

Trial Hearing
WITNESS: CAR-OTP-P-0808

(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, 1 November 2021
9 (The hearing starts in open session at 9.35 a.m.)
10 THE COURT USHER: [9:35:50] All rise.
11 The International Criminal Court is now in session.
12 Please be seated.
13 PRESIDING JUDGE SCHMITT: [9:36:18] Good morning, everyone.
14 Could the court officer please call the case.
15 THE COURT OFFICER: [9:36:22] Good morning, Mr President, your Honours.
16 The situation in the Central African Republic II, in the case of The Prosecutor versus
17 Alfred Yekatom and Patrice-Edouard Ngaïssona, ICC-01/14-01/18.
18 And we're in open session.
19 PRESIDING JUDGE SCHMITT: [9:36:36] Thank you.
20 I ask for the appearances of the parties.
21 MS STRUYVEN: [9:36:39] Good morning, Mr President, your Honours. Today we
22 have for the Prosecution Maria Berdennikova Kweku Vanderpuye, Yassin Mostfa,
23 and myself Olivia Struyven.
24 PRESIDING JUDGE SCHMITT: [9:36:55] Thank you.
25 I turn to the victims' representatives.

Trial Hearing
WITNESS: CAR-OTP-P-0808

(Open Session)

ICC-01/14-01/18

1 MR SUPRUN: [9:36:59] Good morning, Mr President, your Honours. The former
2 child soldiers are represented by myself Dmytro Suprun, counsel at the Office of
3 Public Counsel for Victims. Thank you.

4 PRESIDING JUDGE SCHMITT: Thank you.

5 MS MASSIDDA: [9:37:10] Good morning, Mr President, your Honours. The
6 victims of the other crimes are represented today by Maître Abdou Dangabo Moussa,
7 Madam Anne Grabowski, Madam Mouhia Asso, *et moi-même* Paolina Massidda.

8 PRESIDING JUDGE SCHMITT: [9:37:20] Thank you.

9 I turn to the Defence.

10 Ms Dimitri first.

11 MS DIMITRI: [9:37:25] Good morning, Mr President. Good morning your Honours.

12 Good morning, everyone. Mr Yekatom, who's present in the courtroom, is
13 represented today by Mr Florent Pages-Granier. And we also have two new
14 members whom you haven't met yet. So we have our case manager,

15 Ms Laurence Hortas-Laberge, as well as our legal intern, Jérémy Pizzi, and myself
16 Mylène Dimitri.

17 PRESIDING JUDGE SCHMITT: [9:37:47] Thank you.

18 And Mr Knoops.

19 MR KNOOPS: [9:37:49] Good morning, Mr President, your Honours. Good
20 morning everyone in the courtroom. The Defence team of Mr Ngaïssona is today
21 comprised of myself, Marie-Hélène Proulx, Sara Pedroso *et* Despoina Eleftheriou.

22 Thank you.

23 PRESIDING JUDGE SCHMITT: [9:38:03] Thank you very much.

24 And we will now start with the testimony of Witness P-0808. This is

25 Mr Alfred Legrand Ngaya.

Trial Hearing
WITNESS: CAR-OTP-P-0808

(Open Session)

ICC-01/14-01/18

1 Mr Ngaya, good morning. Can you hear and understand me well?

2 WITNESS: CAR-OTP-P-0808

3 (The witness speaks French)

4 (The witness gives evidence via video link)

5 THE WITNESS: [9:38:49](Interpretation) Good morning.

6 PRESIDING JUDGE SCHMITT: [9:38:50] I have understood that. So I -- it seems
7 that you understand me well. You know there was a connection problem. So it
8 seems that you -- that you hear me and understand me well. Is that correct?

9 THE WITNESS: [9:39:01](Interpretation) Yes. Yes, I can hear you.

10 PRESIDING JUDGE SCHMITT: [9:39:05] Thank you.

11 On behalf of the Chamber I would like to welcome you to the courtroom. You are
12 called to testify to assist this Chamber in the case of Mr Yekatom and Mr Ngaïssona.
13 I also note the presence of Mr Jacob Sangone, who has been appointed as legal adviser
14 to Mr Ngaya pursuant to Rule 74 of the Rules of Procedure and Evidence. He is
15 joining us remotely.

16 Welcome, Mr Sangone. Can you hear me well also?

17 May I repeat, Mr Sangone: Can you hear me and do you understand me?

18 THE INTERPRETER: [9:40:08] Inaudible.

19 PRESIDING JUDGE SCHMITT: [9:40:14] So there's -- inaudible means that there is
20 at least some sort of connection.

21 So perhaps, Mr Sangone, please repeat if you understand me.

22 MR SANGONE DEMOBONA: [9:40:34](Interpretation) Yes, I can -- I can hear you.
23 I can hear you very well.

24 PRESIDING JUDGE SCHMITT: [9:40:38] Thank you very much. And now we also
25 heard you. Thank you. Welcome.

Trial Hearing
WITNESS: CAR-OTP-P-0808

(Open Session)

ICC-01/14-01/18

1 And now I turn again to the witness, Mr Ngaya. Whenever you think there is a need
2 to confer with your legal adviser, please let us know. There might be questions put
3 to you that might tend to incriminate you. In these cases, you can answer the
4 questions or you can refuse to answer them. You can consult with your legal adviser
5 for that purpose.

6 I think you understand.

7 Mr Ngaya, there should be a card on the desk in front of you with a solemn
8 undertaking to tell the truth. Please be so kind to read out loud the content of this
9 card.

10 THE WITNESS: [9:41:41](Interpretation) What card are you talking about, please?

11 PRESIDING JUDGE SCHMITT: [9:41:46] A card that should be in front of you and,
12 if not, then I will read it, I will read it to you and you please speak after me. Is
13 there -- is there no card in front on your desk?

14 THE WITNESS: [9:42:00](Interpretation) All right. Yes, there is a paper here in
15 front of me which should enable me to take the oath.

16 PRESIDING JUDGE SCHMITT: [9:42:15] Okay. And that I would ask you to do.
17 Please read out this paper. And this means -- this means that you are taking the oath.
18 Please do that.

19 THE WITNESS: [9:42:33](Interpretation) I solemnly declare that I shall speak the
20 truth, the whole truth and nothing but the truth.

21 PRESIDING JUDGE SCHMITT: [9:42:45] Thank you.

22 Mr Ngaya, you may be seated. You are now under oath and you are of course very
23 well aware that this means that you have to speak the truth, and as you have said, the
24 whole truth and nothing but the truth.

25 Before you we start with the examination there are a few practical matters. Not only

Trial Hearing
WITNESS: CAR-OTP-P-0808

(Open Session)

ICC-01/14-01/18

1 are you sitting, with regard to the distance, far apart from us, so there might be
2 connection problems, but also everything you say and everybody else says is written
3 down and interpreted. And to allow for the interpretation, we have to speak at a
4 relatively slow pace. And please speak only when the person who has asked you
5 something has finished and perhaps wait a couple of seconds with your answer, so
6 this enables the interpreters to follow everything what is said.

7 I think that is all for the moment. Then I can give the floor to the Prosecution who
8 will start with your examination. There will also be questions, probably, from the
9 victims' representatives, sometimes from the judges, that the judges have the right to
10 question you whenever they want, so to speak, to interject. We don't try to do that
11 too often, but don't be surprised if the judges have questions. But then finally the
12 Defence, of course, also has questions to you.

13 Ms Struyven.

14 MS STRUYVEN: [9:44:18] Thank you, Mr President.

15 QUESTIONED BY MS STRUYVEN: (Interpretation)

16 Q. [9:44:23] Good morning, Mr Witness. My name is Olivia Struyven. I'm going
17 to put questions to you today on behalf of the Office of the Prosecutor.

18 Just like the Presiding Judge has said, it is very important not to speak too fast
19 because both of us are going to speak in French, so you have to observe a small pause
20 between my question and your answer so that what we are saying can be correctly
21 transcribed.

22 Secondly, and this is very important, if my question is not clear, do not hesitate to
23 point it out to me. So ask me at any time to repeat the question or to clarify it.

24 Now, regarding the questioning, I will begin by putting a few questions to you on
25 your statement, the statements that you gave to the OTP, then I will ask you to make

Trial Hearing
WITNESS: CAR-OTP-P-0808

(Open Session)

ICC-01/14-01/18

1 comments on some documents.

2 But before we begin, I will talk about the statements that you gave. Is it correct that
3 you gave two statements to the Office of the Prosecutor, specifically one in April 2016
4 and a second statement in October 2018?

5 A. [9:46:24] If I understand the question well, you would like to know whether
6 these statements are statements that I gave? Yes, I do confirm that I gave a statement
7 in 2016 and a second statement in October 2018. That is correct.

8 Q. [9:46:49] Is it correct that you received those statements and the annexes a few
9 days ago. When you met with the representatives of the VWU, you received copies
10 of those two statements?

11 A. [9:47:09] Yes, indeed. When I was received by the unit in Bangui, they made
12 those documents available to me and I had the opportunity to read over these
13 statements that I had given before.

14 Q. [9:47:31] And if I understood you correctly, Mr Witness, you made corrections
15 to those statements last week; is that correct?

16 A. [9:47:41] Yes, that is correct. There was word -- some wording that did not
17 completely reflect what I had stated, so I made corrections.

18 Q. [9:47:55] Can you confirm that your statements with those corrections are true
19 and correct?

20 A. [9:48:06] Yes, I confirm that having read the documents that were made
21 available to me, they are correct.

22 Q. (Overlapping speakers)

23 PRESIDING JUDGE SCHMITT: [9:48:22] Ms Struyven, you know, under the
24 headline practical matters, I'm always saying that we should wait with a question and
25 with speaking before the other person, and especially of course with regard to you

Trial Hearing
WITNESS: CAR-OTP-P-0808

(Open Session)

ICC-01/14-01/18

1 and me, the interpreters have finished. You are a bit too quick at the moment. So
2 the ones who normally breach this law are -- is the Bench and the examiners in the
3 courtroom, so -- so please observe it also and wait a little bit until you start with your
4 next question. Thank you.

5 MS STRUYVEN: [9:49:02](Interpretation)

6 Q. [9:49:03] Mr Witness, I have been speaking a bit too fast. I always speak too
7 fast. But I will try to speak more slowly.

8 So my question was as follows: Do you have any objections as to your statements
9 being entered into the evidence?

10 A. [9:49:25] No, I do not think so. Quite to the contrary, my statements should be
11 part of the case file so as to contribute to the determination of the truth.

12 PRESIDING JUDGE SCHMITT: [9:49:41] I think you can continue from there, of
13 course. This was quite clear.

14 MS STRUYVEN: [9:49:45] Maybe just for the record, I will read out the ERNs of the
15 statements and the corrections have been sent to the court officer and I would like to
16 see if they can be marked as Court exhibits. It's the two PDFs that we've sent around
17 on Friday.

18 PRESIDING JUDGE SCHMITT: [9:50:06] Yeah, yeah. We have taken note of them,
19 yes, of course. (Overlapping speakers) The handwritten -- the handwritten ones.

20 MS STRUYVEN: [9:50:10] And then just for the record, the ERNs of the statements
21 are CAR-OTP-2025-0324 and CAR-OTP-2093-0010.

22 Q. [9:50:33](Interpretation) Thank you very much, Mr Witness. Now, I will ask
23 you a few questions about your identity. Thereafter, I will show you the documents
24 that I would like you to comment upon.

25 Now, for the record, can you state to the Chamber your complete or full name?

Trial Hearing
WITNESS: CAR-OTP-P-0808

(Open Session)

ICC-01/14-01/18

1 A. [9:50:58] My name is Ngaya Alfred Legrand. Ngaya is spelt N-G-A-Y-A,
2 Alfred Legrand. And we have to say Alfred Legrand because the name Ngaya is
3 quite common in our country. I even know another Ngaya Alfred, so that is why
4 I am always insisting on Alfred Legrand.

5 Q. [9:51:36] Thank you. Now, is it correct that you were born on
6 14 September 2060?

7 THE INTERPRETER: [9:51:48] Says counsel.

8 THE WITNESS: [9:51:50](Interpretation) It is actually 14 September 1960. If you
9 say 2060, it means I'm not yet born.

10 MS STRUYVEN: [9:52:01] (Interpretation)

11 Q. [9:52:01] Very well. Now, can you confirm your ethnic group?

12 A. [9:52:09] I am from the Gbaya ethnic group.

13 Q. [9:52:22] Thank you. And I have already told you, you have provided
14 comprehensive statements to the OTP and today I am going to focus on showing you
15 other documents so that you can comment on those documents. Sometimes I'm
16 simply going to ask you whether you recognise the documents. I'm going to try to
17 do so chronologically. And the first document is an audio recording and we are
18 going to try to have you listen to just a few seconds, and my question is whether you
19 recognise the person speaking on this audio recording. It is the news of radio
20 Central Africa of 5 January 2013 and the ERN is CAR-OTP-2042-2125 and it is tab 7.
21 And we will play just a few seconds from 38:08, that is minute 38, 08.

22 I think there is a problem with the audio here.

23 THE COURT OFFICER: [9:54:28] You might play it again, please. Thank you.

24 (Playing of the audio excerpt)

25 MS STRUYVEN: [9:55:12](Interpretation)

Trial Hearing
WITNESS: CAR-OTP-P-0808

(Open Session)

ICC-01/14-01/18

1 Q. [9:55:13] Mr Witness, do you recognise the person speaking on this audio
2 recording?

3 A. [9:55:21] It is me.

4 Q. [9:55:25] Thank you. And if I can ask the court officer to display the first page
5 of the transcript, which is CAR-OTP-2127-6888 and it is tab 47.

6 And as I have explained to you, sometimes I'm simply going to ask you whether you
7 recognise a voice or a person or a document without discussing the substance and we
8 will enter those documents in the court record.

9 You should be able to see the transcript in front of you. And if the court officer can
10 scroll down simply to show you the participants in that news cast. You have
11 David Banga, Mike Steve Yambete and Levy Yakete. Do you remember whether he
12 also spoke during this programme?

13 In fact the question is, do you remember who spoke during this programme?

14 PRESIDING JUDGE SCHMITT: [9:57:46] Do you have this list in front of you,
15 Mr Ngaya?

16 THE WITNESS: [9:57:51](Interpretation) I beg your pardon?

17 PRESIDING JUDGE SCHMITT: [9:57:53] So can you read the list? And if so,
18 (Overlapping speakers) yeah, if so, do you recall if these people were also there and
19 spoke?

20 THE WITNESS: [9:58:11](Interpretation) In any case, the names on the list, many of
21 those names are familiar to me, but I no longer remember taking part in a meeting in
22 which Faustin-Archange Touadera was there. In any case, there are names that I
23 recognise, but I don't know which occasion it really was because I never took part in a
24 meeting with Touadera.

25 MS STRUYVEN: [9:58:56](Interpretation)

Trial Hearing
WITNESS: CAR-OTP-P-0808

(Open Session)

ICC-01/14-01/18

1 Q. [9:58:57] Mr Witness, this was quite a long time ago, so that is quite normal.

2 PRESIDING JUDGE SCHMITT: [9:59:08] Perhaps before Prosecutor continues, it's
3 absolutely correct of you -- if you do not recall, do not remember things, please tell us
4 simply. So these are sometimes events, as Madam Prosecutor has correctly pointed
5 out, that are far back in the past. And some events in the past were important, some
6 were not so important, so there might be a different recollection with regard to
7 different events and it's absolutely okay that you -- if you don't recall it, you simply
8 tell us. Thank you.

9 Ms Struyven.

10 MS STRUYVEN: [9:59:44] (Interpretation)

11 Q. [9:59:46] I'll move on to another document. It is *CAR-OTP-2098-0154 and it is
12 tab 23. And the question will simply be whether you recognise that document.
13 If the court officer can kindly display page 0161. We can begin with the first page to
14 enable the witness to recognise the document itself.

15 So this is a plan of the staff of the Ministry of Youth, Sports and Culture, dated
16 4 March 2013. You have Mr Ngaïssona at number 1. He is a minister. And
17 number 6, there is Steve Yambete in charge of youth, sports, arts and culture. And
18 now we can move to page 0161.

19 Further down, please.

20 We can see at number 104 your name. Do you recognise this document?

21 A. [10:01:39] Yes, I do recognise it. I am a staff or a civil servant of the ministry of
22 youth and sport and I remember working as the director general for youth. At that
23 time, Mr Edouard Ngaïssona was the minister of youth and I remember that
24 document.

25 Q. [10:02:12] Thank you. Let me now move to a series of emails. These may not

Trial Hearing
WITNESS: CAR-OTP-P-0808

(Open Session)

ICC-01/14-01/18

1 be displayed to the public. So, Mr Ngaya, these emails will not be displayed to the
2 public.

3 The first email is CAR-OTP-2130-2388 -- 2288 at tab 48.

4 Do you recognise that email?

5 A. [10:03:55] Yes. I recognise that email.

6 Q. [10:04:02] Was this an email of 16 July 2013 which you sent to Mr Ngaïssona in
7 which you asked him or you explained to him that you lack resources for your action,
8 and then you go on to ask him if he can present that situation to President Bozize; is
9 that correct?

10 A. [10:04:30] Yes. I think that it is indeed my email. As you can see, I am the one
11 who wrote that email in my capacity as coordinator. We had a platform known as
12 the national coordination for peace and security at the time.

13 Q. [10:04:53] So I want to show you the second page, 3289. On this page you see
14 reference to the National Coordination of Patriots for President Bozize to return to the
15 power. It's minutes of 9 December 2013, and if we look further down we can see
16 your name.

17 And if then we go to the next page, 3290, we also see Mr Namsio and Emotion Brice's
18 name. Now a little question: At that time were you already working with
19 Mr Namsio; is that correct?

20 A. [10:05:56] Yes. At that time we used to work together. As I already
21 mentioned in my first statement.

22 Q. [10:06:10] Thank you very much. Let me now show you another email,
23 CAR-OTP-2130-3291 at tab 49. In that email you ask Mr Ngaïssona to present the
24 situation to President Bozize. And here you -- we see that he has forwarded the
25 email to a certain Wapounaba. Does that name Wapounaba ring a bell?

