

Trial Hearing
WITNESS: CAR-OTP-P-0808

(Open Session)

ICC-01/14-01/18

1 International Criminal Court
2 Trial Chamber V
3 Situation: Central African Republic II
4 In the case of The Prosecutor v. Alfred Rombhot Yekatom and Patrice-Edouard
5 Ngaïssona - ICC-01/14-01/18
6 Presiding Judge Bertram Schmitt, Judge Péter Kovács and
7 Judge Chang-ho Chung
8 Trial Hearing - Courtroom 1
9 Thursday, 4 November 2021
10 (The hearing starts in open session at 9.31 a.m.)
11 THE COURT USHER: [9:31:12] All rise.
12 The International Criminal Court is now in session.
13 Please be seated.
14 PRESIDING JUDGE SCHMITT: [9:31:39] Good morning, everyone.
15 Good morning, Mr Witness.
16 Could the court officer please call the case.
17 THE COURT OFFICER: [9:31:44] Good morning, Mr President, your Honours.
18 Situation in the Central African Republic II, in the case The Prosecutor versus Alfred
19 Yekatom and Patrice-Edouard Ngaïssona, case reference ICC-01/14-01/18.
20 And we're in open session.
21 PRESIDING JUDGE SCHMITT: [9:31:57] Thank you.
22 I call for the appearances of the parties.
23 MS STRUYVEN: [9:32:02] Good morning, Mr President, your Honours. For the
24 Prosecution today we have Maria Berdennikova, Yassin Mostfa, Kweku Vanderpuye,
25 and myself Olivia Struyven.

- 1 PRESIDING JUDGE SCHMITT: [9:32:11] Thank you.
- 2 MR SUPRUN: [9:32:12] Good morning, Mr President, your Honours. The former
3 child soldiers are represented by myself, Dmytro Suprun, counsel at the Office of
4 Public Counsel for Victims. Thank you.
- 5 PRESIDING JUDGE SCHMITT: [9:32:23] Thank you.
- 6 MR DANGABO MOUSSA: [9:32:23](Interpretation) Good morning, Mr President.
7 I am representing the LRV. I am Dangabo Moussa Abdou and there is Asso Mouhia
8 and Anne Grabowski. Thank you.
- 9 PRESIDING JUDGE SCHMITT: [9:32:41] Thank you.
- 10 I turn to the Defence. Ms Dimitri.
- 11 MS DIMITRI: [9:32:44] Good morning, Mr President. Good morning, your
12 Honours. Good morning everyone. Mr Yekatom, who is present in the courtroom,
13 is represented today by Mr Florent Pages-Granier, Mr Jérémy Pizzi. We have Ms
14 Laurence Hortas-Laberge, who's going to join us in a few seconds, and myself Mylène
15 Dimitri.
- 16 PRESIDING JUDGE SCHMITT: [9:33:02] Is joining at the moment. Okay. Thank
17 you.
- 18 Mr Knoops.
- 19 MR KNOOPS: [9:33:08] Good morning, your Honour. The Defence team of
20 Mr Ngaïssona consists today of Marie-Hélène Proulx, Sara Pedroso, Despoina
21 Eleftheriou, and myself. Mr Ngaïssona is present in the courtroom.
- 22 PRESIDING JUDGE SCHMITT: [9:33:21] Thank you very much.
- 23 And also, again, good morning and welcome, Mr Ngaya, and counsel Mr Sangone.
- 24 Ms Dimitri, you still have the floor.
- 25 MS DIMITRI: [9:33:33] Thank you, Mr President.

1 WITNESS: CAR-OTP-P-0808 (On former oath)
2 (The witness speaks French)
3 (The witness gives evidence via video link)
4 QUESTIONED BY MS DIMITRI: (Interpretation)
5 Q. [9:33:39] Good morning once again, Mr Ngaya.
6 A. [9:33:44] Good morning, Counsel.
7 Q. [9:33:46] Are you doing fine? Can we continue?
8 A. [9:33:52] Yes, we can continue. I'm a bit tired, but it's okay.
9 Q. [9:33:56] I will conclude today. I would like to ask you for a little bit more
10 patience, but we will conclude today.
11 A. [9:34:06] Okay.
12 Q. [9:34:08] During your testimony you explained somewhat the feeling of
13 abandonment of the Central African population and the fact that they had no other
14 choice than to resist against the abuses committed by the Seleka.
15 Amongst other things, in paragraph 108 of your statement on tab 6 of the Prosecution
16 list, you said that the Anti-Balaka was a popular movement that developed
17 throughout the entire country and it was a popular movement and there was no need
18 to recruit.
19 I would like to show you a video about that and then I'll put some questions to you.
20 The video is dated 10 January 2014. It was filmed in Bangui. It's
21 CAR-D29-0008-0007, from 1:37 to 1:49. It's a few minutes only.
22 For the interpreters, it is CAR-D29-0006-1090, lines 19 to 22 in the interpreters file.
23 And all the videos that I will present will be public.
24 THE INTERPRETER: [9:35:59] If counsel can repeat the number again of the
25 transcript, please?

1 MS DIMITRI: The --

2 PRESIDING JUDGE SCHMITT: (Overlapping speakers) the transcript. The

3 interpreters ask for the number of the transcript again.

4 MS DIMITRI: [9:36:24](Interpretation) Tab 20, lines 20 -- lines 19 to 22.

5 THE INTERPRETER: [9:36:37] Thank you very much.

6 (Viewing of the video excerpt)

7 THE INTERPRETER: [9:36:39](Interpretation of the video excerpt) "But the Balaka,

8 who are they? The Balaka, it is us who are here, it is the population, it is the

9 population. If he resigns the Balaka we are going to lay down the Balaka, that's it."

10 MS DIMITRI: [9:37:03] (Interpretation)

11 Q. [9:37:04] Mr Ngaya, you have seen the video that I have shown you which is in

12 line with your statement. Is it correct that because of that popular feeling at that

13 time anyone can -- could claim that they were Anti-Balaka, because we have heard

14 somebody say over the radio that Balaka, it is us, it is the population?

15 PRESIDING JUDGE SCHMITT: [9:37:38] We have a background noise here. I don't

16 know. Now it has stopped. There was talking in the background. I don't know

17 who it was.

18 Mr Ngaya, have you understood and heard the question? So please answer. Could

19 anybody claim to be Anti-Balaka, I think that was the question.

20 THE WITNESS: [9:38:00](Interpretation) Yes, I did understand the question. What

21 I said in my testimony reflects the reality that we experienced at that time. We had

22 never experienced such a thing before. This is something we had never known in

23 the country before. The Central African Republic, at a certain time in its history was

24 considered as the Switzerland of Africa. It is a country in which people lived in

25 peace. When I was still very young I could see tourists on bicycles travelling across

1 the country, so it is a country that does not have a culture of violence. We did not
2 know about violence.

3 Now, what the country experienced was unimaginable. And when the Seleka left
4 Birao and were advancing towards Bangui, during the entire trip they were already
5 committing crimes. Pastors were being killed, churches were set on fire. And as for
6 priests, I think you have information on that. So throughout their advance, there
7 were already acts of violence prior to their attack against Bangui.

8 And as soon as they took power in Bangui, I have already told you, so they
9 distributed themselves into the zones. They circulated throughout the localities of
10 the CAR, killing, pillaging, ransacking, everything. They were attacking specifically
11 men of God, who are inoffensive. Pastors and others, they are inoffensive. But we
12 did not know for what reason Selekas particularly targeted these people.

13 I've already told you, I am from Bossangoa, but I did my primary school in Lobaye, in
14 Mbata. I did my first school leaving certificate there. And then I did the first year
15 of secondary school in Bangui.

16 But the pygmies are normally not interested in power, in public authority, but the
17 Seleka were pillaging them and killing them. I could not understand what was
18 happening. And this was during a time when international forces were deployed in
19 the Central African Republic, allegedly to protect the civilian population, so you have
20 the instinct of survival which prompted the population to react. So the video that
21 you have shown is just a reality. That's what I said in my testimony. Thank you.

22 THE INTERPRETER: [09:41:24] I did the first year of the *lycée de Mbata*: says the
23 witness.

24 MS DIMITRI: (Interpretation)

25 Q. [9:41:34] Thank you, Mr Ngaya. I will show you another -- another video from

1 Bangui early 2014. Tab 4 of the Defence list, CAR-OTP-2012-0413, from the first
2 minute to 1:13.

3 The transcript is tab 5, CAR-D29-0006-1087. And it is from page 110 to line 22. I
4 will show you the video and then I will ask the questions.

5 (Viewing of the video excerpt)

6 MS DIMITRI: [9:43:44](Interpretation)

7 Q. [9:43:44] Mr Ngaya, you talked about it during your testimony, it was difficult
8 to distinguish between the true Anti-Balaka and a member of the population.

9 Do you agree with me that on the images that we have just seen it is difficult to
10 distinguish the people present in order to know whether they really belong to the
11 Anti-Balaka or not, despite the fact that the journalists are identifying them as such.
12 Do you agree with me?

13 A. [9:44:19] Yes. It is precisely what you are seeing there. That is a situation that
14 we were experiencing.

15 Q. [9:44:33] Thank you. The Prosecution mentioned to you a video, on Monday,
16 and you recognise yourself with Mr Namsio. My other colleague played an audio
17 during which you gave a press conference on 3 April 2014. I am not going to show
18 you the video again. If you want to see it again, I will show you, but I simply want
19 to put some few questions to you.

20 It is tab 5 of the OTP list, CAR-OTP-2023-1845, from 2:28 to 4:26. And the
21 transcription was at tab 30 of the OTP list, CAR-OTP-2107-1504, from lines 34 to 56.

22 Now, specifically, Mr Ngaya, in that video, you referred to the thugs who were
23 attacking PK5 and you said, and I quote you:

24 "You have to understand the Muslims because they did not have the necessary means
25 to distinguish between the true and fake Anti-Balaka."

1 And during that same press conference on line 44, you said: "For the Muslims,
2 everyone was an Anti-Balaka."

3 We have talked about the fact that it was difficult for members of the civilian
4 population like yourself and journalists to distinguish between the Anti-Balaka and
5 civilians and those who incorrectly claimed to be Anti-Balaka.

6 Now, when you listen to that press conference, would I be correct to say whether this
7 difficulty in distinguish between the true and false Anti-Balaka was also a problem
8 for the victims -- victims, Muslims? For them, all of them -- all the others were
9 Anti-Balaka.

10 A. [9:47:09] Yes, that is correct. All what the country lived through, I do not know
11 who is a victim and who is not.

12 If you look into history in that context -- now I am listening to you talk about Muslims
13 and victims. It is difficult to accept. In any case, I'm a victim. I am a civilian
14 servant. And the entire time I was organising myself to take care of my family, but all
15 the property I accumulated was looted. So I was a victim.

16 I know the family of a pastor. He was a young pastor with a wife and children.

17 They came and then had his large motorbike put in their vehicle. He pushed it in
18 there. And after that he was shot dead. So you have such examples. So I am ill at
19 ease considering Muslims as victims.

20 You have to understand that with the Muslims there was a situation of a real
21 confusion on both sides. The population confused the Muslims for the Seleka, and
22 the population were also confusing the population -- the Muslims were also confusing
23 the population for the Anti-Balaka. So the Central African Republic was a state and
24 we had to restore a state that had to initiate development.

25 If you look at human development indexes over the years, the

1 Central African Republic is always the last, and it is not the resources that are lacking
2 to develop the country. I have talked about all those things. And from the very
3 outset, I was thinking about what to do so that that country should find stability and
4 develop.

5 We have children. We have grandchildren. Where are we -- what are we going to
6 leave for them? We need to make sure that our offspring live well. Look at the
7 Muslims and all the others like the Anti-Balaka. On one side the -- there was
8 confusion between the Anti-Balaka, and then there was confusion between civilians
9 and -- Muslim civilians and Seleka, so it was total confusion and we were
10 overwhelmed by that.

11 Q. [9:50:14] Thank you, Mr Ngaya. I am not really undermining the fact that you
12 are a victim. It's simply because you speak -- you spoke at length during your
13 statement and in your testimony how you and the other non-Muslims were victims.
14 But it is also my role to try and identify why the Muslim victims incorrectly identified
15 sometimes.

16 Now, is it correct in lines 54 to 56 in this press conference that you specified correctly
17 that it was not necessarily the Anti-Balaka attacking Muslims or destroying their
18 houses, quite frequently, it was the population?

