

Trial Hearing
WITNESS: CAR-TCV-P-0952

(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 Wednesday, 25 October 2023
10 (The hearing starts in open session at 9.33 a.m.)
11 THE COURT USHER: [9:33:10] All rise.
12 The International Criminal Court is now in session.
13 Please be seated.
14 PRESIDING JUDGE SCHMITT: [9:33:35] Good morning, everyone.
15 Court officer, please call the case.
16 THE COURT OFFICER: [9:33:39] Good morning, Mr President, your Honours.
17 This is the situation in the Central African Republic II, in the case of The Prosecutor
18 versus Alfred Rombhot Yekatom and Patrice-Edouard Ngaïssona, case reference
19 ICC-01/14-01/18.
20 And for the record we are in open session.
21 PRESIDING JUDGE SCHMITT: [9:33:57] Thank you.
22 I ask for the appearances of the parties.
23 Ms Struyven for the Prosecution first.
24 MS STRUYVEN: [9:34:05] Good morning, your Honours, everyone in the courtroom,
25 and Madam Witness. For the Prosecution today we have Louis Rugambage,

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1 Caroline Neithardt, Kweku Vanderpuye and myself, Olivia Struyven.

2 PRESIDING JUDGE SCHMITT: [9:34:16] Thank you.

3 I turn to Ms Massidda.

4 MS MASSIDDA: [9:34:20] Good morning, Mr President, your Honours. The
5 victims of the other crimes today are in the same composition as yesterday, except for
6 Ms Elisabeth Rabesandratana who has joined us today. Thank you very much.

7 PRESIDING JUDGE SCHMITT: [9:34:32] I just wanted to say, I saw a new face
8 already. Thank you.

9 Mr Suprun, please.

10 MR SUPRUN: [9:34:40] Good morning, Mr President. Good morning, your
11 Honours. The former child soldiers are represented today by Diletta Marchesi and
12 myself, Dmytro Suprun. Thank you.

13 PRESIDING JUDGE SCHMITT: [9:34:49] Thank you.

14 Ms Dimitri.

15 MS DIMITRI: [9:34:52] Good morning, Mr President. Good morning, your
16 Honours. Good morning, everyone. Mr Yekatom is present in the courtroom and
17 the team composition is the same as yesterday. Thank you.

18 PRESIDING JUDGE SCHMITT: [9:34:59] Thank you.

19 Mr Knoops next.

20 MR KNOOPS: [9:35:02] Good morning, Mr President, your Honours. Good
21 morning everyone in the courtroom. We are in the same composition as yesterday,
22 except for Ms Marion Delahousse. She is the new intern in our team. Thank you.

23 PRESIDING JUDGE SCHMITT: [9:35:15] Thank you very much.

24 And most importantly, of course, we have again our witness here.

25 Good morning, Madam Samba-Panza, I hope you had a good rest after the hearing

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1 yesterday.

2 WITNESS: CAR-TCV-P-0952 (On former oath)

3 (The witness speaks French)

4 (The witness gives evidence via video link)

5 THE WITNESS: [9:35:30](Interpretation) I tried.

6 PRESIDING JUDGE SCHMITT: [9:35:36] Yes. That's a telling answer. So -- what
7 we hope that you will not feel too uncomfortable in the coming days, but you never
8 know.

9 I give the floor to the Prosecution, to Ms Struyven.

10 MS STRUYVEN: [9:35:49] Thank you, Mr President. Maybe just as a small remark,
11 I do intend to finish by lunchtime, just to reassure you that it's not going to take the
12 whole day.

13 PRESIDING JUDGE SCHMITT: [9:35:59] On that, from the side of the judges, we
14 have a date -- we would have to finish at 12:30. Perhaps you can try that.

15 Otherwise -- it's not a problem. Otherwise, we would simply continue early
16 afternoon, because we have also the victims, so let's see. Please start.

17 QUESTIONED BY MS STRUYVEN:(Interpretation)

18 Q. [9:36:25] Good morning, Madam Witness. My name is Olivia Struyven.

19 I don't see you on my screen. Never mind.

20 We met briefly in the past. My name is Olivia Struyven and I will put questions to
21 you today on behalf of the Office of the Prosecutor.

22 I have just one remark to make before I start asking. I'm going to try to conduct this
23 examination in French, so it's even more important that you make a pause between
24 the question and the answer.

25 Where it concerns the content of the cross-examination, I will try not to go into

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1 subjects which have already been addressed yesterday by the judges, even if there are
2 certain documents which I would like to ask for clarifications about. But in a general
3 way, I will show you documents and I will ask you to comment thereon.

4 And I'm going to start straightaway with a document, "a message of peace", which
5 was put on the radio -- put out on the radio. And you speak about it, and this is in
6 the transcript -- of this message of peace.

7 And this can be found in CAR-OTP-2087-9201, and it is in the Chamber's file at tab 16.

8 And I want to show you first of all the first page thereof.

9 If you see "This is a message of peace" at the top of the page.

10 A. [9:38:22] I see it.

11 Q. [9:38:24] And you say, "It's as mayor of the town of Bangui that I want to
12 address you".

13 Do you remember this message of peace?

14 A. [9:38:45] I don't see the document, but is it the message -- ah, that's it. Okay.

15 Very well.

16 Okay, I see it. I can see it.

17 Q. [9:38:58] Do you remember when, more or less, you sent out this message of
18 peace?

19 A. [9:39:09] I no longer remember exactly, but it was when the killings and
20 exactions started in Bangui, and that was the reason why that I spoke about it over a
21 few months, and I think it was when I was in Boy-Rabe -- I think -- and returning
22 from Boy-Rabe I must have stopped at Radio Ndeke Luka to issue that message.

23 Q. [9:39:49] And when you say that you were in Boy-Rabe, was this after this
24 operation for the disarming of the Seleka at the end of August 2013?

25 A. [9:40:01] Yes, I think so. I think it was that period. That's why I insisted

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1 having access to the radio station to issue that message. I remember.

2 Q. [9:40:17] If we can show you the second page thereof, 9202, you speak, as you
3 already have said, that horrible acts have been committed, including by young Seleka
4 and Anti-Balaka.

5 And so these acts that have been committed by young Anti-Balaka and young Seleka,
6 this was the group of Anti-Balaka which was, in fact, behind the Anti-Balaka, is it not?

7 A. [9:40:57] Indeed, yes. It was at the start of the crisis, so these were the
8 Anti-Balaka, the fundamental Anti-Balakas, if I can put it like that.

9 Q. [9:41:11] And they were the ones who afterwards were described by Ngaïssona
10 as being heroes, as being liberators, were they not?

