

Trial Hearing
WITNESS: CAR-OTP-P-0291

(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 Monday, 12 July 2021
10 (The hearing starts in open session at 9.32 a.m.)
11 THE COURT USHER: [9:32:39] All rise.
12 The International Criminal Court is now in session.
13 Please be seated.
14 PRESIDING JUDGE SCHMITT: [9:33:07] Good morning, everyone.
15 Could the court officer please call the case.
16 THE COURT OFFICER: [9:33:11] Good morning, Mr President, your Honours.
17 The situation in Central African Republic, case the Prosecutor versus Alfred Yekatom
18 and Patrice-Edouard Ngaïssona, case ICC-01/14-01/18.
19 And we are in open session.
20 PRESIDING JUDGE SCHMITT: [9:33:25] Thank you.
21 I ask for the appearances of the parties.
22 Prosecution first.
23 MR LEDDY: [9:33:32] Good morning, your Honours. I'm Nicholas Leddy, trial
24 lawyer with the Office of the Prosecutor. With me today is Kweku Vanderpuye, Eric
25 Iverson, Pierre Belbenoit-Avich and Yassin Mostfa. Thank you.

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- 1 PRESIDING JUDGE SCHMITT: [9:33:44] Thank you.
- 2 I turn to the representatives of the victims.
- 3 MS RABESANDRATANA: [9:33:48](Interpretation) Good morning, Mr President.
- 4 Good morning to all. The representatives of victims of the other crimes are Paolina
- 5 Massidda, Evelyne Ombeni and myself -- and myself, I'm sorry. And myself
- 6 (Overlapping speakers)
- 7 MR SUPRUN: [9:34:06] Good morning, Mr President, your Honours. The former
- 8 child soldiers are represented by myself, Dmytro Suprun, counsel at the Office of
- 9 Public Counsel for Victims. Thank you.
- 10 PRESIDING JUDGE SCHMITT: [9:34:15] Thank you.
- 11 Ms Dimitri.
- 12 MS DIMITRI: [9:34:18] Good morning, Mr President. Good morning your Honours.
- 13 Good morning, everyone. Mr Yekatom, who is present in the courtroom this
- 14 morning, is represented by Mr Thomas Hannis, associate counsel; Ms Léa Benoit,
- 15 legal intern; Mr Florent Pages-Granier, legal consultant; Ms Sabine Bayssat, case
- 16 manager; and myself, Mylène Dimitri.
- 17 PRESIDING JUDGE SCHMITT: [9:34:36] Thank you.
- 18 Mr Knoops.
- 19 MR KNOOPS: [9:34:40] Good morning, Mr President, your Honours, everyone in
- 20 the courtroom. Defence team Mr Ngaïssona consists today of Ms Marie-Hélène
- 21 Proulx, associate counsel, and Ms Sara Pedroso, legal assistant. And, of course,
- 22 Mr Ngaïssona himself.
- 23 PRESIDING JUDGE SCHMITT: [9:34:54] Thank you.
- 24 Everybody here in the room is aware that we have an issue with the protective
- 25 measures for the next witness. The Chamber is going to discuss this with the

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1 witness like the last time in private session and then we'll see what happens from
2 thereon. And because of that, we go into private session and then connect to the
3 witness, please.

4 (Private session at 9.35 a.m.) *(Reclassified partially in public)

5 THE COURT OFFICER: [9:35:29] We are in private session, Mr President.

6 PRESIDING JUDGE SCHMITT: [9:35:33] Thank you. So we have to wait until the
7 connection has -- until the connection functions.

8 THE COURT OFFICER: [9:35:51](Microphone not activated) inform the Chamber
9 and the parties and participants it will be evidence 2.

10 The witness is on his way, Mr President.

11 PRESIDING JUDGE SCHMITT: [9:36:27] Thank you.

12 (Pause in proceedings)

13 PRESIDING JUDGE SCHMITT: [9:38:18] Mr Witness, good morning. Can you
14 understand and hear me well?

15 I don't hear interpretation.

16 THE INTERPRETER: [9:38:36] We don't hear the witness, Mr President.

17 PRESIDING JUDGE SCHMITT: [9:38:42] Mr Witness, there is an issue with the
18 interpretation. That is not your fault. We have to fix this first and then I would ask
19 you again.

20 THE COURT OFFICER: [9:39:22] And assistance is currently provided,
21 Mr President.

22 PRESIDING JUDGE SCHMITT: [9:39:31] I think we hear the witness now.

23 Does this also apply to the interpreters?

24 THE INTERPRETER: [9:39:37] It would appear it's a technician saying they're trying
25 to sort out the problem, Mr President.

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1 PRESIDING JUDGE SCHMITT: [9:39:44] Okay. I think we can continue.

2 So, Mr Witness, I ask you again because it was not transmitted: Do you hear and

3 understand me well now?

4 WITNESS: CAR-OTP-P-0291

5 (The witness speaks French)

6 (The witness gives evidence via video link)

7 THE WITNESS: [9:39:59](Interpretation) Yes, I can hear you well now and I

8 understand you as well.

9 PRESIDING JUDGE SCHMITT: [9:40:04] On behalf of the Chamber, I would like to
10 welcome you. The Chamber is composed by Judge Kovács, to my right, and
11 Judge Chung, on my left, and my name is Bertram Schmitt.

12 You are called to testify to assess this Chamber in the case of Mr Yekatom and
13 Mr Ngaïssona. You are aware that we are in private session and the Chamber has
14 been informed by the Prosecution that you have certain concerns regarding your
15 security situation. Have these concerns meanwhile been resolved so that we can
16 proceed with your testimony?

17 THE WITNESS: [9:41:01](Interpretation) Yes. Yes, I'm listening to you.

18 PRESIDING JUDGE SCHMITT: [9:41:08] Yeah, I asked you if these concerns that
19 you had or have regarding your security situation have been resolved so that we can
20 proceed --

21 THE WITNESS: [9:41:16](Interpretation) (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 PRESIDING JUDGE SCHMITT: [9:42:17] Mr Witness, the Chamber understands
5 your concerns. However, Article 64(7) stipulates that the trial shall be held in public.
6 That is the norm. The reason being, that the trial has to be transparent and not
7 behind closed doors, that people all over the world, but especially in your country,
8 can follow and understand what's happening. Moreover, the accused are entitled to
9 a public hearing. That's Article 67(1). Only when special circumstances require
10 closed session can the Chamber revert to closed session. And the Victims and
11 Witnesses Unit, which is in charge of assessing the need for protective measures, has
12 informed the Chamber that it sees no specific security risks in your situation.

13 (Redacted)

14 (Redacted) In light of this, the Chamber does not

15 see a reason to hear your whole testimony in private session.

16 However, it may on a case-by-case basis revert to private session when special
17 circumstances during your testimony occur. For example, when -- when
18 confidential -- evidence on confidential issues or on sensitive issues is to be given.

19 So you understand, it is not possible that you give your complete whole testimony in
20 closed session. Only when the -- when questions arise that could justify private
21 session, the Chamber can do so on your request or on the request, for example, of the
22 Prosecution. I would like to think about this -- you about this and inform us if you
23 are willing to testify under these circumstances. And please keep in mind, also, that
24 (Overlapping speakers) -- Okay.

25 What did the witness say?

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1 THE INTERPRETER: [9:44:57] He didn't finish. He said, "I agree."

2 THE WITNESS: 09:45:01](Interpretation) And under these circumstances I can
3 testify. But I leave it to the Court to assess these things and with the understanding
4 that we can go into private session when dealing with very sensitive issues. That
5 having been said, I am ready to testify.

6 PRESIDING JUDGE SCHMITT: [9:45:24] Okay. Thank you very much,
7 Mr Tiangaye. That is good news and I think everybody here appreciates it. And I
8 have to say also that of course parties and participants, but especially the Court, the
9 Chamber, needs witnesses to be open, to testify in open session, as I already have said,
10 so that the public can follow in your country and can -- can assess what's happening
11 here in this courtroom.

12 So we are going then to open session again and we start in open session.

13 (Open session at 9.46 a.m.)

14 THE COURT OFFICER: [9:46:23] We're in open session, Mr President, your
15 Honours.

16 PRESIDING JUDGE SCHMITT: [9:46:27] Thank you very much.

17 Mr Tiangaye, there should be a card in front of you with the solemn undertaking. I
18 would ask you to read this solemn undertaking out aloud.

19 THE WITNESS: [9:46:47](Interpretation) Do I have to raise my right hand or should
20 I just read it out?

21 PRESIDING JUDGE SCHMITT: [9:46:54] It is enough if you read it out.

22 THE WITNESS: [9:46:58](Interpretation) Thank you.

23 I solemnly declare that I will speak the truth, the whole truth and nothing but the
24 truth.

25 PRESIDING JUDGE SCHMITT: [9:47:11] Thank you very much, Mr Tiangaye, you

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1 are now sworn in. And as you have already assured us, you will have to tell us the
2 truth, the whole truth and nothing but the truth.

3 Before we start with the questioning, I would like to inform you that - I think you are
4 aware of that - that everything we say here in this courtroom is written down and
5 interpreted, and to allow for the interpreters to follow we have to speak at a relatively
6 slow pace. Also, I would like to ask you that you only start speaking - perhaps
7 counting a couple of seconds - after the other person who has asked your question has
8 finished. Thank you very much, for the moment.

9 I give now the floor to the Prosecution for their examination.

10 MR LEDDY: Thank you, Mr President.

11 QUESTIONED BY MR LEDDY:

12 Q. [9:48:06] Good morning, Mr Tiangaye. We met last week --

13 A. [9:48:10] Good morning.

14 Q. [9:48:11] -- in the familiarisation meeting. As you know, my name is Nick
15 Leddy and I'm a trial lawyer with the Office of the Prosecutor. Today I'll be asking
16 you some questions about the submission of your prior statement and to clarify some
17 portions of it. I will then cover more or less three topics.

18 The first is your role as prime minister in 2013. The second will be the Anti-Balaka.
19 We will review some of the documents you provided to the Office of the Prosecutor
20 on that subject, as well as some documents and videos obtained from other sources.
21 The third topic will be the events leading up to and including the Anti-Balaka attack
22 on 5 December 2013 on Bangui, as well as the aftermath of that attack. Please let us
23 know if you don't understand a question or if you need it to be repeated. Also, if
24 you need a break at any time, please let us know.

25 Now, Mr Witness, for the record, what is your date of birth?

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1 A. [9:49:27] I was born on 13 September 1956.

2 Q. [9:49:33] You made a statement to the Office of the Prosecutor in March and
3 June of 2015 that was continued into March of 2016. Did you, with the help of the
4 Victims and Witness Unit, recently review the statement and its annexes, as well as
5 the investigator's report, which is number 18 on our list of materials at
6 CAR-OTP-2034-0002, which contains corrections to three paragraphs of your
7 statement, in particular paragraph 67, 75 and 91.

8 Did you recently review those materials?

9 A. [9:50:25] Yes, I reread my statements recently.

10 Q. [9:50:32] And do the corrections to those three paragraphs in that report fairly
11 and accurately represent your statement to the Office of the Prosecutor?

12 A. [9:50:53] Yes, that is correct. It -- it -- it tallies with what I said and what I did.

13 Q. [9:51:06] The Victims and Witness Unit informed us you have an additional
14 correction to paragraph 77 of your statement regarding the usage of the word
15 "constitution". Can you explain the correction you'd like to make in that regard?

16 A. [9:51:31] In the transcript, reference is made to constitution. But during that
17 period, the constitution was suspended and at the time we adopted a transitional
18 constitutional charter. And that is why I wanted to make that correction in order to
19 clarify all things and avoid any confusion by referring to the transitional
20 constitutional charter and not to mention constitution because at that time the
21 constitution was suspended.

22 Q. [9:52:16] And with those corrections, do you agree to the submission of your
23 statement and its annexes into evidence?

24 A. [9:52:35] Yes, I agree.

25 MR LEDDY: [9:52:36] So for the record, your Honour, I believe the conditions for

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1 Rule 68(3) are met.

2 PRESIDING JUDGE SCHMITT: [9:52:41] Indeed.

3 MR LEDDY: [9:52:42]

4 Q. [9:52:43] Now, Mr Witness --

5 PRESIDING JUDGE SCHMITT: [9:52:44] Ms Dimitri is rising.

6 MS DIMITRI: [9:52:46] Mr President, just one clarification. And I apologise for not

7 having that -- requested for that clarification when I received the familiarisation

8 protocol but -- the familiarisation package, but it did escape my attention. I just

9 want to know, the statement that's being read and put into evidence, is it -- because

10 you'll recall that under decision 232 redactions were granted pursuant to a request by

11 the Prosecution because it's -- because of the Séléka investigation. So just for my

12 own understanding, is the statement going in, and the statement that Mr Tiangaye

13 reviewed and accepted, is it the redacted version or the unredacted version?

14 PRESIDING JUDGE SCHMITT: [9:53:25] Mr Leddy, what do you think?

15 MR LEDDY: [9:53:36] Your Honour, it's the Prosecution's position that we're

16 tendering the redacted version. However, we understand the witness reviewed the

17 unredacted version.

18 PRESIDING JUDGE SCHMITT: [9:53:45] Okay. Then I think we leave it -- this for

19 the moment. And yeah, and then -- but of course there might be -- there might be

20 interesting information for this case also that is then redacted at the moment. You

21 are aware of that.

22 Okay. Then with this, we continue with the examination. And I think the Rule 68(3)

23 conditions are met under this, yeah, circumstance.

24 MR LEDDY: [9:54:17] Thank you, your Honour.

25 Q. [9:54:20] Now, Mr Witness, in your statement you mentioned the Libreville

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1 summit and you signed the Libreville agreement itself; is that correct?

2 For reference, that's tab 24, CAR-OTP-2054-1346.

3 Can you hear me, Mr Witness?

4 A. [9:55:03] Yes, I can hear you. Yes, I signed the Libreville agreement of the
5 11 January and I --

6 THE INTERPRETER: [9:55:21] Mr President, the sound quality is really quite poor
7 for the interpreters.

8 PRESIDING JUDGE SCHMITT: [9:55:27] Yeah, I think we should really fix this for
9 once and for all, so to speak, otherwise this will appear more often.

10 Mr Witness, perhaps you are aware of that the interpreters said that they don't hear
11 very well. That is a technical problem. We have to solve this first before we
12 continue.

13 THE COURT OFFICER: [9:55:56] Mr President, I would like to inform the Chamber
14 that unfortunately this is due to the bandwidth in the field and thus altering the
15 sound. Of course we're going to try during the break to improve it and fix this
16 technical problem, but I'm afraid that right now there's not much we can do about it
17 (Overlapping speakers).

18 PRESIDING JUDGE SCHMITT: [9:56:13] Okay. Then I think I would even say
19 with the leave of the interpreters we give it a try and -- but, of course, you have to
20 inform us if you simply can't follow anymore. Yeah? We'll do it this way.
21 So we continue. Mr Leddy, please.

22 MR LEDDY: [9:56:32]

23 Q. [9:56:32] Mr Witness, after signing the Libreville agreement, you became the
24 prime minister in the transition government; is that correct?

25 A. [9:56:46] Yes, that is correct.

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1 Q. [9:56:47] And for reference I'll refer to Decree 13.015 and Decree 13.015 at
2 CAR-OTP-2101-1895. That's tab 44 in the list of materials.

3 And is it the case, Mr Witness, that when you were appointed prime minister
4 Mr Ngaïssona was also appointed minister as well at the same time?

