

Trial Hearing
WITNESS: CAR-OTP-P-2251

(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 Tuesday, 8 June 2021
- 10 (The hearing starts in open session at 9.30 a.m.)
- 11 THE COURT USHER: [9:30:49] All rise.
- 12 The International Criminal Court is now in session.
- 13 Please be seated.
- 14 PRESIDING JUDGE SCHMITT: [9:31:16] Morning, everyone.
- 15 Could the court officer please call the case.
- 16 THE COURT OFFICER: [9:31:24] 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: [9:31:37] Thank you.
- 21 I ask for the appearances of the parties.
- 22 Mr Leddy first, please.
- 23 MR LEDDY: [9:31:43] Thank you, Mr President, your Honours. I'm Nick Leddy
- 24 with the Office of the prosecutor. Today with me in court are Kweku Vanderpuye,
- 25 Irina Galupa, and our intern, Catia Pino.

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1 PRESIDING JUDGE SCHMITT: [9:31:53] Thank you.

2 Mr Suprun.

3 MR SUPRUN: [9:31:54] Good morning, Mr President, your Honours. The former
4 child soldiers are represented today by Nadia Galinier, associate legal officer, and by
5 myself, Dmytro Suprun, counsel at the Office of Public Counsel for Victims. Thank
6 you.

7 PRESIDING JUDGE SCHMITT: [9:32:08] Thank you.

8 Ms Massidda.

9 MS MASSIDDA: [9:32:10] Good morning Mr President, your Honours. For victims
10 of the other crimes, in court today, Maître Abdou Moussa, Dangabo Moussa. And
11 myself Paolina Massidda.

12 PRESIDING JUDGE SCHMITT: [9:32:23] Thank you.

13 Ms Dimitri.

14 MS DIMITRI: [9:32:25] Good morning, Mr President. Good morning, your
15 Honours. Good morning, everyone. Mr Yekatom, who's present in the courtroom,
16 is represented today by Mr Florent Pages-Granier, Ms Léa Benoit, and myself Mylène
17 Dimitri.

18 PRESIDING JUDGE SCHMITT: [9:32:37] Thank you.

19 And I assume Ms Proulx? Why not? You know, Mr Knoops -- Mr Knoops, when
20 you --

21 MR KNOOPS: Ladies first.

22 PRESIDING JUDGE SCHMITT: -- when you sit in the back, I assume that you don't
23 want to have the floor.

24 MS PROULX: [9:32:52] Good morning, your Honours. Good morning everyone.

25 Mr Ngaïssona is today present in the courtroom and he's represented by Chiara

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1 Giudici, our case manager; lead counsel, Professor Knoops; and myself, Marie-Hélène

2 Proulx. Thank you.

3 PRESIDING JUDGE SCHMITT: [9:33:03] Thank you.

4 And good morning and welcome, Mr Witness, again.

5 WITNESS: CAR-OTP-P-2251 (On former oath)

6 (The witness speaks Sango)

7 (The witness gives evidence via video link)

8 THE WITNESS: [9:33:12](Interpretation) Good morning to you in The Hague, and

9 thank you very much.

10 PRESIDING JUDGE SCHMITT: [9:33:28] So we continue with the questioning by the

11 Defence and we start with Ms Dimitri.

12 MS DIMITRI: Thank you, Mr President.

13 QUESTIONED BY MS DIMITRI: (Interpretation)

14 Q. [9:34:05] Good morning.

15 A. [9:34:09] Good morning.

16 Q. [9:34:12] I am Ms Dimitri. We met a few days ago, I represent Mr Yekatom.

17 I have a few questions to ask you in French because my Sango is limited. If you do

18 not understand any question, do not hesitate to tell me and I will repeat. I will try to

19 stay in public session to the extent possible. If ever there is a question for which you

20 require private session, just let us know and we'll go into the private session.

21 Is that okay?

22 A. [9:34:54] That's fine with me.

23 Q. [9:35:05] However, if there are questions that have to be put into public -- in

24 open session, I will tell you, but if it's necessary to go into private session, I will tell

25 you as well.

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1 PRESIDING JUDGE SCHMITT: [9:35:26] Ms Dimitri, you are --

2 MS DIMITRI: Too fast.

3 PRESIDING JUDGE SCHMITT: [9:35:26] Yes, exactly. So I think it's best simply to
4 stop it at the first juncture, so to speak. It's always when we have this -- I think the
5 problem is especially when the French -- when we have French speakers, I have the
6 impression. So please allow yourself a couple of seconds after the witness has
7 finished, otherwise we have so many overlapping that we can't follow it.

8 Please pose the question again.

9 MS DIMITRI: [9:35:56] Thank you, Mr President.

10 Apologies to the interpreter. I thought I was safe with the Sango interpretation, but
11 I'll slow down.

12 Q. [9:36:12] Mr Witness, if ever you do not understand any question, tell me, and I
13 will repeat. I will not have you repeat what you have already testified to, but I will
14 ask you some questions for clarification.

15 A. [9:36:37] Very well.

16 Q. [9:36:41] I think in your testimony, and if you agree with me, you said that
17 Anti-Balaka was a popular movement, gatherings in places around the country where
18 people came together to counter the actions, the acts of violence of the Séléka.
19 Do you agree with me?

20 A. [9:37:11] You are quite correct. I think that the Balaka movement was born
21 because of the acts of violence perpetrated by the Séléka. It was made up of young
22 people who, faced with the Séléka actions, rose up to defend their parents, their
23 brothers, their sisters, so we took the decision to rise up and block the Séléka.

24 Q. [9:37:58] Am I to understand that your group, the group in which you
25 were - and I don't want you to mention it because we are in open session - it became

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1 larger as the Séléka activities grew, forcing people to flee and *spontaneously join

2 your group?

3 A. [9:38:39] Yes, that is correct. The movement started growing, but you cannot

4 say that there was a significant number of people. There were two, three people

5 who would join and make the group larger.

6 Q. [9:39:08] And if I understood you correctly, this popular movement continued at

7 least until 5 December, that is right up into -- on to the eve of the attack, you had

8 several individual groups and you had many young people joining you because they

9 were fleeing; is that correct?

10 A. [9:39:40] Yes, that is correct. You have had said precisely what happened.

11 Q. [9:39:54] And these young people who joined you shortly before 5 December,

12 they had no leaders, but they spontaneously decided to join you because they were

13 fleeing from the acts perpetrated by Séléka in Bangui.

14 A. [9:40:22] No, they had no leaders. I said it -- yesterday I said it. There were

15 young people who spontaneously arrived in groups of two or three. They had no

16 leaders as such. These young people would come and join the group because they

17 had fled from Séléka acts of violence. They left and came to the bush where we were,

18 and that is where we gathered to have larger groups. But there were no leaders,

19 there was no one to really support.

20 Some of these young people came sometimes with food, wild yams, and other food

21 items, and that's what made it possible for us to be able to feed ourselves where we

22 had gathered to make up a larger group.

23 Q. [9:41:36] And the objective of that group which was gathered prior to

24 5 December, and specifically for 5 December, was to make sure to put an end to

25 Séléka activities. So your objective was not to pursue or attack or hunt down

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1 Muslims; is that correct?

2 A. [9:42:10] The objective of our movement was not to drive away Muslims. Our
3 objective was to chase the Séléka out of our country so that peace could be restored so
4 that we could continue living peacefully. That was the objective. It was not to
5 chase out the Muslims. If that had been the case, as I told you yesterday, there are
6 Muslims still living in Bogangolo, Damara, and Bouca. Those Muslims stayed in the
7 towns because they were living in harmony with the population, and they did not get
8 involved with the Séléka, so the Balakas protected them. So the objective of the
9 Balaka movement did not have as its objective to chase out the Muslims. But those
10 who were members of the Séléka group were targets, but anyone who did not have
11 any association with the Séléka, the Balaka would not do them any harm.

12 Q. [9:43:23] Yesterday you stated that the *gris-gris* came from your ancestors.

13 Can you explain very briefly the source or origin of the *gris-gris*?

14 A. [9:43:54] As I have already told you, those *gris-gris* belonged to ancestral
15 practices, because the hunters already had *gris-gris* to carry out hunting activities in
16 the bush because there were lions and wild animals, and so our ancestors used
17 *gris-gris* for hunting purposes because, when they came face to face with elephants
18 and other wild animals, they would be able to escape. So this practice went down
19 from one generation to another, so those of us in our generation also took the habit of
20 wearing the *gris-gris* in order to protect ourselves. That does not represent any other
21 thing. There were oaths taken for the *gris-gris* and there are principles of that oath
22 that must be complied with, that must be respected. And if you respect those
23 principles, you cannot be harmed or suffer any prejudice.

24 Q. [9:45:24] From your explanation, therefore, am I to understand that the *gris-gris*
25 were not exclusively used by the Anti-Balakas?

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1 A. [9:45:42] That is a good question. Just as you have said, it was not only the
2 Anti-Balaka who wore *gris-gris*, there were other groups who also wore the *gris-gris*,
3 but I don't know what they were made of. As you know, the Séléka came from Chad
4 and Sudan, and they also came with the practices of their own country for the
5 purpose of destroying our own country. I don't know how their own *gris-gris* are
6 made or what they are made of because I have no idea about that.

7 Q. [9:46:28] Thank you, Mr Witness. I will move to some other thing.
8 In your statement you talked about chiefs giving instructions. Would I be correct to
9 say that that hierarchical structure that you talk about in your statement was
10 something that was created spontaneously, that is there are no official documents
11 appointing X or Y as leader? Would you agree with that?

12 A. [9:47:24] Let me repeat. The chiefs who were leading us, they were the ones
13 who received the *gris-gris* to give them to us. They were our superiors and they gave
14 us instructions. They were the ones would knew how the *gris-gris* were made,
15 where they came from. They provided them to us and explained to us the principles
16 to be complied with in order to insure that those *gris-gris* were effective. That is
17 what I know about those *gris-gris*.

18 Q. [9:48:17] Now let us put the *gris-gris* aside for the time being and talk about the
19 leaders, the chiefs. Based on what I understood from your testimony, would I be
20 correct to say that the chiefs became chiefs because they self-proclaimed themselves
21 as the leaders, and one of the consequences of that was that, in one specific area, there
22 could be several chiefs who would not even be communicating with each other? Am
23 I correct?

24 A. [9:49:17] Thank you for that question. Our chiefs knew that they were our
25 leaders. They were the ones who gave us instructions and advice. When they

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1 gathered together, they shared or discussed the strategy to be followed and the
2 manner in which the movement had to be led. That is how they took care of us.

