

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 Yekatom and Patrice-Edouard  
5 Ngaïssona - ICC-01/14-01/18  
6 Presiding Judge Bertram Schmitt, Judge Péter Kovács and  
7 Judge Chang-ho Chung  
8 Trial Hearing - Courtroom 1  
9 Wednesday, 3 November 2021  
10 (The hearing starts in open session at 9.32 a.m.)  
11 THE COURT USHER: [9:32:34] All rise.  
12 The International Criminal Court is now in session.  
13 Please be seated.  
14 PRESIDING JUDGE SCHMITT: [9:32:37] Good morning, everyone. Could the  
15 court officer please call the case.  
16 THE COURT OFFICER: [9:32:42] Mr President, your Honours,  
17 the situation in the Central African Republic II,  
18 in the case of The Prosecutor versus Alfred Yekatom and Patrice-Edouard Ngaïssona,  
19 case reference ICC-01/14-01/18.  
20 And we are in open session.  
21 PRESIDING JUDGE SCHMITT: [9:33:05] Thank you.  
22 At least in my ears, I have a little bit of a machine-room noise.  
23 So it would be nice if we could ...  
24 So I think after three or four hours, we all would have some problems with our -- we  
25 would have a headache.

26

03.11.2021

Page 1

Trial Hearing  
WITNESS: CAR-OTP-P-0808

(Open Session)

ICC-01/14-01/18

1 Now, that sounds promising. Although the word "sound", when you don't hear  
2 anything, is perhaps not absolutely correct.

3 So then I think -- I think we can continue.

4 For the presence of the Prosecution, Ms Struyven, please.

5 MS STRUYVEN: [9:33:54] Good morning, Mr President, your Honours. For the  
6 Prosecution today, we have Maria Berdennikova, Kweku Vanderpuye, Yassin Mostfa  
7 and myself, Olivia Struyven.

8 PRESIDING JUDGE SCHMITT: [9:34:03] Thank you.

9 Mr Suprun.

10 MR SUPRUN: [9:34:05] Good morning, Mr President, your Honours. The former  
11 child soldiers are represented by myself, Dmytro Suprun, counsel at the Office of  
12 Public Counsel for Victims. Thank you.

13 PRESIDING JUDGE SCHMITT: [9:34:15] Thank you.

14 And for the other victims' teams, good morning.

15 MR DANGABO MOUSSA: [9:34:16] (Interpretation) I present the team of the  
16 victims of the other crimes. We have Grabowski and Asso Mouhia and myself,  
17 Abdou Moussa.

18 PRESIDING JUDGE SCHMITT: [9:34:33] Thank you.

19 I turn to the Defence.

20 Ms Dimitri.

21 MS DIMITRI: [9:34:38] Good morning, Mr President. Good morning, everyone.  
22 Good morning, your Honours. Mr Yekatom, who's present in the courtroom this  
23 morning, is represented by Ms Laurence Hortas-Laberge, Mr Jérémy Pizzi,  
24 Mr Florent Pages-Granier and myself, Ms Dimitri.

25 PRESIDING JUDGE SCHMITT: [09:34:54] Thank you.

Trial Hearing  
WITNESS: CAR-OTP-P-0808

(Open Session)

ICC-01/14-01/18

1 And Mr Knoops.

2 MR KNOOPS: [9:35:02] Good morning, Mr President, your Honours. Good  
3 morning, everyone in the courtroom. The Defence team of Mr Ngaïssona is today  
4 comprised of myself, Marie-Hélène Proulx, Despoina Eleftheriou, Sara Pedroso,  
5 Mathilde Couloigner. *Merci.*

6 PRESIDING JUDGE SCHMITT: [9:35:10] Thank you very much.

7 And also a welcome and good morning to our witness, Mr Ngaya, and counsel,  
8 Mr Sangone.

9 I have understood, Mr Vanderpuye, that you perhaps wanted to address the  
10 Chamber -- we have again the noise, but I continue -- address the Chamber with  
11 regard to a scheduling matter of this block.

12 MR VANDERPUYE: [9:35:29] Good morning, Mr President. Good morning,  
13 your Honours. Good morning, everyone. I did want to address that. I see the  
14 witness is here though. I was hoping maybe we'd do it before he came. But in any  
15 event, the short of it is that we are working on trying to identify and fill a space at the  
16 end of this block.

17 However, there is a pending request from the Ngaïssona Defence with respect to the  
18 next witness, which I think will impact the size of that -- that space, if it comes to that.  
19 So we're not certain exactly how to handle it. We are, on the one hand, trying to lock  
20 down this person and, on the other hand, trying to figure out what to do or what the  
21 size of the space will be to know whether or not to proceed.

22 PRESIDING JUDGE SCHMITT: [9:36:14] Thank you.

23 MR VANDERPUYE: [9:36:15] But we can deal with this, you know, later.

24 PRESIDING JUDGE SCHMITT: [9:36:18] Yes, okay. Good.

25 MR VANDERPUYE: [9:36:19] At the Chamber's convenience, and even by email, if

Trial Hearing  
WITNESS: CAR-OTP-P-0808

(Open Session)

ICC-01/14-01/18

1 you prefer.

2 PRESIDING JUDGE SCHMITT: [9:36:24] Yes. Yes, I do so.

3 But nevertheless, I am of course aware of the Defence's request. And I think it was

4 that you would have requested that you need more time. So we will have to

5 accommodate that. But also I would -- the Chamber would appreciate it a lot if, if

6 there would be a chance to have another witness at the end of the block to fill

7 the -- yeah, I can't say a gap because it's at the end, but to fill these two or three days, I

8 think, but we would appreciate that a lot.

9 But we can do that via email, and you keep the Chamber up on the current state of

10 affairs.

11 So Ms Proulx now has the floor.

12 I have heard that you perhaps might finish, until lunch break. Is that correct?

13 MS PROULX: [9:37:18] Good morning. Thank you, Mr President.

14 It is my hope that two sessions could be enough. I'm not going to make a promise

15 that I can't keep. It could be that I spill a little bit on to the third -- the third session.

16 Sorry.

17 PRESIDING JUDGE SCHMITT: [9:37:29] And in case, Ms Dimitri, would you prefer

18 then to start today or - I would leave it up to you actually - or tomorrow?

19 MS DIMITRI: [9:37:40] Thank you, Mr President.

20 I assessed between two and three sessions, but it all depends on the length of the

21 answers. So I think to be on the safe side and to avoid pressure tomorrow to finish

22 by the end of the day, I'd rather, even if there's an hour left, I'd rather start today.

23 PRESIDING JUDGE SCHMITT: [9:38:00] Okay. Good to know.

24 Then Ms Proulx, you have the floor.

25 MS PROULX: [9:38:08] Thank you, Mr President.

Trial Hearing  
WITNESS: CAR-OTP-P-0808

(Open Session)

ICC-01/14-01/18

1 WITNESS: CAR-OTP-P-0808 (On former oath)

2 (The witness speaks French)

3 (The witness gives evidence via video link)

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

5 Q. [9:38:21] Good morning, Mr Ngaya.

6 Can you hear me?

7 Mr Ngaya, can you hear me?

8 A. [9:38:36] Yes, I hear you.

9 Q. [9:38:38] First of all, I'd like to thank you for your patience yesterday. I asked  
10 you a lot of questions. I, yet again, need a little bit of your understanding today.

11 But I assure you I will have completed today in a couple of hours' time.

12 To start this morning, I want to briefly go back to the question on the order of  
13 missions which we discussed yesterday afternoon.

14 You said that some order of missions were signed by Mr Ngaïssona but that others  
15 would have been signed by Mokom or other ComZones, and some might -- indeed  
16 might be fraudulent and have fake signatures.

17 How could you make the difference between -- of a valid order or a fake order of  
18 missions?

19 How can you distinguish between them?

20 A. [9:39:55] Can I say something? It's difficult to say.

21 THE INTERPRETER: [9:40:00] The interpreters are having problems understanding.  
22 The sound ...

23 PRESIDING JUDGE SCHMITT: [9:40:12] Perhaps we have to -- we have to fix that.

24 So Mr Ngaya, I think there is a communication problem, a technical problem. We  
25 have to (Overlapping speakers)

Trial Hearing  
WITNESS: CAR-OTP-P-0808

(Open Session)

ICC-01/14-01/18

1 THE WITNESS: [9:40:17] (No interpretation)(Overlapping speakers)

2 PRESIDING JUDGE SCHMITT: [9:40:17] Mr Ngaya, could you please repeat

3 (Overlapping speakers)

4 THE WITNESS: [9:40:18] *Oui?*

5 PRESIDING JUDGE SCHMITT: [9:40:18] Mr Ngaya, could you please repeat your

6 answer, and I hope that the interpreters can follow then. Yes? Okay? Please do

7 that.

8 THE WITNESS: [9:40:38](Interpretation) Yes, what I was saying is that the orders of

9 missions signed by Mr Ngaïssona -- no. It's difficult to know what was going on.

10 It's difficult to see the control mechanism at that moment. At the one time, I was

11 asked to look at it, and I looked at the computer, but -- and I printed them, but we

12 have no way of controlling the ComZones. And even in --

13 THE INTERPRETER: [9:41:22] Sorry. The interpreters are having great difficulty

14 understanding. The sound is not coming through.

15 THE WITNESS: [9:41:29](No interpretation)

16 PRESIDING JUDGE SCHMITT: [9:41:35] So we have to fix that. Mr Ngaya.

17 Mr Ngaya, please. Obviously -- obviously the sound is not coming through. So we

18 have to try to fix that first. I have to apologise. We have to fix the technical

19 problems.

20 (Pause in proceedings)

21 THE WITNESS: [09:42:35] (No interpretation)

22 PRESIDING JUDGE SCHMITT: [9:42:41] Actually, actually, I understand everything.

23 So perhaps we could give it another try. So it should then -- if we hear, let's say,

24 downstairs understand it, perhaps it's also possible that the interpreters ...

25 I have to apologise, Mr Ngaya, for this inconvenience. Perhaps you can repeat again

Trial Hearing  
WITNESS: CAR-OTP-P-0808

(Open Session)

ICC-01/14-01/18

1 what you said.

2 THE WITNESS: [9:43:20](Interpretation) I already said at that moment, it was  
3 impossible to have a control mechanism. The administration was in chaos. There  
4 was not a real administration to speak of. So there was no way of checking and  
5 verifying.

6 PRESIDING JUDGE SCHMITT: [9:43:38] Thank you.

7 MS PROULX: [9:43:40] (Interpretation)

8 Q. [9:43:41] So in these difficult circumstances, could Mr Ngaïssona have prevented  
9 Mokom and the ComZones from abusing these mission orders?

10 A. [9:44:00] Can you put the question to me again. It's very difficult for me to  
11 understand you.

12 Q. [9:44:04] Would you like me to repeat the question?

13 A. [9:44:07] Yes.

14 Q. [9:44:09] I'll repeat the question.

15 You just explained that the situation was difficult and you couldn't really control and  
16 verify.

17 My question was as follows: In those circumstances which you've just described,  
18 would Mr Ngaïssona be in a position to prevent Mokom and ComZone to take  
19 advantage or abuse these orders?

20 A. [9:44:41] I will answer this question by describing - how should I put it? - the  
21 circumstances. Mr Ngaïssona was often at the residence of his father, and the  
22 ComZones were in their base. So they had -- they had a degree of manoeuvre. And  
23 \*if they wanted to come to Mr Ngaïssona's, then they could come to us.

24 Also, they could also speak to each other by telephone. There was no way to put any  
25 pressure on the ComZones who were completely autonomous.

Trial Hearing  
WITNESS: CAR-OTP-P-0808

(Open Session)

ICC-01/14-01/18

1 Q. [9:45:48] And in the cases where perhaps abuses were taking place during the  
2 mission, what could Mr Ngaïssona have done? Was there a way or something he  
3 could have done to stop these abuses?

4 A. [9:46:04] Personally, I don't know how he could have done that. I don't know  
5 how he could have done something. I don't know. Personally, at my level, I don't  
6 know how he should react. In any case, there were abuses. But I don't know what  
7 could have been done differently. \*Our military police worked around the town of  
8 Bangui above all. And what you need to know is that the military police only had the  
9 possibility of catching petty Anti-Balaka, meaning those you can catch easily. But for  
10 the other powerful ComZones, what could you do? Even the military police had  
11 limits in their actions. So as regards this question, I don't know what could have been  
12 done. I don't know what he could have done.

13 THE INTERPRETER: [9:47:10] Once again, the interpreters apologise. The sound  
14 quality is very poor.

15 THE WITNESS: [09:47:15] \*So honestly, I don't know how Mr Ngaïssona should  
16 have proceeded because, to see him, you had to go to his father's house. So, the  
17 movements were really limited. And I already told you yesterday that we learned that  
18 there were MISCA planes could take Seleka leaders to the back country.

19 THE INTERPRETER: [09:47:22] The interpreters repeat that they apologise --

20 PRESIDING JUDGE SCHMITT: [09:47:24] So then we --

21 THE INTERPRETER: -- but they cannot continue under these circumstances.

22 PRESIDING JUDGE SCHMITT: Then we make a break --

23 THE INTERPRETER: [09:47:28] The sound quality is extremely poor.

24 PRESIDING JUDGE SCHMITT: [9:47:31] No, then we make a break and try to fix  
25 this. And I understand everything here in the courtroom. So we try to fix this. I

Trial Hearing  
WITNESS: CAR-OTP-P-0808

(Open Session)

ICC-01/14-01/18

1 don't know what the problem is. So we make a short break, and we want to fix this  
2 in the meantime.

3 THE COURT USHER: [9:47:43] All rise.

4 (Recess taken at 9.47 a.m.)

5 (Upon resuming in open session at 9.59 a.m.)

6 THE COURT USHER: [9:59:00] All rise.

7 Please be seated.

8 PRESIDING JUDGE SCHMITT: [9:59:22] So we give it a try. And all discussions  
9 about when you will finish and Ms Dimitri will start are perhaps now simply  
10 discussions of the past.

11 Please, Ms Proulx.

12 MS PROULX: [9:59:37] Thank you, Mr President.

13 Q. [9:59:42] (Interpretation) Good morning once again, Mr Witness. Can you hear  
14 me?

15 Mr Ngaya, can you hear me?

16 A. [9:59:56] Yes, I can hear you.

17 Q. [9:59:58] Yes. We hear you too much better now.

18 Now let me move on to another subject, and I want us to talk about the press releases  
19 from the national coordination of the Anti-Balaka under the leadership of  
20 Mr Ngaïssona.

21 Yesterday, you slipped a word in on that, but I would like us to go in depth today on  
22 that issue.

23 So talking about these press releases, you had some -- expressed some reservations; is  
24 that correct?

25 A. [10:00:34] Yes.

Trial Hearing  
WITNESS: CAR-OTP-P-0808

(Open Session)

ICC-01/14-01/18

1 Q. [10:00:36] Or, rather, you participated in the drafting of some of the  
2 communiqués; is that correct?

3 A. [10:00:45] Yes.

4 Q. [10:00:45] Why did the coordination issue these press releases?

5 A. [10:00:52] These were an expression of the positions taken, and as well as a  
6 desire to convey a number of messages. That was the purpose of the press releases.

7 Q. [10:01:12] I would like to look at a few of them with you this morning, starting  
8 with Defence document number 44, CAR-OTP-2084-0146.

9 And I would like this to be displayed for the witness, please.

10 Do you see that press communiqué, Mr Ngaya?

11 A. [10:02:04] It is not yet displayed.

12 Q. [10:02:15] This is press release number 4 of 21 January 2014. The content seeks  
13 to congratulate Catherine Samba-Panza upon her election to the presidency of the  
14 transitional government.

15 At the last paragraph it is said that the Anti-Balaka movement commits itself to  
16 suspend all hostilities and expresses its availability to work alongside the president  
17 for the return of peace and security.

18 Mr Ngaya, did you participate in the drafting of this specific press release?

19 A. [10:03:04] Yes. I -- I recognise my participation and my formulation in -- in this  
20 communiqué.

21 Q. [10:03:14] Who asked you to draft this communiqué?

22 A. [10:03:26] Mr Ngaïssona.

23 Q. [10:03:35] The commitment to suspend hostility -- hostilities, and the offer to  
24 work with Madam Samba-Panza for the return of peace and security, was it a sincere  
25 commitment or was it a smokescreen for other intentions?

Trial Hearing  
WITNESS: CAR-OTP-P-0808

(Open Session)

ICC-01/14-01/18

1 A. [10:04:02] Mr Ngaïssona had consulted the ComZones, and it was following  
2 those consultations that this kind of commitment was taken. If I remember properly,  
3 that is how things happened. That's how he proceeded.

4 Q. [10:04:27] I just want to be sure that I have understood your answer.  
5 You said that Mr Ngaïssona first talked with the ComZones and informed them that  
6 this is what he wanted to do, namely, to stop hostilities and work with the president  
7 for peace and security.

8 Is that correct?

9 A. [10:04:41] Yes, that is correct.

10 Q. [10:04:44] Next press release, press release Defence document 45,  
11 CAR-OTP-2084-0147.

12 You can see that press release on your display. It's number 5 of 1 February 2014.  
13 And the communiqué talks of increasing violence in the city of Bangui and also talks  
14 about the fake Anti-Balaka who had infiltrated the movement with reprehensible  
15 intentions.

16 Do you remember this press release, Mr Ngaya?

17 A. [10:06:20] Yes. I remember very clearly this press release. Very, very clearly.  
18 That was the atmosphere that prevailed at the time.

19 Q. [10:06:30] The problem of fake Anti-Balaka, was that an -- a significant problem  
20 towards \*January/February 2014?

21 A. [10:06:44] It was a very significant problem. Given that the country had  
22 collapsed, there were no defence and security forces in place. All that existed was a  
23 few units of the gendarmerie which continued to operate in the centre of the city.  
24 Police stations and all whatnot had been emptied out. So the young thugs had taken  
25 a liking to doing whatever they wanted to do, stealing, racketeering, and all types of

Trial Hearing  
WITNESS: CAR-OTP-P-0808

(Open Session)

ICC-01/14-01/18

1 attacks.

2 And so in that context, it was difficult to distinguish between the Anti-Balakas and  
3 the thieves. That is why it became necessary to consider an action to be taken to  
4 ensure that this confusion was stemmed.

5 You see, I already told you that a good number of the Anti-Balaka were some honest  
6 children who, after the resignation of Djotodia, simply wanted to go back to their  
7 homes. But the thugs within the Anti-Balaka were well known. And if you want, I  
8 can say that there was the Andjilo group, and there were other groups which had  
9 been infiltrated by -- by thieves, by neighbourhood thieves. And that is why it  
10 became necessary to imagine certain measures such as the deliverance or issuance of  
11 badges to the Anti-Balaka.

12 Q. [10:08:49] There are many documents and many pieces of evidence which have  
13 been seen during this trial denouncing the infiltration of the Anti-Balaka by fake  
14 Balaka. And this was done by the coordination.

15 But did the government or the international community recognise and acknowledge  
16 your problem when -- when you made those demands?

17 A. [10:09:26] Our -- we were -- we were very disappointed at that time, and that's  
18 the answer I can provide to your question. Because whenever we raised this  
19 question with the government and international organisations, they did not  
20 understand us. And that is something which we ourselves could not understand,  
21 and it was difficult to -- to explain why. You see, quite sincerely, our intention was  
22 to create the proper circumstances for peace to return. But quite strangely and  
23 paradoxically, the parties on the other side did not heed our -- our message. So that,  
24 that's the paradox.

25 Q. [10:10:14] Let me move to another communiqué, Defence document number 46,

Trial Hearing  
WITNESS: CAR-OTP-P-0808

(Open Session)

ICC-01/14-01/18

1 \*CAR-OTP-2084-0148.

2 That would be press release number 6 of 11 February, and the content refers to

3 MISCA and Sangaris forces having declared that the Anti-Balakas were thugs.

4 And then the press communiqué goes on to ask how and why the entire Anti-Balaka  
5 movement should be held responsible for independent or isolated acts, actions.

6 Do you recognise this release?

7 A. [10:11:32] Yes, I do recognise it, and it deals with the atmosphere as it obtained  
8 at the time. While we were working to create conditions for the return to peace, the  
9 international forces seemed to be saying things that rather angered the Anti-Balaka.

10 So that is the context in which this question was raised.

11 Q. [10:12:16] Why would MISCA and Sangaris call the Anti-Balaka thugs,  
12 according to you?

13 A. [10:12:27] I -- I'm not in a position to know. And that is why I said that to my  
14 mind, there was a hidden agenda. But I cannot fabricate anything. But if one were  
15 to think about this, then one might say that people instead wanted to maintain the  
16 disorder and the crisis. They did not want the crisis to be resolved. This was our  
17 understanding, and that is why we drew the attention of the international community  
18 to it.