5 A. [9:57:30] Yes, I think so. I don't remember the names of all the ministers at the
6 time. And if I'm not mistaken, he was minister for youth and sports.

7 Q. [9:57:52] I'd like to show the witness a document on tab 44, if possible, please.
8 And that's CAR-OTP-2101-1895.

9 THE COURT OFFICER: [9:58:10] It's played on evidence channel one.

10 MR LEDDY: [9:58:22]

11 Q. [9:58:23] Can you see the document in front of you, Mr Witness?

12 A. [9:58:39] No, I don't have that document.

13 THE INTERPRETER: [9:58:50] Mr President, suggestion from the interpreters. It
14 might help if the witness would speak closer to the microphone.

15 PRESIDING JUDGE SCHMITT: [9:58:58] So it's now on your -- on your screen,
16 Mr Witness? I ask you if you can see it now on your screen, the document?

17 THE WITNESS: [9:59:12](Interpretation) Yes, it is now displayed on the screen.

18 PRESIDING JUDGE SCHMITT: [9:59:16] And perhaps you could go a little bit closer
19 to the microphone. That could perhaps improve a little bit the transmission of what
20 you say. Thank you very much.

21 THE WITNESS: [9:59:35](Interpretation) Yes, I can see it's Decree 13.015 to appoint
22 the prime minister head of government.

23 MR LEDDY: [9:59:45]

24 Q. [9:59:45] And do you recognise this document, Mr Witness, as dated
25 17 January 2013?

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- 1 A. [9:59:59] I cannot see the date. Yes, maybe you want to scroll up, please.
- 2 Q. [10:00:05] If you scroll to the bottom section near the signature. Thank you.
- 3 A. [10:00:19] Yes, that's the right document. I can confirm that.
- 4 Q. [10:00:23] I'd like to turn to the next page, 1896, and at the top of the page direct
- 5 you to the Decree Number 13.035 and then to Article 1 near the middle page, which
- 6 also serves to appoint you as prime minister.
- 7 Now, turning to page 4 of that document at ERN 1899, I'd like you to take a look at
- 8 the last item on that page and we can see there it's written that Mr Ngaïssona has
- 9 been appointed the Minister of Youth, Sports, Arts and Culture.
- 10 A. [10:01:42] Yes, that is correct.
- 11 Q. [10:01:48] Can you please describe for us your relationship with Mr Ngaïssona
- 12 at the time of these appointments?
- 13 A. [10:02:01] Yes, I knew Patrice-Edouard Ngaïssona and at a certain point in time I
- 14 was his lawyer in a case which was taken to court. And in this period he was
- 15 nominated under the presidential majority and the government belonged either to the
- 16 governmental majority or the opposition and he was part of the presidential majority.
- 17 Q. [10:02:54] How would you describe your relationship with him at that time?
- 18 A. [10:03:10] As I said, I was his lawyer during a case and so we had a
- 19 lawyer-client relationship. And I wouldn't want to go into detail on that, given the
- 20 matter of professional confidentiality.
- 21 PRESIDING JUDGE SCHMITT: [10:03:36] Very much understandable.
- 22 MR LEDDY: [10:03:38]
- 23 Q. [10:03:39] I certainly wouldn't want you to do that, Mr Witness.
- 24 Was Ngaïssona aligned with Bozizé in the unity government at the time? Was he a
- 25 KNK member?

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1 A. [10:03:58] As I said that during the formation of the government, those who
2 were appointed came either from the presidential majority, in other words, the KNK
3 or political parties allied to that, and then there were also some from the democratic
4 opposition.

5 THE INTERPRETER: [10:04:35] Message from the interpreter: The sound is
6 breaking up.

7 THE WITNESS: [10:04:44](Interpretation) And they were also from the armed
8 groups.

9 PRESIDING JUDGE SCHMITT: [10:04:53] Not only the sound has been -- okay.

10 MR LEDDY: [10:05:00]

11 Q. [10:05:06] I'm not sure we captured the full extent of your answer, Mr Witness.

12 Which -- to your understanding, which party did Mr Ngaïssona belong to at the time?

13 A. [10:05:32] I think that he must have been, then there was a gap. And then a
14 member of a party. I can't say whether he was KNK or whether he was in a party
15 that was allied to the KNK.

16 PRESIDING JUDGE SCHMITT: [10:06:01] I think we leave it at that and move on.

17 MR LEDDY: [10:06:05]

18 Q. [10:06:06] Mr Witness, you indicated at paragraphs 129 and 130 of your
19 statement that Levy Yaketé ran the COCORA militia and that he was given machetes
20 that were diverted from the Chinese embassy. Can you explain to us how you know
21 this information.

22 A. [10:06:50] This information was public knowledge. It was known that there
23 were machetes delivered to the Central African Republic from the People's Republic
24 of China and they were given to this militia, and there was an official statement by the
25 ambassador of the Chinese Republic to the extent -- to the end to which they should

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1 put -- be put -- to the end for which they could be used. And I would say, again, that
2 there was nothing carried out with these machetes and they were also given, I would
3 say, for agricultural purposes intended for farmers. So they were not given to the
4 militia and, as far as I know, they were not used to commit any unlawful acts.

5 PRESIDING JUDGE SCHMITT: [10:08:26] Perhaps, you revert him to the wording of
6 tab 129. It could be, perhaps, read in a little bit different manner so -- otherwise, I
7 would undertake it.

8 MR LEDDY: [10:08:41]

9 Q. [10:08:41] Mr Witness, I'd like to direct you to paragraph 129 of your statement,
10 which I'll read for you. I'll quote the French version: (Interpretation)

11 "The machetes in question have been given by the Chinese embassy but not for these
12 purposes. The embassy protested. These machetes had been given to Levy Yaketé
13 who died in France in 2014."

14 (Speaks English) And I'll also read you an excerpt from the previous paragraph, 128:
15 (Interpretation) "The planning and coordination of these crimes and these attacks
16 started under the regime of Bozizé. I'm saying this because, when the Séléka moved
17 to Bangui, Bozizé distributed machetes to the militia. He spoke of propaganda
18 against the Islamic religion and declared that Muslims wanted to take power."

19 PRESIDING JUDGE SCHMITT: [10:10:07] So, Mr Tiangaye, it could be read, let me
20 put it this way, this statement of you, these two paragraphs, that these machetes had
21 been distributed by the Chinese embassy for agricultural purposes, as you have now
22 elaborated on, and then were used for other purposes and because of that the
23 embassy protested.

24 Would that be correct, this understanding?

25 THE WITNESS: [10:10:50](Interpretation) Yes, that is correct.

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1 PRESIDING JUDGE SCHMITT: [10:10:53] Move on, Mr Leddy.

2 MR LEDDY: [10:10:57]

3 Q. [10:10:57] Mr Witness, you say at paragraph 34 of your statement that
4 you -- Levy Yaketé called on you to be killed and ordered the killing of civilians.

5 Can you please tell us more about that? Which civilians did he order to be killed?

6 A. [10:11:31] The statement by Yaketé was aimed primarily at the heads of
7 opposition political parties and this was during a meeting in Bangui that these
8 statements were made and even on the radio and members of the opposition political
9 parties were there. I spoke as the coordinator during the heads of state -- at the
10 economic community of Central African states at Libreville during negotiations and I
11 was still at -- in Libreville when Mr Yaketé was on the radio asking that we, the
12 opposition party, be killed and I was mentioned personally. I was mentioned by
13 name and that's what happened at the -- and this was on the radio. This wasn't a
14 secret for anybody.

15 Q. [10:13:09] Thank you, Mr Witness. And with respect to the ordering of killing
16 of civilians, did he order the killing of any other civilians than the ones you just
17 mentioned?

18 A. [10:13:36] I'm sorry?

19 Q. [10:13:39] In paragraph 34 of your statement, you mentioned he called for your
20 killing but also ordered the killing of civilians. My question is just about those
21 civilians, if you could identify who they are?

22 A. [10:14:10] Just now I was talking about those in opposition, particularly
23 members of the democratic opposition because they were in Libreville. When we
24 came back from Libreville, the threat was such that we had to be in the aircraft
25 to -- which were due to bring back Bozizé so that, in case of attack, well, the

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1 responsibility would be clear. This was a decision taken by the Central African
2 heads of state. At the airport already there was a threat towards the members of the
3 democratic opposition who had been part of the meeting in Libreville. I don't have
4 the names in my head at the moment, but these were the heads of the political parties
5 that made up the democratic opposition.

6 Q. [10:15:21] Mr Witness, on paragraph 128 of your statement you say Bozizé
7 spread propaganda against Islam and declared Muslims wanted to take power.
8 What in your view was the purpose of this propaganda?

9 A. [10:15:58] Armed groups up to Damara, which is 75 kilometres from Bangui,
10 they made up -- were made up of people of the Muslim religion and that's why in the
11 awareness-raising campaign for the population the religious element was involved.

12 Q. [10:16:40] Can you give us a couple examples of this kind of propaganda from
13 Mr Bozizé?

14 A. [10:16:59] These were public statements made at meetings or on the radio,
15 national radio.

16 Q. [10:17:14] At paragraph 58 of your statement you describe a 15 March 2013
17 gathering that Bozizé organised to celebrate his ten years in power. Do you recall
18 that event?

19 A. [10:17:39] Yes, I remember this meeting very much -- very well. I would
20 remind you that François Bozizé took power on the 15 March 2013. There were
21 elections organised in -- at which he had been elected. And under the constitution,
22 the mandate of the president of the republic could only be renewed once, therefore,
23 he was re-elected under questionable conditions in 2006 and this was considered his
24 last term because he had completed the possible number of terms for a president of
25 the republic. But during the political -- when political agreement in Libreville was

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1 signed, there was mention of respecting the constitutional terms relating to the
2 number of mandates and then there was the possibility of a third mandate. On
3 15 March 2013 was not celebrating the anniversary of his election or reelection, but he
4 referred to his arrival in power through weapons. So it was the tenth anniversary of
5 his armed takeover of power and during meetings that he organised he said that he
6 was aiming for a third mandate. He had taken power by force and he would also
7 take a third mandate in the same way. This was a statement he made in public
8 meetings on 15 -- 15 March 2013 and this was broadcast on Radio Centrafrique and
9 this set off a crisis. This resulted in the attack of government forces by the Séléka.

10 PRESIDING JUDGE SCHMITT: [10:21:07] It appears that we don't have French
11 real-time transcript at the moment, so I just -- at least I don't have it. And it also
12 appeared that the first year that the witness mentioned was not 2013 meant, but 2003.
13 But this is simply an impression that I had.

14 MR LEDDY: [10:21:36]

15 Q. [10:21:37] So am I to understand, Mr Witness, that when President Bozizé
16 announced his intention to run for a third term in March 15, 2013, that that was in
17 violation of the constitution as well as the Libreville agreements?

18 A. [10:22:03] Yes, absolutely. This was a violation not only of the constitution,
19 which specified only two presidential mandates, but also of the Libreville agreements
20 which stipulated that Bozizé should not participate in the presidential election.

21 Q. [10:22:33] And where was the event located on 15 March 2013?

22 A. [10:22:51] I don't recall the place exactly, but I think it might have been PK0 in
23 the centre of town, if I recall correctly.

24 Q. [10:23:07] Did you attend the meeting yourself?

25 A. [10:23:18] I was not there personally, but as I said, it was broadcast on the radio

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1 and everybody was aware of this situation.

2 Q. [10:23:33] And did you listen to the broadcast yourself?

3 A. [10:23:45] Yes, I did hear this broadcast.

4 PRESIDING JUDGE SCHMITT: [10:23:50] Just for the record, so this former
5 statement by the witness is CAR-OTP-2024-0036 and the English translation seems to
6 be CAR-OTP-2034-0104.

7 MR LEDDY: [10:24:17]

8 Q. [10:24:17] Mr Witness, do you recall Ngaïssona speaking at that event as well?

9 A. [10:24:37] No, I only followed the statement made by Bozizé.

10 Q. [10:24:54] Mr Witness, at paragraphs 89 to 90 of your statement, you mention
11 Séléka crimes in Bangui in the provinces. Can you tell us more about what you
12 know and who the Séléka targeted?

13 A. [10:25:31] The events that were -- took place, the coalition concentrated on
14 persons who were not Muslim. So during their progression, as they attacked Bangui,
15 they massacred the non-Muslim. But they set fire to houses, they looted, and these
16 were not military objectives. They committed war crimes and crimes against
17 humanity. That is what I can say on this subject. And that was done by the
18 Muslims of the Séléka.

19 Q. [10:26:56] Paragraphs 81 -- 81 and 90 of your statement you mention that you
20 made a speech before the United Nations Security Council on 15 May 2013 on
21 disarming the Séléka.

22 Can you tell us more about the contents of that speech and why you made it?

23 A. [10:27:30] I gave this speech because at the time the Central African forces were
24 disrupted. This was -- it was a country that no longer had an army or police or
25 gendarmerie. And given the fact that the Séléka arrived in the country and took

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1 power, these elements were doing as they pleased, looting, killing, causing disorder
2 because there was -- there were no forces of law and order. And as a person known
3 by the international community being able to speak on behalf of the
4 Central African Republic, I went to the UN in New York in March 2013 asking them
5 to do everything that they could using international forces to ensure the security of
6 the Central African Republic against -- to provide forces against the Séléka. The
7 Séléka elements were in power, and particularly the transitional president and the
8 generals of the Séléka, and that's what I found when I returned to Bangui. At that
9 point, protection was increased by the forces to protect me against the generals of the
10 Séléka and this is when I -- when there was protection for the --

11 THE INTERPRETER: [10:29:55] There was an inaudible part and the final words
12 were "Séléka coalition".

13 MS DIMITRI: [10:30:06] Mr President, I'm sorry for the interruption. I'm following
14 the original language and there's several parts of what the witness said that are
15 missing because of the connection.

16 PRESIDING JUDGE SCHMITT: [10:30:15] I think -- I think we have to fix that. I
17 also -- because otherwise it doesn't make sense if we lose here too much.
18 I suggest that we make a break now and really try to improve the connection. I also
19 again -- perhaps it's only my problem, but I don't have a French real-time transcript
20 here. And otherwise, Ms Dimitri, I would have perhaps recognised it like you
21 earlier. I listen to the English, but I read it in French, so we try to fix that. And
22 please let the Chamber know when the parties and participants know when we can
23 continue.

24 Mr Tiangaye, I think you have heard and have followed what has been said in this
25 courtroom. We have to improve the connection, so we need your evidence complete

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1 and correct. So, unfortunately, we have to interrupt for this moment and we will let
2 you know when we can continue.

3 THE COURT USHER: [10:31:13] All rise.

4 (Recess taken at 10.31 a.m.)

5 (Upon resuming in open session at 11.16 a.m.)

6 THE COURT USHER: [11:16:07] All rise.

7 Please be seated.

8 PRESIDING JUDGE SCHMITT: [11:16:26] Good morning, again, Mr Tiangaye. I'm
9 informed that the -- that the connection should function now better and we'll give it a
10 try and I give Mr Leddy the floor.

11 MR LEDDY: [11:16:46] Thank you, Mr President.

12 Q. [11:16:49] Mr Witness, due to the technical issues we just had, I'm not sure we
13 got the full answer to the last question, so I'll ask you to repeat that.

14 My question was about paragraphs 81 and 90 of your statement in which you
15 mention making a speech before the United Nations Security Council on disarming
16 the Séléka. Can you tell us a little more about that speech, what you said and -- and
17 why you made that speech?

