

Trial Hearing
WITNESS: CAR-OTP-P-0801

(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, 31 May 2021
10 (The hearing starts in open session at 9.31 a.m.)
11 THE COURT USHER: [9:31:03] All rise.
12 The International Criminal Court is now in session.
13 Please be seated.
14 PRESIDING JUDGE SCHMITT: [9:31:28] Good morning, everyone.
15 Could the court officer please call the case.
16 THE COURT OFFICER: [9:31:33] Good morning, Mr President, your
17 Honours.
18 Situation in the Central African Republic II, in the case of The Prosecutor
19 versus Alfred Yekatom and Patrice-Edouard Ngaïssona, case reference
20 ICC-01/14-01/18.
21 And for the record, we are in open session.
22 PRESIDING JUDGE SCHMITT: [9:31:51] Thank you.
23 I ask for the appearance of the parties.
24 First the Prosecution.
25 MR VANDERPUYE: [9:31:56] Good morning, Mr President, your Honours.

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1 Good morning, everyone. Today the Prosecution is represented by Yassin
2 Mostfa, Olivia Struyven, and myself, Kweku Vanderpuye. Good morning.
3 PRESIDING JUDGE SCHMITT: [9:32:07] Thank you. Good morning.
4 Mr Narantsetseg.
5 MR NARANTSETSEG: [9:32:12](Interpretation) Good morning, Mr President,
6 your Honours. For the Common Legal Representative of Victims of other
7 crimes, Mr Dangabo Moussa Abdou, Ms Mouhia Asso, Mr Enrique Carnero
8 Rojo, and myself, Orchlon Narantsetseg. Thank you.
9 PRESIDING JUDGE SCHMITT: [9:32:26] Thank you.
10 Mr Suprun.
11 MR SUPRUN: [9:32:28] Good morning, Mr President, your Honours. The
12 former child soldiers are represented today by myself, Dmytro Suprun, counsel
13 at the Office of Public Counsel for the Victims. Thank you.
14 PRESIDING JUDGE SCHMITT: [9:32:39] Thank you.
15 I turn to the Defence. Ms Dimitri, although you sit not near us to ask, but
16 you're the first, like always. It's a tradition in the meantime.
17 MS DIMITRI: [9:32:49] Thank you, Mr President, good morning. Good
18 morning, your Honours. Good morning, everyone. Mr Yekatom, who's
19 present in the courtroom today, is represented by Ms Wilhelmina Whittingham,
20 Ms Yousra Lamqaddam, and myself, Mylène Dimitri.
21 PRESIDING JUDGE SCHMITT: [9:33:01] Thank you.
22 And Mr Knoops.
23 MR KNOOPS: [9:33:03] Good morning, Mr President, your Honours. I'm
24 assisted today on my left side with Ms Chiara Giudici, she is case manager; on
25 my right side, Despoina Eleftheriou, also case manager; and Mathilde Veronesi,

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- 1 she's intern of the team. And Mr Ngaïssona is in the courtroom.
- 2 PRESIDING JUDGE SCHMITT: [9:33:24] Thank you.
- 3 And also, good morning to Mr Kokaté, our witness.
- 4 WITNESS: CAR-OTP-P-0801 (On former oath)
- 5 (The witness speaks French)
- 6 (The witness gives evidence via video link)
- 7 THE WITNESS: [9:33:34](Interpretation) Good morning.
- 8 PRESIDING JUDGE SCHMITT: [9:33:34] Is the counsel of witness also
- 9 present?
- 10 Yes, he is. So then we can start and continue with the examination.
- 11 Mr Knoops, you have the floor.
- 12 MR KNOOPS: [9:33:46] Thank you, Mr President, your Honours. Good
- 13 morning.
- 14 I will try to finish today. I will do my best to finish today with the
- 15 examination. I'm somewhat handicapped today because my left hearing is
- 16 blocked to some kind of reason I don't know yet, so I have to do it slowly. I
- 17 can only hear on my right side. I'm sorry. And I take some medication
- 18 against the pain, so I hope everything will be all right. So if you excuse me,
- 19 maybe during the hearing that I take some water and aspirin.
- 20 PRESIDING JUDGE SCHMITT: [9:34:25] You can be assured that this is no
- 21 problem at all.
- 22 MR KNOOPS: Thank you.
- 23 PRESIDING JUDGE SCHMITT: And if -- if things worsen, please let us know.
- 24 Then we would simply have to stop.
- 25 MR KNOOPS: [9:34:35] Thank you, Mr President.

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1 PRESIDING JUDGE SCHMITT: [9:34:36] Of course our health is something
2 that is more important.

3 MR KNOOPS: [9:34:39] Yes. Thank you, Mr President.

4 PRESIDING JUDGE SCHMITT: [9:34:41] Please start.

5 QUESTIONED BY MR KNOOPS: (Continuing)

6 Q. [9:34:45] Good morning, Mr Kokaté.

7 A. [9:34:50] Good morning.

8 Q. [9:34:52] Thank you again for taking the time to answer our questions, sir.

9 My -- my first topic of this morning relates to the phone numbers you were
10 confronted with last Friday by the counsel of Mr Yekatom. I refer, again, the
11 Court to CAR-D29-0011-0001. And this was discussed for the Court in the
12 transcript, page 72 of the real-time English version, lines 15 till 21, transcript of
13 last Friday.

14 You confirmed the use of three telephone numbers. I'm not go to repeat it.
15 My first question to you is, Mr Kokaté: Did you use these three numbers you
16 confirmed last Friday, when you saw the business card on the screen, did you
17 use these same three numbers in 2013? Because you were asked about the
18 year 2014.

19 A. [9:36:35] I think that my phone number was 75. The 72 I do not
20 remember.

21 Q. [9:36:57] The number ending with 44588, do you recall that you used this
22 number in 2013? That was the French number.

23 A. [9:37:15] This is a number that I have had for a very long time. I think I
24 had that number ever since 2005, 2006.

25 Q. [9:37:27] Thank you, sir. Are you still using it today?

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1 A. [9:37:40] Yes, of course. I'm still using it today.

2 Q. [9:37:44] Thank you, sir. The number ending with 1130, that was a
3 Cameroon number. Did you use that number in 2013? Can you recall?

4 A. [9:38:10] 1130 is a Bangui number, a Telecel number. 1130, 7530, those
5 are Bangui numbers.

6 Q. [9:38:26] You're right. I'm sorry. The 237, that's Cameroon. 236 is
7 indeed the Central African Republic. I'm sorry. But can you recall whether
8 you used this number ending with 1130 also in 2013, apart from the year 2014?

9 A. [9:38:59] I've told you that my number -- that has been my number since
10 2012, 1130. I think since the end of 2012 it was my number.

11 Q. [9:39:20] Thank you, sir. And the number ending 9935, also a CAR
12 number, was this also used by you in 2013, specifically in 2013?

13 A. [9:39:40] I have told you that I don't remember this number. Whether it
14 is 2013, 2014, I really cannot remember. I can remember the Orange numbers.
15 I know that before that, I had an Orange number, but I no longer remember
16 this particular number.

17 Q. [9:40:08] Thank you, sir.

18 In addition to the numbers you were confronted with Friday, there were two
19 other French numbers which were in the evidence attributed to you. The first
20 number is a French number of course with the country code 33, 762393496, so
21 ending with 3496.

22 Do you recognise this number, sir?

23 A. [9:40:57] I do not remember that number. I don't recognise it.

24 Q. [9:41:03] Did you use in 2013, also, a fixed line, landline, ending French
25 number with the figures 3248?

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1 THE INTERPRETER: [9:41:33] Inaudible.

2 THE WITNESS: [9:41:38](Interpretation) I do -- I do not remember. My
3 landline number was certainly not that one.

4 MR KNOOPS: [9:41:51]

5 Q. [9:41:51] The last number which was attributed to you in the evidence is a
6 Cameroon number ending with 60666. Can you recall that number, sir?

7 A. [9:42:15] I do not remember that.

8 Q. [9:42:23] Thank you. In the course of the examination by the
9 Prosecution, you mentioned several times that you received information from
10 Mr Ngaïssona by phone.

11 My question to you first is: Did you speak with Mr Ngaïssona through your
12 French mobile numbers?

13 A. [9:43:00] I have told you that I have my French number that I have had
14 since 2005 to date, 3288.

15 Q. [9:43:22] So this was the number -- if I understand you correctly, sir, this
16 was the number you used when contacting Mr Ngaïssona from France?

17 A. [9:43:44] Mr Ngaïssona himself, I think he has my number.

18 THE INTERPRETER: [9:43:49] Correction from the interpreter: The witness
19 said the number ended with 88.

20 MR KNOOPS: [9:44:00]

21 Q. [9:44:00] Again, Mr Witness, so it's correct that this number was the
22 number on which you communicated with Mr Ngaïssona; correct?

23 A. [9:44:18] I have just told you that I have had that number since 2005 till
24 this day.

25 Q. [9:44:21] Mr Witness, during the examination by the Prosecution 25 May,

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1 you told the Chamber that on several occasions in August and October and
2 around 5 December -- or after the 5 December attacks, you received
3 information from Mr Ngaïssona through a call.

4 So he was the one who called you on this number of 44588; is that correct?

5 A. [9:45:44] I have told you that Mr Ngaïssona and myself were in the habit
6 of calling each other and that he had called me. And that number is my
7 number.

8 Q. [9:46:03] Okay. Thank you.

9 In August 2013 - that was after the alleged meeting in the house of
10 Mr Ngaïssona in Yaoundé and before the meeting on the issue of FROCCA,
11 August 2013 - you told the Court that you were informed through a call from
12 Mr Edouard Ngaïssona.

13 And for the Court, that's the transcript page -- real-time English, page 35, lines
14 3 till 15, 25 May.

15 Can you recall whether you were indeed at that time in Paris?

16 A. [9:47:14] I have told you that I was in Cameroon and Mr Ngaïssona called
17 me, and I told you that I no longer remember my Cameroonian number.

18 Q. [9:47:33] The second call you referred to was around the 26 October 2013,
19 where you told the Court that the information on the attack on Bouar came
20 from Mr Ngaïssona and, "He spoke to me" because you were colleagues in the
21 government and this was done by phone.

22 That's -- for the Court -- the real-time English transcript, page 67, lines 7 till 12
23 of the 25th transcript.

24 Can you remember where you were, Mr Kokaté, when you received this call in
25 October 2013 when Mr Ngaïssona informed you about this Bouar attack?

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1 A. [9:48:45] I think I was in Paris.

2 Q. [9:48:50] So that would be the number of 44588, you received the call, the
3 Paris number, French number. Correct?

4 A. [9:49:12] In any case, all I can say is at that time, I was in Paris.

5 Q. [9:49:18] Okay. The speech you gave on the BBC after the 5 December
6 attack on Africa 24, it's your evidence on the 25 May before this Court, that
7 Mr Ngaïssona made a call to you - or, you had a phone conversation with
8 him - and you received during that phone conversation, information about that
9 alleged attack.

10 By the way, the speech was on BBC, not Africa 24, sorry.

11 This was shortly after the 5 December.

12 Can you please tell the Court whether you, at that time, gave that information
13 in Paris?

14 A. [9:50:32] In my answer, I told the OTP that I was in Cameroon. And
15 after that, I returned to Paris. That is the answer that I gave. And I gave the
16 same answer to the President.

17 Q. [9:50:56] And which number you spoke with Mr Ngaïssona on this topic?
18 Which telephone number of the ones you mentioned?

19 A. [9:51:21] Counsel, I have told you that I was in Cameroon. I had a
20 Cameroonian number which I do not remember.

21 Q. [9:51:35] Okay. Thank you. Mr Ngaïssona Kokaté, we gave
22 three -- one second.

23 We gave you several examples of phone contacts you allegedly had in 2013,
24 August, October in Paris, December in Cameroon. Now, it happens to
25 be - and, I would like to receive your comment on this - it happens to be that in

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1 the evidence of material of this Court, there is the analysis of all the call data
2 records which do not show phone contact between Mr Ngaïssona and yourself
3 in 2013 on either of the numbers which are attributed to you.

4 And for the Court, we refer to annex D of the Pre-Trial brief.

5 PRESIDING JUDGE SCHMITT: [9:53:09] Mr Vanderpuye.

6 MR VANDERPUYE: [9:53:11] Yes, Mr President, I'm going to object to that
7 question. Not because there isn't an analysis, but because we don't necessarily
8 have all of the contact information for Mr Ngaïssona.

9 So I don't think it's a fair question to put to the witness that there is no evidence
10 of contact between them, when Mr Ngaïssona hasn't been particularly
11 forthcoming about his contact information to begin with.

12 PRESIDING JUDGE SCHMITT: [9:53:36] I agree, Mr Knoops. You would
13 have simply to ask him: Are you sure that you were in telephone contact with
14 Mr Ngaïssona during this period? And then you can simply forward the -- if
15 you think it's not correct, you can simply forward your evidence for that and
16 we will have -- and also describe it in detail, why you think this would show
17 perhaps otherwise, yeah?

18 The witness might -- I think Mr Vanderpuye is right here. Please, move on.

19 MR KNOOPS: [9:54:05]

20 Q. [9:54:08] Mr Witness, you're sure that you had these phone contacts with
21 Mr Ngaïssona?

22 A. [9:54:22] Counsel, I have told you that I had contacts with Mr Ngaïssona.
23 If I had not had telephone contact with Mr Ngaïssona, how would I have
24 travelled to N'Djamena? I said I had informed him that I was going to
25 N'Djamena. How can you say that since 2013, I did not have contact with

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1 Mr Ngaïssona? On which basis?

2 We did indeed have telephone contacts and I confirmed that.

3 PRESIDING JUDGE SCHMITT: [9:55:05] You submit the evidence that you
4 want to submit.

5 MR KNOOPS: [9:55:08] Yeah, but Mr President, I think it's important for the
6 Chamber to observe that the expert report in tab 98 of our binder, indicates that
7 seven out of the eight numbers of Mr Ngaïssona - or, at least attributed to
8 him - were analysed, spanning the time frame, 1 March 2013 till 31 December.
9 And I can give the CAR numbers. It's CAR-OTP-2126-2861;

10 CAR-OTP-2126-2794; 2126-2864; and then 2126-2827, that's tab 52; and
11 2126-2848 at tab 45; and at least the number the witness mentioned under
12 Bouar, the French number ending with 44588. There's no contact established
13 between one of these numbers and the witness. So that's the evidence.

14 PRESIDING JUDGE SCHMITT: [9:56:36] Mr Vanderpuye.

15 MR VANDERPUYE: [9:56:38] Well, there's -- there's two things. One is, if
16 Mr Knoops's position is that Mr Ngaïssona wasn't contacted, then I think it's
17 only fair that he state for the record what the contact information is for
18 Mr Ngaïssona, so everybody can determine whether or not that's true.
19 The second thing is that he hasn't put to the witness what number the witness
20 contacted Mr Ngaïssona on yet. And it would seem to me that that would be
21 the predicate for any sort of questioning on this basis, particularly to establish
22 that no such contact was made.

23 PRESIDING JUDGE SCHMITT: [9:57:08] So let me put it this way, I have
24 already agreed with you, Mr Vanderpuye, that the question as it has been put
25 to the witness is not appropriate. So the witness has nevertheless made a

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1 statement to that effect.

2 I don't think -- the Chamber doesn't have a problem if parties -- but shortly,
3 you know, it's what you are -- what you have done now at the moment was not
4 a question, of course. It was simply ... How could you say it? It was an
5 assessment of the evidence by you. I don't have a problem with that if this is
6 made shortly by the parties, but I think everybody understands that it's
7 difficult to put to a witness the question, "There's evidence at our disposal
8 which shows to the contrary."

9 We can agree on that. But that now we have on the transcript what you're
10 referring to, we can put it together. We have also on the transcript,
11 the -- let's say, I would not say a classical objection, but the problems that the
12 Prosecution has with it, and we will put it together and parties can always -- in
13 their written submissions at the end, can always say how they assess the whole
14 thing, where they -- these are problems with it, and make suggestions on how
15 the Chamber would have finally to assess the whole thing.

16 Please continue, Mr Knoops.

17 MR KNOOPS: [9:58:33] I totally agree, Mr President, that's it's not the time for
18 submission. But I think what -- our purpose is also to give the witness the
19 opportunity to respond to a contradiction with the evidence and it's not to
20 argue, but simply give the witness the ability, confronted with the evidence, to
21 say, I made a mistake or not.

22 Otherwise, it would not be fair if we submitted in the evidence. The
23 Prosecution will say, "Well, the Defence never confronted the witness with this
24 evidence."

25 That's the purpose.

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1 PRESIDING JUDGE SCHMITT: [9:59:05] Yes, the initial question was very
2 generic, yeah? No telephone contact, you know, there might be -- I mean, I'm
3 exaggerating here a little bit, there might be hundreds of telephone numbers
4 floating around. So it's difficult to say something and put something to that
5 effect to the witness.

6 If you have a -- for example, at your disposal a concrete contradiction that you
7 think, for example, with regard to a concrete number, then I agree fully with
8 you. Then, it is -- out of fairness to the witness, it makes sense to put this to
9 the witness.

