

Trial Hearing (Open Session)

ICC-01/14-01/18

WITNESS: CAR-OTP-P-2556

1 International Criminal Court

2 Trial Chamber V

3 Situation: Central African Republic II

4 In the case of The Prosecutor v. Alfred Yekatom and Patrice-Edouard

5 Ngaïssona - ICC-01/14-01/18

6 Presiding Judge Bertram Schmitt, Judge Péter Kovács and Judge Chang-ho Chung

7 Trial Hearing - Courtroom 1

8 Tuesday, 19 July 2022

9 (The hearing starts in open session at 9.30 a.m.)

10 THE COURT USHER: [9:30:51] All rise.

11 The International Criminal Court is now in session.

12 Please be seated.

13 PRESIDING JUDGE SCHMITT: [9:31:07] Good morning, everyone. Court officer,
14 please call the case.

15 THE COURT OFFICER: [9:31:18] Good morning, Mr President, your Honours.

16 Situation in the Central African Republic II, in the case of the Prosecutor versus

17 Alfred Yekatom and Patrice-Edouard Ngaïssona, case reference ICC-01/14-01/18.

18 And for the record, we are in open session.

19 PRESIDING JUDGE SCHMITT: [9:31:28] Thank you.

20 I ask for the appearance of the parties. Mr Scaliotti, first.

21 MR SCALIOTTI: [9:31:33] Good morning, Mr President, your Honours. And good
22 morning everyone in the courtroom. The Prosecution today is represented today by

23 Kweku Vanderpuye, Yassin Mostfa, Sylvie Wakchom and myself, Massimo Scaliotti.

24 Thank you.

25 PRESIDING JUDGE SCHMITT: [9:31:47] Thank you.

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1 And the representatives of the victims.

2 MS RABESANDRATANA: [9:31:53](Interpretation) Good morning, Mr President,
3 your Honours. Good morning everybody. The team of the representatives of
4 victims is represented by Mouhia Asso and myself, Elisabeth Rabesandratana.

5 PRESIDING JUDGE SCHMITT: [9:32:08] Thank you.

6 And for the record we note that Mr Suprun, as the representative of the former child
7 soldiers, is following remotely.

8 We turn to the Defence. Ms Guissé.

9 MS GUISSÉ: [9:32:22](Interpretation) Good morning, Mr President, your Honours.
10 Good morning everyone. Yekatom, who's present in the courtroom, is assisted by
11 Alexandra Baer and Gyo Suzuki and myself, Anta Guissé.

12 PRESIDING JUDGE SCHMITT: [9:32:38] Thank you.

13 And Mr Knoops for Mr Ngaïssona.

14 MR KNOOPS: [9:32:42] Good morning, Mr President. Good morning, your
15 Honours. Good morning, everyone in the courtroom. Our Defence team today
16 consists of Marie-Hélène Proulx, Ms Despoina Eleftheriou, Michael Rowse and Mr
17 Alexandre Desevedavy. *Merci*.

18 PRESIDING JUDGE SCHMITT: [9:33:02] Thank you.

19 And good morning, Mr Witness. I hope you had a good rest during the night and
20 you are fully motivated to continue your testimony.

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

22 WITNESS: CAR-OTP-P-2556 (On former oath)

23 (The witness speaks Sango)

24 (The witness gives evidence via video link)

25 THE WITNESS: [9:33:21](Interpretation) I hear you very clearly, Mr President.

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1 PRESIDING JUDGE SCHMITT: [9:33:25] Then we continue with the examination.

2 Ms Proulx has the floor.

3 MS PROULX: [9:33:39] Thank you, Mr President.

4 QUESTIONED BY MS PROULX: (Interpretation)

5 Q. [9:33:41] Good morning, Mr Witness. Do you hear me?

6 A. [9:33:48] Yes, I hear you clearly.

7 Q. [9:33:58] Let me introduce myself. My name is Marie-Hélène Proulx. I'm one

8 of the lawyers for Mr Ngaïssona and I will have some questions I'll put to you today.

9 Like yesterday, I'm going to ask you to speak slowly so that our interpreters and our

10 court officers can catch what you're saying, and if, at any time your -- my questions

11 don't seem clear, please let me know and I'll rephrase them.

12 Is that clear to you?

13 A. [9:34:37] Yes, I have understood fully.

14 Q. [9:34:49] I'd like to start, Mr Witness, by going back to your statement.

15 And just for the records, I'm talking about the French statement, which is tab 18 of the

16 Defence binder, CAR-OTP-2127-0126.

17 In this statement, in paragraph 26, you explained:

18 "In order to join the Anti-Balaka" you had to go "to BENZA[M]BÈ", where you

19 obtained some gris-gris.

20 I'd like to know, Mr Witness, how long did you spend in Benzambe before you

21 returned to Carnot?

22 A. [9:35:54] Thank you. When we left Carnot to go to Benzambe, we left on

23 a motorbike. One motorbike had three passengers. When we left Carnot, we

24 passed the -- spent the night in Bossemptélé, then we took the route to Bossangoa.

25 So we took two days before we arrived there.

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1 You know, the way to Benzambe, there were many, many people there. We couldn't
2 meet the old lady very quickly - the one who made the fetish - because there were so
3 many people. So we had to spend four days there before the old lady could see us.
4 After having bought our fetishes, we spent 48 hours before departing. So in total, six
5 days.

6 In returning, we went and spent one night en route; so this means it was two days
7 before we reached Carnot. So two days to go there and six days for our stay there
8 and two days to come back.

9 Q. [9:37:28] And when you returned and you gathered on the airstrip of Carnot, if I
10 understood in your testimony, the Seleka had already left, is that correct?

11 A. [9:38:03] When we arrived in Carnot, it was night-time. The Seleka had
12 already gone because they knew that the sons of the country had gone to look at
13 fetish and had returned, and so they fled via Bouar, Kenzou and other localities in
14 order to flee. And when we arrived, they had already left. Some left through
15 Garam-Boulai and others through * Kenzo.

16 Q. [9:38:55] According to the documents, which have been deposited by the OTP in
17 this case, the Anti-Balaka entered into Carnot on 2 December 2014, i.e., two days after
18 the departure of the Seleka.

19 The date of 2 February, does that appear correct to you?

20 A. [9:39:23] Well, as I've already said since yesterday, I am in front of the Court to
21 tell you the truth. I can't remember the specific date when we arrived in Carnot.
22 Perhaps MINUSCA elements kept that date in mind, but me personally, I don't know.
23 You know, when we returned in the town, the town was very, very tense. I can't
24 remember the date - I don't want to lie before the Court - I have no recollection of the
25 specific date of our return to Carnot. All that I know, it was during the year 2014.

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1 Q. [9:40:22] I understand. Thank you.

2 So just suppose that the date is correct, you joined the Anti-Balaka about 10 days
3 before, is that correct? Because it took you about 10 days to go to Benzambe in
4 return. Do you agree with me?

5 A. [9:40:46] Yesterday, I told you that within the Anti-Balaka movement, it was not
6 only those who took fetishes who were fighters. At that time, the Seleka were
7 committing many crimes, and so many compatriots took fetishes to protect
8 themselves and their families. Others were vaccinated with these fetishes in order to
9 fight the Seleka, and I am part of those. I took fetishes to fight the Seleka to take
10 revenge what they had done to my family.

11 When I returned, the ComZones asked us to remain at the airport. After that, I
12 returned to my family, and, from that point, I saw what had happened to the town.

13 Q. [9:41:58] Thank you. But the purpose of my question is to try and understand
14 a bit better the time frame and to make sure I understand correctly.
15 You joined the Anti-Balaka -- you did the trip to Benzambe 10 or 12 days before
16 returning to Carnot, is that correct?

17 A. [9:42:25] I think what you say is correct.

18 Q. [9:42:47] Thank you.

19 Mr Witness, am I correct in saying that the majority of Muslim civilians of Carnot had
20 left the town with the Seleka and even before the arrival of the Anti-Balaka?

21 A. [9:43:19] No, that's not absolutely correct. Why? Because before the Court,
22 we have to speak the truth. When the Seleka decided to leave, it wasn't all the
23 Muslims who followed them. In fact, some were scared to enter the same vehicles as
24 the Seleka, given the fact that during that time in the town, they also committed
25 crimes vis-à-vis the Muslims.

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1 What I do know is that the Seleka themselves loaded in their vehicles possessions of
2 individuals which had been stolen by them, and then they took the road to Kenzou.
3 Others took the route of Garam-Boulai going past Baoro.
4 As we noticed yesterday in the video, many Muslims sought refuge at the Catholic
5 church. Those who had motorbikes or cars took the route of Kenzou, of
6 Garam-Boulai in order to flee, but they didn't leave together with the Seleka because
7 many were scared of the Seleka.

8 Q. [9:45:00] Thank you. For the record, the reference -- I was referring to the
9 document ... 511, where it says, the majority of the civilian Muslim population of
10 Carnot left with the Seleka at the end of January 2014.
11 Mr Witness, you told us yesterday that some Muslims left with the Seleka or roughly
12 at the same time as the Seleka because they were aware that they didn't behave well,
13 vis-à-vis the other Central Africans. And in paragraph 113 and 114, you say the
14 Muslims were regarded as traitors because they helped the Seleka to identify
15 individuals who had means, so people that they could loot.
16 Am I correct in saying that these Muslim civilians left with the Seleka because they
17 feared reprisals from the Christian civilian population?

18 A. [9:46:18] As I said yesterday, I'm going to tell the truth before the Court.
19 Yesterday, I said that the majority of the Muslims who were in Carnot and Ndinguiri,
20 Guen, * came to the Catholic church of Carnot. But some of these Muslims who
21 identified those individuals for the Seleka so that the Seleka could harm them or stop
22 them, those understood that they behaved badly, and, during the flight of the Seleka,
23 they left together with them.
24 And some, in fact, left before them. Others followed them.
25 I repeat, it was only those who reproached themselves because they had done

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1 something bad vis-à-vis the population, those were the first to leave because they
2 stole many things -- diamonds, individual possessions and other things. They
3 committed a lot of exactions against the population and therefore they had to flee to
4 avoid revenge taken by the population.

5 Q. [9:47:59] So you agree with me, the civilian Christian population was very angry
6 against the Muslims at that time?

7 A. [9:48:15] Sorry, I didn't understand your question fully. Could you please repeat it.

8 Q. [9:48:24] My question was whether you agree with me that this Christian
9 civilian population was angry vis-à-vis the Muslims at that time?

10 A. [9:48:41] * It's true. Some Christians were angry because of the Seleka's behavior
11 and because when the Seleka arrived, some Muslims said that it was their turn to run
12 the government for 60 years. Some Muslims were delighted. The Christians were
13 angry because they did not have the strength to face the Seleka... but most of the
14 Muslims who remained in the town of Carnot were the ones who had nothing to feel
15 guilty about... and they remained until the end of the crisis.

16 I can tell you that the majority of the Muslims who stayed in the town of Carnot have
17 nothing that they can reproach themselves. They regarded themselves as sons of the
18 country. They knew that they hadn't done anything bad against the population and
19 therefore they could not reproach themselves of anything. And those stayed in the
20 town, they decided to stay in the town and not flee with the Seleka.

21 Q. [9:50:07] Am I correct in saying that when your Anti-Balaka group returned to
22 Carnot, probably 2 February 2014, the situation in the town was already chaotic?
23 The civilians were attacking each other.

24 A. [9:50:37] What civilians are you referring to? What civilians were fighting
25 whom?

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1 Q. [9:50:59] I'm suggesting to you, Mr Witness, that Christian civilians were
2 already attacking some Muslims civilians. Do you agree with that?

