

Trial Hearing
WITNESS: CAR-OTP-P-1521

(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 Thursday, 2 December 2021
- 10 (The hearing starts in open session at 10.09 a.m.)
- 11 THE COURT USHER: [10:09:27] All rise.
- 12 The International Criminal Court is now in session.
- 13 Please be seated.
- 14 PRESIDING JUDGE SCHMITT: [10:09:52] Good morning, everyone.
- 15 Could the court officer please call the case.
- 16 THE COURT OFFICER: [10:09:59] 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: [10:10:14] Thank you very much.
- 21 I ask for the appearance of the parties. The Prosecution first, please.
- 22 MR VANDERPUYE: [10:10:20] Good morning, Mr President. Good morning,
- 23 your Honours. Good morning, everyone. Today the Office of the Prosecutor is
- 24 represented by Massimo Scaliotti, Manochitra Prathaban, Yassin Mostfa, and myself,
- 25 Kweku Vanderpuye.

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1 PRESIDING JUDGE SCHMITT: [10:10:33] Thank you. Ms Rabesandratana, please.

2 MS RABESANDRATANA: [10:10:39](Interpretation) Good morning, Mr President,

3 your Honours, Mr Witness. Good morning, everybody. The team of the

4 representatives of the victims of other crimes is represented today with

5 Enrique Carnero Rojo, Mouhia Asso, and myself, Elisabeth Rabesandratana.

6 PRESIDING JUDGE SCHMITT: [10:10:56] Thank you.

7 Mr Suprun.

8 MR SUPRUN: [10:10:58] Good morning, Mr President, your Honours. The former

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

10 Public Counsel for Victims. Thank you.

11 PRESIDING JUDGE SCHMITT: [10:11:06] And now we turn to the Defence.

12 Ms Dimitri first.

13 MS DIMITRI: [10:11:10] Good morning, Mr President, good morning, your Honours.

14 Good morning, everyone.

15 Mr Yekatom, who's present in the courtroom, is represented today by

16 Ms Yasmeen Hajjali, Dr Lena Casiez, and myself, Mylène Dimitri.

17 PRESIDING JUDGE SCHMITT: [10:11:22] Thank you. Mr Knoops.

18 MR KNOOPS: [10:11:24] Good morning, Mr President, your Honours. Good

19 morning, everyone in the courtroom. Mr Ngaïssona is today represented by

20 Ms Marie-Hélène Proulx, Ms Despoina Eleftheriou and myself. Thank you.

21 PRESIDING JUDGE SCHMITT: [10:11:36] Thank you very much.

22 And also a welcome and good morning to Mr Witness at the video-link location.

23 Do you hear and understand me well?

24 WITNESS: CAR-OTP-P-1521 (On former oath)

25 (The witness speaks French)

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1 (The witness gives evidence via video link)

2 THE WITNESS: [10:12:05](Interpretation) Yes, good morning to all the Court. I can
3 hear you. Thank you.

4 PRESIDING JUDGE SCHMITT: [10:12:10] Thank you.

5 I shortly address what we not discussed, but what you mentioned, the phone calls.

6 And actually, the Chamber does not want to entertain the details of implementation
7 of these things. You understand that. So what we are doing is, since it seems to be
8 not possible to -- to get to a -- yeah, a solution with a little bit of flexibility, we simply
9 shorten today and tomorrow the lunch break for half an hour. So we finish as we
10 normally would also finish. So this is quite Solomonic, and we do it this way.

11 On Monday we have a different schedule because there is -- the ASP is, so we have to
12 look what we are doing there. I don't know if you have been informed already via
13 email, so you will. There's a different scheduling. But, you know, we always have
14 the hope that perhaps we finish someday on -- sometime on Monday that would also
15 make further discussions in that regard futile.

16 So, Mr Vanderpuye, you still have the floor.

17 MR VANDERPUYE: [10:13:17] Thank you very much, Mr President.

18 QUESTIONED BY MR VANDERPUYE: (Continuing)

19 Q. [10:13:27] Good morning to you, Mr Witness.

20 Can you hear me okay?

21 PRESIDING JUDGE SCHMITT: [10:13:55] Is there a problem with the connection, or
22 is there a problem with the interpretation?

23 THE INTERPRETER: [10:13:59] The interpreters didn't have any sound.

24 MR VANDERPUYE: [10:14:09]

25 Q. [10:14:10] Let me ask again. Can you hear me okay --

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1 PRESIDING JUDGE SCHMITT: [10:14:14] Wait a second, please. Wait a second. I

2 think she's trying to ...

3 So I think you can continue. Simply pose a question and we will see if he

4 understands you or not.

5 MR VANDERPUYE: [10:14:48]

6 Q. [10:14:48] Can you hear me, Witness?

7 A. [10:14:57] Yes, I can hear you clearly.

8 Q. [10:15:00] Excellent. I think when we left off I was showing you a document,

9 and that's at tab 14, CAR-OTP-2030-0280. It's a document that, to your recollection,

10 was I think you said something like it was a parallel document concerning

11 the coordination of the Anti-Balaka.

12 We should have it in a minute.

13 Can you see the document in front of you now?

14 A. [10:16:09] Yes, I can see the document and I am looking at it.

15 Q. [10:16:16] All right. I think when I last showed it to you we focused on the area

16 concerning the *Commandants des Zones Militaires*.

17 Just generally speaking, are these names that are familiar to you in the positions that

18 are indicated here?

19 A. [10:17:09] I recognise the names.

20 Q. [10:17:20] Okay. And the positions that are assigned to those individuals, do

21 they seem more or less correct or incorrect to you?

22 A. [10:17:45] What I remember is that some are correct and some are not correct.

23 Because that is the origin, that is when they started to fight the Seleka. It's true. And

24 then they left their areas and met up in Bangui and I know them. Some of them are

25 from the province who didn't come to Bangui, but others who started in the provinces

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1 came to Bangui.

2 Q. [10:18:22] Let me show you the next page of this document.

3 On this page you can see at the top there's an indication of the *porte-parole du*
4 *mouvement*, indicating Sébastien Wenezoui and Leopold Bara. And then you can see
5 there's the *chef d'état-major FACA et Anti-Balaka* and that's indicating
6 Charles Ngremangou. And if you go further down you can see *chef d'état* for
7 the Anti-Balaka *A Preciser, chef d'état-major des Anti-Balaka, Andjilo*. And then you see
8 the following names Richard, Florent Dokabona, Thierry, Tribunal Dokabona.

9 Lieutenant Gouga, Lieutenant Goundan Philemon, Hervé Ganazoui,
10 Abel Denamganai, Bruno Semndiro, and Eusèbe Emtenou.

11 Do those names seem familiar to you in respect of the positions that are assigned to
12 them?

13 A. [10:20:03] Some names are familiar to me, but others I'm not aware of. And
14 there -- if there are names on the list, they weren't in the Anti-Balaka movement as I
15 know it. They might be FACA elements which I know, but they weren't part of the
16 Anti-Balaka. That's why I'm saying that this list is a parallel list to the one that
17 the coordination *drew up for the disarmament process.

18 Q. [10:20:40] All right. Do you know about the provenance of this list or are you
19 guessing about where it came from and what it's supposed to show? I think I asked
20 you that last time.

21 A. [10:21:04] I know some of the names on this list, but I don't know the origin of
22 the list, because the list -- the organigram of the *Coordination, but I don't know
23 the origin. But I do recognise some of the names that are on the list.

24 Q. [10:21:26] Okay.

25 I'd like to go to private session just, I think for a short while. It may be longer,

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1 though, Mr President.

2 PRESIDING JUDGE SCHMITT: [10:21:35] Yeah, private session.

3 *(Private session at 10.21 a.m.) (Reclassified partially in public)

4 THE COURT OFFICER: [10:21:47] We are in private session, Mr President.

5 PRESIDING JUDGE SCHMITT: [10:21:49] Thank you.

6 And you are aware that you have to finish after this session?

7 MR VANDERPUYE: [10:21:54] I'm doing my best, Mr President.

8 PRESIDING JUDGE SCHMITT: [10:21:57] Please.

9 MR VANDERPUYE: [10:21:59]

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 A. [10:22:25] Yes. Correct.

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 (Redacted)

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6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 Q. [10:26:26] Okay. I'd like to go to the period of time where Mr Ngaïssona

19 returned to the Central African Republic.

20 I think for this we can go to open session.

21 PRESIDING JUDGE SCHMITT: [10:26:43] Fine. Open session.

22 (Open session at 10.26 a.m.)

23 THE COURT OFFICER: [10:26:57] We are back in open session, Mr President.

24 MR VANDERPUYE: [10:27:05] Thank you.

25 Q. [10:27:06] Now, Witness, you corrected your earlier statement to say that

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1 Mr Ngaïssona returned to the Central African Republic in January but not necessarily
2 specifically 14 January.

3 After he returned, are you aware of meetings that he held, that is immediately after he
4 returned?

5 A. [10:27:38] No, I'm not sure. Because when he arrived we were informed, we
6 were informed *by those from the south that Mr Patrice Ngaïssona had returned.
7 And it is us, Anti-Balaka, who held a meeting. *He was not part of the meeting.

8 THE INTERPRETER: [10:28:04] The interpreter didn't understand.

9 THE WITNESS: [10:28:07](Interpretation) Because we don't have a person who
10 represented our voices to the authorities of the international community, as -- since
11 Ngaïssona returned, we wanted to see whether he could rep/resent us.
12 Why did we do that? Well, we did it because President Djotodia resigned. There
13 were people who said that they represented the Anti-Balaka without really having
14 any contact with the Anti-Balaka. And that is why the commanders of zones said that
15 as soon as Ngaïssona is back, we must meet him to see whether he can represent us in
16 the international community.

17 So those -- *the Anti-Balaka held the meeting, I was there, but he wasn't part of that meeting.

18 MR VANDERPUYE: [10:29:17]

19 Q. [10:29:17] Where was that meeting?

20 A. [10:29:28] That meeting took place at the bottom of the hill, because at that
21 moment Anti-Balaka hadn't been distributed in the northern section. We were still
22 at the base on *the Gbazoubangui hill. And that's where we had the meeting in Cité
23 district *Jean XXIII.

24 PRESIDING JUDGE SCHMITT: [10:29:58] May I shortly.

25 Mr Witness, you said that you met at this, at this hill and that the commanders and

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1 everyone of the Anti-Balaka met there but Mr Ngaïssona was not present, but you
2 said "the commanders of the zones said that as soon as Ngaïssona is back, we must
3 meet him to see whether he can represent us in the international community."

4 Why Mr Ngaïssona?

5 THE WITNESS: [10:30:40](Interpretation) Thank you, Mr President. I think that at
6 that moment, if I'm not mistaken, it was January. At that moment people had all left.
7 There was no one. There were people like Leopold Bara but was more involved in
8 the southern neighbourhood and we were from the northern part. So there was no
9 real person. If discussions took place with the international -- with, for example,
10 with the Sangaris forces, they wanted to have some exchange with us, but we didn't
11 have a representative. And I remember that I was invited to *Bangui-M'Poko before
12 Ngaïssona returned and we discussed with the Sangaris forces. And they said to us:
13 "Well, look, this is the situation, who can be your spokesperson?" And we said at
14 that moment we didn't have a spokesperson, a representative. So that's why
15 Sangaris said: "Well, you need to have someone who can represent you so that they
16 can exchange and discuss with the international forces and Sangaris." *And that is
17 why when we learnt that Ngaïssona had returned, we had to see whether it was
18 possible that he does this, since he is known among young people too, could he
19 perhaps represent us vis-à-vis the authorities?

20 And also there was elections going to take place for the transitional president, so we
21 thought perhaps he could represent us or even become a candidate who would
22 represent us within the National Transitional Council. So that's what we were
23 looking into at that day. And the meeting we had in the meantime, I wasn't in contact
24 with him. And I knew he had returned, but I didn't have any contact with him.

25 PRESIDING JUDGE SCHMITT: [10:32:35] Thank you.

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1 Mr Vanderpuye.

2 MR VANDERPUYE: [10:32:43]

3 Q. [10:32:43] Aside from that meeting, did you attend any meeting with

4 Mr Ngaïssona, among other Anti-Balaka leaders, after he, or shortly after he arrived
5 back in the CAR?

6 A. [10:33:12] Yes, we held a number of meetings that I remember clearly. After
7 that meeting we decided to nominate him as our representative and we had another
8 meeting -- other meetings.

9 The first meeting was to prepare for the Brazzaville forum, if I'm not mistaken. We
10 had a meeting during which we tried to identify the Anti-Balaka representatives from
11 various localities. We then held meetings to choose Anti-Balaka leaders from
12 the provinces as well. And that is how we choose some from Bambari, from Bouar,
13 from Mambere-Kadei, from Bossangoa, from Bangui, and also from Damara,
14 Ombella-M'Poko. So I think that happened at the first meeting.

15 Then we had other meetings when we were in Brazzaville. And when we came back,
16 we had a meeting to review what had been discussed in Brazzaville and to inform
17 people about it.

18 The third meeting was held at which he made me coordinator of the disarmament
19 and reconciliation operations. He had that meeting with the zone commanders and
20 it is at that meeting that I was assigned that position.

21 Q. [10:34:47] All right. I'm going to come to that. But right now I'm focusing on
22 immediately after Mr Ngaïssona's return.

23 So I want to ask you, do you recall being asked about this in the context of your
24 January 2017 statement and what you said regarding Mr Ngaïssona's activities when
25 he returned?

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1 A. [10:35:27] Yes. Could you please remind me what the question is.

2 PRESIDING JUDGE SCHMITT: [10:35:34] I think you can --

3 MR VANDERPUYE: The question --

4 PRESIDING JUDGE SCHMITT: If you -- if you seem to detect that there is

5 a difference to what he has said before, you can put -- you can go straight to the -- to

6 the part of the statement.

7 MR VANDERPUYE: [10:35:46] All right. We're going to go to tab 30, paragraph 69

8 of the statement and paragraph 71 of the witness's prior statement. The ERN for

9 tab 30 is CAR-OTP-2102-0131, and the relevant page will be 0145.

10 Q. [10:36:22] In this statement you say that, after Ngaïssona's return, which is

11 indicated at paragraph 68, which you corrected, Ngaïssona went to Boeing to assess

12 the situation there and spoke to groups there. There were no problems between

13 the north and the south. And then two individuals met with Wenezoui in the south

14 between 12 and 14 December: We had to unite and fight together. We started

15 going there regularly and we met with Ngremangou, Rambo and others.

16 And then at paragraph 71 you say, and this is, I believe, the third sentence: Some

17 people opposed Ngaïssona as coordinator, but we knew we needed to unite and be

18 represented in front of the government and international community. He

19 congratulated us on our efforts and achievements, but pointed out that we now

20 needed to change our objectives. He told us to be careful with the population

21 because they have suffered a lot. He heard some people were stealing, needed to be

22 committed to the protection of our people and he would represent us. We all agreed

23 and he was chosen as coordinator.

24 So my first -- well, my usual two questions: One, do you remember saying that?

25 And two, is it right?

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1 A. [10:38:07] Well, Mr President, I remember saying this, but there's an overlap in
2 the information. When I said that two persons met Wenezoui and Ngremangou,
3 that was before Ngaïssona returned to Bangui. That is what I have told you.
4 I told you that I was with Emotion when we went to Boeing, and that was the first
5 time he had contact between the Anti-Balakas from the south and the north. So
6 myself and the spokesperson, Emotion, went to meet Wenezoui, *Ngrémangou and
7 the others, and we held that rally.
8 Then later on, when Ngaïssona returned, we were informed that he had returned.
9 So us, and the various zone commanders from the north, we invited Wenezoui and he
10 came. And together we decided to choose Ngaïssona as our spokesperson to
11 the international community.
12 I remember that he -- I said that he gave those instructions, and that is true. Because
13 when we decided together to nominate or chose him, it was necessary to inform him,
14 and so that is how we came to go and inform him. We told him that we don't have
15 a representative and asked him whether he would be happy to represent us before
16 the international community.
17 And, you see, we are dealing here mostly with the Sangaris elements because they
18 were the ones with whom we were mostly in touch. So we went to inform him, and
19 I remember that it is at that time that he told us that we -- that we had to be very
20 careful in order to avoid any slippages. I remember that.
21 So what I'm saying in short is that there is an overlap on the -- of the information
22 contained here.

