

Trial Hearing
WITNESS: CAR-OTP-P-0876

(Open Session)

ICC-01/14-01/18

- 1 International Criminal Court
- 2 Trial Chamber V
- 3 Situation: Central African Republic II
- 4 In the case of The Prosecutor v. Alfred Rombhot Yekatom and Patrice-Edouard
- 5 Ngaïssona - ICC-01/14-01/18
- 6 Presiding Judge Bertram Schmitt, Judge Péter Kovács and
- 7 Judge Chang-ho Chung
- 8 Trial Hearing - Courtroom 1
- 9 Friday, 10 December 2021
- 10 (The hearing starts in open session at 9.31 a.m.)
- 11 THE COURT USHER: [9:31:13] All rise.
- 12 The International Criminal Court is now in session.
- 13 Please be seated.
- 14 PRESIDING JUDGE SCHMITT: [9:31:42] Good morning, everyone.
- 15 Court officer, please call the case.
- 16 THE COURT OFFICER: [9:31:48] Good morning, Mr President, your Honours.
- 17 Situation in the Central African Republic II, in the case of The Prosecutor versus
- 18 Alfred Yekatom and Patrice-Edouard Ngaïssona, case reference ICC-01/14-01/18.
- 19 And for the record, we are in open session.
- 20 PRESIDING JUDGE SCHMITT: [9:32:03] Thank you.
- 21 The appearances of the parties. Mr Leddy for the Prosecution first.
- 22 MR LEDDY: [9:32:08] Good morning, Mr President, your Honours. Today
- 23 the Office of the Prosecutor is represented by Kweku Vanderpuye, myself
- 24 Nicholas Leddy, Pierre Belbenoit-Avich, and Yassin Mostfa.
- 25 PRESIDING JUDGE SCHMITT: [9:32:18] Thank you.

Trial Hearing

(Open Session)

ICC-01/14-01/18

WITNESS: CAR-OTP-P-0876

1 The representatives of the -- (Overlapping speakers)

2 MS RABESANDRATANA: [9:32:22](Interpretation) Good morning, Mr President.

3 Good morning, your Honours. Good morning everyone. The legal representation

4 group 2 for the other crimes is made up of Madam Anne Grabowski,

5 Madam Evelyne Ombeni, and myself Elisabeth Rabesandratana.

6 MR SUPRUN: [9:32:45] Good morning, Mr President, your Honours.

7 The former child soldiers are represented by myself, Dmytro Suprun, counsel at the

8 Office of Public Counsel for Victims. Thank you.

9 PRESIDING JUDGE SCHMITT: [9:32:53] Thank you.

10 Ms Dimitri.

11 MS DIMITRI: [9:32:57] Good morning, Mr President. Good morning,

12 your Honours. Good morning, everyone.

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

14 Pages-Granier, who should enter the courtroom in a few seconds, Mr Victor-Louis

15 Lapointe Saint-Pierre, Ms Laurence Hortas-Laberge, and myself, Mylène Dimitri.

16 PRESIDING JUDGE SCHMITT: [9:33:14] Thank you.

17 Mr Knoops.

18 MR KNOOPS: [9:33:17] Good morning, Mr President, your Honours. Good

19 morning everyone in the courtroom.

20 The Defence for Mr Ngaïssona is here today before the Chamber with

21 Ms Sara Pedroso, Barbara Szmatala, myself. And Mr Omissé Landry is following

22 the proceedings from the field office, Mr President.

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

24 And also good morning and welcome to Mr Witness and his counsel, Ms Cariolou.

25 We continue with the examination by Ms Dimitri.

Trial Hearing

(Private Session)

ICC-01/14-01/18

WITNESS: CAR-OTP-P-0876

1 You have the floor.

2 MS DIMITRI: [9:33:55] Thank you, Mr President.

3 Mr President, with your leave, I have about 10 or 15 questions still on the meetings, so

4 I would require private session, and then we can go back in public session for a while.

5 PRESIDING JUDGE SCHMITT: [9:34:09] Okay. Then we go first to private session.

6 (Private session at 9.34 a.m.)

7 THE COURT OFFICER: [9:34:24] We are in private session, Mr President.

8 MS DIMITRI: [9:34:33] Thank you.

9 WITNESS: CAR-OTP-P-0876 (On former oath)

10 (The witness speaks French)

11 QUESTIONED BY MS DIMITRI: (Continuing) (Interpretation)

12 Q. [9:34:38] Good morning once again, Mr (Redacted).

13 Just to place you in context, we discussed the two first videos of the (Redacted)

14 (Redacted) and I would like us to look at the third video taken during the same

15 ceremony. The OTP showed it to you on Tuesday, but I want us to look at it again

16 together because I will have a few questions for you about it. We will follow

17 the same procedure as yesterday.

18 And I would like to draw your attention to look at the people who are behind when

19 you are looking at the video. You are going to see Muslims and soldiers of

20 the Sangaris operation, so we will look at the video together. It is tab 23 of the

21 Defence list. That is *CAR-OTP-2084-1327. And the transcript is in tab 24,

22 CAR-OTP-2107-1583.

23 We are going to look at the three first minutes of the video. And for the interpreters,

24 tab 24, lines 1 to 35.

25 (Viewing of the video excerpt)

Trial Hearing
WITNESS: CAR-OTP-P-0876

(Private Session)

ICC-01/14-01/18

1 THE INTERPRETER: [9:37:01](Interpretation of the video excerpt)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

Trial Hearing
WITNESS: CAR-OTP-P-0876

(Private Session)

ICC-01/14-01/18

1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 PRESIDING JUDGE SCHMITT: [9:40:25] Thank you.

15 The ERN for this video is CAR-OTP-2084-1327.

16 Please, Ms Dimitri.

17 MS DIMITRI: [9:40:35] Thank you, Mr President.

18 Q. [9:40:38](Interpretation) Mr (Redacted), first question: You confirm that in that
19 assembly there were soldiers of Sangaris operation and Muslims; is that correct?

20 A. [9:40:53] I can confirm for the elements of the Sangaris operation. But relating
21 to the Muslims, the cowl does not make the monk, so some people can dress like that
22 without being Muslims. That is what I can say, as I myself, I do that sometimes.

