr President. Those are the weapons that were  
15 used by the Anti-Balaka elements when that photograph was taken and I can  
16 recognise myself on that photograph.

17 Q. [10:42:42] Thank you, Mr Namsio. Just out of curiosity, can you see an  
18 individual on the right who is squatting and he has a plastic water bottle at the end of  
19 his weapon?

20 A. [10:42:59] Yes, I see that.

21 Q. [10:43:01] Do you know why?

22 A. [10:43:02] No, I don't have any idea.

23 Q. [10:43:07] I will show you another photograph, tab 14, Defence list,  
24 CAR-OTP-2061-4291. Before looking at the two next photographs, I just want to  
25 caution you because they're a bit difficult to look at. Is that the gate into the National

1 Assembly that we can see on that photograph?

2 A. [10:44:06] I can see that.

3 Q. [10:44:09] I will show you another photograph, which is also difficult, but I have  
4 a precise question for you there. It is CAR-OTP-2061-4293. These photographs  
5 were taken by the same journalist who took the photo of you on 4 December and the  
6 photo that I am showing you was taken on 5 or 6 December 2013 in front of the gate  
7 of the National Assembly.

8 Mr Namsio, my question is as follows. On this photograph, do you agree with me  
9 that can you see the small means that were used by the Anti-Balaka on the  
10 5 December during the Bangui attack, the sticks, the sandals on their feet and civilian  
11 dressing?

12 A. [10:45:16] Thank you, Mr President. I have already said everything on this  
13 topic. Many of us used -- many of them used sticks, as you have just confirmed, and  
14 all this happened after the reprisals that were carried out by the tank battalions of the  
15 firefighters' brigades. So I said the other day that I was informed that there were  
16 cases like that. I have said everything in my testimony, so I am just confirming that  
17 to you. I do not have anything else to add to that. Thank you, Mr President.

18 MS DIMITRI: [10:46:16] We can remove the picture. Thank you.

19 Q. [10:46:18](Interpretation) Thank you, Mr Namsio. I'm sorry if this brings up  
20 bad memories for you. I will go to a different topic. I'm going to explain to you my  
21 next series of questions because if you understand me, it will go very fast because the  
22 answers can be yes or no. I'm going to come back to certain statements that you  
23 made during your testimony. My objective, Mr Namsio, is not for you to repeat  
24 what you said. I will repeat those things for you so that you showed know what I'm  
25 talking about so that you should know the context and I will ask you for clarifications



1 on what you said. And sometimes the questions I will put to you will require only a  
2 yes or no answer.

3 Are you with me?

4 A. [10:47:15] Yes.

5 Q. [10:47:16] I would like to reassure you. I'm not reproaching you. I'm going to  
6 make proposals to you. I will suggest that you may have made errors and errors are  
7 human. My objective is certainly just to have clarification.

8 Do you understand me?

9 A. [10:47:39] Very well.

10 Q. [10:47:40] Very well. During your testimony, you said that you were not with  
11 the elements when they left the hinterland and that you did not know the details of  
12 the organisation. You also stated in transcript number 97 that you were not aware of  
13 the conversations that took place in the hinterland or in the rural areas?

14 A. [10:48:04] That is true.

15 Q. [10:48:07] Mr Namsio, it's not a reproach, but it is important for me. I put it to  
16 you that you made an error on Monday when you told the Prosecutor that Mr Konate  
17 spoke with Mr Yekatom from the hinterland because the first calls between  
18 Mr Yekatom and Mr Konate, based on the telephone data of the Prosecutor, dated  
19 25 December 2013, well after the Bangui attacks. So do you agree with me  
20 when -- that you made an error when you said that they spoke from the hinterland  
21 (Overlapping speakers)?

22 PRESIDING JUDGE SCHMITT: [10:48:53] Mr Vanderpuye.

23 MR VANDERPUYE: [10:48:54] The nature of the objection is that Ms Dimitri seems  
24 to be putting to the witness that based on the information that we have managed to  
25 acquire, that that is the sole basis on which the witness concluded that Mr Yekatom

1 was in contact as she's described here. And that's an unfair proposition. He doesn't  
2 know what we have and what we have isn't necessarily everything there is.

3 PRESIDING JUDGE SCHMITT: [10:49:19] Yeah, so rephrase -- rephrase the question  
4 when he had the contact with Mr Yekatom, the first contact. I think it's very easy.  
5 Simply we have the witness and it's about his contacts with Mr Yekatom and he  
6 might know. And, you know, he -- actually, he should know better than we, at least.  
7 So please, Ms Dimitri. And, of course, we know it's a long -- it was a long time ago.  
8 And we all know not necessarily it must have been in call data records, any contact.  
9 It's also clear. But since we have the witness here, we'll ask him directly, I would  
10 suggest.

11 MS DIMITRI: [10:50:14]

12 Q. [10:50:15](Interpretation) Mr Namsio, I will ask my question to you again  
13 differently.

14 You said that you were not aware of the conversations in the rural areas in the  
15 hinterland. I put it to you that you made an error on Monday when you told the  
16 Prosecution that Mr Konate spoke with Mr Yekatom from the hinterland.

17 Do you accept that you made an error? To error is human, so it's not a reproach?

18 A. [10:50:47] Thank you, Mr President. I talked about the conversations of  
19 Mr Yekatom and Konate. This is when I had already joined the group. But on the  
20 eve of the attack, they called each other to -- maybe to give guidelines or instructions,  
21 but that is what I said. So there were contacts between them relating to the structure  
22 of the attack.

23 Thank you, Mr President.

24 Q. [10:51:29] Thank you, Mr Namsio. It clarifies, if I understand you, that there  
25 was no conversation from the hinterland. I put it to you, also, I know that it is a very

1 long ago. I put it to you, also, that you made an error that on the eve of the attack,  
2 the day of the attacks, there was no telephone conversation between Mr Konate and  
3 Yekatom.

4 Do you agree with me that you are making an error there and that maybe your  
5 memory is not as accurate as you think.

6 PRESIDING JUDGE SCHMITT: [10:52:10] Mr Vanderpuye.

7 MR VANDERPUYE: [10:52:10] It's the same objection. She's asked the question  
8 now twice, he's answered it twice and the record speaks for itself. And the basis of  
9 her question is on incomplete information because it's based solely on CDR data that  
10 we were able to acquire. If Mr Yekatom and the Defence is willing to give us all of  
11 his telephone communications, then she can put that proposition to the extent that all  
12 of the available CDR would be before the Chamber, but it's not.

13 PRESIDING JUDGE SCHMITT: [10:52:37] Yeah, I think the witness has at least  
14 answered the question about when, according to his knowledge, there was contact  
15 between Mr Konate and Mr Yekatom. So you don't ask this the second time. And,  
16 also, if -- to ask a witness, do you accept to have made an error, then you would have  
17 really to establish why he would have made an error and confront him with  
18 something. Otherwise, you can simply ask the witness, could you have gone wrong?  
19 And if he says, no, I stand by what I say, then we have simply to continue. So I tend  
20 to agree with Mr Vanderpuye here.

21 MS DIMITRI: [10:53:17] If I may, Mr President. The -- there were two questions.  
22 There was -- the first one was about *l'arrière-pays*. So prior to the 5 December, when  
23 they were prior to the Konate group reaching the hill. That has been clarified by the  
24 witness. The second part of my question was about the eve of 5 December.  
25 It's -- it's a different question and I was very careful, I respectfully submit, that when I

1 put the second part of the question I did not refer to the CDRs that were disclosed by  
2 the Prosecution, I did not refer to because of his first objection. And at the end of the  
3 day, Mr President, it's the Prosecution's case. I'm living with the evidence that  
4 they're giving us. They submitted to us a bar table motion with CDRs. I accept that  
5 I can't use that as the sole basis to establish that the witness made a mistake, but I  
6 rephrased it and I said you're also making a mistake. I suggest to you that they did  
7 not call each other on the 4th prior to the attack, and I could also -- the basis of my  
8 suggestion could also be put forward during my Defence case.

9 PRESIDING JUDGE SCHMITT: [10:54:41] So page -- I read out what is here and we  
10 heard it because it's only a couple of minutes ago, has been only a couple of minutes  
11 ago, page 32, lines 13 following. I -- answer of the witness, "I talked about the  
12 conversations of Mr Yekatom and Mr Konate. This is when I had already joined the  
13 group. But on the eve of the attack, on the eve of the attack, they called each other  
14 maybe to give guidelines or instructions, but that is what I said." So this is answered  
15 so you have to move on, which does, of course, has some repercussions for the time  
16 before, perhaps, but he has answered to your question which you meant to be  
17 contacts from the hinterlands or whatsoever. He has answered specifically with  
18 regard to the eve of this attack, so this is answered by the witness. He has not -- he  
19 has also said, let me -- let me read it out here. So there were contacts and so on and  
20 so forth, but he did not refer to the time before, of course. But to your question. He  
21 answered in a way that -- he answered your first question with an answer that refers  
22 to your second question, which he didn't know at the time.

23 MS DIMITRI: [10:56:10] Can I have a minute to confer?

24 PRESIDING JUDGE SCHMITT: [10:56:12] Of course.

25 (Counsel confers)

- 1 MS DIMITRI: [10:56:38]
- 2 Q. [10:56:39](Interpretation) Mr Namsio, I'm going to move on to another question.
- 3 I would re-read to you what you said during your testimony. I just want to refresh
- 4 your memory and then I will put a question to you. You said -- and it is transcript 87.
- 5 You said that when there was an attack, I did not know what happened there, PK7,
- 6 PK9, I did not know. I was not aware of anything. If you want information ask
- 7 Wenezoui.
- 8 Now, Mr Namsio, it is important for me to clarify. It can be answered by yes or no
- 9 once again. Do you agree with me that you did not know what Mr Yekatom did
- 10 on -- on 5 December, how many people he had or who or when he attacked and that
- 11 is the reason why you said ask Wenezoui.
- 12 Do you agree with me or not?
- 13 A. [10:57:54] Yes, that is what I said in my testimony.
- 14 Q. [10:58:01] So you agree with my suggestion.
- 15 A. [10:58:06] Mr President, I have already answered this question, and given time I
- 16 don't want to go back to that.
- 17 Q. [10:58:20] (Overlapping speakers).
- 18 PRESIDING JUDGE SCHMITT: [10:58:21] No, no, no. Ms Dimitri, his answer was
- 19 clear without asking him if you agree with the proposition. It was clear. And so I
- 20 think he has a point here.
- 21 What -- do you think we can have a coffee break now, or would you like to ask one or
- 22 two questions before that, that have a relation between it.
- 23 MS DIMITRI: [10:58:46] Maybe just one, if you allow.
- 24 PRESIDING JUDGE SCHMITT: [10:58:49] Yes, of course, of course. I'm asking you.
- 25 MS DIMITRI: [10:58:54]

1 Q. [10:58:55](Interpretation) In your statement, Mr Namsio - and it does not have to  
2 be displayed - tab 40 of the Prosecution list, CAR-OTP-2059-1672, page 1690, you said  
3 "we were told that the team of Yekatom was attacking PK5".

4 My question is as follows, Mr Namsio: Do you agree that this is information that  
5 you heard that was brought to you but that you were you not a direct witness to that  
6 and that you did not cross-check?

7 A. [10:59:40] Thank you, Mr President. I told you a short while ago that I said  
8 everything in my statement, so I'm not going to come back there to waste your time  
9 because you are trying to ascertain the truth. Thank you, Mr President.

10 Q. [11:00:10] Mr Namsio, I understand that you said everything in your statement,  
11 but I need to have clarification from you on certain statements, so I repeat my  
12 question.

13 Do you agree with me that when you say we were told, we heard that Yekatom's  
14 team was attacking PK5, this is information that you did not verify, you were not a  
15 direct or eyewitness to that and you did not cross-check the veracity of that  
16 information?

17 Do you agree with me, yes or no?

18 A. [11:00:50] Yes.

19 Q. [11:00:51] Thank you, Mr Namsio.

20 PRESIDING JUDGE SCHMITT: [11:00:52] We have now the break until 11.30.

21 THE COURT USHER: [11:00:56] All rise.

22 (Recess taken at 11.00 a.m.)

23 (Upon resuming in open session at 11.33 a.m.)

24 THE COURT USHER: [11:33:01] All rise.

25 Please be seated.

- 1 PRESIDING JUDGE SCHMITT: [11:33:28] Mr Knoops, you have the floor.
- 2 MR KNOOPS: [11:33:29] Thank you, Mr President.
- 3 Just for the record, our team has been reinforced by Mr Alexandre Desevedavy, one of
- 4 our new interns.
- 5 PRESIDING JUDGE SCHMITT: [11:33:42] Thank you very much. It's good to have
- 6 them on the record.
- 7 MR KNOOPS: [11:33:43] Thank you.
- 8 PRESIDING JUDGE SCHMITT: [11:33:44] Ms Dimitri, you still have the floor.
- 9 MS DIMITRI: [11:33:46] Thank you, Mr President.
- 10 Q. [11:33:52] (Interpretation) Mr Namsio, are you with us?
- 11 A. [11:33:54] Yes, I am.
- 12 Q. [11:33:57] Just a few hours more and then you'll be back home.
- 13 Right. With regards to the attacks now, but I'm going to talk about the Seleka now.
- 14 Mr Namsio, in your interview - we don't need to actually display that on the screen.
- 15 This is tab 34, OTP binder, CAR-OTP-2051-5646, page 1562 - you said at a certain
- 16 point of time, the Seleka were leaving KM5 and came all the way to Boeing to commit
- 17 exactions.
- 18 Can you explain to me what do you mean by the Seleka were leaving PK5 and going
- 19 to Boeing to commit exactions? Could you just remind me of the time frame.
- 20 A. [11:35:05] Thank you so much, your Honour, for your -- for this concern. Your
- 21 Honour, very humbly, I've come to your court, and if you can actually give me a
- 22 minute, if -- to recall something before I can remember this, if you don't have an
- 23 objection.
- 24 PRESIDING JUDGE SCHMITT: [11:35:29] You can take a moment of time to reflect
- 25 on your answer, yes. But, you know, it should not take too long. Then, please, if

1 you feel able to answer, then please do that. Yeah, take your time.

2 THE WITNESS: [11:35:53](Interpretation) Thank you, your Honour. What was I  
3 going to say? I've come here to shed light on certain matters because you are  
4 looking for the truth. I just wanted to say something. Myself, Emotion Namsio,  
5 present before you in the court this morning, I haven't come here to harm anybody.  
6 I've actually come here to shed light and make things clearer for the Court.  
7 I say that everything I've said can be cross-checked, and I cannot say anything else on  
8 anybody. Everything I saw, everything I experienced, everything I heard is what I'm  
9 telling you.