Trial Hearing
WITNESS: CAR-OTP-P-0808

(Open Session)

ICC-01/14-01/18

1 A. [10:06:53] Absolutely nothing. I don't know that name. Wapounaba, I don't
2 know.

3 Q. [10:07:04] Do you remember Mr Bozize's aide-de-camp who was called
4 Wapounaba?

5 A. [10:07:10] No. I had no special relations with Bozize's entourage.

6 Q. [10:07:24] I'll now show you another email, the same email but containing
7 different answers. I have an answer from Ngaïssona.
8 Now let us turn to the third email, CAR-OTP-2130-3294 at tab 50. Here we see an
9 answer -- by the way, do you recognise this email? It's Mr Ngaïssona's answer to
10 your email, or reply to your email?

11 A. [10:08:11] I think so. It is possible. I think so. Because it is in my email
12 address. I think that must have been the reply.

13 Q. [10:08:24] He tells you that he has received the documents and has forwarded
14 them to the boss for necessary action.

15 Now, when he says "the boss", is he referring to President Bozize, according to you?

16 A. [10:08:39] I'm not able to imagine an answer. All I know is that this is
17 Mr Ngaïssona's reply, but I don't know who he is referring to exactly. But allow me
18 to make a small comment. At that time we are looking at the national coordination
19 for peace and security and he was my only contact. And I mean that I did not write
20 only to Ngaïssona, but I wrote to the Obama administration. I wrote to the president
21 of the National Assembly of France. I also wrote to the president of the African
22 Commission, Madam Zuma. So there were a number of addressees to whom I -- I
23 wrote. So my email was within that general context.
24 Now, if you allow, there was also a UN experts group which I contacted, so I also
25 wrote to the UN group of experts.

Trial Hearing
WITNESS: CAR-OTP-P-0808

(Open Session)

ICC-01/14-01/18

1 Q. [10:09:52] We will revisit those points later on today, but for now let me move to
2 another email. CAR-OTP-2130-3296. It is at tab 51. I'll start with your message to
3 Mr Ngaïssona.

4 Could we scroll down to see message of 31 July 2013.

5 Please proceed.

6 A. [10:11:08] Yes, I think this is in my email account, as you have just pointed out.
7 The situation at the time was such that we needed to push the population, push the
8 people to a popular insurrection, as I said before, and then wait for the intervention of
9 the international community. That was the goal, the target goal.

10 Q. (Overlapping speakers)

11 PRESIDING JUDGE SCHMITT: [10:11:43] Ms Struyven, shortly. Obviously, the
12 first ERN of the first email was not transcribed correctly. It should be
13 CAR-OTP-2103-3288. Excuse me for the interruption.

14 Please continue.

15 MS STRUYVEN: [10:12:04] (Interpretation)

16 Q. [10:12:04] So here you are asking Mr Ngaïssona as follows: "We would like
17 you to propose a date in order to enable us programme the popular insurrection
18 activities while taking into account the beginning of the military operations that you
19 are going to engage."

20 Now, what do you mean by military operations which Ngaïssona was going to
21 engage or start?

22 A. [10:12:39] I do not clearly recall what Ngaïssona's position was. But the
23 situation was extremely difficult and he is the one who knows what it was all about.
24 For those of us in the country, and particularly with regards to myself, we had to
25 denounce Seleka acts of violence because they were killing. So we were waiting for

Trial Hearing
WITNESS: CAR-OTP-P-0808

(Open Session)

ICC-01/14-01/18

1 help from all over. And that's why I don't know what those military operations
2 would have entailed.

3 However, as for us, our position was to draw the international community's attention
4 to the conduct of Seleka out of our own desperation.

5 Q. [10:13:27] Yes, indeed, but at that time you were asking Mr Ngaïssona, you
6 yourself talked about military operations. At that time did you hear mention of any
7 military operations that were going to be engaged as you mention in your email?

8 A. [10:13:53] I am not in a position to tell you how the military operations would
9 have been engaged. However, the situation was such that we hoped that some help
10 would come by. You see, we were hoping that the international community would
11 intervene. The situation was such that the Seleka had to be driven out of power and
12 that is why we were hoping that the international community would intervene and
13 drive out Seleka. And that is how we were hoping for military operations.

14 Q. [10:14:31] Later on in your email you say that: "If these military operations
15 should start by the province, it will not be useful to push Bangui into the streets so
16 quickly. A popular insurrection in Bangui will be efficient if military operations start
17 in Bangui."

18 Can you explain to the Court what you mean by that?

19 A. [10:15:06] Well, Ngaïssona was abroad. In fact, at the time, if -- coordination
20 had been set up known as FROCCA, front for the return to constitutional order.
21 And as I told you, the hope was that a number of actions would be taken to free or
22 liberate the Central African people. So those of us who were in the country, we had
23 nothing, and we only hoped that there would be an intervention to drive out the
24 Seleka. And if that were to happen, then it would be necessary to take these things
25 into account. That is what I meant when I wrote the email.

Trial Hearing
WITNESS: CAR-OTP-P-0808

(Open Session)

ICC-01/14-01/18

1 Q. [10:15:59] When you talk about FROCCA, are you saying therefore that at the
2 time FROCCA had the intention to organisation military operations?

3 A. [10:16:08] Well, to say anything about FROCCA, well we were in Bangui and
4 FROCCA was organised by a lawyer who was in Paris. He was the one in charge of
5 FROCCA. Our hope was that action should be taken to deliver the Central African
6 people. FROCCA was present in Paris, therefore there was a possibility there for the
7 international community to act, especially with the work of the lawyer.
8 So that that was the meaning behind this, this message.

9 Q. [10:16:51] I'll revert to FROCCA later, but just to wrap up on this email. If we
10 look at Ngaïssona's reply, he says as follows: "Thank you for the message and the
11 suggestion. I will follow up -- I'll give you the follow-up soon."

12 Court officer, please go to the beginning of the email. Yes.

13 And that reply was on the same day from Mr Ngaïssona: "Thank you for the
14 message and the suggestion. I will inform you on the follow-up soon."

15 Now, if we could display another email, CAR-OTP-2130-3297 at tab 52, please.

16 A few days later you get a reply to your email in which you asked about when the
17 military operations will be engaged. Mr Ngaïssona replies by saying that he will
18 have an answer very soon and "in relation to our operation let us keep in touch
19 during the day."

20 Did you have the opportunity at that time to have a discussion with Mr Ngaïssona on
21 this point?

22 A. [10:18:53] I do not remember having a discussion with him specifically on that
23 question. I don't -- I don't remember. I think so. I think I don't remember.

24 Q. [10:19:08] I'll show you another email. CAR-OTP-2130-3298. It is at tab 53.
25 Once again, another answer to the same email.

Trial Hearing
WITNESS: CAR-OTP-P-0808

(Open Session)

ICC-01/14-01/18

1 I would ask the court officer to please display Mr Ngaïssona's reply, which is in the
2 middle of the page. And here you see he says -- he says something about FROCCA,
3 which you have just mentioned. Do you recognise this email?

4 A. [10:19:56] Yes. That is how I got to hear mention of FROCCA, through
5 Minister Ngaïssona. It is through him that I became aware that FROCCA existed
6 and that it was headed up by a lawyer.

7 Q. [10:20:21] Now, here is your answer towards the top of the page, further up.
8 So my question is the following: Do you recognise this email? And secondly, can
9 you explain what you meant by saying: "I don't know if you can help us financially,
10 because you know better than I the temperament of our compatriots. If we have a
11 little more resources, things would be easier."

12 Can you explain to the Court what you mean, in general terms, when you say these
13 things?

14 A. [10:21:46] Yes. In fact, we were in a situation where things had collapsed.
15 There was no money. Now, if you were to invite the population, you would have
16 needed some resources to communicate. For example, to buy paper, to type, in
17 order to be able to communicate with leaders. So these were the type of things I was
18 talking about. We needed to contact association leaders, provide them with
19 information in a context where the Seleka elements were tracking down people. So
20 this was a difficult time at which it was even difficult to earn one's salary. So we
21 were asking for a few resources which would enable us to function.

22 Q. [10:22:42] Thank you. Let's go to the next email, CAR-OTP-2130-3200 -- 3300.

23 THE INTERPRETER: [10:23:15] Interpreter corrects. CAR-OTP-2130-3300.

24 MS STRUYVEN: [10:23:23]

25 Q. [10:23:24] Once again, we get the same answer from Mr Ngaïssona, who

Trial Hearing
WITNESS: CAR-OTP-P-0808

(Open Session)

ICC-01/14-01/18

1 explains to you that he has set up an organisation known as FROCCA. Well, my
2 question, just one question: At the time you were aware that it was Mr Ngaïssona
3 who set up FROCCA; is that correct?

4 A. [10:23:58] No. I knew that he's the one who informed me about the existence of
5 FROCCA. I know that he was involved because he told me that it was the lawyer
6 Lin in Paris who was the coordinator of FROCCA activities in Paris.

7 MR KNOOPS: Mr President, the --

8 PRESIDING JUDGE SCHMITT: [10:24:23] Mr Knoops.

9 MR KNOOPS: [10:24:24] -- the email of the witness doesn't say Mr Ngaïssona. He
10 refers to "we". The Prosecution suggested to the witness that it was Mr Ngaïssona
11 who set up FROCCA. But that's not what the email says.

12 PRESIDING JUDGE SCHMITT: [10:24:38] You know, he was asked if, and he has
13 given an answer what he knows about the role of Mr Ngaïssona. And as always
14 with documents, the text of an email can be read by everyone and it will have to be
15 read by the Chamber when it makes any decisions and to interpret it. So I think we
16 can move on from there.

17 MS STRUYVEN: [10:25:05] (Interpretation)

18 Q. [10:25:08] Now, hopping back to this email to you from Ngaïssona, he says:
19 "We have just set up an organisation called FROCCA and we have taken measures for
20 rapid action, contact leaders of associations with whom we can work. It's urgent.
21 Thank you for your understanding."

22 And then you answer him two days after:

23 "I would like to know whether you have a few names of association leaders that you
24 can propose to me, because I am in the process of contacting leaders and this is a
25 delicate operation as you know -- as you may know. I am expecting -- or I am

Trial Hearing
WITNESS: CAR-OTP-P-0808

(Open Session)

ICC-01/14-01/18

1 waiting for your reaction."

2 First question: Do you recognise this email?

3 A. [10:26:06] Yes, I recognise the email because this is my style of writing and
4 I think that this should be situated in the context of what our experience was at that
5 time.

6 Q. [10:26:28] Absolutely. Now, what -- when Mr Ngaïssona tells you that
7 measures have been taken for rapid action and wants you to contact leaders, and then
8 later on you ask him whether he can suggest a few names to you, at that time, did
9 Mr Ngaïssona have those types of contacts for you to be able to ask him to propose
10 names of leaders of associations to you?

11 A. [10:27:09] Mr Ngaïssona is known to have been -- to be an opinion leader in our
12 country. He is known in our country as our leader -- as a leader. He was the
13 president of the football federation, he is known by the youth, he has worked with
14 various associations. And it is in that context -- by the way, he was minister of youth,
15 and so it is within that context that I was asking him to provide me with a few names.
16 Well, I am also a leader of associations and so, if one had to push the population
17 towards an uprising, that was the idea that we were working with at the time.

18 PRESIDING JUDGE SCHMITT: [10:27:57] If I may.

19 Mr Ngaya, and did he provide you with the names that you asked for?

20 THE WITNESS: [10:28:12](Interpretation) I don't remember that he gave me some
21 names. I think that the email exchanges ended at that level.

22 PRESIDING JUDGE SCHMITT: [10:28:26] And I would assume that the Prosecution
23 would present an email with such a context -- or, content, if it existed.

24 Ms Struyven, please continue.

25 MS STRUYVEN: [10:28:42](Interpretation)

Trial Hearing
WITNESS: CAR-OTP-P-0808

(Open Session)

ICC-01/14-01/18

1 Q. [10:28:44] Yes. Mr Ngaya, in previous emails we saw you asking for financial
2 resources and you explained that you needed paper and so on and so forth. Did
3 Ngaïssona provide you with some financial resources at the time for that purpose?

4 A. [10:29:11] I don't remember. But at some point money was sent to me to help
5 the Anti-Balaka, but not for those specific actions. And these things happened a long
6 time ago. I do remember that he had sent me money once at a certain point to help
7 the Anti-Balaka who were in our neighbourhood. You see, these were youth who
8 came from various villages and they were committing the same offences as the Seleka
9 and they were pillaging on the population. So we tried to obtain resources at the
10 time to dissuade them from bothering the population and I do remember that he had
11 sent me some money for that purpose.

12 But when it comes to the money which I requested, we did not receive anything.

13 Q. [10:30:09] I will hop back to that in the chronology of events when we will move
14 towards December 2013. I'm trying to be chronological here, but I will be putting
15 questions to you on this later on.

16 Now just one last question on this particular email. You explain that it is quite
17 delicate to contact leaders. Can you explain why it was delicate to contact leaders at
18 the time?

19 A. [10:30:42] It was extremely delicate, was extremely delicate because one would
20 be exposing oneself to the Seleka. I myself was a wanted person at some point and I
21 had to abandon my home and seek refuge elsewhere. So contacting association
22 leaders was something that if the information, or if people found out that the
23 population was being encouraged to an insurrection, that could have cost me my life,
24 and that's why I said it was delicate.

25 Q. [10:31:21] Thank you. I will show you another email. It is another email

Trial Hearing
WITNESS: CAR-OTP-P-0808

(Open Session)

ICC-01/14-01/18

1 chain. It's CAR-OTP-2130-3303 and it is tab 55.

2 I did not realise that it was already on the screen.

3 Now if you can scroll down, we saw that email before dated 13 July, in which you
4 were explaining that you had a coordination set up. And one month later you
5 forwarded to Mr Ngaïssona a copy of the tract that you had distributed in Bangui.
6 And you did this on 13 August 2013.

7 And if you scroll back up -- but first of all, I would like to ask you, do you recognise
8 that email?

9 A. [10:33:43] Yes, I recognise this email.

10 Q. [10:33:46] Now, if we can go to page 2, that is page 3304. That is the tract itself.
11 Do you recognise it?

12 A. [10:34:07] Yes, I recognise this tract. Because I can see the formulation. I
13 recognise it.

14 Q. [10:34:20] Now, if we can return to the email. On the subject line you said
15 "FROCCA communiqués Central African Republic." If you scroll back up, you can
16 see that the email was forwarded to a certain Poussou.
17 Now, did you know what was the role of this gentleman, Mr Poussou at that time,
18 that is August 2013?

19 A. [10:35:09] I know Mr Poussou and I knew him when he was appointed minister
20 of communication. But apart from that, I don't know any other roles that he played.
21 So I knew him as the minister of communication in the CAR. I do not remember the
22 precise date of his appointment. So I knew him as the minister of communication.

23 Q. [10:35:38] But here in your email, subject matter, "Communiqué FROCCA
24 Centrafrique", so how am I to understand this? Were you a part of FROCCA or was
25 it on behalf of Mr Ngaïssona or for Mr Ngaïssona did you refer to this as a FROCCA

Trial Hearing
WITNESS: CAR-OTP-P-0808

(Open Session)

ICC-01/14-01/18

1 communiqué?

2 A. [10:36:12] We had the same vision and we had to liberate the country through a
3 popular uprising, and so we wanted something to indicate to the international
4 community. That is why I said a short while ago that I wrote to the Obama
5 administration, the speaker of the National Assembly of France, Madam Zuma and so
6 on. So since FROCCA was based in France, we really had to explain that and appeal
7 for intervention.

8 So we shared the same vision, that is why we talk about front for the return to the
9 constitutional order. So that was the context.

10 Q. [10:37:18] I will show you another email and that is tab 56. It is
11 CAR-OTP-2130-3306 and it is an answer to your email in which you sent a copy of the
12 tract that had been distributed in Bangui town. And if we can look at the answer of
13 Mr Ngaïssona. And he tells you: "The authority would want to read this document
14 and validate it before publication. We have to find a way to instill trust and I'm
15 proposing a communiqué which accuses Seleka of trying to use the name of FROCCA
16 to create diversion and you, the focal point, you are expecting the central coordination
17 in Paris for the actions to be carried out and we are to have this read by the boss."
18 Now, I have read it to you verbatim, but can you explain how or what you
19 understood by this message at the time?

20 A. [10:38:58] I did not really understand what this message meant. I really did not
21 understand what it meant. And even at this point, I really do not understand very
22 well what this message means.

23 Q. [10:39:23] It appears that Ngaïssona is asking you, he's proposing that you draft
24 a communiqué accusing Seleka of trying to use the name FROCCA. Did you do that
25 subsequently?

Trial Hearing
WITNESS: CAR-OTP-P-0808

(Open Session)

ICC-01/14-01/18

1 A. [10:39:47] I really no longer remember. The violence perpetrated by Seleka at
2 that time was such that you didn't really need this for our activities. It was a long
3 time ago. But the acts perpetrated by the Seleka were such that we did not even
4 need these to sensitise the international community whose assistance we needed at
5 that time.

6 Q. [10:40:18] I understand you very well. And there is another question, another
7 issue. He's referring to the central coordination in Paris and he also refers to the fact
8 that this document needed to be read by the boss. Do you understand the boss,
9 patron in French, as referring to Mr Bozize?

10 A. [10:40:53] I was not in a position to know whether it was Bozize or not. I knew
11 that based on the information that Ngaïssona gave me, it was a lawyer, Maître Lin,
12 who was leading this organisation in Paris. So we had to put ourselves in a legal
13 framework. So it means that FROCCA needed to make contact with the
14 international community to contact Paris and so on. That is what we meant by this
15 taking of action.

16 Q. [10:41:50] I will show you another email. I'm sorry, we have quite a few emails
17 and sometimes you have shorter issues, sometimes longer issues. It is
18 CAR-OTP-2124-0788. And it is in tab 41. And it is simply because the document is
19 not easy to read. So I wanted to show you a compilation of the first mail of
20 16 July 2013. The answer in which you were forwarding the tract. Then there is
21 another answer from Mr Ngaïssona simply telling you that he had no further
22 information and that at that point he was in Egypt. But the question is, do you
23 recognise this email dated 17 September 2013?