3 Q. [9:50:16] But would it be correct to say - and if you don't know, you don't
4 know - but in an extended or large area there could be several chiefs without them
5 communicating between themselves necessarily, because they would self-proclaim
6 themselves as chiefs in certain groups?

7 A. [9:51:07] Good question. As I have told you, our various leaders, sometimes
8 they met together. Some of them understood each other, but others did not. Some
9 of them were concerned with their elements. They would reproach them, but
10 sometimes they did not understand each other, but in the end they always
11 understood each other.

12 PRESIDING JUDGE SCHMITT: [9:51:56] Ms Dimitri, I think you see yourself that
13 perhaps there is nothing further to elicit out of the witness in that regard.

14 MS DIMITRI: [9:52:10] Indeed, Mr President. I was moving on.

15 Q. [9:52:21](Interpretation) I will move on to something else, Mr Witness. I
16 believe I understood from your statement, and from your testimony, that for a
17 significant period of time there was really no structure. People were living in the
18 bushes, people were eating what they could find. There were no clothes, no
19 equipment, no communication means, no means of transportation. And I simply
20 want you to give us a clarification. Am I correct to say that the situation that I have
21 just described is something that happened from the very time that you fled into the
22 bush right up to the attack of 5 December? And that was the time that you sought
23 refuge with your family.

24 A. [9:53:36] I think that is a good observation. When I said that yesterday, it
25 means that there was no possibility of telephone communication because there were

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1 no networks. In the bushes where we found ourselves, we could not have any
2 telephone networks making it possible to communicate with the outside world until
3 we reached Bangui on 5 December, that is when people started having telephones to
4 be able to communicate. But in the bushes there were no means of communication
5 with the outside world.

6 Q. [9:54:38] My question was a little bit more specific, Mr Witness. Am I to
7 understand that, until you arrived Bangui on the fifth -- for 5 December, you were
8 living without any means of transportation, with the food that you could collect
9 whenever, without clothing and without materials, that is the situation in which you
10 lived until you arrived Bangui for the events of 5 December; is that correct?

11 A. [9:55:27] Yes, the situation was precisely the way that you have described it. I
12 really do not need to elaborate.

13 Q. [9:55:38] Thank you. Yesterday - and I'm once again changing
14 subject - yesterday, you mentioned the fact that crimes and thefts were attributed to
15 Anti-Balakas, whereas that was actually not the case. The Anti-Balaka had not
16 committed some of these crimes. Can you once again explain the distinction that
17 you made between the true and the false Anti-Balakas.

18 A. [9:56:44] I thank you for this question. I would like to refer to a question that
19 you put to me about the false Anti-Balakas who committed crimes and were arrested.
20 Right now, they're in prison. One name was even mentioned, and I know longer
21 remember the name, so we talked about these criminals. This person had set up a
22 group that was robbing people. He was arrested and right now he is in prison
23 because of those actions or crimes that he was committing and claiming to be
24 committing them or to be acting as the Anti-Balaka. That is the explanation I can
25 give you.

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1 Q. [9:57:51] Thank you. And just one last question on this matter. You gave the
2 example of that individual yesterday. Should I understand that this was not the
3 only example? There were several individuals, such as this one, who were
4 committing crimes or carrying out certain acts, whereas they were not -- they were
5 not really Anti-Balakas; is that correct?

6 A. [9:58:25] Yes, what you are saying is true.

7 Q. [9:58:35] And unfortunately, even though they were not Anti-Balaka, when they
8 carried out those acts of violence, they were nevertheless described as Anti-Balaka.
9 People would say that this is an Anti-Balaka, whereas that person was not actually
10 one. Did I understand you correctly?

11 A. [9:59:12] That is correct. As I had said a short while ago, there were people
12 who conducted themselves in that way. There were people who committed such
13 crimes, who stole people's property and who passed themselves off as Anti-Balaka.
14 They committed those crimes even against the Muslims, even though they were not
15 really Anti-Balaka as such.

16 Q. [9:59:52] Thank you, Mr Witness. Once again, I will move on to another subject.
17 I have about five or six questions that are specifically related to the attack of
18 5 December. Is that okay?

19 If I understand from your testimony, on 5 December was your group so disorganised
20 and ill-equipped that many members of your group were injured and even killed; is
21 that the case?

22 A. [10:00:49] Yes, what you have just said is correct. As I have already said, we
23 did not have any military equipment for the fighting. All we had were hunting rifles,
24 and we also used pots, whereas the Séléka had heavy weaponry and they even had
25 military vehicles, so we could not really face up to them. But since we had a strategy

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1 of making noise with pots and pans, we were able to succeed. But despite that we
2 were fighting while retreating and that is why there were very -- many people that
3 were injured and even killed.

4 Q. [10:01:59] Thank you. You have to be careful because we are in open session
5 and I think you specified the place where you hid. I believe that after the attack of
6 5 December, you went and -- into hiding in the house of one of the members of your
7 family, and do I understand that one of the reasons that you went into hiding was
8 because the group was disorganised, *there was no equipment... a lack of training in
9 order to fight the Séléka, and you were worried, and that is why you went
10 and sought refuge with your family?

11 A. [10:03:04] Yes. We didn't have any war arms, so when I experienced these
12 events, I was scared and I preferred to flee so that the Séléka wouldn't hunt us down
13 and harm us. That's why I decided to leave and go back to my family in hiding for a
14 little while.

15 Q. [10:04:01] Did I understand that the 6 December you saw retaliation committed
16 by the Séléka?

17 A. [10:04:37] Yes, indeed. The 5th and the 6th. The 6th, it was raining. We
18 were in the bush. And when we were looking to gather together, we saw there was
19 somebody who fired upon us. We fled. And there were many wounded, many
20 victims. Faced with that I was scared and I sought refuge nearby, as I've already
21 said and I'll say again.

22 Q. [10:05:21] When you say there were many victims, many wounded, and that
23 you saw the Séléka attacking, my question is very specific: Did you see them
24 attacking civil populations, civilians, did you see them attacking them?

25 A. [10:06:00] Let me say once again, I saw them. I saw them. And it was very

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1 difficult. And if I hadn't fled, I don't know what would have happened to me. The
2 Séléka were shooting without making any distinctions. They were shooting and
3 killing without making any distinctions.

4 Q. [10:06:39] When you said they killed and shot without distinctions, I understand
5 that includes civilians. Could you tell me where, as far as you know, the Séléka fired
6 and shot without distinction. What sector of Bangui was involved?

7 A. [10:07:24] Let me say the following. In Boy-Rabe, in the -- I saw them commit a
8 lot of crimes. And in PK12 also suffered a lot from these crimes.

9 Q. [10:07:49] And now I understand you're making a distinction between what you
10 saw and what you heard. My question is specific on what you heard. Have you
11 heard it said that the 5, 6, and even 7 December, the Séléka fired, wounded, killed,
12 without distinction in Cattin and Boeing districts?

13 A. [10:08:40] Yes, I heard it said. They attacked, they shot in Boeing and Cattin
14 without any distinctions. And those people sought refuge at the airport site, despite
15 the fact -- and the Sangaris force were protecting these people, but that didn't prevent
16 them from shooting on those individuals who were seeking refuge at the airport.

17 Q. [10:09:20] In your testimony, you also say that retaliations from the 5 December
18 attack, houses were burnt down by the Séléka. And you're very specific. You talk
19 about the -- the area Jean XXIII. Did you see or hear this? Did you Séléka burn
20 houses in other districts, other than Cite XXIII?

21 A. [10:10:12] They burnt houses in PK12. They burnt houses in Kassai. They
22 burnt houses in Boeing, in Cattin. And up to today, Boeing and Cattin, the owners
23 of those houses could not return to their homes. In other cases, they stripped off the
24 roof, they occupied by force some of the houses which was belonging to other people
25 of the population. Today, the owners of those houses have not yet been able to

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1 repossess their houses.

2 Q. [10:11:16] Thank you, sir. I'm going to change subjects again. I'm going to
3 talk about the mosques.

4 In your statement, paragraph 26, you say that you never personally saw any mosques
5 being burnt down in Bangui and you don't know whether the mosques were burnt by
6 the Christians or the Anti-Balaka. So you know there are mosques that were burnt
7 down, but you don't know by whom. My question is very simple. I'm trying to
8 understand this paragraph. Am I correct that you heard it said that Christians,
9 civilians, burnt down the mosque? So my question is linked to civilian Christians.

10 A. [10:12:33] You asked me a question, and I have answered that the Christian
11 civilians were victims of the Séléka. Churches had been burnt down, and they were
12 very angry. And I heard it said that they decided to burn and destroy the mosques.
13 Personally, I didn't see them do it. I am not in a position to identify them.

14 Q. [10:13:25] So you've just said that the Christian civilians, because they were
15 victims, were very angry. You just said that they were very angry. Is that
16 something that you noticed, where the Christian civilians were so angry against the
17 Séléka and against, unfortunately, the Muslims, that they sought revenge by burning
18 down the mosques, by attacking Muslims sometimes? Is that something that you
19 noticed?

20 A. [10:14:25] Personally, I have not seen that, but I heard it said that civilians burnt
21 down and destroyed mosques because the Séléka, they had burnt and torn down
22 churches. And as retaliation, the Christians decided to destroy the mosques because
23 of the Catholic churches or the Christian churches that had been burnt down. I think
24 you yourself know how the Séléka burnt down the churches in the
25 Central African Republic. So by way of retaliation, the civilians decided to destroy

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1 the mosques, but they are not the Balaka who were at the origin of this destruction
2 that took place.

3 Q. [10:15:35] If you leave aside the mosques, because you have answered my
4 question, were the Christian civilians, because of their anger, did they decide to attack
5 Muslim civilians?

6 A. [10:16:09] Well, this question is not something you should ask me.

7 PRESIDING JUDGE SCHMITT: [10:16:20] I think, again, this is a subject you have
8 exhausted with this witness.

9 MS DIMITRI: [10:16:30] Thank you, Mr President. I was indeed changing subject.

10 Q. [10:16:39](Interpretation) Mr Witness, I'm going to change subjects completely.
11 I would like to talk about an individual which you referred to in your statement and
12 you called him Larma.

13 Just to put it into context, you had a discussion with the OTP and you referred to the
14 arrest of a so-called Mr Larma, 134 of your statement. And you also discussed with
15 the OTP of an article in the press which talked about an arrest.

16 That's tab 11, the English version of the OTP binder, CAR-OTP-2001-4441. I am not
17 going to show you the press article, I don't think it's necessary because it's already in
18 our evidence, but I'd like to ask you some questions about that individual. Do you
19 follow me?