10 Now, I just wanted to avoid certain unfortunate incidents, and I also wanted to avoid  
11 confusion so that the Central African people and the world that is following our  
12 discussions can draw the right lessons, and justice should be done to the victims.  
13 Now, thank you so much. I'm here to listen to your -- answer your questions.  
14 Thank you once again.

15 PRESIDING JUDGE SCHMITT: [11:37:23] Mr Namsio, thank you.

16 Nobody -- everybody here in the room, to put it in a positive way, recognises your  
17 efforts, appreciates that you have come to the court, that you help to establish the  
18 truth. There is no doubt about that, so I can assure you that. But, please, now,  
19 answer the questions of Ms Dimitri.

20 I think perhaps, Ms Dimitri, it makes sense if you repeat your last question.

21 MS DIMITRI: [11:37:51] Thank you, Mr President.

22 Q. [11:37:54](Interpretation) Mr Namsio, I'm going to repeat my question. You  
23 talked -- I'm talking about the Seleka now. You said in your deposition a few years  
24 ago to the Prosecutor that the Seleka from PK5 were attacking the Boeing district and  
25 were committing exactions.



1 Can you give me some more details on the exactions committed by the Seleka in the  
2 Boeing district, when, and at what point of time did the Seleka attack the civilians in  
3 the Boeing district?

4 A. [11:38:43] Thank you so much, your Honour. When the Seleka came to power,  
5 they invaded the entire district. If you agree, in my deposition, Boeing was again  
6 invaded by Seleka, and there were things that were done by the Seleka. None of the  
7 districts were spared. I said very often so that even citizens who were not even  
8 involved in the story were impacted. They were in the forest and they were still  
9 impacted. So when the Seleka came to power, they spared none of the districts. So  
10 Boeing also was one of the districts that was invaded by the Seleka. Thank you so  
11 much, your Honour.

12 Q. [11:39:47] Thank you, Mr Namsio. Just to be a bit more precise, am I right and  
13 do I understand your words, even after 5 December, the Seleka continued from PK5  
14 attacking and committing exactions in Boeing?

15 A. [11:40:10] Now, after the 5 December attacks, they continued coming to Boeing  
16 and committing exactions. They were, because we heard of reprisals in Boeing.  
17 Thank you.

18 Q. [11:40:30] Thank you, Mr Namsio. I'm going to now change the topic.  
19 We -- in the minutes that are going to come, we're going to talk about the  
20 powerlessness of the international community to protect the peaceful citizens that you  
21 call --

22 A. [11:40:49] Right.

23 Q. [11:40:50] Do you follow me?

24 A. [11:40:52] Yes, I do, very well, indeed.

25 Q. [11:40:54] So I'm going to show you a clip of your speech, the speech that you

1 gave. It's a soundtrack in tab 16, Defence binder, CAR-OTP-2023-1812. So we're  
2 going to listen from 20 minutes, 14 seconds; 20 minutes, one second. Tab 17 for the  
3 interpreters. CAR-OTP-2118-5597. And it's 163 to 174, the lines.

4 So we're going to listen to the audio clip, and I'm going to ask you questions on your  
5 request to bolster peace and security.

6 Do you agree?

7 A. [11:42:06] Yes, I do.

8 (Playing of the video excerpt)

9 THE INTERPRETER: [11:42:19](Interpretation of the video excerpt)

10 "We have returned. We have also published a press release to request that we be  
11 allowed. We -- that the FACA be allowed, the police and the gendarmes to resume  
12 services. Unfortunately, the people who took our work were all armed. What can  
13 the police and the FACA do? They're there to help us. The Anti-Balaka have not  
14 come to replace the police, the gendarme or the OPG. It's because we've never heard,  
15 and we were -- we're taking vehicles, we're requesting people, so that they can use  
16 our vehicles to save the brothers and sisters from distress. Is this normal? I don't  
17 think -- I don't know. I'm going to leave that to your conscience."

18 MS DIMITRI: [11:43:31](Interpretation)

19 Q. [11:43:32] Mr Namsio, you heard yourself. You are -- if I'm not mistaken,  
20 you're talking to the minister for reconciliation and conciliation, Antoinette  
21 Montaigne. Am I right that you are condemning the increasing insecurity in the  
22 country which was in part due to the absence of armed personnel and insufficient  
23 support from the domestic forces?

24 A. [11:44:04] It is exactly what I was saying. I said that during -- on that day.  
25 The -- the home security were -- there was no home defence. They weren't -- they

1 couldn't. And my mission entrusted to me by the coordinator was to restore peace,  
2 to track people who were committing exactions on the population. And it's -- and  
3 this is why the government -- and this is why -- this is what I was doing. And we  
4 really wanted the government to help the domestic forces, the interior forces, to  
5 protect our citizens who were in great distress. Everything was said. You have  
6 heard this. This is what our group said. And everything I did was with respect to  
7 the permanent mission order that our coordinator, Ngaïssona, entrusted me with.  
8 And this was to basically help the people of the Central African Republic. Thank  
9 you so much, your Honour.

10 Q. [11:45:37] Thank you, Mr Namsio. When you say that the Anti-Balaka were  
11 lending vehicles to help the population in danger, do I understand that, because there  
12 were -- there was lack of resources and lack of home security, FACA police officers  
13 and gendarme, the Anti-Balaka were helping the population to restore security? Do  
14 you agree with this?

15 A. [11:46:10] Yes, absolutely, your Honour, because when the Seleka took power,  
16 there were no vehicles. All vehicles were taken by the Seleka. People lost their  
17 vehicles. There was absolutely no way to help the population. And this is how  
18 certain people who had vehicles were approached by us so that they could help out  
19 the citizens who were in distress, and this is exactly what was done by our team as  
20 well. Thank you so much once again.

21 Q. [11:47:05] Thank you, Mr Namsio. Now, if we were talking of international  
22 forces, not the home forces, the international forces, in your deposition with the OTP,  
23 tab 37, CAR-OTP-2059-1602, at page 1608, am I right in saying that you wanted to  
24 help traders in PK10 and the Sangaris said that they cannot come with you? I don't  
25 know if you remember this. Is it true that one of the problems was the limitations of

1 the international forces?

2 A. [11:48:05] Thank you, your Honour. I remember what you just said because

3 there was a case of burglary in the PK10 district at the northern exit of the capital.

4 But since I was helping out the population in distress as I was patrolling, we met the

5 Sangaris men. And one evening, if I'm not mistaken, I was stopped and I told them

6 that I was helping out certain families who are being pillaged. And this was what

7 was said. But these Sangaris did not want to come along with me, and yet, they've

8 actually come for our protection.

9 And sometimes I was working with the MISCA at that time and some troops would

10 come with me to help out the population. This was what was said. But due -- but

11 due to lack of resources, or God knows what, these Sangaris elements refused to come

12 along with me. Thank you so much, once again.

13 Q. [11:49:33] Thank you, Mr Namsio. I'm going to come back to your interview

14 with the German reporter, and this time you're going to listen to the soundtrack. It's

15 tab 44 of our binder, CAR-OTP-2076-1082. The transcription is in tab 45,

16 CAR-OTP-2087-8944. I'm going to get you to hear the extract from 10 minutes, 18

17 seconds, to 12 minutes, 4 seconds. This is an exact where you are making a case to

18 help the home security. It's at 44, line 172 to 191.

19 (Viewing of the video excerpt)

20 THE INTERPRETER: [11:51:05] (Interpretation of the video excerpt)

21 "So it's this government that has to look for means to equip FACA or FACA cannot

22 continue like this. Without weapons, what are we going to do? What are we going

23 to do? We've seen that there are Sangaris here this Bangui, in the Central African

24 Republic. There's the presence of foreign troops and all that, but does not -- that is

25 not enough. Without FACA, what are they going to do? Without FACA, what are

1 they going to do? Without gendarmes, without police, what -- in our country, what  
2 are they going to do? Ever since the Sangaris left Bangui, as well as MISCA, there  
3 was not even once army at KM5. When they wanted to disarm people in KM5, the  
4 Muslims barricaded the road and the Sangaris fled, but if -- if they were FACA, we  
5 would have been strong. So I would like to join -- that we join the FACA, the  
6 gendarmes, and we, Anti-Balaka, we've got the skills to disarm these people. We  
7 have the skills, and we have the skills to bring peace. And we really cannot billet  
8 someone with a weapon in hand. We cannot let our -- we really have to put in place  
9 a military police so that there -- so that we can do patrolling, so that we can lay our  
10 hands on the fake Anti-Balaka that are continuing to commit exactions in our name."

11 MS DIMITRI: [11:53:01](Interpretation)

12 Q. [11:53:02] Mr Namsio, you heard the interview. I've got a few questions. And  
13 when you say *poudrière*, is it PK5?

14 A. [11:53:17] Thank you, once again. We said that since yesterday, like in my  
15 deposition, we talked about weapons that were with the Seleka.

16 Q. [11:53:30] Mr Namsio, you see, sometimes it's just a "yes" or "no", please.

17 A. [11:53:41] (No interpretation).

18 Q. [11:53:42] Mr Namsio, during this interview, you basically helped the security  
19 forces, the FACA, the police, the gendarmerie, and you said that they should join the  
20 international forces.

21 Do I understand that this was necessary in order to restore security in a country, it  
22 was necessary that -- for FACA to do their work so that the gendarmes could do their  
23 work?

24 A. [11:54:24] It was really necessary because I said that the Balaka have not come  
25 for the power. It's because the Central African Republic people were impacted, and

1 this is why Balaka was born. So it was important to help -- it was important for the  
2 FACA to help the international community, for peace to be restored in our country.  
3 And that was our objective. Thank you so much once again. Everything was said.  
4 You've also followed the whole thing with me. Thank you.

5 Q. [11:55:03] Thank you, Mr Namsio. I'm going to now show you a video. This  
6 is a meeting convened by Antoinette Moussa, the minister of reconciliation. She has  
7 invited Anti-Balaka to discuss with her and the international forces as well, in order  
8 to have an emergency plan to restore peace in the area.  
9 Now, I'm going to show you the video from the beginning to three minutes and zero  
10 seconds. For the interpreters, it's 1238 in tab 78. So tab 7, CAR-OTP-2023-1990.  
11 The transcription is in tab 78, OTP folder, CAR-OTP-2122-9420. So it's a video that  
12 can be shown to the public. So it's from line 1 to 38.

13 And before we show the video, I would like to draw your attention to 20 seconds and  
14 55 seconds, and you will see Mr Yekatom. At 47 seconds, you'll see Mr Wenezoui.  
15 And I feel that I have seen you in the video at 57 seconds.  
16 I'm going to ask you to look at the video and see if you were -- and confirm whether  
17 you were present or not.

18 (Viewing of the video excerpt)

19 THE INTERPRETER: [11:57:14] (Interpretation of the video excerpt)

20 "Indeed, my word of introduction, the minister, Antoinette Montaigne Moussa, has  
21 reminded that the series of meetings have the objective of having all ex-Seleka and  
22 Anti-Balaka forces to think and bring down the criminal tensions that are wreaking  
23 havoc in our country. The leaders of the Anti-Balaka take the floor was Mr Alfred  
24 Ngaya Legrand, who is the counsellor for National Coordination, who has  
25 condemned the killings by Seleka whilst the Anti-Balaka were building peace.

1 Mr Ngaya has also condemned the policy of resettling the Muslim communities as  
2 this is really going to be a stumbling block in national reconciliation. The counsellor,  
3 Alfred Ngaya Legrand, has pleaded that the Anti-Balaka should benefit from the  
4 DDR programme. Many Anti-Balaka chiefs intervened to ask that the state and the  
5 international community pay damages to the Anti-Balaka from -- on their side. The  
6 responsible of international forces, EUFOR, Sangaris, MISCA have conditioned the  
7 aid to restoring dialogues between the ex-Seleka and Anti-Balaka and a real  
8 commitment for the two parties to ... in response to these concerns, the minister of  
9 communication, the reconciliation has urged Anti-Balaka to have a single  
10 coordination office representing all their sides. She's also pleaded for -- that the  
11 Anti-Balaka manifest -- come out in a republican way.

12 I am the minister of reconciliation. I'm not the minister for DDR. I can only  
13 transmit the minister's concerns. The objective of the meeting today is to basically  
14 have an action plan, an emergency action plan to bring peace in the area and avoid  
15 killings in our country that are country has known for several weeks now. So I've  
16 call the Anti-Balaka this afternoon and I've asked them to offer -- to see what they  
17 have to offer. And I have called upon the chiefs, the leaders who can be and who  
18 have behind them men who bear weapons and who can create insecurity for citizens  
19 and come and talk to me and express their concerns. I did the same thing with the  
20 Seleka this morning, but unfortunately, I waited with the general -- the Sangaris  
21 general and the EUFOR general and some partners rally around to come for the  
22 meeting this afternoon. Unfortunately, they couldn't come at the last minute, and  
23 they called for another meeting. So I'm sorry.

24 MS DIMITRI: [12:00:33](Interpretation)

25 Q. [12:00:34] Mr Namsio, am I correct -- you were present in the video. You saw

1 yourself, I suppose. Am I correct to say that this meeting was another example of  
2 the Anti-Balaka leaders and FACA collaborated, exchanged ideas and proposed  
3 solutions for an urgent plan for peace building?

4 A. [12:01:04] Thank you, Mr President. Everything was said and everybody heard.  
5 That was our approach. I said somewhere that if our coordinator had taken another  
6 part, I would not have followed him. But since the path that he showed us was a  
7 good path for the restoration of peace and living together and to ensure that our  
8 country remained a single country, that was the reason that I maintained my situation  
9 in the mission that had been given. So that is what I said. I don't have anything  
10 further to add to that. Thank you once again, Mr President.

11 Q. [12:02:00] Thank you, Mr Namsio. And still with regard to that meeting, the  
12 participants in that meeting, you agree with me that they were collaborating, and not  
13 only with the government, but also with Sangaris and EUFOR in order to find  
14 solutions for peace?

15 A. [12:02:22] Mr President, everyone saw this video footage, so I really do not have  
16 any comment to make. Because we were in the process of looking for peace and a  
17 way to live together, so all of us at our level in the Anti-Balaka, we were in harmony  
18 with everyone. We had the concern to work and to assist the government that had  
19 been installed so that our country should come out of this chaos. That was our  
20 objective.