23 Q. [9:41:20] My second question, Mr (Redacted), is: In this extract, when you say
24 that (Redacted)

25 again you are referring to the (Redacted)

Trial Hearing
WITNESS: CAR-OTP-P-0876

(Private Session)

ICC-01/14-01/18

1 (Redacted)

2 (Redacted); is that correct?

3 A. [9:41:54] I believe I answered that question yesterday.

4 Q. [9:42:00] You --

5 PRESIDING JUDGE SCHMITT: [9:42:01] Ms Dimitri -- Mr Witness, and Ms Dimitri,
6 not so quick, please. So otherwise we have problems with interpretation. But I -- I
7 think the witness has indeed answered the question already. So he's right. Please
8 continue.

9 MS DIMITRI: [9:42:20](Interpretation)

10 Q. [9:42:22] Regarding this third excerpt that we have just seen, when you talk
11 about (Redacted)
12 (Redacted), you are
13 talking about the document which was in tab 15 of the Defence list,
14 CAR-OTP-2001-3372, the document which had been prepared under the auspices of
15 the international community, and particularly under (Redacted). Do we
16 agree?

17 A. [9:43:08] Yes, we agree.

18 Q. [9:43:14] And when you refer in that excerpt to the opportunists who are
19 attacking the Muslims, you agree with me that this was not the objective of the
20 (Redacted)?

21 A. [9:43:31] (Redacted).

22 Q. [9:43:38] And you agree with me that in this excerpt you underscore the fact that
23 you had (Redacted)?

24 A. [9:43:58] That is what I said.

25 Q. [9:44:01] Last question on this excerpt, Mr (Redacted). (Redacted)

Trial Hearing
WITNESS: CAR-OTP-P-0876

(Private Session)

ICC-01/14-01/18

1 (Redacted)

2 (Redacted)

3 (Redacted)?

4 A. [9:44:28] (Redacted)

5 (Redacted)

6 Q. [9:44:48] I'm going to show you a press article, Mr (Redacted), referring to this
7 assembly of (Redacted). It is tab 25 of the Defence list, CAR-OTP-2001-4867. And I
8 stand to be corrected if that article is not what I said it was.

9 If you can scroll down to the paragraph, (Redacted). Thank you.

10 Mr (Redacted), just one question on this document. You agree with me that it refers,
11 amongst other things, to this meeting or assembly, and you said: (Redacted)

12 (Redacted)

13 (Redacted)

14 So you agree that once again you are underscoring the fact that there is not a single
15 coordination?

16 A. [9:46:23] As I said, first of all, there were self-defence committees which became
17 the Anti-Balaka. Those were the two main groups. And (Redacted)

18 (Redacted)

19 (Redacted)

20 Q. [9:47:05] Thank you, Mr (Redacted).

21 I would like you to remember, there was a meeting convened by Antoinette
22 Montaigne, Minister of National Reconciliation. She invited Anti-Balaka to discuss
23 with her and the international community for an emergency plan for peace.

24 I'm going to show you a video and I put questions to you. It is tab 36 of Defence list,
25 CAR-OTP-2023-1990. And the transcript is tab 37, CAR-OTP-2122-9420. I will

Trial Hearing
WITNESS: CAR-OTP-P-0876

(Private Session)

ICC-01/14-01/18

1 show you the video from the beginning, up to three minutes.

2 For the interpreters, it is lines 1 to 38 in -- on tab 37. I will draw your attention to 20

3 seconds, 51 seconds, at 1:19, you can see Mr Yekatom.

4 We will look at the video and then I will ask you whether you were also present.

5 (Viewing of the video excerpt)

6 THE INTERPRETER: [9:49:06](Interpretation of the video excerpt)

7 *"In her opening remarks, Minister Antoinette Montaigne Moussa recalled the series

8 of meetings that she had held for the purpose of making it possible for all the former

9 Seleka and Anti-Balaka to think things through, and curb the criminal tensions

10 prevailing in our country. The first Anti-Balaka leader to take the floor yesterday

11 was Mr Alfred Ngaya Legrand, adviser in the national coordination, and he

12 denounced the widespread killings by the ex-Seleka in recent times, whereas the

13 Anti-Balaka had chosen to follow the path of peace. Mr Ngaya also denounced the

14 policy of relocations of the Muslim community considering that, in his opinion, it is a

15 phenomenon that would impede national reconciliation. Adviser Alfred Ngaya

16 Legrand appealed for the Anti-Balaka to benefit from the DDR programme. In

17 summary, it should be pointed out that several Anti-Balaka leaders took the floor to

18 request that the State and the international community should compensate the

19 Anti-Balaka. For their part, the commanders of the international forces such as

20 EUFOR, the Sangaris operation, MISCA, tied their assistance to the resumption of a

21 genuine dialogue between the ex-Seleka and the Anti-Balaka, as well as to a real

22 commitment of the two parties to peace. In answer to all the concerns raised, the

23 minister of communication and national reconciliation urged the Anti-Balaka to form

24 a single coordination and a bureau that is representative of all their sites. He called

25 on the Anti-Balaka to conduct themselves in a republican manner. Let us listen to a

Trial Hearing
WITNESS: CAR-OTP-P-0876

(Private Session)

ICC-01/14-01/18

1 summary of this meeting to exchange ideas with Ms Antoinette Montaigne Moussa.
2 'I am the minister of national reconciliation. I am not the minister of the DDR. All I
3 can do is to convey to the minister concerned the grievances that have been expressed
4 in relation to the DDR programme. The objective of today's meeting is to work
5 within the framework of an emergency action plan aimed at restoring calm and
6 avoiding all the killings that our country has been experiencing for some weeks now.
7 And so I invited the Anti-Balaka this afternoon to ask them for their proposals. And
8 I called on mainly the leaders who have under their authority men who may be
9 bearing weapons and who can cause insecurity amongst their fellow compatriots, to
10 come and discuss with me for the purpose of making concrete proposals to restore
11 calm and peace, and protect the lives of the peaceful citizens of this country. I had
12 initiated the same approach this morning with the Seleka. Unfortunately, I waited
13 alongside the Sangaris general, the EUFOR general, and a host of partners who had
14 mobilised themselves to attend the same meeting as that of this afternoon. They
15 were not able to come because at the last minute, they were called to another
16 meeting.'"

