

Trial Hearing
WITNESS: CAR-OTP-P-0888

(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 Monday, 11 April 2022
10 (The hearing starts in open session at 9.33 a.m.)
11 THE COURT USHER: [9:33:24] All rise.
12 The International Criminal Court is now in session.
13 Please be seated.
14 PRESIDING JUDGE SCHMITT: [9:33:55] Good morning, everyone. Court officer,
15 please call the case.
16 THE COURT OFFICER: [9:34:01] 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: [9:34:18] The appearance the parties.
21 Mr Vanderpuye, first.
22 MR VANDERPUYE: [9:34:23] Good morning, Mr President. Good morning, your
23 Honours. Good morning, everyone. Good morning, Mr Beina.
24 Today the Prosecution is represented by Pierre Belbenoit-Avich, Yassin Mostfa, and
25 myself, Kweku Vanderpuye. Good morning.

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- 1 PRESIDING JUDGE SCHMITT: [9:34:36] Thank you.
2 The representatives of the victims next.
3 MR DANGABO MOUSSA: [9:34:39](Interpretation) Good morning, your Honour.
4 Good morning, everyone.
5 The victims of the other crimes are represented today by myself and Evelyne Ombeni.
6 Thank you.
7 MS LAU: [9:34:53] Good morning, Mr President, your Honours. Good morning,
8 everyone.
9 Today the former child soldiers are represented by myself, Fiona Lau,
10 associate legal officer at the Office of Public Counsel for Victims. Thank you.
11 PRESIDING JUDGE SCHMITT: [9:35:03] Thank you.
12 Ms Dimitri for the Defence of Mr Yekatom.
13 MS DIMITRI: [9:35:07] Good morning, Mr President. Good morning, your
14 Honours. Good morning, everyone. Good morning, Mr Beina.
15 Mr Yekatom, who's present in the courtroom, is represented today by Mr Florent
16 Pages-Granier, Ms Daniela Mvougou Police, Ms Anta Guissé, Ms Sabine Bayssat,
17 and myself, Mylène Dimitri.
18 PRESIDING JUDGE SCHMITT: [9:35:24] Thank you.
19 Mr Knoops.
20 MR KNOOPS: [9:35:27] Good morning, Mr President. Good morning, your
21 Honours. Good morning, everyone in the courtroom. Good morning, Mr Beina.
22 The Defence team of Mr Ngaissona is today represented by my colleagues Ms Proulx
23 and Ms Landry, both following the hearing from the -- through the video link.
24 Thanks for the Chamber to facility this possibility.
25 And Ms Barbara Szmatala and Alexandre Desevedavy, in the second row. Thank

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1 you.

2 PRESIDING JUDGE SCHMITT: [9:36:00] Thank you.

3 And the counsel following from the -- via video link are visible, so to speak. So we
4 can -- can see them.

5 And most importantly, of course, good morning, Mr Beina. I hope you had a good
6 rest during the weekend and are fit to -- to answer the questions today, Mr Beina.

7 WITNESS: CAR-OTP-P-0888 (On former oath)

8 (The witness speaks Sango)

9 THE WITNESS: [9:36:43](Interpretation) Good morning, and thank you, your
10 Honour. I was able to take it easy. I am here to answer all the questions that are
11 put to me. Thank you.

12 PRESIDING JUDGE SCHMITT: [9:36:55] Before we turn to the Defence, any
13 questions by the representatives of the victims?

14 MR DANGABO MOUSSA: [9:37:05](Interpretation) Your Honour, we have no
15 questions. Thank you.

16 PRESIDING JUDGE SCHMITT: [9:37:11] Thank you.

17 MS LAU: [9:37:11] We have no questions for this witness, Mr President. Thank
18 you.

19 PRESIDING JUDGE SCHMITT: [9:37:14] Thank you.

20 Then I turn to the Defence. Ms Dimitri has the floor.

21 MS DIMITRI: [9:37:21] Thank you, Mr President.

22 Mr President, before I start, I can assure your Honours that I worked very hard
23 during the weekend. I even sent my kids away in order to be as concise as possible.
24 I took into account everything that was said by the witness, but as you can imagine, I
25 also have a number of subjects to address with him.

1 PRESIDING JUDGE SCHMITT: [9:37:41] And as I -- first of all, we would never
2 have asked you to send your kids away, first thing. Second thing, we don't -- you
3 know, we don't put anybody under pressure here. So we have until Thursday,
4 so -- but, still, you can start now.

5 MS DIMITRI: [9:38:04] Thank you.

6 QUESTIONED BY MS DIMITRI: (Interpretation)

7 Q. [9:38:17] Good morning, Mr Beina. We met yesterday. In fact, we met some
8 days ago. Let me introduce myself again. I'm Mylène Dimitri, one of the counsel
9 for the Defence of Mr Yekatom.

10 I'm going to ask you some questions today and also probably tomorrow. I have
11 some suggestions to make to you. You gave a lot of details on several events which
12 took place. You did that last Friday. I'll go back to some, but I'll ask you some
13 questions of clarifications about them. And after that, I'm going to ask you some
14 questions on events that I think you know but which haven't been raised last Friday.

15 A. [9:39:20] Fine.

16 Q. [9:39:21] I'm also going to talk about your brother Habib on several occasions
17 because you mentioned him in your testimony. I'm going to show you some videos
18 which show images which has Habib in them. If at any stage during my questions
19 you have an uncomfortable moment, please let me know, and I will pass on that
20 message to the Judges, and there will be a pause granted to you by the Judge.

21 A. [9:40:10] I've understood that. Thank you.

22 Q. [9:40:15] My final comment before we start, Mr Beina, sometimes I'm going to
23 refer to your statement. I will give the ERN of your statement once so that we don't
24 have to repeat it each time. And the first statement is the one you gave in June 2016.
25 The English version is CAR-OTP-2031-0217, and the French version is

1 CAR-OTP-2107-1280.

2 Your Honour, when I refer to the statement, it will be the first statement. However,
3 when I refer to the second statement, I'm going to say specifically the second
4 statement, and this is April 2019.

5 I know there was some confusion last week, Mr Beina, because it was translated 2018,
6 but it is in fact April 2019.

7 The English version is CAR-OTP-2108-0333, and the French version
8 CAR-OTP-2107-6567.

9 PRESIDING JUDGE SCHMITT: [9:41:46] I think -- I think it's a good idea to do it
10 this way so we don't have to repeat it each time, plus it does not prolong the
11 questions unnecessary, which is sometimes then difficult for a witness to follow.
12 Please continue.

13 MS DIMITRI: [9:41:59] Thank you, Mr President.

14 Q. [9:42:05](Interpretation) Mr Beina, in paragraph 52 to 54 of your statement, you
15 referred to ComZones. I have a clarification I'd like to ask you.

16 If I understand correctly, when people came from the bush and asked to be part of the
17 zone, after the Seleka had been chased out, am I correct that the term "ComZone" was
18 created after the attack of Bangui in December 2013?

19 A. [9:42:59] Yes. I'm going to answer your question. I'd like to thank you for
20 having put that question.

21 The question that you just put to me as regards the term "ComZone", I can say that it
22 is after 5 December. I would like to stress that before 5 December, the Anti-Balaka
23 did not have any structure in the way there were operating. It was after 5 December
24 that they gathered together in order to give some structure and adopted the term of
25 "ComZone" for their responsables, because before that, there were no structure.

1 After 5 December, they came together and had a structure to the movement and made
2 up those different groups.

3 Q. [9:43:56] Thank you for your answer.

4 And when I say, again, in the same paragraph 52, that it was not unusual to find 15 or
5 13 people in one sector and that the ComZones were self-proclaimed, am I correct in
6 saying that for a ComZone, it wasn't possible to know all the elements?

7 I'm going to pause for a moment. Sorry.

8 PRESIDING JUDGE SCHMITT: [9:44:31] Mr Vanderpuye.

9 MR VANDERPUYE: [9:44:32] Yes, Mr President. The question calls for speculation
10 to the extent if it's possible for someone else to know something else. That's not an
11 appropriate question.

12 PRESIDING JUDGE SCHMITT: [9:44:43] It's not appropriately worded, but it can be
13 worded in a way that there is no problem with it. Like always, if he has information
14 how the -- the commanders, the so-called or proclaimed commander, or whatever,
15 knew how many people were in their -- in their group, and if they knew that, if he has
16 information on that, you can word it this way. Indeed, possible, probable, possible,
17 all these -- these words we should avoid, if we can. Yeah, I agree.

18 MS DIMITRI: [9:45:16] I'll rephrase, Mr President.

19 Q. [9:45:34](Interpretation) According to your understanding of events, Mr Beina,
20 and according to the observations you made, do you agree with me that the
21 ComZones were not necessarily or had a group of elements that weren't necessarily
22 fixed in one area and that the number of elements could change frequently?

23 A. [9:46:10] Thank you for your question. My experience has shown the following.
24 * With MINUSCA, for example, when I was profiling the former combatants, so
25 during that time, when I was working, we could meet different ComZones, and we

1 spoke about their elements.

2 When you talk about ComZones, let me give you an example. The Bogangolo
3 village. After the exactions of the Seleka, the villages left to come to Bangui, and the
4 person who was their leader when they left the village was the one who was regarded
5 as their ComZone. That's how it worked.

6 Q. [9:47:10] Do you agree with me that in a large zone, like Lobaye, you could find
7 elements who self-proclaimed themselves Anti-Balaka or that were assimilated with
8 the Anti-Balaka without actually being Anti-Balaka but that weren't under the control
9 of a ComZone?

10 A. [9:47:43] Yes, there were cases like that, but it wasn't widespread, and it was
11 difficult to understand that. You know, during the period of violence and after the
12 violence, people reacted differently. There were some individuals who had their
13 father, mother, who had been killed by the assailants. Sometimes their agricultural
14 products and fields had been destroyed. And those villages who came had their
15 own rhythm. It was a spontaneous movement in order to defend themselves.
16 But to say that they were recruited or called by somebody who was in Bangui is
17 incorrect. It wasn't like that. The Seleka carried out many exactions in the villages,
18 in the provinces, and the people decided in those villages to do something to chase
19 them out. That's why those villages, under the control of their leader, went to
20 Bangui in order to fight the Seleka. They came from everyone; from the east, from
21 the west, from the north, from the south, from everyone everywhere.

22 Q. [9:49:14] And after the resignation of President Djotodia, do you agree with me,
23 according to your statements, Mr Beina, that in Lobaye there were elements who
24 came from elsewhere, from small villages or the bush, who said they were
25 Anti-Balaka but they weren't part of Yekatom and the Beina group.

1 A. [9:49:56] I agree with you. As you see, in the southern part, which is -- has a
2 border with the Congo, there was an area which dealt with the border with the Congo.
3 The Democratic Republic of Congo and the Congo Brazzaville, I think there were
4 exactions there. The last time we heard it said that people crossed from Mongoumba
5 to carry out attacks.

6 So there were subgroups, armed groups that were non-identified who came from the
7 bush or from the forest to carry out exactions. That's very frequent. Even today.

8 Q. [9:50:48] Thank you for your response, Mr Beina.

9 I'm going to change subjects now. I'm going to talk about -- which we -- we already
10 mentioned this last week. I'm going to ask you specific questions on the kidnapping
11 of your brother Habib and your -- and Yekatom when they were in Zongo.

12 In your statement last -- in your testimony on Friday and in your testimony, you
13 explained in details the arrest of your brother Habib Beina by the Seleka. And
14 paragraph 21 of your statement, you explained that your sister made an
15 announcement on the Radio Ndeke Luka. And paragraph 31 of your statement, you
16 refer to the kidnapping of Mr Yekatom, and you also spoke about it on Friday as well.
17 So my question is as follows, Mr Beina: Do you remember that the sister of
18 Mr Yekatom also sent a message on the Radio Ndeke Luka to * try to locate him after
19 he had been abducted?

20 A. [9:52:21] I -- I think I did say that on Friday last, because, personally, the
21 broadcast that Mr Yekatom on the radio, I think I heard it as well. Because it wasn't
22 possible to move around, so we spent our time listening to the radio. There was RFI
23 and Ndeke Luka. I think if you went to Radio Ndeke Luka to listen to the broadcasts
24 during that time, I think if you go through that, you will have some documentation so
25 that you can confirm that. For at least three days, there were broadcasts looking and

1 asking for Yekatom. It is only after he crossed that these broadcasts came to an end,
2 and they weren't broadcast anymore on the radio.

3 Q. [9:53:23] I'm going to show you a video of 10 December 2013, which is 51
4 seconds long. It's tab 21 of the Defence, CAR-OTP-2065-2348. The transcript is on
5 tab 21, CAR-D29-0006-1178.

6 I'm going to show you the video, and then I'll have some questions to ask you.

7 (Viewing of the video excerpt)

8 THE INTERPRETER: [9:54:19](Interpretation of the video excerpt)

9 "Where were you kidnapped?"

10 No, no, no.

11 We were told that you have been kidnapped.

12 No. I was kidnapped in front of the BICIC. The other two were assassinated. Yes,
13 I was -- and I saw what was happening. But they came from Ecobank side. But
14 that person, who I normally did talk to, he stopped me once, and he said, 'No, I
15 didn't -- it's because I didn't respect his rank.' And after that, he let me go. And the
16 second time, he stopped me in front of the bank. He had -- I had a banana-shaped
17 hip bag, but he didn't search that bag."

18 MS DIMITRI: [9:55:19](Interpretation)

19 Q. [9:55:19] Did you see the video on your screen, Mr Beina?

20 A. [9:55:28] Yes, I saw it.

21 Q. [9:55:30] According to your understanding, is this how Mr Yekatom was
22 kidnapped and how he discussed it with those people?

23 A. [9:55:47] Yes. He discussed * his abduction in front of the BICIC bank. He
24 had a banana-shaped hip bag where he had an automatic pistol, but they didn't
25 discover that. So it's the second time. And the reason that was given is that the

1 first time * he saw him, he didn't want to greet him; to respect his rank.

2 Q. [9:56:26] So what you're saying is that he left for the bank to take his salary, and
3 at that moment he was stopped by a Seleka?

4 A. [9:56:42] According that what I heard, he said that he was stopped before the
5 bank BICIC. He was just passing through. When the Seleka were in Bangui, they
6 saw him before the BICIC bank, which goes towards *Camp de Roux*, and he was in
7 *Camp de Roux*. Djotodia lived in *Camp de Roux*. He had a strong concentration of
8 Seleka elements before the banks and in the surrounding areas. There were many of
9 them. There were many of them in the centre of the town. And I think that when
10 he was passing through, somebody spotted him, and at that time, you know, there
11 were FACA. And within the FACA, there were also people who denounced some of
12 their fellow men, and some that gathered together around the Seleka provided
13 information or -- indicated the other FACA members to say, "Well, look, this one
14 belongs here or is part of that group." So within FACA itself, there were some
15 people who provided information as regards their fellow FACA members.

16 Q. [9:58:10] And on this particular point, do you agree with me that there was also
17 within the civilians people who gave information, informers who gave information to
18 the Seleka to identify certain individuals which the Seleka would then arrest -- would
19 then stop and arrest?

20 A. [9:58:41] Yes. I give you an example of that, the son of a preacher. There were
21 three armed Seleka who came towards my residence. I saw it from my
22 neighbourhood. My -- his father was a preacher, and the young son, who said,
23 "When they came -- the chef came to see you." And I said, "Why did they come to
24 see you?" And he said, "No. They want to talk with you." And I asked, "But
25 why?"

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1 "One of them asked me to go with them to the base, so that was a way of kidnapping
2 me. It was my kidnapping."

3 And I think it is a small -- the son of the preacher said that, "I had a brother who was a
4 soldier, so I was a victim of that as well. I was kidnapped from 8 to 11, and my wife
5 gave him 3,000."

6 They told me, since I recognise that my brother was a soldier, a gendarme, my father
7 was also a gendarme, they passed on that information to their general. And after
8 that, I was beaten. I was captured with an arm that hit my head.

9 There was the intervention of someone who said, "His father is a gendarme, his
10 brothers are gendarme, soldiers. So the aim is not to harass the soldiers or the
11 gendarme." It is only that my wife gave them 3,000. I just want to show you that
12 amongst the civilians, there were also informants.

13 And even the fact of the kidnapping of Habib, there was a woman who sort of went
14 with the Seleka and passed on information. So there were informants both within
15 the military and the civilians who passed on information to the Seleka.

16 Q. [10:01:10] Thank you. Coming back to Mr Yekatom, do you agree with me, if
17 you know that, that is, before the -- he was kidnapped by the Seleka, Mr Yekatom
18 continued to went -- to -- went -- going to Bureau 3, and he worked for some time
19 under the Seleka regime? He went to Bureau 3.

20 Do you know that?

21 A. [10:01:47] According to the information I have, when the Seleka took power, he
22 was chief of staff, and I think he was working at the headquarters. The chief of staff
23 was General Dolowaya. And I think he continued working at the headquarter. He
24 stopped working when he was kidnapped. He was kidnapped, he was tied,
25 transported in a vehicle, the vehicle was parked, and he -- he wasn't actually tied

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1 properly, so he could free himself. He jumped out of the vehicle, and he crossed to
2 Zongo.

3 Q. [10:02:56] Thank you, Mr Beina. I'm now going to show you two videos that
4 were filmed on 7 December 2013. The first one lasts for 5 minutes and 16 seconds.
5 It's a bit long, but I think we've never seen it. So it's an opportunity to see the entire
6 video clip. It's CAR-OTP-2065-0716, tab 16 of the Defence binder. We're going to
7 start from the 38th second to the end of the video. The French translation is in tab 17,
8 CAR-OTP-2122-2292.

9 For the interpreters, it's tab 17, from line 17 to the end. And the transcription is in
10 tab 18, CAR-OTP-2107-6924.

11 Mr Beina, I'm just going to show you the first video. And before I ask you questions,
12 I'm going to show you another video of 45 seconds, which is the sequel, and then I'm
13 going to ask you questions.