21 We never avoided having contact with the foreign forces. We saw that there were  
22 very many advantages in relation to the return of our FACA.

23 Q. [12:03:26] Mr Namsio, I'm sorry to interrupt you. My question was very  
24 specific. Please listen to my question.

25 Do you agree with me that the participants in that meeting did not collaborate or



1 cooperate, only with the government, but also with Sangaris and EUFOR in order to  
2 find solutions for peace? Do you agree with me?

3 A. [12:03:56] Yes, that is correct.

4 Q. [12:04:01] Thank you, Mr Namsio.

5 Mr Namsio, I will show you another video. It is tab 18 in the Defence list,  
6 CAR-OTP-2055-2610. And I will show you an extract from nine minutes, 15 seconds,  
7 to ten minutes, five seconds. The French transcript for the interpreters is tab 19,  
8 CAR-OTP-2122-2271, lines 264 to 294.

9 Mr Namsio, before looking at the video, I will explain to you my next topic. On  
10 several occasions - I think you raised this yourself - the medias described the conflict  
11 as a religious conflict, and that is what we are going to see in the video. It is not a  
12 religious conflict. You had Muslims amongst the Anti-Balaka and Christians  
13 amongst the Seleka. So I would allow you to look at the video, and then I will have  
14 some questions for you. Are you agreed?

15 A. [12:05:47] Yes.

16 Q. [12:05:51] And I confirm that the video can be shown to the public.

17 (Viewing of the video excerpt)

18 THE INTERPRETER: [12:06:03] (Interpretation of the video excerpt)

19 "On the Seleka side, Suleyman took us to meet his former comrades in arms. About  
20 a thousand Seleka are billeted for about two months at Camp RDOT. He's received  
21 by General Issa, the commander.

22 Good morning.

23 Good morning.

24 We cannot go out. It is impossible. Even if we are looking for something to eat, we  
25 cannot go out to look for something in the market. We are stuck here.

1 Most of the Muslim combatants are already gone. Eighty per cent of the Seleka who  
2 are still present in the camp are Christians. The reintegration is going to be difficult.  
3 They are perceived as traitors in their own community.

4 I am in the Catholic Church. We have been surrounded. We were told that we had  
5 been mixed up with the Muslims. When we are going to go out of here, the Balaka  
6 are there to maltreat us ..." (Overlapping speakers)

7 MS DIMITRI: [12:07:18] Too quick. Sorry.

8 PRESIDING JUDGE SCHMITT: [12:07:19] Now you can start, please.

9 MS DIMITRI: [12:07:20] Thank you, Mr President. I thought I was doing good so  
10 far since this morning. A little slip.

11 PRESIDING JUDGE SCHMITT: [12:07:25] You are doing good. Of course, the  
12 velocity of your speech cannot be completely hidden. But, nevertheless, you're  
13 doing very well.

14 MS DIMITRI: [12:07:41](Interpretation)

15 Q. [12:07:41] I'll repeat my question, Mr Namsio. Correct me if I'm wrong. But  
16 the religious aspect of the conflict was always put in front by the international media,  
17 and that was confusing. There were Christians amongst Seleka and Muslims  
18 amongst the Anti-Balaka, as you have just seen in the video. Do you agree with me?

19 A. [12:08:07] I said, Mr President, that our conflict was not a religious conflict. I  
20 have already said that in my statement.

21 Q. [12:08:25] And do you agree with me, Mr Namsio, that there were indeed  
22 Muslims amongst the Anti-Balaka groups?

23 A. [12:08:45] Thank you once again, Mr President, for asking me that question. I  
24 talked about it in my statement, so I'm not going to come back to what I have already  
25 given as an answer. Thank you, Mr President.

1 Q. [12:08:59] Mr Namsio, we will go much faster if you answer my question. My  
2 question is simple. As far as you know, based on what you observed, do you know  
3 whether there were Muslims amongst the Anti-Balaka groups?

4 A. [12:09:23] I said somewhere that the Anti-Balaka group was the population. I  
5 talked about that the last time. That is why I said that I didn't want to come back to  
6 that now.

7 Q. [12:09:48] You mentioned on several occasions, Mr Namsio, that to become an  
8 Anti-Balaka, you took an oath, you had to take an other.  
9 Do you know whether in certain Anti-Balaka groups Muslims took an oath on the  
10 Koran and Christians on the Bible?

11 A. [12:10:13] I did not say that.

12 Q. [12:10:20] Mr Namsio, let me explain to you the objective of my questions. I'm  
13 asking you questions on things that you did not talk about. I'm asking you whether  
14 these are things that you know about. I'm not reproaching you about anything.  
15 Do you know whether in certain Anti-Balaka groups, when oaths were being taken,  
16 the Christians will take an oath on the Bible, with a big B, and the Muslims on the  
17 Koran? Is that something that you are aware of?

18 A. [12:11:02] No, no.

19 Q. [12:11:05] I'm going to show you another video, Mr Namsio. And you  
20 will -- you appear in that video at one point. In fact, I'm changing topics. It is at  
21 tab 20 of the Defence list, CAR-OTP-2005-0085 -- 84. It is dated 15 February 2014.  
22 And we will watch from six minutes, 55 seconds, to nine minutes, seven seconds.  
23 For the interpreters, it is tab 21, CAR-OTP-2130-1119, from lines 139 to 188. And for  
24 the interpreters, just a warning, I made changes yesterday, so do not base yourself on  
25 the highlighting in the binder.

1 And the video can be displayed to the public.

2 And then after that, Mr Namsio, I will have some questions.

3 (Viewing of the video excerpt)

4 THE INTERPRETER: [12:13:59] (Interpretation of the video excerpt)

5 "What is that, Emotion?"

6 It is for my protection.

7 What is used for?

8 It is for protection when there is fighting.

9 And is it a bulletproof?

10 It's more than a bulletproof because it is for protection. When you are in fighting,

11 the Kalashnikovs and the rockets, it is for my protection. It is because we do not

12 want someone to impose anything on us because it would be something that

13 historically would Islamise us and integrate us by force, so we do not want to accept

14 that. But when Djotodia came, everybody felt that he was going to do better, but

15 unfortunately, this is not the case. He came in and they started killing the

16 population. They started beheading members of the population. They started to

17 do just about anything. It is the reason why we have said that we cannot remain

18 with our hands folded and to allow everything to go on, to allow people to kill our

19 mothers, to rape our sisters and do all sorts of things. And it is for those reasons that

20 something has to be done. And what we are doing is what? It is really too fight

21 against this gang of mercenaries. That is why today the population -- the population

22 of the 4th arrondissement is in peace and in calm and serenity for the moment."

23 MS DIMITRI: [12:15:48](Interpretation)

24 Q. [12:15:48] Mr Namsio, you saw the video. I have one question. The journalist

25 that you met, you took him to the Boy-Rabe neighbourhood; is that correct?

1 A. [12:16:02] Yes.

2 Q. [12:16:02] I will show you another extract from 13 minutes to 14 minutes, nine  
3 seconds.

4 For the interpreters, it's lines 272 and 287 in the same folder. And, once again, it is  
5 not based on the highlighting. 272 to 287.

6 (Viewing of the video excerpt)

7 (English) "He filmed the camp. A convoy carrying Muslims north to Chad was  
8 attacked. More than 20 refugees were killed as they drove through a majority  
9 Christian area."

10 THE INTERPRETER: [12:16:56] (Interpretation of the video excerpt)

11 "I want to stay. But if you look at all these problems, what are you going to do? All  
12 these people have left. If you want to leave, what are you going to do if you leave?  
13 Because -- I mean, it is not easy to remain. If you remain, you are dead. You can  
14 listen to that. Like yesterday, even the French people, they killed four people at  
15 PK12, the French people. They killed four Muslims at PK12. Have you seen what  
16 is happening? So the French people, now they have become Anti-Balaka or what? I  
17 do not know, so I do not know. They have gone to look for disarmament. If they  
18 have not found anything, then they're going to kill people. They do not have to kill  
19 people."

20 MS DIMITRI: [12:18:02](Interpretation)

21 Q. [12:18:03] Mr Namsio, you have seen the individual in the video. He's  
22 accusing the French of having killed four Muslims in PK12, and he's wondering  
23 whether the French have become Anti-Balaka.

24 Am I correct to say that the word "Anti-Balaka" was used during that period to  
25 describe anyone who was attacking Muslims? Is that something that

1 you -- (Overlapping speakers)

2 A. [12:18:34] (No interpretation).

3 PRESIDING JUDGE SCHMITT: [12:18:34] Wait a moment with your answer because  
4 we have the Prosecutor standing with an objection, obviously.

5 MR VANDERPUYE: [12:18:39] Yes, I object to the question, not as such, but on the  
6 basis of the video that was shown. The suggestion is that the person speaking in the  
7 video is putting the proposition that counsel was putting, and that's not necessarily  
8 the case. So if it's his experience that that's how the term was used, then that's a  
9 separate thing all together from the video. The video doesn't suggest that. And for  
10 all we know, the person that was speaking in the video had very good reason to  
11 identify the perpetrators of the crimes that he's experienced as Anti-Balaka for real.

12 PRESIDING JUDGE SCHMITT: [12:19:15] So, Ms Dimitri, take in what the  
13 witness -- we have all heard and the witness has heard from this video, what was his  
14 understanding, what was -- you understand what I mean. So form it in a general  
15 manner, and that's fine with me. Yeah.

16 MS DIMITRI: [12:19:32] Thank you, Mr President.

17 Q. [12:19:41](Interpretation) Mr Namsio, when the individual on the video says  
18 that the French killed four Muslims in PK12, have the French become Anti-Balaka or  
19 what? I do not know. How do you -- what do you understand by the use of the  
20 word "Anti-Balaka" by this person?

21 A. [12:20:08] As said before, at one point there was confusion. Our advisor,  
22 Mr Ngaya, had pointed that out, and we saw that on the videos of yesterday and the  
23 day before. So it has already been said. There was a whole lot of confusion, and  
24 everybody was confusing the Anti-Balaka with other groups. So I really do not have  
25 much else to say about this because everything has already been said about this topic,

1 Mr President.

2 Q. [12:20:58] Thank you, Mr Namsio. I'm going to show you one last excerpt of  
3 this interview, a few minutes, and I'll ask you whether you recognise the  
4 neighbourhood. So pay attention to the neighbourhood visited by the journalist  
5 from 16 minutes, 59 seconds, to 20 minutes, 30 seconds, lines 346 to 438.

6 (Viewing of the video excerpt)

7 THE INTERPRETER: [12:22:13] (Interpretation of the video excerpt)

8 "You can see yourself, whether there are houses that are burnt. We have not seen  
9 any burnt houses here. People are giving you rumours. These are rumours. The  
10 media, the journalists, they do not really find out what is happening. They simply  
11 listen and they report. It is not worth inciting people to kill themselves. Muslims  
12 and Christians. These are people who have been cohabiting for many years together.  
13 There has never been war between them.

14 And Muslims and Christians are together in this neighbourhood?

15 But we are here together, we are here together. There are houses here with  
16 Christians, and you can look into the houses. If you want to see, can you see for  
17 yourself. You can see that there are Christians. That is their house. I can see -- I  
18 can show you there.

19 I thought there were houses that had been burnt here. I thought that Muslims were  
20 burning houses here."

21 (English) "I got the impression that she wasn't answering my questions as completely  
22 as would be normal, as if she wasn't telling the truth. And sure enough, after  
23 hanging around long enough and asking enough questions, we found some young  
24 men who agreed to show us the truth. One hundred metres away from the local  
25 leader, who said there were no burnt houses around here, we found them. And lots

1 of them."

2 (Interpretation) "There are people who went to the mosque. The Anti-Balaka came  
3 out. They attacked with Muslims, and the Muslims also burnt the houses of the  
4 Christians.

5 And where are the Christians now? All the Christians? Where are all the  
6 Christians now? The Christians, they have all gone to the church."

7 (English) "It soon became clear, there was Muslim, Christian and others that had been  
8 burnt down. This used to be a vibrant mixed area. Something's changed. All the  
9 Christians have gone.

10 A two-minute drive away, we found the owners of the burnt down homes.

11 Thousands of Christians camped out next to a church."

12 (Interpretation) "Why are you here?

13 We left because we wanted to flee the Seleka. They came to our neighbourhood.

14 That is why we are here. Our houses were burnt by the Muslims. The Muslims  
15 and the Seleka together."

16 (English) "All around the country there are scenes like this. Nearly a million people,  
17 both Muslims and Christians, are displaced. In one of the camps, which ..."

18 PRESIDING JUDGE SCHMITT: [12:25:27] When was the footage taken, do you  
19 know? Do we have an exact date? You might have said it already, but it escaped  
20 my attention. Can you repeat it.

21 MS DIMITRI: [12:25:38] 15 February 2014.

22 Q. [12:25:49] (Interpretation) Mr Namsio, you have listened to the story of the  
23 journalist in this neighbourhood. Do you know that neighbourhood, the church? I  
24 think we were in the 4th arrondissement, but I want confirmation from you.

25 A. [12:26:15] The church corresponds to the church of the Bafio brothers, if I'm not



1 mistaken.

2 Q. [12:26:26] And that is in the 4th arrondissement?

3 A. [12:26:33] Yes, the Bafio brothers were in the 4th arrondissement, and that  
4 church also. Because that church is the same as another church that is the church of  
5 the Castors.

6 Q. [12:27:00] Thank you, Mr Namsio.

7 In your interview with the Prosecutor a few years ago, tab 66 of the Prosecutor's list,  
8 CAR-OTP-2105-0542, page 0546, you talked about the fact -- I'm not talking about the  
9 fake Anti-Balakas, but you talked about certain Anti-Balakas who were robbing or  
10 turning against their own brothers. You clearly denounced that by saying that it is  
11 not a good thing.

12 My question is very specific, Mr Namsio. I know that you were not in agreement  
13 with that. Now, the Anti-Balaka, when they stole or looted their own brothers, am I  
14 to understand that these were Muslims, Christians, animists? They were not  
15 specifically targeting Muslims. They were looting simply to enrich themselves. I'm  
16 not talking about the Anti-Balaka in general. I'm talking about those who were  
17 committing excesses. Are you with me? Do you agree with me?

18 A. [12:28:40] Yes, I agree, because I had said that we are one and indivisible. All  
19 Central Africans, Muslims, Christians, we are all brothers, so everything that  
20 happened surprised everyone.

