

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 Wednesday, 26 May 2021
10 (The hearing starts in open session at 9.34 a.m.)
11 THE COURT USHER: [9:34:54] All rise.
12 The International Criminal Court is now in session.
13 Please be seated.
14 PRESIDING JUDGE SCHMITT: [9:35:18] Good morning, everyone.
15 Could the court officer please call the case.
16 THE COURT OFFICER: [9:35:22] Good morning Mr President, your Honours.
17 Situation in the Central African Republic II, in the case of The Prosecutor versus
18 Alfred Yekatom and Patrice-Edouard Ngaïssona, case reference ICC-01/14-01/18.
19 And for the record, we are in open session.
20 PRESIDING JUDGE SCHMITT: [9:35:39] Thank you.
21 I ask for the appearance of the parties, Mr Vanderpuye, first.
22 MR VANDERPUYE: [9:35:44] Good morning, Mr President, your Honours. Good
23 morning, everyone. Good morning, Witness. The Prosecution is represented by
24 the same configuration members as yesterday. Good morning.
25 PRESIDING JUDGE SCHMITT: [9:35:53] And as I said, we can figure out the

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1 configuration by that.

2 Mr Narantsetseg.

3 MR NARANTSETSEG: [9:35:58] Good morning, Mr President, your Honours.

4 For the common legal representative of other crimes, appearing today, Mr Dangabo

5 Moussa Abdou, Ms Evelyne Ombeni, Mr Enrique Carnero Rojo, and my name is

6 Orchlon Narantsetseg. Thank you.

7 PRESIDING JUDGE SCHMITT: [9:36:15] Thank you.

8 Mr Suprun next.

9 MR SUPRUN: [9:36:17] Good morning, Mr President, your Honours. The former

10 child soldiers are represented by myself Dmytro Suprun, counsel at the Office of

11 Public Counsel for Victims. Thank you.

12 PRESIDING JUDGE SCHMITT: [9:36:26] Thank you.

13 We turn to the Defence. Ms Dimitri first.

14 MS DIMITRI: [9:36:29] Good morning, Mr President. Good morning, your

15 Honours. Mr Yekatom, who is present in the courtroom this morning, is represented

16 by Mr Thomas Hannis, Ms Sabine Bayssat, Ms Wilhelmina Wittingham, and myself

17 Mylène Dimitri.

18 PRESIDING JUDGE SCHMITT: [9:36:43] Thank you.

19 And Mr Knoops.

20 MR KNOOPS: [9:36:48] Good morning Mr President, your Honours. I'm assisted

21 today by Ms Phoebe Oyugi, legal assistance, and Elsa Bohne on my left side, intern.

22 And Mr Ngaïssona is present in the courtroom.

23 PRESIDING JUDGE SCHMITT: [9:36:59] Thank you.

24 And I see at the video link location our witness.

25 Mr Kokaté, good morning. And also a good morning and I see him to

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- 1 Mr Bangaguere, counsel to Mr Kokaté.
- 2 We continue with the questioning by the Prosecution.
- 3 Mr Vanderpuye, you have the floor.
- 4 MR VANDERPUYE: [9:37:18] Thank you again, Mr President.
- 5 WITNESS: CAR-OTP-P-0801 (On former oath)
- 6 (The witness speaks French)
- 7 (The witness gives evidence via video link)
- 8 QUESTIONED BY MR VANDERPUYE (Continuing)
- 9 Q. [9:37:20] Good morning to you, Mr Kokaté.
- 10 A. [9:37:30] Good morning.
- 11 Q. [9:37:30] Yesterday I think we finished up with a document that I showed you
- 12 that was at tab 55.
- 13 The ERN was *CAR-OTP-2084-1222. Maybe we can have that on the screen for him
- 14 to look at.
- 15 In the meantime, did you have a chance to talk to your lawyer concerning this
- 16 document? I believe the Presiding Judge indicated that you might want to take
- 17 advantage of that yesterday.
- 18 A. [9:38:36] Yes, Mr President, I had the opportunity to talk with my lawyer.
- 19 Q. [9:38:43] All right. At the last page, which is ERN number 1227 -- we talked
- 20 about this yesterday as well. It indicates your name, your signature under the title
- 21 *Le Coordonnateur Militaire*. Next to that, there's a signature attributed to Levy Yaketé
- 22 has *Le Coordonnateur Politique* and it says 26 December 2013 "*fait à Paris*".
- 23 Do you recall this document from that -- from that time?
- 24 A. [9:40:02] Mr President, I do not recognise this document. I have never seen
- 25 that document. I think as far as I am concerned, my signature was forged.

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1 Q. [9:40:20] Okay. And what about Mr Levy Yaketé's signature? Do you think
2 that was forged also?

3 A. [9:40:36] Mr President, I can speak only for myself. I have never seen that
4 document. * This is the first time that I saw the document, that is, yesterday evening.
5 As far as I am concerned – and I am talking about myself – my signature was
6 definitely forged. I do not recognise this document at all.

7 Q. [9:40:59] Okay. Let me show you a different document.

8 PRESIDING JUDGE SCHMITT: [9:41:03] May I, perhaps, shortly one question in
9 that regard.

10 Mr Kokaté, does this *Mouvement de Résistance Populaire pour la Refondation de*
11 *Centrafrique* ring a bell with you?

12 THE WITNESS: [9:41:30](Interpretation) Mr President, I have never heard of any
13 meeting of that movement, but I spoke to you about FROCCA that President Bozizé
14 talked about in Paris.

15 PRESIDING JUDGE SCHMITT: [9:41:52] Okay. That's an answer.
16 Mr Vanderpuye.

17 MR VANDERPUYE: [9:41:57] Thank you, Mr President.

18 Q. [9:42:01] The document I wanted to show you is at tab 56. It's
19 CAR-OTP-2084-1229. I want you to have a look at this one as well. This is a
20 document, and you can see in the first paragraph it refers to (Interpretation) on this
21 day 9 January 2014.

22 (Speaks English) It's a document apparently from the *Mouvement de Résistance*
23 *Populaire pour la Refondation de la Centrafrique*, MRPRC. And it says: (Interpretation)
24 "Declaration to the high attention of the heads of state of the economic community of
25 Central African states ... meeting in extraordinary summit in Ndjamená on

1 9 January 2014."

2 (Speaks English) In the first paragraph it describes, essentially, the premise of the
3 address or -- yeah, the address I would call it.

4 And if you go to the next page, that is ERN ending 1230, it talks about this MRPRC.

5 If we go to the bottom a little bit, or towards the bottom. We have to go down,
6 please. There we go.

7 And in the last paragraph here, it says: (Interpretation) "Should we just fold our
8 arms and be powerless faced with the sinking of our homeland? For every patriot
9 who is worthy of that name, the answer is obviously no. It is because of that that we
10 have decided to do everything possible to try to restore hope to our people. Hence
11 the creation of our movement which has a political wing and a military wing made
12 up for the majority of the elements of Central African forces ... who by the way are the
13 only legitimate forces of our country."

14 (Speaks English) We have to go to the next page.

15 It continues: (Interpretation)

16 "The elements of the other Defence and security forces, (gendarmes and policemen) as
17 well as voluntary young people. Our action is purely patriotic and aims at serving
18 our country which is threatened with disappearance from the concert of nations. It
19 cannot and must not have a xenophobic perspective."

20 (Speaks English) Do you recognise those words, Mr Kokaté?

21 A. [9:47:21] Mr President, once again, this is the first time that I'm reading this
22 document, because on 9 January 2014 I was in N'Djamena. I was in N'Djamena
23 because President Djotodia resigned on 10 January 2014. So this is the first time I'm
24 seeing this document.

25 PRESIDING JUDGE SCHMITT: [9:47:50] But doesn't it say "Ndjamena"?

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1 MR VANDERPUYE: [9:47:53] It does.

2 (Microphone not activated)

3 PRESIDING JUDGE SCHMITT: [9:48:03] Microphone, please.

4 MR VANDERPUYE: [9:48:04] Sorry.

5 Q. If we could just go to the last page. It says it was drafted in Paris,

6 9 January 2014. It has *Pour le MRPRC, Le Coordonnatuer Militaire Porte-parole, Joachim*

7 *Kokaté*.

8 A. [9:48:38] This is proof that this is a fraudulent document, because on

9 9 January 2014, I was in N'Djamena, Mr President. And you can see that my
10 signature is not there.

11 Q. [9:49:02] I see your signature is not there, but I see that your name is there, and
12 it was on the previous document that I showed you, and it was on the previous
13 document that I showed you before that one.

14 So the question really is: What is this MRPRC and why does your name appear in it
15 associated with Levy Yaketé and the Anti-Balaka in a document that refers to a force,
16 a military force, comprised of FACA members, gendarmerie and *policiers et les jeunes*?
17 That's my question.

18 A. [9:49:50] Mr President, I have never seen this document. I have never heard of
19 this -- of this movement. On 9 January I was taking part in the talks in N'Djamena.
20 And I would like to ask you, Mr President, whether you can grant me permission to
21 have a talk with my lawyer.

22 PRESIDING JUDGE SCHMITT: [9:50:23] Yeah, I think that under the circumstances
23 this makes indeed sense. Yeah. You can do that, please.

24 (Pause in proceedings)

25 PRESIDING JUDGE SCHMITT: [9:51:23] So the witness is back. Perhaps -- can we

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1 continue, Mr Kokaté?

2 THE WITNESS: [9:51:38](Interpretation) Yes.

3 PRESIDING JUDGE SCHMITT: [9:51:38] The Chamber would be interested if you
4 have thought about who could have an interest in imply you in this movement. We
5 have now seen three documents where your name appears.

6 Do you have thought about that, who might have -- who might be behind that?

7 You say this is not correct. This is a fraud. But have you thought about who might
8 want to imply you in that?

9 THE WITNESS: [9:52:17](Interpretation) Mr President, very respectfully, I do not
10 know that document, nor the movement. So I cannot speak about it because I have
11 absolutely no idea.

12 PRESIDING JUDGE SCHMITT: Okay.

13 MR VANDERPUYE: [9:52:36]

14 Q. [9:52:36] Well, Mr Kokaté, I'm not sure that I understand your answer, to be
15 frank. I think the question was to you, seeing these documents, if you have an
16 explanation for how it is your name might appear to be associated with this group.
17 Who -- it says -- it says "*Fait à Paris*" -- who in Paris would have drafted such a
18 document to put your name on it?

19 A. [9:53:23] Mr President, with all due respect, I have no information on that
20 document. I cannot even speak to it.

21 Q. [9:53:35] Okay. I wanted to ask you some -- just backtrack before we get to
22 N'Djamena proper. But I just wanted to backtrack on something that you mentioned
23 yesterday. And that is in relation to the information that you had at your disposal
24 before the 5 December attack. I think you said yesterday that you found out about
25 the 5 December attack pretty much on 5 December 2013; is that right?

1 A. [9:54:23] I told you that I heard about the 5 December attack * over the air.

2 Q. [9:54:36] I just want to clarify something, and that is whether you knew that
3 there would be an attack on Bangui, not necessarily on 5 December, but there was an
4 attack in the making before the 5 December attack.

5 A. [9:55:06] Mr President, I did not know about it at all. I did not have a lot of
6 information. I have told you that, towards the end of November, * I met
7 Mr Ngaïssona and Mokom Bernard with Franklin Bozizé and others in Yaoundé.
8 And I heard that the attack in -- on Yaoundé, Ngaïssona told us that the attack on
9 Bangui was imminent. That is all I heard. I don't know anything else about it.

10 Q. [9:56:11] Bear with me. I'm sorry. I'm just trying to have a look at the
11 transcript.

12 Towards the end of November Mr Ngaïssona told you that the attack was imminent.
13 What about before that, October or September?

14 A. [9:56:50] Mr President, I told you yesterday that I was not a member of the inner
15 circle that took decisions on operations in the field. * I told you yesterday that they
16 had a -- an inner circle made up of very select individuals that took those decisions.
17 It is for that reason that I am not aware, Mr President.

18 Q. [9:57:26] The reason why I ask is because -- let me -- let me go a different way
19 about it.

20 On 5 December, were you aware, as I read to you yesterday, that Lin Banoukepa had
21 made a statement regarding the attack in Bangui? Were you aware of that radio
22 interview that he gave in which he said the things that I read into the record
23 yesterday?

24 A. [9:58:12] Mr President, this was a very turbulent period. I was not involved
25 when people were making statements, but I think I heard over the radio that this

1 person was speaking. * It was over the air that I believed... that I heard Lin
2 Banoukepa speaking.

3 Q. [9:58:48] And the reason why I ask is because, as early as 9 September 2013, an
4 individual named Guy Simplicie Kodegue made a statement on Radio Ndeke Luka.
5 Do you know this individual?

6 A. [9:59:23] Can you kindly repeat the name of that person, please.

7 Q. [9:59:30] Kodegue, Guy Simplicie.

8 A. [9:59:41] Guy Simplicie Kodegue was a minister and adviser at the presidency
9 under President Djotodia.

10 Q. [9:59:52] Uh-hm. And on 9 September 2013, in relation to the Anti-Balaka
11 attacks on Bossangoa and Bouca, he said - and I don't know if you heard - that Mr
12 Banoukepa had claimed that attack and that you had claimed that attack.

13 Were you aware of that? Did you hear anything like that? That's my question.

14 A. [10:00:46] I no longer remember, Mr President. I don't remember at all.

15 Q. [10:00:51] Do you remember if you made a claim, either in the name of the
16 Anti-Balaka or in your own name, in respect of the attacks carried out by the
17 Anti-Balaka in Bouca and Bossangoa in September 2013?

18 PRESIDING JUDGE SCHMITT: [10:01:08] I think here we should tell the witness
19 again, for safe -- for -- to fairness, that if the answer would incriminate you, you might
20 object to answering it. But you know that and your counsel is adjacent, but I simply
21 repeat it at that stage. But you may also answer. It's your choice. But you can
22 object to answering if you don't want to incriminate yourself.

23 MR VANDERPUYE:

24 Q. [10:01:45] Do you want to speak to your lawyer first?

25 A. [10:01:56] Yes, I think I would like to consult my lawyer, Mr President, because I

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1 haven't quite understood the question.

2 PRESIDING JUDGE SCHMITT: [10:02:02] I think that's really fair, so take your time
3 and consult with your counsel.

4 (Pause in proceedings)

5 PRESIDING JUDGE SCHMITT: [10:02:52] Mr Vanderpuye and Ms Struyven,
6 perhaps in the meantime could you, for the record, so that we have it also today on
7 the record, give us the ERN number of this radio interview.

8 MR VANDERPUYE: [10:03:04] I'm coming. I'm coming, Mr President.

9 Mr President, it's going to take me a little while, so ...

10 PRESIDING JUDGE SCHMITT: [10:03:26] We have time at the moment, so perhaps
11 you can try. Perhaps you can figure it out in the meantime.

12 MR VANDERPUYE: Yes.

13 PRESIDING JUDGE SCHMITT: If not, you can give it after the break.

14 MR VANDERPUYE: [10:03:33] Yeah, that would be great. Thank you very much.

15 PRESIDING JUDGE SCHMITT: [10:03:35] No problem. No problem. Of course.

16 (Pause in proceedings)

17 PRESIDING JUDGE SCHMITT: [10:07:08] Okay, witness is back.

18 Mr Kokaté, can we proceed?

19 THE WITNESS: [10:07:18](Interpretation) Yes, Mr President.

20 PRESIDING JUDGE SCHMITT: [10:07:18] Perhaps you repeat the question,

21 Mr Vanderpuye, so that we are ...

22 MR VANDERPUYE: [10:07:29] Yes, Mr President. I'll do my best.

23 PRESIDING JUDGE SCHMITT: [10:07:41] Perhaps, Mr Kokaté, are you aware of the
24 question? You have discussed it with your -- with your lawyer, I think. Then you
25 can decide if you want to answer it or not.