24 A. [10:43:08] Yes, I recognise that email.

25 Q. [10:43:17] And if we can go immediately to CAR-OTP-2124-0823, it's the next

Trial Hearing
WITNESS: CAR-OTP-P-0808

(Open Session)

ICC-01/14-01/18

1 email. Once again it's the same compilation of emails, but it is -- it includes your
2 answer. If we can, first of all, look at your answer, that is the day -- or the same day
3 or the day following the date on which Mr Ngaïssona was asking after you. I will
4 leave you the time to read the email.

5 PRESIDING JUDGE SCHMITT: [10:44:24] Perhaps in the meantime I can clarify
6 something in the transcript, obviously. There were overlapping speakers when I
7 wanted to declare that conditions of Rule 68(3) are fulfilled, so I do this herewith.

8 MS STRUYVEN: [10:44:39] Thank you.

9 Q. [10:44:52](Interpretation) Now, here, as you have already explained to the
10 judges, you were answering Mr Ngaya's email and saying that the situation in the
11 country remained alarming and that several towns were in distress. You explained
12 that you were still concerned, preoccupied in relation to the lines of action of
13 FROCCA and you asked Mr Ngaïssona to give you information relating to the actions
14 to be proposed. Do you remember that email?

15 A. [10:45:38] Yes, I remember this email. As you have realised, the situation was
16 chaotic and we were expecting to be delivered. We really hoped for something to
17 happen, because the situation was really chaotic. So it is not for nothing that I
18 contacted him for FROCCA action. So we expected some action, a line of action.
19 And as I have explained, FROCCA was led by a lawyer, a lawyer based in Paris.
20 And so that has an implication. Paris could decide on something to be done about
21 the situation in the CAR.

22 Q. [10:46:41] So you -- it was systematically through Ngaïssona that you obtained
23 information about FROCCA?

24 A. [10:46:46] Yes, it was systematically through Ngaïssona. If I remember
25 correctly, one time I sent an email to Maître Banoukepa if I remember correctly. But

Trial Hearing
WITNESS: CAR-OTP-P-0808

(Open Session)

ICC-01/14-01/18

1 if I remember correctly, it was mainly Ngaïssona who provided information on
2 FROCCA to me.

3 Q. [10:47:10] If we scroll up, we can see the answer from Ngaïssona two days later
4 and that was on 19 September 2013. He is asking you how are you doing and he
5 says "in light of the situation in the country, we have people on the ground who are
6 carrying out manoeuvres or who are manoeuvring. What can you do to reinforce
7 the disruption in Bangui and make the action generalized." Who were these people
8 on the ground in Bangui?

9 A. [10:48:02] I'm not in a position to ask -- to tell you who it was. But as I have
10 told you, we talked about the leaders of associations. That is how I interpreted these
11 messages. So my correspondents with Ngaïssona was related mainly to popular
12 movements, specifically associations. What I need to point out is that Ngaïssona
13 was never a soldier. He was a civilian. So I never had any information that he was
14 a soldier. He was never a soldier. He was a civilian. But given that he was an
15 opinion leader in the country, that is how I interpreted it, because he was talking
16 about association leaders.

17 If you allow me, the point, the idea was to persuade popular movements to do
18 something. There was FROCCA. We were hoping that FROCCA would put
19 pressure at the level of Paris so that there could be an intervention to be -- to have us
20 released or liberated from Seleka.

21 Q. [10:49:40] CAR-OTP-2093-0010, it is page 0021. You stated that you were not
22 sure whether that Ngaïssona was a soldier. But you also stated that when he
23 returned to Bangui, you realised that he knew the Anti-Balaka very well and you
24 realised that he even had connections with the army because you saw him with
25 FACA. Do you remember stating that you even gave the example of Konate, who

Trial Hearing
WITNESS: CAR-OTP-P-0808

(Open Session)

ICC-01/14-01/18

1 you saw in Ngaïssona's home, and you realised that they knew each other?

2 A. [10:50:34] In fact, Ngaïssona was in fact a minister. He was close to Bozize.
3 He had easy access to President Bozize at the time. So it is true that this is what I
4 said. But it was simply an observation. Everyone knew that Ngaïssona was an
5 influential person. He had relationships. This is a fact. He is someone who was
6 close to President Bozize and he was a public personality. Everyone knew him. So
7 it is in that context that I made that statement, who is the person who did not know
8 Ngaïssona in the country.

9 Q. (Overlapping speakers)

10 PRESIDING JUDGE SCHMITT: [10:51:34] Ms Struyven, please, please wait until the
11 interpretation has finished.

12 Not so long. But, it's okay.

13 MS STRUYVEN: Apologies.

14 PRESIDING JUDGE SCHMITT: [10:51:49] You know, finishing is fine, but you know,
15 and when people wait that somebody speaks seconds becoming minutes. We all
16 know that, yeah, I think.

17 MS STRUYVEN: [10:52:05](Interpretation)

18 Q. [10:52:07] To come back to these men on the ground or in the field, when you
19 re-read the email - if it can kindly be displayed again, it's
20 CAR-OTP-2124-0823 - Ngaïssona told you that they had people on the ground
21 manoeuvring. It's 2124-0823. So he says that they have men on the ground
22 manoeuvring and he's asking you what you can do to further increase the disruption
23 in Bangui.
24 So what I understand is that the people he's talking about on the ground are not in
25 Bangui. Is that what you also understand?

Trial Hearing
WITNESS: CAR-OTP-P-0808

(Open Session)

ICC-01/14-01/18

1 A. [10:53:17] Personally, it was not possible for me to understand what he meant.
2 If you look at my mails, it is true that I am an opinion leader, but in my writings I
3 frequently mention God and I act as an apostle. So, knowing Ngaïssona in my head,
4 I could not suspect Ngaïssona to be someone who was in favour of war. So our
5 actions were mainly based on legal grounds in order to persuade the international
6 community to help us.
7 So you had many examples before. Bokassa, who was persecuting the population.
8 You had the Barracuda operation in the '70s. So the context that we were in was that
9 something had to be done. Seleka had taken over the country, so what had to be
10 done for Seleka to leave. So there was a military operation and this happened
11 especially because the Central African army really no longer existed. So I was
12 hoping that FROCCA could influence Paris to take a decision.
13 Now, regarding people on the ground, I really had difficulty understanding what was
14 in those mails.

15 Q. [10:55:20] Absolutely. Yes. But we agreed that in December 2013 there were
16 people coming from the provinces, the Anti-Balaka who attacked Bangui. These
17 were not international forces. So in the final analysis, you had men, Anti-Balaka
18 who attacked Bangui town. Do we agree on that?

19 A. [10:55:47] This is the first time that we had to live through that situation in that
20 country. I was not expecting that it should be the Anti-Balaka. I had never
21 imagined that we would have a movement of that type. So it was the first time we
22 were experiencing that situation. So in my head I had never imagined that it would
23 be such a movement.

24 Q. [10:56:17] Just a short question to clarify something. You referred to Maître Lin
25 Banoukepa. Am I to understand that he was also the lawyer of President Bozize?

Trial Hearing
WITNESS: CAR-OTP-P-0808

(Open Session)

ICC-01/14-01/18

1 A. [10:56:36] I knew that he was a lawyer, but I did not know that he was Bozize's
2 counsel. I knew that he was a lawyer who had a practice in Paris, a Central African
3 national with a practice in Paris and who set up this platform. So I knew he was a
4 lawyer.

5 Q. [10:57:01] Did you subsequently know that he was Bozize's lawyer or is it just
6 now that you are learning about it?

7 A. [10:57:12] I am not in a position to tell you right now. Later certainly, but
8 I cannot give you a precise answer now.

9 Q. [10:57:21] No problem. I will go to the next document. And it is
10 CAR-OTP-2024 -- I'm sorry, I made a mistake, it is 2124-0844, tab 43.

11 So if you can -- we can look at your answer to Mr Ngaïssona's email in which he said
12 there are people on the ground. So you have your answer here. And you say that
13 you think that the proposal made by Mr Ngaïssona are relevant.

14 A. [10:59:12] Are you asking me a question?

15 Q. [10:59:16] First of all, do you recognise this email and what do you mean by the
16 proposals were relevant? What were the proposals?

17 A. [10:59:26] You can simply put these proposals within the framework of the
18 actions that we had been carrying out, that is to mobilise association leaders. That is
19 how I understood those proposals. It was still within that framework.

20 Q. [10:59:48] And the following day, if you can just scroll back up, Ngaïssona
21 answered you: "Thank you very much, but time is against us and if you can send
22 some answers very quickly because the big boss is waiting now."

23 According to you, who was the big boss that he was referring to?

24 A. [11:00:15] I'm not in the position to know precisely what was in the mind of
25 Mr Ngaïssona when he was writing that.

Trial Hearing
WITNESS: CAR-OTP-P-0808

(Open Session)

ICC-01/14-01/18

- 1 MS STRUYVEN: [11:00:27] Your Honours, I have another series of documents
2 I would like to go into, but maybe now is a good time for the --
- 3 PRESIDING JUDGE SCHMITT: [11:00:34] Indeed. I would also say so.
4 So we have a break until 11.30.
- 5 THE COURT USHER: [11:00:40] All rise.
6 (Recess taken at 11.00 a.m.)
7 (Upon resuming in open session at 11.33 a.m.)
- 8 THE COURT USHER: [11:33:05] All rise.
9 Please be seated.
- 10 PRESIDING JUDGE SCHMITT: [11:33:28] Ms Struyven, you have the floor.
- 11 MS STRUYVEN: [11:33:32] Thank you, Mr President.
- 12 Q. [11:33:38] (Interpretation) Good morning once more, Mr Witness. Now I will
13 be putting questions to you on another document.
14 And I would ask the court officer to display CAR-OTP-2102-8506, that's at tab 29.
15 I have asked the court officer to display a document for you. I think it's coming up.
- 16 A. [11:34:25] Please, I have a small question. Since we started these proceedings
17 there have been two previous hearings. And on each occasion the ICC team had
18 always told me that they could assign me counsel and on each occasion I declined
19 because I did not see need for it.
20 Now, the last time I realised that we were dealing here with legal issues and because
21 I am not familiar with these issues, I would then agree to having a counsel. So I
22 therefore had some discussions and I have a few hesitations about this. What use is
23 there in having a counsel who cannot have access to information concerning
24 Ngaïssona? Because I had discussions with him and he said he doesn't have access
25 to that information. That's the nature of my question.

Trial Hearing
WITNESS: CAR-OTP-P-0808

(Open Session)

ICC-01/14-01/18

1 Q. [11:35:39] Mr Witness, the procedure here is such that normally a series of
2 documents is provided to you and to your counsel and you can read those documents
3 before your testimony. This -- these are the documents you received a few days ago
4 from the Victims and Witnesses Unit, namely your statement and any other
5 documents that you provided or commented on during your statement. These are
6 the very documents that will be sent to your counsel. Clearly, there are also
7 thousands of documents that are available to us, and in order to help the Chamber
8 sometimes we show the witness documents that were not dealt with during the
9 statement simply because we did not have the documents maybe or because we
10 received information subsequently. And according to our processes in place, we do
11 not send all the documents to your counsel. We send only your statement and
12 related documents to your counsel so that he or she may assist you during your
13 testimony. These are the rules of procedure that apply here at the ICC.

14 A. [11:37:02] Okay. Well, I didn't understand. I didn't understand. It's because
15 I didn't understand that I asked the question.

16 PRESIDING JUDGE SCHMITT: [11:37:09] Mr Ngaya, you have a counsel because of
17 the potential - we don't know if it ever materialises - the potential that some questions
18 might be put to you where the truthful answer might tend to incriminate you.

19 I think you understand that concept. And, of course, especially your counsel
20 understands that concept.

21 And with that regard, you have been appointed a counsel. Not -- not every witness
22 before this Court has a counsel. So let me put it this way: In a way, you are
23 privileged that whenever a situation arises you might confer, as I have told you at the
24 beginning, with your counsel who is also present. And, also, if counsel thinks it
25 might be good to have a conversation with you, he might raise his hand and he might

Trial Hearing
WITNESS: CAR-OTP-P-0808

(Open Session)

ICC-01/14-01/18

1 ask me in that case to give him the floor. So this is simply -- this is simply the matter.

2 It's absolutely impossible that witnesses are provided, and their counsel, with every
3 document that might be of any relevance. But there are two things with regard to
4 the documents that are shown to you that might be new in a sense that -- that your
5 counsel has not seen them before.

6 First of all, your counsel is a person whose profession is to assess such situations, so
7 he will quickly grasp if a situation arises where a conversation with you is needed.

8 And secondly, if I -- if you allow me to say that, you're a very intelligent person.

9 You also see if a situation arises that might make it necessary in your mindset to talk
10 with your counsel. I think you have understood that. We can continue from there.
11 Please, Ms Struyven.

12 MS STRUYVEN: [11:39:09] Thank you, Mr President.

13 PRESIDING JUDGE SCHMITT: [11:39:12] May I ask you, the Chamber would very
14 much appreciate it if the examination of the Prosecution would end today. Because
15 we have a Rule 68(3) witness and, as we have stated before the break, the conditions
16 are fulfilled. So I think it would be possible. And I had -- now we have, of course,
17 this back and forth a little bit for a couple of minutes, but nevertheless the Chamber
18 had the impression - we talked about that - that it went quite smoothly in the first
19 session. But I don't hope that our impression was wrong, but we thought at least.

20 MS STRUYVEN: [11:39:51] Thank you, Mr President.

21 PRESIDING JUDGE SCHMITT: [11:39:55] But you're not answering.

22 MS STRUYVEN: [11:39:57] I think I will be done by today. If it goes at the same
23 speed.

24 PRESIDING JUDGE SCHMITT: [11:40:04] So let me put it this way: You give us
25 hope.

Trial Hearing
WITNESS: CAR-OTP-P-0808

(Open Session)

ICC-01/14-01/18

1 MS STRUYVEN: [11:40:08] Yes.

2 PRESIDING JUDGE SCHMITT: [11:40:10] Okay, good. Please continue.

3 MS STRUYVEN: [11:40:13] (Interpretation)

4 Q. [11:40:14] Mr Witness, I would like to show you another document now, which
5 is before you, CAR-OTP-2102-8506. It's a Facebook conversation between yourself
6 and Bangui FROCCA. First question: Do you remember having this exchange on
7 Facebook with Bangui FROCCA?

8 A. [11:40:48] I don't understand. What is Bangui FROCCA?

9 Q. [11:40:54] This is a Facebook account, just like you yourself have a Facebook
10 account under the name Alfred Legrand Ngaya. There is another Facebook account
11 going by the name Bangui FROCCA. And according to information available to us,
12 as reflected on this document, you exchanged towards the end of 2013 with Bangui
13 FROCCA on Facebook. Is that correct?

14 A. [11:41:25] I don't clearly remember. These things happened a long time ago. I
15 don't -- I don't remember clearly. It's been a long time.

16 Q. [11:41:37] Do you know who managed the Bangui FROCCA Facebook account?
17 Which individual?

18 A. [11:41:49] I don't know exactly. But in any event, our actions were extremely
19 discreet and I, therefore, was not aware whether there were other persons working
20 under the name of FROCCA. I really don't know. What I remember, what comes
21 to mind is to ask whether there were other persons working under the name of
22 FROCCA. I'm not able to say or to know.

23 Q. [11:42:25] When you exchanged messages with Bangui FROCCA, did you know
24 who the individual behind that Facebook account was, who used the name Bangui
25 FROCCA?

Trial Hearing
WITNESS: CAR-OTP-P-0808

(Open Session)

ICC-01/14-01/18

1 A. [11:42:43] I'm not able to know. I'm not able to know. Please. Because it's
2 quite difficult, isn't it? The context was rather peculiar, it was quite sensitive at that
3 time and so I could not know. I could not have known.

4 Q. [11:43:07] I will show you a specific exchange, page 8507. And this document
5 should not be displayed to the public.

6 Here we should scroll to the message of 1 October 2013, and I explained to you that
7 I would like to proceed chronologically. So if we could go a bit further down you
8 ask Bangui FROCCA:

9 "... what is the good news, even in these difficult times, we remain positive ..."

10 And Bangui FROCCA answers: "Good evening. All things seem to be falling into
11 place already."

12 And then your answer: "... I have understood well!"

13 And then the next message: "Things are evolving."

14 And then Bangui FROCCA says: "Thank you, Pastor."

15 So what were you talking about when you said, "I have understood you well.

16 Things are evolving"? And that was in early October 2013.

17 A. [11:44:37] I have already told you that we were expecting deliverance from
18 abroad, which could come from abroad. The main leader of FROCCA was in France
19 and so we were hopeful that France would intervene as it had done in the past.

20 So it was in that sense that I was reacting. Personally, after having contacted
21 everybody whom I could, I felt that there could be some kind of impact. The Obama
22 Administration, the French government, the AU commission, the United Nations
23 group of experts. You see, the main leader of FROCCA was a lawyer and he was
24 based in Paris, so I thought that things were going to move in that direction. And
25 ultimately in January, Djotodia resigned and that's what we had been hoping for at

Trial Hearing
WITNESS: CAR-OTP-P-0808

(Open Session)

ICC-01/14-01/18

1 that time.

2 Q. [11:45:56] What I don't clearly understand is that, okay, you say that you don't
3 know who is behind Bangui FROCCA, and you said so already during your
4 testimony that these were very delicate times, delicate issues and then you said that
5 you would not identify people with whom you were communicating. But when it
6 comes to the international intervention it was quite public, wasn't it? If you were
7 just expecting international intervention from France or from the US, as you have said,
8 you contacted or sent documents to Mr Obama and so why -- why then would you
9 want to keep this possible intervention a secret?

10 A. [11:46:46] Well, we were in particularly difficult times. And as I said, delicate
11 times, sensitive times because the Seleka elements were tracking down people. Let
12 me give you an example.

