

Trial Hearing  
WITNESS: CAR-OTP-P-2841

(Open Session)

ICC-01/14-01/18

1 International Criminal Court  
2 Trial Chamber V  
3 Situation: Central African Republic II  
4 In the case of The Prosecutor v. Alfred Rombhot Yekatom and Patrice-Edouard  
5 Ngaïssona - ICC-01/14-01/18  
6 Presiding Judge Bertram Schmitt, Judge Péter Kovács and  
7 Judge Chang-ho Chung  
8 Trial Hearing - Courtroom 1  
9 Friday, 7 May 2021  
10 (The hearing starts in open session at 9.33 a.m.)  
11 THE COURT USHER: [9:33:20] All rise.  
12 The International Criminal Court is now in session.  
13 Please be seated.  
14 PRESIDING JUDGE SCHMITT: [9:33:54] Good morning, everyone.  
15 Good morning, Mr Witness.  
16 Could the court officer please call the case.  
17 THE COURT OFFICER: [9:34:04] Good morning, Mr President, your Honours.  
18 Situation in the Central African Republic II, in the case of The Prosecutor versus  
19 Alfred Rombhot Yekatom and Patrice-Edouard Ngaïssona, case reference  
20 ICC-01/14-01/18.  
21 And for the record, we are in open session.  
22 PRESIDING JUDGE SCHMITT: [9:34:17] Thank you.  
23 I ask for the appearance of the parties, Prosecution, please.  
24 MS HENDERSON: [09:34:23] Good morning, Mr President, your Honours. The  
25 Prosecution is represented today by Mr Kweku Vanderpuye, Mr Pierre

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- 1 Belbenoit-Avich, and myself Ms Claire Henderson. Good morning.
- 2 PRESIDING JUDGE SCHMITT: [9:34:35] Thank you.
- 3 The representatives of the victims.
- 4 MR FALL: [9:34:39](Interpretation) Good morning, Mr President. The victims are
- 5 represented this morning by Ms Paolina Massidda, Mouhia Asso, Orchlon
- 6 Narantsetseg, and myself.
- 7 PRESIDING JUDGE SCHMITT: Thank you.
- 8 Mr Suprun.
- 9 MR SUPRUN: [9:34:54] Good morning, Mr President. Good morning, your
- 10 Honours. The former child soldiers are represented today by myself, Dmytro
- 11 Suprun, counsel at the Office of Public Counsel for Victims. Thank you.
- 12 PRESIDING JUDGE SCHMITT: [9:35:04] Thank you.
- 13 I turn to the Defence.
- 14 Ms Dimitri first.
- 15 MS DIMITRI: [9:35:08] Good morning, Mr President. Good morning, your
- 16 Honours. Mr Yekatom, who is present in the courtroom, is represented this morning
- 17 by associate counsel, Mr Thomas Hannis; our legal assistant Maître Gyo Suzuki, and
- 18 myself Mylène Dimitri.
- 19 PRESIDING JUDGE SCHMITT: [9:35:20] Thank you.
- 20 And Mr Knoops.
- 21 MR KNOOPS: [9:35:22] Good morning, Mr President, your Honours. The Defence
- 22 team of Mr Patrice Ngaïssona today consists of Marie-Hélène Proulx, associate
- 23 counsel; on my left side, Ms Sara Pedroso, legal assistant. Of course the defendant is
- 24 present in the courtroom. Thank you very much.
- 25 PRESIDING JUDGE SCHMITT: [9:35:40] Thank you.

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1 We turn now to the testimony of today's witness. This is P-2841.

2 Can you understand and hear me well, Mr Witness?

3 WITNESS: CAR-OTP-P-2841

4 (The witness speaks French)

5 THE WITNESS: (Interpretation) Yes, I can hear you. I can understand you.

6 PRESIDING JUDGE SCHMITT: [9:35:57] On behalf of the Chamber I would like to  
7 welcome you to the courtroom. You are called to testify to assist this Chamber in the  
8 case of Mr Yekatom and Mr Ngaïssona. There have been protective measures put in  
9 place for you, face and voice distortion and use of a pseudonym, that has been made  
10 to ensure that your identity is not revealed to the public. I think these measures  
11 have been explained to you.

12 THE WITNESS: [9:36:27](Interpretation) Yes.

13 PRESIDING JUDGE SCHMITT: [9:36:27] Mr Witness, there should be a card on the  
14 desk in front of you with the solemn undertaking to tell the truth. Could you please  
15 read out loud the content of this card.

16 THE WITNESS: [9:36:44](Interpretation) Okay, solemn declaration: I solemnly  
17 declare that I will speak the truth, the whole truth, and nothing but the truth.

18 PRESIDING JUDGE SCHMITT: [9:36:54] Thank you very much, Mr Witness. You  
19 are now under oath. That means of course that you have tell the truth. I want to  
20 reiterate that if you do not tell the truth, this is an offence within the jurisdiction of  
21 this Court.

22 Before we start with your testimony, a few practical matters. Everything we say  
23 here in the courtroom is written down and interpreted. And to allow for the  
24 interpretation, for the interpreters to follow, we need to speak at a relatively slow  
25 pace and please start only speaking when the person who asks you a question has

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1 finished and perhaps wait a couple of seconds with your answer. I think that should  
2 be all for the preliminaries.

3 Now I give the Prosecution the floor.

4 MS HENDERSON: [09:37:42] Thank you very much, Mr President. And I believe  
5 that I can begin the testimony in open session before we'll need to go into the private  
6 session.

7 PRESIDING JUDGE SCHMITT: [9:37:49] Yes. And of course, like always, I - this is  
8 like a disc that I'm playing - we try to arrange the questioning in a way that as much  
9 as possible can be elicited in open session.

10 And you know of course that you have first to establish the conditions of Rule 68(3).

11 MS HENDERSON: [9:38:08] Thank you, your Honour. Both those things are  
12 indeed my aim.

13 QUESTIONED BY MS HENDERSON:

14 Q. [9:38:13] Good morning, Mr Witness.

15 A. [9:38:16] Good morning, madam.

16 Q. [9:38:19] We'll go straight into it.

17 Can you confirm that you gave a statement to the Office of the Prosecutor on various  
18 dates in October 2020?

19 A. [9:38:30] Yes, I confirm.

20 MS HENDERSON: Now, your Honours, I'd seek to show the witness a physical  
21 binder of Prosecution documents that were provided next to him. I would just seek  
22 to take him to his witness statement to confirm his basic biographic details.

23 PRESIDING JUDGE SCHMITT: [9:38:46] Okay.

24 MS HENDERSON: [9:38:46]

25 Q. [9:38:47] Mr Witness, could you please turn to tab 17 in the black binder that

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1 you have just to your left there?

2 A. [9:39:52] I'm there.

3 Q. [9:39:53] You're at tab 17?

4 A. [9:39:59] Yes.

5 Q. [9:40:00] And can you confirm that that is the statement that you gave to the  
6 Office of the Prosecutor?

7 A. [9:40:10] Yes, I confirm it is.

8 Q. [9:40:14] Thank you, Mr Witness. And when the investigators met with you,  
9 they also asked you to comment on some documents that they showed you, namely  
10 two threads of Facebook communication and three sets of emails. Can you confirm  
11 that as well?

12 A. [9:40:39] Yes, I confirm.

13 Q. [9:40:40] Thank you. Now looking at the first page of your statement, is that  
14 your name on the statement towards the top left?

15 A. [9:40:52] Yes, that's correct.

16 Q. [9:40:54] Thank you. And a few lines down, can you confirm that's your  
17 correct date of birth?

18 A. [9:41:01] Yes, that's exactly correct.

19 Q. [9:41:06] Mr Witness, I understand that you've had the chance in the last few  
20 days to look over your statement, or the French translation of your statement; is that  
21 right?

22 A. [9:41:18] Yes, indeed I looked at the document. The content is exactly correct,  
23 but for a few observations that I made and submitted to the team that accompanied  
24 me.

25 Q. [9:41:46] Thank you. Let's go to those observations. I want to show you the

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1 document that's also in that binder, at the very start of the binder, in fact, even before  
2 the tabs.

3 Can you find that?

4 A. [9:42:02] Yes. Yes, I'm there.

5 Q. [9:42:14] Thank you. And is that a copy of the observations that you provided  
6 a few days ago earlier this week?

7 A. [9:42:24] Yes, that's correct.

8 Q. [9:42:31] Now, Mr Witness, noting those observations, do you have any  
9 objection to your statement being submitted to the Chamber?

10 A. [9:42:45] No, I have no objections. I fully subscribe to it.

11 MS HENDERSON: [9:42:53] Your Honours, at this point we'd move to submit that  
12 the conditions of 68(3) are fulfilled. In relation to the extra observations, it's an  
13 additional application for that to be included within the 68(3) application for English.

14 PRESIDING JUDGE SCHMITT: [9:43:07] Yes, please continue.

15 MS HENDERSON: [9:43:09] Thank you, your Honours.

16 And just to cite on the record the ERN of those observations, it's CAR-OTP-2130-4475,  
17 yet to be lodged in eCourt but it will be shortly. Statement bears the reference  
18 CAR-OTP-2127-4238. And French translation CAR-OTP-2130-1538.

19 And I'd ask to go into private session for some further biographic details.

20 PRESIDING JUDGE SCHMITT: [9:43:43] Of course.

21 Private session.

22 (Private session at 9.44 a.m.) \*(Reclassified partially in public)

23 THE COURT OFFICER: [9:44:02] We are in private session, Mr President.

24 MS HENDERSON: [9:44:10] Thank you, Madam court officer.

25 Q. [09:44:13] Now your statement being received, there are just some very brief

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- 1 biographical details which I want to go to.
- 2 You told us in your statement that in (Redacted)
- 3 (Redacted) (Redacted)
- 4 (Redacted)
- 5 (Redacted)
- 6 (Redacted)
- 7 (Redacted)
- 8 (Redacted)
- 9 (Redacted)
- 10 (Redacted)
- 11 (Redacted)
- 12 (Redacted)
- 13 (Redacted) (Redacted)
- 14 (Redacted)
- 15 (Redacted) (Redacted)
- 16 (Redacted)
- 17 (Redacted) (Redacted)
- 18 (Redacted)
- 19 (Redacted)
- 20 (Redacted)
- 21 (Redacted)
- 22 (Redacted)
- 23 (Redacted)
- 24 (Redacted)
- 25 (Redacted) (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 Q. [9:47:24] And you've been very detailed with the observations that you made in  
7 your statement, so is there anything else in your professional profile that has changed  
8 since you gave your statement?

9 A. [9:47:48] No, my professional status has not changed, but I have expanded on  
10 (Redacted) But my professional background remains  
11 the same.

12 Q. [9:48:09] Thank you. Now, Mr Witness, we will go back into open session, that  
13 means that the session will be broadcast to the public. Because you have protective  
14 measures, I will make my best endeavours not to identify you with my questions.  
15 I'd ask you to do the same with your answers, to not say anything that might identify  
16 you to members of the public. If you need to give an answer that would require  
17 going into private session so that you can give it, please inform us.

18 A. [9:48:49] Understood.

19 Q. [9:48:50] Thank you, Mr Witness.

20 And I would also ask the court officers kindly not broadcast any of the exhibits that  
21 we'll be showing in the Prosecution's examination to the public, just to be shown to  
22 the witness.

23 PRESIDING JUDGE SCHMITT: [9:49:02] That seems to be clear from the material.

24 We go to open session.

25 (Open session at 9.49 a.m.)



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1 THE COURT OFFICER: [9:49:24] We are back in open session, Mr President.

2 MS HENDERSON: [9:49:33] Thank you, Madam Court Officer.

3 Q. [9:49:37] Mr Witness, you said in your statement that after the Séléka takeover of  
4 Bangui, that you remained in Bangui. You said that you stayed in contact with  
5 various Central Africans who had left the country. I would like to ask you,  
6 Mr Witness, what mode of communication did you have with these people who had  
7 left the country?

8 A. [9:50:11] I maintained contact with people who had left the country by  
9 telephone and by internet.

10 Q. [9:50:29] Okay. Let's go firstly to telephone.  
11 And just to confirm your phone number at the time, you gave that to us in your  
12 statement, it's written at paragraph 115. If I could actually just ask you to look at  
13 that. For you perhaps it's easier to go to the French translation, which is tab 18 of  
14 your binder there. So tab 18. You have the French translation there at tab 18?

15 A. [9:51:19] Yes.

16 Q. [9:51:21] And I would ask you to go to paragraph 115.

17 A. [9:51:30] I'm there. And I can confirm the phone number, yes.

18 Q. [9:51:36] Thank you. So there -- you'll see two numbers there. Now the first  
19 one that appears with digit 72 in it, is that your main number?

20 A. [9:51:54] Yes.

21 Q. [9:51:56] And the number 72, what does that tell us about the provider?

22 A. [9:52:06] That is the number for the operator known as Orange.

23 Q. [9:52:16] Thank you. And you also state there that you had a Telecel number,  
24 which you give. Is there any way to identify from that number that it's a Telecel  
25 number?

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1 A. [9:52:36] Yes.

2 Q. [9:52:42] And what is that?

3 A. [9:52:44] It's going by the first two figures, 75.

4 Q. [9:52:50] And why the two numbers, in what situations would you use one and  
5 in which situations would you use the other?

6 A. [9:53:12] Well, no. Initially we had only one telephone company in the country,  
7 Telecel, and then others joined. And so because I had a number of correspondents  
8 who used the Orange telephone, which was introduced after Telecel, I, therefore, had  
9 to sign up with Orange in order to facilitate communications with other persons.

10 Q. [9:53:47] Thank you. And I'll go into other forms of communication -- if we can  
11 go back into private session, your Honour, please.

12 PRESIDING JUDGE SCHMITT: [9:53:55] Private session.

13 (Private session at 9.54 a.m.) \*(Reclassified partially in public)

14 THE COURT OFFICER: [9:54:06] We are in private session, Mr President.

15 MS HENDERSON: [9:54:13]

16 Q. [9:54:14] Mr Witness, you said that the internet was another mode of  
17 communication that you had with people outside Central African Republic. What  
18 type of internet or what type of programme are you referring to?

