

Trial Hearing
WITNESS: CAR-OTP-P-2673

(Open Session)

ICC-01/14-01/18

- 1 International Criminal Court
- 2 Trial Chamber V
- 3 Situation: Central African Republic II
- 4 In the case of The Prosecutor v. Alfred Rombhot Yekatom and Patrice-Edouard
- 5 Ngaïssona - ICC-01/14-01/18
- 6 Presiding Judge Bertram Schmitt, Judge Péter Kovács and
- 7 Judge Chang-ho Chung
- 8 Trial Hearing - Courtroom 1
- 9 Thursday, 3 June 2021
- 10 (The hearing starts in open session at 9.32 a.m.)
- 11 THE COURT USHER: [9:32:15] All rise.
- 12 The International Criminal Court is now in session.
- 13 Please be seated.
- 14 PRESIDING JUDGE SCHMITT: [9:32:37] Good morning, everyone.
- 15 Could the court officer please call the case.
- 16 THE COURT OFFICER: [9:32:46] Good morning, Mr President, your Honours.
- 17 Situation in the Central African Republic II, in the case of The Prosecutor versus
- 18 Alfred Yekatom and Patrice-Edouard Ngaïssona, case reference ICC-01/14-01/18.
- 19 And for the record we are in open session.
- 20 PRESIDING JUDGE SCHMITT: [9:33:02](Microphone not activated)
- 21 MS STRUYVEN: [9:33:06] Good morning, Mr President, your Honours. For
- 22 the Prosecution today we have Maria Berdennikova, Kweku Vanderpuye and myself,
- 23 Olivia Struyven.
- 24 PRESIDING JUDGE SCHMITT: [9:33:12] Thank you.
- 25 Mr Narantsetseg.

Trial Hearing

(Open Session)

ICC-01/14-01/18

WITNESS: CAR-OTP-P-2673

1 MR NARANTSETSEG: [9:33:16] Good morning, Mr President, your Honours. For
2 the common Legal Representative of Victims of other crimes, Mr Dangabo Moussa
3 Abdou, Mr Enrique Carnero Rojo and myself, Orchlon Narantsetseg. Thank you.

4 PRESIDING JUDGE SCHMITT: [9:33:32] And Mr Suprun.

5 MR SUPRUN: [9:33:34] Good morning, Mr President, your Honours. The former
6 child soldiers are represented by myself, Dmytro Suprun, counsel at the Office of
7 Public Counsel for Victims. Thank you.

8 PRESIDING JUDGE SCHMITT: [9:33:39] Thank you.

9 I turn to the Defence. Ms Dimitri.

10 MS DIMITRI: [9:33:43] Good morning, Mr President. Good morning,
11 your Honours and everyone. Mr Yekatom, who is present in the courtroom, is
12 represented this morning by Mr Thomas Hannis, associate counsel; Ms Léa Benoit,
13 legal intern; and myself, Mylène Dimitri.

14 PRESIDING JUDGE SCHMITT: [9:33:58] And Mr Knoops.

15 MR KNOOPS: [9:34:00] Good morning, Mr President, your Honours, everyone in
16 the courtroom. The Defence team of Mr Ngaïssona comprises today of, on my back,
17 Ms Phoebe Oyugi, she's legal assistant, and my left side, Ms Barbara Szmatala, she's
18 case manager. Mr Ngaïssona is, as always, present in the courtroom.

19 PRESIDING JUDGE SCHMITT: [9:34:18] Thank you, Mr Knoops.

20 We will start now with the testimony of Prosecution Witness P-2673.

21 Good morning, Mr Witness. Do you hear and understand me well?

22 WITNESS: CAR-OTP-P-2673

23 (The witness speaks Sango)

24 (The witness gives evidence via video link)

25 PRESIDING JUDGE SCHMITT: [9:34:42] There's obviously a connection problem.

Trial Hearing
WITNESS: CAR-OTP-P-2673

(Open Session)

ICC-01/14-01/18

1 THE WITNESS: [9:35:16] (No interpretation)

2 PRESIDING JUDGE SCHMITT: [9:35:16] I heard the witness, so I start again.

3 Mr Witness, good morning. Do you hear and understand me now?

4 THE WITNESS: [9:35:32](Interpretation) Do you hear me now? Do you hear me?

5 PRESIDING JUDGE SCHMITT: [9:35:36] Yeah. No, it's also important that you

6 hear me and understand me (Overlapping speakers)

7 THE WITNESS: [9:35:39](Interpretation) I hear you.

8 PRESIDING JUDGE SCHMITT: [9:35:40] Okay. Thank you very much.

9 On behalf of the Chamber, I would like to welcome you to the courtroom. You are
10 called to testify in the case of Mr Yekatom and Mr Ngaïssona.

11 For protective measures of face and voice distortion and the use of a pseudonym are
12 put in place to ensure that your identity is not revealed to the public. This has been
13 explained to you. I don't have to repeat that.

14 Mr Witness, there should be a card -- before we start, if you feel more comfortable,
15 you can take your mask off, but it's up to you. There's another person in the room, if
16 there are restriction rules, of course I would not ask you that, but perhaps then leave
17 the mask on if you're more comfortable with it.

18 There should be a card in front of you with a solemn undertaking to tell the truth.

19 Could you please read out that card aloud.

20 THE WITNESS: [9:36:48](No interpretation)

21 PRESIDING JUDGE SCHMITT: [9:36:51] So, again, I don't hear anything.

22 Mr Witness, again, do you hear me?

23 THE WITNESS: [9:37:09](No interpretation)

24 PRESIDING JUDGE SCHMITT: [9:37:12] Now we have -- now I hear him, but I have
25 no interpretation.

Trial Hearing

(Open Session)

ICC-01/14-01/18

WITNESS: CAR-OTP-P-2673

1 THE WITNESS: [9:37:15](Interpretation) I hear you.

2 PRESIDING JUDGE SCHMITT: Mr Witness --

3 THE WITNESS: (Overlapping speakers) I hear you, but I don't have any
4 interpretation.

5 PRESIDING JUDGE SCHMITT: [9:37:21] Yeah, that's of course not good. He has to
6 understand me, of course. Otherwise, it doesn't make sense. So we give it another
7 try.

8 Mr Witness, there should be a card in front of you with a solemn undertaking to tell
9 the truth. Could you please read out this card aloud.

10 THE WITNESS: [9:37:53](Interpretation) Yes, I can -- I can read the card. I have it
11 before me.

12 I solemnly declare that I will speak the truth, the whole truth and nothing but
13 the truth.

14 PRESIDING JUDGE SCHMITT: [9:38:08] Thank you very much, Mr Witness.

15 You are now under oath. I want to reiterate to you that, as you have just sworn --

16 THE WITNESS: [9:38:17](Interpretation) Thank you.

17 PRESIDING JUDGE SCHMITT: [9:38:18] -- you have to speak the truth.

18 Before we start with your testimony, you see there is -- everything you say and
19 everything that is said here in the courtroom is interpreted, and to allow for
20 the interpretation we need to speak at a relatively slow pace. And also, please only
21 start speaking when the person that has asked you a question has finished, and
22 perhaps even wait a couple of seconds until you answer.

23 I think this is all for the moment.

24 Ms Struyven, you may proceed.

25 MS STRUYVEN: [9:39:08](Interpretation) Thank you, Mr President.

Trial Hearing
WITNESS: CAR-OTP-P-2673

(Open Session)

ICC-01/14-01/18

1 QUESTIONED BY MS STRUYVEN: (Interpretation)

2 Q. [9:39:16] Mr Witness, we met briefly during the week. My name is

3 Olivia Struyven and I will be putting questions to you on behalf of the OTP.

4 The only remark I want to make at the beginning is that if my questions are not clear,
5 please do not hesitate to point that out and I will rephrase the question.

6 Now, when it comes to your questioning, I have to begin with a few questions to ask
7 you based on the statement that you gave to the OTP which we have applied to be
8 produced in evidence.

9 Secondly, I will also be putting some questions to you about your identity and your
10 career.

11 Finally, I will ask you to clarify some -- some facts in your statement, and then I will
12 seek clarification on issues raised.

13 Now, when it comes to your statement, is it correct to say that you made a statement
14 to the OTP between 17 September and 29 October 2020?

15 A. [9:40:47] Yes, that is correct. They came and interviewed me and I gave them
16 my answers.

17 Q. [9:40:57] For the record, I'm referring to CAR-OTP-2127-6435.

18 Mr Witness, did you receive that statement, and what we refer to as annexed
19 documents, a few days ago when you met representatives of the Victims and
20 Witnesses Unit?

21 A. [9:41:41] Yes, they showed me my statement.

22 Q. [9:41:48] Were you able to reread your document and the related -- your
23 statement, rather, and the related documents during this week?

24 A. [9:42:11] Yes, they showed it to me and I read it. I read it two days ago.

25 Q. [9:42:22] Your statement of 2020, is it correct and exact, or are there any

Trial Hearing
WITNESS: CAR-OTP-P-2673

(Private Session)

ICC-01/14-01/18

1 corrections that you would like to append to it?

2 A. [9:42:42] I spoke the whole truth.

3 Q. [9:42:47] Last question on this topic. Do you object to your statement being
4 produced in evidence in this case?

5 A. [9:43:09] I agree for my statement to be introduced into evidence, otherwise I
6 would not be here.

7 PRESIDING JUDGE SCHMITT: [9:43:17] Actually, that's much more natural,
8 the wording of the witness, frankly speaking, than do you object to something could
9 incite or induce a certain answer.

10 Please proceed. The requirements are fulfilled.

11 MS STRUYVEN: [9:43:43] Your Honours, I think for the next few questions we will
12 need to go into private session.

13 PRESIDING JUDGE SCHMITT: [9:43:47] I assume that. We go to private session.
14 (Private session at 9.44 a.m.)

15 THE COURT OFFICER: [9:44:04] We are in private session, Mr President.

16 MS STRUYVEN: [9:44:12](Interpretation)

17 Q. [9:44:13] Mr Witness, we are now in what is referred to as private session,
18 meaning that the public cannot hear us, and I will be putting some questions to you
19 about your identity. For the record, can you tell us your full names?

20 A. [9:44:42] My names are (Redacted).

21 Q. [9:44:51] And your date of birth?

22 A. [9:44:59] I was born on (Redacted).

23 Q. [9:45:06] And what is your ethnicity?

24 A. [9:45:13] I am (Redacted).

25 Q. [9:45:20] Would it be correct to say that, regarding your career, you are currently

Trial Hearing
WITNESS: CAR-OTP-P-2673

(Private Session)

ICC-01/14-01/18

1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 Q. [9:48:24] Witness, I will now put a few questions to you arising from your

21 statement, specifically relating to some specific Facebook conversations. Obviously,

22 the public will not be able to see these conversations and will not know who is

23 conversing with whom. I have organised my questions in a chronological order, and

24 I will be asking you questions relating to persons or to specific events. The purpose

25 of my questions is (Redacted) simply to help the Chamber

Trial Hearing
WITNESS: CAR-OTP-P-2673

(Private Session)

ICC-01/14-01/18

1 understand what happened at that time, particularly relating to the specific
2 individuals involved and the various relationships between them and so on and so
3 forth.

