

Trial Hearing
WITNESS: CAR-OTP-P-1077

(Open Session)

ICC-01/14-01/18

1 International Criminal Court
2 Trial Chamber V
3 Situation: Central African Republic II
4 In the case of The Prosecutor v. Alfred Rombhot Yekatom and Patrice-Edouard
5 Ngaïssona - ICC-01/14-01/18
6 Presiding Judge Bertram Schmitt, Judge Péter Kovács and Judge Chang-ho Chung
7 Trial Hearing - Courtroom 1
8 Monday, 29 August 2022
9 (The hearing starts in open session at 9.33 a.m.)
10 THE COURT USHER: [9:33:13] All rise.
11 The International Criminal Court is now in session.
12 Please be seated.
13 PRESIDING JUDGE SCHMITT: [9:33:37] Good morning, everyone.
14 Court officer, please call the case.
15 THE COURT OFFICER: [9:33:41] Good morning, Mr President. Good morning,
16 your Honours.
17 This is the situation in the Central African Republic II, in the case of The Prosecutor
18 versus Alfred Rombhot Yekatom and Patrice-Edouard Ngaïssona, case reference
19 ICC-01/14-01/18.
20 And for the record, we are in open session.
21 PRESIDING JUDGE SCHMITT: [9:34:01] Thank you.
22 I ask for the appearances of the parties.
23 Mr Vanderpuye for the Prosecution first, please.
24 MR VANDERPUYE: [9:34:08] Good morning, Mr President. Good morning,
25 your Honours. Good morning, everyone. Good morning, Mr Witness. The

1 Prosecution is represented today by Manochitra Prathaban, Yassin Mostfa,

2 Orla Cronin and myself, Kweku Vanderpuye. Good morning.

3 PRESIDING JUDGE SCHMITT: [9:34:25] Thank you.

4 And the representatives of the victims, Ms Massidda first.

5 MS MASSIDDA: [9:34:29] Good morning, Mr President, your Honours. The

6 victims of the other crimes are represented today by Mr Dangabo Moussa,

7 Ms Mouhia Asso and myself, Paolina Massidda.

8 PRESIDING JUDGE SCHMITT: Thank you.

9 And Mr Suprun.

10 MR SUPRUN: [9:34:46] Good morning, Mr President, your Honours. The former

11 child soldiers are represented by myself, Dmytro Suprun, counsel at the Office of

12 Public Counsel for Victims. Thank you.

13 PRESIDING JUDGE SCHMITT: [09:34:50] Thank you.

14 I turn to the Defence. First Ms Guissé for Mr Yekatom.

15 MS GUISSÉ: [9:34:54] (Interpretation) Good morning, your Honours. Mr Yekatom

16 is here in the courtroom today. He is assisted by Lena Casiez and Mr Suzuki and

17 myself, Anta Guissé.

18 PRESIDING JUDGE SCHMITT: [9:35:09] (Interpretation) Thank you.

19 And now we have Mr Knoops, finally.

20 MR KNOOPS: [9:35:14] A very good morning, Mr President, your Honours,

21 everyone in the courtroom, Mr Witness. The Defence team of Mr Ngaïssona appears

22 today before the Chamber with, on my right side, Chiara Giudici, second row is

23 Sara Pedroso and our new intern, Saskia Afande. And Mr Ngaïssona is present in

24 the courtroom.

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

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1 We will now start with the testimony of Prosecution Witness P-1077. This is
2 Mr Yapele.
3 Mr Yapele, good morning. Can you hear and understand me well?
4 WITNESS: CAR-OTP-P-1077
5 (The witness speaks French)
6 (The witness gives evidence via video link)
7 THE WITNESS: [9:35:54](Interpretation) Good morning, I can hear you.
8 PRESIDING JUDGE SCHMITT: [9:35:57] On behalf of the Chamber I would like to
9 welcome you to the courtroom. You are called to testify to assist this Chamber in the
10 case of Mr Yekatom and Mr Ngaïssona.
11 I also note the presence of Mr Jacob Sangone, who has been appointed as legal adviser
12 to you pursuant to Rule 74 of the Rules of Procedure and Evidence.
13 Also a warm welcome to Mr Sangone.
14 MR SANGONE: [9:36:29] (Interpretation) Thank you.
15 PRESIDING JUDGE SCHMITT: [9:36:31] Mr Yapele, whenever you think there is a
16 need to confer with your legal adviser, you let us know. There might be questions
17 put to you that might tend to incriminate you, we don't know that for sure, but it
18 might happen. In these cases you can answer the questions or you can refuse to
19 answer them. And before you decide on what to do, you can confer with your
20 counsel, and that is also the reason why we have Mr Sangone helping you in case it is
21 needed.
22 Mr Yapele, there should be a card on the desk in front of you with the solemn
23 undertaking to tell the truth. Could you please read out loud the content of this
24 card.
25 THE WITNESS: [9:37:31](Interpretation) I solemnly declare that I shall tell the truth,

1 the whole truth and nothing but the truth.

2 PRESIDING JUDGE SCHMITT: [9:37:36] Thank you very much, Mr Yapele. You
3 are now under oath.

4 Before we start with your testimony, I would like to speak with you a little bit about a
5 few practical matters. Everything we say here in this courtroom and of course also
6 everything that you are saying is written down and interpreted. And to allow for
7 the interpreters to follow what you and everybody else is saying, we have to speak at
8 a relatively slow pace and we have to make a pause before we answer to questions
9 that are put to us. So please keep that in mind.

10 And with these preliminaries we can start, I think, with the examination by the
11 Prosecution. I give Mr Vanderpuye the floor, who knows that he has to establish the
12 Rule 68(3) conditions.

13 MR VANDERPUYE: [09:38:21] Thank you very much, Mr President. I'll remain
14 seated as per the usual (Overlapping speakers)

15 PRESIDING JUDGE SCHMITT: [9:38:28] Yes, yes, we can have it this way. Only if
16 we have witnesses here in the courtroom, of course, then it's a good practice to act
17 differently.

18 MR VANDERPUYE: [9:38:43] Thank you, Mr President.

19 QUESTIONED BY MR VANDERPUYE:

20 Q. [9:38:47] Good morning, Mr Yapele. Can you hear me okay?

21 A. [9:38:49] Yes, I can hear you.

22 Q. [9:38:52] We met last Thursday. My name is Kweku Vanderpuye. I'm
23 obviously with the Prosecution team and I'll be asking you some questions this
24 morning. I'll try to get it done in about two hours, although I have a fair amount of
25 material I'd like to ask you about. And as the Presiding Judge has indicated, or at

- 1 least you've -- you're aware, your testimony will be heard publicly and that's the way
2 we'd like to keep it if at all possible.
- 3 You have the assistance of your lawyer, Mr Sangone, and obviously if there are
4 questions that are concerning to you or to him, just let us know and then we can -- we
5 can -- we can deal with that.
- 6 Just a couple of things to remember is that we are going through an interpreter so you
7 may understand questions that I've put to you differently than I've said them and
8 vice versa with respect to your answers. So if there's anything that's unclear to you,
9 just let us know, just let me know and I'll try to rephrase the question in a way that
10 we can better understand one another.
- 11 I think that's basically enough. If there's anything that comes to mind as we go on,
12 then also just let me know and we can discuss that as well with the -- with the judges'
13 and the Chamber's permission.
- 14 So let's start with some biographical information. First can you state your full name
15 for the record.
- 16 A. [9:40:40] Yapele Chrysostome.
- 17 Q. [9:40:53] Do you go by the name Chiki Chiki?
- 18 A. [9:40:56] Yes.
- 19 Q. [9:40:58] Is Chiki le pétrolier also a name that you go by?
- 20 A. [9:41:10] Yes.
- 21 Q. [9:41:13] What is your date of birth?
- 22 A. [9:41:25] I was born on 10 April 1983.
- 23 Q. [9:41:31] You were born in the Central African Republic, is that right, and you
24 are a Central African Republic national?
- 25 A. [9:41:42] Yes.

1 Q. [9:41:45] What is your ethnicity and your religion?

2 A. [9:42:02] I belong to --

3 THE INTERPRETER: [9:42:05] Inaudible.

4 THE WITNESS: [9:42:08](Interpretation) And I belong to the Catholic church.

5 MR VANDERPUYE: [9:42:14]

6 Q. [9:42:16] If I could just ask you to repeat your answer so the interpreter can
7 catch it, that would be helpful.

8 A. [9:42:41] I am from the *Pana ethnic group and I belong to the Catholic church.

9 Q. [9:42:47] Okay. Since your interview in July 2018, have you been in contact
10 with anyone with respect to your cooperation in this case or your testimony or your
11 prospective testimony in this case?

12 A. [9:43:12] No.

13 Q. [9:43:16] Good. Let me just ask you a few questions about -- some background
14 questions about -- about you. And the first is I understand it that you were -- you
15 were a leader among the Anti-Balaka of Berberati in 2014; is that right?

16 A. [9:43:39] Yes, that's correct.

17 Q. [9:43:46] You were a ComZone among that group and then you became the
18 prefectural coordinator for the prefect of Mambere-Kadei; is that right?

19 A. [9:44:08] Yes, that's correct.

20 Q. [9:44:09] And just briefly, because I'll ask you some questions more about this,
21 you were among a group of Anti-Balaka that took part in the Brazzaville talks in
22 July 2014 and then also in the talks in Nairobi at the end of that year and into 2015; is
23 that right?

24 A. [9:44:40] Yes.

25 Q. [9:44:42] Let me ask you a few questions about your statement or the interview

1 that you had in July. You recall being interviewed by Prosecution investigators in
2 July 2018; is that right?

3 A. [9:45:04] Yes.

4 Q. [9:45:06] And that -- I believe I have here that that was between 8 and
5 11 July 2018 and you were assisted by Mr Sangone, your lawyer?

6 A. [9:45:26] Yes.

7 Q. [9:45:29] Do you recall that the purpose of that meeting or interview was to ask
8 you questions concerning your knowledge about the conflict in the Central African
9 Republic, particularly involving the Anti-Balaka?

10 A. [9:45:50] Yes.

11 Q. [9:45:53] And you were asked a number of questions regarding your
12 participation in the Anti-Balaka and all about the Anti-Balaka during the period of the
13 crisis, that is from 2013 until 2015 even.

14 A. [9:46:19] Yes.

15 Q. [9:46:21] Okay. And you were -- when you were interviewed, you were
16 informed that it was important to answer the questions put to you as completely as
17 you could, that is, to be forthcoming with any information you had; was that your
18 understanding?

19 A. [9:46:53] Yes, I understood that.

20 Q. [9:46:56] And you did that during the course of that interview?

21 A. [9:47:09] Yes.

22 Q. [9:47:11] Did anyone pressure you or coerce you to participate in the interview
23 or to give the answers that you did at the time?

24 A. [9:47:26] No.

25 Q. [9:47:29] I understand that you've had an opportunity to review your statement

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1 just recently. And having done that, you are satisfied that it accurately and fairly
2 represents what you told the investigators at the time; is that right?

3 A. [9:47:56] Yes, that's right.

4 Q. [9:47:59] With that, do you agree that the Chamber may consider your previous
5 statement, your interview that is, as evidence in this case?

6 A. [9:48:16] Yes.

7 Q. [9:48:19] Very well.

8 MR VANDERPUYE: [09:48:21] Mr President, I would at this point tender the
9 statement -- or statement transcripts, rather, that the witness has given. I believe
10 they comprise tabs 24 through 36 of the Prosecution binder. I'll give you the
11 numbers on the record as well.

12 PRESIDING JUDGE SCHMITT: [9:48:44] Yeah, they are quite some, though.

13 MR VANDERPUYE: Yeah, there are a few.

14 PRESIDING JUDGE SCHMITT: [09:48:44] Okay, but just --

15 MR VANDERPUYE: Anyway, they are --

16 PRESIDING JUDGE SCHMITT: Let's get away with it.

17 MR VANDERPUYE: [9:48:49] Thank you, Mr President. CAR-OTP-2107-3366.

18 That's one transcript. The suffix is -- the prefix is the same, so the next transcript is
19 3394, 3396, 3428, 3454, 3483, 3500, 3530, 3554, 3548, 3610, 3636, 3666.

20 PRESIDING JUDGE SCHMITT: [9:49:50] Just shortly, I think 3584, not 48.

21 MR VANDERPUYE: [9:49:56] Oh, yeah. Sorry about that.

22 PRESIDING JUDGE SCHMITT: [9:50:00] Okay, good, good.

23 MR VANDERPUYE: [9:50:03] Thank you, Mr President.

24 Q. [9:50:04] All right. Mr Yapele, I have a few questions, quite a few questions I'd
25 like to ask you just in follow-up to some of the things that you mention in your

1 statement. So I will try to be as direct as I can about it, and if you can do the same,
2 that might move things along.