3 A. [9:51:13] They weren't all the civilians who attacked the Muslims. It was
4 Anti-Balaka civilians who were chasing out the Muslims and wanted them to seek
5 refuge in the Catholic church. It's the Anti-Balaka civilians who were looting the
6 Muslims who had attacked them. It was not all the civilians.

7 Q. [9:52:00] Mr Witness, am I right in saying that the violence started even before
8 the arrival of the Anti-Balaka? Violence started when the Seleka left, two days
9 before the arrival of the Anti-Balaka. Do you agree with that?

10 A. [9:52:25] You asked me the question, and I answered that the first initial
11 incidents started with the flight of a diamond collector and a gold collector who
12 sought refuge in Carnot. The Anti-Balaka chased him and stoned him.
13 The second incident happened around three o'clock in the afternoon where they
14 started to attack individuals and Kassidi -- and he told the elements that what they
15 were doing was not good. So the Seleka reported the facts to their chief, and their
16 chief, a colonel, arrived to take steps.
17 This happened before the arrival of the Anti-Balaka -- these two incidents happened
18 before the arrival of the Anti-Balaka. It is only after the arrival of the Anti-Balaka
19 that looting started in the town.

20 Q. [9:54:21] When the Anti-Balaka arrived in Carnot, do you agree with me, there
21 was no state authority that was fully operational? Do you agree with that?

22 A. [9:54:34] When the Anti-Balaka arrived -- you asked me the question relating to
23 the arrival of the Anti-Balaka in the town? Or are you talking about the time when
24 the Seleka were controlling the town?

25 Q. [9:55:08] I'm talking about when the Anti-Balaka arrived in Carnot, Mr Witness.

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1 Do you agree with me that there was no state authority that was working properly at
2 that time in Carnot?

3 A. [9:55:27] When the Seleka arrived throughout the Central African territories, the
4 state authorities were no longer functional. They were present, but they did not
5 have any power. Only the Seleka had all the power.

6 When the Anti-Balaka intervened, it is at that moment that the Anti-Balaka also took
7 over power. There was the brigade command and other authorities, but those
8 individuals had no power anymore. No control.

9 Q. [9:56:27] Yesterday, Mr Witness - and for the records, I'm referring T-... 47 ... 22
10 and 23, in the realtime of the French version - you explained that the Anti-Balaka
11 gathered at the airport and decided amongst each other, Aimé Blaise and
12 Aimé Emeric would become ComZone and deputy ComZone in Carnot. And you
13 also added that they sent the information to the coordinator in Bangui, Mr Ngaïssona.
14 I'd like to know who sent their names and how did they send it. Was it by telephone,
15 for example?

16 A. [9:57:19] I do apologise. I do need to relieve myself. I have a pressing matter
17 on that, and then after that, I can answer your question.

18 PRESIDING JUDGE SCHMITT: [9:57:49] No problem, Mr Witness. Please, you can
19 go, and when you come back, you answer the question. Thank you.

20 (The witness exits the video-link room)

21 And in the meantime, Mr Vanderpuye, I understand that we can start with 1716
22 tomorrow?

23 MR VANDERPUYE: [9:58:13] Yes, Mr President, that's what I understand.

24 PRESIDING JUDGE SCHMITT: [9:58:16] Thank you very much. So that's very
25 good news. So with some likelihood, we could finish this witness on Thursday.

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1 Yeah, okay.

2 And to fill the gap, Ms Proulx, are you on time? I think you're progressing, let's say,
3 steadily, to word it this way. I'm just making conversation a little bit, you
4 understand that, yes?

5 MS PROULX: [9:58:53] I'm very confident that I will finish before the lunch break.

6 PRESIDING JUDGE SCHMITT: [9:58:56] Thank you.

7 And Ms Guissé has still no questions, I'm absolutely sure, at this point in time.

8 MS GUISSÉ: [9:59:07](Interpretation) After having a discussion with Mr Suzuki
9 who's in charge, there are some very brief questions. Really, really very brief. I
10 think there's no problem for finishing before the lunch break.

11 PRESIDING JUDGE SCHMITT: [9:59:26] Okay. So there's a little bit of an
12 obligation on you, Mr Suzuki now, you understand that, yes?

13 (The witness enters the video-link room)

14 Very well, Mr Witness, we -- can we continue? Yes.

15 I think, Ms Proulx, the witness is back, you can continue with the examination.

16 MS PROULX: [9:59:59](Interpretation)

17 Q. [10:00:01] Mr Witness, I'm going to repeat my question to be sure that you
18 remember it. I would like to know who sent the names of Aimé Blaise and
19 Aimé Emeric to Mr Ngaïssona when you had designated them at the airport?

20 A. [10:00:22] I think that when we entered Benzambe -- from Benzambe, we were
21 based in the airport of Carnot. We arrived in the evening. And it was before the
22 deployment of the Anti-Balaka in the town. It is at that moment we were asked to
23 set up a ComZone of the zone, and that is why -- how the Anti-Balaka gathered
24 together and nominated Aimé Blaise and Aimé Emeric to be ComZones of the
25 Anti-Balaka.

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1 After the other -- after their designation, Aimé Blaise took his telephone personally
2 and phoned Bangui to inform them that he had been elected and -- that Aimé Blaise
3 was elected as ComZone and Aimé Emeric was his deputy. Everybody was present.
4 I was present when he made that call.

5 Q. [10:01:53] You gave Blaise's telephone number in your witness statement. Can
6 you confirm the number that you gave in your witness statement at paragraph 41.

7 A. [10:02:12] That was the number of Aimé Blaise, but I should tell you that Aimé
8 Blaise has passed away. Only Emeric is still alive.

9 Q. [10:02:36] And the number for Aimé Blaise, was that the only number that you
10 had to reach him or did he have other telephone numbers?

11 A. [10:02:52] That was the only number that I had, which I used to call him. That
12 is the number that I am familiar with.

13 Q. [10:03:08] Now once again, when you went back to the airport from Benzambe,
14 was it at that same time that the Anti-Balaka group you belonged to also appointed
15 a secretary and a mission chief at the same time as the ComZone was appointed?
16 Have I understood you correctly?

17 A. [10:03:46] I think that first, the ComZones were appointed, the two ComZones.
18 Four days later, the Anti-Balaka deployed in the town and began operations. They
19 requisitioned the houses of Muslims, and, at that time, they asked that two secretaries
20 be appointed and two treasurers. That was when two secretaries were appointed.
21 And the secretaries worked in the office and the ComZones were in the field. When
22 they began to conduct activities in the town, that was when the ComZones appointed
23 the mission chiefs, depending on the abilities of each individual -- of each element.

24 Q. [10:05:02] At paragraph 61 of your statement, you explained that the
25 Anti-Balaka were quartered in the Kakamopé neighbourhood near the Carnot airstrip.

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1 But yesterday, when you were giving testimony, I gathered that you meant that the
2 airstrip was actually a place where the Anti-Balaka gathered and got their
3 instructions.

4 Have I understood correctly?

5 A. [10:05:35] I said in my statement that the Anti-Balaka gathered on the airstrip at
6 the airport when they arrived. That is when they designated the ComZones, and
7 then after that, they redeployed and they established their office.

8 The mission chiefs worked by sector, the Kakamopé sector on the Poro (phon) road,
9 the Foka (phon) road, the Berberati road. There were mission chiefs and they
10 supervised the various sectors and the mission chiefs reported to the ComZone.

11 THE INTERPRETER: [10:06:29] Message from the Sango interpreter: Could the
12 witness be asked to speak more slowly.

13 PRESIDING JUDGE SCHMITT: [10:06:38] Mr Witness, the Sango interpreters asked
14 me to tell you if you could please slow down a little bit so that they can follow you
15 better. Thank you very much, Mr Witness.

16 Ms Proulx.

17 THE WITNESS: [10:07:04](Interpretation) I understand. Thank you.

18 MS PROULX: [10:07:13](Interpretation)

19 Q. [10:07:16] Well, the purpose of my question was, I wanted to understand what
20 you meant by "*cantonner*", by station? Being stationed. I wanted to make sure I had
21 understood that.

22 A. [10:07:46] I think that when we got to the airport, at first, we spent the night on
23 the strip, the airstrip of the airport. We didn't eat because the lady who made the
24 fetishes for us recommended that we not eat just anything prepared by just any
25 woman. So someone was sent from the ONAF --

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1 THE INTERPRETER: [10:07:46] Correction:

2 THE WITNESS: [10:07:46] -- to ONAF to buy chikwangue and coffee. It was only

3 later that people went back. Some people went back to their homes, and the others

4 who wanted to join the Anti-Balaka movement went to the office of the Anti-Balaka to

5 begin to carry out operations.

6 MS PROULX: [10:08:47](Interpretation)

7 Q. [10:08:48] Thank you for clearing that up for us.

8 I'd now like to talk about the situation in Carnot when the Anti-Balaka entered the

9 town. If I understand correctly, already there were disturbances at that time.

10 Did the Anti-Balaka not really have any means to calm people down and to stop the

11 various disturbances that had already occurred in Carnot?

12 A. [10:09:26] To stop what? What problem or disturbances are you talking about

13 that the Anti-Balaka were supposed to put an end to?

14 Q. [10:09:37] I'm referring to the troubles mentioned earlier. The Seleka had left,

15 and you said that there were some problems -- actually, even before the Seleka had

16 left, that there were some problems before the Anti-Balaka came into Carnot.

17 So my question was, do you agree with me that the Anti-Balaka were not at all well

18 equipped to pacify the -- or bring peace to the situation in Carnot?

19 A. [10:10:22] No, you haven't -- you're not quite right. When the Seleka was

20 supervising the town, they were -- the Seleka were working like soldiers. After the

21 Seleka left, the Anti-Balaka who took over, they over -- had oversight over the

22 cross -- over the checkpoints and everything that went on in the town.

23 The authorities of the town had no power. It was only the ComZones, the mission

24 chiefs and the Anti-Balaka who had full power to manage the town. The

25 Anti-Balaka were the ones who had the ability to manage the town.

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1 Everyone had fled. The Seleka had left. The gendarmes and the soldiers were no
2 longer working. So the Anti-Balaka were the ones who had to ensure the safety and
3 security of the town until -- until law and order returned, the law and order of the
4 republic.

5 Q. [10:11:36] You said in your statement that the Anti-Balaka started to hold
6 meetings with the local population and you explained that those meetings were
7 intended to explain to the people that they had no longer any reason to be worried.
8 Have I understood correctly?

9 At the time, was the population worried? Were the local people worried about the
10 situation in Carnot?

11 A. [10:12:16] After the Anti-Balaka entered Carnot and set up operations at the
12 airport, they spoke at the city hall. They took up a megaphone and they called the
13 local people to come to an assembly at the city hall because they had something to tell
14 the people. Aimé Blaise, the ComZone, spoke, and he informed the population that
15 henceforth, the Anti-Balaka would be patrolling in the town to ensure safety. If ever
16 someone heard that the Seleka were coming or had got to the town or if they had
17 suspicions, they were supposed to call the telephone number provided to inform
18 them.

19 Henceforth, the Anti-Balaka would be ensuring the safety of the town. After that
20 point, the Anti-Balaka began to conduct operations in the town. For example, they
21 kept an eye on houses belonging to Muslims and other public buildings.

22 Q. [10:13:58] Am I correct that at one point -- at that time, the people were worried
23 that the Seleka would return to Carnot?

24 A. [10:14:22] So the people were not afraid. People knew that the Seleka were the
25 true enemies of the population. However, the arrival of the Anti-Balaka was

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1 celebrated by the people. People were happy to see the Anti-Balaka enter their town
2 to ensure their safety. They even clapped when they came in. They went to the city
3 hall because they wanted to hear what the Anti-Balaka were going to announce. So
4 there was no reason to be worried after the Anti-Balaka had arrived.