18 A. [11:17:35] I was saying that the Séléka had taken over the country. They
19 carried out excesses, they'd looted, they'd set fire to things, and they killed people and
20 the country did not have the required security forces to protect the civilian population.
21 There was no forces, no gendarmerie, no police to provide the protection required, so
22 under these conditions I took the responsibility as head of government to ask the
23 Security Council to intervene with international forces in order to provide protection
24 for the civilian population. And to provide this protection, there had to be a forced
25 disarmament of the Séléka who were using these weapons for killing people and

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1 burning and so on. And this was the statement -- or the sense of the statement I
2 made on 15 March 2013 where I pleaded for efforts to be made to re-establish peace
3 and security in my country.

4 Q. [11:19:39] Mr Witness, I'd like to move to the next subject, the Anti-Balaka.

5 You mentioned at paragraph 116 of Bozizé's involvement in the Anti-Balaka. Can
6 you tell us more about Bozizé's connection to the Anti-Balaka at that time?

7 A. [11:20:11] When Bozizé went into exile, when there was the intervention at Dilo
8 (phon) that he carried out, he was in Uganda. There was a dual statement which
9 was recorded. And this link with the Anti-Balaka, audio, there were instructions
10 being given so --

11 PRESIDING JUDGE SCHMITT: [11:21:14] I think I have to interrupt here. It's -- it's
12 also very difficult for you -- for Madam Interpreter, really. It's -- it's -- you try your
13 best. What can we do?

14 Perhaps the only thing that can be done from here now is, Mr Tiangaye, can you
15 please start this and go very close to the microphone? And if this does not function,
16 we have to simply -- yeah, solve the problem technically and continue when it is
17 really solved. Otherwise, it doesn't make sense. I apologise on behalf of the
18 Chamber, Mr Tiangaye, from the inconvenience.

19 So, Mr Tiangaye, I ask you, please, repeat your last answer. I know this is very
20 tedious, but -- but really ask you to do that and perhaps speak very, very closely to
21 the microphone. And we give it a try like that, otherwise we would really have to
22 do some technical maintenance. Thank you.

23 THE WITNESS: [11:22:47](Interpretation) Thank you. I was saying that after the
24 fall of ex-President Bozizé, he went into exile into -- he went to Uganda. He
25 remained silent for a number of months, and then later we became aware of what he

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1 did in an audio recording in which he gave instructions to Anti-Balaka. And this
2 audio recording was widely distributed in the Central African Republic and beyond,
3 I'm sure, and so we were able to hear what he said which related to the Anti-Balaka.

4 PRESIDING JUDGE SCHMITT: [11:23:54] And do you recall what he did say at the
5 time?

6 THE WITNESS: [11:24:08](Interpretation) I don't recall the exact content, but I know
7 that he was giving instructions to the Anti-Balaka on the actions to be undertaken. I
8 don't recall all the details, but the audio recording was widely distributed and I
9 would imagine the Court probably has a copy of this recording.

10 PRESIDING JUDGE SCHMITT: [11:24:43] Thank you very much. I take it,
11 Mr Leddy, that we have that?

12 MR LEDDY: [11:24:50] Your Honour, I can --

13 PRESIDING JUDGE SCHMITT: [11:24:51] Oh, you have it. You have it at the
14 moment. We don't have it, I think.

15 THE WITNESS: [11:25:02](Interpretation) Sorry. Not the Court. I would say the
16 Office of the Prosecutor who would have this audio recording to -- to be put -- made
17 available to the Court. It's not the Court that has it. The Court is judging, of course,
18 but the OTP has it as part of its evidence. I believe there must be a copy in the hands
19 of the Office of the Prosecutor.

20 PRESIDING JUDGE SCHMITT: [11:25:30] So I transfer this to Mr Leddy, this
21 information.

22 MR LEDDY: [11:25:35] Yes, your Honour. I can play number one, tab 1, on our list
23 of materials. That's CAR-OTP-2000-0603. It's an audio. We can play the first 2
24 minutes and 30 seconds or so. I believe --

25 PRESIDING JUDGE SCHMITT: [11:25:50] I think this perfectly fits here, so it makes

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1 sense. We try to do that.

2 MR LEDDY: [11:25:57] And for the record, the translation is tab 27, page 0065,

3 lines 1 through 32. And it can be played in public.

4 PRESIDING JUDGE SCHMITT: [11:26:32] Mr Witness, this is now going to be

5 played partially so -- for the benefit of the Chamber and of the Court. So indeed you

6 were right. The Prosecution has this.

7 (Playing of the audio excerpt)

8 THE INTERPRETER: [11:26:48](Interpretation of the audio excerpt) "What's

9 happening here exactly? What is giving us a lot of problems? In a group we've

10 been asked and we have -- we need to be quiet. We didn't need to have any military

11 operations. But we are a party and -- I don't know what's happening in the heads

12 and we need to have information and we need to know what's happening. And I'm

13 doing this (unclear) this including -- according to my general, this is what's

14 happening. You the -- have to take measures. This behaviour, if you're not careful,

15 you're going to spoil all the good work that's been done. You have saved things.

16 Now we're in the final phase. We have to move to the final word. Why do you

17 want to get into bad -- into the shit? Why do you want to go into the shit? You

18 have -- our actions are starting to show their -- to bear fruit and if things go this way

19 we'll be back in the shit. At the moment the Séléka elements are -- this -- it's the

20 Anti-Balaka who are destroying the country. They will be in the country, will they

21 not? We've defended them in the media. You have been provoked by the Séléka.

22 They attack your fathers and others -- and other members of your family and you

23 have revolted and that is why you have got yourselves into this bad position."

24 PRESIDING JUDGE SCHMITT: [11:29:54] Mr Leddy, do we know - because I don't

25 see it here - do we know from -- at what time this was intercepted or was given?

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1 Which day? Which year?

2 MR LEDDY: [11:30:07] My understanding that this was -- the date attributed to this
3 recording is December 2013. I believe towards the end of the month.

4 PRESIDING JUDGE SCHMITT: [11:30:14] Okay. Thank you. Please continue.

5 MR LEDDY: [11:30:19]

6 Q. [11:30:19] Mr Witness, do you recognise this recording?

7 A. [11:30:37] This audio recording was done in Sango, which is the national
8 language, and the translation which has just been -- or which has been delivered
9 tallies with what I, myself, heard.

10 Q. [11:30:58] And do you recognise that voice as President Bozizé's voice?

11 A. [11:31:07] Yes, of course, it was President Bozizé's voice.

12 Q. [11:31:15] And sitting here today, what do you understand from that recording?
13 What did you understand him to mean while giving those directions?

14 A. [11:31:38] When he gave those instructions, one could have understood or one
15 can understand that he did not approve of the slippages and the excesses committed
16 by the Anti-Balaka and he blamed them for that. He blamed them for the acts of
17 violence against civilian populations.

18 Q. [11:32:19] Mr Witness, did -- to your knowledge, did other members of Bozizé's
19 government also participate in the Anti-Balaka?

20 A. [11:32:39] Which government are you referring to?

21 Q. [11:32:43] Going back to earlier in 2013. For example, he appointed, as we
22 discussed earlier, Mr Ngaïssona as Minister of Youth, Sports and Culture. Can you
23 tell us about the role that you understood Mr Ngaïssona played with respect to the
24 Anti-Balaka in 2013?

25 A. [11:33:27] 2013, after the Séléka entered the CAR. And if memory doesn't fill

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1 me, Mr Ngaïssona was on exile at that time outside of the country. Later on, he
2 declared himself to be the general coordinator of the Anti-Balaka following the
3 collapse of the Djotodia regime, at which point he returned to the
4 Central African Republic. But now, whether I do have evidence relating to the
5 details of his activities, I would say I don't. But he himself declared that he was the
6 general coordinator of the Anti-Balaka movement. Then, later on, he went on to
7 create a political party known as the PCUD.

8 Q. [11:34:41] Okay. He claimed himself to be the general coordinator in
9 January 2014, but we'd like to talk about the events of 2013 in the emergence of the
10 Anti-Balaka in particular. So I understand that Mr Ngaïssona was appointed
11 Minister of Youth at the time. Do you -- can you tell us what role he had with
12 respect to mobilising the youth in 2013?

13 A. [11:35:19] I do not have any information containing -- concerning his activities in
14 the area of mobilising youth.

15 PRESIDING JUDGE SCHMITT: [11:35:28] May I shortly, Mr Leddy. This annex 2,
16 which tab is it by the way? Because I've already sorted it out for myself. Okay.
17 But it's CAR-OTP-2024-0062. Mr Tiangaye, this annex 2 was an annex that you gave
18 to your statement, which is incorporated in your Rule 68(3) declaration. It comprises
19 a list of Anti-Balaka. I think we should pull it up so that the witness can see.

20 MR LEDDY: [11:36:06] And for the record, your Honour, it's tab 11.

21 PRESIDING JUDGE SCHMITT: [11:36:08] Thank you. So these are names -- there's
22 not any explanation as to where the information came from, so can you provide us
23 with the sources for this, if you can.

24 THE WITNESS: [11:37:08](Interpretation) This list was indeed handed to me by
25 someone whose name I no longer remember. Now, it is when the investigators

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1 asked me if I had any material that I could give them that I provided this list, but I
2 don't have specific information relating to the activities of each individual mentioned
3 on that list.

4 PRESIDING JUDGE SCHMITT: [11:37:36] And do you recall when this list was
5 handed over to you?

6 THE WITNESS: [11:37:50](Interpretation) I no longer remember the date on which
7 the list was handed to me, but I found it in my documents which I then passed on to
8 the investigators.

9 PRESIDING JUDGE SCHMITT: [11:38:01] So in the course of your testimony, if you
10 happen to recall the person who gave you this list, and if you recall that, please
11 provide us with this information.

12 Mr Leddy, you may continue.

13 MR LEDDY: [11:38:17] Thank you, your Honour.

14 Q. [11:38:21] Mr Witness, I'd like to show you a transcript from a speech of
15 Mr Ngaïssona from 15 March 2013.

16 And for the record, that's tab -- the audio is at tab 2, CAR-OTP-2000-0655, but instead
17 of playing the audio we'll just show you the transcript on the screen. That's at tab 53,
18 CAR-OTP-2130-1099 at page 1104, lines 166 to 171.

19 Please let me know when you can see that on the screen in front of you.

20 Mr Witness, if you could read for us lines 166 through 171. I'll just quote it here for
21 the record: (Interpretation)

22 "That is where, Mr President, the Central African youth represent more than half of
23 the population ... of our population. This youth can read and understand your
24 vision for the future, supports your actions, your wisdom, and your high sense of
25 responsibility as a statesman. That is why it has never spared any efforts to mobilise

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1 itself whenever it comes to defending the motherland when in danger. This youth,
2 however, want to be more dynamic and more enterprising, ready to deploy every
3 energy to defend our country by the side of your Excellency -- or along with your
4 Excellency."

5 (Speaks English) So in this speech, Mr Witness, Ngaïssona states that the youth is
6 ready to defend the country alongside Bozizé. What do you understand this to
7 mean?

8 A. [11:41:37] I am not able to answer that question, because there is no specific
9 form or nature given to the participation that has been referred to and how it would
10 be done. But if you had the audio in Sango, I might be able to fully grasp the
11 meaning. If you have the audio recording in Sango, I would like to be able to listen
12 to it so that I can fully understand the -- the thrust or the substance of his statement.

13 Q. [11:42:20] We can play the audio for you, Mr Witness, if you'll like. That's tab 2
14 from minute 17:40 to minute 18:25.

15 And if you could give the Prosecution the floor, we can play it.

16 PRESIDING JUDGE SCHMITT: [11:42:43] Yes, of course.

17 THE INTERPRETER: [11:43:19](Interpretation of the audio excerpt) "The Central
18 African youth represent more than half of the population ... our population. It can
19 read and understand your vision for the future, it understands your actions, your
20 wisdom and your sense of responsibility as a statesman. That is why it has never
21 stopped deploying its efforts to mobilise itself whenever it comes to defending the
22 fatherland which is in danger. However, this youth, henceforth want to be more
23 dynamic and more enterprising and are ready to do everything to defend our country
24 alongside your Excellency."

25 MR LEDDY: [11:44:09]

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1 Q. [11:44:10] So, Mr Witness, as you can hear, the words are in French. What did
2 you understand (Overlapping speakers)

3 A. [11:44:18] (Overlapping speakers) Indeed was in French. I thought it might
4 have been in Sango, but -- but --

5 THE INTERPRETER: [11:44:27] Inaudible.

6 THE WITNESS: [11:44:31](Interpretation) But French.

7 PRESIDING JUDGE SCHMITT: [11:44:31] But nevertheless, I think you can follow
8 up and ask him how did he understand it. I think he would fully (Overlapping
9 speakers)

10 THE WITNESS: [11:44:41](Interpretation) I think.

11 MR LEDDY: I'm having some difficulty hearing a response, your Honour.

12 PRESIDING JUDGE SCHMITT: [11:44:58] Mr Witness, now having heard it in
13 French, what was your understanding of this audio?

14 THE WITNESS: [11:45:16](Interpretation) If I'm not mistaken, I believe that the
15 speech was delivered when he was Minister for Youth and Sports, so the content of
16 his speech was political in nature. And as Minister of Youth, he had to mobilise the
17 youth for their political support of President Bozizé. That's my interpretation of
18 things. I think that at that time when the speech was delivered, the Anti-Balaka -- I
19 don't know whether they were already created as such, I don't know, but I believe
20 that there is a political content to this statement.

21 MR LEDDY: [11:46:24]

22 Q. [11:46:25] And the last words of the speech, Mr Witness, relate to defending the
23 country. Is that consistent with the role of Minister of Youth?

24 A. [11:46:47] On the political level, the activities of the Minister of Youth have a
25 political dimension. And since Mr Ngaïssona was a member of the presidential

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1 group and -- his activities, therefore, could only but go in the direction of supporting
2 President Bozizé at the time.

3 Q. [11:47:28] And what did you understand the role of -- sorry, the goal of the
4 Anti-Balaka to be in 2013?

5 A. [11:47:53] If we are to talk about the Anti-Balaka, we must bear in mind the
6 context at the time. Before the arrival or creation of Séléka, whose goal was to take
7 over power, the Christian and Muslim communities used to live in harmony. There
8 was no particular problem between or within those two communities, which lived in
9 perfect symbiosis.

10 Now, when the Séléka took up arms, the main victims were Christians, animists, as
11 they were referred to, namely people who did not belong to the Muslim community.
12 So when they entered a village or a town they will commit -- they would commit
13 excesses against non-Muslim communities and protect only the Muslims. Their
14 property was protected. And some of the Muslims who were not Séléka, however,
15 supported the Séléka activities. So there was some Muslim civilians who worked
16 jointly with the Séléka and embraced their cause because they belonged to the same
17 side so to speak.

18 And so the non-Muslim community felt that it was being victimised by that situation
19 and that is how it decided to set up a self-defence movement. So one can say that
20 the Anti-Balaka initially were a group of persons who were opposed to Séléka
21 because of the acts of violence that were being committed against non-Muslims,
22 namely Christians and animists. That is why with rudimentary resources the
23 Anti-Balaka who were created or who organised themselves, particularly in the
24 provinces, decided to attack the power and to -- and to attack Séléka. They
25 organised themselves and came all the way to Bangui attacking the various Séléka

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1 positions and then subsequently there was a violent reaction from the Séléka which
2 then led to several deaths. And I believe that the figures are about a thousand
3 deaths when the Séléka counterattacked on 5 December 2013 when I was in Paris on
4 the -- at the meeting on security in Africa.