13 There were some young people who photocopied some tracts at a photocopying
14 facility near the community hospital in Bangui. I don't know if you are familiar with
15 that place. Those young people were arrested. And I do not know what became of
16 them. They disappeared. So all our actions had to be undertaken extremely
17 discreetly because we knew that all our eyes were turned to France at that time and
18 that is why it was necessary to persuade the international community to do
19 something.

20 Q. [11:47:52] When you say here that things are evolving, what things were
21 evolving, concretely speaking? Because this is your answer. You said things are
22 evolving. What things were evolving at that time?

23 A. [11:48:07] Well, at our level there was a -- an increasingly generalized
24 awakening of consciences. And I take one example. I had asked that we organise a
25 concert of pots or casseroles, and a time had been set - I can't remember exactly when,

Trial Hearing
WITNESS: CAR-OTP-P-0808

(Open Session)

ICC-01/14-01/18

1 maybe 7 p.m. - and the information had gone out to the population to do this concert
2 of pots. And that evening the concert of pots actually took place in the entire city of
3 Bangui. So there was a conscience awakening and an increased mobilisation of the
4 population and that is the sense in which I was speaking when I said that things had
5 evolved.

6 Q. [11:49:05] Now the concert of pots, so to speak, or casseroles, was that not in
7 August 2013, was it not in August 2013?

8 A. [11:49:17] I think it's possible. It must have been in August, but I don't
9 remember the exact date. What I'm saying is that we had programmed a concert of
10 pots and this was done by the entire city. So what I'm saying is that almost the
11 entire population had the opportunity to express how fed up they were.

12 Q. [11:49:44] Let me show you another Facebook exchange, CAR-OTP-2100-7317 at
13 tab 25. Here we are looking at a Facebook discussion between yourself and Levy
14 Yakete. Do you remember having chatted with Mr Yakete on Facebook?

15 A. [11:50:42] I don't have a clear recollection, but it must have been possible. You
16 see, as leaders of associations we already knew each other in Bangui, so we had
17 known ourselves already, so it is possible. But I don't remember exactly what we
18 talked about.

19 Q. [11:51:01] Please show page 7319, so we can look at a small administrative issue.
20 Page 7318. Let's go -- your email here of June in which you provide your email
21 address to Mr Yakete, I will not mention it, but it that your correct email address?

22 A. [11:51:37] Yes, that's my email address. I don't use it today, but it's still open,
23 although I don't use it.

24 Q. [11:51:51] No problem. But let's go to page 7322, where we can see on
25 21 November 2013 you have another conversation. That's another month, in another

Trial Hearing
WITNESS: CAR-OTP-P-0808

(Open Session)

ICC-01/14-01/18

1 month. Here you say: "From my end, so far I am working with a team that's
2 collecting -- collecting information on the acts of violence of Seleka and shares them
3 with others, in Bangui and elsewhere. And among other things, we communicate
4 the positions of our enemies and youth on the ground, and the Anti-Balakas, often
5 through Minister Ngaïssona."

6 Then Mr Yakete says "OK, courage."

7 Can you explain what you mean by you communicate the positions of the enemies to
8 the Anti-Balaka through Minister Ngaïssona?

9 A. [11:53:05] The positions of -- well, I'm really quite surprised at this. At that
10 time did we already know of the existence of the Anti-Balaka? Well, I -- I -- and by
11 the way, I myself, I was not on the ground and what positions would I be
12 communicating to Mr Ngaïssona? That's a -- that's a question.

13 PRESIDING JUDGE SCHMITT: [11:53:36] That's an answer. So please continue.

14 THE WITNESS: [11:53:39](Interpretation) I don't -- I don't recognise this. I don't -- I
15 don't know what position I would have been communicating to Ngaïssona. I
16 never -- I never -- and by the way, were the Anti-Balaka already existing at that time
17 and I --

18 MS STRUYVEN:

19 Q. (Overlapping speakers)

20 THE INTERPRETER: [11:54:01] We didn't get -- interpreters didn't get the last part
21 of the witness's answer. If he could repeat.

22 PRESIDING JUDGE SCHMITT: (Overlapping speakers) Ms Struyven, much too fast.
23 Please, please start again with your question. Please repeat it, simply.

24 MS STRUYVEN: [11:54:19](Interpretation)

25 Q. [11:54:21] So here we are looking at a period two weeks before the attack on

Trial Hearing
WITNESS: CAR-OTP-P-0808

(Open Session)

ICC-01/14-01/18

1 Bangui. And as you said during your testimony, you say to Mr Yakete that you
2 were gathering information on the exactions of Seleka. This you have already
3 confirmed today during your testimony. And then you say that you share them
4 with the others in Bangui and abroad. And you already explained to us that you
5 were sending information to various administrations, including President Obama and
6 so on and so forth. And you were the one who said that you communicated the
7 positions of your enemies, namely the Seleka, to the youth who were on the ground,
8 namely the Anti-Balaka, and that you did so often through Minister Ngaïssona. And
9 this message comes from you. That is why I would like to ask you to explain to the
10 Chamber what this is all about.

11 A. [11:55:32] In any event, what I know is that I gathered information on the acts of
12 violence of Seleka, but I do not remember what -- what positions of Seleka I would
13 have been communicating to Ngaïssona. I really don't remember that.

14 PRESIDING JUDGE SCHMITT: [11:55:49] Please move on.

15 MS STRUYVEN: [11:55:51] If I can maybe ask just one more question.

16 PRESIDING JUDGE SCHMITT: [11:55:56] I don't think that you will get another
17 answer, but if -- you have tried several times. But I'm quite sure --

18 MS STRUYVEN: [11:56:04](Interpretation)

19 Q. [11:56:05] So just one last question. At that time were you communicating with
20 Mr Ngaïssona on what was happening in Bangui?

21 A. [11:56:13] Yes. I used to communicate with him on what was happening in
22 Bangui because we used to live in the same neighbourhood. And once, you see, the
23 neighbourhood was looted systematically and so there was Ngaïssona's depot which
24 was located not far away from my house and on one entire day the Seleka were there
25 busy looting the goods in his depot. I had Mr Ngaïssona's contact and I therefore

Trial Hearing
WITNESS: CAR-OTP-P-0808

(Open Session)

ICC-01/14-01/18

1 contacted him in those circumstances.

2 Q. [11:57:02] Do you remember discussing the Anti-Balaka with Mr Ngaïssona, in
3 general terms?

4 A. [11:57:06] No. No. I was aware of the Anti-Balaka when they entered Bangui.
5 You see, there had been rumours before that some FACA elements had joined a group
6 known as Siriri. So these FACA troops had joined the Siriri. But now, it is when
7 the Anti-Balaka entered Bangui that I became aware who the Anti-Balaka were.

8 Q. [11:57:45] Let me now ask you about something you already mentioned today,
9 and I want to remain in the chronology that is going next to December before
10 January 2014.

11 You talked about money which Mr Ngaïssona would have transferred. In your
12 second statement, in fact, you -- and this is CAR-OTP-2093-0012 (sic) at tab 23 (sic)
13 from paragraphs 41 to 44.

14 In that excerpt you explained that, when the Anti-Balaka arrived in Bangui, they
15 began to behave like the Seleka and you tried to dissuade them from that type of
16 conduct. And in that statement you go on to explain that, towards the end of
17 December 2013 and in early January 2014, you started to gather or collect money from
18 the population and to give it to the Anti-Balaka in order to get them to stop that kind
19 of behaviour.

20 Then you explain in your statement as well that you called Ngaïssona and asked him
21 to give money, and that he gave you money, something between 80 to 100,000 francs
22 CFA. And then you told him that you had provided that money to the Anti-Balaka,
23 you had given that money to the Anti-Balaka and that you had actually given the
24 money to Mr Andjilo. Is that correct?

25 A. [11:59:25] Yes, that is correct. That is correct.

Trial Hearing
WITNESS: CAR-OTP-P-0808

(Open Session)

ICC-01/14-01/18

1 Q. [11:59:34] Now, in your statement you explain that your hope was that Andjilo
2 would give the money to the Anti-Balaka and that you hoped that in so doing he
3 would stop the Anti-Balaka from continuing to terrorise the people; is that correct?

4 A. [11:59:54] Yes. At that time the problem with the Anti-Balaka was that most of
5 them were young people who had come from the villages, they had no relatives in
6 Bangui and so they had a need for food and so unfortunately their approach was one
7 that required them to racketeer or to pillage people.

8 So the population, which had already come under great terror, was again subjected to
9 another kind of terror similar to that which they had experienced with Seleka.

10 So that is why we decided to try to do something at a time when there was no
11 structure in place, the state had disappeared and we didn't know where we could get
12 help from. It is for that reason that we needed to reach out to people of good faith,
13 civil servants, traders in the locality, and ask how we could get help for these people
14 and provide them with some food.

15 And it is in that context that I called Ngaïssona, I raised the problem with him, and
16 then he sent me 80 to 100,000 francs CFA, but I don't remember the exact amount.

17 Q. [12:01:14] Concretely, how did Mr Ngaïssona transfer that money to you? Do
18 you remember?

19 A. [12:01:22] He transfer the money to me through Western Union.

20 Q. [12:01:31] I think you have already answered in French, but I do not know
21 whether it was well transcribed in English. Now, did you speak with Ngaïssona at
22 that time of the fact that the Anti-Balaka were terrorising the population?

23 A. [12:01:55] That was indeed the justification of the request that I made to him.

24 That was precisely it. But unfortunately the population was so traumatised and they
25 were -- people were going to continue in the dynamics of war. So it was in that

Trial Hearing
WITNESS: CAR-OTP-P-0808

(Open Session)

ICC-01/14-01/18

1 framework that I requested assistance from Ngaïssona. I had done that with other
2 dignitaries in the neighbourhood. So that is why I asked for his assistance.

3 Q. [12:02:35] Do you remember what Ngaïssona said about the violence
4 perpetrated by Anti-Balaka at that time? Do you remember what he said in relation
5 to that?

6 A. [12:02:48] No. I no longer remember.

7 Q. [12:03:03] So just to be complete, you received the money and you gave it to
8 Andjilo; is that correct?

9 A. [12:03:09] Yes, correct. Because they were based in the neighbourhood. And I
10 have just explained, they were -- they had problems, they were terrorising the
11 population. So when I handed the money, immediately I called Ngaïssona to tell
12 him, to report to him that I had handed over the money.

13 Q. [12:03:43] And did you explain to Andjilo that that money was coming from
14 Ngaïssona?

15 A. [12:03:49] Yes, I explained to Andjilo that the money was from Ngaïssona.

16 Q. [12:03:59] And did Andjilo know Mr Ngaïssona at that time?

17 A. [12:04:06] Yes, of course. Mr Ngaïssona was sufficiently well known in the
18 country. Just about everyone knew Mr Ngaïssona. He was in charge of the youth
19 and because of football, everybody knew him.

20 Q. [12:04:29] I will show another document. And we are now, just to be clear, the
21 money you received from Ngaïssona, that was before his return to Bangui; is that
22 correct?

23 A. [12:04:43] Yes, it was after his -- that was before his return to Bangui. But it
24 was after the Anti-Balaka had already entered Bangui. That is after 5 December. So
25 it was around the end of December. When the Anti-Balaka entered on 5 December,

Trial Hearing
WITNESS: CAR-OTP-P-0808

(Open Session)

ICC-01/14-01/18

1 they terrorised the population to such an extent that everyone was afraid and they
2 were going into hiding. And so we needed some time before we were able to come
3 out of our houses. So it was towards end of December or early January.

4 Q. [12:05:36] I have another email and it is CAR-OTP-2124-0995 and that is tab 44.
5 If the court officer could please display that.

6 It is an email from you to Mr Ngaïssona dated 28 December 2013. Do you recognise
7 that email?

8 A. [12:06:20] Yes, I believe so.

9 Q. [12:06:25] So you were transmitting to him the documents of our small ones. A
10 press communiqué and demands or requirements who would -- that would be the
11 subject of possible negotiation. So the reaction, that is the reactions of Ngaïssona
12 would be expected, that is his reactions to the demands of the CLPC.

13 I will show you the contents attached to that mail.

14 If the court officer can display CAR-OTP-2124-0996, that is tab 45.

15 Do you recognise that press release or press communiqué?

16 A. [12:07:41] Yes, I believe so.

17 Q. [12:07:49] The next page, 0997, if that can be displayed, please.

18 At the bottom of the page we can see that it is signed by Emotion Namsio. And we
19 had mentioned him before. And you had been working with him since April,
20 I believe.

21 And if the court officer can show further up, please, at the top of the page, you have
22 already mentioned, but it is said that the CLPC deplores the innocent victims during
23 those military operations.

24 You have already talked about the Anti-Balaka who, when they came in, were
25 terrorising the population. Is this what you were referring to?

Trial Hearing
WITNESS: CAR-OTP-P-0808

(Open Session)

ICC-01/14-01/18

1 A. [12:09:18] No. In fact, what the Anti-Balaka did, it was when they came into
2 Bangui that we heard about that. With Namsio, we were discussing the same things
3 that we had been discussing within the framework of trying to free the Central
4 African nation. So it was a struggle from the perspective of persuasion, negotiations,
5 that is a peaceful struggle through the mobilisation of the population.

6 Q. [12:10:04] But here in this first communiqué it is stated that during the military
7 operations of the CLPC, and you said in your statement that the CLPC and the
8 Anti-Balaka were the same thing, we are not going to go back to that, but you said
9 that during those military operations there were innocent victims.

10 A. [12:10:31] Well, I'm not the one who signed the document. And this was
11 produced a long time ago, so I really do not know precisely what it was about. All I
12 know is that I was working with Emotion Namsio precisely within the framework of
13 the actions we are carrying out. CLPC was not carrying out military actions at that
14 time. It was persuasion and mobilisation.

15 I think this is a question you can put to Namsio. You can see down there that it was
16 Namsio who signed the document.

17 Q. [12:11:25] I will show you a second document which you sent to Mr Ngaïssona
18 in the second email. And the second document is CAR-OTP-2124-0998 and that is
19 tab 46.

20 Do you recognise that document which you sent to Mr Ngaïssona.

21 A. [12:12:24] I believe so. I recognise the format of the document, the presentation
22 of the document.

23 Q. [12:12:35] And page 2 is page 0999, if that can be displayed to you.

24 And please scroll down.

25 And those are the requirements or demands of the CLPC in relation to the

Trial Hearing
WITNESS: CAR-OTP-P-0808

(Open Session)

ICC-01/14-01/18

1 militaro-political crisis in the Central African Republic.

2 So scroll down the page, please. Further down.

3 You can see that once again it was a spokesperson who produced that document,

4 Emotion Namsio.

5 And if you scroll back up to demand number 9:

6 "Taking into consideration the CLPC elements (Anti-Balaka) in the disarmament,

7 demobilisation and reintegration programme."

8 Do you recognise this document?

9 A. [12:13:53] Yes, this is in line with the measures that we were taking, because at
10 that time we were being told that the Anti-Balaka would not be taken into

11 consideration within the DDR programme. So one of the demands was that they

12 should be taken into consideration. So we had the MISCA elements, that is the

13 operation by the African Union, were telling us that the Anti-Balaka would not be

14 taken into account in the DDR. We thought this was unacceptable and, if they were

15 not taken into account, it would be problematic. That is why we produced that

16 document.

17 Q. [12:14:56] (Overlapping speakers)

18 PRESIDING JUDGE SCHMITT: [12:14:58] You know, I really admire the interpreters

19 today, that they do not admonish me. So perhaps I'm a bit quicker in that regard.

20 So really we have to -- to give them the chance to finish and then to understand your

21 question properly to translate this properly too. Thank you.

22 MS STRUYVEN: [12:15:23](Interpretation)

23 Q. [12:15:25] I will rephrase the question.

24 In your first statement, and it is CAR-OTP-2025-0326, and that is tab 6, paragraph 81,

25 you stated: "The CLPC and the Anti-Balaka are one and the same thing." Is that

Trial Hearing
WITNESS: CAR-OTP-P-0808

(Open Session)

ICC-01/14-01/18

1 correct?

2 A. [12:15:55] Can I see the document in question?

3 Q. [12:16:05] Your statement, paragraph 81, it is possible that we may only be able
4 to show you the English version, so it is CAR-OTP-2025-2024, that is the second
5 statement. The first one is CAR-OTP-2025-0324, tab 6.

6 PRESIDING JUDGE SCHMITT: [12:16:51] I think you can -- it's not such a long
7 paragraph, you can read it to the witness and will be translated into French. And
8 then he can -- so this is, Mr Ngaya, paragraph 81 of your first statement that you gave
9 in 2016 to the Office of the Prosecutor. Please listen. It will be interpreted for you.

10 MS STRUYVEN: [12:17:14] "The official CLPC ... was formed after the election of
11 Samba-Panza as the President of the Interim Government in January 2014. The
12 leaders [for] the National level of the CLPC were mostly from a civilian background.
13 The name CLPC didn't last and we were named Anti-Balaka instead by the end of
14 January or beginning of February 2014. CLPC and Anti-Balaka are one in the same."

15 THE WITNESS: [12:17:53](Interpretation) Can I say something?

16 PRESIDING JUDGE SCHMITT: [12:17:55] Of course. Especially we would be
17 interested your comment on that, because you were asked, yeah.

18 THE WITNESS: [12:18:01](Interpretation) Very well. In fact, when the Anti-Balaka
19 entered Bangui, there was the resignation -- well, let us say that the primary concern
20 that we had was how to return to a situation of normalcy. So if the behaviour of the
21 Anti-Balaka was not changed, as I have already said, the situation was deplorable, the
22 population was being persecuted. So our actions were for the purpose of restoring
23 normality. CLPC was part of what we had set up. There was a national
24 coordination for peace and security, so we had to clear conditions so as to dissuade or
25 sort of influence the behaviour of the Anti-Balaka so that they should stop

Trial Hearing
WITNESS: CAR-OTP-P-0808

(Open Session)

ICC-01/14-01/18

1 persecuting the population.

2 That is why this action was taken. Was it a single entity? I do not think so. That
3 is not what we are talking about. We were focussing on actions that would have as
4 objective the restoration of normality.