5 Q. [10:15:06] Just to follow-up on what you said. You said that the population
6 was happy to see the Anti-Balaka arrive in Carnot. Am I correct in saying that many
7 civilians even wanted to collaborate with the Anti-Balaka? They wanted to help
8 them re-establish peace in Carnot.

9 A. [10:15:47] In a town, not everyone's on good terms with soldiers. Some
10 civilians were afraid to approach soldiers. Some civilians were afraid to approach
11 the Anti-Balaka after they came in. Others, who were a bit braver, would go up and
12 talk to the Anti-Balakas.

13 So I repeat, some people were afraid to approach them; others weren't. Many
14 wanted to approach the Anti-Balaka so that they could understand what was going
15 on in the town.

16 Q. [10:16:47] Mr Witness, during the trial we've heard many witnesses, and several
17 times we've heard that at the time, the Anti-Balaka were so popular with the
18 population that some civilians even tried to pass themselves off as Anti-Balaka.
19 They even bought fake gris-gris and sometimes committed crimes, which were then
20 pinned on the Anti-Balaka.

21 Do you have any knowledge of such things going on in Carnot?

22 A. [10:17:41] As I said, counsel, I am before the Court and I must tell the truth.
23 Within the civilian population, there always are people who are afraid of law
24 enforcement -- even you, men and working in the justice system. There might be
25 people who would be afraid to go up and talk to you or to speak in front of you.

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1 When the Anti-Balaka entered the town, not everyone was brave enough to approach
2 them. Some religious people were afraid to go up and talk to them because of their
3 gris-gris. Not everyone -- not everyone was afraid in that situation. Some were
4 afraid to go up and talk to them. Others did approach them and congratulate them
5 and speak to them.

6 So I can tell you that when we arrived in the town, many people clapped. Others
7 didn't.

8 Q. [10:18:57] You haven't really answered my question, Mr Witness. I'm not
9 suggesting that everyone felt at ease and able to go up and talk to Anti-Balaka. I put
10 it to you that some members of the civilian population wanted to pass themselves off
11 as Anti-Balaka elements, and even wore fake gris-gris and committed crimes, and
12 those crimes were later pinned on the Anti-Balaka.

13 This is something that we have heard about during this trial and I would like to know
14 whether that happened in Carnot as well.

15 A. [10:19:48] I reiterate, I'm in front of a court and I must tell the truth. Indeed,
16 there were fake Anti-Balaka who were part of the Anti-Balaka. Not -- they were
17 amongst the real Anti-Balaka, they were wearing fake anti -- they were wearing fake
18 gris-gris. They weren't from the civilian population. They were fake Anti-Balaka
19 who were mixed in with the real ones. They committed crimes and then later on,
20 they were blamed -- the Anti-Balaka were blamed. The ComZones were actually
21 aware of the situation. Unfortunately, the ComZone did not do anything to put an
22 end to that problem.

23 Q. [10:21:03] I'd like to show some video footage to you, Mr Witness and this is
24 from tab 3 of the OTP's list, CAR-OTP-2019-1359. The transcript is at tab 20,
25 CAR-OTP-2130-1204, page 1207, lines 77 to 79.

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1 And could we play the footage from 4:13 to 4:28.

2 (Viewing of the video excerpt)

3 THE INTERPRETER: [10:21:59](Interpretation of the video excerpt)

4 "Welcome to the -- welcome to the CENTRAL AFRICAN REPUBLIC. The

5 ANTI-BALAKA are the patriots, the sons of the country. You are not in a position to

6 know them. I might be a BALAKA. He might be a BALAKA. The woman might

7 be a BALAKA, but one can't know that."

8 MS PROULX: [10:22:44] (Interpretation)

9 Q. [10:22:45] Mr Witness, do you agree with what the man was saying in the video

10 footage? That it was difficult or even impossible to determine who was a Balaka and

11 who was an ordinary citizen in Carnot?

12 A. [10:23:01] I don't agree with that. Why? Because the Anti-Balaka were part of

13 the population. Everyone knew them perfectly well. But to say that you couldn't

14 determine who was an Anti-Balaka -- they weren't ghosts. They were human beings.

15 They were members of the local population.

16 Q. [10:23:43] But if someone had come from Bangui, for example, and didn't know

17 anyone in Carnot, or if someone came from another country, could those people

18 distinguish Anti-Balaka from other civilians?

19 PRESIDING JUDGE SCHMITT: [10:24:05] Mr Scaliotti.

20 MR SCALIOTTI: [10:24:07] Mr President, I think this question clearly calls for

21 speculation on the part of the witness.

22 PRESIDING JUDGE SCHMITT: [10:24:15] Yeah, but you can reformulate it a little

23 bit, I would say. So insofar as you have worded it, Mr Scaliotti's right, but there is,

24 of course, an urge of information behind that that can be perhaps extracted if you

25 reformulate.

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1 MS PROULX: [10:24:34](Interpretation)

2 Q. [10:24:50] Mr Witness, you just told us that it was possible to distinguish
3 between Balaka and non-Balakas because the people in Carnot knew one another.
4 Would you agree that didn't apply to people who didn't come from Carnot, who
5 didn't live there, who didn't know the people in Carnot, and thus couldn't know who
6 was a Balaka and who wasn't?

7 A. [10:25:27] I think that during the reign of the Anti-Balaka in the Central African
8 Republic, they were -- it was the local people, the sons of the country themselves, the
9 members of the local population themselves who ensured the safety of their localities.
10 So the Anti-Balaka people in Carnot worked in Carnot, and the same held true for
11 other places.

12 I, for example, from Carnot, wouldn't be allowed to go to Bossangoa to operate there.

13 No. That was prohibited. Why? To avoid any bad practices.

14 So it had been agreed that each person would remain in his area to work properly and
15 avoid any violence or abuse of the local people, so that property would be protected,
16 so that people would be protected.

17 So the Anti-Balakas operated within their respective areas. You were not allowed to
18 leave your area and go operate in another area. Everyone had to stay in his zone,
19 work in his own area or zone and report to the national coordination.

20 PRESIDING JUDGE SCHMITT: [10:27:04] I think, Ms Proulx, you have to continue,
21 go to another issue because it looks not very promising, frankly speaking, to continue
22 in that way, I mean.

23 MS PROULX: [10:27:40](Interpretation)

24 Q. [10:27:42] Mr Witness, yesterday - page 52 of yesterday's transcript - you said
25 that the ComZones were not in a position to ensure discipline when it came to

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1 a number of acts of violence and abuse. What did you mean by that?

2 A. [10:28:10] *Well, there was a reason for my saying that. Because if the ComZone
3 designated the mission chiefs by sector... all the missions in the bush or in the city...
4 the ComZone would travel to Berberati sometimes or to Bangui sometimes or for
5 other activities. In that case, it was the mission chief and his elements who would go
6 into the field, and they would not necessarily report back to the ComZone about
7 everything they had done in the field... sometimes when they went into the field, the
8 ComZone would be informed only one week or two weeks later. And you know that
9 in the Anti-Balaka movement, as I said yesterday, there were illiterate people... most
10 of them were illiterate, and since each person had bought his own fetish, he would do
11 whatever he pleased, which meant that... the ComZone was not aware of everything,
12 and the ComZone was not able to monitor all the elements, because they were so
13 many of them.

14 MS PROULX: [10:29:27] (Interpretation)

15 Q. [10:29:28] At paragraph 136 of your statement, you mention two leaders, Aiba
16 and B13, and you said that they never were punished because the ComZones were
17 afraid of reprisals from them or from their elements.

18 Have I understood correctly, did these Anti-Balaka -- were they uncontrollable?

19 A. [10:30:16] *I don't think that B13 and Aiba were ComZones. If you understood
20 my statement, you would realize that I did not say that they were ComZones. Rather,
21 they were mission chiefs. The ComZones were Aimé Blaise and Aimé Emeric. Those
22 two were the ComZones for Carnot. But Aiba and B13 were mission chiefs. Aiba was
23 the mission chief for the area around the Gbaya market.... B13 was the mission chief
24 for the Mbemou road, that is, the road from Damba to Mbemou. Both of them were
25 mission chiefs. And in my testimony yesterday, I told you that the Anti-Balaka

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1 movement was like a fisherman's net. The fisherman does not know what he will find
2 in his net. He might catch a fish, a snake or maybe just some leaves. What I mean is
3 that in the Anti-Balaka movement, there were some bad eggs, some black sheep.
4 There were some bad mission chiefs. Before the Anti-Balaka movement was born, B13
5 and Aiba used to steal the Peuls' cattle... they would kill the Peuls and steal their
6 cattle. Then they would sell the cattle. That was what they did. And because the
7 country was in crisis and they had bought fetishes... it became even more serious...
8 they no longer submitted to the ComZones, and they conducted their operations with
9 their elements, beyond the ComZones' control... that is the reality of what happened.

10 PRESIDING JUDGE SCHMITT: [10:31:51] I think the answer is -- could be perhaps
11 concluded from what he said in paragraph 136. So I think you can move on.

12 MS PROULX: [10:32:19](Interpretation)

13 Q. [10:32:22] Aiba and B13 were thieves and troublemakers, even before the
14 conflict, is this what you said? They just wanted to take advantage of the conflict to
15 continue with their same activities, isn't that so?

16 A. [10:32:43] Yes, B13 and Aiba were thieves. They stole cattle. And during the
17 disturbances, they went and they got some fetishes and they came back and they were
18 designated mission chiefs. So they were supervised by Aimé Blaise, and they
19 continued their bad habits.

20 Q. [10:33:29] I'd like to briefly discuss the situation of Muslim civilians in Carnot.
21 You explained in your statement that the Muslims were taken to the Catholic church
22 for their own protection, and you said in your statement that you didn't kill Muslims.
23 You said that at paragraph 92. Is that correct?

24 A. [10:33:51] In my statement, I said that some Muslims were taken to the Catholic
25 church by the Anti-Balaka. Personally, myself, I took some Muslims to the Catholic

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1 church. I even took the children of Muslims to the Catholic church, and I handed
2 them over to *l'abbé*, Justin. I said to the priest that their mother had fled and had
3 abandoned them.

4 So I can confirm that, yes, I took some Muslims to the Catholic church. Other
5 Anti-Balakas did the same.

6 Q. [10:34:55] I go back to my question in point 92:

7 "We did not kill Muslims." But yesterday you told us of the murder of some
8 Muslims. So there's an inconsistency. Could you explain, please.

9 A. [10:35:24] As I said during my testimony, I did introduce some corrections. It
10 said, "We, the Anti-Balaka." And I said no. When the Muslims were camping
11 within the Catholic church, some Muslims, who were ill, wanted to go to the hospital,
12 and, at that moment, a man called Prince Commando attacked a Muslim and stoned
13 him until he was killed and dead.

14 All the Muslims had already sought refuge in the Catholic church and one of the
15 fathers of the Muslims wanted to go to the hospital because he was ill. That is why
16 he met Prince, unfortunately, on the road, who attacked him and stoned him with
17 rocks until he died. That's what I said.

18 PRESIDING JUDGE SCHMITT: [10:36:48] Ms Proulx, I don't know if we can speak
19 of an inconsistency. I think what the witness mentions and also now confirms are
20 certain incidents, I would word it - that's my wording now - certain incidents. And
21 when he said, "We did not kill Muslims," I think this referred to the situation in
22 general -- you could interpret it this way, I don't know. Yes.

23 MS PROULX: [10:37:27](Interpretation)

24 Q. [10:37:28] Yesterday, in page 25 and 26 of the transcript, you talked about
25 certain Anti-Balaka who killed Muslims. You added that it was those who had

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1 hatred in their hearts and were settling accounts, and they are the ones that killed
2 some of their victims.