19 Q. [10:13:02] What strikes one is that when Mr Ngaïssona returned and was  
20 appointed to the helm of the movement, from that time until the press release of 11  
21 February, there was only a time-lapse of less than a month. And the relations  
22 between the Anti-Balaka coordination and the international forces seems to have  
23 deteriorated to a point of non-return -- of no return, so to speak.

24 How do you explain that the newly appointed coordination and the international  
25 forces would have seen their relationship deteriorate so quickly?

Trial Hearing  
WITNESS: CAR-OTP-P-0808

(Open Session)

ICC-01/14-01/18

1 A. [10:14:00] It is difficult to explain that because we continued to express and  
2 show our good faith to work for the return to peace. But quite strangely, all the  
3 proposals that we made did not go anywhere. And that is why I say it is difficult to  
4 explain these things.

5 Q. [10:14:31] In this very same release on the second page, second paragraph, it is  
6 said -- or it is reiterated that the general coordinator of the movement had requested  
7 for the international forces to help put in place measures to check any slippages of the  
8 Anti-Balaka. So the communiqué reiterates this request to the  
9 international community.

10 Now, \*this request which was included in press release number 6, did it receive a  
11 reaction or an answer from the international forces?

12 A. [10:15:36] We attempted to do many things with a view to avoiding any  
13 slippages. But, you see, as I was saying, the Seleka leaders were able to travel with  
14 MISCA planes and go to the provinces on MISCA flights. But, you see, at that time,  
15 we were not able to reach the Anti-Balaka leaders who were in the provinces. So we  
16 had written and asked for the same resources to make it possible for us to travel to the  
17 hinterland and talk to the Anti-Balaka and that, in so doing, we would be able to  
18 persuade the Anti-Balaka. And there was no response to that request.

19 So later on, you will see that we had to use the alliance of evangelical churches and  
20 pastors and the archbishop of Bangui and the churches in the Central African  
21 Republic because we realised that nobody was heeding all the proposals that we were  
22 making. So within that same outreach, we continued to look for other means, you  
23 see, because whenever we put forth our problems, no one was listening to us. That's  
24 what happened.

25 Q. [10:17:14] Could we now display Defence document number 6,

Trial Hearing  
WITNESS: CAR-OTP-P-0808

(Open Session)

ICC-01/14-01/18

1 CAR-OTP-0080-0685. This also is a document of 11 February, the same day as  
2 communiqué number 6 to the international forces. But this document is a request to  
3 arrest \*28 Anti-Balaka elements. Mr Ngaïssona is the first name mentioned. And  
4 on the next page, we can see your name at number 13 with several other names, some  
5 of whom were members of the coordination, while others were ComZones. So it's a  
6 long list of about 28 names of persons to be arrested.

7 Now, according to you, why were you targeted by such a request for arrest on 11  
8 February?

9 A. [10:18:36] I am becoming aware of this for the first time that I myself was  
10 targeted for arrest. I would -- I cannot -- well, I wonder why anyone would want  
11 to -- to arrest me. I never committed a reprehensible act. I am not an aggressive  
12 person. I have not written evil against anyone. So I don't know why my name  
13 would appear among a list of wanted people. I think it is simply an attempt to  
14 destabilise the Anti-Balaka coordination and create conditions of disorder. And I  
15 think that this is what people wanted to see happen, namely, to destroy the  
16 coordination and enhance disorder, because really, quite seriously, I don't know why  
17 anyone would have wanted to arrest me. For what reason?

18 Q. [10:19:38] Would you also agree that on the 11th, there was really no reason to  
19 want to arrest Mr Ngaïssona?

20 A. [10:19:48] Yes. Yes, because at that time, Mr Ngaïssona's intentions, as I  
21 understood them, as I understood them, his main intention was to work for a return  
22 to normalcy. In fact, that is what I understood. And you see, at some point, it was  
23 the population that began to react against the actions of MISCA.

24 Q. [10:20:28] That brings me to the -- to discussing the reaction of the coordination.  
25 And I'm referring to the statement or declaration of 14 February 2014, I think, Defence

Trial Hearing  
WITNESS: CAR-OTP-P-0808

(Open Session)

ICC-01/14-01/18

1 document number 21, CAR-OTP-2084-0185.

2 THE COURT OFFICER: [10:21:12] 0380 for the record, right?

3 MS PROULX: [10:21:27] (Interpretation)

4 Q. [10:21:28] Do you recognise this document, Mr Witness?

5 (Speaks English) If we could maybe scroll down so the witness can read a little bit  
6 more. Thank you.

7 (Interpretation) Mr Ngaya, let me provide you with some context. You are the one  
8 who provided this document to the OTP during your first interview in 2016. But just  
9 for the record, do you recognise the document today?

10 A. [10:22:27] Yes, I recognise the document.

11 Q. [10:22:34] Can you explain to the Court why this document was created.

12 A. [10:22:44] The reasons are exactly the same as what we have just talked about,  
13 the counterproductive behaviour, the counterproductive behaviour. Whereas, we  
14 were looking for peace, the restoration of peace and security, political authorities  
15 were creating situations that made things worse. And that is why we -- you see,  
16 there was government, there was MISCA, but there was also the  
17 international community. And so this type of statement was widely disseminated to  
18 the US Embassy, to the European Union, to the African Union with a view to drawing  
19 the attention of the international community to what appeared to be a plot, a plot of  
20 sorts, because people were happy with the crisis not having to come to an end. And  
21 that is why we reacted. People didn't want the crisis to end, some people.

22 Q. [10:24:00] In 2016 in your first statement, document 60 of Defence binder,  
23 paragraph 121, you explain as follows. Well, you see, there are signatures all over  
24 the document, and these are then followed by other persons who sign at the end.  
25 And in your statement, you explain that Mr Ngaïssona wanted the ComZones to

Trial Hearing  
WITNESS: CAR-OTP-P-0808

(Open Session)

ICC-01/14-01/18

1 share part of the responsibility.

2 Can you explain to the Court what you meant by that.

3 A. [10:24:48] They had a responsibility to talk to their elements. The ComZones  
4 were under a duty to talk to their elements because we were in a logic of peace and  
5 security. And therefore, the ComZones were expected to say the same to their  
6 elements and dissuade them from any acts of violence. I think that's what it means.

7 Q. [10:25:15] So Mr Ngaïssona had communicated that to the ComZones and  
8 effectively asked them to talk to their elements and to take that commitment; is that  
9 correct?

10 A. [10:25:32] Yes, that is very correct. That is exactly what it was.

11 Q. [10:25:37] A last question on that statement of 14 February, that statement, did it  
12 in any way, in part or entirely, challenge the coordination's commitment to peace?

13 A. [10:26:02] No. No. Because we as individuals had an interest in a return to  
14 normalcy. It was not in anybody's interest for the crisis to keep going on. It was in  
15 our interest for each person to be able to continue to do their work and to take care of  
16 their families. There was really no interest in having an ongoing crisis. It is  
17 actually the contrary that was our intent, namely, that peace should return to the  
18 country.

19 Q. [10:26:39] I now want you to listen to a small audio. It's document number 34  
20 of the Defence list, CAR-OTP-2042-2641. It's in Sango. So for the interpreters, there  
21 is a French transcript, document 69, Defence CAR-OTP-2118-5622. For context, this  
22 is a recording of 21 February 2014, barely one week after the statement of 14 February,  
23 which we have just looked at.

24 I would like that excerpt to be played from 18:30, to 23:10. Please listen.

25 (Viewing of the video excerpt)

Trial Hearing  
WITNESS: CAR-OTP-P-0808

(Open Session)

ICC-01/14-01/18

1 THE INTERPRETER: [10:28:05] (Interpretation of the video excerpt)

2 "It has been said in the newspapers that the Anti-Balakas have been accused of  
3 stopping peace from returning to the country. That is what General \*Francisco  
4 Soriano stated, the general in charge of the international forces. This is what  
5 Patrice-Edouard Ngaïssona, the responsible official of the Anti-Balaka. That is why  
6 he was angry about this statement. He stated that the entire community was aware  
7 of the work being done by the Anti-Balaka to deliver the country following the acts of  
8 violence of Seleka, so it was not normal for the Anti-Balaka to be accused of these  
9 things. After consultation with his colleagues of the Anti-Balaka, Ngaïssona issued a  
10 call to the Anti-Balaka asking them to gather and to come together in barracks so that  
11 they can be taken care of by the state. He availed himself of the opportunity to say  
12 that after that gathering, measures will be taken to arrest the fake Anti-Balaka.

13 Ngaïssona: Today I call on all the Anti-Balaka across the country to lay down their  
14 weapons so that we can be able to arrest the fake Anti-Balaka who are tarnishing our  
15 image. The Sangaris and MISCA -- the MISCA troops will proceed to arrest the fake  
16 Anti-Balaka. The international forces will arrest these fake Anti-Balaka and ensure  
17 that peace returns to our country. So I ask all Anti-Balaka to drop their weapons, to  
18 fall back so that the international forces can work and therefore stop the efforts at  
19 tarnishing the image of the Anti-Balaka.

20 Mr Ngaïssona asked for help for the Anti-Balaka so that they may be able to return to  
21 their homes because they had not come to Bangui with an intent necessarily to join  
22 the armed forces but, rather, with an intent to liberate the country. I ask the  
23 authorities of the country to liberate these children so that they may return to their  
24 families.

25 We ask government to help us so that we can gather all these children together and

Trial Hearing  
WITNESS: CAR-OTP-P-0808

(Open Session)

ICC-01/14-01/18

1 enable them to return to their respective villages. You see, these children came to  
2 Bangui following the acts of violence to which they were subjected and they're  
3 primary motive was not to join the army. They have come to save the country and  
4 that is why it is important for development projects to be set up so that they can meet  
5 their needs and so that they can have the opportunity to return to their respective  
6 villages.

7 That is what we would like to say to the authorities of our country. The authorities  
8 must liberate the children so that we can all meet together, have a consultation and  
9 then encourage them to return to their villages. If government thinks that there is  
10 not enough money to billet them, we think that government should facilitate their  
11 returning to their villages.

12 Journalist: As you have just heard, the coordinator, Ngaïssona, has just made a call  
13 to government."

14 MS PROULX: [10:32:47](Interpretation)

15 Q. [10:32:48] Do you agree with me that Mr Ngaïssona shows his total commitment  
16 to peace?

17 A. [10:32:57] If I could add something to what you've just shown, \*there were even  
18 actions undertaken. You see, at his warehouse, where there were goods and which  
19 were looted, there had even been attempts to billet the Anti-Balaka in his warehouse  
20 where there was some space. I think there was one or two days when he tried to do  
21 something for feeding the Anti-Balaka. But unfortunately, he was single-handed. He  
22 couldn't resolve the problem. But there was no follow-up action to follow the initial  
23 steps. The intention was really to stop this because actions were undertaken, which he  
24 tried to take in this direction.

25 Q. [10:34:02] Do you believe that he was perhaps not sincere during that interview?

Trial Hearing  
WITNESS: CAR-OTP-P-0808

(Open Session)

ICC-01/14-01/18

1 A. [10:34:08] I have no evidence who would suggest that he wasn't sincere. There  
2 was no element or indication which would allow me to say or imagine that he was  
3 not sincere.

4 Q. [10:34:35] I'm going a bit forward in time. I'm talking about 3 April 2014. On  
5 that day, you held a press conference on behalf of the Anti-Balaka. Before playing  
6 the video, I'd like -- want to show you the statement which was published. That's  
7 the document 67, tab 67, CAR-OTP-2110-0145.

8 Could it please be displayed?

9 (Viewing of the video excerpt)

10 MS PROULX: [10:35:42](Interpretation)

11 Q. [10:35:43] Do you recognise this document, Mr Ngaya?

12 A. [10:35:47] I know that document.

13 Q. [10:36:07] Did you draft it yourself?

14 A. [10:36:11] Sorry?

15 Q. [10:36:13] Did you draft this document?

16 A. [10:36:16] Yes. I drafted it.

17 Q. [10:36:21] Was it at the request or with the assistance of Mr Ngaïssona?

18 A. [10:36:34] I couldn't -- I couldn't do such a document without having the  
19 authorisation of my own chief. I couldn't draft this without the authority. It was  
20 also Mr Ngaïssona who asked me to do this. I couldn't do that without his  
21 authorisation or supervision.

22 Q. [10:36:56] I'm now going to show you a video. The reference, it is the  
23 document at 5 -- CAR-OTP-2023-1845 of the Prosecution's list of materials. And the  
24 transcript is number 30 of the Prosecution's list, CAR-OTP-2107. I'll repeat the  
25 transcript number, CAR-OTP-2107-1504.

Trial Hearing  
WITNESS: CAR-OTP-P-0808

(Open Session)

ICC-01/14-01/18

1 You saw this video on Monday, but it's just so that you can identify yourself. So I  
2 want you to hear your statements on 3 April 2014. We'll play it from the beginning  
3 until 4:34.

4 (Viewing of the video excerpt)

5 THE INTERPRETER: [10:38:19] (Interpretation of the video excerpt)

6 "This meeting with the professions of the media public and private allowed the  
7 Anti-Balaka staff to say that their movement was not an obstacle to return of peace in  
8 Central Africa, remembering that the last days the Anti-Balaka were accused by the  
9 MISCA forces to be the origin of the troubles facing the country. \*Mr Alfred Legrand  
10 Ngaya denounced the attitude of General Jean Michel Mokoko, the special  
11 representative of the African Union who declared war against the Anti-Balaka,  
12 thereby exceeding the mandate given by the UN to the MISCA troops, which requires  
13 among other things the disarmament of the armed militia in the Central African  
14 Republic. These are his answers as regards the concerns of the journalists. \*I think we  
15 are still in dialogue with MISCA and the Sangaris. Their mandate is based on the  
16 recommendations and, above all, the resolution of the council of security. That's to  
17 say they have the obligation to continue the peace process and ensure security for the  
18 population. So we will continue to work with them. We cannot give this up. No. We  
19 are having discussions with them because we need to have some sort of clarifications  
20 at the same time, but we are discussing with Seleka, and we're also discussing with  
21 MISCA and Sangaris. In any case, we are trying to do something about this. \*Our  
22 discussions is not being carried out only at one single level. We are also discussing  
23 with the government and, if you look at the latest declaration from the new authorities,  
24 I think things will change for the better. There was an open letter of the Muslims,  
25 which was addressed to the transitional president, which accused the

Trial Hearing  
WITNESS: CAR-OTP-P-0808

(Open Session)

ICC-01/14-01/18

1 Anti-Balaka -- well, I'm not in a position to answer because I don't know  
2 the content of this open letter. I don't know what the facts are that led to those  
3 accusations. You know, we -- well, look. This is how we want to proceed. You  
4 have to recognise who are the Anti-Balaka. We're going to issue badges to the true  
5 Anti-Balaka. But if today, with the dissemination of small arms that are circulating  
6 everywhere in the country, it's not -- not necessarily the Anti-Balaka who have their  
7 arms, but there are people who are seeking revenge. They're not necessarily the  
8 Anti-Balaka. There are others also involved. There are thugs, for example, in KM5  
9 who are looting the shops in KM5. So we have to identify the true Anti-Balaka.  
10 Well, you have to -- that's something the Muslims have to understand. We -- they  
11 don't necessarily have the tools to distinguish the true from the fake Anti-Balaka.  
12 For Muslims, everybody is Anti-Balaka because they -- everybody in the Central  
13 African Republic is filled with revenge. So all the Muslims who have committed  
14 exactions, I think if I was in their place, I would also react in the same way. Now, a  
15 memorandum \*or an open letter to the president who is high ranking official, has an  
16 enormous responsibility for the country... she certainly has competent services that  
17 will, I hope, appreciate the thing well, and sort it out. The President is not just any  
18 ordinary person. So she has all the tools available to her to understand that it's not  
19 necessarily the Anti-Balaka who are attacking Muslims. It's perhaps the population.  
20 So you know that homes were destroyed and this was not necessarily done by the  
21 anti Balaka. Quite often it was by the population. So as far as this is concerned,  
22 because I don't have the content of the letter, we can't really answer what is going on  
23 as far as this is concerned."

24 MS PROULX: [10:42:56] (Interpretation)

25 Q. [10:42:56] Mr Ngaya, were you talking on behalf of the coordination on that day?

Trial Hearing  
WITNESS: CAR-OTP-P-0808

(Open Session)

ICC-01/14-01/18

1 A. [10:43:03] Yes, I was speaking on behalf of the coordination for this particular  
2 press conference. I was appointed on that day.

3 Q. [10:43:14] Do you agree with me that during this press conference, you repeated  
4 the demands or the problems which you already broke down in previous press  
5 communiqués. In the written press and on the radio, you listed all the problems that  
6 you were already facing.

7 A. [10:43:44] If you followed the entire process from the beginning to the end, our  
8 message was consistent. We were consistent. We didn't change our position from  
9 the beginning to the end. We never changed our position. I hope you have all the  
10 documentation on that. If you look at that, you will see that from January, until I  
11 resigned, we did not waiver in our position. We remained consistent. The aim was  
12 to restore peace.

13 Q. [10:44:24] Why did you have the need to repeat your message on the radio on  
14 that particular day?

15 A. [10:44:34] You must remember that I was pleading. It was my way of pleading.  
16 We were trying to persuade. We were trying to see how we could negotiate. It is in  
17 that framework that we were carrying this out.

18 Q. [10:44:57] Towards the end of the passage we just saw, you said that the  
19 president, Samba-Panza, must also play her part in this.  
20 Was Samba-Panza aware, sufficiently aware of the problem and could she do  
21 something about it?

22 A. [10:45:19] I don't know. I don't have enough information to give you a correct  
23 assessment. But I think Samba-Panza wasn't completely bad. I don't think she was  
24 a completely bad person. She had good intentions. And since she was head of the  
25 transition, as I said before, she had quite a few tools to have access to good

Trial Hearing  
WITNESS: CAR-OTP-P-0808

(Open Session)

ICC-01/14-01/18

1 information. That's what I was referring to. She had lots of elements so that she  
2 could have sound information. That's what I was referring to.

3 Q. [10:46:13] \*But according to you, did that press briefing make a difference for  
4 your relationship with the international forces and the transitional government? For  
5 example, the transition and the MISCA, did they take you more seriously after this  
6 press briefing?

7 A. [10:46:32] I don't know. I don't know. I don't know. Perhaps afterwards  
8 they took us more seriously, because when I was director general of youth until  
9 June 2014, I held that position. But until October/November, I was appointed in a  
10 different position. And Samba-Panza signed that and returned me to the cabinet of  
11 tourism. So if she had not done that, if she had not realised that what I was saying  
12 was in agreement with my behaviour, then I think she would never have appointed  
13 me to that position.

14 Q. [10:47:38] In the next press communiqué which I'd like to discuss. It's  
15 document 47 of the Defence, CAR-OTP-2124-0104.

16 Could we please display this.

17 THE INTERPRETER: Sorry, it's 2084-0150.

18 MS PROULX: (Interpretation)

19 Q. [10:48:19] This is communiqué number 9.

20 Do you recognise this document? It's dated 11 April 2014.

21 A. [10:48:31] Yes, I recognise this document. Yes. I can see that this is the next  
22 document from the communiqué press.

23 Q. [10:48:42] Indeed. Here, it talks about the cessation of all hostilities and all the  
24 battalion heads should have -- adhere strictly to this application.

25 Firstly, this statement to cease all hostilities, was this a sincere request from the

Trial Hearing  
WITNESS: CAR-OTP-P-0808

(Open Session)

ICC-01/14-01/18

1 coordination?

2 A. [10:49:13] \*Yes. That was the message that we were passing on to the ComZones  
3 of the Anti-Balaka. First, we passed on this message, and for this reason we wanted it  
4 to be understood in a general way. The reason of this press communiqué is to pass  
5 this on to embassies, radio stations, for everyone to understand and in order to show  
6 that we wanted to return to normality. That was the behind. A press communiqué is  
7 mainly for the public opinion. So, the message was passed on to the Anti-Balaka  
8 ComZones, now the public should be aware of the direction to follow.

9 Q. [10:50:07] You say you wanted to convey the message to the ComZones. You  
10 said it was heard on the radio so that ComZones could hear about it. Were other  
11 steps taken so that the ComZones heard the message?

12 A. [10:50:32] It's difficult. The only approach was that when there were meetings  
13 that took place when Ngaïssona were present, when he convened the ComZones for  
14 the meeting, some came, some didn't come. They were consultation meetings.  
15 There was also the possibility of calling them by telephone to talk to them. So it was  
16 like this that he operated. Beyond that, there was also the press communiqué.  
17 There weren't necessarily any other means.

18 Q. [10:51:15] This is an aside as regards all these press communications, to talk  
19 once again of the challenges in the leadership, because it came up again in mid-2014.  
20 And I want to show you a small video. It is Defence document 52,  
21 CAR-OTP-2084-1331. And the transcript is 63, CAR-OTP-2107-1586. And we're  
22 going to look at this from the beginning to 1:26.

