

Trial Hearing
WITNESS: CAR-OTP-P-0966

(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 Ngaiissona - ICC-01/14-01/18
6 Presiding Judge Bertram Schmitt, Judge Péter Kovács and
7 Judge Chang-ho Chung
8 Trial Hearing - Courtroom 1
9 Thursday, 7 April 2022
10 (The hearing starts in open session at 9.32 a.m.)
11 THE COURT USHER: [9:32:16] All rise.
12 The International Criminal Court is now in session.
13 Please be seated.
14 PRESIDING JUDGE SCHMITT: [9:32:41] Good morning, everyone.
15 Court officer, please call the case.
16 THE COURT OFFICER: [9:32:47] Good morning, Mr President, your Honours.
17 Situation in the Central African Republic II, in the case of The Prosecutor versus
18 Alfred Yekatom and Patrice-Edouard Ngaiissona, case reference ICC-01/14-01/18.
19 And for the record, we are in open session.
20 PRESIDING JUDGE SCHMITT: [9:33:05] Thank you.
21 Ms Struyven, for the Prosecution.
22 MS STRUYVEN: [9:33:09] Good morning, Mr President, your Honours. For the
23 Prosecution today, we have Irina Galupa, Yassin Mostfa, Kweku Vanderpuye, and
24 myself, Olivia Struyven.
25 MR DANGABO MOUSSA: [9:33:24](Interpretation) Good morning, your Honour.

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- 1 Representing the victims here today we have --
- 2 THE INTERPRETER: [9:33:31] Inaudible.
- 3 MR DANGABO MOUSSA: (Interpretation) Asso Mouhia and Dangabo Moussa.
- 4 Thank you.
- 5 PRESIDING JUDGE SCHMITT: [9:33:40] And I think Mr Narantsetseg is the name
- 6 that you missed, perhaps. Well known from another case to the Chamber.
- 7 Mr Suprun.
- 8 MR SUPRUN: [9:33:50] Good morning, Mr President, your Honours. The former
- 9 child soldiers are represented by myself, Dmytro Suprun, counsel at the Office of
- 10 Public Counsel for Victims. Thank you.
- 11 PRESIDING JUDGE SCHMITT: [9:33:57] Thank you.
- 12 Ms Dimitri.
- 13 MS DIMITRI: [9:34:00] Good morning, Mr President. Good morning,
- 14 your Honours. Good morning, everyone. Mr Yekatom is present in the courtroom
- 15 and represented by Ms Lena Casiez and myself, Mylène Dimitri.
- 16 PRESIDING JUDGE SCHMITT: [9:34:09] Thank you.
- 17 And Mr Knoops.
- 18 MR KNOOPS: [9:34:13] Good morning, Mr President. Good morning,
- 19 your Honours. Good morning, everyone in the courtroom. We are still in the same
- 20 composition as yesterday. It's the same, Ms Chiara Giudici, on my right side;
- 21 Ms Sara Pedroso and Mr Ali Alabdali in the second row. Mr Ngaïssona, as you see,
- 22 is present in the courtroom. And, according to my information, Mr Landry is at the
- 23 field office, as always. Thank you.
- 24 PRESIDING JUDGE SCHMITT: [9:34:43] Thank you very much.
- 25 And I also welcome Mr Lavou, counsel for our witness, whom I also welcome on

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1 behalf of the Chamber.

2 Mr Dana, good morning. Do you hear and understand me well?

3 MR LAVOU: [9:35:06](Interpretation) I can hear you just fine from Bangui.

4 PRESIDING JUDGE SCHMITT: [9:35:11] And Mr Dana also understands us well, I
5 take that from his reaction. That is a good start into, let's say, the final whatever, at
6 least less than an hour, I think.