14 Do you hear me?

15 A. [10:04:39] Yes, I do understand what you're saying.

16 PRESIDING JUDGE SCHMITT: [10:04:45] And I think we start only when the
17 interpreter is ready, so -- and we appreciate it that you indicated that we have not
18 seen the full video.

19 MS DIMITRI: [10:04:58] Thank you, Mr President.

20 The interpreters just gave me a sign. I think they're ready.

21 Just -- just one comment before we start. The video is in French. He's speaking in
22 French. Mr Yekatom is speaking in French in the video. So it's up to Mr Beina if he
23 wants to listen to the original, or if he wants to go through the Sango interpretation.

24 PRESIDING JUDGE SCHMITT: [10:05:30] Of course.

25 It's up to you, Mr Beina, if you want to listen to it in the original spoken language, or

1 if you want to listen to the translation.

2 (Viewing of the video excerpt)

3 THE INTERPRETER: [10:05:45](Interpretation of the video excerpt)

4 "You were a student. You were in the army. After President Djotodia came to
5 power, you left. Please explain this, how it happened.

6 Yes. I was an administrator. I was working in the third office. In spite of the fact
7 that I'm FACA, I was an administrator. And ever since the other one came, I went
8 away.

9 When did you -- where did you go when Djotodia came?

10 I went to the bank to get my salary, and I was arrested. And then I escaped, and I
11 went to Zongo.

12 So your movement started in Zaire?

13 No, no. In fact, I crossed over. It was here.

14 And how did you manage to have 1,500 men? Where did you find them?

15 In fact, most of the military men, currently, Djotodia's does not work with them.

16 And most of -- because when I came with these -- when I -- these men, they did not
17 want to work with us. But what we do, these were trained military men. They're
18 very young, young recruits. And even they were chased away by Mr Djotodia.

19 So how come you did not want to work with them?

20 Because they came with their mercenaries and did not want to work with us.

21 So for the French public, can you explain what's the difference between the FACA
22 and the Seleka. Because the French don't know that, they don't understand that.

23 Can you explain the difference between the FACA and the Seleka.

24 The difference between the Seleka and the FACA, when you see, you should know.

25 You see, we were trained by the French. We were colonised by French. Our basic

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1 training was by the French. So it's easily when you see a Seleka, but -- when you see
2 a Seleka, you know he's a Chadian. He does not speak Sango, and there's a big
3 difference.

4 And I know that. It's the public that will watch the documentary.

5 I know that.

6 These were the people who don't go to the Central African Republic. There's also a
7 difference -- another difference that the Seleka are mostly Muslims and the FACA are
8 mostly Christians.

9 Yes.

10 Is it true?

11 Yes.

12 Is this is a religion of war?

13 It's not a war because of religion. They're in a village. When we go there, we never
14 harm the Muslims, but they don't do the same. When they come to a village, they do
15 harm the Christians. They burn churches. They kill Christians. The president,
16 Idriss Deby, he has taken some of the Central African Republic as his prefecture. So
17 we want to go right to the end. We don't want the presence of the others here, these
18 Chadian CEMACs. They're the ones who brought things to our country.

19 What did the Congolese do?

20 It was Denis Sassou Nguesso and Idriss Deby.

21 But Sassou Nguesso is Christian.

22 Yes, he's Christian.

23 And what about FOMAC? Do they not help you?

24 No, because amongst the FOMAC, most of them are Chadians. So Mr Djotodia, in
25 fact, was helped by Chadians, the FOMAC Chadians. When we were in Lobaye,

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1 they actually were wearing the arm belt of CEMAC, and they came to attack us. But,
2 fortunately, we were smart enough, and we did fend them off.

3 You don't trust anyone?

4 We don't trust the Chadians. At least we can trust the French. We don't trust the
5 CEMAC."

6 MS DIMITRI: [10:10:27] Mr President, for the record, the second video lasts 40
7 seconds. It's at 19 of the Defence binder, CAR-OTP-2065-0718, and its transcript is at
8 tab 20, CAR-OTP-2127-7169. So tab 20 for the interpreters.

9 PRESIDING JUDGE SCHMITT: [10:11:09] That's the advantage of the -- if can you
10 see the interpreter. He had made thumbs up, so we can start.

11 (Viewing of the video excerpt)

12 THE INTERPRETER: [10:11:35](Interpretation of the video excerpt)

13 "... Because the CEMAC are corrupt.

14 So once all this is over, once the war is over, what do you want to do with your life?

15 What do you want to do in the future?

16 I'd like to work. You can't just live in the bushes. I'd like to go back to work. I'd
17 like to --

18 What would you like to work as?

19 I'm a military man, and I'd like to remain in the army."

20 MS DIMITRI: [10:12:22](Interpretation)

21 Q. [10:12:24] Mr Beina, you've seen the video. I've got a few questions on the
22 videos, please.

23 In the first video, Mr Yekatom says that his movement did not start in Zaire but here
24 in the Central African Republic. Does this also correspond to what you know from
25 your conversations with Habib Beina, the opposition movement to Seleka did not

1 start in Zaire but after he returned to the Central African Republic?

2 A. [10:13:08] Thank you. So on Friday, if you understood me well, I said that,
3 when I was speaking about Habib and I was quite emotional about it, I said that
4 Habib and Yekatom crossed over, and Habib came home to tell me that
5 he -- when -- when they were in Zongo, they couldn't survive. They'd had no food
6 to eat, and they were trained military men to defend their motherland. So the -- the
7 authorities did not defend the population -- were not able to defend the population.
8 They started suffering, and they're not going to live in suffering for a whole eternity.

9 THE INTERPRETER: [10:14:16] The interpreter -- the Sango interpreter did not
10 understand the last part of the witness's statement, please.

11 MS DIMITRI: [10:14:27](Interpretation)

12 Q. [10:14:27] Mr Beina, there was a small problem with the interpretation. The
13 interpreter Sango is asking you to repeat the last part of the answer because he hasn't
14 understood it.

15 A. [10:14:42] Right. Thank you so much.
16 I said that, according to your question -- you asked me the question, after having seen
17 this video, Yekatom was talking about whether it was created in Zongo or in Bangui,
18 and I said that the movement was actually created in the Central African soil and not
19 in Zongo. They decided to create this in the Central African soil to defend the
20 population, but the movement was not created in Zongo. That's what I was trying to
21 say.

22 Q. [10:15:30] Thank you, Mr Beina. Do you agree with me, in light of the
23 conversations with Habib and Mr Yekatom, and according to your
24 observations -- and my question is very, very specific. After Habib and
25 Mr Yekatom's return to the Central African soil, do you agree with me that they never

1 went back to Zongo at any point of time, at least till the -- the Brazzaville agreements
2 were signed?

3 A. [10:16:11] Yes. To the best of my knowledge, when they came back, they never
4 went back to Zongo. They stayed on, and they stayed on till today. They did not
5 cross back to go to Zongo.

6 Q. [10:16:35] Thank you, Mr Beina. Again on Zongo, last Friday you said, in
7 transcript 120, page 23, that Maxime Mokom was in Zongo, and he was the one who
8 started the Congolese secret service, and the group of militia that was there were
9 ready to start a rebellion. Without checking this information, without cross-checking
10 this information, they actually locked up the military men in a container for two
11 weeks.

12 You then said that Habib was with Mr Yekatom, and he -- they were in jail in Zongo.
13 Now, this is what you said last Friday. Now, I just wanted to get some specifications,
14 some specific information from you.

15 Now, have I understood you well when you said that when they arrived in Zongo,
16 when Habib Beina and Mr Yekatom arrived in Zongo, without cross-checking this
17 information, Maxime Mokom falsely accused Mr Yekatom and Habib of initiating a
18 rebellion, and it's following this information that the Congolese authorities locked
19 them up in a container in Zongo? Did I understand your testimony well?

20 A. [10:18:27] Last Friday, I spoke about when they arrived. I did not say as * soon
21 as they arrived; * it was after spending four to five months, based on my estimation.
22 I said they spent time in Zongo. They did live there. It was only after that they
23 went through all this, and this is what Habib told me, he -- they were locked up. But
24 the person who betrayed them was Maxime Mokom, because they were together.
25 There were meetings that were held, * but since Claude Ngaikosset did not approach

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1 them, they started saying that since we were on site, we wanted to start a rebellion.

2 And without checking, they were arrested. And this was actually told to me by

3 Habib. And this is what happened.

4 Q. [10:19:49] Mr Beina, do you agree with me -- you used the term "betrayed".

5 You agree with me that, in light of your discussions with Habib, am I right in saying

6 that Habib and Mr Yekatom were angry with Maxime Mokom because it's because of

7 his betrayal, because of Maxime Mokom's betrayal, that they were enclosed in a

8 container?

9 A. [10:20:23] Right. I cannot speak for them. I'm not in their minds. You see,

10 Habib and Yekatom suffered what Maxime inflicted upon them, and that was

11 something very hard.

12 Q. [10:21:05] Mr Beina, I just wanted to come back to the two videos that we just

13 viewed. In the extract you saw, the journalist is trying to describe this as a religious

14 conflict by suggesting that the FACA are Christian and the Seleka are Muslims, and

15 Sassou Nguesso is Christian, and Mr Yekatom tries to explain that this is not a war

16 because of religion, on religious grounds.

17 Do you agree with me that this type of quick conclusions drawn by the journalists is

18 quite common in the press? The journalists would actually describe this as a

19 religious conflict, and it was a common thing to do back in those days by the

20 journalists?

21 A. [10:22:08] Thank you so much, counsel. The question you've just asked will

22 help me give you some details in light of what I know. You see, in Africa, it's the

23 media that is the origin of most conflicts in Africa, and I would like to underline

24 Africa. The whole of Africa. It's the local media that basically create problems in

25 various countries, in the war in the Central African Republic.

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1 I can say that it's the RFI which is at the origin of this war. This station -- the
2 journalist in the prefecture of Ouham talked about this. There were exactions. We
3 were burning churches, and we were hurting people terribly. And when the Seleka
4 came to Bossangoa, the -- the French international radio declared that this is a
5 religious war. And this is when that people started spreading this information, that
6 the war waged by the Seleka was a war between Muslims and Christians.

7 Q. [10:23:53] Thank you, Mr Beina. You heard Mr Yekatom in the video spoke
8 about -- that spoke about the CEMAC. He -- and the armband and everything. I'm
9 going to show you a document, and I've got a few questions on what Yekatom
10 qualifies as CEMAC's complicity. It's document 5, CAR-OTP-0202-0371. It's a
11 report on the influence of Idriss Deby in Central Africa on 5 March 2014. So if you
12 could please go to the page of the report.

13 Fourth paragraph, please.

14 Mr Beina, in the report in your screen, the authors said that the Chadian forces of
15 MINUSCA would give their armbands to the Seleka to avoid them from being
16 disarmed. In the video that we saw previously, Mr Yekatom expresses his lack of
17 trust in CEMAC because the Seleka would actually take the armbands of the CEMAC
18 and would infiltrate.

19 Now, such situations that we see in the report in front of you, we've seen in the video
20 with Mr Yekatom, these situations, are they something that you've heard of at this
21 time point of time?

22 A. [10:26:29] Thank you, Counsel. I think that even -- and Mr Touadéra regime,
23 one element of MINUSCA, was actually caught with that. Someone wearing the
24 MINUSCA armband is even more serious. Most of the soldiers of the Chadian
25 MINUSCA were wearing their armbands and in their official vehicle. And that's

1 how the Seleka came. The Seleka would wear the armbands of the Chadian army,
2 and that's how they entered the capital.
3 We thought that they were the FOMAC soldiers, but they were in fact Seleka. You
4 see, the CEMAC is actually at the origin of the sufferings in the
5 Central African Republic. Why am I saying this? Because when the Seleka came to
6 Damara, if you check the different statements for -- of General Akaga, who was a
7 Gabonese general in charge of the FOMAC forces, and this General Akaga made a
8 statement, according to which there was a red line in Damara, and the Seleka should
9 not cross that red line. And if the Seleka crossed that red line, they would have
10 basically declared war on all CEMAC countries.
11 And when he made this statement, all the Central African Republic -- people from the
12 Central African Republic, the international forces would guarantee their security.
13 And then the CEMAC said that they were asked not to -- they were given the
14 instruction to protect, not to fight.
15 And after the Libreville talks, *various individuals were supposed to be appointed to
16 certain positions of responsibility. Djotodia was appointed Minister of Defence even
17 though he was the leader of the rebellion which was then only a few kilometres away
18 from the capital. But the Libreville meeting had imposed a decision according to
19 which he was to be given the defence portfolio. A few days afterwards, he took his
20 elements, and on board one vehicle, they put in iceboxes, clothes and other items.
21 And when I wanted to leave, Abdoulaye Hissène was the only person who
22 denounced that. He was screaming; and he was saying that the departure was
23 suspicious; and that what was happening was dangerous for the country.
24 Djotodia's departure, along with such a large number of vehicles, was a bad omen.
25 And why am I saying this? Minister Kokaté, who was in Gabon, denounced it. He

1 said that the Seleka had been created in Niamey; and that what was happening at that
2 time was dangerous for the future of the country. In the meantime, the international
3 community was already exerting strong pressure on Bozizé, and he was forced to
4 comply with the instructions of the international community.

5 As a result, Djotodia was appointed to a position. A few days after his arrival,
6 Djotodia left again. And a few days after he reached Damara, he took over the
7 leadership of the rebellion and started advancing south, this time towards Bangui,
8 and this is what led to the suffering of the people of the Central African Republic.
9 And I confirm that they were wearing the armbands of the Chadian forces.

10 Q. [10:30:48] Thank you, Mr Beina. During your discussions with the military of
11 the group Yekatom and with Mr Yekatom himself or Mr Habib Beina, did you notice
12 that he did not have any confidence in CEMAC and FOMAC, which strengthened the
13 lack of confidence -- strengthened their desire not to be disarmed?

14 A. [10:31:36] I think that in this video, Mr Yekatom clearly said -- there was the
15 journalist who put the question to find out what he would do after these events, and
16 he answered by saying he would continue his military career. He was quite clear on
17 that. He wanted to return in the army and continue working there.

18 What he did not was the Chadian military, who would be everywhere. He wanted
19 them to leave CAR. Yekatom was quite clear on this point. He stated clearly that
20 he would continue his military career within the army.

21 Q. [10:32:27] A more specific question on this. Do you remember that at a certain
22 point in time there was confidence measures who were introduced by the
23 government of Samba-Panza. In particular, these measures of confidence meant that
24 the international forces who should guarantee security in the
25 Central African Republic.

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1 Now, in your discussions with Mr Yekatom with Habib, do you agree with me that
2 for a period, a certain period of time, one of the reasons for this complicit of the
3 international forces, in particular, FOMAC, was that Mr Yekatom did not want to be
4 disarmed and leave it to the international forces for certain reasons? Amongst them,
5 that there still was a complicity with FOMAC and CEMAC.

6 Do you agree with this suggestion?

7 PRESIDING JUDGE SCHMITT: [10:33:36] Mr Vanderpuye.

8 MR VANDERPUYE: [10:33:39] Again, counsel is asking the witness to get inside the
9 head of her client, which I don't think is appropriate. If she wants to ask about
10 specific facts and specific instances that he knows about, I think that's perfectly
11 appropriate. But why Mr Yekatom acted one way or another is not within his
12 competence.

13 MS DIMITRI: [10:33:58] Mr President, if I may respond. I specifically said in my
14 question "from your discussions with Mr Yekatom". He -- he discussed at length
15 with Mr Yekatom, he discussed with Habib Beina, so that's the basis for my question.

16 PRESIDING JUDGE SCHMITT: [10:34:13] So I think, with this explanation, Mr
17 Beina, you can answer it. From the discussions with Mr Yekatom and your brother,
18 what information do you have in that regard?

19 THE WITNESS: [10:34:45](Interpretation) Thank you, your Honour. I can answer
20 this question.

21 After all these developments, the international community didn't really establish a
22 firm disarmament plan. You know, these forces who came to CAR, who said that
23 they worked fairly, didn't do anything fairly. Those people were soldiers; they were
24 armed. If you want to disarm them, you have to have a schedule. You have to
25 have a plan.

1 It was said that the government of President Samba-Panza should organise billeting
2 before proceeding to anything more. These ex-combatants were not yet billeted, and
3 at the same time they wanted to have them to -- have their leaders disarmed, but the
4 armed civilians who were under their responsibility, how did they behave?
5 Some of the population suffered the consequences of their actions. And it's for this
6 reason that they demanded and that they said that, if you do not have the billeting of
7 the ex-combatants beforehand, then they couldn't be disarmed. If they don't do that,
8 then they will stay with their arms, and they won't be pleased. So what they want is,
9 first, the billeting of the elements before disarming.

10 I'm going to say this: Yekatom is the first person who opted for disarmament. In
11 any case, he disarmed himself voluntarily. He agreed to be disarmed.

12 Last Friday, you had the list of those who were going to be disarmed, and he didn't
13 want to give his arms at that moment to the international community. He refused.
14 Why? Because, according to him, there were no arms anymore in CAR. And so his
15 preference was to give those arms to CAR.

16 Even in Pissa, they sent officers there to list the different types of equipment. And
17 he gave that list to the officers of the gendarmerie, to the ministry of defence, they
18 even gave it to the prime minister's offices; they gave a copy of this list.

19 So I repeat, Mr Yekatom was not against this armament. He said that the billeting of
20 the elements must take place before disarmament. If you disarm and the combatants
21 aren't disarmed -- are not billeted, what are you going to do with the people who are
22 in the villages? What's going to happen to them?

23 Q. [10:38:17] On this question of billeting, because on last Friday -- I might find the
24 reference. If I'm not mistaken, but last Friday, I think I heard you say that there
25 was -- that there was one base on the PK9-Mbaïki bases, and that was around Sekia,

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1 and the other areas which the Prosecution listed were subgroups who were in these
2 areas.