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1 THE WITNESS: (Overlapping speakers)

2 PRESIDING JUDGE SCHMITT: Yeah. Because, as I told you, you may object if this
3 tends to incriminate you.

4 And do you want to answer the question?

5 THE WITNESS: [10:08:12](Interpretation) No, Mr President, I would rather not
6 answer this question.

7 MR VANDERPUYE: [10:08:20] Mr President, I won't ask for him to be compelled to
8 answer. I don't -- I don't think that would do much service.

9 PRESIDING JUDGE SCHMITT: [10:08:26] Okay, this would require to give him an
10 assurance, no? According to Rule 74(3)(c).

11 MR VANDERPUYE: Indeed and --

12 PRESIDING JUDGE SCHMITT: And I -- personally we, the Chamber does not think
13 that this makes much sense here, but ...

14 MR VANDERPUYE: [10:08:41] Yeah, I agree. I wouldn't -- wouldn't ask for him to
15 be compelled to answer the question.

16 PRESIDING JUDGE SCHMITT: [10:08:47] Strangely enough - perhaps now I may
17 say something - this Rule 74 in its totality is quite a conversation, so to speak, if you
18 look at it. For example, one thing that strikes us is that on these matters, normally,
19 you hear only the Prosecution ex parte. So why the Defence is not asked. So of
20 course I think the Chamber would perhaps see this a little bit differently.

21 But the wording is clear. Paragraph 6 says only the -- the-- so in another case the
22 Chamber did it this way, and the Chamber asked the Prosecution if it waives the right
23 of an ex parte discussion. But I think we can simply continue here, yeah.

24 MR VANDERPUYE: Thank you, Mr President. I agree. And I'm working on that
25 ERN, so hopefully we'll have it for you soon.

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1 Q. [10:09:50] Mr Kokaté, the point of what I'm getting to is, based on the people
2 with whom you were in contact in Cameroon, not long after the 24 March 2013 coup,
3 and were in continuous contact with or at least regular contact with up until the
4 5 December attack, were people that by your own account were well associated with
5 the planning and operations which resulted in attacks before the 5 December attack,
6 the 5 December attack itself, and attacks after. And so the reason why I'm asking
7 these questions is that it strikes me as somewhat odd that you would not have any
8 indication of those attacks until, in the case of the 5 December attack, the day of the
9 attack itself.

10 Are you sure that you did not have any information concerning the attacks leading to
11 the 5 December attack and the 5 December attack itself before that date?

12 A. [10:11:27] Mr President, I told you about our last meeting with Mr Ngaïssona
13 which took place at the end of November, and I told you that, with Mr Ngaïssona and
14 Mr Mokom Bernard, Franklin Bozizé and others, we met towards the end of
15 November in Yaoundé, and I also told you that Mr Ngaïssona then told us that there
16 would be an attack on Bangui, an imminent attack on Bangui. Mr President, that is
17 all the information that I had. Besides that, I had no further information.

18 And, Mr President, let me specify again that I was with them, but I wasn't really with
19 them, because there was a lot of suspicion around my person, so I could not have
20 been brought into the details of the decisions pertaining to the launching of any
21 attack.

22 PRESIDING JUDGE SCHMITT: [10:12:39] I think ...

23 MR VANDERPUYE: [10:12:40] I think -- I agree we've got that, I think.

24 PRESIDING JUDGE SCHMITT: [10:12:45] Yeah.

25 MR VANDERPUYE:

1 Q. [10:12:50] All right. Let's move, then, to a different area.

2 I'd like to get to N'Djamena, which is effectively what followed for you after the
3 5 December attack, and maybe you can tell the Chamber how it is that you came to
4 participate in talks that took place in N'Djamena.

5 A. [10:13:41] Thank you, Mr President. Towards the second week of
6 December 2013 I was in Paris, but I had learnt over the airwaves that Mr Abakar
7 Sabone had made a statement calling for the country to be divided into two so that
8 the northern part of the country should remain with the Muslims, while the southern
9 part remained with Christians, so a call to divide the country into two.

10 I was Mr Abakar Sabone's colleague in government. I had his phone number, and he
11 also had my phone number, so I called him and told him that his statement was not
12 normal because we are a lay state and there is no need to talk about the breakup of
13 the country. Mr Abakar Sabone told me that his statement was a political statement
14 which may lead ultimately to negotiations. That's what I can say, Mr President.

15 Now, a few days later, Mr Abakar Sabone called me and told me that the general
16 director for national -- of the national security agency in Chad wanted to contact me,
17 so I asked him on what topic.

18 He told me that it was for the purpose of organising a meeting in N'Djamena to have
19 discussions about peace, peace that would be ushered in through appeasement.

20 That is it. So I agreed to his suggestion, and he gave my number to that general, and
21 the general in fact called me and told me that President Idriss Déby had expressed the
22 wish that I come to N'Djamena to have discussions with him.

23 PRESIDING JUDGE SCHMITT: [10:16:41] May I shortly -- may I shortly interrupt
24 you, Mr Kokaté. I get the notice that Mr Bangaguere, your counsel, wants to speak.
25 So, Mr Bangaguere, do you hear me?

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1 MR BANGAGUERE: [10:16:56](Interpretation) I can hear you, Mr President.

2 PRESIDING JUDGE SCHMITT: [10:17:02] So you -- you may address the Chamber.

3 MR BANGAGUERE: [10:17:07](Interpretation) Can you hear me, Mr President?

4 PRESIDING JUDGE SCHMITT: Very good. You may speak.

5 MR BANGAGUERE: Thank you, Mr President, your Honours.

6 Mr President, your Honours, the witness's testimony would tend to touch on various
7 authorities and the secret services of some states. So with the leave of the Court, I
8 would like to request that the witness's answers be provided in private or closed
9 session because he may be referring to certain services and certain names. And it is
10 for this reason that I request the Court to go into closed session so that may -- my
11 client may freely express himself.

12 PRESIDING JUDGE SCHMITT: [10:18:11] Mr Vanderpuye, what do you think?

13 MR VANDERPUYE: [10:18:13] Mr President, I don't object to that. I'm not sure
14 that it's within counsel's remit, but I don't object to the application.

15 PRESIDING JUDGE SCHMITT: [10:18:22] We take it simply as a submission of
16 course. Of course we decide that.

17 From the part of the Defence, any objection, classical objection so to speak, to that?

18 MR KNOOPS: [10:18:33] Well, Mr President, if it's about the content of this meeting
19 there, I don't see any reason why it should be in public -- why it should be in private,
20 because these -- these were public meetings there in N'Djamena. And I don't see any
21 reason why this witness could reveal state secret information. Just providing names
22 is not -- is not a breach of any state secrecy.

23 PRESIDING JUDGE SCHMITT: [10:19:05] I'm also not sure if we should grant it
24 because it also seems to me that these talks were -- were quite, quite in public, too.
25 So, Mr Vanderpuye.

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1 MR VANDERPUYE: [10:19:16] And I apologise for not rising before, but I'm not
2 sure that that's what we're talking about. We're talking about the circumstances by
3 which he was called to and the meeting was set up, and those meetings were public,
4 but I think the circumstances under which he participated or was called to participate
5 were not.

6 PRESIDING JUDGE SCHMITT: [10:19:37] Okay. Fine. Then we do it this way,
7 sort of in a way of a sort of a compromise. We go to private session as long as we
8 discuss how the witness came about to be in N'Djamena. And then when we talk
9 about the content of these conversations of -- in N'Djamena, we go back to open
10 session. So at the moment, we go back to private section. I think it will not last
11 very long, Mr Vanderpuye.

12 (Private session at 10.20 a.m.)

13 THE COURT OFFICER: [10:20:20] We are in private session, Mr President.

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

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10 (Open session at 10.25 a.m.)

11 THE COURT OFFICER: [10:25:15] We are back in open session, Mr President.

12 PRESIDING JUDGE SCHMITT: [10:25:19] Yeah. Please proceed, Mr Vanderpuye.

13 MR VANDERPUYE: [10:25:20] Thank you very much, Mr President.

14 Q. [10:25:22] Mr Kokaté, a couple of follow-up questions.

15 The first thing is, you indicated that you called Mr Ngaïssona in relation to the

16 anticipated meeting in N'Djamena. So my first question is why did you call

17 Mr Ngaïssona.

18 A. [10:25:51] Thank you, Mr President. As I have been telling you all along right

19 from the beginning of my testimony, I never did anything without telling Mr

20 Ngaïssona because I knew that Mr Ngaïssona was very close to President Bozizé and

21 because Mr Ngaïssona used to tell us that whatever President Bozizé said was mostly

22 said to Mr Ngaïssona.

23 So to my mind, given that Mr Ngaïssona had told me that he was in contact with

24 Mr Bozizé -- you may also recall, by the way, that in all my statements I always

25 referred to Mr Ngaïssona. So I couldn't travel to N'Djamena without informing

1 Mr Ngaïssona as soon as -- in fact, because of the fact that I was not the leader of the
2 Anti-Balaka and I couldn't go there to talk on behalf of the Anti-Balaka.

3 So this first meeting, Mr President, was a contact meeting with the president of Chad,
4 Idriss Déby. And President Idriss Déby received me on the same day I arrived in
5 N'Djamena and he told me that it was his wish that a pathway to a peaceful solution
6 to the crisis in Central African Republic should be found. And it was necessary for
7 this purpose for Central Africans to speak to each other. The Anti-Balaka and the
8 Séléka had to speak to each other in order to find a pathway to peace and resolve the
9 conflict.

10 It is after that meeting that before returning to Paris I told President Déby that I could
11 not come to Chad all by myself -- to N'Djamena all by myself and that I needed to talk
12 to the others about it. So I talked to Mr -- Mr Ngaïssona, and he approved. And
13 the issue was to provide a number of names of persons who would come to
14 N'Djamena and take part in these -- this meeting with the president.

15 So Mr Ngaïssona gave a number of names, and this included his own name. And I
16 handed that list over to the officials in Chad so that air tickets could be bought. So I
17 went back to Paris and after a few days I called Mr Ngaïssona to tell him that I was
18 returning to N'Djamena and that we would all meet in N'Djamena. And so
19 Mr Ngaïssona told me then that he didn't trust President Déby and, therefore, he was
20 not going to travel to N'Djamena, but that he would not come along with the others
21 who were supposed to travel.

22 However, he said to contact a number of people, including Ngremangou and others.
23 And he provided me with their phone numbers, Mr President, and I called them.
24 Initially, they agreed to come to N'Djamena. But what surprised me is that, when I
25 arrived in N'Djamena, I heard on Radio France International, a statement from the

1 former president François Bozizé stating that he had not given mandate to anybody.
2 He had not given me mandate to speak on behalf of the Anti-Balaka. And I repeat.
3 He said that he had not given me mandate to enter into any discussions on behalf of
4 the Anti-Balaka.

5 Mr Ngremangou Charles and Yvon Konaté, those two persons did not travel for the
6 purpose of those discussions.

7 However, Mr President, while I was in N'Djamena, there was a campaign on Radio
8 Ndeke Luka to soil my name. And then the president of Chad, Idriss Déby, sent a
9 plane to take national advisers and bring them to N'Djamena. On that day, I was
10 there. But my morale -- you know, I am a family man. I have friends. My morale
11 was very low, but I kept quiet and I observed how things were unfolding.

12 Well, I say that my morale was low because President Bozizé had talked about me on
13 RFI. I had been disowned by Bangui over Radio Ndeke Luka by the Anti-Balaka.

14 And so when the plane arrived in N'Djamena, we met at night at the meeting hall
15 because they had come there directly from the airport. And it is thereafter that I saw

16 Mr Léopold Bara and Mr Bonda, Bonda Bernard, if I'm not mistaken, Mr Bonda.

17 They came towards me and told me: Mr Minister, we have come as part of this
18 delegation to represent the Anti-Balaka.

19 So I did not ask my questions as to who had sent them, but they simply told me that
20 they were going to work with me, that we should work together for the purposes of
21 participating in those discussions, which is what we did, Mr President.

22 And the discussions started at around 9 p.m. and ended at 5 a.m. And the heads of
23 state of the Central African states and various entities and groups met and
24 they -- they were received in that order.

25 Q. [10:33:35] All right. I think we have almost all of your narrative concerning

1 that event. I have a couple of questions I want to ask you in follow-up.

2 I started off by asking you why it is that you called Mr Ngaïssona, which you
3 answered. But indeed, Mr Ngaïssona's not the only one you called before the
4 meeting or in respect of the prospective meeting. You also called Levy Yaketé,
5 didn't you?

6 A. [10:34:20] We talked about it, yes, because Levy Yaketé was also a member of
7 the Anti-Balaka.

8 Q. [10:34:28] If I could refer to -- it's tab 36 anyway.

9 It's a -- the ERN of the transcript is CAR-OTP-2074-2120, and I'm referring to page
10 2128.

11 In any event, just for the record, because it's not a -- it's not a major thing. If the
12 Chamber would like, it can review transcript references 2126, 27 and 28, which
13 references that.

14 But just so that you know, Mr Kokaté, you did indicate that you spoke to Levy Yaketé,
15 to Ngaïssona, to Francis Bozizé, and I believe you indicated that you spoke to
16 Mr Banoukepa or at least tried to speak to Mr Banoukepa.

17 So you reached out to a number of individuals who you've already described in this
18 case as being members of FROCCA, part of the decision-making body of the
19 Anti-Balaka. So I want to ask you why you did.

20 Now, you've already explained Mr Ngaïssona, but what about the others?

21 A. [10:36:02] Mr President, I did not know anything about FROCCA. After
22 President Djotodia took power on 24 March 2013, I already had a habit of discussing
23 with some people. But talking about Mr Lin Banoukepa and Yaketé, I did not have
24 all the information necessary because I did not know the organisation chart of
25 FROCCA. I have told you that you are the one who have -- has led me to know that

1 organisation.

2 Q. [10:37:08] I'm just going to remind you of what you said during the course of
3 your interview, and you can let us know if that's right.

4 But during the course of your interview, you were asked -- and this is at page,
5 transcript page, 207 -- CAR-OTP-2074-4127 (sic). It's still this tab 36, and it's lines 213
6 through 223. The question is: "... can you explain to us why you had to talk, ... why
7 did you talk to them. And your answer was: "They were [the] most [or] more
8 listened to in the movement and they were the highly ranked in the movement."

9 And the question is: "'In the movement', you mean the Anti-Balaka movement?"

10 And your answer is: "Euh ... FROCA, Anti-Balaka, it's all the same. They were
11 highly ... ranked."

12 So as you say today here, you don't know anything about FROCCA, but you are
13 Anti-Balaka, and in your interview you say they're the same. I'm not sure I follow
14 what you mean when you say you don't know anything about FROCCA.

15 A. [10:39:00] Mr President, I think that even in my answer you would have realised
16 that I said that, when it comes to FROCCA, I have never taken part in a meeting of a
17 bureau of FROCCA. All I can tell you is that these are people that were listened to,
18 who were popular, who were very close to President Bozizé and Ngaissona. But
19 when it came to FROCCA, I just told you. Well, that's it. I really do not know
20 anything about FROCCA. I am a supporter of the Anti-Balaka.

21 Q. [10:40:03] Okay. I've got that. You mentioned Charles Ngremangou. And
22 he didn't show up to N'Djamena; is that right? Nor he, nor Yvon Konaté.

23 A. [10:40:31] Yvon Konaté and Ngremangou, no. They did not come to
24 N'Djamena.

25 Q. [10:40:35] Did you ever find out why?

1 A. [10:40:48] I do not have an answer to that. They simply were not there.

2 Q. [10:40:57] Okay. At the conclusion of the N'Djamena talks, President Djotodia
3 stepped down and you returned to Bangui.

4 Do you recall when you returned to Bangui, first of all?

5 A. [10:41:29] I think I returned to Bangui on 14 January.

6 Q. [10:41:40] Do you remember off the top of your head around the time when
7 Ngaïssona returned to Bangui?

8 A. [10:41:57] Mr President, it was during my interview with the Office of the
9 Prosecutor that I remembered that Ngaïssona had arrived Bangui on the same day as
10 myself, because the delegation that came from N'Djamena had returned immediately
11 after the meeting of N'Djamena.

