

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
7 and Judge Chang-ho Chung
8 Trial Hearing - Courtroom 1
9 Wednesday, 18 January 2023
10 (The hearing starts in open session at 9.31 a.m.)
11 THE COURT USHER: [9:31:56] All rise. The International Criminal Court is now in
12 session. Please be seated.
13 PRESIDING JUDGE SCHMITT: [9:32:21] Good morning, everyone.
14 Court Officer, please call the case.
15 THE COURT OFFICER: [9:32:26] Good morning, Mr President, your Honours. This is
16 the Situation in the Central African Republic II, in the case of The Prosecutor versus
17 Alfred Rombhot Yekatom and Patrice-Edouard Ngaïssona, case reference ICC 01/14-
18 01/18.
19 And for the record we are in open session.
20 PRESIDING JUDGE SCHMITT: [9:32:45] Thank you very much. I ask for the
21 appearances for the parties. Not so much has changed, I think.
22 MR VANDERPUYE: [9:32:50] Indeed not, Mr President. Good morning to you. Good
23 morning, your Honours. Good morning, Mr Witness. The Prosecution is in the same
24 configuration as yesterday.
25 PRESIDING JUDGE SCHMITT: [9:32:59] Thank you.

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(Open Session)

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- 1 MS MASSIDDA: [9:33:01] Good morning, Mr President, your Honours. The common
2 legal representative team of our victims of the other crimes is also the same
3 composition as yesterday.
- 4 PRESIDING JUDGE SCHMITT: [9:33:12] And Mr Suprun has not changed either.
- 5 MR SUPRUN: [9:33:18] Good morning, Mr President, your Honours. Indeed, there's
6 no changes. Thank you.
- 7 PRESIDING JUDGE SCHMITT: [9:33:20] With the Defence, I'm always not so sure
8 because there are quite some people in the courtroom, and I think I see some new faces,
9 or at least one or two new faces.
- 10 MS DIMITRI: [9:33:32] Indeed, Mr President. Ms Fiona Houdin joined us.
- 11 PRESIDING JUDGE SCHMITT: [9:33:35] Thank you.
12 And Mr Knoops.
- 13 MR KNOOPS: [9:33:37] A very good morning, Mr President, your Honours. Good
14 morning, everyone in the courtroom. Good morning, Mr Witness. We are in the same
15 composition, Mr President, as yesterday. Thank you.
- 16 PRESIDING JUDGE SCHMITT: [9:33:43] Thank you. And, of course, very
17 importantly, good morning, Mr Poussou. I hope you had a good rest and feel well
18 today.
- 19 THE WITNESS: [9:33:55](Interpretation) I'm fine.
- 20 PRESIDING JUDGE SCHMITT: [9:33:57] We are happy to hear that. Mr Vanderpuye,
21 you may continue with the examination.
- 22 WITNESS: CAR-OTP-P-2625 (On former oath)
23 (The witness speaks French)
- 24 MR VANDERPUYE: [9:34:10] Thank you, Mr President.
- 25 QUESTIONED BY MR VANDERPUYE: (Continuing)

1 Q. [9:34:15] Good morning to you, Mr Poussou.

2 A. [9:34:17] Good morning.

3 Q. [9:34:21] I think yesterday when we left off, I was showing you a document that
4 was communicated to you by Mr Ngaïssona, which was an email that he received from
5 Mr Ngaya on or about 16 July 2013, and we were discussing some of the language that
6 was in that appel patriotique.

7 I wanted to show you a few other documents this morning that are related to some of
8 the appeals that were made by FROCCA in the relevant period. So I'll start with a
9 document that's at tab 53 of the binder.

10 MR VANDERPUYE: [9:35:14] It can be broadcast. All right. Let me see if we've got it
11 on the screen. Great.

12 Q. [9:35:43] I'm sure that you will recognise the photo of * Levi Yakete on this
13 document. Can you see it okay?

14 A. [9:35:51] Yes, I can see it and I have already seen it.

15 Q. [9:36:02] All right. And in this document you can see that he apparently
16 announces the creation of a group, MOREPOL and this document describes an act of
17 adhesion to FROCCA. Mr Yakete refers to himself as the conseil politique and the
18 president of MOREPOL. If we go to the next page, I'll get to exactly what I'm coming
19 to.

20 Here you can see -- if you can go down, you can see the date of the act as 15 August
21 2013. I just want to refer you a bit to the language that's used in this document as well.
22 If we go up the page a bit, we can see first the specific declaration, that it is an act,
23 official act, of adhesion to FROCCA.

24 And then if we go down the page, you can see it talks about -- mentions the following,
25 and I'll just read it:

(Interpretation) "The systematic destruction of the civil status registers throughout the entire territory by the Seleka perspective of the programmed Islamisation of the country and power, and sacking the administration cannot allow the elections" --

THE INTERPRETER: [9:37:47] Overlapping speakers.

MR VANDERPUYE: [9:37:50]

Q. [9:37:51] Here again you see this language about a Seleka perspective of Islamising the country. This is obviously dated on 15 August, as I mentioned. Is this again language that was promulgated or spread by those close to Bozizé, such as Mr Yakete, in other areas besides these acts of adhesion, so to speak?

A. [9:38:22] Thank you. Before answering this question, if the Presiding Judge allows, I would like to come back to part of my responses and statements and provide more details.

With regard to the Western Union invoices, I would like to specify, because this might have been misconstrued that these Western Union invoices that President Djotodia showed to me, when I make mention of this, it does not mean, for example, that the names of the senders on those invoices, for example, Yvon Songuet and others, these people might have resorted to other people to send this money.

For example, when I was in New York and I had run out of money, when President Bozizé was supposed to send money to me via Western Union, it was not he who went to a Western Union counter, nor was it any of his children. He used another individual to do it.

So on that invoice, for example, you cannot see the name of François Bozizé; however, it was he who sent me the money. I would like to clarify that matter.

PRESIDING JUDGE SCHMITT: [9:40:35] That's absolutely -- I only wanted to assure you that it's absolutely correct. You are here for several days, and it's absolutely okay

1 and correct if you provide more details. It's also clear that when you sit there as a
2 witness for days and days and then you come back home and you -- perhaps in the
3 evening you think, oh, perhaps I could have forgotten that, I could have said that, I
4 want to assure you that this is fine with the Chamber. Please continue if you want to.

5 THE WITNESS: [9:41:12](Interpretation) Thank you, Mr President.

6 So to answer your question, I would reiterate what I have already said; namely, that
7 these utterances were habitual in the sense that this was the language that was used by
8 those close to President Bozizé, * notably Levi Yakete, in the close circle of President
9 Bozizé. This is the kind of language that they used.

10 MR VANDERPUYE: [9:41:52]

11 Q. [9:41:53] Thank you. And thank you for the clarification of your previous
12 testimony concerning the Western Union records. Let me show you another document.
13 This one is at tab 66 of the Prosecution binder. I think it's on the screen now.
14 This one is an Appel du Collectif (Interpretation) A call from the collective of free
15 officers. (Speaks English) If you look at the bottom of the document, it's attributed to --
16 tab 66, CAR-OTP-2069-3544, I'm reminded by my colleague.

17 If you look at this document, at the bottom of the page you can see --

18 THE INTERPRETER: [9:42:53] Message from the English booth: Could counsel also be
19 reminded to wait for the interpretation.

20 MR VANDERPUYE: [9:42:59] Yes, Mr President.

21 PRESIDING JUDGE SCHMITT: [9:43:00] Obviously, for the interpreters, you are also a
22 little bit too quick today.

23 MR VANDERPUYE: [9:43:05] Okay. I'll sort that out.

24 PRESIDING JUDGE SCHMITT: [9:43:08] You know this sometimes differs, but I just
25 convey the message.

1 MR VANDERPUYE: [9:43:15] Thank you, Mr President.

2 Q. [9:43:19] All right. So again this document is at tab 66 of the Prosecution binder.

3 The ERN is CAR-OTP-2069-3544. It is a document that is an appeal by the Collectif des
4 Officiers Libres, and if you go to the bottom of the document, you will see that it is
5 attributed to Joachim Kokate and dated 17 August 2013.