23 (Viewing of the video excerpt)

24 THE INTERPRETER: [10:52:19] (Interpretation of the video excerpt)

25 "We have received an invitation to the prime minister's office, the minister

Trial Hearing  
WITNESS: CAR-OTP-P-0808

(Open Session)

ICC-01/14-01/18

1 responsible for communication and reconciliations has outlined three points. These  
2 points organisation, and the implementation of a platform, and discipline in our  
3 movement. Immediately, since we have taken these three points into account, we  
4 have met to see what we can do. \*We are instead going to proclaim the name of the  
5 new general coordinator who will be required to gather all Anti-Balaka from Bangui  
6 and the provinces so that we can carry out our long-standing fight successfully.

7 Now, as regards the general coordinate - please take note - it is Mr Sebastian  
8 Wenezoui.

9 Please acclaim him. He has the challenge to manage all the Anti-Balaka of CAR  
10 during the transition ... and he will then also come and help us in all our activities."

11 MS PROULX: [10:53:53] (Interpretation)

12 Q. [10:53:53] Do you recognise the person who \*presented Wenezoui?

13 A. [10:54:00] Yes, I recognise him. His name is Zilabo.

14 Q. [10:54:11] Do you agree that in this video, Mr Wenezoui is presented as the new  
15 coordinator of Anti-Balaka, of all the Anti-Balaka of Central African Republic, and he  
16 was applauded by the crowd? And following this thought, I want to show you two  
17 press articles, and then I have some questions.

18 Firstly, document number 5, CAR-OTP -- D30-0008-0041. It's an article of Radio  
19 Ndeke Luka of 16 May 2014 where Wenezoui is -- said that Mr Ngaïssona is going to  
20 be replaced by Sebastian Wenezoui, and he was elected by an extraordinary general  
21 assembly which had about 300 Anti-Balaka present. That's the first document.

22 I want to show you a second document which is Defence document number 1,  
23 CAR-D30-0008-0030. This article in RFI of 19 May 2014 repeats that Wenezoui is the  
24 new general coordinator, but also says Mr Ngaïssona qualified these statements and  
25 he said it was a masquerade.

Trial Hearing  
WITNESS: CAR-OTP-P-0808

(Open Session)

ICC-01/14-01/18

1 So my question is: Do you remember this occasion?

2 A. [10:56:37] Yes, I do remember. \*It was during these positioning wars.

3 Personally, I didn't have enough information what was going on under -- under that.

4 I didn't really know what was happening. \*In any case, I didn't know the

5 Anti-Balaka well. I didn't understand why this was happening and why there was

6 this war and juggling of positions.

7 Q. [10:57:15] Do you agree that Mr Wenezoui was elected in an assembly with 300

8 Anti-Balaka present shows that Ngaïssona didn't have support of all the members, of

9 all the elements?

10 A. [10:57:29] Yes. It's clear. What I do know, what I do know is that Ngaïssona

11 had an influence on the movement because of his generosity, of doing good. We

12 always needed him. And it's because of that. That's my opinion. It's because of

13 that that we needed him, and that's why he was influential in the political world.

14 Now, as regards the details, Mr Wenezoui knew everybody. He knew everybody,

15 and that's a truth. You have to bear that in mind when you want to look at who was

16 leading the Anti-Balaka.

17 Q. [10:58:39] Do you agree with me, that at that time at least, because part of

18 Anti-Balaka recognised Mr Wenezoui at head, it was difficult for Mr Ngaïssona to

19 have control and have his authority completely respected?

20 A. [10:58:54] That's clear. It's obvious. There was a problem of who was in

21 charge. That is quite clear.

22 PRESIDING JUDGE SCHMITT: [10:59:09] Ms Proulx, I think it would be time for a

23 break. I think it was also a point where we can indeed interrupt for half an hour.

24 So until 11.30.

25 THE COURT USHER: [10:59:21] All rise.

Trial Hearing  
WITNESS: CAR-OTP-P-0808

(Open Session)

ICC-01/14-01/18

1 (Recess taken at 10.59 a.m.)

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

3 THE COURT USHER: [11:31:19] All rise.

4 Please be seated.

5 PRESIDING JUDGE SCHMITT: [11:31:38] Ms Proulx, you still have the floor, of  
6 course.

7 MS PROULX: [11:31:50] Thank you, Mr President.

8 Q. [11:31:59] (Interpretation) Good afternoon -- or good morning, Mr Ngaya.

9 A. [11:32:01] Good morning.

10 Q. [11:32:02] I will briefly hop back to the issue of challenging the leadership by  
11 Mr Wenezoui. And this was in May.

12 Did you have knowledge at the time, or did you hear mention at the time that Madam  
13 Samba-Panza had attempted from time to time to put Mr Wenezoui and  
14 Mr Ngaïssona against each other?

15 A. [11:32:39] I don't have evidence, but there were rumours. There were rumours  
16 to that effect. But the paradox was that we did not exactly know why there was that  
17 leadership tussle. We could not quite understand what Wenezoui and the others'  
18 rationale was. There was no objective reason and motivation for Wenezoui and the  
19 others to have that position because we were all of the same mindset, namely, to work  
20 for the restoration of peace. And that was quite paradoxical that things went that  
21 way. But I don't have any evidence in support of one side or the other of the  
22 arguments.

23 Q. [11:33:31] Would you know whether any other members of Samba-Panza's  
24 cabinet, ministers, for example, may have had any role to play in the -- in the division  
25 of these Anti-Balaka?

Trial Hearing  
WITNESS: CAR-OTP-P-0808

(Open Session)

ICC-01/14-01/18

1 A. [11:33:56] Yes. There was Mr Demafouth who particularly worked hard  
2 towards that goal.

3 \*Q. [11:34:09] Do you have a specific example of what Mr Demafouth attempted?

4 \*A. [11:34:13] I don't have anything specific, but it was mainly rumours.

5 PRESIDING JUDGE SCHMITT: [11:34:19] Can you repeat the question, please.

6 MS PROULX: [11:34:22] Sorry. I went a little fast on this one.

7 Q. [11:34:42](Interpretation) I'm sorry, Witness. I spoke too quickly, so I'll repeat  
8 the question so that it appears clearly on the record.

9 My question is as follows: Do you have specific facts about what Mr Demafouth  
10 may have done at the time in an attempt to divide the Anti-Balaka movement?  
11 And I think your answer appears on the transcript and, therefore, no need to answer  
12 again. Although, this wasn't captured in English.

13 Next question: I will read an excerpt from a document number 72 on the Defence  
14 binder, CAR-OTP-2122-9494. I'll read an excerpt from that document at page 9501.  
15 But first of all, let me give you some background.

16 This is a document from the ICC OTP, which explains that the OTP obtained  
17 information relating to the persons who were behind the election of Wenezoui. So I  
18 will read the document.

19 It is in English and you will receive interpretation in French:

20 (Speaks English) "According to information in the OTP's possession, Bara and

21 Montaigne were behind the initiative that led to the election of Mr Sebastian

22 Wenezoui on 15 May 2014 as the general coordinator of a unified Anti-Balaka.

23 Information possessed by the OTP also shows that Bara and Montaigne were in

24 contact by email, including during times in which Bara was a senior Anti-Balaka

25 leader such as in January 2014."

Trial Hearing  
WITNESS: CAR-OTP-P-0808

(Open Session)

ICC-01/14-01/18

1 (Interpretation) Mr Ngaya, you have understood the excerpt I have read which  
2 suggests that Minister Bara and the minister for reconciliation, ministers of the  
3 transitional government, had actively tried, particularly since January 2014, to  
4 weaken the leadership of Mr Ngaïssona.

5 Are you surprised by that, or were you aware of it?

6 A. [11:37:32] I am not surprised by that at all, but I think I also already mentioned it.  
7 They -- they -- there was something happening which was not easy to understand.  
8 The dynamic at the time was such that one wondered whether they had a problem  
9 with Mr Ngaïssona. \*You see, it was Mr Bara and the minister for reconciliation at the  
10 time, if I remember well. And so we kept wondering why Mr Ngaïssona was a  
11 problem for them. But we asked that question, but there was no objective evidence  
12 for us to understand what was going on.

13 However, it seemed at some point that they did not want Ngaïssona to continue to be  
14 at the head of the coordination of the Anti-Balaka, and that is how they worked at  
15 different levels to achieve their aims. But I -- I don't have any information in support  
16 of their manipulations.

17 Q. [11:38:48] Would you agree with me that this somewhat amounts to sabotage,  
18 namely, that the government would try to sabotage the leadership and the chain of  
19 command within the Anti-Balaka?

20 A. [11:39:08] This is what I already said. I already said that because, you see,  
21 people -- some people felt that because there was a transition in place, they -- there  
22 was need to continue to prolong the crisis so that the transition may also prolong  
23 itself. You see, because the transitional government was limited in time, it was  
24 necessary to create conditions for the crisis to continue so that the transitional period  
25 may continue as well. I think that was the -- that was the idea.

Trial Hearing  
WITNESS: CAR-OTP-P-0808

(Open Session)

ICC-01/14-01/18

1 Q. [11:39:50] I would like to play a video for you. It's Defence document 16,  
2 CAR-OTP-2023-1990. And the transcript is at Defence document number 71,  
3 CAR-OTP-2122-9420. And we will play that video from the beginning up to  
4 second -- 44 seconds.

5 (Viewing of the video excerpt)

6 THE INTERPRETER: [11:40:35](Interpretation of the video excerpt)

7 "In his -- in her introduction, Minister Antoinette Montaigne Moussa recalled that the  
8 series of meetings she has organised aims to enable all forces of the Seleka and  
9 Anti-Balaka to try to reduce tensions and criminal acts within the country. The first  
10 official of the Anti-Balaka who spoke was Mr Alfred Legrand Ngaya, counsellor of  
11 the coordination, who denounced the various activities that were being  
12 taken -- undertaken by the Seleka; whereas, the Anti-Balaka were in a spirit of peace.  
13 He also denounced the policy of localisation of -- or relocation of the Muslim  
14 population because, according to him, that is an issue that will reignite problems and  
15 obstruct national reconciliation."

16 MS PROULX: [11:41:41](Interpretation)

17 Q. [11:41:41] I'm sorry. There must have been an error in the point at which the  
18 video was -- or the audio was stopped. We need to play on a little further.

19 (Viewing of the video excerpt)

20 THE INTERPRETER: [11:42:13](Interpretation of the video excerpt)

21 "This phenomenon will block national reconciliation. Alfred Legrand Ngaya called  
22 for the DDR to be extended to the Anti-Balaka. It must be said that several  
23 Anti-Balaka leaders spoke asking the state and the international community to pay  
24 damages to the Anti-Balaka. \*The officials of the international forces, namely EFOR,  
25 Sangaris and MISCA, on their part, agreed to help on the condition that there would

Trial Hearing  
WITNESS: CAR-OTP-P-0808

(Open Session)

ICC-01/14-01/18

1 be a resumption of real dialogue between the ex-Seleka and the Anti-Balaka and a real  
2 commitment for peace by the two parties. In answering those concerns, the minister,  
3 Madam Montaigne, minister for reconciliation called on the Anti-Balaka to have one  
4 common coordination and one representation for their groups and called on the  
5 Anti-Balaka to align to the republican requirements. This is what the minister,  
6 Montaigne Moussa, said."

7 MS PROULX: [11:43:20](Interpretation)

8 Q. [11:43:21] Do you remember participating in that meeting with the minister for  
9 reconciliation on 15 May 2014?

10 A. [11:43:40] Yes. I remember.

11 Q. [11:43:42] Did you attend that meeting as a member of the Anti-Balaka  
12 coordination?

13 A. [11:43:50] Yes. It was in my capacity as a member of the Anti-Balaka  
14 coordination. That is why the journalist referred to me as the advisor. I think at  
15 that time, I was political advisor, if I'm not mistaken, because at some point I was a  
16 spiritual advisor, and then at some other point, I became a political advisor.

17 Q. [11:44:18] This meeting took place on 15 May 2014, and it's the same day on  
18 which Mr Wenezoui got himself elected by some Anti-Balaka to replace  
19 Mr Ngaïssona, and, as you have seen, the minister for reconciliation had a role to play  
20 in the election of Mr Wenezoui.

21 But in the video, you heard the minister calling on the Anti-Balaka to come together  
22 under a common or single coordination.

23 What do you think of that in the light of the issues we have just discussed?

24 A. [11:45:09] This confirms the manipulation that was going on. You see, the  
25 people of the transitional government did not want Ngaïssona at the head of the

Trial Hearing  
WITNESS: CAR-OTP-P-0808

(Open Session)

ICC-01/14-01/18

1 Anti-Balaka. So they were calling on the Anti-Balaka leaders not to consider

2 Mr Ngaïssona as their leader.

3 So I think that is what was going on.

4 Q. [11:45:44] During that meeting, you criticised the policy whereby the Muslim  
5 community was being relocated, and you argued that this policy was going to block  
6 national reconciliation.

7 Can you please explain that point of view.

8 A. [11:46:09] You see, relocating Muslims at that time was not a good approach.

9 What needed to be done was to create conditions for discussions, for dialogue, for  
10 people to talk to each other. But if you relocate people, then you are blocking any  
11 opportunities for dialogue; whereas, it is only through dialogue that conditions can be  
12 created for people to talk to each other.

13 You see, today, in our country, there are no more problems between Christians and  
14 Muslims.

15 Q. [11:46:52] On that 15 May 2014, it was not the first time that the Anti-Balaka  
16 coordination was opposed to this relocation policy. It is something that was a  
17 position that had been taken before?

18 A. [11:47:14] Yes. That is correct. These are issues we had talked about, we have  
19 discussed, and so I was expressing that position on behalf of the coordination because  
20 we had discussed the issue, and it was not the first time. So it was an issue that we  
21 had been talking about in relation to the relocation of Muslims.

22 Q. [11:47:39] Let me hop back to the press releases, and I'm looking at Defence  
23 document number 48, CAR-OTP-20- -- 2084-0155.

24 Could that document be displayed, please, CAR-OTP-2084-0155.

25 (Viewing of the video excerpt)

Trial Hearing  
WITNESS: CAR-OTP-P-0808

(Open Session)

ICC-01/14-01/18

1 MS PROULX: [11:48:35](Interpretation)

2 Q. [11:48:35] So this is press release number 13 of 26 May 2014, which refers to  
3 persistent, baseless rumours on a possible attack by the Anti-Balaka in Grimari and  
4 Bambari.

5 Do you remember this document?

6 A. [11:49:03] Yes. I remember this document clearly.

7 Q. [11:49:15] Can you tell us why you drafted this document.

8 A. [11:49:21] There were rumours going around that the Anti-Balaka were  
9 preparing to attack Grimari and Bambari towns where Muslims were located. So  
10 Mr Ngaïssona contacted the Anti-Balaka in Grimari. And when he became aware  
11 that the information was incorrect and that it was all rumours and manipulation, that  
12 is why we decided to issue this press release.

13 Q. [11:50:09] The last paragraph of the press release states that:  
14 "The Coordination of the Movement avails itself of this opportunity to remind all  
15 Anti-Balaka leaders in the provinces that the last decision to cease hostilities should  
16 not be subjected to any restrictions whatsoever for whatever reasons whatsoever."  
17 As far as you know, was this commitment sincere?

18 A. [11:50:42] The commitment was a result of consultations with ComZones who  
19 had come to Bangui, and, at the time, we were in the mindset of preparing for the  
20 Brazzaville inter-Central African talks.  
21 Now, let me tell you something.

22 Ngaïssona had taken the initiative to meet with Seleka elements. They met with the  
23 Seleka leaders, and I think there was a first meeting sometime in June, but I don't  
24 remember very clearly. But there was a meeting which brought together the Seleka  
25 and Anti-Balaka leaders with a view to seeking reconciliation.

Trial Hearing  
WITNESS: CAR-OTP-P-0808

(Open Session)

ICC-01/14-01/18

1 That meeting was an informal meeting and it took place. And when the authorities  
2 of the transition got wind of it, they worked with the mediator of the Central African  
3 crisis to now introduce a formal meeting between the Anti-Balaka and the  
4 Seleka -- Seleka leaders. But this had been preceded by an initiative by Ngaïssona to  
5 bring the leaders together.

6 So at that time, we were already in the mindset of reconciliation. And yet, you see,  
7 we heard that there were ongoing manipulations to try and stop that reconciliation  
8 process.

9 Q. [11:52:21] Thank you very much for the contextual elements that you are  
10 providing. Very interesting elements, but I just want to be clear on one small detail.  
11 You -- are you saying that this press release was prepared in consultation with the  
12 ComZones? Meaning that they knew and they were aware of the content of the  
13 press release which was seeking to have peace restored?

14 Is that the case?

15 A. [11:52:58] Yes. That is correct. Mr Ngaïssona had convened them to Bangui.  
16 They had come, and they had taken commitments to work for peace.

17 Q. [11:53:23] Let me now turn to another document, Defence document 22,  
18 CAR-OTP-2025-0396.

19 Do you remember this document?

20 A. [11:53:55] Yes. I remember it very, very well.

21 Q. [11:54:00] Did you participate in the drafting of this document?

22 A. [11:54:11] I drafted it myself based on all the ideas that had been agreed to. We  
23 had discussed with Mr Ngaïssona at the level of the coordination, and several major  
24 ideas were agreed to. And based on those ideas, I then went on to draft this  
25 document.

Trial Hearing  
WITNESS: CAR-OTP-P-0808

(Open Session)

ICC-01/14-01/18

1 Q. [11:54:41] Can you describe to us in a few words what your goal was when you  
2 were preparing this document.

3 A. [11:54:52] The goal was to get the transitional authorities and the international  
4 organisations, particularly MISCA, to understand our orientation and our vision  
5 relating to the conditions that needed to be put in place for us to return to normalcy.  
6 And it is in this general view that we proposed a number of actions in the document.

7 Q. [11:55:24] Let me read an excerpt from the document at page 0401, and after  
8 reading it, I'll put a question to you.

9 So the excerpt is as follows:

10 "In spite of the commitment of the National Coordination of the Antibalaka to stop  
11 hostilities, and this being the case since the election of Madam Samba Panza as  
12 President of the transitional government, the peace leaf from the Antibalaka did not  
13 interest anybody either at the national or international levels. The various steps and  
14 acts committed systematically were attributed to Antibalaka, in spite of their  
15 commitment. Everybody knows that the prisons in the Central African Republic  
16 were destroyed and all thugs and criminals were free. That is how the Antibalaka  
17 themselves, \*substituting themselves the defence and security forces, conducted  
18 police operations and arrested thugs whom they handed over to the Gendarmerie and  
19 to the OCRB." Now, do you agree that the "extended hand" of the Anti-Balaka to the  
20 transitional government was, once again, disregarded after this document was  
21 published?

22 A. [11:57:08] Yes. That is what I have already told you. We made several  
23 proposals to create conditions for a return to a normal life where people would be at  
24 peace. But the transitional authorities did not want anything of it. So finally, we  
25 understood that the transitional authorities simply wanted to sustain the crisis so that

Trial Hearing  
WITNESS: CAR-OTP-P-0808

(Open Session)

ICC-01/14-01/18

1 they can remain in power for as long as possible - because the transition will be  
2 followed by elections, and commitments had been taken as to who could be or could  
3 not be a candidate for the upcoming elections - so they had a strategy. And since the  
4 Anti-Balaka were a -- a possible group that could be held in a state of dissatisfaction,  
5 they had to maintain them in that state. And this is what is mentioned in this -- in  
6 the document. Whereas, the document states that all the prisoners who had been in  
7 prison had been released because Seleka had released all prisoners when they came to  
8 power. So whenever there were any holdups or any criminal actions, rather than  
9 conduct professional police investigations, people directly imputed responsibility to  
10 the Anti-Balaka. And so that was a direct strategy for sustaining the crisis. That's  
11 how we understood it.

12 Q. [11:58:52] On the next page, you write that the other government authorities,  
13 apart from Catherine Panza-Samba, the other government authorities chose to work  
14 with their preferred interlocutors who, most often, were the genuinely fake  
15 Anti-Balakas.

16 Now, can you explain to us what you meant by that.

17 A. [11:59:25] You see, at that time, people were avoiding Mr Ngaïssona. And so,  
18 in order to have discussions they would identify another leader of the Anti-Balaka  
19 and talk with them on behalf of the Anti-Balaka. So this is what is meant by that  
20 statement.

21 Q. [11:59:56] This document was widely disseminated at the time. We have letters,  
22 and I might be showing you some of them and asking you about your reactions to  
23 them. And in this connection, maybe we could look at document 23 from the  
24 Defence binder, CAR-OTP-2025-0408.

25 PRESIDING JUDGE SCHMITT: [12:00:27] I think we could shorten this a little bit.

Trial Hearing  
WITNESS: CAR-OTP-P-0808

(Open Session)

ICC-01/14-01/18

1 Is it possible? Because we have the documents and it is -- it seems to be perfectly  
2 clear who the people are that it was sent to.