20 A. [10:18:01] I follow you.

21 Q. [10:18:04] In some minutes I'm going to let you listen to an audio which
22 confirms what you told us in your statement when you talked about this Larm. But
23 before that, I have some preliminary questions I'd like to ask you.

24 Am I correct in saying that Larma was an individual, his name was Jean-Jacques
25 Larmassou, that was his full name; is that correct?

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1 A. [10:18:45] I don't really know his name, but I know that his name was Larm.

2 Q. [10:19:01] Am I correct in saying that Larma was not an Anti-Balaka, he was part
3 of another group?

4 A. [10:19:16] Yes, that's correct. Larma was not a member of the Anti-Balaka
5 movement. He had his own group which was a group of bandits. We succeeded to
6 stop him and arrest him and take him to justice. He was taken to the prison
7 Ngaragba to wait for justice. He was not part of the Anti-Balaka movement.

8 Q. [10:20:00] Perhaps you know, but I'm going to suggest that he was part of the
9 R&J revolutionary group. Does that mean something to you?

10 A. [10:20:22] I don't know. I don't know whether he belonged to the group that
11 you have just mentioned. I really don't know.

12 Q. [10:20:38] Before the audio, in your statement you said Larma, which you've just
13 described as a bandit, pretended to be an Anti-Balaka but wasn't. Am I correct to
14 say he committed crimes in the name or on behalf of Anti-Balaka?

15 A. [10:21:14] Of course. He committed all these crimes in the name of
16 Anti-Balaka.

17 Q. [10:21:31] *For the record, it is Tab 1 in the Defence list, CAR-OTP-2076-1083.
18 We shall be listening to an excerpt of approximately 5 minutes' duration, starting at 6
19 minutes 15 seconds to 11 minutes 15. For the interpreters, the French transcript of the
20 excerpt we shall be listening to can be found at Tab 2, CAR-OTP-2427-8960, and the
21 specific passages is at page 8963, line 84 to line 154 on page 8964.

22 MS DIMITRI: [10:22:43] Mr President, am I correct that you didn't get English
23 interpretation of what I just said?

24 THE INTERPRETER: [10:22:47] Forgot to put --

25 PRESIDING JUDGE SCHMITT: [10:22:51](Overlapping speakers) I listened in

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1 French.

2 THE INTERPRETER: [10:22:51] My apologies, my microphone wasn't on, but I can
3 give you the references of the --

4 PRESIDING JUDGE SCHMITT: [10:22:58] Okay, there was no -- the microphone
5 was not on, so what do we do now? Do we repeat it or?

6 So I think we had the -- I think it's not -- it was not so complicated what you said, so
7 we can simply proceed. And we have the French transcript and some have heard
8 the original French, so we simply proceed.

9 MS DIMITRI: [10:23:44] Mr President, for the record, I don't know if you need this
10 information, but the audio and transcript that I'm about to play were part of a 68(2)
11 motion by the Prosecution and it comes from Witness P-2050, and it's OTP motion
12 filing 1 -- 812.

13 PRESIDING JUDGE SCHMITT: [10:24:08] Can be no damage to have this additional
14 information.

15 MS DIMITRI: [10:24:12] And just one question. It's classified confidential in the
16 metadata. I believe this can be played in public, it doesn't identify anyone
17 specifically, unless my colleagues have a different opinion.

18 PRESIDING JUDGE SCHMITT: [10:24:26] I have it in front of me. I also don't see it,
19 but we have perhaps to ask are there any objections to it being played publicly?

20 MR LEDDY: [10:24:44] Your Honour, I believe the audio can be played in public,
21 and if we need to redact portions of it after the fact we'll suggest so.

22 PRESIDING JUDGE SCHMITT: [10:24:50] Fine. Fine. Thank you. So let's
23 proceed now.

24 MS DIMITRI: [10:24:54] Thank you very much.

25 Q. [10:25:03](Interpretation) Mr Witness, we're going to listen to this video now,

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1 this audio, which refers to the situation which you described, namely the arrest of

2 Larma. So could you listen to the audio and then I'm going to ask you some

3 questions about it. Is that okay?

4 A. [10:25:26] That's fine. I have heard what you've said.

5 THE INTERPRETER: (Interpretation of the video excerpt)

6 *Ok, thank you. I am Colonel 12 Puissances, the chief of the Anti-Balaka. Since

7 5 December, we came to the town of Bangui. Our objective was to fight the Séléka

8 and the militia from the Séléka and accomplices of the Séléka with their boss, which is

9 Mr Djotodia. After some weeks, *we have started to feel that more serious acts of

10 violence are being committed against the Central African people, which means that

11 there are some military, some bandits, some thieves, they have all disguised

12 themselves into Anti-Balaka to carry out crimes, pillage, looting on the population in

13 Central Africa. This gentleman here is called Larmassou and he is the commander of

14 the false Anti-Balaka of the 8th district. 8th and 5th arrondissement, he has at least

15 300 elements behind him, and their mission was financed by someone who's a

16 member of the government which is currently in place. He is financed by

17 Jean-Jacques Demafouth. Who's this government? Who? This man, this man who

18 finances them, who? Who is he?

19 It is Jean-Jacques Demafouth. Jean-Jacques Demafouth. He is an advisor to the

20 minister for the presidency of Djotodia. He is financed by Jean-Jacques Demafouth

21 who has given him money, who has given him weapons and now he's carrying out

22 crimes on the population in the name of Anti-Balaka so that these acts is associated

23 with the Anti-Balaka, although the Anti-Balaka will be condemned before the courts.

24 Our objectives is not to come here for revenge as such. It's not to come here to loot,

25 to steal, and to carry out crimes. So that gentleman that you see there, he has done a

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1 lot of things. He has even killed Central Africans. He has killed the Muslims.
2 He's a mercenary. Really, yesterday, I tried to catch this gentleman. I came here
3 and he said before me, it came out of his own mouth, that he's a mercenary. And he
4 asked me why I take him here. Aren't I scared of him? If it doesn't work, he's going
5 to kill me and all my elements. And I said to him: I managed to catch you so that
6 you are brought to justice in Central Africa, because you've committed crimes, you've
7 caused waste and harm in the name of the Anti-Balaka. God willing, I'm going to
8 deliver you to the courts in Central Africa. You've done so many things. You've
9 killed Muslims, destroyed mosques.
10 He's done many things on the Central African population in the name of Anti-Balaka
11 and, if he's really Anti-Balaka, I'm going to try and try and stab him a bit. If it
12 doesn't work, then he's a true Anti-Balaka. If I can stab him, if it doesn't penetrate,
13 then he's a true Anti-Balaka. Otherwise he's false. He's going to carry out crimes.
14 Stupidity. Stops taxis, cars, people on the roads, carries out crimes, kills people. He
15 doesn't do -- he does anything and everything, looting. There are more than 300
16 elements behind him. It's not normal. Thank goodness he's there. You can ask
17 him and he'll tell you everything he's done. And he's going to say all the elements at
18 the 5th and 8th arrondissement, that they must stop their crimes so that we can have
19 peace in our country and so that our people can live in peace.
20 Thank you. Thank you. But justice isn't working yet, so what are you go to do?
21 Justice is there. Justice is already starting. We are going to take him to the OCRB or
22 to the gendarmerie. We're going to take him here because we need you, the
23 journalists, because you are going to say other things, and also on the radio, about the
24 Anti-Balaka. *We have taken him here, but we are not the police or the gendarmerie
25 to arrest him.

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1 MS DIMITRI: [10:30:54](Interpretation)

2 Q. [10:30:55] Mr Witness, the audio that you have just listened to, is it indeed the
3 incident that you talked to us about during your testimony, that is the arrest by
4 Douze Puissances of an individual called Larma who was subsequently taken to
5 the ORCB?

6 A. [10:31:33] Yes, that is indeed correct, and you have the evidence right there.
7 This audio is quite explicit. The number of people under his command was actually
8 mentioned. The Anti-Balaka did not commit crimes. They did not rape or steal,
9 because we had *gris-gris* and we had oaths to respect. So the number of people
10 under the command of Larma committed crimes which were attributed to
11 Anti-Balaka, so he was arrested, detained, and handed over to the ORCB so that peace
12 and security should be restored in the arrondissements mentioned in this audio, and
13 so that peace should be restored in those neighbourhoods.

14 Q. [10:32:44] For the record, did you recognise the voice of Douze Puissances in
15 that audio clip?

16 A. [10:33:11] Yes, that voice is indeed the voice of that person and he did what he
17 did for the purpose of contributing to peace, that is what explains this audio
18 recording.

19 Q. [10:33:39] Last question on this matter, Mr Witness. To your knowledge, after
20 the arrest of Larma, did a member of government, if you know, try to have him
21 released?

22 A. [10:34:12] No, no. I do not know. I simply cannot make a comment.
23 Whether an authority tried to have him released or whether he was released, I have
24 no idea.

25 Q. [10:34:28] Thank you. Let me go to something else. In your statement, you

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1 mentioned that the base of a certain Judicael Moganazoum was located in Boeing, and
2 is paragraph 184 of your statement. My statement question is very simple: Can
3 you tell us how much time before or after 5 December 2013 was Judicael based in
4 Boeing. So my change of subject was to talk to you about the Boeing sector?

5 A. [10:35:39] No, it was not before but it was after 5 December.

6 Q. [10:35:46] In any case, was it in December 2013 that he was based in Boeing?

7 A. [10:36:09] I really do not remember the date precisely, but it was after the events
8 of 5 December.

9 Q. [10:36:23] Thank you. In paragraph 216 of your statement, you mention a
10 certain Clement Bama and you give his nickname as *Flame de Guerre*. Is it correct to
11 say that in December 2013 *Flame de Guerre* was a ComZone in the Boeing sector?

12 A. [10:37:07] Well, I don't know. I really do not know whether he was ComZone
13 in Boeing or elsewhere. I just don't know.

14 Q. [10:37:24] Thank you. I will show you another document, that is tab number 14
15 of the OTP list of documents. It is CAR-OTP-2039-0031. And I would like to ask
16 the court officer not to displace it to the public.

17 Mr Witness, it is a document that was submitted with your statement. I will take
18 you to three specific parts of that document and then I will ask you some questions.
19 So please go to page 2039-0038. Further down, please. Thank you.

20 On page 2039-0038, if I understand correctly, there is a ComZone known as Kota Oko
21 Jean Richard positioned in base Boeing 2.

22 And if we can go to page 0042, so as to expedite the procedure. Before you answer,
23 on page 0042 there is a ComZone in Boeing 1 base named Bonaventure Moyokpemna.
24 And then lastly, on page 0045, bottom of the page, please, there is a ComZone bearing
25 the name Redebona at the airport base, which is still in the Boeing sector.