4 We seek your help so that you can help the Court understand how things unfolded at
5 that time.

6 MS STRUYVEN: [9:49:30] Your Honours, for the first series of questions I will need
7 to stay into private session, but I hope to go into public session as soon as possible.

8 PRESIDING JUDGE SCHMITT: [9:49:38] Yeah.

9 MS STRUYVEN: (Interpretation)

10 Q. [9:49:50] So, to start with, Mr Witness, I am going to proceed with my questions
11 in a chronological order, beginning with conversations that took place
12 in September 2013.

13 Please, court officer, please could you display the first document,
14 CAR-OTP-2103-43 -- 403 -- 73, rather, at tab 7, at page 4076 at the very top of the page.
15 Witness, we are still in private session, and we are looking here at a conversation
16 between Francis Yaligaza and Eugène Ngaïkosset of 5 September (Redacted)
17 (Redacted). My first question, do you know

18 Francis Yaligaza and can you explain to the Court who he is?

19 A. [9:51:22] I don't know Francis Yaligaza. I don't know him.

20 (Redacted)

21 (Redacted)

22 Q. [9:51:47] Can you briefly tell us who he is?

23 A. [9:52:00] Eugène Ngaïkosset is a captain in the army, a captain in the army, and
24 he was part of president -- former President Bozizé's entourage, as well as part of
25 Ngaïssona's entourage. Eugène Ngaïssona (sic) - according to the witness -- says the

Trial Hearing

(Private Session)

ICC-01/14-01/18

WITNESS: CAR-OTP-P-2673

1 witness - before the 2014 events, Eugène Ngaïkosset had already crossed over to
2 Zongo. Thereafter, (Redacted), I heard that Eugène Ngaïkosset had
3 come to meet with Ngaïssona and that he was seeking to go to Garam-Boulai at the
4 border with Cameroon. That is what I heard people say.

5 Q. [9:52:57] Am I to conclude, then, that he used to work with Mr Ngaïssona?

6 A. [9:53:10] After the events, Eugène Ngaïkosset arrived, and I heard that he had
7 arrived in Yaoundé and that he went to Mr Ngaïssona's residence and met with
8 Ngaïssona and Mokom. After meeting with them, he left. And we all learned that
9 Ngaïssona - according to the witness - left to meet with Ngaïssona before going back
10 to the border. That's what I know.

11 THE INTERPRETER: [9:53:52] Overlapping speakers.

12 MS STRUYVEN: (Interpretation)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 MS STRUYVEN: [9:55:38] I think we can go back into public session.

Trial Hearing
WITNESS: CAR-OTP-P-2673

(Open Session)

ICC-01/14-01/18

1 PRESIDING JUDGE SCHMITT: [9:55:41] Yeah. Open session.

2 (Open session at 9.55 a.m.)

3 THE COURT OFFICER: [9:55:55] We are back in open session, Mr President.

4 MS STRUYVEN: (Interpretation)

5 Q. [9:56:11] Mr Witness, I will now put questions to you relating to a conversation

6 in September, but later in the month.

7 Court officer, please document CAR-OTP-2102-5143, that's tab 3, page 5146, at the
8 bottom of the page.

9 I'm not going to mention those in the conversation, but it's a conversation between
10 two. The first one says, "Talk to me about the events," and the second says, "They
11 have an ammunition problem."

12 So, court officer, could you please go to the next page, top of the page, please.

13 Here we see an answer, "What are they going to do, Achille has no reserves?" And
14 the answer again, "They were able to recuperate three Séléka vehicles. They will lay
15 an ambush to recover material." And then the other person, "in Bossangoa centre?"
16 That's what they say.

17 Question then: In this conversation, which took place in early September 2013,
18 the parties are talking about an ammunition problem. One asks whether Achille has
19 any reserves.

20 Now, let me ask you questions about Achille. In your statement, you discover -- you,
21 rather, describe one Achille who is Gbaya and you say that he is a native of
22 Bossangoa, but that he fled to Bertoua. And then you also said that there were
23 meetings with Ngaïssona and Mokom. And I'm referring to paragraph 46.

24 The Achille mentioned here, is it the same Achille who is part of the conversation that
25 we have just looked at?

Trial Hearing

(Open Session)

ICC-01/14-01/18

WITNESS: CAR-OTP-P-2673

1 A. [9:58:45] Yes, he's the one.

2 Q. [9:58:48] Do you know his family name?

3 A. [9:58:55] No, I do not know his family name.

4 Q. [9:59:04] Do you know any individual known as Achille Godonam?

5 A. [9:59:17] No, I don't know anyone who goes by that name. The Achille that I
6 know, well, I don't know his family name.

7 Q. [9:59:30] No problem. In your statement, you indicate that Achille went to
8 meet with Ngaïssona in Yaoundé. Am I to understand and can I come to
9 the conclusion that this Achille was part of Ngaïssona's team?

10 A. [9:59:52] Yes, he was part of Ngaïssona's team, because when he -- before he
11 went to Yaoundé, he met me and (Redacted)
12 Golf residence, so I met -- I was with him and I went with him all the way to
13 the entrance of the Golf residence.

14 THE INTERPRETER: [10:00:18] Overlapping speakers, Mr President.

15 PRESIDING JUDGE SCHMITT: [10:00:21] Ms Struyven, you are too quick. He
16 cannot follow, the interpreter. Please start again with your question.

17 MS STRUYVEN: [10:00:32](Interpretation)

18 Q. [10:00:36] Witness, I'm going a little bit too -- too quickly, so I will try to slow
19 down.

20 So in the conversation there is discussion around a problem of ammunition. Do you
21 know whether at the time this ammunition problem was resolved?

22 A. [10:01:05] No, no, I don't know. I don't know.

23 Q. [10:01:12] There is a reference that Achille has a reserve of ammunition. Do
24 you know from whom he obtained this reserve of ammunition?

25 A. [10:01:32] According to what he said, but that's not something I stated before,

Trial Hearing

(Open Session)

ICC-01/14-01/18

WITNESS: CAR-OTP-P-2673

1 but according to what he said, from our side, he had munition which he had hidden
2 on our side. (Redacted), but I didn't put it in
3 my statement. But since you've asked me the question, I wanted to say this to make
4 it clear.

5 Q. [10:02:12] What do you mean, "on our side"? Are you talking about a special
6 team or a particular person?

7 A. [10:02:29] (Redacted). This information isn't in
8 the statement, (Redacted) before he crosses the border, that he has munition
9 and he has arms which he has hidden in the bush in -- on our side.

10 Q. [10:02:59] Thank you for that clarification.

11 I'm going to ask you about another conversation which took place the next day,
12 9 September 2013, CAR-OTP-2100-3030. It's tab 1 and it's page 31130 (sic), at the
13 bottom of the page. So it's 3031 at the bottom of the page.

14 In this conversation one person says, "I've just been informed that they have taken
15 the town of Bouca", and the answer is, "Our guys took Bouca this morning."

16 Now, the person who's talking, you explained in your statement that the person who
17 spoke -- you explained in your statement that he, too, participated - and I'm referring
18 to paragraph 44 and 45 - that the person in question participated in meetings with

19 Ngaïssona and Mokom. And you also explained in your statement that during those
20 meetings there was a question about returning to Bangui to organise yourself with
21 the Anti-Balaka to form an armed group to fight Djotodia. So when this person says,
22 "Our guys have taken Bouca this morning", can I conclude that these are

23 the Anti-Balaka?

24 A. [10:05:05] That is correct. That is correct. That means that these are
25 the Anti-Balaka.

Trial Hearing

(Open Session)

ICC-01/14-01/18

WITNESS: CAR-OTP-P-2673

1 Q. [10:05:13] And did they work with the Ngaïssona team?

2 MR KNOOPS: [10:05:20] Mr President, I --

3 PRESIDING JUDGE SCHMITT: [10:05:23] Yeah, Mr Knoops.

4 MR KNOOPS: [10:05:24] -- object against the term, "the Ngaïssona team".

5 THE WITNESS: [10:05:26](Interpretation) Yes, they worked in that team.

6 MR KNOOPS: [10:05:31](Overlapping speakers) It's not established that there was
7 a team and which team this actually comprises. The Prosecution is leading this
8 witness to confirm that there was a team.

9 THE WITNESS: [10:05:42](Overlapping speakers)

10 MR KNOOPS: [10:05:43] It's -- it's not even in the statement of the witness.

11 PRESIDING JUDGE SCHMITT: [10:05:45] So I think, also, that you should avoid
12 the term "team". You can ask if he worked -- you have to establish that indeed if he
13 worked together with other people, who these people were, and then you would have
14 a basis for such a term.

15 MS STRUYVEN: [10:06:09](Interpretation)

16 Q. [10:06:09] Mr Witness --

17 PRESIDING JUDGE SCHMITT: [10:06:12] May I shortly. A difference would be if
18 the -- if the witness by himself uses, without you leading, such a term, you can then
19 ask, okay, what do you mean by that and so. But otherwise, if you want to use it,
20 you would have to establish a basis. Mr Knoops is right.

21 MS STRUYVEN: [10:06:42](Interpretation)

22 Q. [10:06:44] Mr Witness, I am going to rephrase my question. These Anti-Balaka,
23 did they work with Mr Ngaïssona?

24 A. [10:06:56] Yes, they worked for him.

25 Q. [10:07:05] I'm going to show you now another conversation. It's the same day,

Trial Hearing

(Open Session)

ICC-01/14-01/18

WITNESS: CAR-OTP-P-2673

1 so 9 September 2013. If the court officer could display page -- CAR-OTP, the next
2 page. So it's page 5158 (sic) at the bottom of the page. No. I think it's another
3 ERN. So it's OTP-2100-5154 (sic) with page 5148, and it's the bottom of the page.
4 And there the participants say, firstly, they have just -- "I have just learned that they
5 have taken Bouca," and that's been confirmed. And then you ask the question about
6 Bossangoa. There's no information yet.

7 If you could go further down, if you could scroll down please. And then it says
8 "Ndjo and Korompoko have fallen." So they are discussing the fact that Korompoko
9 and Ndjo have fallen.

10 My first question is: Do you know where Korompoko is?

11 A. [10:08:56] No, I do not know that place.

12 MS DIMITRI: [10:08:58] I'm sorry for the interruption. I really apologise. What's
13 the tab number? Because I missed it.

14 MS STRUYVEN: Three.

15 PRESIDING JUDGE SCHMITT: [10:09:14] (Microphone not activated)

16 MS DIMITRI: [10:09:16] Thank you, Mr President.

17 PRESIDING JUDGE SCHMITT: [10:09:30] Nobody hears me now when I don't have
18 the microphone on. So it's 5148 in the lower third. And, yeah. And I would read
19 it Korompoko, like you said. So obviously the location is not known to the witness.