19 A. [9:54:33] Facebook and email. So I used Yahoo at the time.

20 Q. [9:54:46] And for Facebook, I understand from your statement that your  
21 username was your own name - and we're in private session - that was (Redacted)  
22 (Redacted)

23 A. [9:55:02] Yes, that is correct.

24 Q. [9:55:09] And I'm going to ask you about certain people that you were in contact  
25 with. Were you in contact with a person via Facebook by the name of (Redacted)

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- 1 (Redacted) That's something you've confirmed in your statement, correct?
- 2 A. [9:55:27] Yes, I confirm that.
- 3 Q. [9:55:30] And you said in your statement that you were in contact with (Redacted)
- 4 (Redacted), was that also via Facebook?
- 5 A. [9:55:44] Yes.
- 6 Q. [9:55:46] And another person by the name of (Redacted), were you in contact
- 7 with him?
- 8 A. [9:55:58] Please repeat.
- 9 Q. [9:55:58] The name (Redacted). I apologise if I'm not saying it correctly.
- 10 A. [9:56:10] Yes, you didn't pronounce it correctly. It's (Redacted).
- 11 Q. [9:56:18] Thank you, (Redacted). You were in contact with (Redacted) via
- 12 Facebook?
- 13 A. [9:56:28] Yes, from time to time, yes.
- 14 Q. [9:56:35] Thank you.
- 15 MS HENDERSON: [9:56:37] Your Honours, I'd like to show the witness tab 1 of the
- 16 Prosecution's binder, for the record, CAR-OTP-2066-3003.
- 17 Q. [9:56:49] Now, Mr Witness, this should come up on your screen. And if you'd
- 18 like, you can also, with the leave of the Court, consult your binder as well. It's tab 1.
- 19 Do you see that document?
- 20 A. [9:57:22] Yes.
- 21 Q. [9:57:24] Okay. And I would like to go to page 3051. I'll ask you, Mr Witness,
- 22 do you prefer to follow it on the screen, or do you prefer to follow it with the physical
- 23 binder? Because then I'll instruct you appropriately.
- 24 A. [9:57:42] I can follow on the screen. It's better.
- 25 Q. [9:57:47] Okay. Thank you for that.

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1 All right. Now you can see there what's being displayed.

2 And if the court officer could scroll down very slightly, please. That's perfect.

3 Now, this appears to be a conversation between two users with the name (Redacted)

4 (Redacted) and (Redacted). Do you recognise that, that document?

5 A. [9:58:20] Yes.

6 Q. [9:58:22] Okay. And if we look at the third message from the bottom that you

7 can see on your screen, there's a message from the user (Redacted):

8 (Interpretation) (Redacted) ."

9 So this is you telling (Redacted)

10 (Redacted)

11 A.[9:59:00] Yes, that is correct.

12 Q.[9:59:03] And what is the full name of this person called (Redacted)

13 (Redacted)

14 Q. [9:59:21] Thank you. And we'll finish with that document, we'll move to

15 another document that's at tab 11, for the record, CAR-OTP-2102-9862. It will be just

16 a moment for that to come up on the screen, Mr Witness.

17 Do you see that there now?

18 A. [10:00:10] Yes, I can.

19 Q. [10:00:11] If I could ask the court officer to scroll down to the bottom, please, of

20 that page. Thank you.

21 And does this show a Facebook conversation between you and the name that I find

22 hard to pronounce, (Redacted)?

23 A. [10:00:37] Yes, that's correct.

24 Q. [10:00:41] Thank you, Mr Witness. (Redacted)

25 (Redacted)

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1 (Redacted)

2 Do you by any chance recall the phone number that he was using at that time in 2013?

3 A. [10:01:16] I confirm that he's (Redacted) and that he was in (Redacted)-- I don't  
4 really recall his telephone number off by heart.

5 Q. [10:01:24] That's no problem at all, we might be able to help you with that.

6 How were you in contact with (Redacted) at the time? Were you in contact in person  
7 with him in Bangui?

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 Q. [10:03:24] And to be in contact -- to be in contact with him, did you use your  
21 Orange number, the one that we spoke about?

22 A. [10:03:33] Yes, you have to understand that during that period my -- I used both  
23 numbers. At a certain point of time, there was information going around that  
24 Telecel network was under the control of the government, so any communications  
25 which were regarded as subversive could be tracked and you could locate the person,

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1 and that could be a danger to yourself.

2 So at that time and that period, we tended to use Orange much more. We said that it  
3 was safer, a safer way to communicate and there was less of risk of being tracked.

4 Q. [10:04:43] Yes, thank you for that. I'd like to show the witness a document  
5 containing CDRs obtained from the phone company Orange. This is at tab number  
6 12. The ERN for the record is CAR-OTP-2112-1538.

7 Now, Mr Witness, you'll see a lot of numbers on the screen, please don't be concerned.  
8 My question is going to be very specific.

9 I would ask the court officer to go to row 14, please.

10 Now, (Redacted), seeing that first number there, which is highlighted at the moment,  
11 the very first number in that row, does that refresh your memory about (Redacted)  
12 (Redacted) phone number at the time?

13 A. [10:05:57] Yes, exactly.

14 Q. [10:06:01] Thank you. And still staying on that row, you'll see the letters "TC".  
15 Do you see those there?

16 A. [10:06:11] Yes.

17 Q. [10:06:14] And if you could confirm that that's your Orange phone number that  
18 follows directly after those letters?

19 A. [10:06:23] Yes, that is -- that's my number.

20 Q. [10:06:30] And can we please go to row number 4790.

21 Thank you, Madam court officer.

22 And you'll see this time the letters, not "TC" but "OC". You'll see a number with "72"  
23 after that, and after that a number with "75". Can you confirm that that's your  
24 Telecel number?

25 A. [10:07:13] Yes, that is it.

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- 1 Q. [10:07:20] Thank you, Mr Witness.
- 2 I'll move now to your contact with a person called (Redacted). Before
- 3 I get to your communications with him though, I want to ask you a bit about him.
- 4 (Redacted)
- 5 (Redacted)
- 6 (Redacted)
- 7 (Redacted)
- 8 (Redacted)
- 9 (Redacted)
- 10 (Redacted)
- 11 (Redacted)
- 12 (Redacted)
- 13 (Redacted)
- 14 (Redacted)
- 15 (Redacted)
- 16 (Redacted)
- 17 (Redacted)
- 18 (Redacted)
- 19 Q. [10:09:53] Thank you, Mr Witness. I'm going to take you to a document at tab 6.
- 20 For the record, ERN CAR-OTP-2101-9735. In your statement you detail how this is
- 21 correspondence between you and (Redacted) . I'll be asking you some questions about
- 22 this document throughout your testimony. I will sometimes go to other documents
- 23 but then come back to this document. And so you can still continue to follow on the
- 24 screen. If it's useful to you to see it in hard copy as well, it's at tab 6 in your binder.
- 25 The full document is there, so that you can see everything

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1 in context as I'm asking you questions if you would like to do so.

2 Actually, the next part, your Honours, I can do quite briefly in open session. I'm  
3 trying, where possible, to do that and this is one of those small opportunities, I  
4 believe.

5 PRESIDING JUDGE SCHMITT: [10:11:05] Then we go to open session. We should  
6 do everything what we can.

7 (Open session at 10.11 a.m.)

8 THE COURT OFFICER: [10:11:19] We are in open session, Mr President.

9 MS HENDERSON: [10:11:25]

10 Q. [10:11:27] Now, the document that we're looking at, could we please go to page  
11 9743.

12 And, Mr Witness, if you can look at the fifth part to this, so if we could scroll down  
13 slightly. One more please. That's the one.

14 Now, there's a reference there to a person called Gbangouma. Do you know any  
15 other names that this person Gbangouma went by?

16 \* A. [10:12:28] I know he was Olivier Koudemo Gbangouma.

17 THE INTERPRETER: [10:12:35] Sorry, the interpreter didn't quite catch it.

18 MS HENDERSON: [10:12:39]

19 Q. [10:12:40] Mr Witness, could you please repeat that name slowly for the record?

20 A. [10:12:51] Olivier Koudemo Gbangouma.

21 Q. [10:13:00] Thank you very much. Now, in your statement you talk about Mr  
22 Gbangouma leading a team of presidential guards at the border in Cameroon. Do  
23 you have any knowledge about who else was in that team of presidential guards?

24 \* A. [10:13:35] No, frankly speaking, I don't know the elements who were under his  
25 orders.. All I know is that he had a team of the presidential guard available to him.



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1 And when the Séléka ----advanced in their march on Bangui, he was at the frontier  
2 with that whole team, and they were able to cross. They were disarmed by the  
3 Cameroon army at the border as they crossed to the other side. But I don't really  
4 know who was in his team.

5 Q. [10:14:15] Thank you, Mr Witness, and we'll come back later to the events that  
6 you're referring to.

7 MS HENDERSON: [10:14:19] Your Honour, at this point we will need to go into  
8 private session again, please.

9 PRESIDING JUDGE SCHMITT: [10:14:24] Private session.

10 (Private session at 10.14 a.m.) \*(Reclassified partially in public)

11 THE COURT OFFICER: [10:14:39] We are in private session, Mr President.

12 MS HENDERSON: [10:14:43]

13 Q. [10:14:45] And could we go to page 9761 of the same document, please.

14 And if we could zoom in on -- yes, that's actually perfect, thank you.

15 Mr Witness, you'll see the first two messages at the top of the page that you can see on  
16 your screen. So for the record, the first one starts with, (Redacted). And the  
17 next one refers to (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted) (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)  
2 (Redacted)  
3 (Redacted) (Redacted)  
4 (Redacted)  
5 (Redacted)  
6 (Redacted) (Redacted)  
7 (Redacted) (Redacted)  
8 (Redacted) (Redacted)  
9 (Redacted) (Redacted)  
10 (Redacted) (Redacted)  
11 (Redacted)  
12 (Redacted) (Redacted)  
13 (Redacted)  
14 Q. [10:18:34] Okay. Moving on a couple of days later to (Redacted).  
15 And I would ask the court officer to go over the page to 9762.  
16 And we're looking at the fourth message down in French (Interpretation) (Redacted)  
17 (Redacted) (Redacted)  
18 (Redacted)  
19 (Redacted) (Redacted)  
20 (Redacted) (Redacted) (Redacted)  
21 (Redacted) (Redacted)  
22 (Redacted)  
23 (Redacted)  
24 If we could go briefly to tab 3, CAR-OTP-2101-8109, and page reference 8113. Thank  
25 you.

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1 And you'll see the message that -- where the mouse is hovering now (Redacted)

2 (Redacted) (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 (Redacted)

7 (Redacted)

8 (Redacted)

9 Q. [10:21:32] Thank you. Just one moment.

10 And if we could scroll down towards the bottom of that page, please. Actually right

11 to the bottom. Right. And we're looking at messages of (Redacted). I'm just

12 jumping ahead for a moment because we're on this document. And there's a

13 message from you which I will read out in French: (Interpretation)

14 (Redacted)

15 (Redacted) (Redacted)

16 (Redacted) (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted) (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 A. [10:24:35] There are two things that you must distinguish from each other.

5 During this period, there were demonstrations which were underway because the

6 atrocities of Séléka were becoming so big that something had to be done. They had

7 to organise people on a civilian level. (Redacted)

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted). And secondly, there was the rest of the

16 military who started to organise themselves in order to resist and everybody there

17 needed some means. Just imagine, salaries weren't being paid and there were lots of

18 problems, there were lots of financial problems (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted). So there are two aspects, the civilian aspect and the military one, which  
2 had to be organized.  
3 (Redacted)  
4 (Redacted)  
5 (Redacted)  
6 (Redacted)  
7 (Redacted)  
8 (Redacted)  
9 (Redacted)  
10 (Redacted)  
11 (Redacted)  
12 (Redacted)  
13 (Redacted)  
14 (Redacted)  
15 (Redacted)  
16 (Redacted)  
17 (Redacted)  
18 (Redacted)  
19 (Redacted)  
20 (Redacted)  
21 (Redacted)  
22 (Redacted)  
23 (Redacted)  
24 (Redacted)  
25 (Redacted)

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1 (Redacted)  
2 (Redacted)  
3 (Redacted)  
4 (Redacted)  
5 (Redacted)  
6 (Redacted)  
7 (Redacted)  
8 (Redacted)  
9 (Redacted)  
10 (Redacted)  
11 (Redacted)  
12 (Redacted)  
13 (Redacted)  
14 (Redacted)  
15 (Redacted)  
16 (Redacted)

17 PRESIDING JUDGE SCHMITT: [10:32:57] May I shortly.

18 Mr Witness, when you talk about operations, what kind of operations are meant?

19 THE WITNESS: [10:33:13](Interpretation) I'm referring to all events that were  
20 organised, civilian events, demonstrations. And I do remember that President  
21 Hollande and Laurent Fabius, his then minister of foreign affairs, had to come to  
22 Bangui, and at that time, a demonstration had been planned, a sit-in at the airport to  
23 \* demonstrate the population's dissatisfaction and unhappiness with the Seleka  
24 excesses and all that were occurring, and people were exasperated. So that is the  
25 period and that -- the time at which those demonstrations or events were organised.

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- 1 PRESIDING JUDGE SCHMITT: [10:34:04] Thank you.
- 2 MS HENDERSON: [10:34:10] The next very brief topic we can do in open session,  
3 your Honour.
- 4 PRESIDING JUDGE SCHMITT: [10:34:16] Open session.  
5 (Open session at 10.34 a.m.)
- 6 THE COURT OFFICER: [10:34:30] We are in open session, Mr President.
- 7 MS HENDERSON: [10:34:36]
- 8 Q. [10:34:36] Can we go to page 9764 of the same document, please. I apologise,  
9 it's not this document, it's tab 6. That's perfect. Thank you.
- 10 \* Now, Mr Witness, you can see a reference there to the words "Prince" and "Gallaut"?,  
11 and I'm going to take you to your statement. It might be easier to look on in hard  
12 copy while you have this other document on your screen. If you could go to tab 18  
13 for your statement, and paragraph 61.
- 14 A. [10:36:24] Yes.
- 15 Q. [10:36:24] And you'll see in that part of your statement where you're  
16 commenting on the document that's on your screen, you're talking about a person  
17 called Prince and a person called Dobigue. Is that meant to be Dobigue? Is that  
18 correct?
- 19 A. [10:37:00] No. I think there was a problem with the transcript. It's not  
20 Dobigue. It is Doguela.
- 21 Q. [10:37:12] Yes, thank you for that clarification.
- 22 MS HENDERSON: [10:37:16] And, your Honours, can we return to private session,  
23 please.
- 24 PRESIDING JUDGE SCHMITT: [10:37:20] Private session.  
25 (Private session at 10.37 a.m.)

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1 THE COURT OFFICER: [10:37:35] We are in private session, Mr President.

2 MS HENDERSON: [10:37:39]

3 Q. [10:37:39] Again, still tab 6, if we could go to page 9784, please. And we'll go to  
4 the fourth message down once that comes up.