3 Am I correct in understanding that the murders of Muslims was to settle scores and
4 take personal revenge?

5 A. [10:38:04] You know, during this crisis, the Anti-Balaka carried out operations.
6 The Muslims fled into the bush in order to protect themselves, and that is how the
7 Anti-Balaka could chase them into the bush, kill them and take their possessions.
8 That is how the Anti-Balaka explained to the others how and what they did to catch
9 the Muslims, the herders, how they killed them in order to take their cattle back to the
10 town and sell it.

11 Q. [10:39:08] So you say not only was there personal revenge, but there were also
12 some Anti-Balaka who killed in order to benefit themselves, for their own personal
13 wealth. Is that correct?

14 A. [10:39:32] Yes, the Anti-Balaka killed them to take their cattle. Some killed
15 them because of revenge. Because of the behaviour of the Seleka. When the Seleka
16 took over control of the town, they killed people to take their diamonds and gold.
17 Therefore, through revenge, the Anti-Balaka killed the Peuhl and took their cattle.

18 Q. [10:40:18] Am I correct, Mr Witness, in saying that the Muslims who were not in
19 the Catholic church were in danger of being attacked by the civilian population who
20 wanted to take revenge because they thought they had collaborated with the Seleka?

21 A. [10:40:39] I don't think it was all the Christians who had problems with the
22 Muslims. The Muslims were scared of the Anti-Balaka. The Muslims knew that if
23 they stayed at home, they would be attacked. Because the Anti-Balaka went from
24 door to door in order to loot the houses of the Muslims and it is during these
25 operations of looting, if they were unfortunate enough to meet a Muslim, then they

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1 killed him with their machetes and coupes-coupes. And that is why the Muslims
2 fled and sought refuge in the Catholic church.

3 Q. [10:41:53] You just told us, Mr Witness, that the Anti-Balaka couldn't go to other
4 localities; that they had to stay in their own towns, and it was not allowed to go to
5 other places. But in your statement, in paragraph 122, you talk about Anti-Balaka
6 from Baoro who joined a group in Carnot in order to loot. And yesterday, you
7 talked about Anti-Balaka from Carnot who went to Berberati.

8 Am I to understand that this rule, where you could not leave and go to other localities,
9 was not always respected?

10 A. [10:42:40] Thank you. I'm going to provide you with details so that you can
11 understand what I'm saying. You know, in Carnot, when we went to Benzambe to
12 buy our fetishes, the inhabitants of Berberati and Amada-Gaza didn't go and find
13 their fetishes. It was the Anti-Balaka of Carnot who went to look for their fetishes.
14 When we carried out operations in Berberati, Berberati was saved. It was the
15 national coordination who asked the mission chiefs of Carnot to go to Berberati to
16 attack the Poto-Poto neighbourhood. It seems that there were Muslims who were in
17 Poto-Poto, and Aimé Blaise phoned the Anti-Balaka and the mission chiefs and took
18 them to Berberati in order to attack the town, and they took advantage of the situation
19 to sell fetishes to the population of Berberati.

20 It is only afterwards that the inhabitants of Berberati received the fetishes. And
21 Aimé Blaise went back home, and in Berberati, he set up ComZones and mission
22 chiefs. Aimé Blaise, after that, left to Amada-Gaza, to attack the town, and also to set
23 up Anti-Balaka over there, before going back to Carnot.

24 So the regional coordinator who represented Ngaïssona was the individual who
25 moved to Berberati, Carnot, Amada-Gaza in order to supervise the activities of the

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1 Anti-Balaka.

2 I hope you've followed what I've said, counsel.

3 Q. [10:45:03] Thank you. In paragraph 112, you also say that some

4 Anti-Balaka - who came from other regions - only remained one month in Carnot

5 because they were causing a lot of trouble in the town with the people. And you

6 also said they were sent back to their regions.

7 Who sent them?

8 A. [10:45:22] Well, you know, during this crisis, some Anti-Balaka, just like the one,

9 Baoro, which I mentioned in my statement, went to Carnot to visit the in-laws

10 because his wife was originally from Carnot and so they went over there. When

11 they arrived there, they took advantage to undertake certain activities in the locality.

12 Since he had no discipline, the -- Aimé Blaise, the commander of the zone, asked him

13 to return to Baoro into his own sector, because he didn't originally come from Carnot,

14 and Aimé Blaise asked him to return to Baoro to carry out his activities over there,

15 because he really had no discipline. And that's when he returned to Baoro, and, a

16 little bit later, he died.

17 Q. [10:46:47] You're talking about an individual -- or a single person, but in your

18 statement you said "some" Anti-Balaka. You're talking about several people or even

19 groups of Anti-Balaka in your statement. Is there one single person who was sent or

20 were there several people that were sent?

21 A. [10:47:14] For Baoro, there was only one person. The ComZone of the town

22 who went to Baoro to pay a visit -- his in-laws.

23 As regards the Gbaina team - this is a locality which is 90 kilometres away from

24 Carnot in the area of Gadzi - the Anti-Balaka from that area came to Carnot, started to

25 remove the roofs of the houses, take away the doors, looted. And Aimé Blaise told

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1 them that he did not want to see them in his locality in Carnot. It was the Gbaina
2 team. But the others came before -- before returning. I don't know their names, but
3 they came. They started to create this chaos in the town and Aimé Blaise asked them
4 to go back home. So they left to go back home.

5 PRESIDING JUDGE SCHMITT: [10:48:28] Mr Witness, you want to address the
6 Court? You have raised your hand.

7 THE WITNESS: [10:48:37] (No interpretation)

8 PRESIDING JUDGE SCHMITT: [10:48:46] I get no interpretation.

9 THE INTERPRETER: [10:48:53] The witness's microphone is off, switched off.

10 PRESIDING JUDGE SCHMITT: [10:48:56] Can you please switch on the
11 microphone.

12 Mr Witness, I saw you raising your hand, which could indicate that you want to
13 address the Chamber. If so, please do that.

14 THE WITNESS: [10:49:17](Interpretation) Thank you, Mr President. I raised my
15 hand because I would like to ask for your permission to relieve myself, and then I
16 shall come back.

17 PRESIDING JUDGE SCHMITT: [10:49:30] No problem.

18 (The witness exits the video-link room)

19 PRESIDING JUDGE SCHMITT: [10:49:31] Do you think when we have a little bit of
20 a longer coffee break that we still can -- can manage -- or even if we continue a little
21 bit beyond one o'clock, then let's have the break until 11.30.

22 THE COURT USHER: [10:49:55] All rise.

23 (Recess taken at 10.49 a.m.)

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

25 (The witness enters the video-link room)

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1 THE COURT USHER: [11:32:27] All rise. Please be seated.

2 PRESIDING JUDGE SCHMITT: [11:32:42] Ms Proulx shortly when -- and also for

3 the others, when the witness talked with someone at the video-link location, it was

4 a court officer and it was about his needs, so nothing to worry about.

5 Please continue.

6 MS PROULX: [11:33:03] (Interpretation)

7 Q. [11:33:20] Good morning once again, Mr Witness. Can you hear me?

8 A. [11:33:28] Thank you very much, I can hear you just fine.

9 Q. [11:33:40] Just one point to clear up, Mr Witness. Am I correct in saying that at
10 the time of the events, when you joined the Anti-Balaka, you were just an element.

11 Is that correct?

12 A. [11:34:00] Yes. When I joined the movement, I was just an ordinary element.

13 When I got to the town to get the fetish, it was in order to protect myself. I wasn't an
14 Anti-Balaka element.

15 PRESIDING JUDGE SCHMITT: [11:34:30] I think he means before. I think that
16 seems to be clear. When he got the fetishes, in his understanding, I think then he
17 became a member. That would be my understanding.

18 MS PROULX: [11:34:55] (Interpretation)

19 Q. [11:35:03] Mr Witness, I'd like us to go back to your trip to Benzambe. Your
20 first trip to Benzambe was about 10 days, and you went back to Carnot early in
21 February. But in your statement you said that you travelled to Benzambe three
22 times. Do you remember how many times after the first trip you went? Do you
23 remember when you went the second time -- for the second time to Benzambe?

24 A. [11:35:41] I believe we left the first time just to see what the lay of the land was.
25 That was the first time, and we didn't know where to get the fetishes. (Redacted)

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1 (Redacted)

2 (Redacted) and, you know, at the time, there were

3 disturbances throughout the country. There were several kinds of fetishes or other
4 forms of protection, some fetishes protected you against rockets; others protected you
5 against the FAMAS and -- well, there was all kinds of fetishes. Three months after, I
6 went off again to buy some new fetishes. After that, one and a half months later, we
7 learned that some new ones came out and they were prepared with beans and
8 sometimes they were on roofs, and I went back to get some. So that is what
9 happened. So it was three times in all. I went there three times.

10 Q. [11:37:25] I know you're not very much at ease with dates, but let's assume that
11 your first trip was in early February. Three months later, that meant you would
12 have gone the second time in May and the third time would have been mid-June.
13 Do you follow me?

14 A. [11:38:00] Yes, that's right. I don't have the specific dates, but it is possible that
15 it was pretty much what you've just said.

16 Q. [11:38:33] In your statement, you said that the first two times you went to
17 Benzambe, Mr Ngaïssona was not the coordinator of the movement. He became the
18 coordinator the time that you went back to Benzambe for the third time.
19 Is that correct?

20 A. [11:39:05] Well, there might be mistakes in interpretation. I said that the first
21 time I went to Benzambe, when I came back, we gathered at the Carnot airstrip and
22 there, there were elections and some ComZones were appointed. Then Aimé Blaise
23 went to the national office to report on what had happened. He informed the bureau
24 that he himself had been appointed ComZone. Initially, when we went, we didn't
25 know -- we didn't know about the coordination at that time. But after Aimé was

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1 appointed, he called the coordinator to inform him that he, that is to say, Aimé, had
2 been appointed the ComZone of Carnot. That happened after our first trip.
3 The second trip, the coordinator was there, he was informed. And the third trip, he
4 was coordinator.

5 Q. [11:40:15] Could we have a look at paragraph 98, 0140 in the French version.

6 Paragraph 98, you said that you went to Benzambe to get some gris-gris three times,
7 and then we read the following:

8 "The first two times I went, NGAÏSSONA had not yet proclaimed himself as National
9 Coordinator of the Anti-Balaka. By the third time I went to BENZA[M]BE,
10 Ngaïssona was already National Coordinator."

11 Is your statement correct, Mr Witness?

12 A. [11:41:18] I told you that during the first trip, perhaps the investigators hadn't
13 understood me properly. During our first trip, I hadn't heard about Ngaïssona being
14 the coordinator. When we came back and regrouped and gathered together at the
15 airstrip, when the ComZones were appointed, he called Bangui to report that he had
16 been appointed ComZone. And that is when we realised he was the coordinator,
17 and that's when I realised that there was cooperation between Aimé and him. He
18 was informed about everything that happened in the field.

19 The second and the third trips, he was already National Coordinator of the
20 Anti-Balaka.

21 Q. [11:42:31] I note that your testimony is quite divergent in comparison with your
22 statement. You had an opportunity to read over your statement last week, and you
23 did not take the opportunity to correct this paragraph.

24 Can you tell us why you didn't correct it?

25 A. [11:43:03] I told you that right from the outset, when we went to Benzambe, I

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1 was not aware. I didn't know that he was the coordinator. After, when we came
2 back, after the ComZones were elected, that is when the ComZones called the
3 national office to tell them what was going on in the field and that's when I realised
4 he was the coordinator, and, as for the other visits, I already -- I realised by then that
5 he was the coordinator. I already knew he was the National Coordinator.

