

Trial Hearing
WITNESS: CAR-OTP-P-2841

(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 Judge Chang-ho Chung
7 Trial Hearing - Courtroom 1
8 Monday, 10 May 2021
9 (The hearing starts in open session at 9.30 a.m.)
10 THE COURT USHER: [9:30:40] All rise.
11 The International Criminal Court is now in session.
12 Please be seated.
13 PRESIDING JUDGE SCHMITT: [9:31:10] Good morning, everyone. Good morning,
14 Mr Witness.
15 Could the court officer, please call the case.
16 THE COURT OFFICER: [9:31:18] Good morning, Mr President, your Honours.
17 The situation in the Central African Republic II, in the case of The Prosecutor versus
18 Alfred Yekatom and Patrice-Edouard Ngaïssona, case reference ICC-01/14-01/18.
19 And for the record we are in open session.
20 PRESIDING JUDGE SCHMITT: [9:31:33] Thank you.
21 I ask for the appearances of the parties.
22 The Prosecution first, please.
23 MS HENDERSON: [9:31:37] Good morning, Mr President, your Honours.
24 Appearing for the Prosecution this morning is myself, Claire Henderson, along with
25 Mr Kweku Vanderpuye and Mr Pierre Belbenoit Avich.

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- 1 PRESIDING JUDGE SCHMITT: [9:31:49] Thank you.
- 2 And the Legal Representatives of the Victims, please.
- 3 MR FALL: [9:31:54](Interpretation) Good morning, Mr President. The
- 4 representatives of the victims today are Ms Paolina Massidda, and myself, Yaré Fall.
- 5 PRESIDING JUDGE SCHMITT: [9:32:06] Thank you.
- 6 MR SUPRUN: [9:32:08] Good morning, Mr President. Good morning,
- 7 your Honours. The former child soldiers are represented today by myself,
- 8 Dmytro Suprun, counsel at the Office of Public Counsel for Victims. Thank you.
- 9 PRESIDING JUDGE SCHMITT: [9:32:17] Thank you.
- 10 And I turn to the Defence, perhaps Ms Dimitri first.
- 11 MS DIMITRI: [9:32:22] Good morning, Mr President. Good morning, your
- 12 Honours. Mr Yekatom, who is present in the courtroom this morning, is represented
- 13 by our legal assistant, Maître Gyo Suzuki; our legal intern, Audrey Breton; and myself,
- 14 Mylène Dimitri. Thank you.
- 15 PRESIDING JUDGE SCHMITT: [9:32:38] Thank you.
- 16 And Mr Knoops.
- 17 MR KNOOPS: [9:32:39] Good morning, Mr President, your Honours. The Defence
- 18 team of Mr Ngaïssona composes today of Ms Marie-Hélène Proulx, associate counsel;
- 19 and Chiara Giudici, legal assistant; and of course the defendant is in the courtroom.
- 20 PRESIDING JUDGE SCHMITT: [9:32:57] Thank you.
- 21 And I think it's still the turn of the Ngaïssona Defence and I assume Ms Proulx has
- 22 the floor. Yes, please.
- 23 MS PROULX: [9:33:07] Thank you, Mr President.
- 24 WITNESS: CAR-OTP-P-2841 (On former oath)
- 25 (The witness speaks French)

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1 QUESTIONED BY MS PROULX: (Continuing)(Interpretation)

2 Q. [9:33:13] Good morning, Mr Witness.

3 A. [9:33:18] Good morning.

4 Q. [9:33:21] I'd like to just bring us back to the context we were dealing with last
5 Friday. I had asked you whether it was possible within the prevailing crisis context
6 in the Central African Republic in 2013, and mindful of the speed and volume of
7 information on social media, that in such circumstances information could have
8 turned out to be false, and you confirmed that this indeed was the case.

9 This for the record was at transcript -- the French transcript real-time at page 90.

10 Based on your answer, we then went on together to try to address or identify some of
11 that information and I would like to continue that exercise today by putting to you
12 additional information, which I think may also fall into this category.

13 Let us therefore immediately go to document number 6, at page 9778.

14 A. [9:34:37] Can you please display that on the screen.

15 Q. [9:34:55] I think the court officer is looking into that.

16 A. [9:34:59] Thank you.

17 Q. [9:35:18] Let's go to the middle of the page, please. In that discussion you see
18 we're looking at end of August 2013 and Mr Alpha -- you still have the list of
19 pseudonyms with you, don't you?

20 A. [9:35:32] Yes.

21 Q. [9:35:32] So Mr Alpha informs you that he became aware that the plane of
22 President Djotodia had been denied landing and that it had returned to Chad. Your
23 answer then was to tell him, basically: What plane, because Djotodia is in Bangui
24 right now. So would you agree with me, Mr Witness, that Mr Alpha had received
25 bad information at that time?

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- 1 A. [9:36:18] I still don't have the document.
- 2 Q. [9:36:24] It should be on your screen.
- 3 A. [9:36:50] Okay. Now I have it. It's just been displayed.
- 4 Q. [9:36:59] So do you agree?
- 5 A. [9:37:22] Yes.
- 6 Q. [9:37:23] Thank you. Now, let us go further to page 9784. Top of the page.
- 7 In that chat, Mr Alpha informs you of an impending attack which would occur in the
- 8 next few days and would take -- and would last five days. Then he goes on to add
- 9 that if President Bozizé -- that it's President Bozizé who would lead that attack.
- 10 Now, in your statement you talked about this discussion and you indicated that this
- 11 was not true and I want to read an excerpt from your statement at paragraph 75
- 12 where you say, in fact, it was false.
- 13 You say he, and you were referring to President Bozizé, went from France straight to
- 14 Uganda. And in the last sentence of that paragraph, you say there were many
- 15 rumours circulating at the time about Anti-Balaka and armed groups and the Bozizé
- 16 name could motivate elements, so his name would be mentioned frequently for that
- 17 purpose.
- 18 Now do you maintain what is contained in your statement?
- 19 A. [9:39:18] That is correct.
- 20 Q. [9:39:23] As far as you know, were these rumours shared with other persons?
- 21 A. [9:39:33] I think so.
- 22 Q. [9:39:45] Now, let me draw your attention indeed to document number 8 at
- 23 CAR-OTP-2102-3799. I want to deal with three excerpts. The first one, 3839, the
- 24 page 3839 at the very bottom of the page, you can see here that Mr Alpha gives the
- 25 same dates to Mr Bravo in terms of the attack which had been communicated to you.

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1 Then we go to the next page, and that is the second message, he adds that it is
2 President Bozizé who would lead the attack. And then finally at page 3841, and this
3 is the third message, Mr Alpha says that indeed it would be Mr -- the
4 president, Bozizé, who would lead the troops to take over two localities.
5 Now, Mr Witness, do you agree that this is basically the same information, the same
6 rumour that Mr Alpha shared with you and which you have identified as being false?

7 A. [9:42:24] Yes, it is the same information. You see the localities mentioned here
8 are localities which are near to South Sudan, near South Sudan. And so this is part
9 of the information that was circulating out there and, as I indicated before, I didn't
10 have quite a handle on that information myself.

11 Q. [9:42:54] Thank you. Now, still in document 6, if we can go there at page 9796.
12 At the very bottom of the page, please. 9796.

13 So here we are in early October 2013, and in this message you tell Mr Alpha that
14 Mr Charlie had informed you that President Bozizé had given him significant
15 responsibility, and, in your statement at paragraph 82, you asserted that you thought
16 that in this regard Mr Charlie was lying.

17 Is that still your position?

18 * A. [09:44:23] Yes.

19 Q. [09:44:31] Last Friday, at transcript T-029, page 37 in French, you said that
20 Mr Charlie was playing a double game, and if I understand well, at the time you
21 didn't -- you weren't aware of it at the time?

22 A. [9:44:59] Yes, I did not know, but at some point I began to have doubts about
23 some allegations that were coming from him.

24 Q. [9:45:14] So when you provided that information to Mr Alpha, you were
25 unaware that it was incorrect; is that the case?

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1 A. [9:45:23] I was already having some doubts at that time, I think.

2 Q. [9:45:38] Let us go to page 9798 of document 6 at the very bottom of the page.

3 In this exchange, Mr Alpha tells you -- and I think it's in relation to the attack on

4 Bangui, and he says the attack will be finished on the 15th. Am I correct?

5 A. [9:46:22] Mm-hmm.

6 Q. [9:46:23] The date of the 15th, was it something that was being talked about in

7 your networks?

8 A. [9:46:30] Mr Alpha mentioned it to me, and then I also passed it on to my

9 deputy -- or, rather, to those around me.

10 Q. [9:46:46] But this did not happen?

11 A. [9:46:49] That is correct.

12 Q. [9:47:02] Now, let's go to page 9804. Middle of the page. In this message, you

13 inform Mr Alpha that somebody asked Mr Charlie to take the men away from a

14 certain locality that is mentioned in the message because Rwandans were getting

15 ready to attack with heavy weapons. Now, in your statement, at paragraph 85, you

16 explained that this information was coming from Mr Charlie and that you thought

17 that it was incorrect. Is that still your position?

18 A. [9:48:26] Yes, that's still my position.

19 Q. [9:48:42] Mr Alpha went on to share that information with at least two of his

20 contacts. Let's go to document number 4, CAR-OTP-2101-8599, at page 8687 at the

21 very top of the page.

22 Would you agree that the first message at the top of page 8687 is basically the same

23 information?

24 Do you agree that it's the same information?

25 A. [9:50:22] Yes, yes. Yes.

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1 Q. [9:50:27] Now, I want to show you document number 2, CAR-OTP-2100-3674, at
2 page 3762. At the very bottom of the page, please. The last message, do you agree
3 that this last message seems to carry, again, the same message -- the same information,
4 rather?

5 A. [9:51:29] Yes, I can confirm that it is the same information.

6 Q. [9:51:40] Do you know whether this same information was shared with other
7 persons?

8 A. [9:51:47] I think so.

9 Q. [9:51:59] Now, let us move to another topic which you dealt with at length
10 with the -- the Prosecutor on Friday. We are not going to go into details and I'm not
11 asking you to repeat what you already stated, * but it is in relation to the messages
12 that were shared in early October 2013 in relation to the arrival of weapons and
13 ammunition in early October.

14 The transcript reference is from the transcript T-029, * and the relevant pages are 33,
15 34, 47, 48, and 61 to 63.

16 Now, if you do recall, the first messages shared left the impression that weapons and
17 ammunitions were arriving. Do you remember that?

18 A. [9:53:07] Yes.

19 Q. [9:53:11] At page 63 of the transcript, you explained on Friday that in fact the
20 people in Bangui did not receive the materiel they were expecting. Do you recall
21 saying that?

22 A. [9:53:25] Yes, that is correct.

23 Q. [9:53:28] Would you, therefore, agree that the information that was circulating
24 on the arrival of weapons did not materialise itself in full at least with regard to
25 Bangui?

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1 A. [9:53:43] Yes.

2 Q. [9:54:00] Now, if we move forward in time and we go to page 83 -- 88, rather, 20
3 of document 6 -- page 9820 of document number 6.

4 THE INTERPRETER: [9:54:25] Interpreter corrects.

5 MS PROULX:

6 Q. [9:54:38] Middle of the page. Thank you. In that message, Mr Alpha informs
7 you that President Bozizé is supposed to have returned to the Central African
8 Republic. Were you able to confirm through other sources that the president was
9 indeed in the Central African Republic in mid-October *2013?

