

Trial Hearing
WITNESS: CAR-OTP-P-1193

(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
- 5 Patrice-Edouard 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, 29 April 2022
- 10 (The hearing starts in open session at 9.31 a.m.)
- 11 THE COURT USHER: [9:31:09] All rise.
- 12 The International Criminal Court is now in session.
- 13 Please be seated.
- 14 PRESIDING JUDGE SCHMITT: [9:31:26] Good morning, everyone.
- 15 Court officer, please call the case.
- 16 THE COURT OFFICER: [9:31:37] 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: [9:31:52] Thank you.
- 21 I ask for the appearances of the parties.
- 22 Mr Vanderpuye, for the Prosecution first.
- 23 MR VANDERPUYE: [9:31:59] Good morning, Mr President. Good morning,
- 24 your Honours. Good morning, everyone. Good morning, Mr Witness.
- 25 Today the Prosecution is represented by Manochitra Prathaban, Yassin Mostfa, and

Trial Hearing
WITNESS: CAR-OTP-P-1193

(Open Session)

ICC-01/14-01/18

1 myself, Kweku Vanderpuye. Good morning.

2 PRESIDING JUDGE SCHMITT: [9:32:11] Thank you.

3 Representatives of the victims next.

4 MR FALL: [9:32:18](Interpretation) Good morning, your Honour and other Judges.

5 The victims of other crimes are represented by Mrs Evelyne Ombeni; myself, Yaré Fall;

6 and our colleague, Narantsetseg, who will be joining us during the day. He has a

7 medical appointment.

8 PRESIDING JUDGE SCHMITT: [9:32:43] Thank you.

9 MS LAU: [9:32:47] Good morning, Mr President, your Honours. Good morning,

10 everyone in the courtroom.

11 Today the former child soldiers are represented by myself, Fiona Lau, associate legal

12 officer at the Office of Public Counsel for Victims. Thank you.

13 PRESIDING JUDGE SCHMITT: [9:32:57] Thank you.

14 For the Defence, first Ms Dimitri, as always.

15 MS DIMITRI: [9:33:02] Good morning, Mr President. Good morning,

16 your Honours. Good morning, everyone. Good morning to the witness.

17 This morning Mr Yekatom, who's present in the courtroom, is represented by

18 Mr Victor-Louis Lapointe Saint-Pierre, Ms Anta Guissé, Mr Guy Rufin Pabingui,

19 who's following remotely. And there's also Ms Laurence Hortas-Laberge, who's

20 going to join you -- join us in a minute. And myself, Mylène Dimitri.

21 PRESIDING JUDGE SCHMITT: [9:33:25] Of course. Not so easy, you know, to get

22 everyone together.

23 Mr Knoops.

24 MR KNOOPS: [9:33:32] Very good morning, Mr President, your Honours.

25 Everyone in the courtroom, good morning.

Trial Hearing

(Open Session)

ICC-01/14-01/18

WITNESS: CAR-OTP-P-1193

- 1 Our team today consists of Ms Barbara Szmatala, Sara Pedroso, Alexandre
- 2 Desevedavy, and Ms Mathilde Veronesi. And Mr Landry is following the hearing
- 3 from the field office. Thank you.
- 4 PRESIDING JUDGE SCHMITT: [9:33:49] Thank you very much.
- 5 And, of course, most importantly, a very warm welcome again. Good morning,
- 6 Mr Witness.
- 7 WITNESS: CAR-OTP-P-1193 (On former oath)
- 8 (The witness speaks French)
- 9 (The witness gives evidence via video link)
- 10 THE WITNESS: [9:34:01](Interpretation) Good morning, your Honour.
- 11 Could you please increase the volume. I can't listen to you very well.
- 12 PRESIDING JUDGE SCHMITT: [9:34:09] I think that could be easily done to
- 13 increase the volume.
- 14 And of course also, good morning to counsel of the witness, Ms Bagaza Dini,
- 15 which -- who is also following the proceedings. Good morning, madam.
- 16 Well, the sound is very good, so to speak. We hear very well when people are
- 17 walking there. I hope that the witness can follow us.
- 18 I take it that there are no questions by the Representatives of the Victims to this
- 19 witness.
- 20 MR FALL: [9:34:49](Interpretation) You're right, your Honour. We have no
- 21 questions.
- 22 MS LAU: [9:34:56] Likewise, we have no questions for this witness.
- 23 PRESIDING JUDGE SCHMITT: [9:34:58] Thank you very much.
- 24 And who will start from the side of the Defence?
- 25 Mr Knoops, I think. Yeah. So you have the floor, Mr Knoops.

Trial Hearing
WITNESS: CAR-OTP-P-1193

(Open Session)

ICC-01/14-01/18

1 MR KNOOPS: [9:35:08] Thank you very much, Mr President.

2 For the Court's information, my intention is to use the full day so that Ms Dimitri has
3 Monday and Wednesday.

4 And if the Court would allow, I might suggest that we have a shorter lunch break so
5 that I can finish today, in order that Ms Dimitri has two full days for her examination.

6 PRESIDING JUDGE SCHMITT: [9:35:36] That sounds absolutely reasonable, and we
7 will try to accommodate that.

8 MR KNOOPS: [9:35:40] Thank you, Mr President.

9 PRESIDING JUDGE SCHMITT: [9:35:41] I don't see a problem there.
10 Please proceed.

11 QUESTIONED BY MR KNOOPS:

12 Q. [9:35:52] Very good morning, Mr Witness.

13 My name is --

14 A. [9:35:58] Good morning.

15 Q. [9:36:01] My name is Alexander Knoops. I'm an attorney-at-law in Amsterdam,
16 The Netherlands, and one of the counsel of Mr Patrice Ngaïssona.

17 My first question relates, Mr Witness, to your statement you gave to the Office of the
18 Prosecution. In paragraph 44 of your statement, you -- you did say that the purpose
19 of the unified coordination was to sensitise the population and to promote peace with
20 the ComZones.

21 My first question to you, sir, is: Who decided that this should be the task of the
22 unified national coordination?

23 A. [9:37:49] Can I answer the question?

24 Q. [9:37:54] Of course.

25 A. [9:38:00] When the coordination was put in place, there was -- it was a road map.

Trial Hearing

(Open Session)

ICC-01/14-01/18

WITNESS: CAR-OTP-P-1193

1 The general coordinator, who wanted peace to return and the people go back to their
2 day-to-day lives, and this is exactly what the road map was supposed to do. I think I
3 have answered the question.

4 Q. [9:38:37] Mr Witness, do I understand your evidence correctly that the road map
5 was set up by Mr Ngaïssona?

6 A. [9:39:04] That was a proposal that was made by the coordination, at the level of
7 the coordination, and the coordination approved it and everyone wanted peace.
8 Everyone wanted peace.

9 Q. [9:39:21] Could you give us some examples of how the purpose of the
10 coordination to sensitise the population was to be achieved.

11 A. [9:39:48] The objective of the meetings convened by the coordination -- there
12 were meetings convened by the coordination, and the ComZones would attend the
13 meeting and they were given instructions to basically ensure that peace returns.
14 The second objective, when we return from Brazzaville, for instance, Ngaïssona sent
15 us on a mission to Lobaye, and this is where we had some awareness raising amongst
16 people. We gave the hostility cessation agreement to the population in order to
17 simplify it.

18 Q. [9:40:49] Mr Witness, would you agree with me that the purpose of the
19 coordination was also to give political guidance to the movement of the Anti-Balaka?

20 A. [9:41:13] Yes, that's exactly what we did.

21 Q. [9:41:19] And can you tell us, sir, why it was that specifically Mr Ngaïssona was
22 asked to be the national coordination -- coordinator in 20 June 2014 when the unified
23 coordination was established.

24 A. [9:41:55] Right. As I said, in the beginning, when I joined the group towards
25 the south, there was no coordination. And then subsequently, Mr Wenezoui came

Trial Hearing

(Open Session)

ICC-01/14-01/18

WITNESS: CAR-OTP-P-1193

1 on board and he said that we need to put in place a coordination, and the video was
2 actually shown yesterday.

3 Now Mrs Montaigne, who was the minister of communication at that point of time,
4 invited us and asked us that Ngaïssona are -- and you are on different sides. That's
5 not a good thing. You need to come together and you need to have a unified
6 coordination.

7 And there were also initiatives taken. There was an association managed by the
8 daughter of the transition tradition -- transition president. She was actually doing
9 mediation. There was Pareto, who was also involved in mediation activities. You
10 had the mayor of the 4th district was also involved in coordination.

11 Now, when there was -- when there was unification, we said that we really need to
12 merge the two coordinations. And everyone said Mr Ngaïssona should be the
13 coordinator, and Wenezoui should be his deputy. And this was actually decided in
14 unanimity.

15 Q. [9:43:53] Thank you, Mr Witness.

16 My question really was, was there a specific reason why the person of Mr Ngaïssona
17 was asked to be the general coordinator? Why was he chosen, based on unanimity,
18 to be the coordinator?

19 A. [9:44:25] Because he could manage the movement and provide solutions. And
20 this is why he was selected. He's the president of the federation. He is -- he works
21 in the political arenas. He also works with the youth. And if he sends out a
22 message, that will be well received.

23 Q. [9:44:54] Mr Witness, can you recall that Mr Ngaïssona, when he accepted the
24 position of the general coordinator of the unified coordination on 20 June 2014, that
25 he stipulated the condition that all exactions and crimes should be stopped.

Trial Hearing
WITNESS: CAR-OTP-P-1193

(Open Session)

ICC-01/14-01/18

1 A. [9:45:38] That was the order given by him in the coordination. We never heard
2 Ngaïssona saying that we had to go and kill people. It was thanks to this
3 coordination that I got acquainted with him and his actions. Aggression was never
4 the watchword. He always spoke about peace and peace was actually the keyword.

5 Q. [9:46:21] Yesterday, sir, you told us about the request of Madam Montaigne - in
6 the English real-time transcript page 68, lines 13 till 18 - where she requested to have
7 one unified coordination to lead the movement.

8 My question to you is: Was the transitional government at that time not able to
9 control the movement? Was why a national coordination needed, and not the
10 transitional government, to lead the movement?

11 A. [9:47:31] It is a question that only Mrs Montaigne can answer. But she would
12 say that, in order for the message that you want to send out be well heard, you need
13 one movement. Because if there's -- if there are two movements, there would be
14 contradictions and it really wouldn't work well. So you had to unify the movement.
15 A single port of call to manage the affairs.

16 Now, why would another coordination be needed? I cannot answer that question,
17 I'm not from the government. It's the government or the -- or Mrs Montaigne who
18 can answer that question. I can only say what the minister said. Nothing else.

19 Q. [9:48:28] Was it also the preference of the Minister Montaigne that Mr Ngaïssona
20 would become the national coordination -- coordinator of the unified coordination?

21 A. [9:48:50] I don't know what Mrs Montaigne was thinking. She just wanted one
22 coordination, a single coordination. She never imposed any names, neither
23 Ngaïssona, neither Wenezoui.

24 Q. [9:49:14] Yesterday, and also today, you told us, Mr Witness, that there was no
25 unified coordination before 20 June. Do we have to understand your evidence such

Trial Hearing

(Open Session)

ICC-01/14-01/18

WITNESS: CAR-OTP-P-1193

1 that, prior to 20 June 2014, there was no cooperation between the north and the south?

2 A. [9:49:43] There was no cooperation. There was none at all.

3 Q. [9:49:56] Your evidence yesterday was also that Mr Ngaïssona couldn't give any
4 orders to the south, the movement in the south.

5 To the best of your knowledge, sir, is it your recollection --

6 A. [9:50:18] Yes, because when we were in the south there was no collaboration at
7 all. The south was managed at another level. He was on the other side, so he had
8 no control on the south. Just like us, we had nothing to do with the north.

9 Q. [9:50:44] Thank you.

10 To the best of your knowledge, Mr Witness, do you know whether Mr Ngaïssona and
11 Mr Yekatom got to know each other only at 20 June or afterwards? So when the two
12 coordinations were unified on 20 June 2014.

13 A. [9:51:24] Right, Madam, it's going to be hard to answer that question, because
14 each person has their own relation. I don't know if they were acquainted before or
15 not. I don't know. I can't say when they got acquainted. But the movement
16 was -- *the movement unified us. That's what I can tell you.

17 Q. [9:51:55] In your statement, as well as yesterday in your evidence, you told us
18 that the role of Mr Ngaïssona was that of a firefighter. Can you explain the Court
19 what you meant with this qualification.

20 A. [9:52:30] Yes. As I said the first time in my statement, French is not my mother
21 tongue. A firefighter is someone who puts out fires during the crisis. I did not see
22 this with my own eyes, but the media, the radio said that there was a lot of disorder
23 and Mr Ngaïssona would give instructions for it to stop. So since he was trying to
24 give instructions, he was some -- he was like a firefighter, in a way. And that's why I
25 used the word "firefighter".

Trial Hearing

(Open Session)

ICC-01/14-01/18

WITNESS: CAR-OTP-P-1193

1 And ever since I got to know him, he never has -- I've never heard him asking people
2 to go and damage things. He always spoke about peace. He wanted to avoid the
3 disorder. He was thinking about the future of our country. And this is why I said
4 he's a firefighter.

5 I don't know if I've actually gone beyond the meaning of the word, but what I want to
6 say is he's someone who has always vouched for peace. And there was never
7 anything -- *he never wanted things to go overboard.

8 Q. [9:54:03] Thank you. Now I want to take you, Mr Witness, to the situation in
9 Bangui and the provinces at the time of the unified coordination was established.
10 And first I would like to play a portion of an interview which is in our information
11 attributed to you.

12 It's an audio, tab 16 of our Defence binder, and the translation is to be found in tab 37.

13 It's -- the translation is to be found on page 517 till 519, minute 00:42:59 till 00:43:11.

14 Yes, it's document CAR-OTP-2122-8916 at 8931.

15 And this interview is broadcasted, sir, on 23 May 2014. So that's three days
16 after -- well, eight days after the introduction of Mr Wenezoui.

17 And I think it's better to play it in private session.

18 PRESIDING JUDGE SCHMITT: [9:56:13] I think that was what you wanted to
19 indicate, Mr Vanderpuye. I thought so, yeah.

20 Yeah, we go to -- yeah, we go to private session. Unfortunately for the audience, but
21 I think it's really necessary.

22 Private session.

23 (Private session at 9.56 a.m.)

24 THE COURT OFFICER: [9:56:37] We're in private session, Mr President.

25 (Playing of the audio excerpt)

Trial Hearing
WITNESS: CAR-OTP-P-1193

(Private Session)

ICC-01/14-01/18

1 THE INTERPRETER: [9:56:58](Interpretation of the audio excerpt)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 PRESIDING JUDGE SCHMITT: [9:57:26] Questions could be asked in open session.