23 PRESIDING JUDGE SCHMITT: [10:40:07] Yet, Mr Witness, the information that has
24 been read out to you, is it correct or not?

25 THE WITNESS: [10:40:24](Interpretation) Yes, Mr President, the information is

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1 correct. But there is a mix up. There is an overlap of information. Two meetings
2 are being dealt with here, and that is how the information happens to overlap. And
3 that's the clarification I have tried to provide.

4 PRESIDING JUDGE SCHMITT: [10:40:42] Mr Vanderpuye.

5 MR VANDERPUYE: [10:40:43] Thank you.

6 Q. [10:40:43] And I very much appreciate that clarification. What we're trying to
7 determine here is when those meetings happened. So we know that one happened
8 in December involving Mr Wenezoui, Mr Ngremangou. Then you talked about
9 a meeting that happened at the bottom of the hill involving all the commanders that
10 were previously on the hill and took part in the attack. And then
11 Mr -- Mr Ngaïssona returned, and then there's another meeting.

12 So this meeting where you've now just described and you've confirmed that he
13 congratulated you, that is, as a group, on your efforts and achievements, when did
14 that meeting take place, to your recollection?

15 A. [10:41:40] That was probably towards the end of January, after the president
16 resigned. I'm sorry, but we contacted Ngaïssona after President Djotodia resigned.
17 So that must have been late January or early February, if I'm not mistaken. But
18 I don't have an exact date.

19 Q. [10:42:03] Where did that meeting take place?

20 A. [10:42:14] Which -- which one? We're dealing with two meetings here. Which
21 one, please?

22 Q. [10:42:22] The one you just said took place after President Djotodia resigned, or
23 the contact that you had after President Djotodia resigned?

24 A. [10:42:45] I believe that we had that meeting at a school, at a *Chinese school.

25 THE INTERPRETER: [10:42:53] The name of which the interpreter didn't hear.

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1 PRESIDING JUDGE SCHMITT: [10:42:56] Mr Witness, we did not get the name of
2 the school. You have perhaps mentioned it. Could you repeat it, please.

3 THE WITNESS: [10:43:11](Interpretation) I said it was within a school, a Chinese
4 school.

5 PRESIDING JUDGE SCHMITT: [10:43:20] Thank you.

6 MR VANDERPUYE:

7 Q. [10:43:24] Did you ever attend a meeting shortly after Ngaïssona's return at his
8 compound or at the compound where his father stayed or where a house was built for
9 him?

10 A. [10:43:47] No, we didn't have a meeting there.

11 Q. [10:43:51] And in respect of what I just read to you that you stated in your
12 statement, that Mr Ngaïssona congratulated us on our efforts and achievements, what
13 efforts and achievements was he describing or talking about?

14 A. [10:44:18] Well, that was not only Ngaïssona who did it. It was actually
15 the entire population *of Bangui which was of that view. Our goal was to chase out
16 Seleka and the band of mercenaries. And since President Djotodia had resigned,
17 Seleka was no longer in power, and I think that is what he was referring to.
18 If we had not, if the Anti-Balaka had not come out, Seleka would have still been in
19 power even up to this day. So, officially, after President Djotodia resigned,
20 the Seleka were weakened, although they might still be present even to this day. So I
21 think that is what he meant.

22 Our goal was to chase out the mercenaries from the Seleka coalition. And that's
23 what he was referring to.

24 Q. [10:45:13] All right. Thank you for that clarification. And that was after
25 Djotodia had resigned, correct?

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1 A. [10:45:27] Yes.

2 Q. [10:45:29] So your objectives had been met when he said that, right?

3 A. [10:45:44] Yes, somewhat. I said that our objective for us, that is

4 the Anti-Balaka, generally speaking, was to get Seleka out. And so once

5 President Djotodia resigned, we felt that Seleka had been weakened and everybody

6 was happy. Almost everybody was joyful about that.

7 Q. [10:46:09] I want to ask you if you are aware of a publication concerning

8 the Anti-Balaka coordination that was issued in January 2014 - to be precise, it's dated

9 23 January 2014 - in what was described as a *communiqué conjoint*. Are you aware of

10 such a -- such a document or such a *communiqué*?

11 A. [10:46:57] Well, I am aware that the coordination of the Anti-Balaka was set up,

12 but I am not aware of that *communiqué*.

13 Q. [10:47:12] Are you aware of a set up of the national -- or, rather, the coordination,

14 the Anti-Balaka coordination which named Mr Ngaïssona as the general coordinator,

15 Leopold Bara as the political coordinator, Joachim Kokaté as the military coordinator,

16 Captain Kamezolaï as the *chef d'état-major général*, Lieutenant Konate as the *chef d'état*

17 *des opérations*, and Caroline Deboulet as a *conseiller -- conseillère*? Are you aware of

18 that set up of the coordination?

19 A. [10:48:05] Yes, I am aware of it. But as far as I know, I think those posts do not

20 reflect the configuration we had set up.

21 What we did was to designate Patrice Ngaïssona as coordinator, political coordinator.

22 That was our proposal. And to balance things off, Wenezoui would have been his

23 deputy.

24 Now, as far as I know, all the others, Kokaté and what have you, I'm not -- I'm not

25 informed about that.

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1 Q. [10:48:47] Let me show you another document.

2 Oh, I'm -- yes, I'll show you another document.

3 Just for the Chamber's reference, the information I was just referring to is at

4 CAR-OTP-2001-3372.

5 The document I'd like to show you is CAR-OTP-2084-0049. This one is dated

6 17 February 2014. I'm sorry, it's at tab 26, if I didn't mention that.

7 This is a document, I think you can see now, which is: (Interpretation) "A statement of

8 Anti-Balaka competence in relation to the security situation in the Central African

9 Republic".

10 (Speaks English) If we go to page ending 0053. Or, wait a minute, maybe we have

11 a different ERN for this document again. Yeah (Overlapping speakers).

12 PRESIDING JUDGE SCHMITT: [10:50:26] If you want to go to the names, it's

13 correct.

14 MR VANDERPUYE: [10:50:29] Okay, 0053. Thank you, Mr President.

15 Q. [10:50:32] First of all, you can see the names here. It's signed on

16 17 February 2014 and it says: (Interpretation) "Members of the Anti-Balaka

17 coordination".

18 A. [10:50:56] Would you please kindly scroll down.

19 All the way to the bottom.

20 Q. [10:51:18] It also goes on to the next page, which may be helpful.

21 A. [10:51:28] Yes.

22 Q. [10:51:42] All right.

23 A. [10:51:43] Yes, yes. Do you hear me?

24 Q. [10:51:48] Yes, I hear you.

25 PRESIDING JUDGE SCHMITT: [10:51:53] And the (Overlapping speakers).

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1 THE WITNESS: [10:51:56](Interpretation) Yes, I know the names. But I don't
2 remember that we drew up this document as such. In any event, I recognise
3 the names on the document.

4 MR VANDERPUYE: [10:52:15]

5 Q. [10:52:15] And do those names correspond to the positions that are assigned to
6 the particular individual? For example, you see him Mokom Gawaka Maxime,
7 *coordinateur national des opérations*.

8 On the first page, position number 1, you see Sylvestre Yagouzou *coordinateur de zone*.
9 Namsio Emotion, the first page, position number 2, you see *porte-parole*.

10 A. [10:52:54] Yes. Yes. Some positions correspond to the names. But *this is
11 not true.

12 Q. [10:53:08] All right. That's -- that's fine. I want to ask you about a different
13 document.

14 This one is at tab number 16. It's CAR-OTP-2039-0019.

15 While that's coming up, let me just ask you one other question regarding
16 the document that's still on the screen.

17 Were you aware of that particular iteration of the Anti-Balaka coordination in
18 February 2014? That is the document I just showed you before.

19 A. [10:54:59] Sorry, I did not understand your question. Please kindly repeat.
20 There was interference.

21 Q. [10:55:12] Certainly. The document that I just showed you a minute ago, which
22 had the name of Maxime Mokom on it, is that -- and a number of other names, such as
23 Yagouzou and Wenezoui and so on, is that formation of the National Coordination
24 something that you were aware of in February of 2014? February.

25 A. [10:55:48] Yes, that is the configuration of the coordination that we set up. That

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1 is the document that is on the screen now. That is the configuration of the

2 coordination as we set it up.

3 Q. [10:56:05] My -- okay. My question was about the document that was on
4 the screen before, dated February 2014 with all the names and the signatures on it.

5 Were you aware of that document and that form of the coordination at that time?

6 A. [10:56:42] The first document, I don't know about that document, and what I
7 said was that I can recognise some names. But if you compare the names between
8 the two documents, the first one and the second one, then you would see that some
9 names correspond to some positions. But what I'm saying is that I am not aware of
10 that first document. I am aware of the second document.

11 Q. [10:57:10] All right. The document we have on the screen now you recognise
12 as the form of the National Coordination that you are familiar with.

13 A. [10:57:34] Please scroll down to the bottom, please. That would enable me to
14 have a full picture.

15 Could you please zoom out -- zoom in, please.

16 Yes, I recognise this as being the coordination according to the configuration which
17 we set up.

18 Q. [10:58:29] To your recollection, when was this configuration of the National
19 Coordination set up?

20 A. [10:58:53] I think it was in June, just before we left for the Brazzaville forum. If
21 I'm not mistaken, it was in June.

22 Q. [10:59:11] Okay. What I'd like to show you is another document. And for this
23 one, this one I think we'll need to go into private -- well, no. What I will do is I
24 will -- we'll show the document, but without broadcasting it.

25 And that is CAR -- I'm sorry, it's tab 20, CAR-OTP-2046-0630.

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- 1 Witness, I just want to remind you that we are in open session, so the usual
2 consideration should apply in that regard.
- 3 What you'll see on the screen hopefully in a minute is a document that you prepared
4 in relation to your interview in January 2017. And what it appears to describe is
5 the form of the National Coordination I believe corresponding to the document that
6 we just showed that you believe was prepared in June 2014.
- 7 So what I'd like for you to do is to explain for everyone, and especially the Chamber,
8 what this is supposed to show.
- 9 If we can go to the top, we can see "*coordonnateur G*". General, I assume. And then
10 we see that -- that position in relation to other positions here.
- 11 Can you describe what this shows. What the reporting is, what the hierarchy is, that
12 kind of thing.
- 13 A. [11:01:15] On that day the investigators asked for some further explanations as
14 regards how our coordination worked and I tried to put it into a scheme, but it's not
15 the configuration as such. *This is the configuration reflected in the second document.
16 *I tried to explain this according to the questions they asked. We had the general
17 coordinator who was responsible for the political aspects, *and his deputy too and
18 also we had the coordinator of operations. And the general coordinator has under
19 him the secretary-general *and the prefectural coordinator has under him the
20 prefectural secretary. They have political roles and they would be in contact with the
21 local communities, with the international authorities and also the foreign forces who
22 were in different areas. They had discussions with them. *So the état major of the
23 Anti-balaka, it brings together the zone commanders, only the zone commanders.
- 24 Q. [11:02:55] All right. I'm sorry. I thought you hadn't finished your explanation.
25 So your understanding is, just so that we're clear, that the general coordinator is

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1 responsible for political matters?

2 A. [11:03:20] Yes. Yes. His role was to represent us on a political level. At that moment,
3 we started discussions with the international communities and the foreign forces who
4 had arrived and were trying to mediate between the Anti-Balaka and the Seleka.

5 Q. [11:03:42] Okay. Now, the deputy coordinator, did he report to the general
6 coordinator?

7 A. [11:04:05] They have roughly the same role. There's no big difference because
8 we have deputy -- deputy general. We just want to be said because Wenezoui was
9 from the south Anti-Balaka and Ngaïssona was in the north and we said we have to
10 balance things out. And that's why we said general coordinator deputy. It's just to
11 balance thing out *in order to avoid frustrations. They have roughly the same role to
12 represent us with vis-à-vis the international community.

13 Q. [11:04:40] Do you know that the deputy coordinator Wenezoui was kicked out
14 of the movement by the general coordinator Mr Ngaïssona for insubordination in
15 August of 2014? Do you know that?

16 A. [11:05:11] I remember that. I remember that. *Because the true problem was that,
17 after our return from Brazzaville, there was question to see who would we support as
18 prime minister and the Coordination decided to support a candidate, and Wénézoui
19 was against. We decided, he said no.

20 THE INTERPRETER: [11:05:33] Inaudible.

21 THE WITNESS: [11:05:36](Interpretation) *He himself went back to Brazzaville to
22 negotiate after what we had concluded things in Brazzaville. That's how all the that's
23 how all the zone commanders and the Coordination dismissed him.

24 MR VANDERPUYE: [11:05:55]

25 Q. [11:05:55] All right. So there's a difference between those two roles.

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1 Let me ask you about the general -- the coordinator for operations. To whom does
2 the coordinator for operations report?

3 A. [11:06:24] The coordinator of the operations, who is Maxime Mokom, he is in
4 permanent contact with the commanders of the zone. *He doesn't report to anyone,
5 it's the zone commanders who who report to him. And he makes the decisions. Let
6 me explain it to you. There was a point in time when all the zones had divisions in
7 the Anti-Balaka, so each individual tried to manage Anti-Balaka in their own way. If
8 there was one individual, then that -- he would command those Anti-Balaka.

9 THE INTERPRETER: [11:07:08] Inaudible.

10 THE WITNESS: [11:07:10](Interpretation) And that's why we decided to have
11 a coordinator of operations.

12 THE INTERPRETER: [11:07:17] The interpreter apologises: Inaudible.

13 THE WITNESS: (Interpretation) They were attacked by the elements of the Seleka.

14 MR VANDERPUYE: [11:07:27] Mr President, the audio has completely broken up
15 and the witness's answer is lost in the record.

16 PRESIDING JUDGE SCHMITT: [11:07:33] (Microphone not activated) So we have to
17 try to fix this and then we will -- can only then continue, I think.

18 And perhaps the witness would have to repeat what he has said.

19 THE WITNESS: [11:08:09](Interpretation) May I?

20 PRESIDING JUDGE SCHMITT: [11:08:11] Mr Witness, wait a second until we have
21 the information that the connection is better.

22 Okay.

23 Mr Witness, would you please be so kind to repeat the last part of your answer. We
24 did not get it here because of technical problems.

25 THE WITNESS: [11:08:43](Interpretation) Thank you, Mr President.

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1 I said that the coordinator of operations, the coordinator of operation in some way
2 was responsible for the ComZones and we introduced this when there were
3 misunderstandings between the various commanders of the zones. And many
4 individuals tried to enter the movement. For example, if a person lived in a certain
5 neighbourhood, or where there were Anti-Balaka, then it was he who managed
6 the Anti-Balaka there. And sometimes the Anti-Balaka assimilated attacks saying
7 that it's the Seleka attacked them and therefore they had to attack them. In order to
8 avoid excesses, we decided to have a coordination of operations who, amongst other
9 things, would look and investigate and control the ComZones, would check on
10 the activities as regards self-defence vis-à-vis the attacks brought by the Seleka.

11 MR VANDERPUYE: [11:10:24]

12 Q. [11:10:25] Did the coordinator of operations have a deputy?

13 A. [11:10:44] He did have a deputy. It was always in the aim to balance things out.
14 You will see that Mokom was from the northern part and Yagouzou Sylvestre who
15 was from the southern part. So in order to make sure there was a balance, we had
16 that. But they had roughly the same role. It was to balance things out.

17 Q. [11:11:14] Just so the record is clear, I think you referred to Sylvestre Yagouzou;
18 is that right? Or Yandoungou, which one did you refer to?

19 A. [11:11:37] I'm talking about Sylvestre Yagouzou.

20 Q. [11:11:46] Now you mentioned a *chef d'état major*. In the coordination
21 document that you referred to in June, who would that have been and what would
22 their role be in relation to the coordinator for operations?