19 A. [9:51:17] Quite often it was the population, and there were also thieves. I
20 remember that there was a former soldier probably. There was someone who
21 organised a gang which was carrying out pillaging and targeting Muslim members.
22 But the Anti-Balaka organised themselves, captured him, and handed him over to the
23 gendarmerie, so there is such a story. So you had thieves, and you had traders in the
24 trading centre, and there was a lot of Muslims that had property there. So there
25 were gangsters, thugs, who organised themselves and committed scandalous acts.

1 And that is what gave that impression. I'm really not in a position to tell you
2 because all I'm telling you is information that we received from here and there. So I
3 cannot give you precise details.

4 Q. [9:52:35] Mr Ngaya, during your second statement to the OTP, paragraph 112,
5 you said that the Anti-Balaka initially formed to resist against the Seleka but that
6 subsequently they started terrorising the population. But you said that it was only a
7 very small group, not really the Anti-Balaka. But I would like to clarify your
8 statement when you said later on they started terrorising the population. Would
9 you agree with me that when you say "later" you talk about a period after
10 5 December?

11 A. [9:53:21] Yes, it was a period after 5 December. So that explains the fact that
12 there was an uprising. That is what justified our actions at that time.

13 Q. [9:53:43] And if you want to be very specific about this period, would you agree
14 with me that it was in early January, as from early January, and even beyond?

15 A. [9:54:01] I think we have to talk about early December 2013 and January 2014
16 and beyond.

17 Q. [9:54:16] Thank you.

18 During your testimony on Monday, you explained that people had come from the
19 villages without families and they needed to have food to survive, and that prompted
20 some of them to pillage the population as to meet their needs.

21 You provided several examples of looting and stealing by certain Anti-Balaka. You
22 even yourself, you mentioned yourself as an example of a victim because your
23 motorbike and your service vehicle were looted.

24 My question is specific. Would I be correct to say that all those acts motivated by
25 lack of food and the necessity to survive by people who had no families in Bangui,

1 that they were targeting the population in general, not really just Muslims or
2 Christians, the reason why they also looted your property?

3 A. [9:55:45] Yes, that is precisely what you say. I will tell you something that I
4 may never have talked about it before. When they took my motorbike, one week or
5 maybe two months later, they came and asked me to give them money and they will
6 return the motorbike in return. And I told him I didn't want that. I told them to
7 keep the motorbike. So, in fact, it was greed, the necessity to have quick money, that
8 motivated them. I think you have really analysed the situation and that explains
9 what was going on.

10 Q. [9:56:44] Thank you. Now I will move on to 5 December. I'd like some
11 clarification. In your statement, you said that on 5 December you were in your
12 brother's house in the Gobongo neighbourhood. Is that correct, that you were in
13 Gobongo on that day?

14 A. [9:57:06] It was shortly before 5 December that I moved to Gobongo.
15 Nouredine Adams' people missed me on two occasions in the house. And when
16 my younger brother heard about that information, he said, no, we shouldn't wait for
17 me to die before calling, that I should come to his house which was -- which had
18 space. I think it was as early as the month of September that I went to Gobongo. It
19 is a house that is well fenced. And so, when the Anti-Balaka entered, we locked
20 ourselves up inside the compound and we were following the developments on the
21 television.

22 Q. [9:58:00] You anticipated my next question. On 5 December and the days that
23 followed, since this was a closed compound, you were not able to see what was
24 happening. You could only follow that on television. Am I correct?

25 A. [9:58:21] Yes, that is correct.

1 Q. [9:58:23] Would I be correct to say that in Gobongo there is a location referred to
2 as PK9, Gobongo?

3 A. [9:58:34] Yes, PK9. If you go past the Gobongo market, you will find that
4 location. But I beg your pardon.

5 People normally do not use the name PK9 for Gobongo. People usually use PK10 to
6 designate that area, but people simply talk about Gobongo. Otherwise, when you go
7 beyond Gobongo, it is PK10. It is a sector and it is known as PK10. And if you go
8 further, there is PK11. It is a neighbourhood, but they do not call the neighbourhood
9 names, but you have PK11, PK12. Gobongo is known by its name, Gobongo. But
10 when you go beyond that, you have PK10, PK11, PK12.

11 Q. [9:59:50] Just for my personal understanding, when you talk about PK9
12 Gobongo and PK *neuf* at the exit of Bangui, can you tell me what the distance is, if you
13 know, between those two PK9s.

14 A. [10:00:13] The difference between the two PK9s, well, I think it is about 9 to 10
15 kilometres. Because if you leave from Boy-Rabe to PK9, it would be also 9
16 kilometres. And if you leave Gobongo to PK9 on the road to Mbaïki, it will be also
17 about 9 kilometres. So PK9 is as from PK0, and PK0 is inside Bangui, at the heart of
18 Bangui. So at PK9, there is a security checkpoint, and in the northern -- at the
19 northern exit you have PK12 and also a security checkpoint. But when you look at
20 the town itself from Boy-Rabe, Boy-Rabe to PK9 on the road to Mbaïki is about 9
21 kilometres. From PK -- from Boy-Rabe to PK12, it's about 7 kilometres, because
22 Boy-Rabe is about 5 to 6 kilometres on the Mbaïki -- towards the Mbaïki road.

23 Q. [10:01:39] It has been mentioned that you were in a closed compound on
24 5 December and you are not an eyewitness. I would like to clarify two or three
25 passages in your testimony. You said in your statement and testimony that -- that

1 the attack of 5 December stayed -- lasted from one to two weeks. You stayed in the
2 compound. And that is at paragraph 59, tab 6. You said you only went out when
3 necessary.

4 I would like to clarify things with you. When you say you -- you stayed at home
5 most of the time, did you go out once a day, once every three days, once per week?

6 A. [10:02:39] At that time, if I had to go out, it would simply be to get some
7 supplies. The house where I found refuge is about 100 metres away from the
8 Gobongo market, so if I went out, it would be mainly to get some food. That is the
9 frequency. You see, going out meant taking risks and that is why one had to be
10 cautious.

11 Q. [10:03:22] I understand, Mr Ngaya, and so what you're saying is that your
12 outings were very limited, maybe 15 minutes, 30 minutes, to get your supplies, so
13 limited in time and in distance. You would go maybe for 100 metres away from
14 your compound and then you return immediately you obtain your supplies. That is
15 what I understand as your answer to your movements during the two weeks after
16 5 December?

17 A. [10:03:53] Yes, but it is -- yes, within that time frame, one to two weeks after
18 5 December, my outings were extremely limited, my outings were extremely limited.
19 But thereafter, I had the courage to go back to the neighbourhood where I used to live.
20 I need to -- I went around in the neighbourhood with my motorcycle, but I couldn't
21 travel on the main roads. I just snuck through the neighbourhoods to find out what
22 was happening at my own house and also to see what had transpired. That is how
23 things were at that time.

24 Q. [10:04:51] So do I understand that -- or, rather, I understand that you were not a
25 direct witness off what happened on 5 December and that you followed the events on

1 television. On 5 September and in the two weeks following, let me show you a video,
2 given that you have referred to your statement whereby you were following events
3 on TV from 5 December and the two weeks after.

4 I would like to show you a video, Mr Ngaya. It might be difficult to view it, but I
5 would ask a few questions after. That is at tab 6 of the Defence binder,
6 OTP-2075-2005. And the translation is in tab 7, CAR-D29-0006-1091.

7 Mr Ngaya, it is a TV5MONDE report of 15 December and it is at that time when you
8 were following events on TV. I'm showing YOU an excerpt from the beginning of
9 the video to the 47th second. This is at tab 7 from line 6 to line 17 for the
10 interpreters.

11 (Viewing of the video excerpt)

12 THE INTERPRETER: [10:06:52] (Interpretation of the video excerpt)

13 "At the Combattant neighbourhood, a Muslim has been lynched. Children,
14 overexcited, have been chanting for over ten minutes over the body.

15 There was a criminal -- that was a criminal. We had just making noise.

16 One by one, the FOMAC convoy from South Africa goes by but doesn't stop.

17 Suddenly, the group disperses. The Chadian battalion that is feared by the civilians
18 has come in.

19 As you can see, these people, they are living.

20 The French troops will also go by without slowing down."

21 MS DIMITRI: [10:07:51](Interpretation)

22 Q. [10:07:52] Mr Ngaya, what we have seen on the video shows civilian

23 populations taking it out on a Muslim. Now my question is as follows: In

24 paragraph 40 of your statement, you say that on 5 December the Anti-Balaka attacked

25 Muslims. Were you basing those statements on the types of acts that we have seen

1 on the video which are difficult to watch, that these acts were committed by the
2 Anti-Balaka on the inhabitants?

3 A. [10:08:42] Yes, it is exactly as you have said it. And thank God there are
4 documents that can support these things. But it is difficult for me to say whether it
5 was the Anti-Balaka or the civilian population. And that was what caused all the
6 confusion. You can see on the video how people were reacting to the situation, so
7 there was chaos, the situation was quite chaotic.

8 Q. [10:09:14] Thank you very much, for that explanation, Mr Ngaya.

9 During your testimony over the last few days, you also decried the role of the
10 international media in this state of confusion. My learned colleague showed you a
11 document yesterday which you drafted for Mr Ngaïssona. It's at tab 22 at the
12 Ngaïssona -- of the Ngaïssona binder, CAR-OTP-2025-0396 at page 0402 in which you
13 decry the role of international media in the increase of tension in the country,
14 particularly by the tragic manner in which they falsely accused the Anti-Balaka of
15 reprehensible acts.

16 Would you agree that the video that you have just watched is an example of what the
17 international media were doing and the manner -- and of the manner in which they
18 accused the Anti-Balaka of reprehensible acts which were committed indeed by the
19 population at large?

20 A. [10:10:32] Yes, that is exactly the point and I have mentioned it several times.
21 When we talk about international media, well, it is specifically about the French
22 media, France 24 and TV5. If you look at the images, their images are biased and
23 their commentaries are biased. That is what we felt in the country. We felt that
24 they had taken sides. So these are the things that we could not understand, really.
25 And that is why I pointed them out in my testimony.

1 Q. [10:11:20] Thank you, Mr Ngaya. Let me now move on to something else and I
2 will talk about the period post 5 December.

3 In your statement at paragraph 102 of tab 6 of the OTP binder, you say that in
4 October 2014 the Anti-Balaka reacted to an attack by the Seleka -- or attack by
5 Muslims and you provide details on an example of an attack. And am I to
6 understand, therefore, from your statement, that after 5 December and in 2014, there
7 were still Seleka elements or some enemy Muslims who continued to commit attacks
8 in Bangui, for example, the attack on the police station?

9 A. [10:12:22] That is true and it happened even thereafter. There were still some
10 Seleka who continued to kill people in Bangui. And that is why it was impossible to
11 go to PK5 because if you made any mistake in PK5, your life was at risk, your life was
12 exposed. And that is why for a very long time many people would not go to PK5,
13 whereas many Central Africans would like to go shopping at PK5, but because of the
14 killings at that location, many people no longer went there for quite some time and
15 that is what happened. But I can give you a few examples.

16 You see, when the Seleka was in power, and there was a marriage ceremony, a
17 Muslim marriage ceremony, they would come to the sports stadium, a 20,000-seater
18 sports stadium, they could come there and fire their weapons for a very long time,
19 because at that time they felt that they had already dominated the Christians and that
20 they were masters of the situation.

21 So I wanted you to understand that I don't know what their goals were, but they
22 seemed to be of a desire to annihilate the Christians and then to impose their own rule
23 because they even had a flag with an Islamic emblem on it. *That is what to some
24 extent justified the behaviour of the Muslims at that time.

25 Yesterday, I talked to you about some information whereby President Idriss Deby

1 asked -- heard what the Zaghawa had done in Chad, and they had eliminated
2 Christians in southern Chad and they were trying to implement the same method in
3 the Central African Republic. This is the kind of information that was available to us
4 at that time.

5 Q. [10:14:51] Thank you. I want to hop back to what you said about PK5 after
6 5 December 2013 and during 2014 when you saw that it was too dangerous to go to
7 PK5, which some describe as a powder keg.

8 Now, my question, Mr Ngaya, is as follows: After 5 December and during the
9 month of January 2014, are you aware of any attacks from PK5 to neighbouring
10 neighbourhoods like Boeing?

11 A. [10:15:35] Those types of attacks were frequent. Muslims would attack Boeing,
12 they would attack Combattant. If you look at the Bangui airport, there is a road that
13 runs parallel to the landing strip, and all along that road there is a neighbourhood
14 known as Fondo, so you have Boeing on the one hand and then on the other side you
15 have Fondo and Combattant. And all of these neighbourhoods came under sporadic
16 attacks from Muslims in PK5.