6 Q. [11:44:00] But in another paragraph - and I'm referring to paragraph 51 of your
7 statement - you said to us that the mission chiefs had been appointed four days after
8 arrival in Carnot and at paragraph 51, you mention Barthélémy and -- he was
9 a mission chief and you said something about a few months later.
10 So was it a few -- was it a few months after early February? Is this the timeline? Do
11 you agree?

12 A. [11:45:09] I believe that when the Anti-Balaka entered the town of Carnot,
13 Ngaïssona was already the coordinator, but the regional coordinator - before the
14 implementation of the office - Barthélémy was designated mission chief. It was only
15 later that the coordinator asked that the system be decentralised so that other people
16 could be designated as regional coordinators. So he was -- Barthélémy was
17 appointed regional coordinator, along with Sylvain, who was Barthélémy's deputy,
18 before he was mission chief.

19 You see, because -- well, he had been mission chief and then there was a request to
20 appoint people by region. So you see, Barthélémy was appointed regional
21 coordinator and Sylvain was appointed his deputy and they reported to the National
22 Coordinator. That is what I said in the statement.

23 Q. [11:46:41] Mr Witness, yesterday morning, you assured the Chamber that the
24 content of your statement was accurate and truthful and your statement was placed
25 on the record of the case. And now you are contradicting key elements of this

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1 statement. I'm trying to understand why you are doing this. Mr Witness, why are
2 you contradicting yourself, contradicting --

3 PRESIDING JUDGE SCHMITT: [11:47:13] What is the key element here? It's about
4 the time frame. But the witness has always said that he has huge problems with
5 time issues, so there might be, indeed, there might be a little bit of a contradiction, but
6 to frame it is as a key element, I think is not (Overlapping speakers)

7 MS PROULX: [11:47:35] Mr President, it matters because he alleges that
8 Mr Ngaïssona was giving orders as of February 2014 --

9 PRESIDING JUDGE SCHMITT: [11:47:41] Yes, yes, but to frame it as a key element
10 when the witness always has said he has problems with timelines, you would have to,
11 I think, go -- try to verify this more with regard to the timeline, and, in the end, we
12 have to then accept what the witness says today and compare it with what he has said.
13 In 51, he says, a "Few months later, when NGAÏSSONA proclaimed himself as
14 National Coordinator of the Anti-Balaka [...]"

15 We all know that this perhaps could not be correct, yeah? We all know that.
16 "A few months later". Today, he says -- he gives a little bit of a different account, but
17 it's -- I had the impression with this witness when it comes to timelines, it is difficult.

18 MS PROULX: [11:48:37] He did agree with the timeline of his trips to Benzambe,
19 putting the third one in mid-June.

20 PRESIDING JUDGE SCHMITT: [11:48:43] Mr Scaliotti has also something.

21 MR SCALIOTTI: [11:48:47] Yes, very briefly, Mr President. First of all, you
22 anticipated my objection regarding the key element, and additionally, I would say
23 many questions have been asked already by the Defence with regard to the timeline.
24 Although I understand the objective, but I think the witness has answered many of
25 them and he has made it clear that he doesn't have a particularly accurate recollection

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1 about it, so I don't think that the Defence should insist and dwell more on this type
2 of -- this line of questions.

3 PRESIDING JUDGE SCHMITT: [11:49:19] But it's clear that this is an important
4 point for the Defence. I would not stop you. I took a little bit of an issue with the
5 key element, you know, because this is an assessment you can simply flag: Okay,
6 this is -- what you say today is a little bit -- or is different -- when I say a little bit,
7 also an assessment, it is different to what we here have in paragraph 51, I take issue
8 with that.

9 Please continue.

10 MS PROULX: [11:49:49] (Interpretation)

11 Q. [11:49:51] Mr Witness, just one last question. So today, are you saying that the
12 content of this statement in this regard -- regarding this particular topic, are you
13 saying that the content is incorrect?

14 A. [11:50:23] I believe that in -- what I told you, before starting to testify, I made an
15 oath. I swore to tell the truth about what I saw or what I heard. I can't make things
16 up. I'm talking about what I experienced. When we went to Benzambe the first
17 time, I never heard of Mr Ngaïssona. When we came back to the airport and the
18 Anti-Balaka office was set up, Aimé was chosen as ComZone and I heard him calling
19 Bangui to report about the election of various people as the ComZones of Carnot.
20 During my second trip for the second fetishes, I got to the locality and I heard that
21 Ngaïssona was already the coordinator. The lady, who was selling the fetishes,
22 mentioned her son who was Ngaïssona, who was the head of the Anti-Balaka.
23 I -- as for the third trip, we were hearing about Ngaïssona in Benzambe. He was still
24 the coordinator, and, at that time, he -- well, Barthélémy was taking instructions from
25 him before passing them on to the elements.

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1 This is what I know.

2 Q. [11:52:07] Once again, you mentioned the lady from Benzambe who said that
3 Mr Ngaïssona was her son. In your statement, there was something about him being
4 the ... daughter of the sister. But the -- the women who are the aunts of
5 Mr Ngaïssona are from Bangui. I would put it to you that this lady in Benzambe
6 was giving you false information.

7 Do you agree?

8 A. [11:52:48] Well, you know at that time when I went to Benzambe -- from
9 Bossangoa to Benzambe, to a tiny locality called Gaga, which is the village of birth of
10 the former president, not very far from Benzambe, in all those areas, those are Gbaya
11 areas -- Bossangoa areas, they are in those places. So when we got there in those
12 localities, they would say -- they would claim this family tie to Ngaïssona. The lady
13 said that she -- that he was her son because she too was Gbaya Bossangoa. I didn't
14 try to find out exactly what kind of family tie existed, but she told us that Ngaïssona
15 was the son of her sister. The child of her sister.

16 PRESIDING JUDGE SCHMITT: [11:54:06] So this lady has told the people there
17 and ... whatever, I think the witness has not verified it.

18 MS PROULX: [11:54:33] (Interpretation)

19 Q. [11:54:35] At paragraph 53, you say that after Ngaïssona proclaimed himself as
20 National Coordinator of the Anti-Balaka, he called for a meeting in Bangui with the
21 regional coordinators from all the different provinces. I suppose you can't give an
22 exact date, but to your knowledge was that before or after your third trip to
23 Benzambe?

24 A. [11:55:14] As I said, the time that I went to Benzambe, my three trips to
25 Benzambe, there were -- the Anti-Balaka controlled nearly all of the territory. The

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1 first badges that were made were white. At the coordination, there was the idea for
2 disarmament and there were some fake badges to join the disarmament process.
3 And so the coordinator called the regional coordinators and -- to take the lists of the
4 real Anti-Balaka by region so that the second badges, which were yellow in colour,
5 would be prepared so that the right people could be coordinated -- could be identified,
6 rather, for the DDR.

7 So the badges were made yellow in colour and they were given to the Anti-Balaka.

8 So if you look carefully at the documents, you will see that the yellow badges were
9 the ones made the second time to be distributed to the Anti-Balaka throughout the
10 entire territory.

11 That is what I saw and I acknowledge that.

12 Q. [11:56:47] I would put it to you that you're making reference to a meeting that
13 occurred as part of the merger of the north and the south wings of the Anti-Balaka
14 movement, which also served to prepare for the Brazzaville meetings -- the
15 Brazzaville forum.

16 Does that ring a bell?

17 A. [11:57:38] I've already told you that I'm not -- I wasn't the coordinator. I don't
18 know what decision was taken at that meeting. I heard that all the regional
19 coordinators were asked to drop lists of all the Anti-Balaka because the National
20 Coordinator had said that there were some fake badges out there. Because there was
21 the DDR process, it was important to have new lists with photographs and the badges
22 would be prepared and distributed to people.

23 I don't know what happened during the meeting, but what I'm telling you is what I
24 heard other people saying.

25 Q. [11:58:36] At paragraph 54, you suggest that Maxime Mokom was the deputy

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1 coordinator of Mr Ngaïssona. Now, it wasn't Mokom, it was actually Sébastien
2 Wenezoui. So this leads me to put to you that you actually know very little about
3 the structure of the national coordination.

4 Would you agree with that?

5 A. [11:59:12] Counsel, I believe that -- well, I've understood what you said, but I'm
6 asking you to understand me properly. In the national coordination --

7 THE INTERPRETER: [11:59:35] Correction --

8 THE WITNESS: [11:59:36] (Interpretation) -- in the national office there were
9 several people, but given that I never had meetings with the office, I didn't know
10 what the composition of it was. I just knew that Ngaïssona was the National
11 Coordinator.

12 And secondly, when Mokom began - and when Mokom was the minister of DDR - he
13 held a meeting with the Anti-Balaka in Carnot and in Berberati regarding the DDR.
14 The coordinator that you are mentioning to me, I've never heard about him. I've
15 never heard about any tours he had to go on.

16 Ngaïssona himself gave the orders. Ngaïssona would travel throughout all the
17 various prefectures and sub-prefectures; that's what I know about.

18 As for what was going on in Bangui, I don't know because I wasn't a coordinator, I
19 wasn't a ComZone, so I was not in possession of such information.

20 Q. [12:00:43] Mr Witness, during 2014, Ngaïssona started a lot of press
21 communiqués and radio releases where he asked for the cessation of hostilities, and
22 respecting Muslims, and the free circulation of the NGO vehicles and other type of
23 similar communiqués.

24 Do you recall that you saw or heard any of these communiqués at the radio or in the
25 written press? Or, did this information not reach Carnot?

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1 A. [12:01:56] I never heard this information because even up to today, even up to
2 today, in our locality in Carnot, we do not have access to the national radio. We
3 listen to Ndeke Luka or private radio stations and no one has access to the radio; so in
4 the prefecture and the sub-prefecture of the Central African Republic, we do not have
5 access to the national radio. Some information, which I gave you, are from the
6 regional coordinators. When they travel to Bangui and when they return, they told
7 us what had happened in Bangui. These are the coordinators who went to Bangui
8 and then told us what had happened in Bangui. But in our locality, we do not have
9 access to national radio.

10 Q. [12:03:06] When you returned from your third trip from Benzambe in mid-2014,
11 you were about to leave the Anti-Balaka movement, do you agree with that?

12 A. [12:03:25] Yes, I do agree. I agree because at that time, after my return, I found
13 that in the movement -- even in the beginning, if you've understood me properly, if
14 you've understood my statement, (Redacted)

15 (Redacted)

16 (Redacted), twice, three times and, afterwards, I

17 realised that the elements of the movement weren't behaving properly and I decided
18 to abandon everything. (Redacted)

19 (Redacted)

20 From that moment onwards, I was no longer associated with the movement.

21 Q. [12:04:37] Can you give us some idea after you returned from Benzambe in
22 mid-June, how long did it take before you left the Anti-Balaka after that particular
23 trip?

24 A. [12:04:50] When I was in Benzambe after my third trip, (Redacted)

25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 The conditions of giving this back, they asked me to respect (Redacted)

7 (Redacted)

8 (Redacted) I resumed my activities, which I had been carrying out

9 previously.

10 Q. [12:06:28] I simply wanted to try to understand how much time passed after

11 Benzambe, but I understood from your answer it was immediately after your return

12 from the third trip.

13 PRESIDING JUDGE SCHMITT: [12:06:48] Let's hear the answer from the witness. I

14 think it's -- I don't see any issue with the question.

15 So, Mr Witness, we know it's difficult after such a long period has passed, but was it

16 shortly after your third trip to Benzambe that you gave up being an Anti-Balaka

17 member, if you can tell, if you have a recollection.