6 So my first question is obviously whether you've seen the document before.

7 A. [9:44:18] I had read it at the time.

8 Q. [9:44:20] In the middle of the first paragraph on the screen at the moment, where it
9 begins: "Officiers, sous officiers et militaires de rang des Forces armée centrafricaines
10 ..."

11 And in that paragraph there is a resort and treaty to join in action, (Interpretation)
12 "Action to liberate our country from the force of the invader." (Speaks English) Again,
13 is this another example of the language that was used in the seat of FROCCA by those
14 close to President Bozizé?

15 A. [9:45:13] This stems from the same logic in the sense that it's the same language
16 used in terms of content.

17 Q. [9:45:32] And I think we talked about yesterday this notion of foreigners. You
18 indicated that was a reference to Muslims as well; is that right?

19 A. [9:45:40] That is correct.

20 Q. [9:45:51] And the language that's referred to is "a hoard of foreign invaders, the
21 forced Islamisation of the Central African Republic by the Seleka," or members of the
22 Seleka. As we see in many of these documents, those were issued with knowledge that
23 a fair number of members of the Seleka were, indeed, Central Africans; is that right?

24 A. [9:46:31] That is correct.

25 PRESIDING JUDGE SCHMITT: [9:46:41] We also note that responsible for this press

1 release is Joachim Kokate, just ...

2 MR VANDERPUYE: [9:46:53] Thank you, Mr President.

3 Q. [9:46:55] Let me show you another document. This one is at tab 62. As you can
4 see, it's an email to Mr Ngaïssona, which is forwarded to you on 13 August 2013, and it
5 refers to -- oh, yes, once again, the ERN is CAR-OTP-2130-3641. It refers to the 15
6 March celebration that was organised at the stadium that you referenced the other day,
7 and it contains an attachment, which I'll show you in a moment, which also appears to
8 be an act of adhesion by a different group, indeed in Bangui.

9 First of all, do you have a recollection of receiving this email?

10 A. [9:48:24] Yes.

11 Q. [9:48:31] And do you know the individual Youfeina that's referenced in this email,
12 Stéphane * Youfeina?

13 A. [9:48:49] No, I don't know him from Adam or Eve.

14 Q. [9:48:56] What I'd like to show you is the attachment. In the email he indicates
15 that he's the one who held the discourse relating to the youth that organised the
16 reception and also participated in the 15 March -- reflections concerning the 15 March
17 celebration in which Mr Ngaïssona organised.

18 But let me show you this attachment. This is at tab 63, CAR-OTP-2130-3423.

19 Do you have a recollection of this attachment?

20 A. [9:49:58] I must have read it.

21 Q. [9:50:06] It refers to this (Interpretation) "Support group for the restoration of
22 constitutional order in the Central African Republic." (Speaks English) And of course it
23 discusses Mr Bozizé's announcement of the creation of the group and so forth. Are you
24 aware of this particular group and its area of operation?

25 A. [9:50:46 a.m.] I do not know that group, neither do I know any of the other groups

1 that joined the FROCCA in the act of adhesion. One should say that in the main, these
2 groups are fictitious factitious. One individual alone can draft his own text and refer to
3 a group in order to show that there is public support for the FROCCA, but in reality
4 these groups does not exist. That is the case for MOREPOL, * Levi Yakete's MOREPOL,
5 that we read a press release for earlier.

6 Q. [9:52:04] And in terms of the fictitious groups that are publishing acts of adhesion,
7 in terms of the effect on the receiving public, in the context of your background in
8 communication, what effect was that intended to have?

9 MR KNOOPS: [9:52:40] Mr President, I object to this question. It's calling for also
10 speculation. Even with the background of this witness, he can possibly not estimate
11 the effect on the general population. And of course we're dealing with a fictitious
12 group.

13 PRESIDING JUDGE SCHMITT: [9:52:57] Well, this is borderline, actually, I would say.

14 MR VANDERPUYE: [9:53:00] Yes, because I didn't ask -- I didn't ask what the -- I
15 asked what was the intended effect. I didn't ask what the actual effect was on the
16 population, because there's a purpose behind it and that's really the question.

17 PRESIDING JUDGE SCHMITT: [9:53:13] What we can ask the witness, but the
18 question is how much probative value this will have, what he, in his understanding, of
19 his understanding of the political situation and his background as a journalist and also
20 someone who has analysed the politics in the Central African Republic, what, in your
21 understanding, Mr Witness, the purpose of such -- of the creation, the effect, I don't
22 know if we can speak of it, of such fictitious groups might have been.

23 MR VANDERPUYE: [9:53:46] It's not that particularly.

24 PRESIDING JUDGE SCHMITT: [9:53:47] Yeah.

25 MR VANDERPUYE: [9:53:48] It's not the purpose of the creation of the fictitious

1 groups. The question is more towards what those groups are saying publicly, and the
2 purpose of what they're saying publicly.

3 PRESIDING JUDGE SCHMITT: [9:53:59] Well, I agree with Mr Knoops, then, that he
4 cannot know the purpose. He can only say. And, as I said, it's then from his
5 background, what your understanding be, why would these real or fictitious groups
6 use such language. So perhaps you can put it this way, then that's fine. But I --

7 THE INTERPRETER: [9:54:21] Message from the English booth. The interpreter said
8 "factitious," not "fictitious." Thank you.

9 PRESIDING JUDGE SCHMITT: [9:54:34] Okay, factitious. Yeah.

10 So you have -- you have followed, of course, Mr Poussou, like always, you understand.
11 What was your understanding?

12 THE WITNESS: [9:54:46](Interpretation) I thank you. It is obvious that these public
13 statements of these groups as factitious or real, such as the official statements of the
14 FROCCA, contributed to the degradation of the situation or contributed to
15 exacerbating tensions between the communities, between the Christians and the
16 Muslims at that time.

17 MR KNOOPS: [9:55:30] Mr President, I do object against this line of questioning and
18 the answering of the witness, because we have let it go yesterday and today, also this
19 morning, but the witness is basically giving opinion evidence. He's not an expert. And
20 it's simply not verifiable for the Chamber, nor for the Defence, apart from the fact that
21 he is making sweeping general statements without any foundation, such as the one he
22 just gave, that it's his view probably that this exacerbated the situation. He is a witness
23 of fact. He's not an expert. He's not a political scientist.

24 PRESIDING JUDGE SCHMITT: [9:56:08] Yes. Let's hear first from Mr Vanderpuye.
25 Then I will say something.

1 MR VANDERPUYE: [9:56:11] Mr President, I think it's well established that Mr
2 Poussou's responsibility within FROCCA at the period of time that this document was
3 forwarded to him by Mr Ngaïssona was in communications related to FROCCA and
4 disseminating the platform of the group, its political leanings, and to assist in
5 promulgating that message. So I don't think -- this is squarely a factual issue that has
6 nothing to do with expertise whatsoever.

7 PRESIDING JUDGE SCHMITT: [9:56:49] So we won't entertain the discussion now,
8 but that's exactly the difference here. The witness has testified that he had a role inside
9 of this group, and this enables him to speak about these matters, and this allows the
10 Prosecution to elicit information from the witness, from his understanding.

11 Another point is always what the -- when it comes to general understanding of political
12 situations, what probative value this might have in the end. But that is always, like
13 always, to assess by the Chamber.

14 MR KNOOPS: [9:57:26] Mr President, my point, if I may, is if you see at transcript page
15 10, line 2, the witness is saying: "These type of statements contributed to the
16 degradation of the situation or contributed to the exacerbation of tensions." This is of
17 course his opinion. He has no foundation provided to the Chamber.

18 PRESIDING JUDGE SCHMITT: [9:57:55] So I take your point, and we stop really the
19 discussion here. You can be sure that the Chamber is able to differentiate between
20 comments, let's say, which have a factual background and purely uttering of political
21 opinions. And we are always able to put everything, what the witness says, you can
22 really trust on that, into perspective, to put it this way. That's perfectly clear.

23 Mr Vanderpuye, please continue.

24 MR VANDERPUYE: [9:58:26] Thank you, Mr President.

25 PRESIDING JUDGE SCHMITT: [9:58:29] Perhaps if I may add, there is no fine line to

1 say -- where we would say, perhaps, in a question, we overstep it, because we have
2 asked a lot of, let's say, protagonists of the CAR crisis similar questions, and the
3 Chamber will have the task to differentiate and to look into depths what probative
4 value each testimony has. So we are really able to do that. We do that for a long time.
5 Please, Mr Vanderpuye.