5 MS STRUYVEN: [12:19:48] (Interpretation)

6 Q. [12:19:51] But you agree, Mr Witness, that when you look at the document that
7 we are discussing, that is CAR-OTP-2124-0998, tab 46, the second page, that is the
8 demands or grievances of the CLPC. The second page is page 0999. Mr Namsio is
9 stating on 7 December 2013, he is demanding the taking into account of the CLPC
10 (Anti-Balaka) in the DDR programme. Do we agree on that?

11 A. [12:20:46] That is a question of semantics, of wording. I would like to give
12 another interesting detail. I have told you at the beginning. I am a Gbaya and
13 I was living in a neighbourhood where the majority of the inhabitants were Gbaya.
14 So at that time when Seleka had taken power, all the Gbayas were targets of Seleka
15 and that is what caused us to be victims. We were put in a single basket. I even
16 published a press communiqué. I even went to Radio Ndeke Luka, which was very
17 popular in our country, to speak directly to President Djotodia. I asked him a
18 question. He came from the Birao region. Now that he was in power, if he was in a
19 position to provide food to all the Birao people, then he could persecute the Gbaya.
20 But given that he could not meet the needs of the Birao, so he did not need to take the
21 Gbaya into consideration. So we felt persecuted the way we were living.
22 I will give you an example. When the Seleka had to go and loot my house on the
23 road, they started asking for the location of Pastor Ngaya's house. Why? Because
24 those of us who were of Gbaya ethnicity were targeted and if you occupied an
25 important position at that time you were immediately lumped together with Bozize.

Trial Hearing
WITNESS: CAR-OTP-P-0808

(Open Session)

ICC-01/14-01/18

1 And I -- I used my own means to obtain a post. I had no special relationships with
2 Bozize. So when you look at the situation in general, so the entire region, people
3 who were Gbaya were the victims of confusion. So the CLPC wanted the
4 Anti-Balaka to be taken into account.

5 So you can see that subsequently all our actions had as objective to return to a
6 situation of normalcy.

7 Q. [12:23:52] Thank you. I can show you another document,
8 *CAR-OTP-2124-0516, and that is tab 28. After that I will revert to my questions, but
9 this is a procès-verbal of a consultation meeting between the leaders of the movement
10 of liberation combatants of the CAR, CLPC, known as Anti-Balaka, relating to the
11 extraordinary positions of certain members of CEEAC.

12 So this is a document dated 10 January 2014. And we agree that the participants in
13 that consultation meeting between the leaders of the CLPC movement did themselves
14 referred to the CLPC as the Anti-Balaka, as being the Anti-Balaka?

15 A. [12:25:17] Well, listen. The way I understand it is simply a question of wording,
16 of semantics, and I have just explained this to you. What you need to understand is
17 the context of that confusion in relation to the reign of Bozize, which caused the
18 Seleka to target the Gbaya.

19 I will give you an example. I was the coordination of the -- the coordinator of the
20 national coordination for peace and security. When Ngaïssona returned from exile,
21 that is the day on which I was finally considered as Anti-Balaka. It was because after
22 Djotodia's resignation, the interim president, Mr Alexandre Nguendet, convened a
23 meeting with all the organisations of the civil society. I had planned to come to that
24 meeting in my capacity as coordinator of the national coordination for peace and
25 security.

Trial Hearing
WITNESS: CAR-OTP-P-0808

(Open Session)

ICC-01/14-01/18

1 Now, at that point, Ngaïssona called me and asked me to speak on their behalf
2 because they had been convened. Him and the Anti-Balaka ComZones, they had
3 been convened by the MISCA at their M'poko base. Mr Ngaïssona was with
4 Mr Konate, a soldier. They had asked me to speak on their behalf. What made me
5 to accept that request was the fact that we had the same grievances and we were
6 particularly targeted. I am Gbaya, Ngaïssona is Gbaya, even Konate is Gbaya. So
7 we were targeted by Seleka.

8 So that confusion between Anti-Balaka and CLPC basically comes from there, but our
9 objective was to return to normalcy.

10 PRESIDING JUDGE SCHMITT: [12:27:48] Ms Struyven, please move to another
11 point now.

12 MS STRUYVEN: [12:27:52] Yeah.

13 PRESIDING JUDGE SCHMITT: [12:27:52] We have really dealt with that long
14 enough now.

15 MS STRUYVEN: [12:27:56] (Interpretation)

16 Q. [12:27:57] I would like to come back to the original email that I showed you,
17 CAR-OTP-2124-0995. And it is tab 44.

18 So this is the original email dated 28 December 2013. And you transferred the two
19 documents that we have just seen, the press communiqué and the CLPC grievances or
20 demands, and you told Mr Ngaïssona just to forward to you the documents of our
21 young ones, press communiqué number 1, and the demands that will be the subject of
22 possible negotiations.

23 Your reactions are expected in relation to the demands of CLPC. Thank you and see
24 you soon".

25 Now, can you explain to the Chamber why you were expecting Mr Ngaïssona's

Trial Hearing
WITNESS: CAR-OTP-P-0808

(Open Session)

ICC-01/14-01/18

1 reactions to those grievances?

2 A. [12:29:02] I think I have given an answer. We were in the same basket, given
3 that we were treated in the same way as Seleka. I am a civil servant. I spent my
4 entire life working for the state. In our country our civil servants are poorly paid.
5 So everything that I had as property was looted by Seleka, vehicles and all sorts of
6 things. And the same thing happened to Ngaïssona. Ngaïssona is a businessman.
7 His warehouse was looted. But the main reason that made the Seleka treat us in that
8 way was simply because we are Gbayas.

9 PRESIDING JUDGE SCHMITT: [12:29:59] I think, Ms Struyven, we are going
10 around in circles here. I asked you, please, to move to another point and I would
11 really appreciate it if you did now. We have heard now the same answer with
12 nearly the same wording for several times. We have to make up our mind ourselves
13 with regard to the documents that are in front of us. And I would really appreciate
14 it if you would not insist on the same point now.

15 MS STRUYVEN: [12:30:30] Can I ask one last question on the role of Ngaïssona
16 in -- in the CLPC?

17 PRESIDING JUDGE SCHMITT: [12:30:39] If it is another angle, if it is something
18 new, yes. But not some interpretation of some wording, please. We had that
19 enough.

20 MS STRUYVEN: [12:30:50] (Interpretation)

21 Q. [12:30:51] Mr Witness, you asked for his reactions in relation to the demands of
22 the CLPC. What was Ngaïssona's role in the CLPC?

23 A. [12:31:08] Very well. To my knowledge, he did not have a role as such, but he
24 was a high-ranking dignitary of the Bozize regime who was in exile. And since we
25 were hoping for salvation, for deliverance, this is someone who was abroad. I have

Trial Hearing
WITNESS: CAR-OTP-P-0808

(Open Session)

ICC-01/14-01/18

1 talked to you about FROCCA. That is the reason why we needed to have
2 Ngaïssona's reactions.

3 Q. [12:31:40] Let me show you another email of 8 January 2014,
4 CAR-OTP-2124-0495 at tab 33. I just want to ask you whether you recognise that
5 email.

6 Do you recognise the email?

7 A. [12:32:28] Yes, I recognise the email.

8 Q. [12:32:32] I just want you to see the attached document, CAR-OTP-2124-0497 at
9 tab 34, and I simply want to ask you whether you recognise that document?

10 A. [12:33:21] Yes, I recognise the document.

11 Q. [12:33:24] Let me speed up a little bit and I would like us to go to the next
12 document, CAR-OTP-2124-0500 at tab 35. It's another email between yourself and
13 Mr Ngaïssona.

14 PRESIDING JUDGE SCHMITT: [12:33:54] In the meantime a correction for the
15 transcript. CAR-OTP-2024-0516, the right is -- the right number is 0516 and the
16 correct tab number would be 38.

17 MS STRUYVEN: [12:34:44] (Interpretation)

18 Q. [12:34:46] The question here is do you recognise this email, a reply from
19 Mr Ngaïssona to your email on 9 January?

20 A. [12:35:00] Yes, I recognise the email.

21 Q. [12:35:11] So let us move to the next document, CAR-OTP-2124-0503 at tab 36.

22 A. [12:35:43] And what's the question?

23 PRESIDING JUDGE SCHMITT: [12:35:54] I think the -- I think that would be the
24 way forward, that the witness simply confirms that this is an email like he did. So
25 I -- I don't think that -- because they are self-explanatory, I would say, at the moment.

Trial Hearing
WITNESS: CAR-OTP-P-0808

(Private Session)

ICC-01/14-01/18

1 Or let's say perhaps not self-explanatory, but like all documents there might be some
2 interpretation that we could accord to it.

3 MS STRUYVEN: [12:36:26] I have one question in private session.

4 PRESIDING JUDGE SCHMITT: [12:36:29] Then we go to private session.

5 (Private session at 12.36 p.m.)

6 THE COURT OFFICER: [12:36:34] We are in private session, Mr President,
7 your Honours.

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 (Open session at 12.37 p.m.)

21 THE COURT OFFICER: [12:37:54] We are back in open session, Mr President.

22 MS STRUYVEN: [12:38:02] (Interpretation)

23 Q. [12:38:04] So I show you another email, CAR-OTP-2124-0515 at tab 37, another
24 email of 10 January which -- or in which you forward a copy of the minutes of the
25 consultation meeting of the main leaders of the Anti-Balaka. And I want to read

Trial Hearing
WITNESS: CAR-OTP-P-0808

(Open Session)

ICC-01/14-01/18

1 your email of 10 January. Once again, this email was sent to the address -- was
2 transferred to the address which I mentioned. Now do you at least recognise your
3 email address here in this email to Mr Ngaïssona?

4 A. [12:38:51] Yes, I recognise it.

5 Q. [12:38:55] So here you have sent an email to Mr Ngaïssona on 10 January 2014,
6 the minutes of the meeting of the main leaders of the Anti-Balaka; is that correct?

7 Minutes of the consultation meeting. Do we agree?

8 A. [12:39:11] Yes.

9 Q. [12:39:20] Now let me show you the document which was attached to the email.
10 It's CAR-OTP-2124-0516.

11 PRESIDING JUDGE SCHMITT: [12:39:34] Which tab?

12 MS STRUYVEN: (Interpretation) Tab 38.

13 Q. [12:40:11] In the first paragraph we see mention of a meeting of the -- a
14 consultation meeting. Do you recognise this document?

15 A. [12:40:31] Yes, I recognise it.

16 Q. [12:40:39] So it's a consultation meeting between the main leaders of the CLPC,
17 ordinarily known as the Anti-Balaka, holding in Boeing neighbourhood. It was
18 chaired by Captain Charles Ngremangou and Mr Sebastien Wenezoui was the
19 secretary. Now, you forward this document by email to Mr Ngaïssona, right?

20 A. [12:41:20] Yes, I think so.

21 Q. [12:41:21] Can you explain to the Chamber why you forwarded the -- these
22 minutes of a consultation meeting to Mr Ngaïssona.

23 A. [12:41:35] Well, what I must say, if I remember correctly - and this is something
24 that I think I have already certainly said before - you see, the Seleka power
25 assimilated us and targeted us. The Seleka power targeted us based on ethnicity

Trial Hearing
WITNESS: CAR-OTP-P-0808

(Open Session)

ICC-01/14-01/18

1 mainly. This is what pushed us to be in the position of victims. And as I have told
2 you here, Ngremangou is Gbaya, Wenezoui Namsio is Gbaya, Bozize is Gbaya. And
3 that's what lumped us all together. Ngaïssona, given that he was abroad -- you
4 know at that time we were already engaging some kind of actions in a bid to return to
5 normalcy. And given that Bozize had been elected, he was the president elect, we
6 focused our action towards re-establishing him to the position of president of the
7 republic. So that's why we deployed our efforts in that direction.

8 Q. [12:43:14] Thank you.

9 In your first statement you explained -- and that is in CAR-OTP-2025-0324 at tab 6,
10 and this is paragraph 144 at page 0347, you explain that one Major Ngremangou, and
11 this is what you say about -- about -- and I say this -- I read the French translation:
12 "Ngremangou was an influential person and one of the leaders of the fight against
13 Seleka. He participated in the fighting from 5 December 2013 until the resignation of
14 Djotodia. He does not appear on the organisational structure of the Anti-Balaka but
15 was very influential in the operations conducted by that movement. He reported
16 directly to Ngaïssona and Maxime Mokom."

17 My question is as follows: Is this referring to the same person, the same
18 Mr Ngremangou who chaired the consultation meeting in January 2014,
19 9 January 2014?

20 A. [12:44:42] At that time I didn't know -- I didn't quite know who was doing what,
21 but it was after the events that we were now told a number of things and provided
22 some information. It was after the events proper, that is when the process to return
23 to normalcy was to start, that I became aware of information on the origins of the
24 movement, and so on and so forth, and also on what Ngremangou was doing. So
25 that's the context.

Trial Hearing
WITNESS: CAR-OTP-P-0808

(Open Session)

ICC-01/14-01/18

1 You see, I myself at that time, during the meetings in -- in Boeing, I did not know
2 what Ngremangou's role was exactly.

3 PRESIDING JUDGE SCHMITT: [12:45:26](Overlapping speakers) So that is simple,
4 I think you can answer with yes or no. So this does mean, if I understand you
5 correctly, that we are talking of the same person here.

6 THE WITNESS: [12:45:40](Interpretation) Well, I would think so. It must -- it must
7 be the same person. I think so. You see, my problem and the difficulty I have is
8 that I cannot make any affirmations, whether yes or no, it's the same person because I
9 never had information on operations or the military operations that were conducted
10 at the time. I had no idea about the military operations.

11 Now, on the day of the meeting, he's the one who chaired the meeting. And we had
12 the meeting and it was after, a long time after, that I became aware of how things
13 actually unfolded.

14 PRESIDING JUDGE SCHMITT: Thank you.

15 MS STRUYVEN: [12:46:24] (Interpretation)

16 Q. [12:46:25] So you were present at the consultation meeting, correct?

17 A. [12:46:28] Yes. Yes. You see, even on the day of the consultation meeting, I
18 did not have enough information yet. So the pieces of information that I made
19 available to you is information that I gleaned afterwards when one became a little
20 more familiar with the Anti-Balaka. And that's how I came to have this information
21 which I have now provided to you.

22 Q. [12:47:16] Okay. Let us move to the next document. It's another email,
23 CAR-OTP-2124-0526, tab 39. Email of 13 January, still in chronological order, email
24 of 13 January in which you forward to Mr Ngaïssona a copy of the Anti-Balaka press
25 release on the normalisation process in the Central African Republic.

Trial Hearing
WITNESS: CAR-OTP-P-0808

(Open Session)

ICC-01/14-01/18

1 Do you recognise this email?

2 A. [12:48:09] Yes, I think so.

3 Q. [12:48:25] I want to point you to the attached document, which is

4 CAR-OTP-2124-0527 at tab 40.

5 At the top you see "*Mouvement des Combattants 'Anti-Balaka'*".

6 It's a press release, number 2, 12 January 2014, some two days after Mr Djotodia

7 resigned. Is that correct?

8 A. [12:49:31] Yes, I do recognise the document.

9 Q. [12:49:35] Do you recognise the document?

10 A. [12:49:36] Yes, I do recognise the document.

11 Q. [12:49:43] So if I understand properly, throughout that period you kept

12 Ngaïssona informed of all the documents and press releases and minutes. Is he the

13 one who asked you to keep him informed, or was it your own personal initiative?

14 A. [12:50:15] What we need to understand, and I have already said it, is that

15 Ngaïssona was a close person, he was an influential person in the country, he was at

16 least a former minister. And then, given that we were all in the same basket, so to

17 speak, it was necessary at that time to commit oneself to the normalisation process,

18 and that that's the spirit in which I had these exchanges with him. There was chaos.

19 There was chaos. The situation was chaotic. You know, all political leaders had

20 disappeared, if I may say so. And so we were dealing with a small number of

21 persons of goodwill to try and save a country that was on the ground, so to speak, or

22 had collapsed. It is in that spirit that I had those discussions with Ngaïssona.

23 The country had collapsed. The situation was deplorable. Political leaders had

24 disappeared, and there was no one. Even the soldiers, even the soldiers were being

25 tracked down and their bodies were found in the Ubangi River during that time.

Trial Hearing
WITNESS: CAR-OTP-P-0808

(Open Session)

ICC-01/14-01/18

1 You see, so at that time that was the prevailing context and the goal, the ultimate goal
2 at the time was to find a state, to bring back a state, and that was the -- the thrust of
3 the actions.

4 Q. [12:52:17] Just one more question, one more document, CAR-OTP-20-1813, and I
5 just want to -- rather, 2080-1838. And I just want you to confirm something relating
6 to a Facebook account.

7 MS DIMITRI: [12:53:12] I'm sorry, could we have the tab number.

8 MS STRUYVEN: [12:53:17](Interpretation) Tab 12, please. Tab 12
9 CAR-OTP-2080-1838.

10 Q. [12:53:30] Once again, it's an administrative issue -- or question.

11 Here you can see that a CLPC Anti-Balaka account was created on 6 January 2014 and
12 you were the one who managed that Facebook account; is that correct?

13 A. [12:54:01] Yes, I think I remember that. I think so, but I -- I might not provide
14 an exact answer. If I'm not mistaken, I think I was the one, yes.

15 With your leave, please.

16 Q. [12:54:25] Yes, go ahead.

17 A. [12:54:27] You see, we need to situate things because we were involved in the
18 normalisation process and there was a very important communications component to
19 it, that is why I think it is possible that this account was created under the
20 communication component. And even if you look at MISCA, or the embassy of the
21 United States, or the embassy of France, or the European Union, we always tried to
22 contact those organisations through our documents. And that was part of our
23 communication strategy and it is therefore very possible that I could have been
24 responsible or in charge for the creation of that account.

25 Q. [12:55:20] However, according to our information I can show you, you had

Trial Hearing
WITNESS: CAR-OTP-P-0808

(Open Session)

ICC-01/14-01/18

1 messages of happy birthday on that account. For example, on 14 September there
2 were people who posted birthday messages on that account wishing you a happy
3 birthday; is that correct? So you also used it for --

4 A. [12:55:44] Well, you know, on Facebook, it's Facebook, when you open an
5 account with your details, whether you like it or not, Facebook will release that and
6 people can wish you happy birthday. So it's possible. It's something that Facebook
7 alone knows how it manages. You see, because in creating the account you provided
8 your details and then people would react to those details provided by Facebook.