18 THE WITNESS: [12:07:22](Interpretation) I think that after my return from

19 Benzambe -- firstly, when I was in Benzambe, my family wanted to know where I was.

20 They had information according to which they learnt that I was in Benzambe to buy

21 fetishes. On my return, (Redacted)

22 (Redacted)

23 (Redacted) but they were not in agreement that I continue to fight in this

24 movement. That's why I took my gris-gris and I gave them (Redacted). We

25 prayed and from that day onwards, I abandoned all activities within the movement.

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1 PRESIDING JUDGE SCHMITT: [12:08:35] I think it is relatively clear now, so we
2 don't have a -- it must have been -- whatever we infer from this, it must have been
3 relatively shortly after this third trip.

4 Or not, Mr Scaliotti.

5 MR SCALIOTTI: [12:08:52] Sorry, Mr President, to interrupt, but my objection was a
6 little bit different. I would like to --

7 PRESIDING JUDGE SCHMITT: [12:08:57] It comes too late now. So please, we
8 continue simply the witness (Overlapping speakers)

9 MR SCALIOTTI: [12:09:05] Well, it depends if the line of questioning (Overlapping
10 speakers)

11 PRESIDING JUDGE SCHMITT: [12:09:08] Yes, okay, what issue do you have with it?
12 With the line of questioning.

13 MR SCALIOTTI: [12:09:10] Well, the fact is that I think there's a misquotation of the
14 evidence of the witness because I see that we are still taking as a reference point in
15 time, mid-June, but I don't see that the witness ever said that he returned mid-June
16 from Benzambe. That was my (Overlapping speakers)

17 PRESIDING JUDGE SCHMITT: [12:09:24] Yeah, I understand, so -- -- but this is, in
18 the end, something we have to assess holistically what we have on the record.

19 So let me put it this way, whenever a party puts a question to the witness which has
20 some, let's say there are some factual allegations in it and then we have the answer of
21 the witness, who does not 100 per cent confirm it, of course the allegation does not
22 become the witness's testimony.

23 Do you understand what I mean by that, yeah?

24 So -- but what I think we can really say - and that was the purpose of Ms Proulx's last
25 question - is that it must have been, whenever this was, shortly after the last trip to

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1 Benzambe. Nothing else. I think you wanted to establish.

2 Yes, please.

3 MS PROULX: [12:10:14] (Interpretation)

4 Q. [12:10:17] There's an individual, Mr Witness, who made in his statement to the

5 OTP -- and I will give you the reference for the record, it's CAR-OTP-2120-0130. This

6 person says that there was peace missions in Carnot sent by Mr Ngaïssona during

7 which the people who were sent on the mission, visited the displaced Muslims in the

8 church, and they also said to the people -- to ask Mr Ngaïssona to say that they

9 wanted to return back home. The reference is 2120-0153, page 0171.

10 They also met the ComZones of Carnot and spoke about peace and encouraged

11 everyone to respect the civilian population.

12 Were you aware of this mission, Mr Witness?

13 A. [12:11:30] As I've just told you, after having left the Anti-Balaka movement,

14 upon my return from Benzambe, I was aware of some information. But there was

15 also other information which I didn't have because I was more

16 (Redacted).

17 At a certain point in time, the national coordination sent people who met individuals

18 to have some exchange with them, but I couldn't know what they said to each other.

19 I can only talk about what I know.

20 Please understand that I'm in front of a court, I have sworn to tell the truth and I will

21 respect that.

22 PRESIDING JUDGE SCHMITT: [12:12:42] So the answer seems to be no.

23 And perhaps just for the Chamber, does this witness you are referring to, give

24 a precise or more or less a precise time frame?

25 MS PROULX: [12:13:04] if I may have just one minute, please.

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1 PRESIDING JUDGE SCHMITT: [12:13:07] Yes.

2 (Counsel confers)

3 MS PROULX: [12:13:29] So I'm informed that the witness in that statement does not
4 give a precise reference, but he says that when he came back from the mission,
5 Mr Ngaïssona was in Brazzaville.

6 PRESIDING JUDGE SCHMITT: [12:13:42] Okay, that's at least a reference point in
7 time.

8 Please continue.

9 MS PROULX: [12:13:46] (Interpretation)

10 Q. [12:13:49] I'm going to move on to another topic, Mr Witness. In your
11 statement, paragraph 100 and 102, you say that Mr Ngaïssona financed the
12 Anti-Balaka of the Bossangoa, Benzambe and Gaga region, and that he provided arms,
13 food and money.

14 I'd like to know, Mr Witness, where did you get this information from?

15 A. [12:14:39] You know, at the time of the ex-president, François Bozize, you have
16 to recognise that he was part of the same family as Ngaïssona, and when the Seleka
17 advanced to invade the country, he knew, because since he was part of the same
18 family, they took dispositions from Bouar or Benzambe, they took measures and sent
19 weapons and even funding. You can carry out an investigation in those regions.
20 We learnt this when we went to buy these fetishes. The lady made us understand
21 that in our region -- whether we had funding or weapons, we said no. And she said
22 that in their sector, Ngaïssona supplied or gave those -- to those to eat. They gave
23 them food to those Anti-Balaka, and those Anti-Balaka received supplies.
24 But we -- we didn't have anything. And this old lady is -- that's what she told us.
25 And when we were in that region, we saw Anti-Balaka who had Kalashnikovs,

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1 machetes and other weapons. That's what we saw.

2 Q. [12:16:25] So that lady gave you that information. She's the one who gave you
3 that information, is that correct?

4 A. [12:16:35] Yes, that's correct. That lady gave us this information and the
5 Anti-Balaka of the region said they had supplies of food and weapons, in particular,
6 also machetes. The lady told us -- the one who sold us the fetishes told us that, and
7 even the Anti-Balaka of the location told us the same thing.

8 Q. [12:17:06] Okay. And you heard that at the time in Benzambe? Is that
9 correct?

10 A. [12:17:15] Yes, that's correct.

11 Q. [12:17:26] During which trip to Benzambe?

12 A. [12:17:45] During the first visit, there were many people and I didn't get any
13 information. I had that information during the second and the third trip. When I
14 entered the town, until I left Bossangoa, behind Benzambe, there's locality in Gaga.
15 This is the native village of the president, Gaga. There were Anti-Balaka over there
16 who said that they had provisions in weapons, in machetes and also in food.

17 Q. [12:18:31] And how did Mr Ngaïssona send all this materiel and all this money?
18 Did you have any details about it?

19 A. [12:18:47] No, I don't know how he did it. But I'm just telling you what people
20 told me. I don't know how he did it. I don't know how he sent the money or the
21 weapons or food.

22 Q. [12:19:05] Do you know when he sent all this?

23 A. [12:19:20] I think I've already told you that at the time, we were in a situation of
24 conflict. I haven't got the dates in mind -- the time, the months or even the hours.

25 Q. [12:19:52] Is there a Western Union in Bossangoa to send money?

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1 A. [12:20:04] Sorry? I didn't hear what you said. I wasn't listening to your
2 question.

3 Q. [12:20:15] You said Mr Ngaïssona sent money to Bossangoa, I want to know
4 whether there's a Western Union in Bossangoa so that they could withdraw the
5 money?

6 A. [12:20:32] I told you that I don't know how he sent the money. Bossangoa is
7 a large prefecture and there are many banks, but I do not know how the money was
8 sent. Was it via the bank or whether it was via Western Union, I don't know. But
9 according to what the lady said - and what said some of the Anti-Balaka told me - he
10 provided supplies, but how he did it, I don't know. I'm only telling you what I
11 heard.

12 Q. [12:21:21] And the Anti-Balaka who told you this, Mr Witness, did he know
13 where the money came from?

14 A. [12:21:31] At the time when I was given that information, he lived with this lady.
15 He was a bit like the employee of that lady. This boy went to find the fetishes in the
16 bush, but to say that he gave me details about how the funds were sent, no.

17 Q. [12:22:19] Just to be clear, we are speaking about the same lady who claimed
18 that she was the aunt of Ngaïssona. Is that correct?

19 A. [12:22:31] Yes, that's correct.

20 Q. [12:22:41] I am suggesting to you, Mr Witness, that this information, which you
21 have given us, is a rumour. It has no foundation in facts. Do you agree with that?

22 A. [12:23:12] These are not rumours. This is the truth because I went to those
23 places, I had information, I spent nights there, because I had to buy fetish and I kept
24 that information. When I was asked and when the question was put to me, I
25 answered. I said: Look, I received this information. This is what I heard being

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1 said when I was in that location. You can carry out investigation and you will
2 receive that information.

3 The majority of the Anti-Balaka who were in that locality, did have supplies. Did
4 receive money. But us, in our locality, we didn't have anything.

5 Q. [12:24:03] I'll move on to another subject.

6 At this stage I'd like to go back to some allegations, which you made for the first time
7 during the hearing yesterday and which are not in your statement. Allegations,
8 which said that the ComZones in Carnot -- Aimé Blaise reported to the coordinator in
9 Bangui, Mr Ngaïssona, and you made this affirmation on page 10 of the transcript
10 yesterday, but also in other places.

11 I have some passages which I'd like to review with you.

12 Firstly, you explained yesterday on page 11, 12 and 13 of the transcript, that Aimé
13 Blaise phoned Bangui, and the National Coordinator provided instructions which you
14 should pass on to the elements.

15 When the Prosecution asked when that took place, you said it was in the third month
16 of 2014, about that time, when you were at the airport. And you said that the
17 national coordinator gave the instructions that you go to Berberati to fight the Seleka.
18 So my first question, Mr Witness, did you hear or see Aimé Blaise talk on the
19 telephone with Mr Ngaïssona on that day?

20 A. [12:25:50] I told you that (Redacted)

21 (Redacted). And everywhere -- where Aimé was in Carnot, even
22 when I wasn't in the movement, we called each other and he gave me information.

23 When he called the National Coordinator in Bangui, after that communication, he
24 called all the Anti-Balaka of Carnot to tell us what the instructions were. So we
25 received those instructions from him when he had received them from Bangui. And

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1 he passed them on to the Anti-Balaka and, they, in their turn, discussed it. Aimé

2 Blaise phoned the coordinator and the coordinator gave instructions, which he

3 reported back to the Anti-Balaka in Carnot, and they in turn also spoke about them

4 freely with the population.

5 Q. [12:27:15] This was not my question. My question was, did you personally see

6 or hear this conversation? It's a simple yes or no answer.

7 A. [12:27:38] Yes. When he communicated by phone, he distanced himself from

8 the group and he discussed it with the National Coordinator. After that, he returned

9 to the group and reported back to us about the conversation he had with Bangui, and

10 he said this and that. He passed on the instructions. It wasn't a secret for anyone.

11 Q. [12:28:15] Okay, another extract, which is on page 20 and 21 of yesterday, you

12 say that the soldiers of the Cameroonian contingent of MINUSCA shot in the leg of an

13 Anti-Balaka and the ComZone informed Bangui, and the latter asked Aimé to tell the

14 Anti-Balaka elements to respond or to withdraw and that's what happened in the next

15 two or three days.

16 I have a question of clarification. You're talking about MINUSCA in this

17 example -- MINUSCA, which replaced MISCA in autumn 2014. So did this happen

18 after you left the Anti-Balaka?

19 THE INTERPRETER: [12:29:11] Correction by the interpreter: It was autumn 2000.

20 THE WITNESS: [12:29:16](Interpretation) As I've just told you, I left the movement

21 of the Anti-Balaka, but that doesn't mean I left the town of Carnot. I left the

22 movement, but I was in the town of Carnot. Everything that the Anti-Balaka did in

23 the town of Carnot, not only did I see it, but I heard everybody talk about it. The

24 Cameroonian MISCA, what they did in the town, we heard everybody talk about it or

25 we saw it. There was shooting and they were shooting mainly in the legs. I saw

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1 with my own eyes individuals, attacked by bullets, being taken to the hospital. I was
2 in the town when this happened.