7 What do you think, Mr Knoops?

8 MR KNOOPS: [9:57:33] Yeah, I think so.

9 PRESIDING JUDGE SCHMITT: [9:57:34] I also think so.

10 Open session.

11 (Open session at 9.57 a.m.)

12 THE COURT OFFICER: [9:57:52] We are back in open session, Mr President.

13 MR KNOOPS: [9:57:57]

14 Q. [9:57:58] Mr Witness, first of all, is this your person who's being interviewed?

15 A. [9:58:14] Yes, it's my voice. I recognise my voice.

16 Q. [9:58:20] And can you recall that you gave this statement a few days after

17 Mr Wenezoui was announced to be the coordinator in May -- May 2014?

18 A. [9:58:46] Yes, but in May 2014, the southern side, on the request of Mr Wenezoui,

19 asked us to be one coordination. And the video was shown yesterday and he was

20 proclaimed as the coordinator. And the -- this was -- this happened in May. And

21 the voice that was heard was my voice and I think the interpreters translated what I

22 said.

23 Q. [9:59:27] In this interview you speak about elements which are beyond control

24 and the intention to track those elements and hand them over to the police. Can you

25 describe to the Chamber the situation at that time which led you to say these things

Trial Hearing
WITNESS: CAR-OTP-P-1193

(Private Session)

ICC-01/14-01/18

1 on the radio.

2 A. [10:00:01] Yes. Because there was banditry, which was increasing. And at

3 that time, when there is vandalism, it was always said that it was the Anti-Balaka.

4 And what I said, that we had to find those people who were using the name

5 "Anti-Balaka", to stop them and hand them over to the forces of order.

6 And not only at that time. The forces of order, the security weren't working. If the

7 security and forces of order were working, then they wouldn't have that banditry.

8 People were doing whatever they wanted and everything that they did was the

9 Anti-Balaka were blamed for it.

10 Q. [10:01:16] You are speaking here in May 2014. Could you say to the Court

11 whether this situation you described here in this interview already existed before May

12 2014.

13 A. [10:01:42] Yes. Since the beginning of the Seleka movement in Bangui, there

14 was total insecurity throughout the country. There was a feeling of insecurity. The

15 bandits along the route did whatever they felt like doing. They took advantage to do

16 whatever they wanted to do.

17 Q. [10:02:19] Can you recall what the coordination, when it became unified under

18 Mr Ngaïssona on 20 June 2014, undertook, if it undertook anything, to potentially

19 restore the situation in Bangui?

20 A. [10:02:59] Could you rephrase that, please. What was happening?

21 Q. [10:03:05] What did the national coordination do, if anything, to prevent any of

22 those actions of bandits which were attributed to the Anti-Balaka?

23 * A. [10:03:30] It's the message which the coordination spread through the ComZones

24 because we did not know their troops. The ComZones were to tell their men to avoid

25 carrying out acts of banditry. If they were the ones involved in banditry, that too had

Trial Hearing

(Private Session)

ICC-01/14-01/18

WITNESS: CAR-OTP-P-1193

1 to be denounced. You see we did not have the means to patrol so the messages were
2 conveyed through the ComZones. We also did not own the national Radio which
3 could have been used to pass on messages. But you saw that I passed on the message
4 to track down bandits at least on one occasion.

5 Q. [10:04:27] I would like to play a second portion of the same interview in private
6 session.

7 That's, for the Court, still tab 16, with the translation tab 37. It's CAR-OTP-2122-8916.

8 And it will be at page 8929, lines -- minutes 00:38:42 till 00:39:33.

9 PRESIDING JUDGE SCHMITT: [10:05:13] Private session.

10 MR KNOOPS: [10:05:26] And it's at page 8929. Sorry.

11 (Private session at 10.05 a.m.)

12 THE COURT OFFICER: [10:05:32] We are in private session, Mr President.

13 (Playing of the audio excerpt)

14 PRESIDING JUDGE SCHMITT: [10:06:16] There is no translation.

15 THE INTERPRETER: [10:06:21](Interpretation of the audio excerpt)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 PRESIDING JUDGE SCHMITT: [10:06:56] Okay, it was a little bit with a delay, but I
24 think we have the interpretation.

25 Back to open session, I assume.

Trial Hearing
WITNESS: CAR-OTP-P-1193

(Open Session)

ICC-01/14-01/18

1 (Open session at 10.07 a.m.)

2 THE COURT OFFICER: [10:07:16] We are back in open session, Mr President.

3 MR KNOOPS: [10:07:22]

4 Q. [10:07:22] Sir, in this portion of the interview you spoke about the existence of
5 the fake Anti-Balaka. Can you explain to the Chamber whether this was at that time
6 a real existing problem, or was it a cover for the Anti-Balaka to cover their crimes and
7 to suggest that crimes were committed by fake Anti-Balaka, while in reality these
8 were Anti-Balaka themselves.

9 A. [10:08:09] Your Honour, I remember that interview. It was in the radio of
10 Centrafrique. In front of me we had ex-Seleka, the imam, and a pastor, who were all
11 making statements.

12 I want to talk about Petevo here. In December, when this started, there weren't the
13 Anti-Balaka in *Petevo, and also I was also part of that group. It was the bandits
14 who entered the area, the neighbourhood, like Petevo. And they were in Petevo and
15 they committed those crimes. And I address them. It wasn't the Anti-Balaka I was
16 addressing, but the bandits.

17 The Anti-Balaka haven't committed the crimes, no. Try and find the Anti-Balaka
18 committed the crimes. I haven't seen an Anti-Balaka like that, who was killing and
19 doing harm. But I won't say or go beyond that.

20 Q. [10:09:41] Why, Mr Witness, are you saying that those crimes were committed
21 by bandits and not Anti-Balaka? How were you able to differentiate between crimes
22 committed by bandits or Anti-Balaka?

23 A. [10:10:11] Because in Petevo there weren't any Anti-Balaka, so I can't make the
24 difference I don't know. I'm not a criminologist. But what happened in Petevo,
25 there weren't any Anti-Balaka in Petevo. There weren't any Anti-Balaka in Petevo.

Trial Hearing

(Open Session)

ICC-01/14-01/18

WITNESS: CAR-OTP-P-1193

1 Q. [10:10:31] You told us that the security forces at that time were not able to
2 intervene or apprehend the individuals who were committing crimes. Now, can you
3 explain the Chamber why the national security forces were not able to fulfil their
4 duties to prevent or suppress crimes at that time.

5 A. [10:11:19] The commissariat was empty. There was no one at the commissariat.
6 So the country had been abandoned. There was no authority. It was the Seleka
7 who didn't implement anything and were masters.

8 Q. [10:11:53] Can you explain to the Court how -- how did it work, in practice, that
9 if the national coordination observed certain crimes in a district, how did it function,
10 how did it work to get these people and hand them over to the police.

11 A. [10:12:20] It was difficult. Despite the message that we were sending when the
12 coordination was set up, the -- the police authorities were out of service, but the
13 coordination didn't have the means to go on the ground and do something about it.
14 We just could pass on the message. The message that we had, when the question
15 was put to me yesterday, there were still the enclaves of Muslims. And in Boda,
16 when the Muslims were there, the Muslims stayed. We went to Boda and we went
17 to meet them. But the coordination on the ground tried its best to pass on the
18 message and to stop the criminals. That's something we couldn't do. We asked the
19 ComZones to pass on the message and to avoid the commission of crimes. But it is
20 the radio, we were listening to the radio about the crimes, lots of crimes. The police
21 and the gendarmerie should carry out investigations and apprehend the criminals.

22 Q. [10:13:36] In your statement yesterday you told us that Mr Ngaïssona did not
23 have men -- sufficient men at his disposal to prevent any crimes.

24 A. [10:13:58] Sorry?

25 Q. [10:14:00] Yesterday you told us, and it's also to be found in paragraph 42 of

Trial Hearing

(Open Session)

ICC-01/14-01/18

WITNESS: CAR-OTP-P-1193

1 your statement, that Mr Ngaïssona did not have men at his disposal to control the
2 situation. What did he try to do to prevent these crimes by bandits?

3 A. [10:14:38] We didn't know who the bandits were. We were listening about this
4 crime and that crime, but we only passed on the message to the ComZones to tell
5 everybody about it and to tell them to avoid committing crimes. That was our
6 message.

7 Q. [10:15:07] The element of ComZones you mentioned yesterday, did the
8 ComZones already pre-existed before May 2014?

9 A. [10:15:31] Yes, the ComZones existed before. The ComZones existed before.

10 Q. [10:15:43] You told us yesterday that the ComZones would, if they were asked
11 what happened in the districts, would deny incidents. Would you agree with me
12 that the national coordination was not therefore kept abreast of all the incidents in
13 Bangui or the provinces?

14 A. [10:16:24] The coordination was on the radio, but no ComZone said, look, I've
15 done this or I've done that. We didn't really have all the information because no
16 ComZone said what they had done. It is the media that was telling us, saying that
17 this has happened here and there with the ComZones.

18 Q. [10:16:53] Did Mr Ngaïssona have the power to summon the ComZones to
19 certain meetings?

20 A. [10:17:08] Yes, he -- the ComZones came, the ComZones who were in Bangui or
21 were passing through came to the meeting.

22 Q. [10:17:19] But if a ComZone would refuse to come to a meeting, what would
23 have been the power of Mr Ngaïssona to force a ComZone to a meeting? Would he
24 have any force to ensure that the ComZone would attend a meeting?

25 A. [10:17:45] We didn't have the statutes or the possibilities of doing that. The

Trial Hearing

(Open Session)

ICC-01/14-01/18

WITNESS: CAR-OTP-P-1193

1 coordination, in some way, was a means to *unify people who had goodwill and
2 wanted to pass on the message. That was already one step.

3 Q. [10:18:13] So for instance, Mr Witness, if a ComZone would have been invited
4 for a meeting in Bangui on behalf of the unified coordination, and would refuse to
5 attend the meeting, would Mr Ngaïssona have the means to punish a ComZone?

6 A. [10:18:44] I can only repeat, there was no text on the coordination to apply this
7 type of protocol. It was people who were independent, but present and in
8 agreement with the coordination, and they would pass on the message of peace.

9 Q. [10:19:13] You just told us, Mr Witness, that the ComZones pre-existed May
10 2014. In your recollection, did the phenomena of ComZones already existed before
11 the 5 December attack 2013, as far as you know?

12 A. [10:19:43] That I don't know. When I arrived in this milieu with the
13 coordination, then I started to know the ComZones. But before that is something I
14 don't know. If it was a movement who was prepared before 5 December or not is
15 something I don't know. I don't know.

16 Q. [10:20:05] Did the national coordination, which was established in June 2014, the
17 unified coordination, have any saying on the ComZones in the provinces?

18 A. [10:20:28] Sorry?

19 Q. [10:20:31] Did the coordination which was established on 20 June, the unified
20 coordination, have any power or say on the ComZones in the provinces and what was
21 happening there?

22 A. [10:21:00] Communication as such is something I don't see. But those who
23 were passing by could go to the meetings. But as regards peace, because those who
24 came to the meeting came back and returned and passed on the message.

25 Q. [10:21:27] A Prosecution witness came before this Court, also part of the

Trial Hearing

(Open Session)

ICC-01/14-01/18

WITNESS: CAR-OTP-P-1193

1 coordination, who testified that the hinterland at that time was completely under the
2 control of armed groups. That was P-0888, transcript 101.

3 And my question to you, Mr Witness: Do you agree with this observation, that the
4 hinterland at that time was completely under the control of armed groups and that
5 the situation there was totally uncontrollable for the national coordination?

6 A. [10:22:30] Yes, there were armed groups. You found Seleka, you found
7 Anti-Balaka. You saw that bandits. Everything was there.* The authority of the
8 State was non-existent. Everything was confused.

9 Q. [10:22:48] My question to you, sir, do you agree that the national coordination
10 had no means nor power to control at that time the situation in the hinterland of the
11 Central African Republic, in terms of controlling all those armed groups?

12 A. [10:23:09] Yes. The coordination didn't have the means, but we did have the
13 communications to avoid the crimes and work towards peace. That's what we were
14 doing. But to say that we could do this or that, we could disarm, we didn't have the
15 means to do that.

16 Q. [10:23:33] Sir, is it fair to say that in the situation at that time for Mr Ngaïssona
17 as the national coordinator of the unified coordination, it was an upstream battle to
18 achieve the task, the mandate of the coordination, to promote peace and to sensitise
19 the population? It was an impossible task at that time.

20 A. [10:24:21] Impossible. But he tried, because he had to pass on the message.
21 He accepted to be coordinator and see how he could find a solution, and that was
22 maybe through elections.

23 Q. [10:24:44] Mr Witness, would you agree with me to say that, at that time frame
24 we're speaking about, there was a vacuum in security authority in the Central African
25 Republic?

Trial Hearing
WITNESS: CAR-OTP-P-1193

(Open Session)

ICC-01/14-01/18

1 A. [10:25:12] Yes.

2 Q. [10:25:18] And is it fair to say that, in view of this vacuum in terms of security
3 and authority, the national coordination, including you at that time, tried to find
4 solutions other than the communications you just mentioned to the public, for
5 instance, to set up a military police? Can you tell us about the initiative which was
6 undertaken to set up this military police and why it emerged.

7 I believe you, in your statement in paragraph 78 --

8 A. [10:26:21] I remember, I remember, I remember, Counsel, that
9 Captain Kamezolaï, Captain Kamezolaï, who was chief of staff in the coordination, he
10 came and said the prime minister's office wishes that -- that the Rombhot group set
11 up a police to track down the bandits. So Captain Kamezolaï was involved in that.
12 And the prime minister's office provided means. This was towards Bimbo. That
13 was towards Bimbo. So it's Captain Kamezolaï who can explain what happened
14 there.

15 And this police, which was set up stopped Anti-Balaka, somebody who was near,
16 living near Fatima who was stopped near the stadium, and he was handed over to the
17 gendarmerie.

18 Q. [10:28:06] Can you tell us what the position was of Mr Ngaïssona when he
19 became the national coordinator of the unified coordination with respect to the
20 military police unit. What did he do to facilitate that unit?

21 A. [10:28:33] No, the national coordination didn't do anything. That's what I said.
22 That happened near Bimbo. Ngaïssona -- I have no real idea of exactly what
23 happened. It wasn't very easy.

24 Q. [10:29:00] When Mr Ngaïssona became the national coordinator, did he give
25 instructions to return stolen vehicles which were taken away from civilians? And if

Trial Hearing
WITNESS: CAR-OTP-P-1193

(Open Session)

ICC-01/14-01/18

1 so, how -- how did it work?