3 So just in terms of orienting everyone timewise, can you approximate when it was
4 that you set out to go join the Anti-Balaka, that is, when you set out with Mapao and
5 Herve and Goel to go to the bush. Do you know approximately when that was?

6 A. [9:50:59] Well, it was quite a while ago. I've forgotten. But it is true we did
7 leave together to join the Anti-Balaka. It was in January 2014.

8 THE INTERPRETER: [09:51:11] Correction: 2013.

9 PRESIDING JUDGE SCHMITT: [9:51:17] Just shortly, just for the record, to make it
10 absolutely clear with regard to the statements that you mentioned, the Rule 68(3)
11 requirements are fulfilled. Just to state it for the record.

12 Please continue.

13 MR VANDERPUYE: [9:51:33] Thank you very much, Mr President.

14 Q. [9:51:34] We have here in the transcript that you estimated that you were there
15 in January 2013. If I were to tell you that our information is that the attack on
16 Berberati occurred around 8 to 10 February 2014, would that help refresh your
17 recollection as to whether you were in the bush in January 2013 or January 2014?

18 A. [9:52:10] I was in the bush in January 2013 and I came out early in February.

19 Q. [9:52:18] All right. About how long before the attack on Berberati do you think
20 you were in the bush?

21 A. [9:52:37] Maybe more than two weeks.

22 Q. [9:52:41] All right. That's helpful. You describe in your statement that there
23 were about a thousand people gathered in the bush near Baoro at the time that you
24 got there, and that they came from different areas, Bossemptele, Bossembele, Baoro,
25 Bouar, Bozoum, Bocaranga, Bossangoa.

1 Of the thousand people or so that were there, were you able to identify any particular
2 leaders of the group?

3 A. [9:53:24] Yes.

4 Q. [9:53:25] Who were those leaders?

5 A. [9:53:37] There was Aime.

6 Q. [9:53:45] Any others that come to mind?

7 A. [9:53:55] Actually, there were several, but the ones -- the one that I knew was
8 Aime.

9 Q. [9:54:03] Okay. Can you describe for the Chamber how these thousand people
10 were organised? Were they -- you know, were they -- did they have commanders or
11 leaders or were they just in a crowd? Can you describe for the Chamber what you
12 saw.

13 A. [9:54:36] Well, the day I came back, I was with Mapao, Goel and the others.
14 There were six of us. Once we got there, we were greeted by my
15 brother -- correction, by our Anti-Balaka brothers. And it wasn't easy at first, but
16 they understood us and we --

17 THE INTERPRETER: [9:55:04] Inaudible.

18 MR VANDERPUYE: [9:55:09]

19 Q. [9:55:11] I think we've lost a bit of that in the translation. Can you repeat the
20 last part of your answer.

21 A. [9:55:31] I told you that I was in the bush with my friends when we left Berberati
22 together. Then we were greeted by our Anti-Balaka brothers who were in the bush.
23 It wasn't easy at first. They thought that we were spies. Ultimately we stayed with
24 them.

25 Q. [9:55:55] All right. The people that you saw there, the thousand or so people,

1 I think you said even there were women there also, how were they organised in terms
2 of preparing to fight? Were people giving instructions? Were people organising in
3 smaller groups? That kind of thing.

4 A. [9:56:40] Actually, in their own way they were organised and I -- we just tried to
5 talk with them and find out what was going on.

6 Q. [9:56:55] All right. Do you know how it came to be that all these thousand
7 people ended up in the same place in order to prepare to fight?

8 A. [9:57:21] Each person had his or her own problems. So I don't have an exact
9 answer for you.

10 Q. [9:57:42] Did you receive some information as to where to go when you left
11 Berberati? Why head towards the bush in Baoro, in particular, or in the direction of
12 Carnot as opposed to another direction? South or east?

13 A. [9:58:04] Actually, no one told me or -- to go join the Anti-Balaka. I decided
14 that on my own, on my own initiative. With some brothers, we decided together
15 that we would join the Anti-Balaka. We weren't sent by someone, no. It wasn't
16 something imposed upon us.

17 THE INTERPRETER: [9:58:39] Message from the interpreter: Sound quality could
18 be better. The interpreters will do their best but may have to say "inaudible" from
19 time to time.

20 PRESIDING JUDGE SCHMITT: [9:58:49] Well, that's okay. If it -- if it is necessary,
21 you simply tell us and we try to repeat it. Thank you.

22 MR VANDERPUYE: [9:58:57] Thank you.

23 Q. [9:58:58] What I mean -- I'm not asking you about why you joined, I'm asking
24 about how you knew where to go to join. That's my question. Does that -- is that
25 clearer?

1 A. [9:59:17] Yes, that's clearer.

2 Q. [9:59:22] So how did you know where to go, that is, in the direction of Baoro and
3 Carnot and so on, how did you know to go there in the first place to even find the
4 Anti-Balaka there?

5 A. [9:59:44] The information was on RFI and I myself learned and so I screwed up
6 my courage to go and join the Anti-Balaka.

7 Q. [10:00:02] Okay. In your interview you mentioned that at the time, that is
8 when you arrived at this -- in the bush or in that area, that the objective there was to
9 chase away the Muslims.

10 And that is at tab 24, the ERN page number is 3391, lines 941 through 942.

11 How did you come to know that, that that was the objective?

12 A. [10:00:48] In fact, my objective was to find the Anti-Balakas and then chase out
13 the mercenaries who were there -- who had come to the Central African Republic to
14 harm them. It was not to chase away all the Muslims but chase away those who had
15 come to do harm.

16 Q. [10:01:16] I understand that that was your objective, but I'm asking about what
17 you said about the objective of the people that you joined. What you said was, and
18 I'll quote it in French: (Interpretation) "They are numerous and their -- because their
19 goal is to chase away only the Muslims."

20 (Speaks English) So how did you come to know that that was their objective as a
21 group?

22 A. [10:02:00] In fact, everything that happened was before our eyes. The Seleka
23 came to kill the Central African population civilians, to create havoc. And as we
24 were left to fend for ourselves, we had to get together to defend our nation.

25 Q. [10:02:25] All right. You mentioned that when you left Berberati and you went

1 in the direction of Carnot, you met Aime. Aime we understand to be Aime Blaise
2 Zaoroyanga; is that right?

3 A. [10:02:51] Yes.

4 Q. [10:02:54] And he was the ComZone in Carnot at some point; is that right?

5 A. [10:03:08] Yes, that's it.

6 Q. [10:03:12] He was among the Anti-Balaka leaders that you met in the bush after
7 you left Berberati; is that right?

8 A. [10:03:26] Yes, that's it indeed.

9 Q. [10:03:30] Do you know the name Sylvestre Sinakolo?

10 A. [10:03:43] No.

11 Q. [10:03:47] Do you know the name Barthelemy Namsenmo?

12 A. [10:03:58] No.

13 Q. [10:04:01] And when I ask if you know that name, I mean not just at the time,
14 but have you -- have you heard of those individuals at any time?

15 A. [10:04:26] Yes, I had heard talk of those people, but I did not know them
16 personally.

17 Q. [10:04:34] And the talk you heard about them, did that involve -- or, rather, did
18 you hear that they were leaders in the Carnot Anti-Balaka?

19 A. [10:04:55] No.

20 Q. [10:04:58] All right. I just want to show you a document. I think you've seen
21 it before. It's at tab 9, CAR-OTP-2030-0445. And it's tab 9. It should be coming up
22 on the screen in a minute. There we are.

23 This is just a document which attaches a list of individuals that were purported
24 members of the PCUD, which is the political party that was founded by

25 Mr Ngaïssona. And I just want to take you to page 0453 so you can have a look at it.

1 Actually, yeah, the preceding page anyway indicates, just for the Chamber,
2 (Interpretation) "List of the ComZones Anti-Balaka Designated by the Prefecture."
3 (Speaks English) Oh, great.
4 And now if we go to the next page, which is 0453, that's what I want you to take a
5 look at. And you can see here in the prefecture of Mambere-Kadei, your name is
6 listed there, Max is listed there, Nestor is listed there. And then beneath that you can
7 see (Interpretation) "Sub-prefecture of Carnot". (Speaks English) And there you see
8 Aime and Barthelemy.

9 Were you aware of the information that you see here, that is, these individuals as
10 leaders in their respective areas under the National Coordination of the Anti-Balaka?
11 A. [10:07:13] Yes.

12 Q. [10:07:19] And I'm sure the Chamber has seen it before, but if we just go down
13 to the bottom of the page, you can see the signature there. And, Mr Yapele, do you
14 recognise that signature as Mr Ngaïssona's signature?

15 A. [10:07:37] Yes.

16 Q. [10:07:41] That's the same signature that's on your Anti-Balaka ID card, isn't it?

17 A. [10:07:57] In fact, in fact, I will check the signature to see whether it corresponds.
18 Sorry, I can't do that now.

19 Q. [10:08:10] That's no problem. We can just blow that up a little bit so you can
20 get a good look at it. All right.

21 And now I'm going to show you tab 15, CAR-OTP-2083-0132.

22 MR KNOOPS: [10:08:30] Mr President, sorry.

23 PRESIDING JUDGE SCHMITT: [10:08:32] Yes.

24 MR KNOOPS: [10:08:33] The witness is not an expert in handwriting detection, so
25 I think it's up to the Chamber to make this assessment and not the witness.

1 PRESIDING JUDGE SCHMITT: [10:08:45] Indeed, yes, you're right. We can -- we
2 can, of course, ask the witness if he thinks this -- the same person might have issued
3 the documents, but of course Mr Knoops is right. If --

4 MR VANDERPUYE: [10:08:55] No, that's -- that's --

5 PRESIDING JUDGE SCHMITT: [10:08:57] If this -- if this would have been -- if this
6 is disputed -- well, we don't know if it is disputed, but still, I think the
7 witness -- I think we can leave it at that.

8 MR VANDERPUYE: [10:09:08] We have it on the screen and (Overlapping speakers)

9 PRESIDING JUDGE SCHMITT: [10:09:12] Yeah, we have it on the screen. And
10 when it is on the screen and you have -- and we have it not only on the screen, we
11 have it on the record, and the Chamber can compare --

12 MR VANDERPUYE: [10:09:18] Yes.

13 PRESIDING JUDGE SCHMITT: [10:09:19] -- and whatsoever.

14 MR VANDERPUYE: [10:09:20] I want to ask him if the signature that's on his ID
15 card is Mr Ngaïssona's signature, which he ought to know.

16 PRESIDING JUDGE SCHMITT: [10:09:28] Well, if he knows. You can ask him if he
17 knows, and then we leave it at that.

18 MR VANDERPUYE: [10:09:33] So if we could blow up the signature a bit.

19 Q. [10:09:39] I'm not asking you if Ngaïssona signed it. I'm asking you if you
20 recognise it as his signature. That's all. It could be a stamp for all I know.

21 MR KNOOPS: Mr --

22 PRESIDING JUDGE SCHMITT: [10:09:46] Yeah, I know, I know, Mr Knoops.

23 Still, do we have any indicia or any arguments that he exactly might know what the
24 signature of Mr Ngaïssona is?

25 MR VANDERPUYE: [10:10:01] Well, the indicia in my view is that it's on an ID card

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1 that he was issued by the National Coordination, which would suggest that he should
2 have that basis of knowledge.

3 PRESIDING JUDGE SCHMITT: [10:10:13] Well, but still --

4 MR VANDERPUYE: [10:10:16] And there are ID cards that have different
5 signatures.

6 PRESIDING JUDGE SCHMITT: [10:10:14] But still, it is enough that we have it on
7 the screen, that we have it on the record and that we can compare it, I think.

8 What you can ask him, if -- if he thought, with regard to this document, to this ID
9 card, that Mr Ngaïssona was the person who has signed it. This is -- this would be a
10 question that you could ask. If this was his opinion when he received this.

11 MR VANDERPUYE: [10:10:42] Okay.

12 Q. [10:10:44] You've heard Mr President's question, Mr Yapele. Can you answer
13 that?

14 A. [10:10:57] Yes, I can answer you.

15 PRESIDING JUDGE SCHMITT: [10:11:03] Perhaps I give it a try again.

16 MR VANDERPUYE: [10:11:06] Thank you, Mr President.

17 PRESIDING JUDGE SCHMITT: [10:11:08] Mr Witness, Mr Yapele, just when you
18 received this ID card, was it in your mind that the person mentioned here,
19 Mr Ngaïssona, has signed it, that he had something to do with the issuance of this
20 document? Was this your -- your -- yeah, what you thought of this document?

21 THE WITNESS: [10:11:30](Interpretation) Yes.

22 MR VANDERPUYE: [10:11:35]

23 Q. [10:11:36] Do you know if other individuals in the Anti-Balaka coordination
24 signed and issued ID cards for members?