3 Q. [12:30:20] But since you were no longer in the Anti-Balaka, how did you know
4 that it was Mr Ngaïssona who had given the order to respond -- to retaliate?

5 A. [12:30:41] Well, you know, an authority gives an order to someone, that order
6 may be mentioned by others, and, in that way, Ngaïssona gave orders to the
7 coordinators and then those orders were passed on. Some of the Anti-Balakas I was
8 close to. I'm a native of Carnot. Everything that happened in Carnot during the
9 Seleka time, up until the Anti-Balaka time -- I was still living in Carnot, that is why I
10 knew about everything that was going on in the town.

11 Q. [12:31:30] I'd just like to backtrack for a moment, Mr Witness, I was getting
12 ahead of myself. I'd like to go back to what you said about the order to attack
13 Berberati. Mr Witness, according to our information, the Seleka had already left
14 Berberati one or two weeks beforehand when the first Anti-Balaka groups arrived. I
15 would suggest to you that Mr Ngaïssona could not have given an order to go and
16 fight the Seleka in Berberati.

17 A. [12:32:26] In my statement I said that it was not a matter of the Anti-Balaka
18 leaving the town to fight the -- to leave Carnot to fight the Seleka in Berberati. When
19 they left, some took the Kenzo road and went by the way of Garam-Boulai, and when
20 Aimé was appointed ComZone in this town of Berberati, there were Muslims from
21 the Gorane ethnicity, who lived mostly in the Poto-Poto neighbourhood, and they
22 called to say that Berberati was -- had not yet been attacked. And that's why the
23 coordinator asked those who had been in Carnot to go attack and to take advantage of
24 the opportunity to vaccinate the Anti-Balaka who were there. So that's how Aimé
25 called the elements. They left on motorbikes to fight. That is what I said in my

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1 statement.

2 Q. [12:33:47] Page 13 of yesterday's transcript, Mr Witness, you said that: Aimé
3 Blaise talked with the National Coordinator and came back to us and told us that the
4 National Coordinator had asked that a group of people go to Berberati and that they
5 had -- you had to go to Berberati to fight the Seleka, who were in the Poto-Poto
6 neighbourhood. And then you said that you were present when that message was
7 announced.

8 But there were no Seleka left in Berberati at that time. I put it to you that that
9 information is incorrect.

10 A. [12:34:47] Counsel, perhaps you didn't understand yesterday. Yesterday, I said
11 that after the Anti-Balaka entered Carnot, after they arrived - even in Carnot there
12 were no longer any Seleka - when the Seleka heard about the Anti-Balaka who were
13 on their way, they had already fled before the Seleka came. When they got to
14 Berberati, there was no -- there weren't any left. There were just Muslims. Some
15 Muslims fled and took refuge at the Catholic church, but in Berberati, I didn't say that
16 there were Seleka there. I said that there were only some Gorane who were living in
17 the Poto-Poto neighbourhood. They were not Seleka, but since the area had not been
18 attacked yet, Aimé asked Bangui what was to be done and Bangui asked him to take
19 some elements with him and to go to Berberati to attack the Gorane who were there.
20 Once having received that order from Bangui, he asked some elements to go with him
21 and to attack Berberati. They got on to some motorbikes, three per bike.
22 And I insist, they were Gorane Muslims who were living there. That is what I said
23 in my statement.

24 And I -- let me specify that before the Anti-Balaka got to Carnot, the Seleka had
25 already left. The same thing held true for Berberati. There were only Gorane

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1 Muslims there, and that is why those Anti-Balaka went there to fight them. That is
2 what I said in my statement.

3 Q. [12:36:52] I'll move on to something else, but just a reference for the transcript
4 concerning the departure of the Seleka one or two weeks before the arrival of the
5 Anti-Balaka, I was referring to something said by witness 2296, and the reference
6 numbers are as follows, CAR-OTP-2093-0225, paragraphs 92, 93, 100 and 104.

7 Let me move on to page 15 of the transcript. You said that Mr Ngaïssona had called
8 and asked the ComZones -- I would imagine it was Aimé Blaise, asked to post some
9 elements at the entrance to the town to keep the Muslims and the Seleka to enter the
10 town, and then you said some elements had been deployed to the checkpoints.

11 Did you hear this telephone conversation, Mr Witness?

12 A. [12:38:36] As I've just told you, Aimé, at that time, was a ComZone, and all the
13 information that came to him from the national office, he passed on that information
14 on a rolling basis to the other Anti-Balaka.

15 There were some times he would mention this information. He would talk about
16 their discussions with the national bureau and even he would talk to the ComZones
17 from Gadzi. They would speak amongst themselves and he would say that
18 a particular coordinator or ComZone had called him about this or that. So you see,
19 they exchanged information. When I talked to him, he mentioned that to me.

20 So he told us that there were some Anti- -- there were some Seleka who were not far
21 away. It was possible that they might come back and so we had to set up
22 checkpoints at the entrances to the town and the exits from the town to keep an -- to
23 have control over the town, over the access.

24 He passed on the information from the national bureau and I myself heard about that.

25 Q. [12:40:13] At page 33 of yesterday's transcript, you said that it was the national

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1 bureau who had given the order to the ComZones to tell the Muslims to leave the
2 country or take refuge at the Catholic church.

3 You also said that Bangui had called Carnot to pass on the information and they were
4 not to let the Muslims leave the town. Which -- that was after which return from
5 Benzambe? Which trip to Benzambe?

6 A. [12:41:04] I believe that as you have just said, and as I am saying, after my
7 second trip, well, I can't tell you about all the calls that were made, but I can tell you
8 that (Redacted). Sometimes even when I was away,
9 sometimes he would call me, he would call me and tell me about his conversation
10 with the coordinator. Each time he would tell me about that -- be it the coordinator,
11 the other ComZones who had called, he would tell me about that.

12 I can't tell you exactly the date, but when -- well, during our various conversations,
13 Aimé Blaise told me that the coordinator had said to him that he -- we had to block
14 the road for any Muslim or the Seleka and we had to regroup. Well, all the Muslims
15 were to be taken to the Catholic church. Not left in the neighbourhood.

16 After that, I saw that the Anti-Balaka had built checkpoints at the entrances and exits.
17 So I said to myself, indeed, he did receive orders from the national office.

18 Q. [12:42:37] One last quote from yesterday's transcript, page 50 and 51, you
19 mention some threats against Muslims and against the Catholic priest. You said it
20 was B13 and Barthélémy and others who had issued these threats. Page 53, you said
21 that it was early in 2014, and, ultimately, at page 54 and 55, you said that the national
22 coordination had been informed of these events by way of mobile phone.

23 Since the ComZones automatically reported back to the national office - just to make
24 sure I've understood - when you talk about the "national bureau", are you talking
25 about Mr Ngaïssona?

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1 A. [12:43:43] Yes. When I was talking about the national office, I meant Ngaïssona.
2 You have to realise that the person who coordinated the activities of the Anti-Balaka
3 nationally was Mr Ngaïssona. And when he gave orders -- well, you have to
4 acknowledge that the ComZones -- well, that the ComZones reported to him, and
5 when -- it was a question of bringing all the Muslims to the Catholic church or to have
6 them leave quick. When B-13 went to the Catholic church to talk about it with the
7 priest, he was a coordinator. At any time, he could call the coordinator to report.
8 So there was -- there was coordination between them. And the priest was present,
9 he was aware of everything that was going on and all the information that was being
10 conveyed amongst them.

11 Q. [12:45:03] Was it Aimé Blaise - yes or no - who reported those events to
12 Mr Ngaïssona?

13 A. [12:45:20] At that time, the person who spoke to the priest -- well, there was
14 Aimé Blaise, B13, Aiba, the regional coordinator was present, Barthélémy. All of
15 those people spoke to the priest asking him to hand over -- or to leave the town of
16 Carnot. That was said publicly. And the priest said he was a man of God and he
17 could not drive them out. It was Blaise, the chef -- the mission chief who went there
18 to talk to the priest about that.

19 Q. [12:46:13] That wasn't my question. I wanted to ask you this: Who reported
20 the information to Mr Ngaïssona? And did you see or hear the telephone
21 conversation at hand?

22 A. [12:46:31] When the events unfolded, Aimé Blaise was the ComZone, and the
23 communication was in Gbaya, and after the communication, he called. Though the
24 mission chief went down to the Catholic church, once they got there, the people, the
25 Muslims, who were in the Catholic church, were frightened. And I, too, heard about

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1 that and I went to the Catholic church and I saw them talking to the priest, saying that
2 they had received the call and the instruction to the effect that the Muslims had to
3 leave the town of Carnot. And they asked the priest to drive them out. The priest
4 said that that he could not do that because he was a man of God. And I was present,
5 facing the Catholic church.

6 Q. [12:47:53] I'll try one last time. I think you're misunderstanding me. I'm not
7 asking you what happened at the church. Yesterday, you said that the national
8 coordination had been informed by mobile phone of the threats that had been made
9 at the church against the Muslims and against the priest. What I'm asking you is,
10 who, in Carnot, took the phone to inform Mr Ngaïssona of these events?

11 A. [12:48:30] It was the ComZone who called the National Coordinator. Aimé
12 Blaise told me that he is the one who made the call.

13 Q. [12:49:10] Thank you.

14 Am I to understand from your testimony, Mr Witness, that according to you,
15 Mr Ngaïssona and Aimé Blaise were frequently in touch with one another over the
16 phone, if so, how often? Was it every ...

17 A. [12:49:49] I can't answer that question with details because I wasn't often with
18 Aimé. When we met, he would say that he spoke to him, but I'm not aware of all the
19 communications between Aimé and Ngaïssona. Sometimes he would go off to the
20 side to talk to him, and then he would come back and he would say that the
21 coordinator had given him instructions and that he was implementing them.

22 So you see, (Redacted). So this leads me to say that Aimé and

23 Ngaïssona spoke frequently and he talked to me about that. But I don't have the
24 details about their conversations.

25 Q. [12:50:49] Mr Witness, the Office of the Prosecutor in this case allocates eight

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1 different numbers to Mr Ngaïssona and we've had an opportunity to check the call
2 record -- the call log records for the eight numbers. So Aimé Blaise's number does
3 not appear in any of these records.

4 I would suggest to you that Aimé Blaise and Mr Ngaïssona never had been in touch
5 with one another over the phone.

6 A. [12:52:02] As I've just said to you, a leader or someone who supervises a team
7 has to be in touch with his subordinates at any time. Each time that he had a call
8 with Ngaïssona, he would say, "Oh, the coordinator just called me. He gave me this
9 instruction", and he would talk about the instructions and then he would pass them
10 on.

11 That is what he told me. I'm telling you about what he, as a leader, told me. That
12 he had been in touch with the National Coordinator and each time, he would say, "No,
13 give me some time. I have to contact the National Coordinator."
14 He was the one who told me that.

15 Q. [12:53:05] Very well. In that case, I put it to you that Aimé Blaise gave you
16 false information.

17 PRESIDING JUDGE SCHMITT: [12:53:20] Mr Scaliotti.

18 MR SCALIOTTI: [12:53:22] Mr President, I would like to object to this because I
19 think that the Defence counsel is referring to a list of phone numbers, but not
20 necessarily -- the list of phone numbers is exhaustive. So it might be well the case
21 that other numbers were there. So now coming with this proposition, I think it's not
22 fair to the witness.

23 MS PROULX: [12:53:41] If I may?

24 PRESIDING JUDGE SCHMITT: [12:53:42] Yes, please.

25 MS PROULX: [12:53:43] The Prosecution has had eight years to investigate this case

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1 and so far they have come up with eight numbers. There is nothing else on the
2 record in evidence and so for the purposes of this trial, this is all that there is. If
3 there are other numbers out there, we haven't seen them. We haven't seen any
4 evidence that they even exist.