3 MS PROULX: [12:00:45] I take your point. I'll --

4 PRESIDING JUDGE SCHMITT: [12:00:47] This is something -- you know, the  
5 other -- I'm -- we are absolutely fine with it, when we have longer declarations like  
6 here, that you ask about the content. That that's good. But in that regard, it's  
7 simply clear who got it. I'll put it this way.

8 MS PROULX: [12:01:10] (Interpretation)

9 Q. [12:01:13] Sir, we have a document here. I think these are letters which you  
10 handed to the OTP in 2016. It seems that you distributed the documents to the  
11 authorities in CAR, to the ambassadors of neighbouring countries, to the  
12 Secretary-General of the UN, and several ambassadors.

13 And I have two different documents, 42 and 43, in our list of evidence where you  
14 send it to the Obama Administration and the Secretary-General of the UN.

15 My question is as follows: Why did you decide to distribute this to so many people?

16 A. [12:02:18] It's precisely because our messages, and all the proposals we made at  
17 a national level, were not accepted favourably, so we had to expand the audience.  
18 But the true intention was the movement was to move in that direction.

19 Q. [12:02:58] Did you get any results or any reactions from the international  
20 community after distributing this document?

21 A. [12:03:08] We didn't have a reaction. But if I remember correctly, I think, as  
22 regards the distributions, \*the coordinator of the groups of experts of the United  
23 Nations reacted to our messages. But I can't recall exactly. But generally speaking,  
24 there was no reactions. Perhaps it had an impact without us being aware of it.

25 Q. [12:03:57] I'll go to the next document. It's document 49, CAR-OTP-\*2084-0157.

Trial Hearing  
WITNESS: CAR-OTP-P-0808

(Open Session)

ICC-01/14-01/18

1 This is a radio communication of June 2014 when Ramadan started. Do you  
2 remember this document?

3 A. [12:04:45] Yes, I remember this document very well.

4 Q. [12:04:47] Could you explain the context of this document when it was being  
5 prepared.

6 A. [12:05:02] \*It was for us a way to make the Muslim community understand that  
7 we were in the mindset of reconciliation, since they were beginning Ramadan. So  
8 we wanted to try to pass on the message that we -- we wanted to work towards  
9 reconciliation.

10 Q. [12:05:41] So this plea for respect and reconciliation during the radio  
11 communication was a sincere call as regards the -- Mr Ngaïssona?

12 A. [12:05:54] It was sincere. \*I said that Ngaïssona had relations within the Muslim  
13 world. And I also told you that sometimes, Muslim individuals would be caught by  
14 Anti-Balaka and brought to the compound of Mr Ngaïssona's father. He would call or  
15 try to get in contact with the families of the Muslims individuals and to create  
16 conditions so that these people could return to KM5. So there were concrete  
17 actions which bear witness the trucks which the Anti-Balaka had taken, Ngaïssona  
18 did everything so that those trucks could go back to the rightful owner. So I don't  
19 know how you can say anything that's different to that.

20 Q. [12:06:53] I want to go to the next document, which is tab 50 in the list of  
21 material of Defence, CAR-OTP which is 2084-0166. And I'll give you a couple of  
22 minutes to read through it. I think we can scroll down a bit, please.

23 A. [12:08:25] What do you want from me?

24 Q. [12:08:27] Please continue reading the document, and then I'll have some  
25 questions on the document.

Trial Hearing  
WITNESS: CAR-OTP-P-0808

(Open Session)

ICC-01/14-01/18

1 A. [12:08:30] Sorry?

2 Q. [12:08:30] Could you read through the document, and then I'll have some  
3 questions I'll put to you.

4 A. [12:08:37] Okay.

5 Q. [12:09:01] Have you had time to read through the document?

6 A. [12:09:03] Yes, I've read through it.

7 Q. [12:09:05] Do you recognise this document, Mr Ngaya?

8 A. [12:09:09] I recognise this document very well. That's what I'm trying to say. I  
9 am really pleased that you have shown all these documents. I remember this  
10 because -- I remember this. This is exactly what happened. Unfortunately, \*we were  
11 wondering: what did the Sangaris international forces really want? Did they want us  
12 to perpetuate the crisis or did they want it to end? In the end, we couldn't understand  
13 anything anymore. Whereas we were working towards peace. We took up contact  
14 with the Seleka and there were informal meetings. But during that time, instead of  
15 acting in the same way, the international forces created conditions so that we  
16 wouldn't make any progress. It was a great pity.

17 Q. [12:10:29] Do I understand correctly? Despite the obstacles that were created  
18 by the Sangaris force, despite what was written in this communiqué, there was a  
19 movement within the coordination to work towards peace?

20 A. [12:10:46] We never stopped. It never prevented us. We did not waiver in  
21 our logic in looking for peace. We kept going until the very end. That's why that  
22 each time we had to review things, had to denounce things, multiply, increase our  
23 contacts, disseminate information, that was our approach.

24 Q. [12:11:33] I want to move to the next document in the list of materials. One  
25 moment, please. It's in the OTP list. It's document 28, CAR-OTP-2101-3611.

Trial Hearing  
WITNESS: CAR-OTP-P-0808

(Open Session)

ICC-01/14-01/18

1 I repeat the document, 2101-3611.

2 You saw this document and you said you recognised it. Now I want to talk a bit  
3 about the content of the document. In this document - it's two pages - the  
4 coordination blames the political class for the situation in CAR - and this is around 14  
5 July 2014 - and the coordination ask the politicians to look at the national interests  
6 and to participate in the Brazzaville summit.

7 Do you recall the circumstances under which this communiqué was drafted?

8 A. [12:13:26] I think I've already told you. I think I already said. It was during  
9 the period of the transition where they wanted to perpetuate the crisis because that  
10 justified the extension of the transition. They were there because if you organised  
11 elections immediately, then they would lose privileges. So they found the only way  
12 that they could receive -- achieve their aims is to keep conditions unstable. So  
13 we -- they couldn't continue with the -- the peace steps that we had launched.  
14 If you allow me --

15 Q. [12:14:11] Go ahead.

16 A. [12:14:12] I remember there was a delegation from West Timor \*which had sent  
17 an delegation to CAR and first talked with us, they talked to all the entities, they  
18 spoke to the armed groups, to the political entities. They exchanged ideas with these  
19 entities because what did they say? They said they were following the information  
20 from our countries from France 24 about what was happening in CAR, and that -- we  
21 wanted -- and they wanted to know what was behind this. And that meant they  
22 came to us and they wanted that -- we had a meeting in Malabo, outside Bangui,  
23 between the Anti-Balaka and the Seleka so that we could talk to each other. They  
24 wanted to arrange this. But unfortunately, the transitional authorities did not accept  
25 this. So the people were not amenable to restore normality in CAR.

Trial Hearing  
WITNESS: CAR-OTP-P-0808

(Open Session)

ICC-01/14-01/18

1 Q. [12:15:38] I will move to the next document, document 29 in the Defence list,  
2 CAR-OTP-2030-0245. There are three pages. It's a communiqué of press, three of  
3 them, and they're very brief. So perhaps you could read through them one after the  
4 other. And when you have finished one, then you can ask us to move on to the next  
5 page.

6 A. [12:16:56] Do you have a question?

7 Q. [12:16:57] I'm going to ask you to read the next communiqué on the next page,  
8 please. Can we now move on to the third, please.

9 Mr Ngaya, the three communiqués, not dated nor signed, do you remember whether  
10 they were published?

11 A. [12:18:10] Yes. The fact that it's not dated or signed means that we had only  
12 limited means to keep records, that's to say to have a photocopying machine so that  
13 we could have copies. Unfortunately, we were very restricted. So this document  
14 was nevertheless distributed and it was in a context where you had to make quite  
15 sure that the rights described therein were respected by everyone.

16 Q. [12:19:05] When were they distributed? Was it in July/August or a little bit  
17 later?

18 A. [12:19:10] I think it might be \*shortly before or after the Brazzaville summit, but  
19 it was around that time because \*I remember that as one of the actions to be carried  
20 out, Mr Ngaïssona met with Mr Yekatom on the Mbaiki road and all the illegal  
21 roadblocks had to be lifted. So they did something like that on the Mbaiki road.  
22 The general tendency then was to have free circulation of goods and \*people. That's  
23 why we spoke of the international forces and all those NGOs. This is the context of  
24 those press communiqués.

25 Q. [12:19:55] Can you confirm that the intentions of Mr Ngaïssona vis-à-vis these

Trial Hearing  
WITNESS: CAR-OTP-P-0808

(Open Session)

ICC-01/14-01/18

1 press communiqués were sincere intentions. It wasn't a way of hiding different,  
2 illegal behaviour?

3 A. [12:20:21] I've already said to you what linked us to Ngaïssona was his  
4 intentions, his good intentions to really try and restore security because we, too, were  
5 concerned. We were good citizens and we wanted everything was restored to good  
6 order so that our children could go to school, that the women would be safe. It was  
7 difficult for women. The women faced a lot of problems because nothing was  
8 working, so we had to do everything we could for the population so that they could  
9 go back to a normal way of life. I don't know. From all the time we spent together,  
10 I do not doubt in any way the sincerity of Mr Ngaïssona.

11 Q. [12:21:28] I want to show you a final press communiqué. It's 27 in the Defence  
12 list, CAR-OTP-2030-0243.

13 You spoke about this communiqué in your 2018 statement. It's a radio communiqué  
14 which shows the dismantlement of the roadblocks after the Brazzaville forum.

15 Could you explain to us why the roadblocks were dismantled after the forum and not  
16 before, if you know?

17 A. [12:22:42] I think it was a commitment that was taken during the Brazzaville  
18 consultation. It's because one of the commitments that was part of the resolutions  
19 taken after Brazzaville, and that's why it was done after. It had to be done in a  
20 systematic way.

21 Q. [12:23:06] Is Ngaïssona's commitment as regards this dismantlement of the  
22 roadblocks, was that sincere?

23 A. [12:23:11] Yes, of course. It was amongst all the actions that were undertaken.  
24 There was a logical follow-up of all the actions taken by Ngaïssona.

25 Q. [12:23:29] Thank you. I'm going to move on to another subject which regards

Trial Hearing  
WITNESS: CAR-OTP-P-0808

(Open Session)

ICC-01/14-01/18

1 funding of the Anti-Balaka.

2 It was mentioned yesterday, and again today, that the self-defence group that  
3 spontaneously grew up in the villages and then came to Bangui with machetes and  
4 sticks found themselves without any support, any family for several weeks, even  
5 some months, which meant that some committed crimes, for example, of theft in  
6 order to survive.

7 Within that context, bearing that in mind, I want to talk about financial assistance  
8 which Mr Ngaïssona provided to the Anti-Balaka.

9 Firstly, we heard several times - and you yourself said - that Mr Ngaïssona had the  
10 reputation of being very generous.

11 Is that correct?

12 A. [12:24:39] What?

13 Q. [12:24:49] Mr Ngaïssona had the reputation of being very generous?

14 A. [12:24:53] Yes. I'm not the first person to say that. I'm not the first person  
15 who says that. You know, it was known in the neighbourhood. He had that  
16 reputation and that made him a political figure. At that moment, he didn't have any  
17 particular political aims, but his mentality, his behaviour in the neighbourhood,  
18 people came to see him. He gave them cars. He gave them some money for  
19 funerals, et cetera. And that continued. And then very rapidly he got this  
20 reputation so that ultimately, when he was a candidate \*for the parliamentary  
21 elections for the first time in 2005, this enabled him to win the elections. So he  
22 continued in that way. Ultimately, he became the president of the football federation.  
23 I haven't got any other explanations. It's his way of operation. He was very  
24 generous, which made him a political figure.

25 Q. [12:26:05] You explained yesterday that in December 2013/January 2014, you

Trial Hearing  
WITNESS: CAR-OTP-P-0808

(Open Session)

ICC-01/14-01/18

1 tried to collect funds for the Anti-Balaka and, in particular, for Andjilo. And you  
2 said to try and dissuade them to commit crimes, theft, and other exactions.

3 Can you explain to us why that you give the Anti-Balaka money would dissuade  
4 them to commit crimes? It might, in fact, encourage them to commit the crimes.

5 A. [12:26:56] No. Our approach was to speak to them, but to talk to them, that we  
6 had to create an atmosphere that they would accept. So by giving money, they  
7 would be more favourably disposed towards us. That is our approach. The aim  
8 was to talk to them to try and persuade them of the need to work towards restoring  
9 peace. But these were violent elements, very violent. So we had to choose the right  
10 moment and possibilities to talk to them. It just takes -- example of Andjilo, if you  
11 wanted to talk to them, you had to arrive early in the morning. Otherwise, after  
12 10 o'clock, he became totally unpredictable and you couldn't really talk to him. So  
13 our approach was to collect funds to help to -- by giving them money. And that  
14 moment when we talked to them, they would be receptive to our message. That is  
15 the approach we used.

16 Q. [12:28:23] Mr Ngaïssona, and a witness said some time ago, also gave donations  
17 in 2014 to the Anti-Balaka to enable those Anti-Balaka to feed themselves and also to  
18 get essential things they needed.

19 Do you agree that he gave money in this context and this action worked towards  
20 creating conditions of peace?

21 A. [12:29:01] Yes. I've already said I think he did this continuously. He did this  
22 all the time. In our neighbourhood, for example, there were Anti-Balaka bases a  
23 little bit everywhere. So, often, he went to see them so that they could get some sort  
24 of assistance. It was his approach to dissuade them. I know that it was limited.  
25 But in any case, generally speaking, that is what he was doing.

Trial Hearing  
WITNESS: CAR-OTP-P-0808

(Open Session)

ICC-01/14-01/18

1 Q. [12:29:36] The same witness who spoke about what I have just read also said  
2 that the payments made by Mr Ngaïssona in 2014 were not systematic and that he  
3 stopped a few weeks thereafter because some Anti-Balakas had committed some acts  
4 of violence, and Mr Ngaïssona was angry and stopped the payments.

5 And for the transcript, I'm referring to Defence document 78 at page 41 and 42.

6 Are you aware of this as having been -- Mr Ngaya, as having been his position?

7 A. [12:30:42] Yes. That was the methodology he used to positively influence the  
8 Anti-Balaka. You see, if he was in the habit of giving money and then found out that  
9 you had committed a reprehensible act, if you asked him for something thereafter, he  
10 wouldn't do it again. That was his attitude, and that's what I can say. But I must  
11 also say that I wasn't present at all the circumstances where he may or may not have  
12 given money.

13 Q. [12:31:19] Please could you kindly clarify part of your testimony from yesterday.  
14 Yesterday, you said that Mr Ngaïssona had been selected as coordinator of the  
15 movement because he was generous, because he gave out money. Would it  
16 be -- would I be right to say that you're not suggesting here that Mr Ngaïssona bought  
17 the position of coordinator? That's not what you meant; right?

18 A. [12:32:03] Did he have any interest in buying the position of coordinator?

19 What would he have gained from that?

20 The -- on the contrary. You see, it was a matter of habit for him. It was his nature.

21 It was his natural inclination. He was not only one who gave to the Anti-Balaka.

22 Even before the Anti-Balaka, he was generous. He would give to people. I don't

23 know if I told you this, but he built a temple for the church, a big temple for the

24 church just close to his house. And -- and he built that for the people, for the

25 population. So it was in his habit for him to give, not only to the Anti-Balaka

Trial Hearing  
WITNESS: CAR-OTP-P-0808

(Open Session)

ICC-01/14-01/18

1 movement.

2 Q. [12:32:58] In your statement, your first statement of 2016, document 60 at  
3 paragraph 99, you mentioned or you said that the funds which were distributed in  
4 Brazzaville had been embezzled, and you said that it was Mr Ngaïssona who  
5 allegedly embezzled those funds. But let me read out to you a statement from  
6 another person who was interviewed by the OTP. And that will be Defence  
7 document number 25, CAR-OTP-2027-2290.

8 And please let this document not be shown to the witness. I would like to read a  
9 short excerpt from page 2300 of that document.

10 That person who was interviewed by the OTP had a different interpretation from  
11 yours, and I'll put that interpretation to you and seek your opinion on it. He says:  
12 "At the end of the forum, Ngaïssona signed the agreement to cease hostilities, but he  
13 quickly had to return to Bangui because he was unwell. Maxime collected the  
14 money from the forum and embezzled it. Sassou had given money to all the  
15 participants at the forum. When they arrived in Bangui, the participants at the  
16 forum and the other Anti-Balaka leaders who had heard mention of the money that  
17 had been given, asked for it, asked for their share. Mokom denied and did not give  
18 the money." End of quote.

19 Would it be possible that the Brazzaville funds were embezzled by Maxime Mokom?  
20 PRESIDING JUDGE SCHMITT: [12:35:30] (Overlapping speakers) Possible are a lot  
21 of things. So do you have information if so?

22 MS PROULX: [12:35:32] I will rephrase.

23 PRESIDING JUDGE SCHMITT: [12:35:33] Okay, please. Thank you.

24 MS PROULX: [12:35:37] (Interpretation)

25 Q. [12:35:42] Yeah, what do you think of this excerpt? Is this something that you

Trial Hearing  
WITNESS: CAR-OTP-P-0808

(Open Session)

ICC-01/14-01/18

1 heard whereby Mokom is alleged to have embezzled the money?

2 A. [12:35:53] We were at the hotel, \*and when it was time to collect money for the  
3 Anti-Balaka participants, it was Ngaïssona who gave instructions for Mokom to go  
4 fetch the money. When he came back, they consulted among themselves on how to  
5 distribute the money to the participants and to the Anti-Balaka delegates.

6 So, rather than receiving the amount that each delegate was due, we received at the  
7 time 600,000 francs CFA. But the delegates from other delegations like Seleka  
8 received the amount -- the information that the amount which had been given by  
9 President Sassou was not equal to the amount we had received. So there was a  
10 reaction at the airport, and people said that Ngaïssona and Mokom had to do  
11 something to make up for the lost amount. So we finally received 400,000 to top off  
12 to the 1 million. But this was following consultations between Mr Mokom and  
13 Mr Ngaïssona.

14 So when we received the additional 400,000, we were made to understand that the  
15 remaining amount of money was for the Anti-Balaka in the provinces. And so we  
16 agreed with that position, it was a relevant argument, and so we let go of everything  
17 else.

18 Q. [12:37:51] One last question on the financing of the Anti-Balaka. I would like to  
19 find out whether during the period in which you were a part of the coordination,  
20 whether you had any personal knowledge that Mr Ngaïssona, in one way or another,  
21 provided money for fighting, either for weapons or ammunitions, for the purpose of  
22 attacking the Muslim population.

23 A. [12:38:25] I think that -- well, I don't -- this doesn't resemble Mr Ngaïssona. It  
24 doesn't resemble him.

25 Q. [12:38:46] I would like to briefly talk about the influence of radicals in the

Trial Hearing  
WITNESS: CAR-OTP-P-0808

(Open Session)

ICC-01/14-01/18

1 behaviour of the Anti-Balaka. Yesterday we briefly touched on the radical  
2 Anti-Balaka. And in your two statements, that of 2016 at paragraph \*67, and the 2018  
3 statement at paragraph 51, you explain that the radicals tried to sustain violence so  
4 that the population would call for the return of François Bozizé to power.

5 How did they manage to sustain or bring about this violence?

6 A. [12:39:46] I don't have evidence as such, but this is something that was simply  
7 observed through the conduct of Mokom, Mokom father, Mokom Maxime, who did  
8 not agree with our approach for peace. He did not agree with our approach. I had  
9 some very heated debates or discussions with Bernard Mokom, because what we  
10 were doing with Ngaïssona, we didn't have agreement with him. So we had some  
11 very heated discussions. And that faction was present in Nairobi. They linked up  
12 with a faction of the Seleka, and they went into some agreement. And their  
13 approach was simply to find ways of bringing back Bozizé to power.

14 But I don't have enough material to discuss this point. It is only the behaviour, or  
15 conduct, of Maxime and Bernard Mokom that would have led one to these types of  
16 observations on their conduct.

17 Q. [12:41:08] According to you, what could Mr Ngaïssona have done to neutralise  
18 these radicals? Could he, for example, have expelled Bernard Mokom and \*Maxime  
19 Mokom from the movement?

20 A. [12:41:22] How would he have expelled them? It was not a movement  
21 that \*had a structured organization. How would he expel them from the movement?  
22 These are people who were armed. Ngaïssona himself was not armed. So how was he  
23 going to -- to expel them? So there were influential Anti-Balaka leaders against whom  
24 one could do nothing. So, unfortunately, that was the difficulty experienced at that time.

25 Q. [12:41:56] Mr Ngaya, some persons and some statements from some persons

Trial Hearing  
WITNESS: CAR-OTP-P-0808

(Open Session)

ICC-01/14-01/18

1 qualify you and Mr Ngaïssona as radicals. If I understand very well, you don't agree  
2 with that characterisation.