20 MS STRUYVEN: [10:09:58](Interpretation)

21 Q. [10:09:59] Could Korompoko -- could it be a region south of Bossangoa, if you
22 know?

23 A. [10:10:13] I do not know this village. I've heard talk of it, but I don't know it.

24 Q. [10:10:23] Now, in this conversation you talk about Bouca. And in your
25 statement - and I'm referring to paragraph 153 - you state that Ngaïssona was in

Trial Hearing

(Open Session)

ICC-01/14-01/18

WITNESS: CAR-OTP-P-2673

1 contact with Anti-Balaka who were stationed in Bouar, Bossangoa and Bouca.

2 So, according to your information, are these Anti-Balaka who worked with

3 Mr Ngaïssona?

4 A. [10:11:05] It -- they are people who worked together with him. That is what I
5 said in my statement.

6 Q. [10:11:16] I now move on to a later date in September, namely, 17 and 18
7 of -- 17 -- 17 and 18 September, 2100-3030, tab 1. And it's page 3032 in the middle of
8 the page.

9 And in the conversation the parties say that they've been informed that the fight in
10 Bossangoa -- sorry, they say that "I've just informed that there's a fight in Bossangoa."
11 And the other person says "Yes, our men are controlling Katanga and there is fighting
12 on the bridge. We have just been told that it's a hard fight, but we have received
13 control of the zone."

14 And in answer, "Yes, they are in the coton cell."

15 So I have the same question to you. In mid-September 2013, according to your
16 information, is it correct that there were fights in Bossangoa?

17 A. [10:12:54] I haven't seen information on the screen. I haven't seen it displayed.

18 PRESIDING JUDGE SCHMITT: [10:13:11] Mr Witness, please have a look at it and
19 then, then give your answer.

20 THE WITNESS: [10:13:32](Interpretation) It's not very clear on the screen.

21 PRESIDING JUDGE SCHMITT: [10:13:35] Can we make it bigger for the witness?

22 That's very good. Thank you. And I think it makes sense if you repeat the question,
23 'cos this was a while ago and it might have gotten lost.

24 MS STRUYVEN: [10:14:06](Interpretation)

25 Q. [10:14:08] Mr Witness, the question is: Was there a fight in Bossangoa?

Trial Hearing

(Open Session)

ICC-01/14-01/18

WITNESS: CAR-OTP-P-2673

1 A. [10:14:25] That is not true. These are information that we shared when we
2 were still in Yaoundé. We shared information. But they are not all correct. They
3 were also lies. Some were true.

4 Q. [10:14:51] The reference a little bit lower, when you talk about the coton cell, do
5 you know what that's supposed to mean?

6 A. [10:15:08] Cell coton is -- that is where you have a factory in Bossangoa.

7 Q. [10:15:25] And just a little bit up, just to understand the conversation, there's
8 a reference to Katanga.

9 Is it correct that Katanga is at the entrance of Bossangoa?

10 A. [10:15:50] Katanga, no, I don't know. I haven't got a clue. I don't know where
11 you find Katanga.

12 Q. [10:16:06] Thank you.

13 PRESIDING JUDGE SCHMITT: [10:16:06] May I shortly. I think it's unclear in
14 the transcript, the last reference.

15 Ms Struyven, is it correct that it was CAR-OTP-2102-5148? I think so, yeah. I think
16 that should be correct.

17 MS STRUYVEN: [10:16:23] Yes.

18 PRESIDING JUDGE SCHMITT: [10:16:24] Okay. Fine, please proceed.

19 MS STRUYVEN: [10:16:39](Interpretation)

20 Q. [10:16:40] Mr Witness, I'm going to continue with a document in October 2013.
21 I'm going to ask you the same type of questions. CAR-OTP-2100-3030, tab 1 and
22 page 3037.

23 I'm going to let you read the conversations, and then I will briefly summarise them.

24 If you could go down a bit until the bottom of the page.

25 And if could -- the court officer could also display the next page, that's to say

Trial Hearing
WITNESS: CAR-OTP-P-2673

(Open Session)

ICC-01/14-01/18

1 page 3038 at the top of the page. A bit more on top.

2 PRESIDING JUDGE SCHMITT: [10:19:13] Well, for the moment, let's assume that he
3 has got it and ask a question.

4 MS STRUYVEN: [10:19:18](Interpretation)

5 Q. [10:19:19] Mr Witness, following this conversation, the parties talk to the fact
6 that there are fightings between the Anti-Balaka and Séléka. This is October 2013.

7 And there was fighting in Gaga, in Bouca, and Bossangoa.

8 Was there attacks or fights at that particular moment, as far as you know?

9 A. [10:19:54] No, it's not true. At that time we were sharing information, and all
10 this is not true. After verification, we found out that it was not true.

11 Q. [10:20:29] No problem. Thank you very much, Mr Witness.

12 I'm going to move to another conversation of 8 October 2013.

13 It's CAR-OTP-2100-3030, tab 1, page 3038, and it's in the middle of the page.

14 A little lower, please.

15 So the person here mentions, (Redacted) 20,000" and "you have to go there
16 to pick up the money." In your statement, in paragraph 53, you explained - there are
17 also other paragraphs - but you explained that Ngaïssona gave money to Mokom
18 father and he was responsible for distributing the money to the soldiers. My
19 question is: When you refer or when there is reference to the "*le grand*", the big one,
20 who are you talking about?

21 A. [10:21:59] (Redacted)

22 (Redacted)

23 (Redacted)

24 Q. [10:22:24] Absolutely. But my question is: When you talk about *le grand*,
25 the big one, (Redacted) 20,000, who are you referring to? Who are you referring to

Trial Hearing

(Open Session)

ICC-01/14-01/18

WITNESS: CAR-OTP-P-2673

1 when you mention "grand", the big one?

2 A. [10:22:46] This is a reference (Redacted) or something like that. He

3 was involved in this.

4 Q. (Overlapping speakers)

5 PRESIDING JUDGE SCHMITT: [10:23:01] Ms Struyven, the problem is that you are

6 asking him of whom he is speaking, yet you could be of the opinion that the other

7 person is speaking of *le grand*, and there might be a misunderstanding, so.

8 Mr Witness, do you have an idea, when the other person in this conversation speaks

9 of *le grand*, which person he might have meant?

10 THE WITNESS: [10:23:37](Interpretation) *Le grand* is (Redacted). I said I had

11 (Redacted), and he's answered that he said that he had been given

12 20,000.

13 PRESIDING JUDGE SCHMITT: [10:23:49] Thank you.

14 MS STRUYVEN: [10:23:55](Interpretation)

15 Q. [10:23:56] Do you know where (Redacted) obtained that money?

16 A. [10:24:13] (Redacted)

17 (Redacted). Because in my statement I said

18 that he contributed to that and that also he helped Ngaïssona and offered financial

19 assistance.

20 Q. [10:25:01] In your statement you explained on several occasions, for example

21 paragraph 53, that Ngaïssona gave money to Mokom father and then Mokom father

22 distributed this money to soldiers; is that correct.

23 A. [10:25:26] That is correct. I spoke the truth, because personally (Redacted)

24 (Redacted). So in my declaration, as I said, (Redacted)

25 (Redacted). Ngaïssona gave money to

Trial Hearing

(Open Session)

ICC-01/14-01/18

WITNESS: CAR-OTP-P-2673

1 the officers at his residence, and Mokom father was responsible for distributing
2 the money. Mokom father, when he was supposed (Redacted)
3 (Redacted)
4 (Redacted).

5 So we all knew that Ngaïssona shared this money for all those who were going to
6 Garam-Boulai.

7 PRESIDING JUDGE SCHMITT: [10:26:30] Mr Witness, were you aware where
8 the money did come from, or where -- when you said Ngaïssona gave via Mokom
9 father the money, did you know where Ngaïssona had the money from?

10 THE WITNESS: [10:27:05](Interpretation) As you said yourself, I don't know where
11 the money came from, but Ngaïssona gave the money to Mokom *père*, Mokom father,
12 and he distributed the money. What you see in the residence, whoever went there
13 got money. I don't know where the money came from. It's only afterwards that I
14 learned, that somebody told me, (Redacted) that there were important
15 people, Nbyon (phon), Baronte (phon), Ngaïssona, Feiganazoui, who contributed
16 financially to aid Ngaïssona.

17 PRESIDING JUDGE SCHMITT: [10:27:58] Ms Struyven.

18 MS STRUYVEN: [10:27:59](Interpretation)

19 Q. [10:28:00] So this was a period, as you explained, and I'm going to go back to
20 the subject, that finally you received some money from Mokom later, if I understood
21 your statement. But we talk October, October 2013, already at that time money was
22 distributed to soldiers; is that correct?

23 A. [10:28:32] Yes, money was distributed to soldiers. Money was distributed.
24 Before the Court I say that money was distributed. Initially it was -- money was
25 distributed. Let me continue. When you distributed money, we all went there.

Trial Hearing
WITNESS: CAR-OTP-P-2673

(Open Session)

ICC-01/14-01/18

1 (Redacted)

2 (Redacted).

3 The Cameroon military, (Redacted), heard it said that (Redacted)

4 (Redacted). And when the Cameroon military

5 heard we were there, we were looked in order to be stopped. So when we heard of

6 this we fled, in order to go back to Yaoundé. (Redacted)

7 had 50,000 per soldier and (Redacted).

8 Q. [10:29:51] So if I have understood, when you said "we had 50,000", it was

9 Mokom father who did that?

10 A. [10:30:10] Ngaïssona gave the money to Mokom father because they shared

11 the same residence, and Mokom was the one responsible for money. So he took

12 the money and he -- he accounted back and reported back to Ngaïssona afterwards.

13 Q. [10:30:37] Since you are talking, when you say Mokom and Ngaïssona shared

14 the same residence, was it the Golf residence you're talking about?

15 A. [10:30:56] Yes, it was the residence at the Golf neighbourhood. When

16 Ngaïssona travelled, Mokom would go back to his former house. But when

17 Ngaïssona came back, Mokom would join him wherever he was spending night, be it

18 in Yaoundé, that is at the residence of the former President Bozizé which was given to

19 him by the Cameroonian officials. They were together.

20 Q. [10:31:35] Let me now move to another question -- another conversation

21 of 11 October 2015 (sic), CAR-OTP-2102-5143, tab 3, page 5161 (sic) at the bottom of

22 the page.

23 Here we see this conversation whereby it is said that Ngaïssona, Mokom, and the two

24 others whose names I will not provide, went to the border this morning to find

25 the chiefs of the archers. That was on 11 October 2013.

Trial Hearing

(Open Session)

ICC-01/14-01/18

WITNESS: CAR-OTP-P-2673

1 I ask court officer to please display CAR-OTP-2100-3030, tab 1, at page 3040, at the
2 bottom of the page.

3 Now, this confirms that the next day, on 12 October, it is said "Ngaïssona and Mokom
4 have already left Yaoundé yesterday. They are at the border to meet with
5 the archers. Mokom shall not return to Yaoundé."