5 I'll read the second part of this in French: (Interpretation) (Redacted)

6 (Redacted)

7 (Speaks English) Now, you already told us in your statement that Boston refers to

8 Bossangoa. Can you please tell us who is the "they" you were referring to, the "they"  
9 who took Bossangoa?

10 A. [10:38:45] Yes, Boston is Bossangoa in our jargon and the "they" refers to the  
11 Anti-Balaka.

12 Q. [10:39:02] And as at this time, and it's -- this is dated 17 September 2013, in the  
13 evening, how did you know that the Anti-Balaka had taken Bossangoa?

14 \* A. [10:39:29] Well, as I testified before, all the information came to us via  
15 telephone communications. These were internal communications. In-house  
16 communication is mostly by telephone or by mail or otherwise. So when I said my  
17 testimony, I meant that there is – (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)



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1 (Redacted)

2 (Redacted)

3 (Redacted). But I have

4 relatives there, and since Bossangoa had been taken by the Anti-Balaka, the news

5 spread rather quickly, and everyone knew about it. Phone calls were made quickly

6 here and there and people were saying this is what's going on. So it was public

7 information available to all at that time.

8 (Redacted)

9 (Redacted)

10 (Redacted)

11 (Redacted)

12 Q. [10:42:04] I want to show you another document, and we're going forward to

13 (Redacted), this is at tab 5, for the record, CAR-OTP-2101-9451. And if we

14 could go to page 9528.

15 While that's being brought up, Mr Witness, you referred in your statement to a person

16 by the name of (Redacted). You said that he had joined (Redacted) and Ngaïssona's

17 group in Yaoundé.

18 And if we could scroll down slightly, please.

19 Okay, and you'll see messages sent between users (Redacted) and (Redacted)

20 (Redacted). And, in particular, a message from user (Redacted) which I'll read in

21 French: (Interpretation) (Redacted)

22 (Redacted)

23 (Speaks English) And my question, Mr Witness, is do you refer giving that

24 information -- do you recall giving that information to (Redacted)

25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 Q. [10:44:04] Thank you. If we could go back to the document at tab 6 again,  
4 please, and we're going forward to the 4th -- sorry, (Redacted). And if we can go  
5 to page 9798 when that appears.

6 (Microphone not activated)

7 PRESIDING JUDGE SCHMITT: [10:44:56] Microphone, please.

8 MS HENDERSON: [10:44:57] Thank you, your Honour.

9 Q. [10:44:58] If we can stay at the top message of that page, and I'm just going to  
10 read out the last sentence in French: (Interpretation) (Redacted)

11 (Redacted)

12 (Speaks English) My first question is what did you mean by the whole country being  
13 surrounded?

14 A. [10:45:42] Can I see that part on my screen, please, what you have just read.

15 Q. [10:45:48] Yes, sorry. I'll situate you better. So it's still at the top of the page,  
16 which you can see on your screen. It's a message with the  
17 timestamp -- (Redacted), timestamp 11:32:32 and I just read the second sentence  
18 to you. If you like, would it help you to see the message that came before that?

19 A. [10:46:21] Yes, please.

20 Q. [10:46:22] Madam Court Officer, could you please go one page earlier and scroll  
21 to the bottom. And maybe zoom out a little so that the witness can see the messages.

22 Mr Witness, you can also say if you'd like to see higher up than this.

23 A. [10:47:13] Thank you. That's fine.

24 Q. [10:47:19] And the question was, what did you mean when you said that the  
25 entire country seems to be surrounded? What did you mean by the word

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1 "surrounded"?

2 A. [10:47:37] Well, we must understand the word in context. You see, indeed the  
3 Anti-Balaka had already taken a number of towns from the Séléka as they advanced.

4 (Redacted)

5 (Redacted) (Redacted)

6 (Redacted). \* Therefore, the entire country, particularly Bangui, had been mapped out

7 or -- or squared -- for the final attack and an attempt to neutralise Seleka.----- And

8 so, this means that by taking the towns one by one, the Séléka would retreat to

9 Bangui mostly. And as the Anti-Balaka were moving closer to Bangui, they tried to

10 mark out or cover most of the town of Bangui.

11 Q. [10:49:13] Thank you. And if we can go back to the message that I was

12 referring to on the screen, please.

13 So again, that's page 9796. My apologies, 9798. Yes, that's it. Thank you.

14 And the second component of that last sentence, (Interpretation) (Redacted)

15 (Redacted) Please just mark that for a moment. I will be coming back to

16 this to ask you about that part of the message.

17 If we could go to page 9801 of the same document, please.

18 And at the top of the page, your second message down, we can see it's a response to

19 something that (Redacted) has just said. I'll read your message in French.

20 (Interpretation) (Redacted) (Speaks English)

21 We're on (Redacted) here. You said in your statement that here you were

22 referring to the fact that Bossangoa had been cleaned up, meaning the Séléka had

23 been chased away, and that, as they had chased away the Séléka, they seem to be well

24 armed. Who are these guys who you're referring to when you use the expression in

25 French "*les gars*"? Who does that refer to?

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1 A. [10:51:17] I'm referring to the Anti-Balaka.

2 Q. [10:51:24] And why the word "our" -- "our guys"?

3 A. [10:51:37] Well, you see, as I mentioned in my statement, the situation in the  
4 country was utterly unmanageable at the time so one needed to do something to  
5 change the situation. And for that to happen there were two opposing camps, one  
6 being Séléka in power, and the other camp being anyone else who organised, whether  
7 it was the Anti-Balaka or any other organisation. So, quite naturally, I fell in the  
8 other camp, because we had had enough of the Séléka power. They needed to go.  
9 So that needed to end. So when I say "our guys" I'm referring indeed to the  
10 Anti-Balaka.

11 Q. [10:52:49] And where you say that -- well, I'll put it the Anti-Balaka are already  
12 well armed, the Anti-Balaka of Boston, if we read that in context, of Bossangoa, where  
13 did you get that piece of information from?

14 A. [10:53:15] Directly from the field, because what was happening is that whenever  
15 the Anti-Balaka engaged in an attack and won, they would take weapons. And, you  
16 know, Séléka when they moved, they took a lot of weapons. So the Anti-Balaka,  
17 whenever they beat the Séléka, they would get supplies of weapons. You may want,  
18 also, to recall that earlier when we talked about Benzambé, I had received -- when we  
19 talked about Benzambé, (Redacted)  
20 (Redacted) So

21 when you put all of that together, that's what accounts for the number of weapons  
22 that were in the possession of the Balaka at that level.

23 Q. [10:54:30] Who did you get the specific information from about the guys from  
24 Boston being well armed?

25 A. [10:54:40] From the ground, from the field. (Redacted)

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1 (Redacted) (Redacted) (Redacted)

2 (Redacted)

3 (Redacted).

4 Q. [10:55:14] Let me ask about another source of your information who you

5 discussed in your statement, and also here in your testimony. (Redacted)

6 would you also say that he was on the side of the Anti-Balaka?

7 (Redacted) (Redacted)

8 (Redacted) (Redacted)

9 (Redacted)

10 (Redacted) (Redacted)

11 (Redacted)

12 (Redacted) (Redacted)

13 (Redacted) (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted) (Redacted)

19 (Redacted)

20 MS DIMITRI: [10:57:06] I'm sorry for the interruption.

21 PRESIDING JUDGE SCHMITT: (Overlapping speakers) moment, yeah.

22 MS DIMITRI: [10:57:07] I'm sorry. Mr President, I think the witness said in French,  
23 and it wasn't translated in English, "but I realise that after giving my statement", when  
24 he was talking about (Redacted).

25 PRESIDING JUDGE SCHMITT: [10:57:19] Yeah, perhaps we can ask him if he -- if

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1 he has said that, Ms Henderson, so that we have it on the record.

2 MS HENDERSON: [10:57:30] Yes, you Honour. I was just checking the French  
3 transcript.

4 PRESIDING JUDGE SCHMITT: [10:57:34] It is correct, of course. I cannot assess it  
5 at the moment. We have to figure this out.

6 MS HENDERSON: [10:57:40] Yes, just one moment.

7 Your Honour, I'd ask to -- just to gather my thoughts on the break and come back to  
8 that and finish --

9 PRESIDING JUDGE SCHMITT: [10:57:57] Fine.

10 MS HENDERSON: [10:57:58] -- quickly with the page of this document that we're  
11 on.

12 PRESIDING JUDGE SCHMITT: [10:58:00] Yes, that's okay.

13 MS HENDERSON: [10:58:01] Thank you, your Honour.

14 Q. [10:58:03] So still at the same page, 9801, if we can go to the third and fourth  
15 messages that appear. And you can actually see that on your screen already.

16 Thank you.

17 (Redacted) (Redacted)

18 (Redacted)

19 (Redacted) (Redacted) (Redacted)

20 (Redacted)

21 (Redacted) (Redacted)

22 (Redacted) (Redacted)

23 (Redacted) (Redacted) (Redacted)

24 (Redacted)

25 (Redacted)

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- 1 (Redacted)
- 2 (Redacted) (Redacted)
- 3 (Redacted)
- 4 (Redacted) (Redacted)
- 5 (Redacted) (Redacted)
- 6 (Redacted)
- 7 MS HENDERSON:
- 8 (Redacted) (Redacted)
- 9 (Redacted)
- 10 (Redacted) (Redacted) (Redacted)
- 11 (Redacted) (Redacted)
- 12 (Redacted) (Redacted)
- 13 (Redacted)
- 14 (Redacted)
- 15 And, your Honours, I'm looking at the clock.
- 16 PRESIDING JUDGE SCHMITT: [11:00:49] Yes, okay. And you figure that out with
- 17 the -- this translation issue, yeah.
- 18 MS HENDERSON: I will. I'll come straight back to that after the break --
- 19 PRESIDING JUDGE SCHMITT: [11:00:51] Okay. Then we have a break until 11.30.
- 20 MS HENDERSON: [11:00:54] Thank you.
- 21 THE COURT USHER: [11:00:55] All rise.
- 22 (Recess taken at 11.00 a.m.)
- 23 (Upon resuming in private session at 11.36 a.m.)
- 24 THE COURT USHER: [11:36:39] All rise.
- 25 Please be seated.

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1 PRESIDING JUDGE SCHMITT: [11:37:13] Thank you.

2 So I understand we are still in private session. And I see a list of pseudonyms to be  
3 used during the examination by the Defence team of Mr Ngaïssona. This indicates  
4 that you are willing to illicit information in open session.

5 MR KNOOPS: [11:37:30] This is correct, Mr President. We have more concerns  
6 about the proceedings in terms of the public nature of this trial. It's not a criticism to  
7 the Chamber, but in order to facilitate the public nature of the trial - and we had  
8 hoped for the Prosecution to do the same - we think this solution of -- now we have I  
9 think 80 per cent we were in closed session today, the public audience has no clue  
10 what's happening here, and I think the problem could have been easily solved by, for  
11 instance, the proposal we make to the Chamber that during our cross-examination we  
12 will use pseudonyms, which makes the public nature of the trial possible also for the  
13 portions which relate to the Facebook messages, and I think it's very important that  
14 the public is also aware of what's being said by the witness about the Facebook  
15 messages.

16 So this is our proposal. Of course, it's for the Chamber to make a decision on this  
17 proposal, but it's -- at least what we are going to propose to the Chamber that, during  
18 our cross-examination, we will try to have the whole cross in open session. And  
19 Ms Proulx and I will conduct the examination. She will go first and she will use the  
20 list of pseudonyms and, by this, I think we can evade the problem that we are now in  
21 a situation whereby it's almost a secret trial. And this is, I think, not the purpose of  
22 this ICC proceedings.

23 Thank you.

24 PRESIDING JUDGE SCHMITT: [11:39:18] Mr Vanderpuye.

25 MR VANDERPUYE: [11:39:19] Thank you, Mr President. We take Mr Knoops's



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1 position to heart. As you -- as you know, we are now I think on our sixth witness of  
2 a foreseeably 90-witness trial. There are a lot of names that are associated with this  
3 case and the concern that we have, obviously, is to keep track of pseudonyms on a  
4 witness-by-witness basis, which may change from witness to witness in order to  
5 secure their -- in order to protect their identity and their security. And I'm  
6 concerned that if we get into a question of substituting pseudonyms on a  
7 witness-by-witness basis, by the end of this trial we'll have to untangle probably  
8 hundreds of fake identities in order for the Chamber to assess the evidence and the  
9 parties to argue it effectively.

10 We are obviously mindful of the amount of information that is not public. But as  
11 I -- as we said before, there is a countervailing concern for the security of witnesses  
12 which, unlike some other tribunals, this particular one has a statutory obligation to  
13 ensure.

14 So we're trying to strike a fair balance in that regard. We take it to heart, but I think  
15 the Chamber should also consider this issue on the broad -- in a broader scope in  
16 terms of the volume of information in this case.

17 PRESIDING JUDGE SCHMITT: [11:40:53] Actually, I appreciate both interventions.  
18 To be honest, before the break, I had also a little bit of an uneasy feeling how it went,  
19 and I also thought that since some of the information seemed to be, when it came to  
20 the content of Facebook entries, for example, in a -- will not say generic way but  
21 somehow generic way that, without knowing the people by name who were  
22 participating in this conversation, it would have been not problematic to discuss it in  
23 open session.

24 But I also appreciate, because this is a new, let me say -- let me say that, a new point  
25 of view by you to have the broader prospective that we would have to untangle

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1 different pseudonyms.

2 Yet, perhaps, I will not say a solution, but an idea that comes to my mind is that, for

3 example, this list that the Ngaïssona Defence provides us with, this has to be on the

4 record, meaning that you simply in private session, before we then go to open session,

5 it is simply discussed with a concrete witness what kind of pseudonyms have to be

6 used during that examination. And then it's simply -- you know, Chambers here

7 take their work very serious, it's - and, of course, the staff also - then it's up to us not

8 to get confused.

9 So you both -- it's -- I also appreciate a lot what you said because indeed I would

10 perhaps have jumped immediately at the suggestion of Mr Knoops, which I still do,

11 but for everyone, if we go this path and we try to do it perhaps in the future, we have

12 to have on the record for a concrete witness what kind of pseudonyms to be used so

13 that there can be no confusion.

14 Please think about it, if this would be a way forward. I think it would be something

15 that we could endeavour. And I have to say -- I repeated that several times. I know

16 of course the difficulties and I know the needs of the witnesses and we always try

17 to -- to be empathetic in that regard, but we have also to balance it with the principle

18 of publicity. And I agree with the Defence, and actually the Prosecution, also the

19 victims are also not -- I think I do not object to that. I agree that we should do more

20 in that regard.

21 So I think for the moment, I don't know when -- when the Prosecution will finish. I

22 give you soon the floor when the Prosecution finish. I think for the moment perhaps

23 we try it this way, how you suggest it. And we have still in place the possibility that

24 we have this 30 minutes where the transcript can be changed, and so on and so forth,

25 so I think we should try that.

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1 I -- but I give you the floor now.