5 So many people died, many people were assassinated and Séléka won and the
6 Anti-Balaka fell back. Some of them withdrew to their zones in the provinces and
7 continued to commit acts of violence against the Muslim communities as a way of
8 vengeance. And that's how a movement which was initially meant to be a
9 self-defence organisation for the protection of civilians, Christian and animist civilians,
10 that movement slipped into something else and then targeted the Muslim civilian
11 population and then went on to commit crimes as well against that fraction of the
12 community of the Central African population.

13 Q. [11:52:56] Can you hear me, Mr Witness?

14 A. [11:53:06] Yes, I can hear you now.

15 Q. [11:53:07] We'll get into the events of 5 December 2013 in a bit, but first I'd like
16 to ask you about paragraphs 91 and 92 of your statement. You indicated as prime
17 minister you received -- you were asked whether you received reports from the DST,
18 the *Direction de la surveillance du territoire*. You replied that you received reports from
19 many sources. And without going into the substance of those reports, can you tell
20 us whether as prime minister you received intelligence reports and briefings about
21 the activities of Bozizé supporters and the Anti-Balaka in 2013 prior to the Bangui
22 attack.

23 A. [11:54:05] Which paragraph did you mention, please, so I can take a look,
24 please?

25 Q. [11:54:11] This is paragraphs 91 and 92 of your statement. You were asked

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1 whether as prime minister you received reports from the DST. You replied that you
2 received reports from many different sources. My question is whether you recall
3 receiving intelligence reports or briefings in 2013 prior to the Bangui attack about
4 Bozizé supporters and the Anti-Balaka?

5 A. [11:54:52] Now, the DST -- you're referring to the DST, but I don't know
6 anything about the DST. I received reports from various sources and those reports
7 were assessed by my collaborators, but I don't remember what specific crimes they
8 addressed. What is true is that several acts of violence and excesses were committed
9 against the population. Direct telephone lines remained open. My mobile phone
10 was open and people would call me all the time to tell me that the Séléka had killed
11 here, they had looted there, they had committed a reprehensible action here and there.
12 But the forces of defence and security were not under my responsibility.
13 In any event, I talked about these things to President Djotodia. And when we had
14 cabinet meetings or council of ministers, we drew his attention to the acts that were
15 being committed by persons under his authority because he was the one who had
16 control over the Séléka. The prime minister had no control over the Séléka. But
17 whenever this information came -- when I came by this information, I would pass it
18 on to President Djotodia and it was for him to ensure that there was a stop to those
19 acts of violence.

20 Q. [11:56:50] Mr Witness, did you receive intelligence reports from any other
21 sources such as the army, police, gendarmerie, or the Ministry of Defence in your role
22 as prime minister?

23 A. [11:57:14] I already told you that there was no longer any army in place. It was
24 Séléka which acted as the army and the minister of defence under Bozizé was Mr
25 Djotodia and -- who became vice-prime minister in charge of defence, I think. And

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1 when Djotodia himself came to power, he is the one who was the supreme
2 commander of the army -- supreme commander of the Séléka. The police, the
3 gendarmerie were under him, so there was no way of getting information or giving
4 information and even -- or, rather, of getting information. And even if there was
5 information about the Séléka, I couldn't have it because I had information from the
6 victims instead. People who, for example, would complain to individuals who were
7 close to me and then who would pass on that information to me and then I would
8 pass it on as a reaction to -- to those actions by informing President Djotodia and then
9 the head of state of the transitional government at the time as the case was.

10 Q. [11:58:48] Mr Witness, I'd like to show you a document, which is tab 30 on our
11 list of materials, that's CAR-OTP-2075-0906. It's dated 5 July 2013. It indicates it's
12 from the *Direction 2e Bureau FACA*. If you scroll up to the top of the page you can
13 see this is under the Ministry of National Defence.

14 Can you tell us what the *2e Bureau FACA* is?

15 A. [12:00:04] The *2e Bureau FACA* is the office in charge of military intelligence.
16 And the information notes that they sent out are addressed to the head of state who is
17 the supreme commander of the army. They are not sent to the prime minister. So if
18 I see the date here, it's 5 July 2013. These forms are generally prepared and sent to
19 Djotodia.

20 Q. [12:00:42] I'll ask you about an item on the first paragraph of page 0906.
21 It reports that armed Bozizé supporters are based in the Boy-Rabe hill. And in
22 French (Interpretation) "specifically after Ngaïssona".
23 (Speaks English) And it goes on to say that they create unrest in different areas such
24 as Gobongo, Fouh, Ouango and Kassai.
25 It also mentions in the next paragraph that Bozizé supporters, including militaries,

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1 took refuge in Zongo.

2 Did you receive this information as prime minister at the time?

3 A. [12:01:40] I have told you already that this form that you have showed me are
4 intelligence forms that are sent not to the prime minister, but to the head of state.

5 Q. [12:01:58] Okay. I'd like to move to the next tab, 31. It's CAR-OTP-2075-0933.
6 It's dated 1 August 2013. It's only one page and it reports on rumours about the
7 presence of a rebel group in Bertoua and Touboro led by Olivier Koudemon,
8 Papy Bozizé and Francis Bozizé, which are preparing an offensive aiming at
9 destabilising the current regime.

10 Did you receive this information in any form at this time in your role as prime
11 minister in August 2013?

12 A. [12:02:59] No, I did not receive this information in any official manner. What
13 you're showing me is informing the minister delegated to National Defence and as
14 such would not have been shown to me (Overlapping speakers).

15 PRESIDING JUDGE SCHMITT: [12:03:23] Not so quick, please, Mr Leddy.

16 MR LEDDY: [12:03:51]

17 Q. [12:03:51] Mr Witness, is it your understanding that these documents would
18 have been provided to the head of states?

19 A. [12:04:07] Yes, I said that the *2e Bureau* worked to the authority of the head of
20 state and as -- and not under the prime minister. So this is the first time I'm seeing
21 this information.

22 Q. [12:04:33] And in general, is it your understanding that the *2e Bureau FACA*, had
23 a duty to report information accurately?

24 A. [12:05:01] I'm not familiar with all their work. They would have been under
25 the orders of the head of the army, which is -- who is the president, the head

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1 of -- transitional head of state who has this information provided to him which was
2 not provided to me as prime minister. It would have gone to President Djotodia.

3 Q. [12:05:42] But in general you would agree that the *2e Bureau* of the FACA would
4 have an obligation to report information accurately, especially with respect to
5 sensitive national security information?

6 MS DIMITRI: [12:05:57] Mr President.

7 PRESIDING JUDGE SCHMITT: [12:05:58] Ms Dimitri.

8 MS DIMITRI: [12:05:59] I object to the question. It's leading. I think the witness
9 answered to the best of his knowledge more than once and I think that --

10 PRESIDING JUDGE SCHMITT: [12:06:05] I agree. I agree. Please move on.

11 MR LEDDY: [12:06:08]

12 Q. [12:06:08] Okay. We can move to the next tab, 32, Mr Witness. That's
13 CAR-OTP-2075-1001. This is dated 19 September 2013. And I'll ask you if you
14 recognise the numbers on the top right-hand side of the page.

15 A. [12:07:09] Can I see what follows?

16 Q. [12:07:14] Yes.

17 We'd ask that it be shown to the witness, but not broadcast publicly. Thank you.

18 A. [12:07:50] Please carry on.

19 Q. [12:07:57] If I could direct your attention to the top of the next page, Mr Witness.
20 That's page 1002 in the first paragraph. It's reported here that pro-Bozizé civilians in
21 the DRC territory facing M'Poko-Bac received supplies from Sebastien Wenezoui, and
22 I'll quote the French, (Interpretation) "who is running the events in Boeing".

23 (Speaks English) And later on the same page it indicates, according to intelligence
24 collected, Sani Yalo and Levy Yaketé agreed to form an armed coalition aimed at
25 destabilising the regime.

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1 Do you recall receiving this information as prime minister in September 2013?

2 A. [12:09:27] No, I didn't receive this information and if -- and I see -- if we can
3 come back up to the first page, I read 18 September 2013.

4 Q. [12:10:22] Okay. I'll direct your attention to page 1003 on the third paragraph
5 down where it mentions that Ngaïssona provided funds for the organisation of a
6 demonstration by the youth in Boeing. And I'll quote the French: (Interpretation)
7 "The march carrying doubt by the young people which has been carried out ..." --

8 THE INTERPRETER: [12:10:58] Please could the -- please could the Prosecutor read
9 that again now that I can see the text? I'm sorry.

10 PRESIDING JUDGE SCHMITT: [12:11:06] Please repeat that, Mr Leddy.

11 MR LEDDY: [12:11:08] Sure. My apologies.

12 Q. [12:11:07] In French I'll quote: (Interpretation)

13 "The march being carried out since last week from the -- by the young people of
14 Boeing is the work of Mr Ngaïssona. According to the source, he has sent an
15 envelope to give to the young people 2,500 francs each, so the ideal interest behind
16 this is to render the country ungovernable."

17 A. [12:11:52] You have already mentioned this information which was confidential.
18 I was not the addressee of this, so I think I do not need to reply to this question.

19 PRESIDING JUDGE SCHMITT: [12:12:10] Mr Witness, this document looks a little
20 bit different than the other two that have been shown to you. The other two there
21 was -- they were titles, so to speak, *fiches d'information*, and here it's called *bulletin*
22 *d'information* and it's handwritten. Do you have an idea also from -- from the first
23 page, right side -- right-hand side on the top, where this information could come from?
24 Do you have an idea? If you look at it, also how the paper looks like, is the same
25 source?

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1 THE WITNESS: [12:13:12](Interpretation) I can't see the name of whoever is
2 providing this information, and what I can say is that there are elements of the second
3 bureau who send out information bulletins to their superiors who then make a
4 synthesis which is then sent to the head of state, so they would know who this is. I
5 can't on the basis of an anonymous piece of paper give an opinion.

6 PRESIDING JUDGE SCHMITT: [12:14:01] Fully understood, Mr Tiangaye, but at
7 least the information can be derived from that that it could be the same source
8 that -- that we had already with the other two documents.

9 Please continue, Mr Leddy.

10 MR LEDDY: [12:14:21]

11 Q. If I could just read to you the numbers on the top right of the page that your
12 Honour was -- was indicating. It's number "090/2.BI.DGG.B2". Does that
13 formulation indicate to you, Mr Witness, this is also coming from the *2e Bureau de*
14 *FACA*.

15 A. [12:14:58] Yes, I think so. I think so. If -- when I see references, the number
16 090 -- thank you for making that bigger. Okay. So it's number 090. I think "2.B" is
17 second bureau and the "DGGN" would be the General Directorate of the National
18 Gendarmerie and "B2" would be the daily bulletin. So it's the information from the
19 gendarmerie, which is different from that of the FACA from the army. There are
20 several distinct sources of information. There's from the FACA and there's from the
21 gendarmerie or the police. All of them provide information on security matters and
22 this document here, I believe, comes from the gendarmerie.

23 PRESIDING JUDGE SCHMITT: [12:16:12] Thank you. I think that -- that might do
24 it for these documents. You can --

25 MR LEDDY: [12:16:18]

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1 Q. [12:16:18] Mr Witness, I'd like to direct your attention to the fourth annex that
2 you provided to your statement, that's tab 13 on the list of materials,
3 CAR-OTP-2024-0064. This is an undated handwritten document that you provided
4 to the Office of the Prosecutor that you mentioned at paragraph 120 of your statement.
5 Can you tell us what the source of this document was? And if you'd like to go into
6 private session to do so, please just let us know.

7 A. [12:17:53] This document was given to me somebody -- by somebody whose
8 identity I don't recall. And I was given this and then I passed it on to the
9 investigators.

10 Q. [12:18:20] And directing your attention to the bottom of the second paragraph, it
11 talks here about Bozizé sending money to Ngaïssona who in turn sent it to his
12 Anti-Balaka chiefs in Bouca, Batangafo, Bossangoa, Bossembélé, Kabo, Markounda
13 and elsewhere to pay elements. It says that this was done with a goal, and I'll quote
14 the French, (Interpretation) "of rendering the country ungovernable after him."
15 (Speaks English) This is the same language we saw in the previous document from
16 September 2013.

17 What can you tell us about this goal?

18 A. [12:19:36] I did not write this document. It's a document that was given to me
19 when I was contacted by the investigators and asked to provide documents covering
20 this period. I am not aware of the details relating to this document and, therefore, I
21 cannot give them.

22 PRESIDING JUDGE SCHMITT: [12:20:07] Could we please scroll it up to the top for
23 the witness.

24 Mr Tiangaye, look at these. They mention several names here. Do you know them?
25 I can't read it very well, but you might be better able to identify the persons.

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1 Number three, Orofei --

2 THE WITNESS: [12:20:37](Interpretation) I can see three names here --

3 PRESIDING JUDGE SCHMITT: (Overlapping speakers)

4 THE WITNESS: -- Goudoungai --

5 PRESIDING JUDGE SCHMITT: [12:20:45] Do you know these persons?

6 THE WITNESS: [12:20:50](Interpretation) No, I don't know who these people are.

7 These three names, I don't know them.

8 PRESIDING JUDGE SCHMITT: [12:20:59] (Overlapping speakers) From how this

9 document is composed, could it be that these three personalities were somehow

10 involved in producing the information, or is this wrong or can't you say anything

11 about it?

12 THE WITNESS: [12:21:24](Interpretation) Sorry?

13 PRESIDING JUDGE SCHMITT: [12:21:24] Could it be -- it's just a guess by me, yeah,

14 I want to ask you. Could it be that these three persons were the sources or the

15 providers of the information?

16 THE WITNESS: [12:21:41](Interpretation) Provided to whom?

17 PRESIDING JUDGE SCHMITT: [12:21:44] You know, the question was, has been

18 put to you, who gave you this document and then you said you don't recall. And

19 my question is simply if these three -- one of these three people or all three of them

20 could be one of those people who gave you the document and are -- and are behind

21 the information that is entailed in this document.

22 THE WITNESS: [12:22:19](Interpretation) No, I don't recall. I don't think that the

23 people would put their name onto a document containing this type of information. I

24 don't think those are the informers. They must probably be people involved in these

25 excesses.

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1 PRESIDING JUDGE SCHMITT: [12:22:49] Could make sense. Mr Leddy, please
2 continue.

3 MR LEDDY: [12:22:52]

4 Q. [12:22:53] Mr Witness, I understand as prime minister that you attended
5 meetings of a National Security Council in October and November 2013. I'd like to
6 show you a report, tab number 33, CAR-OTP-2079-1004. I understand from the
7 court officer we have a slightly redacted version we'd like to show to the witness of
8 this material but that the parties and participants have the fully unredacted version.
9 And for the record, this is a report dated 4 November 2013 of a meeting on
10 30 October 2013 of the National Security Council.

11 Mr Witness, how often did you attend these meetings?

12 A. [12:24:10] If I recall correctly, these were weekly meetings.

13 Q. [12:24:16] And what was the time frame of your attendance? How many
14 weeks did you attend?

15 A. [12:24:35] I don't recall. As I said, these are weekly meetings under the
16 traditional -- transitional head and when he was absent I would have been there.