11 A. [9:41:23] Absolutely; indeed.

12 Q. [9:41:31] Now, following these exactions, including by Seleka, Djotodia, in
13 September 2013, dissolves Seleka -- and we shall call them the "ex-Seleka"; can we put
14 it like that?

15 A. [9:41:51] Indeed.

16 Q. [9:42:02] Now I'm going to go on to the attack of 5 December.

17 Is it correct that you were informed of this attack some days before, and in particular
18 there had been information, intelligence information, which said that a large group of
19 young people had entered Bangui and that they entered via the south, via PK9; is that
20 correct?

21 MS DIMITRI: [9:42:36] Mr President.

22 THE WITNESS: [09:42:37] (Interpretation) Indeed.

23 PRESIDING JUDGE SCHMITT: [9:42:38] Just a moment.

24 Ms Dimitri, I think I know what you -- but please put it into words. I think you're
25 right, but yes.

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1 MS DIMITRI: [9:42:45] I hope I am. Extremely, extremely leading. It was
2 formerly a Prosecution witness. I let it go for the first two questions because it didn't
3 concern Mr Yekatom, but now I think it's extremely leading. There's a way to ask
4 questions in an open manner.

5 PRESIDING JUDGE SCHMITT: [9:43:00] Well, I recall what the witness said because,
6 yes, we have ourselves prepared for that, and to word it in a way that you have been
7 informed beforehand, I think, is an interpretation by you, which is in that way, I think,
8 not completely correct. But, please, keep in mind that you conduct your question in
9 a way that it is more open and not leading.

10 MS STRUYVEN: [9:43:29] Excuse me, your Honours, but this is a court witness.
11 This is not a Prosecution witness so the Prosecution believes we can actually lead the
12 witness.

13 PRESIDING JUDGE SCHMITT: [9:43:37] No, I don't think so. You can put your
14 questions in -- you can put them -- you can put them in a way that are not leading,
15 and I would not allow it in that way because then we would have three
16 cross-examinations here in the courtroom and we don't want that, so.

17 MR VANDERPUYE: [9:44:02] President, if I may. If the position of the Defence is
18 that a non-calling party cannot examine a witness as a non-calling party, then they
19 shouldn't be allowed to put -- they shouldn't be allowed to put leading questions to
20 the witness either.

21 PRESIDING JUDGE SCHMITT: [9:44:15] No, I don't agree actually. I think --
22 I think we have to keep here the fairness of the proceedings in mind and
23 (Overlapping speakers)

24 MR VANDERPUYE: [9:44:21] Unless the suggestion is that the Court is a biased
25 questioner --

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1 PRESIDING JUDGE SCHMITT: No, of course not.

2 MR VANDERPUYE: [09:44:22] -- of the witness, which I don't think is either.

3 PRESIDING JUDGE SCHMITT: [9:44:27] Of course not. I think -- I think you have
4 recognised that, yesterday, this Court has nearly 100 per cent put open questions, not
5 leading questions.

6 MR VANDERPUYE: [09:44:32] Exactly.

7 PRESIDING JUDGE SCHMITT: [09:44:33] And that was also the reason why nobody
8 complained. I don't know where the problem is here.

9 MR VANDERPUYE: [9:44:42] The problem is that we're in equipoise vis-à-vis this
10 witness. And she is a court witness and not a witness of a party and, therefore, we
11 don't believe that our ability to question the witness should be curtailed to any greater
12 extent than the Defence or anybody else who's not calling this witness. And that
13 (Overlapping speakers)

14 PRESIDING JUDGE SCHMITT: [9:44:59] Nevertheless, nevertheless, in this concrete
15 instance -- we decide this on a case-by-case basis. In this concrete instance, summing
16 up what the witness has said as she was informed beforehand of the attack is not
17 correct, simply not correct.

18 I have -- and I also know exactly where it is, so if you would refrain from that, I
19 would be -- I would be glad to do it this way. Yeah, you understand? And this is, I
20 think, at the core of what Ms Dimitri is saying. The witness was not informed about
21 an attack beforehand.

22 Actually, Madam Witness, Madam Samba-Panza, you see sometimes this happens at
23 the court, there are back-and-forth.

24 I recall the former statement of the witness in a way that she said she was even
25 surprised that this happened, so, which is contrary to being informed.

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1 So -- so what was the question by the way then? She has already answered, the
2 witness.

3 So, Madam Witness, if you recall, if you go back, you have said that you have not
4 been in the country on 5 December 2013, if I recall correctly. But you did have some
5 information that young people were coming towards Bangui; is that correct?

6 THE WITNESS: [9:46:32](Interpretation) That's it, your Honour; that's indeed it. It
7 was reported to me as to everybody in Bangui. You know, you get rumours and that
8 takes on a certain scope, and in Bangui, people knew, or it had been seen, that there'd
9 been movements of young people towards Bangui before the procession of
10 1 December, and these rumours had meant that this was cancelled; and, as such, I left,
11 I think, on the 3rd -- 3 December -- to go to Paris.

12 PRESIDING JUDGE SCHMITT: [9:47:16] So this is exactly also as I've had in mind.
13 You can continue from there.

14 And let me put it this way: You know that I'm from a different legal system, so. In
15 that system this distinction between how questions can be put, leading or not leading,
16 open, is not there. On the contrary, we have a rule to let the witnesses speak,
17 meaning trying to put as far as possible open questions to the witnesses so that they
18 can really say what they want to say.

19 I know it's different here and I want to draw the tension out of it here. Some sort of
20 question which implies what the witness -- what you want the witness to answer, I
21 would agree with everyone. But the suppositions have to be right. You know the
22 basis has to be right. Yeah? This is where -- we can agree on that. And also when
23 it becomes suggestive, when it becomes in a way that I -- that we think that the
24 witness is manipulated, then I would interfere.

25 On the other hand, I have to say we have an extremely experienced and intelligent

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1 witness here. She will not easy be influenced. I have to admit that. So on that,
2 please continue.

3 MS STRUYVEN: [9:48:44] Thank you, Mr President.

4 Q. [9:48:48](Interpretation) Witness, yesterday, you described in detail what you
5 saw when you returned to Bangui, so some days after the attack of 5 December. Just
6 by way of clarification, in the transcript of yesterday you spoke about the fact that the
7 Anti-Balaka and the Seleka, both of them, had attacked the civilian population, did
8 you not?

9 A. [9:49:22] It was indeed the civilian population that was attacked. But with the
10 entry of Seleka, in the reign of Seleka and when the Seleka withdrew, during that
11 period, until then there were a lot of exactions committed against the civilian
12 populations, where it concerned the Seleka on the population who was meant to be
13 conniving with the Anti-Balaka or supporting them or who supported the former
14 regime.