12 I stayed back in N'Djamena and returned a few days later on board a special flight.

13 And when I arrived Bangui I was received by elements of MISCA * or FOMAC at the
14 time, and I was taken directly to the *Hôtel du Centre*.

15 It was after that that I heard over the radio that Mr Ngaïssona had returned to Bangui,
16 that Mr Edouard Ngaïssona had organised two meetings, one in Boy-Rabe and
17 another in Boeing. That he had returned at the request of President Bozizé to take
18 over the general coordination of the Anti-Balaka, so he was the one who was the
19 general coordinator of Anti-Balaka. I think two or three days later, some people
20 came to see me at the hotel. I remember Ngremangou and Yvon Konaté. They
21 came to see me.

22 We had a conversation and Ngremangou announced to me and confirmed that

23 Mr Ngaïssona was in Bangui and he wanted us to be able to meet. He gave me

24 Mr Ngaïssona's telephone number in Bangui and I called him. I told him, "I just

25 heard that you have returned." He answered, "Yes, I am here" and he would want to

1 meet with me. I said, fine we will have the opportunity to meet.

2 Q. [10:44:59] All right. I have a few follow-up questions regarding that.

3 Now, you said you were received by members of MISCA, I think, when you arrived.

4 And they took you to the hotel; is that right?

5 A. [10:45:28] That is correct.

6 Q. [10:45:29] And that would have been at the instance of General Mokoko?

7 A. [10:45:43] It was the initiative of General Mokoko and the president of the
8 National Transitional Council, *Mr Ngendet. They worked together to have me go
9 the *Hôtel du Centre*.

10 Q. [10:46:08] And I understand from your interview back in 2018 that you were
11 asked to make a certain radio address. Do you remember that?

12 A. [10:46:23] Yes, Mr President. I made a speech from N'Djamena. I made a
13 radio speech from N'Djamena on the United Nations radio station. And it was
14 General Mokoko who had asked me to make that speech, and I gave that statement
15 while in N'Djamena.

16 Q. [10:46:55] Do you remember what you said in the course of that speech?

17 A. [10:47:08] Yes, I remember somewhat what I said. I can tell you what I said.

18 Q. [10:47:15] Yeah, just -- yeah. In a summary, if you can, yeah.

19 A. [10:47:35] I told Central Africans that considering that President Djotodia had
20 accepted to resign, the Central Africans should bury the hatchet. They should not
21 continue fighting. They should accept our Muslim brothers who were hiding here
22 and there. I even asked them to assist them to give them food and drink, as well as
23 clothing and even shelter. I told them that we needed peace and we needed
24 reconciliation. I think this is a summary of the speech that I made.

25 Q. [10:48:27] Yes, that sounds like a good summary of what you said. You also

1 said that there were people that were contradicting that message. Do you remember
2 that?

3 A. [10:48:50] This message was contradicted while I was still in N'Djamena. They
4 contradicted me on Ndeke Luka radio station. * And that is why certain members of
5 my family were shocked. People close to me were shocked whereas I was appealing
6 for peace, love for each other, and reconciliation. I have -- I think you can have
7 access to the statements of those people over Radio Ndeke Luka.

8 Q. [10:49:41] Do you know who these people were who were contradicting that
9 message?

10 A. [10:49:58] In any case, when I arrived, I was told that Yvon Konaté had
11 contradicted me over the radio station, but then he came to see me with Mr
12 Ngremangou. I received them, we had a discussion, because I am a man of peace
13 and I did not want any problems.

14 Q. [10:50:26] With respect to Mr Ngaïssona, did he contradict what you were
15 saying in terms of your message of peace, reconciliation?

16 A. [10:50:46] Mr Ngaïssona and myself had many contradictory statements. It
17 started after Ms Catherine Samba-Panza was inaugurated as head of state. We had
18 several contradictory statements.

19 Q. [10:51:11] And in what way were they contradictory to what you were saying?

20 A. [10:51:30] * Mr President, I think that... you can also refresh my memory
21 because... I told you that there had been several contradictory statements. In my
22 case, I was rather acting more with due consideration for the fact that we already had
23 new authorities who had been installed to manage the transition period in view of the
24 general election, that is what I supported. But Ngaïssona had returned to Bangui to
25 support the return to constitutional order, so I was asking return to which

1 constitutional order? There had been demonstrations by the Anti-Balaka, and after
2 that there were arrests. Even Mr Ngaïssona was arrested by MISCA. It was
3 General Tumenta who organised that arrest.

4 Q. [10:52:34] All right. Well, we'll come to that, I think.

5 At a certain point you did meet with Mr Ngaïssona after you returned; is that right?

6 A. [10:52:51] Yes, I met him at one point.

7 Q. [10:52:54] And do you remember where you met?

8 A. [10:53:05] I think I met with him when the transitional president, President

9 Samba, had just taken power. She had asked to meet with the leaders of the

10 Anti-Balaka. That meeting took place in her residence. And it was in the presence

11 of Minister Aristide Sokambi, General Essongo, who was the representative of the

12 mediator of the Central African crisis.

13 Q. [10:53:57] Was that the first time you met Mr Ngaïssona since your return to

14 Bangui after N'Djamena?

15 A. [10:54:11] Yes, to my knowledge, that was the first time. Because I was at the

16 hotel -- I was at the *Hôtel du Centre*, * I took my car from the *Hôtel du Centre* to go and

17 meet with the mediation team. I also saw Mr Ngaïssona's delegation in the parking

18 lot of the mediation team, and we were taken to... well... Ngaïssona, since they had

19 arrived, they had been brought there under escort... and thereafter we were taken to

20 the residence of the transitional president.

21 Q. [10:54:53] I think you mentioned in your statement that you were contacted by

22 Charles Ngremangou in relation to this meeting. Does that sound right?

23 A. [10:55:09] Yes, yes. Ngremangou informed me about that meeting and General

24 Essongo also talked to me about it, that is how I attended the meeting.

25 Q. [10:55:24] Do you remember who else was there at that meeting? You

1 mentioned Ngaïssona, Sokambi.

2 A. [10:55:40] Ngaïssona, Ngremangou, Konaté. I think Yakouzou. There were
3 about a dozen people.

4 Q. [10:55:52] Was Mr Yekatom there?

5 A. [10:55:59] Yes, I think. I think Yekatom was there.

6 Q. [10:56:05] And what was the discussion concerning -- what was the discussion
7 at the meeting about?

8 A. [10:56:27] It was the transitional president who took the floor to say that she had
9 invited the Anti-Balaka delegation and she was counting on the Anti-Balaka to
10 comply with her policies, that is to appeal to the Anti-Balaka to put down their
11 weapons and take the side of legality. She did not want disorder in Bangui and in
12 the rest of the country, so she wanted peace, and she did not want to hear the sounds
13 of weapons.

14 Q. [10:57:28] How was she received? I mean what was the response from the
15 people that were there on the Anti-Balaka side?

16 A. [10:57:45] Well, it was Mr Ngaïssona who took the floor and told Madam
17 Catherine Samba-Panza that the message had been well understood and that she
18 could count on us to convey that message, which means that he was going to do
19 something to ensure peace.

20 Q. [10:58:15] Did Mr Yekatom speak, to your recollection?

21 A. [10:58:27] I no longer remember at all. * I don't know whether he took the
22 floor. But, as for me, I thought that Mr Ngaïssona spoke. But even if Yekatom
23 spoke, I don't remember.

24 Q. [10:58:46] Okay. Did you speak?

25 A. [10:58:54] Not at all, Mr President.

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1 Q. [10:58:58] All right. To your recollection, other than the president herself and
2 Mr Ngaïssona, did anyone else speak on behalf of the president or on behalf of the
3 Anti-Balaka?

4 A. [10:59:23] Mr President, on the side of the head of state, there was Minister
5 Sokambi who took the floor to appeal to the Anti-Balaka. He said practically the
6 same thing as Madam Catherine Samba-Panza. I do not know whether General
7 Essongo or someone else took the floor. But it was people on their side who spoke
8 more, so as to appeal to the people to observe peace in the country.

9 MR VANDERPUYE: [11:00:19] (Overlapping speakers) Mr President -- oh, I'm sorry,
10 I interrupted. I interrupted the interpretation. I think now -- I think now is a good
11 time for the break (Overlapping speakers)

12 PRESIDING JUDGE SCHMITT: [11:00:25] I also think so, because there were other
13 meetings, and perhaps you might proceed to them.

14 MR VANDERPUYE: [11:00:29] Do you want me to go straight ahead, or?

15 PRESIDING JUDGE SCHMITT: [11:00:31] No, afterwards.

16 MR VANDERPUYE: [11:00:32] Yes. Yes, okay.

17 PRESIDING JUDGE SCHMITT: [11:00:33] Exactly.

18 MR VANDERPUYE: [11:00:34] Thank you, Mr President.

19 PRESIDING JUDGE SCHMITT: [11:00:35] We have now a coffee break until 11.30.

20 THE COURT USHER: [11:00:40] All rise.

21 (Recess taken at 11.00 a.m.)

22 (Upon resuming in open session at 11.30 a.m.)

23 THE COURT USHER: [11:30:15] All rise.

24 Please be seated.

25 PRESIDING JUDGE SCHMITT: [11:30:44] Mr Vanderpuye, please proceed. And if

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1 you have the ERN number of the radio transmission, you can put it on the record. If
2 not, we are together for a while, so I think ...

3 MR VANDERPUYE: [11:30:56] I'm glad you reminded me.

4 PRESIDING JUDGE SCHMITT: [11:30:57] There will not be lack of opportunities to
5 put it on the record.

6 MR VANDERPUYE: [11:31:00] I have it. I'm glad you reminded me. It's actually
7 right in front of me. So the reference to the Ndeke Luka article is

8 CAR-OTP-2091-1785. And there was a second article, Afrique News word press as
9 CAR-OTP-2091-1725. Just so that you're aware.

10 MS DIMITRI: [11:31:29] I'm sorry, do you have a tab number?

11 MR VANDERPUYE: [11:31:31] It's not on the exhibit list. It's basically I put the
12 question to the witness only on -- only to jog his memory, and because it's a matter
13 which founds the basis of my question. So in order to substantiate the reason why
14 I'm asking him that question, that's the reason why I referenced it. But I don't have
15 any intention to otherwise use the article, so to speak.

16 PRESIDING JUDGE SCHMITT: Okay. I understand. Yeah. Please proceed.

17 MR VANDERPUYE: [11:32:00]

18 Q. [11:32:02] Good afternoon, Mr Kokaté -- good morning still, Mr Kokaté. Sorry.
19 We were speaking about the meeting --

20 A. [11:32:12] Good morning, Mr President.

21 Q. [11:32:13] We were speaking about the meeting that you had with the transition
22 president at her residence. And I wanted to ask you about -- I think I started asking
23 you when it was that you first met with Mr Ngaïssona, and you said it was after the
24 meeting with the president. So did you next, after this meeting, did you meet with
25 Mr Ngaïssona? Or did you meet again with the president?

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1 A. [11:33:04] Mr President, after the meeting with the president, I don't recall
2 seeing Ngaïssona again. Maybe we had some telephone contact, but I don't
3 remember seeing him physically or face to face.

4 Q. [11:33:34] I'm sorry. I didn't mean to interrupt you. "*Parce que*" you were
5 saying.

6 A. [11:33:42] Well, I'll -- I'll stop there and wait for the next question, Mr President.

7 Q. [11:33:48] In the telephone contacts you had with Mr Ngaïssona, was that in
8 relation to meeting with him, or was -- or did it concern a different subject matter?

9 A. [11:34:08] I think it was a different subject. It was a different subject. But I
10 don't remember exactly what. I think we called ourselves once or twice.

11 Q. [11:34:22] (Overlapping speakers) Do you remember meeting with him at the
12 Hotel Azimut at some point?

13 A. [11:34:30] Yes, I met him at the Azimut hotel in the presence of Pareto, an NGO
14 which was present at that meeting.

15 Q. [11:34:55] And was that before or after you met with the president for a second
16 time, if you can remember?

17 A. [11:35:08] I'm not quite sure, but I think it was after the meeting with the
18 president, but I don't remember the exact date.

19 Q. [11:35:20] Okay. Well, then let's go then perhaps to the second meeting that
20 you had with the president before we tackle the issue of your meeting with
21 Mr Ngaïssona.

22 With respect to the second meeting with the president, do you remember when that
23 happened? You referred to it in your previous -- rather, in your interview as an
24 official meeting at the renaissance palace.

25 A. [11:36:00] Mr President, it was a meeting at the presidency of the republic at the

1 request of the head of state. And the purpose of the meeting, I wasn't aware of it,
2 and I only found out at the meeting proper when I listened to the message from the
3 head of state.

4 Before going to the meeting, Ngaïssona had called. He called me to say that he
5 wasn't feeling well and that I should apologise for his absence to the head of state.
6 This is what I did, by the way. And when the president entered the hall, she came
7 with members of her cabinet. Her cabinet was there with her and there were many
8 leaders of the Anti-Balaka who were present in that hall.

9 The president took the floor and said the following: She said that she wanted to
10 know who the reliable chosen interlocutor of the Anti-Balaka would be so that she
11 could speak with and to that person. She said she heard many names in her ears
12 that, in the presence of all those in attendance, she wanted to know who was the
13 leader of the Anti-Balaka. Those were her words. And then she gave the floor to
14 the participants who were there, along with her cabinet. And they unanimously all
15 said that their leader was Mr Edouard Ngaïssona, that he was the one who took care
16 of them, who gave them food, who financed them, who organised them. He was
17 their leader.

18 Then the president asked whether she should deal with him exclusively, and they
19 unanimously said yes. The president then asked whether Minister Kokaté was also
20 one of the leaders of the Anti-Balaka, and their answer was no, Minister Kokaté is not
21 an Anti-Balaka leader. He is a member of the Anti-Balaka as everyone else. * The
22 president had turned towards me to ask me the question. I had no answer, I didn't
23 say anything. And thereafter the meeting ended.

24 Q. [11:39:53] All right. Mr Kokaté, I have a few questions in relation to your
25 narrative of the meeting. You said that there were (Interpretation) many leaders

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1 (Speaks English) that were at the meeting. So I'd like to know who, to your
2 recollection, was there on the Anti-Balaka side.

3 A. [11:40:38] I believe that Mr Yekatom was in attendance as well. Mr Yakouzou
4 was there. Mr President, there were many people in attendance, more than ten
5 persons. And I do not remember all the names. And by the way, I didn't know
6 them by name.

7 Q. [11:41:08 All right. Let me throw a few names at you and then you tell me if
8 you can remember. Was Konaté there?

9 A. [11:41:23] Mr President, Konaté was present.

10 Q. [11:41:28] Ngremangou?

11 A. [11:41:33] Yes, I think so. Ngremangou was also there.

12 Q. [11:41:38] Léopold Bara?

13 A. [11:41:46] Yes, I think -- I think so. He must have been there.

14 Q. [11:41:53] Okay. You also said that, in relation to the president's question who
15 trustworthy could the government engage with on the Anti-Balaka side, that the
16 members of the Anti-Balaka there unanimously said that would be Mr Ngaïssona.
17 And what I want to know is -- and you said that he's -- they had said that he is the one
18 who supported us and financed us and organised us.

19 And so my question is: Did you understand that to mean that he did those things
20 from that moment on or had done those things from the past until that moment?

21 PRESIDING JUDGE SCHMITT: [11:42:57] Or from the past and with regard to the
22 future, too.

23 MR VANDERPUYE: [11:43:00] And into the future, indeed.

24 THE WITNESS: [11:43:16] Mr President, that was the position taken by the people
25 who were in the hall in answer to Madam Catherine Samba-Panza. They said that

1 he was the one who supported them, who financed them, and who organised them.
2 That's the answer they gave to Madam Catherine Samba-Panza, who had just taken
3 power, who had been elected on 20 January. So they answered the head of state in
4 that way, saying that he is the one who supported them and who financed them.