17 MS DIMITRI: [9:52:28](Interpretation)

18 Q. [9:52:28] First question, Mr (Redacted), you agree with me that Madam
19 Montaigne, during this meeting, was appealing to the Anti-Balaka to have a single
20 coordination, a bureau that is representative of all their sides? So even Madam
21 Montaigne knew that there was no single coordination, do we agree?

22 A. [9:52:50] Yes, we agree.

23 Q. [9:52:53] And you agree with me that the reason the -- was that the various
24 Anti-Balaka and FACA leaders were exchanging opinions to restore peace?

25 A. [9:53:14] I cannot answer that question because I did not take part in that

Trial Hearing
WITNESS: CAR-OTP-P-0876

(Private Session)

ICC-01/14-01/18

1 meeting. There were already the (Redacted) and the minister of reconciliation was
2 playing her role as the minister of reconciliation, so I cannot give you an answer to
3 that question.

4 Q. [9:53:45] Following those events, and you talked about it to the Prosecutor,
5 tab 32, CAR-OTP-2046-0530, pages 543 and 544. You handed over to the Prosecutor
6 a press article, and it is tab 16 of the OTP list, CAR-OTP-2035-0064.
7 You can see the press article that you gave to the Prosecutor. If you can scroll down.
8 I just want a confirmation regarding the chronology of events. It was after
9 the meeting of (Redacted) during which you made that speech that we listened to. It
10 was after that that there was a union of the two main groups, and this happened in
11 June 2014; is that correct?

12 A. [9:55:27] I believe I said so here, that I followed over the radio that there was
13 a meeting of the Anti-Balaka on this aspect at that site. (Redacted)
14 (Redacted)
15 (Redacted). So I cannot say that it was after -- as a result of that
16 meeting, but it was at the date of publication of this newspaper. I do not know
17 which month it was on that date that the coordination was set up. And it was
18 automatically denounced, including by Mr Ngaïssona also.

19 Q. [9:56:27] Thank you, Mr (Redacted).

20 (Redacted)
21 (Redacted)
22 (Redacted)
23 (Redacted)
24 (Redacted)
25 (Redacted)

Trial Hearing
WITNESS: CAR-OTP-P-0876

(Open Session)

ICC-01/14-01/18

1 (Redacted). Do we agree?

2 A. [9:57:20] Yes.

3 PRESIDING JUDGE SCHMITT: [9:57:23] And the Presiding Judge understands that
4 we go to public session. We do that.

5 MS DIMITRI: [9:57:28] Thank you, Mr President.

6 (Open session at 9.57 a.m.)

7 THE COURT OFFICER: [9:57:38] We are in open session, Mr President.

8 MS DIMITRI: [9:57:49](Interpretation)

9 Q. [9:57:51] Now I am going to show you several excerpts of reports broadcast by
10 France 24 which, according to the metadata of the OTP, was broadcast on
11 17 May 2014. It is CAR-OTP-2055-2610. And the translation is at tab 44, for
12 the interpreters, CAR-OTP-2122-2271.

13 I'm going to play an excerpt and then put questions to you. The first excerpt is 1:13
14 to 2:30. And this is lines 39 to 90 for the interpreters.

15 (Viewing of the video excerpt)

16 THE INTERPRETER: [9:59:18](Interpretation of the video excerpt)

17 "At the boundaries of the town, the situation is becoming complicated. The PK9
18 bridge, or PK9, is the exit of the capital on a strategic access.

19 On the other side the general director of the gendarmerie has an appointment with
20 surprising allies.

21 Colonel.

22 Mr Minister.

23 You are welcome.

24 Thank you very much.

25 We are happy to receive you.

Trial Hearing
WITNESS: CAR-OTP-P-0876

(Open Session)

ICC-01/14-01/18

1 These people belong to the Anti-Balaka group militias, Christian militias who are
2 laying down the law.
3 You can see the gendarmerie has stopped at the level of the barricade and we have
4 just crossed it. What was happening is that here we did not have control, but today
5 the people are intercepting the stolen goods and the false Central Africans who want
6 to destroy the country are placed at the disposition of the gendarmerie. That is
7 collaboration.
8 The gendarmes have no choice but to work with the Anti-Balaka even though they
9 have been designated in early February as the enemies of peace by Catherine
10 Samba-Panza, the new Central African president.
11 The group of militias is commanded by *caporal-chef* Rombhot. He and his men have
12 settled here at the height of the crisis."

13 MS DIMITRI: [10:01:06](Interpretation)

14 Q. [10:01:07] Now you have seen the excerpt of the OTP witness who testified and
15 explained that the director general of the gendarmerie had gone to congratulate
16 the Kamezolaï, Yekatom group for their good conduct. In your position at that time,
17 were you aware of this type of collaboration with Kamezolaï and Yekatom?

18 A. [10:01:37] I had followed this video on television, like everyone else. I was not
19 directly informed about its organisation. I believe that it was planned by the prime
20 minister's office. The person, that is the director general of the gendarmerie who
21 was received, was the adviser at the prime minister's office in charge of the DDR.
22 That is what I can say about that.

23 Q. [10:02:29] There's a witness of the Prosecution who came, another witness who
24 came here and who explained that Mr Yekatom at that time during these events was
25 the first to seek reconciliation with Souleymane Daouda. It's page 75 of the

Trial Hearing
WITNESS: CAR-OTP-P-0876

(Open Session)

ICC-01/14-01/18

1 transcript. I'm going to show you another extract where you see the captain from
2 the Seleka. And do you remember this reconciliation taking place?

3 We are going to go to the 6:43, 6:57.

4 And for the interpreters, 178 at 186, those are the lines.

5 (Viewing of the video excerpt)

6 THE INTERPRETER: [10:03:44](Interpretation of the video excerpt)

7 "Souleymane greets us, some of his old people he knows.

8 Surprise, it's *caporal-chef* Rambot who's freshly shaven. These two men who shot
9 each other found themselves in the hospital. They know each other already for some
10 time."