15 Now, where it concerned the Anti-Balaka, the exactions were brought against the
16 civilian population which was meant to have supported the Seleka, or having
17 protected the Seleka or having been close to the Seleka regime.

18 Generally, there was an assimilation of all Muslim populations to the Seleka, so the
19 attacks weren't just directed against the combatants of the Seleka, but against the
20 Muslim and Peuhl population.

21 Q. [9:50:44] So I'll repeat my question that I had with regards to the other
22 question -- the other document. These crimes against the population, the Muslim
23 population, they were also committed by the Anti-Balaka, which were original
24 members of the movement, were they not?

25 A. [9:51:04] They were the ones who started with the attacks on the population.

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1 They organised themselves to attack the Seleka; but, through the Seleka, the Muslim
2 population in certain neighbourhoods or zones were also attacked.

3 Q. [9:51:26] And, once again, these Anti-Balaka were considered afterwards, were
4 considered by Mr Ngaïssona and other persons, as being heroes, were they not?

5 A. [9:51:43] Yes, I confirm that.

6 PRESIDING JUDGE SCHMITT: [9:51:46] Please, no -- and also no repetitions, too.
7 We have had this answer already; we have it now twice.

8 MS STRUYVEN: [9:51:55] Yes, but it's a different period, your Honours. The first
9 one was before and this one is after, and there's important distinctions to be made.

10 PRESIDING JUDGE SCHMITT: [9:52:02] Yes. Continue.

11 MS STRUYVEN: [9:52:08] (Interpretation)

12 Q. [9:52:09] Now, afterwards, after the attack of 5 December, so, because of all these
13 abuses, the Operation Sangaris was put into place and the General Soriano joined -- or
14 went to Bangui and the French officially started their operation of disarmament on 8
15 December 2013. Do you remember that?

16 A. [9:52:43] Operation Sangaris must have been deployed on 5 December. The
17 attack of the Anti-Balaka was at the same time as this deployment, because we knew
18 that the United Nations -- or the Security Council of the United Nations had
19 authorised the French troops of Sangaris to come to bring support to the United
20 Nations troops of the MINUSCA. I can't remember which name it was, but that was
21 with regards to the attacks, so it was at the same time.

22 Q. [9:53:28] And would you agree that one of the priorities, indeed, of this French
23 army would be to disarm everyone, all groups?

24 A. [9:53:40] Indeed, it was all ready to stop the exactions and abuses of the
25 population and then to organise better security for the town of Bangui, and then to

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1 carry out the disarmament.

2 Q. [9:54:04] Now, I'm going to go to Mr Djotodia's resignation.

3 So, on 10 January 2014, Djotodia resigned, so at the time of the resignation some of the
4 Seleka fled. They left Bangui and others were billeted; is that right?

5 A. [9:54:36] Yes, your Honour. With -- when Djotodia resigned the Seleka felt that
6 they'd been abandoned. They no longer had a leader with authority over them in
7 Bangui, so a lot of them started to withdraw from Bangui to certain zones. But while
8 they withdrew they committed a lot of abuses and exactions on the population
9 without being favourable to the Anti-Balaka. There were a lot of -- or the population
10 that was meant to be pro Anti-Balaka.

11 So there were a lot of exactions which were committed by the Seleka. A lot of them
12 went towards the north and the north-east to try to protect themselves or perhaps to
13 reconstitute their group there.

14 Q. [9:55:32] And can we also say that this Seleka withdrawal in a certain way also
15 made the Muslim civilian population more vulnerable?

16 A. [9:55:48] Indeed, and while there was the retreat of the Seleka, the Anti-Balaka
17 invaded automatically these areas and carried out reprisals, so that did make the
18 population more vulnerable.

19 Q. [9:56:10] Now, yesterday, you spoke about your first meeting with the
20 Anti-Balaka leaders, and this was just after your inauguration on 23 January 2014.
21 And I'm not going to go back to what you said, but I have a particular question that I
22 wanted to put to you, in particular with regards to what was said during this
23 meeting.

24 Now, the meeting -- or we saw it in the minutes -- it took place on 25 January 2014.

25 Now, that was just nine days since Ngaïssona had gone to Bangui because Ngaïssona

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1 was in Cameroon and he went back to Bangui.

2 PRESIDING JUDGE SCHMITT: [9:57:07] Just wait.

3 Ms Dimitri.

4 MS DIMITRI: [9:57:11] Just a clarification. There were two meetings mentioned
5 yesterday. In the *palais présidentiel* meeting on 25 January and the meeting at the
6 residence of Madam Samba-Panza, which was held before her swearing-in ceremony.

7 PRESIDING JUDGE SCHMITT: [09:57:19] Yes, you're right.

8 MS DIMITRI: [09:57:20] And the question is a bit confusing to me. I don't know
9 which one (Overlapping speakers)

10 PRESIDING JUDGE SCHMITT: [9:57:25] Yes, you're right. Indeed, Ms Struyven,
11 you should make it clear to the witness of which meeting you speak. There was a
12 meeting when she was not yet inaugurated, at her home, at her residence. That was
13 the first meeting, and there was a second meeting shortly afterwards. I think on the
14 25th we have this report there that we showed to the witness yesterday. It's not a
15 problem, but make it clear when you're talking about, please, to the witness.

16 Thank you.

17 MS STRUYVEN: [9:58:07]

18 Q. [9:58:07] Madam Witness, I'll -- (Interpretation) In French. I'm going to -- I was
19 trying to put it simply. I was talking about the meeting that you held with
20 Ngaïssona, Bara, Kokaté and others - I think approximately 15 Anti-Balaka - in your
21 residence.

22 A. [9:58:22] That was the first meeting.

23 Q. [9:58:24] Yes, so that was before your inauguration, or was it before your
24 inauguration or after?

25 A. [9:58:30] It was just afterwards, just afterwards.

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1 Q. [9:58:39] So, as I explained yesterday, Mr Ngaïssona returned to Bangui on
2 14 January 2014, so about 10 days before this meeting that you had with him.
3 Could you help the Chamber, if you remember, to know how Mr Ngaïssona
4 explained his role within the Anti-Balaka? What did he say his link was to the
5 Anti-Balaka, if you remember that?

6 A. [9:59:28] We didn't address this aspect of his role within the Anti-Balaka.
7 Everybody introduced themselves and, so, I had a -- there were a certain number of
8 Anti-Balaka who I spoke to, but he -- they hadn't introduced himself as a coordinator
9 as such, perhaps the delegation leader who brought the Anti-Balaka at the meeting,
10 but he hadn't introduced himself as a coordinator.