2 MR FALL: [11:44:12](Interpretation) Thank you, Mr President. We, the  
3 representatives, more than anyone concerned by the publicity of the debate, given the  
4 individuals concerned and the individuals we represent. By looking at this list, I  
5 don't think it's a bad idea to make them a little more African, if I can put it like that, to  
6 use words which are more closely linked to the Central African Republic. I think  
7 that might be prudent.

8 PRESIDING JUDGE SCHMITT: [11:45:01] That is a third viewpoint and I think the  
9 Chamber is open to that. Of course, we have now -- the Defence has now made this  
10 effort and perhaps for this witness -- and this witness, if I may say that, is a very  
11 clever one, he will not have any problem with that, I assume.  
12 And another issue is of course that, if this is planned, it would be good if the Chamber  
13 knew via email before. Yeah. So this, just for future -- for future proceedings.

14 MR KNOOPS: [11:45:33] Mr President, if I may, just one observation.  
15 Thank you for the observation by my learned friend from the LRV. The reason why  
16 we opted for these codes, it's - maybe the Chamber is *proprio motu* aware - that  
17 this -- these are the codes, the international military alphabet. So meaning that,  
18 internationally, these codes would have been -- well, familiar to everyone. But if the  
19 Chamber would appreciate numbers or letters, of course, we can change it, but we  
20 can try maybe with this witness.

21 PRESIDING JUDGE SCHMITT: [11:46:13] This becomes an -- this would become  
22 now too -- too --

23 MR KNOOPS: [11:46:15] Technical.

24 PRESIDING JUDGE SCHMITT: [11:46:16] Too technical. I think -- I think this is a  
25 good proposal here. We take it -- we take it as it is for the moment, and I assume in

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1 the afternoon we will proceed as such. And you're of course right -- I know of  
2 course what alphabet this is. And it's also a good idea, and especially with regard  
3 now to the specific witness that we have in the courtroom, he will understand it.  
4 So now we continue with the examination by the Prosecution, but it's important to  
5 discuss these things I think, and also openly. You know, going back and forth with  
6 emails does never -- never capture the whole thing, and via e-mail, frankly speaking,  
7 things are sometimes easy to be misunderstood, also.

8 Now, Ms Henderson.

9 MS HENDERSON: [11:47:05] Thank you, Mr President. I'll be approximately one  
10 more hour in my examination. I will have to conduct it in private session with the  
11 particular documents that we're looking at, Facebook records and emails. And the  
12 reason for that is that it is the content of these documents which, if they were in the  
13 public domain, would tend to reveal either the identity of the witness or the other  
14 parties involved. And maybe that there are ways to do that in general with other  
15 messages where that isn't the case, but I've laboured to try to find solutions and, your  
16 Honour, when it comes down to the wording, I'm afraid there's not another way to do  
17 it.

18 PRESIDING JUDGE SCHMITT: [11:47:46] No, no, I accept this for the moment, of  
19 course, and you have thought about it before.

20 Another idea would be -- as I said, with the afternoon session we do it the way you  
21 suggested it -- suggest it, Mr Knoops. If the parties could agree, perhaps, on some  
22 pseudonyms that could be used, of course it wouldn't help because it would be  
23 pseudonyms, let's say if we took the NATO alphabet or the military alphabet, it  
24 would always mean something different for different witnesses, that is clear. Yet, if  
25 there would be some common understanding about that this is a good idea how it is

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1 suggested, perhaps we could follow this path too.

2 But that shall do it and please continue now with your examination.

3 MS HENDERSON: [11:48:42] Thank you, Mr President, we'll have those discussions  
4 in the break.

5 And I'll start with going to the issue of interpretation of the transcript that was raised  
6 just before the break.

7 Q. Now, Mr Witness, I'm just going read out in French the French record of  
8 something that you said at 10:55:36. For the record, real-time 37, line 12. And if  
9 you can just confirm that this is correct. This is what you said, I read in French:

10 (Interpretation) (Redacted)

11 (Redacted)

12 (Redacted)

13 (Speaks English) Is that a proper record of what you said just before the break,  
14 Mr Witness?

15 Q. [11:49:47] Yes, correct.

16 PRESIDING JUDGE SCHMITT: [11:49:48] You may continue now.

17 MS HENDERSON: [11:49:49] Thank you, your Honour.

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted) (Redacted)

4 (Redacted)

5 (Redacted)

6 Q. [11:50:58] Okay. I'd like to go to a new document at tab 4, for the record,

7 CAR-OTP-2101-8599. We're now on the same day as before the break, (Redacted)

8 (Redacted), but a conversation between different people. And when that's up, if

9 we could go to page 8681, and if we can go to the fourth whole message down. Yes,

10 we can see it just at the bottom there.

11 And I'll read that out to you in French and then ask you a question.

12 (Interpretation) (Redacted) (Redacted)

13 (Redacted)

14 (Speaks English) Now, Mr Witness, I know that you were not involved in this

15 conversation. I just want to ask you if you can help us out with it though. The first

16 part is quite clear, in French (Interpretation) (Redacted)

17 (Redacted)

18 (Speaks English) But the second part, (Interpretation) (Redacted)

19 (Redacted)

20 (Redacted)

21 A. [11:53:03] I think that it deals with something we've already said. It was the

22 takeover of Benzambé, the supplies, the clash in Bossangoa, the recapture of the town

23 of Bossangoa, that's what I said previously. The Anti-Balaka were on the ground,

24 ammunition was something that they were waiting for, so I think that is what I would

25 understand by this.

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1 (Redacted) (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted)

6 Q. [11:54:27] Okay. And we'll skip to three days later, (Redacted), I'd ask us to go

7 tab 2. For the record, CAR-OTP-2100-3674, and page reference 3768. And again, this is

8 not a chain of communication that you are involved in, it's by users again (Redacted)

9 (Redacted) and another person that you've spoken about, (Redacted)

10 (Redacted), but we take it that's the same person; is that

11 right?

12 A. [11:55:44] Yes.

13 Q. [11:55:47] And if we could go to the third message down, we're already there,

14 and I'll read out what (Redacted) said in French:

15 (Redacted)

16 (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted) (Redacted)

20 (Redacted)

21 (Redacted) (Redacted)

22 (Redacted) (Redacted)

23 (Redacted) (Redacted)

24 (Redacted)

25 (Redacted)

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1 (Redacted). And there was movement there in the RDC until South Sudan  
2 and even north Sudan. So in my statement, I was asked the question, but I don't  
3 really know what happened in South Sudan, but there was movement there as  
4 regards the DRC and the will and desire to have supplies as regards those elements  
5 who were fighting on the ground. So everything has to be seen in that context.  
6 There was movement.  
7 I also talk about arms who should arrive from Angola, but they were also stored in  
8 DRC. We needed all this for the resistance, for the attack in Bangui. \* Président  
9 Bozizé was supposed to use those weapons to ward off the Seleka attacks. It wasn't  
10 possible to have possession of all these arms, and so they were deposited in the  
11 DRC. And then there were attempts made to recover all those arms so that they  
12 could be used on the ground in Bangui and elsewhere  
13 (Redacted)  
14 (Redacted) (Redacted)  
15 (Redacted)  
16 (Redacted) (Redacted)  
17 (Redacted)  
18 (Redacted) (Redacted)  
19 (Redacted)  
20 (Redacted)  
21 A. [11:59:53] I'm not able to provide you an exact answer simply because I was not  
22 on the field. I used to glean information, as it were, from here and there in order to  
23 understand what was happening on the ground. However, you see in my statement,  
24 when I was aware of a specific thing that happened, I said so. But when it comes to  
25 a point like this, I cannot be specific.



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1 You see, there was fluid traffic on the Oubangui River, and so a lot of weapons and  
2 ammunition would circulate on that river. And the border between DRC and the  
3 Central African Republic is quite long and cannot be controlled at all times. So most  
4 of the ammunition that came in and would be used during the fighting -- and I'm not  
5 referring here to heavy weapons, I'm referring to Kalashnikovs and ammunitions for  
6 those types of weapons, that's what I'm referring to as movement of weapons and  
7 ammunition between these two countries. I am, therefore, not in a position to tell  
8 you that this number, this quantity of weapons arrived at this location at this specific  
9 time. I am not in a position to say that, because I was not on the ground. (Redacted)

10 (Redacted)

11 (Redacted)

12 Q. [12:01:46] Thank you. We'll move back to the Facebook conversation between  
13 you and (Redacted), so again back to tab 6, please, and to page 9805.

14 And if we could go just down a little bit slightly. Another message down, please, on  
15 the screen. Thank you.

16 Okay, we've moved one day forward to (Redacted) here. Looking at a message from  
17 you which is in the middle of your screen, and I'll just read that on to the record in  
18 French and then ask you a question about it: (Interpretation) (Redacted) (Redacted).

19 (Redacted) (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted)

23 (Redacted)

24 (Redacted)

25 Q.[12:03:52] (Redacted)

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1 (Redacted)  
2 And you said there that it wasn't a specific geographic area, but it was Bangui in  
3 particular. (Redacted)  
4 (Redacted)  
5 (Redacted)  
6 (Redacted)  
7 (Redacted)  
8 (Redacted)  
9 (Redacted)  
10 (Redacted) (Redacted)  
11 Q. [12:05:18] And in your statement you said that Ngaïssona was sending food and  
12 money to Zongo and you knew this (Redacted)  
13 (Redacted) (Redacted)  
14 (Redacted) (Redacted)  
15 (Redacted)  
16 (Redacted) (Redacted)  
17 (Redacted) (Redacted)  
18 (Redacted)  
19 (Redacted) (Redacted) (Redacted)  
20 (Redacted) (Redacted)  
21 (Redacted) (Redacted)  
22 (Redacted)  
23 (Redacted)  
24 (Redacted)  
25 (Redacted) (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 (Redacted)

5 (Redacted) (Redacted)

6 (Redacted) (Redacted)

7 (Redacted)

8 (Redacted)

9 Q. [12:08:43] Okay. I'd like to show you an email at tab 19.

10 For the record, CAR-OTP-2130-3379.

11 This is not an email that you were shown in interview.

12 MR KNOOPS: [12:09:02] Mr President, we object in light of your previous ruling

13 that the electronic information, email, Facebook, can only be used if either the witness

14 is the author or if the witness is mentioned in those conversations. And the Court

15 can establish that, in this document 3379, neither of those scenarios apply, so -- and it

16 will, therefore, lead also the witness to certain answers which are not in evidence,

17 so --

18 PRESIDING JUDGE SCHMITT: [12:09:43] But before we decide on that, I have to

19 know which email are we talking about, and what kind of information in general do

20 you -- do you want to infer from that. Because before I even know what it's about, I

21 cannot decide on it.

22 So, Ms Henderson, what are we talking about here? I have -- I have it here also in

23 the table.

24 MS HENDERSON: [12:10:06] Yes, your Honour. So it's -- the main email in this

25 chain of interest is the first in time, 5 October 2013, and I think --

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1 PRESIDING JUDGE SCHMITT: [12:10:17] I have here -- I have here only

2 6 October 2013 at tab 19.

3 MS HENDERSON: [12:10:28] If your Honour goes to the bottom of that page.

4 PRESIDING JUDGE SCHMITT: [12:10:33] Okay.

5 MS HENDERSON: [12:10:33] So the email of 5 October 2013 sent at 2220. And,

6 your Honour, it's my submission that the basis for putting this document to the

7 witness for comment is that he has explained the same type of activity that is now

8 represented in this email from his comments --

9 PRESIDING JUDGE SCHMITT: [12:10:58] So you can -- yeah, no -- then I

10 think -- but you would have to put the question in a way that it is clear that the

11 witness only supposed to give an opinion.

12 MS HENDERSON: [12:11:11] Yes.

13 PRESIDING JUDGE SCHMITT: [12:11:11] And, of course, the Chamber will take

14 into account that whatever the witness will answer is an opinion. Yeah, please

15 proceed.

16 MS HENDERSON: [12:11:21] Yes, your Honour. I would also ask and I'll go

17 straight to it.

18 Q. [12:11:27] You can see the email on your screen, Mr Witness. Have you ever

19 seen this email before?

20 A. [12:11:38] No.

21 Q. [12:11:41] And just so that you could maybe read it fully, because we're at the

22 bottom of that page, once you've had a chance to read what's on that page, could you

23 tell us so that the court officer can take you to the next page so that you can read the

24 whole email?

25 A. [12:12:19] I'm there.

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1 PRESIDING JUDGE SCHMITT: [12:12:43] Okay. And the question is?

2 MS HENDERSON: [12:12:48]

3 Q. [12:12:48] The question is -- the question is, did you have any knowledge of this  
4 email being sent? I appreciate you haven't seen it, but did you know anything about  
5 such an email being sent?

6 A. [12:13:15] No, I'm not aware of it, in much the same manner as the other emails  
7 to these recipients which I only became aware of at the time of my statement.

8 Q. [12:13:35] Okay. Having read it now, and I'm referring of course not to the first  
9 paragraph, which is about something unrelated, I'm referring to the second paragraph  
10 that begins with the words "concerning the situation", is this consistent with the  
11 information that you had at the time?

12 MR KNOOPS: [12:13:59] Well, I'm sorry, Mr President, but this -- this is really going  
13 to -- into a debate about consistencies of information which the witness didn't have.  
14 How can the witness possibly say, if he doesn't know the content of this information,  
15 whether it's consistent?

16 PRESIDING JUDGE SCHMITT: [12:14:19] Yeah, I tend to agree with you here.  
17 Perhaps -- what could we do here?

18 Mr Witness, what is your understanding, from the information that you had at the  
19 time, of this email? And if -- if you say: you know, I have not participated in it, I  
20 can't comment on it, it's also fine. But if you have an understanding of what they are  
21 talking about and what, from your background and from your information that you  
22 had, was meant, and we -- and we will understand your answer that it is simply an  
23 opinion that you have on your understanding, that will be clear. So perhaps you can  
24 elaborate on that, but it is also an option that you say: you know, I'm not part of this  
25 conversation. I can't comment on it.

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1 THE WITNESS: [12:15:24](Interpretation) Okay, I think I can offer an explanation as  
2 to my understanding of this text so that it may not have an impact on other messages  
3 and emails.  
4 (Redacted)  
5 (Redacted)  
6 (Redacted)  
7 (Redacted) (Redacted)  
8 (Redacted)  
9 (Redacted)  
10 (Redacted)  
11 (Redacted) (Redacted)  
12 (Redacted)  
13 (Redacted)  
14 (Redacted)  
15 (Redacted)  
16 (Redacted)  
17 (Redacted) (Redacted)  
18 (Redacted)  
19 (Redacted)  
20 (Redacted)  
21 (Redacted)  
22 PRESIDING JUDGE SCHMITT: [12:17:37] Thank you. And this shows that if we  
23 do it this way, we don't have an undue suggestive approach to the witness. We have  
24 explained it to him, the different possibilities, and also the question that I put now  
25 was a little bit more generic, and if you look at the answer, we will have to put this

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1 into context in the end, but the witness clearly understood the problem that might  
2 have been here, and I think we can do it. But I would prefer exceptionally, yeah. If  
3 it has not been part of or has not been mentioned, we should not exercise this too  
4 often. And not every witness will be -- will understand immediately the potential  
5 repercussions.