21 Q. [12:28:54] Thank you, Mr Namsio. I'm trying to go a bit faster because I want  
22 you to go home this evening.

23 I want to show you an article, an interview you gave to Radio Ndeke Luka on 16  
24 February 2014, tab 24 of the Defence list, CAR-D29-0002-0107. It can be displayed to  
25 the public. And if we can go to page 0108.

1 You can see the article, Mr Namsio, further down, fourth paragraph, you  
2 caution -- you denounce or you caution those who are committing crimes by saying  
3 that you cannot continue in violence.

4 Do you remember making that statement Mr Namsio?

5 A. [12:30:28] I continue doing that right up to this day. I denounced a lot of times.  
6 I had a permanent mission order. And on the basis of that, I had the opportunity to  
7 denounce certain things which were happening. So I said all those things, and I  
8 have not much to add, Mr President.

9 Q. [12:31:05] And on another subject, Mr Namsio, I'm just going to come back to  
10 something without making you repeat what you said in your deposition and your  
11 testimony to the Prosecutor. You talked about the Boeing Muslim cemetery. You  
12 said that -- in your deposition, you referred to the Seleka who were hurting the  
13 population, the population in Boeing, and this is why the population took measures  
14 to block access to the cemetery in Boeing. And it's in tab 40. Again, we don't need  
15 to display that. It's CAR-OTP-2059-1672, page 1688.

16 My question is very specific. I just wanted to know -- you named a few individuals  
17 who helped you out in your initiative to open up the Muslim cemetery. At any point  
18 of time, did you meet the Prime Minister Andre Nzapayeke concerning the subject of  
19 the Muslim cemetery in Boeing?

20 A. [12:32:27] Could you please rephrase your question? I heard a name of  
21 Nzapayeke -- or was it Nzapayeke or Nzapailinga?

22 Q. [12:32:43] It's Nzapayeke.

23 I just wanted to know if at any point of time, within the framework of your initiative  
24 to reopen access to the Muslim cemetery, at any point of time, did you talk about this  
25 to the Prime Minister Andre Nzapayeke?

1 A. [12:33:06] Yes, indeed, I completely agree with you. We met the Prime  
2 Minister, and we spoke about it. Thank you.

3 Q. [12:33:20] So you met -- where did you meet him and what did you discuss?

4 A. [12:33:33] It lasted us and he encouraged me a lot, if I'm not mistaken. And he  
5 also prayed so that God could give me the strength to -- for me to continue in this  
6 initiative. He also gave me his business card, and he said that I could call him.  
7 And he supported me during this time.

8 Q. [12:34:14] Thank you, Mr Namsio. You agree with me that during your  
9 discussions with the prime minister, Andre Nzapayeke, you always worked for the  
10 reopening of the access to the Muslim cemetery. At no point of time that you said  
11 that, "We can't open it. We can't open the axis." And you were always for the  
12 reopening of the cemetery, and you've expressed this very clearly during your  
13 conversations to the prime minister.

14 A. [12:34:52] This is exactly what we said, your Honour. And we, in fact, left  
15 again with the Imam Kobine Layama, the cardinal Nzapailinga, including the  
16 ambassador of France, at that point of time, to reopen the cemetery so that our  
17 brothers, our Muslims could pray and -- could, sorry, bury their deceased. Because  
18 there were bodies lying about in the district and to avoid the spread of disease. This  
19 is what happened, your Honour.

20 Q. [12:35:49] Thank you. We're making progress, and we're coming to the end.  
21 I've got some questions on the notion of ComZones. I know that you've helped  
22 ComZones to track down criminals and stop -- and arrest people who were  
23 committing crimes. I just wanted to talk to you about the concept of ComZones.  
24 Do you follow me?

25 A. [12:36:21] Yes, I do.

1 Q. [12:36:21] Now, in your statement to the investigators, the OTP investigators, in  
2 the tab 42 -- again, we need not display the page. I'm sorry. It's not tab 42, but  
3 tab 34 in the OTP binder, CAR-OTP-2059-10 -- 1546, at page 1563. You mention that,  
4 in the same district, there could be several Anti-Balaka groups.

5 Do you agree with me that a ComZone is -- in spite of the name that suggest, a  
6 ComZone is not -- is not a control of the whole district where the person is situated?

7 Do you agree with me?

8 A. [12:37:23] In my -- in my deposition, this is what I said, and I'm going to  
9 reiterate it, what I said in my deposition.

10 Q. [12:37:32] Mr Namsio, I don't want you to repeat what was already said in the  
11 deposition. I'm asking you an additional question.

12 You explained, and this is what was your deposition, that in a district, in a sector,  
13 there could be have more than one Anti-Balaka groups. Now, do you agree?

14 A. [12:37:58] Yes.

15 Q. [12:38:00] Now, do you agree with me that one of the reasons why the  
16 ComZones should be helped -- you wanted the ComZones to be helped to establish  
17 security in the zone. One of the reasons why the ComZones must be held to  
18 re-establish security in the region is that the ComZone does not necessarily know all  
19 the armed people in his zone. He does not have control over the entire zone.

20 Do you agree with me there?

21 A. [12:38:38] I spoke about the police -- the military police team that was set up,  
22 and it's this military police team that had the authority to give recommendations and  
23 patrol. So I was talking about the military police.

24 Q. [12:39:01] Mr Namsio, listen to me, please. We will talk about the military  
25 police. It a great initiative, and we will talk about it, but listen to me.

1 A ComZone does not have control over the entire zone. The zones are huge  
2 sometimes, and the ComZone cannot know all the people or the armed people who  
3 are there in -- in his zone. Do you agree with me?

4 A. [12:39:35] Yes, I agree. I very much agree. But its -- but they are his elements.

5 Q. [12:39:50] And since you're saying that -- you said in your deposition that in a  
6 zone, there can be more than one Anti-Balaka group. You said that in a zone, you  
7 can have more than one Anti-Balaka group. It's not because a ComZone is in a  
8 district or in a zone, they -- all the elements in that zone would be his elements.  
9 There could be Anti-Balaka elements -- other Anti-Balaka elements that could  
10 infiltrate in a zone.

11 A. [12:40:26] I did clarify this in my deposition, so I'm not going to dwell on this. I  
12 hope I'm not tiring you, your Honour. All this was actually said in my deposition.  
13 I'm not going to come back on it. There are time constraints. We are all pressed for  
14 time, and I'm not going to dwell on this. Everything is there in my deposition.

15 Q. [12:41:12] Mr Namsio, on the Anti-Balaka group, in December 2013, do  
16 you -- did you know how many different groups, how many different Anti-Balaka  
17 groups were there, were present in the Boeing sector?

18 A. [12:41:35] Thank you for this, your Honour, of your -- for your concern. Yes,  
19 there were indeed several Anti-Balaka groups that attacked on that day. But with  
20 regards to Boeing, the Boeing district, what I got to know was because when I -- when  
21 I joined the group in end November, the person showed me that the person in charge  
22 was Yekatom, and Yekatom was the person who was in charge of the elements in  
23 Boeing. Thank you.

24 Q. [12:42:25] Thank you, Mr Namsio. Did you know -- did you also learn that  
25 there was also Mr Ngremangou, Mr Wenezoui in Boeing in December 2013?

1 A. [12:42:40] Yes. Your comment is most welcome because if you're talking of  
2 Ngremangou and Wenezoui, when I joined the group, I was told about Yekatom.  
3 And then, since I entered the office, I came to know that there was Mr Ngremangou  
4 who was there and there was Mr Wenezoui who was there. And in the group, there  
5 were other teams. And this is how I'll remember Mr Ngremangou and Mr  
6 Wenezoui's name. And when we -- and every time we want to talk about Yekatom, I  
7 told the person to refer to Mr Wenezoui, because he would be in a better position to  
8 provide more insight in certain cases.

9 Q. [12:43:44] So if I understand you, in December 2013, you learnt that at a certain  
10 point in time there were several ComZones in Boeing?

11 A. [12:44:01] I wasn't told about several ComZones. I knew,  
12 according -- according to me to, what I knew was Wenezoui was part of the leaders  
13 out there. Mr Ngremangou as well. And Yekatom as well was part of the team. I  
14 thought in the beginning that they all belonged to a single group, and this is what I  
15 got to know at my level.

16 Q. [12:44:31] Now, I'm going to talk about the district Combattant. In your  
17 statement, in tab 33, CAR-OTP-2059-1546, page 1559, you spoke about a person called  
18 Yanoue Aubin who was in charge of Combattant. He, Yanoue Aubin, was -- went  
19 by the name Chocolat. Do you remember him?

20 A. [12:45:13] Yes, very well. I talked about Yanoue, and I also talked about Mr  
21 Yagouzou, if you can check. It was somewhere in my deposition.

22 Q. [12:45:30] And Yanoue Aubin was in jail with you. He tried to orchestrate a  
23 prison break; am I right?

24 A. [12:45:38] Yes. All this was said in my deposition. I did experience a lot of  
25 things when I was in the jail. I experienced a lot of things when I was in the jail in

1 Ngaragba.

2 Q. [12:46:03] Mr Namsio, how did you know that Yanoue Aubin tried to break free?  
3 Did he tell that to you?

4 A. [12:46:10] Your Honour, if I'm not mistaken, when I was jailed in Ngaragba, I  
5 had initiated something. I had paid for a tamtam or a drum so that I could praise  
6 God with it. And there's always a black sheep in the family. So at a certain point of  
7 time, there were inmates who broke free from the jail, and Yanoue Aubin was one of  
8 them. He tried to break free. There was so many of them. And when I opposed  
9 that, and when I said that the prison is good, you can do something with the evil, and  
10 I can actually correct you with mistakes -- in the prison. I'm serving a prison term,  
11 and it's actually the will of God. It's God who wanted me to be there. And this is  
12 why there's so many others who were baptised, so to speak.

13 But there were -- in spite of all this, there were attempts to break free. There were  
14 people who actually broke free. So if you check, go and speak to the jail  
15 superintendent, and you will actually know things much more than I do, if I'm not  
16 mistaken, because there were so many things that were happening.

17 PRESIDING JUDGE SCHMITT: [12:48:10] Thank you, Mr Namsio.

18 MS DIMITRI: [12:48:12](Interpretation)

19 Q. [12:48:14] Thank you, Mr Namsio. So you directly spoke to Mr Yanoue Aubin  
20 and you said that you should not break fee, you should not escape from the jail.  
21 And in your statement, you also said that Mr Yanoue Aubin tried to hurt you. It's in  
22 tab 39, 2059-168 -- 1648, on page 1657.

23 Now, can you explain, how did he try to hurt you and why did -- why Yanoue Aubin,  
24 called by -- called under the name of Chocolat, tried to hurt you?

25 A. [12:49:03] Thank you, once again, your Honour. When I said very -- I said that

1 I'm here to shed more light. I'm here to help the Court in your search for the truth.  
2 Now, with regards to the level of threat I was exposed to, it was not by pure chance.  
3 In my deposition, you will observe that at a certain point of time, on the Boali road,  
4 there were Anti-Balaka elements who were there who were also doing wrong things  
5 to the users of this road. And at a certain point of time, our coordinator gave us the  
6 mission order --

7 Q. Mr Namsio, I'm going to cut you short. I don't have a lot of time. I'm sorry,  
8 but I --

9 THE INTERPRETER: [12:50:01] Overlapping speakers.

10 MS DIMITRI: [12:50:02](Interpretation)

11 Q. [12:50:03] Can you tell me how Yanoue Aubin, how did he hurt you in the  
12 prison? Concretely, tangibly, what happened? I'm not talking of Boali. I'm  
13 talking of Yanoue Aubin who goes also by the name Chocolat.

14 A. [12:50:23] You see, Mr Yekatom Rambo laid his hands on two elements who call  
15 themselves Anti-Balaka. And he called on me, I went with my vehicle, and I also  
16 laid my hands on these two people. And I took them to the gendarmerie. And it's  
17 after that the gendarmerie took them to the Prosecutor and they were sentenced.  
18 And during the sentencing, since I went and collected them from Yekatom to that I  
19 can them to the gendarmerie, and when I was arrested and I was in jail, it's during  
20 this time that these young people, two young people, the ones I drove to the  
21 gendarmerie, they said, "It's because of you that we are there in the jail." So this is  
22 why they wanted to hurt me, because it's because of me that they were in the jail.  
23 This is what happened. Thank you again.

24 Q. [12:51:49] Thank you, Mr Namsio, for your answer. So I understand that there  
25 are people who wanted to hurt and they say they're Anti-Balaka. Mr Yekatom arrest



1 them, you take them to the gendarmerie, they are taken to court, they get a prison  
2 term, a sentence. So these youngsters, if I'm not mistaken - I'm going to try and fish  
3 out the reference - you were called to bear witness against them in a deposition, and  
4 then they were sentenced subsequently. They served a prison term.

5 Is it the same story we're talking about?

6 A. [12:52:38] It's the same story. I was actually called to go and explain what  
7 happened in this case. I explained the case. I told that they were arrested by  
8 Yekatom. We had actually signed the cessation of hostilities and I was entrusted  
9 with the responsibility. I took them to the gendarmerie, and I wanted justice to be  
10 served, and that's why they landed up in jail. And I was in jail as well. And they  
11 saw me, and they said, since I basically was the reason for their jail term, they wanted  
12 to hurt me. And this is how Chocolat and some others that I haven't named here,  
13 they basically rose to hurt me in the jail. And that's exactly what happened, your  
14 Honour.

15 Q. [12:53:50] Thank you, Mr Namsio. I'm just going to show you a document and  
16 try and jot your memory. It's tab 20 of the Prosecution binder, CAR-OTP-2029-0191.  
17 I'm just going to wait for this to come up on the screen.

18 Can you see the document? This is basically a summon for a criminal hearing.  
19 And in this document, you have been named as a witness. And I'll be referring to  
20 the same incident. This is the document that says you are the witness to bear  
21 testimony against these criminals that were arrested by Yekatom. And these are the  
22 ones you handed over to the gendarmerie.

23 A. [12:55:28] It must be by this document when I was asked to bear witness and take  
24 them to the gendarmerie. This was within the framework of our initiatives to  
25 definitely -- to publicly restore peace in the Central African Republic.

1 Q. [12:55:49] Thank you. I'm not seeing the above, but this must be the document.

2 Thank you, Mr Namsio.

3 These individuals, who were arrested by Mr Yekatom and then handed over to the  
4 gendarmerie by you, they were hurting Muslims and Christians and civilians, and  
5 they were also pillaging. And they were also attacking the peaceful population.