17 Then you have the police station, which is at the entrance to PK5. You also had
18 surrounding neighbourhoods to PK5 which were attacked by the Muslims. Avenue
19 de France, for example, which leads to the city goes by a neighbourhood called Sara,
20 which also came under attack from Muslims at PK5. So all around PK5 Muslims
21 used to carry out attacks in those various neighbourhoods.

22 Q. [10:16:58] Would those neighbourhoods surrounding PK5 which were attacked
23 by PK5 in 2014, would that include Cattin neighbourhood as well?

24 A. [10:17:09] Yes. There is Cattin, there is Fatima. And in May 2015, if -- if I'm
25 not mistaken, 2015 or 2014, in May, on 1 May, on Labour Day, the people in the

1 Fatima church were killed by Muslims from PK5, but we couldn't distinguish them.
2 But these people came from PK5 to kill some priests and Christians in -- in the church.
3 So all the neighbourhoods around, I simply just forgot those two. Fatima, Cattin.
4 And any other neighbourhood that was bordering PK5, yes, those things happened
5 there too.

6 Q. [10:18:06] Would you agree with me that because of the dangers created by PK5
7 in December, January 2014, because of these attacks on neighbouring neighbourhoods
8 by attackers from PK5, Boeing, Cattin, Combattant, would you agree with me that the
9 civilian inhabitants of Combattant, Boeing, Cattin, would flee, Muslims would flee
10 towards certain areas while Christians would flee to others. Namely, what I'm
11 saying is that armed Seleka or armed Muslims committing these actions on these
12 neighbouring -- on these surrounding neighbourhoods had the effect of causing the
13 population to flee, regardless of whether they were Muslim or Christian?

14 A. [10:19:04] I have the names of persons who were my collaborators who
15 abandoned their neighbourhoods that were surrounding PK5. Some -- one was in
16 Sara, which is close to PK5, one was in Fondo, and they have abandoned their homes,
17 and even to this day they live in different places.

18 There was also another collaborator, who is now deceased, who fled the
19 neighbourhood. Several of them fled the neighbourhood because -- the
20 neighbourhoods because of that situation. And I told them I have their names, but
21 maybe that would not be useful. That's what I can say.

22 Q. [10:19:58] Thank you. I really do not need the names, but what I want you to
23 do is simply to confirm that even Muslims, because of these attacks from PK5 on
24 surrounding neighbourhoods, even the Muslims of Boeing preferred to then move to
25 PK5, or Muslims from Cattin would move to PK5.

1 A. [10:20:23] No, not only to -- from Cattin. There were Muslims in Boy-Rabe,
2 there was a mosque in Boy-Rabe, and all the Muslims would flee at that time to seek
3 refuge in PK5, and it is exactly as you have described it.

4 Q. [10:20:42] Thank you. I will now change topics, and let me provide you a
5 context of my next line of questioning. You talked at length about the international
6 forces from Chad and from other places, but you spoke specifically of the chaos
7 created by the Chadian international forces and you mentioned an incident where
8 Chadian forces fired shots on a peaceful march. I don't want to repeat all of that, I'm
9 just providing context for my next question.

10 Then you went on to explain also that the conduct of the Chadian international forces
11 contributed to the anger of the civilians against the Chadians. You said this
12 yesterday.

13 Now, my next question, my next series of questions will deal with this area of
14 insecurity and lack of security forces within the country at the time. You talked
15 about the persecution of FACAs in your statement and in your testimony, and you
16 said that Seleka collected the weapons of FACA and that no one would be able to
17 defend them. And this is at paragraph 44 of tab 6 of the OTP binder.

18 You also said that there was almost no security forces of the state in place, whether it
19 be gendarmes or police. Paragraphs 129, tab 22, OTP, at paragraph 111 of tab 6.

20 My question is as follows: Would you agree with me that, because of this feeling of
21 insecurity, in addition to the fact that up until 2015 there was almost no security -- no
22 state security forces in place, but it gendarmes or policemen, would you agree that the
23 FACA did not want to yield to the confidence-building measures put in place by the
24 Samba-Panza government and by the international forces and would, therefore,
25 refuse to disarm because they were not being guaranteed security?

1 A. [10:23:19] You see, please, at that time, if you were armed and you dared to
2 disarm, it meant that you were exposing yourself. So even at that time, the FACA
3 soldiers could not go about in their military uniforms, they didn't go around in their
4 military uniforms, except those who were a bit strong.

5 Now, mention is made of the gendarmerie, but at that time there was only the OCRB
6 and a very limited number of gendarmes, whose actions were also very limited. So,
7 at that time, it was not possible to even imagine talking about disarmament at that
8 time.

9 Q. [10:24:14] Thank you. Mr Ngaya, let me now move on to another topic again
10 and address the issue of the concept of ComZones. In your statement, paragraph 96
11 of tab 6 of the OTP binder, you explain that the ComZones did not necessarily control
12 a location or a specific area, that they may have been in charge of a group of
13 Anti-Balaka who moved about freely in a -- in an area.

14 Would it be correct for me to say that, because of the prevailing chaos and based on
15 what you said throughout your testimony, it cannot be excluded that in any given
16 location or neighbourhood there were several groups, several Anti-Balakas, or several
17 ComZones, or several groups that self-proclaimed themselves as Anti-Balaka, whereas
18 they were not really Anti-Balaka?

19 A. [10:25:25] I have already said that there was a man at PK5 who had his group
20 and who was committing some looting as an example.

21 Now, ComZones, what were ComZones? ComZones were really just small groups,
22 small groups of fighters. They were homogeneous groups that formed and started
23 to fight. But they were autonomous and they came from various villages. Now,
24 when they came to Bangui they remained within those original groups, so maybe
25 they set up in a -- in a school or in an abandoned home when they got to Bangui, and

1 that is how they remained in their entities. And when we say Anti-Balaka base, it
2 simply means that a single Anti-Balaka unit, as I have already mentioned,
3 homogeneous as it were, remained in that location and they were held together by a
4 common solidarity which was already obtaining in the villages before they came to
5 Bangui. So when they come to Bangui, they -- they found that they don't have any
6 support, they would set up in abandoned home and remain there. And that is how
7 they operated.

8 And they could operate -- well, I really don't have a clear mapping of their set up in
9 Bangui town, but at least I knew at that time what was going on that I can tell you
10 that there were a number of bases here and there. But it was also possible for me to
11 go around in certain areas, and some areas I could not visit and that is why I am not
12 able to provide you with an exact position of the various ComZones and their
13 elements within Bangui town.

14 Q. [10:27:31] Your answer is very useful. You say that it is not that they had
15 specific control over a specific neighbourhood, so you agree with me that a ComZone
16 did not necessarily have control or knowledge of the existence of all armed persons
17 within a particular location at which the ComZone is found; is that correct?

18 A. [10:27:59] Yes, what resources did they have to be able to know that? These are
19 people who came from the village and they settled somewhere, and that was it.
20 They did not have any resources to enable them to know that such and such a unit
21 was located at such and such an area. So I don't know whether I can provide a
22 perfect answer to that question, it might be complicated. But, you know, in an
23 empirical way, one could simply say what resources would they have had to be able
24 to do this.

25 However, some of them knew each other, and others did not know each other, and

1 they came from all over. So, you see, there were Anti-Balaka units that came from
2 Bouca, from Batangafo, and then they would get to Bangui. But you would have
3 some also that came from the north of the county, Batangafo, Bouca, that's from the
4 north; some came from Yaloke, or Bozoum, or Bouar, and that's in the northwest of
5 the country. While, well, they all convened in Bangui. And I am not able to tell
6 you whether some of them knew each other, whether they had telephone contact or
7 not. I am not able to provide you with that information.

8 Q. [10:29:29] During your testimony, you dwelt at length on the fact that the local
9 population took vengeance on Seleka attackers in the provinces and then the
10 Anti-Balaka and the coalition were blamed. Paragraph 113 of your first statement
11 also mentions this.

12 Now, the Anti-Balaka entity is blamed, the coordination is being blamed, would it be
13 correct for me to say that the ComZones also would have taken some blame for the
14 criminal acts committed by the non-Anti-Balaka locals who were found in their lone
15 zones or in the -- in the territory occupied by the ComZones.

16 My question is, therefore, do you understand that the blame does not only fall on the
17 Anti-Balaka, on the ComZone, but they will also blame the -- the ComZones in
18 addition to the coordination and the Anti-Balaka?

19 A. [10:30:42] This is exactly what explains the actions that we took to install a
20 normalisation process, because we needed to find the right conditions for peace to
21 repeat -- to return. People had been accused falsely. They were being accused
22 falsely. And when we realised that this was a strategy from the political authorities
23 at the time with the complicity of the international forces in order to allow the
24 transition to continue over another period, we realised that this was a strategy, and
25 that is how we proposed various actions that would address the question.

1 Q. [10:31:36] You are talking about the plot of the international forces. I will
2 follow up on that.

3 Do you agree with me that one of the reasons for the lack of control of the ComZones
4 was particularly linked to the insufficiency of international forces and the lack of
5 assistance by the international forces?

6 We saw earlier in the video those international forces were passing by but not
7 stopping, so this was a difficulty being faced by the ComZones generally speaking.
8 Do you agree?

9 A. [10:32:23] It was -- even these difficulties thus prompted us to start taking
10 actions and trying to gather the grievances to present them to the national transitional
11 government. There was particularly bad faith. I will not talk about insufficiency of
12 international forces. I would rather talk about the bad faith of the international
13 forces.

14 Was there a general staff of these international forces? Was there a chain of
15 command of the international forces on the various contingents supposed to protect
16 the population?

17 The Chadian contingent did what they wanted. The Cameroonian contingent had
18 another style of action. So was there really a specific chain of command in these
19 international forces that would have control over the various contingents? Because
20 they were doing just anything. So I don't think we can talk about the insufficiency of
21 the forces. It was rather the bad faith of these forces.

22 Q. [10:34:08] I will come back to your statement there because it is very important,
23 but I will continue.

24 In your statement, paragraph 129, tab 29 of the OTP list, is that the intention was to
25 implement discipline. We wanted to take them to the police to sort them out, but it

1 was difficult to implement. You were very clear.

2 And during your testimony, you also mentioned that before the military
3 police -- before the military police was created by the Anti-Balaka, there was no organ
4 in place to carry out arrests. I want to establish with you a chronology of this
5 problem. Is that okay with you?

6 A. [10:35:01] Yes.

7 Q. [10:35:03] The purpose of my question is to establish a chronology, and then
8 after we will revisit the issue of the international forces.

9 Can you confirm that when the Seleka took power, they took over control of the
10 gendarmeries. They caused the gendarmes and the police to flee, and they took their
11 weapons, and that happened throughout the entire country. The gendarmerie and
12 police stations were looted and occupied by the Seleka. Meanwhile, the gendarmes
13 and the police fled.

14 A. [10:35:46] That is correct. They disarmed all the security and Defence forces.
15 Djotodia even confirmed that in his statements. He no longer wanted the FACA.
16 He said that himself. So this is probably an objective that they had when they took
17 over power.

18 Q. [10:36:19] And still in that chronology, when Djotodia resigned, would you
19 agree with me that even when the gendarmes wanted to resume their duties, they did
20 not have the materiels, they did not have weapons or vehicles. They were very
21 limited in their resources to carry out their functions.

22 A. [10:36:50] Yes. Djotodia was living in the general staff headquarters. The
23 army was based there. They took possession of the armoury. In Francis Bozizé's
24 house, there was a container with arms, personal weapons, and so on. They took
25 over that. Everything that belonged to the forces of security and order in terms of

1 weapons and so on, they took it over. Before the arrival of the Seleka, the FACA had
2 a tradition. They didn't take their weapons home with them. The weapons stayed
3 in the armoury. And that is how the Seleka came to seize all those weapons. So
4 how was it possible for the security and Defence forces to have weapons for their
5 work. They no longer existed.

6 Q. (Overlapping speakers)

7 A. [10:37:59] And if you allow me, the information that we had was that all the
8 weapon that they grabbed they sent to Birao. That is the stock of weapons that they
9 recovered, they sent to Birao.

10 Q. [10:38:22] And this leads me to my next question. When Djotodia left power in
11 January 2014, even though the gendarmes wanted to resume the duties after
12 Samba-Panza took over power, there was no equipment. You have said they were
13 sent to Birao. So the gendarmes and policemen did not have any equipment when
14 Samba-Panza took over power.