3 A. [12:42:25] Well, you have had time to look at all the documents, and I -- I don't  
4 know what arguments will be made in support of the argument or the view that I am  
5 a radical. We were seeking peace. How -- how can one be radical? So I think that  
6 this is really just a baseless statement. It has no foundation at all.

7 Q. [12:43:00] You have just told us about radicals in Nairobi. And in your 2016  
8 statement at paragraph 140, you mention be that those radicals and the Seleka tried to  
9 prepare a coup d'état from Nairobi.

10 Can you provide a little more information on that.

11 A. [12:43:37] That is information that we obtained, maybe rumours. But there was  
12 a meeting that is -- that took place in Boeing, and some Seleka leaders were there,  
13 maybe Abdoulaye Hissene was there. And so there was a meeting between the  
14 Anti-Balaka and some Seleka leaders in Boeing close to PK5.

15 So those are the types of rumours that we had on this point.

16 Now, to say that they were preparing a coup d'état, I don't know. I don't have any  
17 evidence that can lead me to confirm or to deny that assertion.

18 Q. [12:44:31] Some witnesses who have testified during this trial have told the  
19 Court that Mr Ngaïssona himself attempted a coup d'état against Madam Panza  
20 Samba in 2014.

21 Now, you who were close to him, would those allegations be credible?

22 A. [12:44:53] Don't even mention that. Those are -- those are quite gratuitous  
23 statements. Don't even mention -- don't go there.

24 Q. [12:45:15] Now let me go back to your second statement in 2018 in which you  
25 said that you did not have any evidence which would lead you to link the conduct of

Trial Hearing  
WITNESS: CAR-OTP-P-0808

(Open Session)

ICC-01/14-01/18

1 the ComZones to Mr Ngaïssona's instructions.

2 That having been said, do you think there was a link between the conduct of those  
3 ComZones who were committing crimes or who allowed their elements to commit  
4 crimes and any instructions or encouragement or any passive attitude from the  
5 radicals within the Anti-Balaka movement?

6 A. [12:45:57] Well, on that point what I can say is that there were meetings at which  
7 one did not participate as a civilian. Now, Mr Ngaïssona's contacts with his  
8 ComZones, he is the one who can tell you about that. As for me, at certain levels, I  
9 cannot say anything. You see, this is how we functioned: I would leave my house,  
10 I would meet him in his father's house, we would have discussions, then I will go  
11 back, and if there are any other institutions -- any other meetings with national or  
12 institutional organisations, we would attend them using his vehicle.  
13 It also happened that his -- the press organs could come to his father's residence and  
14 meet us there. On one occasion, I met the representative of Human Rights Watch at  
15 my home and granted them an interview. Apart from that, this is the way in which  
16 we operated. Mr Ngaïssona did not go out. He did not go out much. He would  
17 simply go to town and come back quickly. He rarely stepped out. So I don't know.  
18 He is the one who is in the best position to provide you with a clear answer to that  
19 question.

20 Q. [12:47:20] From what you have said today and tomorrow (sic), Mr Ngaïssona, as  
21 leader of the movement, had an approach, that of making more responsible and  
22 educating those Anti-Balaka elements who were unruly instead of expelling them. Is  
23 that what we should understand?

24 A. [12:48:00] I have not understood your question.

25 Q. [12:48:14] I'm just trying to summarise the approach that was adopted by

Trial Hearing  
WITNESS: CAR-OTP-P-0808

(Open Session)

ICC-01/14-01/18

1 Mr Ngaïssona at the time in relation to the ComZones or in relation to elements who  
2 were committing crimes. And I put it to you that it would appear to me that the  
3 approach that was privileged was one whereby he attempted to make them more  
4 responsible, that is, the elements and the ComZones, by educating them rather than  
5 by excluding or punishing them because those two options were not quite realistic.  
6 Would you agree?

7 A. [12:48:44] Yes, I agree. How would you exclude them? They have their  
8 weapons. They had their weapons with them. They would take them with  
9 themselves. How -- how -- how would you expel them? You would expose  
10 yourself if you tried -- if you dared to. So you don't even dare to do that. The only  
11 resource, the only tool he had was to talk to them. And his approach was exactly  
12 what you have said. He often would persuade them. And whenever he found out  
13 that the Anti-Balaka were angry - and we have already referred to this type of  
14 situation - from time to time, he would even kneel down in front of them and ask  
15 them not to do such-and-such a thing. That is what he had the habit of doing; that is,  
16 he used a lot of persuasion.

17 Q. [12:49:35] So I understand that he kept those Anti-Balaka who were committing  
18 acts of violence in the organisation hoping that they could, at the very least, be  
19 brought about to change their conduct. Otherwise, if they were let free, they would  
20 lose -- he would lose all influence over them.

21 A. [12:50:03] Well, you see, you cannot even exclude them. You cannot expel  
22 them. How are you going to expel them? The Anti-Balaka were not a structured  
23 organisation in which members of the organisation could be sanctioned. So if you  
24 attempt to exclude any of them, you are simply exposing yourself to their reactions  
25 and they could come with their own weapons to kill you. So the only alternative

Trial Hearing  
WITNESS: CAR-OTP-P-0808

(Open Session)

ICC-01/14-01/18

1 open to him was to use persuasion to try to talk with them or talk to them. And this  
2 came of course with its own limitations.

3 With your leave, let me -- well, I have already provided you with an example.

4 When we realised that Andjilo was getting unruly, we had discussions with  
5 Mr Ngaïssona, and we wondered how to get him arrested. And it is based on those  
6 discussions that I undertook to have discussions with the assistant of the defence -- of  
7 the defence assistant at the French embassy for the Sangaris. And we had been  
8 meeting regularly. So I asked those assistants to use a Sangaris operation to arrest  
9 Andjilo because we did not have any resources to be able to arrest him.

10 You see, he was not listening to anybody. He was under no one's control at some  
11 point. And he -- he had really overstepped, he had crossed the red line, so to speak.  
12 He even came to -- and threatened and -- and fired his weapon, and he was fearless.  
13 So there was no control over his elements and that is why I finally had these  
14 discussions with the Sangaris to see how to arrest him.

15 Unfortunately, the operation failed, although he ended up being arrested in the end at  
16 Bouca.

17 Q. [12:52:26] I would like to show you a video, document 14, Defence binder  
18 CAR-OTP-2023-1597. Transcription, CAR-OTP-2107-1499, and that will be Defence  
19 binder 62. It's four minutes long. And after that, I have a few questions, after  
20 which we will take the break. For now, let's listen to the video.

21 (Viewing of the video excerpt)

22 THE INTERPRETER: [12:53:36] (Interpretation of the video excerpt)

23 "It's a CBH vehicle DM-244-BG, belonging to Mr Ali Baba, and a Muslim family which  
24 was kidnapped by the Anti-Balaka and taken over by the Anti-Balaka coordinator,  
25 and lodged by him at his residence for four months.

Trial Hearing  
WITNESS: CAR-OTP-P-0808

(Open Session)

ICC-01/14-01/18

1 By handing over this vehicle and all attendant papers to the Central African justice in  
2 front of the state prosecutor, Mr Patrice Ngaïssona displays his goodwill as an official  
3 to the national and international institutions showing that the Anti-Balaka, contrary to  
4 their thoughts, are not hostile to peace but will contribute to peace and social cohesion.  
5 The \*restitution of this vehicle falls within the context of the judicial proceedings  
6 against Mr Edward Ngaïssona. And these are the impressions of the state  
7 prosecutor, Mr Jules Grezengue, followed by those of the coordinator of the  
8 Anti-Balaka, Edouard Patrick Ngaïssona.

9 Today, the Court of First Instance in Bangui has the honour to inform all media  
10 professionals and journalists that within the context of the proceedings against  
11 Mr Edouard Ngaïssona. Today some property that he had held has been handed  
12 over to the courts. I as the Prosecutor have been working with the examining judge  
13 on this case, and we are here to establish and note that this property has been handed  
14 in today. Next to that, there is also a family that had been kept at his residence - for  
15 reasons of security - that family will also be publicly handed back to their family  
16 members, particularly to a representative of the Muslim community who is here  
17 present for this ceremony. So as a prosecutor, we take note.

18 \*Patrice Edouard Ngaïssona: You see, there is a time for war, and there's a time for  
19 peace. At the beginning, when I was able to get hold of Mr Ali Baba's CBH, we talked  
20 on the phone. But I told him that I could not hand back the vehicle to him because  
21 otherwise I would be attacked -- or it would be attacked, and so I said I would keep  
22 the vehicle until the situation returned to normal, then I would hand it back to him.  
23 So here at the court I have made the statement that I had expressed the wish for this  
24 property to be handed over officially to attest to my will to do this in order that we  
25 can return to peace and social cohesion in my country. So let me say that I will never

Trial Hearing  
WITNESS: CAR-OTP-P-0808

(Open Session)

ICC-01/14-01/18

1 take advantage of the situation to take somebody's property. So what has happened  
2 to me is probably what God let to happen to Job. I might lose everything, my health  
3 and what have you. But I will not do anything contrary, so I have handed over the  
4 vehicle of my brother, Ali Baba, so that he can continue his businesses. So quite  
5 often people claim that the Anti-Balaka are systematic enemies of their Muslim  
6 brothers. I don't think that this is the case, and that that is why ..."

7 MS PROULX: [12:58:11] (Interpretation)

8 Q. [12:58:11] Do you recall these events?

9 A. [12:58:12] Yes. I think I already talked about this. As he has mentioned  
10 himself, he contacted the owner of the vehicle. And at that time, we knew that he  
11 had done so. So we knew that that was his decision. And I have already referred  
12 to this, and I told you things that I experienced myself. I am not inventing anything.  
13 Everything I have told you is what I experienced. So you have evidence then to that  
14 effect, and I am happy that you can see it.

15 Q. [12:58:43] Mr Ngaya, there are some people who may think that in -- in this  
16 circumstance, Mr Ngaïssona protected the Muslim family and handed back the  
17 vehicle for his personal interests, that is, to gain from justice and also to have  
18 favourable media coverage.

19 What do you think about that? About that point of view.

20 A. [12:59:20] If you think that way, it is simply bad faith, just bad faith.

21 PRESIDING JUDGE SCHMITT: [12:59:34] Ms Proulx, what do you think about the  
22 break?

23 MS PROULX: [12:59:36] Just two more questions and --

24 PRESIDING JUDGE SCHMITT: [12:59:38] Yeah, when it fits here, of course, then we  
25 have the break. Yeah.

Trial Hearing  
WITNESS: CAR-OTP-P-0808

(Open Session)

ICC-01/14-01/18

1 MS PROULX: [12:59:42] Thank you.

2 Q. [12:59:45](Interpretation) So what we have just seen, handing back the vehicle  
3 and protecting the Muslim family, those were sincere, good faith acts on the part of  
4 Mr Ngaïssona; is that correct?

5 A. [12:59:55] Yes. Yes. That family, when you went to his father's compound,  
6 you would have seen that family. There were there, they were protected, and they  
7 were fed. So that happened until the right time came. And I have already  
8 mentioned this in my statement. These were sincere actions.

9 You see, when you talk about a Christian, allow me to -- to say this. Christians are  
10 people with strong internal convictions, strong internal convictions. And it is these  
11 convictions that guide their -- their actions. So one does not just build a temple for  
12 the sheer pleasure of it and make it available to the public. This action comes from  
13 deep internal convictions, and that is how Mr Ngaïssona's attitude should be  
14 understood.

15 Q. [13:01:09] Mr Ngaya, some individuals who were interviewed by the OTP made  
16 serious allegations to the effect that Mr Ngaïssona asked for ransom in order to return  
17 vehicles that had been stolen or even to release people, Muslim people, who had been  
18 kidnapped. Do you think that those are credible allegations?

19 A. [13:01:41] No. No. No. In -- in any event, I don't know. It's bad faith.  
20 What -- what -- what type of ransom would he -- he ask for? I really don't know. I  
21 think that those are all done in bad faith. I -- I really cannot take any such an  
22 allegation into consideration.

23 Q. [13:02:09] Just one last question before the lunch break.

24 We have just looked at some of the good actions that Mr Ngaïssona undertook, as  
25 reflected in this video. Are you aware of any other things that Mr Ngaïssona did at

Trial Hearing  
WITNESS: CAR-OTP-P-0808

(Open Session)

ICC-01/14-01/18

1 the time, on a personal note, in an effort to repair the damage that was caused by the  
2 Anti-Balaka?

3 A. [13:02:38] Well, that -- that is something -- unfortunately -- anyway, this time he  
4 did it on camera. But whenever the Anti-Balaka collected somebody's vehicle, they  
5 would bring it to Mr Ngaïssona or to me. And all we did was to negotiate to return  
6 this property to the owners. This is something that was done on a continual,  
7 ongoing basis. But in this case it was a heavy lorry, and that is why it was done in  
8 public. But for other smaller instances, it was done without involving the public.

9 MS PROULX: [13:03:27] Thank you.

10 PRESIDING JUDGE SCHMITT: [13:03:29] Thank you very much.

11 We have now the lunch break until 2.30, reason being that there is a regulation that  
12 the norm is 1 and a half hour, so in the exception is one hour, to put it this way. So  
13 we will have -- when we have good reason for shortening the lunch break, we will do  
14 that. But we'll have now the lunch break until 2.30.

15 THE COURT USHER: [13:03:53] All rise.

16 (Recess taken at 1.03 p.m.)

17 (Upon resuming in open session at 2.32 am)

18 THE COURT USHER: [14:32:36] All rise.

19 Please be seated.

20 PRESIDING JUDGE SCHMITT: [14:33:00] Mr Proulx, before we continue, I have  
21 a scheduling matter.

22 We'd like to come back to the topic we discussed this morning regarding Ngaïssona's  
23 Defence's anticipated request for extra time to prepare for the examination of  
24 Witness 2843.

25 We have said in the morning that perhaps we'd do this via email, but I think it's -- for

Trial Hearing  
WITNESS: CAR-OTP-P-0808

(Open Session)

ICC-01/14-01/18

1 clarity of the parties, it's better if we say something now, how we think we should  
2 proceed.

3 The Chamber has taken note of the relevant emails in this regard - and the  
4 Ngaissona's Defence's email dates even back, I think, to sometime in August this  
5 year - and as previously held in our decision 883, the Chamber is amenable under the  
6 specific circumstances of this witness to requests by the Defence for additional time to  
7 prepare its examination, if appropriate, and after the Prosecution has concluded  
8 questioning the witness. Because this makes the most sense. We don't know what  
9 comes out of it. If there is relevant information, we would have to proceed  
10 differently if it ...

11 So because of that, I emphasise, if appropriate, and after, because the necessity of  
12 extra time will of course depend on the information -- I said that -- elicited from the  
13 witness by the Prosecution on Friday and requests from the Defence in this regard.  
14 And, we, as a Chamber, we trust the Defence's professional assessment, and you will  
15 not go over the top then. So I think initially you wanted, you said two times -- two  
16 days' preparation. I think this was in the request, if I recall it correctly. I'm quite  
17 sure that this is right.

18 MR KNOOPS: [14:35:38] Yes, Mr President, that was the request. But we're, of  
19 course, also in the hands of the witness, so to speak.

20 PRESIDING JUDGE SCHMITT: [14:35:53] Yes, and -- and if we -- the next then, if  
21 we start with the witness on Friday, meaning because you said four hours, you finish  
22 on Friday, yes? Then, you won't -- you don't want to hear that, then you have also  
23 the weekend. It's not -- it's a little bit with a twinkle in my eye, but I would not  
24 expect you to work 48 hours. But still, still, also judges quite often work on  
25 weekends, so you understand what I mean.

Trial Hearing  
WITNESS: CAR-OTP-P-0808

(Open Session)

ICC-01/14-01/18

1 MR KNOOPS: [14:35:38] Yes, Mr President. It's only one practical point, is, of  
2 course, our e-binders, with the lists of materials. If after the examination-in-chief, we  
3 would like to have materials based on the examination-in-chief, then of course we  
4 would be normally out of the time of the (Overlapping speakers)

5 PRESIDING JUDGE SCHMITT: [14:35:53] I think, yes, but I think you know the  
6 Chamber --

7 MR KNOOPS: [14:35:57] Yes.

8 PRESIDING JUDGE SCHMITT: [14:35:58] -- that under, if -- we need flexibility  
9 here --

10 MR KNOOPS: [14:35:59] Of course.

11 PRESIDING JUDGE SCHMITT: [14:35:59] -- and if we would have to deviate from  
12 other practices, we would do that, of course, yes.

13 So we will proceed as follows: As I said, the Prosecution will start and, with all  
14 likelihood, complete the examination of P-2843 this Friday. The Chamber will then  
15 hear requests, if any, by the Defence and we'll also rule, ideally, at the end of Friday  
16 on the matter already so that you know if we continue Monday, Tuesday -- at the  
17 least, Wednesday, at the least.

18 Because we have then P-232, and I understand, Mr Vanderpuye, that we can put this  
19 witness at the end, but since we need for this witness five days, as it is anticipated, so  
20 the most -- or the least we would start with the next witness with examination by the  
21 Defence would be next Wednesday; that is the maximum.

22 So maximum, then two days, and then we would -- two days and then we would start  
23 with P-232 on Friday. Friday plus, then, in two weeks, Monday, Tuesday,  
24 Wednesday, Thursday are five days. Because he doesn't believe me, Mr Vanderpuye.  
25 But I'm not good in calculating, but I think that would not be wrong.

Trial Hearing  
WITNESS: CAR-OTP-P-0808

(Open Session)

ICC-01/14-01/18

1 But this is, of course, only a projection. This is not -- what is clear, is we start on

2 Friday with the next witness.

3 So Ms Proulx, you have the floor.

4 By the way, do you have an estimate?

5 MS PROULX: [14:37:37] I do have an estimate. I don't think I will take more than  
6 30 to 40 minutes.

7 PRESIDING JUDGE SCHMITT: [14:37:47] And then Ms Dimitri, I think it's really the  
8 question, if it makes sense, that you start. But I would really leave it up to you. But,  
9 yes, we can decide then -- or you decide, I would say, yes.

10 Mr Proulx, please continue.

11 MS PROULX: [14:38:02](Interpretation)

12 Q. [14:38:03] Good afternoon, Mr Ngaya.

13 A. [14:38:04] Good afternoon.

14 Q. [14:38:06] I still have a few questions for you. I would like to reassure you that  
15 we have done the bulk of the work and we are going towards the end. I would like  
16 to, first of all, put to you a few questions on two individuals, two specific individuals.  
17 I would like to begin with the first person.

18 Do you know anyone known as Cyrille Junior Toungouma?

19 A. [14:38:52] I have no idea.

20 Q. [14:38:55] If I can help you a little bit, it appears that this person was an  
21 Anti-Balaka element at the time and an intelligence agent.

22 Has that jogged your memory?

23 A. [14:39:13] Anti-Balaka intelligence agent, it means nothing to me. Intelligence  
24 is usually secret, so I don't know this person.

25 Q. [14:39:25] So I am to understand that you never met any person under that

Trial Hearing  
WITNESS: CAR-OTP-P-0808

(Open Session)

ICC-01/14-01/18

1 name during the coordination meetings, maybe in 2014?

2 A. [14:39:42] I know the main leaders because when I meet with them, sometimes I  
3 can put faces to the names, but for the others, they're usually people that I am meeting  
4 for the first time; so I cannot remember.

5 Q. [14:40:04] Thank you. Now I'll move to the second person and pretty quickly  
6 because you have already talked a great deal about him and that is Andjilo. You  
7 have already provided a lot of information about him, his character or personality, his  
8 crimes, and I would like to have a little bit more information.

9 Now, is it true that Andjilo started committing crimes well before joining the  
10 Anti-Balaka defence group?

11 A. [14:40:52] That is what we were made to understand. We were told that he  
12 was in prison, and because of an incident, he was released. At the time, it seemed as  
13 if he was hunting down -- I really cannot remember how to call them. These were  
14 people who were coming from Sudan to attack wildlife, and Andjilo was working and  
15 contributing to attack those people, and that is the rumours that were circulating  
16 about him well before the events. In any case, I would say well before the events.

17 Q. [14:41:50] And can you answer -- I don't know whether you can answer my  
18 question, but what motivated Andjilo? Was it greed? The need to have money?  
19 Cruelty?

20 A. [14:42:17] In my opinion, it was a contribution of many things. There was  
21 greed and then drug consumption, and this puts the people in a state. This was the  
22 person in a state where he commits acts without being really conscious of them. So  
23 that's why I said in order to have a conversation with Andjilo, you have to come very  
24 early in the morning, early in the morning, when he's still fresh and you can talk to  
25 him at that time.

Trial Hearing  
WITNESS: CAR-OTP-P-0808

(Open Session)

ICC-01/14-01/18

1 But if you wait for one or two hours after that, it is difficult to discuss with him. I  
2 think that was the effect of drug consumption.