10 A. [9:55:11] I am not sure.

11 Q. [9:55:16] Now, I would like us to go to page 9864.

12 Would you please scroll down? Thank you.

13 The last message that you can see on the screen, there you ask Mr Alpha to confirm
14 whether President Bozizé indeed did a round trip to South Africa. Now, am I to
15 understand that at that specific time you were asking him a question, that is asking
16 him to confirm the information?

17 A. [9:56:28] Yes, I had received information alleging that President Bozizé had
18 travelled to South Africa, so I wanted to ask him if he was in a position to confirm
19 that information.

20 Q. [9:56:48] Let us now turn to document number 24, CAR-OTP-2101-8342, at page
21 8353 at the very top of the document.

22 At the top of the page you see a conversation that took place about four minutes after
23 you had asked the question to Mr Alpha. Mr Alpha then tells Mr Foxtrot here that
24 you have informed him that President Bozizé had done a round trip to South Africa.
25 So would you agree with me that there is no question mark here and that this

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1 information is now being presented as a fact; is that the case?

2 A. [9:58:44] Yes, that is correct.

3 Q. [9:59:04] Now, let's go to paragraph 171 and 172 of your statement.

4 Could we please display the French statement, document number 18. Thank you.

5 Witness, please take a minute and read the statement.

6 A. [10:00:32] Which paragraphs?

7 Q. [10:00:35] Paragraphs 171 and 172.

8 A. [10:01:19] I'm -- I'm done.

9 Q. [10:01:23] Here you note that by the end of November 2013 Mr Alpha gave you
10 information that turned out to be incorrect relating to weapons that were allegedly
11 supplied from South Africa and in relation to someone whose name we didn't ascribe
12 a pseudonym to crossed over with weapons. Do you mention that -- * do you
13 maintain that this information was incorrect?

14 A. [10:01:58] This is not information that could be cross-checked.

15 Q. [10:02:12] Thank you. I would like us to think a little bit about this exercise
16 that we have just conducted. I want to understand whether the context in which you
17 shared all this information, either with Mr Alpha or with other -- or with other
18 contacts, am I to understand that at the time you were living in a context of a crisis?

19 A. [10:02:42] Yes, that is correct.

20 Q. [10:02:52] Therefore, in the urgency of the times, can you then agree that the
21 information was not necessarily cross-checked before being shared?

22 A. [10:03:12] Given the speed by which -- or with which information was being
23 shared, a lot of the information was not always verified. You see, when you received
24 information, what you did was immediately cross-check with someone within the
25 network to see what that information was worth, and so it is in that context that

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1 information was being shared at the time. And as I believe I pointed out in my
2 statement, I had contacts with several networks and several places. My functions
3 enabled me to receive a lot of information. I got information at work, I got
4 information from my neighbourhood, (Redacted)
5 (Redacted), I got information in the sports environment where I used to live. So
6 I got information from here and there, and so what one would do would be to get that
7 information and try to cross-check with persons who may have been in a position to
8 confirm the information that I was receiving.

9 Q. [10:04:45] Do you agree that the experience of the social media, and in particular
10 Facebook, shows you that a rumour or bad information once exchanged, even if it's
11 just one time, can then be passed on to other people very quickly?

12 A. [10:05:06] That's possible.

13 Q. [10:05:15] And once information is shared by one person, that person can't
14 control how that information is passed on or who it's given to you. Do you agree?

15 A. [10:05:30] That's relative.

16 Q. [10:05:40] In your statement in paragraph 83, you state and I quote, "During this
17 troubled period, everyone simply tried to get a position or get their own advantage
18 and information enabled you to influence people." End of quotation.

19 Is that what you maintain?

20 A. [10:06:10] Yes.

21 Q. [10:06:23] Do you know people who use that information in that way?

22 A. [10:06:28] Many people, yes. The proof is the way in which Mr Charlie dealt
23 with it. That's an example of it.

24 Q. [10:06:47] Precisely. I wanted to draw your attention to a part in your
25 statement where you talk about Mr Charlie. It's in paragraph 132. There you

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1 explain that Mr Charlie was part of a virtual rebellion to show his influence to people
2 in the internet to say this or that town had been attacked and claimed that he was
3 responsible for the attack. By this, do you mean that he willingly published incorrect
4 information who then -- which then circulated in Facebook and on the internet in
5 general?

6 A. [10:07:35] That's correct.

7 Q. [10:07:40] Again in your statement in paragraph 138, you admit that the
8 information was sometimes confused, in particular as regards the location of troops.
9 You state and you refer to a conversation you had at the end of October 2013, and I
10 quote:

11 "I don't know where the military was at that moment, as you can see in the dateline of
12 the messages, it's a bit confusing because we say ..." - and I won't spell out the
13 locations - "... and at the frontier and that they are not there any more." End of
14 quote.

15 The same day with Mr Alpha, and it's on page 8236 -- 9832, you said you had news
16 from a location in particular, but the information differed from person to person. So
17 my question is the following: Do you agree that the crisis situation, the flood of
18 information, the speed with which the information was circulated led to confusion?

19 A. [10:09:47] Yes.

20 Q. [10:09:48] In this context would you say that sometimes it would be difficult to
21 distinguish the truth from the false information that was doing the rounds?

22 * A. [10:10:03] It was difficult to obtain true information. It was very difficult to
23 get correct information from the ground.

24 Q. [10:10:23] The expression "fake news" is not -- was not really used in 2013, not as
25 much as today, but would you agree that the messages of Facebook and other social

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1 media at the time could have contributed to the propagation of fake news or false
2 information?

3 A. [10:10:45] What do you want me to say? When information is not verified,
4 there's always a problem.

5 PRESIDING JUDGE SCHMITT: [10:10:59] So I, of course, knew why -- why you
6 wanted to object, but the witness gave an answer so it's fine. And I've
7 actually -- experiencing the witness since nearly two days, I think we can leave it
8 at -- you know, this question was a little bit on the border, but please continue.

9 MS PROULX: [10:11:18] I had one more, but I guess I'm going to leave it aside.

10 PRESIDING JUDGE SCHMITT: [10:11:24] I -- yeah, I think this will shorten the
11 proceeding because Ms Henderson would have to step up and I would have to say
12 something, so I think you can skip this one question and go over to the next one.

13 MS PROULX: [10:11:37] Thank you, Mr President.

14 Q. [10:11:45] (Interpretation) Bearing all this in mind, Mr Witness, I would like to
15 discuss some information which you received at that time regarding Mr Ngaïssona.
16 Firstly, you weren't in contact with Mr Ngaïssona during his time in Cameroon; is
17 that correct?

18 A. [10:12:12] Yes, I wasn't in contact.

19 Q. [10:12:21] I'd like to take you to document 6 at page 9773. It's the message at
20 the bottom of the page. * In this message Mr Alpha asks you whether you were
21 aware of an event which took place some days before.

22 And I want to turn to the next page now. The two first messages where you
23 responded that you were informed, but that the organisation of this event was
24 inadequate and you asked who was organising it. Mr Alpha answered. He said he
25 wasn't sure, he didn't know, but apparently it might be Mr Ngaïssona who organised

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1 the event. You also talk about this event in paragraph 65 of your statement. Can
2 you recall that event, or would you look at statement 65 so that you can refresh your
3 memory?

4 A. [10:14:24] I -- I remember the event.

5 Q. [10:14:34] Let me understand. We don't talk -- when you talk about this event,
6 it's not a military event. It is on the contrary something different. It's part of a
7 civilian event?

8 A. [10:14:53] Correct.

9 Q. [10:15:06] I would like to take you to page -- on document 6, page 9779 --
10 sorry, 9780.

11 In this message Mr Alpha mentions, amongst other things, that Mr Ngaïssona and
12 Mr Mokom -- Bernard Mokom are at the border in order to meet the archers and are
13 also at Bertoua.

14 Mr Witness, you were in Bangui throughout this period. You yourself did not visit
15 Bertoua or Garouaboulaye at that point; is that correct?

16 A. [10:16:38] That's correct.

17 Q. [10:16:53] I want to fully understand your statement. Reading your statement
18 in paragraph 70 in particular, we understand that you yourself directly had no
19 information which enabled you to establish a link, a direct link between the archers
20 and Mr Ngaïssona; am I correct?

21 A. [10:17:24] Within the framework of my statement, when I spoke of the archers,
22 *it was rather Mr Mokom that I was referring to more. Because outside the
23 information which I had with Mr Alpha on Facebook and other media, other
24 information talked about the *rapprochement* between Mr Mokom and the archers. We
25 really weren't talking about President Ngaïssona.

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1 Q. [10:18:14] Thank you. I want to move you on to document 6, page 9787.

2 Sorry, it's 9787. At the top. Thank you.

3 In this message, Mr Alpha tells you that Mr Ngaïssona is on a mission. And this is
4 mid-September, end -- middle, end September.

5 In your statement in paragraph 77, you say that you thought that this is the mission
6 when he made contact with the archers. I just want to make quite sure that I fully
7 understand. Mr Alpha didn't say what the nature of this visit was of Mr Ngaïssona;
8 is that correct?

9 A. [10:20:16] No, he didn't say anything about the nature of the visit. I
10 just -- that's why I said this is what I think.

11 Q. [10:20:33] Did you know that as the president of the federation of football at the
12 time Mr Ngaïssona was asked to travel frequently?

13 A. [10:20:45] It's possible.

14 Q. [10:21:05] I'm now turning to another subject which you had a question with the
15 Prosecutor on Friday. I'm talking about T-029 in French, page 51 to 53. There on
16 those pages you discussed materiel which was sent towards Zongo by Mr Ngaïssona
17 but which never arrived. Do you remember that discussion?

18 A. [10:21:45] Yes.

19 Q. [10:21:50] So on Friday you said that it was Mr Charlie and Mr India who spoke
20 to you about this?

21 A. [10:22:03] Yes, yes.

22 Q. [10:22:10] Again on Friday, and this is page 37 of the French statement -- the
23 French record, you told us that Mr Charlie was playing a double game and sometimes
24 it happened that he passed on incorrect information. And in your statement, as
25 regards Mr India, you said - and this is in paragraph 169 - that he was also playing a

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1 double game and that the information which you obtained from him was often
2 contradictory. Is that correct?

3 * A. [10:23:02] Yes, that's correct because, as I said, those two were playing a double
4 game because they were soldiers in active service and at that time they had started to
5 distribute various epaulets and ranks.

6 So it is easy for me to understand why they became very unstable as regards their
7 communications and
8 everything else.

9 Q. [10:24:09] Again, as regards this materiel which was sent towards Zongo, you
10 explained on Friday that Mr Charlie and Mr India probably obtained that information
11 from Mr Golf. But in your statement in paragraph 88 you confirmed that Mr Golf
12 told you the opposite, that Ngaïssona didn't send anything to Zongo?

13 A. [10:24:51] Yes.

14 Q. [10:25:01] I'm moving on to another subject now. Very briefly I want to talk
15 about emails where several questions were put to you by the Prosecution on Friday.
16 Again, I'm not going to ask you to repeat information we already have, but I would
17 like some clarifications.

18 You were very clear last week that Mr Bravo was broke and he tried to obtain some
19 money from Mr Ngaïssona. * This is on page 55 and 77 of your statement -- sorry, on
20 page 57 and 67.