10 You see the difference that we see here?

11 MR KNOOPS: [9:59:43] Yeah, that's one example, Mr President.

12 PRESIDING JUDGE SCHMITT: [9:59:46] Yeah? Then bring that forward.

13 MR KNOOPS: [9:59:48] Okay.

14 Q. [9:59:50] Mr Witness, all the numbers which are attributed to
15 Mr Ngaïssona in the evidence of the Prosecution and for the Chamber in the
16 Swiss report, tab 98, there's no contact established between either of those
17 numbers attributed to Mr Ngaïssona in the month October 2013 and your
18 French number ending with 44588, which you just confirmed, you admitted
19 that you did use that number when you allegedly received the information for
20 Mr Ngaïssona on the Bouar attack.

21 So what is your answer to this?

22 A. [10:00:51] Counsel, my French number is the same number I have had
23 since 2005 till today. And when I'm in France, it is with that number I am
24 identified. So what you are saying, those are your own arguments. That is
25 your opinion. I said that I had conversations with Mr Ngaïssona.

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1 Mr Ngaïssona called me. You have the means of establishing those numbers.
2 I don't have the numbers from Mr Ngaïssona myself. I even had a business
3 card that I gave to him, and those are on the record.
4 So there were telephone exchanges between Mr Ngaïssona and myself, but
5 there is something that you have even missed. When I was exchanging with
6 Mr Ngaïssona, the Chadians' intelligence services were actually aware of that.
7 There was a ticket that was prepared for Mr Ngaïssona to travel to N'Djamena,
8 but he didn't come. How can you say I did not have contact with
9 Mr Ngaïssona. I said I would tell the truth, and I am telling you simply the
10 truth and to enable the Court to advance, to make progress. Thank you.

11 PRESIDING JUDGE SCHMITT: [10:02:42] I think we can leave that, Mr
12 Knoops, and we continue.

13 MR KNOOPS: [10:02:45] Yeah. Just one final question on this topic, Mr
14 President.

15 Q. [10:02:50] Can you recall, Mr Witness, whether this specific call of
16 October on the Bouar incident, did you speak with Mr Ngaïssona on his French
17 or Cameroon number? Can you recall that?

18 A. [10:03:16] I'm not able to answer that question. He was in Cameroon. I
19 was in France. So I think my -- my answer has been really quite, quite clear.

20 Q. [10:03:30] Okay. Thank you very much.

21 Next topic I will go into the meetings in Cameroon, but specific for the
22 timeframe of those meetings.

23 Now, in your statement to the Office of Prosecution, you mentioned the time
24 frame of May/June when you were invited to see Mr Bozizé and when you
25 participated to a meeting in his suite in the Hilton hotel in Yaoundé.

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1 On 24 May of this year, transcript real-time English page 8, lines 9 till 10, you
2 told the Court that this first meeting happened one month, one month and a
3 half after the coup d'état. So that would lead us to say, mid-April 2013.
4 Can you explain the Court the difference why you came to the -- to a different
5 time frame. You first said to the Prosecution in 2018 that this meeting
6 happened in May, June 2013. Last week you told us it was one month, one
7 month and a half after the coup d'état of 24 March 2013.

8 A. [10:05:39] Counsel, I think that I provided a lengthy answer to that
9 question to the Prosecutor a few days ago when I had to address that question,
10 and my answer was quite clear. I said that at the time when I left for Yaoundé,
11 I didn't note -- I wasn't careful enough to note the date. I think that was my
12 answer, and it is clear on the record. I was really clear on this point that I was
13 there in Yaoundé, and I provided the period around which I was there. And I
14 said in my statement that at the time when I was travelling, I wasn't careful
15 enough to jot down the dates. So I do not see the contradiction you are
16 pointing to. I answered to the President. I answered to this question which
17 was put to me last week, and I provided an answer. Thank you.

18 Q. [10:06:51] Thank you, Mr Witness. So we can take it it's your evidence
19 now that the first meeting took place one month, one month and a half after the
20 coup d'état, and the second meeting at the embassy, one week after. So that
21 means in your evidence both meetings took place within two months after
22 24 March 2013; is that correct?

23 A. [10:07:35] I answered the President's question. I provided explanations
24 that were clear as I could remember them, but I don't remember the exact dates.
25 I provided the approximate dates. Those meetings actually took place.

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1 These are meetings that took place. I confirm and I stand by what I said in
2 answer to the President's question. And I stand by what is contained in my
3 statement. And last week, you asked me this very question, and I provided
4 an answer already.

5 Q. [10:08:17] Thank you, Mr Witness. Mr Witness, can you recall that Mr
6 Poussou, Adrien Poussou, who was, according to your evidence, also present
7 during the first meeting in the Hilton, that he took an interview from
8 President Bozizé which was later on published?

9 A. [10:09:07] All I know is that Mr Poussou was present at that meeting at
10 the Hilton hotel. I know that he was there.

11 Now, regarding the interview he granted -- or President Bozizé granted, I do
12 not know about it. President Bozizé is free to choose whoever in his
13 entourage can conduct an interview. I know he was present. He was in
14 Yaoundé. He was with President Bozizé's son in Yaoundé, Socrate Bozizé.
15 They were all together at all times.

16 Q. [10:09:51] Were you aware that Mr Bozizé was granted an interview from
17 Mr Bozizé at that time?

18 A. [10:10:14] I have answered your question by saying
19 that Mr Bozizé is free to grant interviews to any journalists. That's it. Now,
20 if there was an interview between Bozizé and Poussou, well, if I don't recall
21 that, what -- what should I do? I think you can put the question to Poussou
22 and to those who were present - I am not there - the secretary of President
23 Bozizé.

24 Q. [10:10:50] Mr Witness, the reason of my question is whether you are
25 familiar with the fact if that interview -- I'm not asking you about the content or

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1 the authorisation but simply the mere fact that an interview took place at that
2 time for Mr Poussou, whether this interview, according to your knowledge,
3 took place before the meeting in the Hilton or after. For instance, Poussou
4 could have told you --

5 A. [10:11:28] I do not remember. Counsel, I do not remember. I think you
6 should put this question to Mr Bozizé or Mr Poussou.

7 PRESIDING JUDGE SCHMITT: [10:11:40] I think we can move on,
8 Mr Knoops.

9 MR KNOOPS: [10:11:42] Of course we will, we will. But the relevance I
10 think for the Chamber --

11 PRESIDING JUDGE SCHMITT: [10:11:47] You don't have to explain it. We
12 will see -- we see ourselves.

13 MR KNOOPS: [10:11:50] Yeah. I refer to tab 20 of our binder with the date
14 of the interview with Mr Bozizé.

15 Q. [10:12:10] Mr Witness, I'll show you now a document -- no. First, before
16 I show you the document, were you in the time frame of April 2013, May 2013
17 already in contact with Mr Yaketé Levy?

18 A. [10:12:50] I have told you that I have known Yaketé Levy for a very long
19 time. I told the OTP that I knew him when I was still very young, in the 7th
20 arrondissement in Bangui. So I knew Mr Levy Yaketé from my primary
21 school days.

22 Q. [10:13:18] Thank you very much. It doesn't answer the question, but we
23 move on.

24 Can we please, court officer, show tab 95 of our Defence binder. It's
25 CAR-OTP-2101-6143 at 6144 till 6145. It's a Facebook conversation.

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1 I ask you, Mr Witness, to look at this document and specifically -- maybe you
2 can scroll a little bit down. Yes. It's the last entry, Levy Yaketé, 20 April 2013,
3 at 7:47:23 (sic) time code.
4 Mr Witness, could you look at this observation by Mr Yaketé.
5 By the way, the phone number, the 06 you'll find on the next page, that's the
6 French mobile number of the witness ending with 4458.
7 You have seen it, Mr Witness?
8 No, it's not necessary to go further down. It's -- it's actually the last entry at
9 the page above where you find the observation that Mr Yaketé --
10 Maybe can court officer go one page up *s'il vous plaît* to 6144. Yes, and then
11 the last entry maybe it can be enlarged. Yeah.
12 You see here, Mr Witness, that Mr Levy Yaketé reports that you with two other
13 individuals are coordinating things in France at that moment, so 20 April, and
14 giving your French number. So you agree that you were in France at 20 April
15 and not in Cameroon?
16 A. [10:16:38] Counsel, let me put this question back to you. When people
17 have a chat on Facebook between themselves, what is my business with that
18 conversation? They are free to hold any conversation they want to. They are
19 free to exchange views between themselves. So what do you want me to say
20 about this? Have you seen any Facebook conversation between Mr Levy
21 Yaketé and myself or between Mr Thierry and myself?
22 I am a politician, and people can and may have access to my telephone number.
23 So what's the problem with that? Coordinating what in France? France
24 people -- do you think people would be fighting the war in France here? I
25 told you what I am aware of. It is President Bozizé who created FROCCA in

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1 France, and so I really believe that there was a bureau of the FROCCA that was
2 set up. So I have really no answer to -- to provide to this question, and I -- I
3 really can't make any comment. And by the way, I am not even on Facebook
4 myself.

5 Q. [10:18:00] That last information is interesting for the Prosecution, but for
6 now, I think we can conclude, Mr Witness. And if I'm wrong, please say so,
7 that you dispute the veracity of this information Mr Yaketé puts here on
8 Facebook, that you were coordinating things in France in 20 April. That's my
9 only question. You dispute, yes or no? Please answer with yes or no.

10 A. [10:18:33] Yes, I challenge that. I contest that. I did not coordinate
11 anything in France and, therefore, I contest your question.

12 Q. [10:18:49] Okay. Second source, Mr Witness, is if you look at the
13 evidence we were provided with, that's tab 22 of our binder,
14 CAR-OTP-2019-1361.

15 Especially, I'll ask the Court to pay attention to the rows 11183 for the month of
16 May and row 7286 and 8267 of the CDR of the month April. You'll see that
17 this information shows that Mr Kokaté was in touch through his French
18 number, 44588, on 3 April, 28 April, and 3 May 2013.

19 So, Mr Witness, you agree with me that you were at that time in France using
20 your French number ending with 44588?

21 A. [10:20:36] I think, I think, please I have answered your question. My
22 phone number is my phone number. People can call me, I can call people,
23 and there shouldn't be any problem with that.

24 Now coming to Levy Yaketé, I have told you that I knew him from my
25 childhood, from my primary school days. I've answered that question.

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1 Q. [10:21:02] Mr Witness, my question is very simply: Can you
2 acknowledge that you were on 3 April, 28 April, and 3 May 2013, were you in
3 France, yes or no?

4 PRESIDING JUDGE SCHMITT: [10:21:18] Mr Vanderpuye.

5 MR VANDERPUYE: [10:21:19] Mr President, I think we're kind of going
6 around in circles on this. The witness has testified numerous times that he
7 was in France until he went to Yaoundé, and he said he went to Yaoundé six
8 weeks -- a month to six weeks after the coup, which means, by definition, he
9 was in France during the period of time. So I don't know what we're trying to
10 establish here.

11 MR KNOOPS: [10:21:39] Mr President, the witness has never have been
12 concrete in any dates. These are objective data, and we are entitled to
13 confront the witness with the question which has a foundation.

14 PRESIDING JUDGE SCHMITT: [10:21:54] I think you're right, Mr Knoops,
15 although I have to say, if I try to imagine if somebody asked me for what has
16 been seven or eight years ago -- okay, but -- but it's up to the witness how to
17 answer that.

18 So, Mr Witness, you have heard concrete dates now. Do you recall exactly
19 where you have been during these dates?

20 I think we are speaking about April and May, if I understand correctly, Mr
21 Knoops, of 2013.

22 MR KNOOPS: [10:22:29] Yes, Mr President. And --

23 PRESIDING JUDGE SCHMITT: [10:22:32] Yeah, please answer.

24 THE WITNESS: [10:22:39](Interpretation) Thank you, Mr President. I have
25 said several times over in answer to counsel that after the coup

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1 d'état of 24 March 2013 -- by the way, when that coup d'état occurred, I was in
2 France. Now, if I am not mistaken, for March, April, I was in France, if I'm
3 not mistaken. After that, I travelled to Cameroon, to Yaoundé. And,
4 therefore, I have clearly stated. I have never refused having telephone
5 contacts with Levy Yaketé. Now, if -- if counsel has a clear question for me,
6 please let him put it to me.

7 MR KNOOPS: Okay.

8 PRESIDING JUDGE SCHMITT: [10:23:27] Mr Knoops, we take this answer.
9 He has answered the question now.

10 MR KNOOPS: [10:23:31] Of course. Of course.

11 Q. [10:23:33] Now, a clear question, Mr Witness. You can have another one.
12 On 2 May 2013, if you can recall, you're apparently not very accurate with
13 dates, but we have some references. 2 May 2013, can you recall giving an
14 interview to Afrique 24 in a show called Le Talk with the host or anchorman
15 Babylas Boton.

16 Could you please wait for my answer -- my question, Mr Witness.

17 I was saying the host of that interview was Mr Babylas Boton.

18 A. [10:24:42] Counsel, I already answered that question when it was put to
19 me by the Office of the Prosecutor. I said myself that I was on Africa 24. Yes,
20 I was on Africa 24. The interview indeed was granted by Mr Babylas. That
21 is true.

22 Q. [10:25:08] Thank you very much, sir. Mr Witness, can you recall the
23 location where this interview was taken?

24 A. [10:25:28] It was in Paris, at the head office of Africa 24.

25 PRESIDING JUDGE SCHMITT: [10:25:39] Well, and there we have another

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1 detail where we could perhaps conclude something about the whereabouts of
2 Mr Kokaté during a certain time.

3 MR KNOOPS: [10:25:54] Indeed, Mr President.

4 Q. [10:26:00] Can you recall, Mr Witness, whether this interview was
5 broadcasted the same day? Was it live, so to speak?

6 A. [10:26:29] I do not remember. I was invited by Africa 24. I went to -- to
7 see them. I answered the journalist's questions. And during that time, my
8 interview was very clear. I am sure you yourself must have followed the
9 interview during which I talked about events that were unfolding in Bangui,
10 how Séléka was behaving, and how people who had taken over power were
11 not able to reinstate state control. I talked about extrajudicial killings. I also
12 talked about the manner in which we had become a stateless country.
13 Now, those are the things which I dealt with. Now, whether this was
14 broadcast live or not, I don't know, but the interview was granted at the head
15 office of Africa 24, and I was there at the office.

16 Q. [10:27:39] And the head office is located in Paris; is that correct?

17 A. [10:27:47] Of course, yes.

18 Q. [10:27:50] Can you recall, Mr Witness, if somebody was with you, apart
19 from the host who accompanied you, on 2 May? Were you alone, or was
20 someone with you during that interview?

21 A. [10:28:15] Well, I don't remember. I granted several interviews to Africa
22 24. Sometimes I would go by myself, at other times I would go with other
23 people. What matters is that I granted those interviews, and I don't remember
24 whether I was with or without someone else. But you are aware of the
25 interview.

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1 Q. [10:28:41] We are aware. Thank you, Mr Witness. Actually, we were
2 intending to play the video, but it's not necessary anymore, and I understood
3 that the video couldn't be opened, unfortunately.

4 It's tab 28, Mr President, on a binder, so we leave it at that.

5 Now, Mr Witness, coming back to this date of 2 May, there is a -- you told us
6 about a second meeting in the CAR embassy in Yaoundé one week after the
7 first meeting where the ambassador Mr Oguere was present.

8 Were you aware, Mr Witness, that Mr Oguere was fired on 2 May 2013 when
9 you gave that interview in Paris.

10 A. [10:30:07] Well -- well, I cannot know the date on which he was
11 fired -- the date on which he was fired. All I know is that some meetings took
12 place at the embassy, and, after the meeting at the embassy, he was fired. So I
13 don't know that it was for me to know on which date he was fired.

14 I know that there were two meetings at the embassy and after the two meetings
15 at the embassy, the authorities in Bangui were informed, and, thereafter, he
16 was fired. So I was not really paying attention to that, it's not the date -- I'm
17 not sure about the date because, at that time, I -- I wasn't jotting down dates
18 and I was not a secretary at the embassy at the time.

19 PRESIDING JUDGE SCHMITT: [10:31:03] Mr Knoops, I would like to ask you
20 to put into the record, tab 20. This was the article, the ERN number.

21 And 28, this is the audio-video material, this interview that Mr Kokaté gave.

22 MR KNOOPS: [10:31:20] Of course, Mr President. The interview is tab 28,
23 it's CAR-OTP-2012-0436. That's tab 28.

24 And tab 20, the interview of Mr Poussou with President Bozizé is

25 CAR-OTP-2023-0414 at 0421. That's the date. The date of the interview

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1 was 15 April.

2 PRESIDING JUDGE SCHMITT: [10:32:05] Thank you very much.

3 Please continue.

4 MR KNOOPS: [10:32:07] And now I would like to show, with the help of the
5 court officer, of course, tab 72 of our list. That's CAR-OTP--- sorry, no. It's
6 the Defence document, sorry. CAR Defence document 30-0006-0004, that is,
7 "DECRET" 13-058, which states that Mr Oguere was fired on 2 May 2013.

8 We can scroll down a little bit further to the date of the -- of the document, you
9 see it's on the right side.

10 Q. [10:33:18] So Mr Witness, on 2 May -- and, we are now in agreement with
11 you, that you were on 2 May in Paris giving this interview. So you were not
12 in Cameroon, that's obvious.

13 So how can you explain to us that you had a meeting in the embassy where Mr
14 Oguere was present? When should this meeting then have taken place?