23 A. [11:12:07] He passed -- has passed away. Mr President, sorry, I didn't
24 understand the question.

25 MR VANDERPUYE: [11:12:28]

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1 Q. [11:12:28] I had asked you about the deputy coordinator for operations who you
2 said was Mr Yagouzou, who has passed away indeed. Then I asked you about
3 the *chef d'état major*.

4 A. [11:12:52] The *chef d'état major* has also passed away. *When we set up this
5 Coordination, he passed away. His name was Richard.

6 THE INTERPRETER: [11:13:11] The interpreter didn't get the name. Richard.

7 MR VANDERPUYE: [11:13:17]

8 Q. [11:13:18] Bejouane?

9 A. [11:13:23] Yes. It is Richard Bejouane.

10 Q. [11:13:30] What would his role have been, or what was it in relation to
11 the *coordonnateur des opérations*.

12 A. [11:13:50] In reality, the command -- the commanding chain was not respected.
13 Because each commander of a zone is responsible *for its elements so all these
14 positions were made to satisfy certain *individuals, because we had the general
15 coordination who should represent us at a political level, but many people said no,
16 they have fought, they haven't got the responsibility. And that's why we made these
17 positions so that we would give satisfaction to certain individuals. But each
18 commander of a zone decided whether they would attack in that locality or not. It
19 was that person who decided whether to attack. So the command chain was not
20 respected.

21 Q. [11:14:49] I appreciate your answer, but I think you're answering a different
22 question and one that I haven't asked you.

23 So what I'm trying to do, and hopefully we can do that in a relatively straightforward
24 manner for the benefit of the Chamber, is to have you explain the diagram that you
25 prepared in the course of your interview corresponding to various posts within

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1 the National Coordination of the Anti-Balaka.

2 So, it's for you to explain what you yourself put down on paper to explain

3 the coordination. So if you could explain this to the Chamber that would be helpful.

4 A. [11:16:00] This is what I'm trying to tell you. We have two branches. There's

5 *the general coordination which deals with the political issues, and there's

6 coordination of operations under which you're going to find the chef of staff for

7 the Anti-Balaka and the military police who looked at the actions of the Anti-Balaka

8 and also the commanders of the zones.

9 *Under the CEMA, that is the chef d'état-major of the Anti-Balaka, there was the

10 CDT/PM who was the commander of the military police, which we introduced to

11 check on the Anti-Balaka, and in particular the youth which weren't part of the

12 Anti-Balaka but which claimed they were Anti-Balaka and committed exactions in

13 the town. And in addition to that, you have the ComZones. The ones who were

14 really responsible were the ComZones, because in each location there was

15 a commander of the zone, as well as in the provinces.

16 And if you go down, you will -- you see SPM. Those -- that is the military police or

17 the sections of the military police. So in each location we designated some

18 individuals who must check on the actions of the Anti-Balaka in each section. And

19 you can see that the chiefs of the sections, for example, in the 4th arrondissement you

20 have the commander of zones and you have the different individuals responsible for

21 the Anti-Balaka who were called the chief of sections.

22 Q. [11:17:55] At the bottom of the right-hand side of the page you can see, under

23 the *chef de section* a box which says *éléments*. As I -- as I read it, *les éléments* were

24 under the *chef de section*.

25 A. [11:18:21] The Anti-Balaka generally speaking.

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1 Q. [11:18:23] As I read it, it's the *éléments* were under the *chef de section*. The *chef de*
2 *section* were under the ComZones. The ComZones were under the *chef d'état major*.
3 The *chef d'état major* was under the coordinator for operations. And the coordinator
4 for operations was under the general coordinator and the *adjoint* general coordinator.

5 A. [11:19:11] I think that when the investigators of the OTP asked me, I tried to
6 explain orally and there was a problem of understanding. That's why I drew this
7 scheme to give more clarity in my explanations. But that doesn't necessarily mean
8 that these individuals were given instructions from the top to the bottom. No. This
9 is something that the coordination put into place, but -- to try and find out the true
10 Anti-Balaka, because at a certain point in time everybody said they were Anti-Balaka
11 without us knowing who they were. In Bangui, after the resignation of Djotodia,
12 everyone, everyone created his anti-Balaka. This structure was created to control the
13 true anti-Balaka who were identified by their chiefs.

14 And as I said before, it is the ComZones who made the decisions in their particular
15 locations because they had their own elements. And if you remember, there
16 was -- there was conflict in 2014 and 2015 between the Anti-Balaka in Boy-Rabe. So
17 each leader of the ComZones had their own elements and this line is dealing with
18 the coordination. This is something I drew up to explain the situation to
19 the investigators.

20 PRESIDING JUDGE SCHMITT: [11:21:07] Yeah, Ms Dimitri.

21 MS DIMITRI: [11:21:09] Just one issue, Mr President. In French he's saying *créer les*
22 *Anti-Balaka* and it's incorrectly interrupted by "cried out".

23 PRESIDING JUDGE SCHMITT: [11:21:20] Of course. Yeah, thank you.

24 Mr Vanderpuye, please continue.

25 MR VANDERPUYE: [11:21:34] Thank you very much, Mr President.

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1 Q. [11:21:38] On the other side of this diagram we see a *secrétaire* G. Can you

2 explain what that is?

3 A. [11:21:56] Secretary-general.

4 Q. [11:22:19] And beneath -- and what is his role and the people that follow

5 indicated in your diagram? As I said, I would like for you to explain this document

6 to the Chamber.

7 PRESIDING JUDGE SCHMITT: [11:22:55] Well, we have -- I think we didn't have

8 a translation here.

9 Mr Witness, can you please repeat what you said.

10 THE WITNESS: [11:23:09](Interpretation) I said the secretary-general arrived at

11 a point and explained the disarmament process, so his role was to list the elements of

12 each commander of the zones to prepare for the disarmament process. If I'm not

13 mistaken, it was Judicael who assumed this position?

14 MR VANDERPUYE:

15 Q. [11:23:52] You're referring to Judicael Orofei?

16 A. [11:24:03] Yes, that's correct.

17 Q. [11:24:11] One of his functions as a secretary-general would be to list

18 the elements of each commander of the zones. How many zone commanders were

19 there, to your knowledge?

20 A. [11:24:38] Those who are in Bangui?

21 Q. [11:24:43] Let's start there.

22 A. [11:24:50] In Bangui I think they were probably 20 or so, if I'm not mistaken, if

23 you include Bimbo and Begoa.

24 Q. [11:25:18] Bangui, Bimbo and Begoa. Bimbo and Begoa, that's what you said?

25 A. [11:25:37] Yes, that's correct.

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1 Q. [11:25:40] How many zones were there in Bangui?

2 A. [11:25:51] In Bangui, if I'm not mistaken, there were eight zones. They
3 are -- there's the 4th arrondissement, there's the 7th, the 5th, the 8th, *Boeing, Bimbo,
4 Begoua, there are seven zones.

5 Q. [11:26:35] Now, could it be that there are ten zones in Bangui, which is what you
6 indicate in your statement at paragraph 89?

7 A. [11:26:55] Probably, because the Anti-Balaka installed, which I just mentioned,
8 but there could -- there might be two additional zones *in Begoua -- the Damara axis
9 and the Bouali axis. So those axes are also regarded as a zone as well, which means
10 there are ten zones. It wasn't in all the neighbourhoods of Bangui who were occupied
11 by the Anti-Balaka. There were arrondissements where there were no Anti-Balaka.

12 Q. [11:27:42] How many zone commanders were there outside of Bangui, that is in
13 the provinces?

14 A. [11:27:57] Well, there they were numerous, because where there were exactions
15 from the Seleka, the Anti-Balaka were created, so they are quite numerous. *I know
16 where the Anti-Balaka who were recognised by our coordination were. They weren't
17 spread throughout the territory of the Central African Republic where you found
18 the Anti-Balaka. There were regions, areas, where the Anti-Balaka were not found.

19 PRESIDING JUDGE SCHMITT: [11:28:30] Ms Proulx.

20 MS PROULX: [11:28:32] Sorry for the interruption. I was informed that Boeing and
21 Bimbo were mentioned by the witness, but they do not appear in the English
22 transcript, at page 33 at line 5.

23 PRESIDING JUDGE SCHMITT: [11:28:45] But of course they should.

24 MS PROULX: [11:28:46] Thank you.

25 PRESIDING JUDGE SCHMITT: [11:28:47] Since we are shortly before the break, it

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1 does not appear as if you were at the end of your questioning.

2 So what does that mean?

3 MR VANDERPUYE: [11:29:01] No, I'm not -- I'm not at the end of my questioning.

4 No, Mr President. I have a few documents I'd like to show him concerning

5 the coordination which I think we can probably get through, but I think it's going to

6 take me about a half an hour to do that.

7 PRESIDING JUDGE SCHMITT: [11:29:15] Okay. Good.

8 Yes. It is granted. You are over the eight hours and the Chamber also acknowledge

9 of course that there were technical problems and sometimes still are, but nevertheless

10 it -- this all deducted -- deduced, so to speak. And the Chamber also acknowledges,

11 or perhaps better worded, has to accept how the Prosecution structures its

12 questioning and how it weighs the subjects that it is interested in.

13 However, not for the first time, the Chamber notes that the Prosecution takes a lot of

14 time at the beginning with areas of questioning that appear not to be the most

15 relevant with regard to the specific witness.

16 So it would be good if this would perhaps be taken into account with regard to

17 further witnesses.

18 We have now the break until 12.

19 THE COURT USHER: [11:30:10] All rise.

20 (Recess taken at 11.30 a.m.)

21 (Upon resuming in open session at 12.02 p.m.)

22 THE COURT USHER: [12:02:30] All rise.

23 Please be seated.

24 PRESIDING JUDGE SCHMITT: [12:02:55] So, Mr Vanderpuye, you have still

25 the floor.

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1 MR VANDERPUYE: [12:03:01] Thank you, Mr President.

2 Q. [12:03:09] Mr Witness, can you hear me okay?

3 PRESIDING JUDGE SCHMITT: [12:03:34] Mr Witness, do you hear us here in the
4 courtroom?

5 MR VANDERPUYE: [12:03:51] He's -- he's speaking.

6 PRESIDING JUDGE SCHMITT: [12:03:54] Yes, he is speaking, but we don't hear him,
7 so ...

8 So the court officer is checking how long it will take to fix this.

9 (Pause in proceedings)

10 PRESIDING JUDGE SCHMITT: [12:05:05] It won't take long. So the message is we
11 can sit here. Perhaps I can try to fill the gap.

12 You have indicated, Mr Knoops and Ms Dimitri, how long the Defence would want to
13 question this witness. Does this still stand or has -- has it to be reduced, let me put it
14 this way?

15 MR KNOOPS: [12:05:32] Thank you very much. Thank you, Mr President, for your
16 enquiry.

17 Ms Marie-Hélène Proulx will conduct the examination and she has estimated seven
18 hours, which is still the case. It might change a little bit, but as far as things look
19 now, it's seven hours. So that could mean that the Defence could potentially finish
20 tomorrow evening -- tomorrow afternoon, sorry. Depending, of course, how much
21 delay will be today.

22 And if I make the opportunity, Mr President, of this break, technical break,

23 Ms Dimitri and I, we would like to address the Chamber tomorrow just five minutes
24 on a pressing issue concerning the condition of both defendants. And this, we prefer
25 to do this to the judges themselves because we think this will also affect their fair trial

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1 rights. And it will just take five minutes. We have tried to achieve a solution with
2 the detention centre, but the situation has become worse, and we believe that
3 the Chamber should now intervene because this really affects their, not only
4 detention rights, but also their constitution during the hearings, their mental
5 constitution.

6 PRESIDING JUDGE SCHMITT: [12:06:57] Wouldn't it be better if the Chamber
7 would at least be a little bit prepared what the issue is --

8 MR KNOOPS: [12:07:05] Yes, of course.

9 PRESIDING JUDGE SCHMITT: [12:07:06] -- so before we address this here in open
10 court.

11 MR KNOOPS: Yes.

12 PRESIDING JUDGE SCHMITT: [12:07:09] Of course we would address it in private
13 session, that's clear. But wouldn't that be better if we, if the Chamber knew at least
14 what we are talking about so that also the Chamber can assess if it makes sense to
15 discuss this orally or whatever measures, if any, would have to be taken. I would
16 suggest that we do it this way.

17 MR KNOOPS: [12:07:30] Thank you, Mr President. We will submit today our
18 findings, our observations and what we think should be needed in terms of
19 intervention. And it's up to the Court to decide --

20 PRESIDING JUDGE SCHMITT: Of course.

21 MR KNOOPS: -- either orally or in response to the teams.

22 PRESIDING JUDGE SCHMITT: [12:07:45] And you know, it's always, when another
23 party, so to speak, is involved, which in that case the Registry, detention centre --

24 MR KNOOPS: Of course.

25 PRESIDING JUDGE SCHMITT: [12:07:52] -- they also have to be heard. So I

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1 think -- the Chamber is not very happy to address these matters --

2 MR KNOOPS: [12:08:00] We understand.

3 PRESIDING JUDGE SCHMITT: [12:08:01] -- without preparation during

4 the -- the hearing. Yes.

5 MR KNOOPS: [12:08:05] Thank you, Mr President.

6 Ms Dimitri, what, with regard to your assessment, estimation of the time?

7 MS DIMITRI: [12:08:14] I hope we'll please you, your Honours, I think we're going

8 to be half what we estimated. It's going to be Dr Casiez who is going to conduct the

9 examination, but I don't think -- we certainly won't take the four hours. Our

10 assessment is half of that.

11 PRESIDING JUDGE SCHMITT: [12:08:29] So actually I am not surprised, but that's

12 just a remark by me. So I think we can say that perhaps indeed on Monday we can

13 finish at the lunch break so the problem with the telephone calls with not appear.

14 This is of course a very practical solution to shorten the lunch break today and

15 tomorrow. But still it is a viable one, I would say.

16 MS DIMITRI: [12:08:55] Yes. And since you are on the subject, I just wanted to

17 thank the Chamber for this accommodation on our behalf and on behalf of

18 Mr Yekatom.

19 PRESIDING JUDGE SCHMITT: [12:09:04] You know that this is regulation, one and

20 a half hour, but this -- this shown good cause to deviation.

21 So can we now continue or is it ... you know, there are always things that we could

22 discuss here.

23 So, Mr Vanderpuye, we try it and simply put a question to him and we will see if he

24 understands it and if he answers and if we hear what he answers. Thank you.

25 MR VANDERPUYE: [12:09:37]

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1 Q. [12:09:37] All right, my question was I think when we left off about how many
2 ComZones there were all together, Bangui and the provinces, if you know.

3 A. [12:10:01] Thank you, Mr President. A short while ago I said that I didn't know
4 the exact number, but there were quite a number of them. Because you need to do
5 an inventory in the zones or areas where the Anti-Balaka were present.
6 The Anti-Balaka were not present in all regions of the country. I have an idea of
7 what obtained in the areas where some Anti-Balaka were present, but I don't have an
8 exact number.

9 Q. [12:10:36] What I'd like to show you then is a document. One second, I will
10 give you the ERN number. It's tab 11, CAR-OTP-2030-0232.
11 And while that's coming up, let me just ask you, do you recall in your statement
12 estimating that the number of Anti-Balaka ComZones in the provinces was between
13 82 to 86 in number? That's at paragraph 97 of your 2017 statement.

14 A. [12:11:40] No. That that -- that number, *I don't think so -- *it's too much, I think,
15 its plethoric. I don't think so. 80, no. I don't think I would say so. I don't remember
16 saying that. That's too much.

17 Q. [12:11:56] All right.

18 PRESIDING JUDGE SCHMITT: [12:11:57] But -- but, Mr Witness, this is
19 CAR-OTP-2046-0619. At paragraph 97, as the Prosecutor already has mentioned.
20 And it is in your statement here "In the provinces there are between 82 to 86
21 ComZones." So you think that that figure at the time you had given to the
22 Prosecutor was wrong?

23 THE WITNESS: [12:12:36](Interpretation) Thank you, Mr President. I don't
24 remember providing that figure, but I think it's excessive. 80, it's too much. It is
25 true that there were several in number but not -- not up to 80. It's too high.