2 A. [10:29:29] Right, I remember an incident where a vehicle was stolen and

3 Mr Ndomate had organised this. He actually stole a pick-up, 4x4 Toyota.

4 (Redacted). And this vehicle went to

5 Boy-Rabe.

6 (Redacted)

7 (Redacted).

8 (Redacted)

9 (Redacted) and he complicated the situation. And the owner

10 of the vehicle gave 5,000 francs and he returned the vehicle.

11 Q. [10:30:53] Can you remember how much time this took place after the unified

12 coordination was established?

13 A. [10:31:17] No, I said that I do not have the dates, but this happened when the

14 coordination was set up, we were already together. So I really cannot recall the date

15 and the month. But it's difficult for me. And you can actually check this incident

16 out. You will see that I was right.

17 Q. [10:31:46] In your --

18 A. [10:31:48] And this happened thanks to the coordination and (Redacted)

19 (Redacted) Ndomate lived in Boy-Rabe, (Redacted)

20 (Redacted).

21 Q. [10:32:07] In your statement at paragraph 42, you told the investigators of the

22 Office of the Prosecution that Mr Ngaïssona was constantly threatened by the

23 ComZones as a result of his desire to stop any violence, pillage and potential other

24 crimes, because the ComZones saw Mr Ngaïssona as weak, as a weak person, because

25 of his willingness to stop any violence and any armed actions. Can you give the

Trial Hearing

(Open Session)

ICC-01/14-01/18

WITNESS: CAR-OTP-P-1193

1 Court -- can you --

2 A. [10:33:01] Never. That's true. Mr Andjilo threw a grenade in Mr Ngaïssona's
3 compound because Ngaïssona asked him to stop everything. That's a proof in itself.
4 Mr Maxime Mokom fell out with Ngaïssona because Ngaïssona wanted peace and he
5 wanted to change the movement into a political party. So these are examples that
6 can actually bear out what I just said.

7 Q. [10:33:50] Would you agree with me, Mr Witness, that Mr Ngaïssona, in his
8 endeavour with the coordination to sensitise the population for peace, risked his life?
9 Meaning that despite those threats against his life, he continued to promote peace.

10 A. [10:34:28] Yes, he did it. In spite of the fact that Andjilo threw the grenade in
11 his compound, he never left the movement and he always was involved in spreading
12 the message of peace. He stayed with the coordination. He continued organising
13 meetings as well.

14 Q. [10:35:02] Mr Witness, apart from the example you just gave with respect to
15 Mr Andjilo, can you recall to the Chamber any other examples of threats against
16 Mr Ngaïssona for his desire to stop any violence?

17 A. [10:35:29] In the meetings, for instance, the ComZones would say, "We have
18 taken the risk of fighting. We haven't been demobilised. We haven't found
19 anything, and you're asking us to leave everything and wait for the DDR." And they
20 would express their dissatisfaction, because he would always -- because he would
21 always say you -- he took the courage to say that everyone must stop it and must
22 provide an answer. And what would win -- what would one win. But we -- we
23 told him that it's the DDR. It's been created for former fighters, and there's nothing
24 else but that.

25 Q. [10:36:29] Speaking about Mr Andjilo, can you recall, Mr Witness, whether he

Trial Hearing

(Open Session)

ICC-01/14-01/18

WITNESS: CAR-OTP-P-1193

1 was ever part of the military police you just mentioned?

2 A. [10:36:45] No, no. Mr Andjilo would never even attend those meetings. He
3 was a bandit. He was somewhere out there. He was a bandit. He would never
4 come to the meetings. He couldn't, he was a bandit.

5 Q. [10:37:10] In the same vein, the same vein, Mr Witness, does the name of
6 Mr Mazimbelet ring a bell to you?

7 A. [10:37:29] Mazimbelet was also Anti-Balaka, and he would never listen to
8 anyone. He would not even listen to the president of the transition government,
9 Mrs Catherine Samba-Panza. He -- she tried to actually make several concessions
10 with him, but he would never -- it never worked. He would never listen to anyone.

11 Q. [10:38:02] Was the national coordination at that time, speaking about June 2014,
12 familiar with the information that at checkpoints civilians were extorted, in that they
13 were obliged to give money to the elements at those checkpoints? And if so, what
14 was the position of Mr Ngaïssona with respect to that information on extortion?

15 A. [10:39:04] Mr Ngaïssona never liked anything that went against the decisions
16 taken. The proof is that when we came back from Brazzaville we informed Sangaris,
17 and the coordinator Ngaïssona. And we went towards the south, which was the
18 stronghold of Mr Rambo. In presence of Mr Rambo we in fact dismantled the
19 checkpoints. And when we dismantled these checkpoints in the southern sector,
20 ever since the return of the cessation of hostilities in Brazzaville, there were no longer
21 these checkpoints. But in the northern side, the people were obstinate, they would
22 not listen to the coordination, to what Ngaïssona said. Mr Ngaïssona tried several
23 times, but they wouldn't listen, they wouldn't apply the decisions taken. There was
24 no force. *He had goodwill, *he had a lot of goodwill.
25 He managed to dismantle the checkpoints in the south, but in the north it was

Trial Hearing

(Open Session)

ICC-01/14-01/18

WITNESS: CAR-OTP-P-1193

1 different, people were quite stubborn and obstinate. But he wanted peace to return
2 in the whole of the territory.

3 Q. [10:40:54] How was the -- how did Mr Ngaïssona actually effectuate the
4 dismantling of those barricades, of those checkpoints? What did he in practice do,
5 except for perhaps disseminating the message that they should be dismantled? For
6 instance, did he install certain local units, people who had to check, had to go there to
7 check whether those checkpoints were really dismantled?

8 A. [10:41:32] I gave the example of the south. Mr Rambo was there, he was
9 actually living in the south, and he was the one ensuring the application. After the
10 checkpoints were dismantled, they never came back. There was free movement.
11 Everyone was moving about.

12 Q. [10:42:12] Were you familiar, Mr Witness, that Mr Ngaïssona himself sometimes
13 within Bangui visited those checkpoints to make sure that they were dismantled, that
14 he physically went out there with the national coordination members to verify this?

15 A. [10:42:46] Apart from the southern sector, we went, we came back and we didn't
16 go anywhere else, but we would send the message across. And I was in the south, I
17 would go there from time to time and I would never see anything. But perhaps
18 there were isolated cases, but I wasn't aware.

19 Q. [10:43:13] We just spoke about military police. When Mr Ngaïssona became
20 the national coordinator in June 2014, can you recall that he also did set up local units
21 to ensure that there was no pillage, there was no stealing, et cetera?

22 A. [10:43:44] I remember, I think a person died, I don't remember the name. He
23 had a small team out there. And this team would escort people, because in spite of
24 the messages that were sent out, the few -- there were a few Anti-Balaka that would
25 not respect these instructions. I don't remember the name of this person, but he died.

Trial Hearing
WITNESS: CAR-OTP-P-1193

(Open Session)

ICC-01/14-01/18

1 He died in a road accident. And he was the one who would ensure that people were
2 escorted.

3 Q. [10:44:23] Can you recall whether Mr Ngaïssona gave specific mission orders to
4 those individuals who were to escort other people?

5 A. [10:44:48] To the best of my knowledge, I don't know, but the gentleman who I
6 referred to and who died, he would escort people. Because the Anti-Balaka out in
7 the fields would not listen to the orders that were issued, so this gentleman would
8 escort people.

9 Q. [10:45:12] Sir, this phenomena of escorting people, was this to ensure, as far as
10 you know, to protect the lives of certain individuals like Muslims? Was this
11 specifically something Mr Ngaïssona was keen about, that Muslims could freely move
12 at that time?

13 A. [10:45:51] I think it's for a whole host of reasons. He never excluded or he
14 never discriminated amongst Muslims and Christians. It was for everyone. He
15 even sent food to KM5.

16 Q. [10:46:24] I will talk with you about this subject after the break.

17 Mr Witness, the name of the individual whom you said died, you couldn't recall his
18 name, as the person who was in charge of these local units, was that -- could it be
19 Gustave Yadjoungou?

20 A. [10:46:57] No, it's not him. Mr Gustave *Yadjoungou died before. He died of
21 disease. But the person I referred to died in a road accident.

22 Q. [10:47:17] In the endeavour to sensitise the population for peace as part of the
23 mandate of the national coordination, I read in your statement, in paragraph 80, that
24 the national coordination at a certain time issued badges to identify individuals for
25 the DDR programme which was to be set up and was about to start.

Trial Hearing

(Open Session)

ICC-01/14-01/18

WITNESS: CAR-OTP-P-1193

1 My question to you is, Mr Witness, was the purpose of the issuance of badges by the
2 national coordination also to differentiate between the Anti-Balaka who were not
3 committing crimes and the bandits you described earlier in your testimony?

4 A. [10:48:43] Could we identify the bandits? No. The -- we couldn't find them.
5 We didn't know them. They were in hiding. Even though there were badges that
6 were delivered, it was given to elements that the coordination knew.

7 Q. [10:49:10] Why did the national -- transnational -- transitional government
8 intervene at that time? Why did -- in other words, why did the -- why did the
9 national coordination had to issue badges and why wasn't this done by the national
10 government, the transitional government at that time?

11 A. [10:49:50] First of all, could the coordination carry out the DDR? No. It was
12 in fact to identify the Anti-Balaka. And if the DDR came through, it was about
13 cooperating or working with people who had the badge. The DDR programme of
14 MINUSCA was there and everything had to started with the DDR.
15 And I was representing the movement with the DDR. Mr Ngaïssona had asked me
16 to do so. I was with Captain Kokaté and I explained during the meeting, and I
17 was -- and there was a Belgium person, Mr Hervé, as well. And he said, "How do
18 we find the Anti-Balaka on the southern road? It was Captain Rambo, and if you
19 couldn't, I was willing to take him and show them." And I gave -- reported to the
20 coordinator Ngaïssona. I asked for the list to be produced, and the list was
21 produced, and there was the first DDRs that came through.

22 Q. [10:51:37] Mr Witness, can you recall whether the initiative to issue badges was
23 actually taken by Mr Ngaïssona himself, it was his suggestion to facilitate the DDR
24 programme process by starting to issue badges?

25 A. [10:52:15] I do not recall that, but I know that there was a legislation that was

Trial Hearing
WITNESS: CAR-OTP-P-1193

(Private Session)

ICC-01/14-01/18

1 enacted.

2 Q. [10:52:28] Was the idea to start with the issuance of badges supported by the
3 transitional government, as far as you know?

4 A. [10:52:50] No, this was an internal decision. It was actually in order to make a
5 distinction, because when the DDR would come through anyone would come, even
6 someone who was not part of the movement or a bandit. So this was actually a way
7 to avoid any kind of confusion during the DDR.

8 MR KNOOPS: [10:53:23] Before the break, I would like to play a third excerpt from
9 the same interview in private session. That's again tab 16 of our binder, translation
10 tab 37. CAR-OTP-2042-4677, that's tab 16, and the translation is transcript
11 CAR-OTP-2122-8916.

12 PRESIDING JUDGE SCHMITT: [10:54:09] Private session.

13 MR KNOOPS: [10:54:11] Private session. And it will be at page 8926, 8926, minutes
14 00:28:53, 00:30:48.

15 (Private session at 10.54 a.m.)

16 THE COURT OFFICER: [10:54:39] We are in private session, Mr President.

17 (Playing of the audio excerpt)

18 THE INTERPRETER: [10:55:01](Interpretation of the audio excerpt)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

Trial Hearing
WITNESS: CAR-OTP-P-1193

(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 PRESIDING JUDGE SCHMITT: [10:56:56] Back to open session.

11 Mr Knoops, if it is a set of questions, I would suggest that we ask them after the break.

12 Yeah. Okay.

13 (Open session at 10.57 a.m.)

14 THE COURT OFFICER: [10:57:18] We're in open session, Mr President.

15 PRESIDING JUDGE SCHMITT: [10:57:20] Thank you very much.

16 So as we shortly discussed, we -- you ask your questions after the break. And I have
17 the impression, Mr Knoops, that you are quite quick. So we ask you again after the
18 end of the next session what your expectance is.

19 So break until 11.30.

20 THE COURT USHER: [10:57:42] All rise.

21 (Recess taken at 10.57 a.m.)

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

23 THE COURT USHER: [11:32:04] All rise.

24 Please be seated.

25 PRESIDING JUDGE SCHMITT: [11:32:25] Mr Knoops, you still have the floor,

Trial Hearing

(Open Session)

ICC-01/14-01/18

WITNESS: CAR-OTP-P-1193

1 obviously.

2 MR KNOOPS: [11:32:32] Thank you very much, Mr President.

3 Q. [11:32:35] Mr Witness, good morning, sir. Before I ask my questions --

4 A. [11:32:38] (No interpretation)

5 Q. [11:32:39] *Bonjour*.

6 Before I ask my questions on the -- the excerpt, just to clarify questions on the matter
7 which was raised before the break. First of all the issue of the badges, can you recall,
8 sir, that the issuance of the badges commenced already before the unified
9 coordination was set up on 20 June 2014 by Mr Ngaïssona?

10 A. [11:33:37] Counsel, I always said what happened before the unification is
11 something I don't know. I know what happened when we came together. When
12 we were together, there were those badges. And it's Ganazoui who was making the
13 films and making the badge. Ganazoui -- Ganazoui was the one who was making
14 the badges.

15 Q. [11:34:26] Do I understand your evidence correctly, sir, that when you came to
16 participate in the national coordination in June the badges already existed?

17 A. [11:34:54] No. I said what happened when we were together. When -- I saw
18 that the badges were beginning to be delivered when we came together.

19 Q. [11:35:02] Okay. Sir, my second clarification is the name we spoke about before
20 the break on the subject of this local unit which was installed by Mr Ngaïssona to
21 escort people. And I think the transcript also misunderstood my pronunciation. I
22 practised during the break the name, Mr Witness. Could that person be - and I refer
23 to the person who died in this car accident - could that person be -- had the name
24 Gustave Yadjoungou?

25 A. [11:35:55] These are people I didn't know before. I only saw them when I was

Trial Hearing
WITNESS: CAR-OTP-P-1193

(Open Session)

ICC-01/14-01/18

1 part of the coordination. So it's difficult for me to memorise the names. I know that
2 he died in a car accident.

3 Q. [11:36:09] The name Cyrille Junior Toungouma, does that name ring a bell, as a
4 member --

5 A. [11:36:26] Can I see his photo? Sometimes I can recognise people if I see their
6 photo.

7 PRESIDING JUDGE SCHMITT: [11:36:33] If you had one, I think that -- you don't.
8 Okay.

9 MR KNOOPS: [11:36:35] No, we don't have a photo.

10 PRESIDING JUDGE SCHMITT: [11:36:37] But it -- so it doesn't matter.

11 If Ms Dimitri has one -- she also not. So then we don't have one.

12 Ms Dimitri.

13 MS DIMITRI: [11:36:48] Just one point, Mr President. I notice that the witness
14 keeps overlapping. He -- he cuts the end of the interpretation, so he doesn't hear
15 either the last name Mr Knoops is pronouncing or the end of the question. There's a
16 lot of overlap on the French channel.