11 MS DIMITRI: [10:04:09](Interpretation)

12 Q. [10:04:09] Do you remember this reconciliation between Captain Souleymane
13 and Mr Yekatom?

14 A. [10:04:16] I always answer in the same way. I followed this on the television.
15 But let me specify that my position was that the resistance must stop with
16 the departure of Djotodia as request, because there was his resignation from the
17 government. And what happened to the movement after and its extension in the
18 hinterland was, for me, a form of occupation which I did not share. So that
19 everything that happened afterwards, I was not aware of it.

20 Q. [10:05:09] During your testimony we spoke about the minister reconciliation,
21 Minister Montaigne. There was another witness who came here, like you, and said
22 there was an initiative of reconciliation where she participated as minister of
23 reconciliation. For the records, *I am referring to transcript 57, page 70 and 71.
24 And that witness indicated that we asked Mrs Montaigne *to organise that meeting in
25 the presence of monsignor of Bossangoa and the imam of PK5 and other Muslims.

Trial Hearing

(Open Session)

ICC-01/14-01/18

WITNESS: CAR-OTP-P-0876

1 There was Jean-Luc Mokoko, the chief of staff of CEMAC, who *provided transport
2 for the Muslims to take them to the Omnisport stadium.

3 Do you remember this meeting?

4 There was also during that meeting Mr Yekatom, who accepted to come, and they
5 had a meeting of reconciliation in the Omnisport stadium. Yekatom was almost
6 the only Anti-Balaka leader present with the Muslims of PK5, the imam and also
7 the monsignor *Nzapalainga, if I remember correctly. I have the video of that
8 meeting.

9 I first want to ask you whether you remember that meeting in the Omnisport stadium
10 and did you hear talk about it in your position?

11 A. [10:07:03] Are you saying that Mr Yekatom was the only one who represented
12 the Anti-Balaka? So the information was not broadcast or distributed amongst *the
13 men is something I don't know. I was not aware.

14 As I have told you, my position since the departure of Djotodia was to stop hostilities,
15 to cease all hostilities, to stop the proliferation of the movement. And also we had to
16 remember that at that time there were too many initiatives *for peace and it was too
17 diffused *and scattered, so that it created confusion.

18 There was *also an attempted reconciliation from the prime minister's office which
19 led to the death of a man. I was no longer aware of everything that was going on,
20 because my vision of things was not that. And since everyone wanted to become an
21 expert in reconciliation, we had additional difficulties rather than resolving problems.

22 Q. [10:08:57] I'm going to show you a press article which we saw yesterday. It is
23 tab 45 of the Defence binder, CAR-OTP-2001-3811, page 3817. And in English.

24 The article is referring to the Kamezolaï, Yekatom group. (Speaks English) "[They]
25 appear to be well disciplined and are not known for harassing civilians."

Trial Hearing
WITNESS: CAR-OTP-P-0876

(Open Session)

ICC-01/14-01/18

1 (Interpretation) The article dates from March 2014.

2 Does this correspond to something that you also noted at that time relating to
3 the Kamezolaï, Yekatom group?

4 A. [10:10:03] I think I've already said from the beginning of my testimony
5 yesterday.

6 Q. [10:10:17] Again returning to the reconciliation initiatives and the commitment
7 of putting an end to resistance movement, did you hear any mention made by your
8 colleagues, or through your position, or through your friends or people who worked
9 with you that Mr Yekatom obtained or had a meeting in the *Sainte-Jeanne D'Arc
10 church in Mbaïki on 30 *January 2014 where the Muslims and the Christian
11 communities and the Sangaris and *certain NGOs were present?

12 A. [10:11:03] If the press doesn't talk about it, then I am not aware of it, because I
13 followed the information through the press. But if it wasn't there, I was not aware of
14 it.

15 Q. [10:11:26] I'll show you another document of 14 March 2014. This is tab 40 of
16 the Defence binder, CAR-OTP-2100-1699.

17 It's now on the screen. This is a mission order signed by the Prime Minister
18 Nzapayéké who appoints some individuals, including Mr Yekatom.

19 If you can go to the top of the document, please.

20 This is for a mission of mediation and security in Boda. Let me explain the context to
21 you. According to some witnesses, there was an attack by the Seleka who burnt
22 Christian homes in Boda, and there was tension between the two communities in
23 Boda. And it is within that framework that this delegation, which included
24 Mr Yekatom, went to Boda in order to try and mediate and bring security.

25 Have you ever heard of this mission or of this initiative?

Trial Hearing

(Open Session)

ICC-01/14-01/18

WITNESS: CAR-OTP-P-0876

1 A. [10:13:19] I heard talk of this mission initiated by the prime minister's office.

2 Q. [10:13:28] And do you agree that this can be included in the logic of cessation of
3 resistance and work towards peace?

4 A. [10:13:44] I'm not able to say, because this was after an attack of a Christian
5 village by the Seleka from that sector. The prime minister's office ordered this visit
6 because of that. So it is the prime minister's office who organised this mission.

7 Q. [10:14:14] And sometimes I need to clarify points which might seem clear to you.
8 But you -- you were never part of this mission. Do you agree with that?

9 A. [10:14:27] Have you seen my name on it?

10 Q. [10:14:35] And you've never gone on a reconciliation to Boda with
11 Mr Kamezolaï, Mr Kokaté and Mr Yekatom?

12 A. [10:14:52] For me, the Yekatom group which I met was *limited to in Boeing and
13 its surroundings. Me, I was against the extension to the hinterland because I knew
14 that each group that was set up didn't have any link with another group and
15 the groups were different from one location to another location.

16 For me, the cessation of hostilities *should happen automatically after the resignation
17 of Djotodia. All the hostilities should have stopped. And it is only from that
18 moment onwards that we should billet those who came from the hinterland in order
19 to find a solution so that they could go back to their respective villages.

20 But from Bangui, *extending to Boda which is about 200-plus kilometres away, *to
21 perpetuate the movement. So I never took part in any mission, nor of reconciliation,
22 nor of retaliation of any sort. To make it simple, I was never even informed of what
23 was happening in this zone.

24 Q. [10:16:32] Thank you.

25 I now want to show you a map and I'll have some questions on it. This is tab 46,

Trial Hearing
WITNESS: CAR-OTP-P-0876

(Open Session)

ICC-01/14-01/18

1 CAR-OTP-2046-0633.

2 For the -- can we -- could the court officer display the signature at the bottom. Could
3 we zoom in to the second part of the map. Could you go lower down, please.