21 I want to go back to Mr Alpha and what he said to you. And in document 6 on page
22 9811 at the bottom of the page, the message of Mr Alpha states that Mr Bravo was
23 informed of some information. And on page 9812 at the top of the page, Mr Alpha
24 told you that Mr Bravo said that Mr Ngaïssona asked him, Mr Bravo, to look and
25 review the needs as regards various materiels. However, in paragraph 128 of your

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1 statement you stated that Mr Charlie was the one who asked Mr Bravo to contact
2 Mr Ngaïssona; is that correct?

3 A. [10:27:40] No, you have to make a difference between two things. Mr Bravo
4 was in contact with Mr Ngaïssona. Mr Charlie confirmed that he was in contact with
5 him, but I can't check that because I wasn't in contact with Ngaïssona to confirm this
6 in whatever way. So the information came to me from the two sides.
7 As far as I'm concerned, there were needs, requirements because Mr India and
8 Mr Charlie confirmed that they did have some elements which they were responsible
9 for and, therefore, they needed materiel for operations. So the discussion did take
10 place. * But as regards the sending of emails on needs and requirements, I have
11 already told you and I'm going to repeat it for the umpteenth time, what happened is
12 that I simply found myself with the mail in Bangui during my testimony, rather when
13 I was giving my statement, I had the emails in question. So I have simply tried to
14 give you my interpretation of events. I said the needs were there, the requirements
15 were there, that's true, but the way in which it happened with Mr Ngaïssona, I think
16 Mr Bravo did try and get some money, but I don't know. With that amount of
17 money you can't have all that materiel which is described in the document. It's not
18 with that amount of money that you can carry that out, so I think he wanted to have a
19 bit of money and that's it. That's how I see things.

20 Q. [10:30:01] Thank you. In your statement on Friday, and this is on page 67, that
21 nothing which you found in the email existed in reality. So according to you, does
22 that explain what you described in your statement in paragraph 158 when you state
23 that Mr Charlie realised that Ngaïssona was not reliable and therefore went back * to
24 someone close to Bozizé to receive some resources?

25 A. [10:30:46] No, he didn't obtain anything from Ngaïssona, and so he tried to look

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1 elsewhere.

2 Q. [10:31:09] Two emails from Mr Bravo talking about a considerable sum, I don't
3 know if you remember the amounts mentioned in the email. One of the emails, it
4 was more than 11 million CFA and the other, almost 10 million.

5 You said in paragraph 148 in your statement that during his exile in Cameroon,
6 Ngaïssona had difficulties in managing his accounts in the CAR and that an
7 individual, I won't mention the name, sometimes sent small amounts to Ngaïssona to
8 help him. Now, I know you don't know necessarily the details of the funds for
9 Mr Ngaïssona, but this was part of the information you had. Do you think that
10 Ngaïssona did have means to send 21 million CFA?

11 A. [10:32:19] You have to understand by this (Overlapping speakers)

12 PRESIDING JUDGE SCHMITT: [10:32:20] Wait a moment.

13 Yes, Ms Henderson.

14 MS HENDERSON: [10:32:27] Your Honours, the objection is on the basis that this is
15 not something that the witness can properly answer to. It's calling for speculation.
16 The financial resources of another person is not something that he can respond to in
17 that way.

18 PRESIDING JUDGE SCHMITT: [10:32:39] Yeah, that's correct on one side. On the
19 other side, the witness might have had some information about the financial
20 resources of Mr Ngaïssona and if we word it this way, I think we could let it pass.
21 So from your perspective, Mr Witness, did you have information about the financial
22 means of Mr Ngaïssona, if he was well off or not so well off? And where did this
23 information, if any, come from?

24 THE WITNESS: [10:33:16](Interpretation) It's a pity. These are only hypotheses
25 which I can give to you here.

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1 PRESIDING JUDGE SCHMITT: [10:33:19] Good.

2 THE WITNESS: [10:33:20](Interpretation) When you're talking about the two emails
3 relating to about 21, 22 million, remember the time scale and the chain of events, that
4 wasn't going to come directly from the pockets of Mr Ngaïssona. In my statement,
5 and I did mention this, that at some points when the resistance was growing, of
6 course people of good faith also contributed, people contributed. It was their
7 personal contribution, so it came in many forms. And at a certain point, President
8 Ngaïssona put himself forward as in charge, the mobiliser of the resources. So
9 everything came through him. So at that level, when there was a request, he could
10 deal with it.

11 If you remember -- if I remember correctly, I saw another email relating to the email
12 sent by Mr Bravo that President Ngaïssona responded by saying that he transferred
13 the email to someone else.

14 So this explains the chain of events. Everybody knows in the country that President
15 Ngaïssona was a big businessman. He was head of the Central African Football
16 Federation and he supported and had influence with the youth, and when you realise
17 what really happened in the field, those aren't big sums. These are a hundred or 200
18 CFA -- 200 or 100,000 CFA, so they're not big sums.

19 I can't exactly say what happened, but the money could have been transferred via him
20 to go to other groups in the field.

21 PRESIDING JUDGE SCHMITT: [10:35:58] Thank you, Mr Witness.

22 You said that, "at a certain point, President Ngaïssona put himself forward as in
23 charge, the mobiliser of the resources."

24 Can you locate this certain point in time? Can you tell us when this was according
25 to your information?

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1 THE WITNESS: [10:36:23](Interpretation) I think that was more when he was in
2 Cameroon and things were beginning to change on the ground as the Anti-Balaka
3 advanced on the ground and were taking over a number of cities. So that is when it
4 was understood that he would be the one in charge of resources, mobilising resources
5 and that resources should be transferred through him.

6 Mr Charlie, as I said, was the one who looked for various sources and that is why he
7 immediately had to seek to contact him in order to understand what was happening
8 with funding, because he needed some funding.

9 PRESIDING JUDGE SCHMITT: [10:37:08] Could you perhaps explain to us where
10 you got this information from, the different -- if there were any? If there were
11 different resources, which resources? Which sources, excuse me. That was my
12 fault.

13 THE WITNESS: [10:37:32](Interpretation) I think that I have talked about almost all
14 of them, political persons who were looking for positions, because in their minds they
15 thought that the Balaka were going to overthrow the Séléka, and so those who had
16 funds should contribute because they knew that the situation of the children on the
17 ground - and when I say "children", I'm referring to the Anti-Balaka - that the
18 situation was complicated. They needed resources in order to be able to advance.
19 So if you ask me for names, I don't really have names as such, but from the
20 information that I gathered, it was many politicians who were doing that.

21 PRESIDING JUDGE SCHMITT: [10:38:18] Thank you.

22 Ms Proulx.

23 MS PROULX: [10:38:24] (Interpretation)

24 Q. [10:38:28] Let's move forward in time to mid-October 2013, * and I want to draw
25 your attention to document 6, page 9817.

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1 Second message from Mr Alpha. In that message Mr Alpha informs you that
2 Mr Ngaïssona and Mokom have left for Bertoua to the border to bring ammunitions
3 and medication to the archers and he said that Mr Mokom would not return but will
4 remain there for the final assault.

5 You talked about this message in your statement at paragraph 109. Now, just to be
6 sure that I understand, is it true that you did not see Mr Ngaïssona, neither in Bertoua
7 nor at the border?

8 A. [10:40:03] You're asking if I didn't see him? No, I wasn't on the ground,
9 madam.

10 Q. [10:40:11] Is it correct that you don't know how and by what means he went
11 there?

12 A. [10:40:15] No, please remember that Mr Alpha had already told me that he was
13 on mission, so this was the logical follow-up. He had left Yaoundé, he was no longer
14 there. And you see, it is well known that in this part of the country the people move
15 about mostly by road, either by bus or by private cars, and I know how these things
16 happen because I have travelled on that road myself.

17 Q. [10:40:57] Do I therefore understand that you don't know how long they stayed
18 there -- for how long they stayed there?

19 A. [10:41:04] No.

20 Q. [10:41:15] Do I understand also that you do not know where or how
21 Mr Ngaïssona may have obtained the medication and the ammunitions specifically?

22 A. [10:41:30] I am not aware of that, no.

23 Q. [10:41:34] Is it correct that you also do not know to whom Mr Ngaïssona
24 allegedly handed over the medication and the ammunitions?

25 A. [10:41:47] I have no idea.

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1 Q. [10:41:52] Now, document 6, page 9818, that's the last message. This message
2 was sent on the next day following the one we have just talked about, and Mr Alpha
3 adds that Mr Ngaïssona is supposed to have brought Thurayas, and we assume that
4 reference is being made to Bertoua and to the borders; is that correct?

5 A. [10:42:43] Yes, yes.

6 Q. [10:42:44] In your statement at paragraph 115 you assert that you do not know
7 where Mr Ngaïssona may have obtained those Thurayas from; is that correct?

8 A. [10:42:58] Yes, that is correct.

9 Q. [10:43:01] You also do not know who he specifically handed the Thurayas to?

10 A. [10:43:12] I do not know.

11 Q. [10:43:18] In your statement, you also say that you did not hear mention of
12 Thurayas being given to Anti-Balaka fighters on the ground; is that correct?

13 A. [10:43:33] Yes, that is correct.

14 Q. [10:43:36] Let us move further into time, end of October, page 9829, at the very
15 bottom of the page, the last message.

16 In that message Mr Alpha tells you that Mr Ngaïssona and Mr Mokom are creating
17 problems. Then on the next page, 9830, first message, you appear to agree and you
18 say among other things in the last sentence that the people on the ground have run
19 out of ammunition and you question how serious Mr Ngaïssona and Mr Mokom are.
20 Is that a proper understanding?

21 A. [10:45:09] Yes.

22 Q. [10:45:15] At paragraph 139 of your statement you explain that the role of
23 Mr Ngaïssona and Mr Mokom was to mobilise resources and to send a little bit of
24 money to people on the ground but that they did not accomplish those duties.

25 My question then to you is as follows: Would you agree that the frustration

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1 expressed by Mr Alpha in this message demonstrates that the resources were not
2 distributed on the ground and that is why Mr Alpha was complaining that
3 Mr Ngaïssona and Mokom were creating problems?

4 A. [10:46:06] I really, I really don't know. I cannot put myself in his shoes to
5 explain his frustrations. But I know that he was exasperated by something,
6 something which he expected to work but which did not work. So it is only he
7 himself who can explain the depths of his frustration.

8 Q. [10:46:34] Let us now go to page 9834, last message.

9 This discussion took place the next day and Mr Alpha is complaining about disorder
10 being caused by Mr Ngaïssona and Mr Mokom.

11 If he is complaining that the disorder is being caused by those two people, does that
12 mean that Mr Ngaïssona and Mr Mokom are disturbing the coordination of the
13 Anti-Balakas?

14 A. [10:47:37] Well, that is one possible conclusion that can be drawn from this, but
15 at this level, I think what is happening is that people are jostling for a position
16 between the civilians and the soldiers. Because Mr Alpha explained these things to
17 me somewhat because he believed that civilians like President Ngaïssona and
18 Mr Mokom wanted to have control over things; whereas, the others who -- Mr Kokaté,
19 for example, wanted to take over coordination of the organisation and things of that
20 nature.

21 So there was a little bit of infighting at that level.

22 Q. [10:48:36] Let me now turn to an issue which you briefly discussed with the
23 Prosecutor, and I refer you to page 9861 of document 6.