3 So my question is as follows: Since you mentioned the fact that the Central African
4 Republic did not billet, am I correct in saying that Mr Yekatom took this measure of
5 billeting in his way, by billeting his elements, civilians and military elements in Sekia?

6 A. [10:39:23] Yes, you are correct. His aim was to control them, and that's why he
7 based them in Sekia so that he could have some control over them. He didn't want
8 to base them close to Bimbo so -- to make sure that there wouldn't be any exactions.
9 Sometimes when he saw in the vehicles that were transporting them or when he took
10 vehicles to go towards Bangui, he stopped them and made them return to Sekia. I
11 think it -- already then it was a form of billeting. And if it would have been the
12 political will of the government, it could have happened properly, but no one thought
13 of that. There was only discussions of intent, but concretely nothing was carried out.
14 The children were abandoned.

15 And even today, the DDR hasn't been effective in CAR. The disarmament hasn't
16 really taken place. It's not been successful because there's no concrete policy.
17 MINUSCA has tried to disarm people in the hinterland, but the
18 Central African Republic government has installed it DDR, but to have a concrete
19 project did not take place. It simply doesn't exist.

20 Q. [10:41:00] Final question on billeting. Do you agree with me that this base
21 at -- of billeting in Seleka was created as soon as the Yekatom and -- as soon as he left
22 Boeing and Damara and went to Lobaye, he set up this base in Sekia, which is a small
23 village far from Bimbo, far from the centre of the town?

24 A. [10:41:36] Yes, they were in Sekia. Even today they are in Sekia. They are
25 working there. From the very beginning, he chose to base them in Sekia. So there

1 was a small amount in Pissmiss, and they were commanded by Habib, and this was
2 to prevent those from crossing the bridge.

3 So the point occupied by Habib was to control the displacement of all those who came
4 from Sekia. If an element left Sekia to try and cross the bridge, the role of Habib was
5 to control the entries and exits. And if it was necessarily to take them back, he
6 would do so, to take them back to Sekia.

7 Q. [10:42:34] Last question on that video. In the video, Mr Yekatom indicates that
8 when he goes through a village, when his group goes through a village, there are
9 Muslims, but they do not attack the Muslims.

10 In your conversations with Mr Yekatom or with your brother Habib, can you
11 remember that they said to you that they protected the civilian population, including
12 the Muslim civilians, and did not harm the Muslim civilians? Do you agree with
13 me?

14 A. [10:43:25] Yes, I believe I saw some of those incidents. No, I saw some of these
15 events. I was a witness. I heard rumours of events, and it was that that created
16 problems.

17 If you can see, there are two or three cameras. I think all the acts carried out, and
18 they all took images, and you can see all the documents. In all those documents
19 which you have, those video, audio documents, were provided to you by
20 Mr Yekatom. He sent photographers from Bangui, cameramen from Bangui, and
21 there were some that stopped in Bimon. And when this happened, he left to take
22 those Peuhl and took them to Zila.

23 Before the house of Habib, he called a photographer, somebody from the press, it was
24 a reporter, a photographer, who took some photos, and then he led the Peuhl to the
25 gendarmerie in PK9 and handed them over to the gendarmerie. And he said, "Look,

1 these are cases, and I don't want to have any problems. You mustn't say that it's the
2 Anti-Balaka who caused crimes or exactions."

3 There was a time when MINUSCA negotiated and transported the Muslims from
4 Boda to Bangui. The transport of Muslims from Boda to Bangui, they told the
5 Muslims from Boda, "If a vehicle of MINUSCA does not transport you to take you to
6 Bangui, you would be in danger because the Yekatom elements were ready to harm
7 you."

8 He went to Pissa and doing things properly. There was a vehicle, a truck. It was a
9 large one where there were Muslims, there were women, children, who were
10 transported in a container. I don't know if they were stopped coincidentally to talk
11 to someone, and he heard a child cry, but *it was not in the courtyard. But where
12 can you hear this crying? He said, no, he had a sixth sense, and he thought it was in
13 that vehicle because the vehicle was stuck. He saw it. They were scared. They
14 perhaps thought that he, Yekatom, was aware of the fact that MINUSCA was
15 transporting people in hiding. And he said, "Look, these are human being. Who
16 are you scared of?"

17 They opened the container, and he asked that they get down. It was in Banda Koro
18 where they had to get down. They took a bit of the fresh water. He gave -- he
19 bought water and gave it to them. Their vehicle was repaired. He escorted and
20 even transported some in his own vehicle. He escorted them until they arrived in
21 the town of Bangui.

22 The car went to PK5, but he escorted them up to Fatima, where they -- they continued
23 to PK5, and then he returned. He led them to Fatima. And many of his friends are
24 in fact Muslim. Many of his friends are Muslim.

25 In the events that happened, they were Muslims who was called Mocktar (phon).

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1 His wife is Christian, and she lived in Yamboro. But Mocktar lived in Yamboro.

2 And even today, Mocktar is in Yamboro. *He lives there and he provides for his

3 family who are at kilometre 6. If *he didn't love the Muslims, he couldn't live and

4 collaborate with Mocktar, who was in Yamboro.

5 PRESIDING JUDGE SCHMITT: [10:48:25] Mr Beina, may I ask you if you could try

6 to remember when this incident happened that you mentioned? You will not, of

7 course, not know the exact date, but could you tell us perhaps the month, or if it was

8 the first half of 2014, or if it was still in 2013, if you have any information, any

9 recollection better to say on that.

10 THE WITNESS: [10:49:06](Interpretation) Thank you, your Honour. I don't have a

11 particular date in mind, but I think it is between 2015, 2016.

12 PRESIDING JUDGE SCHMITT: [10:49:17] Thank you.

13 Ms Dimitri.

14 MS DIMITRI: [10:49:29](Interpretation)

15 Q. [10:49:31] 2015 -- 2015, 2016, is that with Mocktar, or is that Peuhls?

16 A. [10:49:43] No. Mocktar is since the very beginning. And even today, Mocktar

17 is there, and his wife is also in Yamboro.

18 Q. [10:49:57] Mr Beina, in your answer you talked about a journalist. Is it Serefio?

19 A. [10:50:10] Yes, indeed, it is Serefio. Hervé Serefio.

20 Q. [10:50:17] I'm now going to change topics. I have three or four questions on the

21 Seleka because you talked about them in detail during your testimony on Friday.

22 And in paragraph 17 and 18 of your statement, you also talked about crimes

23 committed by the Seleka and the fact that there is no police or legitimate army. I

24 simply have specific questions. I don't necessarily need that you go back to the

25 crimes committed by the Seleka. That was quite clear.

1 But is it correct that the FACA, the FACA forces, Habib and Yekatom, saw themselves
2 usurped through Seleka, their mission was usurped through Seleka? Their mission
3 was to protect the country from invaders, protect the flag. Do you agree with me
4 that Habib, Mr Yekatom, and other FACA saw that their mission was overtaken by
5 the Seleka?

6 A. [10:51:50] Thank you. I think these are details. You know that the Seleka did
7 not have a conventional army. Seleka is not a conventional army. They are bandits.
8 * They are mercenaries. They came from Darfur and Chad. They came from the
9 north-east of Cameroon. Some came from the Congo. Seleka is not an army.
10 When General Dolowaye was the chef d'état major, general of the army, his * deputy
11 was General Bichara. So you see, his deputy was someone who had been selling
12 second-hand clothes in the central market. A civilian who was selling second-hand
13 clothes in the central market became the Deputy Chief of General Staff of the army.
14 What does he know about the army? What does he know about the army? Can he
15 protect the territory?
16 Let me give you another example today. Said has been arrested. He's here. Said
17 was a colonel. Said was in charge of the OCRB. He's a civilian. But at OCRB,
18 which is the office of the repression of banditry, had nominated Said, who was a
19 civilian, and they called him "the Colonel Said who commanded the office". But
20 does he really know the procedures of the police? He's not military. He's a civilian.
21 What does he know about all the procedures?
22 The military had been trained to protect the country. They learn in their training
23 what to do, how you must protect the integrity of the territory. They have been
24 trained for that.
25 On Friday, I told you that Mr Yekatom, if you call -- tried to call him "colonel", he

1 would never agree that. He would say that he's caporal-chef, the ranking that was
2 against ranking. If you would call Habib "lieutenant", he would say "never". He's
3 not lieutenant; he's caporal.
4 So those people have been trained to protect the CAR. That is their function. That
5 is their job. The Seleka cannot assume that mission. They cannot protect us. What
6 does that mean? Nine months of torture. Everyone lived in fear. You can hear
7 detonations from 8 o'clock to 5 o'clock. There were detonations in the town of
8 Bangui.
9 Today, if there's a baptism or -- of a Muslim child, all the town of Bangui would be
10 shaken, simply because it's a festival. When there's a marriage, you shoot
11 everywhere. Does this mean you really protect the integrity of the county? Can
12 they really protect the population? Can they protect us? They have no idea.
13 It wasn't any different from animals who arrived at your home. Everything they
14 find, everything that has value, they took. And is that someone who's going to
15 protect you? No. The Seleka didn't come to protect us, no. The Seleka could not
16 protect us.

17 Q. [10:56:11] Thank you, Mr Beina. You just gave a specific example. You talk of
18 Bichara, who was a salesperson of * second-hand clothes. Was he the one that was
19 positioned in Boeing, Cattin, with his elements?

20 A. [10:56:40] * I do not know where he was based at that time. I cannot really
21 remember that. * I know one thing for sure: he was the deputy of General
22 Dolowaye.

23 Q. [10:56:58] Mr Beina, last question on the Seleka. You gave the specific example
24 of a * trader, Bichara, who sold second-hand clothes, and who became a Seleka with a
25 self-proclaimed rank.

1 Am I correct, and do you agree with me, that many vendors, traders in the market in
2 Bangui at that time became Seleka or received weapons from the Seleka? Is that
3 something you were aware of or which you noticed?

4 PRESIDING JUDGE SCHMITT: [10:57:35] Mr Vanderpuye.

5 MR VANDERPUYE: [10:57:37] I think my colleague tried to clarify that at the end of
6 her question, but she needs to establish a basis of knowledge since the witness has
7 testified that he was in Bimbo the entire time.

8 PRESIDING JUDGE SCHMITT: [10:57:53] As I already said, we don't want
9 witnesses to speculate, so we don't ask them, is it possible, did you know what a
10 person thought, and so on and so forth. However, this witness's brother, for
11 example, as we know how, was in a close relationship, so to speak, working
12 relationship with Mr Yekatom. So let me put the question, Ms Dimitri, so that we
13 can answer this.

14 Have you -- you have heard the question, Mr Beina. Do you have any information
15 that you -- either you observed something, heard something, for example, from your
16 brother, about -- about vendors? And, please, a short answer. You can also say,
17 "No, I'm not comfortable. This is only hearsay." But information that you have,
18 you can provide us with.

19 THE WITNESS: [10:59:21](Interpretation) Thank you so much. Could you please
20 rephrase your question so that I can understand it.

21 PRESIDING JUDGE SCHMITT: [10:59:31] I suggest -- I suggest that we do this after
22 the break, so you have time enough to think about rephrasing the question.

23 So we have now the break until 11:30.

24 THE COURT USHER: [10:59:41] All rise.

25 (Recess taken at 10.59 a.m.)

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1 (Upon resuming in open session at 11.32 a.m.)
2 THE COURT USHER: [11:32:36] All rise.
3 Please be seated.
4 PRESIDING JUDGE SCHMITT: [11:33:03] Ms Dimitri, you have the floor, and you
5 careful choose your words, of course.
6 MS DIMITRI: [11:33:10] Thank you, Mr President. I will.
7 Just before, there's a change of player on the Yekatom bench. We have Mr
8 Jean-Michel Kola, who's replacing Daniela Mvougou Police, who went back up to --
9 PRESIDING JUDGE SCHMITT: [11:33:26] Good morning. Good morning.
10 MS DIMITRI: [11:33:27] And before I come back to the -- the question, I just want to
11 clarify, because I was told by Ms Mvougou-Police that there was a slight mis -- in
12 Sango -- interpretation. So, with your leave, I'm going to put it to the witness for
13 him to confirm that that's what he said in Sango.
14 PRESIDING JUDGE SCHMITT: [11:33:47] Of course.
15 MS DIMITRI: [11:33:47] Thank you, Mr President.
16 Q. [11:33:59](Interpretation) Mr Beina, sometimes that are transcription mistakes
17 and interpretation errors when you speak in Sango. It's interpreted into French and
18 then into English.
19 Now, I just wanted to clarify, you talked about Claude Ngaikosset. We were talking
20 about Zongo, and you spoke about Claude Ngaikosset. Are you following me?
21 Are you with me?
22 So my colleague, who speaks Sango, says that -- I'm going to quote what you said,
23 and you tell me if this is what you actually said.
24 You -- when we spoke about the meetings in Zongo, you said that there were
25 meetings between -- with Claude Ngaikosset and Maxime Mekom. And Mr

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1 Yekatom and Habib Beina would not participate in these meetings. And this is how
2 Mokom accused Yekatom and Habib of instigating a rebellion.

3 Is this what you said this morning?

4 A. [11:35:19] Yes, this is what I said. This is what I said, and this is exactly what
5 Habib told me.

6 Q. [11:35:34] Thank you so much. So I'm going to reword the question which was
7 the object of objection by the OTP.

8 Now, Mr Beina, you gave us a very tangible example. You spoke about Mr Bichara,
9 Bichara, who was a shopkeeper, who had a thrift shop, and he was elevated to the
10 status of Seleka colonel. Now, you gave us this example.

11 Now, my questions is: To the best of your knowledge, according to what you heard,
12 saw, according to your observations, is it true that in the Bangui market, after the
13 arrival of the Seleka, the shopkeepers joined the Seleka and were armed by the
14 Seleka?

15 A. [11:36:53] Thank you, counsel. I think when the Seleka arrived in Bangui, not
16 all shopkeepers joined them. I gave you the example of Bichara who did join them
17 indeed. Many of the shopkeepers wanted to work in their shops. Some who were
18 close to the armed groups did become part of them, but not all shopkeepers. And
19 amongst the shopkeepers who joined them, I gave you the example of Bichara.

20 In paragraph 18 of my statement, I spoke about Djouma Narkoyo. He was a
21 first-class gendarme, and he fled and he went to settle down in Samanga (phon).
22 Now, after the Seleka came to power you, he came back, and he self -- he was a
23 self-proclaimed colonel, and he was the director general of the gendarmerie -- the
24 deputy director general of the gendarmerie, and that's really not done.

25 You said that Bichara was a colonel. No, he was a general, in fact. The -- his -- his

1 grade was that of chief of staff, but his -- he was not a colonel but a general. That
2 was his military rank.

3 Q. [11:38:41] Thank you, Mr Beina. I'm going to change the subject. I will now
4 talk about the relations between Mr Yekatom's group, Habib Beina, and the Sangaris.
5 So, first of all, let me show you a press article. It's tab 6 of the Defence binder,
6 CAR-OTP-2001-3811. And if we can go to the top of the page, 3817.

7 Mr Beina, this is an article in English, so I'm going to read that to you, and that's going
8 to be translated. In this article --

9 (Speaks English) Mr President, for some reason, I can't hear myself anymore. Let me
10 start -- now it's good. Sorry about that.

11 PRESIDING JUDGE SCHMITT: [11:40:20] Good. Please start with the trans service,
12 reading it in English, and it will be translated into Sango and French.

13 MS DIMITRI: [11:40:30](Interpretation)

14 Q. [11:40:30] So in this article, it is said that Mr Yekatom, the group -- Yekatom's
15 group had a good relation with the Sangaris. The article also says that:

16 (Speaks English) "It seems to enjoy warm relations with French special forces, and
17 several observers believe their cooperation from the start of operation Sangaris."

18 (Interpretation) My question is as follows, Mr Beina: In light your observations
19 in -- as -- as of December 2013, Mr Yekatom had good relations with the Sangaris
20 forces. Yes or no?

21 A. [11:41:37] Thank you, counsel. I think in December 2013, Mr Yekatom was not
22 yet in Bimbo. It was a bit far from where I was, so I really cannot answer this
23 question. They were in Yamwara, and I was at home. So I really did not live
24 through the situation, but there are videos on Mr Yekatom and the Sangaris forces.
25 And I suppose that many people would draw conclusions from this, but I really do

1 not want to get involved in this and speculate if they had a good relation -- or if
2 Mr Yekatom had a good relation or a bad relation with them. I have no idea.
3 The Sangaris also wanted to disarm the group. There was a video during my
4 examination, and I saw a video where we were talking about disarmament. So if
5 there was a good relation between them, the Sangaris would not require them to be
6 disarmed.

7 Q. [11:43:09] I'm just going to show you a video that dates back to December 2013,
8 and I would have a few questions on that video. It's tab 70 -- 66 of the Defence
9 binder, CAR-OTP-2065-4898. So we can actually play the video.
10 It's the tab 67 for the interpreters, CAR-D29-0006-1177.

11 So I'm going to show you a video, and I'm going to ask you a few questions
12 subsequently.

13 (Viewing of the video excerpt)

14 THE INTERPRETER: [11:44:09](Interpretation of the video excerpt)

15 "What am I going to say to these white people? It means that white people who
16 were there could -- they would -- they would -- they're the ones who went and told
17 the collaborators. I don't know. Were you there? This is what I was told.
18 Having gave my two numbers, and this is what I said.

19 Yes. I did not speak to these people. The head of mission was there and his deputy
20 was also.

21 Mother, please free up the space. Please go behind the house. We're going to talk
22 here."

23 MS DIMITRI: [11:45:39](Interpretation)

24 Q. [11:45:39] Mr Beina, did you see the video on your screen? Mr Yekatom says
25 that the individual from the Sangaris gave him two phone numbers.