17 PRESIDING JUDGE SCHMITT: [11:37:03] So the witness is too quick also.
18 You have heard it, Mr Witness. Please start only speaking when the interpretation
19 has been gone through. It's not -- might not be easy for you to figure that always out,
20 but perhaps wait two or three seconds until you answer the question. Thank you
21 very much.

22 Mr Knoops.

23 MR KNOOPS: [11:37:30] Maybe if -- if the name I mentioned was overlapped by --

24 THE WITNESS: [11:37:34](Interpretation) Thank you.

25 MR KNOOPS: [11:37:36] I will repeat it, because I was informed by Ms Szmatura

Trial Hearing
WITNESS: CAR-OTP-P-1193

(Open Session)

ICC-01/14-01/18

1 that the name I mentioned was overlapped by the witness.

2 Q. [11:37:48] Mr Witness, I give you the name of the person who was charged by
3 Mr Ngaïssona to set up this local unit to escort individuals. The name we received
4 was Gustave Yadjoungou. Does that name ring a bell? Is that the individual who
5 died in the car accident?

6 A. [11:38:38] May I?

7 PRESIDING JUDGE SCHMITT: [11:38:42] Yes.

8 THE WITNESS: [11:38:45](Interpretation) Yes, with your permission, the name
9 Gustave Yadjoungou is not person who died. He's still alive. But the man who
10 died, if you gave me his name I probably would remember.

11 PRESIDING JUDGE SCHMITT: [11:39:11] I think we have to leave it at that,
12 Mr Knoops.

13 MR KNOOPS: [11:39:17] Yeah. Thank you.

14 Q. [11:39:17] Mr Witness, coming back now to the excerpt of (Redacted)
15 (Redacted) we listened to before the break. In that interview (Redacted)
16 (Redacted)
17 It's lines 20 -- 326 till 327 on page 8926.

18 Could you explain to the Chamber why (Redacted)
19 (Redacted). What was the reason?

20 A. [11:40:20] I didn't understand your references, counsel.

21 Q. [11:40:29] (Redacted)
22 (Redacted). And my

23 question to you is: Why was it that the Anti-Balaka were not billeted?

24 A. [11:41:05] Which, Counsel? Who? When you are on different sites?

25 PRESIDING JUDGE SCHMITT: [11:41:20] May I.

Trial Hearing

(Open Session)

ICC-01/14-01/18

WITNESS: CAR-OTP-P-1193

1 I think what counsel wants to know, Mr Witness, is if you have knowledge about the
2 DDR process with regard to the Anti-Balaka. And counsel says the DDR process
3 with regard to the Anti-Balaka failed, and the question would be do you know why it
4 failed?

5 THE WITNESS: [11:41:52](Interpretation) Well, may I speak, with your permission?

6 PRESIDING JUDGE SCHMITT: [11:41:57] Yes.

7 THE WITNESS: [11:42:01](Interpretation) Indeed, according to Mr S, who was with
8 MINUSCA, who I had a meeting and said during that interview that he sought to
9 make the DDR for the Anti-Balaka, but he didn't know how to start because he wasn't
10 on the ground and he didn't know what to do. That is what Mr S Hervé, who
11 worked in MINUSCA, who's Belgian, said. And he didn't know how to deal with
12 the Anti-Balaka.

13 Let me give the case where he said that there are people or men based in Sekia which
14 he controls and everything starts with them. He said it's important to inform the
15 coordination. I informed the *caporal chef* and a mission from MINUSCA. Me and
16 others went to Sekia, with the authorisation of Mr Rambo. They saw the men and
17 said, "You have to demobilise." And it's like that that a list was established. And
18 they said, "We won't demobilise. Those of -- from Sekia will have to wait." And
19 with the MINUSCA, there was something that was done for Sekia.

20 And Rambo and the other Anti-Balaka who were around Bangui, the coordination
21 produced a list and they were demobilised. And that was the first DDR. That was
22 the very first DDR.

23 You can go to the DDR service of MINUSCA and you will have that information
24 given to you. Thank you.

25 PRESIDING JUDGE SCHMITT: [11:44:15] Thank you. I think you can follow up

Trial Hearing

(Open Session)

ICC-01/14-01/18

WITNESS: CAR-OTP-P-1193

1 from here, I can imagine, for more specificities.

2 MR KNOOPS: [11:44:22] Yes. Thank you, Mr President.

3 Q. [11:44:24] Mr Witness, do you recall that Mr Ngaïssona, during the coordination
4 meetings as of 20 June, when you were there, tried to have all the ComZones comply
5 to the DDR process, and that, despite his efforts, some of them refused to be
6 disarmed?

7 A. [11:45:10] On the contrary, the ComZones waited for the DDR. As I said
8 *during my audio statement just now, they were waiting for the DDR. They couldn't
9 refuse. But it didn't reach to everybody else and so everybody was waiting for it.

10 Q. [11:45:49] Do you recall, Mr Witness, or you have knowledge that Mr Ngaïssona
11 proposed the billeting of the elements during one of the coordination meetings?

12 A. [11:46:17] It's just in relationship to what I've just said. With Mr S, they said the
13 Anti-Balaka in the Sekia area where the meeting was held, there was a break. So
14 each Anti-Balaka who was responsible for a particular arrondissement had a list, and
15 a programme was established with MINUSCA, according to which men were saying,
16 "Well, this group from this sector can register." And it is like this how it proceeded.
17 There were groupings. There were registrations. Those who were kept for the
18 registration you were there to do. And after that they continued this process.

19 Q. [11:47:23] Would you agree with me, Mr Witness, that the -- despite all the
20 efforts and demands by the coordination in 2014, it was only in 2015 that the request
21 to billet the Anti-Balaka was taken into account by the transnational authorities and
22 international community, and therefore, in 2014, there was no effectuation of the
23 billeting of the Anti-Balaka, despite the different requests of the coordination?

24 A. [11:48:23] Yes, counsel, because already the suffering, and the MINUSCA said
25 they didn't know how to start with the disarmament because they didn't know where

Trial Hearing

(Open Session)

ICC-01/14-01/18

WITNESS: CAR-OTP-P-1193

1 the Anti-Balaka were. It is when I brought the MINUSCA team to Sekia to meet the
2 Rambo elements, and I informed the coordination, that a list was generated. At that
3 moment the first DDR took place.

4 So it wasn't the government. It was Mr S of the MINUSCA who said this was the
5 programme which could help. And from the moment when I showed Mr S the will
6 that we wanted and the plan we wanted, the coordination was informed and the first
7 DDR took place.

8 Q. [11:49:31] Would you agree with me that this was only in 2015 and, therefore,
9 2014?

10 A. [11:49:47] Yes. It was before the elections. I don't know the dates exactly, but
11 it was before the elections.

12 Q. [11:50:01] Can you tell the Chamber what was the effect of the absence of the
13 billeting of the elements in 2014.

14 A. [11:50:30] Well -- well, because there was no structure *for the purpose of
15 sensitizing and putting all the elements in one place. And even if there was a
16 structure to put them in one place, you'd have to look for their accommodation.
17 What the coordination was looking for was funding. And through the MINUSCA,
18 we started this disarming. We started to disarm. So it was impossible to billet the
19 people, to regroup them. How were we going to do that? It was very difficult.
20 And that is why the coordination asked the international community to find the
21 means to group these people, to disarm them, demobilise them, and help them.
22 The government at that time, did they try, did they try not? I don't know. Because
23 with the government, apart from the meeting which we had with Minister Montaigne,
24 we wrote letters, but we didn't get any response. So we relied on the international
25 community heavily.

Trial Hearing

(Open Session)

ICC-01/14-01/18

WITNESS: CAR-OTP-P-1193

1 Q. [11:52:02] Mr Witness, in the excerpt we played before the break you say that,
2 with respect to the problem of the absence of billeting of the elements in 2014, that
3 you felt abandoned because nobody was looking after us, referring to the Anti-Balaka.
4 Now what, if any, were the effects of the absence of billeting and the feeling to left
5 abandoned on the security situation in Bangui at that time, if you know?

6 A. [11:53:06] If there had been billeting, if there had been billeting, we wouldn't
7 know who was who, we wouldn't know who was who. But there was no billeting.
8 Everybody was at their own place. So to control the movement was very difficult.
9 It was very difficult. And that's why I said that until 2014 it wasn't easy. It wasn't
10 easy to do something. Who could be billeted if we didn't have the support of the
11 international community, because we didn't have the means to billet individuals?

12 Q. [11:53:52] Were you, Mr Witness, aware that at that time Mr Ngaïssona
13 presented some proposals to billet the Anti-Balaka to the national authorities and/or
14 the international community? And if so, what was their response to his proposals?

15 A. [11:54:28] If you have in a document to refresh my memory, perhaps that would
16 be helpful.

17 PRESIDING JUDGE SCHMITT: [11:54:40] I think that that should be possible.

18 MR KNOOPS: [11:54:41] Yes, we have document. Indeed, several ones, but we
19 can --

20 PRESIDING JUDGE SCHMITT: [11:54:47] Perhaps pick one.

21 MR KNOOPS: [11:54:49] Tab 14. Maybe for the introduction of this document I
22 might go briefly into private session, because it relates to a certain functioning of the
23 witness, and I want to -- don't want to jeopardise his identity. So maybe to introduce
24 this document, we could briefly go into private session.

25 PRESIDING JUDGE SCHMITT: [11:55:17] Yeah. But I have a quick look at it at the

Trial Hearing

(Open Session)

ICC-01/14-01/18

WITNESS: CAR-OTP-P-1193

1 moment, and it's -- it seems not to be a document produced or mentioning your client.
2 I think that that would be -- because with regard to the question that you -- you asked
3 the witness, perhaps -- and I recall several documents with regard to this DDR
4 process. It's up to you, but this one mentions different people, seems to be put
5 together by a different person. Perhaps you have one that could better jog the
6 memory with regard to the potential role of Mr Ngaïssona. That that is what your
7 purpose is.

8 MR KNOOPS: [11:55:54] Yeah. I could -- although the witness did say that he has
9 no concrete information before May, but we could show him tab 5. It's document
10 CAR-OTP-2025-0362. It's a document from February 2014, but I can ask the witness
11 if he has any recollection that Mr Ngaïssona made any proposals on the billeting.

12 PRESIDING JUDGE SCHMITT: [11:56:32] And also subsequently.

13 MR KNOOPS: [11:56:35] Yes.

14 PRESIDING JUDGE SCHMITT: [11:56:36] That is the point. Okay. Good. Fine.

15 MR KNOOPS: [11:56:41]

16 Q. [11:56:42] Mr Witness, if correct, you will see on the screen in a few seconds a
17 document which is from February 2014. Now, I do know that you did testify already
18 that you have no concrete information on the time frame before May, but still, after
19 having seen this document, my question would be to you if you are aware that
20 Mr Ngaïssona made these type of proposals, which you see here on the screen, either
21 before or after May 2014?

22 A. [11:57:42] May I speak, with your permission?

23 PRESIDING JUDGE SCHMITT: [11:57:46] Yes.

24 THE WITNESS: [11:57:50](Interpretation) I always said that before month of May
25 we weren't together. So this project, if it was done by President Ngaïssona, if it has

Trial Hearing

(Open Session)

ICC-01/14-01/18

WITNESS: CAR-OTP-P-1193

1 his signature, then it was done by him. And he said -- he said, project of billeting

2 and emergency care of the combatants of the Anti-Balaka movement, first step.

3 So this is a project that he made but wasn't taken into account. I wasn't there. It is a

4 project, but I wasn't there. But it was a project. If it's signed by Mr Ngaïssona, I

5 don't doubt that it was presented. It has his signature. Is it there?

6 His signature has to be there.

7 PRESIDING JUDGE SCHMITT: [11:58:55] May I shortly, Mr Knoops.

8 So -- we understand that, Mr Witness. So the question was if you have knowledge

9 or are aware of similar attempts by Mr Ngaïssona for the DDR process, for the

10 *cantonnement* during the time, let's say, from May-June 2014, when you were part of

11 the coordination.

12 THE WITNESS: [11:59:32](Interpretation) Yes. I always said, your Honour, that the

13 aim was to gather everyone and to demobilise. So this project dated February, when

14 we were together, we were speaking the same language. You have to regroup the

15 people and have to demobilise them.

16 PRESIDING JUDGE SCHMITT: [11:59:56] Thank you, Mr Witness.

17 I think, Mr Knoops, you can continue from there. I think it's quite clear.

18 MR KNOOPS: [12:00:04] Yeah. Yeah.

19 Q. [12:00:05] Sir, are you aware that Mr Ngaïssona made these type of proposals

20 also to Ms Samba-Panza, and that she refused to set up for the Anti-Balaka a crisis exit

21 programme at that time? We're speaking now about the time frame of the unified

22 coordination, so the time you were there.

23 A. [12:00:49] Yes, Mr Ngaïssona made proposals to the transition government.

24 The transition government, Samba-Panza's transition government was a Seleka

25 government. Most of the ministers and counsellors were Seleka leaders and it was

Trial Hearing

(Open Session)

ICC-01/14-01/18

WITNESS: CAR-OTP-P-1193

1 difficult to basically take on board a proposal made by Ngaïssona, even though it was
2 well drafted.

3 Q. [12:01:37] Was there, apart from what you described about the position of the
4 transitional government, did Mr Ngaïssona in those days of the unified coordination
5 making those proposals, receive any support from MINUSCA or the Sangaris to
6 effectuate those proposals?

7 A. [12:02:21] The Sangaris did not regroup. What the MINUSCA did is what I just
8 said. It was with Mr Hervé, and that's it.

9 Q. [12:02:47] But it was in 2015, wasn't it? So my question to you is - we're
10 speaking about 2014 - can you recall whether Mr Ngaïssona, in his role as national
11 coordinator, received any support from the Sangaris or MINUSCA when he
12 suggested these type of proposals such as the billeting of the Anti-Balaka?

13 A. [12:03:30] What type of support are you talking about? Financial support?
14 Material support? Logistic support? I'm sorry that I'm asking you this question.

15 Q. [12:03:40] It's a very justified question, Mr Witness. Actually referring to all
16 kinds of support, including -- including political support. Was he politically
17 supported by international community in his endeavours to sensitise the population
18 and to billet the Anti-Balaka?