6 A. [12:56:17] I did not talk about hurting Muslims or Christians. They were  
7 basically committing exactions on the road, and this is the reason why, when we came  
8 back to Brazzaville, it was about acting and it was about giving free passage, the  
9 whole -- to every -- for everybody. And this is how our coordinator, Mr  
10 Patrice-Edouard Ngaissona, gave me this mission and gave me this permanent order.  
11 And it's in this way that everyone was informed that there was this team that was set  
12 in place, and Mr Emotion, who is the spokesperson, would do this. And it's on the  
13 basis of this that I was called upon and given the order.

14 I said at my level that since he put his hand -- he laid his hands on them, I cannot  
15 make -- I cannot take the law in my hands. There is a court system, there's law and  
16 order, and I have to take them to the gendarmerie for justice to be served. And it's  
17 the law that will decide.

18 So this is how the two youth landed up in the jail, and they were -- there was  
19 evidence against these youth. I did my best to basically restore peace through the  
20 permanent or the mission that was entrusted to me. Thank you so much. Thank  
21 you.

22 Q. [12:58:12] I'm really sorry for having cut you short.

23 Again, on the military police, I understand that your interventions were quite  
24 frequent and you would intervene with Mr Wenezoui and Mr Sylvestre Yagouzou.  
25 Am I right? They were also working alongside the military police.

1 A. [12:58:45] Mr Yagouzou was the coordinator at a certain point of time, just like  
2 Mr Wenezoui who was the coordinator at a certain point of time. And it was this  
3 way that our team was basically forced to work in the same direction to restore peace.  
4 Even on the site of the airport, we had to intervene there to basically restore peace.  
5 Thank you.

6 Q. [12:59:25] So, Mr Namsio, Mr Sylvestre Yagouzou was also part of the members  
7 who were working and -- to protect the population. His objective right from the  
8 onset was to end the exactions, and he was basically working to protect the  
9 population; am I right or not?

10 A. [12:59:48] He was the -- that's right, because he was the deputy coordinator.

11 PRESIDING JUDGE SCHMITT: [12:59:54] So we have 1 o'clock, Ms Dimitri. So my  
12 question would be if we can have the lunch break now.

13 MS DIMITRI: [13:00:08] With your leave, Mr President, if I could ask one more  
14 question on this subject.

15 PRESIDING JUDGE SCHMITT: [13:00:16] Of course, of course, of course, yeah, and  
16 then we have the lunch break. That's fine.

17 MS DIMITRI: [13:00:17] Thank you.

18 Q. [13:00:19] Mr Namsio, you spoke about these interventions, all these  
19 interventions to arrest the malefactors, bring peace, and you were taking people to the  
20 gendarmerie. You spoke about Mr Yagouzou, Mr -- I just wanted to understand  
21 why the international forces were incapable. Why did the international forces -- why  
22 did the -- why did the international forces or the gendarme not arrest these people?  
23 Is it because they had no access to the village, they had no resources? Is it the reason  
24 why you, Mr Yekatom, Mr Yagouzou, basically cooperated to help the international  
25 forces and the gendarme? Am I right in saying so?

1 A. [13:01:22] You are absolutely right. At a certain point of time there were no  
2 resources for our homeland forces. They did not have the adequate resources to  
3 help the population, and this is why we said we must help the government. Our  
4 coordinator said, when Samba-Panza took power, we really should help her so that  
5 we can have peace in the region. And this is -- because it's our country. This  
6 country belongs to us, the Central African people. So we have to take the -- we have  
7 to be at the helm of the initiative. And this was the entire meaning. The -- and this  
8 is why the foreign troops came in as well. Thank you once again, your Honour.

9 PRESIDING JUDGE SCHMITT: [13:02:10] I think we have the answer here, and I  
10 think we can also have the lunch break. And I have the impression that we can  
11 make it. Don't promise anything, but I'm confident. I have confidence in you, so to  
12 speak.

13 So lunch break until 2.30.

14 THE COURT USHER: [13:02:28] All rise.

15 (Recess taken at 1.02 p.m.)

16 (Upon resuming in open session at 2.34 p.m.)

17 THE COURT USHER: [14:34:46] All rise.

18 Please be seated.

19 PRESIDING JUDGE SCHMITT: [14:35:07] Good afternoon, everyone. Good  
20 afternoon, Mr Namsio. I assume this is the last round, so to speak, for you, and to  
21 make this true -- come true, better to say, Ms Dimitri, you have the floor.

22 MS DIMITRI: [14:35:24] Thank you, Mr President.

23 Q. [14:35:30](Interpretation) As Mr President said, Mr Namsio, this is the last  
24 round. We have one and a half hours left before you can go home. Is that good for  
25 you?

1 A. [14:35:45] That's perfect.

2 Q. [14:35:46] Mr Namsio, you spoke during your interview with the OTP. It  
3 doesn't have to be shown on the screen. OTP-2029-1609, tablet 37 of the  
4 gendarmerie -- sorry, it's 2159-1602. You spoke -- page 605 where you talked about  
5 your collaboration when something wasn't working as it should. I'm going show  
6 you another video. We are still on the same subject, Mr Namsio. Your cooperation  
7 to ensure security, your cooperation with the gendarmerie and Mr Yekatom with the  
8 gendarmerie. This is another video and then I have some questions on it.

9 A. [14:36:45] Fine.

10 Q. [14:36:51] For the record, it is tab 18 of the Defence binder, CAR-OTP-2055-2610,  
11 1 minute, 40 seconds to 2 minutes, 10 seconds. For the interpreters, the transcript is  
12 at tab 19, CAR-OTP-2122-2271, lines 57 to 71 of your binder. We'll look at the video  
13 together, Mr Namsio.

14 THE INTERPRETER: [14:37:46](Interpretation of the video excerpt) "They belong to  
15 an Anti-Balaka ground. The Christian militia who were 100 kilometres on the route.  
16 You see the gendarmerie, it was just at the roadblock which we have crossed. What  
17 has happened? After the roadblock is something we don't control, and today the  
18 men here intercept stolen goods, fake Central Africans who want to destroy the  
19 country and put it or take it to the gendarmerie. That's cooperation, collaboration."

20 MS DIMITRI:

21

22 Q. [14:38:30](Interpretation) Well, I suppose you recognise the director general of  
23 Mr Yekatom where you talked about a cooperation you had with Mr Yekatom to stop  
24 people and hand them over to the gendarmerie? Do you agree with me that this  
25 cooperation started from the outset of the government of Catherine Samba-Panza?

1 This video is January, February 2014. So from the very beginning, you, Mr Yekatom,  
2 other Anti-Balaka collaborated with the gendarmerie for -- to ensure security.

3 Do you agree with that?

4 A. [14:39:17] I agree with that because everything has been said. You've also seen  
5 that, your Honour.

6 Q. [14:39:30] Thank you. I shall now speak about the other individual who you  
7 mentioned on the 21 February called Bombe. I'm going to read out to you the extract  
8 of a statement of an individual who was with Mr Feissona and who is speaking about  
9 Mr Bombe. I'll read out the extract and then I have a question to put to you, okay?

10 A. [14:40:02] Fine.

11 Q. [14:40:04] I can quote PK42 on the route to Boali. There was somebody who  
12 was resisting. He -- he self-proclaimed himself as a ComZone for the Anti-Balaka. I  
13 only know his nickname. He was known as Bombe. He attacked a vehicle of  
14 MINUSCA. He has taken and it. It is in his position. He set up a roadblock to  
15 sequest all uses until they paid up. He took out all the goods he wanted from the  
16 vehicles. He beat up passengers. He killed others even. And he end held some  
17 inhabitants to -- as ransom. MINUSCA pointed out his position and then he fled  
18 with all his elements. During that passage period, he started to kill women,  
19 pregnant and others, so then we started to track him down in order to take him by  
20 force. For two weeks they didn't find him. Two weeks later, Mr Rambo, who was  
21 held at the ICC, he heard that it was in a village and he had taken the entire village as  
22 hostage and that he had whipped and bound the head of the village. It was towards  
23 Mbaïki. Mr Rambo sent a mission, Mr Rombhot sent a mission to stop him and  
24 apprehend Bombe and he resisted, but in the end he was beaten.

25 Mr Namsio, what I've just said about Bombe, how he terrorised the population, how

1 he fled, killed pregnant women and how Mr Yekatom finally managed to arrest him,  
2 the statement which I've read out, does that correspond to what happened with  
3 Mr Bombe who was sowing fear?

4 A. [14:42:55] I'd like to thank you, again, your Honour. As regards Mr Bombe, I  
5 mentioned this in my testimony. Even before yesterday, I spoke about that. He  
6 created terror in the route to Boali and he was tracked down and he was still  
7 committing crimes on other individuals. And at the end he was killed in the  
8 struggles which took place with the team of Yekatom. That's what I know  
9 Mr -- your Honour. So I won't go back to that because I spoke about it in my  
10 testimony. I did talk about that, your Honour.

11 Q. [14:44:01] Thank you. Just to clarify, because sometimes you talk so quickly  
12 and the transcription isn't very clearly on this. You agree with me that it is Bombe  
13 who -- who created terror. It's not Yekatom. It's Bombe who created an  
14 atmosphere of terror; is that correct?

15 A. [14:44:24] One clarification, if you grant me this. There are two individuals  
16 who start with B. The first person is Bambi (phon), who fled -- who was the  
17 aide-de-camp to Feissona and he was killed in the struggle. He created terror on the  
18 population. And there's also Bombe. So this is a clarification so that we understand  
19 the difference between these two men. Thank you, once again, your Honour.

20 Q. [14:45:15] Thank you, Mr Namsio.

21 MS DIMITRI: [14:45:17] I'm trying to speed up.

22 PRESIDING JUDGE SCHMITT: [14:45:21] Yes.

23 MS DIMITRI: [14:45:31]

24 Q. [14:45:31](Interpretation) I'd like to talk about another individual, Lucien Kossi.  
25 Do you know of a FACA called Kossi?

1 A. [14:45:41] Yes, very well.

2 Q. [14:45:46] Do you remember earlier we talked about the fact that Mr Yekatom  
3 stopped the criminals, thugs who you handed over to the gendarmerie and who were  
4 finally condemned by the courts? At that moment, were you together with Lucien  
5 Kossi?

6 A. [14:46:07] In principle, Lucien Kossi was part of my team when we started to  
7 hunt down the -- those who were creating terror in our camp. So it's possible that he  
8 was part of my team. So he could also be part of those elements. I do remember  
9 him. But there are also other names that were on the list.

10 Q. [14:46:49] Thank you, Mr Namsio. According to a document drafted by Mr  
11 Kossi, I'm not reproaching you, but I'd like a yes or no answer. According to the  
12 document drafted by Mr Kossi, you were replaced as spokesperson of the Anti-Balaka  
13 movement, but Igor Lamaka because you started to behave badly. Do you agree  
14 with me that this is a false statement? That's not the reason for why you were  
15 replaced, it wasn't due to bad behaviour? Just a moment Mr Namsio before  
16 answering.

17 PRESIDING JUDGE SCHMITT: [14:47:38] Mr Vanderpuye.

18 MR VANDERPUYE: [14:47:38] Thank you, Mr President. I object to the question  
19 because it is -- it's unclear what is meant by; "behaved badly". The witness has  
20 already testified that he left that post when he was arrested. And where I'm from,  
21 being arrested for a crime, such as possession of weapons, would qualify as be  
22 behaving badly, so if she wants to distinguish that's fine, but I think in the context it's  
23 not framed appropriately.

24 PRESIDING JUDGE SCHMITT: [14:48:05] Could we specify a little bit more what  
25 "bad behaviour" means because this is really a broad concept, frankly speaking.



1 MS DIMITRI: [14:48:17] I understand, Mr President. I'm quoting from --

2 PRESIDING JUDGE SCHMITT: [14:48:21] I've seen that.

3 MS DIMITRI: [14:48:22] -- I don't want to -- and I don't want to put more words in  
4 what I'm quoting from, so I kind of respected the idea from the document that I read.

5 He -- I understand what Mr Vanderpuye is saying, but he explained why he was

6 arrested. I want to give him an opportunity to comment on this allegation. And

7 when the other individual comes, we could -- we could ask him to expand on what

8 he meant by bad behaviour.

9 PRESIDING JUDGE SCHMITT: [14:48:55] Okay. Then let's -- Mr Namsio, you

10 have heard that. You can comment on this -- you can comment on this. It's okay.

11 Please.

12 THE WITNESS: [14:49:11](Interpretation) Thank you, your Honour, for your

13 concern, as you said I, Emotion Namsio, I was arrested during my mission which was

14 entrusted or given by our coordinator Ngaïssona.

15 MS DIMITRI: [14:49:35]

16 Q. [14:49:36](Interpretation) Mr Namsio, I do apologise. I'm sorry I cut you short.

17 I guarantee to you all in our -- in the court we know the reasons for your arrest, but

18 my question is more specific. If an individual says that you were replaced as

19 spokesperson of the Anti-Balaka movement by Igor Lamaka because you behaved

20 badly, do you agree or do you not agree with this allegation as far as you're

21 concerned?

22 A. [14:50:15] As regards this allegation towards me, I don't agree, so thank you

23 very much. It's -- it's not correct.

24 Q. [14:50:31] Thank you, Mr Namsio.

25 I'm going to go back -- back to Mr Lucien Kossi. You said in your testimony, in 66 of

1 the OTP binder, zero -- we don't have to display it on the screen, but it's 2105-0542,  
2 page 0545. There was also another person in Zongo.

3 Can you tell me how did Mr Kossi flee to Zongo? When and who was he with when  
4 he fled to Zongo?

5 A. [14:51:20] When the Seleka entered, everybody left as they could. When Mr  
6 Kossi crossed the river, I wasn't there. I arrived there and we met when we were  
7 both there. It's -- it's as simple as that. How he came there is something I don't  
8 know. I don't know the reason why either. I wasn't there with him. We met up in  
9 Zongo. Thank you.

10 Q. [14:51:56] Thank you, Mr Namsio. And at what moment -- because it's a  
11 brother of the neighbourhood, I suppose you discussed with Mr Kossi. Did he tell  
12 you that he was going to cross -- that he was going to cross one of the sons of  
13 Mr Bozizé? Do you know who he crossed with?