6 MR VANDERPUYE: [9:59:06] Thank you, Mr President. As things go.

7 Q. [9:59:13] You see that this was an email that was sent to you or forwarded to you
8 by Mr Ngaïssona. Did you discuss with him why it is that he sent it to you?

9 A. [9:59:27] No.

10 Q. [9:59:36] Did he regularly or often send you documents of this nature during that
11 period of time, that is, in August through September or so of 2013?

12 A. [9:59:45] I did indeed receive during that period mails quite regularly, and he
13 would forward to me emails that had been received from Bangui.

14 Q. [10:00:25] All right. We've seen a couple of them now. Do you know why he sent
15 those emails to you?

16 A. [10:00:30] I think I said why on Monday. There's two possible answers. Firstly, I
17 was supposed to be the person in charge of FROCCA's PR or communications; and
18 secondly, this was also to show, to prove -- to prove that he was in permanent contact
19 with the people on the ground, and that he was acting, he was working.

20 Q. [10:01:32] I'd like to show you another document. This one is at tab 6, CAR-OTP-
21 2002-0692. Oh, great, we have it on the screen already. As you can see, this one is in
22 the form of a news article and it talks about Abdoulaye Miskine of the FDPC joining up
23 with or supporting the establishment of FROCCA. And you can see it's dated on 10
24 September 2013. Is this something that you were aware of?

25 A. [10:02:32] I had read this document at the time.

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1 Q. [10:02:50] Was there any truth to this one?

2 A. [10:02:52] Indeed.

3 Q. [10:03:06] And the FDPC, this was an armed group?

4 A. [10:03:14] This was an armed group, an armed group that, to begin with, when the
5 Seleka started its attacks, it started as a member of Seleka. But the group was created
6 after the birth of Seleka.

7 Q. [10:03:55] Okay. I'd like to show you a few other documents, but let me start with
8 this one. We're at tab 19 of the Prosecution binder. It's CAR-OTP-2091-1743. There are
9 a number of --

10 THE INTERPRETER: [10:04:14] Correction from the interpreter: The group was
11 created before Seleka.

12 MR VANDERPUYE: [10:04:19] Okay. Thank you for the correction.

13 Q. [10:04:32] We'll need to go to, first, page 1753. Here, again, we can see the same
14 indication of adhesion by Miskine's group. But interestingly, at the top of the screen, it
15 says: (Interpretation) "General Abdoulaye Miskine responds to the call of the
16 Collective of Free Officers."

17 (Speaks English) First question is: Have you seen this version of the act of adhesion or
18 the adhesion of his group to FROCCA?

19 A. [10:05:36] I had read it at the time.

20 Q. [10:05:46] And in respect of the adhesion of his group or his response, rather, to
21 the -- his response to the appeal of the Collectif des Officiers Libres, did you see similar
22 sorts of acts or responses to either that particular appeal or other appeals, some of
23 which we've discussed during the course of your testimony, by other groups, other
24 leaders, other armed groups in that period?

25 A. [10:06:42] I don't remember. There were so many groups, so many armed groups,

1 be they real or fake. It would be difficult to remember a specific group or collective of
2 groups which would have at that time joined the FROCCA.

3 Q. [10:07:08] And I'd like to -- if we could just go now to page 1752 of this document,
4 I want to ask you about this one. Here it says: (Interpretation) "Revelation on the
5 secret financing of the new Bozizé rebellion."

6 (Speaks English) First of all, have you seen this article before?

7 A. [10:07:36] This is the first time I've seen it.

8 Q. [10:07:45] Okay. I'd like to direct you then to the bottom of the middle column, so
9 just look at the bottom of the middle column and read up to the next sentence. But I'll
10 read it into the record so that you -- we don't have to move around too much. What it
11 says is:

12 (Interpretation) "The armed wings of FROCCA, which are MOREPOL, COL, and the
13 FRODCA, are preparing contacts to combat it with great strength." (Speaks English)

14 And the last part I read is at the top of the third column. In the middle of that column,
15 the third column, it reads:

16 (Interpretation) "The former Central African Republic president is not the person who
17 will save the Central African people. He has shown the opposite during the ten years
18 when he was still head of state, a regime that was exclusively based on clanism,
19 regionalism, and tribalism. No one believed in such a brutal and dishonourable fall of
20 such a tyrant who destroyed the economy of the country and left the people to their
21 own sad fate."

22 (Speaks English) Two questions. First is the reference to "les branches armées de
23 FROCCA." As you can see at the bottom of this page, this article was published on 16
24 September 2013. According to the information that you had at that time, were there
25 efforts made within FROCCA to either become armed or to encourage the arming of

1 other groups loyal to the FROCCA or Mr Bozizé?

2 A. [10:10:10] I've already said that what is certain, what is certain is that President
3 Bozizé's clan was working, working on or working towards setting up an armed
4 military wing of the FROCCA. However, discussions on this topic took place between
5 themselves within a closed circle, but we could guess that they were working on this.

6 Q. [10:11:13] That's very helpful. I'd like to show you yet another document, and this
7 one's at tab 7 of the Prosecution binder. It's CAR-OTP-2074-0278. Yes. And in this
8 document, we'll need to go to page 0285, and I'm going to ask you about this blazing
9 headline that I see here. If we go down, we can see this headline which says:

10 (Interpretation) "Bozizé and his henchmen want to set the Central African Republic on
11 fire and bleed it dry: COCORA, COAC, FROCCA, so many diabolical inventions."

12 (Speaks English) The reason why I ask about it is, as you can see, this was published on
13 12 September 2013. Was discussion had at the seat of FROCCA, among the members of
14 FROCCA, about these kinds of publications, characterisations of the organisation, the
15 mission? Was that conversation or these discussions had among the group at the seat
16 of FROCCA?

17 A. [10:12:59] First of all, the FROCCA did not have a seat, a formal seat. And
18 secondly, as far as I know, there were no discussions on this type of publication.

19 Q. [10:13:24] And just aside from the publication itself, what about what appears to
20 me to be - I think I can safely say - the negative publicity concerning the mission or
21 activities of FROCCA and Bozizé and his close supporters? Was a discussion had
22 about that, let's say, the public image of FROCCA?

23 A. [10:13:49] Not as far as I know.

24 Q. [10:14:06] Okay. Let me ask you then about a different part of this collection of
25 documents. Here we have at page 027 -- 0287 -- no, no, 0278. All right. Now I -- no, it's

1 right. 02 --

2 MR KNOOPS: [10:14:36] Mr President, we let it go for some time, but what the
3 Prosecution is effectively doing is leading the witness. Instead of asking the witness
4 whether he recalls any discussions about this topic, the Prosecution turns it around,
5 first introduces newspaper articles, apart from the probative value and the political
6 favour of the journalists in question, the Prosecution basically is circumventing the fact
7 that the witness should, from his own recollection, speak about potential contacts
8 within the alleged FROCCA group. But the Prosecution --

9 PRESIDING JUDGE SCHMITT: [10:15:15] We would also -- Mr Vanderpuye, we
10 would also appreciate it if the questions would more directly relate to the experiences
11 of the witness inside of the group, the contacts he had, be it orally, be it via forwarding
12 emails, and so on and so forth. So Mr Knoops has a point here, in my opinion.

13 MR VANDERPUYE: [10:15:41] I see the point, Mr President. As the witness has said,
14 part of his job within the group was communications and PR.

15 PRESIDING JUDGE SCHMITT: [10:15:52] Yes.

16 MR VANDERPUYE: [10:15:54] And --

17 PRESIDING JUDGE SCHMITT: [10:15:55] Well, but let me put it this way: As I said,
18 because the witness had this role, this is the reason why we let it go anyway, yeah,
19 your line of questioning. But I think you have elicited a lot of information in that
20 regard already. I'm not sure if it makes so much sense to show further newspaper
21 articles. I'm very critical about showing newspaper articles anyway, as everybody
22 knows here in the courtroom from hearings in the past. So I'm -- the Chamber finds it
23 better, you know, these communications, these press reports, media reports, that's
24 something different. But newspaper articles, they reflect the opinion of someone. Of
25 course you can ask the witness what was his understanding, but that should have

limits too, I think, Mr Vanderpuye. I think we understand each other.