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1 PRESIDING JUDGE SCHMITT: [12:12:52] Okay.

2 Mr Vanderpuye.

3 MR VANDERPUYE: [12:13:00](Microphone not activated) I'm sorry.

4 Q. [12:13:00] What I'm showing you now is a document listing the Anti-Balaka

5 ComZones. I think you mentioned before that it was the obligation of the secretary

6 to compile such lists.

7 First, have you seen this document before?

8 A. [12:13:43] I'm sorry, I might need some technical help here. My screen is very

9 dark. I cannot read. Can I get assistance from the technician? I am not able to see

10 what is displayed clearly on the screen.

11 PRESIDING JUDGE SCHMITT: [12:14:00] That is surely possible. Please wait

12 a second, Mr Witness.

13 Is it better now, Mr Witness? Is it -- do you see it better?

14 THE WITNESS: [12:14:54](Interpretation) Yes, I can see now.

15 PRESIDING JUDGE SCHMITT: [12:14:59] Mr Vanderpuye.

16 MR VANDERPUYE: [12:15:02] All right.

17 Q. [12:15:04] Now, in this list I'm sure you will see a number of familiar names.

18 If we can zoom out maybe, he can get an idea of what we're -- what we're looking at

19 here.

20 There's 17 names on the first page, including some you've mentioned during your

21 testimony here and a number that you've indicated in your statement. You confirm

22 that these names correspond with your recollection of the ComZones that were in

23 place at the time that the Anti-Balaka coordination to which you referred in June was

24 set up?

25 A. [12:16:00] Yes, I recognise it.

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1 Q. [12:16:01] All right. I'm not going to go through the whole list, but what I will
2 do is I will go to the next page here and you can have a look at some of the names
3 here. Mazimbele is someone you talked about who was killed, and it's indicated
4 here. Denamganai is someone else you indicated, Abel. Yvon Konate and so on.
5 You see Mr Yekatom here at number 28?

6 All right.

7 A. [12:16:50] Yes, I do.

8 Q. [12:16:51] Let's go to the next page, please.

9 At number 35 at the top of the page you see Richard Bozando. He's connected to
10 Yaloké and Gaga; is that right? Does that comport with your recollection?

11 I'm sorry, I didn't hear your answer.

12 A. [12:18:05] Yes, I remember --

13 THE INTERPRETER: [12:18:12] Inaudible.

14 PRESIDING JUDGE SCHMITT: [12:18:17] Mr Witness, so there have been put
15 a couple of names by Mr Prosecutor to you and that are on the list. So the names on
16 the list that you see here that Mr Vanderpuye has asked you and do that -- does this
17 comport also with your recollection that these were the functions that they had?

18 THE WITNESS: [12:18:52](Interpretation) Which names? Which names, please.

19 PRESIDING JUDGE SCHMITT: [12:18:55] I think the last ones we -- we were not
20 sure about now was Richard Bozando, number 35.

21 THE WITNESS: [12:19:08](Interpretation) Yes. Yes, he was in Yaloké. Yes, he was
22 in Yaloké. They were in Yaloké.

23 PRESIDING JUDGE SCHMITT: [12:19:15] Mr Vanderpuye, if you have -- want to
24 put further names with regard also to -- to the locations to him, you can do that.

25 MR VANDERPUYE: [12:19:22] I have a few.

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1 Q. [12:19:22] If we go down this page we will see the name Ndagba Pissidy

2 Theophil. You referred to him earlier. And the location here is indicated

3 Bossangoa; is that right?

4 THE INTERPRETER: [12:20:00] Witness seems to have said "yeah".

5 PRESIDING JUDGE SCHMITT: [12:20:03] Mr Witness, so this is correct? We didn't

6 get -- we didn't get the answer.

7 THE WITNESS: [12:20:16](Interpretation) Yes, it's -- it's correct. I remember. It's

8 correct.

9 MR VANDERPUYE: [12:20:20]

10 Q. [12:20:21] On the next page we have a few other names. At number 59 there's

11 Habib Beina, who you indicated you knew from before. And the location attributed

12 to him is PK9 *Sortie Sud*. Does that -- does that agree with your recollection?

13 A. [12:21:01] Yes, he was from the south. But I don't know their exact location at

14 the time. But I know that he was from the south. I know him and I recognise

15 the name.

16 Q. [12:21:17] Further down the page at number 65, do you recognise the name

17 Manoumana?

18 A. [12:21:32] Who? Well, I don't know that one.

19 Q. [12:21:42] All right. If we go to the next page, please. The first one is number

20 68, Ondimba. Do you recognise that name?

21 A. [12:22:13] What -- what number, please?

22 Q. [12:22:16] Number 68, the first one on the top of your screen.

23 A. [12:22:32] No, I don't -- I don't know him. Ondimba, no.

24 Q. [12:22:39] Let's go down the page, please. You recognise the names Hervé

25 Ganazoui and Adamou Ndale, right?

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1 A. [12:23:07] (No interpretation).

2 Q. [12:23:08] I'm sorry. Your answer broke up. Could you repeat it?

3 A. [12:23:21] I know those two names.

4 Q. [12:23:24] They were in the positions that are indicated here, that is in Bangui
5 and Bouar respectively?

6 A. [12:23:40] Yes, yes. But Ganazoui was not a ComZone. He was a soldier, but
7 was not a ComZone. It's Ndale who was the ComZone, rather, prefectural
8 *coordinator of Nana- Mambéré in the Bouar area.

9 Q. [12:24:03] Okay. I want to go to the next page, just for you to see it, and then
10 we'll leave this document alone.

11 Here there are another -- a number of names. At 94, Gotias; 95, Vivien Beina; 96,
12 Paleon Zilabo; 97, Habib Soussou; 100, Chrysostom Yapele; 101, Barthélemy
13 Namsenmo; *102, Ngoubou ; 104, Yanoue; 105, Gervais Yapende. Are these all
14 names that are familiar to you?

15 A. [12:25:09] Yes, I am familiar with those names, yes.

16 Q. [12:25:13] And on the following page - we don't need to show it - at 107, Kema
17 Florent, Alexis Mandago at 108 and Basile Dika at 111. Are those names that are
18 familiar to you?

19 A. [12:25:36] Yes.

20 Q. [12:25:38] I'd like to show you another document. And this one shouldn't be
21 broadcast to the public, please.

22 It is tab 21, CAR-OTP-2046-0631. And this is just a document that you prepared
23 regarding the prefectural coordinators of the Anti-Balaka. While that's coming up,
24 can you tell the Chamber, concisely, what the role of a prefectural coordinator was.

25 A. [12:26:43] Thank you, Mr President. I think that the role of the prefectural

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1 coordinator is the same as that of the general coordinator. What I mean is that he is
2 the representative of the Anti-Balaka within his prefecture when it comes to
3 interactions with the authorities, and mainly the international or foreign forces that
4 were present with us. And the idea is to facilitate communication between
5 the foreign forces and the Anti-Balaka, as well as with the local authorities, be they
6 military or administrative. That is what the role of the *prefectural coordinator is.
7 He plays more or less the same role as the general coordinator within his locality and
8 within his prefecture.

9 Q. [12:27:44] In this specific document you indicate that in Lobaye, the prefectural
10 coordinator would have been Yekatom Rombhot. In Ouham the prefectural
11 coordinator would have been Florent Kema. And that refers to the Lobaye
12 prefecture and -- yeah, and Ouham. So that would be Mbaïki, for example, in
13 Lobaye, and in Bossangoa, for example, in Ouham; is that right?

14 A. [12:28:25] Yes, that's correct.

15 Q. [12:28:26] And the names that are indicated in the document here in front of us
16 now, they're accurate to your recollection; is that right?

17 A. [12:28:42] Yes, that's correct.

18 Q. [12:28:45] I asked you about some of the ComZones in -- in the provinces, and I
19 wanted to just sort a couple of things out with you.

20 Let me show you another document. This one I suppose -- yeah, this one should not
21 be broadcast to the -- actually, it should not be broadcast.

22 It is tab 22, CAR-OTP-2046-0633.

23 And while that's coming up, let me just ask. The ComZones that were in Bossangoa
24 in 2014, do you recall who they were?

25 A. [12:30:01] Well, I don't really remember. But it is the prefectural *coordinator,

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1 Mr Kema Florent, who came from time to time to inform us. He managed
2 the commanders of the zone of his neighbourhood or location. I know some of them,
3 but I don't know exactly where their zone is. And for some I do know, but for some
4 I'm not really sure.

5 And Kema, he was the prefectural *coordinator of Ouham and he was commander of
6 the zone of *Nana-Bakassa as well.

7 Q. [12:30:53] Okay.

8 We'll -- we'll try to sort out the name a little bit later.

9 THE INTERPRETER: [12:30:58] The name was Nana-Bakassa.

10 MR VANDERPUYE: [12:31:01]

11 Q. [12:31:01] The document we're looking at right now, I think if we can -- if we can
12 display it just like this without the signature at the bottom, I think that's okay, then it
13 can be public.

14 Can you see this map in front of you now?

15 A. [12:31:23] Yes, I can see it.

16 Q. [12:31:25] And did you make the circles that are around the locations indicated
17 on this map?

18 A. [12:31:45] The circles, I see them. But it's a bit vague. I can't see it very
19 clearly.

20 Q. [12:31:57] All right. My -- my question is, did you put the circles around
21 these -- these particular locations on this map?

22 PRESIDING JUDGE SCHMITT: [12:32:14] Ms Dimitri.

23 MS DIMITRI: [12:32:15] The problem is in French he said he couldn't see the circles.
24 So you're going to have cross-purposes here.

25 MR VANDERPUYE: [12:32:22] (Overlapping speakers)

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1 PRESIDING JUDGE SCHMITT: [12:32:23] So what is -- so, no overlap. What is
2 perhaps possible is to enlarge at least a portion of this document and then hopefully
3 the circles are visible. And if the witness has made them, he will recognise it, even if
4 it is only a portion of the whole document.

5 MR VANDERPUYE: [12:32:47] Thank you, Mr President. I think if we could -- I
6 think it's better to focus in the middle of the map than on the bottom because of the
7 signature, so if we can just blow that up a little bit so he can see the circles.

8 Q. [12:33:03] Are you able to say if you made the circles that appear on the map?
9 First of all, can you see it?

10 A. [12:33:15] I see the map.

11 Q. [12:33:23] Did you make the circles?

12 A. [12:33:41] Yes, I remember.

13 Q. [12:33:45] What are the circles meant to indicate, relative to the positions of the
14 Anti-Balaka elements?

15 A. [12:34:07] Generally speaking, that's where the Anti-Balaka were created. And
16 as I indicated on this map, because people tend to say that we were throughout the
17 *territory especially when everything is about territory, there were Anti-Balaka
18 movement in some localities, some Anti-Balaka
19 groups who were created after 2014, 2015. They are not all the groups that were
20 recognised in our coordination. There were also Anti-Balaka branches who were
21 created after the Seleka exactions, but who were not part of our coordination.
22 And in -- towards 2015 there was a split within the Anti-Balaka where some left
23 the coordination to move to another coordination. And that is why there was
24 the birth of the Anti-Balaka. I circled the locations where the Anti-Balaka first arose.

25 Q. [12:35:31] All right. I think I understand that these circles represent the areas

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1 where the Anti-Balaka arose. Are these areas which had ComZones within
2 the framework of the National Coordination?

3 THE INTERPRETER: [12:35:57] Silence.

4 THE WITNESS: [12:36:00](Interpretation) I see the points. It's true that I made
5 the circles. But there could also be other areas which I haven't circled. I shall have
6 to look at the entire map as a reference. I know where the Anti-Balaka were -- arose
7 or where -- where they were created. *I have circled those who were part of our
8 Coordination, I know that, but I only see half the map at the moment, so
9 I can't confirm with certainty. But it is I who made those circles around the towns.

10 MR VANDERPUYE: [12:36:40]

11 Q. [12:36:40] Okay. I think that's all I wanted to know, is if you made the circles
12 around the towns and the purpose for which you made them, which I think is now
13 clear in the record.

14 Mr President, I have just a few areas regarding certain telephone numbers that
15 the -- let me stand up, sorry. I have a few numbers, telephone numbers that
16 the witness provided in the course of his statement that I would like to introduce into
17 the record. There's a couple of different ways to do it. I've spoken to my colleagues
18 and what I propose to do was to refer the witness, A, to confirm that he's given
19 a number of phone numbers, where they are in the statement, and, if necessary, to
20 read them into the record, but not without -- you know, without an extended back
21 and forth about it because I think it's -- the fact that he gave the numbers is quite
22 clear.

23 PRESIDING JUDGE SCHMITT: [12:37:35] I think there will be no objections if you
24 do it this way that you refer to the statement. Ask him if he was given telephone
25 numbers. And I think he has said in the beginning that he has read his statement

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1 and that -- that everything is okay. So I think we can leave it at that.

2 MR VANDERPUYE: [12:37:54] Indeed, Mr President.

3 So if I -- if I maybe (Overlapping speakers)

4 PRESIDING JUDGE SCHMITT: [12:37:57] Yeah, please continue.

5 MR VANDERPUYE: [12:38:00] Thank you.

6 Q. [12:38:04] Mr Witness, you probably have heard what I've said. I wanted to
7 confirm just that you have given certain numbers. I think we have 29 in all, in
8 relation to your 17 January -- your January 2017 statement. So I just want to confirm
9 that you've done that. And this is in relation to Maxime Mokom, Hervé Ganazoui,
10 Abel Denamganai, Namsio Emotion, and Giscard Endjamangoa in paragraph 25 of
11 your statement. And that would be at ERN ending 0607. Those telephone numbers
12 are, respectively, 728776552, 72327214, 72057809, 72470223, 75032838, and 72255419
13 for Mr Endjamangoa.

14 And then at paragraph 34, telephone numbers for Gustave Marago Youdjoungou,
15 Thierry Lebene, Rodrigue Youdougou, Yvon Konate, Guy Gervais Mokpem and
16 Hervé Ganazoui. The numbers being 75317030 for Mr Youdjoungou; 72852395 for
17 Mr Lebene; 72256635 for Mr Rodrigue Youdougou; 72775687 for Mr Konate;
18 75799963 for Mr Mokpem; 72327214 for Mr Ganazoui.

19 At paragraph 35, also at ERN ending 609, the number for Kema, which is 72446744.

20 And then at paragraph 41 for Charles Ngremangou, Rombhot Yekatom, Wenezoui,
21 the following numbers: For Mr Ngremangou, 75502578. That's at page ending 0610.

22 Also on the same page for Mr Yekatom, 75154705. For Mr Wenezoui, 72567280.

23 And then at paragraph 71, for Mr Ngaya Alfred, 75055993.

24 At paragraph 80, Olivier Feissona, 72113308 and 75243316. And that's at -- sorry,
25 ERN ending 0616.

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- 1 At paragraph 91, ERN 0618, for Junior Bayo, 72344906.
- 2 At paragraph 91, same page, for "Mbomo". I believe that's Mbomon with an N, but
- 3 you'll correct me if I'm wrong. In any event, the number is 72640421.
- 4 Same paragraph, same ERN page, for Dieudonné Houronti, 72479397.
- 5 The same for Bertin Nganabem, 72763735.
- 6 At paragraph 105, ERN page 0621, for Judicael Orofei Moganazoum, 72575756.
- 7 Same paragraph and page for Vivien Beina, 72662105.
- 8 The same for Paleon Zilabo, 72688046.
- 9 And then at paragraph 112, page -- ERN page 0622, for Jacob Mokpem, 72887062.
- 10 And then at paragraph 127 for the following:
- 11 Guiton, Mapao, Namssenmon, and the ComZone for Boali. Numbers being
- 12 75805076 for Mr Guiton; 75284327 for Mr Mapao; 77559511 for Mr Namssenmon; and
- 13 72467044 for the ComZone of Boali.
- 14 So I just wanted to confirm with you that those are the numbers you provided. I
- 15 think you've already confirmed that the information is correct.
- 16 PRESIDING JUDGE SCHMITT: [12:45:13] Yeah, so I think -- do you want anything
- 17 to add to that, Mr Witness?
- 18 THE WITNESS: [12:45:40](Interpretation) Mr President, regarding the telephone
- 19 numbers, I don't remember these numbers. Perhaps I gave it on a piece of paper. If
- 20 you could present that to me because at the moment I can't find them. I can't find
- 21 the numbers that the Prosecution has just mentioned. I don't really remember all
- 22 the numbers.
- 23 PRESIDING JUDGE SCHMITT: [12:46:02] Of course, that -- that would be even not
- 24 credible, I would say, if you would remember them.
- 25 But you have said at the beginning of the examination by the Prosecution that you

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1 provided this information in your statement to your best knowledge, and so we can
2 take it that at the time when you gave these numbers to the Prosecution you gave
3 them according to information that you had at the time.