5 PRESIDING JUDGE SCHMITT: [12:54:02] Mr Vanderpuye, but then we finish that,
6 yeah.

7 MR VANDERPUYE: [12:54:08] Mr President, I think you dealt with this issue just
8 recently and we're talking about impeaching by a negative inference on the basis of
9 the absence of evidence, which the Defence and the defendant has control over. At
10 the end of day, we've had eight years to investigate it. He has those numbers. And
11 presumptively the Defence team has those numbers. So it's not fair to put to the
12 witness information which the Defence may have on the basis that the Prosecution
13 doesn't have that information -- which they haven't volunteered to begin with.
14 They're not required to admittedly, but I think that that is the gist of it here. We're
15 talking about trying to impeach what the witness is saying on the basis of the absence
16 of information, which I don't think is reasonable or fair in the circumstances.

17 PRESIDING JUDGE SCHMITT: [12:54:58] I think the Defence is not impeaching the
18 witness. The witness has simply - and I think he has already answered - it was -- he
19 cannot say anything about telephone contacts directly with whom Mr Blaise might
20 have spoken directly. He only said - and he stands by that - that Mr Blaise gave him
21 the information afterwards. So -- and so far I would say that the witness cannot say
22 if Mr Blaise has lied to him or not, but you have on the record that the witness -- the
23 source of the information is not that he heard such telephone calls, that he heard the
24 voice, for example, of Mr Ngaïssona. His source of information is solely what
25 Mr Blaise has told him, and, he, yeah, so I think we can continue from there.

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1 This is -- you have established that.

2 And to make it clear, it was not objectionable at all that you put the fact that there are
3 eight numbers known and there is no contact, but when the witness answered then,
4 this is enough. Yeah? So to put it to him that perhaps Mr Blaise might have lied to
5 him, yes, but he said, "He told me" and that's it. And that's his source of information.
6 Not more, not less.

7 By the way, can you already foresee how long it will take? I think you will not finish
8 now.

9 MS PROULX: [12:56:37] I think within another 10 minutes, I can finish.

10 PRESIDING JUDGE SCHMITT: [12:56:41] Well then, we give it a try.

11 And then we ask Mr Suzuki how many questions he will have. If you tell me you
12 have -- I don't want to pressure you, it would not be fair to you. If you say you have
13 half an hour or so, I think we perhaps have the lunch break now.

14 MR SUZUKI: [12:57:01] Good afternoon, Mr President. We only have about four or
15 five questions, so we could probably finish within five minutes, if that.

16 PRESIDING JUDGE SCHMITT: [12:57:09] Okay, please, then let's wrap it up, I
17 would say.

18 MS PROULX: [12:57:13] Thank you, Mr President. Instead of asking questions that
19 the witness might not have answers to, I would like to put some references on the
20 record at this stage.

21 PRESIDING JUDGE SCHMITT: [12:57:28] Absolutely.

22 MS PROULX: [12:57:29] So we have - as I just explained - established that there is no
23 contact with the eight phone numbers attributed to Mr Ngaïssona and Aimé Blaise.
24 There are also no contacts within those eight numbers with Aimé Emeric. The Office
25 of the Prosecutor, I believe, in the DCC, alleges that Aimé Blaise had another phone

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1 number. There's also no calls with Mr Ngaïssona. And just in case, we also
2 checked the possibility that anyone in Carnot could've had contacts with persons
3 around Mr Ngaïssona. We checked the CDRs of Judicaël Orofe, Dieudonné
4 Ndomate, Alfred Ngaya, Sébastien Wenezoui and Emotion Namsio, and there are no
5 calls with anyone from Carnot, but with one exception, Mr Namsio had a call with
6 Aimé Blaise for about two and half minutes on 9 June 2014. That's it.

7 PRESIDING JUDGE SCHMITT: [12:58:38] Okay, yeah. But you understand, you
8 cannot put this to the witness because he cannot -- he does not have a reference on
9 that, yeah? This is, as I'm always saying, simply something that is part of the holistic
10 assessment of the evidence as such, and there are all -- all kinds of
11 considerations come into this assessing, that there could be other numbers, but still
12 the numbers known, there is no established contact. Not more or less.

13 Mr Scaliotti, you are fine with that? Okay.

14 Ms Proulx, please continue.

15 MS PROULX: [12:59:21] (Interpretation)

16 Q. [12:59:24] In your statement, Mr Witness, you made mention of Barthélémy and
17 you say that he was close to Mr Ngaïssona. You also said that he was directly in
18 touch with him. At what time are you referring to when you say that he was directly
19 in contact with him?

20 A. [13:00:03] Thank you. When the Anti-Balaka movement was established one
21 and a half months later, Barthélémy Namsenmo is a Gbaya from Bossangoa, but his
22 father went to Carnot to live and he married a woman and had children with her and
23 he raised them in Carnot. In his conversations, he said that Ngaïssona was one of his
24 relatives, and each time he was in touch with him, he would say so publicly. He
25 would say that he had been talking with his brother, Ngaïssona, and he had given

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1 information. At one point, he was not getting along with the ComZones because he
2 thought his relative was the coordinator of the Anti-Balaka, and he didn't respect the
3 ComZones and he didn't cooperate with the ComZones. Barthélémy Namsenmo
4 said that Ngaïssona was his relative and that he was always in touch with Ngaïssona.
5 So he would say that he did not have dealings with the ComZones but rather, with
6 the national coordination, and it was Namsenmo who said so himself.

7 Q. [13:01:34] Mr Witness, you gave a telephone number for Barthélémy in
8 paragraph 51 of your statement. Can you confirm that this is the correct number for
9 Barthélémy?

10 A. [13:02:04] Yes, I can confirm that. It's the number that he gave me. And even
11 in Carnot, I would call him, but someone can have two or three different numbers and
12 I might not necessarily know all of them. He might have a number with TSL or
13 another provider. But that's -- that's the number he gave me.

14 Q. [13:02:36] Thank you.
15 Indeed, in the evidence we have been able to identify three other possible numbers
16 for Namsenmo and we have checked the number that you gave us and these other
17 numbers, and we compared them to the eight CDRs for the eight numbers. No one
18 was in touch with the -- Mr Ngaïssona in 2014.

19 So I put it to you, Mr Witness, that Mr Ngaïssona was not in direct touch with
20 Namsenmo, nor in direct touch with any other Anti-Balaka person in Carnot, and
21 none of them reported to him in 2014.

22 * A. [13:03:56] I -- no, he would call Namsenmo Barthélémy and the Anti Balaka in
23 Carnot. He was in touch with the ComZones who coordinated in Carnot. He would
24 come to -- they would go to Bangui, they would make badges, they would have
25 meetings. I don't know, maybe the number that you have is not the right one. But

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1 Namsio, Emeric and others -- Namsenmo would call the coordinator regularly,
2 themselves -- himself -- themselves. They themselves would tell us about it..

3 Q. [13:04:51] Well, if there were contacts, they were not in 2014. That's what I'm
4 putting to you. Do you agree?

5 A. [13:05:01] I said to you that the coordinators themselves talked to the elements.
6 The ComZones themselves said that Ngaïssona was the National Coordinator and
7 had called them: To tell us this or that, to give us instructions. Ngaïssona, the
8 coordinator, had told us to go to Bangui for the manufacture of badges.

9 Each time he phoned, we were told about it and in this way, we knew that they were
10 in contact.

11 Q. [13:05:57] I've almost completed my questions, Mr Witness. I've noted that in
12 your statement, you said you (Redacted)

13 (Redacted)

14 A. [13:06:25] (Redacted)

15 (Redacted)

16 Q. [13:06:50] (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 Q. [13:07:32] You are aware, Mr Witness -- not so, that Mr Ngaïssona is a political
22 opponent of Mr Patasse?

23 A. [13:07:58] But as regards their position, it might be before (Redacted)

24 (Redacted). That is well before when Patasse was still in power. But as far as I'm
25 concerned, it was (Redacted)

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1 (Redacted)

2 Q. [13:08:37] You just told us, Mr Witness, that when you were part of the
3 Anti-Balaka, you were only a mere element. An individual who made a statement
4 with the OTP who -- said that (Redacted) and,
5 therefore, you played a significant role, more important than you said in the last days.
6 What do you have to say about that?

7 A. [13:09:10] This is a lie. (Redacted)
8 (Redacted). But at no point in time did I have
9 a position in -- a higher position in the movement. I'm not aware of what has been
10 said. It is a lie.

11 Q. [13:10:00] I'm referring to the statement, witness 2393, CAR-OTP-2108-0140,
12 paragraph 64.

13 Mr Witness, I have a final question. The OTP had another testimony of an
14 individual who was part of the Anti-Balaka in Carnot in 2014. For the record, it's
15 (Redacted)

16 (Redacted)
17 (Redacted). I'm suggesting to you that you've come before this Court today to
18 incriminate unjustly Mr Ngaïssona, to take away from your own criminal activities,
19 which took place in 2014.

20 A. [13:11:38] Thank you. I've understood you. Three things which I have on my
21 conscience. The first is my personal conscience. Someone who harms others might
22 have trouble with his conscience even before he goes before a court. That person
23 might feel uncomfortable.

24 Secondly, no one can come before a public if they have done something like this.

25 And three, someone can -- can be accused, for example, if they've committed

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- 1 exactions and could be prosecuted with the national justice system.
- 2 Remember, our justice of starting cases against perpetrators -- but me personally, my
- 3 conscience is clear because I did not commit any exactions at any point in time. You
- 4 know, (Redacted) I move around freely, I visit my fields,
- 5 my -- but if it was otherwise, (Redacted)
- 6 You understood that (Redacted)
- 7 (Redacted)
- 8 (Redacted)
- 9 (Redacted)
- 10 (Redacted)
- 11 (Redacted) So now, when I talk about the
- 12 Carnot court and -- that they issued a legal framework, and that legal report is blank.
- 13 I didn't commit any crimes. I never robbed a family.
- 14 Just understand, I am not worried. Each time I go to the court, I follow my activities
- 15 freely. I have nothing against anybody. So if everybody says that I'm an assassin,
- 16 that I am part of the criminals, fine. If he has proof of that, then let him come
- 17 forward and present that evidence.
- 18 I, as I am before you, I have a clear conscience. I am not being -- there are no
- 19 prosecutions by the court. I carry out my activities freely. If that particular
- 20 person -- the person who gave you that information, he's free to say and provide you
- 21 with the evidence.
- 22 Q. [13:15:17] Thank you very much, Mr Witness.
- 23 I have no further questions.
- 24 PRESIDING JUDGE SCHMITT: [13:15:22] Thank you.
- 25 Mr Suzuki.

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1 MR SUZUKI: [13:15:28] Thank you, Mr President. I have good news, in fact, we
2 will not be asking any questions in the end, so we won't need the extra time. Thank
3 you.

4 PRESIDING JUDGE SCHMITT: [13:15:39] Okay. Thank you very much. So
5 Mr Witness, this concludes your testimony. On behalf of the Chamber, I would like
6 to thank you, that you made yourself available as a witness and helped the Chamber
7 and the Court to establish the facts and the truth.

8 We wish you a safe trip back home, Mr Witness.

9 THE WITNESS: [13:16:18](Interpretation) Thank you very much.

10 (The witness is excused)

11 PRESIDING JUDGE SCHMITT: [13:16:20] This concludes the hearing also for today.

12 Tomorrow at 9.30, we start with witness 1716.

13 Thank you everyone.

14 THE COURT USHER: [13:16:33] All rise.

15 (The hearing ends in open session at 1.16 p.m.)