MR VANDERPUYE: [10:16:57] I think so, yes. Thank you, Mr President. I understand you perfectly. Let me ask it this way, then. I think I can find a different way to ask it.

* Q. [10:17:03] Were you aware of -- were you aware of media reports attributing attacks in the areas of Benzambe, Bossangoa, Lere to armed groups affiliated with or associated with FROCCA in September 2013?

A. [10:17:47] I've said it and I'll repeat it: It was common knowledge in any case, President Bozizé and his entourage were -- they were seen as those who were instrumentalising, organising, and launching these groups to carry out attacks against Muslims. This is what everyone was saying. Since the FROCCA was established, and this is something that can be seen in Mr Banoukepa's press releases, there were calls to defend the country, and you can't defend the country with pieces of wood or just words. Of course this entails using weapons.

So according to public opinion, Bozizé was considered as the person responsible for these attacks.

Q. [10:19:33] And you referred to Bozizé and the people close to him. Is Mr Ngaïssona included in that group?

A. [10:19:42] He was someone close to President Bozizé. He was in the inner circle of President Bozizé.

Q. [10:20:05] Did you hear at the time that groups again associated with FROCCA or acting on behalf of President Bozizé and his partisans included a group called the Archers, les archers, together with the Anti-Balaka and other groups, as involved in attacks in Bowaie, Léré, Benzambé in that period, that is in around September or October of 2013? Did you ever hear that?

A. [10:21:05] This doesn't ring any bells at all.

MR VANDERPUYE: [10:21:07] Okay. For the Chamber's reference, then, that's at page 2088 of this document and --

PRESIDING JUDGE SCHMITT: [10:21:13] I have it in mind that at some point in time during the proceeding we have heard already from this group.

MR VANDERPUYE: [10:21:20] We've heard about the group, yes. And, indeed, also at page 2087 refers to the same publicised information.

Q. [10:21:56] All right. I would like to ask you about the period of time after you came -- after you went to New York. You went to New York, as you testified yesterday, at some point, and then you returned, and at a later point you were appointed to a government post; is that right? Have I got that right?

A. [10:22:22] That is indeed correct.

Q. [10:22:27] Okay. Can you tell us about the events that transpired around the time that you were appointed as a communications minister under President Djotodia? Tell us about the appointment and how it came about, to the best of your recollection.

A. [10:23:07] Thank you. Referring to this period, one has to bear in mind the mission that we carried out, Yvon Songuet and myself, in New York. We had gone to New York in order to do some public relations work there and work concerning influence, if I can put things that way. It was President Bozizé who had sent us on this mission. So we could logically expect that when we returned from our mission, he would meet with us so that we could report on what -- on what had happened. But when we returned from New York, we did not see him. It was impossible to get in touch with him. And as of this moment, I drew the following conclusion: That he did not think much -- he was not interested in what we had done in New York because, otherwise, he would have received us to find out how things had gone there. What I concluded was that he did not believe that diplomatic actions could contribute to solve

1 our country's crisis, and that is when I distanced myself from FROCCA.

2 I spoke about this to Yvon Songuet, who I had gone to New York with, or who I
3 worked with in New York, and I informed Socrate Bozizé. I informed him that I was
4 no longer a part of FROCCA.

5 Shortly afterwards, my friend and brother, who was a state minister for public works,
6 Mr Mboli-Goumba, he invited me to Bangui because, since the Seleka had taken power,
7 I continued tirelessly to publish articles and analyses to denounce * the exactions and
8 the governance of the Seleka.

9 So he invited me to Bangui so that I could see things for myself with my own eyes
10 instead of being far away. Instead of being far away and criticising, I was to be on the
11 ground to see what was happening, to see how things were progressing, how things
12 were changing within the country.

13 That is how he bought me a plane ticket. I went to Bangui. I spent a week there in
14 order to report on the situation. * So I went to Bangui as the person in charge of
15 publications for Afrique Nouvelle magazine and I was to interview President Djotodia
16 as part of this special request.

17 When I was brought there on the third day of my stay there, he was at the assembly.

18 * And so President Djotodia had me told me that he would meet with me in the
19 presence of Crépin Mboli-Goumba. So I went back to the hotel, and it was the day I was
20 to return to France that President Djotodia met me with Crépin Mboli-Goumba. But
21 there was no longer any question of an interview. He immediately told me that he
22 wanted me to come and help. He wanted me to assist the transition authorities by
23 holding a government position. I was surprised. He showed me a whole pile of
24 résumés, of CVs, and he said that this position had been vacant for months and many
25 people had presented to fill this vacancy, many profiles, but he had always thought of

1 me and wanted me to fill this vacancy. He wanted to name me as state minister for
2 communications.

3 So I answered him. I thanked him, I thanked him for thinking of me. Because this was
4 not a light -- because this was not a light-hearted decision to be taken, I needed some
5 time to think about it. In order to convince me, he told me that, "It's easy to stay abroad
6 and criticise your country, but it's better to come and contribute to improve things."

7 So I went back to France, and I was still in France when the decree, the appointment
8 decree, was published. The first person who called me to inform me that this decree
9 had been just read on the radio, that was Mr Crépin Mbolli-Goumba, and he also
10 wanted to congratulate me. The second person was Charles-Armel Doubane, who was
11 the representative of the Central African Republic in New York. He also wanted to
12 congratulate me.

13 And I remember that the third person who called me was Mr Ngaïssona. He called to
14 ask me why I was going to Bangui, knowing that things were going to change on the
15 ground, knowing that this regime didn't have long to live. I answered him saying that
16 I had no orders to take from him, that I was a free man, and that I was following my
17 conscience and the country's interests, and so on and so forth.

18 During this conversation I had with him, he said that things were going to change in
19 the country. Without giving a timeline or a deadline, as I've already said, I did
20 understand that this was something that was going to be imminent. So I brought this
21 information to Crépin Mbolli-Goumba's attention, and I said, "You have to be careful. I
22 received a call from such and such a person, and that everything seems to show that
23 the Bozizé movement was going to attack Bangui."

24 Crépin Mbolli-Goumba explains this in his book, "La nation Centrafricaine, et les récifs."
25 So I brought this information to his attention. He informed President Djotodia, at least

1 that's what transpires from his book, and then decisions were taken.

2 The decree appointing me minister was published on 30 November 2013. On 30

3 November, as I've explained, I received this information that I brought to Crépin's

4 attention. And a couple days later, meaning 5 December, the attack on Bangui took

5 place, during which the Anti-Balaka, the supporters of President Bozizé, tried to topple

6 the Seleka regime and take power. And then there were many massacres.

7 I think I can stop here and answer some questions.

8 Q. [10:34:44] Thank you for your answer. I do have a few questions. The first is if

9 you can remember the specifics of your conversation with Mr Ngaïssona on 30

10 November 2013, specifically, for example, did he say that, in fact, that there would be

11 an attack or an attack was imminent? And I mean the word "attack".

12 A. [10:35:26] The word "attack" was not used. However, everything that he was

13 saying, the references that he was using, insinuated that there would be an attack.

14 Q. [10:35:49] And that's important. If you can recall what he said that led you to that

15 belief or that conclusion, if you're able to remember.

16 A. [10:36:10] That regime was going to topple in a short time. What were you going

17 to Bangui to do? The word "soon" refers to something that's going to happen

18 imminently.

19 Q. [10:36:32] And as concerns the conclusion that you drew that that would be a

20 military attack, was that, to any extent, based on your time in FROCCA and the

21 discussions you had in August of that year, 2013, as well actually earlier in Yaoundé?

22 Did those discussions inform the conclusion you drew as a result of Mr Ngaïssona's

23 conversation?

24 MR KNOOPS: [10:37:01] Mr President, I think instead of asking leading questions, the

25 Prosecution could first ask the foundation of the interpretation by the witness of the

1 call.

2 PRESIDING JUDGE SCHMITT: [10:37:12] I don't agree here. This is a situation where
3 the witness has testified that he has spoken with Mr Ngaïssona, and it's, of course clear,
4 that Mr Vanderpuye is interested in the wording, but not only in that, but also in how
5 the witness understood what was said.