6 Now let's go to the next page 3041, at the middle segment of the page, please, where
7 we are looking at 12 October 2013 and it says, "Yes, Mokom, Ngaïssona, and also a
8 Guinean pilot, and someone else whose name I don't know, but for Mokom he took
9 all his luggage." Answer: "Ngaïssona is also at the border?" And again the answer
10 is, "Yes, it appears that they have called all the leaders or they have called all
11 the leaders of the archers to meet them at the border."

12 Now, Mr Witness, you have already explained this event in your statement at
13 paragraph 154 and 155. And you explained in your statement that Ngaïssona and
14 Mokom *père* went to the border at Garam-Boulai to meet the chiefs of the archers, who
15 were Achille and Ndale.

16 And so, in your statement at paragraph 132 and 134, you say that Achille Ndale went
17 to Yaoundé to meet with Ngaïssona and that you think that it was in September 2013.
18 You also go on to say that, when Ngaïssona was in Yaoundé, he had contacts with all
19 the Anti-Balaka leaders, particularly with Ndale.

20 Now, first question: It might be a little bit simple, but can I come to the conclusion,
21 then, that the archers worked with Mr Ngaïssona?

22 A. [10:36:01] Yes, they worked for Mr Ngaïssona.

23 Q. [10:36:13] I would like to know a little more about these archers. In your
24 statement you explain that ammunition and money was transferred by Ngaïssona to
25 Ndale and Achille. So we're talking about ammunition. When you talk about

Trial Hearing

(Open Session)

ICC-01/14-01/18

WITNESS: CAR-OTP-P-2673

1 archers, one believes that these are people who fight with bows and arrows. Is

2 that -- is that the proper understanding or is this a group of persons who had

3 weapons similar to those that were in the position of the other Anti-Balaka?

4 A. [10:37:00] Let me explain the situation. The archers are people who used

5 arrows to fight the Aragina (phon) and other bandits. And because the Araginas

6 knew how brave they were, they called on them to support the Balaka. So Ndale is

7 the chief of the archers in Bouar. What about -- but Achille is their leader in

8 Bossangoa. So when they became Anti-Balaka combatants, that is when they were

9 provided with ammunition in Bouar.

10 Q. [10:37:45] Thank you very much for that clarification. So let me now move to

11 a later conversation, but I will be returning to Bouar later on. And, because I am

12 proceeding in chronological order, there is another conversation between these two

13 elements. So we are looking at a conversation of 25 and 26 October.

14 Court officer, please display CAR-OTP-2102-5143 at tab 3. And I'm calling for

15 page 5175.

16 Even before I put the questions on the other conversation, let me ask you whether you

17 know how many persons were archers. I'm referring to the archers, how many of

18 them were there?

19 (No interpretation)

20 A. [10:39:27] I have not understood you. What were you saying about the archers

21 in Bouar and Bossangoa?

22 Q. [10:39:36] I'm sorry, maybe my question wasn't clear. Before turning to

23 the next topic, I still have a question about the archers in Bouar and Bossangoa. And

24 you explained that Ndale was the leader of the archers in Bouar and Achille was

25 the leader of the archers in Bossangoa. Do you know -- well, in your statement you

Trial Hearing

(Open Session)

ICC-01/14-01/18

WITNESS: CAR-OTP-P-2673

1 go on to explain that Achille went to Bertoua; is that correct?

2 A. [10:40:19] Since he left the Séléka, Achille took refuge in Bertoua. But Ndale
3 remained in Bouar.

4 Q. [10:40:32] You said that Achille was a native of Bossangoa. Were there any
5 elements that remained in Bossangoa, as far as you know?

6 A. [10:40:51] (Redacted)

7 (Redacted) he was going to return to Bossangoa to

8 reassemble them. Now whether this is true or false, I don't know.

9 Q. [10:41:12] When you talk about the archers, do you have any idea what their
10 numbers were? How many of them there were?

11 A. [10:41:29] I only know Ndale and Achille to be their leaders. But as for
12 the other archers, I do not know them.

13 Q. (Overlapping speakers)

14 THE INTERPRETER: [10:41:38] Overlapping speakers, Mr President.

15 MS STRUYVEN: [10:41:42](Interpretation)

16 Q. [10:41:45] Let me now turn to the next conversation which is displayed on
17 the screen.

18 It's a conversation -- well, yes, "things are not going well in Damara and
19 the inhabitants of Damara are fleeing. Bouar is surrounded by our men. They were
20 waiting for the top from Kangara."

21 Now if we go two pages further, at page 5177, here the date is 25 October 2013 and
22 here we see, "I heard that tomorrow or after tomorrow the Anti-Balaka supported by
23 the soldiers will attack Bouar."

24 And then the other person answers, "Yes, that has been said, but we are still waiting."

25 So these people here are saying that Bouar has been surrounded by our men and that

Trial Hearing

(Open Session)

ICC-01/14-01/18

WITNESS: CAR-OTP-P-2673

1 the Anti-Balaka, supported by the soldiers, will be attacked -- will attack Bouar but
2 they're waiting for the order from Kangara. So who are they referring to when they
3 say Kangara?

4 A. [10:43:24] When they say Kangara, they are referring to Mr Bozizé.

5 Q. [10:43:32] Thank you. Now, about the soldiers who will support
6 the Anti-Balaka in the attack on Bouar, I take you to paragraph 56 and 168 of your
7 statement in which you say that Ngaïssona gave money to soldiers in Yaoundé - you
8 have already said that here today - so that they could go to Garam-Boulai and link up
9 with the soldiers, the Anti-Balaka who were stationed at Bouar.

10 Now, here we are talking about soldiers who will support the Anti-Balaka. Do you
11 know whether the soldiers referred to here are the soldiers whom Ngaïssona had sent
12 to Bouar?

13 A. [10:44:26] Yes, it is indeed those soldiers, the soldiers Ngaïssona had sent to
14 Bouar.

15 Q. [10:44:38] Then in your statement at paragraph 100 you explain that Ngaïssona
16 sent money and ammunition, hunting ammunition to Bouar, particularly to Mr Ndale,
17 and that after the attack on Bouar, Ngaïssona contacted Achille and told him that they
18 no longer had any ammunition in Bouar and that they needed some more. Then in
19 your statement you say that Achille told Ndale to directly contact Ngaïssona and
20 Mokom and present the problem to them.

21 Based on what you have said at paragraph 100 of your statement, am I to also
22 understand that Ngaïssona -- or, rather, Ngaïssona sent ammunition and money
23 before the attack on Bouar?

24 A. [10:45:42] In my statement, let me specify that I cannot forget what I said.

25 Cross-check. I said Ndale called Achille, and Achille told him that he did not have

Trial Hearing
WITNESS: CAR-OTP-P-2673

(Open Session)

ICC-01/14-01/18

1 enough ammunition. And that, given that this was the situation, Ndale should
2 contact Ngaïssona directly. And they had a system in place there by which
3 ammunition will be sent. Ammunition and hunting guns were bought and then put
4 in a number of cartons and then were shipped in that manner. That is what I said in
5 my -- in my statement.

6 Q. [10:46:38] Yes, that is correct. In your statement you also say that, at some
7 point, Thuraya telephones, satellite telephones will be sent and that these were
8 received by Ngaïssona and Mokom. You explain how that happened, and you also
9 said that the Thuraya were also sent to Bouar. I believe one to Bouar, one Thuraya to
10 Bouar. Do you remember, or were you aware at the time, whether the Thuraya was
11 sent before or after the attack on Bouar towards the end of October 2013?

12 A. [10:47:28] The Thurayas were sent after the attack on Bouar, and I can explain so
13 that you understand properly. In my statement, the statement I gave you,
14 the Thurayas -- actually, it is (Redacted)
15 (Redacted). And I think that is stated in my statement.

16 (Redacted) and the Thurayas were handed over to Mokom *père*, and I think
17 the amount involved was 2.5 million or something around that amount.

18 The material was given to Mokom father. (Redacted) we were together with

19 Mokom father and Mokom took the Thurayas, (Redacted)

20 (Redacted). Then, for the other four, he gave it to Mokom, who then gave them to
21 Ngaïssona.

22 Initially, they sent these, and then later Didier Danboy went to see the Balaka in

23 Bouar and took the material along with him. (Redacted)

24 (Redacted).

25 Q. [10:49:02] Thank you very much for those clarifications.

Trial Hearing

(Open Session)

ICC-01/14-01/18

WITNESS: CAR-OTP-P-2673

1 Let me now move to another conversation of 31 October 2013. CAR-OTP-2101-6897,
2 tab 2, page 6900, and that's the last message at the bottom of that page.

3 Here we see, "the people who are being sent to the field by Ngaïssona and Mokom,
4 are they of FROCCA? I myself am one of them, can I go?" And then if we go to
5 the next page you see, "Yes, those are our people but I do not accept how they are
6 proceeding, the manner in which they are proceeding", and so on and so forth.

7 The second person answers, "Can I go there, boss?" and the next answer is "Yes." So
8 in your statement, specifically at paragraph 106, you have already explained that
9 conversation. And what you say indeed is (Redacted)
10 (Redacted).

11 I'm not going to put those -- all those questions back to you again, but now, in your
12 statement, you also explained that when you wanted to contact the FROCCA people,
13 at that time the attack on Bouar was ongoing. But you also explain in your statement
14 that you really did not want to join the FROCCA. You simply wanted to have
15 information about the FROCCA; is that correct?

16 A. [10:51:36] Yes, that is correct. I wanted to obtain information on the FROCCA
17 group, and that is what is contained in my statement.

18 PRESIDING JUDGE SCHMITT: [10:51:52] May I shortly, please. Mr Witness,
19 according to your -- according to your knowledge or your perception at the time, how
20 was the relationship between the organisation called FROCCA and the Anti-Balaka?
21 How did you perceive that? Were they connected in a certain way, or if you can
22 elaborate on that? If you know, of course, only.

23 THE WITNESS: [10:52:36](Interpretation) To be clear, there is a link between
24 FROCCA and the Anti-Balaka. And even Ngaïssona, who is before your Court,
25 knows it. All of Bozizé's entourage knew that there was a link, a clear link between

Trial Hearing

(Open Session)

ICC-01/14-01/18

WITNESS: CAR-OTP-P-2673

1 FROCCA and the Anti-Balaka.

2 PRESIDING JUDGE SCHMITT: [10:52:59] Mr Witness, what do you mean by "link"?

3 Can you explain this a little bit more.

4 THE WITNESS: [10:53:26](Interpretation) When I talk of a link between FROCCA

5 and Anti-Balaka, it's because members of the FROCCA group knew what

6 the Anti-Balaka were doing and what the -- and the Anti-Balaka knew what

7 the FROCCA were doing. All of us in the Central Africa, we knew. And the former

8 president Bozizé knew. Yakete was a member of FROCCA, and he supported

9 the Anti-Balaka. So there is a link between FROCCA and the Anti-Balaka.

10 PRESIDING JUDGE SCHMITT: [10:54:00] Ms Struyven.

11 MS STRUYVEN: [10:54:04](Interpretation)

12 Q. [10:54:07] Thank you very much, Witness, for that clarification.

13 I have one last question before the break. In your statement, over and over

14 again - and I'm referring to paragraph 71, 72, 135, 136 and 137 - you say that you

15 personally did not want to fight against the Anti-Balaka because you had -- or, rather,

16 there were too many innocent persons and Muslim civilians who were being killed.