15 A. [10:38:51] Yes, that is precisely it. Even today in the CAR the problem of
16 equipment for the defence and security forces is still a problem. It is still a problem
17 till today. I don't want to talk about politics today, but it is still a problem to this
18 date.

19 Q. [10:39:12] Thank you. I will show you a video about that. That is the reality
20 that you lived through as a Central African in relation to the absence of equipment for
21 the gendarmes, and then I will have a few questions for you.

22 The video is tab 8 of the Defence list, CAR-OTP-2055-2610. And the transcript is
23 tab 9 of Defence list, CAR-OTP-2107-6906. And the translation is at tab 9 (sic),
24 CAR-OTP-2122-2271.

25 We are going to look at an excerpt of 20 seconds to 2:10.

1 For the interpreters, the translation, which is tab 10, is lines 9 to 75.

2 (Viewing of the video excerpt)

3 THE INTERPRETER: [10:40:45](Interpretation of the video excerpt)

4 "Review of troops of the gendarmerie in Bangui.

5 At ease.

6 Impeccable uniforms, well-polished shoes. These people are determined to restore

7 order on the town. There are 2,300 of them. When Seleka, the Muslim majority

8 rebellion arrived power in March 2013, most of them deserted. Today they are

9 rejoining the ranks.

10 The government is trying to jump start the state missionary. The gendarmerie have

11 only five vehicles and they have no weapons.

12 We are trying to disarm people, whereas we have no weapons, we are carrying out

13 patrols on foot empty-handed, and so we would really need weapons.

14 For the time being, the little security reigning in Bangui is provided by the

15 international forces.

16 On the outskirts of the town, the situation is even more complicated. The PK9

17 bridge, at PK9, marks the exit of the capital on a strategic access.

18 On the other side, the director general of the gendarmerie has a rendezvous with

19 allies who are rather surprising.

20 Colonel.

21 Mr Minister.

22 You are welcome.

23 Thank you.

24 We are happy to meet with you.

25 Same here.

1 These people belong to an Anti-Balaka group, Christian militias who are laying down
2 the law and they do that over approximately 100 kilometres.

3 I came here to personally congratulate ...

4 Well, you can see the gendarmerie at this level of the checkpoint that we have just
5 crossed. They -- after that checkpoint there is no control, here people have
6 intercepted stolen objects, and false Central Africans who wish to destroy the country
7 and they have placed them at the disposal of the gendarmerie. That is real
8 collaboration."

9 MS DIMITRI: [10:43:03](Interpretation)

10 Q. [10:43:03] Mr Ngaya, we have just seen a video which faithfully reflects your
11 statement, that is a lack of equipment by the gendarmerie. I think you may have
12 recognised Mr Yekatom, as well as Mr Mwenze, the former general of the
13 gendarmerie, collaborating together. I will revert to this later, but before that, would
14 you agree with me that when President Samba-Panza was elected and she was in
15 power, she was unable to equip or arm the gendarmes and policemen for three
16 reasons: The Seleka had pillaged everything. There were measures of trust in place
17 and so the policemen and gendarmes would not be armed, and there was also an
18 embargo on weapons.

19 A. [10:44:20] Yes, that is clear. That is clear. The real question is that, in the final
20 analysis, people realised that some people preferred to have a vulnerable Central
21 African Republic, existing only in name, without the resources to support its status as
22 a country.

23 During that time the forces of security and order existed only in the name. The
24 FACA deserted, the gendarmes deserted and in the neighbourhood, when they saw
25 the FACA passing, they were even mocking them, provoking them, and this was

1 simply because they could no longer carry out their duties of protecting the country,
2 the population of the country, so that was a pity.

3 And when you look at the situation today, you can fully understand what was
4 happening. During that period, we didn't understand. There is the issue of
5 embargo of weapons to the CAR. You know about that today. So people wanted
6 CAR to remain vulnerable so that they could continue doing what they wanted. I
7 think that was what was happening.

8 Q. [10:46:02] You have said that people wanted the CAR to become a vulnerable
9 state and people like you were abandoned because you wanted to save the country.

10 And yesterday you said that one of the main issues was that the security forces of the
11 CAR were practically nonexistent. The first part of 2014, there were only a few units
12 of the gendarmerie operating only in the centre of Bangui.

13 Do you agree with me that this is what explains that individual Mr Yekatom and his
14 people want to collaborate and to reinforce or support the gendarmerie?

15 A. [10:46:50] I believe so. There were good intentions every here and there. I
16 was the chief of cabinet of the president of the national assembly in 2018 and there
17 was a Central African committee that sent a delegation to the Central African
18 Republic. We raised the issue of lifting the embargo, but up to this day in 2021,
19 people are still coming out with new criteria to prevent the embargo of weapons to
20 the FACA being lifted.

21 How do you explain the fact that a force cannot have the equipment to provide
22 security for its population? In the books of white people, we were told how a state
23 can operate. But we don't have that situation in the CAR. During the transitional
24 period, did the president have the resources? Was she autonomous or independent
25 enough to take decisions?

1 It is paradoxical; it is really complicated. I read about this, but these are political
2 issues because -- and I don't want to talk about politics.

3 Q. [10:48:29] Thank you. You said that the international forces lacked goodwill.
4 I used the term the insufficiency of international forces. Apart from that problem, do
5 you agree with me that the international forces did not travel out of Bangui, they did
6 not circulate out of the major axis, they did not enter into the neighbourhoods? They
7 limited their patrols or activities on the major axis and in Bangui, so their actions were
8 limited. This contributed to the insecurity of civilians outside of the city centre.

9 A. [10:49:21] That is correct. You have seen in the video where people were being
10 shot at, the contingent of Chad were able to shoot at people. And you realise that
11 these forces were circulating very quickly, so the problem was not insufficiency.
12 There was a lack of will and there was probably a hidden agenda.

13 Q. [10:50:06] And when you left Bangui and went to the prefectures, you talked
14 about the Lobaye prefecture and other prefectures, would I equally be correct to say
15 that in the prefectures outside of Bangui, the intervention of the international
16 forces - apart from the lack of will, which I concede to you - the intervention of the
17 international forces was also undermined because it was difficult for them to
18 communicate with the populations in the prefectures and in the villages because they
19 did not speak Sango?

20 A. [10:50:53] Well, at that level, the Chadian forces spoke French and maybe Sango,
21 I do not know. But it is true because all the contingents that came were foreign
22 contingents, so the majority of the Central African population speak Sango.
23 Now the few people who could speak French, there are not many of them; so you
24 could have information on that. It was a real problem. It was a real problem.

25 Q. [10:51:31] And so apart from that problem, is it correct that in the provinces,

1 because the area is larger, there was a lesser presence of the international forces - and
2 the police and gendarmerie system was even more limited - and so in the provinces,
3 the civilian population had an additional insecurity problem.

4 Do you agree with me on that?

5 A. [10:52:09] But please, that is obvious. It is quite obvious. I don't know what
6 to tell you, more specifically. The insecurity was widespread. It was the entire
7 country which was suffering and it is only recently that there has been a positive -- a
8 rather positive evolution of the situation. It is probably just early 2021 that things
9 started changing positively, but since 2015 to 2020, insecurity was widespread.

10 Q. [10:52:57] Now, more specifically, Mr Ngaya, if you take the example of the
11 Lobaye, which is the example that is of -- of interest to me for obvious reason. Now,
12 you agree with me that there is a road of 100 kilometres between PK9 and Mbaïki.
13 There are no international forces to provide security. There are no functional police
14 and gendarmerie units that are functional, so it was far more difficult for the police in
15 Lobaye to control the area and provide security. Do you agree?

16 A. [10:53:43] It was not only Lobaye. It was the general situation. I cannot speak
17 on behalf of the ComZones, but generally speaking that was the situation. I don't
18 know whether the ComZones could have the means to circulate throughout all the
19 zones and territory to provide security work. This is the work of the state, and the
20 state could have all the resources to carry out that work.

21 But we are talking about ComZones. What resources did they have? And I am
22 trying to look at this, how would you imagine ComZones doing that? A ComZone
23 may have a pick-up. Well -- but most of the time, they could even have a motorbike,
24 so that is how they were functioning during that period.

25 Now ensuring the control of the entire region, having the means to do that, frankly, I

1 do not know, I do not think so, how objectively that can happen.

2 Q. [10:55:07] Would you agree with me that owing to that difficulty and the limited
3 resources or means in the provinces, as well as the difficulties of the ComZones, even
4 in Bangui, this was one of the reasons that there was an initiative - and you talked
5 about it yesterday - to create the military police to assist the ComZones to restore
6 security because resources were limited. There was a lack of faith of the
7 international forces. You have seen the video of Yekatom collaborating with the
8 gendarmerie, so the initiatives were meant -- this assistance were meant to assist the
9 ComZones because they had to identify the self-proclaimed Anti-Balakas in their
10 zones who were committing crimes and identified them.

11 Do you agree?

12 A. [10:56:22] I think that your client, Mr Yekatom, was subsequently elected
13 member of parliament from his zone. The voters, I don't know the reasons why they
14 chose him. They're the ones to tell you. There were elections and Yekatom was
15 able to win them. So they can tell you he was considered as an Anti-Balaka leader, a
16 warlord. But if you have the opportunity, you will learn about positive things that
17 he did in the zone and that is why he was elected as member of parliament.
18 I really do not have any information to clarify you on that, but that was more or less
19 the situation that was prevailing.

20 Q. [10:57:22] Thank you, Mr Ngaya. Let me backtrack to the operations of the
21 military police. I will ask you a question on a specific operation and I hope you are
22 aware of that. If you don't remember it, please tell me. But did you ever hear of an
23 intervention by Mr Emotion Namsio, as part of his role in the military police,
24 following pillaging of vehicles around PK 45 on the Boali road?

25 A. [10:58:14] My memory, well, is not sufficiently clear, but it was such operations

1 that Namsio was supposed to carry out, but I cannot remember precisely any
2 information to support or corroborate what I would like to say in that context.

3 Q. [10:58:39] I will give you an additional element. Maybe it will refresh your
4 memory. The perpetrators of these crimes from PK9 -- or, rather, from Boali to
5 Mbaïki, these perpetrators fled and Mr Yekatom intervened, arrested these people
6 and handed them over to Mr Namsio and his military police.

7 A. [10:59:16] Yes, I remember. People fled. These people fled and went through
8 the Mbaïki road. I think I remember that incident.

9 A. [10:59:24] (Overlapping speakers) *Merci*.

10 MS DIMITRI: [10:59:29](Overlapping speakers) Mr President, I'm changing subject,
11 so it could be a --

12 PRESIDING JUDGE SCHMITT: [10:59:31] A good time for a break until 11.30.

13 MS DIMITRI: [10:59:34] Thank you.

14 THE COURT USHER: [10:59:34] All rise.

15 (Recess taken at 10.59 a.m.)

16 (Upon resuming in open session at 11.31 a.m.)

17 THE COURT USHER: [11:31:57] All rise.

18 Please be seated.

19 PRESIDING JUDGE SCHMITT: [11:32:19] Ms Dimitri, you still have the floor, of
20 course. Is there hope?

21 MS DIMITRI: [11:32:24] There's always hope, Mr President.

22 PRESIDING JUDGE SCHMITT: [11:32:28] I know. Some say hope dies last, but
23 you know what I mean. You think you can --

24 MS DIMITRI: [11:32:32] There is -- there is hope, but very little, but I'll do my best.

25 PRESIDING JUDGE SCHMITT: [11:32:41] Oh, little. Little does not sound -- but

1 please then start.

2 MS DIMITRI: [11:32:45] Thank you.

3 Q. [11:32:46] (Interpretation) Mr Ngaya, we will try to finish before the lunch break.

4 I have a number of questions which are more direct in the next series, and I would

5 urge you to make shorter answers as the case might be. So with your help, we

6 should be able to finish before the lunch break.

7 My next area of questioning, Mr Ngaya, is as follows: I know that you are a civilian

8 and you were not necessarily in direct contact with the ComZones, but you have a lot

9 of information, I know. I note, for example, in particular, that you addressed a sector

10 which I'm interested in, which is Boeing. And during your statement, when you

11 were giving your statement to the OTP, you drew two maps. Those maps -- in those

12 maps, you indicated the location of bases in Boeing.