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1 My question is simple, Mr Witness, these three ComZones positioned in the Boeing
2 sector, if you know - and if you don't know, there is no problem - but if you know,
3 since when had they positioned themselves with their elements in the Boeing sector?

4 A. [10:40:46] Thank you for your question. Unfortunately, I'm not in a position to
5 answer that question because I have absolutely no idea about all those ComZones.
6 I do not know whether you hear me well.

7 Q. [10:41:09] I can hear you loud and clear, Mr Witness.

8 Now let me move on to another topic. In your statement you say that it was
9 impossible to go to PK5, Miskine, parts of Petevo because the Séléka were present
10 there. Can you elaborate on why it was so difficult to travel to those locations?

11 A. [10:42:02] Thank you for your question. As I have already had occasion to say,
12 where the Séléka were based it was difficult to go there because they arrested
13 everyone who was passing by, attacked them, looted them or stole all the person's
14 property. You have all the evidence. Wherever Séléka was based, the members of
15 the population did not have the right to go there. They committed crimes against
16 the members of the population. I cannot talk about the Anti-Balaka. They could
17 not venture into the locations where the Séléka were positioned because they were
18 afraid of being killed by the Séléka.

19 Q. [10:43:05] But is it correct that in December 2013, January 2014, February 2014, it
20 was almost impossible for anyone to go to PK5 because of the strong presence and
21 equipment of the Séléka, their weapons?

22 A. [10:43:54] That is indeed correct. During that period, it was difficult.

23 Q. [10:44:09] I will ask you a question on another location that you referred to in
24 your statement. In paragraph 185 of your statement, you stated that you know the
25 Kolongo base. My question is simple: The first time that you went to the Kolongo

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1 base, would I be correct to say that this happened after the Brazzaville accords?

2 A. [10:44:56] Yes, that is the truth.

3 MS DIMITRI: [10:45:07] Mr President, with your leave, I have two subjects left, one

4 of which is about child soldiers, so I think it's better if we go in private session.

5 PRESIDING JUDGE SCHMITT: Yeah, I know -- I know the part of the statement of

6 the witness. Yes, private session.

7 MS DIMITRI: [10:45:21] Thank you.

8 (Private session at 10.45 a.m.)

9 THE COURT OFFICER: [10:45:35] We are in private session, Mr President.

10 MS DIMITRI: [10:45:43]

11 Q. [10:45:43] (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 A. [10:46:31] (Redacted)

16 (Redacted)

17 Q. [10:46:48] (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 MR LEDDY: [10:47:31] Your Honour, if I may.

24 PRESIDING JUDGE SCHMITT: [10:47:33] Yeah.

25 MR LEDDY: [10:47:35] The Prosecution would object to this question --

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1 THE WITNESS: (Overlapping speakers)

2 MR LEDDY: [10:47:38] -- in the sense that it calls for speculation on behalf of the

3 witness. (Redacted)

4 (Redacted)

5 PRESIDING JUDGE SCHMITT: [10:47:47] No, this is overruled. The witness might

6 know something. (Redacted)

7 (Redacted)

8 (Redacted)

9 Mr Witness, I apologise, we have interrupted you. Could you please answer the

10 question.

11 THE WITNESS: [10:48:41](Interpretation) (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 PRESIDING JUDGE SCHMITT: Okay, then.

16 MS DIMITRI: [10:49:10](Interpretation)

17 Q. [10:49:12] Thank you, Mr Witness. (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 A. [10:50:03] (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 Q. [10:50:41] (Redacted)

2 (Redacted)

3 A. [10:51:07] (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 PRESIDING JUDGE SCHMITT: [10:52:10] Mr Witness, you raised your hand. You
12 want to speak, yeah. Please do so.

13 THE WITNESS: [10:52:24](Interpretation) Yes, there is something I wanted to say.
14 I'm wondering whether the President can allow me to go and ease myself.

15 PRESIDING JUDGE SCHMITT: [10:52:45] Of course. Of course we do that. We'll
16 have a break now anyway in a couple of minutes, so we can have it now until 11:30.

17 THE COURT USHER: [10:52:54] All rise.

18 (Recess taken in private session at 10.52 a.m.)

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

20 THE COURT USHER: [11:31:18] All rise.

21 Please be seated.

22 PRESIDING JUDGE SCHMITT: [11:31:41] Ms Dimitri, before you start, when will
23 you end?

24 MS DIMITRI: [11:31:50] You'll be happy with my answer, Mr President, I have two
25 questions left. But one, one video, so ...

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1 PRESIDING JUDGE SCHMITT: [11:31:59] No, no, it's fine, I was simply -- Ms Proulx,

2 I think you said yesterday some 40 minutes or an hour or what?

3 MS PROULX: [11:32:03] I think I will probably take the rest of this session.

4 PRESIDING JUDGE SCHMITT: [11:32:06] Okay, fine. I simply wanted to know if

5 we need to go in the -- into the third session. This does not seem to be necessary.

6 Okay. Ms Dimitri, please continue.

7 MS DIMITRI: [11:32:15] Thank you, Mr President. I understand we're back in open

8 session. I have one follow-up question on the subject that I was discussing before

9 the break, so if we could, with your permission, go back to private. Thank you.

10 PRESIDING JUDGE SCHMITT: [11:32:27] Yeah, private session.

11 (Private session at 11.32 a.m.)

12 THE COURT OFFICER: [11:32:41] We are in private session, Mr President.

13 MS DIMITRI: [11:32:47] Thank you.

14 Q. [11:32:52](Interpretation) Hello again, Mr Witness.

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 A. [11:33:52] (Redacted)

20 (Redacted)

21 (Redacted)

22 Q. [11:34:15] (Redacted)

23 (Redacted)

24 A. [11:34:30] (Redacted)

25 (Redacted)

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1 (Redacted)

2 Q. [11:34:45] (Redacted)

3 (Speaks English) Mr President, we could go back in open session for my last subject

4 (Overlapping speakers)

5 PRESIDING JUDGE SCHMITT: [11:35:01] Back to open session. Yes.

6 (Open session at 11.35 a.m.)

7 THE COURT OFFICER: [11:35:12] We are back in open session, Mr President.

8 MS DIMITRI: [11:35:18](Interpretation) Thank you.

9 Q. [11:35:19] Mr Witness, my final subject. Very different from all the others

10 which we discussed. I would like to show you a video, because you talked of

11 Andjilo whom you know, so we're going to see a video. It's tab 42 of the OTP binder

12 from 1:22, 1 minute -- to 1:50, CAR-OTP-2049-0141. For the interpreters, the French

13 transcript is at tab 44 of the OTP binder, 38 to 50 is the lines, CAR-OTP-2074-1958.

14 THE INTERPRETER: [11:36:33](Interpretation of video excerpt) What -- what are

15 you doing with that flag?

16 We are very, very angry with our chief. He's carrying heavy weapons, which means

17 we are very, very angry.

18 MS DIMITRI: [11:37:20] Mr President, with your leave, I think we started the video a

19 little bit too fast and the interpreter were probably not ready. My apologies.

20 PRESIDING JUDGE SCHMITT: [11:37:28] No problem, no problem, no problem to

21 repeat it. Why not? Yeah.

22 MS DIMITRI: [11:37:33] Thank you.

23 (Interpretation) We're going to resume this again. It is line 38 to 50, tab 42. And the

24 transcript is on tab 44.

25 THE INTERPRETER: [11:38:25](Interpretation of video excerpt) This is Corporal

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1 Chocolat. Big man, why are you so angry that you carry a flag around your neck?

2 Well, we are so angry because we, and the Anti-Balaka, Andjilo, is carrying heavy
3 weapons. We are really angry. What you -- because you see us here, it's because
4 we are so, so angry. They have come here, they have made us slaves in our own
5 country, these people, Colonel Andjilo at the head, Rambo from Central Africa, all
6 these elements you see here present, they have come because the Arabs have
7 tarnished our name. We're going to show them that we are equally powerful.

8 MS DIMITRI: [11:39:33](Interpretation)

9 Q. [11:39:34] Mr Witness, we've just seen a video where someone introduces an
10 individual as -- called Andjilo, Rambo from Central Africa. I have a single question
11 to you. Is the person on the camera, was he Andjilo? Is that the Andjilo that you
12 know from Central Africa, the one you've talked about during your testimony?

13 A. [11:40:14] A good question. I know Andjilo very well. Yes, it is that person
14 precisely, and his name is Andjilo.

15 MS DIMITRI: [11:40:25] Thank you, Mr Witness, to having answered my question.
16 That was my final question.

17 PRESIDING JUDGE SCHMITT: [11:40:31] Thank you, Ms Dimitri.
18 And I give the floor now to Ms Proulx.

19 MS PROULX: [11:40:41] Thank you, Mr President.

20 QUESTIONED BY MS PROULX: (Interpretation)

21 Q. [11:40:46] Good day, Mr Witness.

22 A. [11:40:58] Good day to you.

23 Q. [11:40:59] My name is Marie-Hélène Proulx. We met very briefly last week
24 during -- where we met for formalities. I'm one of the lawyers in the Defence team
25 of Mr Ngaïssona. I'm going to ask you some questions.

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1 A. [11:41:37] I can hear you perfectly.

2 Q. [11:41:38] I know you have the habit, but I am going to repeat this, that you have
3 to speak slowly, make breaks between questions and answers.

4 And like my colleague, I will try and spend as much time in open session, but if you
5 want to give an answer which could in any way identify you, let me know and I will
6 ask for permission to go into a closed session.

7 Do you understand that?

8 A. [11:42:18] I have understood you.

9 Q. [11:42:27] Mr Witness, in your statement, and for the record I am talking to
10 the -- I'm referring to the French version, which is in tab 2 in the list of evidence from
11 the OTP, CAR-OTP-2107-6230. *In your statement, at paragraphs 14 and 15, you
12 explained that in the beginning the Séléka arrived in your village and started to kill
13 and to loot. Could you explain and elaborate for the Court what sort of conditions
14 reigned in your village when the Séléka arrived?

15 A. [11:43:23] Thank you. I have repeated yesterday and today, life with Séléka
16 was difficult. We thought they had come to live together with us, but that wasn't the
17 case. You have proof, you have video of that. I see videos which you are
18 broadcasting here. *In these videos you can see that the Séléka forcibly took men to
19 join them. They forced the men to convert to Islam; those who refused were killed.
20 They took by force motorbikes from individuals. They even took everything from the
21 houses. They looted and pillaged. They could kill anyone they wanted, anyone who
22 resisted them. And they said they wanted to come to power. So those who didn't
23 give them food, they would beat. They would hurt, they would hurt the population.
24 The Séléka killed people and that's why people started to flee and go into the bush.
25 That's why we eventually formed together to form the group called Anti-Balaka.