17 You then also explain that you used to hear people generally say that soldiers wanted

18 to take vengeance on the Muslim population.

19 Is this a fair summary of your statement?

20 A. [10:55:25] To be clear, I said these things in French, to begin with. But now that

21 I am speaking in Sango, I can even be clearer. I agree with what you have said. In

22 my statement, you see, we were suffering at that time. We did not have food. And

23 so I wanted to say things this way in order to get money and go back to my country.

24 This is what I said.

25 You see, the problem is that the soldiers who were there, and we were together

Trial Hearing

(Open Session)

ICC-01/14-01/18

WITNESS: CAR-OTP-P-2673

1 (Redacted), we were saying that Ngaïssona had given us money but we were going to
2 kill soldiers. I advised them against that, and I said we need to be careful because
3 we do not know what a bullet might strike. A bullet might hit a civilian or an
4 innocent individual. So it is possible that many people can be killed in this way. So
5 I advised so many people that this was not the right thing to do.

6 Q. [10:57:03] Maybe the transcript did not capture the entire conversation in French.
7 But in paragraph 72 of your statement, you say that when the Anti-Balaka launched
8 their attacks, they killed Muslim civilians; is that correct?

9 A. [10:57:34] Yes, that is correct. That's correct. In my statement, in my
10 statement, I said the reality is that, in Garam-Boulai, the Anti-Balaka went to fight
11 the Séléka in -- and one of them, whose name I don't remember although we were
12 together, when they came back from the fighting, I saw them with new motorbikes,
13 telephones, at least eight telephones.
14 So I asked this particular one, "How did you get this -- these telephones?" And he
15 said, "There were some Muslims who were fleeing, and we shot them. We took their
16 motorbikes -- their motorbikes. We chased them, and so we collected some
17 telephones." And this is what happened. It was his personal testimony.

18 MS STRUYVEN: (Overlapping speakers)

19 PRESIDING JUDGE SCHMITT: [10:58:54] So I think perhaps this might
20 be -- Ms Dimitri is rising.

21 MS DIMITRI: [10:59:02] Just a slight correction, Mr President. In French, he was
22 very specific that he was talking about the location Baboua, but it didn't come out in
23 English.

24 PRESIDING JUDGE SCHMITT: [10:59:18] Yeah. Okay. I think we have a break
25 until 11.30.

Trial Hearing

(Open Session)

ICC-01/14-01/18

WITNESS: CAR-OTP-P-2673

1 THE COURT USHER: [10:59:26] All rise.

2 (Recess taken at 10.59 a.m.)

3 (Upon resuming in open session at 11.32 a.m.)

4 THE COURT USHER: [11:32:37] All rise.

5 Please be seated.

6 PRESIDING JUDGE SCHMITT: [11:33:01] You have still the floor, Ms Struyven.

7 MS STRUYVEN: [11:33:08] Thank you, Mr President.

8 And maybe just to let you know that I may go a little bit over the two hours that I had
9 originally foreseen with this witness, but not much.

10 PRESIDING JUDGE SCHMITT: [11:33:17] Perhaps we can already try to figure out
11 if then before a lunch break the Defence would like to start, or if we should perhaps
12 have an earlier, a little bit earlier lunch break. I've -- it's up to you, but I can imagine
13 that you're more comfortable if you have the break before, but I ask you.

14 MR KNOOPS: [11:33:40] If the Court would allow, I prefer first to have the big lunch
15 break and then have the start of the examination. Yes?

16 PRESIDING JUDGE SCHMITT: [11:33:49] Fine. Fine. We do it this way.
17 So, Ms Struyven, please. You're not going far over the two hours, I assume. Just
18 saying.

19 MS STRUYVEN: [11:34:04](Interpretation) Thank you, your Honour.

20 Q. [11:34:06] Mr Witness, I'm going to show you another conversation of
21 31 October 2013, CAR-OTP-2011-6106 (sic). It's tab 2, page 6901. So it's 2011-6106
22 (sic), tab 2, page 6901.

23 Here, one of the parties said that "Above all one has to take over Béti."

24 And the first question: What are they talking? What do they refer to when they
25 talk about Béti?

Trial Hearing

(Open Session)

ICC-01/14-01/18

WITNESS: CAR-OTP-P-2673

1 A. [11:35:18] I haven't quite understood. Could you please repeat the question.

2 Q. [11:35:28] No problem. There is a reference that you have to consider

3 the taking of Béti. Where is Béti? What town is Béti, according to you?

4 A. [11:35:48] Béti is Berbérati.

5 Q. [11:35:57] Given that you see the name of this party, are they Anti-Balaka who
6 have to consider the taking of Béti? Or is it other people other than the Anti-Balaka?

7 A. [11:36:13] No, it is the Anti-Balaka, because the -- (Redacted)

8 (Redacted). So it's the Anti-Balaka.

9 Q. [11:36:28] Was -- Levy Yakete was also part of the Anti-Balaka?

10 A. [11:36:40] In my statement, I think I said that during the first attack Levy Yakete
11 made a statement on RFI. He wasn't on the ground. He was somewhere else. But
12 on RFI he made a broadcast which everyone followed.

13 Q. [11:37:05] Just for clarification, a statement on an attack on what village?

14 A. [11:37:23] It goes back a while. It wasn't occupation of a *ville*. It was an attack
15 when Anti-Balaka started to attack and fight against Séléka. He talked about it on
16 RFI, but I don't remember what town. I haven't got a clue anymore.

17 Q. [11:37:52] No problem. Do you know at that time why they were considering
18 about taking Berbérati at the end of October 2013?

19 A. [11:38:18] I just repeat what I said already. It was an exchange of information
20 (Redacted). No one organised the taking over of Berbérati, but this was
21 information we received and shared.

22 Q. [11:38:40] Thank you. I will move on to another conversation.

23 OTP-2021-51 (sic) and it's on page 5180. And I would appreciate your help. So this
24 is 2021-51 --

25 THE INTERPRETER: [11:39:08] The interpreter didn't get the rest, but it's page 5180.

Trial Hearing

(Open Session)

ICC-01/14-01/18

WITNESS: CAR-OTP-P-2673

1 Document 2102-5143, page 5180.

2 MS STRUYVEN: [11:39:31](Interpretation)

3 Q. [11:39:33] Here the parties say "ts gds left to Bertoua." So my question is
4 who -- what does this mean, "gds"?

5 A. [11:39:57] I haven't understood. I don't know what gds stands for. Perhaps
6 "all must go", because they all went to Bertoua. As I said before the Court, he
7 informed me what Ngaïssona was doing and that he went to Bertoua. So I received
8 this information from him.

9 Q. [11:40:37] Do you know why Ngaïssona went to Bertoua?

10 A. [11:40:50] Ngaïssona wasn't alone in Bertoua. He was accompanied with
11 Mokom father. During that meeting (Redacted), he went to Bertoua to meet
12 the military and to make promises that he would give them money to allow them to
13 go to Garam-Boulai. He went to Garam-Boulai accompanied by Mokom father.
14 (Redacted), that Mokom took all his luggage and he was going to
15 leave the town to go to Bertoua. And in Garam-Boulai, he would talk to
16 the Anti-Balaka and mobilise them so that they would fight. And then Mokom and
17 Ngaïssona then returned to Yaoundé.

18 Q. [11:42:04] Thank you. I'm going to move on to another conversation,
19 2 November 2013. It's another document, CAR-OTP- -- it is 2103-4023, tab 6,
20 page 4038.

21 And I would like to go into private session for this question.

22 PRESIDING JUDGE SCHMITT: [11:42:39] Private session.

23 (Private session at 11.42 a.m.)

24 THE COURT OFFICER: [11:42:51] We are in private session, Mr President.

25 PRESIDING JUDGE SCHMITT: [11:42:54] Thank you.

Trial Hearing

(Private Session)

ICC-01/14-01/18

WITNESS: CAR-OTP-P-2673

1 MS STRUYVEN: [11:42:58](Interpretation)

2 Q. [11:43:02] We are now in closed session, so the public cannot hear. Here is

3 a message which states, "A complete team in place. (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 I would like your assistance as regards these individuals. Could you explain to

8 the Court who these individuals are which have been mentioned here, which is dated

9 2 November 2013. And I'll start with the first.

10 A. [11:44:16] In order to answer your question, you talked about (Redacted)

11 "There's no -- I have no link with him." The (Redacted), was in Garam-Boulaï.

12 But for all the others, I know them, but I have no information relating them. Yes,

13 (Redacted), I know. I had a discussion with him. I don't know why they

14 mentioned all that in the message.

15 Q. [11:44:50] No problem. But there are some individuals here which are also

16 mentioned in your statement. I would like to confirm who these people are one by

17 one. If you don't know them, obviously just tell us that you don't know them.

18 There's no problem with that whatsoever. Is that okay?

19 A. [11:45:18] I've understood you.

20 Q. [11:45:22] If I could start with the first, the person called (Redacted). If I'm

21 not mistaken, in your statement, you mentioned (Redacted).

22 A. [11:45:45] Yes, (Redacted).

23 Q. [11:45:50] And my first question is: Do you know whether he had talks with

24 Ngaïssona and whether he worked with Mr Ngaïssona?

25 A. [11:46:06] Yes, (Redacted) and Ngaïssona didn't work together. They didn't get

Trial Hearing

(Private Session)

ICC-01/14-01/18

WITNESS: CAR-OTP-P-2673

1 on very well. (Redacted). So, since

2 (Redacted) worked with those individuals, he wasn't on good terms with

3 Ngaïssona.

4 Q. [11:46:40] Thank you. I think you're explaining that very well in your

5 statement as well.

6 If I can move to the second person, (Redacted). Could you briefly give us some more

7 information on that individual.

8 A. [11:47:06] (Redacted). They were

9 always together with (Redacted).

10 Q. [11:47:19] Thank you. The third person who's called (Redacted), do you know

11 who that is?

12 A. [11:47:36] I don't know (Redacted).

13 Q. [11:47:44] No, problem. If you don't know, just simply say so. The next

14 person is (Redacted). Do you know someone called (Redacted)?

15 A. [11:48:01] (Redacted)

16 (Redacted).

17 Q. [11:48:21] And at that time was there a link between (Redacted) and Ngaïssona?

18 A. [11:48:29] No. He wasn't on good terms, as far as I know. No, he wasn't on

19 good terms. Because during those events we heard a lot of things, but we never saw

20 (Redacted) appear on the ground. So I think they weren't on good terms.

21 Q. [11:48:56] And the next person who's called Estev. In your statement in

22 paragraphs 63 and 64, you talk about Steve Yambete who participated in meetings

23 with Ngaïssona and Mokom in Yaoundé. And you explained that (Redacted)

24 (Redacted).