6 Please continue.

7 MS HENDERSON: [12:18:28] Thank you. If I may, your Honour, there's just one  
8 particular term that I want to ask the witness if he can give us any explanation of, if  
9 he knows.

10 PRESIDING JUDGE SCHMITT: [12:18:35] Yes, of course. And for example, if it  
11 comes to terms, you can also draw out, out of such a document, information and put  
12 the question without simply putting the document to the witness. You see, these are  
13 other -- for all the participants and parties, these are other possibilities how you can  
14 elicit information and to avoid at the same time what Mr Knoops has criticised.

15 MS HENDERSON: [12:19:05] Thank you. That's well noted, your Honour.

16 Q. [12:19:08] The expression that I want to ask you about Mr Witness, is this, and  
17 I'll cite it in French: (Interpretation) (Redacted). (Speaks English) So  
18 that's in first line of that same sentence, meaning the first line of the second  
19 paragraph.

20 What do you understand by that term (Redacted)? Do you know what  
21 (Redacted) is referring to when you uses that expression?

22 (Redacted)

23 (Redacted) (Redacted)

24 (Redacted)

25 (Redacted) (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted) (Redacted)

4 (Redacted) (Redacted)

5 (Redacted) (Redacted)

6 (Redacted)

7 Q. [12:20:58] And if we could go to another document, tab 13, for the record,

8 CAR-OTP-2124-0899. This is an email that you were shown in an interview,

9 Mr Witness. So I won't spend too long on it.

10 (Redacted)

11 (Redacted)

12 (Redacted)

13 (Redacted)

14 (Redacted)

15 (Redacted)

16 (Redacted)

17 (Redacted) (Redacted)

18 (Redacted)

19 (Redacted)

20 (Redacted)

21 (Redacted)

22 (Redacted) (Redacted)

23 (Redacted)

24 (Redacted) (Redacted)

25 (Redacted) (Redacted)



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1 (Redacted)

2 (Redacted) (Redacted) (Redacted)

3 (Redacted)

4 Q. [12:24:24] And moving to another document at tab 8, this is a collection of

5 Facebook messages. For the record, CAR-OTP-2102-3799. If we could go to page

6 3856, please. And I'll just ask you, with the assistance of the court officers in

7 scrolling, to read through that entire page and then we'll go slightly into the next page

8 as well. But please take your time and indicate when you're ready for the document

9 to be scrolled down.

10 Are you ready to see the next part?

11 A. [12:26:16] Yes, please.

12 Q. [12:26:40] Ready to go to the next page?

13 A. [12:26:44] Mm-hm.

14 Q. [12:27:03] And if you could just read what's there now, that's sufficient.

15 You're nodding. Have you finished reading?

16 A. [12:27:31] Yes.

17 Q. [12:27:32] Now you will have seen your name mentioned, it's still on the screen

18 at the top of the page, between two users, one with the name (Redacted)

19 (Redacted) and the other with the name (Redacted), we've already

20 seen messages from him. Were you aware that such a conversation took place

21 between (Redacted) and (Redacted)?

22 A. [12:28:07] I am not aware of it, but it's not impossible.

23 Q. [12:28:12] Okay. And we'll go back to tab 6, so again, your conversation with

24 (Redacted). And if we could go to the bottom of page 9811. And you can see that

25 very -- that last message there at the bottom of the page that refers to a person called

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- 1 (Redacted), you told us in your statement that (Redacted) is another name for (Redacted).
- 2 And I'll read out that message before we go to the next page, in French:
- 3 (Interpretation) (Redacted)
- 4 (Redacted)
- 5 And if we can go to the next page. Thank you. That's sufficient.
- 6 And he continues, and I'll cite in French:
- 7 (Interpretation) (Redacted)
- 8 (Speaks English) And your response (Interpretation) "Yes, that's true."
- 9 Now, Mr Witness, do we take that response to mean that you knew then at the time,
- 10 (Redacted)
- 11 (Redacted) (Redacted)
- 12 (Redacted)
- 13 (Redacted)
- 14 (Redacted) (Redacted)
- 15 And if we can continue on that page, please. The next two messages that
- 16 follow -- oh, just a little bit up. Thank you.
- 17 And here (Redacted), again I'll cite in French:
- 18 (Interpretation) (Redacted)
- 19 (Redacted)
- 20 (Overlapping speakers) (Speaks English) your response (Interpretation) (Redacted)
- 21 (Redacted) (Redacted)
- 22 (Redacted)
- 23 (Redacted)
- 24 (Redacted)
- 25 (Redacted)

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1 (Redacted)

2 (Redacted) (Redacted) (Redacted)

3 (Redacted) (Redacted)

4 (Redacted)

5 (Redacted) and

6 Bossangoa was liberated by the Anti-Balaka because they had received arms, they

7 chased out the Séléka, they received arms, and they also received supplies in order to

8 carry out that operation.

9 \* And during this period, they came closer and closer to Bangui. There was a battle,

10 a horrible battle in a village or town called Ndjo which was almost a pivotal town

11 between Bossangoa and Bangui, and during that period, there was so much damage

12 and Anti-Balaka also had a lot of supplies from that town.

13 So as far as this is concerned, \* information received was that for the boys to recapture

14 Ndjo, they had to engage a very fierce battle and use significant resources.. So it's

15 with that in backdrop when I'm talking about supplies.

16 (Redacted) (Redacted)

17 (Redacted) (Redacted)

18 (Redacted)

19 (Redacted) (Redacted)

20 (Redacted) (Redacted)

21 (Redacted) (Redacted)

22 Q. [12:34:32] I'd like to bring up a document at tab 14, for the record,

23 CAR-OTP-2124-0900.

24 And just as that's coming up on the screen, Mr Witness, this is a document that you

25 were shown in an interview. I won't repeat the things that you already said in your

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1 statement, but just a clarification and a couple of additional questions.

2 All right. Do you see that document there on your screen?

3 A. [12:35:17] I see it.

4 Q. [12:35:21] Now, it's just a matter of clarification for your statement. And for the  
5 record, I'm -- I'm referring here to paragraph 128 where you said that (Redacted)

6 (Redacted)

7 (Redacted). That was in relation to this email that you said that in  
8 your statement; is that correct?

9 A. [12:35:52] Yes.

10 (Redacted)

11 (Redacted)

12 Fatima, can you tell us where that is?

13 A. [12:36:18] Yes, Fatima is an area in Bangui which is near the south exit of  
14 Bangui.

15 Q. [12:36:33] Just south of the airport; is that right?

16 A. [12:36:37] Yes, yes.

17 Q. [12:36:45] And Bimbo, is it correct that that's just a bit below south of Fatima?

18 A. [12:36:55] Yes, it's in the same district. You get to Fatima and then Bimbo.

19 Yes, yes, yes. You have Fatima first and then Bimbo. These are districts which are  
20 in the same southern zone.

21 PRESIDING JUDGE SCHMITT: [12:37:13] May I shortly. You said in your question  
22 two or three minutes ago that you were referring to 128 of the statement. I'm not  
23 sure if this is the correct paragraph. Could you have a look into it? In my version it  
24 reads (Redacted) and so on and so forth.

25 MS HENDERSON: [12:37:50] Yes, your Honour. So I think what your Honour is

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1 bringing up is the same thing that I was seeking to clarify. Maybe perhaps not  
2 effectively. But you'll see that the heading --  
3 PRESIDING JUDGE SCHMITT: [12:38:00] No, but in your question, you suggested a  
4 content of this paragraph which actually when I read it is not in it. So let me -- let  
5 me read out what I have here on the transcript:  
6 "I'm referring here to paragraph 128 where you said (Redacted)  
7 (Redacted) (Redacted) But actually, I don't see this here.  
8 MS HENDERSON: [12:38:30] So the second last line of paragraph 128, "... (Redacted)  
9 (Redacted)  
10 (Redacted)  
11 PRESIDING JUDGE SCHMITT: [12:38:44] So you are referring to this, this specific  
12 part?  
13 MS HENDERSON: [12:38:46] Yes.  
14 PRESIDING JUDGE SCHMITT: [12:38:48] Okay, then I would have a question to the  
15 witness, having clarified that. Thank you.  
16 It does not only -- this does not only -- this email, Mr Witness, (Redacted)  
17 (Redacted). Do we have an  
18 understanding what that could have meant or why these people (Redacted)  
19 (Redacted)?  
20 THE WITNESS: [12:39:26] Okay. As I've said, history of emails and its content  
21 didn't -- the content didn't really exist. (Redacted)  
22 (Redacted) (Redacted)  
23 (Redacted) (Redacted)  
24 (Redacted)  
25 (Redacted) (Redacted)

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1 (Redacted)

2 (Redacted)

3 PRESIDING JUDGE SCHMITT: [12:40:37] I understand. I simply asked it because  
4 in that email you are not mentioned in passing in a more generic manner or simply  
5 (Redacted).

6 That was the background of this question.

7 You may proceed.

8 MS HENDERSON: [12:40:57]

9 Q. [12:40:58] Mr Witness, just following from your answers, Fatima is in the south  
10 of Bangui, Bimbo, after that along the road, can you tell us finally where Mongoumba  
11 is, please?

12 \* A. [12:41:18] Mongoumba is another town outside Bangui. It's almost -- it's very  
13 close to the border with Congo, Congo Brazzaville, so it's a bit further away from  
14 Bangui. It's a provincial town which is a border town with the Congo Brazzaville.

15 Q. [12:41:53] Thank you for that. Now if we could go still to tab 6 to  
16 another -- sorry, if we can go to tab 6, actually, to page 9822 and to the third message  
17 down from the top.

18 Now, I think that you've already mentioned this in your testimony today, but just to  
19 make sure we're talking about the same thing, I'll just read in French the first part of  
20 this message: (Interpretation) (Redacted)

21 (Redacted)

22 (Speaks English) Now, Mr Witness, is this what you were referring to earlier today  
23 when you said at some point that -- that (Redacted)  
24 (Redacted) were in contact?

25 A. [12:43:16] Exactly.

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1 Q. [12:43:19] And to your knowledge, was this contact about supplies, was that  
2 related to the requests that (Redacted)

3 (Redacted)

4 (Redacted) (Redacted)

5 (Redacted) (Redacted)

6 (Redacted) (Redacted) (Redacted)

7 (Redacted)

8 (Redacted) (Redacted) (Redacted)

9 (Redacted) (Redacted) (Redacted)

10 (Redacted) (Redacted) (Redacted)

11 (Redacted)

12 Q. [12:44:55] Moving to another topic, again tab 6 at page 9861, and we're moving  
13 forward in time to (Redacted). And if we could display it from the fourth

14 message down, so a little bit lower. Yes. And if we could see two more messages,  
15 please -- or at least one. That's fine. Thank you.

16 Now, here (Redacted)

17 (Redacted)

18 (Redacted)

19 (Redacted)

20 Ngaïssona and Mokom had got Gbangouma, Lamkague and Ngboya into difficulty

21 and that they had been arrested. My question is if you know how they did this, how

22 did they get these people arrested?

23 A. [12:46:45] Okay. As you can see, this is something that (Redacted) sent to me, so I

24 asked the question what happened, the idea is what? We found ourselves near

25 Cameroon with the old Mokom and President Ngaïssona, who - in brackets - was

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1 looking at the situation from the other side over there.  
2 Now, they are civilians. There is also military who are also on the other side.  
3 \* Gbangouma, as I already told you, he was the head of a team of the presidential  
4 guard. \* When Séléka took over power, he fled. He was disarmed and he ended up on  
5 the other side. So there were -- there were lots of military with him. Lamkague and  
6 others, for example.  
7 And at the Bangui level, and also in the Congo DRC, in Cameroon, people were  
8 organising themselves, I told you, in order chase out the Séléka. This was something  
9 that was quite open. It wasn't hidden. People knew that. Even Séléka knew there  
10 were movements and that people were organising themselves. but I think this was  
11 due to a problem of control on the ground, in the field. It was a question of  
12 responsibility. Perhaps Ngaïssona and old Mokom didn't want to be taken over by  
13 the military, but they did -- what they did in reality so that they were detained, I don't  
14 know, but perhaps it ended up with this detention. But I don't know the exact facts.  
15 I can't tell you that.

16 Q. [12:48:49] Thank you. And, Mr Witness, another topic.  
17 In your statement, you refer to a Facebook profile with the username (Redacted),  
18 and you said that this is another Facebook profile used by (Redacted).  
19 Were you also in contact with that profile, the (Redacted) profile?  
20 A. [12:49:25] This profile was -- published things on Facebook along the lines of  
21 what was being prepared. I read -- I read what's -- what's going on on Facebook as  
22 regards this profile, (Redacted)  
23 (Redacted)  
24 (Redacted) (Redacted)  
25 (Redacted) (Redacted)



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1 (Redacted)

2 (Redacted)

3 Q. [12:50:22] And were you also in contact on Facebook with this profile?

4 A. [12:50:28] I read what was being published. I read what was being posted.

5 Q. [12:50:38] I'm going to take you to tab 9, and the ERN is CAR-OTP-2102-8436.

6 Thank you. And, Madam court officer, if you could slowly scroll down so that the  
7 witness can see the whole page.

8 Mr Witness, now, this is your profile and contact with the profile called (Redacted)  
9 (Redacted); is that right?

10 A. [12:51:44] Mm-hmm.

11 Q. [12:51:45] Just for the record, is that "yes"?

12 A. [12:51:49] Yes, yes. I said yes.

13 MS HENDERSON: [12:51:54] If I can just confer for one moment, your Honour.

14 PRESIDING JUDGE SCHMITT: [12:52:00] Yes.

15 (Counsel confer)

16 MS HENDERSON: [12:52:16] Thank you, your Honour. There are no further  
17 questions.

18 Thank you, Mr Witness.

19 PRESIDING JUDGE SCHMITT: [12:52:20] Thank you very much. And I think we'll  
20 have now the break. It doesn't make sense to start with five minutes. And we -- we  
21 give it a try, as we said, with the pseudonyms. And please put them on the record in  
22 private, and then we go, perhaps, try open session after the lunch break until 2:30.

23 THE COURT USHER: [12:52:40] All rise.

24 (Recess taken at 12.52 p.m.)