24 And for the record, I'm referring to a discussion which appears at transcript T-029 at
25 pages 69 and 70. Please, can you scroll down, please. Thank you.

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1 In this message from mid-November Mr Alpha informs you that two individuals
2 were arrested because of attitudes by Mr Ngaïssona and Mr Mokom that could be
3 questionable and you said that this was as a result of rivalry between Mr Ngaïssona
4 and Mokom on one hand and the soldiers on the other.

5 I want to contrast this with what appears in document 6 at page 9897. And the
6 discussion begins at the second level. Then we could also scroll down and see
7 messages 2, 3 and 4. Thank you.

8 Here, Mr Alpha is talking about the same event where the two individuals we've just
9 mentioned were arrested. But here, would you agree with me that blame has been
10 shifted entirely from Mr Ngaïssona and Mr Mokom to the two individuals who were
11 arrested?

12 Is it therefore correct to think that between the two messages, that is, mid-November
13 and end of -- mid-November and end of December, Mr Alpha had received
14 contradictory information which therefore led him to change his opinion?

15 A. [10:51:42] The two contexts are not the same. In the first context, we are
16 looking at facts that occurred before the Anti-Balaka attacked Bangui on 5 December.
17 Now, in this second scenario, we are at the end of December, so you see, the two
18 contexts are not the same. And then once again, as I said a short while ago, it is not
19 for me to do this, but it is for Mr Alpha to state what his degree of frustration was in
20 relation to those two events.

21 What I know is that they were two distinct events. The level of intensity on
22 31 December was after the Anti-Balaka had attacked Bangui and tried to push the
23 head of state out. And, at that time, everything was more or less settled, and so he is
24 the only one who was in a position to -- to say what his -- or reasons were.

25 Q. [10:52:59] Mr Witness, the two persons we are talking about here, were they

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1 arrested twice?

2 A. [10:53:10] Arrested twice? I don't -- I don't remember clearly, but I know that
3 they were arrested.

4 Q. [10:53:23] At paragraph 146 of your statement, you explain that you did not
5 know exactly how the finances were -- finances worked in Cameroon, but that you
6 know that funds were transferred to Mr Ngaïssona.

7 I just want to understand properly. You do not know specifically who was sending
8 the money to Mr Ngaïssona; is that correct?

9 A. [10:53:53] Yes, I do not know exactly who, but during my testimony I said that
10 later on -- a little bit later on, I had some discussions with Mr Golf. You see, if
11 you -- if you -- if I may, it was after that meeting -- after a meeting with Mr Golf, that
12 is, Mr Golf and myself and the new -- the current head of state. During that meeting
13 a number of things were discussed and then later on when we withdrew, we had
14 further discussions at which Mr Golf told me clearly that he was in possession of the
15 list of almost all those who had contributed during those -- those months, including
16 the gentleman whom we had just met and what have you. He did not provide me
17 with details and an exhaustive list of names, but he -- he spoke about all of these
18 things and pointed to the gentleman whom we had just met.

19 And this happened later, much later. That was already in 2016, I think. So I am not
20 in a position to tell you exactly what was happening, but I obtained this information
21 from Mr Golf, who provided me with this information later.

22 Q. [10:55:47] Still in regard to this alleged transfer of funds, am I to understand that
23 you do not know the dates or the amounts of funds transferred?

24 A. [10:56:00] No, no, no, I don't know.

25 Q. [10:56:06] You did not see receipts from Western Union, I take it? Or Express

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1 Union?

2 A. [10:56:18] No, the only evidence I had is about transactions that occurred with a
3 young person from Ecobank and I mention in my statement that there was such a
4 transaction with Mr Charlie. The rest, I really cannot make any specific assertions.

5 Q. [10:56:51] Mr Witness, if we suppose that Mr Ngaïssona effectively received
6 amounts of money, is it correct to say that you yourself, you never saw him
7 transferring any money to the Anti-Balaka?

8 A. [10:57:03] Personally, no, I did not. However, however, madam, we must point
9 out that in this context, funds were not transferred as such in -- in the context. But
10 like I said before, when I heard mention of any amounts of money, it was little money,
11 200,000, 100,000, 50,000. For those types of amounts, there's really no need for
12 money transfers. It's cash that is given by hand mostly. And so we are not dealing
13 with hundreds of millions or any such amounts.

14 Q. [10:58:10] At paragraph 178, you say that Mr Alpha told you that Mr Ngaïssona
15 was in contact with Mr Yekatom before December 2013. * Did Mr Alpha inform you
16 of the content of the date or content of those communications?

17 A. [10:58:33] No, not with those kind of details.

18 Q. [10:58:39] Last question to conclude: Based on what you have told us, do you
19 agree that you yourself did not personally -- or were not -- or did not see any acts of
20 assistance, financial or materiel, given to the Anti-Balaka by Mr Ngaïssona?

21 A. [10:59:11] As I stated in my statement, and I stand by it, all the information that I
22 received was, so to speak, information of a general nature because we were in very
23 sensitive times and because of my position, I needed that information in order to take
24 a stance and to provide my own contribution as well. I was never on the ground, I
25 have always said so, I never saw any direct act between Mr Ngaïssona and the

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1 Anti-Balaka.

2 But my statement is based on discussions that I had, exchanges that I had with all the
3 teams, whether in Cameroon or in DRC, and what happened is that I believe I heard a
4 number of things from a number of credible sources, * people who had heard a
5 number of things and who were kind enough to share that information with me.
6 That's it.

7 Q. [11:00:28] Mr Witness, I am done. I have no further questions for you, but
8 I think that after the break, Mr Knoops, my colleague, will have a few questions for
9 you. Thank you very much.

10 PRESIDING JUDGE SCHMITT: [11:00:39] Thank you. You mentioned already the
11 break. We will have the break until 11.30.

12 THE COURT USHER: [11:00:44] All rise.

13 (Recess taken at 11.00 a.m.)

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

15 THE COURT USHER: [11:31:53] All rise.

16 Please be seated.

17 PRESIDING JUDGE SCHMITT: [11:32:24] I understand that Mr Knoops continues
18 the questioning, so you have the floor, Mr Knoops.

19 MR KNOOPS: [11:32:34] Thank you, Mr President.

20 Q. [11:32:37] Good morning, Mr Witness.

21 A. [11:32:41] Good morning.

22 Q. [11:32:42] My name is Mr Alexander Knoops. I'm one of the counsels of
23 Mr Ngaïssona, and I have one remaining topic to discuss with you, sir, and that is the
24 role of the FACA. That role has been addressed somewhat during the previous
25 examinations, but I will address this topic from a different perspective.

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1 Now, Mr Witness, I've noticed you are not here as an expert, but I noticed (Redacted)
2 (Redacted) and you have, I would say, maybe a certain
3 knowledge on the role of the FACA during the conflict.

4 Would you agree that you -- that you are able to say something about the role of the
5 FACA?

6 A. [11:34:02] All depends on what you want to know.

7 Q. [11:34:04] Okay. Mr Witness, from your experience during the conflict, what
8 was the reason for the FACA to be engaged in the fighting of the Séléka? What was
9 their main reason?

10 A. [11:34:37] I think there are two basic reasons, two fundamental reasons, bearing
11 in mind that when the Séléka were in power the aim of the head of state, Djotodia,
12 was to dissolve the army and to reconstruct a new army. The reason for this is what?
13 Well, because the army which he fought, where he won and which when he took
14 power, that particular army was no longer a republican army. He felt that that army
15 had betrayed him, because there was betrayal in the army and that's why Séléka
16 could enter easily and take over Bangui. So he wanted to dissolve that. He even
17 went so far as to suggest a new army called ARC, the Republican Army of Central
18 Africa, but it didn't work out. There were lots who opposed it, so it didn't come
19 about. The second reason, the elements of Séléka didn't want to work with the
20 national army, including the gendarmerie, a large part of the gendarmerie and police.
21 They didn't want to collaborate with them. * So later the FACA were being tracked
22 down. And so a lot of them retreated in order to protect themselves. They first of
23 all withdrew from many things since almost everything was happening within
24 Bangui, you see, so they withdrew from Bangui and those who were able to then
25 joined the ranks of the Balaka.

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1 Q. [11:36:53] Thank you, Mr Witness.

2 I read your statement with interest, and I reconstructed four reasons, which overlaps
3 partially with your explanation, especially the second one, and I would like to ask
4 your response to the four reasons why the FACA ultimately was engaged in the
5 fighting of the Séléka. I'll ask you whether these reasons, which I found in your
6 statement, can be confirmed by you.

7 First one, you stated in your statement to the investigators of the Office of the
8 Prosecution in paragraph 200 of your statement that the motivation of FACA to join
9 the Anti-Balaka in the fighting was the mistreatment of the Christians. Can you
10 confirm that this was indeed one of the motives of the FACA to join in the fighting?

11 A. [11:38:39] I think this is over-simplistic, but amongst other things, yes.

12 Q. [11:38:47] The second reason I found in your statement, it's paragraph 54, where
13 you say that the military were humiliated by the Séléka and forced to flee the country.

14 * A. [11:39:16] Exactly. That's what I call the manhunt.

15 Q. [11:39:24] In the same vein, Mr Witness, you say in your statement that - and it's
16 paragraph 193 - the military were forced to flee - you say literally - from persecution,
17 from persecution.

18 What do you mean with the word "persecution" in this regard in your statement?

19 It's in paragraph 193.

20 A. [11:40:03] You have to understand that during the Séléka reign Séléka was
21 not -- was nebulous. It was a heterogeneous group where there was no real order in
22 the ranks of the elements, which was how it was made up. People didn't have
23 respect of their rank. This is anecdotal, but a colonel could -- could be led by a
24 sergeant, if you saw their ranks, and then -- it was all mixed up. The one who had a
25 higher grade, and he would be commanded by a sergeant, so that shows a bit the

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1 disorder that was reigning in Séléka.

2 Of course, Séléka looked at FACA, which wasn't on their side, they saw them as

3 enemies. It was very difficult because some FACA members who wanted to go to

4 the camps and their workplace were tortured, were abducted, were put into prison.

5 So as I already said, the head of state, Djotodia, had his own vision of the new army.

6 So he wasn't really interested in the old army. He just wanted to restrict them, to

7 persecute them, and if they didn't support them, they could go and then there would

8 be a new army that would be created. It was really -- that was the underlying

9 thought and dynamism behind it. But persecution was such that some had in fact

10 lost their lives.

11 Q. [11:42:16] So you agree, Mr Witness, that the Séléka were disrespecting the

12 military system in terms of its hierarchy and ranks and this caused within the ranks of

13 the FACA the motivation, amongst the other arguments and reasons, to ultimately

14 rise against the Séléka?

15 A. [11:42:57] Yes, that's -- that is -- that is part of it. But there's also the honour of

16 the army that was being tarnished.

17 Q. [11:43:05] So you would agree with me that the ultimate motive within the

18 FACA to decide to stand up against the Séléka was something, was a process which

19 manifested within the ranks itself?

20 A. [11:43:43] Yes, that's true. When you talk about the process, you could say that

21 as regards the ranks.

22 Q. [11:43:52] So would you agree, Mr Witness, that it wasn't something like an

23 order to the FACA to mobilise themselves in order to rise against the Séléka? There

24 wasn't any instruction or directive from anyone outside the FACA who did say now

25 you have to stand up against the Séléka?