11 PRESIDING JUDGE SCHMITT: [10:00:00] May I shortly?
12 Just to make it absolutely clear, when we speak about the first meeting,
13 Madam Samba-Panza, I have here your statement during the investigation phase,
14 CAR-OTP-2107-0754, and this is at 0761 and you said that you received them
15 (Interpretation) "when I was elected." (Speaks English) When you were elected at
16 your home, so we understood it this way that the election was on -- yeah. So we
17 have to separate these two. This is the reason why we interfered so, but your
18 questions are absolutely okay, but to make it clear.
19 And the second was after she was sworn in -- the second meeting. So that's the same.
20 Okay, please.

21 MS STRUYVEN: [10:00:52] Mr President, if I may, I think that may be -- that reading
22 may be incorrect. But maybe I can clarify with the Chamber --

23 PRESIDING JUDGE SCHMITT: [10:01:06] Yes, please.

24 MS STRUYVEN: [10:01:07] -- because I had the same analysis (Overlapping
25 speakers)

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1 PRESIDING JUDGE SCHMITT: [10:01:11] Please, then do that. It might be a
2 misunderstanding also by my side. That's absolutely possible. Why not, yeah.
3 So I have understood it -- Madam Samba-Panza, I've understood it that you received
4 them at your residence after you had been elected but not yet been sworn in; is this
5 correct, that the first meeting was between these two dates?

6 THE WITNESS: [10:01:37](Interpretation) That is correct.

7 PRESIDING JUDGE SCHMITT: [10:01:40] So, yeah. Well.

8 MS STRUYVEN: [10:01:43] Thank you, Mr President.

9 PRESIDING JUDGE SCHMITT: [10:01:44] And let me say it -- it also makes sense
10 because when Madam Samba-Panza, the witness was not yet sworn in, it makes sense
11 to meet the people at her residence. And afterwards she met with all the groups,
12 including the Seleka on 24 January and 25 January, and the Anti-Balaka she met on
13 25 January, and that is a different meeting where we have the report. So I think we
14 have it clear now. Thank you.

15 MS STRUYVEN: [10:02:12] And I apologise for having tried to --

16 PRESIDING JUDGE SCHMITT: [10:02:14] You don't have to apologise. It's -- you
17 know these dates are very close by each other. So but -- yeah. And, of course,
18 when we ask the witness about what has been said during a meeting,
19 madam -- madam -- Ms Dimitri is right in asking which meeting are you referring to.

20 MS STRUYVEN: [10:02:39] (Interpretation)

21 Q. [10:02:42] I'm going to ask in a different way. In this particular period was
22 there a point in time when Ngaïssona asked you for a post in the government. Is
23 there a moment when Ngaïssona tried to legitimise this request for permission in the
24 government? Did he explain?

25 MS PROULX: [10:02:57] Mr President.

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1 PRESIDING JUDGE SCHMITT: [10:03:02] Wait a second.

2 MS PROULX: [10:03:05] I'm sorry for the interruption. I think, yesterday, she said
3 clearly that she was the one who requested them to make suggestions for positions.

4 PRESIDING JUDGE SCHMITT: [10:03:15] Actually, I have another point here. This
5 is asked and answered. Please move on.

6 I have asked her yesterday, and Madam Samba-Panza has clearly said she asked the
7 groups which positions they wanted and Mr Ngaïssona brought forward certain
8 wishes. And I asked her also about if she met the demands or not, and for what
9 reason or not. So this has been discussed yesterday. So I won't -- I'm not inclined
10 to entertain this fully again.

11 Really -- this -- it went quite a while, and I think we discussed it back and forth in all
12 the different aspects. And really, this -- this was also the reason why I said yesterday,
13 please think between the end of the hearing yesterday and today what you are asking.
14 So this was absolutely clear, and we have shown documents. I have shown you the
15 documents, which have been shown several times with different witnesses, of the
16 wishes of the Anti-Balaka and I have asked all the positions in this. We went
17 through all of that. We don't want to do this twice with the witness. The witness's
18 time is also precious.

19 MS STRUYVEN: [10:04:47] Yes, Mr President. There's a difference between what
20 positions were asked and why they were asked. But in this particular -- so if
21 someone asked for a certain position and if someone explains why they're asking for a
22 certain position. I don't think we've addressed yesterday (Overlapping speakers)

23 PRESIDING JUDGE SCHMITT: [10:05:05] That would be a new question, but you
24 started completely with something that had already been discussed.

25 You may ask Madam Samba-Panza if it was explained to her why specifically this

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1 position, but please then go straight forward to that and don't repeat everything what
2 we said yesterday already. This is a new aspect. That was not discussed yesterday,
3 indeed.

4 MS STRUYVEN: [10:05:29](Interpretation)

5 Q. [10:05:31] The question is as follows: Did Ngaïssona at this meeting, after the
6 meeting, explain to you why he deserved such a position in the government?

7 A. [10:05:49] As I said yesterday, within the framework of the government which
8 we were going to set up, we had to involve all the stakeholders of the conflict of the
9 Central African Republic; and, therefore, I thought we should take up contact with all
10 the parties, all the stakeholders, to ask them whether they were ready to accept a
11 position or be part of the national government so that we could make progress in the
12 transition and whether they were prepared to send me individuals so that I could
13 appoint them in the government. And that is why I asked the various different
14 parties to express their wishes. I asked the Anti-Balaka who were present at the
15 meeting, and also the list of wishes was sent to me.

16 PRESIDING JUDGE SCHMITT: [10:06:52] Well -- it's always proof that the Presiding
17 Judge is right when he said it's asked and answered when the witness starts with, "As
18 I said". But the question has not been answered. I put it to the witness myself.

19 Madam Samba-Panza, did Mr Ngaïssona explain to you why he specifically had the
20 wish to become the general -- I think the minister for SOCAPS and ENERCA; did he
21 explain to you why? Was this a matter of discussion?

22 THE WITNESS: [10:07:36](Interpretation) Your Honour, Ngaïssona didn't explain
23 why. That is what he wanted. He expressed his wishes. This is what he wanted
24 and since I couldn't answer or meet his wishes I explained to him why I couldn't
25 respond. But he didn't say why he wanted this particular position.

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1 PRESIDING JUDGE SCHMITT: [10:07:57] Thank you.

2 Please move on to the next topic.

3 MS STRUYVEN: [10:08:03](Interpretation)

4 Q. [10:08:06] Madam Witness, indeed, a final question. It's not on this topic, but
5 as regards the lists and the names that appear on them.

6 Yesterday, the judge showed you a list and amongst the names was the name of
7 Bernard Mokom. Do you recall that? He was also amongst them. Do you know
8 at that time -- do you know what the role of Bernard Mokom was at that time?