15 A. [10:34:09] I think that between 24 March 2013, the 24 April 2013, that is
16 one month, if I'm not mistaken, and I believe that in my answer, I said I was at
17 the Hilton hotel in Cameroon. I don't remember precisely, but I was there
18 within the -- a 45-day period; so if the decree was signed on 2 May 2013, it was
19 quite logical because Mr Oguere had been sanctioned following those events
20 that took place in the embassy. I was talking about dates that I really never
21 pay attention to noting the dates.

22 The date of my interview on Africa 24, isn't you yourself who found it?

23 Q. [10:35:36] Mr Witness, we have confronted you with information before
24 this Court that also during that time frame you refer to, you were in France.
25 So we put it to you, you were never in any meeting either in the Hilton or in

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1 the embassy in April 2013.

2 And, we also put to you that there is information from the ambassador himself,
3 that is, tab 29 of the Defence material -- we can show just for the participants
4 and parties.

5 PRESIDING JUDGE SCHMITT: [10:36:21] No compound questions, please.
6 Let the witness first answer to the first part of the question. Please repeat it
7 shortly.

8 MR KNOOPS: [10:36:28] Yes.

9 Q. [10:36:29] Mr Witness, can you -- I'll give you a chance to reconsider your
10 statement.

11 We put to you, you were never in April in the Hilton nor in the embassy in
12 Cameroon, Yaoundé, because you were in France. And we confronted you
13 with information to this extent.

14 A. [10:36:56] I am telling you that I was at the Hilton hotel in Yaoundé and
15 I'm telling you - and, I am making it clear - that there were two meetings at the
16 embassy and I believe that the authorities of that period are still there and
17 they're still in high-ranking positions.

18 It was following that meeting that Mr Oguere was dismissed. I was in that
19 meeting. How can you tell me that I was not there. I was there in that
20 meeting at the Hilton hotel. But I also know that technology now is very
21 developed. You can find out travel dates and everything. You have the
22 example of my date of return from N'Djamena to Paris; whereas, my travel
23 dates had been changed. And I know that you have the copies of the tickets
24 that were changed, but you don't want to use those.

25 Q. [10:38:22] We would like to show, but I am hesitant whether we should

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1 treat it as a confidential document. It's at tab 29. It's a screening note of the
2 interview with Mr Oguere. That's CAR-OTP-2127-4453 (Overlapping
3 speakers)

4 PRESIDING JUDGE SCHMITT: [10:38:53] Mr Vanderpuye.

5 MR VANDERPUYE: [10:38:53] Particularly to the extent that it's a screening
6 note, I would say that it should be confidentially treated, yes.

7 PRESIDING JUDGE SCHMITT: [10:38:59] Yes. So I think that would mean
8 that we perhaps discuss the whole matter in private session then because you
9 will have to put perhaps a concrete portion of it to the witness.

10 Mr Vanderpuye, what do you think? Private session for this issue?

11 MR VANDERPUYE: [10:39:12] I think that there's a further consideration that
12 the name of the individual is provided in the document, which shouldn't be
13 published to the witness himself. So if Mr Knoops wants to refer to the
14 content of the material, that's one thing. But to refer to the source of the
15 information is another again.

16 MR KNOOPS: [10:39:35] No, just about the content.

17 PRESIDING JUDGE SCHMITT: [10:39:37] Yes, okay, that's fine. Then we go
18 to private session shortly and (Overlapping speakers)

19 MR VANDERPUYE: [10:39:39] Though, we shouldn't display the document
20 to the witness is what I mean.

21 PRESIDING JUDGE SCHMITT: [10:39:40] Yeah, yeah, I understand. Of
22 course, of course. Yes.

23 (Private session at 10.40 a.m.)

24 THE COURT OFFICER: [10:40:02] We are in private session, Mr President.

25 (Redacted)

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15 (Open session at 10.48 a.m.)
16 THE COURT OFFICER: [10:48:02] We are back in open session, Mr President.
17 MR KNOOPS: [10:48:06] Thank you very much.
18 Mr President, I have just two questions on this topic, and then I suggest to have
19 the break because then there will be a bigger topic I'm going to --
20 PRESIDING JUDGE SCHMITT: [10:48:17] Absolutely. (Overlapping
21 speakers)
22 MR KNOOPS: [10:48:20] (Overlapping speakers) with this indication to the
23 judges.
24 PRESIDING JUDGE SCHMITT: [10:48:20] Yes, yes.
25 MR KNOOPS:

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1 Q. [10:48:21] Mr Witness, just two brief questions on the topic of the
2 meetings. First of all, you told the Court last week already, on 25 May,
3 transcript, page 29, lines 14 till 30 -- sorry, 14 and further to page 30, line 1,
4 speaking about a alleged third meeting you had with Mr Ngaïssona in his
5 so-called villa where Mr Bozizé arrived at. That this meeting in Yaoundé, in
6 this villa, took place shortly after the meeting with the ambassador, after the
7 ambassador was dismissed.

8 My question to you is, can we take it that that alleged third meeting in this
9 so-called villa of Mr Ngaïssona took place in the month of May 2013, because
10 the term "shortly" can really ...

11 A. [10:49:58] I have told you that there was a third meeting in
12 Mr Ngaïssona's house and I said President Bozizé was there as well as some
13 other people. I have also told you about the problem that Bangouma had
14 with Bozizé, the financial problem. So that meeting took place in Ngaïssona's
15 house. I have told you that I'm not very familiar with Yaoundé. I traveled
16 there after the address was described to me. Obviously, the meeting could no
17 longer take place in the embassy of the Central African Republic in Yaoundé,
18 because the ambassador had already been dismissed; so that is why the
19 meeting took place in Ngaïssona's house.

20 Now, precisely when that happened, which date, I cannot tell you, but that
21 meeting in Mr Ngaïssona's house, Mr Oguere was not present in that meeting.
22 I don't know whether I have answered your question.

23 Q. [10:51:28] Not yet. My question was very simple Mr Witness, and we
24 can save a lot of time if you answer the question very precisely. Namely, can
25 you recall whether this -- this third meeting took place in the month of

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1 May 2013? I'm not asking for a specific date. I'm just asking you whether it
2 was May 2013?

3 A. [10:52:01] Well, Counsel, you are not going to compel me to answer such
4 a question. I've told you that I did not take down notes on dates, and I have
5 actually apologised to the President with regard to dates. So I'm not in a
6 position to answer such a question because I really do not remember the
7 specific dates.

8 Q. [10:52:30] I'm not going to compel you. That's the authority of the
9 Court --

10 PRESIDING JUDGE SCHMITT: [10:52:34] No, no. And the witness simply
11 has answered the question, so (Overlapping speakers)

12 MR KNOOPS: [10:52:38] I think so, Mr President.

13 PRESIDING JUDGE SCHMITT: [10:52:39] -- we can continue, yes.

14 MR KNOOPS: [10:52:40] Yes, yes. By the way, for the Court's information, if
15 the Court would be so kind to look at paragraph 29 of the OTP's summary,
16 you'll not find any third meeting, but that's an observation of the Defence.

17 Q. [10:52:57] Last question, Mr Witness. You touched upon the issue today
18 yourself, the money Mr Bozizé gave to Mr -- I hope I pronounce it correctly,
19 Bangouma. Pardon, Monsieur Bangouma, 30,000 francs. And that
20 individual is not very pleased with the amount, you told us last Friday, 28 May,
21 in the English real-time transcript, lines 14 till 18.

22 An interesting part, Mr Witness -- and that's my final question before the break,
23 you told the Chamber in very interesting detail, you said to the Chamber last
24 Friday that Mr Bozizé was about to give that amount of money outside the
25 so-called villa of Mr Ngaïssona.

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1 You can recall this, Mr Witness, that you said this Friday?

2 A. [10:54:29] What I said is that when we were coming out of
3 Mr Ngaïssona's house, that is, before Bozizé boarded his vehicle, Mr Bangouma
4 asked for money because he was suffering, and, Mr Bozizé's vehicle was
5 parked inside the compound, inside the gate, because you come out of the
6 house and then you go to the vehicle. But the vehicle was inside the gated
7 compound. That is what I said.

8 Q. [10:55:06] Thank you. Can you still remember what you told about this
9 incident in 2018, when you were interviewed by the Office of the Prosecutor?
10 Can you recall whether you also mentioned this incident?

11 A. [10:55:34] I do not know, but I have come here to testify. And if my
12 testimony includes information that will enlighten the Court, make them
13 understand better what happened, I am prepared to elaborate. I will speak,
14 and if there are clarifications that need to be made, I will make those
15 clarifications.

16 Q. [10:56:07] Yes, we are very happy that you're willing to do so, Mr Witness.
17 But in your statement of 2018 -- that's for the Court, CAR-OTP-2074-2608-R02,
18 at the pages 2617, 2618, lines 291 till 310, you told back then in 2018, to the
19 Office of the Prosecution, that this happened -- this issue with Mr Bozizé giving
20 money to that individual during a meeting with Mr Bozizé the first time.
21 So at the first meeting, and not apparently at this issue at the villa. And you
22 couldn't say so because you didn't mention at all in 2018 that Mr Ngaïssona
23 had a villa and that there was allegedly a meeting there.
24 So I think it's clear, Mr Witness, that this whole issue about the villa and this
25 alleged transfer of money of Bozizé to an individual was something you did

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1 not mention during your evidence in 2018, and you only came up with this
2 information last Friday.

3 So my question is, why didn't you mention this incident which you apparently
4 used to support your statement about the villa?

5 PRESIDING JUDGE SCHMITT: [10:58:08] I think he has answered it, but we
6 give it a last try.

7 Mr Kokaté, do you want to add something?

8 THE WITNESS: [10:58:18](Interpretation) No, Mr President. I've already
9 answered that question. Even last Friday, I gave explanations on that.

10 PRESIDING JUDGE SCHMITT: [10:58:28] I think we have the --

11 MR KNOOPS: [10:58:29] Okay. Thank you very much, Mr President.

12 PRESIDING JUDGE SCHMITT: [10:58:31] -- break, it's okay? Until 11:30?

13 MR KNOOPS: [10:58:34] Yes. Thank you.

14 THE COURT USHER: [10:58:36] All rise.

15 (Recess taken at 10.58 a.m.)

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

17 THE COURT USHER: [11:31:20] All rise.

18 Please be seated.

19 PRESIDING JUDGE SCHMITT: [11:31:45] Mr Knoops, you still have the floor.

20 MR KNOOPS: [11:31:48] Thank you very much, Mr President.

21 Q. [11:31:53] Mr Witness, during this session, I would like to discuss with
22 you, based on several questions, your role in the conflict in 2013 and also 2014.
23 Speaking about 2013, we just saw before the break the message from Mr Yaketé
24 Levy indicating that you were coordinating things in the field. You already
25 responded to this. That's tab 21 of our Defence materials. And I ask specific

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1 attention to the time frame of this message of 20 April 2013. So I'll go per
2 month to several information we received from the Prosecution, and I will put
3 that information to you per month and ask your comments on this, Mr Kokaté.
4 The month April we already discussed that according to information in the
5 Prosecution materials, albeit Facebook messages, you were in April, according
6 to Mr Yaketé, coordinating things on the ground.

7 Now, let us go to a second time frame which is September 2013. I will call up
8 tab 38. That is CAR-OTP-2101-8599, and the page number of this Facebook
9 message is 8599, a conversation between Mr Christian Dedizoum - you were
10 asked about this individual last week - and Mr Gallaut. And you were also
11 asked about this gentleman last week by the Prosecution.

12 PRESIDING JUDGE SCHMITT: [11:34:50] May I shortly. If I'm not mistaken,
13 it's page 8648.

14 MR KNOOPS: [11:34:59] Yes, correct.

15 PRESIDING JUDGE SCHMITT: [11:35:00] Not 8599, so that the record is
16 correct. But I assume that -- (Overlapping speakers)

17 MR KNOOPS: Yes, correct.

18 PRESIDING JUDGE SCHMITT: -- we are on the same page, so to speak.

19 MR KNOOPS: [11:35:08] Yes, sir.

20 PRESIDING JUDGE SCHMITT: [11:35:09] With a different number.

21 MR KNOOPS: Yes.

22 PRESIDING JUDGE SCHMITT: Please continue.

23 MR KNOOPS: [11:35:12] 8648, that's correct, Mr President.

24 Q. [11:35:17] Mr Witness, could you please look at this message which is

25 dated 10 September 2013. These individuals are referring to you. They don't

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1 understand something quite well. They are calling you and a person with the
2 name Francis, and you and him promise to set up a meeting with the boss that
3 afternoon.

4 My question to you is: Can you recall setting up a meeting in September 2013
5 following a contact with Mr Yaketé? And if so, what meeting you were
6 supposed to set up with the boss, whoever that may be?

7 A. [11:36:36] Counsel, I believe that I have been clear enough. I have told
8 you, I have told the President that after the lunch, which was organised in Paris
9 by former President Bozizé at which he announced the creation of the
10 FROCCA, after that lunch, I did not have any further contact with former
11 President Bozizé.

12 Secondly, a conversation, whether it be on WhatsApp or by some format where
13 people exchange information, well, did that conversation take place with me?
14 You see, people are free to talk to each other. If they choose to lie to each
15 other, that is only binding on them because, you see, further on in this type of
16 conversation, they talked about Lengbe. They talked about Lapadio. And
17 these are conversations that are all over the place, as far as I'm concerned.
18 And yet people are free to talk among themselves. Which boss am I supposed
19 to see, apart from President Bozizé? And so who would I be organising a
20 meeting with? Thank you.

21 PRESIDING JUDGE SCHMITT: [11:38:09] May I shortly, Mr Knoops.
22 Do you know Mr Dedizoum?

23 THE WITNESS: [11:38:22](Interpretation) I'm sorry?

24 PRESIDING JUDGE SCHMITT: [11:38:22] Do you know -- there are two
25 participants in this Facebook conversations, and I would like to ask you if you

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1 know them. One of them - I might pronounce it incorrectly - is Mr Dedizoum,
2 and the other one is Mr Martial Gallaut. So do you know these individuals?
3 THE WITNESS: [11:38:44](Interpretation) First of all, thank you, Mr President.
4 I do not know Mr Martial Gallaut. Last time I told you that I know Mr
5 Guenebem to be a member -- a member of the political bureau of KNK.
6 Now, I have no business with their conversations. I am not a member of the
7 political bureau of KNK. These are people who have discussions among
8 themselves. And, Mr President, I don't know what they're talking about.
9 Thank you, Mr President.

10 PRESIDING JUDGE SCHMITT: Mr. Knoops.

11 MR KNOOPS:

12 Q. [11:39:23] Can you recall, Mr Witness, that around the announcement of
13 what you call FROCCA, you gave a statement on the BBC Radio
14 22 August 2013 in which you announced that you would involve yourselves to
15 rescue the nationals from the Central African Republic from the Séléka?

16 A. [11:40:13](Interpretation) Mr President, we know -- we of the
17 Central African Republic, we know that Séléka is made up of Central Africans
18 and mercenaries. This was clearly identified at the time when
19 President Bozizé was in power. We knew that Séléka was made up of
20 mercenaries who had come from Chad and Sudan. During the Libreville
21 meeting, it was clearly stated that Séléka is made up of Central Africans, but
22 that the majority of them were mercenaries from Chad and Sudan. That is the
23 context in which I spoke.

24 Q. [11:40:59] Can you recall that on 22 August 2013 you stated publicly in a
25 press article that you, * with your collectif, *des officiers libres*, were preparing to

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1 be directly actively engaged to challenge, to combat the forces of Séléka?

2 Can you remember making that statement in August 2013 around the creation
3 of so-called FROCCA?

4 A. [11:41:51] Mr President, Counsel, I thank you, but I have already
5 answered this question. The communiqué was released by Mr Bozizé, his son,
6 Francis Bozizé, and that this communiqué was sent to me by mail. This is the
7 answer I provided to the President on this communiqué, which was sent to me
8 by mail.

9 I think I went on to also say further on that how could the *Collectif des officiers*
10 *libres* join FROCCA and yet I would not be represented at any level whatsoever
11 in the military and political structures of FROCCA? That's it.

12 Q. [11:42:47] Mr Witness, Mr Witness, this is not the communiqué of
13 17 August, which you allegedly attribute to
14 Mr Bozizé, but this is a press article.

15 And let's now call it up.

16 PRESIDING JUDGE SCHMITT: [11:43:03] Indeed, I think we should call it up.
17 Indeed it is something different.

18 MR KNOOPS: [11:43:07] Tab 4. It's CAR-OTP-2088-2934. It's a press article
19 of 22 August. So that's five days after this communiqué which you attribute
20 to Mr Bozizé, at least in terms of content.

21 And in this press article, you find the words -- and actually, you also find in
22 this article the 17 August communiqué, Mr President, interesting to observe.
23 But at least you say:

24 (Interpretation) "The *Collectif des officiers libres*, of which Kokaté is a
25 spokesperson, decided to come to the help of the people of the

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1 Central African Republic and to actively prepare itself at this time to confront
2 the Séléka forces which have exaggerated their acts of violence."

3 (Speaks English) So, this is actually different from the communiqué of
4 17 August. And it's page 6108, by the way, for the Court, page 6108. I think
5 the page was noted not correctly. I will repeat again. It's
6 OTP-2088-2938 - it's my mistake - and it's at page 6108. That's the citation in
7 the article.