19 A. [12:04:22] Right. I was the interface with the international community, with the
20 Sangaris, and I was reporting to Ngaïssona. The Sangaris, MINUSCA asked that the
21 movement transform itself into a political party, and it was out of the question that
22 the movement could still exist as an armed group. It had to be transformed into a
23 political party. They spoke about this to me and I conveyed this message to
24 Mr Ngaïssona, and he did not refuse. He thought about it. He gave his go-ahead
25 and changed the movement into a political party. So an armed conflict was no

Trial Hearing

(Open Session)

ICC-01/14-01/18

WITNESS: CAR-OTP-P-1193

1 longer -- no longer made sense. So it was out of the question to talk about the

2 Anti-Balaka.

3 The movement changed into a political party, which was the *Parti centrafricain pour*

4 *l'unité et le développement*, Central African Republic Party for Unity and Development.

5 So this party was set up upon the advice of the international community and the

6 Sangaris were -- and the Sangaris were regularly in touch with them.

7 Q. [12:06:12] Would you say that Mr Ngaïssona was susceptible to cooperate with

8 the international forces and community in 2014 to sensitise the population in order to

9 achieve peace?

10 A. [12:06:52] I will tell you immediately that Mr Ngaïssona is a man of peace. He

11 always sought for peace, even before the unification. And when we were together,

12 he always spoke about peace. And this is precisely *why when he was asked to

13 transform the movement, he was not the one to create the movement, but he accepted

14 to create a political party, he would accept any proposal that would come with a view

15 to providing peace -- providing a peaceful solution.

16 Q. [12:07:40] Sir, can you recall that at a certain point in time in 2014

17 the -- General Soriano of the Sangaris forces qualified the Anti-Balaka enemies of the

18 peace, and that Mr Ngaïssona responded to this assertion? And if so, what was his

19 response?

20 A. [12:08:26] I remember that General Soriano received us at the Sangaris military

21 base called M'Poko. We decided -- we discussed peace, the future of the country.

22 And then you spoke about this very painful event. The Anti-Balaka, including

23 Emotion Namsio who was part of them, were coming back from the provinces. They

24 were arrested in PK12 and were taken to the gendarmerie. There was a lot of tension.

25 And Mr Ngaïssona said that they are arrested and they are in the hands of the law

Trial Hearing

(Open Session)

ICC-01/14-01/18

WITNESS: CAR-OTP-P-1193

1 and justice has to work its course. And this team that was arrested by the Sangaris
2 teams were jailed in Ngaragba. Mr Ngaïssona, who was present, did not oppose this.
3 He said, "They're in the hands of the justice." And this is what I know.

4 Q. [12:10:05] Sir, you just told us about the elements waiting to be billet, elements
5 of the Anti-Balaka. Do you have any information whether some of the elements
6 were not willing to drop their weapons, such as ComZones led by Mr Chocolat,
7 Ndangba, Chikichiki and Mr Dana? You heard about this in one of the meetings
8 with the national coordination?

9 A. [12:11:04] Madam, not everyone likes peace. What was important for the
10 coordination is to send the message across and billet the people. When the
11 MINUSCA decided to have an agreement with the coordination, the first DDR -- in
12 the first DDR each ComZone produced their list and this list was respected. All the
13 names on the list were taken into account for the DDR. If certain ComZones did not
14 want to go with the process, they were -- the justice would lay the hands of them and
15 they would have to explain themselves. But the objective of the coordination was to
16 ensure disarmament and demobilisation.

17 Q. [12:12:23] But you would agree with me, Mr Witness, that the national
18 coordination, specifically Mr Ngaïssona, had no power to force a ComZone to be
19 disarmed?

20 A. [12:12:55] The proof is that in -- you have the names of the ComZone who were
21 displeased, who were racketing. Mr Ngaïssona is only a simple person, a common
22 mortal, *with what force could he have disarmed a ComeZone ? He could only
23 engage in dialogue. He was basically interested in the peace of his country and the
24 future. Mr Ngaïssona spoke about this and some ComZones would just not listen to
25 him.

Trial Hearing

(Open Session)

ICC-01/14-01/18

WITNESS: CAR-OTP-P-1193

1 Q. [12:13:49] Thank you, sir. I now move to a different subject about the role of
2 Mr Ngaïssona.

3 In your statement at paragraph 51, you have already described in detail how
4 Mr Ngaïssona financed the coordination with his own money. And you refer to
5 credit for phone, transportation, accommodation in Hotel Azimut, as well as
6 support -- financial support for the people who were sick, and to pay for funerals.
7 Now my first question to you, Mr Witness: You have information whether
8 Mr Ngaïssona performed this type of financial support to his fellow civilians before
9 you met him in June 2014?

10 A. [12:15:28] According to the information I have on Mr Ngaïssona is that
11 Mr Ngaïssona is a person who fears God, who's God fearing. He likes -- he loves
12 God. He did not want his -- the next person to suffer. Before the crisis, he would
13 actually organise football matches and meetings in order to make sure that people are
14 comfortable.

15 Now, during the unification, and since the coordination really did not have financial
16 resources, as such, and he being a trader, he would in fact organise a meeting and
17 give funds to the general secretariat to invite the members of the coordination for the
18 meeting. And if the meeting was held in Hotel Azimut, and if we did not have
19 money to put in -- in our till, he would actually hire a meeting room in the hotel to
20 conduct the meeting. He would either conduct the meeting in Boy-Rabe in his home,
21 which was pillaged by the former Seleka. And this is what I said. The funding is
22 that.

23 But he really would not give money to a person to go and start his business. And
24 this is something that's very common in the Central African Republic. When you
25 have means, people come and ask you for help. They would ask you for a coffin, for

Trial Hearing

(Open Session)

ICC-01/14-01/18

WITNESS: CAR-OTP-P-1193

1 instance. So it's not about funding businesses of people and not giving money on an
2 individual basis. It was given for specific purposes.

3 Q. [12:18:02] Now, Mr Witness, some people would say, or could say, that
4 Mr Ngaïssona, by funding the coordination, actually bought the Anti-Balaka
5 movement, that he bought the loyalty, that he bribed with that money the people to
6 obtain allegiance to him. What would you say to such an allegation?

7 A. [12:18:44] I would say that this is not true. Absolutely not true. Because I can
8 say that, before this Court, that Mr Ngaïssona did not buy me. He did not buy me.

9 Q. [12:19:07] Did you ever experience in your contacts with Mr Ngaïssona in his
10 role as national coordinator, that he manipulated the coordination in order to achieve
11 a certain position in the government or elsewhere? In other words, that he misused
12 his position as coordinator for his own self-interest?

13 A. [12:20:03] Madam, no. Why? Because when we wanted members -- to recruit
14 members of the government, we would ask the coordination, but Mr Ngaïssona was
15 never a minister on behalf of the coordination. The first person who became
16 minister was the minister Bara. He did not become a minister. He never put up his
17 name to become minister. And after Mr Bara left, there was a second proposal. It
18 was Mr Vomitiade Romaric. He became the tourism minister upon the proposal of
19 Mr Ngaïssona.

20 After this, after Vomitiade, I think it was Wenezoui, he became a minister because of
21 his relations with the transition president and the ambassador of France. And this is
22 how Wenezoui became the minister. What else can I say?

23 If Mr Ngaïssona -- if Mr Ngaïssona wanted to become a minister, he could have just
24 put his name up and he would have been selected as a minister, because he was the
25 one who was setting up the list. And that's all I can say on this point.

Trial Hearing

(Open Session)

ICC-01/14-01/18

WITNESS: CAR-OTP-P-1193

1 Q. [12:22:15] Thank you. Sir, yesterday you told the Chamber that Mr Ngaïssona
2 gave also means to go to Boda, the English real-time transcript, page 84, line 6. Can
3 you explain the Chamber what type of mission this was, this trip to Boda.

4 A. [12:22:57] Right. Yesterday the OTP asked me the question were there Muslim
5 enclaves, because we said that all the Muslims had already left. But there were
6 certain Muslims who stayed on, like in Boda, and Muslims did stay on there.
7 And -- and the Muslims who were out there in Boda were not getting well with the
8 population. They were considered to be the enemies and they did not really have a
9 place to go. They were basically prisoners in Boda.

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted), and it is out of the question that your brothers would be considered as a
20 minority and be -- and not given the right to move freely, not go out of their houses.

21 And the cessation of hostilities agreement of Brazzaville required that each person
22 resumed his activity. And we were expecting elections.

23 (Redacted)

24 (Redacted), until today, the population made peace. And the

25 Muslims are free, they could start going out of their homes until now, as they pleased.

Trial Hearing

(Open Session)

ICC-01/14-01/18

WITNESS: CAR-OTP-P-1193

1 And it's really thanks to the funds made available by Mr Ngaïssona that (Redacted)

2 (Redacted)

3 Q. [12:26:20] Did you ever, Mr Witness, in one of the meetings with the national
4 coordination from June 2014 onwards, in specific with the contacts with

5 Mr Ngaïssona, hear or see that he used his funds, financial funds to finance the
6 purchase of weapons of -- or ammunition?

7 A. [12:27:06] Never. Never. Mr Ngaïssona, in my humble opinion and to the
8 best of my knowledge, has never bought ammunition or weapons. The cessation of
9 hostilities agreement in Brazzaville really asked that the combat -- the fighting be
10 stopped. And what would he actually do with the weapons or munition? He had
11 started talking about peace, and peace was his key pin, so to speak, and what on earth
12 would we ever buy those weapons to do? I've never seen him buy weapons. I've
13 never heard of it either.

14 Q. [12:28:08] Did you ever see, Mr Witness, or hear, that weapons which were
15 confiscated by members of the coordination, or this local unit you mentioned, and
16 delivered at the premises of Mr Ngaïssona for purposes of storing them there and
17 handing them over to the authorities?

18 A. [12:28:54] I'm not aware of this. I never knew that weapons were recovered
19 and stored at Mr Ngaïssona's place. I do not have such information.

20 Q. [12:29:14] Speaking about the same subject, sir, in your statement given to the
21 investigators of the Office of the Prosecution, paragraph 40, you describe a meeting
22 with two individuals, whose name I will not mention in open session, at the building
23 of the African football federation in Bangui with Mr Ngaïssona. Was this the first
24 time you met Mr Ngaïssona? This is my first question.

25 A. [12:30:15] Yes. (Redacted)

Trial Hearing

(Open Session)

ICC-01/14-01/18

WITNESS: CAR-OTP-P-1193

1 (Redacted)

2 (Redacted), because we didn't want to collaborate with those men. But that
3 meeting led us to be together and it's the first time that I met Mr Ngaïssona. That's
4 what I can tell you. And that was my first time that I greeted him and we talked.

5 (Redacted) and that we had to become united. And

6 that's where we tried to reach an agreement with the *two coordinations, with the
7 facilitator *chose the UNDP so that we could find something so that we could *meet
8 and have a coordination which was joint, which was common to us all.

9 Q. [12:31:40] And, sir, is it correct that before this meeting with Mr Ngaïssona you
10 heard a lot of rumours about his personality?

11 PRESIDING JUDGE SCHMITT: [12:32:04] Well, rumours, yes.

12 MR KNOOPS: [12:32:05] Yeah, I put it differently.

13 PRESIDING JUDGE SCHMITT: Yeah, please put it differently and perhaps more
14 straightforward.

15 MR KNOOPS: [12:32:13]

16 Q. [12:32:13] Mr Witness, when you went to see him in the federal building, of the
17 building of the federal football federation, is it correct that you were made privy of
18 rumours that Mr Ngaïssona was a bad person?

19 A. [12:32:43] After meet -- before meeting him, there were -- we spoke badly about
20 him because I didn't know him. But since I met him, Mr Ngaïssona, I realised that
21 Mr Ngaïssona was a man of peace and *he was a God-fearing man, and that God
22 knows everything. And all the rumours that were surrounding him, that he was bad,
23 and this and that, is something that I didn't see for myself.

24 Q. [12:33:36] And, sir, can you tell the Chamber from whom you heard those
25 rumours that Mr Ngaïssona was supposed to be a bad individual. Was it something

Trial Hearing

(Open Session)

ICC-01/14-01/18

WITNESS: CAR-OTP-P-1193

1 you heard from individuals specifically, or was it through media outlets, whatever?

2 A. [12:34:10] I don't know. But in Bangui people were saying that the Anti-Balaka
3 under Ngaïssona were bad, were bandits. They do whatever they want. That's
4 what people were saying. But -- but to denounce someone like that, I don't know. I
5 don't know. But everybody was talking about it. * If you did not know Mr
6 Ngaïssona, you would automatically think that he's a bad person.

7 Q. [12:34:47] I'm correct, am I, that the invitation to visit Mr Ngaïssona came from
8 himself to you to speak about reconciliation; is it correct? He invited you.

9 A. [12:35:17] There was the mediation. There was a mediation who carried out
10 the work. And since they carried out the work and that realised -- we realised we
11 had to see each other. And he chose where to go, and that's why we were taken to
12 his office. It might be the NGO *Children Without Borders who organized that, if
13 I'm not mistaken.

14 Q. [12:35:52] Sir, I -- I'm aware that it's difficult for you to reconstruct the incidents
15 in time, but still, are you able to give an approximate time frame of that meeting with
16 Mr Ngaïssona in the federal building? Was this after 15 May, when Mr Wenezoui
17 was selected to be coordinator? In other words, was it before 20 June, when the
18 unified coordination was established, or after?

19 THE INTERPRETER: [12:36:44] Inaudible. Sorry.

20 THE WITNESS: [12:36:45](Interpretation) The coordination unification took place
21 after 15 May, after 15 May. That's when we were in Bimbo. We set up the
22 unification with Wenezoui, and *Mrs Montaigne said we had to have a unified
23 coordination. And steps were taken so that we could become all associated.

24 MR KNOOPS: [12:37:19]

25 Q. [12:37:19] Can you inform us whether the meeting with Mr Ngaïssona in the

Trial Hearing

(Open Session)

ICC-01/14-01/18

WITNESS: CAR-OTP-P-1193

1 building of the federal football federation, during which the common interest was

2 discussed to unite the coordination, was -- took place before or after 15 May?

3 A. [12:37:54] After 15 May. After 15 May.

4 Q. [12:38:05] I will portray now on the screen tab number 2 of our Defence binder,

5 CAR-D30-0008-0086.

6 It's a map, Mr Witness, of the city, part of the city. And my question to you is if you

7 can identify for the Judges the -- sorry, whether you can confirm whether the building

8 which is displayed on this map, of the federal Central African football federation you

9 find here on this map, was the place where you met Mr Ngaïssona after 15 May.