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1 * A. [11:44:29] No, there was no order which came directly from the hierarchy to do
2 that.

3 Q. [11:44:47] Another reason, Mr Witness -- we come back to this topic in a minute.
4 I just want to finish the four reasons I found in your statement as a motive for the
5 FACA to be engaged in the fighting against the Séléka.

6 Another reason I found in your statement was paragraph 177, where you did say that
7 the Séléka was not to be stopped -- or could not be stopped politically.

8 In your submission, Mr Witness, was the decision within the ranks of the FACA to be
9 engaged against the Séléka, from the perspective of the FACA, a necessity to protect
10 the population in Central Africa?

11 A. [11:46:05] It was necessary.

12 Q. [11:46:15] Would you agree that the process which led to the engagement of the
13 FACA could also be qualified - you mentioned the word before, Friday - as something
14 coming from a natural instinct?

15 A. [11:46:50] Yes, people were facing terror, death. Obviously, they had to protect
16 themselves. That's it.

17 Q. [11:47:07] If somebody would say in this courtroom, Mr Witness, that there was
18 an instruction or a directive from a person outside the FACA not being a military
19 person to mobilise the ranks within the FACA to be engaged in the fighting, what
20 would be your answer to this allegation?

21 PRESIDING JUDGE SCHMITT: [11:47:40] Ms Henderson?

22 MS HENDERSON: [11:47:40] Yes, your Honour. It's an objection on the leading
23 that "if somebody would say in this courtroom". In our submission, it's not
24 appropriate to put the question in that way. The question can be put about whether
25 the witness had certain information or can comment on something, but your Honour,

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1 otherwise it calls for speculation and a speculative answer.

2 PRESIDING JUDGE SCHMITT: [11:48:02] Please rephrase it, Mr Knoops. So the
3 content is okay, but how you worded it, I would agree with Ms Henderson.

4 MR KNOOPS: [11:48:08] It was, of course, symbolically meant, Mr President
5 (Overlapping speakers)

6 PRESIDING JUDGE SCHMITT: [11:48:11] Yes, yes.

7 MR KNOOPS: [11:48:12] -- "in this courtroom".

8 PRESIDING JUDGE SCHMITT: [11:48:14] Yes, yes.

9 MR KNOOPS: [11:48:15] Right?

10 PRESIDING JUDGE SCHMITT: [11:48:16] Yes.

11 MR KNOOPS:

12 Q. [11:48:17] Mr Witness, you previously answered on my question that there was
13 no order to the FACA to be engaged in suppressing the atrocity of the Séléka. Now,
14 another question is whether, apart from an order, are you familiar with any type of
15 instruction, directive from outside the FACA to mobilise the ranks within FACA?

16 A. [11:49:02] I mentioned in my statement, I said to the Office of the Prosecution
17 that if there was question on the movement of FACA and their possible actions with
18 the Anti-Balaka, you had to -- look, I gave you a name of an officer of the -- in the
19 army which was outside the two elements which I collaborated with, Mr India and
20 Mr Charlie. I don't see any other persons who had direct links to the orders given to
21 FACA and to the leaders of the Anti-Balaka at that time.

22 Q. [11:50:11] Thank you, Mr Witness. What I meant is, is there, within your
23 knowledge, any individual who could have initiated this process within the FACA,
24 maybe that within the ranks, because their honour was affected because they were
25 mistreated, et cetera, who could have initiated this process?

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1 A. [11:50:50] Obviously, I can't say for certain who, but I think it's possible. In my
2 statement I did mention at some point that the chief of staff of the army during this
3 period was extremely dissatisfied because of the behaviour of his elements and also
4 the way in which the things were panning out and the non-respect of the hierarchy
5 and ranks. And also the action of the Séléka, the honour of the army was affected.
6 Officers were personally affected. So I can't say names precisely, but I think that
7 these ideas was part of the army at a point in time.

8 Q. [11:52:02] Would it be fair to say, Mr Witness, that the decision within the ranks
9 of the FACA to start fighting the Séléka, and later on in conjunction with the
10 Anti-Balaka, was a decision made by the officers of FACA themselves?

11 A. [11:52:31] No. No, no, I don't necessarily think so. Already, individually, the
12 people felt threatened, others were suffering, so I think some joined the Balaka even
13 before they were contacted. If there was that hierarchy with the officers, no, I don't
14 think so.

15 Q. [11:52:55] Because in your statement, Mr Witness, you -- you did say that
16 Commander Ngremangou played an important role in the idea of FACA joining the
17 civilian Anti-Balaka. That's in paragraph 199 of your statement. Could you
18 comment, please, on this observation in your statement?

19 A. [11:53:29] Yes, I've already tried to explain this. At a certain point, that officer
20 of the army who was part of the coordination as regards * the mobilisation of FACA
21 to join the particular cause of the battle undertaken by the Anti-Balaka. So the latter,
22 as far as I know, was responsible for regrouping individuals and to make them
23 available, to make some means available for operations in the field. I know that
24 regrouping took place, which had taken place at a certain point in time, where the
25 military had means available, but finally they failed. So I could say here that this

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1 gentleman, this officer did play a role in the mobilisation of the military in that
2 particular fight.

3 Q. [11:54:53] Mr Witness, you just told us that under the Séléka reign the respect
4 for the military ranks was actually abandoned. Was the military hierarchy at a
5 certain point in time restored within the FACA when they rose against the Séléka?

6 A. [11:55:19] You want to say after the Séléka period?

7 Q. [11:55:31] My first question is were -- was the military hierarchy at any point in
8 time restored within the ranks of the FACA, and if so, could you indicate, if you can,
9 which -- at which moment in time this took place, approximately?

10 A. [11:55:56] During the Séléka period, it was complete disorder, it was generalised
11 disorder. It's true, there were some officials that stayed to try and restructure FACA, but it
12 didn't work out. The Séléka had to be ousted, and then you had to have the transition with
13 Samba-Panza so that things could become normalised within FACA. And during that
14 period it went in all directions in FACA. * There is the normal hierarchy of the FACA in
15 place and then the Séléka also had their own hierarchy there. So the decisions -- when
16 you take a decision of the hierarchy of FACA, they -- they were -- they were made here, but
17 something different was done in the field. So that was very serious. So at the level of
18 Séléka there were several groups and each group only listened and obeyed their particular
19 *chef*. So even if you tried to organise these people it -- it -- I don't know, it was very difficult.
20 So if you talk about the hierarchy of the army with all the respect within the army, that was
21 not possible. It was really not during the Séléka period.

22 Q. [11:57:19] Friday you told the Court that at a certain point in time the military
23 started to organise themselves. Which point in time you were referring to?

24 A. [11:57:45] I can't give you a precise date. When -- the month of April and May,
25 after the takeover of the Séléka, were very difficult for the FACA. It was very

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1 difficult for FACA. * And I think towards the end of May, the organisation began to
2 emerge to show the tip of its nose.

3 Q. [11:58:26] Would you say that in that time frame or later the military hierarchy
4 in the FACA was restored, or did it remain a disorder?

5 A. [11:58:53] It was like that from the beginning to the end.

6 Q. [11:58:57] And with the words, till the end, do you refer to the time frame of the
7 advance of the transitional government, just before or after?

8 A. [11:59:18] No. The -- it started when there was a second transition under
9 Samba-Panza.

10 Q. [11:59:30] So would you agree with me, Mr Witness, that in this time frame of
11 disorder you spoke about there was no possibility to control the elements of the
12 FACA?

13 A. [11:59:50] Yes, largely.

14 Q. [11:59:57] You just explained to us, Mr Witness, the reasons why the FACA
15 ultimately became motivated to engage in the fighting against Séléka. You
16 mentioned the disrespect from the side of Séléka for the ranks, you mentioned the
17 persecution. Would you agree with me if the conclusion of all those arguments and
18 reasons and motives of the FACA to be engaged was not to try to take -- military take
19 power over the CAR as such?

20 A. [12:01:09] Ooh, that's a tricky question and very difficult to answer. * I know
21 that the military was really sufficiently humiliated so they first had to re-establish
22 order. They had to save their honour. That's the expression, save the honour of the
23 army. In order to do that, they had to fight Séléka who were there in the power and
24 who were occupying that place in the army.

25 Now, what was the motivation or the question of the takeover? Understand the

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1 following, this was a very troubled period. I know a little bit -- political science and I
2 know political motivation of the one and the other in the country. You can't exclude
3 that. This willingness to take over cannot be excluded.

4 Q. [12:02:21] But if you would make your final analysis, you would say that the
5 first and foremost important argument of the military was to save their honour as
6 reason to engage (Overlapping speakers)

7 PRESIDING JUDGE SCHMITT: [12:02:38] Ms Henderson.

8 MR KNOOPS:

9 Q. [12:02:38] -- in this fight, correct?

10 MS HENDERSON: [12:02:40] Your Honour, as my learned friend said at the outset,
11 this witness is not a military expert. He's being asked about final analyses. We've
12 let it go for a while, taking into account that ultimately his evidence will be assessed
13 on what he's able to say, but now to ask about final analyses, in our submission, it's
14 now gone beyond what this witness can say.

15 PRESIDING JUDGE SCHMITT: [12:03:01] I think you're a little bit too severe with
16 Mr Knoops.

17 But I think you have covered the issue sufficiently. I would -- this is my impression,
18 to be honest --

19 MR KNOOPS: [12:03:12] Thank you, Mr President.

20 PRESIDING JUDGE SCHMITT: [12:03:14] -- with the witness. I think you won't
21 get much more out of the witness in that regard.

22 MR KNOOPS: [12:03:18] We never know, Mr President. But I --

23 PRESIDING JUDGE SCHMITT: [12:03:22] Of course you never know, but I assume
24 at least --

25 MR KNOOPS: [12:03:25] Of course, of course.

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1 PRESIDING JUDGE SCHMITT: [12:03:26] -- on this -- on this issue --

2 MR KNOOPS: [12:03:27] Yes, yeah. I --

3 PRESIDING JUDGE SCHMITT: [12:03:27] -- because the witness has really provided
4 a lot of information, mixed with opinion derived from that information that he had.
5 So I think really this -- what you wanted to address, I think has been addressed
6 sufficiently.

7 MR KNOOPS: [12:03:44] Mr President, thank you very much. I fully underscore
8 the observation of Ms Henderson, by the way. I, at the outset, said Mr Witness is not
9 an expert, but in his statement he is being questioned about the role of FACA and
10 that's why -- but I understand the point.

11 PRESIDING JUDGE SCHMITT: [12:04:01] No, I --

12 MR KNOOPS: [12:04:01] I understand the point.

13 PRESIDING JUDGE SCHMITT: [12:04:02] I don't want to lecture here, but in
14 Germany, where I'm coming from, we have three different possibilities to have a live
15 testimony: We have witnesses, we have experts, and we have expert witnesses.
16 Expert witnesses, the difference to an expert is that they are witnesses who have
17 background information that pertains directly to the issue at hand. So let's say, yeah,
18 we stop -- because of that, I would never say with such a witness/witness expert that
19 you are not allowed to put such questions to him, you see?
20 So that's the difference. For example, when you have a -- I think you would say a
21 coroner coming to the -- to the site of a murder scene and later on testifying in the
22 courtroom, he's an expert with regard to the conclusions he is doing, but he's also
23 some sort of witness because he saw the corpse on the ground. You see what I
24 mean?