8 So that means that five days after this communiqué of 17 August, you gave this
9 press statement; is that correct, Mr Witness?

10 A. [11:45:53] Counsel, that is not a statement. This article is binding only
11 on its authors. I did not grant them any interview. This is an opinion of the
12 written media. I did not sign any statement, so this is what the media does.
13 I -- I think it's media, journalists, who are free to write up their articles and sell
14 their papers to people. And that has nothing to do with me.

15 Q. [11:46:32] Okay. We move to our next month, October. We arrive at
16 the month of October 2013 and 6 October 2013. So we have seen August,
17 September, running from April. Now, we see your name appearing,
18 Mr Witness, in October 2013 in a Facebook conversation of Mr Rod Larry
19 Martial Gallaut. And my first question is, could the nickname of Mr Gallaut
20 be, *Kodoro TI È LA? Does that ring a bell? Do you know a person with the
21 name, *Kodoro TI È LA?

22 A. [11:47:31] I said that I don't know him.

23 Q. [11:47:37] Okay.

24 Please, court officers, could you show CAR-OTP-2101-9735. It's at page 9806,
25 tab 39 of our Defence materials. And you see there on the second -- in the

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1 second entry, 6 October 2013 at seven minutes past one, a message from Mr
2 Gallaut saying that it is Mr Kokaté who was leading the military operations.
3 So that's roughly two months after the alleged establishment of FROCCA.
4 Mr Witness, does this refresh your memory that you were at that time
5 involved --

6 A. [11:48:40] Counsel, I really don't understand you. I don't know Mr
7 Gallaut, and I don't know on what basis he's talking about me. This is a
8 Facebook message. People are free to say whatever they choose to say.
9 What military operations did I organise?

10 These are friends who were having a conversation among themselves, and I
11 don't know them. I don't even know them. Even Ngaïssona himself said
12 that I did not represent anything, that I didn't have men. I don't represent
13 anything. How then could I go ahead and operate military operations?

14 What I know is that people are free to say whatever they choose to say on
15 WhatsApp. That's -- that's their right. I can't stop them. I am a politician.
16 They have spoken, and whatever they say is binding only on them.

17 Did I have a group? Did you see my -- my -- me have any conversations with
18 them? Well, these are people who have chosen to speak between and among
19 themselves. As far as I know, I am aware of nothing, and I never led any
20 military operations on the ground.

21 Q. [11:49:49] Mr Witness, I understand your answer. I'm obliged though to
22 put all this evidence, this material to you because it happens to be that also
23 Mr Ngaïssona in this court is also charged on the basis of material which
24 comprises Facebook. So I'll continue with the Facebook messages, and I'd
25 simply ask your comment on this.

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1 The next message is the same month, October 2013. It's a message which
2 involves Mr John de Dakar. Does this ring a bell to you, this gentleman? Mr
3 John de Dakar, do you know him?

4 A. [11:50:36] No, I don't.

5 MR KNOOPS: [11:50:39] Okay.

6 Please, court officer, could you be so kind to call document
7 CAR-OTP-2102-3203 at page 3371. It's at the top. It's a message --

8 PRESIDING JUDGE SCHMITT: [11:50:58] Which tab is it?

9 MR KNOOPS: [11:51:00] It's at tab 12. Sorry, Mr President. Tab 12.

10 Q. [11:51:10] It's the same month, so people are speaking on several
11 occasions in October about you, Mr Kokaté. And there you find a message
12 between those gentlemen, Mr Dakar, asking:

13 (Interpretation) "So who would be the leader of Cameroon -- of those in
14 Cameroon?"

15 (Speaks English) And Mr. Gallaut answers:

16 (Interpretation) "I believe that it will be Kokaté avk les Dobigue, Ngaifei,
17 Ngboya, as well as the others."

18 (Speaks English) Does this ring a bell to you?

19 A. [11:52:11] Counsel, this does not ring a bell at all. Not at all.

20 Q. Okay. Thank you.

21 A. Because I have never -- it doesn't ring a bell at all.

22 Q. [11:52:17] Okay. Thank you.

23 The next document is CAR-OTP-20- -- 2102-2520 at 2631. And we apologise
24 that the -- the top of that page is not in our tab 5, but it's in the same Facebook
25 conversation set, so if the court officer could go to page 2631, 2631 at the top.

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1 You see there, "statut quo" 631), also October 2013, same month:
2 (Interpretation) "Status quo, in principle Kokaté should have called Sergeant
3 Grimari to give him instructions relating to the soldiers."
4 (Speaks English) I can -- I can guess your answer, Mr Witness, but I'm obliged
5 to confront you with this evidence and ask your view. And maybe you know
6 Sergeant Grimari, who knows.

7 A. [11:53:50]. No, I don't know Sergeant Grimari.

8 PRESIDING JUDGE SCHMITT: [11:53:56] Do you know the -- the other
9 person in this conversation, Severin Vele Faimindi?

10 THE WITNESS: [11:54:09](Interpretation) No, I don't know him.

11 PRESIDING JUDGE SCHMITT: [11:54:13] Mr Knoops.

12 MR KNOOPS: [11:54:14]

13 Q. [11:54:15] So we have seen April, August, September, October. The
14 month November also provides some information about your person, and I'll
15 ask your opinion about that information. It's CAR-OTP-2101-8599, and it's at
16 page 8719. It's a conversation, again, Mr Witness, of the same gentleman who
17 apparently has quite some information about you, although you say you don't
18 know him. It's a message of 11 November 2013, where Mr Gallaut - it's tab 38,
19 by the way, for the Court, tab 38 - where the gentleman with the name Gallaut
20 says:

21 (Interpretation) "Kokaté arrived yesterday evening with Lengbe to take up the
22 leadership."

23 (Speaks English) Again, any comments from your side? Maybe you know Mr
24 Lengbe.

25 A. [11:55:37] I know Mr Lengbe very well. He -- he is a colleague. But I

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1 don't know what their conversation is about. I don't know where it's coming
2 from. I don't know Gallaut. I don't know what they're talking about. I
3 don't know. But I know Lengbe, and Lengbe was never in Cameroon. So
4 these people are having a conversation that is binding only upon them, and I
5 know nothing about it.

6 Q. [11:56:08] Okay. The two days later, 13 November, another Facebook
7 conversation is being intercepted by the Prosecution from Mr Yaketé, the
8 person you know whole your life, and let's see what he tells about you.

9 CAR-OTP-2101-6315, and it's at page 6327. It's tab 10 of the binder of the
10 Defence. And the Court finds in the middle the message Mr Levy Yaketé
11 transmits on 13 November at 14:46 saying that:

12 (Interpretation) "For the moment, Kokaté's in Douala to meet with the men.

13 He has asked Kevin to come to meet with him in order to take a look at the
14 situation. Both of us, we are trying to take things into our hands, and we
15 believe God will help us if he truly loves the Central African people. We no
16 longer rely on Bozizé."

17 (Speaks English) Does this ring a bell, the message from your friend, Mr Yaketé,
18 13 November 2013?

19 A. [11:58:07] This does not ring a bell at all. I am not aware of anything.
20 How is it that I could -- well, anyway, they are free -- he is free to say whatever
21 he chooses to say. I was with Ngaïssona myself at the end of November,
22 Ngaïssona and Bozizé. I was with Ngaïssona end of November. How then
23 do you expect me to make any comment on this type of message when people
24 are free to discuss whatever they choose to. And I'm really not aware of what
25 they were talking about.

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1 MR KNOOPS: [11:58:45] I notice, by the way, Mr President, the page was
2 wrongly described. It's 6327 of this Facebook conversation, in the transcript.

3 PRESIDING JUDGE SCHMITT: [11:58:54] If you allow me.

4 Ms Dimitri first, perhaps first.

5 MS DIMITRI: [11:58:58] Thank you, Mr President. My client would like to
6 step out for a minute.

7 PRESIDING JUDGE SCHMITT: [11:59:02] Yes, of course.

8 (Mr Yekatom exits the courtroom)

9 (Pause in proceedings)

10 (Mr Yekatom enters the courtroom)

11 PRESIDING JUDGE SCHMITT: [12:00:37] Mr Kokaté, I have a question with
12 regard to the last Facebook conversation that has been shown. You said you
13 know Mr Levy Yaketé since a long time. You know him very well. Would
14 you have an explanation why he is entertaining such a conversation and
15 describing such acts, intentions, or whatsoever to you? Would you have an
16 explanation for that?

17 THE WITNESS: [12:01:20](Interpretation) Mr President, I truly regret,
18 unfortunately, that Mr Yaketé is no longer of this world, but I have never
19 understood why my name always comes up in their conversations and in their
20 exchanges. I have never understood that. Even the mail of the -- the mail of
21 26 December in which my name appears, and even in January, there is a mail
22 when I was in N'Djamena. I have never understood why, Mr President.
23 Honestly, I have never understood why my name is always being mentioned.
24 They have been mentioning names of other people, Ngaifei and others. I
25 really do not know what it is all about.

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1 And when people are in Facebook -- on Facebook, they have their way of
2 communicating, and they understand themselves. But personally, I'm telling
3 you sincerely that I have no idea why my name always appears in their
4 conversations. And -- and I know Bozizé and Ngaïssona worked together,
5 and I was collaborating with Ngaïssona, so there's a lot of confusion, and I
6 really don't understand anything. Thank you.

7 PRESIDING JUDGE SCHMITT: [12:03:15] Okay.

8 Mr Knoops.

9 MR KNOOPS: [12:03:16]

10 Q. [12:03:16] Thank you, Mr Witness. Do you know a person with the
11 name Lieutenant Gueba, Lieutenant Gueba?

12 A. [12:03:38] Can I see the spelling of that name, Gueba.

13 Q. [12:03:41] Well, let's pull up the document then directly. That's
14 CAR-OTP-2102-2520, and it's at page 2698. That's a conversation on Facebook
15 again. Two weeks later after the conversation of Mr Yaketé on Facebook on
16 13 November, we find two weeks later in the Prosecution material a
17 conversation initiated by Mr Gallaut. And there he refers to (Interpretation)
18 "Okay. Our guys here are in the process of travelling to the border. Kevin
19 also went to coordinate."

20 A. [12:04:56] I am not aware of any of that. (Overlapping speakers)

21 Q. And do you see there the name of Mr Faimindi answering:

22 (Interpretation) "And good with who?"

23 (Speaks English) And then Mr Gallaut says:

24 (Interpretation) "He went with Lieutenant Gueba, it is Kokaté who sent them."

25 A. [12:05:26] I'm not aware of that. Kevin was under -- Kevin was under

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1 Ngaïssona and in Bozizé's party (Overlapping speakers)

2 Q. [12:05:39] But you don't see here the name of Mr Ngaïssona -- we don't
3 see here the name Mr Ngaïssona. We see it in your name that you sent guys
4 to the front. And this is -- (Overlapping speakers)

5 A. [12:05:50] I have said that I know Kevin. Mr President, what I was
6 saying is that I know Kevin as a member of Bozizé's political party, very close
7 to Ngaïssona. So talking about going to the border, I know nothing about
8 that.

9 Q. [12:06:27] We are six days later, 3 December. What happens then is that
10 the Prosecution comes into the possession -- well, not that date, but presents a
11 document. It's a Facebook conversation of Mr Gallaut dated 3 December.
12 We're again in December, so every month we see your name popping up
13 through several sources. But here you see your name again. And this is
14 CAR-OTP-20- -- sorry, 2102-2520 at page 2722. And it's, for the participants
15 and parties and the Chamber, tab 5 of our list of materials.
16 And on 3 December, so five days after the previous Facebook conversation, Mr
17 Gallaut informs his colleagues, "Levy" (Interpretation) "According to Kokaté,
18 who went back and forth, to and from Yokadouma at the border near Nola,
19 everything is going on well."

20 A. [12:08:02] I answered that I have never been to Yokadouma and I never
21 left Douala or Yaoundé. It is the same people who spend their time
22 conversing between them. And it really has absolutely nothing to do with
23 me.

24 And, Mr President, I think that somebody who is supposed to have been the
25 coordinator of an operation cannot be simply cast aside at any time. There

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1 were suspicions on me. Why is it that somebody who is under suspicion can
2 be appointed military coordinator. I had been spurned by everyone, and it is
3 in those messages. It is clearly stated in that messages that I had been cast
4 aside.

5 Q. [12:09:23] Let's go beyond the suspicions, Mr Witness, and let's see what
6 your friend Yaketé wrote on 3 December, the same day.

7 That's CAR-OTP-2100-6685 at page 6742, tab 8 in our materials.

8 And your late friend, Mr Levy Yaketé, really writes there in his Facebook:

9 (Interpretation) "I have just spoken with Minister Kokaté who is coming back
10 from the field towards Yokadouma."

11 (Speaks English) So Mr Yaketé spoke with you, according to this information,
12 on 3 December and you just told him that you came from the -- the border
13 between Cameroon and CAR *vers* Yokadouma. It seems not near a suspicion.

14 A. [12:10:37] Counsel, I have never been to Yokadouma. I have never had a
15 conversation with Levy Yaketé on that subject, and I think that communication
16 systems are sufficiently developed to be able to determine whether I had a
17 conversation with Levy Yaketé or not. That never happened.

18 I would like to correct you, Counsel. You mentioned Mr Yaketé, my friend.
19 I simply told you that I knew him ever since childhood because we were in the
20 same neighbourhood. And you must know that he belonged to the party in
21 power; whereas, I was in the opposition. And in my statement, I said that
22 Bozizé had said when I was the spokesperson of the *Collectif* of the *officiers libres*,
23 that had a lot of impact on them and on him when he was president. So if
24 they want to use my name on Facebook, that's their problem. Everybody can
25 see that when people write on Facebook, there is nothing confidential, nothing

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1 about operations, nothing military. Thank you.

2 Q. [12:12:10] Thank you for the explanation how Facebook works. That is
3 very helpful for this case and also for the position of Mr Ngaïssona.

4 I will mention Mr Yaketé - your acquaintance and not friend - but this person, a
5 day later, 4 December, Mr Yaketé informs -- through Facebook dispersed the
6 following message.

7 That's CAR-OTP-2100-6685, and the pages are 6743 running to 6744. It's tab 8
8 in our Defence materials.

9 Mr Yaketé also is saying here:

10 (Interpretation) "I was in contact with Kokaté yesterday and he told me that he
11 had deployed a few working tools in the zone."

12 (Speaks English) Then Mr Gallaut answers:

13 (Interpretation) "Kevin had told me something of the sort, indicating that there
14 were *matos* buried somewhere and our people crossing over were going to dig
15 them out."

16 A. [12:13:49] I am not aware of any such thing. I really do not know what it
17 is about.

18 Q. [12:13:57] You did not have involvement with the distribution of *matos*.
19 That's your evidence; is that correct?

20 A. [12:14:07] I have told you that I had absolutely nothing to do with that
21 distribution. I was not even informed. I was not aware of anything. And I
22 have spelled out that Bozizé and his inner circle were functioning in a very
23 confidential manner. You have mentioned all these details. I was not aware
24 of them. And I will tell you, Counsel, that I'm someone in which they did not
25 have confidence. They did not trust me. They suspected me very highly, so

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1 I'm not aware of anything of the sort.

2 Q. [12:15:00] And the month December has also other information for us.

3 There is a message of 20 December on Facebook CAR-OTP-2102-6699 at page
4 7073 till 7074 (sic). It's a individual with the name of Gbeyoro. Does that
5 name ring a bell to you?

6 A. [12:15:47] I did not see the name yet.

7 Q. [12:15:51] It's in the entry 20 December, in the middle, 14:37. And the
8 message starts with -- at the top of a comment by Mr Bouragoro, Jean Alesco
9 Bouragoro.

10 Perhaps the court officer can scroll up a little bit further up starting with:
11 (Interpretation) "Yesterday I was with Kokaté." Court officer, scroll up, please,
12 instead of down. Thank you. It's a little bit up starting with "*ca va*."

13 A. [12:16:56] Frankly, those are just fabrications. Those are tall stories.
14 Those are really tall stories. I don't know anything about them. That is the
15 truth.

16 Q. [12:17:15] I think we -- apologies. We gave the wrong page. The page
17 which we referred is 6856. Sorry. So it's the CAR-OTP-2102-6856, and then
18 the first entry. That's it.

19 Did you have a meeting with Mr Jean Alesco Bouragoro on 19
20 December -- sorry, it's 15 November.

21 A. [12:18:27] That, I don't know. I don't remember. I don't even know
22 what it's all about.

23 PRESIDING JUDGE SCHMITT: [12:19:09] Mr Witness, do you know Mr
24 Bouragoro?

25 THE WITNESS: [12:19:21](Interpretation) Mr President, I've told you I do not

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1 even know him. I don't even know him. The people who are talking about
2 me, I don't even know them.

3 MR KNOOPS: [12:19:35] Could, finally, the court officer be so kind to pull up
4 CAR-OTP-2102 - it's the same tab - page 7074. that's, that's the one I was
5 looking for. That's the one of 20 December at two minutes past 3. In the
6 page before, Mr Bouragoro mentions a reunion in --

7 (Interpretation) "Paris on Tuesday, with Kokaté, Yaketé, and Steve ..."

8 Yambete (Overlapping speakers)

9 (Speaks English) And then Mr Bouragoro responds on page 7074, third entry:

10 (Interpretation) "The money of Kokaté that was disbursed in Yvon's place, the
11 boss was asking about the amount."