14 A. [14:52:13] I never heard him talk about that from his own mouth.

15 Q. [14:52:36] I'm going to change subject, Mr Namsio. I'm going to go back to  
16 your conversations with -- and your collaboration with Mr Yekatom. You might  
17 recall that Prosecution said on Monday that there was many calls with Mr Yekatom.  
18 Unfortunately, the Prosecution made a mistake. There wasn't 12 or so calls with  
19 Mr Yekatom. I'm going to show you a series of calls. It's tab 33,  
20 CAR-D29-0004-0042. It doesn't have to be displayed to the public. And I have  
21 others, tab 34, D29-0004-0044, and the last one is tab 35, CAR-D29-0004-0047. A very  
22 simple question, Mr Namsio. We see that from the phone calls that it is only after  
23 5 December that you started to have telephone contact with Mr Yekatom; is that  
24 right?

25 A. [14:54:08] I agree. Because as I said, it's in my statement.

1 Q. [14:54:18] We note that you had telephone calls with Mr Yekatom from  
2 February 2014. Am I correct that all your conversations had the objectives to work  
3 together with the gendarme to ensure peace came back, cooperation, to protect the  
4 population now from the different sectors? Was that the purpose of your  
5 conversations with Mr Yekatom?

6 A. [14:54:43] That's absolutely correct. Because each time he had them, if there  
7 was somebody responsible I called them to give -- how shall I put it? To provide  
8 information. When I received information, I passed it on to the coordination.

9 Q. [14:55:11] Thank you, Mr Namsio. Again, on the telephone numbers there's a  
10 number which concerns you. I think someone made a mistake and I want to show it  
11 to you.

12 During your interview with the OTP, you confirmed that -- your different telephone  
13 numbers. I'm going to show you a document. There is a telephone number in the  
14 document and I would like you to confirm that it is not your number, that you didn't  
15 have that number. It's tab 38 of the Defence, CAR-OTP-2019-1383. Please do not  
16 show this to the public.

17 THE INTERPRETER: According to the transcript, the binder number 37,  
18 CAR-OTP-2019-8383. Correction by the interpreter.

19 MS DIMITRI: [14:56:54] If we could -- it's the sixth -- the sixth line from the bottom  
20 and among -- yes, thank you very much. Perfect.

21 Q. [14:57:11](Interpretation) Mr Namsio, there is a number where we see your  
22 name, 72240581. Am I correct in saying that you never had this telephone number?

23 A. [14:57:38] What was it? It's the second number?

24 Q. [14:57:40] The second number.

25 A. [14:57:41] No, no, no, that's not my number.

1 Q. [14:57:45] Thank you.

2 A. [14:57:50] I've already given you my number and it's also in my testimony. The  
3 second number there doesn't belong to me.

4 Q. [14:58:00] Thank you. We change subjects again. I'm going to show you,  
5 again, a document that was presented by the Ngaïssona team. The document as  
6 regards the contribution of the compatriots of the Anti-Balaka, the project that you  
7 had with the general Coordinator Ngaïssona. It is tab 22 of the Ngaïssona team,  
8 CAR-OTP-2025-0396. And if we could go to page 0401, and the document can be  
9 openly displayed.

10 If we could scroll to the bottom of the page. It's in the penultimate part of the last  
11 paragraph.

12 Mr Namsio, can you see the document displayed? So after the initials OCRB, the  
13 coordination writes: "Profiting or benefiting from the situation of general confusion,  
14 bandits continue to organise in armed groups and, unfortunately, operate under the  
15 banner or label of the Anti-Balaka. The case of an armed group operating in the  
16 Kpetene neighbourhood, neighbouring KM5, is an example of this. However, the  
17 Defence and security forces are not -- do not seem to be concerned with this."

18 Do you remember, Mr Namsio, that there were armed groups in the district and they  
19 had no relation with Anti-Balaka, but they were actually working as Anti-Balaka  
20 under the flag of Anti-Balaka?

21 A. [15:00:37] You know, at this point of time, at the Langwasi (phon)  
22 bridge -- Langwasi lake and there were groups somewhere there and the population  
23 reached out to us to talk about it. But with regards to this document, I don't see the  
24 signature, I don't see the header either, so I really cannot comment on it. But we  
25 have negotiated a lot. We've done a lot to condemn many things and this was

1 something that was said on several instances. Thank you.

2 Q. [15:01:34] Thank you, Mr Namsio. I'm going to actually show you the first  
3 page of the document. This is a document of the coordination, the moment of  
4 patriots. If you could just show him the first page.

5 Do you remember this document?

6 A. [15:02:06] I haven't seen this as yet, I mean, because it's not displayed as yet. I  
7 haven't seen the document. Who signed this document?

8 Q. [15:02:24] This is a document where you provided testimony when the counsel  
9 of Ngaïssona asked you questions. This is a document prepared by the National  
10 Coordination of Anti-Balaka patriots.

11 A. [15:02:39] I've already responded to this -- on this document, your Honour.

12 Q. [15:02:44] Yes, Mr Namsio. I have a question, an additional question on this  
13 document.

14 A. If you've got any other questions, please do so and I will -- I'm still here for you.  
15 Thank you so much.

16 THE INTERPRETER: [15:02:56] And if the speakers could kindly pause it would be  
17 nice, because there is so much overlapping going on here.

18 PRESIDING JUDGE SCHMITT: [15:03:08] Let me put it this way. We -- we are in a  
19 situation, and for you it's the most difficult, you have the most difficult part. You  
20 want to finish, everybody wants, but specifically it's your turn, you want to finish  
21 until 4 o'clock. But, nevertheless, I think it -- it costs even more time if we have  
22 the problems with the transcript and it's really extremely difficult for the interpreters,  
23 which I would like to thank you. But you understand what's going on here.

24 THE INTERPRETER: [15:03:36] I do, your Honour. I do. I do. Perfectly.

25 Thank you.

1 PRESIDING JUDGE SCHMITT: [15:03:43] Bear with us, so to speak. Ms Dimitri.

2 MS DIMITRI: [15:03:46] Thank you, Mr President. I really apologise to the  
3 interpreters. It's 3 o'clock and I --

4 THE INTERPRETER: [15:03:52] That's perfectly all right, Counsel.

5 MS DIMITRI: [15:03:56] I'll try to take a break between the questions and answers.  
6 I'm sorry.

7 Q. [15:04:07] (Interpretation) Mr Namsio, my question is quite simple. It's quite  
8 straightforward. You spoke about other armed groups. I'm actually talking about  
9 the district Kpetene. Do you remember there were armed groups that were working  
10 in Kpetene and who said they were Anti-Balaka but they were actually not? Do you  
11 remember that? This -- could the coordination of Mr Ngaïssona condemn that?

12 A. [15:04:35] You see, these groups, these fake groups were condemned just about  
13 everywhere. And I've already responded to this in several instances, so I'm not  
14 going to come back to this document that you've just shown me, your Honour.

15 Q. [15:05:08] And Mr Namsio, my Central African colleagues who were working in  
16 the team, they said that the Saint Jacques bridge is in Kpetene. Can you confirm that  
17 for me?

18 A. [15:05:21] The Saint Jacques bridge, yes, yes, yes. It's in the Kpetene district.

19 Q. [15:05:32] And my Central African colleagues also explained that the district  
20 Fatima is very close to Kpetene. Can you confirm that for me?

21 A. [15:05:50] Since I do not live in the Fatima, I don't know if you have the map, but  
22 I think Fatima is just after Kokoro, but I don't -- I don't live there, so I don't know. I  
23 can't say anything about that. Thank you so much, Counsel.

24 Q. [15:06:21] Thank you, Mr Namsio.

25 Now, in your deposition, tab 40 of the OTP binder - you don't have to display

1 that - CAR-OTP-2059-1672, page 168. So these are additional questions. You  
2 explained that -- you referred to a meeting you had with the UN agency, the BINUCA,  
3 and you said in your statement that you informed the BINUCA staff that the person  
4 in charge was Mr Yekatom. Explaining you again what you said. It's not a trap.  
5 There is a question. I'm just putting you -- I'm just giving you the background.  
6 Now, during your second meeting with the OTP, because you met them more than  
7 once, in tab 79 - you don't have to display it - CAR-OTP-215 -- 2107-0611, page 0630,  
8 you mentioned -- you again spoke about this meeting you had at that time with  
9 BINUCA where you said that Yekatom's elements would have controlled the  
10 Saint Jacques bridge while going towards Fatima.

11 Are you with me until now?

12 A. [15:08:03] Yes, I am.

13 Q. [15:08:04] This is my question. Is it true that personally you haven't  
14 crossed-checked this information, this piece of information and this is an indication  
15 you gave to BINUCA so that they could lead their own investigation. Do you agree  
16 with me there?

17 A. [15:08:20] Now, if I can just explain myself here, what was said to BINUCA. In  
18 fact, they invited our coordinator and he was so busy that he asked me to represent  
19 him, so I went there -- okay, yes, I'm following you. But what I'm saying is it can  
20 be checked because --

21 Q. [15:08:50] Please listen to me. I'm not calling into question that you spoke to  
22 BINUCA. Please listen to me. I understand that you spoke to BINUCA. You  
23 went and spoke to them. I understand that. You said what I just said. My  
24 question is very simple. You gave them an indication -- you gave BINUCA an  
25 indication. It was up to them to go and check if the elements were there or

1 Mr Yekatom's elements or another group or even from an armed group which is not  
2 Anti-Balaka. Do you agree with me? You did give them this indication? Without  
3 you checking it yourself, it was to -- it was up to BINUCA to carry out their own  
4 investigations?

5 A. [15:09:39] Your Honour, I just wanted to explain something which will address  
6 your concern.

7 Now, you didn't allow me, so I didn't say it. If I'm not mistaken, there were certain  
8 elements who were arrested by MINUSCA at that time in Burundi. They were based  
9 in the Kolongo gendarmerie and they arrested certain people at *92 Logements*. It was  
10 near the lake -- it was near Kpetene. So you've got *92 Logements*, which was towards  
11 the Langwasi (phon) bridge and there was another road that would lead to the Saint  
12 Jacques bridge where -- where the Saint Jacques parish was. You can actually check  
13 this. It's going towards there I heard that there were elements who recovered and  
14 these are Yekatom's elements. And this is why I said that I'm not here to blame  
15 anyone, but this can be verified, cross-checked with the MISCA who was based in the  
16 Kolongo gendarmerie. I did not say that basically to blame someone, so I just  
17 wanted to shed more light on this matter. It's -- this is what I wanted to say,  
18 your Honour. It's just to give -- shed more light, it's to help you out and you can  
19 actually check this -- you can cross-check this. And if there is any information, you  
20 can actually find it with them. I spoke about this as well, previously. Thank you so  
21 much, your Honour.

22 MS DIMITRI: [15:11:57] Mr President, in French I'm told that he said, "*soi-disant*  
23 *appartenait à M. Yekatom*", "apparently would have belonged to Mr Yekatom" and it  
24 wasn't picked up the about interpreters. No -- no -- no offence.

25 Q. [15:12:17] (Interpretation) Last question. So this is what you referred to when



1 in the hearing you said that you heard that Yekatom's elements were in Fatima in the  
2 6th --

3 A. [15:12:41] Around that place.

4 Q. [15:12:38] Thank you.

5 A. [15:12:38] Around that place, in the vicinity.

6 Q. [15:12:39] Thank you.

7 MS DIMITRI: [15:13:02] Mr President, I can assure you I'm going to finish by 4. If I  
8 could just have two or three minutes to confer with my client and for the wrap up.

9 PRESIDING JUDGE SCHMITT: [15:13:13] Of course, of course. And I think we still  
10 stay in the room, so it's no problem.

11 MS DIMITRI: [15:13:17] Thank you, Mr President.

12 (Interpretation) I'm just going to come back to you in a few minutes, Mr Namsio?

13 PRESIDING JUDGE SCHMITT: [15:13:26] And perhaps, Mr Vanderpuye, just to  
14 bridge the gap a little bit so it's not -- so you are going -- tomorrow we have this other  
15 witness. If I recall it correctly --

16 MR VANDERPUYE: [15:13:41] Yes.

17 PRESIDING JUDGE SCHMITT: [15:13:41] -- You envision four hours?

18 MR VANDERPUYE: [15:13:44] I envision four hours. I'm still working on it, so I'm  
19 hoping to make it shorter than that, but that's what I have.

20 PRESIDING JUDGE SCHMITT: [15:13:49] It's not a Rule 68(3) witness (Overlapping  
21 speakers)? No, no it's fine. I'm not criticising. I'm just mentioning it.

22 MR VANDERPUYE: [15:13:53] Yes.

23 PRESIDING JUDGE SCHMITT: So -- and as I always say, also for tomorrow, when  
24 it comes to what witness has, perhaps, lived through or whatsoever, we can induce a  
25 narrative and -- actually, I always say that, but it depends a little bit on what kind of

1 witness we have indeed. So with witnesses like Mr Namsio, when it's more about,  
2 let's say, also background, contextual elements, whatsoever, policies and so on and so  
3 forth, directing a question make more sense than with a witness, for example, who is  
4 allegedly having been a victim or so (Overlapping speakers).

5 MR VANDERPUYE: [15:14:38] Yes, I'm hoping to elicit a narrative. A have a fair  
6 number of documents and maybe a video or so that I want to show the witness so ...

7 PRESIDING JUDGE SCHMITT: [15:14:45] This was not a directive or something. It  
8 was just that we have a conversation - and now Ms Dimitri is back - and not to lose  
9 time.

10 MR VANDERPUYE: [15:14:55] Thank you.

11 PRESIDING JUDGE SCHMITT: [15:14:56] Okay.

12 MS DIMITRI: [15:15:03]

13 Q. [15:15:04] (Interpretation) Mr Namsio, I've got a few questions and then it's all  
14 done.

15 I was talking to you about the Muslims who were saved and certain specific  
16 individuals with whom you worked for the peace who were saved, and in your  
17 testimony on Monday you said that there was a Muslim called Koyabade who went  
18 to Bossangoa and you fetched him later on after Yekatom called you that since you  
19 have the -- you're used to doing it, there's -- the Muslim subject who was there. You  
20 remember having said that?

21 A. [15:15:51] Yes, very well, so. It wasn't Bossangoa.

22 Q. [15:15:56] My question is as follows, Mr Namsio, because I really need to clear  
23 something because it's not clear in the transcript. When Mr Yekatom said that  
24 have -- you are -- when he says that you are used to saying it and doing it, he's  
25 referring to the fact that you are used to protecting the Muslim civilians and that's

1 precisely why he's calling you, to work and he wants to work with you to protect Mr  
2 Koyabade. You agree with me?