9 Q. [12:56:19] Now let me turn to another question, once again in chronological
10 order. And I'm referring to CAR-OTP-2087-9025 at tab 17. We have just seen a
11 number of communications and minutes of the consultation meeting.

12 Now in the next period to which I move, we can see here, for example, that there is a
13 list of the staff or the senior staff of the Anti-Balaka movement: Ngaïssona. You
14 can see at number 4 you see your own name as well.

15 Court officer, please would you kindly turn to the next page, page 9206, when
16 Ngaïssona signs as being the coordinator. Do you recognise this document?

17 A. [12:57:42] Yes.

18 PRESIDING JUDGE SCHMITT: [12:57:44] I think that's then a good point to have
19 the lunch break. And we shorten it, the lunch break, I think we have discussed this
20 the other time, if there is not an outcry or outburst, until 2 o'clock. I think that's fine
21 enough. So I think the food here is not so delicious so that we would need one and a
22 half hours with several courses and we would need so much time.

23 So we have now the lunch break, thank you for the moment, until 2 o'clock.

24 THE COURT USHER: [12:58:26] All rise.

25 (Recess taken at 12.58 p.m.)

Trial Hearing
WITNESS: CAR-OTP-P-0808

(Open Session)

ICC-01/14-01/18

1 (Upon resuming in open session at 2.06 p.m.)

2 THE COURT USHER: [14:06:50] All rise.

3 Please be seated.

4 PRESIDING JUDGE SCHMITT: [14:07:13] Good afternoon.

5 Good afternoon, Mr Witness.

6 Ms Struyven, you still have the floor.

7 MS STRUYVEN: [14:07:22] Thank you, Mr President.

8 Q. [14:07:27] (No interpretation)

9 You said that you do recognise this document, and if I do understand properly, can
10 you explain to us what the purpose of that document was?

11 A. [14:08:12] Please, can you remind me which document you're referring to?

12 Q. [14:08:20] It's the list of the senior staff of the Anti-Balaka movement. And we
13 see your name and the profile, and then you have wishes in the last column. As you
14 can see if we scroll down a little bit more, you can see for Ngaïssona --

15 PRESIDING JUDGE SCHMITT: [14:08:53] We had that. We don't repeat that now,
16 the witness sees it and I think he has already said that he knows the document.
17 But the question was, Mr Witness, do you know the purpose why this document was
18 drafted? Was it to be given to somebody or was it for internal use, you know? If
19 you know.

20 THE WITNESS: [14:09:17](Interpretation) Thank you. That document, in fact, at
21 that time we were already in the dynamic of the normalisation process. And at that
22 time the CNT had been renewed, that is the National Transitional Council, and that
23 renewal involved Seleka representatives.

24 On the side of the Anti-Balaka, the idea was also to identify the senior staff of the
25 Anti-Balaka movement. So what I can tell you, in any event, is that the role that we

Trial Hearing
WITNESS: CAR-OTP-P-0808

(Open Session)

ICC-01/14-01/18

1 played was that of Anti-Balaka senior staff, and the purpose of the list was for the
2 leadership of the transitional authorities, as well as the international community,
3 which were expected to take into account some of the desiderata of the Anti-Balaka.
4 You see, there was an anarchy prevailing at the time and it wasn't clear who would be
5 the one to carry forward the grievances of the Anti-Balaka. That is why this
6 structure was put in place in order to provide some guidance for the normalisation
7 process.

8 PRESIDING JUDGE SCHMITT: [14:10:52] Thank you.

9 Ms Struyven.

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

11 Q. [14:10:57] So we see for Ngaïssona that his desire is identified as general director
12 of ENERCA or SOCAPS or coordinator of the DDR. Do you know why he expressed
13 that wish, that is to become the coordinator of the DDR and did you get to talk about
14 it?

15 A. [14:11:25] It is very difficult for me to correctly remember, but at the time it was
16 necessary to have someone in that position who was able to distinguish between the
17 real Anti-Balaka and the fake or false Anti-Balaka. You know that there were many
18 people, many elements who were not Anti-Balaka, but who wanted to avail
19 themselves of the situation since the DDR had been announced. You had young
20 people who were unemployed in the neighbourhoods and they wanted to be
21 absorbed into the DDR under the Anti-Balaka.

22 It is for that reason that I think he himself expressed the desire to become the
23 coordinator. But that question, he is in a better position to answer himself. In a
24 nutshell what I have said is the definition of the spirit around the issues at that time.

25 Q. [14:12:32] Do you know more or less at what time these wishes or desiderata

Trial Hearing
WITNESS: CAR-OTP-P-0808

(Open Session)

ICC-01/14-01/18

1 were expressed to the National Transitional Council?

2 A. [14:12:50] This must have been January. Djotodia had just resigned,
3 Samba-Panza had been elected, so this must have happened towards end of February,
4 early March. Because at the time, the news we were receiving was that the
5 Anti-Balaka would not be included in the DDR programme, so we needed to do some
6 advocacy with international organisations and MISCA. We even met with the
7 archbishop of Bangui who is a cardinal today. We met with him to ask him to plead
8 the cause of the Anti-Balaka because if the Anti-Balaka were not taken into account
9 for the DDR then there would be no peace. So that's how we must understand this
10 action.

11 Q. [14:13:49] When we look at the list, there are several desiderata asking for the
12 position of minister or cabinet council. And so was this during the time of the
13 constitution, such as end of January, since people are expressing desires to become
14 ministers?

15 A. [14:14:13] Well, now, I see -- I see what you are saying. A short while ago -- I
16 didn't quite understand your question a short while ago. In fact, this happened at
17 the time when one of the grievances we expressed was that there should be a balance
18 between the anti-Seleka movement and the Seleka movement. So most of the
19 Anti-Balaka members were illiterate, as you may know, and Seleka was in power at
20 the time. So that it became necessary to find people in the administration who
21 would defend the causes of Anti-Balaka so as to create some balance with the Seleka
22 which was already in power. That's how to understand this. And since Seleka was
23 no longer in power, many people who had been appointed by Seleka were still there
24 as part of the National Transitional Council. And in the administration, there were
25 many people from the Seleka. So the idea was to get as many people from the

Trial Hearing
WITNESS: CAR-OTP-P-0808

(Open Session)

ICC-01/14-01/18

1 Anti-Balaka as possible inside in order to create some balance which will make it
2 possible for the concerns of the Anti-Balaka to be taken into account in administrative
3 governance.

4 Q. [14:15:49] Thank you. I will now move to another document,
5 CAR-OTP-2072-1204 and that's at tab 10.

6 Looking at the photograph to begin with, do you recognise the people on the
7 photograph? It's quite an obvious question, isn't it?

8 A. [14:16:39] Yes, it's me. I'm the one.

9 PRESIDING JUDGE SCHMITT: [14:16:41] I'm always -- may I say something? I'm
10 always really intrigued a little bit that even obvious things have to be discussed in
11 these courtrooms, but even I would have been able to identify I think our witness here.
12 Although it has been a couple of years, but still very good recognisable.
13 Please continue.

14 MS STRUYVEN: [14:17:04] (Interpretation)

15 Q. [14:17:05] So I just wanted -- now, do you remember having given an interview
16 around 18 February 2014 to an agency known as Anadolu Agency? Do you recall
17 giving that interview to a journalist?

18 A. [14:17:52] What agency?

19 Q. [14:17:56] Maybe I am not pronouncing the name properly, but it's Anadolu
20 Agency?

21 A. [14:18:07] I believe that I granted interviews to various agencies, including
22 Human Rights Watch, RFI and so I think I must have given such an interview, but
23 I don't remember the name, the exact name of the agency, but it is possible.

24 Q. [14:18:30] Can we go to the next page, please? It is not very legible, but I sent a
25 better copy to the Chamber.

Trial Hearing
WITNESS: CAR-OTP-P-0808

(Open Session)

ICC-01/14-01/18

1 I want simply to ask whether you can confirm that this is what you said going by the
2 article to the person who interviewed you. I'll read to the article in English because
3 it was published in English.

4 And he quotes you as follows: (Speaks English)

5 "'We had no intention of killing Muslims, but we later noticed that so many Muslims
6 in the country were supporting the Seleka rebels,' Alfred Legrand Ngaya told
7 Anadolu Agency in an exclusive interview conducted in the Boy-Rabe township on
8 the outskirts of capital Bangui.

9 He said his fighters had seen Seleka members entering Muslim homes to eat and
10 converse with the owners.

11 'Muslims were our neighbours and friends, but for them to support the Seleka rebels
12 meant they were against us,' he asserted.

13 'This angered the Anti-Balaka, as well as the majority-Christian population in the
14 country, hence, the attacks you're seeing on Muslims,' Ngaya said as he stood, flanked
15 by militiamen, in the home of top Anti-Balaka leader Edouard Patrick Ngaïssona."

16 (Interpretation) Do you remember having said this effectively during that interview?

17 A. [14:20:38] I think that this press agency is not credible. It is not credible at all
18 because I am a good civilian. I do not carry a weapon. Never. I have never tried
19 to learn how to handle a weapon. So throughout all the Anti-Balaka operations, like
20 all other civilians, we were in hiding. It is only when calm was beginning to return
21 that things changed.

22 So one can be struck by a stray bullet. I have never been with the Anti-Balaka on the
23 ground. Our neighbourhoods are diagonally apart. I am at PK5, which is -- which
24 is the Muslim neighbourhood, how could I have been present to see how the
25 Anti-Balaka were killing Muslims and so on and so forth? So this was not possible.

Trial Hearing
WITNESS: CAR-OTP-P-0808

(Open Session)

ICC-01/14-01/18

1 And that is why I come to the conclusion that this press organ is not credible.

2 PRESIDING JUDGE SCHMITT: [14:21:47] So, Mr Ngaya, please allow me. You see
3 the -- the photograph now where you are in the middle and there are some -- some
4 younger people around you. Do you recall where this photograph was taken?

5 THE WITNESS: [14:22:11](Interpretation) This photograph could only have been
6 taken in Boy-Rabe, in Ngaïssona's father's house. This is the only place where I
7 could have been in a photograph with the Anti-Balaka. You know, a photograph of
8 that nature, for reasons of my safety I cannot dare to project myself with the
9 Anti-Balaka. So the only place where this could have happened would have been in
10 the compound of Mr Ngaïssona's father.

11 PRESIDING JUDGE SCHMITT: [14:22:43] And then do you recall that you have
12 given an interview there in this compound, to anybody?

13 THE WITNESS: [14:23:02](Interpretation) It is possible that I may have given an
14 interview in Ngaïssona's father's compound. It's possible. Human Rights Watch
15 came to me, to my home, and that I can formally affirm before you. But as for the
16 other agencies to whom I may have granted an interview, I couldn't have done it
17 elsewhere other than Ngaïssona's father's compound, where I could have dared to
18 take such a risk as to grant an interview concerning the Anti-Balakas.

19 PRESIDING JUDGE SCHMITT: [14:23:33] And perhaps if you read, or I can tell you,
20 it also says there that Mr Ngaïssona had declined to be interviewed, deputising
21 Mr Ngaya to speak on his behalf. Do you recall that, that you gave an interview, so
22 to speak, on behalf of Mr Ngaïssona, or is this information wrong that is entailed
23 here?

24 THE WITNESS: [14:24:02](Interpretation) I don't remember actually. You see,
25 Ngaïssona had the habit -- or was in the habit of granting interviews too. So it

Trial Hearing
WITNESS: CAR-OTP-P-0808

(Open Session)

ICC-01/14-01/18

1 wasn't really my place to give interviews on Mr Ngaïssona's behalf as is alleged here.

2 PRESIDING JUDGE SCHMITT: [14:24:20] Thank you.

3 MS STRUYVEN: [14:24:22] Maybe for the record, we have a video of this interview.

4 It's not -- it's at CAR-OTP-2118-4151, but I didn't want to put it on the list of exhibits,

5 so I'm not going to --

6 PRESIDING JUDGE SCHMITT: [14:24:37] And why?

7 MS STRUYVEN: [14:24:38] -- show it. Because it doesn't -- it's -- it's in

8 French -- well, no, it's actually in English, but we don't have the transcript, if I'm not

9 mistaken. So I didn't want to have to go through --

10 PRESIDING JUDGE SCHMITT: [14:24:50] Yeah, but you mean -- do I understand

11 you correctly, so you have an interview which is let's, so to speak, and one of the

12 products of this interview is this article. So, but this would enable us to compare

13 what is said or not.

14 MS STRUYVEN: [14:25:10] Yes, it's -- if I'm not mistaken, it's the questions are asked

15 in English. We can try to show it at the end of the examination if there's still time.

16 But it would require some organisation.

17 PRESIDING JUDGE SCHMITT: [14:25:23] But perhaps we should take this time,

18 simply. Or is it perhaps on the list of evidence of the Defence? I don't know. I'm

19 not aware of it. But you understand my point. We have here an article, and it's in

20 English and it's -- the witness has said okay, doesn't really recall and -- if he has said

21 this at all, or something like that. And so -- so we would have -- we can simply play

22 it, if -- if you're able. And if not today, then tomorrow first time, because you finish

23 today your examination, as you have already assured us.

24 MS STRUYVEN: [14:26:01] Yeah, but that's -- that's sometimes the problem. We

25 want to try to expedite things by showing, for example, the article instead of the video,

Trial Hearing
WITNESS: CAR-OTP-P-0808

(Open Session)

ICC-01/14-01/18

1 which often requires much more time.

2 PRESIDING JUDGE SCHMITT: [14:26:13] Yeah, but -- but in this instance, also how

3 it unfolded now with the answer of the witness, I think it makes sense, simply.

4 I think everybody understands this in this courtroom. Yeah.

5 MS STRUYVEN: [14:26:23] On to another subject and then we can see.

6 Q. [14:26:47](Interpretation) Witness, I will now show you something from

7 April 2014. It's an audio which I would like you to listen to and to determine

8 whether you recognise your voice or not. For that purpose only. The audio is

9 CAR-OTP-2023-1845 at tab 5. And the corresponding transcript is

10 CAR-OTP-2107-1504 at tab 30. I'll only be asking you if you recognise your voice or

11 not.

12 THE COURT OFFICER: [14:27:43](Overlapping speakers) Just to make sure this is a

13 public video, otherwise we will have to --

14 MS STRUYVEN: [14:27:45](Interpretation) It's a press conference and it was public.

15 (Playing of the audio excerpt)

16 MS STRUYVEN: [14:28:22] (Interpretation)

17 Q. [14:28:22] The question was -- then is: Is that yourself and Mr Namsio in this

18 press conference?

19 A. [14:28:31] Yes, I am the one.

20 Q. [14:28:37] Were you also able to recognise Mr Namsio?

21 A. [14:28:42] Yes, I recognised him, Namsio.

22 Q. [14:28:51] Let me now move on to another email, CAR-OTP-2080-2491 at tab 16.

23 PRESIDING JUDGE SCHMITT: [14:29:15] Which tab was it?

24 MS STRUYVEN: [14:29:18](Interpretation) 16.

25 Q. [14:29:46] The question, quite simply, is do you recognise this email and the

Trial Hearing
WITNESS: CAR-OTP-P-0808

(Open Session)

ICC-01/14-01/18

1 email address used?

2 A. [14:29:55] Yes, I think so. I recognise it.

3 Q. [14:30:00] Is it correct that you sent several press communiqués to Mr Llorca?

4 A. [14:30:09] Mr who?

5 Q. [14:30:11] Mr Aurelien Llorca.

6 A. [14:30:16] Aurelien Llorca. I do not know that name. Sorry. It could have

7 been one of the -- oh, that must be the coordinator of the United Nations experts.

8 Yes, yes, okay. I believe that is the case. I said "Mr Coordinator" and that must be

9 the coordinator of the UN experts.

10 Q. [14:30:41] Yes, he's the one. So would it be correct that you sent several press

11 releases from the Anti-Balaka to him?

12 A. [14:30:48] Yes, it's possible.

13 Q. [14:30:59] Now another document where I simply want to ask you the question

14 whether you recognise the document. It's CAR-OTP-2101-3611, and that's tab 28.

15 Here is the press communiqué number 21, of 14 July 2014.

16 Do you recognise this document?

17 A. [14:31:48] Yes, I recognise this. You can even see the list of those present and

18 I'm there as well.

19 Q. [14:32:05] If we can move to page 3613, so that's the third page. At the bottom

20 of the page, once again we see your name. Do you recognise this document, once

21 again?

22 A. [14:32:42] I haven't got it in front of me yet.

23 Q. [14:32:49] Perhaps --

24 A. [14:32:53] No, no, it's fine now. Yes. Yes, it's fine. I do know this document

25 as well.

Trial Hearing
WITNESS: CAR-OTP-P-0808

(Open Session)

ICC-01/14-01/18

1 Q. [14:33:05] And now I'm going to the period of August, September 2014 and I
2 want to show you a document, CAR-OTP-2071-0285. It's tab 9.

3 A. [14:34:05] I don't know. In fact, I don't think it's my document, but I do
4 remember participating in a ceremony in real life in the zone controlled by Yekatom.
5 I was present in a ceremony where this -- children, there were small children who
6 were working under his supervision and there was a question of doing something
7 where there was a ceremony where there were the international people present.
8 And since at that time I was director general of youth, I had some experience with
9 UNICEF and the others and other international organisation, and that's why I
10 participated at that meeting on behalf of the Anti-Balaka coordination.

11 Q. [14:35:20] Thank you. If we could look at page 0288, there's a reference there to
12 your name. The second speaker was the national coordinator of the Anti-Balaka.
13 That's you, isn't it, Mr Alfred Legrand Ngaya?

14 A. [14:36:06] That's correct.

15 Q. [14:36:09] And I'm going to show you a second document which is very similar,
16 and it's the same context. It's CAR-OTP-2088-1531, tab 18. No. It is document
17 2088-1531.

18 Do you recognise this document?

19 A. [14:37:11] If it's the same ceremony, yes. But I was only present once, one
20 single time in this type of ceremony. If it's the same ceremony, then it's possible.
21 But if it's another occasion -- where did this happen? In Mbaiki?