4 Can you confirm that?

5 THE WITNESS: [12:46:44](Interpretation) Thank you. I was in contact with the
6 investigators. It was three years ago from today. But as regards these numbers, I
7 can't remember. Of course, these numbers are -- here are the numbers of the
8 members of the coordination, that's true. But I can't remember having given them.
9 And if it's true, then if I provided, then I must have done it on a piece of paper and
10 that has been -- if you have this -- these numbers on paper, you can give them to me
11 and I will remember. And if it's true and correct, I will say so.

12 PRESIDING JUDGE SCHMITT: [12:47:29] Mr Vanderpuye, do you have further
13 questions?

14 MR VANDERPUYE: [12:47:34] I do. My time is a little up I think by now, but
15 I don't know how the Chamber wants me to proceed. I can show the witness his
16 statement --

17 PRESIDING JUDGE SCHMITT: [12:47:45] We have just disconnection.

18 MR VANDERPUYE: [12:47:52] Oh, okay.

19 PRESIDING JUDGE SCHMITT: [12:48:02] How long? Okay. So we'll take
20 another five minutes to reconnect.

21 I understand.

22 Mr Vanderpuye, I personally think that there is not an issue, but I understand also, of
23 course, that now it would be good, perhaps, to -- to verify.

24 And, you know, I tried, when I asked him at the time you provided with
25 the telephone numbers to the best of your knowledge, if he would say that everything

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1 would be okay in that sense so we would not have to, but what we can do is perhaps
2 that you show -- revert to one paragraph where telephone numbers are given and,
3 yeah, we try it this way.

4 And another thing, now that we are bridging the gap, and I'm still hoping that we
5 don't have to go to the deliberation room, the more technical, so to speak, a witness
6 testimony, and also a little bit also the expected testimony is -- of course, the easier it
7 is if we have a Rule 68(3) witness.

8 MR VANDERPUYE: [12:49:22] I completely agree with you, Mr President.

9 What I was wondering is, I don't know whether my -- what the position of my
10 colleagues are, but to me the quick way around it is to see if -- and I would invite my
11 colleagues to stipulate to what is actually in the statement. The accuracy of
12 the statement is a different thing. I'm not asking anybody to say that these numbers
13 are absolutely correct, but the fact that he gave them I think is a different issue. So I
14 would invite my colleagues to stipulate to that and that would obviate the need to get
15 into it, I think, further. But on the other hand, if that's not possible, I'm perfectly
16 (Overlapping speakers)

17 PRESIDING JUDGE SCHMITT: [12:49:59] Actually, actually, as far as I have
18 experience, so to speak, the Defence in this case until now, the fact that the witness
19 gave telephone numbers to the investigators of the Prosecutor at the time that are in
20 the statement, I think you would not contest. This does not of course mean that
21 these numbers are correct. I think -- I think we could really shorten it here.

22 Ms Dimitri, what do you think?

23 MS DIMITRI: [12:50:33] Mr President, indeed I completely agree. We don't contest
24 the fact that the witness perhaps gave numbers. Now, the manner in which he gave
25 them, was it orally and the investigator wrote them down, was it on a piece of paper

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1 and whether or not there is a mistake that occurred at some point, because it's
2 numbers, it can happen. And you'll see in cross-examination that there is indeed
3 a mistake. This is what -- I can't stipulate to the accuracy of the attribution, that
4 I cannot do. And so I don't know what was the process, how were those numbers
5 given.

6 PRESIDING JUDGE SCHMITT: [12:51:07] No, actually, this is I think also what
7 Mr Vanderpuye suggested. We are not talking about the accuracy here, we are
8 simply talking about the fact that telephone numbers have been provided in 2017 by
9 the witness to the Office of the Prosecutor.

10 Mr Knoops.

11 MR KNOOPS: [12:51:30] Of course we will not contest that the witness gave
12 telephone numbers, but we cannot stipulate to the fact that these numbers were either
13 written down correctly by the investigators or were not the numbers the witness now
14 can recollect. That's something of course which is subject to examination in court.

15 PRESIDING JUDGE SCHMITT: [12:51:54] It's about the accuracy. No, this is
16 something that, by the way, even if it was a Rule 68(3) witness, now let's assume that
17 for a moment, even then this would of course not mean that the numbers are accurate.
18 So I think we -- we can simply continue here and -- Mr Vanderpuye.

19 MR VANDERPUYE: [12:52:18] All right. Thank you, Mr President.

20 Well then, for the record, I would say that it is agreed then that the witness gave
21 the telephone numbers as I read into the record in relation to the individuals that
22 correspond to those numbers in the course of his statement that was provided to
23 the Office of the Prosecutor in 2017, January. That's it.

24 With respect to the accuracy, the circumstances, that is an issue that I think
25 the Defence is entirely free to cross-examine or examine on.

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- 1 PRESIDING JUDGE SCHMITT: [12:52:49] Absolutely. And I recall, I think, also
2 instances with other witnesses where this has been put to -- to the witness, so.
3 But still we have no connection.
4 Is it a longer process, or?
5 Then what about the following? You know, would it be -- would it be amenable,
6 since we are at the end, I assume, of the examination by the Prosecution, if we had
7 now another -- is that possible to have now a one-hour break, lunch break, and then
8 a two-hour afternoon session perhaps? Or perhaps even -- I'm not so good in
9 counting, *iudex non calculat*, as they say, but it would perhaps even be enough time if
10 Ms Dimitri, or whoever starts, or Ms Proulx, would have -- well, music can be
11 promising, but not necessarily, if ...
12 Let's wait a second.
13 But nevertheless, what about this suggestion? Even if Mr Vanderpuye now finishes
14 in a couple of minutes or so, perhaps it makes sense that we have a break then,
15 Ms Proulx, and that you can start fresh, so to speak, yeah.
16 Still no connection.
17 MR VANDERPUYE: [12:54:28] No connection, okay. I don't know, maybe I have
18 misunderstood. Was your intention then to take the break now at this moment?
19 PRESIDING JUDGE SCHMITT: [12:54:33] Especially when we connect now, in case
20 we connect now. And assuming that you are close to the end of your examination,
21 yeah, then I would say we'll have a break now. You can finish if you have a couple
22 of minutes and then we adjust the break, but I would not ask Ms Proulx to start
23 immediately after you for 10 minutes or 15 or 20 minutes.
24 And if it takes longer, then we make the break now. I mean the -- to reconnect with
25 the witness.

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1 Two minutes.

2 Okay, two minutes is fine. So this is -- I think we. And by the way, also thank you

3 very much to court officer. This is also stressful days with these problems with

4 the connection. And actually taking into account the problems that we have, it went

5 fairly well, I would say. Yeah, you know, you have to look at where you come from.

6 (Pause in proceedings)

7 PRESIDING JUDGE SCHMITT: [12:56:28] So we are waiting for others to join, and I

8 could also name the other we are waiting for to join.

9 (Pause in proceedings)

10 PRESIDING JUDGE SCHMITT: [12:57:26] So we have now the break. This

11 happens. We have the break until 2 o'clock we said, so that we have avoided

12 this -- this problem, this troublesome thing. So a shortened lunch break until

13 2 o'clock.

14 THE COURT USHER: [12:57:59] All rise.

15 (Recess taken at 12.57 p.m.)

16 (Upon resuming in open session at 2.03 p.m.)

17 THE COURT USHER: [14:03:34] All rise.

18 Please be seated.

19 PRESIDING JUDGE SCHMITT: [14:03:59] Good afternoon.

20 Mr Vanderpuye, you still have the floor.

21 MR VANDERPUYE: [14:04:09] Thank you very much, Mr President. And I

22 appreciate your indulgence. I've gone back and looked through what I've got for

23 this witness and also in light of the time that I've used so far, and with that in mind, I

24 think I'm going to let it go and I will thank the witness for his time with me. And I

25 have no further questions at this time.

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1 PRESIDING JUDGE SCHMITT: [14:04:34] Yes, we know what that means.

2 MR VANDERPUYE: [14:04:37] Exactly, Mr President.

3 PRESIDING JUDGE SCHMITT: [14:04:39] But we also -- we also know, of course,
4 that further questioning might occur under certain circumstances and preconditions.

5 My question to the representatives of the victims, I don't assume that you have
6 questions.

7 Ms Rabesandratana, do you have any questions?

8 MS RABESANDRATANA: [14:05:01](Interpretation) No, Mr President, we don't
9 have any questions.

10 MR SUPRUN: [14:05:10] I have no questions for this witness, Mr President.

11 PRESIDING JUDGE SCHMITT: [14:05:13] Thank you very much, Mr Suprun.

12 So I give the floor now to the Defence of Mr Ngaïssona.

13 Ms Proulx.

14 MS PROULX: [14:05:41] Thank you, Mr President.

15 QUESTIONED BY MS PROULX: (Interpretation)

16 Q. [14:05:45] Good afternoon, Mr Witness.

17 Mr Witness, do you hear me?

18 A. [14:06:04] I can hear you.

19 Q. [14:06:07] Good afternoon. You will remember that we met very briefly last
20 week during the courtesy meeting. Let me introduce myself again. I'm

21 Marie-Hélène Proulx, one of the lawyers representing Mr Ngaïssona.

22 I told you last week already that I have many questions for you, but I just ask you to
23 be patient, to be a bit patient. You have been patient so far, but I also want to remind
24 you that so far you have done it well. We need to speak slowly and observe a pause
25 between questions and answers.

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- 1 It is all the more important because you and I will be speaking in the same language,
2 so there might be a tendency to forget that interpreters are working to convey all that
3 which we are doing in -- which we are saying in English and in Sango.
- 4 Now one last point for your attention is that, just as you have done with my colleague
5 from the Office of the Prosecutor, if ever any of my questions are not clear, please just
6 tell me and I will rephrase.
- 7 Is it clear so far? Do you understand me?
- 8 A. [14:07:42] Yes, all is clear, Madam.
- 9 PRESIDING JUDGE SCHMITT: [14:07:45] Mr Vanderpuye.
- 10 MR VANDERPUYE: [14:07:47] Thank you. And I'm very sorry to interrupt, but
11 I -- I don't know if the transcript is running or it's just my screen that's frozen in
12 English, but the transcript seems to have stopped just after 14:04.
- 13 PRESIDING JUDGE SCHMITT: [14:08:07] Actually I have everything, so ...
- 14 MR VANDERPUYE: [14:08:11] Okay, I'm sorry. Sorry, go ahead.
- 15 PRESIDING JUDGE SCHMITT: [14:08:16] Court officer will check with you.
16 Ms Proulx, please continue.
- 17 MS PROULX: [14:08:30] (Interpretation) For the record, * I will be referring often to
18 the witness's statement, specifically the French version, which is at tab 30 of
19 the Prosecution's folder, CAR-OTP-2102-0131.
- 20 Q. [14:09:03] Mr Witness, let me take you back in time to the very beginning of
21 your story, of your experience during the crisis that shook the Central African
22 Republic. So I would like to start to talk with you about Seleka's approach end 2012,
23 2013 -- early 2013. You spoke about this already with the Prosecutor last week -- or
24 last Monday, rather, and this is page 48 of the real-time transcript. And this is in
25 your -- in relation also to your statement in paragraph 15 where you said that there

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1 was not enough equipment and materiel for the protection of the Seleka troops.

2 I think we are in open session and so without providing any details, personal details,

3 can you tell the Court at what time you observed that there was a shortage of

4 equipment or materiel within the FACA.

5 A. [14:10:27] Thank you. The observation is real. It is true. When the Seleka

6 were approaching, the FACA elements did not have enough materiel to stop them in

7 their progression to Bangui. That's what I said.

8 Q. [14:10:53] At paragraph 16 of your statement you say that you heard that there

9 were weapons stored in Bossembélé and Sassara. You never saw those weapons; is

10 that correct?

11 A. [14:11:16] That is what I said. Yes, that's correct.

12 Q. [14:11:25] Did you hear any other similar rumours at the time in relation to

13 weapons that were distributed or hidden either by the FACA or by the Bozizé regime

14 in general?

15 A. [14:11:39] No, I didn't hear that.

16 Q. [14:11:56] On Monday at page 54, T-80, you said that, as the Seleka approached,

17 there was no resistance from the people and the FACA were in retreat. That absence

18 of resistance, was it explained by the lack of resources such as arms and

19 ammunitions?

20 A. [14:12:26] Yes, indeed. As the Seleka elements advanced, the FACA troops

21 retreated. And these might be matters of military secret, but I don't know whether it

22 was for lack of materiel or for refusal to fight. What I know is that, as the Seleka

23 advanced, FACA retreated.

24 Q. [14:13:05] Could this also be explained by a lack of organisation? What I mean

25 is that, even though the Bozizé regime had noticed that the Seleka were advancing, it

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1 had not organised a resistance in such a way as to be able to stop Seleka.

2 A. [14:13:27] Yes, indeed. *There was already plotting within the government. This
3 is not a secret, everyone knew it. There was already some plotting going on within the
4 government at the time. And so that was probably one of the reasons why
5 the FACA didn't fight back.

6 Q. [14:13:57] You explained that as soon as they entered Bangui, at the time of the
7 coup d'état which brought President Djotodia to power, the Seleka immediately
8 targeted the FACA. They committed abuses directly against FACA -- against
9 the FACA. Why? Why do you think so?

10 A. [14:14:26] What I said to the investigators is that, when the Seleka elements
11 entered Bangui, first they were targeting soldiers who were close to President Bozizé.
12 And then there came a time when they started chasing after all soldiers. For
13 example, in Boy-Rabe, our neighbourhood, on 20 August *2013 they -- they came in
14 and did a house-to-house search, and it is at that time that I myself decided to leave
15 the neighbourhood.

16 Q. [14:15:16] Did the Seleka specifically target the FACA because they associated
17 the FACA with the regime of former President Bozizé?

18 A. [14:15:28] Yes, as usual, history has it that when there is a coup d'état, those who
19 take over consider all soldiers as belonging to the former regime. And so they
20 considered the soldiers to be elements of Bozizé and that's why they were chasing
21 after them.

22 Q. [14:16:00] On Monday, at page 48 of the transcript, you said that Seleka had
23 been created by inhabitants in the north of Central Africa, people who felt that they
24 had been marginalised by the regime in power. Would you agree with me that
25 Seleka was also made up of a large number of foreigners?

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1 A. [14:16:31] Yes, indeed. *At the beginning it was the Muslims, the inhabitants the
2 north of the Central African Republic who made those arguments, but they were not
3 many in number. They recruited mercenaries, and this is no secret, Sudanese and
4 Chadian mercenaries. So that is part of the Seleka. So the majority of the Seleka
5 combatants were foreigners.

6 PRESIDING JUDGE SCHMITT: [14:17:08] So we have connection problems. I'm
7 happy that the interpreter could follow, but we don't have an image at the moment.
8 So let's fix that before we continue, Ms Proulx. So we have to wait a second or so.
9 A second was right, for once. So, no, not -- it was too optimistic. It's obviously very
10 fragile, the connection.

11 (Pause in proceedings)

12 PRESIDING JUDGE SCHMITT: [14:18:45] I think you can sit down, Ms Proulx, if
13 you want. And perhaps immediately stand up again when you see the image and
14 continue then, and step in, so to speak.

15 Well, give it a try, please. No, it doesn't make -- doesn't make sense. So what are
16 we going to do? I don't see -- at the moment it looks like an improvement is not
17 possible.