9 A. [10:08:38] No, your Honour. I didn't know the role of the majority of the
10 individuals who were on the list. I discovered their name as a member of the
11 Anti-Balaka movement.

12 Q. [10:08:58] Perfect. I'd like to show you a video. It's on the same subject but
13 I'm going to try and ask you a different question. It's a video which is
14 CAR-OTP-2014-0755. It is an interview which you held and it's 00:07:12 to 00:11:08,
15 and the transcript, it is CAR-OTP-2122-7374, 71 to 113.

16 PRESIDING JUDGE SCHMITT: [10:09:50] What tab is it? I want to have a look first
17 at it, please. What tab is it?

18 MS STRUYVEN: [10:09:54] It is tab 37 of the Chamber -- and 38 of the Chamber.

19 PRESIDING JUDGE SCHMITT: [10:10:15] Haven't we seen this yesterday, already?
20 No. So what is this?

21 Ms Dimitri, what is your --

22 MS DIMITRI: [10:10:23] No, it's just that I have five binders and I wanted to know
23 which tab.

24 PRESIDING JUDGE SCHMITT: [10:10:27] Okay, so then let's play it. When we are
25 ready on the interpreter's side, we can play it, please.

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1 THE INTERPRETER: [10:10:33] We are ready.

2 (Viewing of the video excerpt)

3 THE INTERPRETER: [10:10:49] (Interpretation of the video excerpt)

4 "There was also a different phenomenon. The Anti-Balaka who came and who
5 intervened on 15 December were a small group of individuals, since we saw the same
6 phenomenon as with the Seleka, intrusion of bandits, of thugs and of youths, of those
7 who had no employment, who joined the ranks of the Anti-Balaka. When I was
8 elected, a week afterwards, I met about 20 Anti-Balaka, Ngaïssona, Kokaté, Bara,
9 Sylvestre, Konaté, all those people. I met them because when I arrived as the head of
10 the state I wanted to show that I was open. I wanted dialogue. I launched appeals.
11 You all saw that. My children Anti-Balaka. My children Seleka. Lay down your
12 arms. Let us build up our country again together. That is the language that I spoke.
13 Only there were pressures, political pressures, imposed for certain positions in the
14 ministry or at the head of government companies or in the presidency or in the
15 national assembly. Negotiations started to become very difficult and tense. I could
16 not grant everybody the position that they wanted. The problems started there.
17 The problems started there. The Anti-Balaka thought that they weren't sufficiently
18 involved in the management of public affairs. What happened? When did we
19 suddenly have 20? And when we met them all I asked them to give me names so
20 that I could look at them within the government, provided that those names
21 corresponded to the criteria which I had defined and on the basis on which I had been
22 elected; for example, integrity, competence, but also with political aspects given the
23 political nature. We cannot be closed on what I was saying. Immediately, I tried to
24 be open both as regards the Seleka -- that's another story -- but because the Seleka
25 there was negotiations which were carried out, but I wasn't informed. So I didn't

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1 know the content and the aim of what was going on. I was an outsider in that
2 particular matter.

3 So Anti-Balaka sent me names, Kokaté, Ngaïssona and another. [...] Bara.

4 [...] And Bara. The Prime Minister said we need to have morality, integrity and the
5 prosecutor of the republic carried out investigations. Kokaté, there was a case

6 against him for attempt of destabilising public security or something like that. But

7 those three names were put forward by all the Anti-Balaka, those three names. And

8 I had said to the Prime Minister, 'Look, you'll take Bara and we will ask the

9 presidential cabinet who we can put into your cabinet in the prime ministry, because

10 the government will otherwise be too big, too heavy, and the files will be too big.'

11 And so we took Bara. As soon as the government said that, Anti-Balaka said, 'Oh we

12 don't know Bara' and I said, 'How come you don't know his name? You gave him

13 the name -- Bara. How can you say he's not an Anti-Balaka? You preferred for the

14 Seleka. You are for the Chadian community.' That's what the Anti-Balaka said, and

15 that's how the problems started. And I said, 'Come, come' ..."

16 PRESIDING JUDGE SCHMITT: [10:14:45] Thank you very much for this very, very
17 quick sight translation. Thank you.

18 Ms Struyven. Well, a lot -- you can maybe, of course, ask questions, but on the other
19 hand it was a huge chunk and specifically interesting would be if this is, today, her
20 view too.

21 MS STRUYVEN: [10:15:07] Indeed, Mr President.

22 Q. [10:15:10](Interpretation) I only have some questions of clarification because it's
23 true you did speak about this yesterday in detail.

24 Firstly, do you remember this interview which you had, I think, with Cynthia

25 Demafouth?

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1 A. [10:15:29] Yes, I remember very clearly.

2 Q. [10:15:37] And was it roughly two months into your presidency?

3 A. [10:15:44] If I said that, then probably that is correct -- that's probably when I
4 had the interview. It was when I was in France on a visit.

5 Q. [10:15:55] And this is 7374 where you said that you were president for two
6 months already.

7 Now, another question that I'd like to ask you, at the very beginning of this interview
8 you said there's another phenomenon, that the Anti-Balaka attacked on 5 December,
9 were a small group, and their ranks were swelled by other people.
10 This is a topic which we often hear, but you say in your interview that the solution
11 would simply be to disarm.

12 Have I understood that correctly?

13 A. [10:16:46] Yes. We had a lot of elements who were members of the Anti-Balaka
14 movement or members of the Seleka who were circulating in the country with a lot of
15 arms, arms of small calibre, traditional arms, various type of weapons. We can't put
16 a country in security if there were so many arms and weapons floating around, and
17 the more you have arms, the more desire there is to carry out exactions and, therefore,
18 I said to myself, "You must disarm."

19 Q. [10:17:26] On this particular topic, the mere fact that there were uncontrolled
20 elements - for example, so-called bandits who joined the ranks of the Anti-Balaka - am
21 I to understand that what you're suggesting that -- that is an additional reason to
22 participate in the disarmament process?

23 A. [10:17:50] Yes, but when you talk about disarmament, you're not talking about
24 disorganised disarmament, but it is organised disarmament with international forces
25 who were present, because the internal security forces didn't exist anymore and

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1 FACA was almost completely disbanded. So my wish and my vision was to
2 implement this desire of disarmament and to bring it about tangibly.

3 PRESIDING JUDGE SCHMITT: [10:18:23] Madam Samba-Panza, I've a question
4 related to the interview, but not to its content. This lady Cynthia Demafouth, is she
5 related to Jacques Demafouth somehow? Are they familiar -- do they belong to the
6 same family?

7 THE WITNESS: [10:18:44](Interpretation) It's the daughter -- it is the daughter of
8 Jean-Jacques Demafouth and who was in communication.