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1 Q. [11:45:15] Thank you, Mr Witness. Am I correct in saying that the Séléka
2 attacks were constant, there were always new attacks taking place?

3 A. [11:45:36] Thank you for the question. As I was saying, the Séléka attacks were
4 recurring. On 24 March, after taking over power, they started abuses and it lasted
5 for all that time. There was no time when *they stop. There was no mercy for
6 the population. These crimes were committed almost every day.

7 Q. [11:46:21] Were the Séléka specifically targeting their attacks towards the
8 Christians?

9 A. [11:46:42] The Séléka fought all those who were Christians. They committed
10 crimes on the population. There were some Muslims who were not in favour of the
11 Séléka. For example, today there are some Muslims who still live in Bogangolo and
12 Damara and Boali and Yaloke, Bossembele, in Bouca, yeah. And Muslims still live
13 there because they didn't want to participate with the Séléka. They didn't want that.
14 They continued to live in good terms with the Anti-Balaka. But at that time, those
15 who said no to the Séléka and those who harmed the Christians had to leave the
16 country.

17 Q. [11:47:53] If I understand you correctly, Mr Witness, it was the behaviour of the
18 Séléka which gradually changed the conflict and forced the religious communities to
19 fight each other?

20 A. [11:48:23] Yes, that's correct. That's right. It is their behaviour which forced
21 the population to rebel. Because of their behaviour, the population continued to
22 destroy itself. If that hadn't happened, it would have been different because they
23 had committed so many abuses. The communities rose up so that they could do
24 something about it.

25 Q. [11:49:06] I'm going to take you to your time when you were in Gobéré. There

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1 you were very clear in your statement yesterday, and also today, on the facts that at

2 that time you didn't have any possibility to communicate with anybody outside.

3 You spoke about telephones in particular, saying there was no network. Am I

4 correct when you said that you -- in Gobéré, you didn't see people who used other

5 telecommunication resources or networks?

6 A. [11:49:54] I said, no, there were no telephones or mobiles that people could use.

7 We didn't have that resource there. I can't lie to you. We didn't have that means,

8 that resource. At the time, we could have information by sending women who were

9 amongst us. We sent them to the village to find out what was going on and to try

10 and get some information. But to say that there was communication resources at

11 that time, no, there weren't any.

12 Q. [11:50:47] Thank you. I want to tell you about the organisation of the

13 Anti-Balaka group. You said in your statement, in paragraph 189, that there were no

14 ranks with the Anti-Balaka; is that correct?

15 A. [11:51:14] That's correct. At that time, I had no clue about any ranks. I didn't

16 see any ranks. I don't want to lie to you. There were military. There were

17 military -- there were career military people amongst us, but we didn't know their

18 ranks.

19 Q. [11:51:51] You did mention that FACA was in your midst. Am I correct to say

20 that your group was basically made up of civilians who sought refuge in the bush?

21 A. [11:52:13] Yes. I repeat, when we started, the majority were civilians. The

22 military who were amongst us, there might have been 10 of them or so. I told you

23 that those who fled from Bossembele, from Bouca, Bogangolo, Bossangoa, all those

24 people fled. They were fleeing from the crimes and abuses and then they regrouped

25 and moved forward. That's what we were doing. You shouldn't say or think that

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1 they were military who were the basis of this or managed it. No, no, we can't say
2 that.

3 Q. [11:53:11] And amongst the chiefs, am I correct to say some of them were
4 Anti-Balaka and others were FACA?

5 A. [11:53:33] In Gobéré, many of the *chefs* were civilians. As I've said, those chiefs
6 carried *gris-gris* and made these *gris-gris* and gave it to their elements to identify them.
7 That's what happened in the bush.

8 Q. [11:54:15] Thank you for your answer. I want to clarify the following: What
9 were the relationships between FACA and the Anti-Balaka? In your statement, you
10 say that FACA did not make a distinct group in Gobéré but mixed amongst the others.
11 That's in paragraph 212. But you also said, as civilian, you couldn't mix with
12 members of FACA. That's in paragraph 86. My question is as follows: Am I
13 correct that the relationships between FACA and the Anti-Balaka from civilian
14 background were fluid, that they could change according to circumstances or the
15 places where you were?

16 A. [11:55:23] At that time FACA - as I've already said - after Séléka took over the
17 country, FACA fled as well. They crossed the river to go to Zaire and some went to
18 Cameroon and indeed other countries. Those who didn't have that chance and
19 opportunity also went in hiding in the bush. So it could happen that
20 elements -- wild elements killed them. And that's why I said to you that those FACA
21 who were amongst us were those who fled. Because Séléka was looking for them
22 and wanting to harm them, so they fled from the towns to go into hiding in the bush
23 and that's why they were amongst us. So we looked together for food because we
24 had difficulty to find enough food, and FACA joined us so that they could also look
25 for food in the bush. I don't know if that explains what happened.

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1 Q. [11:56:36] Yes, it's clear. Thank you. Sometimes, did the FACA chiefs would
2 lead -- or, have Anti-Balaka elements, and vice versa, that Anti-Balaka elements could
3 be led by Anti-Balaka chief?

4 A. [11:57:19] Yes, that's exactly what happened. Civilians could lead the soldiers
5 or the military who were amongst us. In other teams, the opposite could happen.
6 The military could also lead other civilians, because the civilians as -- as they were
7 officials where FACA had some money which they could give to the Anti-Balaka or
8 could provide food or buy food for them and give it to those who had nothing.
9 Those who had nothing gave it to the civilians and the civilians led them as well.
10 We were all together. The civilians and the military were together. We carried out
11 the fights together. And sometimes civilians led and it was not the FACA who led
12 us all the time.

13 Q. [11:58:30] What determined the distribution of elements on the different *chefs*?

14 A. [11:58:52] When we fled and we arrived somewhere and there was a chief, we
15 obeyed that chief. And if another fled and joined the group, they came together and
16 we advanced together. In a group, there's always a leader. There was the
17 Bossembele group, there was a Bouca group, Bogangolo. There were different
18 groups. There was also a group in Bossangoa. And those people who left the
19 various villages regrouped together and we formed a group within that group. So
20 within a group there was a chief. We were all together. I can't lie to you as far as
21 that is concerned.

22 MS PROULX: [12:00:04] Mr President, with your leave, I would like to go into
23 private session for just a few minutes.

24 PRESIDING JUDGE SCHMITT: [12:00:09] Yes, private session.

25 MS PROULX: (No interpretation)

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- 1 PRESIDING JUDGE SCHMITT: Much -- much too quick, Ms Proulx.
- 2 (Private session at 12.00 p.m.)
- 3 THE COURT OFFICER: [12:00:27] We are in private session, Mr President.
- 4 PRESIDING JUDGE SCHMITT: [12:00:28] Now you have the floor.
- 5 MS PROULX: [12:00:33] My apologies.
- 6 Q. [12:00:38](Interpretation) (Redacted)
- 7 (Redacted)
- 8 (Redacted)
- 9 (Redacted)
- 10 (Redacted)
- 11 (Redacted)
- 12 (Redacted)
- 13 (Redacted)
- 14 (Redacted)
- 15 (Redacted)
- 16 (Redacted)
- 17 (Redacted)
- 18 (Redacted)
- 19 (Redacted)
- 20 A. [12:02:55] (Redacted)
- 21 (Redacted)
- 22 (Redacted)
- 23 (Redacted)
- 24 (Redacted)
- 25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 Q. [12:04:04] Thank you, Mr Witness. I understand you very well. (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 A. [12:04:38] (Redacted)

8 (Redacted)

9 (Redacted)

10 MS PROULX: [12:05:11] Mr President, we can now go back into open session.

11 PRESIDING JUDGE SCHMITT: [12:05:13] Open session.

12 (Open session at 12.05 p.m.)

13 THE COURT OFFICER: [12:05:27] We are back in open session, Mr President.

14 MS PROULX: [12:05:36](Interpretation)

15 Q. [12:05:38] Mr Witness, I will go to the attacks on Bossangoa, Bouca and

16 Bogangolo.

17 In your statement, paragraphs 42 and 43, and yesterday page 13, real-time French

18 transcript, you said that the chiefs in the bush explained to you, the elements, that you

19 had to get out of the bush and that the only possible solution was to try to chase away

20 the Séléka.

21 Do you agree that there were no other possible alternatives?

22 A. [12:06:36] Yes, I told you that there was nothing else we could do. I have said

23 that some of us went and hunted animals, others would go and fetch salt, while

24 others would look for wild yams. That is how we tried to feed ourselves. At a

25 certain point our chiefs told us to leave, that we could no longer stay in the bush, that

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1 we had to come out and chase out the Séléka. Either they would -- either we would
2 win and get rid of them or they would kill us. I do not have anything to add that to.

3 Q. [12:07:35] Regarding the attack on Bangui, was it the same situation? Do you
4 agree that there was no other option than to attack Bangui?

5 A. [12:07:54] Yes, I said that we had no other objective. The only objective was to
6 dislodge the Séléka so that the population could return to a situation of peace. That
7 was the objective. And I am asking you the following question: Are the
8 Anti-Balaka revolutionaries? They came from amongst the population. They are
9 there to fight and to restore peace in the country. I have been explaining that to you
10 for quite a long time and you are asking me the same questions on the same subject.

11 Q. [12:08:58] Let me apologise, Mr Witness. My questions may seem repetitive,
12 and I reassure that I won't be long, but we will talk about certain subjects that we
13 have already discussed.

14 What you have said leads me logically to my next subject. In your statement you
15 said that the Anti-Balaka were not the armed wing of a political party and that there
16 was neither a political party nor politicians *behind the movement. Do you stand by
17 that statement?

18 A. [12:09:48] Yes, that is true.

19 Q. [12:09:55] I would like to show you a document that you saw yesterday with the
20 OTP. It is tab 36 of the list of evidence. It is CAR-OTP-2091-1707. It's a public
21 document. And at the very bottom of the first page, and at the top of the next page,
22 and I will read it out to you:

23 "It is fighting between Séléka and Bozizé's tribe who set up village self-defence
24 groups, to which residual elements of various armed groups and former Bozizé
25 soldiers joined."

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1 Mr Witness, does that correspond to your experience of the Anti-Balaka?

2 A. [12:11:27] I've told you that this was not the case. It is only now that I am
3 seeing this document. I do not know whether there were many former soldiers there.
4 I cannot confirm that. I do not know whether there were Bozizé soldiers there. I
5 repeat that there were only civilians there. There were not many soldiers amongst
6 us.