6 So you may continue, Mr Vanderpuye. Perhaps, yeah, I think it would -- perhaps to
7 concisely repeat the question.

8 MR VANDERPUYE: [10:37:44] Let me think of a different way to phrase it.

9 PRESIDING JUDGE SCHMITT: [10:37:50] It was a little bit complicated, also to say. So
10 Mr Knoops has some point.

11 MR VANDERPUYE: [10:37:57] It was an evolving question. I apologise for that.

12 PRESIDING JUDGE SCHMITT: [10:38:00] Yeah. Yeah, indeed. Indeed.

13 MR VANDERPUYE: [10:38:01]

14 Q. [10:38:01] What informed your conclusion that what Mr Ngaïssona was referring
15 to was a military attack on Bangui?

16 A. [10:38:11] I based myself not only upon my experience within the FROCCA but
17 also on what we imagined that President Bozizé and his entourage were up to, that is
18 to say, setting up an armed wing of the FROCCA, but also information that was of
19 public knowledge, saying that President Bozizé was organising his supporters with a
20 view to attacking Bangui. That was public knowledge.

21 PRESIDING JUDGE SCHMITT: [10:39:13] May I, Mr Vanderpuye.

22 You said that you understood that it was said that the regime of Mr Djotodia would
23 topple soon, if I have understood correctly. Was it under circumstances in any way
24 thinkable that this would happen in a peaceful way?

25 THE WITNESS: [10:39:49](Interpretation) By dint of the very nature of that regime that

1 had snatched power subsequent to a rebellion, it was impossible to imagine Djotodia
2 falling in a peaceful way, or at least falling and being replaced by Bozizé in a peaceful
3 manner.

4 PRESIDING JUDGE SCHMITT: [10:40:23] Mr Vanderpuye.

5 MR VANDERPUYE: [10:40:26] Thank you, Mr President.

6 Q. [10:40:29] During the conversation that you had with Mr Ngaïssona on 30
7 November, did you discuss with him where his information was coming from, how did
8 he know about what he was telling you concerning the toppling of the regime and how
9 he knew that it was going to be soon?

10 A. [10:40:51] We did not discuss his sources and how he had come about this
11 information.

12 Q. [10:41:15] At the time that he related this information to you, did you have any
13 awareness about where the Anti-Balaka were, where they were positioned?

14 A. [10:41:38] We knew that the Anti-Balaka were in the regions of Bossangoa in the
15 north, in the Lobaye, in the south close to Bangui, and we also knew that many former
16 FACA elements and former presidential guard elements had crossed the river and
17 were in Zongo in the DRC.

18 Q. [10:42:32] Did you have any discussion about that with Mr Ngaïssona during the
19 course of that conversation, if you can recall?

20 A. [10:42:45] No.

21 Q. [10:42:52] And you've indicated some awareness of various positions of Anti-
22 Balaka or Anti-Balaka groups in various locations. How did you come to that
23 knowledge at the time?

24 A. [10:43:09] This was information in the public domain. Every time the Anti-Balaka
25 would attack a town and there were clashings between the Seleka and the Anti-Balaka

1 in a given location, the press would talk about it and take stock of the situation. So we
2 were aware, more or less, of where the Anti-Balaka factions were to be found.

3 Q. [10:44:06] As a member or former member of FROCCA, are you able to tell the
4 Chamber what your understanding of the relationship between FROCCA and the Anti-
5 Balaka was at that period of time?

6 A. [10:44:31] During that period, I was convinced that the Anti-Balaka, because there
7 were a number of Anti-Balaka factions, there were those that were acting * in the name
8 and on behalf of President Bozizé and his clan.

9 Q. [10:45:03] When you related the information that Mr Ngaïssona told you about in
10 that conversation to Mr Mboli-Goumba, what was his reaction to it?

11 A. [10:45:22] He took it very seriously, because he told me that he had also got wind
12 of the same information, and that is why he repeated this to Djotodia.

13 Q. [10:45:57] And as you say that the -- you describe the relationship between the
14 Anti-Balaka and FROCCA, can I ask you where does Ngaïssona -- where did
15 Ngaïssona fit in in that picture, as he was a member of FROCCA? But how did he fit in
16 the picture with respect to the relationship between FROCCA and the Anti-Balaka, to
17 your knowledge? And that's at that time, that is, following its founding up until he
18 returned to Bangui in January of 2014.

19 A. [10:46:48] As I have already said, and I shall repeat, during *a meeting of the
20 FROCCA, Mr Ngaïssona was reporting that he had been in contact with the former
21 FACA elements, with the former presidential guard elements, and whatever the case
22 may be, with the children out in the field who were motivated. I also said, and I shall
23 repeat, that Mr Ngaïssona told us, myself and Yvon Songuet, he told us - and may he
24 rest in peace - that he was financing and had spent a great deal of money on the
25 upkeep of these soldiers out in the field. So clearly, it logically followed that he was

1 part of the armed struggle for taking power back.

2 Q. [10:48:13] I'd like to move to the 5 December attack, and with that I'd like to play
3 you an audio recording. It is at tab 10 of the OTP binder. It's at CAR-OTP-2088-2034.
4 The transcript is at CAR-OTP-2107-1596. I have here that we'll play from the beginning
5 to, I think it's 1 minute, 38 seconds. And the transcript reference should be at lines 11
6 through 23.

7 THE COURT OFFICER: [10:49:08] Could counsel please clarify if we can play this in
8 public session?

9 MR VANDERPUYE: [10:49:14] Yes, most definitely.

10 PRESIDING JUDGE SCHMITT: [10:49:19] The interpreters, please let us know when
11 you're ready.

12 THE INTERPRETER: [10:49:26] We do not see the transcript.

13 THE COURT OFFICER: [10:49:33] We are displaying the audio, so the transcript was
14 provided to the interpreters via email yesterday.

15 THE INTERPRETER: [10:49:40] We have it. Thank you.

16 PRESIDING JUDGE SCHMITT: [10:49:41] Okay. Then we can start.

17 MR VANDERPUYE: [10:49:46]

18 Q. [10:49:48] All right. We can play it.

19 (Playing of the audio excerpt)

20 THE INTERPRETER: [10:49:54] (Interpretation of the audio excerpt)

21 "LB: The constitutional order is being reestablished today, and we are claiming the
22 space, the political organ in order to save our citizens at the FROCCA. And we are
23 demanding today our part from our young brothers and sisters who are in the midst of
24 the action. We are together and we are at the head of the political scene. If the people
25 are -- if there is an uprising of the people, we are behind the people. The Anti-Balaka

1 are Central Africans here to liberate our country against the yoke of the jihadists who
2 have come from Darfur, from Chad, from Sudan. You know that the events in Bangui
3 are not a rebellion as the Seleka is. It is an independent people that does not want to be
4 submitted, that wants to put an end to unpublished crimes.

5 "NP: What is your message to the Central African people?

6 "LB: On this day of the 5th of December, I call upon all Central Africans to rise up as
7 one in order to drive out of our territory the foreign Islamic component, the invader,
8 the criminals who are wreaking havoc, who are humiliating. And the object of our
9 appeal for support is of the action of liberation of this 5th of December to our young
10 brothers and sisters of the Balaka."

11 MR VANDERPUYE: [10:51:55] Thank you. Thank you to the interpreters.

12 Q. [10:51:58] Mr Witness, I hope you heard that.

13 A. [10:52:01] I did.

14 Q. [10:52:04] This is, as you can see, actually, on the screen in front of you, an
15 interview of Lin Banoukepa. It was published on 5 December, I believe actually that
16 morning of the attack. Did you recognise his voice?

17 A. [10:52:21] I recognised his voice, and I had followed this interview previously.

18 Q. [10:52:33] I'd like to ask you what your understanding is of his reference to being
19 "la tête politique," FROCCA being "la tête politique"? How do you understand that?

20 MR KNOOPS: [10:53:01] Mr President, I'm sorry to interrupt, but again this is calling
21 for an interpretation by a witness.

22 PRESIDING JUDGE SCHMITT: [10:53:06] No. But this witness was part of FROCCA
23 and he knows Mr Banoukepa very well, so he might have had an understanding, and
24 we are listening to that.