3 Q. [14:43:13] You gave us an account of the incident when Andjilo pointed his  
4 weapon on you, when you were discussing with Mr Ngaïssona. Do you remember  
5 an incident where Andjilo reportedly shot in Ngaïssona's residence?

6 A. [14:43:38] Fire at Ngaïssona's residence? Well, I was discussing with  
7 Ngaïssona, and he arrived and fired into the air. It was obviously to intimidate us.  
8 I don't know what he wanted at that particular time, but I think he wanted to  
9 intimidate us.

10 Q. [14:44:06] We have already discussed earlier today, and also in your statement,  
11 that at that time, you considered Andjilo as one of those radicals in the movement.  
12 In that description as a "radical", do you think he was close to Mokom?

13 A. [14:44:31] Yes. There is a fact that confirms that. When Mokom tried to have  
14 me killed, he started with another Anti-Balaka leader, Mazimbélé. He called  
15 Mazimbélé - it was afterwards that I got the information - he asked Mazimbélé to  
16 attack me. Mazimbélé knew me in the neighbourhood. and he knows my reputation  
17 and how I work, and so he refused. He said, if he harmed me, he will have that in  
18 his conscience, so he could not act in that way.

19 So Mokom now went through Andjilo. That is how come Andjilo tried to kill me,  
20 but this is information that I had after the events.

21 Q. [14:45:37] You also told us about how your vehicle was stolen in October 2014  
22 by Andjilo. And I would like to show you document number 13 on the Defence list;  
23 it's CAR-OTP-2002-4495 and I will read an excerpt on page 4517. It is a report of an  
24 interview or questioning of Mr Andjilo in the proceedings against him in July 2015.  
25 The question that was put to Andjilo was as follows: "A search was carried out in

Trial Hearing  
WITNESS: CAR-OTP-P-0808

(Open Session)

ICC-01/14-01/18

1 your residence by the MINUSCA elements and Sangaris elements, during which your  
2 aide-de-camp and -- and your girlfriend were arrested. The soldiers, the soldiers  
3 saw the vehicle in your possession at that time. Which vehicle was that?"

4 And Andjilo answered: "The vehicle belongs to Pastor Ngaya, who is one of the  
5 Anti-Balaka coordinators. I ordered that the vehicle be seized for the simple reason  
6 that he had received a commission to distribute to the Anti-Balaka but that he had  
7 kept it for himself. Angry at his behaviour, we decided to seize his vehicle. Once  
8 he gave me my share, I returned his vehicle to him."

9 Q. [14:47:49] Now, this version of the facts given by Andjilo here, is it correct?

10 A. [14:47:57] It is correct in the sense that this was information circulated by  
11 Mokom Bernard. He circulated information that Samba-Panza had given money  
12 and I took it. But I was not the head of the delegation. The head of the delegation  
13 was Kokate. We had entered together in the meeting room and we left together. So  
14 why should they attack only me and the three other members of the delegation were  
15 not bothered? So this was simply manipulation so as to try to kill me.

16 And when did he hand the vehicle back to me? When did he return the vehicle back  
17 to me? That is the question.

18 Q. [14:48:52] If I understand correctly, he provided incorrect information. He did  
19 not return the vehicle to you?

20 A. [14:48:59] He did not return the vehicle to me.

21 Q. [14:49:04] Do you have any other examples of incidents that you heard of  
22 Andjilo who lied in relation to crimes against other people?

23 A. [14:49:27] When Andjilo's trial was taking place in the Bangui criminal court,  
24 Andjilo denied all the facts that were being alleged against him. So it is obvious.

25 He systematically denied all the facts. He in fact burnt a village down, and everyone

Trial Hearing  
WITNESS: CAR-OTP-P-0808

(Open Session)

ICC-01/14-01/18

1 knew about it, but he simply denied all the accusations made against him. That is  
2 what -- how he behaved like.

3 Q. [14:50:14] Am I to understand that Andjilo is somebody who lies easily, who  
4 is -- has a tendency to lie?

5 A. [14:50:24] He is someone who lies easily. He does not speak the truth. He is  
6 someone who is particularly cruel.

7 Now, when he took my vehicle, he was in Bouca. I called him. I called him, and I  
8 recalled the facts to him, when I had taken money to brought -- to bring to him at the  
9 beginning of the process. I did that. I told him: "I am your father. You  
10 remember that I worked to improve your life. How would you conduct yourself like  
11 that against me?" And he answered me: "A lion is always a lion."

12 And one or two weeks later, MISCA arrested him in Bouca and took him to prison.  
13 So I learnt about that two weeks later.

14 Q. [14:51:36] One last question on Andjilo in the same vein.

15 Did -- Andjilo tried to blame other people for his crimes and for other events. Is that  
16 someone who lies to the point of accusing other people?

17 A. [14:52:04] I did not really have time to have that information. I only followed  
18 what was happening during the trial where he denied everything. I didn't speak  
19 very much with him. So it is difficult to have an opinion on that.

20 Q. [14:52:23] I will go to my last topic now. I have specific questions, even though  
21 you have given me a lot of information. And the topic is the relationship between  
22 the Anti-Balaka coordination and the government, on the one hand, and the  
23 international forces on the other hand.

24 You spoke about the Anti-Balaka coordination's concerns to ensure that the  
25 movement was represented inside the government institutions, that their ideas be

Trial Hearing  
WITNESS: CAR-OTP-P-0808

(Open Session)

ICC-01/14-01/18

1 heard inside these intuitions. I would like to talk about the issue of representation  
2 within the transitional government itself.

3 Do you think that the Anti-Balaka were sufficiently represented within the  
4 government?

5 A. [14:53:47] No, I do not think so. Because if the -- even the people who were  
6 represented within the transitional government were not people who were  
7 Anti-Balaka. You had the case of Bara. He was even an adversary to Bozizé. He  
8 was part of the unit that had worked to overthrow Bozizé. \*When Bozizé left the Anti  
9 Balaka were behind the Bazoubangui Hill to prepare the attack on Bangui, and it's at  
10 this moment that Bara rose, emerged. And that is because the N'Djamena summit had  
11 been announced that he went behind the hill to meet them. So he was in the networks  
12 and he was aware of all the plots. So he managed to enter the government on behalf  
13 of the Anti-Balaka. So you understand, someone who participated in the  
14 movements to overthrow Bozizé, and then he suddenly became a representative of  
15 the -- and the Anti-Balaka. And when he became a minister, the first thing he did  
16 was to remove me from my position. So the Anti-Balaka was -- movement was  
17 really not well represented in the government.

18 Q. [14:55:16] What did you and the coordination have specifically against Bara,  
19 whereas he was technically the Anti-Balaka representative in the government? Do  
20 you have any specific reproaches against him at that time?

21 A. [14:55:42] In a nutshell, he was really not the one who represented the  
22 grievances of the Anti-Balaka, so he was not defending the interests of the  
23 Anti-Balaka.

24 Q. [14:56:00] I would like to show you, briefly, document number 51 on the  
25 Defence list. And it is CAR-OTP-2084-0173.

Trial Hearing  
WITNESS: CAR-OTP-P-0808

(Open Session)

ICC-01/14-01/18

1 Mr Ngaya, the document is dated 24 July 2014, and it is a decision dismissing Bara as  
2 a member of the Anti-Balaka movement. Have you already seen this decision  
3 before?

4 A. [14:57:53] I heard about it, but I did not see it as such. Because even when you  
5 see the format, it was not me who drafted it. So I did not see that decision, but I  
6 heard about it.

7 Q. [14:58:17] But given what you have just told us, that Bara was not representing  
8 the Anti-Balaka within the government, and as we heard this morning he had a role  
9 to play in the destabilisation of the Anti-Balaka leadership and for other reasons, so  
10 do you think that this dismissal was justified?

11 A. [14:58:49] Yes. I believe that the decision was justified. It was truly justified.

12 Q. [14:58:55] I would like to show you another document to speak more broadly  
13 about the relationship between the government in general and the Anti-Balaka.

14 So please display the document on -- at number 53, Defence list. It is  
15 CAR-OTP-2087-9081.

16 It is a document on a mission by a transitional government delegation to Chad in  
17 April 2014.

18 Did you ever hear about this mission to Chad?

19 A. [15:00:36] Fourteen to 17 April? No, I have no idea about that mission.

20 Q. [15:00:43] I would like to take you to page 909 -- or, rather, 9088, at the very  
21 bottom. And it is written -- it talks about the formation of the cabinet in early 2014.

22 "After the election of the new president, everyone had to be consulted. The Seleka  
23 wanted for the positions of prime minister and \*five ministries. The president  
24 negotiated with them and obtained three ministries for them, and three or four others  
25 represented in the cabinets. And the advisors of the prime minister represent these

Trial Hearing  
WITNESS: CAR-OTP-P-0808

(Open Session)

ICC-01/14-01/18

1 various wings or tendencies."

2 Now, according to you, does this passage show the imbalance at that time between  
3 the representation of the Seleka and that of the Anti-Balaka within the transitional  
4 government?

5 A. [15:02:17] There was an obvious imbalance, and that always justified some of  
6 our grievances. So at the level of the government, the representation of the  
7 Anti-Balaka was not truly a representation. This means that it did not reflect the  
8 Anti-Balaka movement.

9 At -- in the transitional government, there was nothing. There was Mr Feikire,  
10 someone who was appointed as advisor at the presidency of the republic.  
11 And if I remember correctly -- what you have to remember is that there was a very  
12 obvious imbalance, and that always justified the grievances that we made.

13 MS PROULX: [15:03:18] If you allow me.

14 PRESIDING JUDGE SCHMITT: [15:03:30] Yes.

15 MS PROULX: [15:03:34] Go ahead.

16 PRESIDING JUDGE SCHMITT: [15:03:36] Please, go ahead.

17 Then, Ms Proulx, please go ahead.

18 MS PROULX:

19 Q. [15:03:43] Do you have anything you wish to add? Or can I move on to my  
20 next question?

21 A. [15:03:47] I was trying to say that the imbalance was quite evident. Even long  
22 afterwards, in October, in our demands for Mrs President Samba-Panza and our  
23 demands, we talked about the imbalance and that it was a very serious imbalance for  
24 the Anti-Balaka.

25 Q. [15:04:18] I want to read two short excerpts from this document. And after that,

Trial Hearing  
WITNESS: CAR-OTP-P-0808

(Open Session)

ICC-01/14-01/18

1 after having read the two passages, I will have some questions.

2 Firstly, if we go \*to the very bottom of page 9082 -- and this was a message of Andre  
3 Nzapayeke to his Chadian analogue. The Prime Minister Nzapayeke says, "The  
4 questioning of the prime minister who was accused of being pro-Balaka apologises  
5 for this misunderstanding. The head of the delegation insisted on the fact that there  
6 was no anti-Chadian politics from the point of the prime minister, nor the transition  
7 of President Catherine Samba-Panza."

8 And now the second extract on the next page, in the middle of the page, \*9083:

9 "Those who continue this chaos are banded to live from the situation. We believe  
10 they must treat them as such. \*No Anti-Balaka is considered as patriot by the  
11 government.

12 Unfortunately, the Diaspora and Central Africans in the country accuse the prime  
13 minister of being pro-Chad because his positions and decisions and interventions  
14 always reflect the considerations that he had for Chad."

15 PRESIDING JUDGE SCHMITT: [15:06:26] Shortly -- and in the transcript, it's wrong  
16 here. It's -- it could be page 9082, not 32.

17 Please proceed.

18 MS PROULX:

19 Q. [15:06:31] You've just heard my extracts, which I think are a reflection of the  
20 policies of Mr Nzapayeke when he was prime minister.

21 Go ahead. Go ahead.

22 A. [15:06:50] That was the general tendency. At that time, bearing in mind how  
23 things were unfolding, this is how we found out that Samba-Panza had links with  
24 Chad. \*Samba-Panza's mother is Central African while her father is Cameroonian.  
25 And she grew up in Chad. She spoke Arabic fluently. And what we felt, that there

Trial Hearing  
WITNESS: CAR-OTP-P-0808

(Open Session)

ICC-01/14-01/18

1 was a plot against the Anti-Balaka. And you're going to see, this meant that the  
2 Chadian contingent carried on the actions without being stopped.

3 Anyway, that was the general situation.

4 Q. [15:07:38] Do you agree with me to say that this document of these extracts  
5 which I've read out seem to suggest that the transition government at the time was  
6 perhaps more anxious to remain faithful to the Chadian ally rather than taking into  
7 consideration the demands of the Anti-Balaka, which were their own citizens?

8 A. [15:08:00] That was precisely the case. It was exactly that.

9 You have to add to that that their strategy for the transition was -- included they  
10 worked for the Chadian, and there were many other elements. It's not nothing that  
11 even today, there is this feeling vis-à-vis the Chadian community within the Central  
12 African population. I already spoke to you about this.

13 \*The inhabitants of Galabadja and Combattant - these neighbourhoods are close to the  
14 airport of M'Poko - they had a protest but I no longer remember what it was about.

15 They had a peaceful march. But the march was to end close to the Sangaris base. And  
16 the Chadien contingent then shot on the crowd point blank.

17 So was it working in favour for the population of the Central African Republic or not?

18 Behind all this, behind all this, there was a calculation vis-à-vis the rumours that we  
19 heard.

20 You had to terrorise the Central African population and transfer the word of Islam.

21 \*And we were told that it was in this way that the president Idriss Deby tried to  
22 destroy the Christian population of the South Chad.

23 So they had the same attitude of trying to spread the word of Islam in Central Africa.

24 You had to start by terrorising them and then push them towards Islam. And all  
25 these things moved in that direction.

Trial Hearing  
WITNESS: CAR-OTP-P-0808

(Open Session)

ICC-01/14-01/18

1 Q. [15:10:12] Based \*on a summary of what you've said, do I understand correctly  
2 that the foreign influences that allowed the emergence of the Seleka and the  
3 coup d'état from Bozizé, the Chadian influences \*and those from elsewhere lasted  
4 beyond the transition? Chad was a neighbour and had a lot of influence in what  
5 happened in 2014.

6 A. [15:10:48] \*Beyond the transition. Beyond the transition. It is with the advent of  
7 M. Touadera to power that things started to go back to normal. But today, our  
8 relations with Chad are starting becoming better. But it remains in the collective  
9 memory of the people of the Central African Republic.

10 Q. [15:11:20] This leads me to the events of October 2014 which led to your  
11 resignation with the Anti-Balaka within the coordination.

12 Do you agree that during these events, Mr Wenezoui created his own movement and  
13 Mokom also officially quitted, decided to leave the Anti-Balaka? That's what  
14 happened in October.

15 A. [15:11:49] That's correct. That's the context.

16 As I've already said, I was reproached or -- because I supported Ngaïssona in the  
17 hope of having peace restored, normal -- normalcy restored, because I supported  
18 Ngaïssona in this process of restoring normality in CAR. So at that moment, he took  
19 position so that he could follow his own path.

20 Q. [15:12:36] So in October, the leadership of Ngaïssona, who was always  
21 challenged from the outset, was weakened in October. The movement is even more  
22 divided than before.

23 Do you agree with that?

24 A. [15:12:53] Yes. That's correct. That's correct.

25 Q. [15:12:58] You spoke about events which happened and the seriousness of those

Trial Hearing  
WITNESS: CAR-OTP-P-0808

(Open Session)

ICC-01/14-01/18

1 events. And you yourself said that the Anti-Balaka \*crossed the boundaries by  
2 committing certain exactions -- certain actions.

3 Do you agree with me that they were the only ones who were blamed for the events  
4 that took place in October?

5 I am suggesting - and I would like to know whether you agree with me or not - what  
6 happened in October was the consequence of an accumulation of factors, ten months  
7 or even more than that, of the absence of a government with the Anti-Balaka, the  
8 weakness of all the state organs, the international communities abandoning  
9 everybody, the frustration accumulated by the general population, et cetera.

10 October was the outcome of a storm of a complete collapse of the state.

11 Is that correct? Is my understanding correct?

12 A. [15:14:17] I agree with you completely. That is exactly the consequences of  
13 their accumulation of frustrations which led to the events in October. \*It sufficed that  
14 it was put in people's head that I had received money and that it was why I withdrew  
15 my demand regarding Samba-Panza's resignation. The information was circulating. It  
16 was the end. People, the Anti-Balaka, went after me. This is simply because they were  
17 exasperated by everything that was happening. Everything they tried to do didn't  
18 have any effect. And, unfortunately, and despite all our good will, the agents of our  
19 military police, who were carrying out a good work, were being arrested. at the very  
20 moment -- how should I put it? At the same time, they didn't want that we could  
21 enter in the transitional government. There were many, many points. And this  
22 triggered off the events that happened in October. And if you allow me ...

23 Q. [15:15:44] Go ahead.

24 A. [15:15:45] I think that at this level, I think Mr Ngaïssona was naive. When the  
25 ambassador of France made the proposal to have a peaceful march, all these points

Trial Hearing  
WITNESS: CAR-OTP-P-0808

(Open Session)

ICC-01/14-01/18

1 meant that he accepted this offer. But unfortunately, it went down very badly.

2 Q. [15:16:21] I have a final document I'd like to show you. And it's in the  
3 Prosecution's list, document 21, CAR-OTP-2092-1740.

4 Do you recognise the communiqué of press talking about your resignation from the  
5 Anti-Balaka in 2014 in October? And at the bottom, you wrote, and I'm quoting:  
6 "People who came for the causes of the people are going against the people and do  
7 not allow what -- and do not -- This is inadmissible."

8 Who are you referring to? Who are you talking about when you talk about the  
9 people who are going against the people?

10 A. [15:18:11] I'm referring to some of the people within the Anti-Balaka.

11 Q. [15:18:21] Are you talking about combatants of the Anti-Balaka?

12 A. [15:18:27] Yes. Those who were carrying out scandalous acts. Obviously --

13 Q. [15:18:36] I'm listening to you.

14 A. [15:18:37] Obviously -- perhaps we should be more specific. If you take a  
15 hundred Anti-Balaka, there is a small amount that have this behaviour and who were  
16 compromising this peace process.

17 Q. [15:19:06] According to you, Mr Ngaïssona was part of those who  
18 returned -- who turned against the people?

19 A. [15:19:14] No. I don't think so. \*I'm rather speaking of Anti-Balaka elements,  
20 the chiefs, the ComZones that we couldn't control.

21 Mr Ngaïssona is a civilian like I am. And at that moment, I'm not going to contradict  
22 everything we did together. It's not at that moment that I'm going to do it. I'm not  
23 talking about Ngaïssona in all the events that took place then.

24 Q. [15:20:00] I still have two questions before ending.

25 Firstly, in the last two, three days, you gave us a complete description of the situation

Trial Hearing  
WITNESS: CAR-OTP-P-0808

(Open Session)

ICC-01/14-01/18

1 and also the coordination, the leadership that was challenged, appeals for peace and  
2 the cessation of hostilities, the tense situation in the government, the international  
3 forces which -- and your demands that were refused at each time. You made a  
4 picture of some very complicated situation and the lack of coordination which  
5 seemed to be blocked from every corner.

6 I would like to hear what you have to say on one particular question. Mr Ngaïssona  
7 remained the general coordinator during this time which was extremely difficult.  
8 Do you understand why he remained, why did not give up and resign?

9 A. [15:21:21] Listen. I was there at that -- at the worst moment. It must have  
10 been a disaster because there was not only the Anti-Balaka, there was also the  
11 population who relied a lot on him. You know, we are in a neighbourhood where  
12 the civil population is particularly persecuted with the Seleka and then later  
13 Anti-Balaka. The few who could raise against that are few.

14 At that moment, if Ngaïssona decided to give up, then it wouldn't have been accepted  
15 by the population. For him, it would have given him a pure reputation as a political  
16 figure, and I don't think it would have been a good thing that he just gave up.  
17 The -- a simple fact is that the population wouldn't have accepted that either. What  
18 we were looking for is to try and placate the civilian population.

19 Q. [15:22:38] So you think he remained there by duty, duty towards his country?

20 A. [15:22:44] \* It's by duty... That is what I want to say. It's by duty that he remained.

21 Q. [15:22:59] My final question: Some individuals who followed your statements  
22 this week think that since you were close to Mr Ngaïssona for a certain period of time  
23 and since you were part of the Anti-Balaka coordination, those individuals could  
24 perhaps think that your testimony this week was done in the aim of protecting  
25 Mr Ngaïssona or to exonerate yourself and him of what happened during that time.

Trial Hearing  
WITNESS: CAR-OTP-P-0808

(Open Session)

ICC-01/14-01/18

1 What would be your answer to those questions vis-à-vis your testimony?

2 A. [15:23:38] I cannot invent things. I cannot invent things. I can only say the  
3 truth. I don't know. Would I have a clear conscience if I told untruths about people  
4 like Ngaïssona? No. I wouldn't be able to live in peace. I don't know what  
5 interests I would have to try - how should I put it? - to tell you lies. If I tell you  
6 things which did not reflect the truth, then they would be lies. And I have taken the  
7 oath to say the truth, the whole truth and nothing but the truth. This is the very core  
8 of Christianity, to speak the truth. Christianity is truth and Christians are in peace  
9 when they speak out the truth. The day when I start lying will not be good.