17 Q. [12:25:06] So I'd like to direct your attention to page -- the bottom of page 1010
18 to point number two and to the top of page 1011. It's a discussion of the security
19 situation in the provinces, including the Anti-Balaka, and on page 100 -- I'm sorry,
20 1012 (sic), it mentions in the second and third paragraphs down the minister of
21 security's intervention about the Anti-Balaka and your reaction to that intervention.

22 That minister said, and I'll quote the French here: (Interpretation)

23 "... this movement which initially concerned only the areas of Ouham-Pendé and
24 Mambere has now extended to the capital, including Lobaye and M'Poko.

25 In reaction to this, the prime minister said that the 'Anti-Balaka' were a response by

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1 the population and that they were moving towards being a political and military
2 movement."

3 (Speaks English) Is this a fair summary of your intervention in this meeting?

4 A. [12:26:57] Could you please enlarge the document that I can read it more easily?

5 Q. [12:27:41] Okay. So this is on page 7 of the document. Can you see it before
6 you, Mr Witness?

7 A. [12:27:46] I can't see the document. The part that you read out earlier is not on
8 my screen.

9 Q. [12:28:16] Okay. If I could ask the witness be shown the previous page. I
10 believe page 8 is showing. If we could show page 7 at the top. Thank you. And
11 I'll direct your attention to the second and third paragraphs there.

12 For the record, that's CAR-OTP-2079-1011.

13 A. [12:29:18] I read here:

14 "Responding to this intervention, his Excellency the prime minister clearly indicated
15 that the 'Anti-Balaka' were at the time a reply by the exacerbated population, are now
16 the object of a political recuperation by becoming a political military movement."

17 And I think that is the expression of my thought. I had already said that at the time
18 that given the abuses committed by the Séléka against the populations who were not
19 Muslim, the Christians and the animists, the victims organised themselves as a
20 self-defence movement initially and then later were able to form a political direction
21 for their coordination. So that's the elements that were highlighted during the
22 course of this meeting of the National Security Council.

23 Q. [12:30:44] And what did you mean by (Interpretation) "political recuperation"?

24 A. [12:30:57] This means that the politicians who were opposed to Séléka became
25 involved in the organisational structure of that movement and took over its

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1 leadership.

2 Q. [12:31:17] And what features of the Anti-Balaka were making them a *mouvement*
3 *politico-militaire* by 30 October 2013?

4 A. [12:31:41] I think that at 30 October 2013 they had a structure in place, they had
5 leaders in various zones and each zone was made up of a number of militants, and
6 they had leaders who had responsibilities and there was some coordination between
7 the various groups, I think.

8 Q. [12:32:17] And what information do you have about Ngaïssona's role at that
9 time in that regard?

10 A. [12:32:32] I believe that at that time, once he declared himself to be a member of
11 the Anti-Balaka movement, it was pointed out that he was the general coordinator of
12 the Anti-Balaka movement.

13 Q. [12:33:00] And what were your sources of information for making this statement
14 at the National Security Council on 30 October 2013?

15 A. [12:33:26] National Security Council?

16 Q. [12:33:33] Sorry, I'm not --

17 A. [12:33:34] Hello?

18 Q. [12:33:34] -- I'm not sure if there's a connection issue, but my question was, this
19 statement that you made at the National Security Council, what were the sources of
20 information for that statement?

21 A. [12:33:51] There were various and different sources, including the leaders who
22 attended that meeting. There were elements from the army, the gendarmerie, the
23 police, and also elements from the multinational force from Central Africa, FOMAC.
24 They provided the information and would then go on to assess them, harmonise them
25 and then come up with the various instructions that needed to be implemented for

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1 security purposes.

2 Q. [12:34:46] So if I could direct your attention to page 1009, two pages before that,
3 to the first couple of paragraphs, it indicates about the situation in Bouar and that
4 Bouar was attacked by assailants armed with heavy weapons, including rockets. It
5 is concluded that the attackers were FACA and former presidential guards. They
6 attempted to take control of the airport, which would have enabled them to receive
7 shipments of military supplies.

8 Is this a fair summary of the discussion in Bouar of that meeting?

9 A. [12:35:48] Well, the attacks were carried out in various locations here and there,
10 but I don't remember what happened in Bouar. What is clear is that there was some
11 soldiers who did not remain in Bangui, elements of the army who were scattered
12 across the country and who joined the Anti-Balaka and provided training for them in
13 order to carry out the counterattack on the Séléka elements. At the time, we were
14 also told of a group, a parallel group which was led by Abdoulaye Miskine near
15 Bouar in the Nana-Mambere area and that there had been some exchange of fire
16 between the FDPC of Abdoulaye Miskine, which was created to fight Bozizé. But I
17 think that at that time they decided to engage the Anti-Balaka as they fought the
18 Séléka and I think Abdoulaye Miskine was wounded and I was informed by
19 President Djotodia of that fact.

20 Q. [12:37:18] Can you tell us about the strategic importance of Bouar?

21 A. [12:37:35] The town of Bouar is of strategic importance, because to begin with it
22 was a French military base which was -- which was -- which -- where the Camp
23 Leclerc was based. The town itself is some 150 kilometres from the Cameroon
24 border. And since the CAR is a landlocked country, merchandise coming through
25 the Douala port is taken to the Central African Republic through this route. It is also

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1 not too far up north, if you go through Bocaranga town, which is quite close to Chad.
2 So there are two countries, namely Chad and Cameroon, which can be reached from
3 Bouar. From Bouar you can go to Cameroon through Garam-Boulaï, and from Bouar
4 you can go to Chad by passing through Paramba. So from a strategic point of view,
5 it is a very strategic town.

6 Q. [12:39:09] And I'd like to take you to another National Security meeting a couple
7 of weeks later. This is dated 13 November 2013, tab 46 of the list of materials,
8 CAR-OTP-2101-3086. I'll direct your attention to the bottom of page 3091. It's a
9 report on the security issues of the provinces. It mentions the degrading situation in
10 Bossangoa and the National Security Council made some recommendations to that
11 effect. I'm going to read them to you in French and ask you if you recall whether
12 these measures were implemented in fact. So if we see numbers 1 through 5 at the
13 bottom of the page: (Speaks French) (No interpretation).

14 PRESIDING JUDGE SCHMITT: [12:40:26] I think we have no translation at the
15 moment into English.

16 THE INTERPRETER: [12:40:35] Sorry, Mr President. My microphone was not
17 switched on.

18 PRESIDING JUDGE SCHMITT: [12:40:38] That can happen. No problem. It -- it's
19 really an enormous task that the interpreters have to do in these proceedings.
20 Unfortunately, you would have to read it again.

21 MR LEDDY: [12:40:49] That's fine, your Honour. I'll start at the top. It indicates
22 here: (Interpretation)

23 "In order to give back confidence to these two communities which are afraid, on the
24 one hand, of reprisals from the ex-coalition elements of Séléka and, on the other hand,
25 possible attacks from the Anti-Balaka, so the council took the following urgent

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1 measures:

2 1) billeting ex-Séléka coalition elements in a location outside of Bossangoa;

3 2) immediate installation of Bossangoa -- in Bossangoa of the new commander of the
4 elements of the military region;

5 3) consideration of various elements to be part of the designated team;

6 4) deployment urgently of gendarmerie troops and police in this locality;

7 5) re-enforcement in Bossangoa of the FOMAC -- or the presence of the FOMAC
8 elements."

9 (Speaks English) So my question to you, Mr Witness, if you recall whether these
10 measures were implemented in fact?

11 A. [12:42:17] These measures were partially implemented, but what I can provide
12 as a detail is that the Anti-Balaka excesses were quite dense or significant in
13 Bossangoa against Muslim civilian population. I had to travel to Bossangoa to bring
14 humanitarian assistance to all those who had sought refuge at the archbishop's
15 residence in Bossangoa under the protection of the Catholic Church. So on behalf of
16 the government, I had to travel there to provide humanitarian assistance to those
17 people.

18 Q. [12:43:10] Do you recall the date of that trip, Mr Witness?

19 A. [12:43:20] No, I no longer remember.

20 Q. [12:43:28] I'd indicate for reference tab 34, CAR-OTP-2088-2542, an article from
21 *Le Democrate* discussing a trip you made -- an alleged trip you made to Bossangoa on
22 September -- I'm sorry, 17 October 2013. Do you recall visiting Bossangoa around
23 that time?

24 A. [12:43:59] Yes, I think it must have been within that time frame.

25 Q. [12:44:09] And please tell us what you saw during that trip?

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1 A. [12:44:20] During that trip, I met thousands of displaced persons who had
2 gathered at the archbishop's residence at the Bossangoa diocese. They were living
3 under extremely difficult circumstances; no water, no food, no health care. So when
4 I went there I met those people in distress. I had conversations with them and I
5 provided them with some assistance on behalf of the government, humanitarian
6 assistance. Medication, for example, a little bit of money for the diocese, and then I
7 went back.

8 Q. [12:45:31] Are you aware -- or were you aware at the time whether the
9 Anti-Balaka were present in Bossangoa during that trip?

10 A. [12:45:47] Yes, yes, of course. Because the people were already suffering
11 reprisals - the Muslim population - reprisals from the Anti-Balaka. But the Séléka
12 were also committing acts of violence against others who were non-Muslims. So the
13 two movements, the Anti-Balaka and Séléka, were both already present in Bossangoa.

14 Q. [12:46:30] And same with the Muslim civilians that were victims that you just
15 mentioned. Can you tell us more about that in your basis of knowledge for that?

16 A. [12:46:55] What information are you asking?

17 Q. [12:46:56] You mentioned at the time that there were Muslim civilian victims of
18 the Anti-Balaka attacks in Bossangoa. Can you tell us more about that, any details,
19 but also your basis of knowledge for that information? Thank you.

20 A. [12:47:23] Yes, I was on the spot. I was on the ground myself. I received
21 information about victims of the actions of the Anti-Balaka, as well as those of the
22 Séléka. The victims, the first victims, were those who had come under abuses from
23 the Séléka and the Anti-Balaka organised themselves to carry out the reprisals against
24 the Muslims. And these are things that I saw myself. I didn't hear any testimony as
25 such, but I saw and I experienced these things myself personally.

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1 Q. [12:48:17] Where did you see the Muslim victims of these attacks in Bossangoa
2 in particular?

3 A. [12:48:34] I was just saying that I was at the bishopric, and that's where the
4 displaced persons were.

5 Q. [12:48:46] Do you have any information about which Anti-Balaka groups carried
6 out these attacks on Muslim civilians?

7 A. [12:49:06] No, I don't have detailed information on the perpetrators of those
8 excesses, the excesses committed by the Anti-Balaka.

9 Q. [12:49:19] Did you personally meet with any Muslim civilian victims there and
10 hear what they had to say about their experience?

11 A. [12:49:38] Yes, as I told you, at the bishopric I saw the victims, I had discussions
12 with them and I was fully aware that they had been subjected to reprisals. And that
13 is why it was important for government, in view of its social mission, to provide
14 assistance to all the victims, whether they be victims of the Anti-Balaka or of the
15 Séléka actions.

16 Q. [12:50:14] Mr Witness, do you recall making another trip to Bossangoa in early
17 December 2013, perhaps travelling by plane?

18 A. [12:50:37] No, I made only one trip to Bossangoa. I didn't conduct a second trip.
19 I had wanted to travel to Bouar on a second occasion, but because of insecurity
20 reasons I was advised not to travel there.

21 Q. [12:51:11] So, Mr Witness, I'd like to ask you a few more questions about the
22 documents you provided to the Office of the Prosecutor, starting with number -- no,
23 tab 10 on the list of materials, annex number 1 to the your statement. It's
24 CAR-OTP-2024-0060.

25 Do you recall the source of this annex? This is a handwritten document dated

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1 February 2014.

2 Do you recall the source of this document, Mr Witness?

3 A. [12:52:40] This is a document I was given when I was the former president of the
4 Central African League for Human Rights. This document was handed to me
5 because people still believed that I was still the president of the Central African
6 human rights league. When I was in contact with the investigators, I handed them
7 this document and the person who is mentioned, Endjilo, was ultimately arrested and
8 convicted by the Central African courts to time of forced labour, if I'm not mistaken.

9 Q. [12:53:35] So my question, Mr Witness, was about the source of the information.
10 Do you recall who provided you this document? If you'd like to answer in private
11 session, just let us know.

12 A. [12:53:58] I think it's the person whose name appears at the bottom of the
13 complaint or on the complaint.

14 Q. [12:54:05] Okay. We'll move to the next document. That's tab 11. This is the
15 annex shown to you earlier, annex number 2. And at the bottom of the page --

16 MS DIMITRI: Mr President.

17 PRESIDING JUDGE SCHMITT: [12:54:23] Yeah.

18 MS DIMITRI: [12:54:24] I apologise for the interpretation, but I'm a bit lost. When
19 the witness answers that it's the name on top of the page, I don't have a name on top
20 of the page. I have a redacted version.

21 PRESIDING JUDGE SCHMITT: [12:54:36] So do we.

22 MR LEDDY: [12:54:44] I believe --

23 PRESIDING JUDGE SCHMITT: [12:54:45] So I know that sometimes redactions have
24 to be applied, yet when this comes up and is asked and is on the record, it would, of
25 course, be important for everyone and especially also for the judges to know who the

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1 person is. So you -- I think we can expect that this will be dealt with, yeah.

2 THE WITNESS: [12:55:13](Interpretation) May I? On the document that I was
3 shown the name of the person was redacted. But since I'm the one who handed over
4 the document, I have that person's name in my documents and during the break I can
5 tell you the name of that person because I have my documents with me.

6 PRESIDING JUDGE SCHMITT: [12:55:37] I think that's fine, actually. Thank you
7 very much, Mr Witness. I think that's a good idea, so I think we will soon have a
8 lunch break and then afterwards it would be very kind of you if you could provide us
9 with the name of the person.

10 By the way, mentioning lunch break also begs the question how long your
11 examination is going to last. And I recall, I think, that the Prosecution said two
12 hours, so we are a bit over it.

13 MR LEDDY: [12:56:08] Yes, that's correct, your Honour. I thank you for your
14 patience, especially with the technical issues this morning. I do think we have a bit
15 left. I'd say perhaps half an hour, 45 minutes. With your indulgence, we can take it
16 after the break.

17 PRESIDING JUDGE SCHMITT: [12:56:26] Yeah, I think that's best. But, of course,
18 this will not diminish the time for the Defence for the questioning. So let's have now
19 the lunch break and thank you very much.

20 Ms Proulx.

21 MS PROULX: [12:56:35] Apologies, your Honour. I just wanted to make a point for
22 the record. Earlier, when we had a discussion about the date of the recording of
23 Bozizé, your Honour asked the date. Mr Leddy said it was late December 2013.
24 We checked and the Ringtail tells us that the estimated date of this recording is
25 actually 26 February 2014. I just thought it should be put (Overlapping speakers)

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1 PRESIDING JUDGE SCHMITT: [12:56:57] That could indeed make a difference.

2 Thank you very much. Thank you very much for the information.

3 So we have lunch break until 2.30 now.

4 THE COURT USHER: [12:57:05] All rise.

5 (Recess taken at 12.57 p.m.)

6 (Upon resuming in open session at 2.30 p.m.)