25 A. [10:11:48] No.

- 1 Q. [10:11:56] Now let me show you another document because I digressed a bit
2 here. It's CAR -- tab 22, CAR-OTP-2101-0217. Okay. And here you can see it says:
3 (Interpretation) "Provisional budget of coordinators and ComZones, provinces that
4 have come to Bangui for the restructuring of the bureau of national coordination of
5 the movements for resistance patriotic self-defence groups Anti-Balaka".
6 (Speaks English) And if we go down to -- so we can see item 25, you see your name
7 there and it says (Interpretation) "Berberati coordinator". (Speaks English) Above
8 that you can see at line number 15 "Sinakolo Sylvestre" (Interpretation) "Coordinator
9 Carnot".
10 (Speaks English) Is that consistent with your understanding of what his position was
11 in the Anti-Balaka?
12 A. [10:13:35] Well, some years have come -- have gone by and I have somewhat
13 forgotten.
14 Q. [10:13:43] And just under his name you see the name "Demowansse Nice"
15 (Interpretation) "Coordinator Amadagaza".
16 (Speaks English) Is that consistent with your understanding or recollection at the
17 time?
18 A. [10:14:11] Yes.
19 Q. [10:14:13] Now, I understand that when you arrived --
20 MR KNOOPS: [10:14:23] Mr President, maybe Prosecution can also ask the time
21 frame --
22 PRESIDING JUDGE SCHMITT: [10:14:30] Actually, if you hadn't asked it, I would
23 have stepped in too. So thank you for that.
24 Do we -- do we have any idea what -- to what time frame this document references?
25 MR VANDERPUYE: [10:14:44] I'm not sure of the time frame that it references, but

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1 it does reference his position at the time as a coordinator in Berberati. So the
2 question is --

3 PRESIDING JUDGE SCHMITT: [10:14:55] At what time.

4 MR VANDERPUYE: [10:14:56] The question is: Was this his understanding at the
5 time that he was the coordinator also in Berberati.

6 PRESIDING JUDGE SCHMITT: [10:15:02] Okay, okay. So -- because I -- we might
7 have difficulties here to ask the witness dates.

8 MR VANDERPUYE: [10:15:06] Indeed.

9 PRESIDING JUDGE SCHMITT: [10:15:08] Could be. But okay. With this I think,
10 if we don't have more, I think we have to put this together like always.

11 MR VANDERPUYE: [10:15:14] Yes. And I think it can be established also
12 independently with the witness so --

13 PRESIDING JUDGE SCHMITT: [10:15:20] Absolutely.

14 MR VANDERPUYE: [10:15:21] But I think it's perfectly fair and I appreciate that.
15 Maybe he can, so let me ask.

16 Q. [10:15:25] Are you able to say about what time -- what is your understanding of
17 when these individuals had these positions?

18 So we have at the top Achille Godonam, Bouca, *coordonateur*. We have
19 Sylvain Bassala at Sibut, *coordonateur*. We have Alain Daliwane, ComZone at Yaloke.
20 Sinakolo Sylvestre, as I mentioned. Demowanse Nice and also yourself.

21 Do you have a rough idea of about when these individuals would have been in those
22 positions?

23 A. [10:16:25] No.

24 Q. [10:16:25] That was direct. Thank you very much for that. All right.

25 PRESIDING JUDGE SCHMITT: [10:16:31] Yeah, but, but you know, we don't get

1 answers if we don't try.

2 MR VANDERPUYE: [10:16:36] Of course. No, no, no, it's -- it's
3 perfectly -- perfectly -- and I appreciate the candour of the response.

4 Q. [10:16:42] Okay. Now, what I was asking was when you arrived in Carnot,
5 you indicate in your statement that there were no Seleka there, they had already fled
6 to the bush. So I wanted to ask you do you know -- did you learn from anyone at the
7 time that you arrived how long it had been that the Seleka had fled Carnot, how
8 many days or so they had already left?

9 A. [10:17:21] I have no idea about this.

10 Q. [10:17:25] But it's right that when you got there, the Seleka were not in the town?
11 That's Carnot I'm talking about.

12 A. [10:17:45] Yes.

13 Q. [10:17:46] I also understand from your interview that you didn't actually see any
14 attack unfolding in Carnot and that you didn't go to the areas -- the Muslim areas in
15 Carnot during the time you were there. Is that right?

16 A. [10:18:06] Yes, that's it indeed.

17 Q. [10:18:19] While you were there and in contact with the leaders in Carnot, like
18 Aime, did you discuss with him what happened during the attack or what happened
19 to the Muslim population?

20 THE INTERPRETER: [10:18:50] The interpreter did not hear the question -- or the
21 response, sorry.

22 MR VANDERPUYE: [10:18:57]

23 Q. [10:18:58] Could you please repeat your answer. We lost it in the -- we lost the
24 transmission.

25 A. [10:19:06] I cannot hear you well. The sound is not good.

1 Q. All right. Let me --

2 PRESIDING JUDGE SCHMITT: [10:19:20] Perhaps you repeat your question. We
3 give it a try and -- yeah.

4 MR VANDERPUYE: [10:19:26] Yes.

5 PRESIDING JUDGE SCHMITT: [10:19:27] And if it doesn't improve, we will have to
6 enquire if improvement can be made and then we would perhaps have a pause and
7 try to fix it. But, please, we give it a try now with your original question and
8 hopefully also an answer.

9 MR VANDERPUYE: [10:19:43] Thank you, Mr President.

10 Q. [10:19:46] My question is: While you were in Carnot and you were in contact
11 with the leaders there, such as Aime, did you discuss with him or other leaders in
12 Carnot what had happened during the attack there, the Anti-Balaka attack, and what
13 had happened to the Muslim population?

14 A. [10:20:14] In fact, what happened happened in every sub-prefecture in each
15 village. So the people who were there present would have to answer the question.
16 I was not there, so I don't know even which exact areas this was.

17 Q. [10:20:36] Thank you. I understand that, but my question is whether you -- it's
18 something you talked about with Aime or with anybody in the leadership of the
19 Anti-Balaka in Carnot.

20 A. [10:20:53] In fact, what I said is -- well, I arrived, then the people with me, they
21 could join the Anti-Balaka and that was all.

22 Q. [10:21:16] All right. Now, you said that a number of Muslims had already
23 gone to the church, the parish in Carnot. Do you remember that?

24 A. [10:21:42] Yes.

25 Q. [10:21:45] How did you come to know that?

1 A. [10:21:57] Here, in fact, it happened publicly that there were no Muslims
2 circulating in the market. And I saw some, some Anti-Balakas and I told them there
3 were some Muslims who were not Seleka and that's why they went to the Catholic
4 church. They went to the Catholic church and there were people from MINUSCA to
5 make sure that they were safe. And there were some who wanted to see if the
6 Muslims were at this parish.

7 Q. [10:22:37] Do you have any idea how many Muslims went to the parish in
8 Carnot?

9 A. [10:22:53] No.

10 Q. [10:22:59] Can you give an approximation?

11 A. [10:23:07] No idea. I cannot inform you of this. I have no idea.

12 Q. [10:23:14] Okay. The ones that went to the parish, did you come to learn why
13 they went there? Were they going there because they were afraid of being attacked
14 by the Anti-Balaka?

15 A. [10:23:41] Indeed that's it. Yes, indeed.

16 Q. [10:23:46] And the people that you talked about that went to the church, they
17 weren't Seleka, were they?

18 A. [10:24:02] In fact, I was not at the church to see if they were Seleka or who were
19 the Muslims there.

20 Q. [10:24:16] Okay. Do you know how long the Muslims that went to the church
21 remained in the church? Not at the time, but in your experience as an Anti-Balaka
22 member and commander. Do you have any idea how long they actually had to stay
23 in the church protected by -- by MISCA?

24 A. [10:24:48] It took some time, perhaps six, seven months.

25 Q. [10:24:58] Six or seven months and then they -- and then they were free to go, is

1 that your understanding?

2 A. [10:25:13] Well, in fact, they left only afterwards when the problem was over.
3 Every one of the Muslims went back to their homes in the city of Carnot. So I don't
4 know, this could have been six or seven months, something like that, but I don't have
5 more detail.

6 Q. [10:25:37] All right. And at the time they were in the church, the leaders of
7 Carnot were whom? For those six or seven months that you say they were there,
8 who were the leaders that were in Carnot, the Anti-Balaka leaders?

9 A. [10:26:12] It was always Aime.

10 Q. [10:26:25] You said in your statement something I wanted to ask you about, and
11 that is that the Anti-Balaka would say things like, in French: (Interpretation) *"I,
12 when I find a Muslim I'm just going to kill him."

13 (Speaks English) That's at tab 26, CAR-OTP-2107-3396 at page 3415, lines 692 through
14 695.

15 And what I wanted to ask you was, you mentioned that, and is that something you
16 heard relating only to the Carnot Anti-Balaka, or was that something that was more
17 pervasive in your interactions with the Anti-Balaka, both in Berberati and in, for
18 example, the National Coordination or other members? Is that something you heard
19 often, or something unique?

20 A. [10:27:43] If -- if you could ask the question again, please.

21 Q. [10:27:50] Sure. In your interview you said that the Anti-Balaka would talk
22 badly about Muslims and they would say things like, in French: (Interpretation) *"I,
23 when I find a Muslim I'm going to kill him."

24 (Speaks English) My question is: Is that something that you found only in the
25 context of your going to Carnot, or is this something that was more pervasive, that

1 was -- that you heard in different places in different interactions with the
2 Anti-Balaka?

3 A. [10:28:40] Well, in fact, it's not that they want to kill Muslims, but kill the Seleka
4 who came to kill us throughout the country in Central African Republic. Because
5 there was a difference. There were some Anti-Balaka who had not gone to school,
6 were not educated, they thought, well, Seleka are Muslims, but they didn't
7 distinguish between the Seleka and the Muslims. There were, of course, among the
8 Muslims Seleka, but that's why they did not want to attack the Muslims, but we were
9 attacking the Seleka, that's why. That's why we were looking and wanting to kill
10 them, but it was only the Seleka.

11 Q. [10:29:39] In your statement you say -- and this is at tab 24 -- one second. This
12 is at tab 24, CAR-OTP-2107-3366, and we'll go to 3392 and have a look at lines 346
13 through 350. 346 through 350.

14 MR KNOOPS: [10:30:39] Mr President, it's not on page 9932, the lines the
15 Prosecution mentions.

16 MR VANDERPUYE: [10:30:47] 3392, it is on that page. There we have 346 -- ah,
17 946 through 950.

18 PRESIDING JUDGE SCHMITT: [10:30:56] Please read it out, I think. Perhaps it's
19 better than --

20 MR VANDERPUYE: [10:30:58]

21 Q. [10:31:00] What you have here is it says:

22 (Interpretation) "As soon as I get to Berberati, I say that 'you, you are my brother, we
23 do business together, you and me. You, you're not Seleka, but you the people who
24 are not Seleka, please, there are people there behind you. They don't know the
25 difference between Seleka and Muslims, so they're going to kill you.'"

1 (Speaks English) That's what I'm asking you about. What you say here is not that
2 they were not distinguishing, but they didn't know the difference, is that right,
3 between Muslims and Seleka?

4 Okay.

5 A. [10:31:55] Yes, sometimes.

6 Q. [10:32:02] All right. I'm glad that you clarified that.

7 And these are people that you spoke to in Carnot that you warned; isn't that right?

8 A. [10:32:23] Yes.

9 Q. [10:32:28] So you warned people both in Carnot and in Berberati; is that right?

10 A. [10:32:43] No. After Berberati, not Carnot.

11 Q. [10:32:51] Okay. When you warned people in Berberati that the Anti-Balaka
12 would attack them as Muslims because they didn't know the difference between
13 Muslims and Seleka, what was their reaction?

14 A. [10:33:16] Actually, each person did their own thing. People with a bit of
15 money left the city to take refuge in Cameroon. Others did not have money and they
16 went and took refuge with the priests.

17 Q. [10:33:42] Okay. And it was after you warned a number of individuals -- by
18 the way, how many people are you talking about here that you went to go warn?

19 A. [10:34:04] It's a long story. I've kind of forgotten. But a lot of people. I was
20 in their neighbourhood, there were crowds, and when I told them things like that,
21 they would pass on the information to others amongst themselves. So I really can't
22 tell you exactly how many.

23 Q. [10:34:28] All right. But the individuals that you warned or the people you
24 went to warn were not Seleka, you didn't go to warn the Seleka, did you? You went
25 to warn regular people; is that right?

1 A. [10:34:53] Yes, that's right.

2 Q. [10:34:57] Now, you've marked a couple of maps to indicate the locations
3 where -- or the layout of the town. I'm not going to dwell on that, so I'll move on to
4 some other areas.