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1 My question is: When he came to Bimbo, did he -- did Habib tell you or did he tell
2 you that they were in touch via the telephone with the Sangaris?

3 A. [11:46:18] Right. I think that the Sangaris were not in Bimbo with us. In fact,
4 the force Sangaris -- the force Sangaris went near them to Bimbo.

5 Q. [11:46:54] You said that the Sangaris went to them in Bimbo. My question's a
6 bit more specific. If you don't know it, please say so.

7 Do you know if Mr Yekatom were -- was in touch via the telephone with the Sangaris?
8 Is this something that you know, or did Mr Yekatom tell you, or did you observe this,
9 or you just don't know it at all?

10 A. [11:47:33] Right. I know that I was not always alongside Mr Yekatom. I don't
11 know if he was in touch with the Sangaris or not, but what he said in the video was
12 that he received two numbers, and he did not speak to them. He received the
13 numbers from the people, and he did not call them. And the -- so he -- he was asked
14 to do the cleanup and then he would come later. I did not see him communicate
15 with the Sangaris because the Sangaris were very far from me.

16 Q. [11:48:38] And you, Mr Beina, you and Mr Paléon Zilabo, did you have frequent
17 or regular contact with the Sangaris?

18 A. [11:48:55] Yes, we did.

19 There was a colonel, I think his name was Didier, and there was also a captain called
20 Mathieu, and he was working to institute peace in the city of Bangui. So they
21 were -- he also -- he had a colonel, he had a captain, he had ground troops to establish
22 security in Bangui, because during this period, the population had built barricades in
23 Bangui. And when they would patrol, they would remove these barricades to help
24 the population move freely.

25 Q. [11:49:57] Thank you, Mr Beina. I'm going to show you another video. This is

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1 something that you've already seen because you spoke about this in your statement in
2 paragraph 57. It's in tab 27, CAR-OTP-2065-4849.

3 Now, we're going to look at this from 1 minute, 25 seconds, to 2 minutes and 9
4 seconds.

5 For the interpreters, it's tab 26, CAR-OTP-2118-5665, and it's lines 51 to 57 of tab 26.

6 And before we play the video, Mr Beina, I'm just going to draw your attention to
7 Goliatha's words, and then I have some questions.

8 (Viewing of the video excerpt)

9 THE INTERPRETER: [11:51:30](Interpretation of the video excerpt)

10 "But I say we, as we are, we don't have the resources, nor weapons there. They don't
11 have weapons to attack any zone, and neither us, and we don't have the weapons to
12 attack zone. They don't have the means to fight, and we don't either. We don't
13 have the resources to fight. So it's best that they be -- they join us so that we can
14 organise and have a single objective. As this colonel -- this -- colonel says, we could
15 actually organise with ten to a hundred thousand people in a single base. We could
16 get things, but they cannot fight this battle. They have nothing. And -- and how
17 are they going to get out of there to launch the attack?"

18 MS DIMITRI: [11:52:26](Interpretation)

19 Q. [11:52:28] Mr Beina, when Goliatha says, "We must organise and fix one
20 objective, as this French colonel has advised," to the best of your knowledge, is he
21 referring to someone in the Sangaris?

22 A. [11:53:06] Thank you, counsel. He spoke about a French colonel. Now, did
23 he -- was he referring to a French Sangaris colonel? He said "a French colonel". He
24 did not give any indication on the squadron or entity. I don't know which entity or
25 squadron he's referring to.

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1 Q. [11:53:33] Now, to the best of your knowledge, Mr Beina, according to the
2 discussions with Habib or Mr Yekatom - and, once again, if you don't know that,
3 please say so - the French military men, whether they're Sangaris or not, the French
4 military men, were they providing advice to Mr Yekatom's group and his men, to the
5 best of your knowledge?

6 And, Mr Beina, I'm talking about December 2013. Did the French military men
7 provide advice to Mr Yekatom's men on clashes with the Seleka, to the best of your
8 knowledge.

9 A. [11:54:46] Now, I had the -- I got this information through a video. There was
10 an adviser or someone who was providing -- I don't know if there was someone
11 providing information or advice. What I saw was in a TV, the French military men
12 would actually conduct patrols in this region quite frequently.

13 Q. [11:55:15] Thank you, Mr Beina. I'm going to slightly move on to another
14 subject, but focusing on Sangaris. You spoke about the arrival of the Sangaris troops
15 in PK9. To the best of your knowledge, and according to the various discussions
16 you've had, do you agree with me when I say that when we take the PK9 axis, the
17 Sangaris were positioned in PK9, in Mbaïki, but between the two points, they are
18 separated by a hundred kilometres, there were no Sangaris military men stationed
19 between the two points? Do you agree with me?

20 So I'm talking about -- I'm talking about January 2014. And this is to the best of your
21 knowledge, in light of your discussions with people.

22 And I can see the Prosecutor standing.

23 PRESIDING JUDGE SCHMITT: [11:56:20] Mr Vanderpuye.

24 MR VANDERPUYE: [11:56:22] Thank you -- thank you, Mr President.

25 The objection is the same as I reiterated before, which is, the question calls for

1 speculation without an adequate foundation. And I think the witness has testified
2 that he didn't leave Bimbo. And so, if she wants to pose the question, I don't have a
3 problem with it, but I think there has to be a foundation. So either he's been down
4 that road and been able to observe those things, or he's spoken with people who've
5 been down that road and able to speak and observed those things.

6 PRESIDING JUDGE SCHMITT: [11:56:55] The latter is -- or the last what
7 Mr Vanderpuye mentioned is something where the information for the witness
8 would come from. You know, information that everybody could see on the
9 television or hear on the radio, okay, I think we would -- it's not necessary to go
10 further on that because everybody could have that. But if the witness would have
11 spoken, for example, with his brother, that would make a difference. Perhaps you
12 can word it this way. Or with others, of course.

13 MS DIMITRI: [11:57:35] I understand, Mr President. But just one point, if you
14 allow me to respond.
15 I think we have a witness who's very specific. When he knows something, he says, "I
16 know." When he doesn't, he says, "I don't know." So -- even if Mr Vanderpuye's
17 objection could be founded, the witness will tell us, I think, you know. "I don't know.
18 I didn't see this." So everything I'm asking, the foundation is always where -- the
19 discussions with Habib, his position close to the PK9 bridge, his discussion with
20 members of the population, his discussion with the Didier, the French colonel. So
21 that's the foundation. But I understand your point, Mr President.

22 PRESIDING JUDGE SCHMITT: [11:58:19] So this is, I think, the case of both of you
23 having a point. In the abstract, Mr Vanderpuye is right with regard to the
24 personality of this witness and his conduct of his answers. And how he answers,
25 indeed, you have also a point. The witness clearly lets us know if it is pure hearsay

1 or if he can't answer.

2 So I think, in principle, we can take it that, if he has any information that it -- that he
3 provides us with the source, either if he has seen it, experienced it himself or has
4 heard it, for example, from his brother, I think that seems to be also clear.

5 And -- but, on the other hand, if we -- if we ask the witness to provide us with a
6 source, it's also better to assess the validity and the probative value of his answer.

7 Long speech, Mr Beina. You have heard the exchange. So -- so, please -- I don't
8 know if you recall the question still, if has to be repeated, but you know very well,
9 and you have conducted yourself accordingly that you -- if you don't know, you tell
10 us. And if you know, you tell us where you have the information from.

11 THE WITNESS: [12:00:04](Interpretation) Now, with regard to the position of the
12 French military, on a French army base, between Bimbo and Mbaïki, there was no
13 French army base. They were patrolling that region. They were going up and
14 down. They were crossing the bridge, but they were not there. And they were
15 patrolling in the north, in the south, in the west. And sometimes when they would
16 go to a hostile zone, they had backup from the helicopters to conduct patrols in
17 hostile zones. But to say that there was a French base in -- between Bimbo and
18 Mbaïki, no, that's not right.

19

20 BY MS DIMITRI: (Interpretation)

21 Q. [12:01:20] Thank you, Mr Beina. Am I correct in saying that the small villages
22 on the PK9-Mbaïki axis, the small villages, sometimes even the French and the
23 Sangaris on those axis did not enter into the small villages if there weren't routes, dirt
24 routes to those villages to protect the villages? They didn't have that capacity. I'm
25 not sure you've understood my question.

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1 A. [12:02:07] They carried out the paroles. I wasn't part of the paroles, so I don't
2 know how it worked. I didn't -- I saw them pass by. Whether they entered the
3 small villages or not, I don't know. I can't know that. I wasn't part of the paroles,
4 so I don't know where they went. I was peacefully stationed somewhere, so I don't
5 know.

6 Q. [12:02:42] Thank you, Mr Beina. I'm going to show you another video.
7 (Speaking English) Mr President, it's a video that was shown to Mr Beina during the
8 statement. Your Honours haven't seen it, so I want to take Mr Beina to various
9 extract. So that's the subject of my next series of questions.

10 PRESIDING JUDGE SCHMITT: [12:03:05] Yeah, this also helps the Chamber better
11 understand what -- the testimony that the witness gave in his statement after having
12 viewed this video, so why not.

13 MS DIMITRI: [12:03:19] Thank you, Mr President.

14 Q. [12:03:22](Interpretation) Mr Beina, I suppose you've heard what I've just said.
15 I'm going to show you -- my apologies.
16 I'm going to present a video to you which you saw, which the Prosecution showed
17 you when you gave your second statement. I'm going to show you the video, which
18 is at tab 1 of the Defence binder, CAR-OTP-2094-7618. The translation for the
19 interpreters is at tab 2, CAR-OTP-2118-4260.

20 The first extract which I'm going to show you is 42 seconds long to 1 minute, 58
21 seconds.

22 (Viewing of the video excerpt)

23 THE INTERPRETER: [12:04:54](Interpretation of the video excerpt)

24 "Sango song: This is a song saying the people have all suffered, what must
25 people -- people are forced to live in displacement camps, in makeshift camps.

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1 People have left their houses because of the Seleka, but they will never accept that.
2 They have sent the Anti-Balaka to release them. Thank you to the Anti-Balaka. I'd
3 like to thank wholeheartedly the Anti-Balaka. Everything is finished. I have very
4 strong emotions. Thank you to the Anti-Balaka for everything. Thank you, thank
5 you, thank you."

6 MS DIMITRI: [12:06:15](Interpretation)

7 Q. [12:06:16] Thank you, Mr Beina. I don't know if you recognise the place where
8 the video was filmed.

9 Do you agree with me that in this first extract, it's a civilian population who we are
10 seeing? I think it is a civilian population close to Bimbo.

11 A. [12:06:47] Thank you. As regards the place, the image concentrates on the large
12 route, but it's difficult to identify the precise location. It's difficult for me to see all
13 the images. The photographer, the cameraman is concentrating on individuals who
14 were there. So it's difficult for me to give you further clarification.

15 Q. [12:07:20] I'm going to show you another extract which might help you to
16 recognise the location. It's 3 minutes, 52 seconds to 4 minutes, 1 second.

17 (Viewing of the video excerpt)

18 MS DIMITRI: [12:08:13](Interpretation)

19 Q. [12:08:13] Mr Beina, did you recognise PK9?

20 A. [12:08:21] Yes, I recognised it.

21 Q. [12:08:25] Now I'm going to show you another exact, 4 minutes, 1 to 4 minutes,
22 38 seconds.

23 (Viewing of the video excerpt)

24 THE INTERPRETER: [12:08:45](Interpretation of the video excerpt)

25 "Thank you to the Anti-Balaka. Thank you to all these men, the Anti-Balaka.

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1 Thank you. Thank you for putting an end to our suffering."

2 MS DIMITRI: [12:09:25](Interpretation)

3 Q. [12:09:27] The large military vehicle which you see on the left of the image, as
4 far as you know, is it a Sangaris vehicle of the French military?

5 A. [12:09:49] Yes, that's it.

6 Q. [12:09:52] We're going to go to 4 minutes, 27 seconds. We're going to -- we saw
7 the extract of 4:01 to 4:38. Now we're going to look at 4:27 and see if you can -- if it
8 refreshes your memory.

9 Am I correct in saying that -- I don't know if you see the man there who's sitting on
10 some bags, some sacks, on top of the image, near to a tree. Am I correct in saying
11 that this place was the Seleka base?

12 A. [12:10:43] Yes, that's correct. The barrier is there. The barrier that you see, the
13 Seleka camped there during the nine months of Djotodia. They had -- they were
14 heavily armed, where that gentleman was stationed.

15 The person who commanded the barrier, the Seleka who commanded the barrier was
16 Suleyman Daouda, Captain Suleyman Daouda. He was appointed minister later on.
17 Unfortunately, he died. He was in charge of that bases.

18 And there was another who limped whose name was Alcanto. He was amongst
19 them. Where that gentleman is positioned, which you just pointed out, that indeed
20 was the Seleka bases.

21 Q. [12:11:54] Some clarification. Suleyman Daouda became minister under
22 Touadéra; is that correct?

23 A. [12:12:04] That is correct. It was during the government of Touadéra, and later
24 on he died, shortly thereafter.

25 Q. [12:12:26] And when you said "there was amongst other who limped who was

1 called Alcanto," are you still talking about the Seleka?

2 A. [12:12:41] Yes, he was amongst the Seleka.

3 Q. [12:12:53] As far as you know, the Suleyman Daouda was Muslim as -- was
4 originally a Muslim?

5 A. [12:13:01] Yes, his religion was Muslim. He was called Suleyman Daouda.
6 His father was Ibrahim Daouda, and his father gave that name "Habib" to my brother,
7 because when he was born from Bocaranga, his father was the mayor of the school.
8 So it is his father who gave the name "Habib" to my brother, because at that time my
9 father was the brigade commander and the father of Suleyman was a friend of my
10 father. So "Habib" is an Arab name, and it's him who gave the name to my brother.

11 Q. [12:13:56] Thank you. We're going to look at another extract from the same
12 video, 5 minutes, 53 seconds to 6 minutes, 4 seconds.

13 (Viewing of the video excerpt)

14 MS DIMITRI: [12:14:35](Interpretation)

15 Q. [12:14:35] Mr Beina, it's the MISCA. It's the arrival of the MISCA which we
16 saw and who introduce themselves -- and introduced themselves to some of the
17 elements of Mr Yekatom.

18 A. [12:14:54] That is correct.

19 I would like to say, these are MISCA who are from Chad, Chadian MISCA.

20 Q. [12:15:14] As far as you know, the two individuals that we see on the image,
21 who were conversing with MISCA, Momokama and another soldier of the Yekatom
22 group?

23 A. [12:15:40] Yes.

24 Q. [12:15:43] I'm going to show you another extract now of the conversation
25 between Momokama and MISCA; 6 minute, 4 seconds to 6 minutes, 44 seconds.

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1 For the interpreters, in your binder, the same binder, it is line 71 onwards.

2 (Viewing of the video excerpt)

3 THE INTERPRETER: [12:16:17](Interpretation of the video excerpt)

4 "There are no Anti-Balaka. We respect the military hierarchy. I'm not the one *
5 who is the chief. I am the deputy. He went there to get those who are in the bush.
6 On his return, I'm going to call you, because you know what he says might be
7 different from what I say. When he's here, we will call you so that you can have an
8 interview with him."

9 MS DIMITRI: [12:17:15](Interpretation)

10 Q. [12:17:16] If you look at 6:47 minutes, the two individuals are the Chadian
11 MISCA; is that correct? The ones with the green berets.

12 A. [12:17:33] Yes, they are Chadian elements of FOMAC.

13 Q. [12:17:41] Let's continue; 6 minutes, 44 seconds of 7 minutes, 43 seconds.
14 For the interpreter, 106 to 151.

15 (Viewing of the video excerpt)

16 THE INTERPRETER: [12:18:04](Interpretation of the video excerpt)

17 "Okay. From the moment that the chief isn't here, I -- I can't be responsible for
18 certain situations. And from the moment they -- we've been given some sort of
19 order. I can't -- then -- then I can only answer questions. I think -- we'll come back
20 to that. Once he's there, give me your number, and then together we'll sort it out.
21 Once they are here, we'll come back together. If I'm not there, there'll be others, and
22 I'll keep them abreast of what's going on. So either he's there or he's not there.
23 They must be there in order to finish this."

24 PRESIDING JUDGE SCHMITT: [12:18:59] May I shortly.

25 So, I have an idea, but, Mr Beina, do you know whom they are speaking of, the absent

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1 person?

2 THE WITNESS: [12:19:31](Interpretation) Thank you, your Honour. I think he said
3 it himself. He didn't specify. He spoke about his boss. He also introduced
4 himself as his deputy, and he didn't want to speak during his absence. They are
5 soldiers. They have a hierarchy. So he could not speak in the absence of his chief.
6 And when -- and since he hasn't mentioned the name of the person, I can't do that
7 either.

8 PRESIDING JUDGE SCHMITT: [12:20:00] Okay. This would have been my next
9 question. If you know a name of his chief, if you know that, but I understand it from
10 your answer that you don't know whom he means.

11 MS DIMITRI: [12:20:33](Interpretation)

12 Q. [12:20:33] Have I understood from the image that PK9, Bimbo population,
13 there's the MISCA and also Yekatom elements who are discussing with MINUSCA?
14 Is that what we're seeing on the video?

15 A. [12:20:52] That is it.

16 Q. [12:20:57] I'm going to show you another extract. I'm going to stop at 8:07, 8
17 minutes, 7 seconds. I hope this will jog your memory.

18 The individual on the right of the image with a desert hat and three pockets in his
19 chest, is he Seleka?

20 A. [12:21:29] Yes, it's a Seleka element.

21 Q. [12:21:35] And you also told us of the former minister who has died, Suleyman
22 Daouda. I'm going to ask you to -- because we don't see it very clearly on the video.
23 But he has -- we only see half of his face. He's on the right of the video. My
24 colleague is going to play the video for a few seconds. Please observe the individual
25 on the right of the video.