12 A. [12:20:45] I'm telling you frankly I do not even know what it is all about.
13 The amount of what? I do not know. Furthermore, if I'm not mistaken, Mr
14 President, during that time when they were speaking, I was already in contact
15 with the Chadian authorities to prepare the N'Djamena talks. So it's not
16 normal, what is being said. I'm not aware of that. This is a conversation
17 between people, and I'm not informed. I don't have that connection on
18 Facebook.

19 Q. [12:21:37] Mr Witness, we just confronted you with a configuration of
20 several Facebook messages spanning the timeframe April, December 2013.
21 You commented on this. I also want to put to you the fact that there is a
22 Prosecution witness who did say that you were chosen as chief of operations
23 and that the military chiefs in Cameroon were Kokaté, Lengbe, and other
24 officers of rank in Cameroon. And I refer to the Prosecution witness
25 statement P-2841, paragraphs 154 and 157, which is Defence tab 35,

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1 CAR-OTP-2127-4238-R01.

2 MR VANDERPUYE: [12:23:00] I assume this is not -- (Overlapping speakers)

3 MR KNOOPS: And that statement was also given --

4 MR VANDERPUYE: -- (Overlapping speakers) displayed to the witness, was
5 it?

6 MR KNOOPS: [12:23:04] Sorry?

7 MR VANDERPUYE: [12:23:04] I assume this is not going to be displayed to
8 the witness.

9 MR KNOOPS: [12:23:09] No, no, no, no, no.

10 PRESIDING JUDGE SCHMITT: Of course not.

11 MR VANDERPUYE: (Overlapping speakers) I interrupted.

12 MR KNOOPS: Not to be displayed to the witness, that's correct, Mr President.

13 PRESIDING JUDGE SCHMITT: [12:23:11] I wonder -- I wondered that there
14 should be an objection against the question, but it was not. Obviously it was
15 about displaying. This is of course clear. Please continue (Overlapping
16 speakers)

17 MR KNOOPS: [12:23:20] And this is, by the way, if the Court is aware, also
18 repeated by this witness in court on 10 May, transcript page 22nd, lines 70 till
19 19. And we all know which witness we are referring here.

20 Q. So, Mr Witness, it's just not Facebook which directly implicates you in
21 military operations in Cameroon, but it's even a Prosecution witness who does
22 say that you were chosen as chief of operations and you were the military chief
23 in Cameroon. And I give you a chance to again reconsider your statement
24 before this Court.

25 A. [12:24:16] No, Counsel, I cannot reconsider my opinion. I stand by my

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1 opinion, because I was never appointed military coordinator. You, Counsel,
2 you have the FROCCA documents. You have seen the name of the military
3 coordinator. At what point was I appointed military coordinator?
4 Furthermore, General Lengbe was never in Cameroon to organise a meeting for
5 a military operation. You have the composition of FROCCA with you, and I
6 saw that only in January 2018. So who appointed me military coordinator?
7 That is a question that I am putting directly to you, Counsel.
8 Secondly, I was suspected on several occasions. People were saying you have
9 to be careful with me and with my friend Poussou. So that was during the
10 time of the Djotodia government.
11 So if people take pleasure in mentioning my name and -- for their own
12 purposes, well, I don't know. So I'm asking you for the document, to present
13 any document stating that I was appointed military coordinator. Thank you.
14 PRESIDING JUDGE SCHMITT: [12:26:14] First of all, it has to be made clear
15 to the witness that counsel is not answering questions. Counsel is putting
16 questions to the witness.
17 Secondly, I have a question.
18 You say you have not been appointed coordinator. But was there ever a
19 discussion about that that you know? In the times in 2013, was there a
20 discussion amongst people that you should be or could be coordinator, and
21 then it did not come to fruition later on, perhaps?
22 THE WITNESS: [12:26:58](Interpretation) Mr President, to my knowledge, no.
23 I have never been involved in such a discussion, especially because I was not
24 trusted and my friend Poussou had left the camp where we were to join the
25 Djotodia government. So there was -- there were too many suspicions on me.

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1 So Bozizé, Ngaïssona, and FROCCA, no one amongst them ever said that
2 Kokaté should be military coordinator. So I do not understand how my name
3 is circulating in this manner because I am not aware of any such thing.

4 PRESIDING JUDGE SCHMITT: [12:27:51] Mr Knoops.

5 MR KNOOPS: [12:27:52] Yes.

6 Q. [12:27:53] Mr Witness, do you know an individual with the name of
7 Marcel Koyagbia? If I pronounce it correctly.

8 I'm sorry for the mispronouncement of the name. Marcel Koyagbia.

9 A. [12:28:14] Maybe I should see the name because if it's mispronounced, I
10 may not know what specific name is -- it is.

11 Q. [12:28:27] Yes, we'll show it to you. We're still in the month of
12 December 2013 trying to reconstruct your role there. So 5 December 2013.
13 We encounter in the Prosecution material a Facebook conversation of Marcel
14 Koyagbia of 5 December 2013.
15 It's in our Defence binder tab 42, and it's CAR-OTP-2101-7114, and it's the page
16 7123 running to 7128.

17 And there, Mr Kokaté, we find an interesting exchange of thoughts. It starts
18 with:

19 (Interpretation) "I think that that is the only solution. Those in Kassï have
20 only one rocket and that is unacceptable. The Chadians are using some heavy
21 resources and so the strength between the two sides will not be the same if our
22 guys try to advance."

23 (Speaks English) And then your acquaintance, Mr Yaketé Levy interferes in this
24 discussion in Facebook. You see it here, on 5 December. So the day of the
25 advance to Bangui, and, he says:

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1 (Interpretation) "I will consult about it briefly with Kokaté to see."

2 (Speaks English) And then Mr Koyagbia Marcel responds:

3 (Interpretation) "Well, I have just had a conversation.

4 I have just had an exchange with the big guy, Kokaté, who has promised to
5 make available ammunition and weapons at the disposal of our guys."

6 A. [12:32:08] Mr President, at that time, I was in Douala. At that time I was
7 in Douala in Cameroon. When then, would I have provided weapons and
8 ammunition? In fact, I'm not even aware of this conversation. Those people
9 who are speaking, Koyagbia, and all the others, I do not know them. The only
10 person I know is Yaketé and no one else.

11 Was I in Bangui to provide them with weapons and ammunition? These are
12 people who are fantasising and having those conversations about me.

13 Now, if I was really involved in planning, if I was really the planner of these
14 organisations, why is it that I was being disavowed? Even in -- even in
15 December, I was being challenged. I was told that I was nothing. It's
16 because I didn't do anything and I know nothing.

17 These are people who were having conversation among themselves on
18 Facebook and what have you, and that has nothing to do with me.

19 Q. [12:33:33] Mr Witness, it happens to be that apart from Facebook
20 messages, we have also here -- we are also enlightened by the statements of a
21 Prosecution witness who actually confirms this. It's P-2328.

22 MR KNOOPS: [12:33:59] Not to display it to the witness, of course, but for the
23 Court and the parties and the participants, we refer to our tab 44, and it's
24 CAR-OTP-2099-0165-R02 at 0176 and 0182. And I ask the attention of the
25 participants and the parties in the Court to the paragraphs 58, 59 and 87.

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1 Q. [12:34:45] And Mr Witness, that witness, Prosecution witness does say
2 that the central person who organised the structure of the Anti-Balaka was
3 Francis Bozizé. He was assisted by two persons; namely, you and a certain
4 Mokom.

5 And in that statement, the Prosecution witness, which is introduced in order to
6 have Mr Ngaïssona detained here, you also find in paragraph 87, that this
7 witness includes you, Mr Kokaté, you, among the main actors of the
8 5 December attack. And that with the -- *sans* (French spoken) that, for him,
9 the actors of the -- the main actors of that attack were, and he mentions several
10 individuals, amongst whom, your person.

11 So it's not just Facebook.

12 And also here, my question to you is -- I'm obliged to confront you with this
13 Prosecution witness statement. What is your response to this individual who,
14 I can assure you, is an important Prosecution witness?

15 PRESIDING JUDGE SCHMITT: [12:36:28] Yeah.

16 MR VANDERPUYE: [12:36:29] Mr President, I don't think that that preface is
17 necessary. If there's a fact that he wants to put to the witness, he can put the
18 fact. But to qualify it in terms of the importance of the witness, the
19 significance of the witness, or anything like that, I think is inappropriate.

20 PRESIDING JUDGE SCHMITT: [12:36:44] Yes, of course, and Mr Knoops
21 knows that.

22 MR KNOOPS: [12:36:47] Sometimes in the heat of the moment.

23 PRESIDING JUDGE SCHMITT: [12:36:49] Yeah, yeah, but of course we have
24 recognised the facts that you draw out (Overlapping speakers)

25 MR KNOOPS: [12:36:56] We all know who the gentleman is.

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1 PRESIDING JUDGE SCHMITT: [12:37:00] Absolutely. You don't have to tell
2 us.

3 And so, Mr Witness, you have heard that. That there is a Prosecution witness
4 who seems to give these facts that Mr -- or allegations, however, you would
5 assess it, that Mr Knoops has just provided you with.

6 What do you say to that?

7 THE WITNESS: [12:37:36](Interpretation) Thank you, Mr President. I do
8 not -- I do not know, and, I cannot speak about a witness whom I do not know.
9 I can only speak for myself. Where did that witness see me? When or where
10 did I give that witness orders?

11 Furthermore, Mr President, Mokom Maxime, as far as I know, during our
12 second meeting in the cabinet of the president of the transitional government,
13 Mokom Maxime, took the floor and said that he was the military coordinator of
14 the operations. He is the one who worked extensively for the taking of
15 Bangui, and it was, therefore, for the president, madam president, to contact
16 the stakeholders, the actors on the ground.

17 So Mr President, if I really was the military coordinator before the attack, how
18 is it that immediately after the attack, I was rejected by everybody who spoke
19 about me on Radio Ndeke Luka? And the Anti-Balakas were saying this over
20 and over again, that Kokaté was nothing at all. That he was not part of our
21 command chain.

22 Mr President, it was the Anti-Balaka who were saying this themselves and all
23 Central Africans could hear it for themselves, too.

24 Therefore, I'm not here to make any comment as to what a witness might have
25 testified to. As far as I am concerned, I have come here to speak the truth. I

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1 believe that my name has been mentioned many times in this case, because all
2 of these people who are speaking have their reasons for making their
3 statements.

4 Mr Bozizé himself also said that he was going to say things about me because
5 my name was also mentioned quite often in relation to what was happening
6 when Bozizé was president.

7 So maybe it is part of their strategy to also talk about me.

8 In any event, if I was the military coordinator, I think I would have received
9 some respect and some consideration. I never received any respect or
10 consideration. I was humiliated. I was denigrated over radio. Ngaïssona
11 himself also denigrated me. Mr President, really, quite honestly, I don't know
12 if I have answered your question.

13 PRESIDING JUDGE SCHMITT: [12:40:48] Yeah, I think (Overlapping
14 speakers)

15 MR KNOOPS: [12:40:48] He did, he did (Overlapping speakers)

16 PRESIDING JUDGE SCHMITT: [12:40:50] (Overlapping speakers) And we
17 have the documents that you would like to present to the Chamber. We have
18 that on the record and we've seen it (Overlapping speakers)

19 MR KNOOPS: [12:40:52] Of course, yeah.

20 PRESIDING JUDGE SCHMITT: [12:40:53] And we will hear perhaps further
21 witnesses -- or I'm quite sure we'll have further witnesses on that (Overlapping
22 speakers)

23 MR KNOOPS: [12:41:01] Yes, of course.

24 PRESIDING JUDGE SCHMITT: [12:41:02] -- on that subject matter.

25 MR KNOOPS: [12:41:04] Yes.

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1 Q. [12:41:05] A final document on this topic. It's interesting that the witness
2 himself just said that he was rejected by others, so to speak, in that time frame
3 of December or whatever time frame it was.

4 Now, Mr Witness, we are not just quoting from materials of 2013, but on
5 12 January 2014, can you recall giving a interview to Radio Ndeke Luka? It
6 was 12 January 2014, so it was approximately two and a half weeks after the
7 advance to Bangui.

8 A. [12:42:09] On the 12 January 2014, I was in N'Djamena. 12 January 2014,
9 I was in N'Djamena.

10 Q. [12:42:21] Can you recall that you gave a comment to the Radio Ndeke
11 Luka even when you were in N'Djamena?

12 A. [12:42:37] I remember speaking on the United Nations Radio at the
13 request of General Mokoko.

14 Q. [12:42:49] If the Court could look at Defence document 30 and that's a
15 public document. It's a radio message, 12 January, document D30-0006-0022,
16 tab 80, 8-0 of our binder, especially the sixth paragraph. The sixth paragraph.
17 Can I can also start reading? It's just one sentence.

18 Mr Kokaté, in this radio message of 12 January, 2014, we read in this message
19 the following:

20 (Interpretation) "The religious political and military leaders have increased
21 their calls for order and reconciliation. Joachim Kokate, an Anti-Balaka leader,
22 has called for calm to -- has called for calm from his militia."

23 A. [12:44:47] Mr President, that is the call I issued and this was when
24 General Mokoko and President Deby had had a discussion and I was asked to
25 make a statement. So I called on Christians to accept Muslims. I called for

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1 the clashes between Séléka and Anti-Balaka to stop. To cease. I asked
2 Christians to show love to their Muslims brothers, but that's a message of peace
3 and reconciliation, isn't it?

4 I was an Anti-Balaka supporter, an Anti-Balaka supporter who participated in
5 the N'Djamena talks and I was also a former minister. And I have also told
6 you that at the end of the N'Djamena talks, there was -- I received firm
7 instructions to return to Bangui and talk about reconciliation and peace and
8 disarmament.

9 Q. [12:46:07] Mr Witness, the point of this message is that the interviewer
10 mentions that you called upon your militia to stay calm, "ses milices".
11 So you had apparently authority over militia there.

12 A. [12:46:40] I spoke as an Anti-Balaka supporter based on the instructions
13 from the ECCAS heads of state. This does not look like a bad message to my
14 mind, which can disturb people. It's a message of peace, forgiveness and
15 reconciliation.

16 So I -- I participated in some very important talks and it is after those talks that
17 the heads of state asked me to make a statement. And General Mokoko asked
18 me to make a statement.

19 Now when I spoke, when I spoke they -- they -- did they say that I was the
20 coordinator of the Anti-Balaka or the boss of the Anti-Balaka? No. I simply
21 spoke as a supporter. And I spoke for peace.

22 Q. [12:47:39] Okay, Mr Witness. Then let's go to another document which
23 clarifies the role of you. We have arrived in the meantime in January 2014,
24 after reconstructing some of your activities in 2013. In your --

25 PRESIDING JUDGE SCHMITT: [12:47:56] Mr Vanderpuye is rising.

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1 MR VANDERPUYE: [12:47:57] Yes, I'm rising, Mr President, because the
2 document on the screen, my colleague has only read part of the paragraph to
3 the witness. I don't know if the witness has read the entire paragraph, but to
4 the extent that we're talking about the role of the witness in respect of the
5 Anti-Balaka, I think it's important that he read the whole paragraph to the
6 witness and have the witness comment on it. And to leave off the last
7 sentence (Overlapping speakers)

8 MR KNOOPS: [12:48:14] No, the question was just one sentence.

9 MR VANDERPUYE: [12:48:14] (Overlapping speakers) in order to move on to
10 another -- in order to move on to another topic.

11 MR KNOOPS: [12:48:22] Mr President, if we have to read every document ...
12 The point was just that here is one specific part --

13 PRESIDING JUDGE SCHMITT: [12:48:28] I -- we can -- we can shorten this.
14 It was relatively clear what you wanted to achieve by that, and you made your
15 point, and, of course, we don't read everything out to the witness. The
16 witness has answered. I have not the impression that out of fairness to the
17 witness, we would need to read it further, and, again, we have the whole
18 document not only on the record, but in evidence.

19 So we -- it did not -- cannot escape our attention, Mr Vanderpuye, that there is
20 something else in the document, too.

21 So please, continue.

22 MR KNOOPS: [12:49:09] It can also sometimes interrupt the pace of the
23 cross-examination.

24 PRESIDING JUDGE SCHMITT: [12:49:16] Yeah, it's always on a case-by-case
25 basis.

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1 MR KNOOPS: [12:49:17] Of course.

2 PRESIDING JUDGE SCHMITT: [12:49:18] There might of course be instances
3 where it is very suggestive and also a little bit unfair to the witness. In that
4 instance -- I think, also since we have already the answer, I think we can simply
5 continue.

6 MR KNOOPS: [12:49:29]

7 Q. Now, before the break, I would like, Mr Witness, to go to the meeting in
8 January 2014. We have seen several events of '13. We have now arrived at
9 12 January 2014 with your interview.

10 Now, we arrive at the meeting in January with Ms Catherine Samba-Panza,
11 and I recall, Mr Witness, that on 26 of May of this year, before this Court, you
12 said that you participated in a meeting at the presidency with Ms Samba-Panza
13 and during that meeting you -- you were just there as a member and didn't
14 speak to the president or any other person.

15 In the French transcript, I noted literally:

16 (Interpretation) "I did not take the floor. Never."