25 MR KNOOPS: [10:53:15] But he left FROCCA in September.

1 PRESIDING JUDGE SCHMITT: [10:53:19] But he was in FROCCA and he was, let's
2 say, one of those who was there in the first hour, and he knows all the people.

3 So please answer the question, Mr Witness. What was your understanding when he
4 spoke of the, I think, political head, if we translate it into English, that FROCCA is the
5 political head of the movement? How did you understand that?

6 * THE WITNESS: [10:53:44](Interpretation) That was, in my point of view, FROCCA
7 claiming responsibility for the attack of 5 December.

8 PRESIDING JUDGE SCHMITT: [10:54:04] So if I may interpret, so your understanding
9 was the same, then, that what Mr Banoukepa referred to in this statement?

10 THE WITNESS: [10:54:18](Interpretation) Yes, indeed, that FROCCA was ascribing
11 itself the paternity, if you like, of the attack of the 5 December. This is what Lin
12 Banoukepa was saying.

13 PRESIDING JUDGE SCHMITT: [10:54:42] Mr Vanderpuye.

14 MR VANDERPUYE: [10:54:47]

15 Q. [10:54:48] And did you have an understanding as to whether that attack that he is
16 describing was something that was independent and spontaneous or something that
17 FROCCA had to do with, based upon your experience, your --

18 PRESIDING JUDGE SCHMITT: [10:55:05] Do you have -- let me reword it, Mr
19 Vanderpuye.

20 You are right, Mr Knoops.

21 Do you have any information if FROCCA had something to do with the 5 December
22 attack?

23 THE WITNESS: [10:55:28](Interpretation) In concrete terms, I do not have any
24 information. If I was asked to take any proof out of my pocket, I do not have any
25 information to that effect. But one does not overthrow power in a spontaneous

1 manner. And after the attack, we became aware of the identity of the attackers,
2 amongst whom there were people who were close to President Bozizé which clearly
3 could lead one to believe or could confirm or corroborate what Maître Banoukepa said
4 on 5 December.

5 PRESIDING JUDGE SCHMITT: [10:56:33] Mr Vanderpuye, I take it that you're not
6 finished after this session, which is not -- I don't see it as a problem. But can you tell us
7 how long we will take after the break? Microphone, please.

8 MR VANDERPUYE: [10:56:53] Sorry. I have basically two documents I'd like to show
9 him, and then some questions regarding other aspects of information in his statement,
10 so I'm guessing it will be about half an hour.

11 PRESIDING JUDGE SCHMITT: [10:57:10] Okay. So then let's say we have now the
12 break.

13 MR VANDERPUYE: [10:57:14] Okay.

14 PRESIDING JUDGE SCHMITT: [10:57:15] Mr Knoops, can you already say something
15 or -- yes, please.

16 MR KNOOPS: [10:57:18] Yes, Mr President, thank you very much. With the approval
17 of the Chamber, we would like to start tomorrow. I believe we have tomorrow, two
18 sessions. I'm informed that we have tomorrow until 1, and then I can use Monday,
19 Tuesday, to finish the examination.

20 PRESIDING JUDGE SCHMITT: [10:57:42] Actually, I had forgotten that the opening of
21 the judicial year has to be prepared thoroughly. But still, this is fine with you, and
22 there is enough time, because we have -- you know, Friday also we don't have a
23 hearing --

24 MR KNOOPS: [10:57:56] I understand, yes.

25 PRESIDING JUDGE SCHMITT: [10:57:56] -- because of the opening of the judicial --

Trial Hearing
WITNESS: CAR-OTP-P-2625

(Open Session)

ICC-01/14-01/18

- 1 MR KNOOPS: [10:58:01] Yes.
- 2 PRESIDING JUDGE SCHMITT: [10:58:02] But Monday, Tuesday, we have two full
3 days, plus two sessions.
- 4 MR KNOOPS: [10:58:06] Yes.
- 5 PRESIDING JUDGE SCHMITT: [10:58:08] Okay. Then we'll follow that --
- 6 MR KNOOPS: [10:58:09] Thank you, Mr President.
- 7 PRESIDING JUDGE SCHMITT: [10:58:10] -- like we always do. And I also understand
8 that it's good for any counsel if you have at least half a day or a day to contemplate or
9 to re-shuffle or whatsoever.
- 10 MR KNOOPS: [10:58:19] Thank you.
- 11 PRESIDING JUDGE SCHMITT: [10:58:20] So let's have now the break until 11.30.
12 (Recess taken at 10.58 a.m.)
13 (Upon resuming in open session at 11.30 a.m.)
- 14 THE COURT USHER: [11:30:48] All rise. Please be seated.
- 15 PRESIDING JUDGE SCHMITT: [11:30:58] Mr Vanderpuye, you have the floor.
- 16 MR VANDERPUYE: [11:31:00] Thank you, Mr President.
- 17 Q. [11:31:04] Good morning again, Mr Poussou.
- 18 A. [11:31:08] Good morning. Just before we broke, I was asking you some questions
19 about the relationship between FROCCA and the Anti-Balaka, and you were describing
20 some aspects of the attack on 5 December 2013. I think during the course of your
21 testimony just now, you said that you received certain information about how the
22 attack was carried out at a later point, that is, not on or before 5 December but at some
23 point after that.
- 24 You mentioned that there was the attack on 5 December, and then at page 22, line 9,
25 and you said "and then there were massacres." So I wanted to ask you about that.

1 When you say "and then there were massacres," what were you referring to?

2 * A. [11:32:14] On 5 December, when the attack on the President Djotodia's residence
3 and certain key points of the city of Bangui took place. But the assailants, they didn't
4 manage to take control of power at that moment, and so the Seleka, the regime
5 organised themselves. They planned or organised a counteroffensive as a reprisal. The
6 north districts of Bangui, Boy-Rabe, Gobongo, these districts were seen as being
7 inhabited by people from President Bozizé's ethnicity, and the Seleka organised raids
8 on those areas and there were many deaths. In the space of a month, we counted over
9 a thousand deaths. So these can be considered as massacres.

10 We were in a cycle of reprisals, be it from the Seleka side or the Anti-Balaka side,
11 because the Anti-Balaka also attacked the civilian population, the Muslim population
12 who lived in these areas, who were there or who travelled to those areas. And the
13 Anti-Balaka were trying to control the kilometre 5 Muslim stronghold. And during
14 those attacks, many Muslims were killed -- rather, many civilian populations were
15 killed.

16 Q. [11:35:25] Thank you for that explanation. I understand from that, then, that we're
17 talking about a cycle of violence against civilians and not just against military to
18 military, so to speak, fighters against military. Was that your understanding?

19 A. [11:35:43] It is indeed.

20 Q. [11:35:52] Now, you indicated that you had some information about the
21 participants in the attack on 5 December that you obtained at a later point. I want to
22 show you a document and I'll ask you some questions about it. It's at tab 49, CAR-
23 OTP-2123-0430. I think it's on the screen -- it is on the screen now.

24 PRESIDING JUDGE SCHMITT: [11:36:38] What is it? I see that it was provided by the
25 witness.

1 MR VANDERPUYE: [11:36:41] I was just about to ask him.

2 PRESIDING JUDGE SCHMITT: [11:36:47] Okay, you're -- I'm too quick. Excuse me.

3 MR VANDERPUYE: [11:36:48] No, no worries. Thank you, Mr President.

4 Q. [11:36:51] Do you recognise this document? I see you nodding.

5 * A. [11:37:03] This document was drafted by myself at the request of a French

6 authority at the time who was supposed to meet with a head of state and who asked

7 me for this information.

8 Q. [11:37:24] The document contains information that you were able to gather at the

9 time that -- or around the time that it was prepared. It indicates the date on the last

10 page of 18 February 2014. It's based on information that was collected and that you

11 had at your disposal at that time; is that it?

12 A. [11:37:54] Indeed.

13 Q. [11:38:06] I don't want to go through the whole thing because it's something that

14 you prepared, but it describes various actors that were involved in the 5 December

15 attack. If we go to page 431, 0431, we can see what's referred to here as the

16 constellation nébuleuse des milices, and there you describe how the Anti-Balaka is

17 organised, or the constituent elements of the Anti-Balaka in terms of percentages. Can

18 you tell the Chamber just generally how you came to these conclusions?