4 Could you scroll down. Go down even further, please.

5 Yes, thank you.

6 Last Tuesday, when the Prosecution asked you to explain some of your statements as
7 regards the Muslims, you said, and I quote, and it's -- it is on -- in the transcript
8 page 55:

9 "This axis Bangui-Mbaïki was under the jurisdiction of Yekatom and, through this
10 access, the Muslims were targeted. Muslim subjects in Carnot Mbaïki, Carnot, there
11 were exactions on the Muslims in those places."

12 So my question is very simple. It's the second time where you refer to Carnot in this
13 issue. You spoke about it in 31, CAR-OTP -- page 035 of *CAR 2046-0500, and -- and
14 this was on page 0513 and also on --

15 THE INTERPRETER: [10:19:19] The interpreter didn't get the last reference.

16 MS DIMITRI: [10:19:23](Interpretation)

17 Q. [10:19:22] This is a part of Mbaïki -- Mbaïki-Bangui axis.

18 Do you agree that you don't have specific information on the precise location in this
19 zone where the Muslim subjects were targeted?

20 A. [10:19:43] Before answering this question, I would like to say that I followed this
21 on the radio, and also via the press, that there were exactions from the Anti-Balaka
22 *Carnot, in Boda, Mbaïki and *Nola. So I haven't got any *specific proof. But I say
23 to you it was the radio who broadcast this information.

24 Q. [10:20:24] Thank you for that information.

25 When you confronted Yekatom at the prime minister's office when the Anti-Balaka

Trial Hearing
WITNESS: CAR-OTP-P-0876

(Open Session)

ICC-01/14-01/18

1 came and you told him what was happening on the ground again and you said it
2 wasn't good to attack the Muslims, do you agree that this part of your conversation
3 was really what was happening in the zone and you were not -- not accusing
4 Yekatom personally? You were just expressing your concerns of what was
5 happening in that area based on what you had heard? This is on the transcript 85,
6 page 55.

7 A. [10:21:10] *Right now, I am not accusing him directly, but I was addressing
8 myself to the person presented as being responsible for that zone. For me, there was
9 no jurisdiction which extended up to there. So I was speaking to responsible person
10 and it was not an accusation.

11 Q. [10:21:31] No. Thank you.

12 And during that discussion was there another person present? If you don't
13 remember, don't worry about it.

14 A. [10:21:45] I don't remember.

15 Q. [10:21:49] Are you in a position to remember where precisely this discussion
16 took place? Was it in a corridor, was it in a conference room, or in an office? Or is
17 it too long ago so that you can't remember?

18 A. [10:22:04] I no longer remember.

19 PRESIDING JUDGE SCHMITT: [10:22:09] Ms Dimitri, could you please give again
20 the ERN number of the last document. It is not correctly in the transcript.

21 MS DIMITRI: [10:22:18] Of course, Mr President. Do you mean the map or
22 the transcript -- the transcript?

23 PRESIDING JUDGE SCHMITT: [10:22:26] The transcript, please.

24 MS DIMITRI: [10:22:29] Yeah. It's CAR-OTP-2046-0500 at page 0513. And
25 CAR-OTP-2135-1449 at page 1457.

Trial Hearing
WITNESS: CAR-OTP-P-0876

(Open Session)

ICC-01/14-01/18

1 Q. [10:22:57](Interpretation) *Last Tuesday you also said on page 54 of transcript

2 085, you said that Mr Kamezolaï explained that there was an element opposed to

3 Mr Yekatom and Mr Yekatom beat him on two occasions.

4 In your statement you refer to the victim beaten by Mr Yekatom. And Mr Kamezolaï

5 knew the name, so we don't have to put it on the screen. This is tab 30 of

6 the Prosecution binder, CAR-OTP-2046-0473, page 0482. *As well as

7 CAR-OTP-2046-0324 at page 0342.

8 My question is simple. I'm going to ask you to look in the back of your memory.

9 Could you confirm that we're talking about the same incident and then we're talking
10 about the death of Oscar Seda, who was a soldier in the Yekatom group.

11 A. [10:24:23] I wasn't given a name. I was only told about the facts, but I had no
12 name of the soldier who was a victim that particular day.

13 Q. [10:24:40] I understand that you weren't present. You were explained the facts
14 which led to the death of a military element of Mr Yekatom.

15 Do you agree with me that you don't have enough details to be in a position to
16 exclude the fact that this was a legitimate defence action undertaken by Yekatom?

17 A. [10:25:07] I'm not a witness to the facts. I only received the information about
18 a death which was done by a certain individual. That is the information that I
19 received, so I cannot know whether it is a legitimate defence or a personal attack. I
20 do not know. I do not know the circumstances. I cannot give you further
21 information on that.

22 Q. [10:25:44] Thank you.

23 I'm going to now talk about Zongo. We're still in open session, so do be careful.

24 My question is very general, so I don't think it can identify you. You talked about

25 Zongo last Tuesday, page 12 on the transcript 85. And I think you know Zongo

Trial Hearing

(Private Session)

ICC-01/14-01/18

WITNESS: CAR-OTP-P-0876

1 since your childhood.

2 You spoke about a hotel just vis-à-vis the Zongo if you cross with a pirogue. Do you

3 remember the name of that hotel?

4 A. [10:26:30] I spoke about the Oubangui hotel. It's the first hotel. It's the most

5 famous in Bangui. Everybody knows that hotel.

6 Q. [10:26:43] Do you recall a hotel in Zongo called Zongo Plage Hotel?

7 A. [10:26:54] It was opened in 2008 in Zongo.

8 Q. [10:27:00] Was it open in 2013/2014, as far as you know?

9 A. [10:27:08] As I am not in Zongo to go to the hotels, I don't know whether it was
10 operational or not during that period.

11 MS DIMITRI: [10:27:25] Mr President, I have two questions. I believe the answers
12 could identify him. So if I could just go in private session for two questions, with
13 your leave.

14 PRESIDING JUDGE SCHMITT: [10:27:35] Okay.

15 Private session.

16 (Private session at 10.27 a.m.)