13 And so I want to go with you based on your knowledge to identify a number of

14 places in Boeing and the -- the bases that you referred to. In paragraph 1, 2, 3 of your

15 first statement in binder 6 OTP, you mentioned one Mr Yagouzou Sylvestre. We will

16 try to identify these individuals. So can you tell me where in December 2013 Mr

17 Yagouzou Sylvestre had his base?

18 A. [11:34:44] It is a bit difficult for me to have an exact recollection. What I know

19 is that Yagouzou Sylvestre was in the Combattant towards Boeing area. That is,

20 shortly before the airport, you have Combattant and then behind the airport, there is

21 Boeing. Yagouzou was in that sector, in that area, I believe.

22 Q. [11:35:19] I suppose that his base was at that area, at the very least before the

23 attack of 5 December. Do you know approximately how many elements Mr

24 Yagouzou had under his control in his base at Boeing, and I'm seeking an

25 approximate figure?

1 A. [11:35:44] I am not able to provide you even with an approximate figure.

2 Q. [11:35:55] At paragraph 91 of tab 6 statement, you talked about Mr Wenezoui
3 Sebastien who also covered the area of Boeing. Are you able to tell us in relation to
4 the period before 5 December and early 2014 where his base was located in Boeing?

5 A. [11:36:25] When it comes to Wenezoui, I cannot really talk of -- of a base as such.
6 I know we had a meeting, but was it at his residence? And it was end of December
7 or early January, if I'm not mistaken. We had a meeting at the place where he
8 resided. There was Ngremangou, there was Namsio, and others. But I don't know
9 for sure. But if you look at the airport, the landing strip from -- from the airport, if
10 you are at the runway, right opposite, there was a house, his house -- whether it was
11 his house or a base, I really don't know because it's difficult to determine whether it
12 was just a residence or a base.

13 Now, where the Anti-Balaka set up a base in an abandoned house, it was easier to
14 identify, but when they are located right in the middle of a neighbourhood, you don't
15 know whether it is a base or not.

16 So the meeting I am referring to took place at the place where Mr Wenezoui was
17 resident. You see, I think that during the meeting he was able to go in and out of the
18 rooms and that is why I came to the conclusion that that was his residence.

19 Q. [11:38:11] Thank you. I will show you one of the maps that you drew on which
20 you identified an Anti-Balaka base at Boeing 1. I would like to ask you whether that
21 is -- that would be Wenezoui's base. Tab 23, Defence document -- Defence binder,
22 CAR-OTP-2025-0386. And this can be displayed to the public.

23 And for the reference, Mr Ngaya, you drew by hand what would be equivalent to the
24 residence or base of Mr Wenezoui at tab 24 of the OTP binder, and the reference is
25 CAR-OTP-2025-0385. And I'll show you a map, a Google map, on which you

1 indicated base -- Anti-Balaka base in Boeing 1. And I will just want to ask you
2 whether this is the base that -- or the location you referred to as the residence of
3 Wenezoui?

4 A. [11:39:38] Yes, that is correct.

5 Q. [11:39:41] Are you able to tell me the distance between that base and the
6 cemetery?

7 A. [11:40:02] I'm -- I'm sorry, I'm not able to say because I do not generally go to the
8 Muslims' cemetery. So the distance between that base and the Boeing cemetery must
9 be somewhere between 2 to 3 kilometres. I went by there once a long time ago, and
10 all I'm saying is that I cannot provide you with an exact estimation of the distance
11 because, you see, the cemetery is located on the periphery of the -- of the city, so that
12 would be some 2, 3 kilometres away.

13 Q. [11:40:45] Thank you. Are you able to tell us, and based on your discussions
14 with Mr Wenezoui or with others, can you tell us the number of troops he might have
15 had under his control in December 2013, January 2014 or thereabouts?

16 A. [11:41:08] At that time, I did not know Wenezoui as a ComZone. I took him for
17 a leader in Boeing. And as I have told you, what one could see was that there were
18 Anti-Balakas in that neighbourhood. Now, when it comes to the number of persons
19 who were available to him, well, you may want to consider that with -- with -- I,
20 myself, personally, I'm not able to give you a proper estimate because I may be
21 mistaken.

22 Q. [11:41:52] No problem. I do understand.

23 We can now pull down that document.

24 You also referred to one individual, Mr Dieudonné Houronti, and that will be annex E,
25 "Billeting and taking charge of the Anti-Balaka combatants." This document you

1 handed over to the OTP and it is at tab 22 of Defence binder, CAR-OTP-2025-0362 at
2 page 0367.

3 Not necessary to display this document. My question is very simple.

4 You indicated that he was the commander in Boeing and had 730 men. I take it that
5 this figure must have come from him.

6 Are you able to tell us exactly where in Boeing Dieudonné Houronti's base was
7 located in December 2013, January 2014?

8 A. [11:43:06] This document was prepared when we joined the normalisation
9 process. There is some data in it which was provided by those ComZone leaders.
10 Now I don't have the document before me and it is thus difficult for me to remember,
11 but when it comes to the position of Houronti's base, I would like to point you to
12 another map. There is another base just at the border of the neighbourhood and that
13 would have been Mokom Maxime's base, so I'm not quite sure. I have some
14 difficulty remembering where Mr Houronti's base was. Was he with Mr Mokom? I
15 really don't remember clearly.

16 Q. [11:44:15] I will show you the base that you have identified as Mokom Maxime's
17 base. Tab 25 Defence, CAR-OTP-2025-0388. That's the reference. And the
18 hand-drawn diagram is at 2025-0389. And I will now show the Google map at tab 25
19 which is Mokom's base. And I understand from what you have said that Houronti's
20 (Overlapping speakers)

21 A. [11:45:00] (Overlapping speakers)

22 THE INTERPRETER: [11:45:00] Overlapping speakers, Mr President. They're
23 going too fast for the interpreters.

24 PRESIDING JUDGE SCHMITT: [11:45:03] Please, Mr Ngaya.

25 Please repeat the question.

1 And, Mr Ngaya, please allow a couple of seconds till you answer because the
2 interpreters could not follow you at the moment.

3 MS DIMITRI: [11:45:20] My apologies.

4 Q. [11:45:22] (Interpretation) There is a map on the screen, tab 25. Would it be
5 correct to say that this is Maxime Mokom's base and possibly the base of Dieudonné
6 Houronti? Do you see that map on the screen? That is base 2.

7 A. [11:45:41] The map is not yet displayed here.

8 Yes. That's what -- that's the base I was talking about. That's what I was talking
9 about.

10 Q. [11:46:12] Do you know from what time Maxime Mokom had a base at Boeing?

11 A. [11:46:23] No, I am not able to know.

12 Q. [11:46:27] As far as you know, and going by any discussions you may have had,
13 are you able to provide an estimate of the number of elements under his control in
14 Boeing?

15 A. [11:46:40] I have already said that they are the ones who provided the number of
16 troops under them themselves when we were drafting the project to billet the
17 elements. These are documents that are in the draft project, so I am not able to tell
18 you those figures off the cuff.

19 Q. [11:47:07] Thank you. I want now to talk about bases at Combattant.

20 Going by all the information you received at paragraph 127 of the OTP binder,
21 number 6, you say that there were a number of bases in Combattant, including one
22 belonging to Sylvestre Yagouzou.

23 Now, Mr Ngaya, I just want to ask you whether you are able to dig into your memory
24 and give us the names of any other ComZones who had bases, or any other leaders
25 who had bases in Combattant around 2013, 2014.

1 A. [11:48:01] I know that Yagouzou's base was located in a former factory,
2 UCATEX, near the airport, I think. That's where Yagouzou's base was. There were
3 other Anti-Balaka leaders around Damara whose names I forget, that is, in the
4 neighbourhoods of Combattant. And so there would have been a base in that area
5 around Damara, but I'm not able to locate it with precision.

6 Q. [11:48:46] Mr Ngaya, you would agree with me that you never heard mention of
7 a base belonging to Mr Yekatom and his group in Combattant at any time
8 whatsoever?

9 A. [11:49:03] No. No, I never heard mention that Mr Yekatom had a base in
10 Combattant, never. I never heard anyone say that.

11 Q. [11:49:11] Thank you.

12 A. [11:49:16] If you allow me, I would simply add that Yekatom was along the
13 Mbaïki road and it was virtually impossible to see him, at least for me. I heard
14 mention of him mostly with regard to the Mbaïki road.

15 Q. [11:49:45] Thank you, Mr Ngaya. I will change topics again and I would like us
16 to talk about what I referred to as the exaggeration or swelling of numbers in order to
17 benefit from the DDR.

18 In your testimony, you said on Monday that young people wanted to take advantage
19 of the DDR because they would come under some kind of care. And in answer to
20 my learned colleague, you even said that even the person in charge of the DDR was
21 corrupt. Now, this is the topic I want to discuss with you in my upcoming
22 questions.

23 You said that lists were forwarded by ComZones. And my question is as follows:
24 When it comes to the lists of persons who were to be included in the DDR, would you
25 agree with me that for various reasons, whether it be to seek benefits from an

1 imminent DDR programme or to enhance their own image, or for any other reason,
2 the ComZones swelled the number of elements in their groups? Do you agree with
3 me?

4 A. [11:51:05] I think you have put forth a number of hypothesis that might be
5 possible explanations to what you have said.

6 Q. [11:51:17] Would you also agree with me then that the lists that were sent by the
7 ComZones in relation to the DDR included names of individuals who had never
8 participated in the activities of the Anti-Balaka movement and who had never been
9 combatants?

10 A. [11:51:36] Yes. In any event, yes.

11 Q. [11:51:49] Thank you. I will revisit this question later on but from another
12 angle. For now, let me broach with you what I referred to as the two wings of the
13 Anti-Balaka. In answer to my learned colleague, you said that Léopold Bara was of
14 the Anti-Balaka of the south, all the way to Mbaïki. And then you said that
15 Mr Yekatom was in the Mbaïki area a few minutes ago. So I put it to you, and
16 would you agree with me, that this was the Anti-Balaka branch of the south and it is
17 the branch to which Mr Yekatom belonged?

18 A. [11:52:33] Yes, of course. That is the branch to which Mr Yekatom belonged.
19 Now --

20 Q. [11:52:44] Let me follow up and into greater detail, but chronologically. Just let
21 me do that, please.

22 A. [11:52:52] Okay.

23 Q. [11:52:56] So at paragraph 61 of your first statement, tab 6, OTP binder, you
24 mention a meeting with the transitional government or the National Transitional
25 Council which you attended because Mr Ngaïssona was busy at a meeting with

1 MISCA. Now, the context, Mr Ngaya, is January 2014 before the election of
2 Samba-Panza.

3 At paragraph 63 you said that you delivered a speech at that meeting. And I place
4 this - I might be mistaken - I place this around 15 January 2014, but I have a very
5 simple question for you.

6 Would it be correct to say that Léopold Bara was present at that meeting and -- and
7 took the floor to deliver a speech as well?

8 A. [11:54:00] Yes, that is correct. He spoke after me. I had barely finished when I
9 started talking about the fact that the Seleka were specifically persecuting and
10 targeting the Gbaya people, and thereafter the floor was immediately given to
11 Mr Bara. And at that time, Mr -- I received -- I was taken out by the commander of
12 MISCA, whom I had met. And that day I was taken out and arrested. And that's
13 when all the ComZones, the Anti-Balaka ComZones, were also arrested. And when
14 we got to the Mbaïki base, I discovered that the ComZones had been arrested, and
15 that's when I also discovered that my adventure with the Anti-Balaka was going in
16 that direction.

17 Q. [11:55:09] Now the question: The speech that you and Bara delivered were in
18 relation to the 10 days regarding Nguendet.

19 A. [11:55:31] Well, it is at that time when Nguendet was the interim transitional
20 president. And when they had come back from N'Djamena, he then went ahead to
21 convene that meeting at which the floor was given to all representatives of various
22 groups. So I took the floor as representative of the coordinator of the -- of our group.
23 Unfortunately, that morning, Mr Ngaïssona had called me and asked me to represent
24 him because they had some messages to deliver to the public as well. And he and all
25 the ComZones had been invited to the MISCA. So I had the various issues that had

1 been raised in various notes, and that is why I felt that in order to provide a
2 comprehensive report on the problems of the Anti-Balaka I accepted to speak on his
3 behalf so that our organisation, CNPS, would be able to raise the same issues. And
4 that is how it happened that I spoke on behalf of the Anti-Balaka.

5 But my Christian peers denounced me because all Christians were saying that an
6 apostle has spoken on behalf the Anti-Balaka. But what concerned me mainly was
7 simply to provide the right information.

8 Q. [11:57:23] You said that you were speaking on behalf of Mr Ngaïssona.

9 Mr Ngaïssona is a civilian. You are a civilian. But I want to jog your memory
10 further.

11 Do you -- do you remember that on that day -- do you remember whether
12 Mr Yekatom was present with a FACA -- wearing a FACA uniform, with his peers in
13 FACA uniforms as well, and that Bara spoke on behalf of the FACA, Léopold
14 Narcisse Bara spoke on behalf of FACA?