19 A. [11:39:06] This document was drafted at that time based on analyses provided by

20 intelligence agencies. The figures that you can see on the document, which I stuck with

21 since I used them again, these are the figures provided by the Central African

22 Intelligence Agency at the time. But as I said in my statement, the Bozizé clan was seen

23 as being the creator of the Anti-Balaka, as those who stood behind them. And then on

24 the ground, after the attack of 5 December, many people close to President Bozizé, or

25 people who were considered close to the president, led different factions of the Anti-

1 Balaka. So all of this information led to this conclusion.

2 Q. [11:41:01] With respect to the names that we see here and the roles that they had
3 in the Anti-Balaka or in support of President Bozizé's attempt to regain power, is that
4 also -- are these names also based on intelligence reports? So, for example, we can see
5 at the bottom of this page, if we just go down the page a little bit, you can see a direct
6 reference there to Mr Ngaïssona. It says:

7 (Interpretation) "The pro-Bozizé group, coming from the Benzambé-Bossangoa-Bangui
8 axis whose general coordinator is the former member of parliament and former
9 minister, Edouard Ngaïssona. Its HQ is in Boy-Rabe, and it is mainly dominated by
10 Bozizists."

11 (Speaks English) Was that information coming from an intelligence report?

12 A. [11:42:14] It comes from the analysis provided by the intelligence service at the
13 time but it was also public knowledge, since after the attacks that took place on 5
14 December, Mr Ngaïssona publicly claimed to be the coordinator of an Anti-Balaka
15 faction. So this was information that was public knowledge at the time.

16 Q. [11:42:57] If we go to the next page, you'll see a reference to Captain Rombhot,
17 "ancien" at the bottom, subsection (d):

18 (Interpretation) "The former FACA group, the colonel and captain Rombhot, former
19 aide-de-camp to a general since deceased, controls the Boeing sector that is alongside
20 the airport, Petevo, M'Baiki, with elements who are supplied with goods distributed on
21 this site."

22 (Speaks English) Also information coming from intelligence reports?

23 A. [11:43:43] Yes, among other things. And this is -- this was also in line with the
24 positions that these men occupied on the field, I mean geographically. This Anti-
25 Balaka faction, from a geographic point of view, that's how it was.

1 Q. [11:44:28] Let me ask you about this last sentence you have in this document. It's
2 at page 0436. You have here:

3 (Interpretation) "The ethnical purification and religious purification and the partition of
4 the Central African Republic have to be fought against without showing a sign of
5 weakness."

6 (Speaks English) What did you mean by that?

7 A. [11:45:15] Following the 5 December attack, the Anti-Balaka or, rather, the
8 different Anti-Balaka factions were systematically attacking our fellow citizens, our
9 fellow Muslim citizens. Everything seemed to show that there was a plan to liquidate
10 the Muslims, and this was a response to the violations committed by the Seleka.
11 Within certain Seleka factions -- within these factions, there were also calls for
12 partitioning. These people said, well, we're killing Muslims, and there were also acts of
13 cannibalism, publicly performed cannibalism of Muslims. So Muslims would have to
14 leave to create a state that would be exclusively reserved for them. So that's what I was
15 referring to, that these desires should be fought against firmly.

16 Q. [11:47:23] Now, we've moved a little bit ahead because we're talking about * 2018,
17 after Mr Ngaïssona returned and took the head of the Anti-Balaka as the national
18 coordinator. If you know, what was Mr Ngaïssona's relationship to the Anti-Balaka at
19 that time, that is, the time he returned to Bangui and took control of the movement as
20 its national coordinator?

21 A. [11:47:57] In his role as coordinator, he was the leader of the Anti-Balaka faction
22 that was close to the pro-Bozizé movement. He acted in the name of this faction.

23 * For example, I was present when a discussion took place between Mr Ngaïssona and
24 the Prime Minister Mahamat Kamoun at his home, at the prime minister's residence.

25 This was shortly after I had been appointed as special advisor to the prime minister.

1 And this was a discussion during which it was said that Mr Ngaïssona should put a
2 stop to the attacks against civilian populations, that he should -- that he should act in
3 order to bring about a return to peace, and so on and so forth. This is what Prime
4 Minister Kamoun asked him, because he was the leader of these men and he could
5 control them. And in exchange for these actions, he could be appointed president of
6 the SOCAPS, which is the organisation or company that is responsible for stocking
7 hydrocarbons in our country.

8 Following this discussion, I was asked by the prime minister -- this was something I
9 did regularly at the time - I was asked to prepare a draft decree that would appoint Mr
10 Ngaïssona as head of SOCAPS. And I gave him this draft decree on a USB key. I gave
11 it to the prime minister.

12 Following these exchanges, Mr Ngaïssona would call me regularly because he wanted
13 to know how this appointment was developing because certain -- because certain
14 chancelleries, if you like, such as the Embassy of France, the United States, were
15 opposed to this appointment. And that's why I -- there was also a plan to unblock the
16 situation from the presidency.

17 So I told him that the prime minister had done everything that should be done, and
18 that the draft decree was to be drafted but that there was a blockage from the
19 presidency. He was working as the high chief of the Anti-Balaka faction, * and he was
20 aligned with Bozizé.

21 Q. [11:51:57] Let me show you a document. It's at tab 9 of our binder. It's CAR-OTP-
22 2087-9290. I think you can see this on the screen already. First, have you seen this
23 document before?

24 A. [11:52:40] This is the first time I've seen it.

25 Q. [11:52:45] In this document, you can see at number 2, Mr Ngaïssona's name.

MR VANDERPUYE: [11:52:57] Just for the Registry's purposes, this can be public. It doesn't need to be confidential.

Q. [11:53:06] But in any event you can see Mr Ngaïssona's name at number 2 in this document, and under "Voeux," it indicates (Interpretation) "Director-general of SOCAPS." (Speaks English) And that's what you're referring to, is it?

A. [11:53:27] Indeed.

Q. [11:53:33] Were you aware of similar demands made for other members of the Anti-Balaka as you can see here on this document?

A. [11:53:58] This is what I know. The Anti-Balaka had requests. They wanted to be part of the transitional institutions in exchange for their actions in order to bring back peace to the country. So it is very plausible that these Anti-Balaka members would have these requests, which I'm seeing here for the first time.

Q. [11:54:48] You mentioned a little bit earlier that Mr Ngaïssona was among the Bozizists within the FROCCA structure. In 2014, did he remain in the line, the same line as President Bozizé with respect to his return to power?

A. [11:55:23] There's two points to consider here. After the interview I gave to the Radio France International on 3 January, I had a telephone call with Mr Ngaïssona who suggested putting President Djotodia and Bozizé in touch with each other so that the two men could talk to each other in the interest, as he said, of everyone.

When he returned to Bangui, you could feel, especially in his public statements, that he was in a certain sense emancipated, or rather that he had freed himself from President Bozizé's control, that there was a certain distance between him and President Bozizé.

Q. [11:57:18] In the conversation that you had with Mr Ngaïssona after the 3 January interview, was he seeking for Djotodia to negotiate with Bozizé or the two of them to negotiate with one another?

- 1 A. [11:57:34] I understood that this was the goal of what he was doing because,
2 during this interview, I had said that he belonged to those who were instrumentalising
3 the Anti-Balaka, and that he was trying to take the hand that was stretched out to him
4 by President Djotodia who was offering the possibility of a dialogue.
- 5 * So I concluded that it's because I said that one had to take this opportunity to seize the
6 outstretched hand that he suggested that these two people be put in contact in order to
7 negotiate.
- 8 Q. [11:59:03] Just quickly to follow up on that. Did you take action toward that effect
9 in order to put them in contact with one another?
- 10 A. [11:59:15] This was -- it was not fruitful.
- 11 Q. [11:59:29] And you said just recently in your answer, you made a reference to
12 those who instrumentalised the Anti-Balaka. So I want to know what you mean by
13 that.
- 14 A. [11:59:56] I was referring to President Bozizé's clan.
- 15 Q. [12:00:03] Would that include Mr Ngaïssona?
- 16 A. [12:00:06] Indeed, it would.
- 17 Q. [12:00:12] And when you say instrumentalise the Anti-Balaka, concretely what do
18 you mean? How? For what purpose? Through what means?
- 19 A. [12:00:27] To my understanding, those were the people who were giving the
20 orders. And to talk about it in a trivial way, it was -- the crime would benefit -- the
21 crimes of the Anti-Balaka would benefit them, to put it crudely.
- 22 Q. [12:00:52] Do you recall if Mr Ngaïssona ever told you that he was involved in
23 financing the Anti-Balaka to purchase arms?
- 24 A. [12:01:05] Clearly, I do not recall. However, he did tell me and Yvon Songuet that
25 he had spent a great deal of money on the upkeep of the men and a lot of money for the

1 project to come to fruition. And he only knows where that money was going.