5 The attack on Berberati, to your knowledge it involved -- I think you've mentioned
6 that it involved more than a thousand people, that is, Anti-Balaka. Do you know
7 how that was planned and who planned it?

8 A. [10:35:49] Actually, the days before the attack were plan -- was planned, there
9 were some people with the religious leaders to try to find out how they can ensure the
10 safety of the Muslim people in the town. But it wasn't -- it wasn't known exactly
11 who planned the attack on Berberati.

12 Q. [10:36:26] All right. I'll come to that in just a minute.

13 All right. When you arrived in Berberati -- you were asked some questions during
14 your interview about Rocca Mokom. That is the brother of Maxime Mokom and the
15 son of Bernard Mokom. Right?

16 A. [10:37:01] Yes.

17 Q. [10:37:02] When you arrived in Berberati, Rocca Mokom was already there,
18 according to your interview, and that he left about three days after you arrived.

19 Does that sound about right?

20 A. [10:37:28] Yes.

21 Q. [10:37:29] Did you know Rocca Mokom from before?

22 A. [10:37:39] No.

23 Q. [10:37:44] Do you know why he was in Berberati?

24 A. [10:37:55] No.

25 Q. [10:37:56] Do you know how long he had been in Berberati before you came

1 back, that is before you came back from the bush from Carnot?

2 A. [10:38:14] No.

3 Q. [10:38:17] While you were living in Berberati, that is before you went into the
4 bush, was Rocca Mokom a resident in Berberati? Did he live there, to your
5 knowledge?

6 A. [10:38:39] No, he didn't live in Berberati.

7 Q. [10:38:44] Did you ever talk to Maxime Mokom about Rocca Mokom and what
8 he was doing in Berberati in February 2014? Not at the time, but in your interactions
9 with Maxime.

10 A. [10:39:08] Actually, at the time I didn't even know Maxime Mokom. We met
11 when he called me at the coordination in Bangui to come and talk. It was about -- it
12 was -- it had to do with the Brazzaville talks. But before that, no, I didn't even know
13 him.

14 Q. [10:39:35] Well, my question is: In your interactions with him, did you ever
15 talk to him about Berberati and the attack in February and the fact that his brother
16 Rocca was in Berberati at that time?

17 A. [10:40:04] No, we never talked about that topic.

18 Q. [10:40:09] You know that his brother was killed in May 2014, I think you
19 mention it in your statement, right?

20 A. [10:40:23] Yes.

21 Q. [10:40:26] Did you ever talk to Maxime Mokom about that?

22 A. [10:40:35] No.

23 Q. [10:40:39] Now, at the time of the attack in Berberati, Maxime Mokom was a
24 coordinator for operations of the Anti-Balaka. You know that now; is that fair?

25 A. [10:41:03] I'm telling you that it was after everything happened in the province.

1 When we were called to go to the general assembly at the National Coordination in
2 Bangui, that is when I talked to Mokom, that is when I met him. But at first I didn't
3 even know him. At the office of the National Coordination, that was the first time.
4 Everyone -- at first it wasn't easy to communicate or to understand who was who and
5 who was managing what part of the country, so everyone did what they wanted to do.
6 Everything did his -- everyone did as he pleased.

7 Q. [10:42:02] Okay. When did you get that ID card, the one that I just showed
8 you?

9 A. [10:42:12] At the time --

10 THE INTERPRETER: [10:42:23] Inaudible.

11 THE WITNESS: [10:42:25](Interpretation) I had a broken bone and I was at the
12 hospital. I was supposed to represent -- I used Nestor and Maxime to come and deal
13 with this call from the coordination. That's when I got the Anti-Balaka card.

14 MR VANDERPUYE:

15 Q. [10:42:52] Okay. So that was before you went to Brazzaville?

16 A. [10:43:02] Yes.

17 Q. [10:43:06] And Nestor and Maxime, they got cards too; is that right?

18 A. [10:43:20] Yes.

19 Q. [10:43:24] All right. On your ID card it refers to the National Coordination,
20 that's the stamp that I just showed you a little bit a while -- a little while ago with
21 Mr Ngaïssona's purported signature on it. So there was a National Coordination at
22 the time you got the card, yes?

23 A. [10:43:49] Yes. The coordination existed at that time.

24 Q. [10:43:56] And having gone to Brazzaville with Maxime Mokom and having
25 gone to the Nairobi talks also with Maxime Mokom for some three or four months, if I

1 were to tell you that he was the coordinator for operations back in February 2014, is
2 this the first time you've heard that?

3 A. [10:44:33] Actually, it was once in Bangui. When we were preparing for the
4 forum, that is when I learned that he was the -- that there was a coordinator of
5 operations by the name of Maxime Mokom. Before that, I hadn't formed any
6 conclusions.

7 Q. [10:44:54] Okay. Before the attack on Berberati, you mentioned that there was
8 an effort to try to negotiate. Does that sound about right?

9 A. [10:45:21] Yes, yes. There were efforts to negotiate between the community.

10 THE INTERPRETER: [10:45:30] Correction: The communities, in the plural.

11 MR VANDERPUYE:

12 Q. [10:45:37] You took part at a meeting at the gendarmerie and I think you
13 mentioned there that there were people also representing the Anti-Balaka from
14 Amada-Gaza. Is that right?

15 A. [10:46:01] That is correct.

16 Q. [10:46:04] Was Nice Demowanse at that meeting? That's the person I pointed
17 out in a document I showed you a little bit earlier.

18 A. [10:46:17] No.

19 Q. [10:46:18] Who was present at the meeting from Amada-Gaza, for the
20 Anti-Balaka, that is?

21 A. [10:46:38] Actually, at the time, we hadn't yet formed or established the
22 coordination and determined who was going to manage each particular location.

23 Q. [10:46:53] Well, I'm referring to the meeting that was had before the attack took
24 place. So who participated in that meeting from the Anti-Balaka side from
25 Amada-Gaza?

1 A. [10:47:22] It was Rocca. *Because he was the one who left Amada-Gaza to go to
2 the town of Berberati. There were (inaudible) who was there with his elements.

3 Q. [10:47:41] Okay. And were there Anti-Balaka from other places as well,
4 Baboua, Gamboula? Can you tell us?

5 A. [10:48:14] I don't really know. I don't know whether there were Anti-Balaka
6 people there or not. I wasn't there.

7 Q. [10:48:26] Are you saying you weren't at a meeting at the gendarmerie before
8 the attack? Just so that -- just so that I understand.

9 A. [10:48:53] The meeting was -- had begun before I got there. Once I got there,
10 the meeting was almost over and it was Mr Rocca who was coming out of the office,
11 and he said, "Oh, well, there was this meeting with the Muslim community having to
12 do with the rumours they had heard about to the effect that an attack was being
13 prepared upon Berberati." So he came out and he was saying that the Anti-Balaka
14 people from certain other places should not go and take part in the attack. It was
15 their leader who talked to them. I left and then I came back. I don't -- I wasn't even
16 aware. I didn't even know about the attack. So we really didn't have enough time
17 to have a normal conversation.

18 Q. [10:50:09] You say you didn't know about the attack. Didn't you go to
19 Poto-Poto while the attack was occurring?

20 A. [10:50:32] I was in Poto-Poto once the attack had already begun, before I was at
21 the gendarmerie with Rocca, but then the attack began.

22 Q. [10:50:59] Okay. I'll move on.

23 I want to show you something just very briefly. This is tab 2, CAR-OTP-2001-5386.

24 And we're going to need to go to pages 40 -- 5404 and 5405.

25 Sorry, on this page you can see clearly a sort of an organisational chart. It just

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1 depicts what these UN investigators effectively have distilled and understood of the
2 Anti-Balaka coordination. And you can see a number of people I'm sure are quite
3 familiar to you in this photograph. But what I'd like to do is I'd like to go to the next
4 page and ask you about paragraph 69.

5 In this paragraph they refer to a meeting that they had just by chance or observed just
6 by chance on 10 July 2014 during a mission that they went up to your area. And it
7 says in the middle of the paragraph: "The Panel incidentally witnessed a meeting
8 between Ngaizounou" - that's Jean-Louis Ngaizounou, a representative of Ngaïssona,
9 between him - "at the hotel where he was staying with the Anti-Balaka zone
10 commander of Berberati, Chrysostome Berba Yapele, his general staff and the zone
11 commander of Gamboula (a town on the border with Cameroon), Nice
12 Demawanesse" it's written here.

13 So I wanted to ask you about that. This is in July and it's just before Brazzaville.

14 Do you have a recollection of that meeting or meeting with these UN people?

15 A. [10:53:56] Yes.

16 Q. [10:53:56] Have you -- who is Jean-Louis Ngaizounou?

17 A. [10:54:05] He is a mission --

18 THE INTERPRETER: [10:54:16] Inaudible.

19 PRESIDING JUDGE SCHMITT: [10:54:20] I think mission chief he said, but ...

20 Can you please repeat --

21 THE INTERPRETER: [10:54:22] Message from the interpreter: The witness said
22 apparently *chargé de mission*, mission officer delegated by the --

23 THE WITNESS: [10:54:35](Interpretation) Yes, he was a mission officer.

24 PRESIDING JUDGE SCHMITT: [10:54:37] Thank you.

25 MR VANDERPUYE: [10:54:41]

1 Q. [10:54:42] A mission officer of whom? From the National Coordination of
2 Mr Ngaissona?

3 A. [10:54:55] Yes.

4 Q. [10:54:56] What was he doing up there with you in Berberati?

5 A. [10:55:07] Actually, he came -- he was a mission officer for the coordination.

6 He came to visit. Since we were from the province, so he came by to visit, and each
7 person -- apparently, each person -- a structure had been put in place --

8 THE INTERPRETER: [10:55:51] Inaudible. Quite a bit of background noise.

9 THE WITNESS: [10:55:54] (No interpretation)

10 PRESIDING JUDGE SCHMITT: [10:56:03] I think we would have to have this,
11 unfortunately, answered again and then afterwards we make the coffee break.

12 Mr Witness, there was a problem, apologies for that, a problem with the translation
13 and there were background noises. Could you please explain it again. Really
14 apologies from the Presiding Judge. Please explain again what the person, the
15 *chargé de mission*, what he did there and what your interactions with him were.

16 THE WITNESS: [10:56:40](Interpretation) Actually, the *chargé de mission* had been
17 sent by the national coordinator to inform us of certain things. At the time there was
18 no coordination, so each Anti-Balaka person did what he wanted to do. Since they
19 were putting a coordination in place, all the Anti-Balaka had to follow the instructions
20 of the coordination. So this *chargé de mission* came to explain how things were going
21 on or working within the coordination. We would have to deal directly with the
22 National Coordination to find out how to proceed in some situations. So he was the
23 one who had been sent to explain these things for -- to us.

24 PRESIDING JUDGE SCHMITT: [10:57:45] Thank you.

25 We will have now the coffee break until 11.30.

1 THE COURT USHER: [10:57:50] All rise.

2 (Recess taken at 10.57 a.m.)

3 (Upon resuming in open session at 11.32 a.m.)

4 THE COURT USHER: [11:32:02] All rise.

5 Please be seated.

6 PRESIDING JUDGE SCHMITT: [11:32:25] Mr Vanderpuye, you still have the floor.

7 Do you have an estimate how long it will take, your examination? I think you might
8 finish this session.

9 MR VANDERPUYE: [11:32:34] Oh, yes -- well, I'm aiming to finish this session for
10 sure. Whether it will be 40 minutes or a little bit more, then I (Overlapping speakers)

11 PRESIDING JUDGE SCHMITT: [11:32:44] No problem.

12 And then, of course, since we address this at this moment, Mr Knoops, do you have
13 an idea, assuming, assuming Mr Vanderpuye finishes let's say at a quarter past 12 or
14 half past 12, when would you want to start?

15 MR KNOOPS: [11:32:58] Mr President, thank you for that question. If the Court
16 would permit, I would prefer to start tomorrow morning. I need maximum four
17 sessions, so I would finish then at the latest Wednesday morning in the -- in the first
18 session. And it's my understanding that -- my colleagues from the Defence team of
19 Mr Yekatom can explain it maybe better than myself, but I made -- I've been informed
20 that the team of Mr Yekatom might have no questions, so that's why I ask
21 authorisation of the Court to start tomorrow with my questioning.

22 PRESIDING JUDGE SCHMITT: [11:33:37] Absolutely. No problem with that. We
23 appreciate that. Although we also know that Ms Guissé does not want to make
24 definite -- does not want to give definite answers, but we have an assumption there.
25 Okay. Then we do it this way. Mr Vanderpuye, you are finishing this -- your

1 examination this session and then we will start tomorrow morning with examination
2 by Mr Knoops.

3 Please continue.

4 MR VANDERPUYE: [11:34:05] Thank you, Mr President.

5 Q. [11:34:09] Good morning again, Mr Yapele. I have a few -- more than a few,
6 but I have some questions for you to continue.