7 THE COURT USHER: [14:30:43] All rise.

8 Please be seated.

9 PRESIDING JUDGE SCHMITT: [14:31:06] Good afternoon.

10 Mr Leddy, you still have the floor.

11 MR LEDDY: [14:31:11] Thank you, your Honour.

12 And just a point of clarification before beginning with the questioning. On the
13 subject last raised by counsel, on the date of tab 1 on the list of materials, we do have
14 26 February 2014 as the date currently in the metadata. We understand, however,
15 that's the date that the item was posted on YouTube and that the date of the actual
16 audio is a bit earlier. And for that I have a citation here to the interview of the
17 individual on the call and that's P-1951. And you can see this at his interview at
18 CAR-OTP-2092-0322 at 0326, lines 118 to 146.

19 In this interview, he confirms that this conversation happened when Djotodia was
20 still in power and he says it's either 31 December 2013 or 31 January 2014. And since
21 we know Djotodia was not in power on 31 January 2014, a lawyer from our team
22 actually requested the evidence unit change this metadata a year ago. Unfortunately,
23 that change has not been done yet, but we'll disclose it - the proper metadata - as soon
24 as possible.

25 PRESIDING JUDGE SCHMITT: [14:32:26] Okay. Thank you. And also we have

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1 still one name, perhaps, that the witness can provide us with. And I'm informed that
2 he -- that he can do that and -- yeah, and I think it will be up to the Prosecution to
3 disclose the respective document fully to Defence. Yeah. So perhaps you continue
4 with that, ask the witness that first.

5 MR LEDDY: [14:32:52] Thank you, your Honour.

6 Q. [14:32:53] Mr Witness, before the lunch break we had a question about annex 1
7 to your statement and to the name provided at the top of it.

8 Do you recall that name as the source of the information?

9 A. [14:33:24] Yes, I was saying that I am the one who disclosed that document.

10 The name was redacted from the document, which I handed in. I have just looked at
11 the documents that I brought along and I am now able to give you the name of the
12 person who complained.

13 PRESIDING JUDGE SCHMITT: [14:33:55] Please do so, Mr Witness.

14 THE WITNESS: [14:34:05](Interpretation) His name is Mr Ngouyombo,
15 N-G-O-U-Y-O-M-B-O. Ngouyombo, Ngouyombo. And his first name is
16 Dieudonné.

17 PRESIDING JUDGE SCHMITT: [14:34:43] Thank you very much.

18 THE WITNESS: [14:34:45](Interpretation) His telephone number in Bangui --

19 MR LEDDY: [14:34:47](Overlapping speakers) We don't need the telephone number
20 on the record. Thank you.

21 PRESIDING JUDGE SCHMITT: [14:34:51] Okay.

22 THE WITNESS: [14:34:54](Interpretation) Very well. That's fine.

23 PRESIDING JUDGE SCHMITT: [14:34:56] Mr Leddy, I think you have a couple of
24 other documents you want to go through with the witness. Please do so.

25 MR LEDDY: [14:35:01] Thank you, your Honour.

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1 Q. [14:35:08] Mr Witness, with reference to annex 2 to your statement, and that's
2 tab number 11, you also discuss it at paragraph 118 of your statement where you
3 indicate that Bozizé and his sons and Ngaïssona were the financiers and political
4 leaders of the Anti-Balaka.

5 Now, can you tell us more about what you know with respect to the role as financiers
6 of the Anti-Balaka?

7 A. [14:35:53] I had received some documents from people which indicated that
8 those were the ones who provided financial support to the Anti-Balaka, and I handed
9 over those documents to the investigators.

10 Q. [14:36:09] And do you have any other information about how Bozizé or
11 Ngaïssona financed the Anti-Balaka other than that document?

12 A. [14:36:34] No, I don't have any other sources of information because I wasn't in
13 the network, so I could not have any additional information.

14 Q. [14:36:44] And looking at annex 3 to your statement, that's tab number 12, which
15 you discuss at paragraph 119 in your statement, you mentioned three Anti-Balaka
16 coordinators; that Ngaïssona was the general coordinator, but also you list Mr Ngaya
17 and Mr Bara. Can you describe what you understand Mr Ngaïssona's role as general
18 coordinator -- what did that entail? What were his duties and responsibilities as
19 general coordinator?

20 A. [14:37:37] I -- I'm not involved in Mr Ngaïssona's activities. The information I
21 give you is in relation to his own statements, that he was the general coordinator
22 when it comes to the structure or, rather, of his organisation. But when it comes to
23 the structure of the organisation, I don't have any particular details to provide.

24 PRESIDING JUDGE SCHMITT: [14:38:03] Mr Leddy, if you would allow me.

25 Mr Witness, but do you happen to recall when these documents were handed to you,

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1 annex 2, annex 3? Of course you will not - that would be really exceptional - you

2 would not recall the exact date, but was it sometime in 2014 or whenever or 2013?

3 Do you recall that?

4 THE WITNESS: [14:38:38](Interpretation) No, it was not in 2013. It must have been

5 in 2014. Allow me also to specify that the statement or the audio recording of Bozizé

6 was not 2013. If it says December 2013, that would be a mistake because the

7 statement was made after Mr Djotodia and myself had resigned. So it could only

8 have been in 2014, not in 2013.

9 PRESIDING JUDGE SCHMITT: [14:39:12] Thank you for that clarification.

10 Mr Leddy, please continue.

11 MR LEDDY: [14:39:17] Thank you, your Honour.

12 Q. [14:39:20] Mr Witness, in the same document, annex 3, you have listed there

13 three individuals: Ngaikosset, Semdiro and Olivier Koudemon, who you describe in

14 paragraph 48 of your statement as being members of the presidential guard under

15 Bozizé's command. Now, you said you just obtained this document in 2014. Do

16 you know the time frame under which those individuals were under Mr Bozizé's

17 command?

18 A. [14:40:07] I don't have a recollection of the date, but as I said, these were

19 documents that were given to me. I had them, but I was not in charge of

20 investigations. When I was contacted by the investigators of the ICC, they asked me

21 if I had any documents. I provided them with the documents and I think it was for

22 them to follow up having -- having given them the documents that I had received.

23 Q. [14:40:43] Now, in the same annex you have listed there *corporal-chef* Rambo and

24 it's designated there that he is in charge of the route Mbaïki.

25 Do you know when *corporal-chef* Rambo started to maintain control of that axis?

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1 A. [14:41:13] I'm not able to provide dates when it comes to that person. What I
2 know is that the video is showing that he was present at Mbaïki road PK9, I believe.
3 In that video he was having a conversation with some French soldiers of the Sangaris,
4 so that video I -- as far as I know, is a result of -- or comes from France 24, the TV
5 station France 24, if I'm not mistaken. This is a video that was broadcast and that's
6 how I became aware at that time that he was one of the Anti-Balaka leaders and that
7 he had contacted the French soldiers of the Sangaris operation.

8 Q. [14:42:24] I'd like to move to tab 6, and this is annex 6, CAR-OTP-2009-3472, and
9 ask you if you recognise this document and if so, where you obtained it from. And if
10 you'd like to answer that in private session, please let us know.

11 A. [14:43:37] This is part of the documents that people gave me. I really do not
12 have any specific details to provide because I did not know many of these people. I
13 knew some of them, but most of them I did not know.

14 PRESIDING JUDGE SCHMITT: [14:44:02] Perhaps, a remark. Of course, it's just -- I
15 would not say out of the blue, but also the handwriting seems to be a little bit similar,
16 so it would make sense that perhaps the same person has written it, but I don't know,
17 of course.

18 Mr Witness, but these documents, have they been given to you while you were in
19 office -- still in office?

20 THE WITNESS: [14:44:33](Interpretation) No, I was not in office. I left government
21 in January 2014.

22 PRESIDING JUDGE SCHMITT: [14:44:43] Yeah, but this, of course, is no
23 information that could help us locate it in time, so this was the reason of my question.
24 Mr Leddy, please continue.

25 MR LEDDY: [14:44:53] Thank you, your Honour.

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1 Q. [14:44:54] Mr Witness, what can you tell us about the fact that you're listed there
2 as one of the people who Bozizé and his men are searching to physically eliminate?

3 A. [14:45:23] Well, this is -- I told you that these documents were given to me. I
4 am not the only name on that list. There are other -- several other persons on that list.
5 And given that the documents were handed over to me after Bozizé had left power, I
6 really did not attach much significance to the documents. However, there was an
7 ongoing investigation on the Anti-Balaka and since there was a request for
8 information, I provided this document.

9 You know, I wasn't really concerned about my own person because there had already
10 been an attempt on my life, an assassination attempt by Séléka when Bozizé was
11 already in power. So what matters is not as much my humble, or yours truly, as
12 much as contributing to the emergence of the truth at the ICC, given that I was one of
13 the figures of authority in the country at that time. So I felt it was my duty to
14 provide information to the investigators and that it was for them now to conduct
15 those investigations with a view to finding the truth.

16 Q. [14:47:01] Mr Witness, I'd like to move to another document. This is tab 40 on
17 the list of materials. This is a September 2013 statement from the government. It's
18 CAR-OTP-2100-1790. I'd like to move to page 1791.

19 Now, this is a (Interpretation) "Statement by the Government of National Union on
20 the L'Ouham and L'Ouham-Pendé events".

21 (Speaks English) Do you remember the government issuing a statement to this effect
22 on September 10, 2013, about violence in Ouham and Ouham-Pendé?

23 A. [14:48:16] Sorry. I can't read the document that is displayed. Can it be
24 expanded?

25 PRESIDING JUDGE SCHMITT: [14:48:23](Overlapping speakers) And which tab is

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1 it? Because it says "2017", I think, in the transcript.

2 MR LEDDY: [14:48:30] Oh, this should be 2013, 10 September 2013.

3 PRESIDING JUDGE SCHMITT: [14:48:33] Yeah, yeah, of course, but it wasn't in the
4 transcript. I think I read it differently. And the tab was?

5 MR LEDDY: [14:48:39] Sorry. Tab 40, your Honour.

6 PRESIDING JUDGE SCHMITT: [14:48:43] It says "14" on the transcript, but I think it
7 can be fixed. Thank you.

8 Mr Tiangaye, did you have the chance now to read the document?

9 THE WITNESS: [14:49:37](Interpretation) Yes. Yes, I have -- I have read it. I see
10 the date is 10 September 2013.

11 Now, was this from the government? Is there a name attached to it? Was it from
12 the prime minister's cabinet? Can I see the title of the document, please?

13 MR LEDDY: [14:50:14] If we can revert to the previous page.

14 PRESIDING JUDGE SCHMITT: [14:50:18] Yes, of course.

15 MR LEDDY: [14:50:19] Thank you.

16 PRESIDING JUDGE SCHMITT: [14:50:19] This is important.

17 MR LEDDY: [14:50:50]

18 Q. [14:50:51] So, Mr Witness, we can see at the top of the page it says

19 (Interpretation) "Prime minister's office".

20 (Speaks English) Does that refresh your recollection about the statement?

21 A. [14:51:09] No, I no longer remember. This happened seven years ago or eight
22 years ago or so. Now, if it comes from the prime minister's office, then it must be
23 indeed a government statement.

24 PRESIDING JUDGE SCHMITT: [14:51:29] I think we can move on from there.

25 MR LEDDY: [14:51:40]

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1 Q. [14:51:41] Mr Witness, at paragraphs 82 and 90 of your statement you reference
2 the speech at the UN General Assembly that you made on 26 September 2013.

3 And for reference, this is tab 43 as well, CAR-OTP-2101-1848. Can you tell us about
4 the contents of this speech and why you made this speech at the UN on that date?

5 A. [14:52:26] It was within the same framework as the speech of the 15 May 2013
6 before the Security Council of the UN in relation to the collapse of the state and the
7 persistent massive violations of human rights and the precarious nature in which
8 the -- the precarious state in which the Central African people found themselves.

9 They needed protection, so I reiterated my appeal to the United Nations
10 Security Council and also called on the international community to come to the rescue
11 of the Central African Republic's people. Otherwise, their moral and ethical
12 responsibilities would be judged by history because I did not want what happened in
13 Rwanda to reoccur in the Central African Republic. That is why it must be said that
14 I made that statement in the interest of my country.

15 In order to be able to attend that general assembly, I had to cross many hurdles and
16 difficulties because President Djotodia did not want me to go to the United Nations
17 General Assembly and at that time it was the Séléka who were committing acts of
18 violence on the Central African people. So it is the president of the ECCAS of
19 Central African states, President Idriss Deby, who intervened to ask Mr Djotodia to let
20 me travel to the UN to make this appeal, particularly in relation to peace in the
21 Central African Republic.

22 Q. [14:54:33] So I'd like to take you to what I understand is a copy of that speech at
23 tab 43, CAR-OTP-2101-1848, at page 1855. You cite a report of the UN
24 Secretary-General on the Central African Republic from August 2013 and you provide
25 some grim statistics. You indicate that 1.6 million IDPs are in badly need of

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1 assistance. That's 62,000 persons seeking refuge in neighbouring countries and 3,500
2 child soldiers are enrolled in armed groups.

3 I understand you made this speech in September 26, 2013. Were these figures well
4 known in the CAR government at the time that you made this speech?

5 A. [14:55:37] Those were official figures, yes. And the source of some of these
6 figures, these figures is in publications of NGOs, international NGOs. These credible
7 figures, which were provided by international NGOs, humanitarian NGOs.

8 Q. [14:56:11] And so that was in September 2013.

9 Can you tell us whether these numbers went up or down by the time you stepped
10 down as prime minister in January 2014?

11 A. [14:56:36] I think the figures definitely went up, but I don't have any new
12 statistics which I can provide in relation to these figures and whether they increased
13 or not.

14 Q. [14:56:57] Now, I want to ask you about your trip to Bossangoa you mentioned
15 earlier in your testimony going there. I want to put it to you that we have a video
16 from TV Monde news, which I believe was broadcast on 5 December 2013, and this is
17 number -- tab number 28 at CAR-OTP-2066-5308. Now, that video indicates that you
18 went to Bossangoa and met with Séléka officials, generals there.

19 PRESIDING JUDGE SCHMITT: [14:57:39] I think that's premature a little bit, I
20 would say. I think it absolutely makes sense to show this, but of course you have
21 not finished, I suppose.

22 MR LEDDY: [14:57:52] In the interest of time, your Honour, I was trying to be more
23 efficient, but I'm happy to show the witness the video as well.

24 PRESIDING JUDGE SCHMITT: [14:58:01] How long is it?

25 MR LEDDY: [14:58:05] It's about a minute.

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1 PRESIDING JUDGE SCHMITT: [14:58:08] I think -- I think it would make sense

2 to -- that we can see it, yeah.

3 MR LEDDY: [14:58:13] Okay. We can go ahead and play it then.

4 PRESIDING JUDGE SCHMITT: [14:58:16] We play it and then you ask the witness.

5 Okay.

6 (Viewing of the video excerpt)

7 THE INTERPRETER: [14:58:25](Interpretation of the video excerpt) "On the

8 Bossangoa tarmac General Yaya is about to meet with the prime minister and for that

9 there has to been some order in the ranks.

10 Line up. Line up, please, line up. Make sure they are lined up. You, please come

11 to the front. You, to the back. You, give him your weapon.

12 The former Séléka rebels wearing various uniforms, that is the new

13 Central African Republic army as the new prime minister passes in review, who has

14 been absent over a period and has conducted only one visit during the two months of

15 crisis."

16 MR LEDDY: [14:59:15]

17 Q. [14:59:15] Now, Mr Witness, I understand this was broadcast on

18 5 December 2013 on French news. Do you recall the date of this visit now looking at

19 that video?