18 (Pause in proceedings)

19 PRESIDING JUDGE SCHMITT: [14:20:08] Okay. But now I was just told we
20 should make a break, 5 or 10 minutes, but now we have the image, so we should use
21 it and once it disappears again, perhaps we have a break and try to reconnect and
22 then it might work better.

23 Ms Proulx, please.

24 MS PROULX: [14:20:33](Interpretation)

25 Q. [14:20:36] Mr Witness, before the interruption you were telling us that you

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1 remembered that Chadian and Sudanese mercenaries were present among the Seleka
2 elements. At the time, did you also hear that there were Janjaweed elements among
3 the Seleka?

4 A. [14:21:01] Yes, indeed. The mercenaries came from all over and I heard
5 mention of the Janjaweed, yes.

6 Q. [14:21:19] Just now and in the days before, you also talked about Seleka attacks
7 on Boy-Rabe neighbourhood in August 2013. Do you know why they chose to
8 attack that specific neighbourhood, Boy-Rabe?

9 A. [14:21:42] I think I said that it was because of an attack that had taken place.
10 Some soldiers had been firing two days before at the time when President Djotodia
11 was taking the oath of office. That was around 16 or 17 August and that is when
12 the events occurred in our neighbourhood, two days after that.

13 Q. [14:22:24] Did the Seleka also attack the Gbaya particularly?

14 A. [14:22:34] That is to be expected. It is obligatory. Because, for them, whoever
15 was Gbaya began -- belonged to the Bozizé family. So whatever was Gbaya was of
16 that president's family, so they attacked everything that was Gbaya.

17 Q. [14:23:01] According to you, Mr Witness, those targeted attacks against
18 the Gbaya in particular, would that explain why so many Gbaya subsequently joined
19 the self-defence Anti-Balaka groups?

20 A. [14:23:25] The Anti-Balaka were not only made up of the Gbayas. There were
21 all types of ethnic groups within the Anti-Balaka movement. But at the time, it was
22 the Gbaya who were more conspicuous, who were more targeted. But then also later
23 on things became confused. Some people joined the *Seleka in Bangui and then
24 *they started pointing out houses of former soldiers or people who were working or
25 well-to-do and, you see, at some point it happened that the Seleka leaders could not

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1 control their elements, and so they asked their elements to take salaries from
2 the ground as they could and that's how they were able to attack everywhere and
3 anybody.

4 MS PROULX: [14:24:24] Mr President, for my next few questions, I would need to
5 go into private session.

6 PRESIDING JUDGE SCHMITT: [14:24:29] Yes.
7 Private session.

8 *(Private session at 2.24 p.m.) (Reclassified partially in public)

9 THE COURT OFFICER: [14:24:40] We are in private session, Mr President.

10 MS PROULX: [14:24:50](Interpretation)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 A. [14:26:28] That is correct.

25 Q. [14:26:38] Could it then be said that this place was known to be a safe place

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1 where the Seleka was not present?

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 A. [14:28:15] Did you say before the attack of the 5th?

14 Q. [14:28:22] Let me repeat my question. (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 Q. [14:29:23] Am I then to understand that it was known at the time that the Seleka
22 had no mastery or were not familiar with that place?

23 A. [14:29:36] Yes.

24 Q. [14:29:48] Since this location was known to not be familiar to the Seleka, would
25 that explain why several Anti-Balaka groups converged at that specific location?

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1 A. [14:30:06] Correct.

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 A. [14:30:41] Yes, that is correct.

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 MS PROULX: [14:31:46] Mr President, we can go back in open session.

14 PRESIDING JUDGE SCHMITT: [14:31:50] Open session.

15 (Open session at 2.32 p.m.)

16 THE COURT OFFICER: [14:32:00] We're in open session, Mr President.

17 * MS PROULX: [14:32:10] (Interpretation) Q. [14:32:14] I would like to hop back

18 briefly to the creation of the self-defence groups. Is it correct that these groups were

19 created spontaneously in the different villages and independently one of another in

20 various villages in Central African Republic? So there was no link between them.

21 A. [14:32:41] You are quite right. The Anti Balaka was a popular resistance

22 movement birthed within the Central African population following the various

23 exactions committed by the elements of the Seleka and this happened in various

24 areas of the Central African Republic before it progressed. So whenever the Seleka

25 committed abuses, the youth would together to defend the population and as they

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1 rallied together they all felt that they could do something to cut the Seleka off. And
2 that's why we they took to the roads to converge together in Bangui on 5 December.

3 PRESIDING JUDGE SCHMITT: [14:33:40] Yes, Ms Dimitri.

4 MS DIMITRI: [14:33:43] Just in the middle of the sentence the word "progressed
5 towards Bangui" is missing from the English. It wasn't interpreted.

6 PRESIDING JUDGE SCHMITT: [14:33:52] Thank you.

7 MS PROULX: [14:33:59] (Interpretation).

8 Q. [14:34:02] Do you know why the various groups, separate groups, these groups
9 that were independent of each other, how come they found themselves specifically in
10 Gobéré?

11 A. [14:34:19] As I said in my statement, I was not in Gobéré, but according to
12 the information I received, there were military and civilian who were fleeing elements
13 of the Seleka and hiding in the bush, as we did behind the hill in Gbazabangui. So
14 they were hiding from the elements of Seleka *who were in Bossangoa, they were
15 hiding in the bush and they were -- wanted to -- they were trying to pursue them in
16 the bush and they said, "if they come we will defend ourselves." *And the Séléka
17 elements tried to chase them and when they got there they fought and they decided
18 it was possible to do something to defend their interests and *that was how they
19 retreated to Gobéré who felt they could find a way of attacking the elements of the
20 Seleka.

21 Q. [14:35:29] As far as you know, had anybody requested them to be in Gobéré?

22 A. [14:35:34] No, *no, no. When the Seleka arrived on the 20th August everybody
23 tried to go where they could hide.

24 THE INTERPRETER: [14:35:50] Inaudible.

25 THE WITNESS: [14:35:52](Interpretation) They fled and that's why the people

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1 ended there, but nobody ordered them to go there.

2 MS PROULX: [14:36:09](Interpretation)

3 Q. [14:36:12] On Monday you explained to us on page 56 of *transcript T-080, that
4 a lot of the Anti-Balaka leader were victims who were trying to defend their interests.
5 And on Tuesday you said, *at page 16 of transcript T-081, that the self-defence groups
6 were aiming to defend themselves to prevent abuses on the population. You also
7 spoke of something -- of a -- of a need for revenge. Was this need for revenge aimed
8 at the Seleka rather than at Muslims?

9 A. [14:37:11] You know that in the Anti-Balaka there were also Muslims, *so they
10 were Muslim members of the Anti-Balaka. So, firstly, it is the Anti-balaka leaders,
11 commonly called "zone commanders". These were people who were victims because
12 they are civilians who have nothing to do with the government or the army.
13 The groups were civilians who were not -- have been -- but as they were being chased
14 by the Seleka, that is understandable. They were victims and they wanted to defend
15 themselves against the Seleka. *And the Seleka said they would come back, that they
16 would kill others and said if you have killed, we're going to oppose you if you come
17 back. *So I'm talking about revenge, maybe it's an error of language because I have
18 victims to mourn. I was a victim. There were victims made by the Seleka in my
19 family *in Bangui and in the provinces and that's why I said that what we wanted to
20 do was cut the Seleka off so they could not reach the Central African population as
21 a whole.

22 MS PROULX: [14:38:33] Mr President, I am -- I'm informed that at almost every
23 answer something important is missing in the English transcript.

24 PRESIDING JUDGE SCHMITT: [14:38:42] Yes, I also see that. So I don't know
25 what to do here. I think that we have to address that somehow after the session

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1 and -- actually, the Chamber is doing behind the scenes quite a lot. So, yes, but I also
2 recognise it, yeah. But what can we do at the moment? I think we have -- we
3 have -- I always tend to say -- or I'm always saying - not tend to say, that was
4 wrong - that we have a complete French transcript so it should be possible to get to
5 a complete English transcript too.

6 Ms Dimitri.

7 MS DIMITRI: [14:39:23] It's just for the record, Mr President. It's going to be too
8 heavy for me to stand up every time and interrupt my colleague. So we're going to
9 flag it in an email after the hearing, which the Chamber is not copied to, but for
10 the record, I want to say that we're going to try our best to pick it up, but again we're
11 using our own resource to listen from English to French and flag it. So it's becoming
12 quite heavy.

13 PRESIDING JUDGE SCHMITT: Okay, Mr Vanderpuye first, then ...

14 MR VANDERPUYE: [14:39:52] Mr President, just very briefly, there are some issues
15 with respect to the witness's evidence that is captured in the French and perhaps not,
16 not trans -- interpreted into the English, but there are other questions with regard to
17 the audibility of certain parts of what he's saying which are not -- not captured maybe
18 in either transcript. But I'm not sure how we would deal with that. That's
19 something that I think we can deal with outside, but I just wanted to also flag that to
20 the Chamber because it may not be possible in certain circumstances to review what
21 is there because there is just simply nothing recorded but static.

22 PRESIDING JUDGE SCHMITT: [14:40:29] Yeah, this has to be done on a
23 case-by-case basis. And actually I'm always -- when it's -- when the interpreters say
24 "inaudible" I try to figure out what kind of information might have been inaudible.
25 And actually there was an instance now, I have to say, where I heard the inaudible, by

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1 the way. So this is what I mean when I speak of a case-to-case basis.

2 Yes, I think we -- we follow the suggestion, so to speak, of Ms Dimitri. This is

3 unfortunate, but this is of course not something that can continue like that. This has

4 to be solved, I think, from tomorrow on, I would -- would even say.

5 Please, Ms Proulx.

6 MS PROULX: [14:41:22] (Interpretation)

7 Q. [14:41:27] Before this interruption, you said that the self-defence groups

8 were created because they wanted to defend themselves and to prevent exactions and

9 you said -- also spoke of revenge against the Seleka. Does that mean that

10 the self-defence groups in the bush in 2013 had no overall aim, they were not trying to

11 get the president back into power?

12 A. [14:42:10] They wanted to cut them off. It was a response of self-defence and

13 then this could expand towards the Seleka in our country. We didn't have a political

14 aim at that time. I didn't have any ideas myself with regard to Bozizé at that time

15 when I joined the movement.

16 Q. [14:42:49] This reminds me of something you discussed with the Prosecutor on

17 Monday, that is the FROCCA. After the group was described you said it was

18 a group that distributed fake news and that didn't actually have any operational

19 aspects.

20 I would like to show you three documents which is on the Defence list. Firstly,

21 CAR-OTP- -- could this please be described (sic) for -- the evidence. It's number 63,

22 CAR-OTP-2091-0455. Could this please be displayed.

23 Mr Witness, can you see this image on the screen?

24 A. [14:44:27] Yes, I can see it.

25 Q. [14:44:33] This is a Facebook page, and there you can see armed men, entitled

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1 "The combatants of the FROCCA already encircling Bangui". And this was

2 25 November 2013. So my question -- my question is as follows: Is this a good

3 example of fake news, in your opinion?

4 A. [14:45:09] Yes, that is a typical example of this. This is a typical image of the
5 fake news. We also received this image.

6 Q. [14:45:28] I would also like to show you number -- another example, which is
7 document 64, CAR-OTP-2091-0458. Tab 64.

8 Do you have the same comments with regard to this communication?

9 A. [14:46:36] *I didn't get this image but this is another example of fake news. As I
10 said, I wasn't familiar with FROCCA, but they published things like this.

11 Q. [14:46:55] So you see the appearance of the men on the two images, the vehicle,
12 their uniforms, their arms. Does this correspond to the image of the reality of the
13 Anti-Balaka?

14 A. [14:47:20] Madam, the Anti-Balaka, when they went towards Bangui, they were
15 on foot. They didn't have any vehicles, didn't have any wheeled vehicles. These
16 are heavy weapons here. This is mounted on the vehicles. Where would
17 the Anti-Balaka have found this? This is not true. This is a lie.

18 Q. [14:47:57] I would now like to show you a third Facebook image, which is
19 number 65, CAR-OTP- -- CAR-OTP-2091-0473.

20 This is a publication which is rather long. I don't think we need to read the whole
21 thing in order to answer my questions, but it's a claim *of the December attack on
22 Bangui by the youth of FROCCA. According to you, do you believe this FROCCA
23 claim on the attack corresponds to the reality?

24 A. [14:49:14] I believe that I said in my statement Monday or Tuesday that
25 FROCCA did not actually exist in the field on the territory. So this is a lie. And

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1 there was this type of publication which we saw and we -- this is not true.

2 PRESIDING JUDGE SCHMITT: [14:49:48] Ms Proulx, can you even slow down

3 a little bit more, please. So the less problems we have, then, in the end.

4 MS PROULX: [14:50:07] Apologies, Mr President. I actually thought I was going

5 very slowly, but I will slow down.

6 PRESIDING JUDGE SCHMITT: [14:50:13] Yes. Yeah, but, you know,

7 under -- under the circumstances ...

8 MS PROULX: [14:50:26] I do not see the witness anymore.

9 PRESIDING JUDGE SCHMITT: [14:50:32] Well, you're not the only one.

10 THE INTERPRETER: [14:50:45] The witness says there's a power outage in -- at his

11 location.

12 THE WITNESS: [14:50:55](Interpretation) Can you hear me? I can see you.

13 PRESIDING JUDGE SCHMITT: [14:50:58] Mr -- Mr Witness, we hear you very well.

14 But indeed we don't -- at least I do not see you anymore. And in favour of a power

15 outage speaks that we have a dark screen, so to speak.

16 THE WITNESS: [14:51:17](Interpretation) I said, Mr President, that -- can you hear

17 me?

18 PRESIDING JUDGE SCHMITT: [14:51:27] Yes, Mr -- yes, Mr Witness, we hear you.

19 So -- and now we (Overlapping speakers). Okay, now we -- (Overlapping speakers).

20 THE WITNESS: [14:51:38] Electricity is now back on.

21 PRESIDING JUDGE SCHMITT: [14:51:45] Yeah. Mr Witness, we see you and hear

22 you well again. But, you know, this really happens.

23 Ms Proulx, please continue.

24 MS PROULX: [14:52:02](Interpretation)

25 Q. [14:52:03] Mr Witness, at the time, did you also see over examples of fake news

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1 on Facebook or similar?

2 A. [14:52:22] As I said, on my telephone I received this type of information. And
3 in reality on -- in the field there was nothing then.

4 Q. [14:52:43] And this fake news that you received on your phone, was this news or
5 information that was shared among the population as a whole?

6 A. [14:53:02] Yes, indeed. And when you have publications, people receive this at
7 their level and it's shared amongst the whole population.

8 Q. [14:53:21] Do you agree that 2013, 2014, during this crisis in Central African
9 Republic, there was an atmosphere which lent itself to the distribution of this type of
10 information in the media, in journals and so on in the press?

11 A. [14:53:45] Yes, that is correct. That is exactly what happened.

12 Q. [14:53:59] And if one was not in the field at the time, how could one recognise
13 the difference or distinguish between fake news and information that was correct?

14 A. [14:54:14] At that time, well, it was more there were people putting out this type
15 of information, but in the field we knew that the Anti-Balaka hadn't done this, that *it
16 was very problematic in terms of means. And not all Anti-balaka had Android
17 phones to film these events and there was this type of publications being published in
18 order to cause intimidation *to the Seleka elements. It was the FROCCA that was
19 publishing this information.

20 Q. [14:55:10] So this fake news in the population, not in the Anti-Balaka but in
21 the population of the Central African Republic, were people believing it?

22 A. [14:55:26] Well, yes. Not everybody had the ability to distinguish this. People
23 would see this, believe it was true and then deal with it at their level. But
24 the capacity of the Anti-Balaka was *insignificant, and when FROCCA published this
25 information it was used to intimidate the Seleka so that the Seleka

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1 would -- would -- would leave when this information was circulating among
2 the population.