7 I wanted to ask you about the attack on Berberati more particularly and maybe you
8 can elaborate on that a bit.

9 You indicated in your interview that you had a chance to go to Poto-Poto and that in
10 the Muslim areas in Berberati there was property and homes that had been destroyed.
11 Is that right? Did you see that?

12 A. [11:35:22] Yes.

13 Q. [11:35:27] And of what you saw, are you able to tell the Chamber what that
14 damage looked like in terms of its scale? How many buildings or how much of the
15 area that you saw had been damaged or destroyed?

16 A. [11:35:57] It's hard to give you an exact number. I was not able to note
17 anything.

18 PRESIDING JUDGE SCHMITT: [11:36:14] Mr Vanderpuye, may I?

19 But, Mr Witness, nobody would expect from you to give an exact number, but since
20 you've been there, were these singular buildings that were affected or were there
21 many buildings affected? You see what I mean? So that you give us perhaps an
22 impression of what you remember and so that we can figure that in our head how this
23 might have looked like. Nobody expects numbers from you, of course.

24 THE WITNESS: [11:36:54](Interpretation) Actually, on the day of the attack of the
25 city, well, what you want to say -- what you want to know, like the day of the attack

1 there were messes, houses were destroyed, or something like that. It's after the
2 attack on the city of Berberati. Whereas what came after, there are some Muslims
3 who had problems with the population of the city. It could have been all of their
4 houses. It's not that it was the Anti-Balaka that had necessarily destroyed their
5 houses.

6 PRESIDING JUDGE SCHMITT: [11:37:43] Mr Vanderpuye.

7 MR VANDERPUYE: [11:37:44]

8 Q. [11:37:46] I think what I'm trying to get at, and I think also the Presiding Judge,
9 is can you estimate the level of destruction or damage that you saw, whether it was
10 on the day of the attack or after the attack?

11 A. [11:38:11] Well, actually, there wasn't much damage in the city of Berberati.

12 Q. [11:38:25] What about in Poto-Poto?

13 Did you hear my question?

14 A. [11:38:53] No.

15 Q. [11:38:56] My question was what about in Poto-Poto?

16 A. [11:39:11] Well, as I've said, I don't know how to explain this to you.

17 Q. [11:39:22] Well, explain it in a way as if you're describing a picture to someone
18 who hasn't seen the picture. So explain it in a way that we can see what you saw.

19 You follow me?

20 A. [11:39:49] Yes. But, actually, the thing is what I saw, what I did not see and
21 what I have seen, well, I did see some things, but it wasn't that much. And that day
22 the idea, it had shaken some Muslims who were there. They're sometimes attacked
23 by Anti-Balakas and sometimes they're attacked by other people. Sometimes civilian
24 populations attacked them, sometimes it's the Anti-Balakas. And then I intervene
25 saying, "These are Muslims," saying, "He's not a Seleka. You have to let this person

1 go. If you don't -- if you don't want to see that person any more, just let them go.
2 Because I know the Seleka are Muslim and you want to kill the Muslims so that you
3 won't have to be subjected to what you were subjected to by the Seleka." So I would
4 say these things before they would act.

5 Q. [11:41:06] Okay. Let me ask you about the population then. During the
6 course of the attack, I understand from your interview that a number of people, that is
7 Muslim people went to -- went to the bishopric; is that right?

8 A. [11:41:34] Yes.

9 Q. [11:41:37] And these are people that were in Poto-Poto and in other Muslim
10 neighbourhoods in Berberati; is that right?

11 A. [11:41:52] Yes, that's it.

12 Q. [11:41:55] A number of them fled the town altogether by car or by other means
13 to get to Cameroon; is that right?

14 A. [11:42:13] That's it.

15 Q. [11:42:16] In your interview you noted that the Chadians and Fulbe were
16 especially targeted. Do you know -- do you know why that was?

17 A. [11:42:40] Yes.

18 Q. [11:42:46] What was the reason for that? What was the reason for
19 distinguishing between them and say Muslims from Senegal or Mali?

20 A. [11:43:08] Actually, we are the civilian population, we're used to our Muslim
21 population that is with us and have been living with us for years, so we know them.

22 Q. [11:43:26] Okay. Is that the reason why the Chadians and the Fulbe were
23 targeted as opposed to the Malians and the Senegalese?

24 A. [11:43:42] Yes. In the majority the Chadians and the Fulbes were the ones who
25 were part of the Seleka movement to come and attack Central Africans.

1 Q. [11:44:02] Okay, but they had been living there for years you just said, right?

2 In other words, they didn't come from anywhere, they were already living there?

3 A. [11:44:23] There were some who had been there for years, but there were also
4 some who had come like Mumbatou (phon), they spoke the same Patwa and they saw
5 that the regime had changed and they thought that they would govern, they would be
6 the ones running the country and that's when they began to mistreat us, especially us
7 the nationalists. That's why we revolted against them, not against the entire Muslim
8 community.

9 Q. [11:45:05] After the attack, how many Muslims in the neighbourhoods that you
10 describe in your interview remained in those neighbourhoods?

11 MR KNOOPS: [11:45:31] Mr President.

12 PRESIDING JUDGE SCHMITT: [11:45:32] Mr Knoops.

13 MR KNOOPS: [11:45:35] I believe this witness is not in a position to answer this
14 question. If he just has already informed the Chamber that he has no idea about the
15 destruction of -- the amount of destruction of houses, how can he then say how many
16 Muslims remained or not?

17 PRESIDING JUDGE SCHMITT: [11:45:56] Given the question like that, again,
18 Mr Vanderpuye I think would not expect any numbers.

19 If you perhaps, Mr Vanderpuye, word it in a way that the witness understands that
20 we only want to have an idea if knows something, that of course he will not have
21 counted the persons.

22 MR VANDERPUYE: [11:46:12] Yes, indeed.

23 PRESIDING JUDGE SCHMITT: [11:46:14] It's not -- it's not a real objection, I would
24 say. It's simply about --

25 MR VANDERPUYE: Form.

1 PRESIDING JUDGE SCHMITT: [11:46:14] -- what we can expect from this witness.

2 Please, Mr Vanderpuye.

3 MR VANDERPUYE: [11:46:23]

4 Q. [11:46:24] Having -- having lived in Berberati for a long period of time and been
5 doing business in Poto-Poto and other areas, what I want to get from you is a sense of,
6 you know, how many people remained. Was it the same number of people? Was it
7 drastically less? That's what I want to know, if you're able to say. But I don't want
8 to know if it's 15 people or 30 people.

9 Did you understand my question?

10 A. [11:47:07] Yes, I understood your question.

11 Q. [11:47:10] Okay.

12 A. [11:47:15] But to answer on this point the number of people who remained and
13 the exact number of people who left their homes ...

14 PRESIDING JUDGE SCHMITT: [11:47:32] Mr Witness, do you have an idea? You
15 see, again like with the last question that we discussed, nobody would have expected
16 from you that you have counted the persons, but were there only some? Were there
17 many? You see? Were there 10, 20, hundreds? If you can give us such an
18 estimation at least so that we can have -- that we have an idea about the scale that
19 happened.

20 THE WITNESS: [11:48:07](Interpretation) Actually, well, there were not really any
21 Muslims who remained in the neighbourhood. All those who had left, they had
22 gone to Cameroon and others who went to those who were close to them. No
23 Muslims remained in the neighbourhood. And there were people -- and there were
24 some people who were informed they did not stay to resist, they were not going to
25 risk staying at their homes. There are some Muslims who stayed in their

1 neighbourhoods -- well, I'd be lying if I said that they had stayed there. I would be
2 lying. None -- none stayed after these events. They all left or went to the Catholic
3 church.

4 MR VANDERPUYE: [11:49:05]

5 Q. [11:49:07] At the Catholic church you indicated in your interview that they were
6 protected by international forces. Is that your recollection?

7 A. [11:49:27] Yes, that's it, indeed.

8 Q. [11:49:36] If they were not protected by international forces, what would have
9 happened to them?

10 MR KNOOPS: [11:49:44] Mr President, I think this calls really for speculation.

11 PRESIDING JUDGE SCHMITT: [11:49:51] Well, Mr Vanderpuye.

12 MR VANDERPUYE: [11:49:57]

13 Q. [11:49:57] Did you discuss that? Do you know?

14 PRESIDING JUDGE SCHMITT: [11:50:03] That's better.

15 THE WITNESS: [11:50:14](Interpretation) I did not grasp your question.

16 MR VANDERPUYE: [11:50:17]

17 Q. [11:50:19] Let me try a different way.

18 These people that were in the bishopric had to be protected by international forces.
19 So my question is if you discussed or you know what would have happened to them
20 if those international forces weren't protecting them.

21 A. [11:50:51] Well, I don't know what would have happened to them had they not
22 been protected by the international forces. I have my way and everyone has their
23 own ideas. It's not up to me to answer this question.

24 Q. [11:51:11] Well, you were the ComZone of the Anti-Balaka in Berberati, weren't
25 you, in 2014?

1 A. [11:51:23] Yes.

2 Q. [11:51:25] And you were also the prefectural coordinator at some point in 2014
3 while those people were still in the bishopric, right?

4 A. [11:51:42] Yes.

5 Q. [11:51:46] So I'm asking you, as the ComZone and the leader of the Anti-Balaka
6 that were in Berberati, what you know about how they would have treated the
7 Muslim people if they had not been protected at the bishopric. Are you able to
8 answer that?

9 A. [11:52:22] As they were protected, they were protected -- well, they're already
10 protected there, so I don't know. You know, if they're protected, they're in the city of
11 Berberati and I know how they would be protected because they were already
12 protected. So what do you do with someone who is already protected?

13 PRESIDING JUDGE SCHMITT: [11:52:47] Please move on, Mr Vanderpuye.

14 MR VANDERPUYE: [11:52:49] Thank you, Mr President.

15 Q. [11:52:54] Let me ask you a couple of questions about the leadership over there
16 of the Anti-Balaka in Berberati. I'm interested to know what your relationship was,
17 that is as the group in Berberati, with the National Coordination in Bangui.

18 Now my first question is: Were you or members of your bureau or group in contact
19 with members of the National Coordination in Bangui?

20 A. [11:53:37] Yes.

21 Q. [11:53:42] When did you establish contact with the National Coordination in
22 Bangui? I take it before Brazzaville, but if you could be more specific, that would be
23 helpful.

24 A. [11:53:59] But it was before, before Brazzaville. As there was coordination in
25 Bangui, the coordination contacted me. So there was this National Coordination for

1 the Anti-Balaka. It's not like in the past where everyone would decide whether they
2 become Anti-Balakas, and these could be Anti-Balaka in the provinces, in small towns
3 or villages. Who exactly was responsible for a province, let's say I would have to do
4 something specific for the National Coordination, I would contact the National
5 Coordination and say, okay, what are we going to do? As we are civilians, what
6 should we be doing after when -- after there's a revolt? That was the point of contact
7 between me and the coordination.

8 Q. [11:55:05] Who in the coordination were you in contact with?

9 A. [11:55:19] Precisely was Maxime.

10 THE INTERPRETER: [11:55:23] And the interpreter did not hear if there was a
11 second name mentioned.

12 THE WITNESS: [11:55:31](Interpretation) And Judicael. And the ComZone
13 Azounou.

14 THE INTERPRETER: [11:55:38] If the interpreter heard correctly.

15 MR VANDERPUYE: [11:55:43]

16 Q. [11:55:43] All right. Let me just see if I've got this right and so our record is
17 clear.

18 When you say "Maxime", are you referring to Maxime Mokom?

19 A. [11:55:56] Yes.

20 Q. [11:56:00] When you say "Judicael", are you referring to Judicael Orofei?

21 A. [11:56:09] Yes.

22 Q. [11:56:11] When you say "Azounou", are you referring to Pacome Azounou?

23 A. [11:56:20] Yes.

24 Q. [11:56:24] Were you in contact with other people in the coordination such as
25 Dieudonne Ndomate?

1 A. [11:56:44] In the past? No. But once I got to Bangui, at the Brazzaville forum,
2 that's where we met. And I was there with them and had not seen them before I saw
3 them there, met them there.

4 Q. [11:57:06] All right. What about members of your bureau, were they in contact
5 with the members of the National Coordination in Bangui?

6 A. [11:57:25] I don't know anything about that. Because we were not always
7 together. Actually, we were not always together. We led our own lives. Before
8 they had calls within the coordination, I was not always part of it.

9 Q. [11:57:49] Just so we're clear, when you say "Before they had calls within the
10 coordination", what do you mean by that? Do you mean that your -- the members of
11 the bureau had calls with the coordination before your bureau was formed, or what
12 do you mean?