25 So perhaps it's typical German to have too many drawers here, but I simply wanted to

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1 flag that. Because of that, I don't have problems also in the future if we have
2 witnesses who are on the witness list and are not qualified as experts but have
3 information and also a background that enables them to provide such, so to speak,
4 expert information, to ask them about that.

5 You may continue, Mr Knoops.

6 MR KNOOPS: [12:05:35] Thank you very much, Mr President. It's very helpful.

7 And I notice of course the background of this witness as a political scientist. So the
8 questions about, for instance, the motive of the FACA does not necessarily imply that
9 you have to be a military expert, but I would say this gentleman is to me maybe --

10 PRESIDING JUDGE SCHMITT: [12:05:54] This is --

11 MR KNOOPS: [12:05:54] (Overlapping speakers) -- a very --

12 PRESIDING JUDGE SCHMITT: Yeah, yeah --

13 MR KNOOPS: [12:05:55] -- sui generis --

14 PRESIDING JUDGE SCHMITT: [12:05:54] Absolutely. And like always -- and

15 I would remind the Defence then what kind of witness we have -- an expert or
16 witness we have tomorrow, the same thing sort of in the end, the Chamber will have
17 to assess the whole information it is provided with with regard, not mainly to the
18 personality of the witness, but also the sources that he has for his information and
19 that he provides us with. Yes.

20 MR KNOOPS: [12:06:30] Thank you, Mr President.

21 Q. [12:06:33] Mr Witness, I will mention, Mr Witness, I have two remaining
22 questions, Mr Witness, for you on this topic. The first one is the statement you gave
23 in paragraph 195, where you say that the FACA did not need the others to drive out
24 the common enemy, referring to the Séléka.

25 My question to you is, was it your understanding that initially when this process

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1 within the FACA emerged to turn against the Séléka, that initially the FACA were
2 planning to drive out the Séléka on their own, with their own forces, so without the
3 Anti-Balaka?

4 A. [12:07:44] I think so.

5 Q. [12:07:47] And my second question pertaining to the same paragraph,
6 Mr Witness, 197, is that you say that in the end, they decided to join together.

7 I have two questions on this specific remark you made in your statement. First,
8 could you agree with me that the decision to join the Anti-Balaka, whatever its
9 meaning, was a decision made within the ranks of the FACA themselves?

10 A. [12:08:37] Well, I cannot provide an exact answer as to when the decision was
11 made and how it happened. All I know is that the Anti-Balaka were already
12 resisting at the level of villages and towns to the best of their ability. And as they
13 were progressing, I told you that the idea of chasing out Séléka was taking shape,
14 even within the army at that time. So naturally, the two had a common enemy and
15 coming together as such was I believe not a very difficult proposition, but I don't have
16 any details as to how it happened.

17 Q. [12:09:48] Thank you very much.

18 Another question relates to the same topic, but then regarding your statement in
19 paragraph 176, you say that when this process started, there were some military men
20 amongst the Anti-Balaka, but they were not officers. The officers were busy
21 organising themselves in a different way.

22 And my question to you is what did you mean with the officers of the FACA were
23 organising themselves in a different way? Was there differentiation within the
24 FACA about who was going to do what, or were -- was the FACA splitting in several
25 other entities?

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1 What do you mean with "different way"? Speaking about the officers.

2 A. [12:11:15] Please bear in mind the discussion I had with your colleague a short
3 while ago, and even last Friday. What happened in the DRC, in Cameroon, and in
4 South Sudan are issues which I got some information about, but some things turned
5 out not to be true. So on the ground, one must not underestimate this type of thing
6 because we are looking here at how an army tends to reorganise itself in a general
7 way. So there were a number of things that were happening at the level of the
8 officers, and, clearly, thought was given to these ideas. But I believe that it didn't
9 make much of a headway and did not succeed simply because the international
10 community, including France, for example, would not envisage the possibility of a
11 soldier returning to power and less so former President Bozizé, who had just lost
12 power.

13 So I think we need to bear all those dynamics in mind and where there was as an
14 obstacle - and the final operation didn't take place in spite of the various mobilisations
15 of weapons and resources here and there - I think these are things that should be
16 taken into consideration in that context.

17 It is clear that officers may have been mobilising people, but at the same time, foot
18 soldiers had simply fled out of Bangui and it was easy for those people to join the
19 traditional Anti-Balaka groups, which were already beginning to be active in the
20 villages and here and there. So we need to really bear this general context in mind.

21 But if you look at the Anti-Balaka who fought on the ground, who were liberating the
22 villages, these were the villagers themselves who then were subsequently joined by
23 foot and rank soldiers. * They were not officers, they were rank and file troops and
24 gradually things happened, things evolved, one may say.

25 Q. [12:14:09] Thank you very much, Mr Witness.

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1 You mentioned just a few seconds ago the issue of weapons traffic. In this regard I
2 have a question for you because you bring up the matter again very interestingly.
3 In your evidence you gave Friday before this Court - and that's in the English
4 transcript, page 48, lines 1 till 7 - you remember, Mr Witness, that you testified there
5 was a fluid traffic on the Oubangui river, a lot of weapons, ammunition would
6 circulate on that river, and the border between the DRC and the Central African
7 Republic cannot be controlled at all times because the border is long. And you say,
8 "[...] I'm not referring here to heavy weapons," but "[...] Kalashnikovs and
9 ammunitions for those type of weapons."

10 You remember your testimony. My question to you is --

11 A. [12:15:22] Yes.

12 Q. [12:15:24] -- the Oubangui river is at the south border of Central Africa?

13 A. [12:15:39] Yes, mm-hmm.

14 Q. [12:15:41] (Overlapping speakers) Were there any states involved in this traffic
15 of weapons and ammunition to facilitate the conflicts in CAR, to the best of your
16 knowledge?

17 A. [12:16:01] The involvement of states, well, this is not something that I can deal
18 with. Well, what I know is that there are many rebel groups in the Congo, DRC, and
19 it might be easier to get weapons there in the DRC -- easier than in the CAR. But
20 I think that here, these things were being done by individuals and not by states.

21 Q. [12:16:41] Mr Witness, my final question on this topic relates to your statement,
22 paragraph 193, where you say that, "[...] the military were fleeing from persecution."
23 But "[...] they had the same objective and [a] common enemy they joined together to
24 drive out [this] common enemy."

25 And then you say in your statement:

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1 "Civilians who were neither Anti-Balaka nor FACA [to] begin with also join[ed] the
2 Anti-Balaka during their progression to Bangui."

3 My question to you is, Mr Witness, do we have to understand your statement such
4 that civilians without receiving any order, instruction or directive voluntarily
5 decided - not being Anti-Balaka - to join this process?

6 A. [12:18:11] Yes, and it happened frequently. It happens frequently in our
7 country. When these types of movements appear, people tend to easily join them for
8 reasons best known to them. But here, during the Séléka era, we can find several
9 reasons for which people did so.

10 First, some people, ordinary civilians, were victims of Séléka. They had been
11 persecuted. And so in order to protect themselves, they turned to a new
12 movement -- a resistance movement which was being birthed. So they joined it.

13 Then secondly, you have people, young unemployed people, for example, who may
14 have believed that this was a movement with a future promise, so they could join the
15 movement hoping that if things worked out in the end, they might become soldiers,
16 they might join the army and so on and so forth.

17 So there are several reasons which can move people to join such movements, but this
18 is a very frequent occurrence as to how and why people join emerging movements of
19 this type.

20 Q. [12:19:46] Mr Witness, looking back from your perspective to the events in 2013,
21 2014, would you agree that the rise against the Séléka in that time frame was not an
22 organised phenomenon, but was a phenomenon whereby a whole nation was
23 standing up against the violence of the Séléka?

24 PRESIDING JUDGE SCHMITT: [12:20:29] Yeah.

25 MS HENDERSON: [12:20:31] Y our Honour, the objection is on

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1 two bases. Firstly, those two propositions are not mutually exclusive. And
2 secondly, the question of whether a whole nation was standing up against the
3 violence of the Séléka, it's -- the proposition is simply too broad for this witness
4 helpfully to be able to comment on.

5 PRESIDING JUDGE SCHMITT: [12:20:51] I think, Mr Knoops, you see that
6 Ms Henderson has a point here. So perhaps rephrase it or skip it or ...
7 And I again have the impression that you covered the issue quite broadly until now.

8 MR KNOOPS: [12:21:06] Maybe I rephrase it.

9 PRESIDING JUDGE SCHMITT: [12:21:11] I gave you the opportunity, yes.

10 MR KNOOPS: [12:21:13] Yeah, yeah.

11 Q. [12:21:17] Mr Witness, the rise against the Séléka in 2013, 2014, would you agree
12 that apart from the role of the FACA we just discussed, that this conflict triggered the
13 majority of the population to be involved, whereby prominent members of the civil
14 society in the Central African Republic were called upon to give any form of help?

15 PRESIDING JUDGE SCHMITT: [12:22:31] That is very complicated, Mr Knoops.

16 MR KNOOPS: [12:22:34] You think so?

17 PRESIDING JUDGE SCHMITT: [12:22:35] Yeah, yeah, yeah, I think, really.
18 Actually I would have a problem really to understand what it -- it's very compound,
19 firstly, I think you would say that. No, split it or simply continue. And there is
20 again, this very -- this aspect that Ms Henderson objected to, it's very general. It's
21 very general and it's a compound question. So there are different things to answer
22 for the witness and he can choose what he wants to answer and we don't want that.

23 MR KNOOPS: [12:23:12] Maybe I can simply ask the witness --

24 Q. [12:23:15] If you would look back, Mr Witness, to these events in 2013, 2014,
25 how would you qualify the movement of the civilians?

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1 PRESIDING JUDGE SCHMITT: [12:23:42] Also very generic, very generic.

2 But, Mr Witness, can you say something to that or ...?

3 Because "the civilians", Mr Knoops, is really an expression that is so broad, how can
4 you answer to that?

5 THE WITNESS: [12:24:16](Interpretation) I think I'm still waiting for counsel's
6 question. He must have a concern, so we need to hear it.

7 MR KNOOPS: [12:24:23] (Overlapping speakers) Well, it's not a concern --

8 PRESIDING JUDGE SCHMITT: [12:24:24] No, no, Mr Knoops, it's still -- it's
9 still -- you can hardly answer to a question: How -- what about the civilians, in
10 general, how would qualify the movement of the civilians?

11 This is too general. I would not -- I would not allow it this way.

12 MR KNOOPS: [12:24:41] Maybe then, put it even more simply.

13 PRESIDING JUDGE SCHMITT: [12:24:51] Yeah, give it a try.

14 MR KNOOPS: [12:24:53]

15 Q. [12:24:54] Mr Witness, the resistance you spoke about in your statement in the
16 CAR in those days, would you qualify this as an organised resistance, yes or no?

17 A. [12:25:14] Initially, the resistance was not organised at all. It emerged from a
18 natural instinct by people to defend themselves, but then it got structured over time.

19 PRESIDING JUDGE SCHMITT: [12:25:30] So just a comment on that, because the
20 witness gave an answer and the answer was very differentiated, yet it's to a question:
21 Was it organised or not, yes or no?

22 He gave an answer yes and no, if I understand it correctly, and that's always a
23 possibility. Yes? So it's always tricky to ask yes or no because life is difficult.