17 (Speaks English) And this is transcript page -- French real-time, 26 May, 2021,
18 page 42 lines 5 till 10, where you were asked by the Prosecution whether you
19 recalled having been -- participated in a meeting with Mrs Samba-Panza. You
20 said: Yes, but I never took the floor, and you were just there as a member,
21 right?

22 A. [12:51:23] Yes, I clearly -- I clearly recognise or remember that first
23 meeting at the presidential palace, yes.

24 Q. [12:51:35] Can you recall whether this was directly after Ms Samba-Panza
25 was sworn in? Therefore, was it in January 2014?

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1 A. [12:51:54] Well, I have already told the president that the first meeting
2 with Madam Catherine Samba-Panza took place at her residence, at her home.
3 That's it. Then, there were two other meetings at the presidential palace in the
4 presence of members of her cabinet.

5 Q. [12:52:30] Yes, and during none of these events, you took the floor. That
6 was your evidence on the 26th, correct?

7 A. [12:52:45] I did not take the floor at any of those three meetings. The
8 only time I took the floor was in relation to a delegation that I led in October, if
9 I'm not mistaken, and Mr Ngaya was about to lose his skin the next day.

10 Q. [12:53:10] Right, now it happens to be that the Prosecution came into the
11 possession of a document from the presidency of the republic titled:

12 (Interpretation) Report on consultations of the 24 January 2014.

13 (Speaks English) So these are the notes taken by a gentleman with the name of
14 Étienne Boda, the secretary-general of the presidency of the republic, and these
15 notes were given to the Court and everyone in this courtroom. So we
16 were -- we had the benefit to read those notes, and it's CAR-OTP-2087-9271, tab
17 100 on our list. And there is an interesting page; namely, 9273, and I ask the
18 court officer please to call up this page, 9273. And if you would be so kind to
19 look at the last paragraph of this document, the very last, starting:

20 (Interpretation) "After a word of thanks from the head of state to the
21 Anti-Balaka delegation, which was led by Mr Kokaté, thanking them for
22 having answered her invitation, the latter took the floor and explained to the
23 president, head of state, that their troops on the field were not controlled.
24 Furthermore, the chiefs did not agree on the actions that should be carried out
25 by the troops. He illustrated this situation, referring to a meeting that he held

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1 in Boy-Rabe, during which an ethnic connotation surfaced. They felt that if
2 they were able to billet the disciplined troops, those resisting will be
3 neutralised."

4 (Speaks English) So according to Mr Boda, the secretary-general of the
5 presidency who took notes of this meeting, you not only led the delegation of
6 the Anti-Balaka, you were not just there as a member, but you gave a whole
7 expose, Mr Kokaté, about what happened in the field and about your future
8 plans.

9 So what you told this Court on the 26 May under oath is not corroborated here
10 with this document, Mr Kokaté.

11 So I give you also now a chance to reconsider your statement.

12 A. [12:57:28] Well, I really do not know at what point in time we are looking
13 at. I don't know if (Overlapping speakers)

14 PRESIDING JUDGE SCHMITT: [12:57:39] May I shortly? May I shortly?
15 I think it makes sense here that perhaps the witness can see the whole
16 document, I would suggest here.

17 THE WITNESS: [12:57:47](Interpretation)(Overlapping speakers)

18 PRESIDING JUDGE SCHMITT: [12:57:48] I'm speaking now -- and see the
19 whole document, and perhaps it's also advised that he -- that we have a
20 break - and, we'll have it anyway in a couple of minutes - and has a chance to
21 talk with his counsel about this. I think that would make sense.

22 So we will have the break until 2.30.

23 And Mr Kokaté, please -- please look at this information and if you want
24 discuss it with your counsel and then -- then you answer to the question of
25 counsel at 2.30.

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1 THE COURT USHER: [12:58:23] All rise.

2 (Recess taken at 12.58 p.m.)

3 (Upon resuming in open session at 2.33 p.m.)

4 THE COURT USHER: [14:33:58] All rise.

5 Please be seated.

6 PRESIDING JUDGE SCHMITT: [14:34:21] I understand that Ms Dimitri has
7 an issue.

8 MS DIMITRI: [14:34:27] Thank you very much, Mr President. I'll be very
9 quick. I know time is of the essence. I just want to raise this point now
10 because, as you know, Mr Kokaté is the first witness who has duty counsel
11 appointed, and we have a few down the line, so I just wanted to put a concern
12 on the record.

13 My understanding, unless I'm wrong, duty counsel is there to advise the
14 witness on issues relating to self-incrimination. On a couple of occasions on
15 Friday, and specifically today, I could hear counsel saying something to the
16 witness or standing up and knocking on the door, and I was wondering
17 whether we could advise counsel, if he wants to address the Chamber, to
18 perhaps limit himself by raising his hands and ask permission to the Chamber.
19 That's my concern, Mr President.

20 PRESIDING JUDGE SCHMITT: [14:35:13] Okay. Actually, we don't know
21 what happened then. So -- but I agree with you, and the Chamber agrees with
22 you that counsel is of course -- Rule 74 counsel is called Rule 74 counsel for a
23 reason. He is there to advise counsel on issues that might arise with regards
24 to this provision, but not anything else. The question -- normally Rule 74
25 counsel would sit in the same room, would sit in this courtroom, so the issue

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1 would not arise. But we have the issue because of the situation at the
2 video-link location. I think we can, when we have next time counsel,
3 we -- and I also can address now Mr Bangaguere, but I can also incorporate in
4 my initial words that they are only there to advise in that regard. Thank you.
5 I think we can --

6 MS DIMITRI: [14:36:06] Thank you, Mr President.

7 PRESIDING JUDGE SCHMITT: [14:36:08] We can continue then I think with
8 the examination.

9 Good afternoon, Mr Kokaté. Before we continue with the questioning, I
10 would like to address Mr Bangaguere. I see him at the video-link location.
11 Mr Bangaguere, if you want to speak with your client, as we said initially,
12 please raise your hand so that we know what's going on simply, yeah? So the
13 Chamber would like to know when you want to confer and when you are
14 actually conferring with your client.

15 Mr Vanderpuye, you have nothing -- I think you agree also with this procedure
16 I would assume.

17 MR VANDERPUYE: [14:37:41] No, Mr President, I think your instruction is
18 sufficient and quite clear.

19 PRESIDING JUDGE SCHMITT: [14:37:49] Then we continue.

20 Mr Knoops, you have the floor.

21 MR KNOOPS: [14:37:53] Thank you, Mr President, your Honours. I have
22 three remaining topics, and I will try to conclude my examination before or
23 around 4 o'clock.

24 PRESIDING JUDGE SCHMITT: [14:38:06] I think that would be good for
25 everyone.

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1 MR KNOOPS: Yes.

2 PRESIDING JUDGE SCHMITT: But I also understood this morning your
3 situation, and of course we -- if there is anything, we would accommodate that.

4 MR KNOOPS: Thank you, Mr President.

5 PRESIDING JUDGE SCHMITT: We give it a try.

6 MR KNOOPS: Yes.

7 PRESIDING JUDGE SCHMITT: As you already said.

8 MR KNOOPS: Yes. Thank you.

9 MR VANDERPUYE: [14:38:20] I'm sorry, Mr President and Mr Knoops, I did
10 mention to Mr Knoops that I may have some redirect examination at the end.

11 I understood and have spoken to I guess VWS to see if that would be possible,
12 and I understand it is not a problem if we go into tomorrow at some point.

13 But I just wanted to let him know. It may not be the case, but just -- just to
14 (Overlapping speakers)

15 PRESIDING JUDGE SCHMITT: [14:38:42] But this is of -- thank you, thank
16 you for alerting us, so to speak, so to speak. So it might well be that -- that it
17 makes sense at some point in time simply to continue tomorrow and then start
18 with a -- with a new witness perhaps in the second session or something like
19 that. That's also possible. So we are not in a hurry here.

20 And of course of the situation that has arisen with the other witness that we
21 had to cancel -- and by the way, since we are on this, I would - no, please
22 remain seated - I would like to say that the Chamber -- I said this before, I
23 really reiterate it. The Chamber is very much aware of the difficulties to bring
24 witnesses under the circumstances with the pandemic and the whole situation,
25 the logistical problems to bring witnesses to video-link location or -- and/or to

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1 the court here and to have a constant flow of witnesses. And compared with
2 other cases, we are still in a good position, I would say. And that is -- since
3 we are at the Prosecution case, that is something that is to be credited -- the
4 Prosecution to be credited with, at the moment.

5 Mr Knoops.

6 MR KNOOPS: [14:40:05] Thank you.

7 Q. Mr President, your Honours, Mr Witness, the topic I'm going to touch
8 upon now also relates to your position, Mr Kokaté, in 2014. I will with my
9 questioning also go outside, I say to the Court, the charges, the charged period.
10 We're mindful of the instructions of the Court, but it's our submission that
11 some of the events after the charges took place, allegedly. There are some
12 events which might reflect on the position of the -- of the witness.

13 PRESIDING JUDGE SCHMITT: [14:40:47] I think the instruction was that we
14 have to decide this on a case-by-case basis.

15 MR KNOOPS: Yes. Okay.

16 PRESIDING JUDGE SCHMITT: There might always be reasons to go
17 outside -- outside the charges.

18 MR KNOOPS: [14:40:58] Okay. Yeah.

19 Q. [14:40:59] Mr Witness, before the break, we arrived at January 2014, the
20 meeting with Mrs Samba-Panza.

21 I would like now to go to February 2014, and I'd like to draw the attention of
22 you, Mr Witness, to a message of Mr Jean Etienne Wilibona. My first question
23 to you is: Do you know a gentleman with the name of Jean Etienne Wilibona?

24 A. [14:41:42] Thank you. Sir, I know Wilibona who was responsible for a
25 mission, but I don't know which mission. You asked -- Counsel, you asked

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1 me -- (Overlapping speakers)

2 Q. Were you in touch with him in 2014?

3 PRESIDING JUDGE SCHMITT: [14:42:06] We have still -- yeah. I think we
4 still have not solved --

5 THE WITNESS: (Interpretation) I don't know which Wilibona are you talking
6 about. But before the break, the paragraph you asked me to read, I haven't
7 answered to that yet.

8 PRESIDING JUDGE SCHMITT: [14:42:32] That's correct, Mr Witness, and we
9 would like to have your answer before. It's perfectly right that you address
10 this. You have been shown a document, which you had the possibility to read
11 over the break.

12 And what would you like to say to that?

13 THE WITNESS: [14:42:56](Interpretation) Thank you,
14 Mr President. I read that document during the break. It's a document -- it
15 wasn't for a meeting. It was for a consultation. The head of state, the
16 traditional head of state, consulted the different political entities. It was a
17 consultation. I looked through the document. She consulted various
18 political entities. She consulted the Séléka, led by Djono Ahaba, and also the
19 Anti-Balaka unit, which was led by Mr Ngaïssona, who was unable to attend.
20 Mr Ngaïssona asked me to go and represent him at that particular session.
21 And during that session, it was a consultation, not a meeting. And when I
22 arrived, the transitional president spoke to me saying that she was dissatisfied,
23 that she was not satisfied after swearing in, she said there were still gunshots
24 and arms throughout the town, whether -- there was an appeal for peace and
25 so she wanted to see what could be done to bring about peace.

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1 I spoke. I took the floor. I answered. I worked in the same way as the
2 transitional president. I referred to the Boy-Rabe meeting by -- in
3 January 2014. But I wasn't there because I wasn't yet in the country. But in
4 14 January during that meeting, there was a question of how to organise. That
5 was discussed and I said that I'm not in favour to return a force. And there
6 was also organised on the Radio Ndeke Luka and, therefore, one should see
7 what could be done with the transitional authorities to bring this about.
8 According to my thinking, I was applying the instructions which were given to
9 me by the heads of ECCAS. So it was within that context. It was a
10 consultation and not a meeting. It was a consultation. And a few days after
11 that consultation, when I spoke at the end of that consultation, the journalists
12 took the microphone and asked the opinion of people, and I gave my opinion.
13 And my opinion was not linked to the coordination of the Anti-Balaka.
14 And some few days later, again, there was a office for the Anti-Balaka that was
15 installed. And in that office -- and the person who represented that was
16 Mokom. So I was doing something completely different, Mr President. I
17 think this is a poor interpretation of the text by counsel. Thank you.

18 PRESIDING JUDGE SCHMITT: [14:46:47] Thank you. Perhaps we go back
19 to your question that you had, to the person. I'm not sure -- the name that you
20 put to the witness, I'm not sure if we have a sufficient answer on that yet.

21 MR KNOOPS: [14:47:01] You mean the question which I started with?

22 PRESIDING JUDGE SCHMITT: Yeah, yeah.

23 MR KNOOPS: Yes, of course, sir. That's the name of Jean Etienne Wilibona,
24 Wilibona. Jean Etienne Wilibona.

25 Q. So my question to you is, sir: Were you in touch in the beginning

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1 of 2014 with Jean Etienne Wilibona?

2 A. [14:47:36] I don't know who -- I'm keeping quiet because I know there are
3 lots of Wilibonas. So I'm not quite sure which one you're referring to.

4 Q. [14:47:45] Okay. Well, maybe we can show you the message from the
5 Prosecution material, which is CAR-OTP-2100-4498 at page 4523. It is a
6 Facebook conversation of 20 February 2014. And it's a conversation between
7 Mr Yaketé and Jean Etienne Wilibona.

8 And please look at the second entry. Mr Yaketé asks a question to Jean
9 Etienne Wilibona. And the answer of Wilibona you'll find in the middle at
10 19:37 minutes, 19 hours, 37:

11 (Interpretation) "Hello, I've just learned that Kokaté, Kamezolaï, Bara, and
12 Kolingba missed or failed with the coup d'état yesterday, and they're on the
13 run. The antis of their camp have been stopped."

14 (Speaks English) So what is your comment to this information?

15 A. [14:49:49] Mr President, yet once again, evidence that they're saying
16 whatever comes into their heads. Because during the month of February, I
17 was in Bangui. And I never fled from Bangui. On the contrary, throughout
18 February, I was working with the transitional authorities. And on
19 27 February, I was nominated to the cabinet. So this goes completely against
20 what's being said. So the people on Facebook are saying whatever comes into
21 their heads because I never fled. I never ran away. I don't know what
22 they're talking about. They're not very consistent in what they're saying
23 either.

24 Q. [14:50:38] Well, we'll come to the information in this Facebook message
25 later. For now, it's relevant to observe that in 30 May, three months later, the

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1 same Mr Levi Yaketé issues another message. And that's to be found
2 CAR-OTP-2101-8129 at page 8158.
3 And he writes there:
4 (Interpretation) "My contact within the French circles confirmed me this
5 evening, this night, that Fatima's massacre includes what happened in the
6 Fondo district and this is the work of Demafouth, Kokaté and others."
7 (Speaks English) This message was already put to you last Friday, or similar
8 information in the context of Mr Demafouth. But here your acquaintance, Mr
9 Yaketé, on 30 May implicates you in a massacre at Fatima.

10 What is your response to this?

11 A. [14:52:30] Thank you, Mr President. Up to that date, I was a special
12 adviser in the prime minister's office. I believe I've already answered that the
13 minister of public security decided to arrest Demafouth because of Fatima. I
14 also told you that you could approach the Prosecution of the republic in Bangui
15 at that time. My name was never mentioned, particularly since I didn't have a
16 very good relationship with Jean-Jacques Demafouth. This conversation
17 surfaced a lot, and this for me is an element that people in Facebook are saying
18 whatever comes into their head. So I'm not aware of anything, and I don't
19 know what they're talking about. I was never involved. I still had the
20 confidence of the transitional head of state, of the prime minister. And
21 nobody asked me. I was never convened to anything, unlike Demafouth. So
22 this is incorrect.

23 Q. [14:53:48] Is it correct that you gave a statement against Mr Jean-Jacques
24 Demafouth to exonerate yourself from this Fatima massacre against -- before
25 the national authorities? Is this correct, sir?

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1 A. [14:54:10] I made a statement against Demafouth in order to excuse
2 myself, to exonerate myself? No. Did I make a statement? Demafouth had
3 his own problems with the courts, and they wanted to arrest him, but
4 Samba-Panza didn't want that to happen. I didn't make any declaration or
5 statement to exonerate myself.

6 Q. [14:54:49] On 24 October 2014, a few months later, you were removed
7 from your post - this already discussed last week - as *conseiller spécial chargé du*
8 *dérrière de la primature*.

9 For the Court's convenience it's tab 73 in our list of materials,
10 CAR-D30-006-0005.

11 It was your statement, Mr Kokaté, that you suspended your activities in the
12 government in the context of a 72 hours' ultimatum for Mrs Samba-Panza to
13 resign; is that correct? You put her an ultimatum, you yourself? And that
14 was on 9 October, say two weeks before you were dismissed from your
15 position. Can you recall this, that you put Mrs Samba-Panza an ultimatum
16 that she should resign within 72 hours?

17 A. [14:56:19] Counsel, have you got that statement, please, that I gave
18 Samba-Panza 72 hours to resign? Have you got that statement?

19 Q. [14:56:28] We have -- we have indeed a statement from you in an article
20 which is tab 79. We can pull it up now. That's CAR-D30-0006-0021. It's an
21 article published on 5 May.

22 PRESIDING JUDGE SCHMITT: [14:56:59] I don't think so. It's published
23 on -- we are on 9 October 2014.

24 MR KNOOPS: [14:57:07] Yes. The print is from 5 May. Sorry. You're
25 right, Mr President.

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1 PRESIDING JUDGE SCHMITT: [14:57:10] You are closer with your document
2 to where you want to be I would say.