3 A. [15:16:27] I agree with you. Not only Muslims, but also -- all Central African  
4 nationals. Thank you.

5 Q. [15:16:43] Thank you, Mr Namsio. And the real name of Mr Koyabade is  
6 Amadico Borlo Abdourahman (phon), alias Manou, who was the spokesperson of the  
7 Committee of Wise Muslims.

8 A. [15:16:58] I don't remember his name, but -- but what I found was that he -- it  
9 was -- that the iCard bore the name of Koyabade Mathurin.

10 Q. [15:17:32] Thank you, Mr Namsio. I know it's difficult. It's very far down the  
11 memory, you don't remember his real name, but do you at least remember that he  
12 was the spokesperson of the Committee of Wise Muslims?

13 A. [15:17:52] To the best of my knowledge, I went and met a Muslim brother. I  
14 really did not go into any details, so I can't tell you anything more except what I know  
15 and what I've told you.

16 Q. [15:18:08] Thank you, Mr Namsio. On Wednesday, you named someone called  
17 Rator at page 32. It was actually poorly transcribed. It was Mr Ahamat -- it was  
18 Ahamat Abdel (phon). And was he -- were you referring to him?

19 A. [15:18:37] Yes, yes, I did refer to him. He was the vice president of the Islamic  
20 committee.

21 Q. [15:18:43] And I have information, according to which, there were meetings  
22 organised for social cohesion with Muslims, Mr Yekatom, Mr Wenezoui, and Mr  
23 Rator, who is the vice president of the committee. Do you confirm this?

24 A. [15:19:06] Yes, I do confirm this, because at that point of time there was -- there  
25 was so much of -- there were initiatives carried out in the Kokoro district and I was

1 aware of these activities.

2 MS DIMITRI: [15:19:26](Interpretation) Mr Namsio, thank you for having answered  
3 my questions. Thank you for your patience. I'm really sorry if I shook you up at  
4 times and cut you short. I've finished. Thank you so much.

5 THE WITNESS: [15:19:39](Interpretation) Thank you, your Honour.

6 PRESIDING JUDGE SCHMITT: [15:19:40] Thank you, Ms Dimitri. And we really  
7 appreciate it and the -- and I also can only say, Mr Namsio, that we have to apologise  
8 that we cut you short many times, but I see it actually in your face and how you react  
9 that you understand that.

10 Mr Vanderpuye.

11 MR VANDERPUYE: [15:20:05] Thank you, Mr President.

12 I have a -- a bit of redirect examination, with the Chamber's leave. They're fairly  
13 discreet topics that I have. I have a bunch of stickies here, but I think probably about  
14 five topics altogether, but relatively short questions and hopefully answers  
15 (Overlapping speakers).

16 PRESIDING JUDGE SCHMITT: [15:20:25] Let's hear the questions.

17 MR VANDERPUYE: [15:20:26] Very well.

18 QUESTIONED BY MR VANDERPUYE:

19 Q. [15:20:29] Mr Namsio, thank you, again, for your availability. I just have a few  
20 questions regarding your cross-examination.

21 As Ms Dimitri just left off discussing your efforts to cooperate with Mr Yekatom in  
22 view of protecting Muslims and generally Central Africans, I wondered if you had  
23 heard about a person by the name of Djido Saleh who was the deputy mayor of  
24 Mbaïki?

25 MS DIMITRI: [15:21:03] Mr President?

1 PRESIDING JUDGE SCHMITT: [16:34:13] Ms Dimitri.

2 MS DIMITRI: [15:21:01] Mr President, I object to the question. I didn't -- I didn't go  
3 in that topic. If the Prosecution wanted, he could have well anticipated that topic.  
4 It's a 68(3) witness --

5 PRESIDING JUDGE SCHMITT: [15:21:15] I agree with you here, Ms Dimitri.

6 MS DIMITRI: [15:21:17] Thank you, Mr President.

7 PRESIDING JUDGE SCHMITT: [15:21:19] And because we know we will have  
8 evidence on that and I -- we need not ask the witness here. Also, on -- perhaps on  
9 the question of redirect, because this always arises, we have always a discussion of  
10 the scope of redirect. And since the Presiding Judge always wants to learn and I  
11 explained on, you know, that I'm not from a common law system. I informed myself  
12 about that. And I found definitions, one in a -- an English law book, another in an  
13 American law book. I think the English one says explain -- the purpose of redirect is  
14 to enable a witness to explain and clarify relevant matters which have been weakened  
15 or obscured by cross-examination. And it also states what constitutes a new matter  
16 false under the discretion of the judges. So that, of course, a judge always likes to  
17 read something like that. So I really want to -- and you see that, obviously, want to  
18 draw a little bit of tension out of this question. But this is really something that is for  
19 further evidence, and we need not ask the witness about this. So next question.  
20 I agree with Ms Dimitri.

21 MR VANDERPUYE: [15:22:40] Thank you, Mr President. I'll move on.

22 Q. [15:22:42] All right. Now, you were asked some questions by I believe counsel  
23 for Mr Ngaïssona --

24 PRESIDING JUDGE SCHMITT: [15:22:49] Wait a second, Mr Vanderpuye.

25 So please no -- because at the moment Rule 74 counsel is not connected, please no

1 question to the witness which would put us into difficulties with regard to Rule 74.

2 MR VANDERPUYE: [15:23:12] All right. I think I'm okay with this next question.

3 PRESIDING JUDGE SCHMITT: [15:23:20] Okay. Good.

4 MR KNOOPS: [15:23:17] Mr President, I'm not sure whether you will prefer to kill  
5 the time.

6 PRESIDING JUDGE SCHMITT: [15:23:25] I think we continue because really  
7 it's -- now, since you're now standing, I don't -- I don't -- I would not want to cut you  
8 off.

9 MR KNOOPS: [15:23:33] No. Maybe in light of your observation, Mr President,  
10 before Mr Vanderpuye starts his questioning in redirect with respect to my  
11 examination, as the court has also illustrated, we have also done our research and this  
12 is another example of the research.

13 May I just at the beginning of the questions ask the attention of the Court for the  
14 following: First of all, this is a Rule 68(3) witness, as the Court rightly observed.  
15 Secondly, the Prosecution was given one session extra to its estimation. The Defence  
16 was exactly on time because of the time frame. So now we have, say, 35 minutes left  
17 and the Prosecution takes the opportunity to think, well, we have till 4 o'clock so I can  
18 have the opportunity to redirect. This would constitute unless we have put a  
19 different topic on the table in our examination. If the Prosecution now starts to  
20 question the witness again on my examination, which didn't arise new topics, then it  
21 would --

22 PRESIDING JUDGE SCHMITT: [15:25:00] May I shortly. So I -- actually, in  
23 principle, I agree with both of you. So indeed the Defence has done its utmost to be  
24 in the time frame even more (Overlapping speakers). But you also understand that  
25 we do not know what Mr Vanderpuye wants to ask, so if anything would arise from

1 this questioning of Mr Vanderpuye that would, perhaps, give rise to you asking for  
2 further questions, then we would -- then we are simply in the situation. And I  
3 would -- out of fairness to the Defence I would allow that, of course.

4 MR KNOOPS: [15:25:39] Thank you.

5 PRESIDING JUDGE SCHMITT: [15:25:44] So let's say another thing is - but this is a  
6 remark by me - we have this Rule 68(3) witness. We have, I think, hundreds even of  
7 pages of examination and I'm not so sure how -- how -- how much the witness has  
8 deviated from what he has said before, how much he has traced back from what he  
9 said. So I actually would not -- not see so much need for a redirect, but it's -- of  
10 course, I'm not the Prosecution and -- so it's up to you, Mr Vanderpuye.

11 MR VANDERPUYE: [15:26:27] All right. Maybe I'll work backwards then.

12 Q. [15:26:30] You were shown a document by Mr Knoops during your examination.  
13 I believe it was a mission order that you said was signed by Sylvestre Yagouzou.  
14 The ERN of the document -- I don't think I have the tab number, but the ERN is  
15 CAR-OTP-2029-0171 and it's at page 0173. If we could put that on the screen, we can  
16 have a look at that very briefly. I believe it's tab 26 of the -- of the Defence binder, or  
17 is it our binder?

18 PRESIDING JUDGE SCHMITT: [15:27:17] In the meantime, Mr Madoukou is  
19 connected again. And, also, of course, Mr Knoops, Ms Dimitri, when it's your case,  
20 you will have the chance for redirect under the same conditions, but this is, of course,  
21 obvious. I also have a little bit of suspicion, if I may say so. It's late so let me -- let  
22 me utter, yeah, what I really think. If Ms Dimitri had been taken until 4 o'clock,  
23 perhaps, indeed, we would have finished already. But okay, yeah.

24 MR KNOOPS: [15:27:56] And, Mr President, with all due respect, the mission orders  
25 has been addressed by the witness in his Rule 68(3) statement as well, so ...

- 1 PRESIDING JUDGE SCHMITT: [15:28:07] I'm also wondering -- I'm also wondering  
2 (Overlapping speakers) why we -- why we see this now the third time, but okay.  
3 But we, let's wait ...
- 4 MR VANDERPUYE: [15:28:16] All right.
- 5 PRESIDING JUDGE SCHMITT: [15:28:16] But this -- this -- this we have discussed  
6 extensively, really.
- 7 MR VANDERPUYE: [15:28:19] I'm (Overlapping speakers). I'm just going to the  
8 signature, Mr President.
- 9 PRESIDING JUDGE SCHMITT: [15:28:23] (Overlapping speakers) Okay. Good.  
10 The signature. Yeah. Okay.
- 11 MR VANDERPUYE: [15:28:26]
- 12 Q. [15:28:26] You said that this was signed by Mr Yagouzou. I want you to take a  
13 close look at the signature. You mentioned PO and that it was signed by Mr  
14 Yagouzou and Mr Yagouzou was the deputy of Mr Ngaissona and so on.  
15 Do you remember that? So I'd like you to take a look at this signature very careful  
16 and tell me if you recognise that to be Mr -- Mr Yagouzou's signature or someone  
17 else's?
- 18 A. [15:29:08] This was the deputy coordinator, Mr Yagouzou, who signed it  
19 because the chief of staff went to get this signed and the chief of staff went to the  
20 coordinator to get the document signed. The coordinator was basically on a trip on  
21 account of the Central African Football Federation (Overlapping speakers).
- 22 PRESIDING JUDGE SCHMITT: [15:29:43] Please, please no overlapping speakers.  
23 So the witness has said -- the last time he has confirmed what he thinks which person  
24 has signed it. And to further fill the gap and conclude my lecture, my -- on redirect,  
25 we are also in the comfortable position as a Chamber here at this court in the hybrid



1 system to say, okay, there might -- the rules of redirect might not be fulfilled 100 per  
2 cent according to common law, but yet the Chamber is of the opinion that the  
3 determination of the truth, Article 69(3) requires that this be further explored. We  
4 don't see it at the moment.

5 MR VANDERPUYE: [15:30:42]

6 Q. [15:30:43] Can I show you document CAR-OTP-2084-0049?

7 MS DIMITRI: [15:30:49] I'm sorry. In which -- because we have 200 documents  
8 here. In which binder or which tab, if you could assist?

9 MR VANDERPUYE: [15:30:59] It's in our binder, but I don't have it in front of me  
10 right now.

11 PRESIDING JUDGE SCHMITT: [15:31:07] Which document is it? Can you describe  
12 it?

13 MR VANDERPUYE: [15:31:09] Yeah, so it's 14 -- it's dated 14 -- well, it's -- it's the  
14 declaration number 15, CLPC number 15, 14 February is the date on the front,  
15 17 February is the date on the back. I think the Presiding Judge recalls that very  
16 well.

17 PRESIDING JUDGE SCHMITT: [15:31:27] Yeah.

18 MR VANDERPUYE: [15:31:31] But anyway, this is a signed version of it. I think  
19 you have it in front of the screen now and you probably recognise it almost instantly.  
20 We can zoom out a little bit so everyone can see what it is, please.

21 Q. [15:32:02] This is a document that was issued by the CLPC back on  
22 17 February 2014. And what I'd like to do is just to take you very briefly to  
23 page 0053, I think it is, where you will see the signature of Sylvestre Yagouzou. It  
24 should be item number 1 just above your own.

25 Can you see that?

- 1 A. [15:32:49] Yes, I see that, your Honour.
- 2 Q. [15:32:50] Do you recognise, first of all, your own signature at line number 2,  
3 *porte-parole* (Interpretation) Spokesperson?
- 4 A. [15:32:56] I recognise my signature, your Honour.
- 5 Q. [15:33:06] Let me take you to the next page. And I'd like you to take a look at  
6 the signature of Maxime Mokom at item number 21?
- 7 A. [15:33:35] I see it, your Honour.
- 8 Q. [15:33:39] Do you recognise the signature there as Maxime Mokom's signature?
- 9 A. [15:33:49] No, I don't really know what his signature looks like. I don't  
10 know -- I'm not so familiar with his signature.
- 11 MR KNOOPS: [15:34:10] Mr -- Mr President.
- 12 PRESIDING JUDGE SCHMITT: [15:34:11] Yeah, yeah.
- 13 MR KNOOPS: [15:34:13] This document, annex C, was attached to the statement of  
14 the witness. And in his Rule 68(3) statement, he said exactly the same as today and  
15 yesterday.
- 16 PRESIDING JUDGE SCHMITT: [15:34:25] Yes. And when it comes to signatures,  
17 actually, we have -- I really -- I hate to repeat that for the umpteenth time. We can  
18 see it ourselves, but on the other side we are also not experts on graphology. So,  
19 yeah, of course, Mr Vanderpuye, we have seen what you I think wanted us to see.
- 20 MR VANDERPUYE: [15:34:49] Not yet, Mr President.
- 21 PRESIDING JUDGE SCHMITT: [15:34:52] Oh, not yet? Okay. So there's  
22 something coming. So, please.
- 23 MR VANDERPUYE: [15:34:55]
- 24 Q. [15:34:55] I'd like to show you another document. It's CAR-OTP-2099-0485.  
25 I'd like to go to the bottom of the page and take a look at that signature.

1 Can you see that signature, sir?

2 MR KNOOPS: [15:35:33] Excuse me. It's not on either one's list, this document.

3 MR VANDERPUYE: [15:35:37] I don't --

4 MR KNOOPS: [15:35:38] No, the Prosecution is now introducing all kind of  
5 documents to enter into discussion with the witness, which is not the place for  
6 (Overlapping speakers).