17 THE COURT OFFICER: [10:27:48] We are in private session, Mr President.

18 MS DIMITRI: [10:27:55] Thank you.

19 Q. [10:27:56](Interpretation) Mr (Redacted), I have two questions. At the end of
20 my questions I will change subjects because sometimes it's technical, but I have
21 questions on various subjects. The first two might identify you, so be assured we are
22 in private session.

23 Do you agree with me that the Prosecution spoke about your calls that were recorded
24 or registered? It's page 56 of the -- the transcript 85, and the Prosecution referred to
25 four registers. I will quote them. Tab 36 of the OTP binder, CAR-OTP-2054-1480.

Trial Hearing
WITNESS: CAR-OTP-P-0876

(Private Session)

ICC-01/14-01/18

1 Tab 37, CAR-OTP-2054-1481.

2 You don't have to put them on the screen.

3 Tab 38, CAR-OTP-2054-1482. And 39, CAR-OTP-2054-1483.

4 My -- it's a technical question. It's not a reproach. I would like to know, is it correct

5 that you regularly communicated with (Redacted) by phone? And when I say

6 "regularly", I mean more than once a week in the period 2013/2014.

7 A. [10:30:09] Correct. I regularly contacted -- I had regular contact with

8 (Redacted). As I said to you, I stayed in contact with him. He gave me information

9 regularly when I needed it.

10 Q. [10:30:32] Thank you.

11 For the record, I'm referring to tab 32 of the Defence list. It shouldn't be displayed

12 on the screen. It is CAR-D29-0004-0023.

13 I would like to talk about the transitional government and certain statements and

14 exchange of emails.

15 I think we can go to open session because my questions do not concern you

16 personally. But if the information in the email is likely to identify you, let us know

17 and we will go to private session.

18 PRESIDING JUDGE SCHMITT: [10:31:54] We go to open session.

19 (Open session at 10.32 a.m.)

20 THE COURT OFFICER: [10:32:08] We are back in open session, Mr President.

21 MS DIMITRI: [10:32:16] Thank you.

22 Q. [10:32:17](Interpretation) Just one question. And I don't want you to talk about

23 your position, but I simply want confirmation from you.

24 Do you agree with me that the allegation, according to which there was an

25 understanding between you, Mr Kamezolaï and Mr Yekatom to share your salary

Trial Hearing
WITNESS: CAR-OTP-P-0876

(Open Session)

ICC-01/14-01/18

1 with them and their elements, is a false allegation?

2 A. [10:32:50] No. There was never a question of that. It is a false allegation.

3 Q. [10:32:58] Thank you.

4 In your interview with the OTP, you said, and I quote, tab 23, CAR-OTP-2046-0324,

5 page 0343. You stated: "... the transitional government" -- and that is going to be

6 my next subject: "... the transitional government is not playing fair, they are not clear,

7 they are creating trouble in such a way that the transition will not end."

8 Can you explain your statement, because I seem to understand that certain members

9 of the transition wanted to extend the transition because they could not present

10 themselves for elections.

11 A. [10:34:02] Already, when there is a government, I think all the initiatives had to

12 be implemented by that government. However, during that transition, there were

13 four governments. There was the official government headed by Nzapayéké.

14 There was also a government *bis* at the presidency made up of advisers and *chargé de*

15 *mission*. There was a government specifically at the prime minister's office made up

16 of advisers and *chargé de mission*, and there was a government at the CNT, at the

17 National Assembly, and each government was in competition in the area of peace

18 initiatives with the main government. No one knew who was doing what. And

19 the proof is that the prime minister's officer -- the prime minister's office sent

20 a mission to meet with Yekatom's elements in the field, right to Mbaïki, so as to

21 negotiate the return of peace and harmony. At the same time, the same government

22 was sitting in cabinet meetings to try to find solutions to what had happened.

23 There were also initiatives from the Presidency of which we were not aware.

24 Frequently, when it was learnt that the Anti-Balaka of such-and-such a zone or

25 such-and-such a sector had fired gunshots throughout the night right up until

Trial Hearing

(Open Session)

ICC-01/14-01/18

WITNESS: CAR-OTP-P-0876

1 the morning, the following day the delegations and leaders of those Anti-Balaka were
 2 received at the prime minister's office, at the presidency or at the National Assembly,
 3 where they were given money to calm them down. And after that they would do
 4 the same thing in other sectors. It is not to kill people, but simply to fire gunshots.
 5 So peace was actually bought. That was a term used at that time. And it is in
 6 relation to those multiple initiatives, as well as the tendency to give money to people
 7 when they heard that people fired gunshots and so on. It is because of that that I'm
 8 saying that the transition was not playing fairly because this attitude of paying people
 9 for causing trouble was a way of extending the transition, whereas *the transition had
 10 only a one-year mission to create conditions for the restoration of peace, organise
 11 elections and then withdraw. That is the context in which I was speaking. I was
 12 saying that in Bangui. During my press conferences in Bangui I said that, and.
 13 Other stakeholders in the socio-political environment in Bangui or in the CAR were
 14 also saying the same thing. It was not just specifically me.

15 Q. [10:38:22] Thank you for that explanation.

16 Last Tuesday, on page 95 of transcript 85, the Prosecutor showed you an email.

17 I don't want it to be displayed to the public. You probably remember the email,

18 Mr Witness. And I have a specific question. And it is tab 26 of Defence list,

19 CAR-OTP-2084-1010.

20 You talked about the advisers of the president who took advantage of their closeness

21 to her and circulated rumours. My question is specific: Which advisers of the

22 president?

23 A. [10:39:22] I cannot give you a name just like that. Everybody was talking about

24 it and repeating what was being -- and I was repeating what was being said. Only

25 the ComZones can answer that question because those ComZones regularly received

Trial Hearing
WITNESS: CAR-OTP-P-0876

(Open Session)

ICC-01/14-01/18

1 certain advisers who went to meet them and to have discussions with them. This is
2 how it was known that in parallel to the activities of the governments there were
3 other initiatives from the Presidency, the prime minister's office and also from
4 the National Assembly.