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1 So we see half of his face, and I'm suggesting to you that this is Suleyman Daouda
2 who you referred to previously.

3 A. [12:22:24] It is Suleyman Daouda.

4 PRESIDING JUDGE SCHMITT: [12:22:28] No need to play it.

5 MS DIMITRI: [12:22:37](Interpretation)

6 Q. [12:22:38] I'm going to show you another exact from the same video, 13 minutes,
7 59 seconds of 15 minutes, 30 seconds.

8 (Viewing of the video excerpt)

9 MS DIMITRI: [12:24:44](Interpretation)

10 Q. [12:24:46] Mr Beina, I know you recognised your brother Habib because you
11 said so in your statement. I have another question about this extract.

12 Do you agree with me that it is the progression of Mr Yekatom and Habib on
13 PK9-Mbaïki axis when they arrived in one of the villages in PK9-Mbaïki?

14 Today, can you remember -- are you in a position to remember the exact position
15 where they are then at that point?

16 A. [12:25:33] Well, there's a village of -- along the route, but I find it difficult to
17 identify the exact village. I only know that is the Mbaïki axis because the road is
18 tarmacked.

19 Q. [12:25:52] And am I correct in thinking or in saying that your brother, when he
20 got out of the vehicle, saluted and greeted the civilian population?

21 Am I correct in saying that, based on your discussions with Habib, it is the welcome
22 that they -- that your brother and Yekatom received by the civilian populations when
23 they were moving along the PK9-Mbaïki axis?

24 A. [12:26:32] Yes, thank you. You know, it is the population of that area who
25 elected Yekatom so that he could become deputy. The population is very grateful to

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1 Mr Yekatom, and they elected Yekatom so that he become a deputy.

2 You know, we retook the Yekatom -- re-counted Yekatom because they thought that
3 he had -- Yekatom had threatened people with weapons. Secondly, it's me who was
4 going around for his electoral campaign, and thirdly, we asked the MISCA elements
5 from Boda to come to Pissa, and in two different communes, in Pissa and Yasser
6 (phon). We installed MISCA elements in those two communes so that we could
7 control the way the elections were proceeding.

8 And when he won for the third time, the observers of the elections made their report,
9 and that is why the elections were validated. I confirm that this population of that
10 location were very grateful.

11 Even today, if you take Yekatom to those areas of Mbaïki, they will be very pleased.

12 He is extremely popular over there.

13 Q. [12:28:14] Mr Beina, it might seem clear to you, but the population, the civilian
14 population were grateful to Yekatom, but why?

15 A. [12:28:37] Thank you for this question. That population loved him rightly
16 because he freed them from the yoke of the Seleka. Firstly, when I supervised his
17 elections in the Pissa commune, the mayor, Oukwapenda (phon) --

18 THE INTERPRETER: [12:29:05] If the interpreter recognised the name correctly.

19 THE WITNESS: [12:29:20](Interpretation) When he -- when the Seleka were there, he
20 spent three months in the bush, and it was Yekatom who made him come out of the
21 bush.

22 But if you want more information regarding Yekatom in this particular area, and as
23 regards the reception which the population gave him, you should ask the community
24 authorities, the local authorities, because they could give you more elaborate
25 information as far as that is concerned.

1 MS DIMITRI: [12:30:02](Interpretation)

2 Q. [12:30:03] Thank you. The mayor of Pissa is Roger Oukwapenda, right?

3 A. [12:30:13] Yes, indeed.

4 Q. [12:30:19] I'm going to show another extract, Mr Beina, of the same video, 16
5 minutes, 10 seconds to 16 minutes, 22 seconds.

6 (Viewing of the video excerpt)

7 MS DIMITRI: [12:30:59](Interpretation)

8 Q. [12:31:00] Mr Beina, you've been in touch with Habib and you've been speaking
9 to him on a regular basis. Do you know -- because I feel that we're -- we have
10 another quality in this image.

11 Did he speak about the celebration to you about this -- the celebrations that happened
12 in another locality in PK9?

13 A. [12:31:41] Thank you, counsel. If I repeat it -- I'm going to repeat myself. If I
14 answer, I'm going to repeat myself.

15 The picture, in fact, the image itself shows the warm welcome extended. When Mr
16 Yekatom would go through that area, everybody would actually come out and thank
17 him. In -- the elections are rather tribal in nature in my country. Normally, he
18 wouldn't have been able to win the elections in this sector because you only had the
19 Mbatu here, but it's because of the gratefulness of the people he won the elections.

20 He is Gbaya. He couldn't actually win in this sector because he's not from the same
21 ethnic -- ethnic group. In the Central African Republic, people actually vote for the
22 people from their own ethnic group.

23 Now, he's Mbaka. He's actually Gbaya. And it's not the region from where his
24 family hails, but he was elected. It means that he -- they paid him back for his good
25 actions.

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1 So I really cannot say another answer. The image itself speaks volumes and answers
2 the questions that you just asked.

3 Q. [12:33:18] Thank you, Mr Beina. We spoke about Pissa, the locality of Pissa. I
4 have a question which is off context.

5 To the best of your knowledge, did you know that a military body called FETA was
6 present in Beringou (phon), not very far from Pissa? Does that ring a bell?

7 A. [12:33:55] I think Beringou is part of Bokassa, and the Central African Republic
8 uses that as a training base. Until now, there are military training -- there is military
9 training provided. So this is a concession that belongs to Bokassa, but this was taken
10 by the Central African Republic, and it is now considered as a military base.

11 The Russians, in fact, occupied this base, and the new recruits are called FETA.

12 These are the new recruits. We call them FETA.

13 Q. [12:34:54] In paragraph 75 of your second testimony, you talk about -- you talk
14 about control posts to protect people and property behind the M'Poko river.

15 Last Friday, you explained that there were subgroups at -- on the PK9-Mbaïki axis,
16 and there were subgroups on that axis at certain points. So, according to the best of
17 your understanding, in light of your discussions with Habib and Yekatom, the
18 subgroups created on this axis that were -- where there were barriers, was this done
19 in order to ensure a minimum level of security? Is this why the subgroups were
20 positioned in that axis?

21 PRESIDING JUDGE SCHMITT: [12:36:11] Mr Vanderpuye.

22 MR VANDERPUYE: [12:36:12] Yes, Mr President. It's the same objection as before.
23 It lacks any basis of knowledge for the witness to respond to in a non-speculative
24 manner. Why those places were set up, or how they were set up, she has to at least
25 lay the foundation that he has the basis to know. And I don't see that in the question

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1 at all.

2 PRESIDING JUDGE SCHMITT: [12:36:35] Well, it's -- it is same thing.

3 Mr Beina, you have heard the question. You might not have observed this yourself,
4 but did you have any information from your brother in that regard, for example -- or
5 from somebody else that you could mention to us?

6 THE WITNESS: [12:37:16](Interpretation) I think in all zones and sectors, whether it
7 be in Bangui or in the provinces, these sectors are generally protected by the
8 enforcement, law enforcement forces to ensure the security of the people. It's just
9 like the barriers. You have security and defence personnel stationed there to protect
10 the people and their property.

11 MS DIMITRI: [12:37:58](Interpretation)

12 Q. [12:37:59] Mr Beina, during your testimony, you said that Habib was positioned
13 at PK9.

14 Do you have any recollection that the ministry of -- the ministry of defence, through
15 the -- through Mr Ngremangou, the director of the cabinet, asked Mr Yekatom to
16 make the FACA elements available to protect PK9, and subsequent to this request,
17 your brother, Habib, positioned certain elements in that region to secure PK9?

18 A. [12:38:52] I have no recollection because I wasn't really interested in questions
19 on military strategy. The military aspect was actually managed by the military,
20 Ngremangou. So if they wanted to use FACA elements for this, it's because they're
21 part of the regular army and they're part of the military.

22 Now, Ngremangou took the decision to take them and position them on the barriers
23 because he himself is a military person, a military man. And this is why.

24 Q. [12:39:48] Last question on the subject. Do you have any recollection -- if not,
25 it's not a problem. Do you have any recollection of order of mission issued by the

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1 defence ministry designating certain FACA of Mr Yekatom's group to be stationed at
2 PK9? Do you have any recollection of such an order being issued by the ministry of
3 defence?

4 A. [12:40:26] Yes. There must be such a document, because at that time, the chief
5 of staff did strengthen, did strengthen Yekatom's group with other FACA elements.
6 And at that point of time, they were told that they should no longer work as a rebel
7 group but as a regular army, so -- by respecting the principles of the army and in
8 compliance with the military rules.

9 Q. [12:41:08] Thank you, Mr Beina. Again, on PK9, am I right in saying that when
10 your brother went to PK9, you would actually go and meet him in the afternoon and
11 spend a lot of time in the afternoon with him?

12 A. [12:41:36] Yes. I would go once or twice a week.

13 Q. [12:41:53] I have a question on the barriers that were installed on the
14 PK9-Mbaïki axis. Now, to the best of your knowledge, through your discussions
15 with Habib, Momokama, Mr Yekatom on the civilian population, do you agree with
16 me that these barriers on the PK9-Mbaïki axis, there were FACA elements in
17 Mr Yekatom's group? Do you agree that they were working in collaboration with
18 gendarmes or with the state of -- with the officials from the state of water and forest,
19 from the forest department?

20 A. [12:42:44] Yes, indeed, they were basically working in conjunction with these
21 departments.

22 Q. [12:42:52] And did you observe or do you know that the proceeds that were
23 collected at the barrier were shared between the gendarmerie, the FACA elements of
24 Mr Yekatom's group, and the department of forest and water?

25 A. [12:43:24] No. That was really not my concern. I wasn't interested in that.

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1 The distribution of the proceeds was something I was completely unaware of, and
2 hence, I cannot answer that question.

3 Q. [12:43:39] (Overlapping speakers) (No interpretation)

4 Sorry. I'm sorry, Mr President.

5 PRESIDING JUDGE SCHMITT: [12:43:44] Just a remark. This confirms, again,
6 what you said the last time, that the witness, if he -- also Mr Vanderpuye, if he doesn't
7 know, he simply lets us now, so to speak. So I think we can be -- I understand your
8 objections, and strictly -- and I said, strictly speaking, you are right, but also,
9 Ms Dimitri has a point. We have a witness who fully understands what is his tasks
10 and what he can responsibly say and what he cannot say responsibly.

11 Ms Dimitri.

12 MS DIMITRI: [12:44:21] Thank you, Mr President.

13 Q. [12:44:31](Interpretation) I'm going to change the topic. I would like to talk
14 about Paléon Zilabo. You spoke about him in your witness statement. I think you
15 spoke about him even last Friday. And you -- in paragraph 15, 36, 39, 59 of your
16 second witness statement - they don't have to be displayed on the screen - you -- the
17 various meetings and discussions you had with him. And I gather that you were
18 very close to him, right?

19 A. [12:45:19] Yes. Paléon Zilabo is someone I contacted because Mr Yekatom
20 wanted someone to be a go-between for the NGOs and the government, because in
21 their group, they did not want to have any contact with these authorities. Because
22 they said that they were the military and they wanted an interface between them, that
23 is to say, the group that was supposed to convey the -- their thoughts to the NGOs
24 and the authorities, because, as military men, as militia, they did not want to have
25 visibility. So I told Mr Zilabo to come and be the interface.

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1 So the NGOs would come and meet him. So they would call Mr Zilabo, and they
2 would have a discussion before he would actually report to Mr Yekatom's group.

3 Q. [12:46:54] Thank you. I'm just going to ask you to listen to this audio band
4 where we can hear Paléon Zilabo. This is an interview on 23 May 2014. It's tab 26
5 of the Defence binder, CAR-OTP-2042-4677. We're going to listen from 5 minutes,
6 37 seconds to 6 minutes, 24 seconds.

7 For the interpreters, it's transcription on tab 28, CAR-OTP-2122-8916. For the
8 interpreters, it's on page 8920, from line 50 to 59. And for the translation, is in tab 29,
9 CAR-OTP-2122-8957.

10 (Playing of the audio excerpt)

11 THE INTERPRETER: [12:48:39](Interpretation of the audio excerpt)

12 "Thank you. It's not for nothing that we've taken the machete, because we're
13 no -- Djotodia came to power, things did not go well. Our Seleka brothers, as they
14 claimed, they did -- there was an uprising because of the sufferings that Bozizé
15 inflicted upon them and the country, and this is precisely why they drove him out of
16 the power. As it is customary in this country, when people are angry, they want to
17 take arms -- take up arms to drive the president away. But after having driven the
18 president away, they did not manage the country properly. They created divisions
19 in the country. They mistreated Christians, as well as our Muslim brothers, and this
20 is precisely why the Central African people did uprising. And with all their force to
21 say, 'No, we do not want that.' This is why the Seleka left the power."

22 MS DIMITRI: [12:50:01](Interpretation)

23 Q. [12:50:01] Mr Beina, you heard that. You've actually recognised the voice of Mr
24 Zilabo. I have certain questions.

25 A. [12:50:10] Yes, I heard what he said.

1 Q. [12:50:20] Last week, on page 79, 16, there was an error in the interpretation, you
2 said that the Seleka started doing exactions on Christians. And in the end, they
3 basically started harming Muslims.

4 Now, I'm going to come back to Mr Zilabo's words. He said that the Seleka turned
5 against the civilian population, and they fought both with Muslims and Christians.

6 Can you explain your understanding of this. Do you agree with what Mr Zilabo
7 said, the Seleka attacked both the Christians and the Muslim civilians?

8 A. [12:51:24] I think when the Seleka came, our brothers, our Muslim brothers
9 thought that their entry should be -- their coming should be favourable, and this is
10 why some of them encouraged the Seleka. It's the Christians who were running the
11 country, so to speak, were at the helm, and they were blackmailing the Muslims.

12 Now, after some time, they realised that the Seleka were basically looting the Central
13 African people after stripping them of their belongings. Then they turned against
14 their own Muslim brothers, and the Seleka started mistreating the Christians, and
15 then they attacked the Muslims. After having pillaged the Christians, they actually
16 turned against their own brothers. And even, they did not get along with the
17 shopkeepers.

18 If you know the history of kilometre 5, there were subgroups that were created in
19 kilometre 5. And there were self-defence groups that were created, like Fadoul, who
20 was at the head of a self-defence group, who could no longer put up with the
21 exactions of the Seleka on their own brothers. And they really did not put up with
22 what the Seleka did.

23 A lorry that came from Nigeria, before offloading the goods, the Seleka would say,
24 "Give me 500,000 before you deliver the goods." Perhaps in the past, you would -- or
25 they would be required to pay 100,000, but the Seleka demanded 500,000. And they

1 were armed, so one could do nothing about it. And this is why, after having
2 exactions on the Christians, they turned against their own brothers, their own Muslim
3 brothers, and this is why the problem arose.

4 I'm going to take the example of Ukraine. There are Ukrainians in Europe who have
5 decided to go back to Ukraine and drive the Russians out. So this is exactly how
6 they basically came together to drive the Seleka, and this is how the rebellion took
7 place.

8 Q. [12:54:35] Thank you, Mr Beina. When * Mr Zilabo talks about the divisions in
9 the country, am I right in saying that, unfortunately, even though this was not a war
10 fought for religion, unfortunately, at some point of time there was the divide between
11 the civilian Christians and the civilian Muslims?

12 A. [12:55:14] To be very clear, when we talk about the Central African crisis, at
13 some point of time, the Muslims were about to be wiped out from of the map. When
14 I went to the Brazzaville forum * - Ngaissona was there - and when we came, right
15 from the first day, there were problems because the Seleka and the Brazzaville
16 demanded a condition. Before we start works, it was -- we had to accept the division
17 of the country. You see, this was a prior condition. The Central African Republic
18 should accept that there should be a partition in the country. And -- but we, who are
19 Central African citizens, could not accept this, and this is why President Sassou
20 wanted this point to be deleted before the talks started.

21 So it was at that point that the Christians -- it's not all Christians who are against
22 Muslims. All Muslims are not against Christians either. But they are
23 instrumentalised for political purposes, and they were used to divide the Central
24 African people.

25 Two days before I came, I was at kilometre 5, and I had the opportunity to go to the

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1 Gbaya district, because that's where I grew up. And I went there to that district, and
2 I have Muslim brothers. My aunt, the sister of my father, had 13 children with a
3 Muslim. There are others who had eight children with Muslims. I have a brother
4 who left Mali and came to the Central African Republic, and we are brothers in blood.
5 And we have children at kilometre 5. I went to pay them a visit.
6 Can I accept that the son of Nabila (phon), whose father is Christian, can I accept that
7 they should be assassinated and they should be killed? They're my own nephews
8 and nieces.
9 You see, it was the -- Christians and Muslims had no problems. It's the press that
10 manipulated everything and instrumentalised people. When the Seleka started
11 destroying churches -- I don't know if you know what happened in Alindao, in
12 Batangafo, in Bossangoa. This is what led the civilian population to destroy
13 mosques. It's the population that destroyed mosques because it was actually
14 broadcast on radio.
15 They went to this locality. They committed exactions. They destroyed churches,
16 and they committed exactions on the civilian population. I was in Bimbo. I was
17 living there. And I was -- I heard that it's -- the -- it's the elements of Yekatom who
18 destroyed the churches, and that's completely false.
19 Even before Mr Yekatom arrived in PK9, the population had already destroyed the
20 mosques -- the mosque of Bimbo. Why? Because of the information published in
21 the press, and this is why prompted the civilians to uprising. They said -- they thought
22 that since the churches were destroyed, we would destroy the mosques as well.
23 There were no problems between Muslims and Christians.
24 There's always a black sheep who instigate, who add fuel to the fire and who
25 instrumentalise and manipulate people. So this is what I'm saying clearly, the

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1 Christians of Central African Republic have ties with the Muslims of the
2 Central African Republic. And this was well before the independence. You had
3 Muslims in the Central African Republic. It's something -- it's not something that's
4 new. They're not Chadians who came and settled. These are Central African
5 people who are Muslim. They have the Central African nationality, and they're
6 Muslims. This is a secular country. The country is secular. They must have their
7 place, like we, we must have our place in our own country. And I think I've given
8 enough details here.