7 THE INTERPRETER: [12:12:16] The witness has a question to ask.

8 PRESIDING JUDGE SCHMITT: [12:12:22] Yes, Mr Witness? Please.

9 THE INTERPRETER: [12:12:23] The witness would like to ask the President a
10 question.

11 PRESIDING JUDGE SCHMITT: [12:12:32] I have said that he may pose the question.

12 THE WITNESS: [12:12:45](Interpretation) Thank you.

13 With regard to the number of soldiers or the support of Bozizé or the assistance of the
14 government, if we had such assistance, would we have suffered in this manner in the
15 bush?

16 Secondly, individuals, did you hear any Balaka say that we had such-and-such a
17 person supporting us when we were living in the bush, the manner in which we were
18 eating? I told you that we were living in difficult circumstances in the bush. But if
19 you have any evidence that we had weapons, food, and that we were living a good
20 life there, if you have any evidence of that, please let me know. Show it to me.

21 PRESIDING JUDGE SCHMITT: [12:13:54] Mr Witness, it's not up to you to pose
22 questions. I thought it was, perhaps, on another matter. But this was a statement,
23 part of -- perhaps wrapped in question form, so we may proceed from there.

24 Ms Proulx.

25 MS PROULX: [12:14:25](Interpretation)

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1 Q. [12:14:25] Thank you, Mr Witness. I will move on to something else. I would
2 like to move on to the events of 2014.

3 And for the record, I will refer to a document, a statement of another OTP witness.

4 It is confidential and should not be shown to the witness. It is tab 4. And the
5 reference is CAR-OTP-2107-6197, and specifically 6211. Page 6211, paragraph 67.

6 Mr Witness, I am going to quote to you an excerpt of a statement by another OTP
7 witness and I will ask you a question. The quotation is as follows:

8 "When Djotodia resigned, many Anti-Balaka from villages and provinces were in
9 Bangui. Most of them did not have family members in the capital and they did not
10 have anything to eat." End of quote.

11 Now, were you also able to observe that situation in Bangui, Mr Witness?

12 A. [12:16:16] Yes, that is what happened in Bangui, what you have just read.

13 Q. [12:16:29] Mr Witness, during that period in early 2014, were you aware that the
14 Séléka had been billeted, that is they were lodged and fed at the expense -- or, rather,
15 with resources from the Central African state?

16 A. [12:16:55] Yes, that is correct. They were lodged and fed. It was not the same
17 thing for the Anti-Balaka. The Séléka were billeted. They were barracked. They
18 were fed and they received money, but they continued committing crimes. They
19 would leave their camps or their barracks and they committed crimes against Central
20 Africans, despite what they received. But the Balaka had nothing. They did not
21 receive anything. If it was not for Ngaïssona, who made it possible for us to eat, it
22 would have been difficult for us.

23 Q. [12:17:41] If I understand you well, to your knowledge, during that period, there
24 was no programme by the transitional government or international authorities to
25 assist the Anti-Balaka reintegrate the civilian population?

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1 A. [12:18:13] Not at all. I have told you about two things. There was an NGO
2 whose name I have mentioned which assisted the Balaka groups and supported the
3 children amongst us. But to say that the government or someone else supposedly
4 supported the Anti-Balaka, I do not know. I have no idea whether you have read
5 anything about that, but I am not aware of it.

6 Q. [12:19:00] You have explained that for some time Mr Ngaïssona was providing
7 money so that Anti-Balaka elements should buy some food and not find it necessary
8 to pillage. In your statement, paragraph 118, you talked about small amounts of
9 10,000 or 20,000 CFA francs. You can explain what one could possibly buy at the
10 time with such amounts of money?

11 A. [12:19:46] Thank you for that question. If those small amounts were given to
12 us, it made it possible for us to buy cassava leaves. We could also buy manioc or
13 cassava itself, which would make it possible for us to eat, have some strength, survive.
14 A basket of cassava, that is what happened.

15 But to say that we would buy expensive products, luxurious food items, no, that is
16 not possible. We only bought minor items that made it possible for us to survive.
17 That is what helped us in that area. That is what I can tell you.

18 Q. [12:21:03] In your statement, paragraph 142, you explained that you stayed in
19 Mr Ngaïssona's base doing nothing. And one of the reasons that you stayed there
20 was because you were waiting for the DDR; is that correct?

21 A. [12:21:26] Yes, that is correct. If you are putting this type of question to me, I
22 don't know whether it might be better to do it in private session. Anyway, it's up to
23 you to decide. Am I supposed to answer in open session or private session? Please
24 let me know. I am ready to answer your questions.

25 PRESIDING JUDGE SCHMITT: [12:21:59] I think with can continue in open session.

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1 But I think you have already provided an answer, but if you want to add something,
2 feel free to do so.

3 THE WITNESS: [12:22:27](Interpretation) No, I have nothing to add. It is simply
4 because I thought I could give such type of answers in private session. That is why I
5 was worried.

6 PRESIDING JUDGE SCHMITT: [12:22:42] No, no, it's fine.
7 Please continue, Ms Proulx.

8 MS PROULX: [12:22:52](Interpretation)

9 Q. [12:22:55] Mr Witness, it took a lot of time for the DDR to be set up; is that
10 correct?

11 A. [12:23:04] Yes, that is correct.

12 Q. [12:23:08] I would like to read out two excerpts from statements given by
13 another OTP witness.

14 These are confidential documents and it is preferable not to show them to the witness.
15 The first document is in tab 2 of the list of Defence documents. It is
16 CAR-OTP-2102-0045. And it is paragraph 66 on page 0056.

17 Mr Witness, the excerpt is as follows:

18 "The international forces decided that the Anti-Balaka would not take part in the DDR
19 because they were civilians. I was not in agreement because the young people had
20 weapons and *they knew how to use them. People abandoned the young
21 Anti-Balaka; they were afraid of them."

22 Now I will read you a second excerpt, tab number 4. I gave the reference. It is
23 paragraph 50 on page 6208. And the excerpt is as follows:

24 "The country was engaged in a peace process, but no one was taking care of the
25 Anti-Balaka. According to me, the Anti-Balaka should have been taken into account

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1 in the DDR process. I was wondering how were we going to live peacefully if we
2 did not take them into account?" End of quote.

3 Mr Witness, do you agree with that opinion?

4 A. [12:25:46] As you know, the international community, I have told you, we were
5 civilians and our objective was to restore peace in the country. And they were
6 asking us to just calm down, that peace would be restored in the country in the future
7 and that, through the DDR, everything would be done to assist us to have the tools to
8 receive training so that peace would return to the country. So we were all there
9 waiting for the DDR to be set up.

10 Q. [12:26:45] Mr Witness, as an Anti-Balaka, did you feel yourself excluded from
11 the measures taken by the transitional government and the international community
12 in 2014?

13 A. [12:27:24] The international community and the government at the time had
14 excluded us. But the purpose of our movement was to -- well, if we had not been
15 there, Djotodia would not have resigned. So the international community was not
16 aware of our objective, and that is why they acted the way they did. But truth be
17 told, the Anti-Balaka movement was made up of the children from the country,
18 citizens of the country.

19 On the other hand, Séléka received assistance. They were foreigners from Sudan
20 and Chad, whereas the Anti-Balaka were sons of the soil. They had risen up to chase
21 out those people. So the DDR emerged or was set up in order to enable the
22 repatriation of the Séléka elements. That is what I can say.

23 Q. [12:28:57] Thank you, Mr Witness. I would like to read an excerpt of an
24 interview given by Mr Ngaïssona in April 2015. It is document number 8 of the
25 Defence list and the reference is CAR-OTP-2074-3219. And the excerpt is on

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1 page 3225. It is a public document.

2 I apologise in advance because that excerpt is a bit long, and then I will ask you a
3 question after that.

4 In that interview Mr Ngaïssona said:

5 "The DDR must be prepared by consensus. The leaders of the two armed groups
6 should be associated with the DDR to carry out a technical and coherent work that
7 would reassure all the armed groups by saying that the international community and
8 authorities are thinking about us. There are many victims. The DDR is part of the
9 solution so that the former combatants should disarm quickly and go back to where
10 they came from. Some could go back to being civilians, traders or farmers. Many
11 of those children had their plots of land. But, faced with the situation, they had to
12 abandon them to defend their homeland. They did that and it is something that we
13 can do immediately so that Central Africans can go back to their business. The DDR
14 is an important factor for the restoration of peace in the CAR."

15 What do you think of that observation, Mr Witness?

16 A. [12:31:30] Thank you. My point of view it as follows: During that time, the
17 authorities wanted to set up a DDR programme so as to encourage those who wanted
18 to return to their villages and engage in farming to do so, while the others who
19 wanted to become traders or carry out hunting or any activities that they were doing
20 before should do so. Unfortunately, no one supported that programme. It is only
21 today that I see that programme operational. At that time, there was no one. It was
22 only Ngaïssona who was struggling to assist us so that peace should be restored. If
23 the authorities had given us resources, as was the case with the Séléka, we would
24 have had peace since 2015, 2016. Unfortunately, we did not receive any adequate
25 assistance and that is why we are here to talk about peace.

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1 Q. [12:33:17] Thank you, Mr Witness. I now want to talk about another subject.
2 There have been questions put to you on this, so I do apologise. It's possible you
3 might feel that you're repeating things. I want to talk about crimes committed by an
4 individual, and then they were wrongly -- the Anti-Balaka were wrongly blamed for
5 those crimes.

6 So, to start on the subject, I'm going to read out another extract from the same
7 interview with Mr Ngaïssona, and I'm going to ask you a question afterwards.

8 So it's on the same page, 3225, Mr Ngaïssona said:

9 "There are always crimes, there are always bandits. In addition to that, how can you
10 show us that these people who are looting are Anti-Balaka?"

11 And a little bit further down he adds:

12 "Each time, I have to explain that there was -- there were bandits in this country, there
13 were thieves in this country before, during the crisis, there were some, and even after
14 pacification, even after democracy, there will always be thieves, there will always be
15 bandits. But thanks to God, these children have risked their lives, *have spilt their
16 blood to bring the country to where it is now. They should not be blamed every time
17 to tarnish their image." Mr Witness, is this what you experienced in 2013, 2014?

18 A. [12:35:30] Thank you for your question. As I said, the Anti-Balaka are people
19 who suffered. They suffered. They were beaten. And unfortunately, at the end of
20 their struggle, they received as thanks only humiliations. They were considered as
21 bandits, as thieves. Ngaïssona alone helped us so that peace could come back to our
22 country. What I'm telling you is what happened before Ngaïssona was arrested. I
23 repeat, I think Ngaïssona as someone who came to help us to get out of this crisis.
24 The unhappiness is that the government didn't help us, they left us in our situation
25 despite what was going on.