13 A. [11:58:15] No, no, no, there was not a bureau. *Who was I going to call? They
14 set up in the bureau there, in Bangui. From there they would contact us, we who
15 were in the provinces. But before then, there was no National Coordination bureau
16 in Bangui. I did not know anyone. For -- for me, they are the ones who initiated
17 this contact. And it was after coordination that I knew there was coordination and I
18 could go through them. There was like a national chief. But prior to that, nobody
19 was my commander, nobody was in charge of me. I was my own chief, if you will.

20 Q. [11:59:08] Thank you for that. What I mean is you were the chief of other
21 people and whether the people that you were the chief of had contact with the
22 coordination in Bangui, that's my question. Do you know?

23 A. [11:59:33] Well, that is also my answer. As I told you at the time when I was
24 the chief, I had -- of my elements there was still not the coordination. It was once the
25 coordination was set up that we were called to Bangui and to participate in the

1 general assembly and they introduced this coordination bureau. But as I was still
2 hospitalised, I had to send my elements to attend that meeting and then to come and
3 report to me on what had happened in Bangui.

4 Q. [12:00:09] Okay. You gave a number of -- you confirmed a number of
5 telephone numbers that you used at the time in your statement, but there was one
6 telephone number that you indicated you had borrowed from the girlfriend of your
7 brother and you couldn't remember the number. So there's a document I want to
8 show you and I'm just going to show it to you, you tell me if you recognise that
9 number or not.

10 It's at tab 39, CAR-OTP-2112-1405. This shouldn't be broadcast. And hopefully
11 we'll have it up on the screen in a little bit. It's under the tab in this document called
12 "Contacts" and it should be item number 50 in this list.

13 Just take a look at the number, don't read it out or anything like that, and then let me
14 know if you recognise it and if that might be your number -- or the number you used,
15 rather.

16 Can you see that on the screen?

17 A. [12:01:37] I don't understand. What number are you talking about?

18 Q. [12:01:41] Maybe we could just put the curser on the line, press on 52. Press
19 that. There you go.

20 Now you can see the -- you should be able to see it highlighted on the screen in front
21 of you.

22 A. [12:02:02] That's -- that wasn't my number.

23 Q. [12:02:05] I know. The question is: Is this a number that you used, that is, the
24 number that you borrowed from your brother's girlfriend -- of the phone that you
25 borrowed from your brother's girlfriend? If you can remember. If you can't

1 remember, that's okay too.

2 A. [12:02:26] I no longer recall.

3 Q. [12:02:28] Okay. Now I want to show you another document.

4 This is at tab 19, CAR-OTP-2100-1955. This should not be broadcast. And I'll ask
5 one favour of the court officer which is to, when you get it up on the screen, don't
6 show it to him until you can -- until you can manoeuvre it so that you don't see the
7 signature on there, if that's possible.

8 Mr Witness, just stand by, okay?

9 What we have in this screen and what you should see in the screen in front of you is a
10 document provided to us which lists elements in your area. At the very top or close
11 to the top is your name, followed by Seregaza, Konamna, Nganaboye, and so on.
12 First of all, do you recognise these names as people that were in your group in
13 Berberati?

14 A. [12:04:27] (No interpretation)

15 Q. [12:04:29] Okay. Can we -- if we can go down the page, you will also see
16 someone by the name of Nestor Ngoubou. That was somebody also in your group,
17 yes?

18 A. [12:04:45] Yes.

19 Q. [12:04:47] All right. I think we can actually go to the next page, but it's a bit
20 tricky again with the -- with the signature on the top.

21 While that -- while we're doing that, let me ask: These individuals, Seregaza,
22 Konamna, Nganaboye, Nestor Ngoubou, do you know if they had contact with the
23 National Coordination in Bangui?

24 A. [12:05:35] Yes, maybe Seregaza because he would leave Bangui and meet us
25 there. For those, Ngoubou and the other one, they were with me in Berberati, so

1 they knew no one at the coordination.

2 Q. [12:06:01] Okay. I have a few questions for you about your role as a ComZone
3 and your responsibility as a ComZone.

4 I'm given to understand from your interview that you had as many as 200 elements; is
5 that right?

6 A. [12:06:32] No.

7 Q. [12:06:33] How many elements did you have?

8 A. [12:06:45] I don't have the exact number. The Anti-Balaka were not -- there was
9 no structure. I can't even really explain it to you. It might have been one or two
10 hundred one day, 40 or 50 the other day. Because these were volunteers who had
11 screwed up their courage to join. So the exact number of Anti-Balaka, it's not easy to
12 say. They were part of the population. Some people revolted, others didn't. So
13 one person might have joined one day and then the next day say no, there's no
14 Muslims any more. Some people decided to remain Anti-Balaka, thinking that it
15 was a structure that would remain for a long time. So they just took advantage of
16 the name. But to give you the exact number, that's not easy.

17 Q. [12:08:00] Okay. Thank you for that. That's very helpful, your explanation.
18 As I understand it, you were the ComZone, which means that you were their chief,
19 which means that you gave them direction or orders; is that right?

20 A. [12:08:25] That's right. Yes, often I would give orders or instructions. As for
21 the chiefs -- well, after -- later on there were platoon leaders, so I would call the
22 platoon leaders and I would say do this, do that, or keep track -- keep control of your
23 elements. But there were -- also there were elements who were uncontrolled and
24 they would head out and do things not on behalf of the Anti-Balaka. They would do
25 all kinds of things. We weren't in a base so we couldn't check who was there, who

1 had left.

2 A lot of things happened in the neighbourhoods, but it wasn't even the Anti-Balaka
3 who did them. The Anti-Balaka didn't have uniforms. They weren't like soldiers or
4 gendarmes. The Anti-Balaka were members of the population. You see? Part of
5 the population. So how can you say how many people were there?

6 Q. [12:10:07] Okay. As the prefectural coordinator for Mambere-Kadei, first of all,
7 when did you become the prefectural coordinator, if you can remember? Was it
8 early in the year 2014 or later in the year?

9 A. [12:10:31] It was in 2014, but somewhat later on, after the return from the
10 Brazzaville forum. That is when the national coordinator came out with this idea
11 that information would be sent to the Anti-Balaka in the provinces. That's when he
12 set up the provincial coordinations.

13 So in my area, Berberati, Carnot and so on and so forth, if something happened in
14 those towns, my job would be to call the ComZones in the town and find out what
15 had happened, get an idea of what had happened and then report back to the
16 National Coordination.

17 So the coordinators there -- well, it was a matter of sharing information to the
18 National Coordination in Bangui. If I received an order from Bangui, I would call
19 upon all the ComZones to come to Berberati and I would tell them, listen, this is what
20 is happening.

21 You see, we revolted, we rose up during a time of conflict, but we are from the
22 Central African Republic. We are nationalists. We didn't want the Seleka to be in
23 the towns, so what would we do? We continued to live our life as before.

24 Q. [12:12:39] Thank you. You said that you would report back to Bangui. To
25 whom would you report in the coordination in Bangui?

1 A. [12:12:59] If I've understood your question, now, I would report back to the
2 national coordinator, so all the information I would give to the coordinator of
3 operations. Sometimes it was Mokom. So I would call Mokom and
4 I would -- I would tell him about a concern or what was going on, and all the
5 information I gave to him -- well, not all information would go on to the coordination.
6 He would decide what was important and pass it on to the national coordinator.

7 Q. [12:13:52] You mentioned that sometimes you would get orders from Bangui.
8 From whom would you get those orders?

9 A. [12:14:09] I would not receive orders from Bangui. If the National
10 Coordination said to do something, well, it wasn't an order really. Could they give
11 me an order? I was the one who knew the town. I was the one who knew what
12 was going on in the area. No one from Bangui could give me orders. In other
13 words, if someone in Bangui gave me an order, that would mean that we started
14 together. But you see, there might be an agreement between me and the
15 coordination, but the coordination was not giving the orders. But I saw that
16 the -- I would say the coordination would give advice, which we would respect.
17 They would give us advice.

18 Q. [12:15:15] Okay. That's very helpful. Why did you respect that advice?

19 A. [12:15:36] Before, I was the one managing, but once there was the coordination,
20 a National Coordination commanding all the provincial coordinators who were
21 commanding all the ComZones and the platoon leaders, well, they had to be
22 respected. But I wasn't the only Anti-Balaka who was responsible at the provincial
23 level and I wasn't the only Anti-Balaka. There was a bureau in place so we had to
24 respect the person who was the leader, the chief. So we would have to respect
25 everything said by the national coordinator.

1 Q. [12:16:33] All right. And that leader and that chief of the National
2 Coordination is Mr Ngaissona, that's what you're talking about; isn't that right?

3 A. [12:16:46] Yes.

4 Q. [12:16:48] I want to ask you some questions about Brazzaville because you were
5 there. I'll start by playing you a video and this is at tab 18, CAR-OTP-2099-1360 it
6 should be.

7 There's a transcript of this. Mr President, I must say I forgot to put that on the list,
8 but I have the ERN number for it.

9 PRESIDING JUDGE SCHMITT: [12:17:21] I think that will do.

10 MR VANDERPUYE: [12:17:23] It's CAR-OTP-2107-1602. It's about -- it's the whole
11 thing so it's about two minutes or so, the video clip, and I think the transcript is about
12 two pages or so.

13 So when the interpreters are ready, we can -- we can go. The broadcast I believe is in
14 French so the witness won't have any trouble with it and it can be public.

15 PRESIDING JUDGE SCHMITT: [12:17:52] So we can start once the interpreters
16 indicate they are ready.

17 MR VANDERPUYE: Can we blow up the picture a bit?

18 THE INTERPRETER: [12:18:04] The interpreter believes he has the transcript here.

19 PRESIDING JUDGE SCHMITT: [12:18:12] Thank you. Then let's start, please.

20 (Viewing of the video excerpt)

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

22 Sight translation:

23 "Reporter: The protagonists of the crisis in the Central African Republic are more
24 than determined to line up together with a view to concluding a peace agreement to
25 end the suffering of the Central African people. The Anti-Balaka will pass on to

1 President Denis Sassou-Nguesso their willingness to initial the Brazzaville agreement.

2 Reporter: 'We have no more -- no choice, we have to save the people of the Central

3 African Republic,' said the chief of the Anti-Balaka delegation,

4 Patrice-Edouard Ngaïssona. Patrice-Edouard Ngaïssona: We are here to sign the

5 ceasefire agreements, to halt all hostilities in the Central African Republic. We

6 have -- we are part of this and we don't have any choice because we have to save the

7 people who have suffered so many acts of violence and abuse. We the

8 belligerents -- and the people cannot go about their usual activities. We don't have

9 any economy any more, there is no education and it is in our interests now to pack up

10 our bags, so to speak, and ensure peace for the Central African people.

11 Reporter: Cleaning up the Anti-Balaka is an act of courage and decisive

12 commitment.

13 Patrice-Edouard Ngaïssona: That's for sure, that's for sure. We are committed to

14 allowing the Central African Republic people an opportunity to breathe. We are not

15 here to keep on spilling blood. We're talking about the blood of the Central African

16 Republic people. Bloodshed, why do we need that today? We do not need war any

17 more, we do not need killing amongst ourselves. We lived together before. We

18 lived through the time of independence, today. We the people of the Central African

19 Republic are in favour of mixing all the elements properly so that the life that we led

20 can resume."

21 The reporter ends by saying: "On behalf of the general interests, the Anti-Balaka and

22 the ex-Seleka have called upon all to take the path of peace so that the Central African

23 Republic may live again."

24 End of sight translation.

25 MR VANDERPUYE: [12:21:24] Thank you very much to the interpreters for getting

1 that done. It's very much appreciated.

2 Q. [12:21:31] Witness, you saw the video and the reporting that was done
3 concerning the Brazzaville talks. Did you recognise the individuals in there? I
4 know that you must have recognised Mr Ngaissona. Did you recognise also
5 Maxime Mokom in there in the footage?

6 A. [12:21:59] Yes.

7 Q. [12:22:00] Did you recognise Mr Konate in the footage, and Mr Ngaya and
8 Mr Yekatom?

9 A. [12:22:11] Yes.

10 Q. [12:22:15] Having participated in those talks, are you aware that the belligerent
11 groups were provided with a sum of money by the government?

12 A. [12:22:41] No.

13 Q. [12:22:44] You never heard any discussion about the Anti-Balaka receiving
14 3,450,000 francs CFA, as well as the Seleka delegation?