3 MR KNOOPS: [14:57:14] I'm very happy. It's indeed,
4 Mr President.

5 Q. Mr Witness, a publication 9 October 2014, at 12:34 hours. Two ministers
6 Anti-Balakas suspended their activities within the government of Kamoun.
7 And there you see the second paragraph:
8 (Interpretation) "'This ultimatum of 72 hours took effect on Tuesday and came
9 to an end on Thursday. The minister of tourism, Romaric Vomitiadé, of the
10 environment, Robert Namsenei, and myself as advisers to the prime minister ...
11 have decided to suspend our activities', was confirmed by Mr Kokaté."

12 (Speaks English) That was at least broadcasted and attributed to you, Mr
13 Kokaté. So that was two weeks before your -- you were removed from post.

14 A. [14:58:51] Mr President, I think that this is referring to a document which
15 was issued or was leaked by the press relating to coordination of the
16 Anti-Balaka. And this decision stated that we must suspend our activities
17 within the government. And I think that I said -- I asked the prime minister to
18 convene the coordinator, Mr Ngaïssona, to discuss this with him and find a
19 way out so that we could get out of the crisis. And I informed the prime
20 minister, Kouman, of this. I think that's what this is about. I'd never
21 threatened Samba-Panza. That was the instructions from the coordination
22 and the special adviser. There was a minister, and these were instructions
23 from the coordination.

24 What I believe I said is that I was received by the prime minister, Mahamat
25 Kamoun, who had asked me to explain my activities within the cabinet. And

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1 I said that I was -- feared for my own safety because if I worked, it would be
2 regarded as a betrayal, and I feared for my life and my safety. And that's why
3 I went home. And some days after, when the situation calmed down, I
4 returned to work, just like my colleagues. But sometimes the press distorts
5 what I say. I was professional when I said and did what I did. Thank you.

6 PRESIDING JUDGE SCHMITT: [15:01:12] Mr Knoops, please allow me a
7 question.

8 Mr Kokaté, you spoke of a crisis at the time. What was -- can you describe
9 what kind of crisis this was. I understood it a little bit that the crisis that you
10 relate to the relationship between the Anti-Balaka and the government. So
11 perhaps you can elaborate a little bit on that, if you recall.

12 THE WITNESS: [15:01:53](Interpretation) Mr President, thank you. I think
13 that I said the same thing a few days ago here. The Anti-Balaka said, relating
14 to the coordination, that the government was not upholding its commitments.
15 I talked about the appointment of Mr Ngaïssona, which had not taken place.
16 I also mentioned the resources that the general coordination of the Anti-Balaka
17 was requesting for billeting their troops as opposed to the Séléka men who
18 were already in their own barracks. That was a problem.

19 And I think that we were received by the president of the transitional
20 government thereafter. And we -- we had some discussions. We had come
21 with a document from the coordination, which I mentioned already. We
22 talked about Ngaïssona's requirements to be appointed general director of
23 ENERCA or SOCAPS. And so the -- this was in relation to ACRP and
24 SOCAPS.

25 And the president said that the request by Ngaïssona was on her desk and that

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1 she would address it subsequently but that such appointments were only made
2 after a call for bids. So she said she would deal with it and contact Ngaïssona.
3 Then she said that with regard to Konaté, there is also a decree regarding his
4 appointment, which is there, but he must behave himself. He needs to go
5 back -- so go back therefore and think about things and work for your country.
6 So the report was made to the general coordination, Mr President, and then
7 activities resumed.

8 Q. [15:04:23] Thank you. Mr Witness, wasn't it the case that in
9 October 2017 (sic), you were removed from your position because Mrs
10 Samba-Panza and Prime Minister Kamoun decided to dismiss you,
11 withdrawing your passport, for disturbing peace and participation in a
12 criminal conspiracy against the government?

13 A. [15:05:12] Counsel, I have never been involved in organising a criminal
14 conspiracy against the government. I have never been arrested. But my
15 passport was indeed withdrawn from me at the airport when I was getting
16 ready to travel to France after the Bangui forum. And I'm going to give you
17 some explanation on this point.

18 It is simply because I had been to Nairobi and participated in the Nairobi
19 forum, the resolution of that Nairobi forum having been rejected by the
20 authorities of Bangui and the international community. So when we came
21 back to Bangui, the initiator of the Bangui forum was President Sassou,
22 mediator of the Central African crisis. So we left Nairobi for Brazzaville.
23 And on our way back to Bangui, we were accompanied by General Essongo,
24 representative of the mediator in Bangui. So when we got back to Bangui, we
25 were invited to participate in the Bangui forum. This was a very difficult

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1 experience.

2 I think Mr Sebastien Wenezoui intervened so that we should participate in that
3 forum in his capacity as deputy general coordinator of the Anti-Balaka in order
4 to have access to various allowances, and so he also had to intervene.

5 Now, at the end of the Bangui forum, I wanted to travel to France to visit my
6 family, and that is when my passport was confiscated. So I remained in
7 Bangui, and that's it. There was no conspiracy. If there had been a
8 conspiracy, I should have been in jail.

9 Q. [15:07:47] It happens to be, Mr Witness, that -- we started the examination
10 this afternoon with the names of Mr Kamezolaï and Mr Bara. It happens to be
11 that in one of the Prosecution witness statements, those very names appear
12 saying that

13 Mr Kamezolaï, Mr Bara, and you were involved in setting up a coup d'état
14 against Madam Samba-Panza.

15 And this witness is saying that you are a person who always changes sides and
16 has the colour of a chameleon. That's Prosecution Witness 889, paragraph 88.
17 It's CAR-OTP-2027-2290-R02. It's tab 14 on our list.

18 So this Prosecution witness does say that you were preparing or at least were
19 willing to conduct a coup d'état against the government of Samba-Panza. So
20 it's not just a Facebook message. It's also a statement of the Prosecution -- one
21 of the Prosecution witnesses.

22 So what -- what would you say against this allegation stemming from this
23 Prosecution witness?

24 A. [15:09:54] Well, I do not know that witness to begin with. His or her
25 testimony is only binding on him or her. I decided to testify in open court.

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1 Everybody is listening to what I am saying. So what did I represent at that
2 time to have attempted to destabilise a regime, a transitional government
3 which was supported by the international community? Was there any
4 evidence against me and I wasn't arrested?

5 Well, as far as I know, there was never -- in fact, this is the very first time I hear
6 that Bara, Kamezolaï, and myself had the intention of carrying out a coup d'état.
7 I believe that even though my functions as the special adviser at the prime
8 minister's office had ended in October, I continued to work with the authorities
9 and with MINUSCA. So that witness's statement is only binding on that
10 witness.

11 You see, when you talk about an attempted coup d'état, it is not something that
12 you only speak about. If there is any evidence about a -- an attempted coup
13 d'état, automatically the authorities would have arrested me or stopped me,
14 but that never happened. I was never arrested, not even for a second during
15 that transitional period until the end of the period.

16 I hope that I have answered your question.

17 Q. [15:12:17] There's also evidence before this Court --

18 By the way, Mr President, before we continue, I was alerted that in the
19 transcript, the date of remove of the witness from his post, October 2017,
20 transcript page 79, that it should be 2014, of course.

21 PRESIDING JUDGE SCHMITT: [15:12:39] I think, also, without reminding us
22 of that, we would have not --

23 MR KNOOPS: It would have been clear.

24 PRESIDING JUDGE SCHMITT: Yeah, it would have been clear.

25 MR KNOOPS: Yeah, thank you.

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1 PRESIDING JUDGE SCHMITT: I did not interrupt you because it was
2 simply -- (Overlapping speakers)

3 MR KNOOPS: [15:12:49] Yeah, yeah. Okay. Sorry.

4 PRESIDING JUDGE SCHMITT: [15:12:50] It did not speak of 2017.

5 MR KNOOPS: [15:12:57] Yes.

6 Q. [15:12:57] Now, Mr Witness, can you recall that you made a recording of
7 a conversation between you and Mr Dologuélé in June 2017?

8 A. [15:13:16] With who? Mister who?

9 Q. [15:13:20] Mr Dologuélé, Anicet-Georges Dologuélé, Dologuélé.

10 A. [15:13:34] In 2017? Yes. With Mr Dologuélé? Yes.

11 Q. [15:13:38] You know what you said yourself about the destabilisation of
12 the transition.

13 A. [15:14:01] I never -- well, when it comes to my conversation with
14 Dologuélé, Dologuélé wanted to conduct a coup d'état against the current
15 regime. Mr Dologuélé, who wanted to go ahead with that coup d'état,
16 contacted me, and I rejected his proposal. And I informed the authorities. I
17 informed the authorities, we had a conversation, and I wanted to know more
18 about what he wanted to do. So when I found out about all his intentions, I
19 reported -- I informed the authorities. That is a true story, and the matter was
20 referred to the Central African justice system.

21 Q. [15:15:03] Thank you. Now let's see what you told
22 Mr Dologuélé during that conversation exactly. It's tab 75 of our binder, CAR
23 D30-0006-0010. And especially for this moment, because the document
24 returns later, I ask you to look at page 0012.

25 In the middle of this transcript, you see JK, Joachim Kokaté. I will cite from

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1 the transcript:

2 (Interpretation) "We did that during the transition. We blocked the country
3 for at least two weeks. The only mistake was that we asked that there should
4 be no gunshots. And the day on which we were practically about to succeed
5 in the coup, Andjilo and others used weapons. It is at that moment that
6 MINUSCA was bound to intervene because it was well done and prepared for
7 MINUSCA and the Sangaris to not stop those who were insisting on paralysing
8 the country."

9 (Speaks English) Then Mr Dologuélé asked you, Mr Kokaté:

10 (Interpretation) "Did those people agree with you? (Both laugh). But the
11 Sangaris are no longer there, and I thought that ... And what was the state of
12 mind of the authorities?"

13 (Speaks English) And your answer, Mr Kokaté:

14 (Interpretation) "I thought that -- I think that they are there themselves and
15 they are following us. The westerners are listening to us, and they are looking
16 at us."

17 A. [15:18:00] Counsel, we are dealing here with a context, a different context,
18 in which Dologuélé wanted to have a coup d'état. So I explained to the
19 authorities that these were his intentions. I am the one who reported to them,
20 not him. I am the one who reported to the authorities.

21 So when it comes to the events of October during that transitional period, those
22 are the events I have just been talking about where we were -- when we were
23 asked to not go to work, when the general coordination asked us to remain at
24 home, not to go to work. That's it.

25 Q. [15:18:45] So you would agree, Mr Witness, that you're speaking, first of

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1 all, about the transitional government; and secondly, that you were involved in
2 blocking the country for two weeks which says -- which is said by you in the
3 first sentence of this transcript, and you made only one mistake?

4 A. [15:19:15] This is what I wanted to say. At that time, I was the special
5 adviser at the prime minister's office. The Anti-Balaka general coordination
6 had asked us to stay away from work, to remain at home. And the
7 coordination had blocked the country for two weeks, if not more. And then
8 thereafter, there was dialogue to resolve the problem.

9 So ask Dologuélé why he called me to his home. When he called me, I knew
10 what his intentions were, and I informed the authorities of Bangui -- I informed
11 the authorities in Bangui of them. Thank you.

12 Q. [15:20:12] Were you aware that Mr Dologuélé did file a complaint against
13 you for recording this message and you publishing it?

14 A. [15:20:31] Yes, I also filed a complaint against
15 Mr Dologuélé for attempting a coup d'état. So I filed a complaint against Mr
16 Dologuélé.

17 Q. [15:20:50] In -- we're speaking now about 2017. In 2015, 14 May '15, a
18 document emanated from the ministry of public security. That's
19 CAR-OTP-2100-1773, tab 63 on our list.

20 Maybe the court officer could show this document, which does say in the third
21 paragraph:

22 (Interpretation) "I have the honour to inform you of the project to destabilise
23 the transitional process undertaken through the latest events that disturbed the
24 end of the Bangui forum in certain neighbourhoods of the capital. The
25 intellectual authorities or authors of these events are Karim Mekassoua and

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1 Kokaté Joachim."

2 (Speaks English) This was one month before the forum in Bangui, May 2015,
3 when you already were removed from your position. And this is a document
4 from your own government.

5 So are you still of the opinion that you did nothing to destabilise the
6 government? Is that -- is that your evidence today?

7 A. [15:23:31] I did not do anything. These are information notices, and I do
8 remember this matter very clearly. It was the day after the Bangui forum.
9 The forum had ended, if I am not mistaken, that was in May 2015, maybe
10 11 May, 15 May. I don't remember. But the Bangui forum had ended, and
11 the day after or one or two days thereafter, I was leaving for France. And
12 even going by information in my possession, given that I had gone to see the
13 examining judge, it was said that Karim Mekassoua and myself were about to
14 board a plane for Brazzaville to see the authorities of Congo Brazzaville to
15 return and disrupt the transitional government.

16 That was false. You see, I realised that when they had confiscated my
17 passport, I had an air ticket for France. And so it is only thereafter that myself
18 and the Prosecutor subsequently found out that Karim Mekassoua was going
19 to Brazzaville. So we were both travelling in different directions. So it has
20 nothing to do with it. And it is right now and here that I have become aware
21 of this file, which I believe is an -- is an information notice from the police,
22 which has really nothing to do with me.

23 Let -- let me repeat myself. I have never been arrested, even though my
24 passport was confiscated. Yes, my passport was withdrawn, I went back
25 home, and no one ever disturbed me until I subsequently met with the

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1 president of the transitional government who then gave instructions for my
2 passport to be returned to me so that I could travel.

3 Q. [15:26:12] Mr Witness, is it true that based on this information, there was
4 a preliminary inquiry conducted against you in Bangui, a criminal -- criminal
5 preliminary inquiry?

6 A. [15:26:37] Preliminary inquiry against me in Bangui by whom? I was in
7 Bangui myself.

8 BY MR KNOOPS: [15:26:45] Can the court officer please call document
9 CAR-OTP-2100-1778. That's tab 64 on our list. It's a *message porté* by the
10 *procureur de la république de la Tribunal de Grande Instance* Bangui with
11 *destinataire, directeur général de la gendarmerie nationale* and various other
12 individuals who are in copied.

13 And, Mr Witness, this document says:

14 (Interpretation) "Extremely urgent information whereby the said Karim
15 Mekassoua and Joachim Kokaté are the alleged instigators of demonstrations
16 that occurred in various arrondissements in Bangui over the last few days.
17 Information which led to the banning of the following from leaving the
18 national territory. Please urgently forward same information to the courts to
19 enable putting together material for opening proceedings against the suspects,
20 stop."

21 (Speaks English) So, Mr Witness, we put to you that there was -- there were
22 judicial actions undertaken because of your intention to destabilise the
23 transitional government; is that correct?

24 A. [15:29:17] Well, as far as I know, this is the first time that I am seeing this
25 *message porté*. And when my passport was confiscated, I called the *procureur*

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1 *de la république* on the same day. And the next day, I myself went to the
2 prosecutor's office in person and asked him what the matter was. The
3 prosecutor told me that instructions had come from above. Then, I left, I went
4 become home, but I came back twice to see the examining magistrate in
5 relation to that matter. And then thereafter, I went back home. I never
6 returned to the courts.

7 The director general of the gendarmerie, neither him nor the director general of
8 the police, none of them invited me to give a statement. And I was never
9 disturbed. So these are police reports, messages, and information that might
10 have to be cross-checked. So I think that if I had been arrested, even only for a
11 second, you would have been already been informed. So these are
12 information notices, forced information if I may say so, and that's it.

13 And I want to also say that I discussed this issue at length with the president of
14 the transitional government at her residence, and she ordered my passport to
15 be returned to me. Thank you.

16 Q. [15:31:18] So you're saying that the *procureur de la république de la tribunal*
17 *grande instance* issued a false message on your part? Is that what you're
18 saying?

19 A. [15:31:33] No, I didn't say that the prosecution made a false statement. I
20 said that this message -- I'm not saying that he made a false declaration. I
21 have a lot of respect for the magistrates and all the men of law. I never said
22 that. I went there. I went to see the prosecutor and the prosecutor said that
23 he had instructions coming from above. Now, this message that you have
24 which you're showing me, it's the first time I've seen it.

25 Q. [15:32:16] Mr Witness, in the conversation you had with

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1 Mr Dologué in 2017, you also spoke about your dissatisfaction with the
2 situation in your country.

3 A. [15:32:35] I'm sorry, you keep on cutting off.

4 PRESIDING JUDGE SCHMITT: [15:32:42] Please try to repeat it,
5 Mr Knoops.

6 MR KNOOPS: [15:32:45]

7 Q. [15:32:46] Mr Witness, in your conversation with

8 Mr Dologué of 2017, you also spoke about your dissatisfaction with the
9 situation in your country at that time; is that correct?

10 A. [15:33:13] I'm not even listening to the question. You keep on getting cut.
11 You get interrupted all the time.

12 PRESIDING JUDGE SCHMITT: [15:33:20] So what might be the issue there?
13 We would have to solve this. The witness can only answer questions that he
14 understands fully.

15 It should be fine now.

16 Mr Kokaté -- unfortunately, Mr Knoops, it's not nice to repeat the same thing
17 three times, but sometimes it's necessary.