5 Q. [11:43:58] All right. I think that's -- that's clear.

6 Now, in respect of that meeting, you said that -- that the Anti-Balaka members that
7 were there said that you were an Anti-Balaka but that you were not the leader of them
8 or of the Anti-Balaka. But do you know if they perhaps ascribed a different role to
9 you, such as we've seen and heard before, of being a military coordinator?

10 A. [11:44:57] Mr President, I learnt that the role had been assigned to me, but I
11 immediately rejected it because I did not see why I should have been the military
12 coordinator which was not in line with my thinking, so I rejected that -- that order.

13 Q. [11:45:26] Do you know if there was someone there by the name of Caroline
14 Deboulet at that meeting?

15 A. [11:45:50] I saw Caroline Deboulet once or twice, once at the presidency and
16 one -- once at MISCA, which is currently MINUSCA.

17 Q. [11:46:05] So I guess you're not sure about whether she was at this particular
18 meeting.

19 A. [11:46:24] Well, I think she was there. Maybe there was a discussion between
20 herself and the president of the transitional government. She's a lady, but I don't
21 know more than that. I met her once or twice, twice or thrice at some meetings.

22 Q. [11:46:43] (Overlapping speakers) That's no problem. I don't want you to guess
23 or to speculate. So if you remember, you remember. And if you don't, then
24 that's -- that's fine as well. I asked you about Léopold Bara.

25 Do you remember if Gilbert Kamezolaï was there?

1 A. [11:47:11] I think -- I think he was there, Kamezolaï. I saw him at a meeting at
2 the presidency, and also at MINUSCA -- rather, at MISCA. But right now, I don't
3 remember clearly whether he was at that particular meeting.

4 Q. [11:47:32] All right. Did you meet with the president again after that, that is
5 the group of Anti-Balaka, including yourself?

6 A. [11:48:02] I think there was an unofficial meeting at her place, and then there
7 was a second meeting at the presidency. And it is during that meeting that I got to
8 know Mr Maxime Mokom for the first time, who said that he was on the other side of
9 the river in the Democratic Republic of the Congo.
10 During that meeting, Maxime Mokom was in attendance and he took the floor. He
11 talked at length to the head of the transitional government and to say that he was one
12 of the main leaders of the Anti-Balaka -- that they were the main leaders of the
13 Anti-Balaka.

14 Q. [11:49:01] Do you remember who else was at that meeting from the Anti-Balaka
15 side? Well, let me just come to the point. Was Mr Ngaïssona at that meeting?

16 A. [11:49:22] Yes, Mr Ngaïssona was there at that meeting. He was the leader of
17 the delegation.

18 Q. [11:49:29] And did he -- did he say anything during the course of the meeting,
19 represent the Anti-Balaka side to the president?

20 A. [11:49:48] Yes, Mr President. After the president spoke, he answered. He
21 took the floor after the president to answer to her comments.

22 Q. [11:50:01] You'll probably guess what my next question is, but what did he say?

23 A. [11:50:13] Well, the mindset of the president was that she wanted peace. There
24 were gunshots all over the town, there was insecurity in Bangui and within the
25 country, and so her main message was for peace. And she wanted Ngaïssona to

1 speak to the Anti-Balaka in a quest for peace. That was her message. And
2 Ngaïssona answered saying that he was going to cooperate along those lines, if my
3 memory is correct.

4 Q. [11:51:00] And do you recall speaking yourself during the course of that
5 meeting?

6 A. [11:51:13] I have never taken the floor or spoken at any of those three meetings.
7 Be it the one at the residence or the two other meetings that held at the presidency, I
8 never took the floor.

9 Q. [11:51:30] Did anyone other than Mr Ngaïssona and Mr Mokom speak during
10 the course of that meeting?

11 A. [11:51:50] Well, I don't remember. Maybe Mokom, Ngaïssona, Yakouzou
12 maybe, but I don't have a clear recollection.

13 Q. [11:52:01] Okay. And did you become aware of other meetings with the
14 president involving leaders in the Anti-Balaka?

15 A. [11:52:23] I learnt that the president had some meetings with the leaders of the
16 Anti-Balaka, several meetings, but I wasn't there, I wasn't informed, and I didn't
17 attend.

18 PRESIDING JUDGE SCHMITT: [11:52:36] May I.

19 Mr Kokaté, back to this third meeting you have just spoken about, was there any issue,
20 because I'm -- I'm, if we look at your statement from 2018, was there any issue
21 discussed that related to MINUSCA?

22 THE WITNESS: [11:53:09](Interpretation) I don't know, but I'm aware that during a
23 meeting at the presidency of the republic, at the end of that meeting, Mr Ngaïssona, as
24 he came out, was arrested by MINUSCA. He was arrested by MINUSCA and taken,
25 I believe -- well, there were negotiations between the presidency, the transitional

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1 presidency, and the MINUSCA officials to release Mr Ngaïssona.

2 PRESIDING JUDGE SCHMITT: [11:53:49] I was more referring to the possibility that

3 during discussions with the then President Samba-Panza the -- this issue came up.

4 Perhaps I try to refresh your memory.

5 It's tab 38, CAR-OTP-2074-2211, lines 525 to 538. So there you are -- it's written

6 down that you said: "... there were reports of atrocities or crimes being committed, I

7 think the government or the MINUSCA directly approached Ngaïssona."

8 Does this ring a bell?

9 THE WITNESS: [11:54:40](Interpretation) Yes, it does ring a bell, because, as I was
10 saying, the transitional president had said that she was in possession of a report

11 pointing to prevailing insecurity and abuses in the city of Bangui and within the

12 country, and that it, therefore, was necessary for her to address the Anti-Balaka,

13 particularly the general coordinator, in view of obtaining peace and security and a

14 cessation of hostilities within the country. So I don't know, Mr President, if I have

15 answered your question properly.

16 PRESIDING JUDGE SCHMITT: [11:55:35] No, no, you have answered it, and I think
17 you have something said to that effect a little earlier.

18 But to make it clear, what was the reaction of Mr Ngaïssona when he was approached
19 in this way? Can you clarify this.

20 THE WITNESS: [11:56:00](Interpretation) Mr Ngaïssona told the president that he

21 was going to cooperate but that he needed to be provided with the means and

22 resources to achieve that work with the Anti-Balaka. But I think that I don't have a

23 clear recollection, although he said that he was going to cooperate.

24 PRESIDING JUDGE SCHMITT: [11:56:26] Thank you.

25 Mr Vanderpuye.

1 MR VANDERPUYE: [11:56:29] Thank you, Mr President.

2 Q. [11:56:32] Mr Kokaté, I'd like to show you a document, which I don't think
3 should be broadcast, I don't think so. It's at tab 18, CAR-OTP-20- 2030-0984. It's
4 just to hopefully orient us a little bit better as to the timeline that you're discussing.
5 This, you can see, is a document concerning certain intelligence information
6 concerning Mr Ngaïssona. And I'd like to take you -- and you can see it's dated
7 20 February 2015. But what I'd like to do is to take you to the last page of this
8 document, which is CAR-OTP-2030-0987. And I'm going to refer you to the third
9 paragraph there in that -- in that page.

10 And what it says is that Mr Ngaïssona was arrested by MISCA on 17 April 2014 in
11 respect of a meeting with the authorities of the -- of the transition authorities in
12 Bangui, and he was immediately presented to the prosecutor of the republic for
13 questioning by the court and by the gendarmerie, and was immediately or quickly
14 released on liberty under judicial control on the condition to present himself when
15 he's called to the gendarmerie.

16 So the reason why I'm putting this to you is I want to know whether or not this is the
17 situation or the time of the circumstances that you just discussed about Mr Ngaïssona
18 being arrested and then released.

19 A. [11:59:31] Well, as far as I know, he was arrested only once and quickly released.
20 Even the president of the transition government said that Ngaïssona had been
21 arrested, but that she brought her full influence to bear for him to be released. And
22 this was said during a meeting at the presidency.

23 Q. [11:59:55] All right. The reason why I ask is because you discuss an arrest
24 involving Mr Konaté at a slightly different time in your statement, so I want to sort
25 that out. To do that I want to show you another document. This should be at tab

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1 15, CAR-OTP-2025-38 -- 0380. But let me just -- hang on one second. Let me just
2 see if I have a different version of that document. Okay. It's all right. It's here.
3 What we'll do is I'd like to take you to page 0382. This dated 14 February 2014.
4 And now if we can go to page 0382 -- down the page a little bit, please. Okay. Oh,
5 oh, too -- too far. That's it.

6 Here it talks about -- well, I suppose you can read it. Can you see the document,
7 Mr Kokaté?

8 A. [12:01:35] Yes, I can see the document.

9 Q. [12:01:39] You can see where it -- where it starts with: (Interpretation) "Express
10 our concern in the face of incendiary statements of the commanders in chief of the
11 international military forces of Sangaris."

12 (Speaks English) And in the next paragraph it talks about, it says: (Interpretation)

13 "Deplore the arbitrary arrests perpetrated by the Congolese and Cameroonian
14 elements of MISCA on eight (sic) Anti-Balaka elements, following the arrest warrant
15 of the prosecutor of the republic, without any material evidence.

16 Denounce vehemently the attempted arrest, arbitrary arrest of the general coordinator
17 of the movement of the Anti-Balaka combatants, Mr Patrice-Edouard Ngaïssona."

18 (Speaks English) Earlier in your testimony you refer to an arrest of several

19 Anti-Balaka whereby you were contacted by Yvon Konaté in particular to help release
20 him.

21 Is this -- does this reflect what you were discussing concerning that period of time
22 and those -- and those arrests, to your recollection?

23 A. [12:03:27] Mr President, this reflects it perfectly, because when they were
24 arrested, they were arrested by the MISCA. They were at the Camp M'Poko. I was
25 contacted by Yvon Konaté's sister and then I talked about it. I contacted General

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1 Essongo who was the representative -- who was the representative of the mediator.
2 * He had discussed it with General Toumenta. And he asked me to go and see
3 General Toumenta. And so I met with General Toumenta. That's what happened.
4 I talked about it to General Toumenta. I met with him and discussed the issue with
5 him. * And General Toumenta told me that he was going to try and do something,
6 but that I should advise them to behave like me, that is, to come out in favour of peace
7 and reconciliation; to appeal for calm.

8 PRESIDING JUDGE SCHMITT: [12:04:44] I think we all have noted, but simply on
9 the record, that there might speak about two different events because we have
10 different dates here. We had the date in the -- in -- this declaration was from
11 14 February 2014. And in the other document, CAR-OTP-2030-0984 at 0987, it says
12 17 April 2014, so we might speak here about different events.

13 MR VANDERPUYE: [12:05:19] Indeed, Mr President. Indeed, indeed. I was just
14 going to go to a couple more pages in this document, if I may. First, we go to the last
15 page, which actually reflects a slightly different date from the date on the cover. It's
16 the date of its signing. And that's 17 February 2014.

17 No, I don't have the right page. Let me go to the page before that. Sorry about that.
18 It's CAR-OTP-2025-0384.
19 (Microphone not activated)

20 PRESIDING JUDGE SCHMITT: [12:06:10] Microphone, please. Could you repeat
21 it.

22 MR VANDERPUYE: [12:06:12] Oh, sorry.

23 Q. [12:06:12] There we can see the date 17 February 2014, and you can see the
24 signatures of various members of the coordination of Anti-Balaka. I see "Yagoussou"
25 there, "Namsio". Is that someone you know?

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1 A. [12:06:44] Yes. Yakouzou, I know him, but I don't know everyone. There are
2 people that I saw but whose names I do not know.

3 Q. [12:06:54] All right. You can see their positions, posts, if you want to call it that.
4 And if we can just go down the list.

5 And then over to the next page, you can see a number of -- well, you can certainly see
6 the name of Maxime Mokom there, and you can see the number of agencies and
7 people that are in copy of this particular document. Yes?

8 You see that Mr Kokaté? Can you hear me?

9 A. [12:07:59] Yes, I can see that, and can I hear you very well.

10 Q. [12:08:04] All right. I'd like to show you another document.

11 PRESIDING JUDGE SCHMITT: [12:08:08] And by the way, we have also
12 15 February in this document. This is the page 0383, I think, where they speak of
13 arbitrary arrest of 10 people, I think, if I have recalled it correctly, and it's named
14 15 February.

15 MR VANDERPUYE: [12:08:23] That's correct. It's 15th on the front, on the first
16 page, which is the date --

17 PRESIDING JUDGE SCHMITT: [12:08:28] 14th on the first page.

18 MR VANDERPUYE: [12:08:29] And then 15th, and (Overlapping speakers)

19 PRESIDING JUDGE SCHMITT: [12:08:32] 15th, 17th.

20 MR VANDERPUYE: [12:08:34] That's right. And that is part of the justification for
21 going to my next document, Mr President.

22 What I'd like to show you is another document. Let me make sure I've got it right.
23 Let's take a look at this one. This one is -- let's start with this one. It's under tab
24 number 7, it is CAR-OTP-2001-4601.

25 This is an article that I believe is a republication from an RFI article. If you go to the

1 very top, you should be able to see that, but maybe not. Yes, just above the
2 photograph I think you can see that indication. But in any event, you see the date
3 there, 18 February 2014, publish date. If you go to the last -- the very bottom of the
4 page, take a look at the paragraph written there. Okay. Let me know when you've
5 read it.

6 A. [12:10:58] Yes.

7 Q. [12:10:58] What it seems to talk about is an operation that was carried out in
8 Boy-Rabe where a number of arms were seized, munitions, grenades, et cetera. The
9 first thing I will ask you is did you hear about that operation?

10 A. [12:11:28] Yes, I heard about it.

11 Q. [12:11:30] And what did you hear about that operation?

12 A. [12:11:41] Well, as described in the document that we have read together, we
13 heard that there was an operation carried out by MISCA elements. They were in
14 Boy-Rabe. They carried out searches and found weapons and ammunition which
15 they took away. So we also heard this information over Radio Bangui.

16 Q. [12:12:33] All right. I'd like to -- I'll go up the page a little bit, because you can
17 see your name already at the top of this page, and ask you about that.
18 There there's the quote. If you can go down a bit. I think that's -- that's just about
19 right.

20 Take a look at the paragraph which begins with the words: (Interpretation) "Today,
21 what I'm asking my friends who belong to the various factions," (Speaks English) Let
22 me know when you've -- when you've read it.
23 Have you read it, Mr Kokaté?

24 A. [12:13:57] Yes, yes.

25 Q. [12:14:00] This is a quote that seems to be attributable to you. Do you

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1 remember having said this? And maybe you can expand on and explain what you
2 mean here.

3 A. [12:14:25] I was called to -- to the office of the prime minister. When I went
4 there, Mr Kamezolaï was there, other Anti-Balaka supporters. The prime minister
5 was not at all happy with what was happening in the town. There was an
6 atmosphere of insecurity in the town and there were explosions and light weapon
7 gunfire here and there in the town.

8 And during our discussions with the prime minister, we talked about all those things,
9 and then we talked about the Anti-Balaka which had continued using weapons
10 against the population.

11 And when I left, I think there were journalists waiting and I told them that I really do
12 not agree with what was happening in the town and I was asking some of the
13 supporters to do like me, to stop carrying out acts of violence in town.

14 So I gave them that message and that I was not in agreement at all with those who
15 continued acting on behalf of the Anti-Balaka. Mr Djotodia had gone and people
16 were still attacking innocent civilians. I had a different understanding, and my idea
17 was that people should put down their weapons. And I think I also said that
18 yesterday.

19 Q. [12:17:17] Yes. Thank you very much for that clarification. Yes. Thank you
20 for that clarification. I'd like to take you to a different document, if I could. This
21 one is at tab 62.

22 (Microphone not activated)

23 PRESIDING JUDGE SCHMITT: [12:17:49] Microphone. I think we -- at the
24 moment we have not -- haven't heard you.

25 MR VANDERPUYE: [12:17:52] Sorry, Mr President. It's at tab 62. The ERN is

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1 CAR-OTP-2099-0154.