10 You see the left side of the map, below, under the building of the Red Cross.

11 A. [12:39:41] It is the Avenue of Martyrs who you -- which you can see over there.

12 There's the Avenue of Martyrs between the faculty of health and the Chinese

13 ambassador. There's another small street, and that street has a T-junction in front of

14 it. You have mentioned *sans frontières* France, and if you go to the left down, there's

15 the French Red Cross. And after that you have the building of the Central African

16 federation of football, and that's where we went. And there is a road that separates

17 the faculty of science and also there's the Ministry of Foreign Affairs. So it is a

18 separation. The faculty of science is in front of the Ministry of Foreign Affairs. And

19 in front of that, you have the faculty of health, and you also have the Chinese

20 *ambassade*. There's a street there which is at the T-intersection. When you go to the

21 left, you'll see the federation. And that's where we met Ngaïssona.

22 PRESIDING JUDGE SCHMITT: [12:41:18] That was extremely detailed, I would say.

23 MR KNOOPS: [12:41:22] And it fits with the map.

24 PRESIDING JUDGE SCHMITT: [12:41:23] Absolutely. So you can move on.

25 MR KNOOPS: [12:41:25] Yeah. Yeah.

Trial Hearing

(Open Session)

ICC-01/14-01/18

WITNESS: CAR-OTP-P-1193

1 Q. [12:41:27] Mr Witness, can you recall, when you visited Mr Ngaïssona at that
2 time at that place, how many people were working in the building of the football
3 federation? How many people did you see there walking around or working there
4 on behalf of the football federation?

5 A. [12:42:06] That's difficult to answer, Counsel, because I don't know the
6 personnel of the federation. We arrived, we were taken there, we were taken to the
7 receptions, we stayed. And then afterwards we went into his office. And when we
8 finished with that we went out, together with the people who came to take us there.
9 So those who saw us that day could bear witness to what actually happened.

10 Q. [12:42:36] Thank you. As always, there's a reason for those questions, and the
11 reason I'm asking you this, sir, is the following: There was a Prosecution witness
12 who came before this Court some time ago who suggested that in the very same
13 building you went to see Mr Ngaïssona, weapons were stored.

14 And my question to you is what would be your response to that allegation that
15 Mr Ngaïssona stored weapons there in the federal building of the football federation?

16 A. [12:43:37] I haven't seen that. If I would have seen arms, then it would have
17 been the personnel of the federation who was with President Ngaïssona who
18 confirmed, yes, that when Mr Ngaïssona was in the federation he stored arms. But I
19 didn't see that. If I saw arms, I would have told you that, but I haven't seen any
20 weapons.

21 Q. [12:44:26] Did you ever hear or receive information that Mr Ngaïssona stored
22 weapons in the building of the federal football federation?

23 A. [12:44:47] I don't have that information. When we went there for reconciliation,
24 I became closer to Mr Ngaïssona. I came close to Mr Ngaïssona. I called him and I
25 said, "I'm at the federation", but I've never seen any weapons. We discussed, we

Trial Hearing

(Open Session)

ICC-01/14-01/18

WITNESS: CAR-OTP-P-1193

1 talked, and then I left. But I did not see any weapons. He had his staff who were
2 over there. Ask them the questions whether he stored weapons there, because when
3 I was there I didn't see any weapons.

4 Q. [12:45:29] There was also an accusation made before this Chamber that
5 Mr Ngaïssona embezzled money which was meant for the movement of the
6 Anti-Balaka and the disarmament process. In specific, it was said that the
7 government gave 2 million CFA to the movement which, supposedly, was embezzled
8 by Mr Ngaïssona. What would you say to that allegation?

9 A. [12:46:27] If there has been this accusation, they have to bring the proof, the
10 evidence of that. Ngaïssona is not a bad person. He's a trader. If he embezzled
11 millions, whereas he himself was looking to have means to disarm, if he tried to
12 embezzle, that's something I don't know. The person who made this accusation
13 must bring the proof.

14 Q. [12:47:10] Are you familiar, Mr Witness, that during or after the Brazzaville
15 forum the participants received 2 million per individual, and that this money was
16 cashed in by Mr Mokom when he arrived in Bangui the next day? And that of those
17 2 million, only 900,000 were actually distributed to the elements?

18 A. [12:47:56] Yes, Counsel. When we returned from Brazzaville, we were invited
19 to go to the residence of Mr Ngaïssona. Mr Mokom was there. He had the money
20 in his hand. He said before everyone, those who were all in Brazzaville, that
21 President Sassou gave 1 million for each participant, and now those who did not go to
22 Brazzaville should also be beneficiaries. We, the participants, will be given 900,000
23 and a hundred thousand will be given to each person so that people also who
24 remained in Bangui, and that is what happened.
25 I had 1 million, not 2 million. And it is only afterwards that people said, "No, it

Trial Hearing
WITNESS: CAR-OTP-P-1193

(Open Session)

ICC-01/14-01/18

1 wasn't 1 million, it was 2 million." But we haven't got any proof of that.

2 Q. [12:49:12] So you actually can confirm that that money was not in the possession
3 of Mr Ngaïssona, but it was paid in the hands of Mr Mokom; is that correct?

4 A. [12:49:32] Ngaïssona was next to him, but* he did not touch the money. It was
5 Mokom who had the 900,000.

6 Q. [12:49:45] And when did you discover, or your colleagues, that the amount of
7 money was far larger than Mr Mokom suggested at that meeting? When did you
8 find out?

9 A. [12:50:15] It's Lieutenant Konaté who said, "No, it wasn't 1 million, it's more like
10 2 million." That's what he said. And me, I didn't really try and find out if it was
11 1 million or 2 million. I just remained calm. I didn't try and look into the matter
12 any further.

13 Q. [12:50:41] And what was the response of Mr Mokom, if any, when he was
14 confronted with the fact that the amount of money was far bigger than was suggested
15 after the return to Bangui?

16 A. [12:51:10] Mr Mokom arrived in Bangui to give us the 900,000, and he said it
17 was 1 million. But after when he -- when we were told it wasn't 1 million but
18 2 million, I didn't have any confrontation with Mr Mokom or Konaté. "But you said
19 2 million, or" -- I didn't really try and find out, because even -- I said, "Even if it's
20 1 million or 2 million, I've had my share and that's enough." And I didn't go any
21 further than that.

22 Q. [12:51:48] And it's true, isn't it, that Mr Ngaïssona left Brazzaville before
23 Maxime Mokom left Brazzaville?

24 A. [12:52:06] Well, what I have available as information, I was amongst the first
25 people who took the plane to return to Bangui. After us, there was another plane.

Trial Hearing
WITNESS: CAR-OTP-P-1193

(Open Session)

ICC-01/14-01/18

1 And as Seleka talked about the division of the country and Mr Ngaïssona ...

2 THE INTERPRETER: [12:52:34] No microphone. Sorry.

3 PRESIDING JUDGE SCHMITT: [12:52:39] Okay. So that seems to be a sign of
4 something, some higher power seems to suggest that we should go now into the
5 lunch break, I think.

6 So, yeah, we do that. We try to establish the connection until, Mr Knoops, 2 o'clock,
7 or -- I had -- I still have the impression that you are very quick.

8 MR KNOOPS: [12:53:08] Yes. Mr President, I think I will probably need
9 approximately one hour 15, maximum. So we could have the normal break. I have
10 two or three topics left.

11 PRESIDING JUDGE SCHMITT: [12:53:20] Then perhaps we have the normal break.
12 Thank you.

13 That means until 2.30. Thank you.

14 THE COURT USHER: [12:53:28] All rise.

15 (Recess taken at 12.53 p.m.)

16 (Upon resuming in open session at 2.31 p.m.)

17 THE COURT USHER: [14:31:55] All rise.

18 Please be seated.

19 PRESIDING JUDGE SCHMITT: [14:32:15] Good afternoon, everyone. Good
20 afternoon, Mr Witness. It looks as if the connection has been re-established, so to
21 speak.

22 So, Mr Knoops, without further ado, please proceed.

23 MR KNOOPS: [14:32:30] Thank you, Mr President.

24 Q. [14:32:32] Good afternoon, Mr Witness. I will conclude my examination this
25 afternoon. Some topics are left, one of them being the topic of the PCUD. You

Trial Hearing

(Open Session)

ICC-01/14-01/18

WITNESS: CAR-OTP-P-1193

1 testified yesterday - English real-time transcript 76, line 25 running to page T-77,
2 lines 1 till 2 - that the international forces asked Mr Ngaïssona to create a political
3 party to transform the movement into a political party, and that is why Mr Ngaïssona
4 created the PCUD.

5 Now, I would ask you to look at the video we are going to display now. And after
6 the video has been shown, I have some questions to you on this topic.

7 And the video is tab 44 of the Defence binder, and the transcript of the video is tab 45.

8 The transcript is CAR-OTP-2107-1521, and the video is to be found on

9 CAR-OTP-2023-2935. And we are displaying the page 1522 till 1523, lines 40,

10 four-zero, till the end.

11 And, Mr Witness, it's a statement given by Mr Ngaïssona on 20 November 2014.

12 (Viewing of the video excerpt)

13 THE INTERPRETER: [14:34:36](Interpretation of the video excerpt)

14 "For us, patriots are members, full-fledged members of the PCUD, at the risk of

15 repeating ourselves, we have committed ourselves in the process of the normalisation

16 and pacification of our country, the Central African Republic. It is a lay country, and

17 we have only a single country to share with the patriots, with the patriots from all

18 sides of the country. That is, including Christians, Muslims, Buddhists, and training

19 churches, as well as animists.

20 All of them have the right to life, education, health, work and development. That is

21 why the PCUD, a party of assembly, bringing together all the sons and daughters of

22 the Central African Republic, appeals for the effective stop of killings, murders,

23 robbery, acts of violence of all sorts. We also appeal to inclusive -- or, rather, for

24 inclusive dialogue, which should be frank and sincere, involving all the components

25 of the nation and for the welfare of the Central African people. In spite of all that,

Trial Hearing

(Open Session)

ICC-01/14-01/18

WITNESS: CAR-OTP-P-1193

1 and particularly to know -- our Seleka Central African brothers, I will want to tell
2 them this: It is no longer time for division. We are all condemned to live together
3 in this country, which is very dear to Barthélémy Boganda, the father of Central
4 Africans. [Applause] When I feel that there are misguided delinquents patrolling
5 the Anti-Balaka and -- or, rather, who are masquerading as the Anti-Balaka and who
6 continue to terrorise our peaceful citizens, I am giving them an ultimatum: They
7 must stop practising their activities, they must stop their criminal and barbaric
8 activities that undermine the population, who are today feeling as hostages in their
9 own country. Henceforth, they shall be tracked down and hunted down until their
10 last hiding places."

11 MR KNOOPS: [14:37:23]

12 Q. [14:37:24] Mr Witness, you were present during this meeting of the PCUD on 20
13 November 2014?

14 A. [14:37:42] Yes, Counsel.

15 Q. [14:37:46] On the first -- one of the first rolls, I saw individuals dressed in
16 military uniform. Can you confirm that these were members of the Sangaris forces.

17 A. [14:38:10] Yes, Counsel. These were, indeed, the Sangaris. And a short while
18 ago I said that it was Sangaris elements who sent me to go and tell Mr Ngaïssona to
19 transform the Anti-Balaka into a political party. And that confirms the holding of
20 this assembly.

21 Q. [14:38:40] Did you observe the presence of Mr Konaté during this meeting?

22 Pardon, Kokaté. Sorry.

23 A. [14:39:02] I saw him a short while ago, next to President Ngaïssona.

24 Q. [14:39:11] Can you confirm, Mr Witness, that after this meeting on 20 November,
25 Mr Kokaté was never integrated in the PCUD. He was there, but afterwards, he

Trial Hearing
WITNESS: CAR-OTP-P-1193

(Open Session)

ICC-01/14-01/18

1 didn't play any role.

2 A. [14:39:47] In the bureau of the PCUD, you will see that he is an adviser. And in
3 the PCUD, he was with them, but I do not know the reasons that prompted him to
4 leave. But he was with us at the PCUD, so he attended meetings with us.

5 Q. [14:40:22] But at a certain point in time, he left the PCUD. You just told the
6 Chamber. Can you recall or give an approximate time when Kokaté left the PCUD.
7 Was it several days, weeks, months after this gathering on 20 November?

8 A. [14:40:55] He was with us, and at one point, he stopped coming. But I do not
9 remember when was that. He did not resign as such. He simply withdrew at his
10 own initiative. He was not with us. And before, he was with us. And if he had
11 not been with us, he had -- he wouldn't have been there at the rostrum, very close to
12 Mr Ngaïssona.

13 Q. [14:41:38] In your statement to the investigators of the Office of the Prosecution,
14 you told them that Mr Mokom was not in favour of the transformation of the
15 movement into a political party. Can you explain the Chamber why he was
16 opposing this transformation.

17 That's, by the way, paragraph 69 of the statement of the witness.

18 A. [14:42:20] Can I proceed?

19 Q. [14:42:22] Yes, please.

20 A. [14:42:28] Mr Mokom, based on information that I can ask the Court to verify or
21 cross-check, he was the founder of the Anti-Balaka movement. And when they
22 created the movement, President Ngaïssona was not in Bangui. I think this is
23 information that I have cross-checked. Mr Ngaïssona was not in Bangui. He was in
24 exile in Cameroon.

25 It was Mr Sebastien Wenezoui who asked him to come to Bangui to take over the

Trial Hearing

(Open Session)

ICC-01/14-01/18

WITNESS: CAR-OTP-P-1193

1 movement, and Mr Mokom did not take this well. He did not want it.

2 And when I received instructions or recommendations from Sangaris to tell

3 Mr Ngaïssona to transform the movement to the political party, he was opposed.

4 You can see in this room, he was not present because he was not in favour of that.

5 And so he did not want that the movement should become a political party. So he

6 remained with his movement. He remained with the Anti-Balaka. That is the one

7 which was known as the Mokom wing.

8 That is the answer I can give you.

9 Q. [14:44:20] Wasn't it true, Mr Witness, that Mr -- one of the reasons why

10 Mr Mokom opposed this transformation of the movement also pertained to the fact

11 that he wanted to have Mr Bozizé returned in power, while Mr Ngaïssona was

12 against the return of Bozizé?

13 A. [14:44:56] In the coordination, the international community, the Sangaris, many

14 NGOs that I met with, were asking me the question to know, in the Anti-Balaka

15 movement, was Bozizé, President Francois Bozizé involved? I didn't observe that.

16 And in the mind of Mr Maxime Mokom, he thought that what the movement was

17 doing, which could be characterised as a national insurrection, because at the

18 beginning, it was the Christians and the Muslims, as I have said before. There was

19 this insurrection. So there was an issue of the taking over of power by

20 President Djotodia. And people who came from Sudan and Chad caused problems.

21 But this movement, the hand of Bozizé was behind. But President Ngaïssona was

22 saying that the people were fighting for the return of peace and not for the return of

23 Mr Bozizé to power.

24 But Mr Maxime Mokom, whether he was fighting for the return of Bozizé, well, he

25 himself is going to say one day whether that was the case. It commits only him.