7 I'm joking, Ms Casiez. Okay. It's up to you.

8 Ms Casiez has the floor.

9 MS CASIEZ: [9:35:36] Thank you, Mr President, your Honours.

10 WITNESS: CAR-OTP-P-0966 (On former oath)

11 (The witness speaks Sango)

12 (The witness gives evidence via video link)

13 QUESTIONED BY MS CASIEZ: (Continuing) (Interpretation)

14 Q. [9:35:48] Good morning, Mr Ouabiro Dana. I do have a few questions for you,
15 but it shouldn't take too long.

16 Can you hear me?

17 A. [9:36:00] Yes, I can hear you.

18 Q. [9:36:03] Yesterday you talked about a cohesion meeting at the prime minister's
19 office which you attended with Mr Yekatom. And that was transcript 118, French
20 version, page 27 to page 30.

21 Do you remember which government members were present at that meeting?

22 A. [9:36:30] Thank you. The meeting was supposed to be held at the prime
23 minister's office, but we went to a room that was close -- well, it was the minister of
24 reconciliation, a lady, and the meeting was held in her office. I believe the building
25 where her office was is opposite Radio Bangui.

1 Q. [9:37:20] Thank you.

2 Do you remember of -- if international forces, such as the Sangaris forces, were
3 present?

4 A. [9:37:38] No, the Sangaris forces were not present. At that meeting there was
5 myself, Rambo, and the elder sister of Konaté. Konaté refused to go to the meeting.
6 There was Ndana (phon), my secretary, and Siro. I mentioned him. I said he had
7 been arrested in the presence of the minister and a number of Rambo's
8 representatives. There was also Celestin.

9 THE INTERPRETER: [9:38:17] Adds the Sango interpreter.

10 MS CASIEZ: [9:38:31](Interpretation) Thank you.

11 (Speaks English) Mr President, may I have just one minute to consult?

12 PRESIDING JUDGE SCHMITT: [9:38:46] Of course.

13 MS CASIEZ: [9:38:46] Thank you.

14 (Counsel confer)

15 MS CASIEZ: [9:38:50] Thank you, Mr President.

16 Q. [9:38:57](Interpretation) Mr Ouabi Dana, there's one topic remaining.

17 Now, yesterday, you remember we discussed the authorisations for travel that were
18 drafted after the attack of the 5th once you had withdrawn to Benzambe. And this is
19 something you refer to in paragraph 36 of your statement.

20 I'll just give the reference since today is a new day. Tab 21, *CAR-OTP-2102-0078.

21 And in the same paragraph, you say, *"Because I was one of the few literate men, I
22 was asked to" -- I know that we mentioned this earlier. Now, does this mean that
23 you began to take care of the records of the *companies and their members, and after
24 you withdrew to Benzambe, since you were in -- well, so to speak, you were set up in
25 better conditions than when you were in the bush?

1 THE INTERPRETER: [9:40:25] And the quotation from the statement was, "... one of
2 the few men who knew how to read and write, * I was asked to keep the registers of
3 the companies and of their members, and to submit those lists to ComZone Kema,
4 who would then transmit them to Mokom.

5 THE WITNESS: [9:40:35] (Interpretation) This is my answer: In each group, which
6 was led by various commanders, there were always secretaries, but for the document
7 to be properly drafted, I was asked to do that so that it would be properly drafted and
8 presentable. All I did was re-transcribe all the lists and put them in a -- well, to
9 prepare a clean copy of them before forwarding them.

10 PRESIDING JUDGE SCHMITT: [9:41:18] May I shortly.
11 To the interpretation, it's not a problem because we have the reference on the record,
12 and it's clear what we are talking. So no problem that it has not been fully
13 interpreted.

14 Please continue, Ms Casiez.

15 MS CASIEZ: [9:41:35] Thank you. And I will be slower.

16 PRESIDING JUDGE SCHMITT: [9:41:38] It was not your fault. Really not. But I
17 just mention it so that -- if it would have been something else, but since we have it on
18 the record what you were quoting from, we can figure it out what it was.

19 MS CASIEZ: [9:41:53] Thank you.

20 Q. [9:41:56] (Interpretation) Thank you for your answer.

21 And it was very clear that you were sending the list to Kema. What I just wanted to
22 know was this, whether the process of forwarding these lists was when you
23 were -- you -- when you had withdrawn to Benzambe, was that when this process
24 began?