2 Yeah, I see it's already on the screen.

3 If we can just go a little bit down that document, just after the photograph. All right.

4 In this document it says, just under the photograph: (Interpretation) "At the end of a
5 meeting in a Bangui hotel between the transitional prime minister André Nzapayéké
6 and ten Anti-Balaka representatives ... captain Joachim Kokaté announced a split
7 within this movement."

8 (Speaks English) And then it continues: (Interpretation)

9 "The Anti-Balaka representatives who took part in this meeting are all members of the
10 FACA. ... They stated that they were ready to cooperate for the restoration of security,
11 in light of the fact that their objective had been achieved, that is to have the rebel
12 leader of the Séléka, Mr Michel Djotodia, leave power in March 2013."

13 (Speaks English) This is reporting what we essentially saw in the other document. Is
14 that fair to say and what you said?

15 PRESIDING JUDGE SCHMITT: [12:20:28] I'm not sure if the question came through.
16 Perhaps we give it a try, another one.

17 MR VANDERPUYE: [12:20:33] Thank you. Thank you, Mr President.

18 Q. [12:20:36] Mr Kokaté?

19 A. [12:20:40] Yes.

20 Q. [12:20:41] What I just read and what is in the document here, is that -- is that
21 reporting what it is that you said?

22 A. [12:21:00] Let me tell you precisely what I said. I'm going to tell you precisely
23 what I said at that time. As far as I'm concerned, as a former soldier -- in fact, it was
24 during our discussion with the prime minister. The idea was that all soldiers who
25 were still in the Anti-Balaka groups to go back to barracks, because a soldier who

1 continued receiving his salary could not remain in the Anti-Balaka group. And
2 given the fact that President Michel Djotodia had resigned, my understanding was
3 that the soldiers could not stay amongst the Anti-Balaka and continue carrying out
4 acts of violence in the town. So they had to leave the Anti-Balaka and go back to the
5 barracks.

6 The transitional president had made an appeal for them to leave those groups and go
7 back to the barracks, so I was totally against the violence that was being perpetrated
8 in town. I was totally against the acts of violence perpetrated by Anti-Balaka in the
9 town. And my idea was to totally cooperate with the established authorities and
10 with the MISCA forces.

11 PRESIDING JUDGE SCHMITT: [12:22:56] I understand that Mr Bangaguere would
12 like to take the floor.

13 Is this correct, Mr Bangaguere?

14 MR BANGAGUERE: [12:23:15](Interpretation) Mr President, I was not able to listen
15 to the answer of the witness because of some problems, given that I am in a
16 neighbouring room. So I just wanted to let you know about the difficulties that I
17 have following the answers being given by the witness.

18 PRESIDING JUDGE SCHMITT: [12:23:59] Thank you. That's very important that
19 you make us aware of that. So perhaps we would -- we should try -- not only
20 perhaps, we should try to fix that. Otherwise, a meaningful counselling would not
21 be possible. So I think this is important. And if we can fix it relatively quickly, fine.
22 If not, we would perhaps have to make a pause.

23 MR BANGAGUERE: [12:24:35](Interpretation) If the Court grants me the
24 authorisation, I think I will call upon the Registry officer here to come and try to fix
25 things so that I should be able to follow.

1 PRESIDING JUDGE SCHMITT: [12:25:00] I think the Registry, impersonated, so to
2 speak, by the court officer is trying to fix it. Perhaps we give this a try first and then
3 we -- if this does not function, we can look for other measures.

4 (Pause in proceedings)

5 PRESIDING JUDGE SCHMITT: [12:25:36] So, Mr Bangaguere, I'm informed that if
6 you could go to the other room, the -- we would not see you, but I think that's not
7 absolutely necessary. But much more important is that we can -- that you can follow.
8 Perhaps we do it this way. And I already see that you are taking the files and
9 moving to another room.

10 (Pause in the proceedings)

11 PRESIDING JUDGE SCHMITT: [12:26:43] So I think we proceed, and if there are
12 still problems, we will make aware of it, so -- and then we will have to think about
13 other measures, as I said. But I think you can proceed from here.

14 MR VANDERPUYE: [12:26:54] Thank you, Mr President.

15 Q. [12:27:05] All right. We have the document still up in front of us. And thank
16 you for that clarification about what you said at the time.

17 Again, I would like to refer to this in order to orient us a little bit better as to the
18 timing of the events that are narrated in your testimony and also which were
19 described in your statement to the Office of the Prosecutor in 2018.

20 But it goes on to talk about -- it says, well, in the second-to-last paragraph on this
21 page: (Interpretation)

22 "On Saturday morning, the Boy-Rabe neighbourhood, which is the fief of Anti-Balaka
23 militia in Bangui, was totally searched over a period of four hours by MISCA soldiers
24 supported by elements of the Sangaris French mission.

25 The operation did not achieve its main objective, which was the arrest of

1 Patrice-Edouard Ngaïssona, former minister and president of the Central African
2 Football Association but who specifically was the political coordinator of the
3 Anti-Balaka. In spite of that, weapons and ammunition were seized and several
4 officers of the militia group were arrested."

5 (Speaks English) Now, in this article you talk about a division or a split in the group
6 at the very beginning. But I'd like to take you now to the next page and I want to ask
7 you about that.

8 It says: (Interpretation)

9 "The representatives of the Anti-Balaka present in the meeting with the transitional
10 prime minister made a point of distancing themselves from Patrice-Edouard
11 Ngaïssona. Initially they were a single entity, but the Anti-Balaka experienced
12 several divisions to the point where today there are several factions."

13 (Speaks English) The first thing is, do you recall that, being part of the group with the
14 prime minister, the transition prime minister at the time? The part where it says "*ont*
15 *tenu à se désoli*" -- I cannot say this word. Distancing themselves, rather, from
16 Patrice-Edouard Ngaïssona.

17 A. [12:30:56] Mr President, indeed during our meeting with Prime Minister
18 Nzapayéké, we were not in favour of what was happening in Bangui, that is the acts
19 of violence that the Anti-Balaka continued to perpetrate in Bangui. And we were not
20 prepared to follow the line of conduct of Mr Patrice-Edouard Ngaïssona, so we were
21 in support of cooperating with the legal authorities.

22 Q. [12:31:42] All right. Before I ask further questions, but you're talking about
23 Bangui in particular; is that right?

24 A. [12:32:01] Yes, Mr President, I was referring to the prevailing security situation
25 in Bangui at that time.

1 Q. [12:32:09] Did you know anything about the security situation in other towns,
2 villages, cities in western Central African Republic? At that time, just so that we're
3 clear.

4 A. [12:32:40] Within the framework of my duties when I was appointed to the
5 prime minister's office, as minister delegate special adviser in charge of DDR, I was in
6 possession of information that was destined for the prime minister head of
7 government. And as soon as any information came in, I too was informed. For
8 example, in Boda and Bouar, I was aware of the situations there, having obtained it
9 within the context I just described, Mr President.

10 Q. [12:33:27] Okay. We'll come to some of that a little bit later, I think.
11 The second part of my question is the second sentence in this paragraph, which
12 begins by saying (Interpretation) "Initially only one entity ..." (Speaks English) and so
13 on and so forth. So I want to ask you about this part where it refers to the
14 Anti-Balaka as "*une seule entité*" from the beginning. What can you say about that?

15 A. [12:34:08] A single entity, Mr President? I really cannot talk to you about that.
16 I cannot provide any specifics on that. Because to my mind, the Anti-Balaka
17 movement, after President Djotodia had stepped down, I did not understand why
18 those abuses were still being committed around the country.

19 To my mind, all the armed groups - Anti-Balaka, Séléka alike - all of them had to drop
20 their weapons. All of them had to uphold the instructions from the DDR so that the
21 country could move towards peace and reconciliation. So my mindset was focused
22 on security for the country and nothing else.

23 Q. [12:35:08] Okay. Thank you for clarifying that as well.

24 I'd like to take to you another document. This is at tab 72, CAR-OTP-2117-0696. It
25 should be an article published by AFP on 16 February 2014.

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1 I want to refer to the paragraph which refers to your name specifically, which should
2 be the fourth one down in this article. Again, it discusses (Interpretation) a split
3 within the movement. (Speaks English) And then it attributes a quote to you where
4 you say: (Interpretation) "The Anti-Balaka were a single entity but problems
5 emerged and today there is a split".

6 (Speaks English) And then they talk about you being (Interpretation) spokesperson of
7 the *collectif des officiers libres* so far. (Speaks English) And it says, (Interpretation)
8 "created in the summer of 2013 to fight for the return of President François Bozizé,
9 who was overthrown in March by a rebellion dominated by the Muslim Séléka
10 group."

11 So first I want to see whether or not the quote is appropriate and appropriately
12 reflects what you said, if you can recall.

13 If we just go down a little bit, we can -- we can maybe help.

14 THE WITNESS: (Overlapping speakers)

15 MR VANDERPUYE: That's fine.

16 Q. [12:37:56] Yes, Mr Kokaté, please continue.

17 A. [12:38:00] Mr President, the *collectif des officiers* was created in 2005, not in 2013,
18 to begin with.

19 Secondly, during the meeting with Prime Minister Nzapayéké, the message of the
20 prime minister was clear. He told us at that meeting, which was attended by
21 soldiers who were still within the ranks of the Anti-Balaka, and the minister -- the
22 prime minister made it very clear that all soldiers who were within the Anti-Balaka
23 were requested to systematically leave the ranks of the Anti-Balaka. And that's the
24 message from the head of the transitional government as well, namely that all soldiers
25 were supposed to return to their various units.

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1 At the end of that meeting, I believe that I said that the soldiers who were still within
2 the ranks of the Anti-Balaka no longer had reason to remain there. They had to
3 separate themselves from it and return to the state of legality.

4 Now, the word "split" was used, but I think that's a word that was used by the
5 journalists themselves.

6 I, speaking as a former soldier and former minister - and I knew the prime minister of
7 the transitional government very well - I called on the soldiers to leave the ranks of
8 the Anti-Balaka and to come back to the legal institutions. Now, the word "split" is
9 used by -- by -- by the journalists and the last remark is in relation to the *collectif*
10 which was created in 2005, not in 2013.

11 Q. [12:40:18] Thank you for that clarification. There's more in here that's
12 attributable to you, so I'd like to ask you about that as well. And you are much
13 faster at reading it than I am, that's for sure, so have a look at the following
14 paragraphs. One starts with (Interpretation) "We wanted to talk with the prime
15 minister about the security problems" (Overlapping speakers)

16 PRESIDING JUDGE SCHMITT: [12:40:46] I think you don't have to read it all. I
17 think we simply give the witness the possibility. I think it's --

18 MR VANDERPUYE: (Overlapping speakers)

19 PRESIDING JUDGE SCHMITT: -- this paragraph, the one after, and the third one.
20 Simply read it, Mr Kokaté, and then there will be follow-up questions by

21 Mr Vanderpuye. These are three paragraphs where there are quotations that are
22 ascribed to you personally. And please tell us when you're there.

23 Do you have it, Mr Kokaté?

24 THE WITNESS: [12:42:24](Interpretation) Yes, I have read through it.

25 PRESIDING JUDGE SCHMITT: [12:42:26] Mr Vanderpuye.

1 MR VANDERPUYE: [12:42:28] Thank you.

2 Q. [12:42:28] So there are a number of quotations that are attributed to you. First
3 of all, do they sound about right in terms of what you said?

4 A. [12:42:44] Mr President, I think I have already answered that question. I have
5 answered that question already.

6 Q. [12:42:53] So I take it that the answer is yes?

7 A. [12:43:06] I gave you my version and, in what I said, I never said there was a
8 split within the Anti-Balaka. I simply addressed the Central African soldiers during
9 our meeting with the prime minister and based on the information he gave us as
10 coming from the prime minister calling on those soldiers to leave the Anti-Balaka and
11 return to the ranks of the regular army.

12 Q. [12:43:39] (Overlapping speakers) the moment that Djotodia was out
13 (Interpretation) "the arms must be silent, no more atrocities." (Speaks English)
14 That's attributable to you.

15 (Interpretation) "The Anti-Balaka whom we represent are ready to collaborate
16 towards the return of peace." (Speaks English) That's attributed to you.

17 (Interpretation) "'We want to bring the other groups to cooperate with the national
18 community,' he asserted."

19 (Speaks English) That's all correct?

20 A. [12:44:17] Mr President, during the meeting in N'Djamena, when I met President
21 Déby and the heads of states of the ECOWAS -- or of the CEMAC, the idea was to talk
22 about returning peace to our country, building awareness in all those who were still
23 bearing weapons, whether they were in the Anti-Balaka or the Séléka, to return those
24 weapons to the DDR programme. So when I made this statement, it was after
25 President Michel Djotodia had resigned and so it was no longer time for people to

1 continue to use weapons against peaceful citizens.

2 MR VANDERPUYE: [12:45:13] (Overlapping speakers) Okay. That's helpful.

3 PRESIDING JUDGE SCHMITT: [12:45:16] I think that that is -- I -- actually, I don't
4 know why the witness does not confirm exactly that this has been said, but --

5 MR VANDERPUYE: [12:45:24] I have my answer (Overlapping speakers)

6 PRESIDING JUDGE SCHMITT: [12:45:26] -- I think -- I think there is an answer, and
7 it seems, at least, that the content might be captured here.

8 MR VANDERPUYE: [12:45:34] I agree, Mr President. I think it's relatively
9 consistent.

10 Q. [12:45:40] If we can go to the next page, I'd like you to take a look at that.

11 All right. On this page in the paragraph -- the second paragraph following the -- the
12 bold "*Désarmer les comportements*", it starts with "*Samedi matin*". It talks about
13 that -- that operation in Boy-Rabe that you saw in the other couple of articles that I
14 showed you, and it talks about the intention to arrest Mr Ngaïssona.

15 And then in the paragraph following that, I'd like you to take a look at that, read it,
16 and let me know when you're done it with. So it would be the paragraph beginning
17 (Interpretation) "Questioned on the fate of Mr Ngaïssona".

18 (Speaks English) That paragraph down -- two paragraphs would be helpful. Also
19 capture the paragraph that begins with "*aujourd'hui*". That's good.

20 Mr Kokaté, have a look at the three paragraphs, the first one beginning with "*Interrogé*
21 *sur le sort de Mr Ngaïssona*".

22 A. [12:47:25] Yes, I've read through.

23 Q. [12:47:27] It says here: (Interpretation) "Captain Kokaté asserted that he was not
24 aware of it, while underscoring that they were distancing themselves." (Overlapping
25 speakers)

1 (Speaks English) That's tough. You read that. Can you explain it?

2 A. [12:47:50] Yes, I can explain that, that paragraph.

3 Q. [12:47:52] Go ahead.

4 A. [12:47:53] You see, for example, yes, while the president of the transitional
5 government was taking the oath of office on 23 January, Mr Ngaïssona had signed a
6 note as the general coordinator in which he was assigning me the role of military
7 coordinator, which I immediately rejected. That decision, which he took, was not
8 pursuant to any consultations between ourselves because we hadn't even seen each
9 other, so those are the type of things.

10 Q. [12:48:52] (Overlapping speakers) Have you read the following paragraph?

11 A. [12:48:49] Yes.

12 Q. [12:48:49] Can you explain what it refers to about a list?

13 A. [12:49:03] When I was mentioning a list here, the prime minister of the
14 transitional government had asked Mr Ngaïssona to send in a list of members and
15 supporters of the Anti-Balaka who would be given various government positions
16 either at the presidency or in government or at the prime minister's office. The list
17 which he was supposed to send to the presidency of the republic, for example, is one
18 which was drawn up without consulting me. I was not aware of it. The list to the
19 head of government was sent without I being consulted and many people also
20 criticised him for behaving in that manner, namely that he did these things by himself
21 or with his inner circle or with his family members, and that's why I disagreed with it.