Trial Hearing

(Open Session)

ICC-01/14-01/18

WITNESS: CAR-OTP-P-1193

1 But as for President Ngaïssona, he never said that Bozizé should come back to power,
2 because we needed peace. And Bozizé lost power because his family and his close
3 aides, they were trampling on people. And that is why he lost power.
4 And after all those things that he had done, would the population allow him to return?
5 No. So that is why it was only Maxime Mokom who made an error.
6 That is the answer I can give you.

7 Q. [14:47:44] Yesterday you told us in your evidence - real-time English transcript
8 91, line 10 till 11 - that Mr Mokom was the -- actually, the sympathiser of the Seleka
9 and others, and even with Ngaïssona, they did not understand each other.
10 My question to you, sir, is: Do we have to understand your evidence such that
11 Mr Mokom was acting outside the actions of Mr Ngaïssona? In other words, was
12 Mr Ngaïssona able to control or instruct Mokom at that time? So before 20
13 November 2014. You just saw the video.

14 A. [14:49:10] When we merged, we were speaking the same language, the return to
15 peace through elections. But Mr Mokom, in his thinking, felt that everything that
16 was being done was on behalf of Bozizé, but Ngaïssona did not want that. So he
17 withdrew from Ngaïssona's movement and started doing his own things. Ngaïssona
18 did not have any authority over him. He had his own small group, and it is that
19 small group that went to Nairobi. Ngaïssona remained in Bangui. In Nairobi, there
20 was Bozizé, who was also there, and that is what we understood. That Mokom and
21 Bozizé was there.

22 There was also a former commander of Seleka who signed agreements at KM5, and
23 he also signed agreements in Kaga Bandoro. So -- so the history of the Anti-Balaka
24 and Bozizé --

25 THE INTERPRETER: [14:50:58] Inaudible.

Trial Hearing

(Open Session)

ICC-01/14-01/18

WITNESS: CAR-OTP-P-1193

1 THE WITNESS: [14:51:00](Interpretation) It was Mokom.

2 I have the friend of General Bozizé, and it was Mokom, not Ngaïssona. He -- I mean,

3 he actually distanced themselves -- they distanced themselves between Mokom and

4 Ngaïssona. Mokom and Bozizé were from the same ethnic group, the Gbaya. And

5 since Mokom and his people wanted General Bozizé, they were supporting him. But

6 Ngaïssona did not do that. And that is what I can say about him at this point.

7 Mokom is the one responsible.

8 MR KNOOPS:

9 Q. [14:51:44] Mr Witness, yesterday you were asked by the Office of the

10 Prosecution whether Mr Mokom reported to Mr Ngaïssona in his function as

11 operations coordinator, and your answer was quite interesting. You said -- I quote

12 from the transcript, page 91, English real-time, line 18 till 19. You said: "This was a

13 position that was just given like that."

14 And my question to you is: Can you explain what you meant with the words "this

15 was a position," the position of Mokom at the time of the unified coordination, that

16 was just given like that. What should we understand from this answer?

17 A. [14:53:00] Can I?

18 Q. [14:53:02] Yes, please.

19 A. [14:53:07] You will see, the positions that were included in that bureau were not

20 operational, because he was responsible for operations. But when the coordination

21 was created, which operations on the field that Mr Mokom went to manage, were

22 there any operations that he managed? So that's why I say that there were positions,

23 but there were no actions. So those who occupied those positions were doing

24 nothing. But, on the other hand, there were meetings and there were items on the

25 agenda which talked about negotiations with the international forces, the

Trial Hearing
WITNESS: CAR-OTP-P-1193

(Open Session)

ICC-01/14-01/18

1 international communities, and ways and means to bring the DDR. We talked about
2 that.

3 But Mokom had a hidden agenda. And I have already said that. He had his wing;
4 he had his own wing. And that is confirmed by the fact that they went with Bozizé,
5 trying to bring Bozizé to power. They went to Nairobi. So what they did in
6 Nairobi, I do not know.

7 The counsellor or adviser, Kokaté, was on the side of President Ngaïssona. He
8 himself was also in Nairobi. He can explain that to you, because they were in
9 Nairobi. Their return to Bangui, Mokom was no longer with us. He was on his
10 own side. And we were also helping our sides.
11 We listened, but Mokom and his team signed those agreements with the regime, with
12 Abdoulaye Hissène, and that committed only him and the zones that signed those
13 agreements. These were the zones that listens. And over the radio, you had the
14 Anti-Balaka, but he was the one who was explaining the actions in those particular
15 zones, because he signed the agreements.

16 What were the Anti-Balaka there doing? Because the coordination of Mr Ngaïssona
17 was not collaborating with Kaga Bandoro or with the office of zone in Bambari.
18 They were not with Sibut. So it was Mr Maxime Mokom who could explain that.

19 Q. [14:56:17] Was -- at that time we're speaking about, the time frame of June 2014
20 and afterwards, was it the case, Mr Witness, that Mr Mokom was, as far as you know,
21 setting up the ComZones against Mr Ngaïssona, tried to harm Mr Ngaïssona's
22 reputation and tried to grab the movement? Was that his hidden agenda you
23 referred to just a minute ago?

24 A. [14:56:58] The movement was divided. One part was for Ngaïssona and
25 another part was for Mokom. And I did not know what Mokom and his group were

Trial Hearing

(Open Session)

ICC-01/14-01/18

WITNESS: CAR-OTP-P-1193

1 doing. We limited ourselves to follow the main path from war to the transformation
2 of the movement into a political party. That is what I know. But what Mokom and
3 his group were doing, we were no longer together. He is the one who can explain
4 that.

5 Q. [14:57:34] Would you -- would you agree with me, Mr Witness, that in the time
6 frame we are speaking here about, there was no -- the relationship between Mokom
7 and Mr Ngaïssona was such that there was no hierarchical relationship between them?
8 In other words, Ngaïssona couldn't give any orders (Overlapping speakers)

9 A. [14:58:03] I confirm that. Yes, I do confirm that.

10 Q. [14:58:14] Yesterday you told the Chamber in your evidence - the same page,
11 English real-time transcript page 91, line 8 - I quote: Mokom, "That is the real person
12 who should have been tracked down ... He did not like peace." End quote.
13 What were you trying to say to convey to the Chamber with those words?

14 A. [14:58:55] It is because he wanted President Bozizé to return to power.
15 Secondly, he distanced himself from Ngaïssona, who was talking about peace and
16 sympathized or joined the Seleka, which was still engaged in war. That is what I
17 was talking about. That is how I said he did not want peace and that he had to be
18 tracked down. Thank God he is now before the Court.

19 Q. [14:59:44] Apart from Mr Mokom, you have information that also somebody like
20 Mr Kokaté, who you qualified in your statement in paragraph 55 as an opportunist,
21 tried to undermine the position of Mr Ngaïssona at that time, and that's why he left
22 ultimately the PCUD?

23 A. [15:00:24] Mr Kokaté never tried to take the place of Mr Ngaïssona. He never
24 attempted that. If I said that Mr Kokaté is an opportunist, it is because, according to
25 the media -- this is someone I did not know before. During the Seleka advance to

Trial Hearing

(Open Session)

ICC-01/14-01/18

WITNESS: CAR-OTP-P-1193

1 take over Bangui, Mr Kokaté was with President Djotodia. During the Libreville
2 summit, where there were -- they were talking about the possible appointment of a
3 new prime minister with consensus and that the current president, Touadera, who
4 was prime minister, that he should give up his position at that time, that is when
5 Mr Kokaté distanced himself from the former Seleka movement. He spoke over the
6 radio and said a lot of things.

7 And when the delegations came back to Bangui, President Bozizé, with the advice of
8 Tiangaye, appointed him minister. Unfortunately, that decision did not last for long.
9 Seleka overthrew Bozizé. Kokaté went on the run, and he returned when Catherine
10 Samba-Panza was elected transitional president.

11 So I do not know how he found himself in the -- amongst the Anti-Balaka authorities.
12 I do not know, but he was there. He worked like everyone else who was in that
13 movement and practised the same language, peace and other things. But at the time
14 when the party was created, he left. That is why I said he was an opportunist. But
15 today, he is a minister counsellor at the presidency of the republic, a special minister
16 counsellor to the president of the republic.

17 Q. [15:03:19] Indeed, in your statement, you said at paragraph 55 that Mr Kokaté's
18 goal was to become a minister. Was this his ultimate goal as far as you know? And
19 was he willing to change sides, political sides to achieve that goal? Is that what you
20 meant with "he was an opportunist"?

21 A. [15:04:08] May I proceed?

22 PRESIDING JUDGE SCHMITT: [15:04:11] Yes.

23 THE WITNESS: [15:04:15] (Interpretation) Mr Kokaté, in Libreville, he distanced
24 himself from the Seleka and became a minister for President Bozizé. With the
25 transition to President Samba-Panza, he re-emerged in the movement and he became

Trial Hearing

(Open Session)

ICC-01/14-01/18

WITNESS: CAR-OTP-P-1193

1 part of the prime minister's office. He was renominated when she came to power. I
2 don't know the relations which he had, and he distanced himself. Why he did that, I
3 don't know. But today he is minister adviser at the prime minister's office for the
4 presidency of the republic. That's why I think he is an opportunist.

5 MR KNOOPS:

6 Q. [15:05:20] Speaking about positions, future positions, can you recall, Mr Witness,
7 that the transitional government at a certain point in time asked Mr Ngaïssona to
8 provide him with a list of individuals part of the coordination or the movement for
9 future positions in the administration of the government or the public services of
10 Central African Republic and that Mr Ngaïssona provided such a list with future
11 positions?

12 If you wish, I can refresh your memory. I have the document in our Defence binder.
13 It's tab 46.

14 PRESIDING JUDGE SCHMITT: [15:06:11] Perhaps we give it -- it might be that the
15 witness has no clue at all so it --

16 MR KNOOPS: [15:06:18] Of course.

17 PRESIDING JUDGE SCHMITT: [15:06:18] Have you heard of this, Mr Witness, that
18 there was a list with suggestions for minister posts in the transitional government
19 from the side of the Anti-Balaka?

20 THE WITNESS: [15:06:46](Interpretation) Mr Ngaïssona asked -- was asked to select
21 former members for the different positions and also to see who could work with the
22 Seleka. But that did not take place. Aside from the nominations of the ministers,
23 where there were one or two members of the government.

24 MR KNOOPS: [15:07:29]

25 Q. [15:07:30] Can you recall, Mr Witness, that Mr Ngaïssona himself was asked by

Trial Hearing

(Open Session)

ICC-01/14-01/18

WITNESS: CAR-OTP-P-1193

1 the transitional government to provide a future function for him and that he indicated
2 that his desire would then be to become director general of the SOCAPS, asked by the
3 government?

4 A. [15:08:11] The company you are mentioning now, I don't have any idea about
5 that.

6 Q. [15:08:21] To finish the question about Mr Kokaté and future positions, can you
7 recall that you gave the telephone number of Mr Kokaté -- I will rephrase it.
8 You mentioned the telephone number of Mr Kokaté in your statement, paragraph 70,
9 seven-zero. And my question to you is: In your statement, you gave several phone
10 numbers. You mentioned several phone numbers. For our information it's
11 important to know from you, were these numbers provided to you by anyone, or did
12 you give them yourself to the investigators based on your recollection or some kind of
13 document?

14 A. [15:09:38] With the investigators, when I gave a name and I had the telephone
15 number, I also provided it. But here, I'm not quite sure.

16 Q. [15:09:59] Can you, Mr Witness, recall that Mr Ngaïssona, when asked to
17 provide future positions for members of the former movement, he himself asked by
18 the transitional government -- you just told the Chamber that you have no
19 recollection to SOCAPS, but can you recall that he requested by the government
20 indicated to have a position in the organisation ENERCA? Does this ring a bell to
21 you?

22 THE INTERPRETER: [15:11:11] Inaudible.

23 PRESIDING JUDGE SCHMITT: [15:11:11] Mr Witness, could you be so kind to
24 repeat your answer, because it didn't come through.

25 THE WITNESS: [15:11:22](Interpretation) I said, SOCAPS, yes, is the company in the

Trial Hearing

(Open Session)

ICC-01/14-01/18

WITNESS: CAR-OTP-P-1193

1 Central Africa for oil product, if I'm not mistaken, SOCAPS. But now you say that
2 he became director general, that that was the proposal. Ngaïssona himself said - you
3 could ask him yourself - not to guess to become member -- not to become a member of
4 the government, that he could be nominated director of a state company, but that did
5 not occur.

6 PRESIDING JUDGE SCHMITT: [15:12:18] Mr Knoops, I think the witness seems to
7 have no direct knowledge about that. I would suggest that you move on --

8 MR KNOOPS: Yeah.

9 PRESIDING JUDGE SCHMITT: [15:12:28] -- to the next point. It's also from -- if I
10 recall it correctly, it's also, we are talking about events in the first half of 2014 now, if
11 I'm correct in my recollection. So -- and this is also the time frame where the witness
12 is not fully apprised with every act.

13 THE WITNESS: [15:12:57](No interpretation)

14 PRESIDING JUDGE SCHMITT: [15:13:03] And another comment, Mr Knoops, we
15 have the documents. We have seen the documents also already, so --

16 MR KNOOPS: [15:13:10] I know, but --

17 PRESIDING JUDGE SCHMITT: [15:13:13] Are they from February something,
18 February 2014?

19 MR KNOOPS: [15:13:18] Prosecution tab 22. The question really for the -- we are
20 aware that the witness has no recollection, but the question was really to the witness
21 if he might have heard later that that list was drawn on the basis of the request of the
22 government. So it was not initiative of Mr Ngaïssona himself.

23 PRESIDING JUDGE SCHMITT: [15:13:37] Of course, I understand. This is another
24 take, absolutely. But the witness obviously has no, no knowledge about that.

25 MR KNOOPS: [15:13:50] Yeah.

Trial Hearing
WITNESS: CAR-OTP-P-1193

(Open Session)

ICC-01/14-01/18

1 Q. [15:13:51] Yes. You put down your finger, Mr Witness.

2 PRESIDING JUDGE SCHMITT: [15:14:01] I think you can continue, Mr Knoops.

3 MR KNOOPS: [15:14:04] All right.

4 Q. [15:14:06] Sir, you just already referred to the Nairobi talks. Could you first
5 explain to us why it was that you didn't attend the Nairobi talks, as stated in your
6 statement at paragraph 62. What was the reason that you didn't attend those talks
7 with Mr Ngaïssona?