25 A. [9:42:34] Once we had set up operations in Benzambe, there was new recruits.

1 Before leaving Benzambe, there was a request for the troops who had to move
2 forward. So the lists were drawn up. We knew how many companies there were,
3 how many men there were in each company. So once that was done, we then all
4 moved forward. We all advanced.

5 Q. [9:43:39] Thank you. Just one minor clarification. When you said that once
6 from -- you were from -- it was from there that you moved forward or advanced, and
7 before leaving Benzambe, the troops were asked -- correction, we were asked the level
8 of troops. So the lists were drawn up in Benzambe just before you left again, is that
9 what you said? I'm sorry. It's just that I'm having a hard time understanding when
10 the lists were drafted. I believe it was once you had withdrawn to Benzambe after
11 the attacks, and it was then that the lists were created.

12 PRESIDING JUDGE SCHMITT: [9:44:29] Ms Struyven.

13 MS STRUYVEN: [9:44:33] There is two different things, I think. There is the
14 compilation of the existing lists that need to be presentable and that may -- that are
15 cleaned up, as he explained already. And then there is the original drafting of the
16 list. And I think we are now trying to confuse those two processes that the witness
17 has explained, at least in the French transcript.

18 PRESIDING JUDGE SCHMITT: [9:44:57] Nobody is trying to confuse the witness.
19 I would not subscribe to that point of view. It might well be that you're right, but
20 then we can figure this out. But I allow the question.

21 Mr Witness, have there been drafts before and finalisation, you know, is there a
22 difference between that? I think you have heard the exchange here in the courtroom,
23 so perhaps you can try to clarify this even more. You have already done a great job
24 insofar, but perhaps you can -- can try to clarify it even more, if you -- please.

25 THE WITNESS: [9:45:40](Interpretation) Thank you.

1 When we left Gobere, there was a list. We got to Benzambe, and we advanced.
2 Initially we got to Bossangoa, we withdrew to Bossembélé. Another list was drawn
3 up.
4 When we left again for Benzambe, we based ourselves there and new recruits joined
5 us. So another list, a new list was drawn up before we attacked Bossangoa.
6 So each time we were at a particular locality, before leaving that place or that zone,
7 we had to know the troop levels. So each time, because of that need, we drew up
8 lists.

9 MS CASIEZ: [9:46:59](Interpretation)

10 Q. [9:47:00] Thank you. It's much clearer now.

11 I'll continue with some questions about the lists.

12 Could you explain what these lists were written on. Sheets of paper, in a notebook?

13 Could you tell us about the various phases.

14 A. [9:47:26] At *the various stages, we would draw up the lists in a notebook, an
15 exercise book. *So it was on legal size paper. Initially we had notebooks, and then
16 *later there wasn't enough notebooks, and we were given letter paper. But since it
17 was difficult for some people to write properly on this kind of paper, the sheets of
18 letter paper were brought back and we would make a clean copy. My work was to
19 clean up the lists. I spent an entire night cleaning up the lists.

20 Q. [9:48:31] Thank you.

21 We've discussed your living conditions in the bush and the rain and so on and so
22 forth. Where were the lists kept?

23 A. [9:48:57] Thank you.

24 Each time we would leave a place, we would draw up the lists and we would give
25 them to the ComZone. So he was the one who kept the lists and the ComZones also

1 protected both the lists and their telephones. If it was -- if only we remained at a
2 particular base and if there was the question of moving ahead, then we would be
3 given new sheets of paper and then we would draw up new lists. As we moved
4 forward, we were asked each time at each stage, we were asked for -- we were given
5 paper to do the lists. So each time we would draw up lists, even if it was raining. I
6 don't know what conditions the lists were kept in, but at each stage as we moved
7 forward, we would draw up lists.