3 MS PROULX: [14:56:27] Mr President, what should I do? It seems that
4 there's another power outage.

5 PRESIDING JUDGE SCHMITT: [14:56:34] Well, as long as we don't see the witness,
6 I think, because the video link questioning is a substitute for the in-house questioning
7 and it is meaningless if we don't see the witness. Because if it is, for example - to
8 bridge the gap - we had instances, many times actually, where the video link image
9 was as good as the one in the courtroom, sometimes even better. And I don't
10 know -- yeah, perhaps not you, but the judges are very far away from the witness
11 stand and sometimes when we have live witnesses here in the courtroom we might
12 see them better and their faces and how they react. We might see them better than
13 when we look directly at them. So, in principle, it's -- it's good to say the video link
14 connection, if it is good, it is equal, I think, to have the witness in the courtroom. But
15 this is, of course, not the case when we don't see the witness anymore.
16 So like always, to court officer, if we have any information how -- now -- now it's -- so
17 it simply seems that we have to be patient and that we then have to continue. Yeah,
18 yeah, yeah, I have seen him again.

19 Ms Proulx, please continue.

20 MS PROULX: [14:58:11](Interpretation)

21 Q. [14:58:13] Mr Witness, I would like to now take you back to the time you joined
22 the Anti-Balaka in the bush. Can you describe to us the living conditions of the
23 group at the time you joined them? How did you get food? Did you receive health
24 care? Those types of things.

25 A. [14:58:43] The conditions were extremely difficult, Madam. It was difficult to

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1 find food. We all had to struggle to get something to eat. And what struck me was
2 that we had these traditional doctors and they had the fetish or the *gris-gris*, and so
3 they would sell these and people would buy and that is what was used to get food.
4 So the living conditions were extremely difficult.

5 MS PROULX: [14:59:18] Mr President, I would need to go into private session,
6 briefly.

7 PRESIDING JUDGE SCHMITT: [14:59:24] Private session.

8 *(Private session at 2.59 p.m.) (Reclassified partially in public)

9 THE COURT OFFICER: [14:59:35] We are in private session, Mr President.

10 MS PROULX: [14:59:45](Interpretation)

11 (Redacted)

12 (Redacted)

13 A. [15:00:00] Yes, that's correct.

14 Q. [15:00:09] You became so close to him that people thought you were his uncle, if
15 I understood properly; is that correct?

16 A. [15:00:17] Yes, that is correct. In principle, I was his uncle.

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 Q. [15:02:03] So to clarify, it was after those crimes were committed by -- against
3 his family that he fled and then joined the Anti-Balaka; is that correct?

4 THE INTERPRETER: [15:02:17] Witness's answer inaudible.

5 PRESIDING JUDGE SCHMITT: [15:02:20] Mr Witness, we didn't get your last
6 answer. The question was if the counsel has understood you correctly.

7 THE WITNESS: [15:02:42](Interpretation) (Redacted)

8 (Redacted)

9 (Redacted)

10 PRESIDING JUDGE SCHMITT: [15:03:02] Thank you.

11 Yeah, Ms Proulx, you have to -- to watch the screen constantly, so to speak.

12 MS PROULX: [15:03:19] This is certainly an eventful examination.

13 Q. [15:03:26](Interpretation) Mr Witness, for the record, I want to refer to transcript
14 64, page 29 and 37. There is a witness who came to testify in this trial before you
15 who told us that, according to him, (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 Q. [15:05:52] I understand that you say that it is false. But just to be clear, do you
9 think that a delegation of about a hundred persons would have been able to move
10 about in the bush without being spotted or attacked by Seleka?

11 A. [15:06:15] Impossible. When the Anti-Balaka began to come in, they came
12 under attack by the Seleka, and that's why they started moving about in the bush in
13 order to avoid any clashes with Seleka.

14 MS PROULX: [15:06:37] Mr President, I think we can go back in open session.

15 PRESIDING JUDGE SCHMITT: [15:06:40] Yeah.

16 Open session.

17 (Open session at 3.06 p.m.)

18 THE COURT OFFICER: [15:06:54] We are back in open session, Mr President.

19 MS PROULX: [15:07:03](Interpretation)

20 Q. [15:07:06] You said that upon your arrival and when you joined the self-defence
21 group, some 15 companies were already in existence. For those of us who were
22 outside and who were not there, the impression can be given that the groups were
23 very well structured, and yet we have heard a witness who came here a few months
24 ago who was an element and who explained to us that he changed groups several
25 times, he changed leaders several times. He would go from one leader to another.

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1 So I think you somehow alluded to this on Tuesday when you said, in reference to
2 your group, that people came and went and that it was therefore difficult to know
3 the exact numbers.

4 So, would it be correct to think that the reality is that the structure was rather fluid
5 and -- and not a rigid military-type structure?

6 A. [15:08:19] Madam, you are correct. But I can explain to you. When we talk
7 about "company" in the Anti-Balaka movement, we are referring to the youth in each
8 village. *Bourouba company, for example, would refer to the youth of *Bourouba
9 exclusively who meet around their leader. That is what we refer to as a company.
10 It is not a well harmonised or militarily organised company as such. So when we
11 say "company" or "section", we are simply referring to the youth of a particular
12 location. Section would be for the village, for example, who are -- are under
13 their -- their leader.

14 Q. [15:09:16] On Tuesday you told us that the men who were lucky to have
15 automatic weapons became leaders by the mere reason that they were in possession
16 of those weapons and that the -- the question then is would the entire hierarchy have
17 been based only on the possession of automatic weapons and nothing else?

18 A. [15:09:43] Yes. During the progression or the advance, but the hierarchy is
19 based on the youth in each village. For example, if you take village X, there is
20 a leader there. Now, if we move forward and we capture a weapon, the leader may
21 change. For example, if another combatant captures a weapon, the previous
22 leader -- leader may have to split in order to set up a different group, as long as
23 the new person had acquired a weapon. So that's how it happened.

24 Q. [15:10:32] I just want to make sure that I have fully understood you. Even
25 where companies or groups were basically created at village levels, there could have

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1 been some movements and some changes in the groups; is that correct?

2 A. [15:10:50] Yes, it would change. Maybe through misunderstanding. You
3 know, everybody wanted to be a leader. *I give you an example: If on the ground I
4 became -- I came in possession of a weapon, I could set up my own group and have
5 people under my command *and I would become a ComZone. *That is how things
6 happened within the Anti-Balaka structure. And it was quite, quite difficult. That is
7 why on Tuesday I said that there was not a clear chain of command that was properly
8 respected within the -- within the group.

9 Q. [15:11:28] In your statement at paragraph 37 you say that you had no leader to
10 take care of you. Am I to understand that above the leaders who had automatic
11 weapons, there were no other leaders, no hierarchy above them? Is that a proper
12 understanding?

13 A. [15:11:53] There was no hierarchy above them until ...

14 PRESIDING JUDGE SCHMITT: [15:12:01] Well, until when?

15 THE WITNESS: [15:12:12](Interpretation) There seems to be a small problem. Well,
16 there was no hierarchy -- no higher hierarchy until we decided to set up
17 the coordination to prepare the Brazzaville forum. So there was no hierarchy as such
18 before that time.

19 Each group, each element was part of the group that was made up of their relatives
20 and -- from the same village *and the same neighbourhood.

21 MS PROULX: [15:12:48](Interpretation)

22 Q. [15:12:51] If I understand properly, the company chiefs or commanders were
23 equal to each other. Konate was not the chief of Andjilo, and Ganazoui was not
24 the chief of anyone else. They were all equal; is that correct? Richard was not
25 Ganazoui's leader; is that correct?

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1 A. [15:13:17] Yes, that is correct.

2 Q. [15:13:25] Mr Witness, a witness appearing here before you told the Court that
3 at the time Andjilo always acted under the authority of someone. So would that be
4 false, according to you?

5 A. [15:13:43](Overlapping speakers)

6 PRESIDING JUDGE SCHMITT: [15:13:43] Wait a second, Mr Witness, the answer.
7 Mr Vanderpuye first.

8 MR VANDERPUYE: [15:13:46] We have the answer, it's already in the record, but I
9 would object to the form of the question. It's not for him to determine whether
10 another witness's evidence is false or not false. If he has a different opinion, he has
11 a different opinion.

12 PRESIDING JUDGE SCHMITT: [15:14:01] That is right, Ms Proulx.

13 From the wording, absolutely I agree you with, Mr Vanderpuye.

14 Could you please rephrase the question. Not -- it's not about the content, but
15 the phrasing. Indeed we cannot ask witnesses to comment about the falsity
16 or veracity of other witness's testimony.

17 MS PROULX: [15:14:30](Interpretation)

18 Q. [15:14:32] Mr Witness, I'll rephrase my question.

19 At the time in 2013, even in early 2014, did Andjilo act under the authority of anyone?

20 A. [15:14:48] Mr President, I understood the question and I said that Andjilo did
21 not act under anybody's authority. I was with him. He was in charge of our
22 company and of our section. In the same way as all the others were under
23 the authority of their leaders. So he wasn't under anybody's command and I
24 have -- I had already fully understood the question.

25 Q. [15:15:24] At Tuesday's hearing, page 31, transcript T-81, you said that there was

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1 a problem with the chain of command. I think you have already explained some
2 aspects of that, but can you tell us again what you understand by that. How was
3 that problem manifested, the problem of the chain of command?

4 A. [15:16:00] Okay. First of all, when I said that the -- it was difficult to have
5 control of the command chain, it is because there was misunderstanding, to begin
6 with. Military and Anti-Balaka civilians had problems. The civilians did not want
7 soldiers to give them instructions. That is one.

8 Two, if I came from a village, I only respected instructions from my chief and so
9 the chief from the other side had no right to give me any instructions. That's how it
10 was.

11 And then there came a time when everybody wanted to become a leader. And I've
12 already explained that. Namely, that if one recovered an automatic weapon, one
13 automatically became a leader and had some elements under -- under them. And
14 that's why I said that it was quite difficult to have a handle on the command chain.

15 Q. [15:17:12] So this situation made it much more difficult to organise
16 the Anti-Balaka group, would that be correct?

17 A. [15:17:23] Madam, I think that the group became organised when we were
18 preparing for the Brazzaville forum. But before then, each section acted. Although
19 we were together there was no understanding among us, so each element was loyal
20 and obeyed instructions from their chief or their company commander, and most of
21 them came from the same village *or from the same ethnic group.

22 It is only from June 2014, if I'm not mistaken, that we tried to put in place a structure
23 for the purpose of preparing the Brazzaville forum and then secondly to control
24 the Anti-Balaka. Because you know, when they *arrived in Bangui, everybody
25 wanted to become Anti-Balaka, including youth who were not Anti-Balaka who *used

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1 the name of the movement to go out to racketeer and to commit acts of violence
2 against the population.. And that is why we set up this structure in order to be able to
3 control the actions of those who came from the hinterlands and from outside.

4 Q. [15:18:45] Let me take you to 2013. Did you meet or did you hear mention at
5 the time of one Lieutenant Prince Lakouetene who was allegedly involved with
6 the Anti-Balaka?

7 A. [15:19:03] Up till now this is the first time that I hear that name. Since 2013
8 I don't know that name. It's now that I'm hearing it.

9 Q. [15:19:17] Did you hear mention of one Lieutenant Doguela?

10 A. [15:19:22] No, not at all.

11 Q. [15:19:40] Let me return to your living conditions in the bush. You have said
12 that it was very difficult, for example, to find food. So, how did you come about
13 ammunitions? How did you get ammunition?

14 A. [15:20:06] Well, it was mostly the zone commanders who would -- you know,
15 before when the Anti-Balaka went through a village, it would be the villagers who
16 would provide hunting ammunition. I am very certain about what I am saying.
17 The villagers would provide hunting ammunitions and some food and that's how
18 the Anti-Balaka were able to live, generally speaking.
19 Then we had in our ranks some traditional healers or doctors who -- who provided
20 *gris-gris* and they were therefore able to sell those *gris-gris*, and then from
21 the proceeds of the sales they would also be able to get food for us. But the truth is
22 that it was difficult, difficult to find food. We could walk for *24 hours to 48 hours
23 without having something to eat until we got to the point where we decided to rest.
24 Q. [15:21:13] Did you already receive information or hear about ammunition that
25 was hidden in Maggi cubes?

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1 A. [15:21:26] Please repeat your question.

2 Q. [15:21:34] No problem at all. Did you ever receive -- see or hear of any
3 ammunition that had been sent from abroad hidden in Maggi cubes?

4 A. [15:21:55] No, I never heard mention of that.

5 Q. [15:22:09] We have talked about ammunition. What about weapons, what
6 about arms? Where did you get your arms?

7 A. [15:22:19] Thank you. We fought more with *home-made weapons
8 than anything else. It is only on the ground that we were able to get some other
9 weapons. And this is common knowledge and this was part of the difficulty with
10 the disarmament process because the DDR was collecting automatic weapons,
11 whereas we didn't have many of them. We had a few which we had collected
12 en route to Bangui.

13 Now, when we got to Bangui there were soldiers who had hidden their weapons as
14 they sought refuge in the displaced person's sites. *When we were behind the hill it is
15 those soldiers who were able to bring out some small quantities of ammunition, but it
16 was not enough. It was not enough. That's it.

17 Q. [15:23:23] You have just said that the ammunition was obtained from
18 the population and through the marabouts and that the weapons were traditional
19 weapons.

20 Now, from your experience and/or as far as you know, was there anyone, any
21 individual or some individuals who on the ground or elsewhere was financing
22 the Anti-Balaka and providing them with arms and weapons? Arms and
23 ammunition, sorry.

24 A. [15:24:05] Madam, that question, well, I -- I really don't know what to say.
25 The weapons of the Anti-Balaka were not anything that were hid -- was hidden.

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1 They had traditional weapons and everybody could see them. And so, as far as I
2 know, there is no individual who financed the Anti-Balaka generally speaking when
3 it comes to -- to weapons. And I am saying this conscious of the oath that I have
4 taken before this Court.

5 MS PROULX: [15:24:50] Mr President, I apologise for the back and forth. I would
6 need to go back into private session for just a couple of questions.

7 PRESIDING JUDGE SCHMITT: [15:24:57] That's very good at the moment because
8 we have no connection. Perhaps in the meantime we have re-established it. So we
9 go to private session I think it was, yeah.

10 *(Private session at 3.25 p.m.) (Reclassified partially in public)

11 THE COURT OFFICER: [15:25:13] We are in private session, Mr President.

12 PRESIDING JUDGE SCHMITT: [15:25:17] You see. You don't see. In the meantime,
13 I have in mind that you said seven hours. When we -- how long do you want -- you
14 know we have tomorrow, then it would be four and a half. So we have now,
15 roughly, one and a half. So I don't -- of course, I don't know. It's absolutely
16 up -- up to you. And so let me put it this way. You can stop today at any moment
17 you think -- and, of course, if we would stop if we see the connection is so weak that it
18 doesn't make sense.

19 MS PROULX: [15:26:29] Thank you for your flexibility. I will certainly go until
20 the end of the time that we have today because I -- I think the way that it's going I will
21 probably also need the whole day tomorrow. But my -- my hope is to be done
22 tomorrow afternoon.

23 PRESIDING JUDGE SCHMITT: [15:26:45] Okay. Okay. Fine.

24 So please continue. So we have -- we have bridged the gap and we have crossed
25 the bridge. We continue from there.

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1 MS PROULX: [15:27:05](Interpretation)

2 Q. [15:27:09] Mr Witness, as far as you know, did the Anti-Balaka, (Redacted)

3 (Redacted) did they go and recover about a hundred weapons, pieces of

4 weapons and ammunition allegedly hidden in a container that was half buried in

5 the Ndress cemetery, and this in the night a few days before the attack of

6 5 December?

7 A. [15:27:51] As far as I am concerned, these are purely lies. Just lies. Outright

8 lies.

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 THE INTERPRETER: [15:29:26] Inaudible.

21 MS PROULX: [15:29:36](Interpretation)

22 Q. [15:29:37] Mr Witness, we didn't get the end of your answer. You said two

23 weeks after 5 December, and what else did you say?

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted). That is all. That is all that I know.

8 MS PROULX: [15:30:48] And we can go back to open session now.

9 PRESIDING JUDGE SCHMITT: [15:30:51] Open session.

10 MS PROULX: [15:30:52] Thank you.

11 PRESIDING JUDGE SCHMITT: [15:30:53] No, it's not a problem. It's good when

12 you structure it in this way, though, it's fine. Yeah.