9 PRESIDING JUDGE SCHMITT: [10:18:55] Okay. It's just because the name was
10 striking, so I wanted to know. Thank you.
11 Ms Struyven.

12 MS STRUYVEN: [10:19:02] (Interpretation)

13 Q. [10:19:03] In a second question on that interview -- now it's true that yesterday
14 we saw that you appointed people like members of the Anti-Balaka, like Ngrémangou.
15 We saw that yesterday. For example, Gboya -- we saw that yesterday as well.
16 So if you like, you did give some positions to Anti-Balaka members. Nevertheless,
17 you say given that you did not give a specific position to Ngaïssona, the problems
18 started -- you said that twice. What do you mean by that?

19 A. [10:19:49] Your Honour, Mr Ngaïssona felt very frustrated. He felt that he was
20 being pushed aside, out of the process, from the transition process. He made me
21 understand that several times and he simply didn't accept that.

22 There were a lot of Anti-Balaka which I tried to involve in the transitional
23 government, even Mr Kokaté was nominated in the *primature* as an adviser, for the
24 prime minister. We had others as well. In the list that you saw, you had
25 Mr Feikere, who was appointed as adviser for the presidency.

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1 There were others as well who were appointed. But, in fact, Mr Ngaïssona wanted
2 to have that position, the position that he wanted to have and didn't get, and that
3 created problems.

4 Q. [10:20:55] When you said that "created problems", am I to understand that after
5 that he used or -- the Anti-Balaka to create problems?

6 MR KNOOPS: [10:21:04] Mr President.

7 PRESIDING JUDGE SCHMITT: [10:21:07] Ms Struyven, as I said, on a case-by-case
8 basis.

9 The question is correctly put this way: Madam Samba-Panza, when you mean he
10 created problems, what do you mean by problems, what kind of problems?

11 THE WITNESS: [10:21:30](Interpretation) As regards relations with me, it was very
12 difficult, because I did not grant that what he wanted, and officially he didn't have a
13 function. He wasn't a minister. He wasn't a general director of a state company or
14 any other company. So you have to understand that made him feel very frustrated.
15 I imagine it wasn't easy to relax or defuse the atmosphere with the Anti-Balaka
16 movement.

17 PRESIDING JUDGE SCHMITT: [10:22:13] We take it as -- we take this answer as it
18 is.

19 MS STRUYVEN: [10:22:22] Yes, Mr President, but I do want to ask one follow-up
20 question. I will put it in a non-leading way.

21 PRESIDING JUDGE SCHMITT: [10:22:29] Well, I trust you that you do that. And,
22 again, this is -- well, okay. We are not -- there is nowhere in the statute or Rules of
23 Procedure and Evidence, is written down how questions have to be asked, and -- by
24 whom or which kind of party, so it's really the best to do this on a case-by-case basis.
25 And this was too leading, the last question, that's my reason. And then I intervened,

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1 and when the Defence, or when Defence ask and when you have an objection, then
2 we decide that.

3 Yes. So let's hear your non-leading follow-up question.

4 MS STRUYVEN: [10:23:20](Interpretation)

5 Q. [10:23:21] Was there a point in time in 2014, yes or no, the Anti-Balaka caused
6 problems? I'm not quite sure if you understood?

7 PRESIDING JUDGE SCHMITT: [10:23:40] That is indeed -- that is difficult to
8 understand, that question, I have to say.

9 MS STRUYVEN: [10:23:47](Interpretation)

10 Q. [10:23:47] You explained in your interview that problems started -- yes,
11 problems started after?

12 PRESIDING JUDGE SCHMITT: [10:23:57] I think you are struggling with -- excuse
13 me. But -- Madam Samba-Panza, we are still on the ominous word "problems" -- the
14 two words "causing problems".

15 Were the problems caused by Mr Ngaïssona personally or were they caused by the
16 Anti-Balaka, or by both?

17 THE WITNESS: [10:24:32](Interpretation) In 2014, there was a lot of difficulties in
18 relationships with the transitional authorities and the Anti-Balaka. There were
19 checkpoints, there were deaths, there were demonstrations, there were requests of
20 resignation. This is what I call "problems".

21 So these were problems that were political in nature, because as regards lack of
22 coordination in the governance, in the management of the transition with the
23 Anti-Balaka. This is what I call "problem".

24 PRESIDING JUDGE SCHMITT: [10:25:14] So I think this is clear enough now, so go
25 on.

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1 MS STRUYVEN: [10:25:20](Interpretation)

2 Q. [10:25:21] Thank you very much, Madam Witness.

3 I'm going to move on to another topic because I want to follow a certain chronology.

4 But, according to chronology, after your nomination of Bara, and even of

5 Ngrémangou and Gboya -- I'm moving on to 5 February 2014 and that was the date

6 when there was a ceremony of reinstallation of the FACA. I don't know if you

7 remember that particular ceremony.

8 I'm going to show you a document which is CAR-OTP-2117-0701. It is tab 58 of the

9 Prosecution binder. It is a press article.

10 So in the first paragraph -- and I have a colour photo, but you can also see a photo

11 here: "In front of dozens of witnesses, the Central African soldiers lynched to death a

12 man suspected of being a rebel on Wednesday at the ceremony -- official ceremony of

13 the President Catherine Samba-Panza to celebrate the renaissance of the national

14 army".

15 Do you remember that?

16 A. [10:27:28] I remember that very well. I remember that perfectly, and the article

17 which I'm reading sums up well, relatively well, why I brought together the members

18 of the national army, and also what happened on that particular day.

19 When I arrived at the head of the transition, the Central African national forces were

20 completely disorganised. The members of the armed forces had fled from their

21 positions. They hid because of the exactions carried out by the Seleka. Others went

22 back into the hinterland and didn't show themselves anymore.

23 So the military camp in Bangui was completely empty, with only a few elements of

24 the national forces. An army can't live without its national army.

25 So I felt that we should try to rebuild this army with the international community's

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1 assistance to see if we could reorganise this, what criteria, what vision we would have
2 for our army.

3 The army in 2014 was made up of about 7,500 to 8,000 elements. I launched an
4 appeal so that all soldiers wherever they were could rejoin the camp, the
5 administration camp in Bangui, so that I could speak to them, so that I could launch
6 an appeal.

7 There were 5,500 soldiers who responded to my appeal -- 5,500. They responded to
8 my appeal and I was very proud about that and pleased to see that the soldiers were
9 prepared to resume duties and defend the country. Everything happened well. I
10 launched an appeal so that they go back to the barracks and that we could re-identify
11 them once again.

12 In any case, I launched the appeal that I had to launch, and then I withdrew because
13 that was the end of the ceremony.