25 (Upon resuming in open session at 2.32 p.m.)

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1 THE COURT USHER: [14:32:54] All rise. Please be seated.

2 PRESIDING JUDGE SCHMITT: [14:33:20] I think we have to put the microphone of  
3 the witness on. In the meantime, we are in open session and I only want to announce  
4 in open session that we go to private session for a short period this time. So people  
5 who want to follow can expect that in -- in -- on very short notice we are back in open  
6 session. So just for explanation for the public here.

7 We go to private session shortly.

8 (Private session at 2.34 p.m.) \*(Reclassified entirely in public)

9 THE COURT OFFICER: [14:34:07] We are in private session, Mr President.

10 PRESIDING JUDGE SCHMITT: [14:34:13] So I give the floor now the Defence.

11 Yeah, Mr Knoops is rising.

12 MR KNOOPS: [14:34:21] Yeah. Sorry. Mr President, the examination on behalf of  
13 the Defence team of Mr Ngaïssona will be conducted by Ms Proulx and I will -- this  
14 will probably be Monday --

15 PRESIDING JUDGE SCHMITT: [14:34:37] Yes.

16 MR KNOOPS: [14:34:38] -- finish with two or three discrete topics. And the time  
17 estimation is that we might need two and a half sessions, that's our current estimate.

18 So the session this afternoon, Monday morning, and maybe part of the second session  
19 Monday morning. That's --

20 PRESIDING JUDGE SCHMITT: [14:35:00] Okay. Fine.

21 MR KNOOPS: [14:35:00] -- our current estimation.

22 PRESIDING JUDGE SCHMITT: [14:35:00] Fine. So then I -- yes, that's okay. I  
23 give then floor -- Mrs Proulx the floor. It's been a long week, please bear with me.

24 MS PROULX: [14:35:15] Thank you, your Honour.

25 I just need a minute. I just realised that my transcript in French is not working. But

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1 I see it's not -- there's not going to be an easy fix. It's not responding. So maybe I'll  
2 just start and hope that it picks up.  
3 I do not need private session immediately, I will get to it a little bit later.  
4 PRESIDING JUDGE SCHMITT: [14:35:48] Okay, so when you explain  
5 the pseudonyms we will go back to private session.  
6 MS PROULX: [14:35:48] Yes, that's right.  
7 PRESIDING JUDGE SCHMITT: [14:35:48] So then we go to open session now.  
8 MS PROULX: [14:35:53] Thank you.  
9 PRESIDING JUDGE SCHMITT: [14:35:54] You know, this back and forth,  
10 okay -- but -- but it's not -- it's not your fault. It's nobody's fault, so to speak. It's in  
11 the -- yeah, nature of these proceedings a little bit.  
12 Open session.  
13 (Open session at 2.36 p.m.)  
14 THE COURT OFFICER: [14:36:12] We are back in open session, Mr President.  
15 MS PROULX: [14:36:28] Apologies, your Honour, I just need a minute to try and fix  
16 my transcript.  
17 PRESIDING JUDGE SCHMITT: [14:36:34] No problem.  
18 MS PROULX: [14:36:35] Thank you.  
19 QUESTIONED BY MS PROULX: (Interpretation)  
20 Q. [14:37:16] Good afternoon, Mr Witness.  
21 A. [14:37:19] Thank you.  
22 Q. [14:37:21] My name is Marie-Hélène Proulx, I represent Mr Patrice-Edouard  
23 Ngaïssona. I have a few questions for you today and probably on Monday morning.  
24 As discussed with the Chamber, when we have discussions in public session, there is  
25 information that might identify you. If you feel that way, please tell us and we will

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1 go into private session. If my questions are not clear, please do not hesitate to tell  
2 me and I will rephrase.

3 Mr Witness, I will start with the origin of the conflict in CAR. End of 2012, early 2013,  
4 you were in Bangui; is that correct?

5 A. [14:38:25] Yes.

6 Q. [14:38:26] Can you describe the atmosphere in Bangui while the Séléka were  
7 advancing towards the city?

8 A. [14:38:37] Can you be more specific?

9 Q. [14:38:44] How were people reacting as Séléka advanced?

10 A. [14:38:53] As the Séléka were progressing, the atmosphere was bleak. As you  
11 are aware, a rebellion is not always a good thing at all, especially since the country  
12 had gone through a rebellion nine or 10 years before and we did not really know  
13 what was going to happen this time around, so there was a lot of fear and  
14 the population were living with the fear of the unknown because they did not know  
15 these people who were coming in and, especially, the speed with which they were  
16 moving and the damage, the havoc, that they were wreaking as they advanced.  
17 I'm not even talking about the harm to civilian populations, but the destruction of  
18 public property and so on.

19 So there was the fear of the unknown, what was going to happen. That was  
20 the situation.

21 Q. [14:40:24] Is it true that there were many foreigners amongst the Séléka?

22 A. [14:40:31] Yes, there were many foreigners indeed, because when you look at the  
23 Séléka group the majority were of the Muslim faith and these people who were in  
24 the coalition were not numerous enough. So there were certainly many foreign  
25 mercenaries, I can confirm that.

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1 Q. [14:41:14] Amongst the foreign mercenaries there were Chadians and Sudanese;  
2 is that correct?

3 A. [14:41:21] Yes, that is correct --

4 PRESIDING JUDGE SCHMITT: [14:41:23] Ms Proulx, please wait a second when  
5 you start with your next question.

6 I admire, I have to say, interpreter who has managed until now, but I think I will soon  
7 be reprimanded to -- to address this with you. So simply wait two or three seconds  
8 and then start with the next question.

9 Thank you.

10 MS PROULX: [14:41:47] Yes, I will try to give them a pleasant Friday afternoon as  
11 much as possible. Apologies.

12 Q. [14:41:59](Interpretation) Mr Witness, I will repeat my question. Did you also  
13 hear about the presence of the Janjaweed militia amongst the Séléka?

14 A. [14:42:23] Yes.

15 Q. [14:42:23] Would it be correct to say that this foreign presence amongst  
16 the Séléka was of concern to the CAR population generally speaking?

17 A. [14:42:34] It was not just a presence of foreigners, but, generally speaking it was  
18 the rebellion that was making the population afraid.

19 Q. [14:42:59] In your statement to the OTP - and it is document number 18, it is  
20 CAR-OTP-2130-1538, paragraph 92 - you explained that at the beginning when Séléka  
21 came to Bangui they were conquered, but the invisible hand of Chad came to  
22 reinforce those troops.

23 What do you mean by "the invisible hand of Chad"?

24 A. [14:43:45] Yes, indeed, as they came into Bangui there was a lot of fighting at the  
25 entrance into Bangui. The national army, and specifically the presidential guard,

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1 they were winning the battle. But we observed the movements of troops coming  
2 directly from Chad to come and reinforce the Séléka elements to enter Bangui. It  
3 was not easy for them at all to enter Bangui, because during the fighting of  
4 24 March 2013 the national forces had conquered them.

5 So when I say "invisible hand", it is because the Chadians could not be officially  
6 accused of having something to do with it. \* But with the information from the field  
7 and going by our experience, we can say that quite easily since we saw the elements.

8 Q. [14:45:08] Still in your statement paragraph 165, you stated that the Angolan  
9 troops were expected in Bangui to reinforce Bozizé's army, but while they were on  
10 their way the French army took control of the airport and prevented them from  
11 entering.

12 Are you suggesting that the French troops intervened to help Séléka take over power?

13 A. [14:45:46] If that had not been case, then I think that the reinforcements would  
14 have been allowed to land, so I suppose that is what I mean.

15 Q. [14:46:11] You also stated - and I'm referring to paragraph 107 of your  
16 statement - that in October 2013, six months later, the former French president  
17 Hollande, and his minister Laurent Fabius, came to Bangui to tell Djotodia that he  
18 had to leave. So after helping Séléka to chase out Bozizé, are you saying that France  
19 turned against Djotodia also?

20 A. [14:46:55] Yes, you can say that. It was clear the situation was untenable and  
21 something had to be done. You already had the Sangaris forces, they had not yet  
22 arrived. But the situation was being controlled by France, so it was normal for them  
23 to put pressure on President Djotodia so as to calm down that chaotic situation that  
24 was already happening in the country.

25 Q. [14:47:32] Would you agree with me you seem to suggest that France was a core

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1 actor on both sides, it changed its mind?

2 A. [14:47:52] France always is involved in everything that happens in our country,  
3 so everything that changes, either constitutionally or through weapons, France is  
4 involved.

5 Q. [14:48:16] Mr Witness, when Séléka finally took over power in March 2013, they  
6 chased out President Bozizé who had been democratically elected; is that correct?

7 A. [14:48:32] Yes.

8 Q. [14:48:38] And the new president Djotodia immediately suspended the African  
9 constitution; is that correct?

10 A. [14:48:52] Yes, indeed, that is what usually happens.

11 Q. [14:49:00] What was your reaction to that coup d'état and the suspension of the  
12 institutions in your country?

13 A. [14:49:19] Personally, I was disappointed, because we had come a long way.  
14 And in relation to how the country was functioning, nothing could justify that use of  
15 force. \* But since it was a hidden agenda that I did not understand, I was still  
16 disappointed, because when you -- because when you are a democrat and you see  
17 the institutions overthrown by force, that is a problem.

18 PRESIDING JUDGE SCHMITT: [14:50:10] May I shortly?

19 MS PROULX: [14:50:11] Of course.

20 PRESIDING JUDGE SCHMITT: [14:50:13] Mr Witness, what happened -- I think, no,  
21 I think we have to -- would have to discuss that in private session. I wait. So we  
22 are still in open session. Please continue, and when we are in private I don't forget it.  
23 Yeah.

24 MS PROULX: [14:50:30](Interpretation)

25 Q. [14:50:34] You stated three different times in the statement, and I will

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1 summarise, you said that when Séléka took over power they were not ready for  
2 power and that several members of Séléka were only looking for things to loot. They  
3 committed a lot of crimes. That is what you stated; is that correct?

4 A. [14:51:08] Yes, Séléka was indeed not ready to take over power, that is why  
5 there was a lot of confusion. There were so many crimes, looting, and acts of  
6 violence at all levels.

7 Q. [14:51:29] What impact did that have on the civilian population?

8 A. [14:51:40] In fact, the civilian population was the -- they were the main victims  
9 and that impact was very negative, of course.

10 Q. [14:51:54] You added that Djotodia was not in control of his elements and  
11 people had to defend themselves. In paragraph 26 you say that things in  
12 the provinces were even worse than in Bangui; is that correct?

13 A. [14:52:19] Yes, that is correct.

14 Q. [14:52:26] So how did the civilian population react in the face of the acts of  
15 violence of the Séléka?

16 A. [14:52:41] Given that there was no order at the -- at the summit of the state to  
17 provide security, the population tried to provide security for themselves.

18 Q. [14:53:01] During most of 2013, would you agree that the international  
19 community generally remained passive in the face of what was happening in  
20 the Central African Republic?

21 A. [14:53:20] Can you please kindly repeat the question.

22 Q. [14:53:25] Would you agree that the international community was very passive,  
23 they did very little to help the population in 2013?

24 A. [14:53:44] You can say that generally, but there were several levels of the  
25 international community. When Bozizé's regime fell, it was CEMAC that was



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1 controlling the situation. I can even go further to say who contributed to the fall of  
2 President Bozizé. But as I said before, the situation became untenable afterwards,  
3 uncontrollable, so people struggled to regularise things. But how were they going to  
4 go about it? That was the difficulty. Were they going to take up arms to fight  
5 Séléka? That was the problem. But the word "passive", you are the one using it.

6 Q. [14:54:56] But do you agree with it?

7 A. [14:55:00] Well, it's okay.

8 Q. [14:55:11] In paragraph 23 you said that under Djotodia the situation was  
9 untenable and that something had to be done. Do you suggest that this was  
10 the general feeling in the Central African Republic that it was so serious that  
11 something had to be done?

12 A. [14:55:39] Yes, this was a shared impression. In fact, Séléka elements even took  
13 hostages, they asked for ransom, to such a point that President Djotodia himself had  
14 to pay ransom to free people who had been taken hostage. So it was a situation that  
15 was very difficult to manage.

16 Q. [14:56:17] Now, given the difficult situation after the coup d'état in 2013, was it  
17 predictable that the population would try to react one way or the other?

18 A. [14:56:34] Obviously it is a natural instinct for people to want to defend  
19 themselves against aggression, against oppression, so you cannot deny that.

20 Q. [14:57:01] In your statement, also paragraph 22, you say that since Bozizé's  
21 mandate was ongoing, it made sense that he wanted to come back; is that correct?

22 A. [14:57:21] Yes, that is correct. He himself stated that on several occasions when  
23 he gave interviews.

24 Q. [14:57:41] So if I understand you correctly, it was because of the untenable  
25 situation and the instability that you engaged in discussions with friends, colleagues

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1 or family members, either in the CAR or in exile?

2 A. [14:58:05] Yes, obviously it was that concern. What was most important to me  
3 was the stability of the country. Djotodia could have chased out Bozizé, well, that  
4 was a fact. But the important thing was to stabilise the country for things to move  
5 normally. But given that that did not happen, that created a situation where many  
6 people started thinking about trying to get him out of there.

7 Q. [14:58:56] Some of the people with whom you were in contact at that time were  
8 allied to the Anti-Balaka or they played a role within the Anti-Balaka; is that correct?

9 \* A. [14:59:20] Yes both cases.

10 Q. [14:59:31] In paragraph 23 of your statement you said that you yourself were not  
11 an Anti-Balaka, but were your political opinions in alignment with Anti-Balaka  
12 because you wanted Séléka to leave power?

13 A. [14:59:55] Yes, I wanted Séléka to leave power.

14 Q. [15:00:02] So, politically speaking, you were in alignment with the Anti-Balaka?

15 A. [15:00:11] Yes, at least as far as the departure of Séléka and Djotodia were  
16 concerned. \* I wanted Séléka out of power. I wanted the Séléka out of power.

17 Q. [15:00:25] Paragraph 24, you explain that you were consulted by certain  
18 Anti-Balaka, not at the -- not at the military level but at the political level since you are  
19 not a soldier; is that correct?

20 A. [15:00:45] Yes.

21 Q. [15:01:01] Do you believe that an entirely political action would have been  
22 sufficient to get Djotodia out?

23 A. [15:01:06] No, I don't think so, because Séléka was made up of rebels, it was not  
24 a conventional force. They came and, you see, there were some initiatives taken in  
25 that direction, but I think that the only way to facilitate getting them out must have

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1 involved -- must have had to involve the military aspect.