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1 Yesterday I said we worked with the government to try and neutralise the bad people
2 to show that we want -- that we wanted to have peace, that we are people of peace.
3 We arrested someone who has about 300 elements under him who pretended to be an
4 Anti-Balaka. We tried to neutralise him. We sent him to the government. And
5 that's proof for our government that we were trying to bring about peace in our
6 country. We didn't get any assistance from the government. Today we are here.
7 If the government acted like Ngaïssona did, then perhaps the situation would be
8 different.

9 I stated in my report precisely what happened. I have nothing to add. You can go
10 right or left, but you can't lie before the Court.

11 Q. [12:38:08] Thank you, Mr Witness. I want to read a declaration or statement,
12 another witness, tab 2. I've already given you the reference to that. It's paragraph
13 113. I'm going to read an extract and then I'm going to ask you a question about it.
14 "The responsibility of the acts was usually blamed on the Anti-Balaka. It's important
15 to make a distinction between the two. The local population also retaliated to the
16 attacks of the Séléka in the provinces and the responsibility was put on the shoulders
17 of the Anti-Balaka."

18 Do you agree with this extract, Mr Witness?

19 A. [12:39:13] Yes, I support that statement. You asked me a question on the
20 destruction of the mosques. I told you it wasn't the Anti-Balaka. It was the civilian
21 population who was angry by the acts of the Séléka. So it was the civilian
22 population who rose up to do these types of things. It wasn't only the Anti-Balaka.
23 I told you, no one caught an Anti-Balaka stealing or spending time with a woman,
24 because the *gris-gris* that we carried didn't allow us to behave like that. We couldn't
25 steel or rape or do anything else. An Anti-Balaka has to respect the rules.

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1 Unfortunately, we had to fight. We didn't get any assistance, and we were

2 humiliated continuously, we were insulted, and that was our daily life.

3 Q. [12:40:39] I want to show you document 12 in the OTP list, CAR-OTP-2001-6251.

4 And more specifically, page 6300.

5 Could you show this to the witness, please. Thank you.

6 Mr Witness, as you can see, the document is an order, a mission order whereby

7 Thierry Lebene sent some elements to a village to ask them to patrol so that they

8 could identify false Anti-Balaka or fake Anti-Balaka who were acting as if they were

9 Anti-Balaka.

10 If I understand correctly, Mr Witness, this document shows there was a genuine

11 problem with fake Anti-Balaka and the true Anti-Balaka were trying to find a solution

12 to that problem?

13 A. [12:42:26] Thank you. I told you we had the aim -- we always had fake

14 Anti-Balaka who were stealing vehicles, who looted, who did all sorts of crimes.

15 That's why he issued this mission order so that we could get rid of these bad people

16 for peace to come back to our country. I told you, we were fighting for the return of

17 peace in our country. That was the object. That's what the purpose was of that

18 document that you are showing me. It wasn't for another reason. That's why this

19 document or order was issued. When these elements were deployed on the ground,

20 they wanted peace to return, they wanted vehicles to be on the roads again,

21 motorbikes were on the roads again, and the state machinery started to work again

22 normally. That's all I can add.

23 PRESIDING JUDGE SCHMITT: [12:43:45] I think the subject has been covered quite

24 extensively now, of the fake Anti-Balaka, I mean.

25 MS PROULX: (Interpretation)

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1 Q. [12:44:07] *Mr Witness, I have one further question on a topic raised by my
2 co-counsel Ms. Dimitri, namely the events relating to Larma. Can you confirm that
3 when these events took place Ngaïssona was not present at that location?

4 A. [12:44:47] Yes, I confirm Ngaïssona was not present. Ngaïssona was at his
5 place. When we informed the people, they gave instructions that we shouldn't harm
6 anyone, and he gave instructions that we should take those people to the police. He
7 was not present in person.

8 Q. [12:45:25] Thank you, Mr Witness. I want to talk about Andjilo very quickly.
9 You explained in your statement in paragraph 110 that Andjilo was a bandit and a
10 thief, according to you, and he created a lot of chaos. Yesterday you also said, on
11 page 26 of the transcript in French version, real-time, that once in Bangui you heard
12 that he committed crimes against the Muslims; is that correct?

13 A. [12:46:14] When I heard that Andjilo was hurting people, I was angry. One day
14 I learnt, when I was visiting people, that I was trying to serve people. In short, I
15 didn't mix with them. And that's why I'm still alive today, because I didn't want to
16 get involved with them. I learned that Andjilo thieved and stole, committed abuses,
17 and I was, therefore, scared to visit him. I was scared, frankly speaking.
18 That's -- that's why I probably am still alive today.

19 Q. [12:47:20] Thank you, Mr Witness. Several individuals who gave statements
20 talked about Andjilo and also the problems that he created in the Anti-Balaka
21 movement.

22 I would like to show you some examples and then ask you for your comments. I'm
23 going to start with a document which is tab 7 in the Defence material,
24 CAR-OTP-2118-5139, and I'm going to refer to page 5142, at the bottom, and 5143.
25 Do not show this to the witness, please.

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1 In this statement, Mr Witness, this other witness of the Prosecution says that the
2 members of the group led by Andjilo in 2013 lived in total fear of Andjilo because he
3 acted like the big witch of the team. Andjilo killed Christians and Muslims. That's
4 on page 5158 (sic).

5 Does this correspond to what you know about Andjilo?

6 A. [12:49:03] In short, I didn't see that for myself, but I heard it said. I heard that
7 Andjilo didn't make any difference between Christians and Muslims. He committed
8 crimes on everybody. I myself, I was scared of him, so I didn't come near him. I
9 didn't want to be involved in any way, and I didn't want anyone to think that I was
10 involved in what Andjilo was doing. I'm only telling you what I heard, and what I
11 saw, but I can't tell you anything more on this.

12 Q. [12:50:11] *I will now refer to Defence tab 4, for which I have already given you
13 the reference. It's paragraph 97. The witness states:

14 "Once, Andjilo met Mazimbelet, and pointed his arm and asked him to go down on
15 his knees. He made him a prisoner and took him to Ngaïssona."

16 And then a little later, the witness -- or the -- adds: "After that, Mazimbelet and
17 Andjilo were against each other."

18 Did you hear anyone talk about this event?

19 A. [12:51:13] Yes, this sort of incident did happen between Andjilo and Mazimbelet,
20 they didn't understand each other. There was a break and, therefore, Andjilo went
21 to Bouca and Bongu (phon) and on his return it was very difficult. Those who
22 tried -- there were those who tried reconcile them was Ngaïssona. He was the
23 mediator. He gave them advise so that they could establish good terms again.
24 That's what happened between Mazimbelet and Andjilo. They didn't get on and,
25 thanks to Ngaïssona, they made it up. That's what I can tell you on this subject.

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1 MS PROULX: [12:52:28] Mr President, I would need to go into private session for
2 one question.

3 PRESIDING JUDGE SCHMITT: [12:52:32] Private session.
4 (Private session at 12.52 p.m.)

5 THE COURT OFFICER: [12:52:49] We are in private session.

6 MS PROULX: [12:52:54](Interpretation)

7 Q. [12:52:57] (Redacted)

8 (Redacted)

9 A. [12:53:18] (Redacted)

10 Q. [12:53:22] (Redacted)

11 (Redacted)

12 A. [12:53:49] (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 MS PROULX: [12:55:03] I think we can go back to open session.

21 PRESIDING JUDGE SCHMITT: [12:55:07] Open session.

22 (Open session at 12.55 p.m.)

23 THE COURT OFFICER: [12:55:19] We are back in open session, Mr President.

24 MS PROULX: [12:55:30](Interpretation)

25 Q. [12:55:30] Mr Witness, some individuals met by the Prosecution told us that

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1 *Andjilo targeted or attacked Mr Ngaïssona.

2 I'm going to read some extracts to you or paraphrase them. Two statements are
3 involved, the first, document 14 in the Defence material, CAR-OTP-2027-2290,
4 paragraph 89. The witness says that Andjilo thought he was above everybody and
5 that he attacked Ngaïssona's house twice with weapons because he was not happy
6 that Ngaïssona was criticising him.

7 And the second witness, and here I'm referring to document number 12 in the
8 Defence list, CAR-OTP-2118-0965, paragraph 154 and 155. *In this excerpt, the witness
9 explains that Andjilo wanted to kill him and other people. He explains that Andjilo
10 killed his own wife and two aide-de-camp. And a little bit longer, he said that
11 Andjilo and his brother tried to kill Ngaïssona several times and shot at his house.

12 Mr Witness, have you heard of anything about this attempt of trying to shoot
13 Mr Ngaïssona?

14 A. [12:57:49] At that time I heard something said about this. Each time that
15 Ngaïssona made any comments, he was angry. He wasn't prepared to listen to what
16 Ngaïssona said to him. He went to meet Ngaïssona to shout at him. This meant
17 that some Anti-Balaka who were in Ngaïssona's house to protect him tried to give
18 him advice. Each time he shot in the air and then he left. That's what I know. It's
19 true. He easily gets cross for no reason at all. He was prepared to rob. Those are
20 the sort of comments and observations that were made.

21 MS PROULX: [12:59:02] Mr President, I'm looking at the time and I need about
22 probably 10, maybe 15 minutes to finish.

23 PRESIDING JUDGE SCHMITT: [12:59:08] Please finish now.

24 MS PROULX: [12:59:19](Interpretation)

25 Q. [12:59:20] Mr Witness, the same Prosecution witness explains that Andjilo acted

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1 like that because he drank heavily, whereas another witness in tab number 4 said that

2 Andjilo was taking drugs and, once he had done that, you couldn't talk to him.

3 Have you heard that being said before?

4 A. [13:00:02] I didn't really try and find out much whether he took drugs or not. I

5 know that he did drink alcohol. A lot of people told me about this. For example,

6 when you go to a bar in order to drink alcohol, there are other people who can see

7 you and talk about it. It's true that he drank alcohol, but as regards drugs, I don't

8 know. I can't tell you anything.

9 Q. [13:00:51] One of the witnesses explained in tab 4, in paragraph 92, that Andjilo

10 acted in a way that was totally out of control. And the same person in document 2,

11 in paragraph 147, said everybody was scared of Andjilo. Do you agree with that?

12 A. [13:01:25] *I repeat, if you claim that he behaved in a strange way, I have told

13 you that I was not with him, I did not spend time with him, but I heard people say

14 that he wandered around, he drank alcohol, he would talk, but...I heard people say he

15 behaved in a disorderly manner and that once under the influence of alcohol he

16 would shoot in a disorderly fashion. That is the information I received. I heard it said

17 that he behaved in a very disorderly way and if he was angry he could shoot. That's

18 the sort of information that I got.