8 Q. [9:50:17] Thank you. Before 5 December, these notebooks, well, how would
9 you get them? Who gave them to you?

10 A. [9:50:42] * Before the 5th, *some people would go out; there were small villages
11 in the *surrounding area where there were shops that sold items, merchandise. I
12 mentioned -- well, sometimes the ComZones would bring back sheets of paper, and
13 they would say: "Well, there were groups belonging to various elements, so you
14 have to draw up the list." I didn't know exactly where the sheets of paper came
15 from.

16 Q. [9:51:30] Thank you.

17 And when you say that there was a new list drawn up each time, would you start
18 from scratch to write the lists, for example, with the new recruits? Were there deaths,
19 or would you strike out names from the existing lists? Could you please explain the
20 process to us.

21 A. [9:52:11] After drawing up the list, we would give the list to the commander,
22 and then he would give us other sheets to -- of paper to fill in. Once we were
23 finished drawing up the list, he would keep the list. It was the ComZones who kept
24 the lists. We didn't make more lists. Sometimes he would bring us sheets of paper
25 and we would fill them in, but we didn't keep the lists on ourselves or with ourselves.

1 Q. [9:52:58] Thank you. I only have a few questions about the lists and then I will
2 be done.

3 Now, I've understood that in relation to your company, it was ComZone Kema who
4 sent the list to Mokom once he found some network coverage. Now, did Kema give
5 the names only of his company to Mokom over the telephone?

6 A. [9:53:56] ComZone Kema kept the list of all the elements who were in
7 Bossangoa, and he forwarded all those lists to the leader. He would present all the
8 elements belonging to each company. And after drawing up these lists, he said he
9 would present the names of the combatants to the superiors. He was in charge of
10 forwarding the names of these combatants.

11 MS CASIEZ: [9:54:46] Mr President, I think the witness said "in Bossangoa," but it
12 doesn't appear in the transcript.

13 PRESIDING JUDGE SCHMITT: [9:54:53] Thank you.

14 MS CASIEZ: [9:55:09] (Interpretation)

15 Q. [9:55:11] Mr Ouabiro Dana, when you said that Kema would send the lists to
16 Mokom, I understood that he would give the names, read out the names; is that
17 correct?

18 A. [9:55:35] When he was looking for coverage so he could communicate, I wasn't
19 there. I don't know how the lists were sent. He told us that once he found some
20 coverage, he would give the names of the people who were on the list. We knew at
21 the time that the lists were being sent on. That's all. But as for the rest, we didn't
22 know how it was done. Myself, I didn't know how he sent these lists because I was
23 not beside him.

24 Q. [9:56:20] Thank you.

25 MS CASIEZ: [9:56:21] May I have just one minute to consult?

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- 1 PRESIDING JUDGE SCHMITT: [9:56:25] Of course. Like always.
- 2 MS CASIEZ: [9:56:27] Thank you.
- 3 (Counsel confer)
- 4 MS CASIEZ: [9:57:26] Thank you, Mr President.
- 5 Q. [9:57:34](Interpretation) Mr Witness, there's a transcript problem, so this is my
6 last question. I just want to make sure I've correctly understood. You said that
7 Kema would forward the lists to Mokom in Bossangoa by looking for network
8 coverage. I just want to make sure that's what you said, because it doesn't -- in
9 Bossangoa, is that correct? Just in Bossangoa, is that correct?
- 10 PRESIDING JUDGE SCHMITT: Ms Struyven.
- 11 MS STRUYVEN: [9:58:12] The witness has already explained I think at quite some
12 length that they were addressing of the lists in every locality that they passed, that
13 they would put in the list of new recruits, the change of the groups, et cetera, et cetera.
- 14 PRESIDING JUDGE SCHMITT: [9:58:24] Yeah, we -- yes, but we had this
15 interpretation issue, so it's perfectly -- I don't understand why you want to interrupt
16 here. It's -- the witness has really -- you're right, the witness has provided us with a
17 lot of information in that regard, but we have this issue that Bossangoa did not appear,
18 so why not ask him. And he can say that there were also other -- also other villages
19 where it was done.
- 20 MS STRUYVEN: [9:58:50] But my -- my colleague is suggesting that it was only at
21 Bossangoa, with the emphasis on "only in Bossangoa".
- 22 PRESIDING JUDGE SCHMITT: [9:58:56] And, actually, also, counsel, Defence
23 counsel can also suggest things. It's also not something that is unheard of, so to
24 speak.
- 25 So -- so please repeat it.