2 Q. [15:01:50] I would now like to talk with you about the creation of the  
3 Anti-Balaka. You explained in your statement in several paragraphs, and no need to  
4 display them, you explained that the Anti-Balaka groups were created spontaneously  
5 to defend themselves against acts of violence committed by the Séléka; is that correct?

6 A. [15:02:17] Yes, that is correct. But we must be specific. We say Anti-Balaka,  
7 Anti-Balaka, but what -- what is in that basket, in that name? I don't know. We  
8 have been talking about this, but I don't know well. It is, so to speak, already  
9 a group that existed, the Anti-Balaka, but then its content was subsequently  
10 strengthened or expanded by villagers who were defending their villages against  
11 highway robbers and -- as much as possible.  
12 But, you know, these things exist in Central Africa and you have conflict between  
13 farmers and grazers and things of that nature. So the Anti-Balaka was already in  
14 place at that time to meet or face those various attacks on the villages.  
15 But when Séléka came to power, the army basically no longer existed, no gendarmerie,  
16 no police, no army, and it was really quite serious in -- in Bangui, the capital.  
17 The power or control of power and security in -- in Bangui was not easy and it was  
18 even worse in the rest of the country. That is why people instinctively defended  
19 themselves against the aggression that had befallen them.

20 Q. [15:03:52] So there were many Anti-Balaka groups, do you know how many?

21 A. [15:03:57] No, I can't tell you how many, because people would get up  
22 spontaneously in various areas to defend themselves. So I am not able to tell you  
23 exactly how many groups existed on the ground and who was doing exactly what, no,  
24 I can't.

25 PRESIDING JUDGE SCHMITT: [15:04:14] May I shortly, please.

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1 Mr Witness, at what time happened this what you have told us now? What time  
2 period are you speaking of at the moment?

3 THE WITNESS: [15:04:35](Interpretation) That is in reference to the period when  
4 Séléka took power from 24 March 2013. However, the Anti-Balaka movement which  
5 defended villages against highway robbers and what have you was already in place  
6 well before that time, well before that time.

7 PRESIDING JUDGE SCHMITT: [15:04:54] Thank you.

8 MS PROULX: [15:04:59](Interpretation)

9 Q. [15:05:04] At paragraph 176 of your statement you explain that the Anti-Balakas  
10 had several factions and were not well structured. Then you go on to ask that they  
11 all were trying to benefit from the situation. So according to you, would that lack of  
12 a structure in that situation, would that have had an impact on the hierarchy within  
13 the various groups?

14 A. [15:05:38] There were various groups and each one of them tried to defend itself  
15 as best it could. But that does not mean -- anyway, within each group there was  
16 some hierarchy, I think there was at least some hierarchy within each group. But it  
17 is the coordination at the general level which did not exist, and yet we know that here  
18 and there people would rise up to defend a village and at least there would be  
19 somebody there to tell the villagers to do this and do that. This is how things  
20 happened naturally. That is why I believe that within each group they -- they  
21 organise themselves accordingly.

22 Q. [15:06:28] Following up on that question of hierarchy within each group, at  
23 \* paragraph 199 of your statement you say that the Anti-Balaka were looking for  
24 mystics to be their leaders. What do you mean by "mystics"?

25 A. [15:06:55] Can I see that paragraph, please?

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1 Q. [15:07:12] Page 1576.

2 A. [15:07:44] I do not see your concern.

3 PRESIDING JUDGE SCHMITT: [15:07:49] May I.

4 I think this is the third sentence of this paragraph, Mr Witness. I'm not sure if  
5 counsel is referring to that. "... and the Anti-Balaka looked to mystical people for  
6 leadership." I assume you are referring to this part of the statement.

7 MS PROULX: [15:08:10] That's right, your Honour.

8 THE WITNESS: [15:08:24](Interpretation) Well, it is as it is written. Soldiers are  
9 people who are trained, organised and disciplined. But the Anti-Balaka, who had  
10 engaged fighting against the Séléka, were mostly people who had mystical powers  
11 with amulets and fetishes and *gris-gris*, so they relied much more heavily on those  
12 mystical things as they engaged battle on the ground.

13 MS PROULX: [15:09:04](Interpretation)

14 Q. [15:09:08] So those mystical people were the leaders of the Anti-Balaka?

15 A. [15:09:15] No, you cannot put it that way, no. It was not the mystical people  
16 who were the Anti-Balaka leaders. You see, the mystical people, you wouldn't see  
17 them. However, the mystical aspect of this thing is in relation to their protection.  
18 A well-trained soldier, for example, would normally know that if there is a firing, he  
19 knows where the gunshots are coming from and how to position himself or herself.  
20 But these people did not have that kind of training. So, for them, they relied much  
21 more on this mystical aspects for their protection and they believe that it was thanks  
22 to the fetishes and the amulets that they were able to get protection against the bullets  
23 of the enemy.

24 Q. [15:10:15] At paragraph 195 you explained that the FACA were surprised at the  
25 rapid progression of the Anti-Balaka and were then -- then decided to -- to join them.

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1 Now if I understand what you have just told me, it would mean that the FACA

2 maintained their military hierarchy?

3 \* [15:10:40] Yes, many of them remained connected and had contact with each other.

4 However, the Anti-Balaka were people in villages who had started to organise

5 themselves and gradually they were taking over villages and chasing out the Séléka.

6 And as they progressed, they were able to recover and take all the villages and cities

7 that had been previously held by the Séléka.

8 Q. [15:11:22] At paragraph 192 you stated that the Anti-Balaka organised

9 themselves in the rest of the country and in Bangui using the telephone. Mr Witness,

10 how is the telephone network in the Central African Republic? Is it reliable?

11 A. [15:11:49] The telephone network is quite reliable and people use it ordinarily.

12 Well, not all provinces are -- have network coverage, but there are areas where there

13 might be -- antennas may be used and then connectivity is established.

14 Q. [15:12:14] So this is -- this can vary?

15 A. [15:12:17] Yes, it's variable.

16 Q. [15:12:35] At paragraph 132 and 190 you indicate that French officers joined

17 the movement and that the attack of 5 December was coordinated by the French; is

18 that correct?

19 A. [15:12:53] Yes.

20 Q. [15:13:05] At paragraph 202 you asserted that the Anti-Balaka were informed

21 that they would receive more sophisticated weapons from the French once they got

22 into Bangui, but that this ultimately did not happen and you observed that they were

23 fighting with sticks and batons; is that correct?

24 A. [15:13:33] Yes, that's correct.

25 Q. [15:13:56] A short while ago we said that you remained in Bangui in 2013, that

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1 you maintained contact with various persons, Central African nationals in exile, and  
2 that you had contact with those people by telephone and via the internet. Do you  
3 remember saying that?

4 A. [15:14:23] Yes.

5 Q. [15:14:32] Mr Witness, maybe you have already observed that conversations on  
6 social media within -- among several Central Africans was handed over to the Office  
7 of the Prosecutor. These conversations are significant in volume, so would you  
8 agree that you had chats or conversations with several people, several contacts at the  
9 time; is that correct?

10 A. [15:14:58] Yes, that's the reality.

11 Q. [15:15:13] Now, on hindsight, on hindsight, would you agree that some of the  
12 information you exchanged at the time or which you received, maybe because of  
13 the speed on which -- at which it was circulated and because of the crisis in  
14 the Central African Republic at the time, would you say then on hindsight that some  
15 of this information turned out to be false?

16 A. [15:15:41] Yes.

17 MS PROULX: [15:15:49] Your Honour, it's time to go back to private session.

18 Thank you.

19 PRESIDING JUDGE SCHMITT: [15:15:54] Yes, we go back to private session, but  
20 you made a really good effort until now. Thank you.

21 (Private session at 3.16 p.m.) \*(Reclassified partially in public)

22 THE COURT OFFICER: [15:16:08] We are in private session, Mr President.

23 MS PROULX: [15:16:21] Your Honour, this is where I would like to introduce my  
24 proposal for pseudonyms.

25 PRESIDING JUDGE SCHMITT: [15:16:28] Yes. And as I said, I think it's very good

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1 if we want to follow later on, if you put on the record the pseudonyms that you  
2 suggest. And I understand that the witness has a sheet of paper in front of him.

3 MS PROULX: [15:16:42] I believe so.

4 PRESIDING JUDGE SCHMITT: [15:16:43] So this would facilitate it for him because  
5 we are not -- we are not here to -- to test the witness with his memory of pseudonyms  
6 that are new for him. So please continue.

7 MS PROULX: [15:16:55] Before I proceed, I just need to -- to clarify one point. I  
8 discussed with my learned colleague from the Prosecution at the break and she's  
9 expressed a concern about the -- the content of the Facebook conversations going out  
10 in the public. She was mindful that it could potentially lead to identification either  
11 of the witness or of his contacts.

12 Now, I told her that I would make it, you know, best effort, and my suggestion to her  
13 was that I would, instead of reading the messages, I would try and paraphrase them.  
14 We agreed that we could try this. However, I suspect that, you know, we might run  
15 into some issues.

16 PRESIDING JUDGE SCHMITT: [15:17:41] No, that I also thought this could be an  
17 issue, and you are of course right with your concerns, but what you both obviously  
18 apparently have agreed upon is worth giving it a try and we see how far it gets, yeah.

19 MS PROULX: [15:18:01](Interpretation)

20 Q. [15:18:05] Mr Witness, I'm going now to enter into part of my examination and  
21 deal with your discussions with various groups. You enjoy protection from  
22 the Court. I don't want to identify you in public and I therefore suggested to  
23 the Chamber and to the Court to use a number of pseudonyms to refer to your  
24 contacts. I think you have a list before you; is that correct?

25 A. [15:18:40] Yes.



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- 1 Q. [15:18:41] I'm going to read it out so that it is on the transcript of today and on  
2 the record.
- 3 So, in order to refer to (Redacted), I will say Mr Alpha.
- 4 For Mr (Redacted), I will say Mr Bravo.
- 5 For (Redacted), I will say Mr Charlie.
- 6 For (Redacted), I'll use Mr Delta.
- 7 For (Redacted), I'll use Mr Echo.
- 8 For (Redacted), I will say Mr Foxtrot.
- 9 And (Redacted) shall be Mr Golf.
- 10 I forgot two names and I can give you those two names. If you have a pen, you can  
11 jot them down.
- 12 For (Redacted), the name will be Mr Hotel.
- 13 And for (Redacted), Mr India.
- 14 A. [15:20:36] Okay.
- 15 Q. [15:20:36] Now I will be talking about some specific information that you  
16 exchanged at the time with (Redacted), Mr Alpha. You describe him to be a reliable  
17 source up to 80 \* to 90 per cent; do you remember that?
- 18 PRESIDING JUDGE SCHMITT: [15:20:58](Overlapping speakers) but we are now in  
19 private session.
- 20 MS PROULX: (Overlapping speakers) And I was about to ask you to switch to  
21 public session.
- 22 PRESIDING JUDGE SCHMITT: [15:20:58] Well, I was -- that was -- I stepped in, so  
23 there was necessarily an overlap now. So it was my fault.
- 24 So I asked if we could go to open session, because otherwise the whole exercise  
25 would not have made so much sense.

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- 1 MS PROULX: [15:21:12] Indeed, I think we are ready to go back.
- 2 PRESIDING JUDGE SCHMITT: [15:21:16] Then we go to open session.
- 3 (Open session at 3.21 p.m.)
- 4 THE COURT OFFICER: [15:21:32] We are back in open session, Mr President.
- 5 MS PROULX: [15:21:54](Interpretation)
- 6 Q. [15:21:55] I would like to draw your attention to a series of conversations you
- 7 had on Facebook with Mr Alpha, and I would like to start by document number 6 on
- 8 the list. Reference CAR-OTP-2101-9735. I would like to start by going to page 9743.
- 9 Please scroll down a little bit, please, and I want the message at 15.28.58.
- 10 Date 29 April 2013, Mr Alpha informs you that one of the sons of President Bozizé has
- 11 gone to Israel for weapons or ammunitions. In your statement at paragraph 41 you
- 12 explained that this information turned out to be false; is that correct?
- 13 A. [15:23:39] Yes.
- 14 Q. [15:23:50] Do you know whether this information was disseminated to other
- 15 persons?
- 16 A. [15:24:02] Other persons definitely heard it, but it is a small number of people.
- 17 Q. [15:24:13] Document number 2 I would like to show you, CAR-OTP-2100-3674
- 18 at page 3679, at the very top of the page.
- 19 You can see here that Mr Alpha 10 days before, that's on 19 April, provides the same
- 20 false information to Mr Echo; is that correct?
- 21 THE INTERPRETER: [15:25:34] The interpreter didn't hear the witness's answer.
- 22 MS PROULX: (Overlapping speakers)
- 23 THE INTERPRETER: [15:25:37] The witness said "mm-hmm".
- 24 THE WITNESS: [15:25:42](Interpretation) Yes, it's Mr Echo, yes.
- 25 PRESIDING JUDGE SCHMITT: [15:25:47] I think we have established that

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1 "mm-hmm" means "yes" in the meantime I think. I have understood the witness this  
2 way and I think we can take it from here. And also we can take it into the weekend  
3 until Monday that "mm-hmm" means "yes".

4 MS PROULX: [15:26:07] Thank you, your Honour.

5 Q. [15:26:12](Interpretation) Let me hop back to document number 6, page 9745.  
6 Middle of the page or thereabouts.

7 We are on 3 May 2013 and you say that Mr Alpha did not tell you everything about  
8 the plan?

9 A. [15:27:07] Yes.

10 Q. [15:27:14] So Mr Alpha answers, and I think reference is being made here to  
11 President Bozizé using that expression?

12 A. [15:27:27] Yes.

13 Q. [15:27:29] And the answer is the president said that in the worst case there  
14 would be an exile for another two months.

15 So let me go to the next page, 9746. And, once again, towards the middle of the page.  
16 And you ask Mr Alpha whether he has true information or whether he is making up  
17 things. Would you agree that your questions here point to the fact that you were  
18 questioning the veracity of the information received from Mr Alpha?

19 A. [15:28:34] No, I wasn't questioning the information. However, the previous  
20 message in which Mr Alpha was discussing with Mr Echo, two names were  
21 mentioned. He mentioned two names. I don't know if you noticed that. And  
22 I cannot mention the names, but he mentioned two names.

23 Q. [15:29:09] Would you like us to go into private session for this purpose?

24 A. [15:29:14] Yes, yes, yes.

25 PRESIDING JUDGE SCHMITT: [15:29:15] Yes, we go to private session.

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1 (Private session at 3.29 p.m.)