9 PRESIDING JUDGE SCHMITT: [13:00:50] (Microphone not activated)

10 MS DIMITRI: [13:01:00] I'm sorry. I was changing channels, Mr President.

11 PRESIDING JUDGE SCHMITT: [13:01:03] I think it's time for the lunch break now.

12 MS DIMITRI: [13:01:05] Before the break, can I ask one follow-up question, because
13 then after the break --

14 PRESIDING JUDGE SCHMITT: [13:01:10] If you ask for a short answer.

15 MS DIMITRI: [13:01:12] That I can't --

16 PRESIDING JUDGE SCHMITT: [13:01:13] No. Then perhaps we have the lunch
17 break. It's no problem.

18 MS DIMITRI: [13:01:17] Thank you.

19 PRESIDING JUDGE SCHMITT: [13:01:18] Don't forget it.

20 Lunch break until 2.30.

21 THE COURT USHER: [13:01:22] All rise.

22 (Recess taken at 1.01 p.m.)

23 (Upon resuming in open session at 2.32 p.m.)

24 THE COURT USHER: [14:32:53] All rise.

25 Please be seated.

- 1 PRESIDING JUDGE SCHMITT: [14:33:22] Ms Dimitri, you still have the floor.
- 2 MS DIMITRI: [14:33:29] Thank you, Mr President.
- 3 Q. [14:33:40] (Interpretation) Good afternoon, Mr Witness, Mr Beina. I would like
4 to come back to the last answer that you gave. You stated that the
5 civilians -- unfortunately, the civilian populations, given that the Muslims -- the
6 Seleka were destroying churches, that prompted the civilian populations to rebel and
7 so they reacted and destroyed mosques. A follow-up question, Mr Beina.
8 Can I say that unfortunately some civilians did not stop there, that is destroying
9 mosques? Did you observe civilians also attacking Muslim civilians and harming
10 them? Is that a -- or lynching them. Is that something that you heard about?
- 11 A. [14:35:06] Thank you, Counsel. I think that the answer that I can give to your
12 question is that the war that broke out in our country, in that war, each person was
13 reacting in their own way. At one point the inhabitants were uncontrolled and
14 everyone reacted in accordance with what had happened to them in their own homes.
15 At a certain point the law no longer existed. Justice no longer existed at that time.
16 No one was in control in -- of the other. It was the law of the jungle.
17 Anyone who knew that they had been a victim reacted just to take revenge for what
18 they had suffered, so everyone was trying to avenge for what had happened to them.
19 So I can tell you, yes, civilians perpetrated acts of violence also, not only the forces of
20 law and order. There were acts of violence committed here and there. Both
21 Muslims and Christians committed those acts of violence.
- 22 Q. [14:36:42] Thank you, Mr Beina. Just before the lunch break, you talked about
23 two children in your family who are Muslims. You talked about their mother.
24 Are you talking about the family of Kapex?
- 25 A. [14:37:03] Yes, the children of Kapex. As you know, Kapex is my elder brother,

1 my elder. His father is my uncle and my mother is Kapex's aunt. I was together
2 with the Kapex family in the property of Kapex's father. The mother of the children
3 was called Wau (phon). She separated from her first husband and is remarried
4 today in Chad and the children have remained with the maternal family.

5 Q. [14:37:56] And still in relation to your last answer before the lunch break, you
6 talked about the Bimbo mosque.

7 Would I be correct to -- to say since you say the civilian mosques -- the civilian
8 population destroyed the Bimbo mosque, it was not Mr Yekatom. Now,
9 subsequently, is it correct, if you know, that Mr Yekatom held several meetings to
10 reopen the Bimbo mosque, especially with Abdoulaye Wasselegue, the imam of
11 Bimbo.

12 A. [14:38:46] That is correct. That is the truth. If I mentioned Bimbo, it was
13 because I grew up in Bimbo. And no one can tell me the contrary to what I said
14 about the Bimbo mosque. I live in Bimbo. I know what happened in that town. I
15 know that Yekatom and his men had not yet arrived Bimbo when the mosque was
16 destroyed and that mosque was destroyed by the young people, the population. I
17 was there at the Bimbo market when I saw carpets and other items taken away from
18 the mosque. I could even point out those who destroyed that mosque. So when
19 they heard the information about the destruction of churches over the radio, they also
20 did the same thing. Two days later, they were moving from one mosque to the other.
21 It took a very short time that they destroyed all the mosques in Bangui town.

22 Q. [14:40:19] I would like to have you listen to another audio given by Mr Zilabo.
23 That is tab 30 of Defence list, CAR-OTP-2012-0409 from 28 seconds to 44 seconds.
24 And for the interpreters, it is tab 31, CAR-D29-0006-1180. And it's lines 8 to 11.
25 Have you listen listened to it, then I will ask you questions.

1 (Viewing of the video excerpt)

2 THE INTERPRETER: [14:41:44] (Interpretation of the video excerpt) "The message
3 was deep, that is to put down the weapons as it had been said for three years and that
4 we should come closer to each other, that is Muslims and Christians, because the
5 medias are in the process of discrediting us and saying that we are killing each other
6 and that is not a good thing, so we have to go to reconciliation."

7 MS DIMITRI: [14:42:14] (Interpretation)

8 Q. [14:42:18] Mr Beina, to your knowledge, since you were close to Mr Zilabo, let
9 us forget the Anti-Balaka and the Seleka for this time and talk about civilians,
10 Christians and Muslims. Why is it that Mr Zilabo is insisting on reconciliation
11 between Muslim and Christian civilians? Why is he insisting on the fact that the
12 media is discrediting them?

13 A. [14:43:13] Thank you, Counsel. I think that Mr Zilabo -- I don't know how to
14 talk about him. Let me talk about his story. First of all, his father was a Muslim.
15 He himself is not a Muslim, but his father was a Muslim. Mr Zilabo spoke a lot
16 about social cohesion, social harmony, and one day we participated in a social
17 cohesion meeting organised by DSP. We took part in that training and we also
18 received certificates. We were asked to work to ensure cohesion between the two
19 parties. We should not distinguish between Muslims and Christians. We simply
20 had to sensitise them to the principle of social cohesion. That is why he's talking
21 about cohesion. He has the notions. He had been trained for that. And after that
22 training we started approaching our Muslim brothers and during the meetings we
23 would exchange telephone numbers and that led to great collaboration between us.
24 And so if Mr Zilabo is talking about this thing in this manner, it is quite normal. It
25 was up to us to work towards the restoration of social cohesion, that is peace, because

1 we are the sons of the country. It was up to us to sensitise and ask the population to
2 accept themselves. The Christians should accept the Muslims and the Muslims
3 should accept the Christians, that they should return to their previous way of life. If
4 they continued following the media with their incorrect or wrong information, bad
5 information they would not be able to come out of this crisis. So they had to
6 understand themselves before coming out of this crisis. That is how we were trained
7 by the DRC. The war in the CAR was a political crisis. There was a lot of
8 manipulation and there was a lot of interests on the part of those political leaders.
9 You can look. They're not with us here today. They're there. They're not here
10 with us. Today we are not even talking about Bozizé. We are not even talking
11 about Djotodia. Otherwise, the two must be answerable for their actions. The
12 question should be put to Bozizé, what did you do for the Central Africans to be
13 suffering so much? Djotodia should have been asked that same question and Bozizé
14 and Djotodia should both had been summoned before the justice system. Today in
15 Bangui, there is -- when you talk about political parties, I mean, they talk about the
16 opposition. That is what happens. And when crimes happen, they send children to
17 go and die. And when you look at the Central African history it is very complicated.
18 And if you put your place -- yourself in the shoes of the Central Africans, that is at
19 that moment that you can understand the problem of the Central Africans.

20 Q. [14:47:19] Thank you, Mr Beina. And the DRC that was responsible for the
21 training, it was the Danish Refugee Counsel. Is that what you are referring to? We
22 are going to talk about it later, but I just wanted you to confirm.

23 A. [14:47:44] Yes. There was Mr Jerome who is a Dane who was working in the
24 DRC NGO and he really worked hard for social cohesion and reconciliation.

25 Q. [14:48:11] Thank you, Mr Beina. I would like to move on to another

1 subject -- another individual that you mentioned in your statement, Basile Mbomon,
2 alias Mike. In your statement, you stated that he was one of the two ComZones of
3 the south, paragraph 52.

4 Now, do you know whether in December 2013 -- and if you don't know, tell me. Do
5 you have any idea how many men Basile Mbomon had in Bimbo or in the vicinity of
6 Bimbo, PK9?

7 A. [14:49:08] As far as I know, I do not have the number of elements in my head.

8 Q. [14:49:20] And do you recall that during certain periods it was not Mr Mbomon
9 who was responsible, who was in charge, but a certain Kengoa. Does that ring a
10 bell?

11 A. [14:49:50] Kengoa, I believe I know somebody bearing that name, yes. But
12 what specific issue is that related to? I don't understand.

13 Q. [14:50:01] Let me repeat my question. As far as you know, did Lieutenant
14 Kengoa, if I remember correctly, gendarmerie Kengoa, did he at any period, was he
15 responsible for elements in Bimbo PK9? And I'm talking before, before the
16 resignation of Djotodia? If you don't know, please tell us you don't know.

17 A. [14:50:36] Before the resignation of Djotodia, the PK9 zone, there was a strong
18 concentration of Seleka there and people -- and I did not take the risk of moving
19 about. I have the example of a young man from my neighbourhood who crossed the
20 bridge. He did not go up to 500 metres and he was abducted and up to this day no
21 one knows what happened to him. So for me, that remains a very bad memory
22 because I discussed with him at 8 o'clock and around 8 -- 11 o'clock I was heard that
23 he -- I heard that he had been abducted and taken to the *Camp de Roux* and no news
24 has been heard of him. His father is distressed right up till today, so during that
25 period I did not take the risk of moving about.

1 Q. [14:51:45] I understand. I will ask you a few questions about Seleka and PK9,
2 the area of Bimbo, and if you don't know just tell me. Am I correct -- I know that
3 you don't have specific numbers, but am I correct to say that before the resignation of
4 Djotodia there were more than 100 Seleka in PK9? Is that something that you heard
5 about or even observed?

6 A. [14:52:27] Yes, Seleka was there. But to give numbers, I cannot venture to tell
7 you with any precision that there were 100 or less because they were not counted,
8 so -- in my presence, so I cannot give you a number.

9 Q. [14:52:55] And can you explain to me, based on what you know, at what
10 location in that sector did Seleka carry out its patrols?

11 A. [14:53:21] I think that the Seleka were based -- there was a group which was
12 based on the spot, but there was another group that was going on patrols and they
13 went here and there almost everywhere. They were based at PK9. There were
14 many of them. I live around Usaca (phon) and there is a base, there's a company that
15 they occupied. The Somus company (phon). They looted everything that was in
16 that compound and they occupied the compound as a base. It was on the shore of
17 M'Poko river. So they were based there right up to the national gendarmerie school.
18 They were almost everywhere in that zone. Others patrolled in vehicles quite
19 frequently and people were afraid. People were afraid. They were the only ones
20 who could move about or patrol in vehicles. No one took any risk of going out with
21 their cars, because if the car was a little bit valuable they would confiscate it.

22 Q. [14:54:56] Now, on the stretch between Usaca right up to PK9, you had the
23 Bimbo gendarmerie, am I correct? That is between those two points?

24 A. [14:55:23] Yes, from Usaca to PK9, there was the Bimbo gendarmerie and it is
25 before the Castel brewery before the PK9 roadblock.

1 Q. [14:55:40] Just to be clear on the record, when you say before the roadblock, at
2 PK *neuf*, am I correct to say that if I leave Bangui and I'm going in the direction of
3 Mbaïki there would be Usaca, then the Bimbo gendarmerie, then PK9 and then I will
4 enter into Lobaye, then I would arrive Pissmiss; is that correct?

5 A. [14:56:15] No, that is not correct. If I leave Bangui, I will go past the Bimbo
6 market. After that the mayor's office in Bimbo, Usaca is on the left side, so you have
7 to pass through the small street next to the mayor's office in Bimbo. Then the
8 Domitien hospital, I would go past that, then to PK9. And the Bimbo gendarmerie is
9 on the left. Then the Domitien hospital is on the right. Then you have the Mocaf
10 brewery, then you have the roadblock in the -- at the PK9 bridge. You cross that,
11 you enter the Lobaye.

12 Q. [14:57:15] Thank you, Mr Beina. It's very, very clear. Now, to your
13 knowledge, at the Bimbo gendarmerie location, before arriving at the PK9 bridge, was
14 there a roadblock up to January 2014, that is at least before the resignation of Djotodia?
15 And if yes, who were the ones manning this roadblock?

16 A. [14:57:48] I do not have any information about that roadblock.

17 Q. [14:57:56] And would you agree with me that at no point did Mr Yekatom and
18 his men erect a roadblock at that point, the roadblock in PK9, when there was -- was
19 the one -- after the bridge where there was Habib and later at Pissmiss, that is
20 Pissmiss after the bridge?

21 A. [14:58:29] Habib was at Pissmiss, but to say that after the roadblock there was
22 another one that Yekatom controlled? No, to my knowledge, that is not correct. It
23 is not true.

24 Q. [14:59:05] I'm going to read out to you an excerpt of a statement, and you tell me
25 whether you agree with me that the person is describing correctly the Bimbo

1 gendarmerie.

2 Are you with me?

3 A. [14:59:21] Yes.

4 Q. [14:59:23] That person left Lobaye and she said "We entered Bangui through the
5 PK *neuf* -- PK9 bridge. We crossed the M'Poko river towards Bangui and we were
6 stopped once again at a checkpoint located at the gendarmerie premises."

7 Do you agree with me, Mr Beina, that what this person is describing -- I'm not saying
8 that there is a checkpoint. What I want to know is that this person is describing a
9 location at the gendarmerie of Bimbo. So when the person leaves Lobaye, crosses
10 PK9, the M'Poko river and says that there is a checkpoint at the gendarmerie, he's
11 talking about the Bimbo gendarmerie that is a few hundred metres of -- from PK9?
12 That's while going into Bangui. I don't know whether I'm clear.

13 A. [15:00:44] To the best of any knowledge, no, because at PK9 during these event,
14 there were gendarmes at PK9.

15 Now, there were gendarmes in the gendarmerie. Even though they had no means to
16 work, they were there and no one could actually erect a barrier where there are
17 authorities. To the best of my knowledge, at the level of the gendarmerie, there were
18 no barriers.

19 MS DIMITRI: [15:01:24] (Overlapping speakers) *Merci*, Mr Beina. Your Honours,
20 statement, CAR-OTP-2064-0860, paragraph 50. And I apologise, I forgot to write
21 down the P number of the witness, but it's a 68(2).

22 Q. [15:01:51] So we're going to come back to the Seleka at PK9. So until
23 mid-January 2014 you said that there were Seleka who were positioned at PK9 and
24 there was a group that was patrolling. So to the best of your knowledge, am I right
25 in saying that they were patrolling -- they were also patrolling at the cemetery and the

1 Castel factory?

2 A. [15:02:31] I said a little while ago that during this time there was a strong
3 concentration of Seleka at the barrier, and I really do not want to go there because of
4 the kidnapping incidents. The cemetery -- the cement manufacturing unit is
5 extremely dangerous. No one could actually take the risk of going there because
6 you could actually die there without anyone getting to know. So these are zones
7 that I would avoid at all costs.

8 Q. [15:03:14] Thank you, Mr Beina. The fact that no one could take the risk of
9 going there and the fact that you did not dare to go there, am I right in saying that it
10 was also very risky to go along the riverside, so near Castel, near Usaca to Castel and
11 near the cement manufacturing factory because of the presence of Seleka elements in
12 that region?

13 A. [15:04:14] Right. The gendarme Beina, my younger brother, was just living
14 behind the Castel * brewery. There was a * Seleka post there, * just behind MOCAF,
15 and from the post you could actually cross over by canoe and then you would
16 actually be behind the cement unit. So it's only people who were living there who
17 would know what was happening. I've never crossed over because from where the
18 Seleka were you could * reach, or directly cross to the cement manufacturing factory.

19 Q. [15:05:10] So am I right in saying -- and if you haven't been there -- currently,
20 you say that there is a Seleka post at Mocaf, at the Castel café. Am I right in saying
21 that if someone is in a canoe and they cross. So they are going towards the cement
22 factory near the Castel factory. So they come and they arrive in front of -- they come
23 and they arrive at the front of the Seleka post, am I right in saying that?

24 A. [15:06:11] Usually, you really have to do some formality, you have to give
25 something. But before crossing over that post you had to pay something to the

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1 Seleka, and this is what I said. Before crossing over that post, that checkpoint, you
2 need to give 50 francs or 100 francs, and they say that it's actually to pay for a coffee
3 and ensuring your security, so you had to pay up.

4 MS DIMITRI: [15:06:59] Mr President, for your reference, I'm -- the aim of my
5 questions, P-1339, CAR-OTP-2041-0741, paragraph 44. With your leave, I still have
6 an additional question because it's not clear enough for me.

7 PRESIDING JUDGE SCHMITT: [15:07:24] Yeah, please continue.

8 MS DIMITRI: [15:07:32] (Interpretation)

9 Q. [15:07:33] Mr Beina, I don't think you understand my question. I'm not talking
10 about these checkpoints where you have to pay money. My question is basically to
11 determine the geography. Someone who says that cross the river at the cement
12 manufacturing unit near the Castel factory, now when they have to get down from
13 the canoe and cross over, we agree that if they actually cross over at the Castel factory
14 they -- they reach a few metres away from the Seleka checkpoint that you spoke about
15 with your brother who works for the gendarmerie. Am I right in saying that?