22 Q. [12:50:20] You say these are posts for government positions, is that what you're
23 referring to?

24 A. [12:50:32] Yes. He is the one who was supposed to -- or who was contacted
25 directly by the head of government or the presidency of the republic.

1 Q. [12:50:52] Do you know if anybody on the list that he sent actually got
2 government posts?

3 A. [12:51:11] Because I wasn't associated with the drawing up of the list, he told me
4 that Bara was on that list, Léopold Bara, for government, and Bara became a member
5 of government.

6 Q. [12:51:35] Was he on that list?

7 A. [12:51:37] Bara became a member of government. Léopold Bara, yes, was on
8 that list which Ngaïssona had sent for members of government.

9 Q. [12:51:50] Yes, I spoke too soon. Was Ngaïssona on that list, to your
10 knowledge? Did he tell you?

11 A. [12:52:05] Ngaïssona told me that his own name was on the list. Léopold Bara's
12 name was on the list. My name was on that list because I had been contacted by the
13 prime minister. Ngaïssona himself had been contacted by the prime minister.
14 Léopold Bara also had been contacted by the prime minister. But ultimately it is
15 Bara who became a member of government.

16 Now, when he sent the list of members of cabinet for the presidency or the prime
17 minister's office, he drew up the list single-handedly without any consultation.

18 Q. [12:52:46] Did you speak about that issue, the topic of government posts or a list
19 to be sent, at any time before you learned that it had been sent?

20 A. [12:53:09] Well, he is the one who informed me. He is the one who informed
21 me in relation to government. But for the prime minister's office and for the
22 presidency, I had no information.

23 Q. [12:53:26] All right. Well, did you discuss with him at any point being on a list
24 for a position in the *primature* or in the presidency or -- or any other post?

25 A. [12:53:44] No, not at all. Not at all.

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1 Q. [12:53:48] Did he discuss with you his intention or wish to be considered for a
2 government post in the *primature*, in the presidency or in some other position?

3 A. [12:54:07] I have no such recollection.

4 Q. [12:54:10] Okay. All right, I think I'm done with -- I think I'm done with this
5 document.

6 MR VANDERPUYE: [12:54:25] Mr President, it's five minutes before 1. I'm
7 prepared to go on until 1, if you'd like, but I think --

8 PRESIDING JUDGE SCHMITT: [12:54:32] Well, what would be your next subject?

9 MR VANDERPUYE: [12:54:36] I'm now going to go backwards in time, if you can
10 imagine such a thing, to the meetings -- I think backwards in time, anyway, to
11 meetings with Mr Ngaïssona.

12 PRESIDING JUDGE SCHMITT: [12:54:46] I think so -- I think, then, it would make
13 sense. This is another topic and it will not be finished, I would assume, in five
14 minutes. So then we have the break now until 2.30.

15 Do you have already an idea how -- perhaps it's a little bit -- I ask you at the end of
16 the next session.

17 MR VANDERPUYE: [12:55:01] Thank you, Mr President.

18 PRESIDING JUDGE SCHMITT: [12:55:03] Break until 2.30.

19 THE COURT USHER: [12:55:04] All rise.

20 (Recess taken at 12.55 p.m.)

21 (Upon resuming in open session at 2.31 p.m.)

22 THE COURT USHER: [14:31:58] All rise.

23 Please be seated.

24 PRESIDING JUDGE SCHMITT: [14:32:23] Good afternoon.

25 It is still the turn of Mr Vanderpuye, and I give you the floor.

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1 MR VANDERPUYE: [14:32:37] Thank you, Mr President.

2 Q. [14:32:42] Good afternoon, Mr Kokaté.

3 I think when we left off I mentioned that I wanted to ask some questions of you
4 regarding meetings that you had with Mr Ngaïssona after you came back from
5 N'Djamena, so that's where I'd like to start.

6 Now, you mentioned that when you came back you did not meet with Mr Ngaïssona
7 right away. You had certain telephone contacts with him. But at a certain point
8 you did meet with him, so I'd like to ask you about -- about that meeting or those
9 meetings.

10 Can you tell us when it was that you first met with Mr Ngaïssona after you return.

11 It seems like you may not have heard me.

12 Do we know if -- is the connection live?

13 PRESIDING JUDGE SCHMITT: [14:34:16] Mr Kokaté, can you hear us?

14 THE WITNESS: [14:34:24](Interpretation) Yes, I can hear you very well,
15 Mr President.

16 PRESIDING JUDGE SCHMITT: [14:34:27] I think the question was when -- when
17 you came back to Bangui, when you first - if I -- if I may rephrase it this way,
18 Mr Vanderpuye - when you first met Mr Ngaïssona, if you recall that.

19 THE WITNESS: [14:34:51](Interpretation) Thank you, Mr President. I told you that
20 the first time that I met Mr Ngaïssona was at the residence, it was at the mediation
21 bureau which who took us to the residence of Samba-Panza who was head of the
22 transitional government.

23 MR VANDERPUYE: [14:35:19]

24 Q. [14:35:19] That's right. That's right. After the meeting that you had at the
25 transitional president's residence, and later maybe at the renaissance palace, you met

1 with Mr Ngaïssona. When did you have that meeting?

2 A. [14:35:39] I can't really remember. I can't remember the exact date. I know
3 there was a first meeting in the renaissance palace where he wasn't there. I was at
4 the first meeting, and there were other meetings then afterwards.

5 PRESIDING JUDGE SCHMITT: [14:36:12] Perhaps you can give him a -- I don't
6 know if you are heading at the meeting in one hotel.

7 MR VANDERPUYE: Yes, (Overlapping speakers)

8 PRESIDING JUDGE SCHMITT: So perhaps give him just the (Overlapping
9 speakers)

10 MR VANDERPUYE: [14:36:17] Exactly.

11 Q. [14:36:18] You said that, in your previous statement, that Mr Ngremangou,
12 Konaté, and others came to the hotel to tell you -- to put you in contact with
13 Mr Ngaïssona, and then thereafter that you had a meeting with him, eventually, at the
14 Azimut. Do you remember that?

15 A. [14:36:47] Yes, I do remember there was a meeting with Mr Ngaïssona at Hotel
16 Azimut, but it wasn't necessarily automatically after my meeting with Ngremangou
17 and Konaté.

18 Q. [14:37:07] Yes, thank you for that clarification. So tell us when this, if you can
19 remember, when the meeting occurred at the Hotel Azimut and how long after
20 Ngremangou and Konaté came to see you did you actually have that -- did it actually
21 take place.

22 A. [14:37:37] I don't remember exactly the month and the date, but I know that this
23 meeting was organised by an NGO, by Pareto.

24 Q. [14:37:53] Who was present at that meeting, if you can remember?

25 A. [14:38:11] Mr Ngaïssona invited some leaders of Anti-Balaka who were present.

1 The meeting was chaired by Pareto. There were many people there. There were
2 people who came from the provinces, from Bangui, so I -- I can't really tell you
3 everybody who was there.

4 Q. [14:38:43] And the people that came from the provinces - you said people came
5 from the provinces - were these Anti-Balaka members?

6 A. [14:39:04] Yes, yes, yes, they were Anti-Balaka members.

7 Q. [14:39:08] And you said that there were certain *responsables* is the word you used,
8 leaders from the provinces, Anti-Balaka leaders. Is that what you -- is that what you
9 mean?

10 A. [14:39:27] Yes, if I'm not mistaken, it was first the people of Bangui and those
11 who were very close to Bangui, perhaps Boali and Damara and places like that, but I
12 don't really have exact information on that.

13 Q. [14:39:45] All right. About how many people were there? Just a rough
14 estimate if you -- if you can.

15 A. [14:39:55] There were a lot of people. I can't really remember how many
16 people, but there was a large number of people because there was also people from
17 the NGO. Perhaps, since I wasn't presiding and I didn't organise anything, so I can't
18 tell you exactly the number of people who were present.

19 Q. [14:40:26] Can you tell us what the discussion was or the topic of the meeting
20 was?

21 A. [14:40:40] Yes, topic of the meeting, the main topic was peace, I think. We had
22 talk about peace principally, and do everything that there is calm restored to the
23 country and reconciliation between the different groups. Pareto did the same thing
24 with the Séléka.

25 Q. [14:41:14] There was a discussion about peace and reconciliation in general.

1 Was there any discussion about the prevailing or the current security situation in the
2 country?

3 A. [14:41:36] Yes, Mr President. At that time, there was a lot of arms, and
4 throughout the country. So it was essential to talk to those ex-fighters to say that
5 they must lay down their arms.

6 Q. [14:42:00] Did you have an opportunity to take to the floor during that meeting?

7 A. [14:42:15] I don't remember. First of all, it was the first time that there was
8 such a public meeting. There were many people who saw me, knew me by name,
9 but didn't really know me personally or physically. That's all I can tell you.

10 Q. [14:42:38] Did you have any discussion with Mr Ngaïssona when you arrived at
11 the meeting if, that being the first time that you had seen him -- I mean, rather, not the
12 first time you'd seen him, but sometime that you had seen him since you saw him at
13 the -- at the -- at the -- with the presidency?

14 A. [14:43:00] Mr President, firstly, I greeted this initiative, I welcomed it. It was a
15 very good initiative. It moved in the way I thought it should move, talking about
16 peace, talking about security, and to do everything so that there would be security
17 restored to the country, to help the ex-fighters to disarm, and also to talk about
18 reconciliation. That meeting there was something I welcomed. I appreciated what
19 Ngaïssona was doing in his initiative with the NGO Pareto.

20 Q. [14:43:58] Did Mr Ngaïssona take to the floor during the course of that meeting,
21 to your recollection?

22 A. [14:44:11] I think that Mr Ngaïssona took the floor. He -- and also Pareto spoke,
23 and I think that Ngaïssona followed him in speaking.

24 Q. [14:44:28] Do you remember what he said in terms of -- well, just in terms of
25 the -- the (Overlapping speakers)

1 A. [14:44:38] I don't remember exactly. I don't remember exactly, but the aim was
2 to discuss peace, peace and do everything that we could have security restored to the
3 country.

4 Q. [14:44:56] Okay. In the context of that meeting, were any of the other people
5 that you saw at the presidency also present? Anti-Balaka members, I mean.

6 A. [14:45:20] Mr President, I've told you there were representatives from
7 Anti-Balaka from Bangui who were all there, and also from adjacent towns. On that
8 day, I met for the first time some people that I didn't really know physically but
9 perhaps knew by name, and the same is true for them.

10 Q. [14:45:54] Okay. Did you meet with Mr Ngaïssona at any point after that, to
11 your recollection?

12 A. [14:46:10] I can't remember very well, but I think that after this meeting and
13 with NGO Pareto, perhaps we saw each other, or we spoke on the phone. It's
14 possible, but I don't remember exactly.

15 Q. [14:46:25] Did you ever meet with him at his place in Boy-Rabe?

16 A. [14:46:42] Yes, Mr President, I met Ngaïssona several times in Boy-Rabe at his
17 place, at his request.

18 Q. [14:46:52] And do you remember the first time you met with him in Boy-Rabe at
19 his place after you came back from N'Djamena?

20 A. [14:47:16] I don't know exactly, but I do know that I met him several times in
21 Boy-Rabe. Perhaps you could help me and refresh my memory. But each time that
22 he wanted to see me, I came to his place, as -- in my function as adviser to the cabinet
23 of the prime minister, but whenever he wanted, I did come.

24 Q. [14:47:44] All right. Well, maybe I can help remind you. You discussed in
25 your statement in a couple of different areas a meeting that you had with Ngaïssona

1 at his place where you described about 20 or 30 people there, including Ngremangou,
2 Konaté, Yagoussou, Ngaya. I think you described also having met or seen Andjilo
3 there.

4 Does that help remind you of the meeting at his house?

5 A. [14:48:30] Yes, I remember well that when I was at his place, there was Andjilo.
6 I was a special adviser at the office of the prime minister. It was also my first time to
7 see Mr Andjilo at the house of Mr Ngaïssona.
8 I think Mr Ngaïssona told me that he was called to MINUSCA and MINUSCA had
9 commented on his behaviour and some of the men of Anti-Balaka of his team. And
10 whilst commenting on this in MINUSCA, he said that message should also be passed
11 on so that the ComZones could see reason.

12 When he told me this, I accepted it. Because since I was an adviser to the prime
13 minister, I informed the prime minister, because that was part of my daily duties
14 vis-à-vis my *chef*, who was the prime minister.

15 And the prime minister asked me to go there. I went there. * We tried to... He
16 himself, he spoke to the Anti-Balaka who were there. And I, as adviser to the office
17 of the prime minister, it was part of my duties to speak to those people who didn't
18 want to lay down their arms. So this meeting had the aim of everything I was trying
19 to accomplish.

20 Q. [14:50:57] And did you discuss with Mr Ngaïssona exactly what you would say
21 or what he would say in regards to this issue of having people surrender their arms in
22 that context?

23 A. [14:51:21] Mr President, there wasn't an agenda as such. It was Mr Ngaïssona
24 who was called to come to the MINUSCA. There were comments made from the
25 head of MINUSCA. I was informed he spoke to those people and also to the

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1 ComZone commanders. I was there. But since it was part of the way I was
2 thinking to ask to the -- those Anti-Balaka, I didn't -- I also spoke to the Séléka. I
3 didn't only speak to the Anti-Balaka to lay down their arms and to do something to
4 sort out the chaos in the town, because if you continue to use arms, then there will be
5 consequences. I think that's what I said. There will be consequences. I said that
6 one day they would have to explain what they were doing.

7 PRESIDING JUDGE SCHMITT: [14:52:30] And how did Mr Ngaïssona react to this,
8 what you said?

9 THE WITNESS: [14:52:55](Interpretation) Mr President, it was he who was
10 conducting this meeting at his house. It was he who spoke for the first time. He
11 was doing the talking. And I took advantage to talk as well, to see what I could do.
12 Because when you talk about disorder in the town, to avoid doing that, to avoid
13 having arms in the town, to avoid atrocities in the town, well, that was part of what I
14 was thinking. So I spoke to everyone there. That meeting which he initiated, he
15 made comments as regards MINUSCA. And I think it was important to pass on that
16 message, Mr President.

17 PRESIDING JUDGE SCHMITT: [14:53:48] Mr Vanderpuye.

18 THE WITNESS: [14:53:49](Interpretation) Before going to that meeting, I informed
19 the prime minister, who asked me to go and pass on the message of peace. And
20 that's exactly what I did, Mr President.

21 PRESIDING JUDGE SCHMITT: [14:54:04] Yeah.

22 MR VANDERPUYE: [14:54:04] Thank you, Mr President.

23 Q. [14:54:06] Do you remember the first -- the circumstances under which you first
24 saw or met Andjilo?

25 A. [14:54:26] Mr President, I remember an event which happened at Mr

1 Ngaïssona's place where Mr Ngaya almost lost his life.

2 Mr Ngaya almost lost his life. It was after -- it was after a meeting where discussions
3 took place where I drove him to the presidency so that he could meet the head of the
4 transitional government at the request of Ngaïssona because there was a lot of
5 insecurity in the town. And I went, if I'm not mistaken, with Yakouzou, Ngaya to go
6 to that meeting. I think there were four of us. And the head of the transitional
7 government spoke to us and we had to account as regards what was going on.
8 When leaving that meeting, the minister of the cabinet gave us an envelope with
9 1 million CFA, so that we could pay for the transport so that they could go back
10 home.

11 And as soon as we had left, some hours later, Mr Ngaya made a statement on RFI that
12 the meeting had gone well with the head of government of the national transition and
13 that we were able to get out of the crisis.

14 That statement of Mr Ngaya displeased the Anti-Balaka. So there was a meeting
15 which was convened the next day, very early, at Mr Ngaïssona's. When we arrived
16 at that meeting, some gave us 30 million. Some talked about 50 million CFA. And
17 that's why we betrayed our position as regards the head of the government. And
18 that is there where I saw Mr Andjilo, who was furious. And, fortunately, we were
19 all there to ask forgiveness from Andjilo. We spoke to him for a long time. Then
20 Ngaïssona spoke to him. Andjilo was forced to disarm. He didn't use his arm,
21 finally, his weapons. And then after that, Mr Ngaïssona (sic) had to leave the area of
22 Boy-Rabe to go to the centre at the instructions or the command of the transitional
23 government authorities.