15 A. [11:57:57] I don't have any recollection because as soon as I finished talking, I
16 was taken out and then further taken to the MISCA base, where I met up with -- with
17 Ngaïssona.

18 Q. [11:58:15] In your statement you refer to the two wings of the Anti-Balaka, or
19 two factions, one by -- led by Mr Wenezoui and the other by Mr Ngaïssona. In your
20 statement at paragraph 72, tab 6, OTP binder, you say that before those two factions
21 merged in 20 -- in March 2014 -- and I know this is a long time ago. But let me say
22 that, later on, I will be asking you to correct the month of March 2014, if necessary,
23 because I think it was June 2014.

24 In any event, at the time, you drew up an organisational chart of the Anti-Balaka and
25 the coordination, which will be displayed. That will be at paragraph 83 of your

1 statement, tab 6 of the OTP, but the organigram is at tab 26 of the Defence binder,
2 CAR-OTP-2025-0355.

3 My question is very simple, Mr Ngaya. Would it be correct to say that this
4 organisational chart reflects the merger of the two factions? Because I see that
5 Sebastien Wenezoui is included here as the deputy coordinator. The organisational
6 chart, therefore, came into effect after the merger of the two branches.

7 A. [11:59:58] I think that that is correct.

8 Q. [12:00:10] Thank you. I know that you didn't mention a specific date, but you
9 referred to March 2014. I don't blame you for any mistakes on dates. But let me
10 show you a document and I will put it to you that the merger did not take place in
11 February or March 2014, as you seem to say in your statement, but, rather, in
12 June 2014. And I'm -- and for that purpose I'm going to show you a document at
13 tab 11, Defence binder, CAR-OTP-2084-0164. It is a press release. And I'll wait for
14 it to be displayed, Mr Ngaya.

15 A. [12:01:01] It is not yet displayed.

16 MS DIMITRI: [12:01:09] (Interpretation)

17 Q. [12:01:10] Can you see the date 24 June 2014? I draw your attention to the first
18 paragraph, the last two lines of the first paragraph: Mr Wenezoui Sebastien, position
19 deputy general coordinator.

20 And, Mr Ngaya, my objective is simply to jog your memory to say that the merger
21 took place in June 2014.

22 A. [12:01:37] Yeah, thank you very much. It is complicated.

23 Q. [12:01:43] That is quite normal.

24 Now, what I'm putting to you today is that, at the beginning of the creation of the
25 Anti-Balaka coordination, Mr Yekatom was not part of the Ngaïssona wing, but rather

1 a part of the Léopold Bara wing, which was joined by Sebastien Wenezoui and in
2 which Wenezoui was appointed coordinator general of the Anti-Balaka. And it is
3 the reason why Yekatom's name does not appear on CAR-OTP-2025-0388. That is a
4 document that you handed over to the OTP. I will have it displayed on the screen.
5 And the page that we are looking about is 0384.

6 Mr President, I made an error. It is CAR-OTP-2025-0380, and I was drawing the
7 witness's attention to page 0384.

8 Do you remember that document, Mr Ngaya? It is signed 17 February 2014 by many
9 ComZones. The situation is as follows: The name of Mr Yekatom does not appear
10 on this document, Mr Yekatom did not sign that document because he was in the
11 other wing of the Anti-Balaka. He was not in the Ngaïssona wing prior to the
12 merger in 2014.

13 Do you agree with me?

14 A. [12:04:03] I agree with you perfectly. It was long afterwards that I came to
15 know Mr Yekatom -- Yekatom a little. Even in my statement I did not mention him
16 in that way because he was on the other side. Even with the first contacts I made
17 with ComZones I never mentioned him, simply because he was not with us.

18 Q. [12:04:38] And so you did not really hear about him before June 2014. You did
19 not have any contact with him before June 2014. He was not present in the meetings
20 because he was not in Ngaïssona wing before the merger of June 2014?

21 A. [12:05:03] That is correct. I think throughout that entire time I saw him on one
22 occasion. In any case, he didn't even attend those meetings. Personally, I did not
23 have any special contact with him. If I'm not mistaken, I saw him once in the home
24 of Ngaïssona's father when Ngaïssona was living at the time. He can tell you that
25 himself. I saw him on that one occasion.

Trial Hearing
WITNESS: CAR-OTP-P-0808

(Open Session)

ICC-01/14-01/18

1 Q. [12:05:44] Please proceed.

2 A. [12:05:48] Yes --

3 MS DIMITRI: [12:05:49] Mr President, if I can have one moment to consult with my
4 colleague, because I might reduce even more.

5 THE INTERPRETER: [12:05:55] The witness's answer was: It was a long time after
6 I saw him on that one occasion.

7 (Counsel confer)

8 MS DIMITRI: [12:06:45] (Interpretation)

9 Q. [12:06:46] Mr Ngaya, just for purposes of the record, the document that has
10 shown -- has been shown to you whose -- which does not include Mr Yekatom's name,
11 and the reason has been explained, his name also does not also appear in the
12 document published in 2014, tab 4 of the Prosecution list, CAR-OTP-2006-1210. That
13 is the press communiqué.

14 He is not also in tab 15. And it is a document that was not named -- that does not
15 include Mr Yekatom's name or signature. It is CAR-OTP-2080-2250. This
16 document was attached to your email. And the reason was that Mr Yekatom was
17 not in the Ngaïssona wing.

18 A. [12:08:00] He was not in Ngaïssona's wing and, apparently, he was not
19 interested in the coordination at that time.

20 Q. [12:08:21] Thank you, Mr Ngaya. I would now like to talk about the
21 transitional government. Paragraph 126 of your statement, tab 6 of the OTP list, you
22 indicated that the transitional government did not have the will to put an end to the
23 violence because it enabled them to stay in power much longer.

24 Do you agree with me that my analysis is as follows, and you will tell me whether
25 you agree or not. The transitional government had a limited period of time. As

1 soon as the situation became calm, there would be elections, and during the elections
2 the members of the transitional government could not run in those elections. So the
3 reason -- that was the reason why the more the chaotic situation in the country, the
4 more the transition would be extended, and so the elections would be postponed and
5 the members of the transitional government would stay in place.

6 Does that explain the reason why they didn't want that to end?

7 A. [12:09:52] Yes, that is correct. Even the international forces were following the
8 same logic. They had more important benefits. They had very important benefits.
9 And even today, if even all those international forces have an interest in the crisis
10 persisting so that they should keep their position and existence, and they're putting a
11 whole country at risk because of that. That is why I say your analysis is correct.

12 Q. [12:10:38] You were a civil servant in the Central African government at the time.
13 Do you have the names of any specific individuals who were members of the
14 transitional government and who, according to your analysis, manifested that will to
15 have the crisis persist?

16 A. [12:11:06] You can start with the president of the transition, the prime minister,
17 all the members of the government. I will take the minister adviser to Samba-Panza,
18 Demafouth, and in that case I will have to really think back. But it's an exercise
19 which is not easy, but these are the names: There was Montaigne, the minister of
20 communication, who was very, very -- or, rather, the minister of reconciliation, who
21 was very, very close to Samba-Panza. That is one of the names. So all the people
22 who were in the transitional government had an interest on the transitional
23 government continuing so that they should continue benefiting from their advantages
24 as members of that government.

25 Q. [12:12:22] Talking about the -- you have mentioned the prime minister. Do you

1 have any particular situation Nzapayeke you can -- that can make you explain that
2 Prime Minister Nzapayeke did not want to stop the violence?

3 A. [12:12:42] That could be noticeable through their attitude for trying to make the
4 crisis persist to provoke the anger of the Anti-Balaka. When they took a position,
5 instead of trying to encourage peace, it's as if they were throwing fuel on the fire. So
6 it is that attitude that indicated that they really wanted the transition to continue and
7 that they wanted the crisis to continue.

8 Q. [12:13:23] Thank you, Mr Ngaya. We have already talked about this a little bit,
9 but I would like to revisit this point a little bit in detail. Mr Yekatom and the
10 dynamics with the coordination, you have been much clearer today by stating that
11 Mr Yekatom was not a part of the Ngaïssona wing. You saw him once but much
12 later, after the merger of June 2014, at the residence of Mr Ngaïssona's father.
13 Now, in light of what you have told us, I would like to clarify a small confusion in
14 your statement, paragraph 79, tab 19 of the OTP list. You said, I think, that
15 Mr Yekatom took part in a single meeting of the coordination.
16 In paragraph 92 you say that Mr Yekatom came to the rallies of the coordination from
17 time to time. I am not reproaching you for errors made by memory failures, but do
18 you agree with me that, at the very least, for the first half of 2014, you never saw
19 Mr Yekatom in the coordination meetings, either because he was not in
20 Mr Ngaïssona's wing or because you yourself did not take part in the meetings.

21 A. [12:15:07] Yes, the question or the problem arises when I said "from time to
22 time". But I saw Mr Yekatom on one occasion in Mr Ngaïssona's residence. The
23 other time I saw him from afar was when there was a meeting convened by
24 government officials. During those meetings, I would see him from afar. So it was
25 a long time before I could really have that opportunity to exchange with Mr Yekatom.

1 I really did not know him at the beginning.

2 Q. [12:15:55] And when you told the OTP that Mr Yekatom was invited to
3 participate, am I correct that this is a -- an assumption from you, but that you have
4 never really verified? You said that he was invited to the meeting, but for a long
5 period of time he was not a member of Ngaïssona -- of the Ngaïssona wing.

6 So can you agree that you could not really verify that Mr Yekatom received
7 invitations to attend meetings in the first part of 2014?

8 A. [12:16:32] I will tell you how ComZones could be mobilised to take part in
9 meetings. There was the secretary general. The name was Beorofei. I can't
10 remember very well. He had the contacts of everyone, so he was the one who could
11 call ComZones to take part in the meetings.

12 So you are correct to say that I made an assumption, so I'm not in a position to say
13 whether he was actually invited or not.

14 Q. [12:17:23] And now still on paragraph 79 of your statement in tab 22 of the OTP
15 list, it is written that the investigators of the OTP asked you whether the coordination
16 had already tried to arrest Mr Yekatom. And my question, you can answer it quite
17 simple: Was it the investigators of the OTP who suggested to you that Mr Yekatom
18 had to be arrested?

19 A. [12:18:01] By who?

20 Q. [12:18:03] By the coordination.

21 A. [12:18:06] Which resources or means did the coordination have to arrest
22 Mr Yekatom? I have already tell you -- I have already told you that the Andjilo case
23 even put us in a lot of difficulties. We were overwhelmed. I told you that I
24 discussed with Sangaris elements in order to capture Mr Andjilo. But which
25 resources did the coordination have to arrest a ComZone, especially that Mr Yekatom

1 was an influential ComZone, which was the method that could be used to arrest him?

2 I think this is something that is not founded.

3 Q. [12:19:01] Thank you. I am talking more about the dynamics between you and
4 the OTP investigators during your meeting of October 2018. You have just said that
5 the arrest of Mr Yekatom is a groundless allegation. Am I to understand

6 (Overlapping speakers)

7 PRESIDING JUDGE SCHMITT: [12:19:30] Ms Struyven.

8 Please finish the question and we hear then Ms Struyven.

9 MS DIMITRI: [12:19:35] (Interpretation)

10 Q. [12:19:36] Would I be correct to say - and I'm talking about the dynamics during
11 your interview with the investigators of the OTP in 2018 - during that meeting, were
12 they trying to ask you to provide information relating to Mr Yekatom, even if you did
13 not had sufficient contact with him?

14 THE WITNESS: [12:19:59](Overlapping speakers)

15 MS DIMITRI: [12:20:02](Overlapping speakers)

16 PRESIDING JUDGE SCHMITT: [12:20:03] Yes.

17 MS STRUYVEN: [12:20:09] Yeah, I think if we read paragraph 78 of the statement, I
18 think the question is quite misleading in the sense that what the witness described in
19 this paragraph was problems or crimes that were committed, and he gives the
20 example of Yekatom, Andjilo, Douze Puissance, and he says that they were relatively
21 independent. And then he gives the example of Andjilo, and what they tried to do
22 with him, and how they tried to discuss this with the Sangaris or have a plan to
23 capture Andjilo. And then the investigators simply ask whether they tried to do
24 anything about the other individuals he just mentioned.

25 PRESIDING JUDGE SCHMITT: [12:20:47] I don't think it is misleading.

1 And I -- Mr Ngaya, you can answer the question.

2 And I only mention that Mr Ngaya has said that everything what is written down
3 here was correct and he stands by it still today.