22 Q. [14:37:32] Yes. If we could turn to page 1536, there's a reference to you again,
23 to your name. But it's written by hand. I can't really see the photo. I don't know if
24 it's you or not. It's not very clear.

25 A. [14:37:52] It's possible. It's possible.

Trial Hearing
WITNESS: CAR-OTP-P-0808

(Open Session)

ICC-01/14-01/18

1 PRESIDING JUDGE SCHMITT: [14:38:07] (Overlapping speakers) And it's in the
2 Rule 68(3) statement. So you can move on.

3 MS STRUYVEN: [14:38:09] Yes.

4 PRESIDING JUDGE SCHMITT: [14:38:10] So he has -- I think it's in the first
5 statement from 2016.

6 MS STRUYVEN: [14:38:10] Yes. Sometimes it's because of the documents -- to have
7 the submission of the documents that -- that we're trying to ask the witness to
8 (Overlapping speakers)

9 PRESIDING JUDGE SCHMITT: [14:38:18] (Overlapping speakers) No. It's -- it's
10 fine. But -- but I think --

11 MS STRUYVEN: Yeah, yeah, the problem is of course --

12 PRESIDING JUDGE SCHMITT: (Overlapping speakers) -- we have --

13 MS STRUYVEN: Yeah, yeah --

14 PRESIDING JUDGE SCHMITT: [14:38:23] I think you have covered that so ...

15 MS STRUYVEN: [14:38:25] Yes. Yeah.

16 Q. [14:38:27] (Interpretation) Now I'm going to turn to another document.

17 A. [14:38:30] Excuse me. The image on the photo doesn't look like me. I don't
18 really put those things on my head as you can see on that photo. I see that he has
19 some glasses, if I'm not mistaken, on his head, and I wouldn't do that.

20 PRESIDING JUDGE SCHMITT: [14:38:54] Yeah. Thank you for telling us that. I
21 think it's not such a huge matter.

22 The witness has said that he participated in such a meeting and -- such a ceremony,
23 better to word it, and I think that's clear now.

24 MS STRUYVEN: [14:39:05] (Interpretation) Indeed. There's no issue for concern.

25 We now move to another video, CAR-OTP-2122-5902, and it is tab 31. The

Trial Hearing
WITNESS: CAR-OTP-P-0808

(Open Session)

ICC-01/14-01/18

1 transcribed is CAR-OTP-2122-9457 and that is tab 32. And if we could look at the
2 first 30 seconds to see if the witness recognises the scene.

3 (Viewing of the video excerpt)

4 THE WITNESS: [14:40:13](Interpretation) Do you want me to react?

5 MS STRUYVEN: [14:40:15] (Interpretation)

6 Q. [14:40:16] Yes, if you don't mind.

7 A. [14:40:18] Yes, it's me. I remember very well that I was there at this interview.

8 I -- I remember the -- I don't remember the agent who was in front of us, but I
9 remember being there.

10 Q. [14:40:32] So you were there for the entire interview?

11 A. [14:40:36] Yes, I think so. I don't see any reason why I should have left earlier.
12 It's probably because of the conditions of the agency that Ngaïssona thought I should
13 be there.

14 Q. [14:40:58] This might seem like a -- special questions, but could you state
15 whether these statements were his statements and not the statements of somebody
16 else next to him who was whispering into his ear?

17 A. [14:41:15] What statement are you referring to?

18 Q. [14:41:17] The statements he made during this interview.

19 A. [14:41:23] I think I have to know what you're talking about. You'll have to
20 show me the comments in question so that I can say.

21 PRESIDING JUDGE SCHMITT: [14:41:36] (Overlapping speakers) don't have the
22 time for that. But, Mr Witness, when you -- you see the scene here. So you have
23 been sitting together with another person. Was somebody else in -- present there or
24 were you alone with the interviewer? You two I mean.

25 THE WITNESS: [14:42:04](Interpretation) I think I was only with him and the

Trial Hearing
WITNESS: CAR-OTP-P-0808

(Open Session)

ICC-01/14-01/18

1 interviewee.

2 PRESIDING JUDGE SCHMITT: Please move on, Ms Struyven.

3 MS STRUYVEN: [14:42:23] (Interpretation)

4 Q. [14:42:25] I will now move on to another document. That's document
5 2075-0737, tab 11. I'm following the same time frame in the same period. If you
6 could look at the document which will be displayed.

7 Do you recognise this document?

8 A. [14:43:08] Yes, I think so. I think so. But it's not me who wrote this. When I
9 write my name, I always say Ngaya Alfred Legrand because I know -- since I know
10 there's another Ngaya Alfred, so each time I write my name, I always say Ngaya
11 Alfred Legrand. So I don't know who drafted this. But as far as my information is
12 concerned, I think it could be correct. I don't know who drafted this though.

13 Q. [14:43:54] But the wishes or demands expressed, was those the wishes or
14 requests of the Anti-Balaka?

15 A. [14:44:06] As I've already said, at that moment, there was a question that the
16 Anti-Balaka would have a place in the high-level administration in order to ensure
17 that their main Anti-Balaka requests would be taken into consideration. And we
18 wanted to have our demands made. And our main concern at that time was that the
19 Anti-Balaka be taken into consideration. So everyone wanted to make sure that the
20 leaders of the Anti-Balaka would be on an equal footing as the Seleka so that they
21 would be present in the high levels of the administration.

22 PRESIDING JUDGE SCHMITT: [14:44:58] Ms Struyven, we had this several times
23 now and we had other evidence on that. I think you can move on from this point.
24 We had several times that such a list with demands for positions and so on and so
25 forth and we had several witnesses who said -- testified to a similar effect.

Trial Hearing
WITNESS: CAR-OTP-P-0808

(Open Session)

ICC-01/14-01/18

1 MS STRUYVEN: [14:45:16] Yes, your Honours, but it's the chronology. It's
2 the -- it's the chronology that matters here. It's not necessary that demands were
3 formulated, it's when they were formulated and after which events they were
4 formulated. But I'll leave --

5 PRESIDING JUDGE SCHMITT: [14:45:30] And for that, we have eyes to see and we
6 are able to read and we see then there are certain -- so I think we can assess this,
7 I would say.

8 MS STRUYVEN: [14:45:49] (Interpretation) I can move on to the next period.

9 THE WITNESS: [14:45:58] (Interpretation) Excuse me. Excuse me.

10 PRESIDING JUDGE SCHMITT: [14:46:00] Yes, Mr Witness. You want to say
11 something? Yeah, please.

12 THE WITNESS: [14:46:03](Interpretation) May I make a comment?

13 PRESIDING JUDGE SCHMITT: [14:46:05] Yes, please.

14 THE WITNESS: [14:46:05] Because I heard you talk about chronology.

15 PRESIDING JUDGE SCHMITT: Yes, please.

16 THE WITNESS: [14:46:14] (Interpretation) Yes. As I already said, this request must
17 be positioned in the context of the process of normalisation, and that was after
18 Djotodia's administration. There was a question of making sure that there would be
19 equal positioning of Seleka and Anti-Balaka. So that must be after March or April,
20 somewhere around there.

21 PRESIDING JUDGE SCHMITT: [14:46:55] Thank you.

22 MS STRUYVEN: [14:46:55] (Interpretation)

23 Q. [14:46:57] I'm going to move on to October 2014. I'm going to show you a
24 document which is CAR-OTP-2001-5342.

25 October 2014 is the period when you left Anti-Balaka; is that correct?

Trial Hearing
WITNESS: CAR-OTP-P-0808

(Open Session)

ICC-01/14-01/18

1 A. [14:47:22] That's correct.

2 Q. [14:47:27] So in this article on 11 October 2014, there was referral to a meeting
3 with Mrs Samba-Panza.

4 If we could go down a bit.

5 After days of violence, during which several individuals were killed, including Blue
6 Helmets of the United Nations. And in the article there's referral that six members of
7 the police of the United Nations were wounded when they were patrolling a protest
8 close to the airport because an armed group shot at them.

9 Do you remember? Do you recall these events?

10 A. [14:48:28] It is all together, all these events which pushed me to leave the
11 Anti-Balaka. I am a man convinced of Christian values and the only intention which
12 made sense at that moment was to try and restore the state. I had my own personal
13 convictions when I was with the Anti-Balaka which allowed me to join them. So in
14 the beginning it was to give them spiritual advice. That's the first thing I did. Why?
15 Because I thought -- this was my idea in my head. I thought that I could talk on
16 behalf of God, God's words to try and dissuade the Anti-Balaka from becoming
17 violent. So in the beginning that was my spiritual work within the Anti-Balaka.
18 But unfortunately, when Samba-Panza saw us, there were demands. There was
19 people like Namsio Emotion, whom I knew, and I also knew his mentality. He,
20 when he was there, he wanted to dissuade the Anti-Balaka with their behaviour.
21 And even when there was police -- military police, Namsio was there and he wanted
22 to try and stop the Anti-Balaka who were creating disorder and take them to the
23 gendarmerie. That man was arrested and goodness knows for what reason.
24 Amongst other things, when we met President Samba-Panza, we put forward our
25 demands. But unfortunately, when we came there to have the restitution of the

Trial Hearing
WITNESS: CAR-OTP-P-0808

(Open Session)

ICC-01/14-01/18

1 Anti-Balaka, he wasn't happy. He wanted Samba-Panza to resign and, therefore, the
2 Anti-Balaka resumed violence. And I couldn't find myself in that.
3 Perhaps I was naive because I thought that I could dissuade the Anti-Balaka. But
4 when they started their killings, I said, no, this is not possible. And this is the reason
5 behind me leaving the Anti-Balaka.

6 Q. [14:51:21] Thank you for that explanation. I'm just going to go a bit backwards.
7 Before your meeting with Mrs Samba-Panza there was violence that took place where
8 several individuals were killed. So before you met Mrs Samba-Panza, it was in the
9 days before that, there was quite a lot of clashes between the members of the United
10 Nations and the Anti-Balaka. Is that correct?

11 A. [14:52:08] There were clashes, sporadic clashes, not only in Bangui, but also
12 in -- throughout the country. We learned -- we had information on that. And that
13 is explained by the fact that in the contingency there was MINUSCA and there were
14 also the Chadians present there who were violent, who affiliated with the Seleka and
15 who created scandalous actions. That was near the airport. There was a
16 demonstration of people. There was a peaceful protest, but when the Chadian
17 people were there, they shot at the protesters. So there were these sporadic clashes
18 between the -- them and the Seleka, but the explanation was because of this
19 international forces of African Union who wasn't doing their work which they were
20 meant to do.

21 So this explains what happened. There were sporadic outbursts. But it wasn't of
22 such a great scale as in October. These were small clashes. But that started already
23 here and I started to become disappointed, and there was one drop of water after
24 another until when October came I couldn't deal with this anymore.

25 Q. [14:53:47] I think in your statement, in your second testimony - this is in tab 22,

Trial Hearing
WITNESS: CAR-OTP-P-0808

(Open Session)

ICC-01/14-01/18

1 paragraph 35 - you say and you explain that in October 2014 the French asked the
2 Anti-Balaka protest in the street for peaceful demonstrations in October 2014, but you
3 said it was impossible to do it peacefully without the Anti-Balaka shooting.

4 This is document 2122-9457.

5 And you said the French went to see Ngaïssona who reunited the ComZones and you
6 said that you didn't know why he called them together because he knew their
7 mentality as well as I did and it was quite clear that there would be no chance that it
8 remain peaceful. It was quite clear there would be violence during the
9 demonstration. That's your testimony. Do you remember having said that?

10 A. [14:54:48] (Overlapping speakers)

11 PRESIDING JUDGE SCHMITT: [14:54:55] He does not only remember, he has
12 already said that he has said that. This is part of the Rule 68(3) statement. So he
13 has already said that. So I could, if -- Defence counsel, for example, could step up
14 and say "asked and answered".

15 Do I have to explain what Rule 68(3) means again? Or is this clear now what
16 Rule 68(3) means?

17 MS STRUYVEN: [14:55:17] But I think he just testified to the opposite of what this
18 paragraph says.

19 PRESIDING JUDGE SCHMITT: [14:55:24] Yeah, then if you -- if you delve into
20 matters that have already been asked and answered, this happens, of course. Then
21 we can clarify it, but it's on the record here.

22 So also in future cases I think it might be advisable simply to let things stand as they
23 are and delve into new matters and new information.

24 So, Mr Witness, you have heard now what Prosecutor has read to you. Is this correct
25 or not? Because it's part of your Rule 68(3) statement that you initially said is

Trial Hearing
WITNESS: CAR-OTP-P-0808

(Open Session)

ICC-01/14-01/18

1 correct.

2 THE WITNESS: [14:56:12](Interpretation) Yes. If you allow me, I would like to
3 comment on this a bit.

4 PRESIDING JUDGE SCHMITT: [14:56:16] Yes. You have been asked, so you can
5 comment on it.

6 THE WITNESS: [14:56:23](Interpretation) At that moment there were demands. As
7 I said, there was an arrest of Namsio and two other elements of the other military
8 police. Because there was a team which we called military police who had to make
9 sure that the Anti-Balaka didn't commit these sort of crimes.
10 So these elements were arrested without having any mission in the country. And
11 since Namsio wanted to block the Anti-Balaka who committed crimes, we thought
12 perhaps that the French had become involved. At the same time as when they were
13 arrested, I wanted to see what was happening, to see what sort -- I went to the
14 embassy of the attaché in France who every three months we had some exchange and
15 who had some conversations with us, and there was an arrest of our elements and we
16 weren't represented yet in the central national transition committee. And so we
17 wanted to know through our demands whether these -- what was happening to these
18 Anti-Balaka. And I said, no, it's not possible to have a peaceful march with the
19 Anti-Balaka without them shooting, without somebody taking up arms. And that's
20 why I refused.

21 I simply saw a meeting during which the ComZones were called upon to decide to
22 participate in this protest or this -- and this is what I wanted to say because the protest
23 took place and violence did break out. That's the comment I wanted to make.

24 PRESIDING JUDGE SCHMITT: [14:58:20] And this is essentially what is in the
25 statement, too.

Trial Hearing
WITNESS: CAR-OTP-P-0808

(Open Session)

ICC-01/14-01/18

1 MS STRUYVEN: [14:58:32] (Interpretation)

2 Q. [14:58:35] I think you already explained, Mr Witness, largely in your testimony
3 what happened after this misunderstanding where the Anti-Balaka thought that you
4 withdrew the demand that Mrs Samba-Panza resigns.

5 I want to ask you two questions on two different documents, OTP 2092-1738, and I
6 will limit my question to ask you whether you recognise this document. It's tab 20.

7 A. [14:59:32] Could you -- yes, I can see it now. Yes, yes, I recognise this
8 document. I really remember this document well.

9 Q. [14:59:55] If I could show you another document, CAR-OTP-2092-1740. It is
10 tab 21.

11 A. [15:00:36] Yes, I believe I remember.

12 Q. [15:00:39] Do you also recognise this document?

13 A. [15:00:41] Yes, I recognise it.

14 Q. [15:00:53] So if we scroll to the bottom of the page, you refer there, as you have
15 already stated, and I think maybe this is on the second page, page 2, 1741, where you
16 explain that you did not identify with those barbaric acts. That's what you said a
17 short while ago. Is it correct?

18 A. [15:01:31] Yes, that's exactly the point. Yes, that's exactly the point.

19 Q. [15:01:45] I would like to show you another document, CAR-OTP-2100-0507 at
20 tab 24, page 2, page 0508. And it's a press article from 4 November 2014.

21 Here at the very end of the article, reference is made to the fact that you and
22 Mr Wenezoui left the Anti-Balaka. I don't know whether you can read the article,
23 but maybe we can zoom out a little bit?

24 A. [15:03:28] Yes. So what do you expect of me, Counsel? My comments on the
25 article?

Trial Hearing
WITNESS: CAR-OTP-P-0808

(Open Session)

ICC-01/14-01/18

1 Q. [15:03:37] Do you -- do you by any chance remember this article?

2 A. [15:03:42] There were several press organs in Bangui and quite often they say
3 things that I cannot cross-check or verify, so I cannot say whether or not I read that
4 article. At that time, many things were being said based on the inclination of the
5 authors of any of those articles. So I am not in a position to make any comments on
6 the article because I do not know the author.

7 And you see, what happened at the time was that it -- somebody just needed not to
8 like your face and then they would say things about you in the press which are
9 completely alien to you. So I'm aware of all of those things and so I am not in a
10 position to say anything about the article.

11 Q. [15:04:36] Let me summarise for you the main content of the article. It says that
12 it's in November 2014, shortly after everything that happened in October, that -- the
13 article says that Seleka and Anti-Balaka have a common denominator, that is being
14 the well-being or the fate or the blood of the people of the Central African people and
15 whether it was necessary for the blood of the Central African people to flow. And so
16 the Central African blood, it claims, has become a trade tool for ministers and the
17 Anti-Balaka. And then goes on to say that you and Mr Wenezoui left. And then
18 goes on also to say that Ngaïssona was on his own and had to face up to his
19 responsibilities, the idea being that the blood of the Central African people had been
20 shed so that the two militia would profit or gain from it, so to speak.

21 A. [15:05:44] As I said, this is a biased article. When Bozize was in the press -- was
22 president he had several enemies, some in hiding. So I cannot say that I have
23 evidence to corroborate what this article claims. Anti-Balakas were opportunistic,
24 opportunistic because the people were in a state of exasperation. And this is what I
25 know. People were in a state of exasperation and young people rose up to try and

Trial Hearing
WITNESS: CAR-OTP-P-0808

(Open Session)

ICC-01/14-01/18

1 defend themselves.

2 So I don't know whether I can say anything else about this. I'm not in a position to
3 say whether Ngaïssona was, or whatever.

4 Now let me give you an example. Shortly after 5 December, there were the
5 Anti-Balaka behind the Bangui hill, they were positioned there, and when -- when
6 they had to launch their attack from the Bazabangui hill, they came down, some had
7 sticks, some had machetes and they were going to fight against Seleka elements who
8 were heavily armed. So this is the kind of situation we were dealing with. People
9 were completely exacerbated, desperate, to the extent that one could -- could say that
10 the Anti-Balakas were simply acting on a survival instinct in order to try and free up a
11 people who had been subjected to acts of violence.