19 PRESIDING JUDGE SCHMITT: [13:02:08] It appears that with regard to the person

20 Andjilo, I think we would not get more information out of the witness.

21 MS PROULX: [13:02:21] Mr President, I have one more question, a citation that I

22 want to put to him, and then I'm moving on.

23 PRESIDING JUDGE SCHMITT: [13:02:28] Yeah, let's hear it. We have

24 repeated -- not we, but the witness has repeated several times about the person, so I

25 think we should really quickly move on then.

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1 MS PROULX: [13:02:47](Interpretation)

2 Q. [13:02:48] Mr Witness, an OTP witness that I have already mentioned to you,
3 and it's document 2, paragraph 115, and I quote:

4 "There were also many 'fake' Anti-Balaka who did not follow the rules but who
5 claimed to belong to the group, such as Andjilo Mazimbelet and Sami. The 'true'
6 Anti-Balakas defended peace."

7 Do you agree with this statement that Andjilo was not a true Anti-Balaka?

8 A. [13:03:42] I have told you -- well, in any case, I am not in a position to make the
9 difference or to know the difference. I cannot know everything that happens in the
10 country. If that is what he says, that is up to him, but I cannot say anything about
11 things that I do not really know.

12 Q. [13:04:11] Thank you, Mr Witness, I have one last topic, the measures taken to
13 identify and organise the Anti-Balaka and to repress the alleged crimes committed in
14 2014. You explained that the Anti-Balaka started issuing ID badges to identify the
15 Anti-Balaka. Is it correct that one of the objectives of these badges was to contribute
16 towards the setting up of the DDR?

17 A. [13:04:55] Yes, it is true. I said that badges were issued and distributed within
18 the context of the DDR programme. We were advised not to misbehave, otherwise
19 we would not benefit from the advantages of the DDR, so the Anti-Balaka could not
20 behave just anyhow. But in order to move about, to go and visit family members or
21 colleagues in other locations, this could only be done with a permit duly obtained
22 from your chief. It is for that reason that those badges were issued.

23 Q. [13:06:01] Mr Witness, am I correct that there were certain abuses of those
24 badges, that is people who were not Anti-Balaka were able to obtain such badges?

25 A. [13:06:28] Yes, that is true. There are some people who were not an

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1 Anti-Balaka who could use illegal means, using money to obtain the badges. Some
2 people could even print those badges at their level in order to pass themselves off as
3 Anti-Balaka, whereas they were not. These people were members of groups of
4 bandits. Sometimes they were arrested and taken to the police or to the gendarmerie
5 post.

6 MS PROULX: [13:07:14] Mr President, I again need to go into private session, but
7 only for one question.

8 PRESIDING JUDGE SCHMITT: [13:07:18] Private session.
9 (Private session at 1.07 p.m.)

10 THE COURT OFFICER: [13:07:34] We are in private session, Mr President.

11 MS PROULX: [13:07:44](Interpretation)

12 Q. [13:07:45] (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 THE INTERPRETER: (Redacted)

19 MS PROULX: (Interpretation)

20 Q. [13:08:26] (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 A. [13:08:52] (Redacted)

25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 MS PROULX: [13:09:52] Mr President, we can go back into open session.

6 PRESIDING JUDGE SCHMITT: [13:10:03] Yeah, back to open session.

7 (Open session at 1.10 p.m.)

8 THE COURT OFFICER: [13:10:09] We are back in open session, Mr President.

9 MS PROULX: [13:10:19](Interpretation)

10 Q. [13:10:20] Mr Witness, paragraph 164 of your statement you describe an incident
11 in the course of which you say you caught an Anti-Balaka and that you had him put
12 in prison, but unfortunately the -- the family of that person paid money for his release.
13 My question is: Did the police or the gendarmerie in Central Africa at the time have
14 problems linked to corruption?

15 A. [13:11:13] Thank you for your question. I can tell you that during those events
16 the police or the gendarmerie were not functioning normally, to such an extent that
17 when we were able to arrest such people -- well, I have already told you that the
18 transitional government did not or was not helping the Anti-Balaka. So when
19 someone was detained and taken to the police or the gendarmerie, the group of
20 bandits could contact the policemen with money and corrupt them in order for the
21 person to be released.

22 And since the justice system was not operational, investigations could not be carried
23 out correctly, so they could not deal with that person. And that is why policemen
24 could accept money and release the person. We were able to find this same person
25 on the street. So that was not helping us and it undermined our efforts to restore

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1 peace in the area.

2 Q. [13:12:55] If I have understood you correctly, even when the Anti-Balaka took
3 measures to detain elements who committed crimes, state services, the police and the
4 gendarmerie, sometimes were unable to do their duty; is that correct?

5 A. [13:13:20] Yes, that is correct.

6 Q. [13:13:31] Thank you, Mr Witness. I'm going to my last question. It will never
7 be known precisely how many crimes were not committed because of the measures
8 taken in 2014, that is the money, lodging provided by Mr Ngaïssona, and other
9 measures.

10 Now, despite the faults and the imperfections of those measures, would you agree
11 that they nevertheless contributed to the peace process, that is at least it was the
12 intention behind those measures to contribute to the peace process?

13 A. [13:14:25] Yes. That is what he did. Those small gestures that he made
14 contributed to the restoration of peace. It was thanks to those measures that peace
15 was restored in the country.

16 Q. [13:14:50] Thank you very much, Mr Witness. I have no further questions for
17 you.

18 But Mr Knoops has a question with -- for you, with the leave of the Chamber. Thank
19 you.

20 PRESIDING JUDGE SCHMITT: [13:15:05] Of course, especially because it's one
21 question, otherwise we would indeed have made the break. Mr Knoops, please.

22 MR KNOOPS: [13:15:14] It's one question, Mr President, and it perfectly fits in the
23 last question of Ms Proulx.

24 QUESTIONED BY MR KNOOPS:

25 Q. [13:15:20] Mr Witness, my name is Alexander Knoops. I'm also one of the

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1 lawyers of Mr Ngaïssona. I have just one final question for you, sir. We took note
2 of your evidence during the last one day and a half that from January, February 2014
3 Mr Ngaïssona decided to give money for food in order to prevent pillage. And
4 would you agree with me that he never gave money to kill Muslims and you never
5 saw that he distributed money amongst the FACA soldiers who were with you?
6 Could you confirm that?

7 A. [13:16:32] I never saw him give money to the FACA to go and kill Muslims and
8 civilians. No, I never saw such a thing with my own eyes. What he said is that he
9 would give us advice. He would warn us, he would caution us to ensure that
10 Anti-Balaka would not go and kill Muslims. No, it is the very first time that I'm
11 hearing that he would have given money to go and kill Muslim. No, I have never
12 heard such a thing. I don't know whether you have any evidence for such a
13 statement. As far as I'm concerned, I'm not aware of any such information.

14 Q. [13:17:31] Mr Witness, at the end of your evidence, looking back to the time
15 frame of 2013, '14, would you and your fellow Anti-Balaka members would have
16 fought the Séléka even when you were not given money by Mr Ngaïssona for food?

17 A. [13:18:21] Thank you for the question. Even if money had not been given to us,
18 we were not going to fight. *Well, whatever he gave us as advice, he told us: "It is
19 your country. Why destroy your country?" You have to come together so
20 that God should help you for the DDR. I do not want fighting.
21 So this was the advice and caution that he gave us. That is the answer I can give to
22 you.

23 MR KNOOPS: [13:19:10] Thank you, Mr President. These were the questions of the
24 Defence.

25 PRESIDING JUDGE SCHMITT: [13:19:13] Thank you very much.

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1 This concludes the -- Mr Leddy has a question or what? Yeah.

2 MR LEDDY: [13:19:20] I apologise, your Honour. With your permission, I have
3 two quick questions for redirect for the witness.

4 PRESIDING JUDGE SCHMITT: [13:19:27] Yes. Please, you have the floor.

5 MR LEDDY: Thank you, your Honour.

6 QUESTIONED BY MR LEDDY:

7 Q. [13:19:35] Mr Witness, you mentioned in your questions just recently that

8 Mr Ngaïssona appointed Namsio as a chief of the Anti-Balaka disarmament unit.

9 Are you aware that Ngaïssona also signed a mission order to this effect? And for
10 that I reference CAR-OTP-2025-0359.

11 MS PROULX: [13:19:59] I'm sorry, is this on the list of material of the OTP?

12 MR LEDDY: [13:20:02] It's not, your Honour, but we didn't anticipate this line of
13 questioning, so it's not something that we prepared for.

14 PRESIDING JUDGE SCHMITT: [13:20:09] No. So, simply, the witness might not
15 know the document, but of course you can put the question to the witness.

16 So you can answer this, Mr Witness. Do you -- are you aware of any order to that
17 effect like it was put in -- wrapped into the question that was put to you?

18 Perhaps you repeat the question.

19 MR LEDDY: [13:20:53]

20 Q. [13:20:53] Mr Witness, my question is if you're aware that Mr Ngaïssona signed
21 a mission order installing Emotion Namsio as leader of a disarmament unit?

22 A. [13:21:35] Emotion was in charge of disarmament. Ngaïssona gave him the
23 order to move around the groups to encourage them to disarm. But the money that
24 was given was not to commit crimes, but to occupy themselves and to wait. That is
25 how Ngaïssona delegated him to sensitise the other elements in the various bases. I

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1 do not know whether I have answered your question correctly.

2 Q. [13:22:17] Thank you, Mr Witness. My follow-up question was just whether
3 you're aware that Ngaïssona also signed a mission order appointing Andjilo as head
4 of a disarmament unit as well?

5 And for this I reference the same ERN.

6 A. [13:23:00] No, I was not aware of the fact that Ngaïssona would have appointed
7 Andjilo as a chief of a disarmament unit. I have never seen any document to that
8 effect, no.

9 A. [13:23:18] Thank you.

10 I have no further questions, your Honour.

11 PRESIDING JUDGE SCHMITT: [13:23:20] Thank you very much.

12 So this concludes the testimony of this witness, and also the hearing for today.

13 Mr Witness, on behalf the Chamber, I would like to thank you that you have made
14 yourself available as a witness in these proceedings. Thank you very much.

15 (The witness is excused)

16 PRESIDING JUDGE SCHMITT: [13:23:36] And as I said, this concludes the hearing
17 for today. We reconvene on Friday at 9:30 with Witness P-0952.

18 THE COURT USHER: [13:23:47] All rise.

19 (The hearing ends in open session at 1.23 p.m.)