24 Q. [14:58:21] All right. I'm going to --

25 MS DIMITRI: [14:58:22] I'm sorry for the interruption.

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1 Mr Ngaya had to leave, not Mr Ngaïssona. There's a mistranslation.

2 MR VANDERPUYE: [14:58:35] Thank you for that.

3 PRESIDING JUDGE SCHMITT: Indeed.

4 MR VANDERPUYE: Thank you, Ms Dimitri.

5 Q. [14:58:37] I'm going to follow you where you've gone, and that's going to be to
6 tab 61 in the binder. The ERN of this document is CAR-OTP-2092-1738.

7 As you can see, this is a document which comes from Alfred Legrand Ngaya. It's
8 dated 16 October 2014, and I thought I would put that up so that everyone can follow
9 where you are in terms of timeline and also make -- maybe help orient you as well.
10 First I think I will go to -- well, it says that the object of this -- or the subject, rather, of
11 this document is an *Appel à l'aide*, and it's addressed to *Madame la Présidente*.

12 If we go to the next page, which is ERN ending 1739, we will see his signature at the
13 bottom of the page, and then we'll see a reference to you in the second paragraph
14 from the top. I'd like you to take a look at that.

15 Maybe we can go to the first paragraph so that he can see -- on this page so he can see
16 a little bit more of what the context of it is.

17 And then take a read of it and let me know when you've finished.

18 A. [15:01:44] Yes, I have read it.

19 Q. [15:01:46] Is this the event that you're talking about that you've just described
20 now in your testimony?

21 A. [15:01:53] That is correct, Mr President.

22 Q. [15:02:00] And what I'm interested in is the paragraph that begins
23 (Interpretation) "Taking into account the turn of events".

24 A. [15:02:25] Mr President, Mr Ngaya wrote to the transitional head of state, and it
25 is now that I have learned about the letter that he was the one who wrote it. I was

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1 never aware of that correspondence. It is now that I have been able to read it, so I
2 cannot make any comment on that.

3 Q. [15:02:55] I understand that, and that makes sense to me. What I'm asking you
4 more though, I think, is about how he characterises what is going on in the
5 Anti-Balaka.

6 And what he says is: (Interpretation)

7 "Taking into account the turn of events, and the transformation of a self-defence
8 movement into a criminal organisation, I am compelled to take a conclusion, that is to
9 extricate myself from this situation, so as to save my skin."

10 A. [15:03:45] * But, Mr President, that is a personal reaction by Mr Ngaya. I don't
11 think that he is wrong in doing that. I think he was quite correct. The objective was
12 to refrain from attacking anyone.

13 * When we went to see President Catherine Samba-Panza, we went to have a
14 discussion... but even though we had been asked to go and demand her resignation...
15 but we went there and had an exchange with the transitional Head of State. We came
16 out of there after having had a discussion, and we were supposed to report back.
17 But it was after Ngaya made his statement over RFI that this problem arose. In fact,
18 if Ngaya had not made that statement... that is... to not accept it... because the idea
19 was to do everything to bring about peace. There was no intention to harm anyone.

20 Q. [15:05:19] I'd like to show you a different document. This one is tab 9. It's
21 from around the same period of time.

22 MR KNOOPS: [15:05:34] I'm sorry, Mr President. Are we speaking of October 2014
23 now? Is that correct?

24 PRESIDING JUDGE SCHMITT: [15:05:40] I -- I think so, yes.

25 MR KNOOPS: [15:05:41] So that's way outside the charges, I assume.

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1 PRESIDING JUDGE SCHMITT: [15:05:45] It is -- "way outside the charges" I would
2 not say, but it is outside the charges. Yet there might be -- be some repercussions, or
3 I assume you have something in mind with that. We cannot I think stick strictly to
4 that. We also discussed of course events that are fore -- happened before the charges,
5 so, and you can conclude from -- from different sides of the -- the temporal line, so to
6 speak.

7 MR VANDERPUYE: [15:06:10] Yes. Mr President, I would say it's outside the
8 dates of the charges but within the facts and circumstances as confirmed by the
9 Pre-Trial Chamber.

10 PRESIDING JUDGE SCHMITT: [15:06:18] Yeah, but ...

11 MR VANDERPUYE: [15:06:19] It's relevant, obviously, to the charges.

12 PRESIDING JUDGE SCHMITT: [15:06:23] It's -- it's anyway not, let's say -- we
13 always in such proceedings, we always discuss issues that happened temporally
14 outside the charges, and this could have some effect on the crimes charged or not.
15 And this is always -- this is always the case, and we will have to assess that in the end.
16 Yeah, but please proceed.

17 MR VANDERPUYE: [15:06:51] Thank you, Mr President.

18 Q. [15:06:58] I don't know if I called it in. This is tab number 9. The ERN
19 number is CAR-OTP-2001-6105.

20 Yes, that's it. It is a *communiqué de press*. It appears in Corbeau News. If you go
21 down to the bottom, you can see that it's dated 20 October 2014 and attributed to
22 Alfred Ngaya. And what I'd like you to take a look at are a couple of things.
23 First, in the paragraph that's highlighted, have a read of that because your name
24 appears in it, and then I'll ask you some questions about it.

25 PRESIDING JUDGE SCHMITT: [15:08:26] In the meantime, I can say that the

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1 furthest of the -- the temporal scope of the charges is August 2014, is the child soldiers.

2 So we have roughly December 2013 until August 2014. So when we speak of

3 October, it is outside, and of course no acts of any of the accused committed then

4 has -- will be in any way considered with regard to the charges. That is clear.

5 MR KNOOPS: [15:09:18] I presume you meant allegedly committed.

6 PRESIDING JUDGE SCHMITT: [15:09:21] Allegedly committed, of course, yeah.

7 THE WITNESS: [15:09:46](Interpretation) Mr President, I have read it.

8 PRESIDING JUDGE SCHMITT: [15:09:55] I have to interrupt shortly, Mr Knoops. I

9 did refer to potential crimes that we don't see at all, but that are outside of the

10 temporal scope, so -- so we -- we are not talking -- I was not talking about the crimes

11 confirmed. That's perfectly clear. Because the formulation is, so I was not

12 completely wrong, then -- then potentially committed. Yeah. Mr ...

13 MR VANDERPUYE: [15:10:25] Thank you, Mr President.

14 Q. [15:10:30] Mr Kokaté, I -- I asked you to take a look at this because I have a

15 question about it, and it's the part that refers to a list of demands by the Anti-Balaka.

16 And it says: (Interpretation) "The demand concerning the resignation of Madam

17 Catherine Samba-Panza."

18 Can you explain a little bit about that? Do you understand what that's about?

19 A. [15:11:08] Mr President, the list of grievances related, first of all, to himself,

20 Mr Ngaïssona, because he wanted to be director general of ENERCA or RCRP. And

21 there was also the decree of appointment of Yvon Konaté. The president had told us

22 that with regard to Mr Ngaïssona, she was aware of that plan of appointment, but she

23 could not do any -- anything because to become director general of ENERCA or RCRP,

24 there had to be a call for interest, * and the fact that the decree to appoint Mr Konaté

25 was on her table. But I think that she only saw it later, and also, people needed to

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1 conduct themselves properly first. I think that was it. Besides, I don't know
2 whether the list that she had sent -- given that it was in a sealed envelope... I don't
3 know whether he had also asked for the billeting of the Anti-Balaka... because this
4 was an issue that had never been resolved.

5 I don't know whether I have answered your question.

6 Q. [15:13:00] Yes, just bear with me for one moment, please. I -- I'm just reviewing
7 the transcript.

8 PRESIDING JUDGE SCHMITT: [15:13:11] You have, of course, to ask yourself how
9 important are these events outside the temporal scopes of the charges, if they ever
10 happened again -- if they ever happened, might be fore the alleged crimes we are
11 talking about.

12 MR VANDERPUYE: (Microphone not activated)

13 PRESIDING JUDGE SCHMITT: Microphone, please.

14 MR VANDERPUYE: [15:13:40] I'm sorry. I have thought about it quite a bit, and
15 our position is that while, obviously, the accused cannot be charged with crimes or
16 conduct outside the temporal scope of the charged crimes, that his participation and
17 conduct outside of the charged crimes can nevertheless be relevant to the charged
18 crimes in terms of assessing mental requirements and so on, intent -- certainly not
19 knowledge, because knowledge comes obviously after the fact, but intent can be
20 assessed by conduct after the crime. And I think the Chamber actually issued a
21 ruling to that effect as well.

22 PRESIDING JUDGE SCHMITT: [15:14:20] Yeah, because of that, I did not stop you
23 that this is a possibility, yes, but there might be also other issues that -- other conduct
24 that might have happened during the charged period that might also be of interest.
25 And I said yesterday already that we don't have unlimited time, especially the parties

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1 don't have unlimited time to question the witness. But of course it's up to you what
2 you, what you select.

3 MR VANDERPUYE: [15:14:57] Yes, there's no problem. I think -- and I know you
4 were concerned about that yesterday as well. I think that I will finish within the
5 time that I predicted that -- or I had anticipated that I would.

6 PRESIDING JUDGE SCHMITT: [15:15:09] That would be sometime tomorrow.

7 MR VANDERPUYE: [15:15:11] It should be sometime tomorrow. I think --

8 PRESIDING JUDGE SCHMITT: [15:15:13] I think you said 15.5.

9 MR VANDERPUYE: [15:15:16] Exactly.

10 PRESIDING JUDGE SCHMITT: [15:15:17] And of course we have to say -- we have
11 to say, I have not taken minutes here, might be perhaps the second session on the
12 latest, I would assume.

13 MR VANDERPUYE: [15:15:26] Yeah, that's what -- that's what I'm aiming for. I
14 have, though, checked the time, though, and --

15 PRESIDING JUDGE SCHMITT: [15:15:30] Okay, good.

16 MR VANDERPUYE: [15:15:31] -- I think I'm pretty well within it, but -- and maybe
17 finish early, in fact, technically, but that's sort of the aim.

18 PRESIDING JUDGE SCHMITT: [15:15:38] Because we can assume that the Defence
19 also has one or the other question here to this witness.

20 MR VANDERPUYE: [15:15:44] I'm sorry, I'm really struggling with this transcript.
21 I thought -- I thought he said something which I cannot find in the English transcript
22 and I'm not sure -- I'm not sure how to go about it.

23 Q. [15:15:53] In any event, you listed a number of demands, and you indicated that
24 Mr Ngaïssona wanted to be the director general of, it says ENERCA over here in the
25 transcript. What is that, can you tell the Chamber?

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1 A. [15:16:31] ENERCA is a corporation, a director general of a corporation
2 responsible for electrical energy in the CAR. I was not there when he was discussing
3 this with the prime minister or head of government, but he said that that position was
4 proposed to him, but he was never appointed to it.

5 Q. [15:17:07] And what about this "*démission de Madame Catherine Samba-Panza*",
6 what's that about?

7 A. [15:17:23] * Regarding the resignation of Madam Samba-Panza, that is a decision
8 that he, Ngaïssona, had taken with his staff. I'm not very knowledgeable because
9 when we arrived Madam Samba's office, I did not talk about it because I was not
10 aware.

11 Q. [15:18:02] Bear with me one second.

12 (Counsel confers)

13 MR VANDERPUYE: [15:18:34] Okay. Sorry, I was just discussing with my
14 colleague, Ms Struyven.

15 Did you mention SOCAPS (phon) or SOCASP in your response?

16 A. [15:19:03] Yes, this was part of the discussions of Mr Ngaïssona with the prime
17 minister. It was a letter that -- it was given to me and we took it with us. So I
18 handed it to the president, and that was a mail, she read it and gave her answer, and
19 that is the answer of the president that I have just told you about a short while ago.

20 Q. [15:19:46] Can you just tell the Chamber what that is, what is that -- what is that
21 acronym, if you know.

22 A. [15:20:09] No. Mr President, I really do not have details there. I gave you the
23 answer of Madam Samba-Panza. Outside of that, I don't have any further details.

24 Q. [15:20:24] What I mean is what is SOCAPS? When you say that, what do you
25 mean?

1 A. [15:20:43] SOCAPS is a company, I think, in the oil sector. It has to do

2 with -- (Overlapping speakers)

3 Q. It's a national petroleum --

4 A. -- petroleum.

5 Q. [15:21:03] (Overlapping speakers) -- a national petroleum company? Is that
6 right?

7 A. [15:21:12] It is a general directorate which is under the authority of the ministry
8 of mines and energy, so I cannot give you the meaning of the acronym right now.

9 Q. [15:21:31] Just -- it's fine. I just want to give the Chamber an idea of what that
10 is, *société centrafricaine de pétroles*. And that is a position that -- director general
11 position that Ngaïssona -- Ngaïssona was seeking?

12 A. [15:21:59] Yes, that was part of his discussion with the head of government and
13 the transitional president.

14 Q. [15:22:08] To your knowledge, was that something new in October 2014, or was
15 that a discussion that had been going on since he returned and that you first met the
16 president, the transitional president in January 2014?

17 A. [15:22:31] I really don't know. He was the one who frequently met with the
18 president. He met with her constantly. The president can give you an answer or
19 Mr Ngaïssona himself.

20 Q. [15:22:57] Thank you very much. I think -- I think I've followed you through to
21 that -- to that part of your narrative. And I want to take you back now to 2014 earlier,
22 if I could.

23 I just want to show you a -- a video from earlier in the year. Just bear with me while
24 I locate it.

25 This should be at tab 22 of the binder of the Chamber, that's the video itself. And I'm

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1 going to play two clips from that video. The ERN number is CAR-OTP-2055-2610,
2 and the transcript reference is CAR-OTP-2107-6906, and it should be from 6909 to
3 6910, lines 39 through 83. That's the first clip.

4 And then the second clip is obviously the same ERN number. The time of that is
5 from 07:51 to 08:13 and the transcript reference is CAR-OTP-2107-6906, at 6913
6 through 6914, lines 220 through 240.

7 All right. So I'm not sure exactly how we set this up, but -- all right, I understand we
8 have to go to evidence 2 to see the video footage. The transcript reference seems to
9 be on evidence 1.

10 PRESIDING JUDGE SCHMITT: [15:25:24] I should have it here, but perhaps you
11 know it by heart, the date from when is this, do you know that?

12 MR VANDERPUYE: [15:25:31] It's hard to tell and that's one of reasons why I want
13 to show it to the witness --

14 PRESIDING JUDGE SCHMITT: Okay, good.

15 MR VANDERPUYE: -- because he's in the footage.

16 (Viewing of the video excerpt)

17 THE INTERPRETER: [15:25:45](Interpretation of the video excerpt)

18 "At the entrance of the town is PK9. On the other side, the director general of the
19 gendarmerie has an appointment with allies who are surprising.

20 Colonel.

21 Mr Minister.

22 You are welcome.

23 Thank you very much.

24 We are very happy to receive you.

25 These people belong to the Anti-Balaka group, Christian militias who are responsible

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1 for wreaking havoc.

2 Can you see the gendarmerie, they have stopped at the level of the barrier and we
3 have just crossed that barrier. What is happening here is something that we cannot
4 control, and today, people are intercepting stolen objects, false Central Africans who
5 want to destroy the country and are putting them at the disposition of the
6 gendarmerie. That is collaboration.

7 You have just said that no one is financing you, the government never financed you."

8 MR VANDERPUYE: [15:27:37]

9 Q. [15:27:37] Did you have a chance to see that, Mr -- Mr Kokaté?

10 A. [15:27:50] Yes, Mr President, I saw that.

11 Q. [15:27:56] Do you have a recollection of what you saw, where you were and
12 when?

13 A. [15:28:18] It was after the PK9 bridge. This is where that encounter took place.

14 Q. [15:28:32] Which side of the PK9 bridge are you talking about? The side
15 going -- the Bangui side of it or the side going further south?