2 Q. [12:01:54] As you indicated here that you don't recall exactly, let me refresh your
3 recollection with the statement that you gave back in 2019. At paragraph 143 of your
4 statement, you say --

5 PRESIDING JUDGE SCHMITT: [12:02:16] It's CAR-OTP-2123-0377 and 0401.

6 MR VANDERPUYE: [12:02:24] Yes, Mr President. Thank you.

7 Q. [12:02:30] At paragraph 143 you indicate:

8 "With regard to the concrete role of Ngaïssona and the attack on December 5th, 2013,
9 he financed the purchase of weapons and participated in the coordination of the arms.
10 Ngaïssona has personally confirmed to me that 'I have financed the purchase of arms.'
11 Does that refresh your recollection? And if so, can you tell us the circumstances under
12 which you received that information from him?

13 A. [12:03:25] It is important to say that when I was at the -- within the cabinet of the
14 prime minister and after the elections of the current president, I quite often had
15 dealings with Mr Ngaïssona. We had a discussion, I believe, two or three months
16 before he was arrested in his office of the Central African football association. I went to
17 see him because he often appeared in a program, a sports program on my radio station,
18 and at that time I was also vice-president of a football club. So I went to see him at the
19 federation on one or two occasions.

20 And when I went to see him at the federation, at that moment in time we talked about
21 politics. He voiced his frustrations with regard to the current power; that is to say,
22 President Touadéra, saying that he had done a lot for Touadéra to be in power today,
23 and he had contributed to the purchase of weapons for the Anti-Balaka. He had acted
24 with the Anti-Balaka during the election for Touadéra to be where he was. And even
25 to appoint him as a minister, Touadéra was incapable of doing so.

1 So as commissaire of the CAF, he had a better salary than a minister. And it wasn't
2 interesting for him, and he intended to distance himself from Touadéra's power.

3 So that is what I recall from the conversation we had in his office of the federation -- the
4 football federation.

5 Q. [12:06:32] So I gather from that that this would have occurred at some point in
6 2018, as Mr Ngaïssona was arrested in this case then, at the end of the year. Does that
7 sound right?

8 A. [12:06:52] That is correct.

9 Q. [12:06:54] Thank you. Bear with me one moment.

10 MR VANDERPUYE: [12:07:22] Well, Mr Poussou, that brings me to the end of my
11 direct examination, so I'd like to thank you for your patience and also for the
12 Chamber's indulgence. I have no further questions at this time.

13 PRESIDING JUDGE SCHMITT: [12:07:30] Thank you very much, Mr Vanderpuye.
14 That concludes the hearing for today. We start tomorrow at 9.30. Thank you very
15 much, Mr Poussou.

16 Again, tomorrow, 9.30, and we have only two sessions. Thank you very much.

17 (The hearing ends in open session at 12.07 p.m.)

18 CORRECTIONS REPORT

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

21 Page 5 line 8:

22 "notably Levi Yakete" is translated and added.

23 Page 7 line 12:

24 "Youfeina" is added.

25 Page 7 line 25 to page 8 line 4:

1 “A. [9:50:46] I do not know that group, neither do I know any of the other groups
2 that joined the FROCCA in the act. One should say that in the main, these groups are
3 factitious. One individual alone can draft the text and refer to a group in order to show
4 that there is public support for the FROCCA, but in reality this group does not exist.
5 That is the case for MOREPOL, * Levi Yakete's MOREPOL, that we read a press release
6 for earlier.”

7 Is corrected to

8 “A. [9:50:46 a.m.] I do not know that group, neither do I know any of the other groups
9 that joined the FROCCA in the act of adhesion. One should say that in the main, these
10 groups are fictitious factitious. One individual alone can draft his own text and refer to
11 a group in order to show that there is public support for the FROCCA, but in reality
12 these groups does not exist. That is the case for MOREPOL, * Levi Yakete's MOREPOL,
13 that we read a press release for earlier.”

14 Page 16 lines 4-6:

15 “Q. [10:17:03] Were you aware of -- were you aware of media reports attributing
16 attacks in the areas of Benzambé, Léré, Bossangoa, two armed groups affiliated with or
17 associated with FROCCA in September 2013? Did you become aware of that? “

18 Is corrected to

19 “Q. [10:17:03] Were you aware of -- were you aware of media reports attributing
20 attacks in the areas of Benzambe, Bossangoa, Lere to armed groups affiliated with or
21 associated with FROCCA in September 2013?”

22 Page 18 line 11:

23 “the actions” is corrected to “the exactions”

24 Page 18 lines 18-20:

25 “So I went to Bangui as a representative of Afrique Nouvelle magazine and I was to

1 interview President Djotodia as part of this special report.”

2 Is corrected to

3 “So I went to Bangui as the person in charge of publications for Afrique Nouvelle
4 magazine and I was to interview President Djotodia as part of this special request.”

5 Page 18 lines 18-20:

6 “And so President Bozizé told me that he would meet me with Mr Mboli-Goumba.”

7 Is corrected to “And so President Djotodia had me told me that he would meet with me
8 in the presence of Crépin Mboli-Goumba.”

9 Page 23 lines 7-8:

10 “in the name and” is translated and added.

11 Page 23 line 19:

12 “the” is corrected to “a”

13 Page 26 lines 6-7:

14 “THE WITNESS: [10:53:44](Interpretation) That was my point of view with regard to
15 the demands of the attack of the 5 December from the FROCCA. “

16 Is corrected to

17 “THE WITNESS: [10:53:44](Interpretation) That was, in my point of view, FROCCA
18 claiming responsibility for the attack of 5 December. “

19 Page 29 lines 2-3:

20 “A. [11:32:14] On 5 December, when the attack on Djotodia's presidential residence
21 took place, certain vital areas of the city of Bangui, in those places there were deaths on
22 the Seleka side.”

23 Is corrected to

24 “A. [11:32:14] On 5 December, when the attack on the President Djotodia's residence
25 and certain key points of the city of Bangui took place.”

1 Page 30 lines 5-7:

2 "A. [11:37:03] Yes. This document was drafted by myself on request of a French
3 authority at the time who was supposed to meet with the head of state and who asked
4 me for this information."

5 Is corrected to

6 "A. [11:37:03] This document was drafted by myself at the request of a French
7 authority at the time who was supposed to meet with a head of state and who asked
8 me for this information."

9 Page 32 lines 23-24:

10 "For example, I heard a discussion between Mr Ngaïssona and the Prime Minister
11 Mahamat Kamoun at his home, at the prime minister's residence."

12 Is corrected to

13 " For example, I was present when a discussion took place between Mr Ngaïssona and
14 the prime Minister Mahamat Kamoun at his home, at the prime minister's residence. "

15 Page 33 lines 19-20:

16 "and he was close to Bozizé." Is corrected to "and he was aligned with Bozizé."

17 Page 35 lines 5-7:

18 "So I concluded that it's because I said that one had to take this opportunity to shake
19 the hand with the president that he suggested that these two people be put in contact in
20 order to negotiate."

21 Is corrected to

22 "So I concluded that it's because I said that one had to take this opportunity to seize the
23 outstretched hand that he suggested that these two people be put in contact in order to
24 negotiate."

25 Page 32 line 1"6:

Trial Hearing
WITNESS: CAR-OTP-P-2625

(Open Session)

ICC-01/14-01/18

- 1 “2014” is corrected to “2018
- 2 The following corrections, marked with an asterisk and included in the audio-visual
- 3 recording of the hearing, are brought into the transcript.
- 4 Page 3 line 12 and throughout the transcript:
- 5 “Levy Yakete” is corrected to “Levi Yakete”
- 6