16 A. [15:08:30] I spoke to you about the geography of the sector. You have the PK9
17 bridge and you also have the Ubangui River that's -- that flows behind Usaca and
18 goes towards Congo. And now from the other side you have the Castel -- when
19 you're coming from Goudron and when you take left you reach the river. And here
20 you have -- behind you have the cement manufacturing unit. At the PK9
21 gendarmerie to the left, there is a small road. When you enter the small road, you
22 reach -- you travel on that road and you reach the river. There is a port there. It's
23 called Sambu (phon). And at this level there is a Seleka check post. And when you
24 go up, go towards the cement manufacturing unit, everyone who's coming from the
25 fields -- so people are crossing over to come from Bimbo, they get down their canoes

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1 and they would cross that checkpoint before entering the district.

2 Q. [15:10:00] Thank you. It's very clear now.

3 MS DIMITRI: [15:10:17] President, if I can have a moment. Because -- because of
4 the answer, I think I can skip two or three questions.

5 PRESIDING JUDGE SCHMITT: [15:10:22] Yes, please.

6 MS DIMITRI: [15:10:41]

7 Q. [15:10:41] I have another question, Mr Beina. On the geography of the region, I
8 don't know if you know a place called Kalangoi and another place called Sekia Mote.
9 If so, I would like to know, to the best of your knowledge, what is the distance in
10 kilometres between the two places I just mentioned?

11 A. [15:11:15] It is difficult for me to put a figure because the two points are quite far
12 from each other. They are the -- Sekia Mote is in Lobaye. It's the Lobaye forest.
13 Sekia is in the -- Sekia Mote is in the -- it's near the river of Lobaye. But when you're
14 going towards Congo, you have Sekia Mote. Kalangoi is near Kapou. So when you
15 cross Kapou, you reach Kalangoi. And from Sekia Mote to Kalangoi, it's really hard
16 for me to estimate the distance. Sekia Mote is very far, very, very far from Kalangoi.
17 I've heard of this locality, Sekia Mote, but I haven't actually been there. People who
18 have canoe races would go to Sekia Mote and Gobongo and they would come to
19 Bangui. This happens in December, so it's near M'Poko along the riverside towards
20 the south. That's all I can say.

21 Q. [15:12:50] Just a last question. You said that Sekia Mote is very, very far from
22 Kalangoi. Do you agree with me -- I don't want an exact figure. I understand that
23 you can't provide me with one, but very, very far means more than two kilometres,
24 right?

25 A. [15:13:14] Thank you so much, Counsel. I've never seen Sekia Mote. I've

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1 never been to Kalangoi as well. I know Kapou. I know the road that takes you
2 there, but I cannot tell you the distance. I actually -- I'm married to a girl from
3 the -- who belongs to an ethnic group from Mbaka. And it's -- and I know that Sekia
4 Mote is not very far from there. I haven't actually travelled in that district. I do not
5 have a foothold neither in Sekia Mote nor in Kalangoi.

6 Q. [15:14:08] Thank you. I'm going to change the subject. I'm going to now talk
7 about Mr Kamezolaï.

8 Now, before I ask you a series of questions, I want to actually show you a video. It's
9 tab 32, CAR-OTP-2065-0818. This is a video that lasts for eight seconds, dates back
10 to 7 September 2013. And I don't think there is a transcription available. There is
11 no transcription because I'm just going to ask him if he recognises the individual on
12 the video. So before playing the video, I just wanted to draw your attention to the
13 individual in -- wearing a blue T-shirt. It's the son of the sister of Captain Kamezolaï.
14 Tell me if I'm right, and if you don't know it's not a problem, just tell me you don't
15 know.

16 (Viewing of the video excerpt)

17 THE WITNESS: [15:15:36](Interpretation) I haven't seen the video. It did not
18 appear in front of my screen.

19 PRESIDING JUDGE SCHMITT: [15:15:55] Then let's repeat it.

20 MS DIMITRI: [15:15:59] Before I repeat it, Mr President, is the -- is the -- I'm not
21 sure if he's on evidence 1 or evidence 2. The witness is on evidence 2? Okay.

22 We're going to play the video again for you, Mr Beina.

23 (Viewing of the video excerpt)

24 THE WITNESS: [15:16:34](Interpretation) The video that I just saw, we say "lion
25 heart, lion heart". *Coeur de Lion* in French.

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1 Can I -- can you just play the video again?

2 MS DIMITRI: [15:16:52]

3 Q. [15:16:53] (Interpretation) I'm going to repeat it. I know it's very fast, but this is
4 the best shot I have. It's the individual wearing a blue T-shirt?

5 PRESIDING JUDGE SCHMITT: [15:17:16] Well, it's -- visible quite well, I think now.
6 So do you know the person, Mr Beina?

7 THE WITNESS: [15:17:35](Interpretation) The picture is rather -- it's not very clear
8 and I can't identify the individual. It's quite dark. I can't identify the individual.

9 PRESIDING JUDGE SCHMITT: [15:17:43] No problem, Mr Witness. Please
10 continue.

11 MS DIMITRI: [15:17:48] Thank you, Mr President.

12 Q. [15:17:54] (Interpretation) Continuing with Mr Kamezolaï, to the best of your
13 knowledge, did Mr Kamezolaï have any kind of relation with the prime minister?

14 A. [15:18:18] The Prime Minister Nzapayeke is from the Zapara (phon) ethnic
15 group and Kamezolaï is also from the same ethnic group. And I think there is a
16 relation or a link between them.

17 Q. [15:18:34] Can you explain in light of what you saw, what was the role of
18 Captain Kamezolaï after the arrival of Habib in PK9? Did -- was he in charge of
19 certain elements? I know at some point of time he was named chief of staff in the
20 southern group. We'll come back to that, but in light of what you saw, how was
21 he -- did he speak to any elements? Were there elements, first of all, under him?
22 What was his role exactly?

23 A. [15:19:25] At that time, after the -- his arrest by the Seleka, he managed to escape
24 and he sought refuge at the same time where Yekatom and Habib were there. They
25 were all together. And when they came back to Bimbo, he came along with them.

1 He went directly to his house. In the beginning, he could walk along with his
2 bodyguards. There were two people who were ensuring his security. At that point
3 of time, he was very unsure about his security. He did not trust people and he was
4 quite certain about his own personal safety.

5 Q. [15:20:27] When you say that in the beginning he escaped from the Seleka and
6 he sought refuge in the same -- at the same place where Habib and Yekatom were
7 there, to the best of your knowledge, did he join them before the attack of 5 December
8 on Bangui?

9 A. [15:21:02] I think he was arrested when Djotodia was still in power. It -- these
10 were the elements of Nouredine who arrested them. He was tortured and then he
11 managed to free himself and escape. And at that time Djotodia was still in power
12 and they wanted to arrest him again, so he actually fled to go and meet Habib. I
13 think he did reach there before 5 December.

14 Q. [15:21:55] Last Friday, you mentioned that at -- at a certain point of time,
15 Leopold Bara was the interface between the international community and
16 Mr Yekatom's group and Mr Habib's group.

17 Now, you also said that the emissary was Captain Kamezolaï. It's not very clear in
18 the transcription, but could you confirm, if you know, that at this point of time when
19 Leopold Bara was the interface for the international community and the men of
20 Yekatom, am I right in saying that Mr Kamezolaï was appointed the army -- was
21 appointed the chief of staff? Was he given this position of chief of staff?

22 A. [15:22:54] Right. According to the information we received, his appointment as
23 chief of staff happened there. But we were not understanding anything because we
24 were at home and we don't know what exactly happened. What I know is that the
25 media said that he was the first person to sign a document on behalf of the movement

1 in front of the international community. It would appear that the Sangaris forces
2 took their bulletproof car and took him -- and took him to the * Assembly to sign the
3 document as the chief of staff. And this is the information I received. Subsequently,
4 he organised a press conference to inform the * general public that he had decided to
5 get back to the ranks and the other military men * who were in the armed groups
6 should also come back and join the army. This was the time where Mr Nzapayeke
7 was still the head of government.

8 Q. [15:24:22] Thank you, Mr Beina. Just a small clarification.

9 When Kamezolaï went to sign a document in the bulletproof -- in the armoured
10 vehicle, are you talking about the National Assembly, or is it during the time
11 when -- the ten-day period where the transition was ensured?

12 A. [15:25:00] Yes, that's it. It was during Nguendet's time. It was during
13 Nguendet's time because at that point of time, after Djotodia's departure, it was
14 Nguendet who was the president for about a week or ten days and that's when -- this
15 was a transitional period and it was under Nguendet.

16 Q. [15:25:37] So I'm going to change the subject once again --

17 PRESIDING JUDGE SCHMITT: [15:25:40] I might say, since we had - it's a couple of
18 months, I think, in the meantime ago - we had spoken about what we can do as
19 parties and participants and judges to make the process better. I think we did quite
20 a good job, but there are also things that are not in our hands, so to speak, I'll
21 formulate it this way. So please accept when I -- sometimes when I have the
22 impression that someone -- it's not you, not only you, could be anybody else when
23 you're too quick that I try to stop you.

24 Please continue.

25 MS DIMITRI: [15:26:27] Thank you, Mr President.

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1 Q. [15:26:30](Interpretation) In your statement, Mr Beina, in paragraph *62, you
2 speak about an individual Maxime Mokom who wants constitutional order to return.
3 You speak of certain individuals, including Maxime Mokom. I'm going to show you
4 a video where you're going to recognise your brother Habib and Mr Yekatom. And I
5 have -- I'll show you a video. CAR-OTP-2065-0396. It's tab 34.
6 CAR-OTP-2122-2284. The video lasts for 2 minutes and 21 seconds. And it dates
7 back to 7 December 2013.

8 And, your Honour, this is a video that you've already seen, but because of
9 circumstances I've got to play it again.

10 PRESIDING JUDGE SCHMITT: [15:27:49] Well, it's two minutes, not five. So we
11 are fine with it.

12 MS DIMITRI: [15:28:04](Interpretation)

13 Q. May I ask you to see the -- view the video, to listen to Mr Yekatom, and then I've
14 got some questions.

15 (Viewing of the video excerpt)

16 THE INTERPRETER: [15:28:19] (Interpretation of the video excerpt) "Can you
17 explain who you are?"

18 I'm Rambo Alfred.

19 So you're FACA yourself, FACA?

20 Can you confirm that the attack that took place two days ago was carried out by
21 former FACA?

22 Yes, it's true. It's FACA all over the place because the -- ever since the Seleka
23 returned they've chased the FACA away. They don't want to work with the FACA,
24 but we want to free the Central African people and this is why FACA got organised.
25 The revolution of the Central African forces, we're here to free the people.

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- 1 Do you plan to conduct other initiatives?
- 2 No, our problem is to organise. We don't -- they don't want the FACA to return.
- 3 We've got to actually go right to the end.
- 4 How many men were you to -- two years ago?
- 5 So we've got about 1,500 men and we're all over the place.
- 6 Where do you find your arms?
- 7 We are military staff. You know that.
- 8 You have actually kept all this from (unclear) --
- 9 We belong to the military. We've got small Seleka bases. We attack them and
- 10 we -- everything from Seleka. So when you actually attack a Seleka base, you
- 11 recover the ammunition.
- 12 That's it?
- 13 Yes, that's it.
- 14 And why do we actually confuse Anti-Balaka with the FACA?
- 15 We're not Anti-Balaka. We're FACA. We organise our own military staff. We're
- 16 not Anti-Balaka.
- 17 Does François Bozizé support you?
- 18 No, we don't have any contact with François Bozizé. I told you we are the FACA.
- 19 We do not have any contact with Bozizé. If we have -- were in touch with Bozizé, we
- 20 would have better -- more equipment than that.
- 21 Thank you."
- 22 PRESIDING JUDGE SCHMITT: [15:30:36] Before you ask the questions, let me
- 23 address you with something else.
- 24 You know we had a couple -- a couple of months we had the issue with Sango
- 25 interpretation. When I listen to your client now, I ask myself if it is really necessary.

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1 I have the impression -- of course, I might be wrong and I would trust you on your
2 assessment. I have the impression that he is extremely good in French. So this
3 could -- also, in future cases, this could spare us situations where we have problems
4 with different cases, different Chambers, so perhaps think about it. You don't have
5 to answer immediately. We can perhaps also discuss it with your client. But we
6 have till new in the first session the interview with him and I could follow in
7 French -- or let me put it this way. Or even I could follow in French very well, and
8 also this one, so perhaps you'll think about it if we can make some -- perhaps even
9 some changes here, yeah.

10 MS DIMITRI: [15:31:40] I can answer right away, Mr President, if you want.
11 Indeed his spoken French is quite good, but you'll notice the video we
12 showed -- we've shown earlier, I don't know if you noticed, there was someone
13 interpreting what the French journalist was saying to him in French. The problem is
14 the listening. However, it's -- there's a big improvement. He's listening a lot in
15 French, and I completely understand your point about an upcoming case and we will
16 facilitate as much as we can. I think the main issue will be Sango speaking issues.
17 But Mr Yekatom can -- of course, when it's -- when it's witnesses that are not big
18 witnesses, he can certainly follow in French.

19 PRESIDING JUDGE SCHMITT: [15:32:27] Thank you very much. So that would
20 give us for the future, let's say, some leeway when problems arise that we can solve
21 them without greater problems. Thank you very much.

22 MS DIMITRI: [15:32:38] Absolutely.

23 PRESIDING JUDGE SCHMITT: [15:33:06] Thank you very much. Please continue.

24 MS DIMITRI:

25 Q. [15:33:07] (Interpretation) Mr Beina, you heard Mr Yekatom on the video.

1 When he said we are here to liberate the people, does that correspond to the
2 statements that he and Habib told you during your various exchanges that their
3 objective was to liberate the people?

4 A. [15:33:40] Thank you, Counsel. I think that ever since Friday that I've been
5 answering your questions, I told you that Yekatom was a well-trained soldier. Even
6 up to this day he keeps to his word. He is a soldier, a chief corporal. He never said
7 that he was a colonel or captain. No, he was a chief corporal. His objective was to
8 fight against the Seleka and to return to his army so as to continue with his military
9 career. That is what I've been saying since Friday. He has his decision and when
10 he takes a decision he implements it. His objective was to drive away the common
11 enemy, the Seleka, and after chasing out the Seleka he said that after the departure of
12 the Seleka he would return to the army to continue his work within the army. And I
13 repeat, their main objective was to chase out the Seleka. They -- he could not -- they
14 could not abandon their families and go and live in the bush. No, they could not
15 leave everything down and go and leave the forest like mad people. No, it is
16 because they had a main objective that they wanted to achieve. *You know, at one
17 point, it was being said that the Central African Republic was finished. If there had
18 not been that patriotic awakening supported by the international community, the
19 CAR would have been wiped off the map of the world. They had sacrificed their
20 lives, and if they had not achieved their objective, the CAR would have been erased
21 from the map of the world. Last Friday, I told you that the Central African Republic
22 had been abandoned in the hands of mercenaries. And for one year, the international
23 community was merely looking on. Last Friday, what happened in Ukraine, after
24 one week, the entire world mobilised to save Ukraine, whereas, for one year we had
25 been mired in suffering and the international community was not doing anything.

1 France was compelled to shout out for people to come. It is for that reason that
2 Djotodia was asked to leave and then we had Ngendé come in. If that had not been
3 done, the Central African Republic would have been wiped off the map of the world.
4 He had an objective. He emphasized that he was not an Anti-Balaka. He was a
5 soldier.
6 Later on they accepted the name Anti-Balaka because things had to be centralised and
7 it was necessary to have a political vision so as to discuss and go towards the DDR.
8 It was at that time that people started talking about Anti-Balaka. But before that he
9 was talking as a soldier, as a FACA soldier and he wanted to liberate the people. It
10 is true that he did not have enough equipment and they had to be in the bush to
11 prepare themselves. So I repeat, he was a soldier. He was a career soldier. And
12 even if you put the same question to him today, I can guarantee you that he will give
13 you the same answer.

14 Q. [15:38:03] Thank you, Mr Beina. And when Mr Yekatom says in the video that
15 they are not in contact with François Bozizé, he says we don't have any contact with
16 François Bozizé, otherwise we would have more materiels than that, they would have
17 more materiels, more ammunition and so on. And he explains that the ammunition
18 and materiels that they recovered came from small attacks upon or against Seleka
19 bases.

20 Now, what he describes in the video, does that correspond to the accounts given to
21 you by Yekatom and Habib?

22 A. [15:38:55] Yes, indeed. These were the same words. I think that the purpose
23 of their struggle, the battles that they carried out were not in collaboration or
24 association with the Bozizé or Ngaiissona. They committed themselves as men.
25 They went into the bush, they did not use vehicles, they spent nights under the trees,

1 they did not have funding, they ate cassava in the farms. They were fed thanks to
2 the villagers. The women who were going to the market -- to the farms early in the
3 market and -- early in the morning and giving them something to eat.
4 Now, things changed and it was after that, that there was this confusion with Bozizé.
5 In the Anti-Balaka group, the people who -- or the person who had contacts with
6 Bozizé I think was Maxime Mokom. And in my statement I said that Mr Ngaïssona
7 and Mokom were not in good terms. Why? Because Mokom wanted to grab the
8 Anti-Balaka movement because they were saying that Ngaïssona was not there at the
9 beginning of the movement. He was considering the movement as his own personal
10 property and that Ngaïssona wanted to snatch the leadership of the movement.
11 Mokom was aware that he could not control them because in their heads -- because in
12 their heads they were still soldiers. You have asked me a question about Mokom's
13 idea of returning to the constitutional order. So for Mokom, this return to
14 constitutional order meant enabling the return of Bozizé to power and that could not
15 work. So to leave power under such circumstances and come back to power, no, that
16 could not work. Bozizé had made a *coup d'état* against Patassé and Patassé was there
17 until he died.
18 Now, after the *coup d'état*, did Patassé benefit from the return of constitutional order?
19 No. But Mokom -- that was Mokom's position, but Yekatom, Habib, they were not
20 in collaboration with Bozizé. And talking about how they got their weapons, their
21 advantage was that this was their country. They knew the town of Bangui, the small
22 villages, the small roads, but the Seleka had come from Birao and other remote towns.
23 They came to a town where -- did not know -- they did not even know the roads.
24 The advantage of the Yekatom group was that they knew the terrain. They could
25 come and surprise them and recover weapons. That is how they were able to

1 progress as far as they went right to the capital. They knew the roads to use and the
2 resources to use until reaching the capital.