5 MS DIMITRI: [10:40:13] Mr President, if I -- *merci*.

6 THE INTERPRETER: Thank you.

7 MS DIMITRI: If I could have just one minute, please, to consult.

8 PRESIDING JUDGE SCHMITT: [10:40:25] Yes, of course.

9 MS DIMITRI: [10:40:26] Thank you.

10 (Counsel confer)

11 MS DIMITRI: (Interpretation)

12 Q. [10:40:34] I would like to go on to my last topic, and that is UNICEF. You
13 discussed it with the Prosecutor and in your statement you said that frequently
14 UNICEF brought children of eight years, 10 years, but that you had never seen that.
15 And you said that when they showed children that were going to be demobilised, I
16 also -- I even saw children of six years. But let us be logical, let us be serious. What
17 can a six-year-old child do? And you said that apparently UNICEF was playing that
18 game where children were being presented and -- as Anti-Balaka. And I'm referring
19 to tab 28 of the OTP list, CAR-OTP-2046-0427.

20 So my question is very simple. Can you explain why -- or, rather, what did you
21 understand by the game that the UNICEF was playing?

22 A. [10:42:00] I will believe -- I will begin by telling you that I was shocked when I
23 heard through the reports of international NGOs, including UNICEF, that there were
24 child soldiers in the Central African Republic during that period. And specifically
25 the Anti-Balaka, because I knew that side, they were presenting children six years,

Trial Hearing
WITNESS: CAR-OTP-P-0876

(Open Session)

ICC-01/14-01/18

1 10 years, eight years, 13 years, 14 years. I was shocked because neither in the first or
2 the second camp had I ever seen such children. I could have been able to see them
3 when I went to the second group because they were in the neighbourhood, but I did
4 not see them.

5 So what happened? At a given time it was fashionable to talk about child soldiers.
6 And UNICEF commissioned Alfred Legrand Ngaya and another person or two. I
7 followed that over the radio. They taught Bangui, Boda and other areas to
8 demobilise or carry out a census of child soldiers to be demobilised. And when I
9 read the media articles, I saw that they were talking of small children of those ages.
10 That has never been the case. I said that this was a scam, otherwise it was actually
11 an attempted scam to make money on the back of those small children, those innocent
12 children who never participated in any military mobilisation.

13 And also to mobilise them in that way, to gather them in that way and have them
14 presented at -- as child soldiers, this would actually create in those children the spirit
15 of war, the spirit of becoming fighters of tomorrow. UNICEF did not have to play
16 that game. UNICEF did not have to commission Alfred Legrand Ngaya to travel
17 through all the zones of the Anti-Balaka to demobilise child soldiers, whereas those
18 child soldiers did not exist at all.

19 That is why I said that and I still stand by it today.

20 Q. [10:45:35] Thank you.

21 In your statement you made a comment, and I want to hear more about it from you.
22 It's the same reference. You gave an example: The United Nations gave a number,
23 200,000 Central Africans who are refugees in the DRC. And according to you,
24 90 per cent came back to Bangui. And you said that when they knew that money
25 was being distributed to refugees, they would return there to benefit from the money

Trial Hearing
WITNESS: CAR-OTP-P-0876

(Open Session)

ICC-01/14-01/18

1 of the United Nations.

2 When you mentioned that example, I believe I understood that you were drawing
3 a parallel with the NGOs, the child soldiers and UNICEF. Am I correct? That is in
4 the same way that refugees went and benefit from money in the DRC and came back
5 to the Central African Republic. The children also went through the NGOs to have
6 money from UNICEF.

7 A. [10:47:08] First of all, what is the population of Bangui? It can hardly be up to
8 1 million inhabitants. And 1 million inhabitants are not all on the shores of the
9 Oubangui River.

10 Now, out of -- or, rather, out of 1 million inhabitants it is said that more than 280,000
11 crossed towards Zongo, which is a small town of a 100,000 inhabitants. So if 200,000
12 people cross over, it would be noticeable immediately. I'm not talking here about
13 UNICEF. I'm talking about the UNHCR, the high commissioner's office in charge of
14 refugees which provided those figures.

15 And yet, when there are disturbances or unrest, those who are in the northern
16 neighbourhoods flee to seek security. Not everyone crosses over. Those who are
17 close to the shores of the Oubangui River naturally cross over. Some of them
18 all -- also come from the northern areas, but not up to one fifth actually crossed over.

19 At the same time, they said that 400,000 went to the remote areas and then 200,000
20 went to Zongo. So how many people were left in Bangui? It couldn't have been
21 many people left in Bangui.

22 Now, up till today, the same numbers are there in the records of the UNHCR.

23 The same data is given, whereas about 98 per cent of these people have returned to
24 Bangui. And the leaders of those NGOs are aware of it. And that is because

25 the Central Africans who crossed over to Zongo were displaced from Zongo to a town

Trial Hearing
WITNESS: CAR-OTP-P-0876

(Open Session)

ICC-01/14-01/18

1 far away from Zongo. They were put in a camp. And when you see that people are
2 not living in the camp after a certain amount of time, they are waiting the time for
3 money to be shared and to be distributed to refugees. These people arrive. You
4 don't ask questions. You allow them to do what they want. That means that
5 you are accomplices and you are encouraging that type of conduct. That is what I
6 said.

7 Q. [10:50:53] Thank you.

8 I looked at your Facebook page. I think it is of interest to you. And if I can show
9 you a comment, tab 33 of the Defence list, CAR-D29-0016-0052, it is something that
10 you published in July 2015.

11 I think we are in open session. It should not be displayed.

12 PRESIDING JUDGE SCHMITT: [10:51:42] Yes. Of course, yeah. I think this is
13 a suggestion itself. Can you nevertheless ask the question in open session, otherwise
14 I think we go to -- have to go to private.

15 MS DIMITRI: [10:51:55] No, I think I can ask the question as long as the -- the image
16 is not displayed to the public. And I'm -- I'm sorry for not --

17 PRESIDING JUDGE SCHMITT: [10:52:04] No, no, but this was -- this couldn't have
18 happened. Also, Mr Leddy was nearly on his feet already. So no problem.

19 MS DIMITRI: [10:52:11] Thank you.

20 Q. [10:52:12](Interpretation) So you say that you are denouncing the fact that
21 UNICEF may deprive the CAR of the funding if the 5 billion spent is not justified by
22 the beneficiaries. And this is a serious situation when it is known that UNICEF is
23 involved in taking care of child soldiers.