20 A. [14:59:39] I don't have an exact date, but that was before December. On

21 3 December, I left for France in the evening to attend the summit of heads of state and

22 government on security in Africa. So on 3 December, I was almost assassinated by

23 Séléka elements and there is a French TV video which published that incident. On

24 that day, President Djotodia had asked me to come to the gendarmerie because some

25 Peuhls had been attacked by the Anti-Balaka and that I should have -- I should come

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1 to visit them. And I told Djotodia that if people had been injured, they shouldn't be
2 taken to the gendarmerie. They should be taken instantly to the hospital. But he
3 insisted that I come to see them at the gendarmerie.

4 Now, when I got to the gendarmerie I was threatened by the Séléka generals who
5 were of the view that the Anti-Balaka had killed and assassinated Muslims and that
6 as a Christian prime minister I was to be considered as the leader of the Anti-Balaka.
7 So I was threatened with assassination at the gendarmerie. Some French journalists
8 were there. They filmed what was happening and broadcast it on French TV. That
9 evening I took the plane for Paris to attend the conference of heads of state and
10 governments on security in Africa.

11 So on the 5th the Anti-Balaka attacked and at that time I was in France. Then I went
12 back a few days after and I was blocked at the airport for some -- some time and
13 during that -- for a number of days during that time, the Séléka elements attacked my
14 home, looted my property, assassinated a bodyguard and so that's the context in
15 which I found myself at the time. I just wanted to put this on the record.

16 PRESIDING JUDGE SCHMITT: [15:02:29] Absolutely understandable again.

17 MR LEDDY: [15:02:31]

18 Q. [15:02:32] Thank you, Mr Witness. And just so we can clarify the date of the
19 trip to Bossangoa, earlier in your testimony you mentioned in relation to a 17 October
20 article a possible trip there.

21 Was that a different trip or the same trip as the one in the video we just saw?

22 A. [15:03:05] I only traveled once to the province and that was in Bossangoa. I
23 didn't travel twice. So if the date mentioned is 17 October, it must only be that one
24 because outside of the visit that I went to Bossangoa, I never went anywhere else in
25 the provinces. The only travel I did was outside of the country.

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1 Q. [15:03:40] Thank you. I'd like to show you another video. This is tab 8 from
2 our list of materials. It's CAR-OTP-2023-1548. It's about 90 seconds. It can be
3 shown in public. And it includes footage of yourself. You'll see -- please take a
4 moment to watch the video and then I'll ask you a few questions.

5 (Viewing of the video excerpt)

6 THE INTERPRETER: [15:04:07](Interpretation of the video excerpt) "This what
7 happened to the compatriots is modern. What has happened in the dark ages.
8 Children were injured and you have the -- this young lady who was forced to deliver
9 after having been assaulted. The baby is done -- is doing well. At this centre there
10 are specifications on the circumstances of this violence.

11 Well, I'm not in a position to tell you exactly what happened because this tragedy
12 took place in a camp about 12 to 15 kilometres from the village, so we were at the
13 health centre and we were told that there were accidents. That is why I intervened
14 yesterday on the four other cases. There was the death of a young lady of 12 years
15 and then there was another lady brought to this centre.

16 Now, high authorities, Mr Tiangaye and Mr Ferdinand Nguendet went to see these
17 victims before they were transferred to the community hospital to receive treatment."

18 MR LEDDY: [15:05:55]

19 Q. [15:05:57] Mr Tiangaye, do you recall the date of this incident? Was it before or
20 after you went to Paris?

21 A. [15:06:10] It was on the very same day. I told you that the Anti-Balaka had
22 attacked Peuhl Muslims and this was in Boali, so President Djotodia absolutely
23 wanted me to go and visit them. I had reservations and I thought that they should
24 be taken to the hospital. So these people that you see, that was not the hospital. It
25 was at the gendarmerie, the research section. So I went there to see the situation, but

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1 it was Djotodia's trap for me to be assassinated.

2 If you look at this video, the entire video, you will see that there are many other

3 images, other videos from the international press. I think TV5, or France 24. I was

4 threatened by the Séléka generals who knew that that evening I was going to travel to

5 France for the international conference on the heads of state and government for

6 security in Africa. And they said in this video that if I did not take a clear solution, I

7 should remain abroad because if I came back I should be -- I would be assassinated.

8 So you will see that, which was reported in the international media TV5 and France

9 24. So I was threatened and I told Djotodia because on that day there was an official

10 ceremony and I refused because I thought it was a trap to assassinate me. And since

11 the international media was there for -- with cameras, it was difficult to assassinate

12 me in front of international media, but I was threatened by Séléka generals and you

13 can see that on those reports of the international media. I think it was TV5 or France

14 24. So this was under the circumstances that I left for France on that very evening on

15 3 December 2013.

16 But I would like to add that the feast of the proclamation of the Central African

17 Republic is on 1 December, so it was necessary to organise a ceremony. So a festival

18 had to take place on 1 December. We were informed that the Anti-Balaka had

19 prepared themselves to attack officials during that ceremony. And since that

20 information was provided for -- from international intelligence services,

21 President Djotodia, without consulting me, decided to cancel that ceremony, so there

22 was no march passed and the ceremony. And in the meantime the Anti-Balaka

23 attacked a village where there were Peuhls and Muslims. They were taken to Bangui,

24 but Djotodia was furious and I was being considered as the head of the Anti-Balaka

25 because I was a Christian. I'm a Christian and so he wanted to attribute that

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1 responsibility to me. So this was postponed to January 2014 because it was not -- I

2 was not in agreement with how he was governing, he was taking decisions.

3 Q. [15:11:01] Thank you, Mr Witness. Were you able to talk to any of the Peuhl or
4 Muslim victims that you saw that day?

5 A. [15:11:20] Yes, of course.

6 Q. [15:11:24] Can you tell us what they told you?

7 A. [15:11:30] I beg your pardon?

8 Q. [15:11:33] Please tell us what they told you.

9 A. [15:11:38] I beg your pardon? Can you repeat your question again.

10 Q. [15:11:51] Sorry. I think there might be some connection issues. My question
11 was just if you could tell us what those victims told you.

12 A. [15:12:05] Well, the victims told me that they had been attacked and I expressed
13 my sympathy in relation to that situation. I thought that they should not be in the
14 gendarmerie, but rather in the hospital. But I was threatened by the Séléka generals
15 and my security enabled me to leave the place.

16 Q. [15:12:39] Did they specify the identity of their attackers?

17 A. [15:12:51] They did not identify the attackers, but it is clear that that attack could
18 only have been carried out by the Anti-Balaka, so that is because I cannot imagine the
19 Séléka going to attack Peuhl Muslims. So even if they did not say so, the belief is
20 that that assault, that attack, could only have come from the Anti-Balaka who were
21 carrying out reprisal attacks against Muslim populations.

22 Q. [15:13:34] Mr Witness, I'd like to turn now to the 5 December attack 2013, and
23 we have at tab 22 your statement to the International Commission of Inquiry on the
24 Central African Republic. And in this statement at page 0697, you indicate near the
25 bottom of the page, and I'll quote the French: (Interpretation)

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1 "The first confirms that President Bozizé should be behind the Anti-Balaka movement.

2 He must have commissioned the attack of the 5 December on Bangui."

3 (Speaks English) Can you tell us, Mr Witness, how you reached this conclusion?

4 A. [15:14:33] This is information that was given to me by people who had
5 intelligence information on the situation. That is why I spoke in the conditional, that
6 Bozizé is alleged to have commissioned the attack. So this was a way of proceeding
7 in an indirect manner.

8 Q. [15:15:07] Can you tell us today the sources of information? And if you'd like
9 to go into private session, please let us know.

10 A. [15:15:28] No, I do not have the sources because as part of our activities there
11 are -- there was information and the technical services prepare that into speeches that
12 I made, so I did not receive information directly from any individual who came to see
13 me with details. This is a speech that was made on the basis of information
14 summarised by my services.

15 Q. [15:16:09] What did you -- as prime minister, what did you understand the goal
16 of the Anti-Balaka attack to be on 5 December 2013?

17 A. [15:16:31] The objective was to overthrow the Séléka regime, and that is because
18 they attacked locations where Djotodia was present and the base of the Séléka. So it
19 is obvious that it was an attempt to take over the strategic locations and put an end to
20 Djotodia's regime and of the Séléka. That is why they attacked Camp Boali, which
21 was the base of the Séléka. So this was a political objective to put an end to the
22 crimes perpetrated by the Séléka.

23 Q. [15:17:42] At paragraph 121 of your statement, you mention Francis Bozizé and
24 that he was the deputy minister of defence and that he coordinated
25 the 5 December 2013 attack?

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1 Can you tell us more about this? How do you know this?

2 A. [15:18:16] In December 2013, Francis Bozizé was not a member of the
3 government. He was a minister delegate for Defence before the Libreville accords.
4 So one can say that during that period he was minister delegate for National Defence.
5 But at this particular period, it was general Antoine Gambi, who was the minister of
6 defence. Bozizé had already been overthrown, so his son was not minister of
7 defence. I no longer remember the minister of defence's name at that time, but it was
8 not Francis Bozizé.

9 Q. [15:19:19] Thank you for the clarification. But you did mention that Francis
10 Bozizé coordinated the 5 December attack. Could you tell us more about how you
11 know that?

12 A. [15:19:40] This is information that was given under the same circumstances that
13 I told the team of the investigators of the Prosecutor.

14 Q. [15:19:52] And sitting here today you don't remember the individual sources of
15 any of this information; is that correct?

16 A. [15:20:08] No, I no longer remember. It is almost eight years ago, so I do not
17 have any specific information. And even the information that I gave to the OTP goes
18 back to 2014, so I no longer have specifics on the dates and people.

19 Q. [15:20:42] You did provide information about the 5 December attack on 2013,
20 but I'll move on now to ask you a couple questions about your trip to Paris.
21 At paragraph 112 of your statement you mentioned returning to Bangui on
22 10 December 2013. You also mentioned you could not go to your home. Was that
23 because of the Séléka attack on your property you mentioned earlier?

24 A. [15:21:29] Yes, that is correct. In fact, I returned from Paris on 10 December on
25 board a flight of the chief of staff of the French army because it coincided with the

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1 arrival of the Sangaris oppression. So I stayed at the airport for about five days
2 before going home and in the meantime the Séléka attacked my home, they looted my
3 property and killed my bodyguards. At that time, Djotodia thought that I was with
4 the Anti-Balaka, so they attacked my home to assassinate me.
5 But unfortunately for them and fortunately for me, I was not in Bangui. And this is
6 why -- when I see the information of the government talking about 10 December, the
7 document that you showed me a short while ago, I'm wondering because I returned
8 to Bangui in the night of 10 December, so I could not have made a speech on the
9 security situation. So I do not know whether it was 10 December or the
10 10 September. If it's the 10 September, that is possible, but on 10 December I could
11 not make an official statement because I arrived in the night of 10 December. And
12 because of security reasons, I stayed at the airport for five days before going back to
13 my home.
14 I would also like to say that I -- there were heated discussions with Djotodia because
15 he was telling me that it was the Anti-Balaka that had attacked my home and I told
16 him that it was not the Anti-Balaka, that it was the Séléka that came and attacked me
17 and stole my vehicles. I mentioned the name of his chief of staff Issiaka and
18 everyone confirmed that it was Séléka that attacked my home. So I disagreed with
19 Djotodia on that point because he wanted to attribute responsibility for that attack on
20 the Anti-Balaka.

21 Q. [15:24:37] Thank you, Mr Witness. Who did you go to Paris with? Who else
22 joined you on that trip?

23 A. [15:24:59] During that trip, if I remember correctly, I was at the head of a
24 delegation of several ministers, including the minister of state Bumbuli Kumba (phon).
25 There was also a lady who was minister of foreign affairs. That was Madam Boti

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1 Tmanga (phon). Then minister Delacadre (phon) and the director of cabinet of
2 Djotodia, Mahamat Kamoun. On the day that we had to return, there was this attack
3 and the Air France flight that was supposed to land in Bangui was diverted to
4 Cameroon. The other ministers were able to return and I took the falcon aircraft of
5 the chief of general staff of the French army and I was accompanied by Mahamat
6 Kamoun who was the director of cabinet of Mr Djotodia.

7 Q. [15:26:28] At paragraph 115 of your statement, you indicate you were requested
8 to resign as prime minister on 10 January 2014.

9 How soon after that did you in fact resign?

10 A. [15:26:58] Yes, indeed. It was a real comedy that took place in N'Djamena
11 where the flight was sent to take the members of the national transition and there was
12 notification that the prime minister and the transitional government had resigned, so
13 at that time no resignation had taken place so we were forced to resign. So Djotodia
14 handed over his resignation in N'Djamena. I refused to give in my resignation
15 because of the strange circumstances that were incompatible with the issues of
16 national dignity and I decided that I would hand in my resignation only in Bangui.
17 And I returned on the 11th and if I remember correctly it was on 14 January that I
18 handed over my resignation to the transitional president.

19 Q. [15:28:28] And why did you resign as prime minister?

20 A. [15:28:43] Well, we were actually dismissed by the heads of state of CEEAC. It
21 was a real comedy. A military aircraft was sent to Bangui and fetched the members
22 of the transitional government and took them to N'Djamena and they were asked to
23 say that they no longer wanted Tiangaye, so the next day they declared that they no
24 longer wanted the president and the transitional government. So it was not actually
25 a resignation, it was a decision that had been taken by the heads of states of the

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1 Central African region with the blessing of France.

2 Q. [15:29:46] Okay. I just have a few more final questions here before wrapping

3 up, Mr Witness. At paragraph 125 of your statement, I'll quote the French here.

4 You indicate (Interpretation) "When Séléka lost power, the Anti-Balaka started killing
5 the Muslim population. Many Muslims fled to neighbouring countries."

6 (Speaks English) Can you tell us how you obtained this information and anymore
7 details you're able to provide?

8 A. [15:30:40] I think that there are many details available. Once the transitional
9 president and prime minister happened and the Sangaris forces arrived in Bangui the
10 Séléka armed groups were organised to travel back to the north of the country, so the
11 Muslims were abandoned and the Anti-Balaka started murdering them not only in
12 Bangui, but in other areas. So this is a situation that is known to everyone. So this
13 was very serious for national security. The Anti-Balaka initially had been a
14 self-defence force and then they started attacking Muslims, civilians who were not
15 Séléka at all. So this is the situation that we experienced.

16 Q. [15:32:12] And sitting here today, do you have any more information on the
17 dates and locations of those attacks?

18 A. [15:32:30] Those attacks happened almost everywhere and I don't remember the
19 dates. But the victims are still alive. And I might only give you general
20 information on the locations and dates, but these were killings that took place on vast
21 areas of the national territory, which compelled the Muslims to leave Bangui and to
22 move to more remote areas of the country in order to seek refuge and safety from the
23 Anti-Balaka. So some of the Muslims became refugees in Cameroon and in Chad.

24 PRESIDING JUDGE SCHMITT: [15:33:29] I think you can -- you can come to the
25 end.

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1 MR LEDDY: [15:33:32] Yes, your Honour.

2 PRESIDING JUDGE SCHMITT: [15:33:33] I would suggest.

3 MR LEDDY: [15:33:35] I'm there. Just a couple more questions.

4 Q. [15:33:38] Mr Witness, you mentioned the displacement of Muslims at the time
5 in CAR.

6 Can you tell us what you know about the enclaves of Muslims in and around CAR at
7 the time?

8 A. [15:34:12] The refugees, as I said, mostly went to Cameroon, to the east of
9 Cameroon and to the south of Chad. Some of them went as far as N'Djamena, which
10 is the capital of Chad, and within the country some people found refuge in the areas
11 that were occupied by Séléka who had left with bag and baggage, so to speak, or arm
12 and baggage. That's it.