25 Is this Estev, is that Yambete? Is it the same person?

Trial Hearing
WITNESS: CAR-OTP-P-2673

(Private Session)

ICC-01/14-01/18

1 A. [11:49:38] Yes, it is the same person. Yes. In my statement, I affirmed that
2 Steve Yambete was in the Congo, Democratic Republic of Congo. And then we
3 learned he went to Douala, and then he found Ngaïssona and Mokom in Yaoundé.
4 And then he continued towards the border to Garam-Boulai. (Redacted)
5 (Redacted).

6 Q. [11:50:17] Thank you. And the next person, (Redacted), do you know who that is?

7 A. [11:50:28] (Redacted). He was based in Bertoua where he was part of
8 the elements close to the former president Bozizé who was based in Bertoua. I know
9 him.

10 Q. [11:50:48] Was there a link with Ngaïssona?

11 A. [11:51:05] As I said in my statement, I said that Ngaïssona left Yaoundé with
12 Mokom father and went to Bertoua. I think they met in Bertoua. That's all I can say
13 before your Court.

14 Q. [11:51:22] Thank you very much, Mr Witness.

15 And then the next person I think you've already mentioned. (Redacted)

16 (Redacted)?

17 (Redacted)

18 (Redacted).

19 Q. [11:51:58] Do you know someone with the name of (Redacted)?

20 A. [11:52:03] No, I don't know that (Redacted) there. Because there are several
21 individuals who are called (Redacted) within the army, so I don't know which
22 (Redacted) they're talking about.

23 Q. [11:52:22] And the next person is Emtenou. In your statement you mention

24 two. You mentioned in paragraph 66, you said there was a soldier who left

25 Garam-Boulai to fight in Baboua and then went -- and led by Armel Emtenou, who

Trial Hearing

(Private Session)

ICC-01/14-01/18

WITNESS: CAR-OTP-P-2673

1 was the nephew of Bozizé. And in paragraph 113 you talk about the brother of -- the
2 older brother, who was Hector Emtenou. Do you know which Emtenou that is
3 between those two?

4 A. [11:53:04] You know, there are three Emtenou within the army. There's one
5 person who's called Emtenou is in Bertoua. He is the son of the older brother of
6 Bozizé and he was in Bertoua and was part of the combatants of Baboua. He -- he
7 continued fighting until Boali. He didn't return like the others. There's -- there's
8 Hector Emtenou as well. There are several Emtenou. There was Hector who was
9 also in Yaoundé. He came to find Danboy, and the other, Kambassio, and they went
10 towards Bouar. And Armel was preparing for the battle in Baboua.

11 THE INTERPRETER: [11:54:08] The interpreter asks for the witness to speak slower.

12 PRESIDING JUDGE SCHMITT: [11:54:12] Mr Witness, the interpreters tell me that
13 you are, at the moment, a little bit too quick in your answer, so if you can slow down
14 a little bit so that they can follow better.

15 MS STRUYVEN: [11:54:41](Interpretation)

16 Q. [11:54:42] So can I conclude that they also worked with Mr Ngaïssona?

17 A. [11:54:48] Yes, he worked directly with him. They -- they had a good link
18 between them.

19 Q. [11:55:01] And another person is Danboy. And in your statement,
20 paragraph 184, you explained that there are quite a few Danboys. There's one in 185
21 who is called Didier Danboy, I think you've already mentioned him, and he received
22 a Thuraya on the ground and is close to Bozizé. (Redacted)
23 (Redacted). Do you think that it is Didier Danboy
24 they're referring to here?

25 A. [11:55:49] Yes, it is that Didier Danboy. He was with Ngaïssona. They were

Trial Hearing

(Private Session)

ICC-01/14-01/18

WITNESS: CAR-OTP-P-2673

1 together in the Golf area. Yes, Didier Danboy. They were, Emtenou, Danboy,
2 (Redacted) That's what I said in my statement. Yes, it's that person. He was close
3 to the former President Bozizé.

4 Q. [11:56:33] When you said they left before the rest, he left where? Where did he
5 go?

6 A. [11:56:43] It's the first time -- no, it's the second time that they crossed the border
7 to go to Bouar. And, as I said, Ngaïssona and Mokom found a mototaxi who took
8 them to Bouar. (Redacted)
9 (Redacted)

10 Q. [11:57:33] You do exactly -- you're doing exactly the same as me. We're
11 speaking a bit too fast. Because this is transcribed and interpreted, so both of us, we
12 must do our best to speak a little slower, but so I will try to do it myself.

13 The last person mentioned here is a person with the name (Redacted). Does that
14 mean something to you?

15 A. [11:58:11] No, I don't know that name.

16 Q. [11:58:22] No problem. Now I'm going a little bit behind to show you another
17 message, but still in closed session, of 5 December. So I go back two months. So
18 this is CAR-2103-3553, tab 5, page 3060 (sic). I have a particular question on one
19 individual, so I'd like to put that question regarding one particular individual.
20 And the only person where I have a question, it's a message of 5 December (sic) 2013,
21 but there is one additional name and it's the Colonel Gboya. In your statement on
22 page (sic) 36, you refer to a Colonel Ngoya Emmanuel which is at Bertoua, and in
23 paragraph 156 you say that this Colonel Ngboya - it's a bit different, but I think it's
24 the same person - left Bertoua to go to Yaoundé to meet Ngaïssona and Mokom. Do
25 you think that we are referring to this Colonel Ngoya?

Trial Hearing

(Private Session)

ICC-01/14-01/18

WITNESS: CAR-OTP-P-2673

1 A. [12:00:23] Yes, it is him. He's the Colonel Emmanuel Ngoya. During those
2 events, he was the deputy director general of the presidential guard for the former
3 President Bozizé. He fled with all his elements towards Bertoua so that he had
4 a military base and he stayed in a training centre there. It is that Colonel Ngoya
5 which I mentioned in my statement.

6 PRESIDING JUDGE SCHMITT: [12:01:09] Ms Struyven, I would like to ask
7 a question, too.

8 Mr Witness, in the same paragraph, 156 of your statement, you mention that this was
9 before Gbangouma and Lamkague were arrested. Do you know what the reason for
10 the arrest of these two people was?

11 THE WITNESS: [12:01:48](Interpretation) No, I don't know why they were arrested.

12 In my statement, maybe I didn't explain things clearly in French, but I can tell you
13 what happened in Sango today. (Redacted)

14 (Redacted) Gbangouma and Lamkague were together

15 with Fleury Junior Pabandji. I talked about him in my statement which is before you.

16 Fleury Pabandji, Gbangouma and Lamkague were together. (Redacted)

17 (Redacted). They were

18 arrested by the Central African soldiers and brought back to Bertoua and then from

19 Bertoua to Yaoundé. Gbangouma met with Ngaïssona in Yaoundé, and when he

20 returned he was -- or, rather, Ngboya met with Ngaïssona in Yaoundé, and when he

21 returned he was arrested, but then released and he went back to Bertoua. That's

22 what I can tell you now.

23 PRESIDING JUDGE SCHMITT: [12:03:14] Yeah, please proceed.

24 MS DIMITRI: [12:03:18] Mr President, if I may.

25 PRESIDING JUDGE SCHMITT: [12:03:20] Of course, yeah.

Trial Hearing
WITNESS: CAR-OTP-P-2673

(Private Session)

ICC-01/14-01/18

1 MS DIMITRI: I understand ...

2 THE INTERPRETER: [12:03:28] Interpreter corrects, the Sango interpreter corrects:

3 They were arrested by Cameroonian soldiers.

4 PRESIDING JUDGE SCHMITT: [12:03:38] This -- yeah.

5 MS DIMITRI: That's not my point.

6 PRESIDING JUDGE SCHMITT: This is not your point --

7 MS DIMITRI: No.

8 PRESIDING JUDGE SCHMITT: [12:03:40] -- but it also occurred to me.

9 MS DIMITRI: [12:03:42] It's just that, unless I misunderstood your previous ruling,

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted). So that's my objection, Mr President.

16 PRESIDING JUDGE SCHMITT: [12:04:16] Yeah. You see, there is no rule without

17 exception, but in principle you're, of course, right. Otherwise this is without limits

18 and we -- we really have a problem with that.

19 So I think -- actually, when I saw it and saw the name, I thought the connection is

20 made, but sometimes it turns out later that perhaps another person is meant.

21 So, in principle, Ms Struyven, you understand Ms Dimitri is right.

22 MS STRUYVEN: [12:04:46](Overlapping speakers)

23 PRESIDING JUDGE SCHMITT: [12:04:47] The simple reason is that, as I said, we

24 don't have any boundaries, any limits then anymore. And also it is always difficult

25 to ask any person, even if it is not a witness, in any circumstance about things that

Trial Hearing

(Private Session)

ICC-01/14-01/18

WITNESS: CAR-OTP-P-2673

1 two -- two other people have talked about without any connection to him. So these
2 are the two main reasons why we don't want that. There might be exceptions, as I
3 said, but this might not have been one.

4 Please proceed.

5 MS STRUYVEN: [12:05:20] This was my mistake, your Honours.

6 I think we can go back into open session for --

7 PRESIDING JUDGE SCHMITT: [12:05:26] Open session, yeah.

8 (Open session at 12.05 p.m.)

9 THE COURT OFFICER: [12:05:40] We are back in open session, Mr President.

10 MS STRUYVEN: [12:05:46] And so now I have -- I'm going back, so I'm going
11 forward in time. I have a conversation of 6 November 2013. It's -- for the record,
12 it's CAR-OTP-2103-4023. It's at -- I'm doing this in English.

13 Q. [12:06:12](Interpretation) I will put the question differently now, without
14 showing you any document.

15 There is a conversation of 6 November 2013, number CAR-OTP-2103-4023 at tab 6,
16 page 4040. We are not going to display this page for now. There is a reference.
17 But all I want from you is to help us understand a concept where reference is made to
18 "50 bg80" which were sent. My question is as follows: What is a BJ80? Can you
19 help us understand that?

20 A. [12:07:27] The BJ80s are military vehicles, land cruisers.

21 Q. [12:07:40] Thank you very much. There is another conversation of
22 10 November 2013, CAR-OTP-2100-3030 at tab 1, page 3052.

23 Here we are in November, 10 November 2013, and those involved in the conversation
24 are saying, "A soldier has just told me that our men have taken Bouca, and I have
25 cross-checked with Achille who has confirmed the information to me."

Trial Hearing

(Open Session)

ICC-01/14-01/18

WITNESS: CAR-OTP-P-2673

1 First question as before, when reference is made to "our men" here, is that a reference
2 to the Anti-Balaka?

3 A. [12:08:54] Yes, that is reference to the Anti-Balaka.

4 Q. [12:09:01] In your statement at paragraph 119 and 175, you indicate that you
5 heard that Ngaïssona had sent ammunition and a Thuraya to Andjilo in Bouca. Do
6 you know, or can you help us, when it comes to the period during which he may have
7 sent it, was it around the time of that attack, if you're aware, if you know?

8 A. [12:09:55] As I told you in my statement, it was around the time of the attack
9 indeed, and I said that Ngaïssona had heard (Redacted). (Redacted).