10 As I've already said many times, I have never accused someone. I've never beaten  
11 someone. So I don't know what people are going to accuse me of. No. I had the  
12 opportunity to talk to you in the sense, as far as I'm concerned, it's truth that I'm after.  
13 Even Mr Ngaïssona, I will tell him the truth, if I have the opportunity.

14 So when I resigned, I -- I said I will always speak out the truth. If it doesn't work out,  
15 it doesn't work out. That's how I worked with Mr Ngaïssona.

16 In any case, if people think like that, you have to understand them. There are always  
17 people of bad faith, and that's how perhaps I can understand what they're saying.  
18 And even, even other people with bad faith, there are other people who will have a  
19 more positive mindset.

20 Q. [15:26:08] I have no further questions. Thank you very much for being so  
21 patient and having answered all my questions in the last couple of days. Thank you  
22 very much.

23 A. [15:26:21] Thank you.

24 PRESIDING JUDGE SCHMITT: [15:26:23] Thank you, Ms Proulx.

25 Ms Dimitri, do you want to start?

Trial Hearing  
WITNESS: CAR-OTP-P-0808

(Open Session)

ICC-01/14-01/18

1 MS DIMITRI: [15:26:26] If you don't mind, Mr President, I'd like to break the ice  
2 rather than postponing that moment. We have half an hour left and the sound is  
3 good --

4 PRESIDING JUDGE SCHMITT: [15:26:34] I don't -- I don't mind at all. So it's good.  
5 So what we have done today, we don't need to do tomorrow. Please start.

6 QUESTIONED BY MS DIMITRI: (Interpretation)

7 Q. [15:27:52] Good day, Mr Ngaya. My name is Mylène Dimitri, one of the  
8 counsel for the Defence of Mr Yekatom.  
9 Firstly, I would like to apologise because I wasn't able to introduce myself in the  
10 courtesy meeting you had with my colleague. I was away from the court. So my  
11 apologies. And I'd like to introduce myself now. I would have liked to do it then,  
12 but I was too far away.

13 A. [15:28:26] Okay. I think I will have an opportunity to look at the new faces,  
14 and that's a good thing.

15 Q. [15:28:46] Exactly.  
16 I'm going to explain how I'm going to operate. I'm not going to repeat what you've  
17 said, but there are certain points where I seek clarification. I'm going to ask you  
18 some questions to get more detail on subjects which you touched upon during your  
19 testimony but on particular points which haven't yet been answered or, for example,  
20 to make a distinction between the facts which you experienced yourself and the facts  
21 which were reported to you but which you didn't verify so that we can correct some  
22 elements that you have in your testimony.

23 A. [15:29:25] I follow what you're saying.

24 Q. [15:29:32] And my final comment before we start. I know that during the  
25 familiarisation meeting, the section of victims and witnesses told you that this could

Trial Hearing  
WITNESS: CAR-OTP-P-0808

(Open Session)

ICC-01/14-01/18

1 be a very arduous task. But let me assure you that's not my role today nor tomorrow.  
2 My questions don't want to attack you. I want to understand your history and just  
3 get some clarification from your part.

4 A. [15:30:04] Okay.

5 Q. [15:30:07] So I'm going to start with my first question, Mr Ngaya. You talk  
6 about the FACA persecution by the Seleka in your testimony. I have a specific  
7 question as far as this is concerned.

8 In your second statement of 2018 -- and since I'm mentioning it for the first time, it is  
9 22 in the English version of the OTP binder, tab 22, 2093-0010. And in the French  
10 version, it is tab 64, 2107-6107.

11 Here you mentioned the abduction of FACA and the appeals on the radio to try and  
12 find them again.

13 Do you remember, or did you hear it being said that Yekatom was also kidnapped  
14 after the arrival of the Seleka in 2013 and that his family made an appeal on the radio  
15 after he was abducted by the Seleka?

16 A. [15:31:34] I don't have that information.

17 Q. [15:31:44] Thank you. In your statement you said, in paragraph 41 this time,  
18 and I'm talking about the first statement which you made in 2016.

19 For the minutes, it's tab 6 in the Prosecution's list, CAR-OTP-2025-0324. And the  
20 French, it's 60 of the Ngaïssona binder, CAR-OTP-2102-0045.

21 In paragraph 41, you said that the Seleka killed and looted in the Christian  
22 neighbourhoods and took their booty to PK5, which was a Muslim neighbourhood?  
23 Did you experience those events? What were the reactions of the civilian Christian  
24 population? I'm not talking about the Anti-Balaka. I'm talking about the civilian  
25 non-Muslim population, given the Seleka's actions who were pillaging the Christians

Trial Hearing  
WITNESS: CAR-OTP-P-0808

(Open Session)

ICC-01/14-01/18

1 and taking all the booty to PK5?

2 A. [15:33:12] The civil population who were not Muslims were scared. It was fear.

3 I'm going to tell you a story. At a certain point, the Seleka arrived in the Boy-Rabe

4 market. And behind the market, there is a young pastor who lives there with his

5 family. The Seleka arrived. They made the pastor who -- they made him leave

6 because he introduced himself as pastor. And they asked him for his moto, his

7 motorbike. And they asked him to put his bike in their car, and he had to put his

8 bike into their vehicle. And after that, they beat him up.

9 So you see, that's what happened. That's how the population was terrorised. It

10 was fear.

11 Q. [15:34:17] Thank you for your answer, Mr Ngaya.

12 I will have an audio played, the entire audio. And after that, I will have a few

13 questions on that audio. Are we agreed?

14 A. [15:34:33] Yes.

15 Q. [15:34:35] It is tab 1 of our list, CAR-OTP-2042-3693. And the transcript is at

16 tab 2, CAR-D29-0006-0609.

17 Mr Ngaya, just before we listen to that, this is an interview that you gave on 26

18 March 2014. And it is 1:22. We will listen to that.

19 And for the court officer, all the materials that I will present today and tomorrow are

20 public.

21 (Viewing of the video excerpt)

22 THE INTERPRETER: [15:35:31] (Interpretation of the video excerpt)

23 "Today, when there are talks committing acts of violence in the town, people tend to

24 systematically blame the Anti-Balaka, and yet the Anti-Balaka have worked a lot to

25 return calm. We may recall that a certain Larma Soum ... who had 300 men under

Trial Hearing  
WITNESS: CAR-OTP-P-0808

(Open Session)

ICC-01/14-01/18

1 him, was committing crimes, and it was the Anti-Balaka who captured him and  
2 handed him to the gendarmerie.

3 Every day, the Anti-Balaka leaders hunt down these criminals and put them at the  
4 disposal of the gendarmerie or the OCRB. This is work that is being done, but  
5 no one is taking notice. Unfortunately, these last few days, the Burundian  
6 contingent is attacking Anti-Balaka positions because the MISCA command thinks  
7 that the war should be waged against the Anti-Balaka.

8 Today on -- at PK5 -- PK5 is not accessible because Muslims are heavily armed there,  
9 and they are killing, and nobody is doing anything about it.

10 Young people, young girls, have been abducted and killed; four young girls from *lycée*  
11 Caron were abducted and killed. A FACA element was killed at PK5. But no one  
12 has talked about it. The town of Boda had been set on fire. And at least 12 people  
13 were killed by the Muslims who are armed in the town. And that does not pose a  
14 problem to anyone. But each time that a Muslim falls, it is at that time that there is a  
15 problem.

16 We seized the opportunity to impress it upon the CEMAC, certain realities to enable  
17 the voice of the Anti-Balaka to be heard, because the Anti-Balaka want peace."

18 (Overlapping speakers)

19 PRESIDING JUDGE SCHMITT: (Overlapping speakers) Is there more?

20 MS DIMITRI: [15:37:30](Overlapping speakers) Mr President, my colleague is  
21 listening to the English interpretation, and I'm awaiting for his green light.

22 PRESIDING JUDGE SCHMITT: [15:37:32] Okay. I listened to the original. It was  
23 my fault.

24 MS DIMITRI: [15:37:37] (Interpretation)

25 Q. [15:37:38] I'm sorry, Mr Ngaya, because of the delay. I wanted the English

Trial Hearing  
WITNESS: CAR-OTP-P-0808

(Open Session)

ICC-01/14-01/18

1 interpretation and Sango interpretation to be complete.

2 Now, do you remember this audio, before I ask you a few questions?

3 Did you hear me, Mr Ngaya? I was asking whether you remember this audio.

4 A. [15:38:10] Yes, I remember it very well. I hope that you were in the room  
5 during my testimony. You saw these were the same things that I was saying. It  
6 remained in my memory, in my conscience, in my mind. I have never diverted or  
7 digressed from what I have always said.

8 Q. [15:38:36] I would like to reassure you that I was here during your testimony.  
9 Now, during your testimony, you frequently talked about the fact that there were  
10 many opportunists and thieves who took advantage of the situation to accuse the  
11 Anti-Balaka, and you produced press communiqués to denounce that. Is that -- is  
12 this part of it?

13 A. [15:39:11] Yes, that is correct, Counsel.

14 Q. [15:39:15] In this audio, you are saying that PK5 is not accessible because the  
15 Muslims in PK5 are heavily armed and that they are killing people.

16 Now, to be more specific, are you referring only to the Seleka combatants or -- or to  
17 Muslim civilians who armed themselves and committed crimes against non-Muslims?

18 A. [15:39:53] Unfortunately, the Muslim concept is what is known as  
19 *communautarisme*, and this is a concept that describes how the Muslims function.  
20 And sometimes that can create problems or undermine the principles of the republic.  
21 So the Muslims never denounced their Muslim brothers, irrespective of the crimes  
22 that they have committed. And that raises problems.

23 And that was the case of Kilometre 5. It is not my coincidence that all the looted  
24 property and all the looted materials were taken -- taken to PK5. So, at that time, it  
25 was impossible to know whether it was a Seleka element or a Muslim citizen. So it

Trial Hearing  
WITNESS: CAR-OTP-P-0808

(Open Session)

ICC-01/14-01/18

1 was impossible to go to the PK5. It was only long afterwards that finally people  
2 started going to PK5.

3 I remember that, at one point, I led a delegation during the period of reconciliation. I  
4 was director of cabinet in the ministry of tourism, and the minister of tourism was  
5 invited by the Muslims because the Muslims had to receive a delegation from an Arab  
6 country. And on that occasion, they intended to introduce the delegation to the  
7 minister of arts, culture and tourism. The minister designated me to go there. So  
8 this was the very heart of the location where people were killing, killing a lot. And  
9 we had to go there. I took my courage in both hands, and I led the delegation there.  
10 We had a meal together with these people. But this was an exploit at that time that I  
11 was able to travel there, especially since the Seleka knew me.

12 And when I arrived, I saw Seleka leaders there, and we had a good meeting. But at  
13 that time, there had already been progress in reconciliation. That is how it happened.  
14 But I can tell you that, at that time, no one could dare to go to PK5. There was a lot  
15 of confusion and, unfortunately, that reinforced the rift between the Muslims and the  
16 Christians. But not all Central Africans are Christians or Muslims. Whereas, there  
17 were these diverse communities who had been living in harmony, perfect harmony,  
18 since independence, but that is what led to the crisis.

19 Q. [15:43:02] And to conclude on this matter, if I understand you correctly, that  
20 confusion that you are testifying about, that is, there were Muslims and then there  
21 were Seleka who were heavily armed in PK5?

22 A. [15:43:23] That is correct. That is correct. And there is maybe another element  
23 that can corroborate that thesis. On the day that they started the looting, there was a  
24 mosque in Boy-Rabe. And the Muslim prayer day is on Friday. On the day that  
25 they started looting the Boy-Rabe inhabitants, the Muslims went to the mosque in

Trial Hearing  
WITNESS: CAR-OTP-P-0808

(Open Session)

ICC-01/14-01/18

1 order to circulate messages to appeal to the messages -- appeal to the population so  
2 that they should understand that the Muslims were dominating at that time. So they  
3 were mocking the population. And it was this type of attitude which in the long  
4 term created confusion between Muslims and non-Muslims.

5 Q. [15:44:24] And in terms of time, Mr Ngaya, is it correct that this situation that  
6 you are describing, that is, the strong presence of Seleka in civilian and  
7 armed -- armed civilians in PK5, it started in March 2005? But in November 2013,  
8 there was a strong presence of Seleka in PK5 and a strong presence of armed Muslims  
9 at that location?

10 A. [15:44:58] Yes.

11 Q. [15:44:59] In the audio clip that we have just listened to, I would like to talk  
12 about another point, Boda.

13 I know that when my colleague asked you questions on Boda, you said you had  
14 difficulty remembering the events. I hope that the audio that you have listened to  
15 refreshes your memory because it is contemporaneous with the events.

16 You said in that audio that the town of Boda was set on fire; that there were at least 12  
17 people who were killed by Muslims who had taken up weapons in that town.

18 Now, are you once again referring to Muslim civilians who armed themselves in Boda  
19 to commit crimes against this non-Muslim civilian population of Boda?

20 A. [15:46:09] This was the generalised practice. In Boda, like in PK5, Muslim  
21 civilians were armed. And they took a liking to arming themselves and handling  
22 weapons. So these were civilians, not only the Seleka. And as I said, that is what  
23 led to the confusion.

24 Q. [15:46:38] Thank you, Mr Ngaya, for your answer.

25 And when you say that the town of Boda was set on fire, am I supposed to

Trial Hearing  
WITNESS: CAR-OTP-P-0808

(Open Session)

ICC-01/14-01/18

1 understand that it was burnt down by the Muslim civilians in Boda? That is a part  
2 of the town belonging to non-Muslims was set on fire by Boda Muslims?

3 A. [15:47:08] I did not experience the events, so it is information that was reported  
4 to us. So I cannot tell you whether there was -- these were Muslim civilians or Seleka  
5 elements. There was confusion at that time.

6 Q. [15:47:30] Thank you, Mr Ngaya.

7 And last question on Boda. Yesterday, in answer to your question from my  
8 colleague, you said that in Boda, there was -- there were skirmishes between the  
9 Muslim civilians and the inhabitants of Boda.

10 Are you referring there to armed Muslims?

11 A. [15:47:57] Yes, I believe so. These were armed Muslims, but you should also  
12 know that Seleka elements were also in Boda.

13 Q. [15:48:06] Thank you.

14 In your statement, you said, among other things -- and this is paragraph 109 of your  
15 first statement of 2016. And you stated, amongst other things, that the civilian  
16 population - and I'm emphasising that word "civilian population" - allegedly  
17 committed genocide against the population -- would have committed genocide  
18 against the population of PK5 if the Sangaris force was not present.

19 So I would like you to elaborate on this conduct of the civilian population. I'm not  
20 talking about the Anti-Balaka. I'm talking about the civilian population which was  
21 angry and, if uncontrolled, could have committed genocide.

22 A. [15:49:20] At that time, there was that desire for vengeance amongst the civilian  
23 population. So the confusion was such that the Muslims had become the targets of  
24 the population. Unfortunately, from time to time, the Sangaris forces intervened and  
25 created a buffer.

Trial Hearing  
WITNESS: CAR-OTP-P-0808

(Open Session)

ICC-01/14-01/18

1 Maybe you have an idea of the configuration of the town of Bangui. If you go there  
2 now, there were neighbourhoods that were inhabited by Muslims. And all the  
3 houses were destroyed. You have Miskine, Moustapha towards PK5.  
4 If you go towards where the Muslims used to live at that time, you will see today that  
5 the Muslims -- the houses that the Muslims inhabited were destroyed. So it was not  
6 the Anti-Balaka that destroyed these houses. And they thought, the civilians, the  
7 population thought that these Muslims were hosting the Seleka and supporting the  
8 Seleka. So that is what led to the confusion also.

9 Q. [15:50:41] Thank you, Mr Ngaya.

10 And more specifically, would you agree with me that the civilian population reacted  
11 strongly against the Muslims of PK5 because of what you explained earlier? And the  
12 more time passed, the more the Seleka looted and the loot was brought to PK5.  
13 People became angry, and the population became even angrier against what was  
14 happening at PK5?

15 A. [15:51:26] Yes, that is exactly correct. If you allow me ...

16 Q. [15:51:32] Please proceed.

17 A. [15:51:34] You know, at one point, all Chadian nationals had to return to their  
18 country. So those Chadian nationals had to return home. They would leave PK5  
19 and take the road to the northern exit of Bangui. And you will see that sometimes  
20 vehicles were passing there. All the property, the materials that were looted from  
21 non-Muslims were taken to PK5. And on the day that they had to leave, it was  
22 possible to see this property being driven away. You had vehicles, pickups, lots of  
23 things that they had pillaged. They were using that road to go out. Fortunately,  
24 there were international forces protecting this convoy who were going to Chad.

25 Q. [15:52:47] You anticipated my next question, Mr Ngaya. That is, the convoys

Trial Hearing  
WITNESS: CAR-OTP-P-0808

(Open Session)

ICC-01/14-01/18

1 that went to Chad.

2 According to what you observed and given that you worked in the ministry of youth  
3 during part of the transition, now, this reaction of the civilian population against the  
4 Muslims of PK5 and other Muslims, now, this uncontrolled anger amongst the  
5 civilian population against the Muslims was the consequence that the Muslim  
6 population of PK5 requested or appealed for the support of the transitional  
7 government to be evacuated out of PK5.

8 A. [15:53:35] Yes, that is correct. There was the conduct of the Muslims and also  
9 the conduct of the Chadian contingent. And this created all those circumstances to  
10 the point where the solution was that the Chadians should go back to their country.

11 And convoys were organised for them to leave through the north exit of Bangui.

12 And Muslims were not only Chadians. You had Senegalese, Burkinabe who  
13 remained. Even up to today, if you go to the central market of Bangui, the  
14 Senegalese Muslims and Malian Muslims were there in Bangui, but they were not  
15 bothered. It was specifically the Muslims from Chad and Sudan who caused  
16 problems. So it was not really religion that was the core of the conflict, that was the  
17 problem. It was not all the Muslim communities. So to this date, if you go to the  
18 central market in Bangui, you will see those Malian and Senegalese Muslims who are  
19 still there who stayed at the artisanal centre. They stayed and they are still there  
20 today.

21 Q. [15:55:14] Now let me change neighbourhoods and talk about Boeing.

22 In your first statement of 2016 and in your testimony, you stated that you created a  
23 national coordination committee for peace and security so as to denounce the crimes  
24 perpetrated by the Seleka.

25 I understood that several representatives of the civil society of various

Trial Hearing  
WITNESS: CAR-OTP-P-0808

(Open Session)

ICC-01/14-01/18

1 neighbourhoods, including Boy-Rabe, Combattant and Boeing, were members of that  
2 committee. My question is specific to Boeing. Can you tell me which crimes were  
3 denounced by the members of the civil society in the Boeing neighbourhood. That is  
4 the crimes that the Seleka committed or the armed Muslims committed against the  
5 population.

6 A. [15:56:14] It was the same thing everywhere, mass killings without any reasons  
7 at all. For example, the south exit of Bangui towards Mbaïki, at one point, there  
8 were people coming back from a trip in vehicles. They were stopped, killed and  
9 thrown into a river simply because they were wearing T-shirts with the effigy of  
10 Bozizé. So this is what was happening throughout the town of Bangui. And even  
11 throughout the national territory, it was the same conduct.

12 Q. [15:57:01] Just to be specific, the incident you are referring to, the bus was  
13 stopped at the checkpoint of PK9 and the civilians wearing Bozizé T-shirts were  
14 massacred; is that correct?

15 A. [15:57:23] Yes, that is correct.

16 Q. [15:57:28] Once again, I will change subjects.

17 During you -- during your testimony, you talked about weapons containers and  
18 military materials pillaged by the Seleka, both in Bangui and in the provinces.

19 Do you agree with me that in the course of the year 2013, Seleka distributed weapons  
20 to Muslim civilians?

21 A. [15:57:56] Yes, without any doubt, because all the weapons that they took over  
22 after Bozizé, they distributed them. And this explains the fact that it was possible for  
23 Muslim civilians to be armed.

24 Q. [15:58:16] Once again, I will change subjects. As I told you at the beginning, I  
25 am revisiting certain topics just for purposes of clarification.

Trial Hearing  
WITNESS: CAR-OTP-P-0808

(Open Session)

ICC-01/14-01/18

1 Now, in paragraph 46 of your statement of 2016, you stated that between 20 and 25  
2 August 2016 -- or of 2013, the Muslims attacked Boy-Rabe. And you asked to speak  
3 about that to Prime Minister Tiangaye. That is paragraph 46.

4 Now, we have a statement of Prime Minister Tiangaye dated 23 August 2013. And it  
5 is CAR-OTP-2100-1796. And I will draw your attention to page 1797. I will wait for  
6 the document to be displayed so that you can read along with me, Mr Ngaya.