24 There might be shades of grey and of black and there's white in between; so it's just a
25 comment by me.

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1 But the witness gave an answer and it was differentiated and I think we take it as he
2 gave it.

3 MR KNOOPS: [12:26:12] Thank you, Mr -- sometimes that's the reason why
4 questions might be more compounded, but that's just my observation.

5 PRESIDING JUDGE SCHMITT: [12:26:18] Yes, normally --

6 MR KNOOPS: [12:26:18] Thank you.

7 PRESIDING JUDGE SCHMITT: [12:26:19] -- you would have to break it down.

8 MR KNOOPS: [12:26:20] Thank you.

9 These were the questions of our Defence team, Mr President.

10 PRESIDING JUDGE SCHMITT: [12:26:24] Thank you, Mr Knoops. We'll then give
11 the Defence of Mr Yekatom the floor.

12 MR SUZUKI: [12:26:35] Thank you, Mr President. If I could just have a moment to
13 set up, please.

14 PRESIDING JUDGE SCHMITT: [12:26:37] Of course.

15 MR SUZUKI: [12:26:37] Thank you.

16 PRESIDING JUDGE SCHMITT: [12:26:38] Could you perhaps -- could you perhaps
17 tell us how long you envision your examination?

18 MR SUZUKI: [12:26:39] Of course. We shouldn't take more than half an hour I
19 think. So I should finish by the break.

20 PRESIDING JUDGE SCHMITT: [12:26:54] Fine.

21 MR SUZUKI: [12:26:54] Thank you.

22 PRESIDING JUDGE SCHMITT: [12:26:55] But take your time.

23 QUESTIONED BY MR SUZUKI:

24 Q. [12:27:19] Hello, again, Mr Witness. As you know, I will be asking some
25 questions on behalf of Mr Yekatom and, like I said, I shouldn't take more than half an

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1 hour, so if you could just bear with me.

2 Now, in your statement you mention a person by the name of Demafouth. And can
3 you just confirm that you're referring to Jean-Jacques Mafoutapa Demafouth, the
4 former adviser to President Samba-Panza?

5 A. [12:27:50] Yes.

6 Q. [12:27:53] And in your statement you say that he controlled an Anti-Balaka
7 group; that's at paragraph 170. Could you tell the Court what you meant by that,
8 please?

9 A. [12:28:19] When the Anti-Balaka were closing in on Bangui or getting close to
10 Bangui, I said in my statement - and also in one of the answers to Mr Knoops - I said
11 that the Anti-Balaka was a group that wasn't organised or structured at the beginning.
12 People rose up to defend themselves, but the group then subsequently began to
13 structure itself. And in that structure, you had political people who came in with
14 their own agendas and each of them trying to contact such and such an element
15 whom they knew, and so on and so forth.

16 So I said so, and I want to say that I worked with Mr India who is a FACA element
17 and who came with his own men under him and they were very close to that
18 gentleman. So when you put together the Balaka, the Balaka was a vast composite of
19 many, many things. When you put all of that together, you can see that some of the
20 elements within the Balaka belonged, so to speak, to that gentleman.

21 And it was clear for everyone to see during Madam Samba-Panza's presidency by
22 way of the influence that he had on his people, his elements.

23 Q. [12:30:04] So is it correct that you're suggesting that Mr Demafouth had his own
24 agenda?

25 A. [12:30:18] Yes, I think so. He was -- he's a very difficult political figure to grasp,

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1 but he often has those types of ideas.

2 Q. [12:30:34] Can you explain -- can you tell us a little bit about that agenda, if you
3 know?

4 A. [12:30:45] For a political person who is interested in these types of things, the
5 only agenda can be power.

6 Q. [12:31:02] And in your statement you also say that Demafouth was working
7 with a certain 12 Puissances; that's at paragraph 176. Can you tell us what you
8 meant by that as well?

9 A. [12:31:20] Okay. I think that at a certain point, when Madam Samba-Panza
10 came to power, there was a question of controlling the Anti-Balaka movement. They
11 were very scared of that movement, and, to control it, you had to go to the interior to
12 see which elements they could work with.

13 I'm thinking of 12 Puissances here because, according to my information, he was in
14 the location where the president lived, where the head of state and Demafouth lived.
15 It was the 7th arrondissement of Bangui. So it was someone -- 12 Puissances had
16 sufficient influence in the field, so he wanted to control this element of the
17 Anti-Balaka, so if you like that they were sometimes divided. So he wanted to
18 control. That's roughly what it is.

19 Q. [12:32:36] Then is it correct to say that Demafouth was aiming to destabilise the
20 transition?

21 A. [12:32:54] I cannot answer yes or no, but it's not to be excluded. A lot of things
22 were said regarding this particular gentleman.

23 Q. [12:33:07] Could you -- could you say -- could you give us a few things that
24 were said by him, as you say? Can you give us some details about what was said?

25 A. [12:33:47] Mr Demafouth had influence on the decisions taken by the president

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1 and some of the decisions went in the direction of putting the Anti-Balaka against the
2 head of states. (Redacted)

3 (Redacted)

4 (Redacted).

5 Q. [12:34:32] And my last question on this subject, Mr Witness, to your knowledge,
6 was Mr Demafouth influencing or encouraging armed groups to commit crimes and
7 then claiming that it was the Anti-Balaka behind these crimes?

8 A. [12:35:01] That's not to be excluded.

9 Q. [12:35:06] Thank you. I'd like to move on to the Séléka. Now, once the Séléka
10 arrived in Bangui in March 2013, is it fair to say that their numbers grew significantly?

11 A. [12:35:30] Yes, that's already been said.

12 Q. [12:35:32] And last week you suggested that this was partly because the foreign
13 fighters who joined. But is it also because a number of civilians joined the Séléka?
14 Is that correct?

15 A. [12:35:52] Of course, I said that just now. When there's this type of movement,
16 in my country, young people, unemployed, will join these groups. That happens
17 quite frequently. And I would add by saying a lot of damage, which was caused in
18 Bangui, was due to these young people who knew the town very well.

19 Q. [12:36:31] Now, I'd like to discuss an aspect of your statement. That's at tab 17
20 and paragraph 200, and I'm going to read it out. So you say here, Mr Witness:
21 "[...] I can say that the Seleka were manipulated. The Muslims in this country are not
22 educated, they are traders. Their national days were not acknowledged and their
23 community was marginalised in society. It was easy to manipulate them, and they
24 then sprang into action."

25 Now this part of your statement, it's correct to say that this refers to the way in which

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1 Muslim civilians were manipulated into joining or supporting the Séléka?

2 A. [12:37:31] Yes, that's it.

3 Q. [12:37:33] In this part of your evidence, you seem to make a link between

4 Muslim traders and the Séléka. Can you tell the Court what you meant by this?

5 A. [12:37:49] I don't understand your question.

6 Q. [12:37:52] I'll read one more sentence. Well, re-read a sentence from that

7 excerpt that I just read. You say, "The Muslims in this country are not educated, they

8 are traders." And the sentence before perhaps, "[...] I can say that the Seleka were

9 manipulated."

10 You seem to be making a link here between the traders and this movement to join the

11 Séléka and this manipulation of the civilians. Can you tell us a little bit about this

12 link?

13 A. [12:38:33] I don't want to go back in the history of the country, but you have to

14 understand one thing. There are reasons for Séléka that they triggered off the

15 movement. We know the reasons. Amongst other things, they felt marginalised in

16 society, et cetera. Indeed, if you look at the history of Séléka -- is purely political.

17 It's a political game and also strategic. They took a leader, which they used as a tool,

18 and they took some elements who corroborate this and which covered the needs of

19 that society and they put that forward. Of course, as I say to you, the Muslims, the

20 community of Muslims in about 90, 95 per cent are not -- don't have much education.

21 They are traders and do well there.

22 But if you take these people and you simply tell them and let them believe certain

23 elements - and you tell them that because they are marginalised - it's very easy for

24 them to believe in what you say and to follow you.

25 So at this level, a lot fought without really knowing the reasons why this operation

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1 started of Séléka and why it reached that level.

2 So this is what I can tell you as regards this particular link you refer to.

3 Q. [12:40:49] Okay. Now, just earlier you said -- you referred to the fact that many
4 youth in Bangui or many locals in Bangui ...

5 Let me rephrase that. (Counsel confers)

6 MR SUZUKI: Q. [12:41:22] I'm going to move on. I'll still be talking about the
7 Séléka. In your statement, Mr Witness, you said that under the Séléka regime, the
8 police and the gendarmerie practically no longer existed.

9 Can you tell the Court who was responsible for maintaining order?

10 A. [12:41:56] There was a government that had been installed with the minister of
11 the interior responsible for public security, and during this period, the police and
12 gendarmerie were under the orders of that particular minister. * The Directorate
13 General of the gendarmerie existed and so did the General Directorate of the police,
14 but in fact in practice, it's a -- Séléka elements who acted instead of the police and the
15 gendarmerie who should have been doing that work.

16 * Q. [12:42:37] And do you know whether the Séléka were responsible for collecting taxes?

17 A. [12:42:59] Collecting taxes where exactly?

18 Q. [12:43:08] In the market for example.

19 A. [12:43:08] The services of the state wasn't working properly so the people, the agents,
20 might be asked to do that, but the Séléka came there and -- and they did it. It was them
21 who took advantage. And even to collect taxes in the market, it's the Séléka who did it.

22 Q. [12:43:37] And so this would have been occurring in markets across Bangui, is
23 that -- is that correct?

24 A. [12:43:50] All the town.

25 Q. [12:43:56] Now, still on the topic of the Séléka, it's correct, isn't it, that in

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1 response to Anti-Balaka ambushes on the Séléka, the Séléka committed reprisal
2 attacks on civilians?

3 A. [12:44:19] That's correct, in the two camps.

4 Q. [12:44:24] Now, specifically, about 5 December and, again, specifically about
5 Séléka reprisal attacks, they occurred on civilians in Bangui once the Anti-Balaka
6 retreated; is that correct?

7 A. [12:44:48] Yes, that's it.

8 Q. [12:44:51] And this kind of Séléka reprisal of violence occurred all over Bangui
9 on that day; is that correct?

10 A. [12:45:08] Yes.

11 Q. [12:45:10] And to your knowledge, did this violence occur -- this Séléka reprisal
12 of violence, did it occur in Cattin on 5 December, after the retreat of the Anti-Balaka?

13 A. [12:45:30] What area are you talking about?

14 Q. [12:45:32] (Overlapping speakers) Sorry, the Cattin neighbourhood.

15 A. [12:45:36] Its entire town, I told you.

16 Q. [12:45:42] And so it occurred in Boeing as well?

17 A. [12:45:51] Yes, yes.

18 MR SUZUKI: [12:45:56] Now I'm going to ask, madam court officer, if you could
19 kindly put up onto the screen the document at tab 6 of the Prosecution list of material,
20 that's CAR-OTP-2101-9735 at page 9890. And that's not for public broadcast, please.
21 I'm not going to read the time or the date of these messages and I'm not going to read
22 the actual content of the messages. I'll ask the witness to read them to himself and
23 that way I think we can stay in public session. Sorry, if you could go to the third and
24 fourth messages from the top, please. Thank you.

25 Q. [12:47:04] Mr Witness, could you read those two messages to yourself, the two

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1 ones that you see at the top there, and can you tell -- can you tell me when you're
2 done, please.