12 So what I'm simply saying is that, if -- if one were to look at this closely, it would only
13 be an opponent to Bozize who would say these types of things, hoping that they
14 would come together to achieve their own goals. So people wanted to tarnish the
15 image of the Anti-Balaka. If you took 50,000 Anti-Balaka elements, only a few of
16 them were involved in scandalous activities, but that activity would tarnish the image
17 of the others. And so my point is that this comment is not reliable. It is bias.
18 That's all I can say about it.

19 PRESIDING JUDGE SCHMITT: [15:08:34] And may I shortly. Please move on
20 because this is -- the witness is perfectly right when he says this is a newspaper article,
21 this is an opinion. You can ask a witness what he wants to say to an opinion, but to
22 comment on some opinion of a journalist, okay, what kind of, yeah, of proof might
23 that be, yeah, and how well might that proof be. So the newspaper article, as such, is
24 perhaps -- has not such a high probative value, to put it this way. And the witness
25 has clearly stated that he thinks this is biased. So we have really to move on from

Trial Hearing
WITNESS: CAR-OTP-P-0808

(Open Session)

ICC-01/14-01/18

1 there. It doesn't make sense to -- to indulge in these kinds of documents further.

2 MS STRUYVEN: [15:09:25](Interpretation)

3 Q. [15:09:27] I have only -- I have two more documents to show you, whether you
4 would recognise them. So now we go to 2015 and that's why I will simply ask you
5 whether you recognise these documents or not. CAR-OTP-2101-2039 at tab 27.

6 MR KNOOPS: [15:10:26] Mr President. Sorry.

7 PRESIDING JUDGE SCHMITT: [15:10:28] Yes.

8 MR KNOOPS: [15:10:29] I wonder whether this -- sorry. This really goes outside
9 also the contextual scope of the charges. We're dealing here the document of
10 April 2015.

11 PRESIDING JUDGE SCHMITT: [15:10:42] We don't know. We don't -- you see, we
12 have said that before. This document, or documents outside of the temporal scope,
13 might serve all sort of purposes. And also the Defence has presented documents
14 with that regard also. Documents before 2013, of course. So it depends on a
15 case-by-case basis. So we would not perhaps want to spend too much time on that,
16 but it would be interesting to know from the witness if he says he knows, he knows
17 the document.

18 And you are still -- still on this time frame that you say you want to establish, a
19 timeline so to speak, Ms Struyven, or what?

20 MS STRUYVEN: [15:11:32] No. I just want him to recognise the document because
21 his name is on it at row 11.

22 PRESIDING JUDGE SCHMITT: [15:11:38] Yeah, but please, please quickly. And
23 this is a document, is Mr Knoops correct, that it is from 2015?

24 MS STRUYVEN: [15:11:49] Yes. It's the (Overlapping speakers).

25 PRESIDING JUDGE SCHMITT: [15:11:51] Yeah, so again the probative value might

Trial Hearing
WITNESS: CAR-OTP-P-0808

(Open Session)

ICC-01/14-01/18

1 not be very high. But still, since our approach is that we cannot discard it from the
2 outset, please move on.

3 MS STRUYVEN: [15:12:03] (Interpretation)

4 Q. [15:12:06] So, Mr Witness, here we have a document of the PCUD, of the general
5 coordination of the ex-combatants of the Anti-Balaka, April 2015. We see names of
6 people, well-known persons, Ngaïssona, Ngremangou, Konate and so on and so forth.
7 And at number 11 we see your name. Do you recognise this document?

8 A. [15:12:44] I have already told you that -- well, I do remember. Anyway, after
9 Mr Ngaïssona set up a political party, I was a member of the political bureau of his
10 political party, based on the particular relations that I had with him.

11 Now, as this document appears, I don't know who wrote down my name because I
12 don't write my name this way. I don't know when the document was drawn up.
13 But when he set up his political party, he contacted me at that time and I think he
14 called me on New Year's Day, January 2015, and so we met the day after and we met
15 at a political person's place previously and he asked me to see him -- or, rather, we
16 had to meet thereafter.

17 So when we met I showed him those areas in which I did not agree with him. And
18 on that day we forgave each other. So when he set up his political party, I accepted
19 to join the political bureau of his party, the Central African Party for Unity and
20 Development. But I said it -- if it were an Anti-Balaka thing, I would not join it.
21 Now, I had already left the Anti-Balaka.

22 So when he set up his political party, I decided to join the party, not as Anti-Balaka,
23 but as a politician.

24 Q. [15:14:32] When you say that you had had some discussions with him before
25 outlining the things you did not agree with him on, what would those things you did

Trial Hearing
WITNESS: CAR-OTP-P-0808

(Open Session)

ICC-01/14-01/18

1 not agree on -- with him on be, what are they?

2 A. [15:14:49] You see, the demand of the Anti-Balaka, which almost cost my life,
3 was for the resignation of Madam Samba. So that very night, the ambassador of
4 France called Mr Ngaïssona and asked him to remove that request. The president of
5 Congo, Sassou Nguesso, was the mediator at the time and, according to
6 Mr Ngaïssona, he called him at night and asked that the idea of asking Samba-Panza
7 to resign should be taken out of those demands. So he should have accordingly
8 informed the ComZones of those specific -- of that very specific question. They had
9 asked him to take it out, and he took out the question but he did not inform the
10 Anti-Balaka accordingly.

11 So you see, people -- and as you know, what almost cost me my life was because I
12 was supporting Mr Ngaïssona in the mindset of normalisation. But then everything
13 came crumbling and I was almost killed. Andjilo was actually ready to shoot me.
14 But it is only the other Anti-Balaka who were in the neighbourhood who neutralised
15 him, so to speak, and then that's how my life was saved.

16 So the main complaint against me was that I was supporting Ngaïssona, but that was
17 within the context of normalisation. And then you will see later on that the
18 Anti-Balaka movement split into two, the hardliners Mokom father and Mokom son,
19 that hardliner group was on the one hand and then there was another group that
20 wanted things to return to normal. And the hardliners did not want normalisation.
21 According to them, they wanted to bring everybody to believe that only Bozize was
22 the master of the situation and that he should come back.

23 But, for some, the idea was to go towards normalcy without necessarily bringing back
24 Bozize. So this is what one can say as an explanation to these things.

25 My complaint to Ngaïssona was that he did not explain to the Anti-Balaka that that

Trial Hearing
WITNESS: CAR-OTP-P-0808

(Open Session)

ICC-01/14-01/18

1 was the wish of the French embassy and of the mediation, that is, namely, for
2 Anti-Balaka to withdraw its demand relating to Madam Samba-Panza.

3 So after that, we met, we talked. We were able to find some grounds of
4 reconciliation and then I was willing and able to join his political party which he had
5 created.

6 Q. [15:17:56] Thank you very much. Let's go to page 2, just to avoid any
7 confusion.

8 Page 2040. And here we see Thierry Lebene and we see Mr Ngaïssona's signature.

9 And if I have understood your explanation and your testimony as well as your
10 statement, and without getting into any details, Thierry Lebene was one of the
11 Anti-Balaka members, along with Andjilo, who had started up acts of violence again
12 in 2014 after your meeting with Madam Samba-Panza; is that correct?

13 A. [15:18:51] Well, at that time I was already ex -- you know, when and how do
14 I -- how can -- how can I put this? When the Anti-Balaka movement was somehow
15 splitting and things were degenerating on the issue of Madam Panza Samba, I was
16 already at the Hotel du Centre, and the French sent a military vehicle to take me out
17 of the neighbourhood in the evening because people wanted to kill me. So we were
18 in contact and they sent a vehicle known as the VAB to take me out.
19 Now, this information that I had received was to the effect that Lebene was the one in
20 charge in Wango, in that zone, but I don't have evidence. Those were rumours. But
21 at that time, I was already at the Hotel du Centre. And may I say that it is the French
22 authorities who paid for the first night at the hotel, but I was there at the hotel for two
23 months, from October when the actions started until January.
24 And so people worked hard to bring about some understanding. The complaint
25 against me was that I was part of those who took out the demand for Samba-Panza to

Trial Hearing
WITNESS: CAR-OTP-P-0808

(Open Session)

ICC-01/14-01/18

1 resign.

2 And in all that, ultimately I had to return to the neighbourhood.

3 Q. [15:20:25] Thank you very much. I have no further questions.

4 MS STRUYVEN: [15:20:31] (Overlapping speakers) Mr President, if I can just have a
5 look at the video later tonight and then see if it's worth -- (Overlapping speakers)

6 PRESIDING JUDGE SCHMITT: [15:20:32] And what -- what about the video?

7 MS STRUYVEN: [15:20:34] Yeah, that's the thing. I would prefer to -- I've -- I've
8 seen the video I think two days ago, but I would prefer to see it again to see if we
9 need to play the whole thing (Overlapping speakers)

10 PRESIDING JUDGE SCHMITT: [15:20:42] But, but -- no, no, I tell you that we want
11 to see it. So simply -- so it might be nice that you always want to -- also want to see
12 it before that, but --

13 MS STRUYVEN: [15:20:53] It's 7 and a half minutes apparently. So we can play it.

14 PRESIDING JUDGE SCHMITT: [15:20:59] Yeah. Why not. We have 10 minutes
15 left. Why not play it.

16 MS STRUYVEN: [15:21:02] So it is CAR-OTP-2118-4151.

17 THE COURT OFFICER: [15:21:21] For the record, will it be public or confidential,
18 please?

19 MS STRUYVEN: [15:21:25] It is public because it's an interview by a press agent.

20 THE COURT OFFICER: [15:21:31] Thank you very much.

21 PRESIDING JUDGE SCHMITT: [15:21:32] If I understand correctly, it's -- it's the
22 interview with the witness. Yes.

23 MS STRUYVEN: [15:21:36] Yes. It's a photo, you'll see the -- (Overlapping
24 speakers)

25 PRESIDING JUDGE SCHMITT: [15:21:38] Yeah, yeah, yeah. And so then -- then

Trial Hearing
WITNESS: CAR-OTP-P-0808

(Open Session)

ICC-01/14-01/18

1 I think the Chamber - we have talked about that - is interested to see it and to hear it.

2 What about interpretation now? It is in English but -- you said it's in English, but

3 that -- that's -- or the article is in English -- (Overlapping speakers)

4 MS STRUYVEN: I remember the questions --

5 PRESIDING JUDGE SCHMITT: The interview is of course in French.

6 MS STRUYVEN: [15:22:03] (Overlapping speakers) -- are in English, but I think he's

7 responding in French, if I'm not mistaken. But the questions for sure were in

8 English.

9 PRESIDING JUDGE SCHMITT: [15:22:07] And this, of course, could put the

10 interpreters in a difficult situation. So what about doing this tomorrow morning and

11 providing, if this is possible, providing the interpreters -- this is not --

12 MS STRUYVEN: [15:22:23] If I recall correctly, we don't have a transcript of this, but

13 it is in a language of the Court. And that was one of reasons I didn't want to show it

14 in the first place, because I know it's -- it's getting -- (Overlapping speakers)

15 PRESIDING JUDGE SCHMITT: [15:22:35] Yeah, but -- but, you know, like always, a

16 newspaper article does not give the same impression than the original. So this

17 is -- this is simply the background why the Chamber is interested.

18 So then we give it simply a try and finish after that for today, please.

19 (Viewing of the video excerpt)

20 PRESIDING JUDGE SCHMITT: [15:23:34] Sorry. We don't -- I think we don't hear

21 anything.

22 THE COURT OFFICER: [15:23:38] Unfortunately, Mr President, there is technical

23 issue from our side. I'm going to ask, maybe the Prosecution has the video and can

24 play it from its own bench and let's see if it's working then.

25 PRESIDING JUDGE SCHMITT: [15:24:00] And if this is not possible, could the

Trial Hearing
WITNESS: CAR-OTP-P-0808

(Open Session)

ICC-01/14-01/18

1 technical issue from our side be fixed until tomorrow? Then we can hear it
2 tomorrow morning. So it's perhaps easier for you if -- I don't know if you can handle
3 it now.

4 MS STRUYVEN: [15:24:17] Yes, I think we can.

5 PRESIDING JUDGE SCHMITT: [15:24:19] Okay. Then -- then we give it a try. If
6 we can finish today with the examination by the Prosecution, it's fine.

7 (Viewing of the video excerpt)

8 "Journalist: I'm at the house of Alfred Ngaya, who is the coordinator of the
9 Anti-Balaka militia group that has been fighting here in the Central African Republic.
10 And of course, if you have been following the news, there's been a lot of chaos here in
11 the Central African Republic. He now joins us to tell us his true story, why did the
12 Anti-Balaka start.

13 Ngaya: (Interpretation) The Anti-Balaka movement is essentially made up of young
14 Central Africans from villages and towns in the Central African Republic where these
15 youth were exasperated by the acts of violence of Seleka. You know, Seleka came to
16 power on 24 March, overthrowing the democratic regime of President Francois Bozize.
17 On 24 March, they took power, but they did not settle for power alone. They also
18 went on to commit acts of violence on the civilian population across the country, from
19 the north to the south to the east to the west. In all villages in all towns of the
20 provinces, they killed and massacred civilian populations. They burnt villages,
21 burnt down villages. They burnt down food storehouses and farms. They killed
22 pigs. And all of this happened for a period exceeding nine months. And they did it
23 with impunity. There was -- they were not bothered.

24 Furthermore, even the multinational force of the Central Africa, which was deployed
25 to the Central African Republic, including contingents from the Central African

Trial Hearing
WITNESS: CAR-OTP-P-0808

(Open Session)

ICC-01/14-01/18

1 countries -- I want to point out the Chadian contingent was even helping the Seleka to
2 commit these acts of violence. And that is why the population became exasperated
3 and the youth mobilised in order to defend the population. They used machetes and
4 traditional weapons, hunting weapons in attacking the Seleka at their bases in various
5 localities in provinces and in Bangui.

6 So the militia, the Anti-Balaka movement, was born from among the people. And its
7 goal was to fight the Seleka coalition which was in power in order to liberate or
8 deliver the Central African people from that oppression. That is why the movement
9 was born.

10 But the idea was not to attack Muslims. You need to understand that the Seleka had
11 accomplices who were Muslims and that is why whenever the Anti-Balaka movement
12 attacked the Seleka, they would have accomplices within the Muslim community, and
13 that's why there was some confusion. Anti-Balaka does not attack Muslims as such
14 but to the accomplices of the Seleka. You see, Seleka is 95 per cent Muslim and that's
15 where the confusion arose.

16 The primary goal of the Anti-Balaka movement was not to attack Muslims because,
17 you see, Muslims are everywhere. There are Muslims from West Africa, some are
18 Senegalese, from Mali, from Burkina Faso. And so they were not the target of the
19 Anti-Balaka movement. The Anti-Balaka movement targeted Seleka which is
20 95 per cent Muslim, and that accounts for the confusion.

21 Journalist: Finally tell us what is the way forward. How do you plan to resolve this
22 conflict? Do you see anything like a resolution, something like reconciliation
23 happening any time soon?

24 Ngaya: (Interpretation) When Michel Djotodia resigned, the self-proclaimed
25 president of Seleka, there was need for an election to behold to elect the new

Trial Hearing
WITNESS: CAR-OTP-P-0808

(Open Session)

ICC-01/14-01/18

1 president of the transitional government. Madam Catherine Samba-Panza was
2 elected. And from the time she was elected president of the transition, the
3 Anti-Balaka movement welcomed that transition and then embraced the dynamic of
4 normalisation and pacification of the country. So today, the Anti-Balaka movement
5 has materialised that position through various press releases in order to bring the
6 national and international press to understand that the idea was to restore peace and
7 security throughout the country. So this means that there has to be concerted action
8 between the international community to ensure that collective action is taken to
9 introduce measures that can return peace to the country.

10 So that requires various actions to be taken following consultations. That requires
11 that in various localities, in the neighbourhoods, in several areas, committees should
12 be set up to build peace and reconciliation messages so that our minds can be
13 disarmed, our hearts can be disarmed to make room for reconciliation. That is why
14 we have to work together to achieve this goal. For some nine months the population
15 were persecuted. And this has created vengeance in them. And so we need to
16 develop for these people certain messages that -- that give them some peace.

17 Journalist: Tell us, this morning we heard that there was an attack by MISCA here at
18 your house. What exactly happened?

19 Ngaya: (Interpretation) Well, it is very unfortunate that this morning this attack
20 took place at the house of the coordinator this morning. We were surprised. We
21 were surprised by it because we had always held the view that it was time for our
22 country to have a chance. But the Sangaris and the MISCA forces, working together,
23 came pretending to disarm, but then they ended up lobbing teargas and firing live
24 bullets. And you see what the consequences have been. Even in the living rooms,
25 furniture was destroyed because of the grenade that was lobbed in. And yet they

Trial Hearing
WITNESS: CAR-OTP-P-0808

(Open Session)

ICC-01/14-01/18

1 did not find a single weapon in the house.

2 These are the types of disturbing events that lead us to wonder what it is that they
3 want. Is this how we are going to find peace in the country? You see, today we
4 have found mass graves in various areas where the Seleka people were barracked.
5 Nobody's worried about that. The Chadian army leaves Chad and travels
6 throughout the Central African Republic and kills people, but nobody raises a finger
7 about that. The Chadian army comes into our country under the pretext of taking
8 back Chadian nationals and does all sorts of -- all types of things without any worry.
9 And they kill Central Africans and nobody is bothered about it."

10 PRESIDING JUDGE SCHMITT: [15:31:58] First of all, thank you very much to the
11 interpretation. That was extremely quick and on time. That was real live
12 interpretation. Thank you.

13 And it's -- I may say, perhaps comment, it's indeed something different if you have
14 the original, so to speak, and if you have it seen through the lens of a journalist.

15 So we now finish for today and reconvene tomorrow at 9.30.

16 THE COURT USHER: [15:32:28] All rise.

17 (The hearing ends in open session at 3.32 p.m.)