4 So, Mr Ngaya, please answer the question.

5 THE WITNESS: [12:21:20](Interpretation) In fact, during my previous
6 statements -- well, in any case, I am not the authorised person to talk about Yekatom
7 because all that I can say about Yekatom were things that I learned from rumours.
8 So I'm really not in a position to talk about Yekatom.
9 That is what I can say about that.

10 PRESIDING JUDGE SCHMITT: [12:21:47] Yes. Please move on.

11 MS DIMITRI: [12:21:49] Thank you, Mr President.

12 Q. [12:21:52](Interpretation) I will show you a video, Mr Ngaya. You talked in
13 your statement of the peace platform by the archbishop and an imam, paragraph 86 of
14 the statement in tab 6 of the OTP.

15 You talked about your efforts for peace during your testimony. The fact that you
16 were a pastor. I will show you a video within the framework of that religious
17 platform and whether it refreshes your memory. It is at tab 15 of the Defence list,
18 CAR-OTP-2023-1831. The French translation is at tab 16, CAR-OTP-2127-6561.

19 And we will look at an extract from the beginning of the video to 1:13 seconds. And
20 for the interpreters, it is lines 1 to 14.

21 (Viewing of the video excerpt)

22 THE INTERPRETER: [12:23:37] (Interpretation of the video excerpt)

23 "In reality, there was a large prayer meeting this morning where they usually play
24 football and which is known as the Omnisport stadium of Bangui; it brought together
25 the children of the Central African Republic of various denominations, including

1 Muslims, Catholic and Protestant faithful. It was the services of the minister of
2 solidarity and information which made the initiative to convene this prayer meeting.
3 This meeting between Catholics, Protestants and Muslims has as objective to reach an
4 understanding after the confrontations that pitted the Muslims against the Christians
5 ever since the takeover of power by the Seleka right up to this day."

6 MS DIMITRI: [12:24:54] (Interpretation)

7 Q. [12:24:55] Mr Ngaya, you can see Mr Yekatom on the video. You saw the
8 archbishop, the imam. Do you remember that event?

9 A. [12:25:03] Yes, this is an event that did in fact take place. We were already in
10 the process of reconciliation and that event took place.

11 Q. [12:25:23](Overlapping speakers)

12 PRESIDING JUDGE SCHMITT: [12:25:23] May I shortly.

13 I'm coming back to this paragraph 78. As I already said, Mr Ngaya, you have said
14 that you stand by what you said at the time. I read it and I would ask you
15 again -- part of it:

16 "When Anti-Balaka elements stole or did not contribute to the peace process, he
17 organised --" - Mr Ngaïssona - "organised they to be taken to the *gendarmerie*.

18 However, this was only done with the weak, you couldn't do it with the powerful
19 Anti-Balaka, such as Yekatom ... Andjilo, Konate or Douze Puissance. The
20 Coordination spoke to them, but it did not do much good."

21 So my question would be did you speak with one of those persons?

22 THE WITNESS: [12:26:21](Interpretation) In fact, this is a general observation that I
23 already talked about. When I mentioned them, I was mentioning the ComZones
24 who were powerful. So if we had a military police, this military police could not do
25 anything against the ComZones. But I was not saying that such and such a

1 ComZone had done such and such a thing. I simply said that they were powerful.

2 And even if the military police was set up with the objective of arresting Anti-Balaka
3 who had committed reprehensible crimes, this military police would not have the
4 sufficient authority to arrest this ComZones.

5 That was the meaning of my statement.

6 PRESIDING JUDGE SCHMITT: [12:27:15] I continue the same paragraph still.

7 That's CAR-OTP-2093-0024:

8 "I was not armed and I do not think Ngaïssona was armed. Sometimes in the
9 morning, I would go to Ngaïssona's house and we would think about what to do
10 about Andjilo and Yekatom, but we did not come up with a solution. It became a
11 concern that they did not contribute to peace."

12 So are we understand -- to understand from that that you discussed the matter with
13 Mr Ngaïssona?

14 THE WITNESS: [12:27:57](Interpretation) I can talk about Andjilo. I can talk about
15 the acts that (Overlapping speakers)

16 PRESIDING JUDGE SCHMITT: [12:28:02] No, no. My -- Mr Ngaya, no, no, this
17 was not my question. Please answer my question. My question was if you did
18 discuss with Mr Ngaïssona Andjilo and Mr Yekatom. Because it is said here in your
19 statement.

20 THE WITNESS: [12:28:24](Interpretation) Well, I think that with Ngaïssona we
21 discussed Andjilo, but I don't think that I talked about Yekatom with Ngaïssona.
22 Andjilo was living not far away in Boy-Rabe, and he was really committing
23 reprehensible crimes against Boy-Rabe inhabitants. So I don't know how Yekatom's
24 name could have been mentioned in this context. He was very far away from us and
25 it was not possible to know what he was doing there. But Andjilo was committing

1 serious crimes in Boy-Rabe and so this was quite visible. That is what I was talking
2 about.

3 So with Mr Ngaïssona, we talked about Andjilo, but not Yekatom.

4 PRESIDING JUDGE SCHMITT: [12:29:23] So when the name of Mr Yekatom
5 appears here, so is then Ms Dimitri, Defence counsel, right that this was
6 suggested -- this name was suggested to you by Prosecution investigators at the time?
7 Because it's: "we would think about what to do about Andjilo and Yekatom".
8 It is clearly said here.

9 THE WITNESS: [12:29:55](Interpretation) It is like I have just said. I really cannot
10 remember precisely. I am in a position to say the acts -- to talk about the acts
11 committed by Andjilo, but not those committed by Yekatom. As you have just
12 realised, during that time, there were two or three, several branches of the
13 Anti-Balaka. So if the idea was to do something about the ComZones, it was
14 the -- only the people who were under our own influence or authority. That is what
15 I meant.

16 PRESIDING JUDGE SCHMITT: [12:30:44] Ms Dimitri, please continue.

17 MS DIMITRI: [12:30:47] Thank you, Mr President.

18 Q. [12:30:56](Interpretation) Mr Ngaya, just to hop back to the video we have just
19 watched of 29 March 2014 at the Omnisports stadium, you do remember the video.
20 So would you agree with me that this was an initiative for an inter-confessional
21 prayer for the return of understanding after the clashes between Muslims and
22 Christians, that is, the purpose was a return to peace, solidarity and fraternity, and
23 that was the idea behind the initiative we have just watched as what happened at the
24 Omnisports stadium?

25 A. [12:31:38] Yes, that is correct, Madam. We were in a mindset of peace. Our

1 main concern at the time was for peace and for living together so that we could again
2 return to the lifestyle we had with the Muslims since the time of independence, the
3 symbiosis that existed. And so the idea was to return to that cohesion that had
4 existed before.

5 Q. [12:32:15] Thank you, Mr Ngaya.

6 If I may summarise, at paragraph 105, in your statement at tab 22, you referred to a
7 reconciliation mission by Mr Ngaïssona in Boda. I wouldn't revisit it, but we have
8 seen the initiative for peace in March 2014 at which Mr Yekatom participated.

9 And earlier on this morning, we also saw -- saw Mr Yekatom collaborating with
10 gendarmes at PK9 to work towards peace and to stop any fake Central Africans who
11 wanted to destroy the country.

12 So would you agree with me that we see him working for these initiatives, which is
13 contrary to what is contained in paragraph 74 of your statement? And I'm, therefore,
14 saying that it is incorrect -- in paragraph 78, rather, of your statement, at tab 22. And
15 I'm saying, therefore, that it is incorrect to say that Yekatom did not contribute to
16 peace.

17 A. [12:33:32] When Mr Yekatom was to participate at that mission to Boda,
18 Mr Ngaïssona had designated some people to be part of the mission, some elements.
19 And they linked up with him because the area, the Boda area was under
20 Mr Yekatom's control, and that's how -- the Lobaye area was under his control, and
21 that's how they became part of it.

22 After the Brazzaville talks, you would note that there was some kind of
23 understanding between Mr Ngaïssona and Yekatom in relation to the return to
24 normalcy. So I believe that Mr Ngaïssona is in a better position to tell you that on
25 such and such an issue they agreed on such and such a point. I am not able to do

1 that.

2 All I can say is that there was some kind of acceptance between the two. Ngaïssona
3 would call Yekatom so that they can align their actions in relation to the return of
4 normalcy.

5 Q. [12:34:40] Thank you, Mr Ngaya, but my question was a little bit more specific.
6 We have just looked the Mr Yekatom's contributions to peace. Now, paragraph 78 of
7 your statement, in that paragraph you say that they did not contribute to peace, and
8 you are referring there to Andjilo, and you are not referring to Mr Andjilo (sic); is that
9 correct? Would you agree with me?

10 A. [12:35:07] I am talking about Andjilo. And as I have told you, I am not able to
11 remember -- or, rather, if I were referring to Yekatom, I will not be able to support
12 such an argument with facts. Because if I made such a statement about Yekatom, I
13 will not be able to provide the facts in support thereof. But when I say that, I am
14 referring to Andjilo and other ComZones who were under the influence of our
15 coordination.

16 So Andjilo would be a blatant example of these types of cases in relation to the return
17 to peace. We must add to that the other groups of Mokom and others who
18 were -- and other groups, rather.

19 Q. [12:36:07] Thank you, Mr Ngaya. Let me once again change topics. And it's
20 my last topic, Mr Ngaya.

21 During your testimony, we have talked about abuses of the DDR programme coming
22 from various individuals for various reasons. We talked about the state of poverty
23 in the Central African Republic. This morning you talked about the human
24 development indicator whereby the Central African Republic is usually last. But let
25 me talk to you now about UN programmes like UNICEF and UNESCO -- and

1 UNESCO.

2 At paragraph 13 of your statement, tab 22 of the OTP binder, you explained that you
3 had asked for financing from UNICEF and UNESCO when you were director general
4 at the ministry of youth. Would I be correct to say that the nongovernmental
5 organisations, NGOs, in the Central Africa were competing for funding from the UN
6 organisations because these funds were usually considered as an unexpected source
7 of funding for NGOs? Would you agree with me?

8 A. [12:37:42] Yes, I agree with you entirely. And the problem subsists even to this
9 day. And government is even trying to solve those problems.

10 With your leave, I will tell you that when -- even when it comes to funding by the
11 European Union, the NGOs are the ones who hear of it and then they benefit from it.
12 So the funding generally is not for free because the Central African Republic has to
13 pay back for them in one way or another. But, unfortunately, when it comes to the
14 NGOs, there is little control.

15 Now, let me give you an example. Under the youth programmes, there is some
16 funding, some local funding in the state budget that is provided, and then there is
17 also funding that comes from international organisations and international NGOs.

18 With your leave, let me tell you that today I work as a youth consultant, and recently I
19 was asked to produce a national strategic plan for the youth. And in that work, we
20 had to look at all the NGOs. And one of the ways of obtaining substantial funding
21 from the state budget is to demonstrate that the NGO is also funding activities for
22 youth, and that is why we ask the NGOs to provide information on the funding that
23 they receive. And in so doing, we will be able to present to the state information on
24 what international organisations are doing, and then we can ask what the state
25 contribution is.

1 Now, you can be sure that the NGOs will never give you information on what they're
2 getting from international organisations because they do not want to report on them,
3 and that is a problem for the state.

4 And that is the answer I can provide to your question.

5 You see, the NGOs want funding for -- from international organisations, but they are
6 not ready to report to the state on how they use those funds; whereas, these are public
7 funds which the government of the Central African Republic should be able
8 to -- to -- well, which the state of the Central Africa is expected to pay back.

9 Q. [12:40:20] Thank you, Mr Ngaya. I do take into account what you have said,
10 but let's hop back to it later on.

11 But for now, let me show you a press article of October 2014 in which you mentioned
12 the important role of poverty and the role that it plays in the acts of violence that are
13 committed by the young combatants. Tab 17, CAR-2019-0020 (sic), at page 0067 (sic).
14 And I hope that the document will be displayed soon, Mr Ngaya, for you.

15 THE INTERPRETER: [12:41:07] Apologies from the interpreters. We did not get
16 the reference. Counsel spoke too quickly.

17 MS DIMITRI: [12:41:15] (Interpretation)

18 Q. [12:41:15] Do you see the document on the screen?

19 A. [12:41:17] Yes, I can see it.

20 Q. [12:41:18] Thank you.

21 I would like to ask the court officer to please scroll down. Further please. Yes,
22 please. Further, please. Please go to the paragraph at which you see "Alfred
23 Legrand Ngaya". Thank you.