7 PRESIDING JUDGE SCHMITT: [15:35:46] No, really, this -- this is a document.

8 This can be introduced via the bar table. And it's -- of course, we see here it's  
9 supposedly the signature of Mr Mokom. The witness has already said he  
10 doesn't -- he isn't familiar with the signature of Mr Mokom, so this has not to be  
11 discussed with the witness. Next question, please.

12 MR VANDERPUYE: [15:36:11]

13 Q. [15:36:12] Mr Namsio, Mr Mokom signed that order because Mr Mokom was in  
14 charge of the military police unit, isn't that right? Because he was the operations  
15 coordinator in the Anti-Balaka coordination?

16 PRESIDING JUDGE SCHMITT: [15:36:25] Mr Knoops.

17 MR KNOOPS: [15:36:26] Yeah, this is going into not the way the re-direction should  
18 be --

19 MR VANDERPUYE: [15:36:32] Mr President.

20 MR KNOOPS: [15:36:34] This is -- the Prosecution is now entering into an argument  
21 with the witness, is impeaching the witness, its own witness (Overlapping speakers).

22 PRESIDING JUDGE SCHMITT: [15:36:41] Actually, I -- I don't see -- I don't see the  
23 reason why -- why we should really entertain this. We have -- we have the  
24 documents, we have a lot of evidence on the different roles of different people which  
25 sometimes, let's say, converge, sometimes they -- they diverge from each other and

1 this all has to be put together. The witness also has testified in his Rule 68(3)  
2 statement about the different roles of the people, so next question. We don't discuss  
3 this now here with the witness.

4 MR VANDERPUYE: [15:37:17] Mr President, the suggestion was made on  
5 cross-examination that the military police unit fell under the coordination -- under the  
6 coordinator and that it was the coordinator's idea and the coordinator administer that  
7 unit. What this document shows is that the signature which is on the mission order  
8 which the witness received that he says was signed by Yagouzou wasn't signed by  
9 Yagouzou, but was signed by Maxime Mokom, which contradicts the suggestion that  
10 was made by Mr Knoops (Overlapping speakers).

11 PRESIDING JUDGE SCHMITT: [15:37:50] Yeah (Overlapping speakers). But you  
12 can't -- since it's a redirect, you have to -- you can't, let's say, ask like it would be a  
13 cross-examination, so I would say that. So then let me take over and let me rephrase  
14 it.

15 So who was -- who was the person responsible for the military police? Who was the  
16 person?

17 THE WITNESS: [15:38:23](Interpretation) Thank you, your Honour. It was our  
18 coordinator. It was -- he's the one who issued the permanent messenger. When we  
19 left Bangui to go to Sibut there was the problem of petrol, and there was also a  
20 question to approve the meeting, so our chef d'état, who was Feissona Olivier, had to  
21 go back to the coordinator so that he could sign our mission order. And I went to  
22 Kilometre 5 to the station to get petrol. It was at Kilometre 5 where I got petrol.  
23 That's how it happened (Overlapping speakers).

24 PRESIDING JUDGE SCHMITT: [15:39:11] Then, Mr Vanderpuye, the last try by me  
25 in that regard.

1 So, Mr Witness, this signature of Mr Mokom looks like the signature that we had on  
2 this mission order with all the names also -- you know, when you went there, with all  
3 the people also the Muslim people in this convoy. So could it be that Mr Mokom has  
4 signed this mission order? Is this possible or do you have knowledge about that?

5 THE WITNESS: [15:39:55] Thank you, your Honour. It wasn't me who had this  
6 document for signature. It was the chef d'état. I was in Kilometre 5 in order to get  
7 petrol and when the chef d'état major returned, he contacted the members of the  
8 coordination so that they could contact Ngaïssona. And he spoke about (unclear).  
9 Whether he signed it or not, since it's Mokom or another who signed it, since the  
10 coordinator wasn't there, I don't know. But that's (Overlapping speakers).

11 PRESIDING JUDGE SCHMITT: [15:40:34] I think, really, I don't have any reason,  
12 actually, to doubt the -- yeah, the truthfulness here of the witness. Mr Vanderpuye,  
13 he is not sure who it was. And we have the different documents and we leave it at  
14 that.

15 MR VANDERPUYE: [15:40:53] That is exactly the point that I raised the redirect for,  
16 is to show whether he was sure (Overlapping speakers).

17 PRESIDING JUDGE SCHMITT: [15:40:58] Do you have further questions?

18 MR VANDERPUYE: [15:40:59] Yes.

19 Q. [15:40:59] With respect to Mr Knoops' cross-examination, he asked you what the  
20 government was doing, the transitional government was doing to manage the  
21 security situation as you found it in 2014.

22 Now, to your knowledge, did the government take action against the Anti-Balaka, in  
23 particular, in February 2014 with respect to the security situation in Bangui, at least, if  
24 not in the country?

25 A. [15:41:50] I didn't hear you very well and I didn't understand the question.

1 Your Honour, could you rephrase that question to enable me to answer the question?

2 PRESIDING JUDGE SCHMITT: [15:42:02] You know, this has also the advantage  
3 that any sting is put a little bit out of this.

4 So with regard to the security situation, February 2014, did the transitional  
5 government introduce any action or put into any action against the Anti-Balaka, to  
6 your knowledge?

7 THE WITNESS: [15:42:31] In my statement, or in the statement done by  
8 Samba-Panza during the transition, we posted that on the screen. As regards  
9 security, there was problems for the free circulation. And that's the reason why, that  
10 we left in order to help the Muslims and also to help our country, your Honour.

11 PRESIDING JUDGE SCHMITT: [15:43:12] Okay. Thank you, Mr Witness. And  
12 also, allow me the remark that we have seen several times press declarations signed  
13 and not signed where the Anti-Balaka denounces actions of the transitional  
14 government. So there was, also, no need to ask the witness again.

15 MR VANDERPUYE: [15:43:37]

16 Q. [15:43:38] Are you aware that the Anti-Balaka was -- that members of the  
17 Anti-Balaka, including members of the coordination, were arrested in order to  
18 ameliorate the security situation in Bangui in February of 2014 and that the  
19 coordinator, Mr Ngaïssona himself, was arrested in April 2014?

20 PRESIDING JUDGE SCHMITT: [15:43:57] No, we -- I don't allow this. We have  
21 had this -- discussed this several times. This has not to be discussed with the witness.  
22 If there are no further questions, we finish with the witness here (Overlapping  
23 speakers).

24 MR VANDERPUYE: [15:44:11]

25 Q. [15:44:11] You were asked several questions about Kilometre 5 on

1 cross-examination by the Yekatom Defence. I believe Ms Dimitri asked you about  
2 that. And in that context, you also spoke about the demand by the Anti-Balaka to be  
3 billeted. And in that context, you mentioned that there was an unequal treatment  
4 between the -- the way the government handled the Anti-Balaka and the way the  
5 government handled the Seleka, including the billeting of Seleka with access to arms.  
6 First, did the Anti-Balaka surrender their arms in respect of their request to be billeted,  
7 to your knowledge?

8 A. [15:45:18] Your Honour, if I'm not mistaken, when Samba-Panza took power  
9 there was agreements that were made by -- there was a voluntary disarmament that  
10 took place. There were some who surrendered their arms and there were also others  
11 who did that and I noticed that in the *mairie*. Just, also, in some areas in  
12 Bangui -- also, the 4th arrondissement in Bangui and also the *lycée Barthelemy*. After  
13 that, we said to ourselves if we are -- if we billet our men, we are going to have some  
14 advantages until Point 0 so that we could organise a protest at Point 0 to show that  
15 the national opinion and the international opinion would see our will to bring about  
16 peace and, therefore, we deplored the treatment. Because somewhere our elements  
17 were not billeted, but others were billeted. Even our coordinator was upset every  
18 day (Overlapping speakers). The billeting of our men didn't happen (Overlapping  
19 speakers).

20 PRESIDING JUDGE SCHMITT: [16:34:13] (Overlapping speakers) extensively.  
21 Mr Vanderpuye.

22 MR VANDERPUYE: [15:47:09] Thank you, Mr President. I have one video I want  
23 to show you regarding what the government perception of the security situation was  
24 at the time. It's a video from 12 April 2014 and it is an account of the government's  
25 position and it was given by transitional president Catherine Samba-Panza, in

1 particular in respect to the disarming of Kilometre 5 and as well as the (Overlapping  
2 speakers).

3 PRESIDING JUDGE SCHMITT: [15:47:46] And this -- yeah, Ms Dimitri.

4 MS DIMITRI: [15:47:48] Mr President, my understanding and -- of a redirect, it's a  
5 68(3) witness. If something came up during examination by the non-calling party  
6 that calls into question what he did, I didn't 68(3) (Overlapping speakers).

7 PRESIDING JUDGE SCHMITT: [15:48:05] I agree with you. Next question or we  
8 finish. I agree.

9 MS DIMITRI: [15:48:08] Thank you, Mr President.

10 MR VANDERPUYE: [15:48:09] I don't have any questions. I want to make a record,  
11 though, Mr President.

12 PRESIDING JUDGE SCHMITT: [15:48:14] Yeah.

13 MR VANDERPUYE: [15:48:14] And the record I'd like to make is as follows:

14 Ms Dimitri concluded her cross-examination at a quarter after 3. It is now ten  
15 minutes to 4. I've asked exactly four questions. I've had counsel systematically  
16 stand up and interrupt on issues which are patent and clear. I don't need to see a  
17 textbook from Mr Knoops to know what the scope of a redirect examination is, the  
18 proper scope of a redirect examination is no more than he needs to see a textbook  
19 from me to know what the proper scope of a cross-examination is here. Counsel  
20 introduced into the record a number of topics which weaken and/or contradict a  
21 matter that was in the witness's statement. I'm squarely addressing those in  
22 particular. Ms Dimitri raised issues concerning the arming and actions of the  
23 Muslim population or the Muslim community or the population in PK5 in order to  
24 mitigate the charges against her client, which is entirely appropriate. These  
25 questions go exactly to that point. The Chamber is aware of it. The witness isn't.



1 And because the witness isn't, the witness should be given the opportunity to address  
2 it to clarify what's in his statement or what he testified to. That is the basis on which  
3 I'm asking the questions. I know the Chamber disagrees, but I think it's important to  
4 make that record because I've been sitting here for nearly 40 minutes batting  
5 back -- batting back objections which I don't think are appropriate and I think counsel  
6 well knows it.

7 PRESIDING JUDGE SCHMITT: [15:49:46] What is in this video?

8 MR VANDERPUYE: [15:49:48] It's a video of -- of the -- of the transitional president  
9 talking about the reasons why PK5 was not disarmed, the reasons why the 3rd  
10 arrondissement, contrary to the 5th arrondissement was treated differently.

11 PRESIDING JUDGE SCHMITT: [15:50:03] And we have seen this several times.

12 MR VANDERPUYE: [15:50:05] you have seen it, but the witness hasn't seen it in  
13 relation to the testimony that he's given.

14 PRESIDING JUDGE SCHMITT: [15:50:11] Then draw something out of this video.  
15 We don't watch a video now.

16 MS DIMITRI: [15:50:15] (Overlapping speakers) Mr President, if I may, just  
17 one -- one point. The Muslim armed in PK5 was part of the 68(3) statement. I  
18 quoted the extract. I did not add a new subject. I expanded on a subject that was  
19 addressed respectfully, Mr President, in the 68(3) statement.

20 PRESIDING JUDGE SCHMITT: [15:50:39] Knoops.

21 MR KNOOPS: [15:50:39] Yeah, Mr President. I totally disagree with the suggestion  
22 of the Prosecution that, we as Defence counsel, were here this afternoon just to  
23 frustrate any redirect. I know full well what a redirect is. The Court knows,  
24 Mr Vanderpuye knows. Redirect is an exception in the examination of witnesses.  
25 There are specific rules where redirect is allowed. Of course there was an exception,

1 but one rule cannot be evaded from. A redirect cannot be applied by the Prosecution  
2 to remedy any deficiencies in -- they had detected in its theory.

3 Now, the Prosecution repeatedly, also not today but also in other instances, tried to  
4 introduce under the umbrella contradictions or the witness deviated from his  
5 statement --

6 PRESIDING JUDGE SCHMITT: [15:51:38] (Overlapping speakers) The witness did  
7 barely deviate from anything, in my opinion (Overlapping speakers). You know, I  
8 also have to -- when this is -- and I appreciate that everybody is talking so that I also  
9 can (Overlapping speakers).

10 MR KNOOPS: [15:51:50] I would be the last one not to admit that if I have risen a  
11 totally new area in my examination, I would not have made objection. But all the  
12 questions the Prosecution has put to the Chamber and the documents were  
13 foreseeable, were part of the statement of the witness. The Prosecution got one  
14 session extra to the estimated time, so it's -- we are not here to frustrate the  
15 Prosecution.

16 PRESIDING JUDGE SCHMITT: [15:52:15] We -- please, me allow me now. I asked  
17 the Prosecutor, and we have seen this, I think, two or three times this video, and if we  
18 had not seen it yet I would say for the determination of the truth we would need to  
19 listen to it because this is something that the former president has said and we might  
20 draw conclusions out of it or not. So -- but since we have seen this, there's a  
21 necessity to do it now again and to discuss it with the witness. So I agree. I do not  
22 agree that there was any improper behaviour by Defence counsel in the past 40  
23 minutes.

24 So, Mr Witness, this concludes your testimony. You have seen sometimes there is  
25 really tension, there are discussions here in the courtroom. Might be -- might have

- 1 been quite interesting for you.
- 2 On behalf of the Chamber, Mr Witness, I would like to thank you that you have made
- 3 yourself available as a witness, that you patiently have answered our questions and
- 4 the questions of all the parties and participants for several days and that you have not
- 5 been offended when we interrupted you.
- 6 Thank you very much, Mr Witness, we wish you a safe trip back home.
- 7 THE WITNESS: [15:53:42](Interpretation) Thank you, your Honour. Thank you
- 8 very much.
- 9 PRESIDING JUDGE SCHMITT: [15:53:44] So this concludes the hearing for today.
- 10 Tomorrow 9.30 with witness whoever -- yeah, we will see. Yeah, good.
- 11 THE COURT USHER: [15:53:56] All rise.
- 12 (The hearing ends in open session at 3.53 p.m.)