18 MR KNOOPS: [15:33:55]

19 Q. [15:33:55] Mr Witness, can you hear me now, sir?

20 A. [15:34:06] Yes, sir, I hear you.

21 Q. [15:34:07] Sir, in your conversation with Mr Dologué in 2017, June, is it
22 correct that you also spoke about your dissatisfaction with the situation in your
23 country at that time under the presidency of Mr Touadéra?

24 A. [15:34:39] What I said to you is that I was invited by

25 Mr Dologué who had the intention of taking power by force. And when I

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1 understood his intentions, I informed the authorities. I went to say this
2 because I understood what his intention was. The person who came to see me
3 said, "What do you expect from me?" And I informed them, I informed them
4 before going there. I also informed Dologuélé before going. I informed the
5 hierarchy. I was never against the government in 2017. When President
6 Touadéra came to power in 2016, I am behind him and I support him up to this
7 day. So when Mr Dologuélé met me and I already knew his intentions, I had
8 to talk to him to get him to talk a bit more. There we go.

9 Q. [15:36:07] Can you recall that in this conversation you even suggested to
10 Mr Dologuélé how to use the elements of the Séléka and the Anti-Balaka, how
11 to promise these elements amnesty for their cooperation in destabilising the
12 government, how to get them to cooperate and then turn on them after they
13 changed the government, how they would enlist the help of the western
14 country? Can you recall that this was part of your conversation?

15 A. [15:36:59] Mr Dologuélé is not a child. I exchanged with him and I was
16 aware of his intention to destabilise the government. And as I said, I
17 informed the authorities and I had an agreement to exchange with him, and as
18 soon as he spoke I spoke. And then I reported our conversation to the
19 authorities because I said Dologuélé wants to destabilise the country, and he
20 wants to destabilise the country, but that's not something that I want.

21 Q. [15:37:42] Mr Witness, I just take one part of the conversation with Mr
22 Dologuélé, and the judges can read the full page or the full transcript in tab 75
23 of our binder. That's CAR-D30-0006-0010, starting from 0010 till 0015. But
24 just for the sake of time, I'll just ask you to read or to look at page 0013 of this
25 transcript. And you see there you -- and we start from above Mr Dologuélé

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1 says (Interpretation) "So what you've said there, what is their action plan?"
2 (Speaks English) And you say "De Noureddine?" It's Adam Noureddine, by
3 the way, Noureddine. Dologuélé: (Interpretation) Yes.
4 (Speaks English) And then you say: (Interpretation) "They, that's only
5 amnesty. Their problem is to do everything so that there is an amnesty."
6 (Speaks English) And then in the next paragraph Mr Dologuélé asks you:
7 (Interpretation) "And who are going to be the authors of this?"
8 (Speaks English) And you say:
9 (Interpretation) "The actors are there, that's to say that the actors are not only
10 those who are fighting over there. In Séléka there are people, for example ...
11 we can work with UPC. We can talk with a part of FPRC of Noureddine
12 Adam and with the Anti-Balaka. Those are the actors. Block the interior,
13 block Bangui with the complicity of the Europeans, particularly France who are
14 talking to MINUSCA to stay calm. It suffices to go to N'Djamena to ask
15 Noureddine to come and see where he's sending those people ... and then keep
16 quiet. Because initially, you have to make him understand that there will be
17 an amnesty. There, he will keep silent. And after now, until the other
18 westerners don't want to hear anything said about amnesty, we'll have to
19 introduce sanctions. But as soon as we have put into place a power authority
20 with the state, we will start to sanction just like we did in Brazzaville."
21 (Speaks English) So, Mr Witness, you yourself --
22 PRESIDING JUDGE SCHMITT: [15:41:11] Mr Knoops, that's enough of
23 reading, I would say.
24 MR KNOOPS: [15:41:15] Yes.
25 Q. [15:41:15] You yourself, Mr Witness, you propose here a whole plan how

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1 to enrol the elements of the Séléka (Overlapping speakers) --

2 A. [15:41:26] Sir --

3 Q. [15:41:26] -- the Anti-Balaka, and you also set up a plan that once these
4 individuals are engaged to fulfil your plan, the amnesty will save them?

5 These are your words, Mr Witness, and nobody else.

6 A. [15:41:49] Counsel, I think that here the person that should be called is
7 Dologuélé who should be asked, not me. It is he who wanted to destabilise
8 the government in Bangui, and he sent his missionary to do that. I reported
9 back to the authorities and the authorities asked me to continue my
10 conversations with him. By way of information, the authorities asked me to
11 speak to him, and so that's what I did to understand more fully his intentions.
12 And when I knew his intentions, I reported back to the authorities that he
13 wanted to destabilise the country. Dologuélé today is trying to destabilise the
14 country and he's trying to support the CPC. Dologuélé has done his bit in the
15 CPC as regards stabilising Central Africa. It's known. Everybody knows
16 that in my country.

17 I think I've answered your question.

18 Q. [15:43:09] Mr Witness, finally speaking about your role for peace in your
19 country, can you recall what you asked in favour of your cooperation in the
20 Bemba case? What -- what did you want to have in return for your
21 cooperation in the Bemba case? Can you recall this? What did you ask the
22 witnesses you approached in that case? I can refresh your memory, but I'll
23 give you a chance to say this to the Court.

24 PRESIDING JUDGE SCHMITT: [15:44:00] And, perhaps, this is -- we all know
25 that there is a counsel together with the witness, but yet I would remind you,

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1 Mr Kokaté, that you may object to making any statement that might
2 incriminate you. We have said that several times, but I think it's perhaps the
3 right place to repeat it.

4 THE WITNESS: [15:44:29](Interpretation) Mr President, thank you very much.
5 Once again, I said that on this subject I am going to remain silent.

6 PRESIDING JUDGE SCHMITT: [15:44:45] I think Mr Vanderpuye has also
7 addressed it at the beginning of his questioning.

8 MR KNOOPS: [15:44:49] Yes, but this element not, Mr President.

9 PRESIDING JUDGE SCHMITT: [15:44:52] No, no, not this -- it was not that I
10 contradict you, but still I recall that -- that this was the first part of the question
11 by Mr Vanderpuye, at least on a basic level.

12 MR KNOOPS: [15:45:06] Then I know, Mr President, I respect of course the
13 answer of the witness, but I do want to confront him with two documents and
14 also for the Court's --

15 PRESIDING JUDGE SCHMITT: [15:45:17] I think -- I think, I just remark, I
16 think I know the documents.

17 MR KNOOPS: [15:45:20] You know the documents.

18 Q. Now, I'll just put to the witness that, first of all, in the -- Mr Witness, in
19 the Prosecution closing brief, so it was the view of the Prosecution itself --

20 PRESIDING JUDGE SCHMITT: [15:45:43] Wouldn't you think -- Mr Knoops,
21 may I suggest something, that you perhaps simply put on the record the two
22 documents?

23 MR KNOOPS: [15:45:52] Yes.

24 PRESIDING JUDGE SCHMITT: [15:45:52] The witness has said he will not
25 answer, so I think that would be sufficient (Overlapping speakers). It will

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1 shorten this (Overlapping speakers)

2 MR KNOOPS: [15:45:57] Of course. I agree. I agree. I would respectfully
3 ask the Court to submit on the record tab 65, that's CAR-OTP-0085-0673, 0680,
4 lines 230 to 237. And on --

5 MS DIMITRI: [15:46:24] I'm sorry. Mr President, I just note that once again,
6 for on the record, counsel keeps leaving.

7 PRESIDING JUDGE SCHMITT: [15:46:33] Okay. That's -- thank you for
8 mentioning this, but I think here we have the presumption that he has a reason
9 to speak with his client, I would say, on this topic, so I think we are close to the
10 end. I would not want to make an issue of it at the moment.

11 Mr Knoops, the second reference please.

12 MR KNOOPS: [15:46:55] (Overlapping speakers) To finish that first document,
13 it's running to page 0618, lines 270 till 274, and page 0682, lines 293 till 296.
14 These are citations from the Prosecution closing brief in the Bemba II case
15 where it states:

16 Kokaté stressed however, that they should not focus too much on the money,
17 the focus was to 'liberate' Bemba and that once Bemba was liberated, he would
18 help Kokaté to mount a coup d'état, overthrowing General Bozizé. That's
19 document one.

20 And document two is tab 67 of our binder. That is a witness statement given
21 in the Bemba II case - I will not mention the name of the
22 gentleman - CAR-OTP-0080-0021, pages 0035, lines 464 till 48 -- 481, sorry. It's
23 tab 67. And this is a witness statement of an individual who was recruited by
24 Mr Kokaté at that time, and the relevance of this statement is the portion where
25 also this witness says Kokaté said that his own interests in the affair was to be

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1 able to get weapons, to help remove the government of the CAR at that time.

2 And this happened around February, March 2012, asking also that he

3 should -- that his identity should not be revealed, that of Mr Kokaté.

4 So these two references are relevant for the questioning I just conducted in

5 regards to the role of the witness in 2014.

6 Finally, also, tab 85 of our list of materials.

7 Also, again, the Prosecution closing brief, so it's the Prosecution's own

8 standpoint in Bemba II, it's tab 85 of our binder, paragraph 183 and 211, for the

9 record. And that is transcript page 19 -- English real-time page 5, lines 19 and

10 running to page 6, line 3.

11 Yes, and I have here the ICC number from Mrs Giudici, ICC-01/05-01/13-1905.

12 That's the official ICC number.

13 So I will not, of course, put the question to the witness, but I think for the Court

14 these two documents are relevant to digest.

15 One question on -- and the witness is, of course, as the President said, free to

16 consult his lawyer.

17 You mentioned earlier, Mr Witness, today, that Mr Poussou was your friend.

18 You said it twice today. You recall this? Mr Poussou.

19 A. [15:51:19] Yes, yes (Overlapping speakers).

20 Q. [15:51:21] Since how long? Since how many years?

21 A. [15:51:33] I can't remember. From childhood. That's it.

22 Q. [15:51:39] Is it correct that Mr Poussou facilitated the contact between you

23 and some of these witnesses in the Bemba case; is that correct?

24 PRESIDING JUDGE SCHMITT: [15:51:51] Again, Mr Kokaté, this is an issue

25 where you can consult with your counsel, and like in the other -- with regard to

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1 the other questions, you don't -- you can object to making a statement that
2 might incriminate you.

3 THE WITNESS: [15:52:15](Interpretation) Mr President, I said as regards that
4 case, I keep -- I wish to remain silent.

5 PRESIDING JUDGE SCHMITT: [15:52:22] (Overlapping speakers) Okay. Mr
6 Knoops, I think we accept that.

7 MR KNOOPS: [15:52:24] Yeah, of course.

8 PRESIDING JUDGE SCHMITT: [15:52:24] Of course, you can point to
9 documents that might be of interest in that regard, but otherwise with the
10 question you would have to move to another issue.

11 MR KNOOPS: [15:52:39] Yes, it's tab 66 in our binder, CAR-OTP-0094-0035 at
12 0078 till 0083, lines 1447 till 1606, where the Court finds the relationship in this
13 point -- on this point between Mr Poussou and the witness.

14 Q. [15:53:00] And my question to you, Mr Witness, had nothing to do now
15 with the Bemba case. Before you came to testify here, did you spoke to Mr
16 Poussou about your evidence?

17 A. [15:53:20] That's a long time ago. It's a long time since I've seen Mr
18 Poussou. I haven't seen him for years.

19 Q. [15:53:33] Were you in contact with him in 2018 when you gave your
20 statement and he gave his statement to the Office of the Prosecution?

21 A. [15:53:49] I don't think so.

22 Q. [15:53:50] You don't think so. Is it correct that you contacted yourself
23 the Prosecution to give a statement against Mr Ngaïssona; is that correct?

24 A. [15:54:07] Myself? I contact them? I am from Central African Republic.
25 There was an investigator who asked me and I agreed to go to the OTP's office.

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1 I exchanged views with the OTP, so why would I pick up the phone to phone
2 the Prosecution to make a declaration against Ngaïssona? I am a Central
3 African. I respect justice, national and internationally, and I am here to speak
4 about justice and to bring justice over the events that have happened. So the
5 Prosecutor sent me an invitation and I accepted it.

6 Q. [15:55:09] So it's your evidence that you did not speak with Mr Poussou
7 about the content of your statement either in 2018 or prior to coming to The
8 Hague; is that your evidence?

9 A. [15:55:30] I said that it's a long time that I have had any contact with Mr
10 Poussou. It's a very long time ago that I had contact with him.

11 Q. [15:55:39] Okay. Then I have two final brief questions to you,
12 Mr Witness.

13 First of all, we started this case with the examination by the Prosecution about
14 your -- your CV and it happened to be that we got access to your military
15 records. But before we show them to the Court, I myself am quite interested
16 in military careers. I looked in your statement and in your statement, it's
17 CAR-OTP-0094-0066, running to 0067 -- and I don't have the Prosecution tab
18 here -- you stated there that around 1993 -- well, you say you were sanctioned
19 in 1992, but in 1993 you were at that point still a sous-lieutenant.

20 It's, by the way, tab 2 of the Prosecution list, sorry.

21 And on page 0067, you were asked by the Office of the Prosecution if you rose
22 in rank after the sanction was lifted and you said, "Yes, I became a lieutenant,"
23 and later on in 2000 - and that's page 0069 - when you came back from your
24 exile, you were informed by the authorities that you were told to be captain.
25 Did I summarise -- summarise your evidence correctly, Mr Witness, your

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1 military career, so to speak? Do I summarise it correctly or miss I something?

2 A. [15:58:22] I was -- after my exile, I came back at the request of President
3 Patassé, and as soon as I returned from exile, he decided to review my career.
4 There we go.

5 Q. [15:58:45] Yeah, but it's correct in 1993 you were sous-lieutenant? That's
6 what you told the investigators (Overlapping speakers)?

7 A. [15:58:54] Yes, as soon as I returned from exile, after.

8 Q. [15:59:01] No, no. No, you told the investigators, to be precise, that in
9 1993 you had a rank of sous-lieutenant, and after the sanction was lifted from
10 1992, you rose to the rank of lieutenant. That's what you said to the
11 Prosecution investigators.

12 Now, if the court officer could be so kind to call up document --

13 A. [15:59:28] Sir.

14 Q. [15:59:34] Yes?

15 A. [15:59:34] I was away from the country. I was away. I was in exile. I
16 came to the -- back to the country at the request of President Patassé, and
17 President Patassé -- that he would review my career because he said it was an
18 unfair decision, and that's what I said to the OTP.

19 PRESIDING JUDGE SCHMITT: [15:59:56] Okay, the
20 document -- (Overlapping speakers)

21 MR KNOOPS:

22 Q. [15:59:57] I'm not -- I'm not interested in what Mr Patassé told you,
23 Mr Witness. I'm showing you now document D30-006 -- 0006, sorry, 0016.
24 And we were able, as Defence, to get access to your military records through a
25 high-ranking military officer in Bangui, and I'll --

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1 PRESIDING JUDGE SCHMITT: [16:00:27] (Overlapping speakers) Tab

2 number --

3 MR KNOOPS:

4 Q. -- show you now this document on the screen.

5 It's tab 76 on our list of materials.

6 And this is the decision whereby you were sanctioned for a *faute grave contre la*
7 *discipline*, and we were told by this officer that this related to *indélicatesse*. And
8 you see there in the middle --

9 (Interpretation) "Decides: Second-class soldier, Joachim Kokaté, former student
10 officer."

11 (Speaks English) If you look at the date -- if you look at the date, 21 October
12 1993.

13 So, Mr Witness, you were in 1993 not sous-lieutenant. You were soldier
14 second class, and you were at that time a student officer -- a former student
15 because of the sanction you underwent. So what made you say to the
16 Prosecution that in 1993 you had the rank of sous-lieutenant?

17 A. [16:01:52] Well, in -- in any event, please cross-check again in the
18 documents that are available here in the Central African Republic. I worked
19 here as an officer and this was common knowledge. Now, if any decisions
20 were made subsequently, that doesn't really concern me. I didn't come back
21 from the officers course in 1993. From '92 to '93 you -- I would work as an
22 officer, and then subsequently you have this kind of document. Well, it's a
23 document that was issued. But from 1992, from '93 -- 1992 to '93, I received a
24 salary of a sub-lieutenant.

25 Q. [16:02:47] Well, we'd be very happy to see those documents, but for now I

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- 1 ask you --
- 2 PRESIDING JUDGE SCHMITT: [16:02:49] Wait a moment. Wait a moment.
- 3 Mr Kokaté, you raised your hand?
- 4 THE WITNESS: [16:03:00](Interpretation) Counsel, Counsel, I would like to
- 5 ask -- Mr President, I would like to ask counsel --
- 6 PRESIDING JUDGE SCHMITT: [16:03:06] Yeah. You would like to speak
- 7 with your counsel, so how do we handle it? We could say we continue
- 8 tomorrow? Yeah, I think -- I think we do it this way.
- 9 Mr Kokaté, take your time with Mr Bangaguere and then we reconvene
- 10 tomorrow at 9.30.
- 11 We finish, Mr Knoops, with your questioning, and afterwards if -- if
- 12 any -- there is any need, we will hear from Mr Vanderpuye. Okay.
- 13 THE COURT USHER: [16:03:36] All rise.
- 14 (The hearing ends in open session at 4.03 p.m.)