3 Q. [15:43:20] Thank you, Mr Beina, for your answer. At the beginning of your
4 answer you said that it was later on that the group accepted the name Anti-Balaka,
5 but they were not considering themselves like Anti-Balaka. I will show you another
6 video, a short excerpt of the video that we saw this morning, just a few seconds, and I
7 have a question on this same subject. It is tab 1 of the Defence file,
8 CAR-OTP-2094-7618 from 6 minutes, 6 seconds to 6 minutes, 17 seconds. The French
9 transcript is tab 2, CAR-OTP-2188-4260, page 4263. For the interpreters, lines 75 to
10 95. And the English translation is CAR-OTP-2118-4272, page 4275, line 85 to 94.

11 THE INTERPRETER: If counsel can just repeat the tab in the interpreter's binder,
12 please, the tab number.

13 (Viewing of the video excerpt)

14 THE INTERPRETER: [15:45:11] (Interpretation of the video excerpt) "We are not the
15 Anti-Balaka. Have you seen someone who is -- who has machetes here? We are
16 not -- I am not responsible."

17 MS DIMITRI: [15:45:27](Interpretation)

18 Q. [15:45:27] Mr Beina, you have heard Momokama say in the video also that "we
19 are not Anti-Balaka". So when you say it was later that they accepted the name
20 Anti-Balaka, do you agree that it was after the resignation of Mr Djotodia? That
21 video was taken on the day of Djotodia's resignation? So do you agree with me that
22 when you say "later on", that means it was after the resignation of Mr Djotodia?

23 A. [15:46:08] Yes, you have heard Mr Yekatom's statement. You have also heard
24 what Momokama said. They are strict. They stand by their statements. They say
25 they are soldiers. Momokama and even those nearby, they are soldiers. All

1 soldiers, the three. Even till today they are still soldiers. At the beginning, they
2 didn't want to adopt the name Anti-Balaka because normally the Anti-Balaka was the
3 group created by Mokom initially. So it was Mokom who set up that Anti-Balaka
4 group, so this means that initially they did not agree to adopt that name Anti-Balaka.
5 They were dissidents in this matter, but since the government wanted to have an
6 interlocutor, a single the interlocutor, the idea was to bring them together and try to
7 have them discuss with the government because it was the government that insisted
8 that there should be this -- well, I will not say confusion, but this gathering under one
9 name, that is the Anti-Balaka.

10 Q. [15:47:49] Well, you anticipated my next question. I was about to talk about
11 the government insisting on a single Anti-Balaka. You talk about it in your
12 statement, paragraph 38. You say that as Minister of Reconciliation the minister
13 convened a meeting in the prime minister's office and asked the various groups to
14 structure themselves. I will show you a video and I don't know -- I will ask you
15 whether it is the meeting that you are talking about and whether you were present.
16 It is tab 49 of the Defence list, CAR-OTP-2023-1990. And the transcript is tab 50,
17 CAR-OTP-2122-9420. You will see in the video there's Mr Yekatom, Mr Wenezoui.
18 I wanted to know whether you were also present and then I will have questions for
19 you. And the minister who convened the meeting was Madam Montaigne.

20 (Viewing of the video excerpt)

21 THE INTERPRETER: [15:49:16] (Interpretation of the video excerpt) "In her
22 introduction, Minister Antoinette Montaigne Moussa recalled the series of meetings
23 that she carried out with the objective of making the Seleka and Anti-Balaka forces
24 reflect and to reduce criminal tensions in the country. The first leader of the
25 Anti-Balaka to take the floor was Mr Alfred Ngaya Legrand, councillor of the

1 National Coordination, and he denounced the killings -- the massive killings by the
2 ex-Seleka in recent times and that the Anti-Balaka should go for peace. Mr Ngaya
3 denounced the policy of re-localisation of the Muslim community because according
4 to him it is a phenomenon that will block national reconciliation. Councillor Alfred
5 Ngaya Legrand pleaded that the Anti-Balaka should benefit from the DDR
6 programme. He said that several Anti-Balaka chiefs had intervened to ask for the
7 state and the international community to compensate the Anti-Balaka. From their
8 side, the leaders of the international forces, such as EUFOR, Sangaris and MINUSCA,
9 conditioned their assistance in the resumption of dialogue, true dialogue between the
10 ex-Seleka and Anti-Balaka and real commitment of the two parties for peace. In
11 answer to the concerns, the Minister of Communication and Reconciliation, Madam
12 Montaigne Moussa, appealed to the Anti-Balaka to have a single coordination and a
13 bureau that is representative of their side. She pleaded that the Anti-Balaka should
14 show republican spirit. Let us follow a summary of the meeting and the exchanges
15 between Madam Antoinette Montaigne Moussa and the participants."

16 MS DIMITRI: [15:52:16](Interpretation)

17 Q. [15:52:17] Mr Beina, were you present in that meeting?

18 A. [15:52:25] No, I was not present. It was Paléon who was there. Paléon
19 accompanied Mr Yekatom to that meeting.

20 Q. [15:52:58] In paragraph 85 of your second statement, you said there was no
21 coordination at the national level, it was non-existent, it was created later on.

22 Now, would you agree with me that when you referred to a single coordination at the
23 national level which was created later it was after the intervention of the government,
24 that is following this meeting with Madam Montaigne in terms of time. Is that what
25 I am to understand?

1 A. [15:53:47] Thank you. What I can say, I started talking about this since Friday.
2 You understood me. I repeated it several times.
3 Now, with regard to the coordination, at that time, the Anti-Balaka coordination did
4 not exist. You can even research on it. If someone tells you that before 5 December
5 there was a coordination, no, that is incorrect. The coordination did not exist prior to
6 that date. The Anti-Balaka from the provinces and other places came in dispersed
7 order to join up with each other and each person came on their own individual basis
8 to Bangui. It was during that meeting of the creation that some of them came to
9 know each other. They came from all corners of the country where there was
10 violence. Each person took the decision to join the movement and they finally met
11 each other in Bangui. The Anti-Balaka coordination was created after this meeting at
12 the prime minister's office, during a meeting convened by the NGO MOUDA with the
13 mayor of the 4th arrondissement and the DRC officer. It was in the presence of these
14 people that the Anti-Balaka coordination was created specifically on 20 July 2014.
15 On 21 -- on the 21st, if I remember correctly, we went to Brazzaville on -- they went
16 to -- on 20 -- 20 June 2014. UNPD, in the presence of the facilitators were going to
17 appoint or to take Ngaïssona and Wenezoui as coordinators. Well, but if somebody
18 said that the coordination was created before 5 December, the answer is, no, the
19 Bangui attack was not coordinated. There was no one who could give orders. The
20 coordination that had been existing and in which Ngaïssona was appointed as
21 coordinator was on 20 June 2014, 20 June 2014. And this was done following the
22 request of Madam Montaigne. She was the one who asked to have an interlocutor.
23 She wanted to do the same thing with the Seleka and she waited for them alongside
24 the Sangaris, but no one came. She wanted to have two coordinations -- to have two
25 interlocutors, so as to be able to assess their grievances and see how to manage them

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1 and how to integrate them into the DDR programme.

2 The combatants themselves told themselves we are all young people and to have a
3 leader who is capable of representing us, we have to choose someone supported by
4 the youth. And in the 4th arrondissement, Ngaïssona was chosen. But since
5 Wenezoui was popular in the Boeing sector, those from Boeing and Bimbo, after the
6 setting up of the ad hoc committee, they took Wenezoui as coordinator in Bimbo.

7 And on 15 June 2014, the ad hoc committee was created and dismissed. On 20 June
8 2014, Wenezoui arrived there as deputy coordinator. So the coordination was
9 created by the government in power at the time.

10 PRESIDING JUDGE SCHMITT: [15:58:21] This was a very long answer, but it might
11 also have shortened a little bit the questioning of Ms Proulx or Mr Knoops. I'm
12 just -- sometimes I'm thinking loud. So you don't have to answer, Mr Knoops, and
13 Ms Proulx also. Do you think we -- do you have a question that you think you
14 should answer immediately, or can we conclude for today?

15 MS DIMITRI: [15:58:48] With your leave, two on the video, specific on the video.

16 PRESIDING JUDGE SCHMITT: [15:58:52] Absolutely. If it's on the video,
17 absolutely.

18 MS DIMITRI: [15:58:55] Thank you.

19 PRESIDING JUDGE SCHMITT: [15:58:59] And perhaps, Mr Beina, if you can give
20 short answers because we are already at 4 o'clock. Thank you.

21 MS DIMITRI: [15:59:18]

22 Q. [15:59:19] (Interpretation) Thank you, Mr Beina, for your answer.

23 Now, still regarding this meeting with Madam Montaigne, did I understand that
24 Paléon Zilabo was there with Mr Yekatom and from your discussions from Mr Zilabo
25 and Yekatom, is this correct that the other objective of that meeting was to have

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1 exchanges with the various persons present and propose solutions for the emergency
2 action plan for disarmament and peace?

3 A. [16:00:06] Yes, before answering your question, I would like to address myself to
4 the Presiding Judge. If I spoke for so long, it was to clarify certain points. And if I
5 had not said those things, you would not have understood well. So I was called to
6 be here before you and I plead with you to allow me the time to express myself so
7 that you can understand very well what happened.

8 PRESIDING JUDGE SCHMITT: [16:00:40] Mr Beina, my intervention was because I
9 know that we have two Defence teams and the other Defence team is defending
10 Mr Ngaïssona, and my remark was simply directed that your question would have
11 already or might already have answered questions by them. So it might turn out
12 that your long question expedites -- your long answer expedites the proceedings, so
13 this might very well be, but please continue.

14 THE WITNESS: [16:01:33] (Interpretation) Thank you. Thank you so much.
15 Now, I'm going to answer to the Defence counsel with respect to the implementation
16 of the coordination. The government -- the Samba-Panza government wanted to
17 organise when -- there were many people who were having weapons. There were
18 armed groups near PK9. At PK9 you had -- near Ouango as well, you had armed
19 people. The entire town of Bangui was surrounded by armed groups, armed people
20 and the -- and Samba-Panza government was just operational in Bangui. The entire
21 region, the hinterland was completely under the control of armed groups. It's -- the
22 government could train only in the city -- in the city not beyond 30 kilometres. So it
23 was about bringing people and listening to them and this is what I said.
24 So initially, you really need to bring together all these elements. If this was done
25 they could have made much progress. They -- they asked for the coordination to be

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1 created. The coordination took stock of the various wishes and desires of the people,
2 and the government was not in a position to honour their wishes.

3 Q. [16:03:27] Thank you. My last question for the day, and we're going to -- this
4 was my last question for the day and we're going to continue tomorrow. Thank you.

5 A. [16:03:38] Thank you, Counsel.

6 PRESIDING JUDGE SCHMITT: [16:03:42] Thank you, Ms Dimitri. And also thank
7 you, Mr Beina, for answering the questions, again, patiently.

8 Ms Dimitri, do you have an update for us?

9 MS DIMITRI: [16:03:54] I do, Mr President, but I'm worried to --

10 PRESIDING JUDGE SCHMITT: [16:03:57] To share it?

11 MS DIMITRI: [16:04:01] I'm halfway.

12 PRESIDING JUDGE SCHMITT: [16:04:02] Halfway. Okay. Then that sounds
13 promising.

14 So I don't know if it has been communicated, but tomorrow we start at 10 o'clock,
15 which does not pose a problem because we can shorten the lunch break, no problem,
16 and we see how far we get and then we finish -- I think we can say we finish on
17 Wednesday. I think it's -- it's relatively sure without -- again, without pushing
18 someone. Thank you very much.

19 Tomorrow, 10 o'clock.

20 THE COURT USHER: [16:04:29] All rise.

21 (The hearing ends in open session at 4.04 p.m.)

22 CORRECTIONS REPORT

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

25 Page 6, line 24:

1 “, my experience with MINUSCA when I looked at the various combatants.”

2 is corrected to

3 “. With MINUSCA, for example, when I was profiling the former combatants,”.

4 Page 8, lines 18-19:

5 “find those individuals that had been kidnapped” is corrected to “try to locate him
6 after he had been abducted”.

7 Page 9, line 23:

8 “it before -- with -- before the BICIC bank” is corrected to “his abduction in front of
9 the BICIC bank”.

10 Page 10, line 1:

11 “they saw it and he didn't want to salute his ranking” is corrected to “he saw him, he
12 didn't want to greet him; to respect his rank”.

13 Page 17, line 20:

14 “early” is corrected to “soon”.

15 Page 17, line 21:

16 “; it was after spending four to five months, based on my estimation” is added.

17 Pages 17-18, lines 25-1:

18 “with Claude Ngaikosset. They were holding meetings. But they were -- he
19 was -- he was forced to say that, since they were there, they wanted to start a
20 rebellion” is corrected to “, but since Claude Ngaikosset did not approach them, they
21 started saying that since we were on site, we wanted to start a rebellion”.

22 Pages 20-21, lines 15-9:

23 “we were supposed to entrust certain positions of responsibility to different people,
24 and Djotodia was appointed the minister of Defence, even though the leader of the
25 rebellion was just a few kilometres away from the capital. But Djotodia was given

1 the Defence portfolio. He -- and after a few days, he took a few elements and -- and
2 on the vehicle, he put ice around the habitations.

3 The -- minister Kokaté from Gabon didn't criticise this. He said that the Seleka was
4 created in Niamey, and what's happened at that point of time was quite dangerous
5 for the future of the country. And there was a strong pressure from the international
6 community on Bozizé, and he was forced to listen to the instructions of the
7 international community. So the position was given to Djotodia. And after a few
8 days, Djotodia went to Damara, and he was basically coming to Bangui. And this is
9 the reason why the Central Africans are suffering. And they were using the
10 armbands of the Chadian army”

11 is corrected to

12 “various individuals were supposed to be appointed to certain positions of
13 responsibility. Djotodia was appointed Minister of Defence even though he was the
14 leader of the rebellion which was then only a few kilometres away from the capital.
15 But the Libreville meeting had imposed a decision according to which he was to be
16 given the defence portfolio. A few days afterwards, he took his elements, and on
17 board one vehicle, they put in iceboxes, clothes and other items.

18 And when I wanted to leave, Abdoulaye Hissène was the only person who
19 denounced that. He was screaming; and he was saying that the departure was
20 suspicious; and that what was happening was dangerous for the country.

21 Djotodia’s departure, along with such a large number of vehicles, was a bad omen.
22 And why am I saying this? Minister Kokaté, who was in Gabon, denounced it. He
23 said that the Seleka had been created in Niamey; and that what was happening at that
24 time was dangerous for the future of the country. In the meantime, the international
25 community was already exerting strong pressure on Bozizé, and he was forced to

1 comply with the instructions of the international community.

2 As a result, Djotodia was appointed to a position. A few days after his arrival,

3 Djotodia left again. And a few days after he reached Damara, he took over the

4 leadership of the rebellion and started advancing south, this time towards Bangui,

5 and this is what led to the suffering of the people of the Central African Republic.

6 And I confirm that they were wearing the armbands of the Chadian forces”.

7 Page 28, line 8:

8 “They are mercenaries.” is added.

9 Page 28, lines 10-13:

10 “his *adjoint* was Bichara. His *adjoint* was someone who sold bric-à-brac at the market,

11 a civilian who sold bric-à-brac at the market and became subprefecture of the army”

12 is corrected to “his deputy was General Bichara. So you see, his deputy was someone

13 who had been selling second-hand clothes in the central market. A civilian who was

14 selling second-hand clothes in the central market became the Deputy Chief of General

15 Staff of the army”.

16 Page 29, line 18:

17 “bric-à-brac” is corrected to “second-hand clothes”.

18 Page 29, line 20:

19 “That's where” is corrected to “I do not know where”.

20 Page 29, line 21-22:

21 “There's one thing, he was their *adjoint*, the deputy of Dolowaye” is corrected to “I

22 know one thing for sure: he was the deputy of General Dolowaye”.

23 Page 29, lines 24-25:

24 “a vendor, Bichara, who sold bric-à-brac, who became a Seleka with a self-proclaimed

25 ranking” is corrected to “a trader, Bichara, who sold second-hand clothes, and who

- 1 became a Seleka with a self-proclaimed rank”.
- 2 Page 44, lines 4-5:
- 3 “who's in charge” is corrected to “who is the chief”, and “I am the deputy.” is added.
- 4 Page 55, line 8:
- 5 “we talk about” is corrected to “Mr Zilabo talks about”.
- 6 Page 55, line 14:
- 7 “- Ngaissona was there -” is added.
- 8 Page 66, line 14:
- 9 “café” is corrected to “brewery”, and “Seleka” and “just behind MOCAF” are added.
- 10 Page 66, line 18:
- 11 “look and directly cross over” is corrected to “reach, or directly cross”.
- 12 Page 72, line 2:
- 13 “place” is corrected to “Assembly”.
- 14 Page 72, line 4:
- 15 “the national bureau that he decided” is corrected to “the general public that he had
- 16 decided”.
- 17 Page 72, line 5:
- 18 “who were in the armed groups” is added.
- 19 Page 73, line 1:
- 20 “72” is corrected to “62”.