15 A. [12:23:14] No.

16 Q. [12:23:14] All right. I want to show you another video. This one you've seen
17 before.

18 It's tab 10, CAR-OTP-2030-2280. And the transcript is CAR-OTP-2107-7027.

19 This is a video that was taken during the course of an interview you did with some
20 reporters.

21 And if we can blow up the imagine, that would be helpful.

22 PRESIDING JUDGE SCHMITT: [12:24:00] Do we know the date of this interview?

23 I think --

24 MR VANDERPUYE: [12:24:02] I believe it was in 2015, but I'll have to -- I'll have to
25 verify.

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- 1 PRESIDING JUDGE SCHMITT: [12:24:07] Okay.
- 2 So the image cannot be blown up, but I think here is important what the person is
- 3 saying.
- 4 MR VANDERPUYE: [12:24:21] Actually, it's October 2014. I'm sorry, that is
- 5 (Overlapping speakers)
- 6 PRESIDING JUDGE SCHMITT: [12:24:25] Okay, so that's a difference.
- 7 But nevertheless, the picture cannot be --
- 8 MR VANDERPUYE: [12:24:31] Oh, it cannot be blown up?
- 9 PRESIDING JUDGE SCHMITT: [12:24:33] Cannot be blown up. But still, I think
- 10 important is what the person, what the witness is saying.
- 11 MR VANDERPUYE: Indeed.
- 12 PRESIDING JUDGE SCHMITT: [12:24:35] If it is the witness.
- 13 MR VANDERPUYE: Yes, indeed.
- 14 PRESIDING JUDGE SCHMITT: [12:24:36] You know, as a judge you are cautious
- 15 always.
- 16 MR VANDERPUYE: [12:24:45] Indeed. Thank you, Mr President.
- 17 Q. [12:24:47] First of all, I think you recall this video, but whenever we're ready in
- 18 the booth, we can go forward with it.
- 19 THE INTERPRETER: [12:24:58] Message from the interpreters: We do not have
- 20 this transcript in the booth. If the court -- if the court officer could perhaps email it
- 21 up to us.
- 22 MR VANDERPUYE: [12:25:17] It's at tab 38. You don't have the binder up there I
- 23 guess in the booth? No.
- 24 THE INTERPRETER: [12:25:25] We were not provided with a binder.
- 25 Or if the court officer could put the transcript up on one of the evidence channels, that

1 would work too.

2 MR VANDERPUYE: [12:25:35] Okay. Then to help I guess, it's at tab 38,

3 CAR-OTP-2107-7027.

4 PRESIDING JUDGE SCHMITT: [12:26:28] So for the interpreters, on evidence

5 channel 2, I think, if I've understood it correctly, the interpretation will appear. So

6 you have it? Wonderful. Very flexible solution.

7 Thank you very much to court officer.

8 I think we can start now then.

9 MR VANDERPUYE: [12:26:43] It's very short, I think. So we'll just play it through.

10 (Viewing of the video excerpt)

11 THE INTERPRETER: [12:26:49] (Interpretation of the video excerpt)

12 Sight translation:

13 "YC: But if she can see how I kill someone, I can go somewhere now, take a Muslim

14 and come kill before her like that so that she knows that -- if I can kill.

15 Unidentified speaker: Euh ...

16 YC: If she agrees.

17 YC: My name is Yapele Chrysostome. Now, I'm the person responsible for the

18 Anti-Balaka in Mambere-Kadei.

19 YC: At first, I started to vaccinate them with my *gris-gris*. And I would take a

20 machete like that and cut, you see, don't you see? And it wouldn't even hurt.

21 Several times, even 10 times like that, it didn't even hurt. I would give him a knife,

22 he would first come and I would try to stab him with the knife. Sometimes I would

23 give him -- you have to stab me first. He would stab me and that would get me

24 going just -- you see? I would vaccinate them with the remedy and then take the

25 knife now to stab him, you know that that's not going to do any harm. And you take

1 a razor blade, you take some powder, you mix it and you get -- and he takes it
2 normally. After that, I give him even, even a package. He takes all of that, he
3 swallows it down and that's done. Little by little, step by step, and I know how I can
4 vaccinate him and give him the *gris-gris* so he becomes powerful."

5 End of sight translation.

6 MR VANDERPUYE: [12:29:03]

7 Q. [12:29:07] Okay. Now you've provided an explanation for that where you said
8 that when you said -- or offered to take the reporter to show her how you could kill a
9 Muslim, you meant a Seleka. But it's true that you were not in favour of the return
10 of Muslims to the town of Berberati; isn't that right?

11 A. [12:29:46] No.

12 Q. [12:29:54] You were in favour then that the Muslims should return to Berberati;
13 is that what you're saying?

14 A. [12:30:04] Yes.

15 Q. [12:30:04] When was that?

16 A. [12:30:14] After the Brazzaville forum.

17 Q. [12:30:21] I'm going to ask you a question and maybe it will draw an objection
18 because it calls for maybe a speculative answer, but here it goes.

19 PRESIDING JUDGE SCHMITT: [12:30:31] You alerted everyone in the room, I think,
20 especially two persons.

21 MR VANDERPUYE: [12:30:36]

22 Q. [12:30:36] When you say to a reporter in an interview "If you want, you can
23 come with me and I'll show you how I kill a Muslim, I'll go around and we'll just go
24 and I'll kill someone in front of your eyes, a Muslim in front of your eyes" is that
25 something that's consistent with saying that you want Muslims back in your town?

1 MR KNOOPS: [12:31:11] Mr President.

2 PRESIDING JUDGE SCHMITT: [12:31:12] Mr Knoops.

3 MR KNOOPS: [12:31:14] It's a *contradictio in terminis* because if the Prosecution
4 concedes that the witness meant with Muslim Seleka, he cannot ask at the same time
5 the question about the (Overlapping speakers)

6 PRESIDING JUDGE SCHMITT: [12:31:27] Well, I think I would be interested in
7 another angle, actually, Mr Vanderpuye, which might be helpful, or not.

8 Why did you say that to the reporter anyway? Be it that you meant Seleka but you
9 said Muslim, but let's assume for the moment, like you said, you meant Seleka, why
10 did you tell that to the reporter?

11 THE WITNESS: [12:32:06](Interpretation) Because they didn't ask me that. They
12 asked how things went. Well, what did I do to get my elements to be strong to
13 attack the Selekas? That's the question that -- that's -- so I asked in response to their
14 questions -- or, rather, I answered in response to their questions.

15 PRESIDING JUDGE SCHMITT: [12:32:31] And the question also referred to
16 Muslims, I think.

17 MR VANDERPUYE: [12:32:34] Yes, in fact, I'm glad that you raised it, Mr President.
18 If we go to tab 35, CAR-OTP-2107-3636, I think we have to go to page 3663. Let me
19 see if I've got that right.

20 PRESIDING JUDGE SCHMITT: [12:33:04] I think you mean 953, the line, if I'm not --

21 MR VANDERPUYE: [12:33:10] Yes, that's right -- well, yes, it's a sequence and I
22 have it starting already at 946.

23 PRESIDING JUDGE SCHMITT: [12:33:20] Perhaps we show it to witness or you
24 read it out to him and then you put the question.

25 MR VANDERPUYE: [12:33:25] Yeah, I'll -- yeah, I will -- I will just read it to him.

1 PRESIDING JUDGE SCHMITT: [12:33:28] Yeah.

2 MR VANDERPUYE: [12:33:29]

3 Q. [12:33:29] You were asked pretty much the same question that the President has
4 asked you and I've asked you, which is what is your explanation for what you said in
5 the interview? And in part, your answer is at -- starting at line 946, it is:

6 (Interpretation) "Because when you speak of Selekas, at the time we were only talking
7 about Muslims, because it is this -- they are Muslims whom we call Seleka, because
8 sometimes there are -- there are the Seleka and we can -- we cannot -- we don't even
9 know how to distinguish the environment of the Seleka because the real Seleka are all
10 Muslims."

11 PRESIDING JUDGE SCHMITT: [12:34:20] And it continues 953.

12 MR VANDERPUYE: [12:34:23] Yes.

13 PRESIDING JUDGE SCHMITT: [12:34:25] Perhaps (Overlapping speakers)

14 MR VANDERPUYE: [12:34:31] (Overlapping speakers) the English of the -- of the
15 preceding part. What it says in English is "Because at the time, the Seleka, all the
16 Seleka were Muslims, so sometimes we would say the Muslims, the Muslims."

17 Q. [12:34:43] That's what your explanation was and that's what it is now, isn't it?

18 A. [12:34:53] If you could perhaps ask the question once again. I want to
19 understand what you want to ask.

20 Q. [12:35:07] Okay. If we could just go a little bit up before line 943, you can see
21 the question that was put to you in your interview. And in regard --

22 Just stop right there. That's perfect.

23 In regards to the videotape I just showed you. And the question was put to you:

24 (Interpretation) "So why then refer to these people as Muslims rather than Seleka?"

25 (Speaks English) And then you gave the explanation which I just read. And that's

1 what the Presiding Judge is asking you. Why would you say that in the first place,
2 "Come with me, I'll show you I can go and kill a Muslim" instead of Seleka?
3 In your answer you say that when you talk about Seleka, you're talking about
4 Muslims. And I asked you if that's the explanation you gave then and is that what
5 you mean now?

6 PRESIDING JUDGE SCHMITT: [12:36:19] To be exact, what he is saying is that all
7 the Seleka were Muslims. That's not exactly the same, but still, yeah.

8 So do you have further explanation for why you used the word "Muslim"?

9 Otherwise, I think we -- we simply skip it.

10 THE WITNESS: [12:36:49](Interpretation) Yes, in fact, as I had indicated, in the
11 majority, the Seleka were Muslims and especially the Muslim Selekas committed a lot
12 of torture against the Central African population, civilian population. So when we
13 talk about the Seleka, we were talking about Muslims. They are -- whether -- they
14 were at the root of it. They were the ones who had decided to come and conduct the
15 coup d'état in 2013. And after that, they then took over and they wanted to destroy
16 the civilian population that was not in line with their goals. You understand a bit?
17 So when we talk about Muslims, we were talking only about the Seleka. So
18 everyone was talking with respect to their intelligence.

19 PRESIDING JUDGE SCHMITT: [12:37:52] I think you can move on, Mr Vanderpuye.

20 MR VANDERPUYE: [12:37:54] Yes. Thank you, Mr President.

21 Q. [12:37:59] Let me show you another document. This one is CAR-OTP -- tab 20,
22 CAR-OTP-2100-1986.

23 Can go down the page, please. That's good.

24 In this paragraph I'm referring to -- this is a letter concerning the displaced Muslims
25 in Berberati at the bishopric. It is dated 15 October 2014, which is just about the date

1 of the interview that you gave that I just showed you in the -- in the -- the media
2 interview that you gave.

3 In the second paragraph -- third paragraph here it refers to some of the events in
4 Berberati and it reads, from the second sentence there:

5 (Interpretation) "It was only after the departure of the elements of the town of
6 Berberati on 30 January 2014, and the arrival of the Anti-Balaka militia people (led by
7 the late Roch Mokom - son of the former sub-prefect of Gamboula) in the city of
8 Berberati in early February 2014 that everything changed drastically. Anti-Balaka
9 militias entered armed into the neighbourhoods that were in the majority Muslim.
10 And they attacked the members of the Muslim community. We saw killings, blows,
11 physical blows and injuries, acts of pillage, pillaging, destruction of their property,
12 aggression and verbal and physical intimidation. So they had to flee and take refuge
13 at the bishopric of Berberati where the bishop had given us hospitality and whom we
14 thank infinitely."

15 (Speaks English) If we go to the next page, the second paragraph, it says:

16 (Interpretation) "Despite the accords for cessation of hostilities signed last July, a band
17 of Anti-Balaka such as: Yapele alias Chiki Chiki, Seregaza, Konamna alias KF,
18 Nganaboye alias eto'o, Gatouzo, Awilo, Ngoubou Nestor, Alban and others continue
19 to sow disorder."

20 PRESIDING JUDGE SCHMITT: [12:41:26] And now the question.

21 MR VANDERPUYE: [12:41:27] Now the question.

22 Q. [12:41:29] As what I've read to you, first of all, have you seen this document
23 before and what do you say with regards to what --

24 PRESIDING JUDGE SCHMITT: [12:41:39] With regard to the second part or the last
25 part where he is personally named, I think we would have to inform him that there

1 might be an issue with self-incrimination and that he does not have to answer this
2 question if he does not want to. So if the witness wants to confer with his counsel on
3 that, we would find that okay, of course.

4 Have you understood this, Mr Witness? In this part that was read out to you, your
5 name is mentioned and this could potentially, depending on your answer, incriminate
6 you. So if you don't want to answer that, that's your right to do so. If you decide to
7 answer, it has to be -- it has to be correct.

8 Have you understood that? And if you want, you can confer with your counsel for
9 that.

10 THE WITNESS: [12:42:43](Interpretation) I want to answer you.

11 PRESIDING JUDGE SCHMITT: [12:42:45] Okay, then please answer. So you have
12 heard that. What is your answer to that? Is the information that has been given in
13 this portion that has been read out to you, is this correct or not?