8 A. [15:14:46] No, I'm -- I'm going back on that. You know in 2014, I was really in a
9 difficult position to know what was going on. However, the question of Nairobi, we
10 were invited by Mr Mokom. And then when we arrived, he started to talk about
11 Nairobi at the Hotel Azimut, there was a meeting in Nairobi after that, those who left,
12 left with me. And we were still in the Hotel Azimut. President Ngaïssona called.
13 He called me, and he said, "Where are you?"

14 And I said, "We are in the Hotel Azimut."

15 "What are you doing there?"

16 And I explained that "We are with Mokom, he is busy explaining to us what's
17 happening in Nairobi."

18 And he said, "Leave Nairobi."

19 And he found -- and we arrived with Beina. And there was also Cyriaque Gonda.

20 We arrived. I was with Mr Vivien Beina. We met the president, President

21 Ngaïssona, at the residence of the Minister Gonda. And he told us that if we went

22 there, that wouldn't be a good idea. He said we shouldn't go and therefore we

23 stayed. But Ngaïssona decided this and therefore we didn't -- no one went to

24 Nairobi.

25 So that's really, in short, what happened. We didn't go, and that's for the reasons.

Trial Hearing

(Open Session)

ICC-01/14-01/18

WITNESS: CAR-OTP-P-1193

1 And we decided that we would stay.

2 Q. [15:17:16] Wasn't it the case, Mr Witness, that the reason why Mr Ngaïssona
3 advised -- or was advised not to go to Nairobi pertained to the fact that Mr Mokom
4 tried to undermine their -- the transitional government and that Mr Ngaïssona was
5 advised by the French authorities and the transitional authorities not to attend the
6 Nairobi talks?

7 A. [15:18:04] I don't know why the decision was taken, but Ngaïssona said we are
8 not going to Nairobi, we are going to stay here. And so they left for Nairobi without
9 us. And even today.

10 PRESIDING JUDGE SCHMITT: [15:18:35] Well, I think we didn't get the end of the
11 answer.

12 So, Mr Witness, the last portion of what you said that came through and ended with
13 in the end. So if you can perhaps repeat it.

14 THE WITNESS: [15:18:54](Interpretation) I said, we didn't go to Nairobi. Maxime
15 Mokom and his team went to Nairobi. They had meetings in Nairobi. They spent
16 maybe one or two months in Nairobi and then returned to Bangui.

17 MR KNOOPS: [15:19:17]

18 Q. [15:19:18] Mr Witness, yesterday you gave evidence to the extent that
19 Mr Ngaïssona represented the movement in Brazzaville and signed on behalf of the
20 movement, to sign the cessation agreement. And you told the Chamber that, in fact,
21 the cessation of hostilities had many difficulties because the Seleka wanted to divide
22 the country and refused to participate.

23 And you explained yesterday in the English real-time transcript, page 93, lines 19 till
24 25, till transcript page 94, lines 1 till 8, that Mr Ngaïssona was able to persuade
25 Minister Dhaffane to ultimately sign the cessation agreements. That was your

Trial Hearing
WITNESS: CAR-OTP-P-1193

(Open Session)

ICC-01/14-01/18

1 evidence yesterday.

2 My question to you is: You agree that Mr Dhaffane was the minister representing

3 the Seleka; correct?

4 A. [15:21:09] At that time he wasn't minister, but he was. And I would say he was

5 part of the delegation of the ex-Seleka in Brazzaville. They already had their plans

6 for the Central African Republic for the Seleka. And therefore they boycotted the

7 cessation of hostilities in Brazzaville. And Mr Ngaïssona, who is here in front of the

8 Court, he can explain how he managed to persuade Dhaffane to sign the agreements

9 for the cessation of hostilities instead of the ex-Seleka. That signature, which the

10 minister of state Dhaffane signed, meant that he was in difficulty, vis-à-vis the other

11 ex-Seleka. They did not like this. He was persecuted for it. If you can contact him,

12 he will tell you himself.

13 It was because of the patriotism of Ngaïssona that this happened. Because a part of

14 the people of the Central African Republic were not there. But Dhaffane did sign,

15 and the Seleka were not pleased with this.

16 Q. [15:22:57] In all contacts you had with Mr Ngaïssona leading up to the cessation

17 agreements, can you confirm that Mr Ngaïssona was, apart from a man of peace, he

18 was against the partition of the country, but rather for the unification of the country

19 and all religions, and therefore it was him who was able to persuade Dhaffane in

20 preventing the split of the country?

21 A. [15:23:45] I confirm.

22 Q. [15:23:48] And can you confirm that it was actually at the end of the road,

23 Mr Ngaïssona, who saved the negotiations in Brazzaville by preventing this partition

24 of the country.

25 A. [15:24:13] I confirm this, madam.

Trial Hearing

(Open Session)

ICC-01/14-01/18

WITNESS: CAR-OTP-P-1193

1 And I will answer the question you put to me. When the -- how shall I put this.

2 When the network left, and you asked me when I came or before or after, but it is

3 thanks to the actions which Ngaïssona did to save the partition of the country that

4 Madam Samba-Panza said, "We will travel together in the same plane." And that is

5 how Ngaïssona came into contact with the transitional president, because it was of his

6 actions to avoid the partition.

7 Q. [15:25:08] Now, people might say, who hear your evidence, that this is to show

8 how powerful Mr Ngaïssona was, how much he was in control of everything, but

9 would you not agree with me that instead of being powerful, the fact that he was able

10 to save the country from a split had to do with his personality and his ambition to

11 achieve peace?

12 A. [15:26:15] Madam, yes, he was working towards peace, yes. Because he

13 wanted peace. He did not want a split. If those on the other side wanted it, and

14 there were others, if you look at the map of the partition, all the wealth of the Central

15 African Republic were with those who wanted this partition. So it was not very easy.

16 It is a peace which Mr Ngaïssona tried to facilitate, and we have to be grateful of this

17 because of the acts or actions he undertook.

18 Q. [15:27:03] Mr Witness, my last question relates to an article which was presented

19 to you yesterday by the Office of the Prosecution. It's an article of 1 April 2014, and

20 it was presented to you in the English real-time transcript, pages 79 till 80. It was tab

21 42 of the Prosecution binder. The Prosecution put it to you from this article that -- I

22 will quote from the French part of the article.

23 (Interpretation) "The Anti-Balaka have not got an entity, a unit. The Anti-Balaka,

24 which I am representing, are a single-same movement, which is spread out

25 throughout the territory. When I give the order to my children, I think, I think that

Trial Hearing

(Open Session)

ICC-01/14-01/18

WITNESS: CAR-OTP-P-1193

1 this will be immediately put into action." (Speaks English) End of quote.

2 This was a statement given by Mr Ngaïssona on 1 April. And when you read this
3 statement, you might think that Mr Ngaïssona had the power and the control of all
4 the people who he qualifies as his children in the CAR. Yet you read in this article, "I
5 think", "*je pense*".

6 Now you have answered this yesterday by saying that you were not aware of what
7 happened before May, but my final question to you is the following. This quotation
8 was also put to a Prosecution witness who testified before this Court, it was P-0889.

9 And also that witness was asked to respond to this quotation of Mr Ngaïssona. And
10 that witness said the following: "... I can answer because I know that he", Ngaïssona,
11 "was sensitising the Anti-Balaka for the return of peace. And if the Anti-Balaka, all
12 of them had been listening to him", Ngaïssona, "at that time, I believe that there
13 wouldn't have been blunders, excesses, violence, what the country had experienced."
14 End quote.

15 And my final question to you, sir, is: Can you concur with this observation by this
16 witness? Do you agree with what this witness told this Court a few months ago?

17 A. [15:31:30] Yes, madam. You know, 1 April that you have mentioned, I was not
18 with Mr Ngaïssona. This witness said that if the children were -- listened to
19 Mr Ngaïssona, there would be peace. Because Mr Ngaïssona was talking about
20 peace, even before my arrival. I do not know that witness. So he was speaking the
21 same language when I was there, peace. So I cannot deny that. Mr Ngaïssona is a
22 man of peace.

23 MR KNOOPS: [15:32:10] Thank you, Mr President. Is the Court -- appreciates the
24 Court if I give the reference to the --

25 PRESIDING JUDGE SCHMITT: [15:32:18] Yes, we do.

Trial Hearing
WITNESS: CAR-OTP-P-1193

(Open Session)

ICC-01/14-01/18

1 MR KNOOPS: [15:32:19] -- P-889?

2 PRESIDING JUDGE SCHMITT: I have it, yeah, but perhaps the exact reference,
3 please.

4 MR KNOOPS: [15:32:25] Yes. It's ICC-01/14/01/18-T-110, English version,
5 line -- page 18, one-eight, lines 4 till 17.

6 And this concludes our examination, Mr President. Thank you.

7 I thank the witness. Thank you.

8 PRESIDING JUDGE SCHMITT: [15:32:51] Thank you, Mr Knoops.

9 And especially, of course, thank you, Mr Witness, for answering all the questions
10 today. You know that your examination continues on Monday, 9.30. In the
11 meantime, please don't speak with anybody about your testimony. We wish you a
12 nice weekend and everybody a nice weekend and we conclude the hearing for today
13 and resume -- we don't conclude. Ms Dimitri has an issue.

14 MS DIMITRI: [15:33:20] I may, Mr President, but -- but we can -- we can release the
15 witness.

16 PRESIDING JUDGE SCHMITT: [15:33:24] Yes. Then I think it's better to release the
17 witness.

18 There is a housekeeping matter, Mr Witness. You can go home now and please
19 come back on time that we can continue on Monday, 9.30. Thank you.

20 THE WITNESS: [15:33:44](Interpretation) Thank you, Mr President.

21 (The witness exits the video-link room)

22 PRESIDING JUDGE SCHMITT: [15:33:53] Yes, please.

23 MS DIMITRI: [15:33:54] Thank you, Mr President.

24 Perhaps it's better if we go in closed session.

25 PRESIDING JUDGE SCHMITT: [15:34:02] Then private session.

Trial Hearing
WITNESS: CAR-OTP-P-1193

(Private Session)

ICC-01/14-01/18

1 (Private session at 3.34 p.m.)

2 THE COURT OFFICER: [15:34:18] We are in private session, Mr President.

3 MS DIMITRI: [15:34:20] Thank you, Mr President.

4 Earlier today I was physically and verbally stopped by a security guard from
5 consulting discreetly with my client. I tried to raise the issue with the court officer,
6 who kindly relayed my message to the lieutenant in charge of the security, and I
7 received an email that nobody is to enter the accused's bench, nor any interaction is
8 allowed during a hearing.

9 You'll understand that this is of some concern. Your Honours probably noticed that
10 since the very beginning of the trial, I regularly consult with my client. I try to do it
11 very discreetly. Sometimes we need to show documents. And because there's a
12 glass, he's too far away, so I try to bend and do it in a very discreet manner. Also
13 because it's privileged. We're two co-accused in the courtroom.

14 And given the email I just received, this means that I will have trouble going -- going
15 forward in consulting with my client in the near future, and I believe the intervention
16 of the Chamber is -- is needed because it's a matter of his statutory rights. And I
17 have an examination starting on Monday. I will likely -- the need to consult with
18 Mr Yekatom will likely arise. So this is the reason why I'm asking for your Honour's
19 intervention.

20 PRESIDING JUDGE SCHMITT: [15:35:46] I appreciate that you address the matter.
21 Perhaps first, Mr Vanderpuye.

22 MR VANDERPUYE: [15:35:53] Thank you, Mr President, your Honours.

23 I understood that there was some interaction earlier, and I believe that -- or our
24 position is to support the interaction. I think it is essential to the accused's Article 67
25 rights and his right to be fairly represented in court.

Trial Hearing

(Private Session)

ICC-01/14-01/18

WITNESS: CAR-OTP-P-1193

1 So I don't know whether there are other issues, but I think, at least on a fundamental
2 legal basis, it is appropriate that counsel have direct access to her client.

3 PRESIDING JUDGE SCHMITT: [15:36:26] Absolutely. I also agree. But it's
4 strange that this happened for the first time. So perhaps we should not make the
5 problem bigger as it is.

6 I agree with you and also with Mr Knoops that in the past these communications
7 were made discreet and did not pose any problem. So I don't know what caused the
8 problem today. I recognised something with my left eye.

9 So, in principle, it's, of course, clear that you have the right to confer with your client.

10 You normally do it via these yellow papers, analog, and with your colleagues who are
11 with you. So I don't think that this will be a problem. And if you can't, ask the
12 Judges and the Presiding Judge with the matter.

13 Also, if we don't allow that, always you would have to apply for -- for a break, that
14 you can consult with your client, which is not in the -- let's say, in the vein of
15 expeditiousness and effectiveness of the proceedings.

16 But let's -- let's simply, for the moment, assume that you have the right to confer.

17 Perhaps you do it as discreetly as you did in the past. And if issues arise, we will
18 interfere. Perhaps we can leave it at that. Is this okay?

19 MS DIMITRI: [15:37:53] It's okay with me, Mr President. And as you pointed out,
20 it's the first time it happened, so I didn't understand the lack of flexibility today.

21 However, I received what appeared to me as an official email that says that there's no
22 interactions during a hearing. I will -- I will take your guidance, and let's cross our
23 fingers for Monday.

24 PRESIDING JUDGE SCHMITT: [15:38:12] Absolutely. I understand that you
25 addressed this because you got this official email. But let me put it this way: The

Trial Hearing

(Private Session)

ICC-01/14-01/18

WITNESS: CAR-OTP-P-1193

1 Judges are a bit more official in the end than this official email.

2 Mr Knoops.

3 MR KNOOPS: [15:38:26] If this is being closed, I have a very small housekeeping
4 matter, maybe on a more joyful way.

5 PRESIDING JUDGE SCHMITT: [15:38:34] Well, this is very much appreciated at the
6 end of the week.

7 MR KNOOPS: [15:38:37] There was -- there was a reason why I went first with this
8 witness. The Court might have noticed. Normally it's Madam Dimitri, because
9 it's -- the witness predominantly speaking about her client. Yes, there is a reason
10 why I will not be here next week in court, a private reason. Ms Proulx will represent
11 the Defence team next week.

12 So, with the consent of the Court, you will not see me next week. It's not out of
13 disrespect, but there is a specific reason. I will not put it on the record, but the
14 Prosecution and Ms Dimitri are well aware of it, even the Defendants. I also thank
15 Mr Yekatom for the approval to go first.

16 PRESIDING JUDGE SCHMITT: [15:39:22] So let me also then answer it with a little
17 bit twinkle in my eye, but you can be assured that you will resurface at some point of
18 time.

19 MR KNOOPS: [15:38:30] Of course, Mr President.

20 PRESIDING JUDGE SCHMITT: [15:39:32] Okay. Thank you very much.

21 Have a good weekend, everybody. Monday, 9.30.

22 THE COURT USHER: [15:39:39] All rise.

23 (The hearing ends in private session at 3.39 p.m.)