10 But what I can tell you before the Court now is truth, so that it can help the Court.

11 You see, Ngaïssona indeed sent hunting ammunition and Thurayas to Andjilo and he
12 did receive it indeed. And all of these people were brothers in arms, (Redacted)
13 (Redacted). They used to live with Ngaïssona. They were like his aide-de-camp
14 (Redacted).

15 Whenever they wanted to send groundnuts, which was a codename for bullets,
16 whenever they had to buy those, they would put the ammunition in boxes of Maggi
17 cube as if they were shipping Maggi cubes to members of their families. These
18 people were of the same ethnic group. And that is how it happened that the boxes
19 got to Andjilo, and this is what also happened in Bouar.

20 Q. [12:11:29] In your statement at paragraph 153, I believe, you say that Ngaïssona
21 was in contact with the Anti-Balaka in Bouar, Bouca and Bossangoa. Do you know
22 whether ammunitions and Thurayas were sent elsewhere, that is other than Bouar
23 and Bouca?

24 A. [12:12:06] No, those are the only localities I am familiar with. In my statement,
25 I told you that those who were close to them gave me information and I am only

Trial Hearing

(Private Session)

ICC-01/14-01/18

WITNESS: CAR-OTP-P-2673

1 aware of what happened in Bouar, Bossangoa, Gobéré and those locations in that
2 area.

3 Q. [12:12:34] Just to be clear, you say that you were informed that ammunition had
4 been sent to those localities. Do you know whether it was done before the attack on
5 Bangui or on 5 December 2013?

6 A. [12:12:57] Yes, it was before, well before.

7 Q. [12:13:04] Thank you.

8 MS STRUYVEN: [12:13:06] Mr President, I think we can go back into open session.

9 PRESIDING JUDGE SCHMITT: [12:13:16] We are in open session, so...

10 MS STRUYVEN: [12:13:20] (Overlapping speakers)

11 PRESIDING JUDGE SCHMITT: [12:13:22] No, then -- then we simply state we stay
12 there.

13 MS STRUYVEN: [12:13:30](Interpretation) I'm sorry. I was mistaken. I actually
14 wanted to ask us to move briefly into private session, Mr President.

15 PRESIDING JUDGE SCHMITT: [12:13:40] Okay. Then private session.

16 (Private session at 12.13 p.m.)

17 THE COURT OFFICER: [12:13:51] We are in private session, Mr President.

18 MS STRUYVEN: [12:13:58](Interpretation)

19 Q. [12:13:59] Mr Witness, I would like to show you a conversation of
20 11 November 2013, the day after. OTP-2101- -- 2101-6897, and I will be asking us to
21 go to page 6902, and I would like to ask you a little clarification in relation to a name.
22 Please scroll down to the bottom of the page, further down. Yes. Here -- we are in
23 private session, Mr Witness, and the public cannot hear us. (Redacted)
24 (Redacted)
25 (Redacted)

Trial Hearing
WITNESS: CAR-OTP-P-2673

(Private Session)

ICC-01/14-01/18

1 (Redacted)

2 (Redacted)

3 (Redacted)

4 Q. [12:15:55] Can you explain to us who (Redacted) is or was?

5 A. [12:16:08] Oualanga is the current aide-de-camp of the president of the republic.

6 Under the regime of the -- of President Bozizé, the current president was the prime
7 minister, and at that time he was his aide-de-camp and now he is the president of the
8 republic's aide-de-camp.

9 Q. [12:16:46] Is his name Gilles Auguste?

10 A. [12:16:58] Sorry, I didn't understand your question.

11 Q. [12:17:01] Do you know if his first name is Gilles?

12 A. [12:17:10] I know him as Oualanga, Jules. Jules Oualanga. That's how I know
13 him.

14 Q. [12:17:23] Do you know whether he was related to Bozizé or had a link with
15 Bozizé, and if so, what was that link?

16 A. [12:17:34] He had no special link with Bozizé. He was a soldier. When Bozizé
17 was president, Touadéra was the prime minister and at that time he was the prime
18 minister's aide-de-camp. (Redacted)

19 (Redacted)

20 Currently, he is the aide-de-camp of President Touadéra and he has the rank of
21 a commander?

22 MS STRUYVEN: [12:18:10] (Overlapping speakers)

23 PRESIDING JUDGE SCHMITT: [12:18:12] Back to open session, I would say.

24 (Open session at 12.18 p.m.)

25 THE COURT OFFICER: [12:18:30] We are back in open session, Mr President.

Trial Hearing

(Open Session)

ICC-01/14-01/18

WITNESS: CAR-OTP-P-2673

1 MS STRUYVEN: [12:18:34](Interpretation)

2 Q. [12:18:35] Mr Witness, I'm coming towards the end of November 2013 and I will
3 asking you questions about a conversation in document CAR-OTP-2102-5143, tab 3, at
4 page 5184.

5 To begin with, I will not mention the name of the person with whom you are
6 communicating, but is it correct that this person whom you see in the blue patch on
7 the screen was in Douala at the time?

8 A. [12:19:48] Yes, at the time he was in Douala. And I even mentioned that in my
9 statement when I said that he was a (Redacted) and he was of the same
10 ethnic group as Ngaïssona and Bozizé.

11 Q. [12:20:08] Thank you. At the top of the page it is said as follows, "I have been
12 told that all the leaders of each group are towards you?" Is that to mean that all
13 the leaders are in Douala?

14 A. [12:20:33] That is correct. That is what we learnt. We learnt, well, by way of
15 rumour, and that is why I said I was told or I have been told that all the leaders of the
16 military groups are in Douala. I wanted to cross-check that, but I was not able to.

17 Q. [12:21:06] Do you know who this was about, or is it just that you weren't able to
18 cross-check?

19 A. [12:21:14] I was not able to verify or cross-check. I informed him and he
20 promised to get back to me, but he didn't. If he had provided me with an answer I
21 would have told you.

22 Q. [12:21:31] No problem. But now let's look at another conversation one day
23 later, 24 November 2013. CAR-OTP- -- the same document, actually, at page 5185.
24 But I would like to ask questions relating to this document in private session,
25 Mr President.

Trial Hearing
WITNESS: CAR-OTP-P-2673

(Private Session)

ICC-01/14-01/18

1 PRESIDING JUDGE SCHMITT: [12:22:00] Private session.

2 (Private session at 12.22 p.m.)

3 THE COURT OFFICER: [12:22:16] We are in private session, Mr President.

4 MS STRUYVEN: [12:22:25](Interpretation)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 THE INTERPRETER: [12:22:57] The witness says he did not understand
9 the question.

10 MS STRUYVEN: [12:23:01](Interpretation)

11 Q. [12:23:03] I'm sorry. (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted) Bozizé issues instructions to Ngaïssona, who

24 then passes them on to Mokom, and everything else that flows from it. And Bozizé

25 was aware of everything that happened. Everything started at their level (Redacted)

Trial Hearing
WITNESS: CAR-OTP-P-2673

(Private Session)

ICC-01/14-01/18

1 (Redacted)

2 (Redacted)

3 (Redacted)

4 MS STRUYVEN: [12:25:37](Interpretation) I believe we can go back into open
5 session.

6 PRESIDING JUDGE SCHMITT: [12:25:40] Open session.

7 (Open session at 12.25 p.m.)

8 THE COURT OFFICER: [12:25:52] We are back in open session, Mr President.

9 MS STRUYVEN: [12:25:59](Interpretation)

10 Q. [12:26:01] Let me now show you a conversation of 29 November, a few days
11 later, 29 November 2013. CAR-OTP-2101-6897, tab 2, at page 6911, at the bottom of
12 the page.

13 I would like you to help us. This a document of 29 November. At the beginning it
14 says, "Hello, I am on the way to *yanga ti pere*." That's the best I can say in Sango.
15 Can you explain to the Chamber what this means?

16 A. [12:26:59] *Yanga ti pere* means the bush. *Yanga ti pere* is referring to the bush, to
17 the forest.

18 Q. [12:27:14] So when you say you're on your way to the bush, what does that
19 mean? Where are you headed?

20 A. [12:27:32] Well, we had already left to go to (Redacted). In my statement, I
21 said that I did not want to get involved in their operation, so I said that only in a bid
22 to get information. But as a matter of fact, (Redacted)

23 (Redacted). When

24 Gbangouma was arrested (Redacted),

25 having been funded by Ngaïssona. He did not want to give me the money because

Trial Hearing
WITNESS: CAR-OTP-P-2673

(Open Session)

ICC-01/14-01/18

1 (Redacted). Other persons came, (Redacted)

2 and (Redacted).

3 Q. [12:28:38] Thank you very much. I want to show you another conversation of
4 the same day, end of November, 29 November 2013, 2102-5153, tab 3, at page 5191, at
5 the bottom of the page.

6 Here the individual involved explains that the Anti-Balaka remained in Damara and
7 that many FACA had joined. Then there is an answer, "Yes, that's it, commissioner, I
8 in Bouar tomorrow, please pray a lot for us." And what I want to talk about is
9 the statement that many FACA had joined in Damara, that is on 29 November 2013.

10 Is that the information that you had at that time?

11 A. [12:29:55] Yes, that is what I heard being said. And as I told you already, this
12 information is information that I came by or that I received. And I wanted to show
13 my interlocutors, who were all relatives of Bozizé and Ngaïssona, that I was also
14 interested in the operations. I wanted to show them that I was also going to
15 participate in the operations. And that is how they confided in me and that is how
16 I am able to tell you that truth today in this Court.

17 Q. [12:30:43] Going back to the FACA who had joined in Damara, do you know
18 who organised that event at which they joined?

19 A. [12:31:02] I do not know who organised it. I don't have any information for
20 you on that topic.

21 Q. [12:31:14] No problem. Let me now move to another conversation of
22 3 December 2013. CAR-OTP-2101-6897, tab 2, at page 6912, bottom of the page.
23 You said that moment you arrived (Redacted). You already explained several
24 times that you went back (Redacted). In your testimony today you said,
25 or I summed up a paragraph to you, where in your statement you talked of Thuraya

Trial Hearing

(Open Session)

ICC-01/14-01/18

WITNESS: CAR-OTP-P-2673

1 and the killings -- sorry, the killings of innocent civilians. And in the paragraph 72
2 and 73, you explain that in general you heard people say that when they took life they
3 looted and -- all the Muslim houses and all the Muslims in the country were not
4 Central Africans. They came originally from Chad, that they had made war in Chad
5 in order to come to our country, they had made children who had Central African
6 nationality. And all the people around you said that these Muslims and their
7 children were doing harm and therefore they had to be killed. They had to be
8 eliminated so that there would be no Muslims in Central African Republic.

9 I thought you said in your statement today that these type of things were things you
10 heard (Redacted); is that correct?

11 A. [12:33:28] Yes, that is information which I heard and which we shared when
12 I was (Redacted). When the investigators asked me the question, I told them
13 that. Between us, the soldiers, this is sort of the information that was doing
14 the rounds. When we arrived they said these are foreigners and they are -- because
15 of the war they have come to us to have children, they -- to get the nationality, and are
16 doing whatever they want. But as soon as they arrived, what we have to do is to kill
17 them all. But I would have given them different advice.