14 THE WITNESS: [12:43:00](Interpretation) No, it is not accurate.

15 MR VANDERPUYE: [12:43:12]

16 Q. [12:43:13] When you say it's not accurate, do you mean in reference to you or in
17 reference to all the names of the people in your -- in your group that I read out, that is
18 Nestor, Awilo and so on? It's also untrue as to them?

19 A. [12:43:40] Well, with regard to my own name.

20 Q. [12:43:42] And with respect to what is recounted concerning the attack on the
21 population which I read on page 1 concerning killings, physical injury, pillage,
22 destruction of goods, aggression, intimidation, verbally and physically, is that true,
23 that that is at the hands of the Anti-Balaka? Is that true?

24 A. [12:44:33] Actually, you have this document and I've seen the militias, the
25 Anti-Balaka militias. When we talk about these, there were those who acted in their

1 own way, but I'm not part of these militias. I'm in the Anti-Balaka, but not militia. I
2 saw it was written in the first paragraph Anti-Balaka militias, there was Rocca
3 Mokom. It was he or his elements who should be answering these questions. I
4 wasn't part of a militia. So perhaps you're confusing me with the militias. But I'm
5 not part of a militia.

6 Q. [12:45:18] All right. Just so that you're clear, what is meant by "militias" in this
7 document is effectively the armed fighters or people that are belligerents. But I don't
8 know if that changes your answer, but that's what the import, that is what the
9 meaning of it is.

10 Okay. Do you know someone by the name of Father Isaie Koffia?

11 A. [12:46:01] No.

12 Q. [12:46:10] Okay. Let me just show you one article very quickly. It's at tab 1,
13 CAR-OTP-2001-4257. This is an article that was published on 18 February 2014 and
14 it talks about the attack on Berberati.

15 If we go a little bit -- well, in the first line it talks about how Christian extremists came
16 in waves, first a small group, then a larger and increasingly violent forces, until
17 Berberati had been completely invaded.

18 If we go down to about the middle of the page, it says:

19 "Then, a few days after the ex-rebels pulled out," that's the Seleka "on Saturday,
20 8 February, the first 'Anti-Balaka' group of vengeful Christians arrived in town."

21 If we go further down the page - further down, please - we'll see another reference
22 to -- wait a minute. Yes.

23 "In Berberati, the Anti-Balaka came first from the north and then the east. "There
24 were several hundred of them." And this was said by "Father Thomas Isaie, the
25 priest at the Saint Basile church situated in the town's main Muslim district. Loumi."

1 Do you know the Saint Basile church?

2 A. [12:48:23] Yes.

3 Q. [12:48:29] It continues: "On ... Monday, they started to search the homes of
4 Muslims."

5 And then it says "Isaie", this is the priest, he "added that about 10 Muslims were
6 killed ..."

7 So in respect to what I've read you here, first, are you aware that homes were
8 searched by the Anti-Balaka, that 10 Muslims had been killed on or around the date of
9 the attack? Do you know that?

10 A. [12:49:31] Actually, I did not see the bodies on the ground, so I cannot say that
11 I've seen this. But I heard, just as others did, that there were killings, there were
12 deaths. But I personally did not see this, so I don't know where -- it was when going
13 to get some -- to find some Muslims and -- or at the bishopric. But when the attack
14 began in the Poto-Poto neighbourhood, I was --

15 THE INTERPRETER: [12:50:06] And the interpreter did not hear exactly where.

16 THE WITNESS: [12:50:09](Interpretation) But the attack had already begun and
17 there was pillaging and people were -- were fleeing. We had gone there, but we
18 have -- I had -- no, I was there, and I know the priest came and tried to take some
19 Muslims with their -- with his car. And I know some maybe resisted and took some
20 Balakas. But I said there was some Muslims who are just the civilian population like
21 us and that's what I have said. But I can't say that I did not see any on the ground.
22 So if you had reports like this, the -- it was the priest who should answer this question.
23 He has the images, he had seen this, but I don't -- I did not see this so I don't know
24 this.

25 MR VANDERPUYE:

- 1 Q. [12:51:12] Okay, I just have a couple --
- 2 PRESIDING JUDGE SCHMITT: [12:51:14] Mr Vanderpuye, you are quite a bit over
3 your time. I just wanted to remind you.
- 4 MR VANDERPUYE: Yes, I have --
- 5 PRESIDING JUDGE SCHMITT: And --
- 6 MR VANDERPUYE: [12:51:22] -- these two questions and I have one other
7 document that I'll show very briefly.
- 8 PRESIDING JUDGE SCHMITT: [12:51:26] Okay. So we finish at 1 o'clock.
- 9 MR VANDERPUYE: [12:51:29] Yes, Mr President.
- 10 PRESIDING JUDGE SCHMITT: Yes, good.
- 11 MR VANDERPUYE: Thank you. Thank you for the indulgence.
- 12 Q. [12:51:32] If we just go to the next page on this document, there's an indication
13 at the top of the page that some 500 -- this is published on 18 February 2014, so there's
14 an indication here that there were 500 Muslims taken -- that had taken refuge inside
15 the bishop's residence that were being protected by MISCA peacekeepers at that time,
16 and they were brought there by Father Isaie. Is this -- first of all, does that fit your
17 recollection of the events there? And do you -- and is Father Isaie the priest that you
18 were referring to that came to collect some -- some of the Muslims to bring them to
19 the church?
- 20 PRESIDING JUDGE SCHMITT: [12:52:53] Mr Witness, did you hear the question?
21 There are two questions.
- 22 First of all, was it Father Isaie, the one that you knew, that brought some of these
23 people to the bishopric?
- 24 THE WITNESS: [12:53:15](Interpretation) No.
- 25 MR VANDERPUYE: [12:53:17] All right.

1 Q. [12:53:25] Now, I want to -- I'd like to ask you just a couple of questions. Now,
2 you can see there are a lot of references to this Father Isaie who was at the Saint Basile
3 church, which you are aware of, you said a minute ago that he should be the one to
4 ask.

5 So I want to show you another document, ask my questions to, rather. I want to
6 show you another document. It's at tab 21. It's public. And it's a -- sort of an
7 account that was written by this Father Isaie. And in this account he talks about the
8 events of Berberati, among other things.

9 And in particular, if we go to page -- ERN page 2471, he talks about you in particular.
10 I'm sorry, 2 -- yeah, 2471. That's the page.

11 And you can see the title of it, it says "The story of Chiki Chiki." He describes how
12 you became an Anti-Balaka, how you had -- you were a tradesman. And he says
13 something interesting that I wanted to ask you about in the middle of the second
14 paragraph. He says:

15 (Interpretation) "The real passion of Chiki Chiki was to kill Muslims by cutting them
16 up with a machete. He imposed himself as the local chief of the branch. He was
17 the most extremist of the Anti-Balakas."

18 PRESIDING JUDGE SCHMITT: [12:55:26] So again, this is, of course -- you want to
19 ask him if this is correct or not?

20 MR VANDERPUYE: [12:55:31] Yes, or -- yes.

21 PRESIDING JUDGE SCHMITT: [12:55:33] So again, Mr Witness, of course this
22 is -- you recognise this immediately, the answer to this question could incriminate
23 you and because of that you can refuse to answer it. But if you answer it, it must be
24 correct. And you can also, if you want, confer with your counsel.

25 So you can answer it, but when you answer it, it has to be truthful, yeah? So the

1 same procedure we had with another question a couple of minutes ago.

2 So the question was: Is this, what Mr Vanderpuye has read out of you from the
3 account of the priest, is this correct or not? Do you want to answer that? And if so,
4 how?

5 THE WITNESS: [12:56:26](Interpretation) Well, I did not know the priest. I knew
6 the Saint Basile church but this priest I did not know. You're talking about
7 Mr Abbe Pogola. I had his phone number at the time, I would call him, he would
8 come. And yes, there was some Muslims, you know, who had been driven by
9 the -- by the Anti-Balaka. But this priest from Saint Basile, I don't even know him.
10 It's as if I am the head of the Anti-Balaka. Yes, I am Chiki Chiki, it's true, I'm
11 Chiki Chiki, I was the chief, but it's not because I'm the chief that I am responsible for
12 everything that took place.

13 PRESIDING JUDGE SCHMITT: [12:57:13] I think we -- okay.

14 MR VANDERPUYE: [12:57:15] One further reference.

15 PRESIDING JUDGE SCHMITT: [12:57:17] Yes, if you want.

16 MR VANDERPUYE: [12:57:19] And this is at page 2474. It's very brief.

17 Q. [12:57:25] And it refers to your having been shot. In the third line of the last
18 paragraph -- yes, of the last paragraph, he says -- talks about how he learned that you
19 had been shot in the leg, (Interpretation) "... because he refused to be disarmed by one
20 of their patrols. And I went to visit him at the hospital."

21 (Speaks English) And he describes that.

22 (Interpretation) "... said that if he had listened to me, he wouldn't be there suffering."

23 (Speaks English) Further along he describes this:

24 (Interpretation) "He shared his intention of making a statement to his companions to
25 tell them that he had to end the hostilities and that everyone should return to their

1 village and take up the work that they had been doing prior to that."

2 (Speaks English) On the next page --

3 PRESIDING JUDGE SCHMITT: [12:58:46] I think that's too much information --

4 MR VANDERPUYE: [12:58:48] Last sentence.

5 PRESIDING JUDGE SCHMITT: [12:58:49] Yes, yes, but if you want to put questions
6 to him of --

7 MR VANDERPUYE: [12:58:52] It forms part of the same narrative, then I'll put the
8 question (Overlapping speakers)

9 PRESIDING JUDGE SCHMITT: [12:58:57] Okay, good.

10 MR VANDERPUYE: Sorry. I'm very sorry. It's --

11 PRESIDING JUDGE SCHMITT: [12:58:54] Please, please finish.

12 MR VANDERPUYE: [12:58:59]

13 Q. [12:58:59] In the last sentence that I'm going to read to you, he says:

14 (Interpretation) "I observed that a change was taking place gradually in his
15 reasoning."

16 (Speaks English) So my question is, first, do you recall being paid a visit in the
17 hospital by the priest and if what I've read to you is the subject matter of what you
18 talked about with him?

19 A. [12:59:37] Well, no, this is a false document. He never visited me. This is a
20 false document. And I've just seen with my own eyes that I broke -- somebody
21 broke my leg because I wouldn't disarm. Is this really somebody speaking in the
22 name of God? No, we did not understand each other. He never visited me. And
23 when the forces broke my foot, it was the -- it was during a meeting. I was
24 asked -- I was called to a meeting at the prefecture and then they took me with my
25 bodyguard, and before the population of Berberati, they wanted to kill me. And

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1 that's where I injured my leg.

2 But if in the name of God he's saying -- he's telling the stories like that, he's not

3 speaking on behalf of God. He did not come to teach us what's in the Bible. He's

4 an adventurer. I'm with you. How can -- in the name of God can he come up with

5 a false document? Did he ever see me once like that? If I say I know him, I know

6 him. If I don't, I don't. But why would I mention Abbe Pogola? He's somebody

7 I had contacted and he is someone that I had seen. I know who visited me at the

8 hospital, who were in my city. But in the name of God, he cannot lie like that.

9 PRESIDING JUDGE SCHMITT: [13:01:27] I think that answers (Overlapping

10 speakers)

11 MR VANDERPUYE: [13:01:29] I have nothing further and it's time and I appreciate

12 the indulgence, Mr President.

13 Thank you very much, Mr Witness.

14 MR KNOOPS: [13:01:35] Mr President.

15 PRESIDING JUDGE SCHMITT: Mr Knoops.

16 MR KNOOPS: [13:01:32] We just want to put on the record that this document the

17 Prosecution demonstrated to the witness is deriving from a 68(2) witness, Rule 68(2)

18 witness, which is not available for the Court. That's something (Overlapping

19 speakers)

20 PRESIDING JUDGE SCHMITT: [13:01:53] Okay, so we -- yeah, of course -- I cannot,

21 of course, now imagine all the potential consequences, but it's good to have it on the

22 record. Thank you.

23 So, Mr Witness, that's the Prosecution finished the questioning for today and we

24 finish also for today. We meet tomorrow at 9.30. And then, as I have understood it,

25 no questions by the victims representative, we start with Mr Knoops at 9.30.

Trial Hearing
WITNESS: CAR-OTP-P-1077

(Open Session)

ICC-01/14-01/18

1 We are not finished yet. Just for the parties and participants, we are going to finish,
2 as I understand it, the witness we have here in the room Wednesday morning because
3 we have anyway only two sessions on Wednesday, and we start on Thursday with
4 1339 at 1 o'clock until 2.30 and from 3 o'clock until 4.30 for reasons I don't want to
5 explain here. So we have two sessions with 1339 on Thursday starting at 1 o'clock.

6 Thank you very much.

7 THE COURT USHER: [13:03:00] All rise.

8 (The hearing ends in open session at 1.03 p.m.)