24 My question is very simple. When you say "beneficiaries", and I insist on the word
25 "beneficiaries", that they must justify the funding, are you talking about the NGOs

Trial Hearing
WITNESS: CAR-OTP-P-0876

(Open Session)

ICC-01/14-01/18

1 who are receiving the funding from UNICEF?

2 A. [10:53:07] I believe that I made that comment after the publication of a media
3 article. They are given money. UNICEF receives money and UNICEF distributes
4 that money to the NGOs, and I don't know to who else. But in any case, those who
5 receive those funds must justify the reality of their actions and their operations.

6 Q. [10:53:50] And according to your observations and readings, during that period
7 were there any embezzlement of funds by the NGOs who received UNICEF money
8 for child soldiers?

9 A. [10:54:13] Since I am not the auditor of those NGOs' accounts, I *can only point
10 out that there was indeed a huge gap between what was announced and what we saw
11 in the field, and I believe that at the end of each activity there is a financial and moral
12 report that should have -- that should normally be handed in or submitted by those
13 organisations.

14 MS DIMITRI: [10:55:02] Mr President, if I can have one minute, because I -- I think I
15 might end on -- on this, but I just need to consult.

16 PRESIDING JUDGE SCHMITT: [10:55:10] No, I'm fine. Of course, of course.

17 MS DIMITRI: [10:55:13] Thank you.

18 Just a minute, *Mr Témoin*.

19 THE INTERPRETER: [10:55:19] Just a minute, Mr Witness.

20 (Counsel confer)

21 MS DIMITRI: [10:55:40](Interpretation)

22 Q. [10:55:41] One last question, if you allow, because I have been told that I was not
23 very specific with one of my questions.

24 You talked about why you were shocked in relation to UNICEF and the census
25 involving Mr Ngaya and other people. Am I correct to understand that you were

Trial Hearing

(Open Session)

ICC-01/14-01/18

WITNESS: CAR-OTP-P-0876

1 also shocked because leaders presented children who are identified in the community
 2 but who were never child soldiers? They are presented as children who had been
 3 members of the Anti-Balaka, whereas they had never been. So is that something that
 4 shocked you at the time?

5 A. [10:56:41] I am shocked because children were being used, children who were
 6 not child soldiers at all, and they were being presented as child soldiers.

7 Now, where were they recruited from, I have absolutely no idea.

8 Q. [10:57:06] Thank you for having taken all the time to answer my question.

9 Thank you for your patience.

10 I have no further questions.

11 PRESIDING JUDGE SCHMITT: [10:57:14] Thank you, Ms Dimitri.

12 Mr Knoops, when do you want to start with your examination?

13 I'm only asking that because we have quite some time now, obviously, so.

14 And I also have the impression, at least, that Ms Dimitri might have covered one or
 15 another aspect that might be of interest for you too.

16 MR KNOOPS: [10:57:39] Thank you, Mr President.

17 We have two options to suggest to the Chamber and the parties and participants and,
 18 of course, the witness as well. I can start Monday morning. Then I'm told we have
 19 two sessions, because the afternoon we have another hearing in another case. I can
 20 continue Tuesday morning with probably one session left. That's option one.

21 Option two is I start Tuesday morning and I use the Tuesday to finish my
 22 examination. That would imply that we don't have to break Monday at noon for
 23 Tuesday.

24 I'm willing and prepared to start Monday morning, but if the Court thinks it's more
 25 efficient to finish my examination in one day, so we don't have to organise two

Trial Hearing

(Open Session)

ICC-01/14-01/18

WITNESS: CAR-OTP-P-0876

1 hearings for the witness, then -- but it's up to you and, of course, it's also up to
2 the Prosecution and the witness, what he prefers.

3 PRESIDING JUDGE SCHMITT: [10:58:53] First of all, I think I would -- it would
4 be -- I would appreciate it if we had information about the contingency witness.
5 Can you provide us with something, Mr Vanderpuye, already?

6 First of all, I understand this, in case we can expect this witness, this would be
7 a witness for two days?

8 MR VANDERPUYE: [10:59:14] That's correct.

9 Good morning, Mr President. Good morning, your Honours.

10 That is correct. We anticipate that we can do the witness on the 16th and 17th I think
11 is what we agreed, and we can complete that witness in that period of time.

12 With respect to Mr Knoops' proposal, we will consult amongst ourselves, but based
13 on the nature and the extent of the examination conducted thus far, we anticipate
14 there will be some degree of redirect examination. It's not clear how long that will
15 be, but I would -- I would suspect it may be substantial, particularly following
16 the Ngaïssona Defence's examination of the witness. So I would prefer -- I'll talk to
17 my colleagues, obviously, but I would prefer that we get going sooner rather than
18 later.

19 PRESIDING JUDGE SCHMITT: [11:00:05] Meaning that -- you know, 16th and 17th
20 is Thursday and Friday next week. So we would -- so even if we started on Tuesday,
21 Mr Knoops will finish on Tuesday, so we would have Wednesday for -- that that
22 would be enough anyway, I assume, for your redirect, whatever.

23 MR VANDERPUYE: [11:00:29] Absolutely, Mr President.

24 PRESIDING JUDGE SCHMITT: [11:00:30] I think the Chamber agrees that -- and
25 the argument for that is mainly that Mr Knoops then can conduct also his

Trial Hearing
WITNESS: CAR-OTP-P-0876

(Open Session)

ICC-01/14-01/18

- 1 examination in a row, so to speak, and has not to interrupt it.
- 2 Then we conclude the hearing for today. We continue Tuesday morning, 9.30.
- 3 And we simply trust, Mr Knoops, that you finish on Tuesday, and then we have
- 4 the whole Wednesday. And we have Thursday, Friday, if the witness -- if the
- 5 witness appears.
- 6 Thank you very much.
- 7 Thank you, Mr Witness. You have heard it. So there is a little bit of a gap. But
- 8 thank you for the moment for your patience. It's not over. But we wish you a nice
- 9 weekend, Mr Witness, and please don't talk about your evidence with anybody in
- 10 the meantime.
- 11 Thank you.
- 12 THE COURT USHER: [11:01:18] All rise.
- 13 (The hearing ends in open session at 11.01 a.m.)