13 Q. [15:35:04] And the last paragraph I want to ask you about, Mr Witness, is
14 paragraph 127 of your statement where you talk about daily incidents of Anti-Balaka
15 violence against Muslims in Boy-Rabe and PK5, and that this took place around
16 10 January 2014 around the time of your resignation.

17 What more details can you provide about these attacks.

18 A. [15:35:58] As I told you already, once the Séléka left Bangui the Muslims who
19 were there came under violent attack. In PK5, for example, they were killed, their
20 houses were destroyed and the evidence still stands there today for everyone to see.
21 If you go by, you would see roofless houses only with the walls still standing. In
22 some neighbourhoods in Bangui, there was lynching of some Muslims who were
23 simply lynched because they were Muslims and not necessarily Séléka. So it was
24 somewhat of blind violence, so to speak, because the mindset of the people involved
25 was one of vengeance. Some had lost members of their families and they felt that

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1 that was an unjustified loss and that they had now the opportunity to take vengeance
2 out on Muslims, most of whom were innocent.

3 MR LEDDY: [15:37:27] Mr Witness, I want to thank you for your time. Your
4 Honour, I have no further questions.

5 PRESIDING JUDGE SCHMITT: [15:37:31] Thank you very much, Mr Leddy.
6 From the Legal Representatives of the Victims, any questions?

7 MR SUPRUN: [15:37:37] I have no questions to this witness, Mr President. Thank
8 you.

9 PRESIDING JUDGE SCHMITT: [15:37:42] Thank you.

10 MS RABESANDRATANA: [15:37:44](Interpretation) Mr President, we have no
11 questions for this witness as well.

12 PRESIDING JUDGE SCHMITT: [15:37:50] Thank you very much.

13 I don't think it makes sense to start before 4 o'clock, I would assume. I don't know
14 who wants to start from the Defence. Ms Dimitri? So the Prosecution took a little
15 bit - however you would qualify it - longer. Do you think you can stay inside your
16 time frame? I think it was six hours. It seems -- I don't -- it's, of course, it's up to
17 you. It seems quite a lot, but yeah, you may tell us.

18 MS DIMITRI: [15:38:23] Thank you, Mr President. I was happy to start because the
19 connection is good, but I can start tomorrow morning. The reason why my
20 cross-examination is going to be long is because I have a few videos. As you know,
21 we lost an important witness on events of 2013, so I want to take advantage of this
22 witness to explore some of the evidence of -- during the Séléka regime. So I have a
23 number of videos, which is why it's going to take me long, but I'm going to stay -- I'm
24 definitely going to stay within my time frame.

25 PRESIDING JUDGE SCHMITT: [15:38:53] And of course you have convinced me

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1 with the argument the connection is very good at the moment, so please start with
2 your examination.

3 QUESTIONED BY MS DIMITRI: (Interpretation)

4 Q. [15:39:44] Good afternoon, Mr Tiangaye. We met a few days ago. I'll
5 introduce myself once more. I'm Mylène Dimitri, one of the counsels for
6 Mr Yekatom, and I'll be asking some questions to you today in French. And because
7 we're speaking the same language, please, I'll ask you to observe a pause so that we
8 can give interpreters some time. That is about three seconds between my question
9 and your answer. Is that fine?

10 A. [15:40:08] Yes, that's fine. Good evening.

11 Q. [15:40:15] Good afternoon, I would like to ask you a few questions concerning
12 the period when you were prime minister when Séléka was in power. I know that
13 you made a number of interventions towards stopping the Séléka excesses, so please
14 note that my questions are not aimed at criticising you as prime minister. I only
15 simply need some information from you relating to that period when the Séléka
16 committed those excesses.

17 Now, let me start by looking at your statement of 17 July 2013 when you were prime
18 minister, tab 41 of the Prosecutor's binder, CAR-OTP-2200-1792.

19 Then I don't know if you -- do you have the document? Can you see it on your
20 screen?

21 PRESIDING JUDGE SCHMITT: [15:42:07] Now it should be displayed to the
22 witness.

23 MS DIMITRI: [15:42:09] Thank you, Mr President.

24 Q. [15:42:16](Interpretation) Mr Tiangaye, can you see the document?

25 A. [15:42:18] Yes.

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1 Q. [15:42:18] I want to draw your attention to paragraph 5. Please, court officer,
2 please go to the bottom of the page.

3 In your statement, you talk about the discovery -- the macabre discovery of five
4 corpses floating on Ubangui River and many others dropped off at the morgue and in
5 various mass graves in the surrounding areas of the capital.

6 Do you remember making such a statement?

7 A. [15:43:03] What dates, please?

8 Q. [15:43:07] July 2013?

9 A. [15:43:10] Can you show me the last page?

10 Q. [15:43:15] Absolutely. For the record, it's page 1795.

11 A. [15:43:53] I've seen it.

12 Q. [15:43:55] Do you remember making this statement?

13 A. [15:43:58] I think that if it is on government-headed paper then it's possible
14 because I'm -- there were several statements that were made, which I don't remember.

15 So the idea of dead bodies in the rivers and in it, bodies everywhere, that is true.

16 This was a very difficult time when there were many killings, so that reflects the
17 reality of the situation at the time.

18 Q. [15:44:37] Now, during that difficult period when Séléka was committing these
19 excesses, including dumping corpses in rivers and mass graves in the suburbs of the
20 capital, could it be said that these were not isolated incidents? In 2013, as we got
21 closer to December, the number of abuses increased; is that correct?

22 A. [15:45:11] Yes, that is correct. That was a period during which killings were on
23 a daily basis, even in Bangui and in the hinterland. The situation was out of control.

24 Q. [15:45:34] In that statement, you refer to mass graves in the areas around the
25 periphery of the capital. Are you referring there to Boeing, Kokoro, Petevo, Bimbo

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1 neighbourhoods?

2 A. [15:45:50] Yes, that's possible. I think you need to add Begoua as well.

3 Q. [15:46:06] Now, changing questions slightly, but still on Séléka, paragraph 69 of
4 your statement at tab 1 of the Defence binder. And for the record, it's

5 CAR-OTP-2024-0036. We do not need to displace this, but if you go to paragraph 61
6 it is said that Séléka was -- 69, rather, Séléka had some seven to 8,000 troops.

7 Do you think, Mr Tiangaye, that this figure being valid for March 2013, would that
8 figure in November 2013 have tripled, that is the figure of Séléka combatants?

9 A. [15:47:07] Yes, of course. You see, when the hostilities broke out the strength of
10 the Séléka was less, but as they came closer to Bangui their numbers significantly
11 increased and when they took power effectively many more joined them, so their
12 numbers might have doubled or even tripled as compared to the earlier periods in
13 March 2013.

14 Q. [15:47:51] Thank you. When you say that others joined them when they took
15 power, would you agree with me that after Séléka took power forcibly many Central
16 African civilians joined the Séléka and that this explains the significant jump in the
17 number of Séléka elements between March 2013 and November 2013?

18 A. [15:48:27] It is true that some Central African civilians joined their ranks, but we
19 need to add that some foreigners as well, mercenaries from Chad and Sudan, also
20 joined the ranks of the Séléka. This is an obvious truth.

21 Q. [15:48:47] Would it also be correct to say that many civilians joined Séléka after
22 it came to power and that they pointed out to the Séléka attackers who did not know
23 the town of Bangui very well by pointing out --

24 THE INTERPRETER: [15:49:10] Mr President, counsel is going too fast for the
25 interpreters.

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1 PRESIDING JUDGE SCHMITT: [15:49:14] Ms Dimitri, your French is excellent.
2 You know, when I criticise I try to say something positive first, but you're much too
3 quick. Yeah, so the interpreters cannot follow is the problem. And I have also to
4 say before you started, or when you started, you spoke with the witness he should
5 speak slowly and take his time. So this applies also for the speaker, for the examiner,
6 so to speak. So I think perhaps we repeat the last question.

7 MS DIMITRI: [15:49:45] Yes, I'll do so.

8 Q. [15:49:51](Interpretation) Mr Tiangaye, I'll repeat my question. Would it be
9 right to say that once power had been conquered by Séléka, many civilians joined
10 Séléka and pointed out to the Séléka elements who did not know the city very well,
11 the locations where the well-to-do resided and in those residences where they could
12 find vehicles and other property so that they could find property to loot?

13 A. [15:50:30] I think that when the Séléka came to power and they came into
14 Bangui some Central Africans who were Muslims pointed out the homes of their
15 neighbours to the Séléka for purposes of looting. Some who had previously been in
16 good terms with their neighbours suddenly became violent and arrogant and this
17 simply exacerbated tension within the communities and this explains why when the
18 Séléka lost power the victims went into vengeance mode because they had been
19 betrayed by their neighbours with whom they previously had good relationships. It
20 is these neighbours who somehow conspired with Séléka because of their religious
21 affinities which lead to this situation.

22 Q. [15:51:49] I will go back to the issue of inter-community tension, but for now let
23 me talk about the origin of the Séléka, the origin of the Séléka. Would it be correct
24 also to say that you having said that the army no longer existed, would it be correct to
25 say that the FACA were being tracked down by Séléka and that when Séléka found a

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1 FACA member most of the time the FACA would be assassinated?

2 A. [15:52:26] When Séléka took power on 24 March 2013, on 28 March a meeting
3 was held, I believe, at the National Assembly, which was the seat of the National
4 Transitional Council. During that meeting, all the generals of the army and the
5 gendarmerie and the police pledged allegiance to Djotodia. So some elements of the
6 army, however, remained with Séléka and it cannot, therefore, be said that Séléka
7 systematically proceeded to attack FACA elements. Some of the FACA elements
8 who felt threatened or in danger went into exile and left Bangui, but I cannot say that
9 the FACA elements were systematically being assassinated. Those who were close
10 to former President Bozizé carefully left the country and went into exile in
11 neighbouring countries.

12 Q. [15:54:09] During the time of the Séléka regime, it is said that the FACAs went
13 into exile. Would it be correct to say that several civilians by way of a reaction
14 arising from their fear of the Séléka regime because of the excesses, that many of them
15 left their homes in the day, went into the bush and then came back home in the
16 evenings to get some food? Is this something that you became aware of?

17 A. [15:54:47] I am not aware of that. You see, when people leave they don't come
18 back at night. When they leave they go to places where they are safe, so they cannot
19 spend the day in the bush and then come back home at night. That's very unlikely.
20 So people who left either went to a foreign country or found refuge in other
21 neighbourhoods. I don't think that they would have left in the day and then come
22 back in the evening for food. I don't think so.

23 Q. [15:55:24] But as far as you know, did many civilians who were unable to go
24 into exile in another country for whatever reason, did they go into the bushes to hide?

25 A. [15:55:47] I think that this is valid for those who were close to President Bozizé

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1 and who feared for their own safety, but that didn't apply to all the civilians.

2 Q. [15:56:07] We have talked about civilians who joined the Séléka regime.

3 Would you agree with me that many civilians who joined the Séléka combatants after
4 power was taken on 24 March 2013, that many of them had no military experience
5 and were simply Muslim traders most of the time who had been doing business in
6 some Bangui neighbourhoods, Boeing, Cattin, PK5 and who had decided to join
7 Séléka? Is that something that you are aware of?

8 A. [15:56:48] No, not all Muslims joined Séléka, even if it is clear that many of them
9 became Séléka supporters. But those who took up arms are mostly those who were
10 recruited after the hostilities broke out all the way to Kaga-Bandoro, and those are the
11 ones who joined Séléka and that's what swelled the number -- the numbers of Séléka
12 as they advanced all the way to the Damara demarcation line, which is 75 kilometres
13 from Bangui.

14 Now, once they got into Bangui some Muslims for religious reasons became
15 supporters, but for others the Séléka was arrogant and had no -- had no sympathy for
16 their neighbours and these were not Muslims.

17 Q. [15:58:08] Did you, however, notice that among the Séléka combatants, those
18 whom -- who would be seen sometimes in military attire or armed, that such Séléka
19 combatants included in their groups people who had been traders a few days before
20 and who up until 24 March, that is the time of the *coup d'état*, had simply been
21 traders -- Muslims traders and who did not have any military experience or who were
22 not former soldiers but who from one day to the next, that is overnight, became
23 corporals, lieutenants and command -- or majors who in any event had simply been
24 former traders?

25 A. [15:58:57] No, I don't have any information on that type of situation. What I

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1 know is that supporters -- well, they were supporters. Some may have been
2 recruited when they came to power, but I don't have any details on the facts that you
3 have alluded to.

4 Q. [15:59:27] Would one Bichara, one person who sold second-hand clothing in
5 Cattin, do you -- does that name ring a bell?

6 A. [15:59:37] Well, it's difficult to remember the names of Muslims because they
7 often have the same name and you don't know which one is the first name and the
8 surname, so it's -- sometimes it's difficult to identify them.

9 Q. [15:59:54] At paragraph 67 of your statement you indicated that Séléka looted a
10 stock of weapons in Bossembélé. And I have a very simple question for you. Is
11 that the location at which Bozizé kept his weapons?

12 A. [16:00:11] Yes. He had an arms depot at Bossembélé and so when the general
13 offensive was given -- or the order was given for the general offensive, the column
14 that was led by Arda (phon) from Bossembélé simply took over the weapons that had
15 been stocked in Bossembélé by Bozizé and that enabled them to go all the way to
16 Bangui and link up with those who came from Damara.

17 Q. [16:00:53] As far as you know, did Séléka loot any weapons, clothing and
18 military material in Bangui?

19 A. [16:01:04] When they arrived in Bangui, they already had weapons, they already
20 had combat attire, they had uniforms. Now, I don't know whether they took some
21 weapons in Bangui. I don't know.

22 Q. [16:01:22] After Séléka entered Bangui, that is after March 2013, as far as you
23 know, did they distribute weapons to any civilians?

24 A. [16:01:34] I am not -- I'm not aware of that. There were so many of them.
25 They were armed and I don't see what the need would have been for them to

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1 distribute weapons to civilians. Maybe in some neighbourhoods where they had
2 supporters some weapons may have been given when they -- the Anti-Balaka began
3 to attack. I think some Séléka obtained weapons to defend themselves, but I don't
4 know whether those weapons were distributed by the high, high command of Séléka.
5 I'm not able to answer a clear -- provide a clear answer to that question.

6 PRESIDING JUDGE SCHMITT: [16:02:19] Ms Dimitri, do you want to finish this line
7 of questioning before -- before we conclude the hearing today?

8 MS DIMITRI: [16:02:28] Thank you, Mr President. I was done. I was now going
9 to talk about the police and the general order, so it's a -- it's a good time to break.

10 PRESIDING JUDGE SCHMITT: [16:02:36] I think so too, then. Thank you very
11 much. And thank you very much, Mr Tiangaye, for your patience because we had
12 these connection problems, so thank you very much.

13 This concludes the hearing for today. We see each other tomorrow.

14 Have a good rest until tomorrow, Mr Tiangaye, until 9.30.

15 THE WITNESS: [16:03:03](Interpretation) Thank you, Mr President. See you
16 tomorrow.

17 THE COURT USHER: [16:03:04] All rise.

18 (The hearing ends in open session at 4.03 p.m.)