18 Q. [12:34:22] Thank you. In your statement, and I'm referring to paragraph 61,
19 you explain that many FACA went to Garam-Boulai and Ngaïssona gave instructions
20 that everybody should contact Sabe, a gendarmerie there. And you clarified in your
21 statement that Sabe, whom you knew, and he left to Yaoundé to attend a meeting
22 with Ngaïssona. So in your statement, in the next paragraph, 62, you said in
23 Garam-Boulai there was Mokom, Rocco Mokom, Aaron Wilibona and several other
24 soldiers.

25 I have some questions about this, but perhaps I would prefer to have a closed session

Trial Hearing
WITNESS: CAR-OTP-P-2673

(Private Session)

ICC-01/14-01/18

1 for the questions.

2 PRESIDING JUDGE SCHMITT: [12:35:31] Closed -- not closed -- private session.

3 (Private session at 12.35 p.m.)

4 THE COURT OFFICER: [12:35:47] We are in private session, Mr President.

5 MS STRUYVEN: [12:35:52](Interpretation)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

Trial Hearing
WITNESS: CAR-OTP-P-2673

(Private Session)

ICC-01/14-01/18

1 (Redacted)

2 (Redacted)

3 THE INTERPRETER: [12:38:59] The Sango booth request that the witness speaks
4 more slowly.

5 MS STRUYVEN: [12:39:06](Interpretation)

6 Q. [12:39:07] We should speak a bit slower. So I too will try and speak slower. I
7 have one question before going into open session. I'm going to ask you a question
8 on the attack of 5 December. (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted). Ngaïssona, who was coordinating that with

12 Bozizé. (Redacted). They prepared this so that could take place.

13 They made all the preparations so that it could take place on 5 December. Bozizé
14 talked to Ngaïssona and asked Ngaïssona to talk to Konate to wait a bit. And that's
15 why they took action on 5 December.

16 MS STRUYVEN: [12:40:31] We -- I think we can go back in open session.

17 PRESIDING JUDGE SCHMITT: [12:40:37] Yeah. I think that the last, the last part,
18 could have been in -- been in open session. And I note that you are far over two
19 hours already.

20 We go back to open session.

21 (Open session at 12.40 p.m.)

22 THE COURT OFFICER: [12:41:00] We are back in open session, Mr President.

23 MS STRUYVEN: [12:41:05](Interpretation)

24 Q. [12:41:07] Mr Witness, I think you already talked about this just now, but I want
25 to ask you the following question: In your statement in paragraph 55 and 56, you

Trial Hearing
WITNESS: CAR-OTP-P-2673

(Open Session)

ICC-01/14-01/18

1 said that Ngaïssona and Mokom sent elements, soldiers, to Yaoundé, to Garam-Boulai,
2 to go from Garam-Boulai to go to Bouar.

3 At that time in your declaration, you say that vis-à-vis the attack of 5 December 2013,
4 you say that Bozizé called Steve Yambete to say to Konate to wait so that those in
5 Bouar and Bossangoa join the military in Bangui before the attack. Was that what
6 you were trying to say to us?

7 A. [12:42:08] Yes, that is what I was trying to say. That is it. That's why it took
8 a bit of delay. I said in my statement, which you have, because you asked me
9 the question, I must explain that in this way.

10 Q. [12:42:37] So you said people like Rocco Mokom indeed continued to
11 Garam-Boulai towards Bouar. Do you know whether there were many militaries
12 who did that route at that time?

13 A. [12:43:01] No, in my statement I didn't say that. I said this: Rocco is the son of
14 Mokom father. Before he was in Garam-Boulai. (Redacted). It
15 is the son of Mokom father, and the father (Redacted).

16 When I spoke of his death in Bouar, I don't know. It was an Anti-Balaka. He was
17 together with a journal -- French journalist, who were ambushed, and he was killed.
18 It is Rocco Mokom, because there are many Mokoms.

19 Q. [12:43:53] Thank you for that clarification. In your statement you explain that
20 Konate was supposed to wait for military people of Bouar and Bossangoa before
21 attacking Bangui; is that correct?

22 MS DIMITRI: [12:44:13] (Microphone not activated) either the question is leading
23 because my learned friend is putting in her own words what the witness said in
24 the statement, or the question is unnecessary because the statement's already in
25 evidence under 68(3).

Trial Hearing
WITNESS: CAR-OTP-P-2673

(Open Session)

ICC-01/14-01/18

1 PRESIDING JUDGE SCHMITT: [12:44:27] I agree.

2 MR KNOOPS: [12:44:29] Mr President, this is not in the statement, by the way, of the
3 witness.

4 PRESIDING JUDGE SCHMITT: [12:44:32] Yeah. First of all, if we have -- especially
5 if we have a Rule 68(3) witness and we make reference to something that should be
6 part of this or is part of this of Rule 68(3) statement, we should say where, where it is,
7 so that everybody can follow.

8 And, in general, I repeat that what is in the Rule 68(3) statement, the reason why we
9 do this exercise is that it is part of the live testimony of the witness. There's
10 a procedural, let's say the procedural reason for that so that we have a more
11 efficient -- efficient procedure here.

12 This does not exclude that sometimes counsel wants to introduce, so to speak,
13 a question to a witness by paraphrasing. But only if we have the paragraph that is
14 referred to in this statement we can really verify if the paraphrasing is correct or not.
15 So this is perhaps, in a nutshell, what this procedure is about and where we have to
16 be careful that we do not -- that we do not change, so to speak, what the witness has
17 said.

18 Of course this again, even if a -- Mr Knoops, even if the -- a counsel would not
19 paraphrase it in a way that is -- that correspond to what the witness has said, this
20 would not escape the attention of the Chamber. But yet, for procedural fairness, I
21 think it is -- and also fairness to the witness, it should be done this way.

22 So, Ms Struyven, please continue.

23 MS STRUYVEN: [12:46:21](Interpretation) Thank you. I already mentioned
24 the paragraph. It's 173. I mentioned at the very beginning. So it's paragraph 173
25 of the statement of the witness.

Trial Hearing

(Open Session)

ICC-01/14-01/18

WITNESS: CAR-OTP-P-2673

1 Q. I'll put a last question as regards the attack in Bangui.

2 Mr Witness, in your statement you say, in paragraph 101, that the money and
3 munition, hunting munition, was sent to Bangui and it reached Bangui before
4 the attack of 5 December 2013. Could you provide us with more information, more
5 than what you've said in your statement.

6 A. [12:47:26] What I can say to you is this: The attack couldn't take place on
7 5 December before because we were waiting for munition and the resources in order
8 to launch the attack, because initially it was planned for 1 December. That is what
9 I am affirming before the Court.

10 Q. [12:47:59] And who was going to give the munition before the attack?

11 A. [12:48:12] According to what I know, I don't know whether the munition must
12 come from Ngaïssona. I don't know that. (Redacted)

13 I cannot confirm that Ngaïssona sent it or did not send it. I just got this information
14 (Redacted), who was in contact with these people.

15 Q. [12:48:51] Thank you very much, Mr Witness. I have some questions about
16 your telephone numbers. I'm going to ask you to look at some messages and
17 confirm "yes" or "no" whether the numbers are indeed your numbers. I'm going to
18 start with a -- you mustn't mention the number. We just confirm "yes" or "no"
19 whether it's your number.

20 So this is OTP-2101-2697 (sic), tab 2, page 6902.

21 Do you see the number? Can you remember if that's your number?

22 THE INTERPRETER: [12:49:59] The Sango booth did not receive the answer of the
23 witness.

24 MS STRUYVEN: [12:50:04](Interpretation)

25 Q. [12:50:07] The Sango booth did not hear your answer. Could you please

Trial Hearing
WITNESS: CAR-OTP-P-2673

(Open Session)

ICC-01/14-01/18

1 repeat.

2 A. [12:50:16] I said that's the number that I used when I was in (Redacted).

3 Q. [12:50:24] Thank you. And the same document, page 6921, are these your
4 numbers?

5 A. [12:50:50] Yes. They are my numbers (Redacted), my numbers in CAR.

6 Q. [12:50:59] Thank you. If we could -- if we could go 2102-9507, tab 4, page 9523,
7 you'll see another number there.

8 Are they your numbers?

9 A. [12:51:41] Those are my old numbers, but I don't use them anymore. For
10 example, (Redacted)

11 (Redacted). But I no longer use it. (Redacted)

12 (Redacted).

13 Q. [12:52:13] Thank you. And then a last number. So it's on 2103-4779, tab 8,
14 page 4780. And this is another speaker. And was that -- was that his number? I'm
15 not going to mention the name because we are in public session. But do you
16 recognise that number?

17 If you can go a bit higher on the screen.

18 Do you know whether you could communicate with this person on that number?

19 A. [12:53:04] No. No, we didn't communicate with that number. I talked to this
20 person, but we sent messages on Facebook. But I saw his name. (Redacted)
21 (Redacted), and that's why I asked for his number. But I never called him on that
22 number.

23 Q. [12:53:40] Thank you for answering my question. I have no further questions.
24 (Speaks English) And I apologise for having taken more time.

25 PRESIDING JUDGE SCHMITT: [12:53:47] Okay. Thank you. We will have then

Trial Hearing

(Open Session)

ICC-01/14-01/18

WITNESS: CAR-OTP-P-2673

1 the lunch break until 2.30.

2 MR KNOOPS: [12:53:51] Mr President.

3 PRESIDING JUDGE SCHMITT: [12:53:53] Mr Knoops.

4 MR KNOOPS: [12:53:53] I would ask the Court to allow me to start tomorrow
5 morning, because the statement of the witness is considerably different from the
6 statement he gave in 2018 -- 2020. And I really have to compare the full transcript
7 with the statement, and I'm going to use this in evidence.

8 PRESIDING JUDGE SCHMITT: [12:54:16] This bears, of course, the question. We
9 want to finish the witness, with the questioning of the witness tomorrow. Yeah.
10 What -- what do you envision? How much time would you need tomorrow?

11 MR KNOOPS: [12:54:32] I'd need maximum two sessions. And I understood from
12 Mr Hannis that he will probably need one hour.

13 PRESIDING JUDGE SCHMITT: Okay.

14 MR KNOOPS: [12:54:40] So let me assure you that --

15 PRESIDING JUDGE SCHMITT: [12:54:41] Then it's fine. Then it's fine.

16 MR KNOOPS: [12:54:41] -- the Defence will finish tomorrow before 4.

17 PRESIDING JUDGE SCHMITT: [12:54:44] Good. Good. Then we do it this way.
18 Then we finish for today and reconvene tomorrow 9.30. (Overlapping speakers)

19 MR KNOOPS: [12:54:49] Also for the efficiency of my cross-examination, I can
20 regroup my questions.

21 PRESIDING JUDGE SCHMITT: [12:54:54] Fine. No. Under these circumstances,
22 we are fine.

23 MR KNOOPS: [12:54:57] Thank you, Mr President. Thank you.

24 THE COURT USHER: [12:55:01] All rise.

25 (The hearing ends in open session at 12.55 p.m.)