3 A. [12:47:40] That's fine.

4 Q. [12:47:44] Now, can you confirm that Miskine is a neighbourhood in the north of
5 Bangui?

6 A. [12:48:00] Towards the north, but really it's in the centre, heading towards the
7 north.

8 Q. [12:48:11] And do you recall the event that you're discussing here.

9 A. [12:48:20] Yes.

10 Q. [12:48:21] Can you tell the Court a little bit about this event, please.

11 A. [12:48:35] This is after the 5th. During this period, the Anti-Balaka were
12 already in Bangui. They started to have clashes in the beginning to try and be part of
13 the -- and to attack the Séléka in some areas. These operations were done with the
14 intention of collecting all the Muslims and push them to PK5, towards PK5. And
15 then something happened in Miskine. Miskine, there were a lot of Séléka officers,
16 et cetera, in that particular area. * So there was a clash between a Séléka element and
17 a local inhabitant in that area. And reprisals followed swiftly. That's really what
18 happened.

19 Q. [12:49:43] But here you're talking about locals as opposed to the Anti-Balaka; is
20 that correct?

21 * A. [12:50:01] Yes, yes, a young man of the neighbourhood was attacked by a Seleka element.
22 This was followed by a reaction in the neighbourhood and then the Seleka came in to retaliate.
23 Because in fact it was their tactic, their practice, if you like. As soon as one of their elements
24 was in difficulty, they called for help. I don't know if it was a battalion who arrived, or
25 whatever, and they terrorised and shot in all directions, that is what happened frequently.

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1 Q. [12:50:37] Okay. And you confirm that these reprisal attacks were by the
2 Séléka to the civilian population?

3 A. [12:51:03] Yes.

4 MR SUZUKI: [12:51:30] Mr President, I'd ask to go into private session for the next
5 questions, please.

6 PRESIDING JUDGE SCHMITT: [12:51:37] Yes, private session.

7 MR SUZUKI: Thank you.

8 (Private session at 12.51 p.m.)

9 THE COURT OFFICER: [12:51:50] We are in private session, Mr President.

10 MR SUZUKI: [12:51:55] Thank you.

11 (Redacted)

12 (Redacted)

13 (Redacted)

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25 PRESIDING JUDGE SCHMITT: [13:00:26] I'm -- okay, *c'est possible*. Okay, continue.

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- 1 Many -- yeah, please continue.
- 2 MR SUZUKI: [13:00:48] Sorry, Mr President, if I could just have a moment to confer.
- 3 Thank you.
- 4 PRESIDING JUDGE SCHMITT: [13:00:55] Of course.
- 5 (Counsel confers)
- 6 MS HENDERSON: [13:01:44] Your Honours.
- 7 PRESIDING JUDGE SCHMITT: [13:01:47] Yes.
- 8 MS HENDERSON: [13:01:48] Just while my learned friend is conferring, I just
- 9 wanted to signal to the Chamber that I would have two very quick areas of direct
- 10 examination -- sorry, redirect examination (Overlapping speakers)
- 11 PRESIDING JUDGE SCHMITT: [13:01:58] Then we would do that after the break,
- 12 after the break.
- 13 MS HENDERSON: [13:02:00] Thank you, your Honours.
- 14 MR SUZUKI: [13:02:16] Mr President, we have probably about five minutes left.
- 15 Would you like -- I'm in your hands. Would you like me continue or would you like
- 16 to ...
- 17 PRESIDING JUDGE SCHMITT: [13:02:25] I think since, since we have to continue
- 18 anyway after -- after the break, so I think we will do it then.
- 19 So we have the break until 2.30 and then your five or however -- whatever it takes
- 20 and then your redirect.
- 21 THE COURT USHER: [13:02:42] All rise.
- 22 (Recess taken at 1.02 p.m.)
- 23 (Upon resuming in private session at 2.31 p.m.)
- 24 THE COURT USHER: [14:31:22] All rise.
- 25 Please be seated.

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1 PRESIDING JUDGE SCHMITT: [14:31:53] I understand that we are still in private
2 session.

3 And you have the floor.

4 MR SUZUKI: [14:32:00] Thank you, Mr President.

5 (Redacted)

6 (Redacted)

7 (Redacted)

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11 (Redacted)

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7 MR SUZUKI: [14:44:58] Those are my questions, Mr President.

8 Thank you very much for your patience, Mr Witness.

9 PRESIDING JUDGE SCHMITT: [14:45:02] Thank you very much.

10 And I understand, Ms Henderson, that you have a few questions on redirect.

11 MS HENDERSON: [14:45:08] Yes. Thank you, Mr President.

12 QUESTIONED BY MS HENDERSON:

13 Q. [14:45:12] Just very briefly, Mr Witness, there are just two points in the
14 questioning this morning that I want to come back to and ask you to expand on.

15 The first one, and for the record it refers in the English real-time to page 31 at lines 2

16 to 17, you were asked if you had personally seen any acts of assistance, financial or

17 materiel, that Mr Ngaïssona had given the Anti-Balaka. You confirmed that you had

18 not personally seen or directly seen any such acts. And you went on to say that the

19 information that you received was from exchanges that you'd had with teams,

20 whether in Cameroon or in DRC, and you had heard a number of things from a

21 number of credible sources.

22 Now, Mr Witness, what I want to ask you is, and please tell us if we need to go into

23 private session, but what I want to ask you is --

24 PRESIDING JUDGE SCHMITT: [14:46:14] We are still -- we are still in private.

25 MS HENDERSON: [14:46:15] I apologise, your Honour. We'll endeavour to

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1 reclassify as well parts.

2 Q. [14:46:21] My question to you whether there are a number -- my question to you
3 is who these credible sources were that you're referring to for your information in
4 relation to Mr Ngaïssona?

5 MR KNOOPS: [14:46:35] Mr President, may I, just before the witness
6 answers - excuse me - bring up a principal point for re-examination, Mr President, if
7 you -- if you allow me one, one (Overlapping speakers)

8 PRESIDING JUDGE SCHMITT: [14:46:47] Yeah, of course, of course.

9 MR KNOOPS: [14:46:48] It's my understanding that re-examination is an instrument
10 for the Prosecution if any new elements has been brought up in cross-examination.
11 Now, this is a Rule 68(3) witness, meaning that Friday when the Prosecution
12 questions the witness, they were familiar with the statement and the exhibits, and the
13 Defence questioned the witness in cross-examination based on the statement and
14 exhibits. So actually all the elements we touched upon during cross-examination
15 were not novel for the Prosecution and, therefore, I think with a 68(3) witness, the
16 authorisation from the Chamber to allow for re-examination is different from a
17 witness viva voce, because with a 68(3) the Prosecution knows the full scope of the
18 statement and the exhibits and knows beforehand, could have known beforehand, of
19 course, and could have asked the witness on this topic during this examination.
20 So actually what we're now facing here is the Prosecution getting a second chance to
21 remedy its theory. And I think for a 68(3) witness that is fundamentally not correct
22 to allow the Prosecution to re-examine on the basis of information which is not new.
23 What we brought up in cross-examination is not a new element which justifies
24 re-examination. And that's different from a viva voce witness.
25 So I, on this fundamental reason, would object to re-examination by the Prosecution

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1 with a 68(3) witness.

2 PRESIDING JUDGE SCHMITT: [14:48:36] Any comment on that by the Prosecution?

3 MS HENDERSON: [14:48:41] Simply, your Honour, that the point that was raised in
4 cross-examination was to question the reliability of the information that this witness
5 had received from another person.

6 Now, that point being raised and cross-examined on at length, it would be fair, in my
7 submission, to now ask the witness who has referred to the credibility of his sources
8 in response to an ultimate question about where he got information from, whether it
9 was direct, whether it was indirect. Your Honour, in our submission, it would help
10 the truth-seeking function of this Court to know what he's referring to when he gave
11 that answer.

12 PRESIDING JUDGE SCHMITT: [14:49:22] I agree. I agree with you. On this
13 principal matter, Mr Knoops, I think there is no fundamental difference between a
14 Rule 68(3) and a witness who completely, so to speak, testifies live in the courtroom,
15 in my opinion, in that regard. Rule 68(3) simply shortens the so-called direct
16 examination and, as I understand it, and as especially the Defence has understood it
17 correctly, in that -- in that event the Defence must have every time to question,
18 cross-examine like you would say, cross-examine the witness. And you have done
19 that. And so-called redirect, even if we would for a moment say that a common law
20 approach would -- would be applicable here, then such a redirect serves the purpose
21 to delve potentially into matters that have been brought up on cross-examination, and
22 this has been brought up on cross-examination.

23 In addition, with the fact that Ms Henderson brought up that it serves the
24 truth-finding mission of the Court, I would agree.

25 Simply, Mr Witness, tell us shortly to which sources you are referring to. We are still

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1 in private session. And we don't expand further on that, Ms Henderson.

2 THE WITNESS: [14:51:02](Interpretation) I am sorry, I will simply repeat what I
3 have already told you here. When we were talking about funding, you just need to
4 look at my exchanges with (Redacted). I was a witness of some money that came from
5 DRC and I saw it with my own eyes. And I mentioned it in my statement. I have
6 nothing else to add to that.

7 PRESIDING JUDGE SCHMITT: [14:51:39] Yeah, actually, Mr Knoops, nothing new
8 under the sun, I would say. Yeah, to put it this way.

9 Ms Henderson, further question -- we are -- we are in private session, I understand
10 this. Yeah, okay, then everything is okay.

11 Ms Henderson.

12 MS HENDERSON: [14:51:54] Yes, your Honour. Thank you. And moving on to
13 the second topic arising, and this can be in open session, your Honour.

14 PRESIDING JUDGE SCHMITT: [14:52:05] Then we go back to open session.

15 (Open session at 2.52 p.m.)

16 THE COURT OFFICER: [14:52:10] We are in open session, Mr President.

17 MS HENDERSON: [14:52:24]

18 Q. [14:52:27] Now, Mr Witness, just a question to follow up on a point that was
19 raised during questioning by Defence counsel this morning.

20 And for the reference it's French real-time transcript at page 63 between lines 7 to 11.

21 Now, you were asked about the Séléka committing reprisal attacks against civilians in
22 reprisal for Anti-Balaka actions. Your response in French, because I'm not sure it
23 made it on to the English record, is this and I'll cite line 11: (Interpretation) "That is
24 correct, in the two camps."?

25 A. [14:53:15] Yes, that is correct.

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1 Q. [14:53:16] That expression that you used, "in the two camps", what did you
2 mean by that?

3 A. [14:53:27] It means that the reprisals by the Anti-Balaka and the Séléka, those
4 were separate reprisals. The two camps were doing the same thing.

5 Q. [14:53:44] Thank you, Mr Witness. I have no further questions.

6 Thank you, Mr President, your Honours.

7 PRESIDING JUDGE SCHMITT: [14:53:49] That indeed was a clarification. I had a
8 different understanding. Thank you, Ms Henderson.

9 This concludes the testimony of this witness.

10 Mr Witness, on behalf of the Chamber I would like to thank you that you have come
11 here to help the Court to establish the truth. Thank you very much.

12 (The witness is excused)

13 PRESIDING JUDGE SCHMITT: [14:54:09] This also concludes the hearing for today.

14 We resume tomorrow with 2926. And for organisational purposes, we start at
15 10 o'clock.

16 THE COURT USHER: [14:54:21] All rise.

17 (The hearing ends in open session at 2.54 p.m.)