13 (Open session at 3.31 p.m.)

14 THE COURT OFFICER: [15:31:13] We are in open session, Mr President.

15 MS PROULX: [15:31:21](Interpretation)

16 Q. [15:31:25] On Tuesday you explained that Dangba was in constant contact with

17 Mokom when you were in the bush. Do you know why they were in contact with

18 each other?

19 A. [15:31:43] No, not with precision. We were not together. *Dangba was not

20 behind the hill with us. He was in -- he remained in Bossangoa. And that was before.

21 It is later that I found out that Mokom was calling Dangba. In any event, Dangba

22 and I did not fight together. *When we were behind the hill, he was not with us, he

23 was in Bossangoa and he didn't fight in -- in Bangui *on the 5 December.

24 THE INTERPRETER: [15:32:14] Inaudible bits and pieces.

25 THE WITNESS: [15:32:20](Interpretation) In any event, I do not know with certainty

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1 what was happening, but I know that Mokom on the other side was placing calls to
2 another of leaders -- a number of leaders.

3 MS PROULX: [15:32:33](Interpretation)

4 Q. [15:32:38] In your statement you say that there was no telephone within your
5 company. How then were you able to communicate with people who were not on
6 the spot?

7 A. [15:32:59] When I said that we did not have any telephone, it was during
8 the time of the progression before 5 December. But after 5 December, when we came
9 into the neighbourhoods, we had telephones. When it comes to the communication
10 before, I wasn't there. So I don't know whether anybody was using telephones.
11 The information I'm referring to is information that I came by when we descended on
12 the city after 5 December and that is when we -- that's when I got to know Mokom.
13 But while we were behind the hill, I did not know Mokom. It is only after the 5th
14 that he came and introduced himself, explained a number of things, *called from the
15 other side. And that's -- that's what I can remember.

16 Q. [15:34:03] I am indeed referring to the period before the 5th. So there were
17 no -- there was no telephone in your company. Am I then to understand also that
18 you did not have any communication tools as well? For example, a Thuraya.

19 A. [15:34:23] No, not at all.

20 Q. [15:34:37] Mr Witness, as far as you know, the auto defence groups or
21 self-defence groups, were they materially or financially supported before 5 December
22 by President Bozizé and his collaborators?

23 A. [15:34:57] Madam, I think you have already answered that -- you already asked
24 that question and I answered by a no.

25 Q. [15:35:14] What about Mr Ngaïssona? As far as you know, did he provide

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1 weapons or ammunition to the self-defence groups before 5 December?

2 A. [15:35:30] Those are strange questions. They appear to be strange questions.

3 I ...

4 PRESIDING JUDGE SCHMITT: [15:35:38] Mr Witness, please stop for a moment.

5 Mr Vanderpuye, you have an objection.

6 MR VANDERPUYE: [15:35:44] Yes. The objection is that I believe it calls for

7 speculation. But if counsel wants to lay a foundation for it, then I'm happy to

8 withdraw that objection.

9 PRESIDING JUDGE SCHMITT: [15:35:55] No, it does not call for -- it does not call

10 for speculation. I don't agree here. The question is absolutely clear. Does

11 the witness know, has he knowledge if Mr Ngaïssona provided weapons or

12 ammunition to the self-defence group. This is a clear question that the witness can

13 answer with "yes" or "no". And, if no, yes, we have to take that. If yes, he might tell

14 us how does it come that he knows that. So he can answer the question.

15 Mr Witness, you have heard the question, please answer it.

16 THE WITNESS: [15:36:37](Interpretation) No, I didn't hear the question. I did not

17 hear the question. Please repeat.

18 PRESIDING JUDGE SCHMITT: [15:36:42] Ms Proulx, please repeat the question.

19 MS PROULX: [15:36:46](Interpretation)

20 Q. [15:36:53] Mr Witness, I'll simply answer -- or, rather, just ask you

21 a question -- repeat the question since you didn't hear it.

22 As far as you know, did Mr Ngaïssona provide arms or ammunitions to

23 the self-defence groups before 5 December?

24 A. [15:37:16] I said that as far as I know, no. I never heard it. I did not see it and

25 I did not observe it.

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1 Q. [15:37:34] Mr Witness, some people have come and testified here and told us
2 that, according to them, in the autumn of 2013 Mr Ngaïssona was the leader or
3 the supreme authority over the Anti-Balaka. Am I to understand that this is
4 not -- this does not tally with your experience or knowledge of the Anti-Balaka?

5 A. [15:38:01] That is false. In 2013, even at the time when I joined that group, we
6 did not hear about Ngaïssona. We made contact with Ngaïssona in 2014 after
7 President Djotodia resigned and when Ngaïssona came back from abroad like other
8 Central Africans who returned after they heard that President Djotodia had resigned.
9 They started coming back to the country. So, for us, the goal was to get him to
10 represent us before the international community. We were all youth and there was
11 no one among the youth who could validly perform that role. And that's how we
12 contacted Ngaïssona.

13 But 2013, before 2013, no.

14 PRESIDING JUDGE SCHMITT: [15:38:59] Actually, Ms Proulx, please allow me
15 a question.

16 Mr Witness, I come back to -- we had tackled this issue already in the last session and
17 I answered -- I answered you why Mr Ngaïssona. And actually having reread the
18 transcript, this -- you did not really answer that. Perhaps you had have not phrased
19 it correctly. That that might be the reason.

20 So when you say in the beginning of 2013 you chose then Mr Ngaïssona as
21 coordinator, why not anybody else? Why specifically the person Mr Ngaïssona?
22 Can you provide us with information to that effect?

23 THE INTERPRETER: [15:39:56] Answer inaudible.

24 PRESIDING JUDGE SCHMITT: [15:39:58] I think he only wanted to drink
25 something. So it was not the answer yet.

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1 THE INTERPRETER: [15:40:03] Thank you, Mr President.

2 THE WITNESS: [15:40:14](Interpretation) Thank you, Mr President. What I was
3 saying is that we chose him because previously Ngaïssona had been the president of
4 the Central African Football Federation and he had been the minister for youth. In
5 our neighbourhood and in various arrondissements in Bangui, he had undertaken
6 a number of activities in the sports and cultural arena, so he was well known to many
7 youth.

8 And as I said, at that time we were all youth and we did not have anybody who could
9 validly represent us. So when we heard that he had come back, he is a well-known
10 person and, well, because we had learnt that he had come back, we decided to contact
11 him and ask him *if he can accept to represent us validly represent us to the
12 international community. And that's what we did. He has accepted.-- in the activities
13 because we felt that after the election of Djotodia, the president of the council will be
14 elected. So we felt that he might be able to represent us. And that is how we contacted
15 him. But he himself said that *he could not run for a reason that only he knows, but
16 that he was ready to help pacify the movement and thus prepare for the 2015
17 elections. And indeed, that's what we did. Unfortunately for us, we supported him,
18 but his candidacy was invalidated. So, that's it.

19 PRESIDING JUDGE SCHMITT: [15:42:18] So we have now something new actually
20 here on the transcript. *La sténotypiste francophone* tells us "*Le canal du témoin est occupé*
21 *par l'interprète anglais français. L'intervention est inaudible par la sténotypiste francophone.*"
22 So we have to keep that in mind too. But we had a translation here, which is
23 something we appreciate.

24 Ms Proulx, please continue.

25 MS PROULX: [15:42:54](Interpretation)

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1 Q. [15:42:56] Mr Witness, I think that your answer to my last question when you
2 denied that Mr Ngaïssona was the supreme authority of the Anti-Balaka by 2013, well,
3 your answer was very clear, but am I to understand that as you progressed on Bangui
4 in the fall of 2013, the Anti-Balaka were not under the authority of Mr Ngaïssona; is
5 that correct?

6 A. [15:43:32] That is my testimony. That is what I said.

7 Q. [15:43:41] Thank you. Now let me take you back to the 5th, on the day of the
8 attack. Some witnesses have come and told us that the Anti-Balaka entered Bangui
9 on that day armed with machetes and sticks to fight the Seleka which was heavily
10 armed. Is that your experience? Was that your experience on that day,
11 Mr Witness?

12 A. [15:44:10] Yes, that is correct. They are right in saying so.

13 Q. [15:44:21] So you would agree with me that you were not sufficiently armed to
14 tackle the Seleka or to face the Seleka?

15 A. [15:44:32] I think I have said that several times already, Madam.

16 Q. [15:44:42] I'm sorry if my questions seem to be repetitive. I'm going to try to
17 avoid repetition, but sometimes I only need a confirmation from you.

18 PRESIDING JUDGE SCHMITT: [15:44:55] Well, but allow me the remark, whenever
19 the witness said he has already answered it, I think he was not wrong in the past
20 minutes, so. At least via conclusion of what he said.

21 MS PROULX: [15:45:12] Point taken, Mr President.

22 Q. [15:45:19] (Interpretation) You described the attack on Bangui by the three
23 groups. Is it correct that the three groups on that day retreated for lack of
24 ammunition?

25 A. [15:45:35] Yes, that is correct. On 5 December, when we attacked, it went well

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1 at the beginning, but then we ran into resistance from the FOMAC forces and we did
2 not have any ammunition and so we had to fall back.

3 Q. [15:46:06] Your goal, your objective on the day of the attack was to attack Seleka
4 positions and not to attack the Muslim civilian population; is that correct?

5 A. [15:46:19] Yes, you are right. And I even described this to the investigators
6 when they were interviewing me. I said that when there was a group which went
7 towards Camp Kassai, because there were some Seleka elements at Camp Kassai and
8 *Camp de Roux*, I also said that there was another group in the middle which went
9 straight to the *lycée* Boganda, *lycée* Barthélémy Boganda, because opposite that high
10 school, there were some Seleka elements based there. And then from the northern
11 exit at the gendarmerie at PK12, there were also some Seleka elements based there, as
12 well in 36 Villas and the neighbourhood opposite the *lycée* Boganda. So there were
13 Seleka elements in those areas and those are the areas that we targeted in our attacks.

14 Q. [15:47:27] Did you see the Anti-Balaka directly target Muslim civilians on
15 5 December?

16 A. [15:47:44] I didn't get your question.

17 Q. [15:47:54] I'll repeat it. I just want to know whether on 5 December you saw
18 any Anti-Balaka specifically targeting civilian Muslim populations?

19 A. [15:48:12] Well, I did not see, but what I can say is that in that locality there were
20 *not many Muslims, except in Boy-Rabe. But our objective was not
21 to attack the Muslim community. Our target was Seleka. So for those of you who
22 may know Bangui and who understood how it was in 2013, there was a high
23 concentration, and so we felt that if we attacked their bases, we might be able to
24 recover some of their weapons. So our objective, our goal was to attack the Seleka
25 elements' populations -- positions, rather.

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1 Q. [15:49:02] Mr Witness, we did not fully understand your, your answer. There
2 were some sound problems. But could you please repeat what you have just said.

3 A. [15:49:16] Okay. This is what I said. Our goal was to attack the Seleka
4 elements' positions. And if you look at things closely, one group went towards
5 Camp Kassai because there were some Seleka elements at Camp Kassai and *Camp de*
6 *Roux*. Then at *lycée* Barthélémy Boganda in the 4th arrondissement, opposite that
7 high school, that *lycée*, there was a strong concentration of Seleka elements there, they
8 were based there. And then at the north, in the gendarmerie at PK12, there were
9 also some Seleka elements. Those are the three points, three or four points that we
10 targeted. The idea being that if we attacked those positions we may be able to
11 acquire some weapons and ammunitions. That was our objective.

12 Q. [15:50:27] Thank you very much for repeating your answer.
13 Now I want to take you to the period after 5 December.
14 You explained in your statement that fighting continued after the 5th. I understand
15 that you are referring there to -- specifically to fighting between the Seleka and
16 the Anti-Balaka; is that correct?

17 A. [15:50:54] Yes, that is correct.

18 Q. [15:51:06] At paragraph 52 in your statement, however, you say that civilians at
19 that time also began to arm themselves. When you say "civilians", are you referring
20 both to Christians and to Muslims?

21 A. [15:51:29] The population in general is what I'm referring to, Christians and
22 Muslims alike.

23 Q. [15:51:49] How could one distinguish between the armed civilians and
24 the Anti-Balaka?

25 A. [15:52:06] The Anti-Balaka stood out because of their *gris-gris*. But in spite of

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1 that, some youth who were not Anti-Balaka also fabricated their own *gris-gris* to
2 mislead people. So when you heard people shout in the village "*gulo, gulo*" (phon)
3 *which means "catch them, catch them" *in sango, that would be what the population
4 would be saying and that -- this all started when the Sangaris elements came in and
5 stood between the Seleka and the Anti-Balaka. The mistake they made was that if
6 they found a youth in any community, they would disarm them and the population
7 of that community would attack the youth, whether it is a Christian in the Seleka
8 setting or a Muslim in the Anti-Balaka setting. And that created a lot of confusion.
9 People did not understand what was going on and they said these were abuses by
10 the Anti-Balaka, whereas it was not the Anti-Balaka. That was one of the reasons
11 which led us to set up the coordination in order to address these issues.

12 Q. [15:53:36] Mr Witness, did you say something?

13 If I have understood what you just said, you were -- you became aware that civilians,
14 whether Muslims or Christians, participated in attacks against other civilians and on
15 property, for example; is that correct?

16 A. [15:54:16] That that was my experience. I saw Christians fighting Muslims and
17 I saw Muslims fighting Christians. That is exactly what happened. Even if people
18 don't want to talk about it, that was our experience. You can ask any citizen who
19 was in Bangui at the time and they would confirm it.

20 Q. [15:54:46] You said that after the 5th the Anti-Balaka used guerrilla warfare
21 tactics such as ambushing the Seleka in order to steal their weapons and ammunition.
22 This can be found in your statement as well. You said that following those
23 ambushes the Seleka would revenge by attacking villages and towns.
24 As far as you know, some of these reprisal attacks, were they mistakenly ascribed
25 to -- would they have been mistakenly ascribed to the Anti-Balaka, as far as you

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1 know?

2 A. [15:55:34] No, I don't think so. But you may want to know that our
3 modus operandi at the time was guerrilla warfare. The ambushes of the -- was what
4 we used to attack the Seleka. And once we did that, the Seleka would then attack
5 the population because, according to Seleka, the population were complicit with
6 the Anti-Balaka. And so whenever something happened of that nature, it would be
7 total carnage on the population when the Seleka would arrive.

8 Q. [15:56:23] On Tuesday, page 87 of transcript T-81, you explained that
9 the Sangaris intervened after the 5th and created some zones, some for Christians and
10 some for Muslims that were cordoned off. Would you -- or did you observe that this
11 contributed to the degrading security situation?

12 A. [15:56:51] Enormously. Enormously.

13 Q. [15:57:07] On Monday at page 44, transcript T-80, you testified that several
14 Muslims left Boy-Rabe neighbourhood because of the conflict. So I -- I wonder
15 whether this separation that was put in place by the Sangaris was also a reason why
16 the Muslims left Boy-Rabe?

17 A. [15:57:39] Yes, yes, indeed. At some point in time the situation looked like
18 a community-based thing. Then the international organisation OIM, the
19 International Migratory Organisation, I believe, made arrangements for people who
20 wanted to leave the neighbourhood. And I think at that time many Muslims left
21 Boy-Rabe, some went to the west, I think, or some went to the province, they went to
22 PK5. And I also know some friends, some persons, some Muslim friends who also
23 left and went to PK5.

24 MS PROULX: [15:58:33] Mr President, I look at the time and I think this might be
25 a good time to stop --

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- 1 PRESIDING JUDGE SCHMITT: Good. Then we take that --
- 2 MS PROULX: -- for today.
- 3 PRESIDING JUDGE SCHMITT: [15:58:41] So thank you very much, Mr Witness, for
- 4 again asking -- answering patiently our questions, even with all the problems that we
- 5 have with communication. Thank you. We see each other tomorrow at 10 o'clock.
- 6 And this concludes the hearing for today.
- 7 THE COURT USHER: [15:58:57] All rise.
- 8 (The hearing ends in open session at 3.58 p.m.)