24 Now, here you explain in this paragraph, Mr Ngaya, that you -- you explain the role
25 of poverty and the violence committed by the young combatants, and you say that

1 "The solution is for resources to be found to take charge or take care of these people so
2 that they can have food on a daily basis, because talking to them does not dissuade
3 them from that kind of contact. A young person who has no opportunity, who does
4 not eat can be very highly tempted."

5 Now, I want you to bear this in mind. I have a series of questions around this for
6 you. This situation of poverty ...

7 Please, can you take down the article.

8 Did this situation of poverty have the consequence that Central Africans would now
9 seek to benefit from international funding, either the high refugees commission or
10 from any other international organisations? Would you agree with me that that was
11 the outcome?

12 A. [12:42:45] Yes, I agree with you, and I can give you a few examples.

13 Today, when you are setting up a programme for identifying the victims of the crisis,
14 everybody would like to be identified as a victim. I do remember that I myself was
15 identified as a victim. And then there was -- an NGO was also identified, but
16 ACTED was the NGO. And when I finally understood that the benefits were shared
17 by ACTED to various individuals, I understood that the idea was that everybody
18 wanted to be seen to be a victim. So the DDR programme and any programmes
19 undertaken by international organisations within the country are subject to these kind
20 of unfortunate occurrences.

21 Q. [12:44:00] You said earlier on that the state did not have proper control of the
22 funding, and you also said that NGOs do not want to report on how they managed
23 the funds.

24 Now, what I want to put to you, Mr Ngaya, is the following: One of the
25 consequences of such a situation would be that NGOs having funding agreements

1 with the -- with UNICEF, for example, would falsify or attempt to falsify data on the
2 ages or participation of children in an armed group in order to be able to benefit from
3 funding from UNICEF.

4 A. [12:44:38] There is a technical problem. I do not see any images.

5 Q. [12:44:48] Are you saying that you cannot see me?

6 A. [12:44:51] Oh, now I can see you. Now I can see you.

7 Q. [12:44:55] Do you want me to repeat?

8 A. (Overlapping speakers)

9 PRESIDING JUDGE SCHMITT: [12:44:58] I think -- okay, have you -- have you
10 understood the question? Please answer the question, if you have -- I think the
11 sound was okay. So, I think the question was if there was an incentive for NGOs
12 to - yes - increase the number of young people.

13 Or do you...

14 MS DIMITRI: [12:45:16] If there was an incentive to change the age. I can repeat
15 the question.

16 PRESIDING JUDGE SCHMITT: [12:45:21] Yeah, yeah, okay I understand. To
17 change the age.

18 So if there was -- the question was, Mr Ngaya, if there was an incentive for NGOs to
19 change the age of combatants to receive more funds.

20 THE WITNESS: [12:45:58](Interpretation) I am not able to answer that question
21 because the problem was that the NGOs did not report to the state authorities. They
22 did not report to the state authorities. If they had filed their reports to the state
23 authorities, then maybe we would have been in a position to properly assess what
24 they were saying. So they do not report, they do not submit any reports, and so we
25 were not able to know. And maybe it is only their donors, their funding agents who

1 might have that kind of information that would enable you to come up with an idea
2 of the attitude of the NGOs. So at my level I'm not able to answer that question.

3 PRESIDING JUDGE SCHMITT: [12:46:43] Thank you.

4 MS DIMITRI: [12:46:46] (Interpretation)

5 Q. [12:46:47] Thank you, Mr Ngaya. When you say that they were supposed to
6 submit their files to the state, would you agree with me that when it comes to
7 programs for children from armed groups which was -- which were funded by the
8 state, that would be through the ministry of social affairs and that would involve
9 working with the NGO, the ministry of social affairs and UNICEF, but because they
10 do not submit their reports, the ministry of social affairs, therefore, does not have the
11 proper control of the activities of the NGO? Do you agree with that?

12 A. [12:47:27] Yes, I agree with that because even the minister of plan and
13 international cooperation always denounced those shortcomings. All ministries
14 complained about that conduct on the part of international NGOs, so it is a fact which
15 remains intact even today. And I'm referring to the conduct of NGOs.

16 Q. [12:47:55] Thank you, Mr Ngaya. Let me then be a little more specific by
17 talking about the ceremony of August 2014 in Mbaïki which you attended, the
18 ceremony during which you delivered a small speech, if I'm not mistaken.
19 But before I talk about the ceremony in detail, let me quote for you some passages
20 from a statement made by someone who benefited from the assistance programme set
21 up for child soldiers and funded by UNICEF, specifically in Lobaye. The said
22 individual, when they saw the photographs of members of the programme in the
23 document presented to you by members of the programme, and Mr Ngaya, you
24 remember that you recognised two documents, one at tab 18 of OTP folder 2008 --

25 THE INTERPRETER: [12:49:10] Counsel reads out numbers too fast for the

1 interpreters again.

2 MS DIMITRI: [12:49:16]

3 Q. [12:49:16] (Interpretation) And we are looking here at the image relating to the
4 Mbaïki ceremony. Now that individual, when they looked at the picture of the
5 children on this document pointed out that some of them had joined the
6 demobilisation group because they believed that they could get some training by
7 doing so, but that most of those who appear on the photograph were not part of the
8 Anti-Balaka movement. They were not Anti-Balaka combatants.

9 Another individual, dealing with another --

10 PRESIDING JUDGE SCHMITT: [12:50:04] (Overlapping speakers) Ms Dimitri, this is
11 nearly already three-minutes question. So I think it's really hard to follow. You
12 have to break it down a little bit. So this is too much information. This is too
13 compound in my opinion.

14 MS DIMITRI: [12:50:13] My apologies, Mr President. I'll break it down.

15 Q. [12:50:22] (Interpretation) Would you, therefore, agree with me, Mr Ngaya, that
16 because of poverty and all these other things that have been said, the children in the
17 same way as we saw for the DDR programme, children and families are tempted to
18 sign up for programmes such as Children Without Borders in Mbaïki with a view to
19 getting training and also some benefits whereas they had never -- they had never
20 been child soldiers?

21 A. [12:51:01] Well, once again, that is a problem of corruption in our country, in our
22 society today. When you talk about Mbaïki, I went there strictly for the ceremony
23 and then left. So I did not have any resources to enable me determine whether they
24 were true Anti-Balaka or not.

25 But let me give you an example, an example that hurt me deeply, an example which

1 reflected reality.

2 During those events, I think it is the pope who asked each religious group to send 100
3 orphans who had become orphans because of the crisis. So each religious group was
4 supposed to send 100 children. But, now, the 100 orphans who came from
5 Protestant families were not orphans, not orphans, but they travelled to Rome on
6 behalf of -- or in the name of the orphans of the crisis. We came to find out about
7 this and it is very hurtful, but that is a reflection of the corruption problem we have in
8 our society today. It's extremely hurtful, but unfortunately, I don't have any
9 objective tools with which to tell you at what level the problem occurred. So these
10 witnesses do have their reasons, unfortunately, for making such statements and it is
11 unfortunately a very hurtful and generalised practice, unfortunately.

12 PRESIDING JUDGE SCHMITT: [12:53:01] I think on that issue I would be surprised
13 if you could elicit more specific information from the witness.

14 MS DIMITRI: [12:53:16] May I just revise my last few questions in view of the last
15 answer he gave --

16 PRESIDING JUDGE SCHMITT: Of course, please.

17 MS DIMITRI: -- and then I'll wrap it up for the day.

18 PRESIDING JUDGE SCHMITT: [12:53:22] Yes, please do that, yes.

19 MS DIMITRI: [12:53:44] (Interpretation)

20 Q. [12:53:46] Mr Ngaya, I just want to clarify a specific point in your statement.

21 You said that Mr Yekatom was present at the ceremony in Mbaïki but that you did
22 not talk with him. Paragraph 134, tab 22, OTP binder.

23 And I know that this lies deep and far away in your memory, and you say that your
24 visit was quite short-lived, but I put it to you that on that day, Mr Yekatom was not
25 present and that is why on the document displayed he is not one of those who

1 delivered a speech at the Mbaïki ceremony. Would you agree with me, then, that
2 you may have made a mistake and that Mr Yekatom was not present in Mbaïki on
3 that day?

4 A. [12:54:50] It is possible that I may have been mistaken, because I have already
5 told you that I did not know him. It is well after that that I began to have exchanges
6 with him, but at that time proper I did not know him.

7 Q. [12:55:09] Last question on that topic, Mr Ngaya. I have understood that it was
8 a short one-off visit and you were not able to be sure that these children were
9 Anti-Balaka. Am I also then to understand that you simply assumed that because of
10 what had happened at that ceremony, those children were children under
11 Mr Yekatom's supervision, but you didn't cross-check that information, neither with
12 the children nor with the organisers of the programme nor with Mr Yekatom, so you
13 are, therefore, not able to exclude the fact that these children, whom you claim to have
14 been under Mr Yekatom's supervision, were not his children in that capacity, but
15 children who simply wanted to benefit from that opportunity?

16 A. [12:56:15] Well, as I have said, I came strictly for the ceremony, which was
17 short-lived, and I left immediately thereafter. And please you want to note that the
18 security conditions were quite difficult at that time and there was no interest in
19 wasting time in that location at that time. That's all can I say.

20 Q. [12:56:35] (Overlapping speakers)

21 PRESIDING JUDGE SCHMITT: [12:56:36] May I shortly because I have a question,
22 follow-up question.

23 It's paragraph 136 at 0034. There you formulate: "... I learned that there were
24 children associated with Rombhot's group." How did you learn that?

25 THE WITNESS: [12:57:05](Interpretation) Sorry? Which group are you referring

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1 to?

2 PRESIDING JUDGE SCHMITT: [12:57:07] Rombhot is a synonym, or could be, I'm
3 not sure, could be -- it could mean Yekatom. You said when you came to the
4 ceremony, you learned that the children or that some of the children were from
5 Rombhot's - and this might be Yekatom, you can tell us - Yekatom's group. And so
6 my question was, how did you learn that?

7 THE WITNESS: [12:57:42](Interpretation) It is when I was designated by the
8 coordination to take part in that ceremony, that is how I came by that information. It
9 is only in that way that I got to become aware of that information.

10 PRESIDING JUDGE SCHMITT: [12:57:57] Thank you for that clarification.
11 Ms Dimitri.

12 MS DIMITRI: [12:58:06] (Interpretation)

13 Q. [12:58:07] So, Mr Ngaya, when you answered the Prosecutor earlier this week
14 and said that there were some young children working under Mr Yekatom's
15 supervision, children whom he allegedly enlisted, you would agree with me that this
16 information you did not cross-check yourself?

17 A. [12:58:34] It is when I was to participate at the ceremony that I was told that
18 these were children in Mr Yekatom's group and that the purpose of the ceremony was
19 to hand these children over. So at that time, I had no tools to enable me to
20 cross-check the veracity of the information.

21 Q. [12:59:00] Thank you very much, Mr Ngaya. That will be all and I thank you
22 for your patience.

23 MS DIMITRI: [12:59:06] (Overlapping speakers) Thank you, Mr President. I kept
24 my promise.

25 PRESIDING JUDGE SCHMITT: [12:59:08] Thank you, Ms Dimitri, but -- okay,

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1 indeed, yeah.

2 Any further questions by the Prosecution?

3 MS STRUYVEN: [12:59:14] If I may consult just for a second.

4 PRESIDING JUDGE SCHMITT: [12:59:19] Yes.

5 (Counsel confers)

6 MS STRUYVEN: [12:59:45] We have no further questions, Mr President.

7 PRESIDING JUDGE SCHMITT: [12:59:46] Thank you very much.

8 Then this concludes the testimony of Mr Ngaya.

9 Mr Ngaya, on behalf of the Chamber, I would like to thank you that you made

10 yourself available as a witness and patiently answered questions by so many people

11 here for four days. Thank you very much and have a good day.

12 We also thank very much Counsel Sangone. We wish him also a good day.

13 So this concludes also the hearing of today. We continue tomorrow at 9.30 with

14 Witness P-2843, I think.

15 Thank you very much.

16 THE COURT USHER: [13:00:24] All rise.

17 (The hearing ends in open session at 1.00 p.m.)

18 CORRECTIONS REPORT

19 The following correction, marked with an asterisk and not included in the

20 audio-visual recording of the hearing, is brought into the transcript.

21 Page 15 lines 23-24

22 "That is the kind of behaviour they had at that time." Is corrected to "That is what to

23 some extent justified the behaviour of the Muslims at that time.