14 The time when I arrived to the *Renaissance* palace, I was informed of an incident that
15 had just occurred at the end of the ceremony, at the national school of the magistrate,
16 and they explained to me that a member of FACA -- Seleka, had been lynched, killed
17 by other FACA members who were present.

18 It was very dramatic because it was the occasion for the international community to
19 refuse to build up the army to provide them with the necessary means to defend our
20 country.

21 So during the time when I was head, I had no army behind me. That had great
22 influence on the course that was taken as regards the defence that was possible with
23 the national army.

24 Q. [10:31:15] Just a couple of questions by way of clarification. When you say that
25 you stopped all the FACA, that also includes the FACA that were members of the

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1 Anti-Balaka?

2 A. [10:31:23] No, just FACA. I didn't have to know whether they were
3 Anti-Balaka or not. I just launched an appeal to the FACA and we had the answer of
4 5,500 FACA with the list in support thereof.

5 Q. [10:31:42] And the second question: Did you find out at the time why these
6 elements who apparently belonged to the Seleka, why these people were lynched?

7 A. [10:31:54] They were accused of betrayal, of being traitors.

8 Q. [10:32:02] And last question: How was it that the Anti-Balaka chiefs, such as
9 Ngaïssona, if you know, how did they react to this intention to reconstitute the
10 FACA?

11 A. [10:32:20] I didn't discuss that with them. I can't remember.

12 Q. [10:32:27] I'll show you another video, a couple of days later. This is a video
13 from 7 February 2014, and the number is CAR-OTP-2023-1599, and this is 39 on the
14 Prosecution list. It's quite a short video. The relevant sequence is 00:08 to 00:44,
15 and the transcription is at CAR-OTP-2107-1502, and that's at tab 40 of the Chamber's
16 binder. If we could show the video to the witness.

17 (Viewing of the video excerpt)

18 THE INTERPRETER: [10:33:47] (Interpretation of the video excerpt)

19 "This meeting has the aim of getting to know the functioning of this movement, its
20 demands as well as its ambition. The leaders of the Anti-Balaka, therefore, during
21 this meeting deplored the non-participation of one of them in the newly formed
22 government. According to one of the leaders, Mr Richard Bejouane left the meeting
23 and they obtained -- they were right because they joined the general staff of the
24 Central African armed forces promised by the head of the state Catherine
25 Samba-Panza."

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1 MS STRUYVEN: [10:34:37](Interpretation)

2 Q. [10:34:38] Madam Witness, do you recognise some of the soldiers present or
3 other people who were present?

4 A. [10:34:44] Yes, perhaps I saw some who I recognised from my part and others as
5 well. Perhaps I recognise them, yes.

6 Q. [10:34:57] And these people, you were going to receive them as the chief of the
7 Anti-Balaka who were members of the FACA; is that right?

8 A. [10:35:12] That's it. There were a lot of demands. You saw the list, a list
9 where I was asked to take Mr Ngrémangou, et cetera, and to take them into the
10 hierarchy, into the military hierarchy, their command, their hierarchy, their military
11 hierarchy. And so that was something that was done.

12 I saw Ngrémangou, I saw Gboya, I saw others in the military hierarchy. I took
13 Ngrémangou and Gboya into the military hierarchy.

14 Q. [10:35:49] Indeed, at the end of the video it is stated, therefore, that they were
15 integrated into the staff of the armed forces.

16 Now, did you try in a reasonable way to discuss with the Anti-Balaka to give -- to put
17 your hand out to them, if you like?

18 A. [10:36:10] Constantly -- constantly I was putting my hand out to them. When
19 they asked to be received, I received them, constantly. When -- it was even the case
20 after the month of January et cetera when there were the Anti-Balaka who wanted to
21 see me, I would receive them in my domicile. I received Ngaïssona in my domicile.
22 I received them in my domicile even on Sundays when it was urgent, when the
23 situation so required in an informal way. I also received Wenezoui in my domicile
24 when it was necessary.

25 Q. [10:36:55] Now I would like to show you another press article. And this is

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1 CAR-OTP-2117-0681 and this is at tab 57. And I'm going -- well, I won't go into
2 what's already been addressed yesterday because it is about the same periods and, in
3 particular, 10 February 2014.

4 So here we are talking about the time when there was this issue of the Anti-Balaka
5 who were called "enemies of peace", and I think this was the period in which Soriano
6 made remarks and I think it was the same period when you were going to visit
7 Mbaïki as you explained yesterday.

8 Now, I have a question as regards the billeting and, in particular, is it correct to say
9 that -- so you couldn't billet the 53,000 elements that the Anti-Balaka wanted to billet
10 for several reasons; is that correct?

11 A. [10:38:39] Already the group and the billeting of members of the armed
12 movement had to take a certain number of criteria and it had to be done
13 with -- within an overall organised framework. So it was important having billeted
14 the Seleka to avoid there being reprisals between the Seleka movement and the
15 Anti-Balaka, or when they were waiting to go to the east or to the north-east, it was
16 difficult also to billet the Anti-Balaka just like that. It had to be done with the
17 support of the international forces and our parties, because when you do that, it
18 supposes that they are taken care of with regards to food and health et cetera, and
19 these are means that -- and resources that the Central African Republic didn't have, so
20 it had to be subject with the international community in order to obtain their support
21 and their assistance.

22 Q. [10:39:55] Indeed, and I think you've already explained this yesterday, but if I
23 could show you something on the following page, 0682, it's spoken about Ngaïssona,
24 and where it starts with "According to Mr Ngaïssona". It's a bit further down:
25 "According to Mr Ngaïssona, the militia numbered approximately 70,000". And in

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1 the following paragraph, "denouncing the ingratitude of the new president of the
2 transition, the coordinator of the militia said it was ready on Monday to put down
3 weapons and to be billeted for help with reinsertion".

4 So you said that you held out your hand to the Anti-Balaka at any time. Now, what
5 ingratitude was being spoken about, do you think?

6 MS PROULX: [10:41:01] Mr President.

7 PRESIDING JUDGE SCHMITT: [10:41:02] Yes.

8 MS PROULX: [10:41:04] It calls for speculation. We're trying to get the witness to
9 interpret somebody else's words, as reported in a newspaper article.

10 PRESIDING JUDGE SCHMITT: [10:41:13] Yeah. If you reword it a little bit -- you
11 see yourself, Ms Proulx has a point here.

12 This word, madam -- let me give it a try.

13 THE WITNESS: [10:41:26](Interpretation) Yes.

14 PRESIDING JUDGE SCHMITT: [10:41:28] Madam Samba-Panza, you see that it is
15 ascribed to Mr Soriano, I think, the word "ingratitude" towards you. Was that what
16 you thought about this matter too?