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1 MS CASIEZ: [9:59:22](Interpretation)

2 Q. [9:59:22] We are going to get there with this last question, Mr Ouabiro. It's just
3 that it doesn't show on the transcript that Kema sent on the lists in Bossangoa and I'd
4 just like to know whether -- was that what you said, in Bossangoa? And I would
5 add only in Bossangoa, just to know by putting this question to you. Thank you.

6 A. [9:59:55] Mokom wasn't in Bossangoa. Mokom was on the other side of the
7 river when we were still in the bush. He was in Zongo. The person who was
8 responsible for communicating the lists was Dedane. And now, when we went back,
9 we split up. Dedane was at the front and Kema came back to Bossangoa. During
10 the way, the trip, we provided the lists to Kema. Kema went to look for network
11 coverage so he could pass it on. Sometimes he gave it to Dedane to forward it to
12 Mokom. So we were told that the person to whom the list had been sent was
13 Mokom.

14 You have to realise that at one point, the group split up. Kema was responsible for
15 taking the list and sending it on. Between Benzambe and Bossangoa, there was a hill
16 and he would go up the hill to make the call. It was Kema who would send the
17 information to Dedane, who would send it on. So Mokom -- that is how Mokom
18 was able to collect all the data about the people in the field in Bossangoa. So there
19 you have it.

20 But to say that Mokom was in Bossangoa, that's not what I said. We were in
21 Bossangoa, and our commanders were responsible for sending these lists to Mokom,
22 who wasn't with us.

23 PRESIDING JUDGE SCHMITT: [10:01:55] So I think it was not so bad to let him
24 answer this question.

25 MS CASIEZ: [10:02:01] Thank you, Mr President.

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1 (Interpretation) Thank you, Mr Dana, for your patience and for the answers.

2 (Speaks English) Thank you, Mr President. I have no further question for this
3 witness.

4 PRESIDING JUDGE SCHMITT: [10:02:14] Thank you, Ms Casiez. So we indeed
5 finish today very early, I would say, so we appreciate that.

6 And, of course, Mr Dana, on behalf of the Chamber, I would like to thank you that
7 you have come to this Court to testify. Without witnesses coming forward, being
8 prepared to answer the questions and to help the judges establish the truth, we could
9 not conduct such proceedings. So, in that regard, we would like to thank you.

10 Also, we would like to thank you that you agreed to testify openly, so to speak, so
11 that we have here a transparency of the proceedings that we unfortunately cannot
12 always have. Thank you for that. We wish you a safe trip back home.

13 So this concludes the hearing --

14 THE WITNESS: [10:03:25](Interpretation) Thank you.

15 (The witness is excused)

16 PRESIDING JUDGE SCHMITT: [10:03:26] This concludes the hearing for today.

17 We continue tomorrow at 9.30. And I think it's Witness 0888, yeah, 0888, 9.30.

18 Thank you very much.

19 THE COURT USHER: [10:03:41] All rise.

20 (The hearing ends in open session at 10.03 a.m.)

21 CORRECTIONS REPORT

22 The following corrections, marked with an asterisk * and not included in the
23 audio-visual recording of the hearing, are brought into the transcript.

24 Page 5, line 2

25 "I was asked"

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- 1 Is corrected to:
- 2 "I was asked to keep the registers of the companies and of their members, and to
- 3 submit those lists to ComZone Kema, who would then transmit them to Mokom."
- 4 Page 8, lines 10-11
- 5 "Before the 5th, *some people would leave, and there were small villages"
- 6 Is corrected to:
- 7 "Before the 5th, *some people would go out; there were small villages"