7 Now, can you see the document on the screen?

8 A. [16:00:06] Yes.

9 Q. [16:00:06] Here, Mr Tiangaye is stating that at Boy-Rabe, at Gobongo and in the  
10 Boy-Rabe neighbourhood, men, women, and children were brutally grabbed from the  
11 affection of their relatives or parents.

12 Now, the events that you are talking about in your testimony relating to the Seleka  
13 who attacked Boy-Rabe in August 2013, that is the incidents that you discussed with  
14 Prime Minister Tiangaye, do you agree with me that the Seleka equally attacked the  
15 Boeing neighbourhood? So that was Boy-Rabe and Boeing in 2013?

16 A. [16:00:55] Yes. It was generalised. They spent 10 days in Boy-Rabe pillaging  
17 and killing. And this explains why we constituted a delegation to go and meet with  
18 Prime Minister Tiangaye. But, unfortunately, he was overwhelmed by the events.  
19 But it was generalised. Boy-Rabe, Gobongo, and others. And since we were in  
20 Boy-Rabe, we really felt the serious effects of those actions.

21 Q. [16:01:37] Thank you.

22 The documents can be taken away from the screen.

23 Now, would it be equally correct to say that during that period,  
24 August/September 2013, because of the acts of violence, the Christian population, the  
25 non-Muslim population, and the civilian population developed strong feelings

Trial Hearing  
WITNESS: CAR-OTP-P-0808

(Open Session)

ICC-01/14-01/18

1 against the Muslim population of Boeing in the aftermath of the events of  
2 August 2013?

3 You felt it particularly in Boy-Rabe because you were there. But you also know that  
4 Boeing was affected.

5 Now, based on the meetings that you had with the national coordination committee  
6 for peace and security, or in light of your discussions with Prime Minister Tiangaye  
7 or -- and with your other colleagues, would it be correct to say that the non-Muslim  
8 population developed strong feelings against the Boeing Muslim population?

9 A. [16:02:56] That explains the feeling of vengeance against the Muslims. My  
10 deputy in the coordination committee was living in Boeing, and he was the one who  
11 provided us with information about Boeing. So the situation was generalised. That  
12 is what you should note.

13 Q. [16:03:14] Do you remember the name of your deputy, Mr Ngaya?

14 A. [16:03:18] Touaboy Brice, if I'm not mistaken.

15 Q. [16:03:26] And is it correct, based on the conversations with your deputy and  
16 during the meetings of the committee, is it correct that the Muslim population of  
17 Boeing did not oppose or denounce the acts of violence of the Seleka in the Boeing  
18 neighbourhood?

19 A. [16:03:58] That \*is precisely the problem of the Muslims. As I said before, \*a  
20 short while ago when I referred to "communitarianism", they do not denounce the  
21 criminals amongst themselves. And that was the case in Boeing. \*You know, it was  
22 in the Boeing neighbourhood that the Muslim cemetery was located. And at one  
23 point, the inhabitants of Boeing prevented Muslims to -- from going to bury their  
24 dead there, \*and so the Muslims had difficulties at that time. And this was simply  
25 because of that conduct of the Muslims.

Trial Hearing  
WITNESS: CAR-OTP-P-0808

(Open Session)

ICC-01/14-01/18

1 PRESIDING JUDGE SCHMITT: [16:04:35] Ms Dimitri, you are in full flow, but it's  
2 now a little bit past 4 o'clock. I think we can stop here.

3 MS DIMITRI: [16:04:44] Yes.

4 PRESIDING JUDGE SCHMITT: [16:04:45] And thank you, everyone.

5 And especially thank you, Mr Ngaya, for answering so patiently so many questions,  
6 but you are still not finished with your testimony.

7 We meet again, all of us, tomorrow at 9:30.

8 THE COURT USHER: [16:05:03] All rise.

9 (The hearing ends in open session at 4.05 p.m.)

10 CORRECTIONS REPORT

11 The following corrections, marked with an asterisk and not included in the  
12 audio-visual recording of the hearing, are brought into the transcript.

13 Page 7 line 23

14 "when they came to Mr Ngaïssona, they could come to us." Is corrected to "if they  
15 wanted to come to Mr Ngaïssona's, then they could come to us."

16 Page 8 lines 7-10

17 "There were some militaries around Bangui. The military police worked around the  
18 town of Bangui above all. And there was the possibility to do something, the  
19 possibility of putting something to stop these troublesome Anti-Balaka." Is corrected  
20 to "Our military police worked around the town of Bangui above all. And what you  
21 need to know is that the military police only had the possibility of catching petty  
22 Anti-Balaka, meaning those you can catch easily. But for the other powerful  
23 ComZones, what could you do?"

24 Page 8 lines 15-18

25 "THE WITNESS: [09:47:15] So honestly, I don't know how Mr Ngaïssona should

Trial Hearing  
WITNESS: CAR-OTP-P-0808

(Open Session)

ICC-01/14-01/18

1 have proceeded because, to see him, you had to go to his father's house. So, the  
2 movements were really limited. And I already told you yesterday that we learned that  
3 there were MISCA planes could take Seleka leaders to the back country." Is translated  
4 and added.

5 Page 11 line 20

6 "the end of January 2014" Is corrected to "January/February 2014"

7 Page 14 line 10

8 "was this request included in press release number 6? Did..." Is corrected to "this  
9 request which was included in press release number 6, did..."

10 Page 15 line 3

11 "20" Is corrected to "28"

12 Page 19 lines 17-21

13 "there were even actions undertaken that show his commitment where there were  
14 goods that were looted. There \*were even attempts to billet the Anti-Balaka in his  
15 warehouse. I think there was one or two days when he tried to do something to stop  
16 the Anti-Balaka." Is corrected to

17 "there were even actions undertaken. You see, at his warehouse, where there were  
18 goods and which were looted, there had even been attempts to billet the Anti-Balaka  
19 in his warehouse where there was some space. I think there was one or two days  
20 when he tried to do something for feeding the Anti-Balaka."

21 Page 21 lines 9-14

22 "Mr Alfred Legrand Ngaya denounced the attitude of Mr Jean Michel Mokoko who  
23 was a representative of the African Union who said that the war of the  
24 Anti-Balaka was not helping with the disarmament between the militia in Central  
25 Africans." Is corrected to "Mr Alfred Legrand Ngaya denounced the attitude of

Trial Hearing  
WITNESS: CAR-OTP-P-0808

(Open Session)

ICC-01/14-01/18

1 General Jean Michel Mokoko, the special representative of the African Union who  
2 declared war against the Anti-Balaka, thereby exceeding the mandate given by the  
3 UN to the MISCA troops, which requires among other things the disarmament of the  
4 armed militia in the Central African Republic."

5 Page 21 lines 14-16

6 "I think we are always prepared for discussions with MISCA and the Sangaris based  
7 on recommendations and," Is corrected to "I think we are still in dialogue with  
8 MISCA and the Sangaris. Their mandate is based on the recommendations and,"

9 Page 21 lines 21-24

10 "Our discussions is not being carried out in one single level. Given that we need to  
11 talk to the authorities, so I think we'll have to see how things unfold." Is corrected to

12 "Our discussions is not being carried out only at one single level. We are also  
13 discussing with the government and, if you look at the latest declaration from the  
14 new authorities, I think things will change for the better."

15 Page 22 lines 15-23

16 "or a letter to the president who is responsible, has an enormous responsibility for the  
17 country, she needs all the help she can have in order to do something to help things  
18 along. So this -- she needs all the tools available to her to try and do something so that  
19 the Anti-Balaka and the Muslims don't attack each other. It's not necessarily the  
20 Anti-Balaka who are doing that. It's perhaps the population. So as far as this is  
21 concerned, we can't really answer what is going on as far as this is concerned.""

22 Is corrected to

23 "or an open letter to the president who is high ranking official, has an enormous  
24 responsibility for the country... she certainly has competent services that will, I hope,  
25 appreciate the thing well, and sort it out. The President is not just any ordinary

Trial Hearing  
WITNESS: CAR-OTP-P-0808

(Open Session)

ICC-01/14-01/18

1 person. So she has all the tools available to her to understand that it's not necessarily  
2 the Anti-Balaka who are attacking Muslims. It's perhaps the population. So you know  
3 that homes were destroyed and this was not necessarily done by the anti Balaka.  
4 Quite often it was by the population. So as far as this is concerned, because I don't  
5 have the content of the letter, we can't really answer what is going on as far as this is  
6 concerned.""

7 Page 24 lines 3-6

8 "But according to you, is there a difference between -- is there a difference between  
9 your relationship between the international forces and the transitional government?  
10 For example, with MISCA, did they take you more seriously after a certain point in  
11 time?" Is corrected to "But according to you, did that press briefing make a difference  
12 for your relationship with the international forces and the transitional government?  
13 For example, the transition and the MISCA, did they take you more seriously after  
14 this press briefing?"

15 Page 25 lines 2-8

16 "Yes. That was the message that we wanted to pass on to the ComZones of the  
17 Anti-Balaka. We passed on this message, saying that it must be adopted in a general  
18 way. That's what is a press communiqué. We also passed this on to the radio, to the  
19 embassies, showing that we wanted to return to normality. That was the behind. A  
20 communiqué -- a press communiqué is just an opinion. But the message was that the  
21 ComZone and the Anti-Balaka wanted to cease hostilities, and we wanted to make  
22 quite sure that this was respected." Is corrected to "Yes. That was the message that  
23 we were passing on to the ComZones of the Anti-Balaka. First, we passed on this  
24 message, and for this reason we wanted it to be understood in a general way. The  
25 reason of this press communiqué is to pass this on to embassies, radio stations, for

Trial Hearing  
WITNESS: CAR-OTP-P-0808

(Open Session)

ICC-01/14-01/18

1 everyone to understand and in order to show that we wanted to return to normality.  
2 That was the behind. A press communiqué is mainly for the public opinion. So, the  
3 message was passed on to the Anti-Balaka ComZones, now the public should be  
4 aware of the direction to follow."

5 Page 26 lines 4-6

6 "We are going to proclaim the name of the new general coordinator who will be -- go  
7 before the national assembly and call all the elements of the Anti-Balaka so that we  
8 can -- we can start this new process." Is corrected to "We are instead going to  
9 proclaim the name of the new general coordinator who will be required to gather all  
10 Anti-Balaka from Bangui and the provinces so that we can carry out our  
11 long-standing fight successfully."

12 Page 26 line 12

13 "nominated" Is corrected to "presented"

14 Page 27 line 2

15 "That was also what I thought." Is corrected to "It was during these positioning  
16 wars."

17 Page 29 lines 3-4

18 "Q. [11:34:09] Do you have a specific example of what --

19 THE INTERPRETER: [11:34:13] Overlapping speakers. Sorry, Mr President.

20 We -- there were overlapping speakers." Is corrected to " Q. [11:34:09] Do you have a  
21 specific example of what Mr Demafouth attempted?

22 A. [11:34:13] I don't have anything specific, but it was mainly rumours."

23 Page 30 lines 9-10

24 "You see, Mr Bara, if I remember well, was minister for reconciliation at the time." Is  
25 corrected to "You see, it was Mr Bara and the minister for reconciliation at the time, if

Trial Hearing  
WITNESS: CAR-OTP-P-0808

(Open Session)

ICC-01/14-01/18

1 I remember well."

2 Page 31 lines 24-25 to Page 32 line 2

3 "The international community, the Sangaris and the MISCA, on their part, recognised  
4 the need for dialogue and peace between the ex-Seleka and the Anti-Balaka as efforts  
5 to move the country forward towards reconciliation." Is corrected to

6 "The officials of the international forces, namely EOFOR, Sangaris and MISCA, on  
7 their part, agreed to help on the condition that there would be a resumption of real  
8 dialogue between the ex-Seleka and the Anti-Balaka and a real commitment for peace  
9 by the two parties."

10 Page 36 line 17

11 "working on behalf of" Is corrected to "substituting themselves"

12 Page 38 lines 22-23

13 "the expert leader of the United Nations reacted to that." Is corrected to "the  
14 coordinator of the groups of experts of the United Nations reacted to our messages."

15 Page 38 line 25

16 "2424" Is corrected to "2084"

17 Page 39 lines 6-7

18 "It was a way to allow the Muslim community that we were in the mindset of  
19 reconciliation, that we wanted to -- we understood Ramadan." Is corrected to "It was  
20 for us a way to make the Muslim community understand that we were in the mindset  
21 of reconciliation, since they were beginning Ramadan."

22 Page 39 lines 12-16

23 "I said that Ngaïssona was there and he was interested in having reconciliations.

24 And sometimes they came to the compound of Mr Ngaïssona, and he was in contact  
25 with families of the Muslims and tried to create the situation so that the people of

Trial Hearing  
WITNESS: CAR-OTP-P-0808

(Open Session)

ICC-01/14-01/18

1 Kilometre 5 would be safe." Is corrected to "I said that Ngaïssona had relations  
2 within the Muslim world. And I also told you that sometimes, Muslim individuals  
3 would be caught by Anti-Balaka and brought to the compound of Mr Ngaïssona's  
4 father. He would call or try to get in contact with the families of the Muslims  
5 individuals and to create conditions so that these people could return to KM5."

6 Page 40 lines 10-16

7 "that the international forces, the Sangaris, what could they do or what did they  
8 really want? Because there was a continuation of the crisis. Where did they want to  
9 end? Because in the end, they didn't understand anything. We took up contact with  
10 the Seleka, but during that time, instead act in the same way, they created conditions  
11 so that we could continue to create instability." Is corrected to

12 "we were wondering: what did the Sangaris international forces really want? Did  
13 they want us to perpetuate the crisis or did they want it to end? In the end, we  
14 couldn't understand anything anymore. Whereas we were working towards peace.  
15 We took up contact with the Seleka and there were informal meetings. But during  
16 that time, instead of acting in the same way, the international forces created  
17 conditions so that we wouldn't make any progress."

18 Page 41 lines 16-18

19 "who sent an envoy to CAR and they talked to all the entities, initially, and they  
20 spoke to the armed groups, to the political entities." Is corrected to "which had sent  
21 an delegation to CAR and first talked with us, they talked to all the entities, they  
22 spoke to the armed groups, to the political entities."

23 Page 42 line 22

24 "vehicles" Is corrected to "people"

25 Page 44 lines 20-21

Trial Hearing  
WITNESS: CAR-OTP-P-0808

(Open Session)

ICC-01/14-01/18

1 "for the elections in 2007" Is corrected to "for the parliamentary elections for the first  
2 time in 2005"

3 Page 48 lines 2-4

4 "and whenever there was need to collect money for the Anti-Balaka, it was Ngaïssona  
5 who gave instructions for Mokom to go fetch the money." Is corrected to "and when  
6 it was time to collect money for the Anti-Balaka participants, it was Ngaïssona who  
7 gave instructions for Mokom to go fetch the money."

8 Page 49 line 2

9 "70" Is corrected to "67"

10 Page 49 line 18

11 "had" Is deleted

12 Page 49 line 21

13 "had a structured organization. How" Is translated and added

14 Page 54 line 5

15 "contribution" Is corrected to "restitution"

16 Page 54 lines 18-20

17 "You see, there is a time for war, and there's a time for peace. At the beginning, I  
18 initially was able to capture Mr Ali Baba CBH and so we talked on the phone." Is  
19 corrected to "Patrice Edouard Ngaïssona: You see, there is a time for war, and there's  
20 a time for peace. At the beginning, when I was able to get hold of Mr Ali Baba's CBH,  
21 we talked on the phone."

22 Page 65 lines 8-11

23 "When Bozizé left, these people were behind the Bazoubangui Hill. These people then  
24 rose, emerged. And after the N'Djamena summit, they went behind the hill to  
25 meet -- see these people." Is corrected to "When Bozizé left the Anti Balaka were

Trial Hearing  
WITNESS: CAR-OTP-P-0808

(Open Session)

ICC-01/14-01/18

1 behind the Bazoubangui Hill to prepare the attack on Bangui, and it's at this moment  
2 that Bara rose, emerged. And that is because the N'Djamena summit had been  
3 announced that he went behind the hill to meet them."

4 Page 66 line 23 to Page 67 line 1

5 "the security portfolio. The presidents negotiated and had three ministries for them  
6 and three or four orders in the various ministry. And the advisors of the  
7 prime minister represented various wings or tendencies."" Is corrected to  
8 "five ministries. The president negotiated with them and obtained three ministries for  
9 them, and three or four others represented in the cabinets. And the advisors of the  
10 prime minister represent these various wings or tendencies.""

11 Page 68 line 2

12 "to the bottom of page 9032 (sic)" Is corrected to "to the very bottom of page 9082"

13 Page 68 line 8

14 "4083" Is corrected to "9083"

15 Page 68 lines 10-14

16 "No Anti-Balaka will be considered as patriot by the government if they behave in  
17 such a way. Unfortunately, the Central African Diaspora accuses the prime minister  
18 of being pro-Chad because her positions and decisions and interventions always  
19 reflect the considerations that have been granted to Chad."" Is corrected to "No  
20 Anti-Balaka is considered as patriot by the government. Unfortunately, the Diaspora  
21 and Central Africans in the country accuse the prime minister of being pro-Chad  
22 because his positions and decisions and interventions always reflect the  
23 considerations that he had for Chad."

24 Page 69 lines 13-16

25 "The inhabitants of Galabadja and Combattant - these are close to the airport of

Trial Hearing  
WITNESS: CAR-OTP-P-0808

(Open Session)

ICC-01/14-01/18

1 M'Poko - they had a protest. They had a peaceful march. But this was close to the  
2 bases. And the -- they -- the -- the contingent then shot on the crowd."

3 Is corrected to "The inhabitants of Galabadja and Combattant - these neighbourhoods  
4 are close to the airport of M'Poko - they had a protest but I no longer remember what  
5 it was about. They had a peaceful march. But the march was to end close to the  
6 Sangaris base. And the Chadien contingent then shot on the crowd point blank."

7 Page 69 lines 21-22

8 "And it was in this way that the president tried to appease the population of the  
9 South Sudan." Is corrected to "And we were told that it was in this way that the  
10 president Idriss Deby tried to destroy the Christian population of the South Chad."

11 Page 70 line 1

12 "on what you've said," Is corrected to "on a summary of what you've said,"

13 Page 70 line 3

14 "lasted until the transition?" Is corrected to "and those from elsewhere lasted beyond  
15 the transition?"

16 Page 70 lines 6-7

17 "Until the transition. Until the transition. It is with the events when there was a  
18 change that things began to become normal." Is corrected to "Beyond the transition.  
19 Beyond the transition. It is with the advent of M. Touadera to power that things  
20 started to go back to normal."

21 Page 71 lines 13-21

22 "It was -- it suffices that you -- as I felt it - and that's how I remember - all the  
23 demands of the resignation of Samba-Panza. The information was circulating. It  
24 was the end. The Anti-Balaka were exasperated by everything that was happening.  
25 Everything they tried to do didn't have any effect. And, unfortunately, and despite

Trial Hearing  
WITNESS: CAR-OTP-P-0808

(Open Session)

ICC-01/14-01/18

1 all our good will, the military police, who were carrying out a good work, at the very  
2 moment -- how should I put it? At that moment, they didn't want that we could  
3 enter into the circle." Is corrected to  
4 "It sufficed that it was put in people's head that I had received money and that it was  
5 why I withdrew my demand regarding Samba-Panza's resignation. The information  
6 was circulating. It was the end. People, the Anti-Balaka, went after me. This is simply  
7 because they were exasperated by everything that was happening. Everything they  
8 tried to do didn't have any effect. And, unfortunately, and despite all our good will,  
9 the agents of our military police, who were carrying out a good work, were being  
10 arrested. at the very moment -- how should I put it? At the same time, they didn't  
11 want that we could enter in the transitional government."

12 Page 72 lines 19-20

13 "I'd rather speak of Anti-Balaka elements. The Anti-Balaka ComZones couldn't  
14 control them. They couldn't control them." Is corrected to "I'm rather speaking of  
15 Anti-Balaka elements, the chiefs, the ComZones that we couldn't control."

16 Page 73 line 20

17 "It's not a duty. He had to just do it. It was his duty to remain." Is corrected to

18 "It's by duty ... That is what I want to say. It's by duty that he remained."

19 The following correction, marked with an asterisk and included in the audio-visual  
20 recording of the hearing, is brought into the transcript.

21 Page 18 lines 3 - 4

22 "Francis Kor Soriano (phon)" Is corrected to "Francisco Soriano"

23 SECOND CORRECTIONS REPORT

24 CORRECTIONS REPORT

25 The following corrections, marked with an asterisk and not included in the

Trial Hearing  
WITNESS: CAR-OTP-P-0808

(Open Session)

ICC-01/14-01/18

- 1 audio-visual recording of the hearing, are brought into the transcript.
- 2 Page 13 line 1:"CAR-OTP-2085-0148"
- 3 is corrected to
- 4 "CAR-OTP-2084-0148"