16 A. [15:28:46] Towards the south. When you pass the gendarmerie post at PK9,
17 then you have the bridge. It's about 50 or 60 metres.

18 THE INTERPRETER: [15:29:07] Just to point out that the sound from Bangui is not
19 brilliant, Mr President.

20 MR VANDERPUYE:

21 Q. [15:29:17] Can you approximate the date more or less of when that occurred?

22 A. [15:29:34] I do not remember the precise date, but it was facilitation work that I
23 was doing. Since I was working with the prime minister and head of government,
24 we had to convey messages through Yekatom. They received the message and
25 conducted themselves well. That is why the director or the commander of the

1 gendarmerie at that time, who is now the minister of interior, had gone there to
2 congratulate them.

3 Q. [15:30:34] So this would have been after you received your post with the prime
4 minister's office you think, or did I hear wrong?

5 A. [15:30:50] No, I think I did that before. I did that before assuming my duties
6 with the prime minister. As I told you a short while ago, when I left N'Djamena,
7 President Déby and the ECCAS heads of state spoke to me and appealed to me to do
8 everything to contribute to the restoration of peace. So I spent a lot of my time
9 conveying this message both to the Anti-Balaka and to the Séléka.

10 Q. [15:31:42] And you may have heard the narrator talking about how the
11 gendarmes have no choice but to work with the Anti-Balaka in the area. Did you
12 hear that?

13 A. [15:32:08] We followed the general himself, the gendarme. He was the one
14 who made that statement and he was considering them as partners, people that he
15 could associate with. A director general of the national gendarmerie cannot do that
16 at his own initiative without the authorisation of his hierarchy, so there is some work
17 that must have been done before I came on the scene.

18 Q. [15:32:56] At a certain point in the clips that I showed you, you heard Mr
19 Yekatom say he has 3,000 men. Did you hear that?

20 A. [15:33:22] That statement commits only -- it's only binding on Mr Yekatom. He
21 said he had 3,000 men and that he needed resources, so he spoke as a leader. So it's a
22 statement that commits only him, that is binding only on him, and it is up to him to
23 explain that. My job was to facilitate the restoration of peace and cooperation
24 between the armed groups and the government, and I even started doing that before
25 being appointed to my position. And this was in 2014.

1 Q. [15:34:27] Did you discuss with Mr Yekatom what his needs might be for his
2 3,000 men without the means to support them in terms of your mission of achieving
3 peace in the area?

4 A. [15:34:47] Well, he was not addressing himself to me. Mr Yekatom was not
5 speaking to me. To my knowledge, I think he was received on several occasions by
6 the prime minister, so if he had grievances, he would make them directly to the prime
7 minister.

8 Q. [15:35:22] You were the prime minister's adviser, weren't you? In relation, in
9 particular, to the Anti-Balaka, right?

10 A. [15:35:40] Yes, with regard to the Anti-Balaka, I was appointed as part of the
11 Anti-Balaka, but once you are appointed, you work for the entire republic, so I was
12 addressing myself to all the armed groups because I was dealing with issues related
13 to DDR.

14 Q. [15:36:24] And that's exactly my point, you just heard Mr Yekatom talking about
15 the cantonment of his 3,000 elements. If he had demands that he communicated to
16 the prime minister, wouldn't the prime minister have communicated that to you as
17 his adviser, or is he going to keep that a secret from you?

18 A. [15:36:58] Yes, Mr President, I'm aware that as the adviser of the prime minister
19 I was aware of the problem of the barracking or cantonment of former Anti-Balaka
20 fighters and this is because former Séléka fighters were billeted or barracked, so it
21 was also necessary to bring the former Anti-Balaka fighters into barracks, and I found
22 it to be normal.

23 Q. [15:37:53] Now, you recognise Mr Yekatom in that video, in the clips that I
24 showed you, right?

25 A. [15:38:04] Yes, I recognise him.

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1 Q. [15:38:12] (Overlapping speakers)

2 PRESIDING JUDGE SCHMITT: Microphone.

3 MR VANDERPUYE: It's on. Oh, I'm sorry.

4 PRESIDING JUDGE SCHMITT: [15:38:15] Actually, I didn't hear you. Perhaps I
5 was the only one.

6 THE WITNESS: (No interpretation)(Overlapping speakers)

7 MR VANDERPUYE: [15:38:21]

8 Q. [15:38:21] You saw Mr Kamezolaï?

9 A. [15:38:26] Yes. (Overlapping speakers)

10 Q. In the video he's wearing a white and red shirt?

11 A. [15:38:38] That's correct, Mr President.

12 Q. [15:38:40] Mr Kamezolaï is somebody that you saw when you went to go meet
13 the president?

14 A. [15:38:56] I know Mr Kamezolaï for a long time already. It's a former military
15 person, and I knew his -- I knew him from a long time ago, so I know him very well.

16 Q. [15:39:14] So you know him well and for a long time, so you recognised him
17 immediately in the video?

18 A. [15:39:25] Correct. That's correct.

19 Q. [15:39:27] Mr Kamezolaï is somebody who petitioned to have ex -- or, rather,
20 have FACA members who were in the Anti-Balaka regain their ranks within the
21 FACA; isn't that right?

22 A. [15:39:57] I heard it said, I heard that being said. I learned about that -- sorry,
23 let me say this again. I heard about this petition that Mr Kamezolaï was
24 approaching the president about that -- sorry, was approaching the prime minister.
25 That's all I have to say.

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1 Q. [15:40:25] That was in around July 2014, wasn't it?

2 A. [15:40:35] Yes, I think so, because the prime minister and -- we discussed that as
3 well.

4 Q. [15:40:42] Did you ever talk to him about that, about what happened to him
5 after he made that plea to have -- did you ever talk to him about his plea to have or
6 his request to have FACA members of the Anti-Balaka join the ranks of the FACA,
7 leave the Anti-Balaka and join the ranks of the FACA? Did you ever talk to him
8 about what happened to him after having made that declaration?

9 A. [15:41:27] I don't remember very well. Perhaps you could help me, refresh my
10 memory so that I can recall what happened.

11 Q. [15:41:44] That's okay. If you don't remember, we'll leave that alone.

12 In terms of Mr Yekatom, you knew him for a long time as well, even before he was a
13 soldier; isn't that right?

14 A. [15:42:01] Yes, Mr President.

15 Q. [15:42:01] And while you were in the prime minister's office, did you hear
16 anything about the conduct of Mr Yekatom or the conduct of his men in the southern
17 part of the country, in Lobaye in particular?

18 A. [15:42:25] Mr President, Mr Yekatom is someone I knew before he went into the
19 army. For me, I think that Mr Yekatom is like a young brother to me. And when I
20 learned complaints about him, I called him and I tried to give him advice. I was in
21 the cabinet of the prime minister so I learned some things, and I called him to come
22 and try to give him some advice, and it was up to him to accept my advice or not.
23 Because I suggested he do everything to speak to his men, something -- he must do
24 something which the population would accept and appreciate. As regards Lobaye,
25 when we learned that at the cabinet level, we weren't happy, so I was quite anxious to

1 give him some advice.

2 Q. [15:43:42] All right. I'm sure you can anticipate what questions I'm going to
3 ask you because what you're saying is rather oblique.

4 You say that you tried to give him some advice and you say when he learned about
5 complaints, so what complaints did you hear about Mr Yekatom? That's the first
6 question. What advice did you give him in respect of those complaints?

7 So let's start with the first one. What kind of complaints did you hear about
8 Mr Yekatom?

9 A. [15:44:22] Mr President, I was an adviser to the prime minister. The complaints
10 against Yekatom, people came and complained. They didn't necessarily come to me.
11 The people were complaining either to the courts or the tribunal that the prime
12 minister, head of the government, obtained information from here and from there,
13 and the prime minister talked to me about it. And when he discussed it with me and
14 when he discussed the complaint about Yekatom, I called him and told him what I
15 had heard, that there were atrocities, you're not behaving or conducting yourself
16 properly. So that was it.

17 All I know I remember well within the framework of my duties because I was still at
18 the prime minister's office. There was a military individual who was concerned
19 about Yekatom, and I did everything I could, based on what the prime minister said,
20 to speak to Yekatom. I tried to speak to Yekatom so that that man would get
21 released.

22 And following that, Yekatom, when there was a meeting at the hotel, I think one of
23 the representatives of the secretary-general of the Africa Union also spoke to
24 Mr Ngaïssona and Mr Ngaïssona called Yekatom. And also I think the people from
25 the Red Cross also went there, as far as I'm aware. And these various complaints

1 went before the court. And with all the information that I was getting, I tried to tell
2 Mr Yekatom as well.

3 Q. [15:47:17] Well, Mr Kokaté, I can appreciate that it is difficult for you to testify
4 against people that you know and you've known for a long time. But the answer
5 that you gave in respect of a question about what specific complaints were brought to
6 your attention about Mr Yekatom is quite general because you talked about this
7 *exactions* and then you talk about specifically some military who he didn't want to
8 release.

9 Now, my French is not good, and everyone knows that, but those don't sound like
10 equivalents to me. So when you're talking about *exactions* that you spoke to
11 Mr Yekatom about, what are you talking about?

12 A. [15:48:26] Mr President, I'm not a judge. I received information when the
13 prime minister called me and said: Look, this is what happened, that such person
14 doesn't behave well, that person doesn't behave as they should, there are complaints
15 against their individual. Then it was my time to talk to that particular person. So
16 that was part of my duty, my function.

17 So when I heard this -- I'm now speaking of a general nature, but as regards the
18 complaints against Mr Yekatom, I never saw somebody come to me vis-à-vis
19 Mr Yekatom, but we had information from people who complained about
20 Mr Yekatom -- Yekatom as regards coming to the commissioner or to the courts.
21 So when I spoke to Yekatom, it was part of my function.

22 Q. [15:49:30] You've made that abundantly clear, sir, but you still haven't answered
23 the question, which is still hanging in the air.
24 When you gave him advice about these *exactions*, which you just said moments ago,
25 what are you talking about? I didn't ask you about your role. I didn't ask you

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1 about whether you went to see him. I asked you what -- what are you talking about
2 that you gave him advice about?

3 MS DIMITRI: [15:50:05] I'll object to this, Mr President. If you look at the French
4 transcript, I don't believe Mr Kokaté said that he spoke to Mr Yekatom about
5 exactions. He received information about exactions, but he didn't speak directly to
6 him.

7 PRESIDING JUDGE SCHMITT: Perhaps (Overlapping speakers)

8 MR VANDERPUYE: [15:50:17] He hasn't answered the question.

9 PRESIDING JUDGE SCHMITT: [15:50:20] Let -- calm down, everyone.

10 Mr Witness, you have said you have heard complaints. Could you be -- if you recall
11 it, could you be more specific what was the content of these complaints.

12 THE WITNESS: [15:50:50](Interpretation) Thank you, Mr President, I said that the
13 prime minister often called me to tell me that he had information relating to
14 Mr Yekatom, that Yekatom committed -- that there were lots of complaints about the
15 behaviour of Mr Yekatom and that he was not behaving properly. The people of
16 that region in Lobaye do not agree with him because there are too many exactions.

17 Mr President, I cannot ask the prime minister what type of exactions are you talking
18 about, but as soon as Mr -- there are complaints against Mr Yekatom and that he
19 wasn't behaving correctly, according to the prime minister, it was part of my duty to
20 give him advice.

21 PRESIDING JUDGE SCHMITT: [15:51:56] Yeah, I think we won't get much further
22 here. We cannot -- the witness has -- perhaps we give it one other try.

23 Mr Witness, so do we understand you correctly that when the prime minister spoke
24 with you, he did not provide you with details about these complaints?

25 THE WITNESS: [15:52:25](Interpretation) Mr President, the prime minister said that

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1 Mr Yekatom was not conducting himself properly. I repeat, Mr President, the prime
2 minister said that Mr Yekatom was not behaving properly and, therefore, I had to
3 speak to him.

4 Now, what type of complaint, what type of exactions, that's something I don't know.

5 PRESIDING JUDGE SCHMITT: [15:52:48] We have to continue now. It's over now.

6 MR VANDERPUYE: [15:52:53] Mr President, I haven't asked him what the advice
7 was that he gave.

8 PRESIDING JUDGE SCHMITT: [15:52:57] Yes, of course. That is something
9 different, but we have now talked extensively about the complaints and the potential
10 content, and the witness has clearly stated that he cannot provide us with details.
11 But of course you can ask him about what kind of advice he gave Mr Yekatom.

12 MR VANDERPUYE: [15:53:18] Yes, indeed.

13 Q. [15:53:20] Mr Kokaté, what advice did you give Mr Yekatom in light of the
14 information that you received from the prime minister?

15 A. [15:53:38] As I said, that the prime minister was not at all pleased about him and
16 that he wasn't behaving correctly. The report which the prime minister had received
17 made him extremely upset and that there were lots of people who were complaining
18 about Yekatom and his conduct.

19 So, Mr President, for me, the message which I received was something that I passed
20 on to Yekatom. Now, as regards to the details, what type of complaints, that's not
21 something -- I'm not aware of. I didn't speak to the courts to say -- find out what
22 happened, but I know that he wasn't behaving correctly. That's what I told him.

23 Q. [15:54:32] What did he say to you? Didn't he ask what were the complaints?

24 A. [15:54:47] He didn't say anything. He listened and went and that's all.

25 Q. [15:54:51] And what did you report to the prime minister?

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1 A. [15:55:01] All I did, I reported back to the prime minister.

2 Q. [15:55:04] What did you tell him? "I went and I spoke to him, I told him that
3 you weren't happy with him. He didn't answer", is that what your report was to the
4 prime minister of your country?

5 A. [15:55:24] Mr President, I -- I said, "Come, I want you to come here. I want to
6 talk to you. I want to give you some advice." He didn't talk. He listened to what I
7 had to say and then he left. It's not -- I can't force him to tell me something.

8 Q. [15:55:44] Mr Yekatom was somebody who you said controlled the south in
9 your statement in 2018. The reference to that is at tab 39, CAR-OTP-2074-2234 at
10 2248, and it's within lines 477 and forward.

11 PRESIDING JUDGE SCHMITT: [15:56:16] Ms Dimitri.

12 MS DIMITRI: [15:56:17] Thank you, Mr President. It's a bad start for a non-leading
13 question, and I don't believe the witness asked yet to have his memory refreshed with
14 his statement.

15 PRESIDING JUDGE SCHMITT: [15:56:27] You're right.

16 MS DIMITRI: Thank you.

17 PRESIDING JUDGE SCHMITT: [15:56:29] You're right. I agree with you.
18 So we would have to first ask the witness if he knows anything about the role
19 and -- of Mr Yekatom. You have to prepare this question, I would say.

20 Mr Kokaté, you want to speak? Please do that.

21 MR VANDERPUYE: [15:56:52] Go ahead, Mr --

22 THE WITNESS: [15:56:56](Interpretation) Yes, Mr President. I would like to
23 convene with my counsel for a moment, if you don't mind.

24 PRESIDING JUDGE SCHMITT: [15:57:05] No, of course we don't mind. And I
25 think since we have three minutes to the hour, it would make sense now to adjourn

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1 for tomorrow.

2 And, of course, again, Mr Vanderpuye, such things should be prepared, such
3 questions. It was really quite leading and not, not on the direct examination. We
4 would not -- of course, of course, we don't want to make a 100 per cent rule out of that.
5 Things that are perfectly clear to everyone in the courtroom can easily be obtained
6 even on direct examination via leading questions because it doesn't make sense to
7 waste time there, but this -- Ms Dimitri is perfectly right here. We have to prepare
8 that.

9 So, Mr Witness, you have the chance to confer with your counsel, and then we
10 can -- we reconvene tomorrow at 9.30 and we see each other again then.

11 THE COURT USHER: [15:58:05] All rise.

12 (The hearing ends in open session at 3.58 p.m.)