2 THE COURT OFFICER: [15:29:41] We are in private session, Mr President.

3 MS PROULX: [15:29:46](Interpretation)

4 Q. [15:29:49] Please proceed, Witness.

5 A. [15:29:56] Well, when Mr Echo asked Mr Alpha what his plan was on the field  
6 and so on and so forth in Yaoundé, he tried to explain a number of things and then  
7 later on he asked him the same -- another question, who are you with over there, and  
8 he provided two names, Mr Kodegue and Mr Adrien Poussou. But those two  
9 gentlemen, if you wish, when President Bozizé lost power they were in France and  
10 they automatically came to Yaoundé because they knew that President Bozizé was in  
11 Yaoundé. So when they arrived there was a whole team around President Bozizé  
12 working to find a way to come back to power.

13 And as I explained before, his mandate was still valid and naturally he expected to  
14 take things back and go back to power. So President Bozizé had a team working  
15 with him and those two gentlemen had come to join that group, but at the end of it all  
16 those two gentlemen betrayed that group, they betrayed that group. They had  
17 worked with them, they had taken up all their strategies that they were developing  
18 and then they went to Bangui, and once in Bangui they went to negotiate to get  
19 positions using the information. That is how Mr Kodegue became minister adviser,  
20 spokesperson of President Djotodia at the presidency, and then later on Adrien  
21 Poussou was appointed Minister of Communication. But they were appointed on  
22 the basis of that information, (Redacted)

23 (Redacted)

24 (Redacted)

25 (Redacted) (Redacted)

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1 (Redacted)

2 (Redacted)

3 (Redacted)

4 PRESIDING JUDGE SCHMITT: [15:32:38] If there is not a follow-up question, I  
5 think we can go back to open session. Yeah.

6 MS PROULX: [15:32:44] Absolutely. Thank you.

7 PRESIDING JUDGE SCHMITT: [15:32:46] And, Mr Witness, thank you very much,  
8 you were very much attentive here to the issue, I think, because they mentioned  
9 names that of course people who know the issue would have perhaps contributed to  
10 identify you, that made sense to go to private session.

11 We go now to open session again.

12 THE WITNESS: [15:33:07](Interpretation) Thank you.

13 (Open session at 3.33 p.m.)

14 THE COURT OFFICER: [15:33:13] We are back in open session, Mr President.

15 MS PROULX: [15:33:22](Interpretation) Q. [15:33:23] Mr Witness, I would like to  
16 understand why did you ask Mr Alpha why he was inventing things, what prompted  
17 you to put that question to him?

18 A. [15:33:41] During that period there were operations that were allegedly being  
19 prepared to be carried out on the ground. The Séléka people were aware of what  
20 was going on and so there were terrible reprisals, people were killed. I was there, I  
21 saw what was happening, and when I asked --

22 THE INTERPRETER: [15:34:27] The witness mentions a name and he corrects  
23 himself.

24 \* THE WITNESS: [15:34:35](Interpretation) -- Mr Alpha was over there and he was  
25 not the only one there, there were other people with him but I did not know how

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1 things were over there in terms of organisation. But you see they bungled an  
2 operation. The reprisals in that case were terrible, so I was very angry. Just look at  
3 the message I sent him in which I said: "You need to get your intelligence right, you  
4 must have all the right information before conducting an operation. When you don't  
5 have all the information yet you carry out an operation, the natural consequence can  
6 only be that. So I was quite irritated, quite angry when I was talking about this.

7 MS PROULX: [15:35:11](Interpretation)

8 Q. [15:35:17] I will move on to another piece of information, page 9747 of this same  
9 document, number 6. At the bottom of the page, the last but one line.

10 And in that message Mr Alpha is telling you that Mr Bozizé was on a tour to launch  
11 operations starting from South Sudan.

12 And on the next page, that is 9748, at the top of the page, Mr Alpha added that  
13 South Sudan was going to lend us weapons and ammunition.

14 Now let me also show you page 9757, and that was about one month later, 14 July.

15 At the very bottom of the page you ask Mr Alpha who is coordinating the operations  
16 in South Sudan and Mr Alpha answered you that it was Mr Bozizé himself because he  
17 was in South Sudan.

18 Did you receive any information corroborating the fact that Mr Bozizé was indeed in  
19 South Sudan at the time?

20 \* 15:38:16] No, not specific information. All I know is that he was moving around.

21 I even said earlier that I really do not have details about what was happening in that  
22 particular area, I did not master anything. But I know that he was moving about in  
23 those zones or areas.

24 Q. [15:38:41] I would like to show you another document, number 25 on the list,  
25 CAR-OTP-2001-4146. It is an article from *Jeune Afrique* dated 16 August 2013.

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- 1 The next page, please.
- 2 Now, you can read the question: "You were told that in Uganda and then
- 3 South Sudan, not far from the border. What are you doing there?" And Mr Bozizé
- 4 answered: "All that is false, I did not go to Sudan or South Africa. Ever since I left
- 5 Bangui I resided in Yaoundé and then Nairobi. The rest is pure fantasy."
- 6 Now, in light of this interview, are you certain that the information from (Redacted)
- 7 on the fact that the president had gone to South Sudan was correct?
- 8 \*A: [ 15:41:02] Yes I can confirm that.
- 9 PRESIDING JUDGE SCHMITT: [15:41:09] Wait a moment please before you answer.
- 10 Yeah, please. You have the floor.
- 11 MS HENDERSON: [15:41:12] Yes, your Honour. The objection is that this witness
- 12 is no better position to assess this document or answer that question than
- 13 your Honours are, than anyone else is. He's already said that he doesn't have any
- 14 information in relation to the whereabouts. In my submission, the question can't
- 15 (Overlapping speakers)
- 16 PRESIDING JUDGE SCHMITT: [15:41:31] That is a similar problem that we had
- 17 before the break. I think it doesn't make a substantial difference if we put an article
- 18 where somebody speaks with whom the witness has not spoke - has spoken, excuse
- 19 me - is put to the witness, or a Facebook entry where he did not take part in. I tend to
- 20 agree with you here.
- 21 I think, Ms Proulx, the witness has already said he would not be in the position to
- 22 comment on what Mr Bozizé would have said on that in an article.
- 23 So this is sustained.
- 24 Please continue with another question.
- 25 MS PROULX: [15:42:18](Interpretation)

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1 Q. [15:42:22] What about the information provided by Mr Alpha about a provision  
2 of weapons and ammunition by South Sudan, were you able to confirm that through  
3 independent sources?

4 A. [15:42:39] No, I have already told you that I did not know the details of what  
5 was happening in South Sudan.

6 Q. [15:42:50] I will move on to another page of your conversation with Mr Alpha,  
7 and that is still document 6, page 9752.

8 The last three messages at the bottom of the page, you are asking Mr Alpha if  
9 a certain person - and I am not going to give the name - is still with him, that is in  
10 Cameroon. And Mr Alpha told you that that person went to France five days ago.  
11 And your answer is that is not correct, because he called you the day before with  
12 a Cameroonian number. So you yourself are saying that the information given to  
13 you by Mr Alpha is incorrect; is that true?

14 A. [15:44:16] Yes. But, as you know, I am not surprised, because when you have  
15 roaming you can do all sorts of things. When this person went into exile, as I have  
16 said before, I was in contact with him for quite some time. And sometimes when he  
17 travels he uses a number that does not belong to the country in which he actually is,  
18 so that would not surprise me.

19 MS DIMITRI: [15:45:10] I'm sorry to interrupt, Mr President, it's just that we might  
20 use this part later on, but it's getting confusing because he is saying "this person".  
21 Could we have it clarified for the record, because the name wasn't pronounced, and I  
22 understand we can't refer to the content of the Facebook. And I understand as well  
23 that he is not talking about Mr Alpha, but all we have is "this person".

24 PRESIDING JUDGE SCHMITT: [15:45:34] So should we go shortly for this to -- to  
25 private session? Perhaps, yeah, why not? Otherwise it is perhaps forgotten if we



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- 1 wait until then the next natural interruption would be.
- 2 Then private session for the name and immediately back to open session.
- 3 (Private session at 3.46 p.m.) \*(Reclassified partially in public)
- 4 THE COURT OFFICER: [15:46:02] We are in private session, Mr President.
- 5 PRESIDING JUDGE SCHMITT: [15:46:04] Thank you.
- 6 Mr Witness, who is "this person"?
- 7 THE WITNESS: [15:46:13](Interpretation) (Redacted)
- 8 PRESIDING JUDGE SCHMITT: [15:46:18] Thank you.
- 9 Open session.
- 10 (Open session at 3.46 p.m.)
- 11 THE COURT OFFICER: [15:46:33] We are back in open session, Mr President.
- 12 PRESIDING JUDGE SCHMITT: [15:46:37] Well, I'm not sure if it was absolutely
- 13 necessary this time, okay, but -- but I'm fine with proceeding here. Please continue.
- 14 Because it's no quite -- this name was not so spectacularly secret. No, please
- 15 continue.
- 16 MS PROULX: [15:47:01] I'm just trying to use an abundance of caution,
- 17 your Honour.
- 18 PRESIDING JUDGE SCHMITT: [15:47:05] No, no, no -- but no, I have to say I have
- 19 the impression that this is going very well, like you are handling this. I didn't mean
- 20 that like this. So I think it's really going well in that regard, with regard to publicity I
- 21 mean.
- 22 MS PROULX: [15:47:25](Interpretation)
- 23 Q. [15:47:26] Mr Witness, let me now take you still to your conversations with
- 24 Mr Alpha and we begin with page 9755.
- 25 If you can scroll down a little bit, please. Further. Thank you.

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1 Mr Alpha tells you that he believes that the weapons or ammunition have already  
2 arrived Bangui, and he adds that 400 men, and I suppose those are fighters, are  
3 already in place. Mr Alpha was not in Bangui at that time; do you agree with that?

4 A. [15:48:43] Yes.

5 Q. [15:48:44] So you also agree that he obtained that information from someone  
6 else; is that correct?

7 A. [15:48:49] Yes.

8 Q. [15:48:52] But not from you?

9 A. [15:48:54] No.

10 Q. [15:49:00] I would like to move now to page 9756.

11 At the very bottom, in fact as from the middle, that is your message. And you are  
12 asking Mr Alpha whether he knows the date on which the operations will be  
13 launched. And further down he tells you that he does not know and that it is  
14 a secret.

15 Now, on the next page, please, the second message, he tells you also that it will  
16 happen in July and in August at the latest.

17 Now, in the final analysis Mr Alpha was wrong, right?

18 \* A. [15:50:46] Well, the information that he gave me did not pan out on the ground,  
19 was not verified on the ground on the dates he specified.

20 Q. [15:51:07] Yes, indeed. In your statement, and that is paragraph 54, you stated  
21 that the organisation of the soldiers at that time, that is on 14 July, the organisation of  
22 the soldiers was problematic and that nothing really happened; is that correct?

23 A. [15:51:34] Yes.

24 Q. [15:51:36] Now, in mid-July, would I be correct to say that you thought that  
25 something was about to happen because that was the information you were receiving

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1 from your contacts?

2 A. [15:51:53] Absolutely.

3 Q. [15:52:00] Now let me move on to page 9761, please.

4 Can you scroll down a little bit. Thank you.

5 Now, the message at the very bottom of the page, Mr Alpha tells you that everything  
6 is perfectly ready, that the weapons and the men are there and that he had been asked  
7 to be prepared because the operations could begin at any time.

8 Now, once again, do you agree with me that nothing happened after that message on  
9 24 July?

10 A. [15:53:22] Yes.

11 Q. [15:53:31] And so the information from Mr Alpha on an imminent attack was  
12 incorrect; is that correct?

13 A. [15:53:50] It was not true.

14 Q. [15:54:02] So can we say that Alpha's sources were incorrect and he gave you  
15 false information?

16 A. [15:54:16] I do not really think so, because on the other side you have people  
17 who are in power and who are fighting to stay in power. They also have channels of  
18 information and they are trying to counter whatever is happening. So if they  
19 themselves had the same information, they will -- would have tried to take  
20 counteraction. That is what I think.

21 Q. [15:54:51] When you say those on the other side, are you referring to the Séléka?

22 A. [15:54:55] Yes, indeed.

23 Q. [15:55:04] But the information stating that the attack was imminent in July  
24 circulated in your networks; is that correct?

25 A. [15:55:17] Yes.

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1 Q. [15:55:19] I would like to draw your attention to document number 11, that is  
2 CAR-OTP-2102-9862, and specifically on page 9863.

3 The second and third messages on the page and you are asking Mr Foxtrot whether  
4 he knows the date of the attack, and he tells you that he does not know the precise  
5 date but that everything indicated that the attack would take place very soon.  
6 Mr Foxtrot, just like Mr Alpha, was also in Cameroon; is that correct?

7 A. [15:57:03] Yes.

8 Q. [15:57:06] So can we imagine that rumours or false information were circulating  
9 in Cameroon at that time?

10 A. [15:57:25] I think you are being too specific about your information. I know  
11 that this information was circulating in Cameroon afterwards. Whether it was  
12 wrong or right, I can't be sure.

13 MS PROULX: [15:57:46] Your Honour, I'm mindful of the time. There's about three  
14 minutes left and I think maybe this would be an appropriate time to break. Thank  
15 you.

16 PRESIDING JUDGE SCHMITT: [15:57:52] I also agree and I would also say that how  
17 it worked after the lunch break, I think it was quite good. We -- this -- every instance,  
18 every witness might be different and we would have to deal with the issue on a  
19 case-by-case basis, but again, much appreciated.

20 So this -- yeah, I give you the floor.

21 MS HENDERSON: [15:58:16] Your Honour --

22 PRESIDING JUDGE SCHMITT: [15:58:17] Ms Henderson.

23 MS HENDERSON: [15:58:18] Thank you. I didn't want to interrupt my learned  
24 friend during her examination, but it's just an issue with the translation that I thought  
25 I would bring up on the same day.

Trial Hearing  
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(Open Session)

ICC-01/14-01/18

- 1 PRESIDING JUDGE SCHMITT: [15:58:28] Yeah.
- 2 MS HENDERSON: [15:58:28] And it would otherwise have, I think, in the English
- 3 transcript the witness agreeing to a proposition that, based on the French transcript,
- 4 he did not agree to. And that is in the English at the bottom of page 78 real-time
- 5 transcript at line 24, the word "yes", it's the positioning of the word. And then in
- 6 the first three lines of the next page, that's 79, is a more clear instance of a "yes" that
- 7 did not appear in the French transcript.
- 8 PRESIDING JUDGE SCHMITT: [15:59:00] So I think this, yeah, this is now on
- 9 the record and it can be compared with each other and I think it will be dealt with.
- 10 But thank you for this information.
- 11 So this concludes the hearing for today. Thank you very much, especially
- 12 Mr Witness.
- 13 And I wish everyone a good weekend and we meet again at 9.30 on Monday.
- 14 THE COURT USHER: [15:59:33] All rise.
- 15 (The hearing ends in open session at 3.59 p.m.)