17 THE WITNESS: [10:41:47](Interpretation) Mr Ngaïssona.

18 PRESIDING JUDGE SCHMITT: [10:41:54] Was this --

19 THE WITNESS: [10:41:55] Your Honour, your Honour, it's with relation to the
20 words of Mr Ngaïssona about me. Mr Ngaïssona is speaking about my ingratitude
21 with regards to the Anti-Balaka. That's what it's about. It's not about my
22 ingratitude. I can't interpret what he wants to say by ingratitude. What's his
23 conception of ingratitude of the president of the transition? It's up to him. He's the
24 person you have to put the question to: What does he mean by ingratitude and what
25 was behind that word.

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1 PRESIDING JUDGE SCHMITT: [10:42:25] Okay.

2 MS STRUYVEN: [10:42:35] (Interpretation)

3 Q. [10:42:32] No problem, madam.

4 PRESIDING JUDGE SCHMITT: [10:42:40] She's right. Obviously, Madam

5 Samba-Panza is right in her assessment. I think we should not speculate more about
6 what is behind the word, and Ms Proulx had a point here.

7 MS STRUYVEN: [10:43:08](Interpretation)

8 Q. [10:43:09] Did Mr Ngaïssona himself express the point that he felt that you were
9 ungrateful or was this term used directly by Mr Ngaïssona towards you, if you
10 remember?

11 A. [10:43:27] No, not as such, but he did express his discontent of not being
12 appointed to the post which he wished, and he expressed that.

13 Q. [10:43:38] Just a last question on this document. In the same paragraph it is
14 stated that the coordinator, so Mr Ngaïssona, said that he was ready on Monday to
15 put down weapons. Was it indeed the case that during this period Mr Ngaïssona
16 put down weapons.

17 *A. [10:44:04] Well, this is what I would call a political spin. It's something that he
18 said, but he didn't do.

19 Q. [10:44:23] And did that happen often. Was it often the case that he could say
20 things of this type which he would then not carry out thereafter?

21 A. [10:44:36] Well, you know, we often had declarations at the time of the
22 Anti-Balaka. There were notes, they were letters, there were proposals of solutions.
23 There were declarations -- corrects the interpreter -- declarations of peace for
24 reconciliations. There were a lot of written declarations by the Anti-Balaka in this
25 sense.

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1 Q. [10:45:04] But if I understand you well, these words were not followed by
2 actions, were they?

3 A. [10:45:15] Well, for some. When I received proposals for solutions to the crisis,
4 the Anti-Balaka within the framework of the strategy implemented for reconciliation
5 to prepare the DDR process et cetera, then that was envisaged within that framework.
6 But I couldn't just like that take decisions in accordance with the entities alone. I had
7 to put it within an overall framework, and that's the reason why often there was no
8 reaction immediately. We would receive a document, we would archive it and we
9 would take it into account within the framework of what we were preparing in terms
10 of the reconciliation strategy in the DDR process, in the process of putting down
11 weapons et cetera.

12 Q. [10:46:19] So, indeed, speaking about weapons, I wanted to show you another
13 document, and this is CAR-OTP-2057-0963.

14 PRESIDING JUDGE SCHMITT: [10:46:35] Please -- always the tab, please.

15 MS STRUYVEN: [10:46:37](Interpretation) Tab 23 of the Office of the Prosecutor.

16 PRESIDING JUDGE SCHMITT: [10:46:53] Do you have a new aspect here, because
17 we have discussed it yesterday already? And actually I chose deliberately the
18 original words by Mr Soriano and not press articles, because press articles are always
19 something, you know, where the -- the media person also might have an interest in
20 displaying something in a certain way. Really, it's not -- because it takes more time
21 to discuss if it has already been discussed sometimes than if letting you give a second
22 or third take, but only if you have a new aspect here.

23 MS STRUYVEN: [10:47:32] I think so, Mr President. If we can go down the
24 document, it's just two paragraphs.

25 Q. [10:47:42](Interpretation) Madam Witness, so we are talking about the same

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1 period at the moment. This is an article of 11 February 2014, and in the last
2 paragraph it says, and I'm going to say it in English:
3 (Speaks English) "In a sign that France now may be stepping up its efforts to disarm
4 the Christian anti-Balaka fighters, French troops on Tuesday seized a large weapons
5 cache from a Christian neighbourhood of Bangui. Among the weapons found there
6 were anti-tank mines, more than 100 mortar rounds, plastic explosive bricks and other
7 ammunitions."

8 PRESIDING JUDGE SCHMITT: [10:48:25] That indeed is a new aspect. Thank you.

9 MS STRUYVEN: [10:48:39](Interpretation)

10 Q. [10:48:36] I'll allow you to read it first, but do you remember at the time that
11 weapons were seized by forces from Anti-Balaka fighters, including heavy weapons?

12 A. [10:48:58] I don't remember that exactly. I can't tell you. There were arms or
13 weapons seizures which were carried out regularly by the international troops, but I
14 can't confirm this.

15 Q. [10:49:17] No problem, Madam Witness.

16 I'm now going to a document some days afterwards. This is a document of
17 17 February 2014, and this is a declaration made by the Anti-Balaka. And this is
18 CAR-OTP-2087-9117, and this is at tab 8 of the Chamber's binder.

19 PRESIDING JUDGE SCHMITT: [10:50:14] That's not the page you want to go to.

20 MS STRUYVEN: [10:50:19](Interpretation)

21 Q. Well, I'll just ask you to read a certain paragraph, or certain paragraphs. So we
22 already discussed some of these elements yesterday. But if you could look at
23 page 9120, in the middle of the page, it says "expressing" -- so they express their
24 concern with regards to your incendiary declarations.

25 And also 12 February 2014, so this is what you said during your visit to Mbaïki, I

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1 imagine.

2 And they deplore the arbitrary arrests by Anti-Balaka elements, and that's what we
3 see -- of Anti-Balaka elements, that's what we see.

4 And perhaps I would ask you to read the page before, so page 9119.

5 So they do admit -- if you go down in the page to the bottom, yes, please, stop, a bit
6 higher. A bit further up. Yes.

7 Q. [10:51:51] So they do, nevertheless, recognise that there were acts carried out
8 which were committed by the population and by some Anti-Balaka.

9 PRESIDING JUDGE SCHMITT: [10:52:13] At some point in time there should be a
10 question, because even in such an intelligent witness like we have here, if you put
11 four paragraphs to her, it will be perhaps difficult to know what you want from her.

12 MS STRUYVEN: [10:52:26] And to be honest --

13 PRESIDING JUDGE SCHMITT: [10:52:28] (Overlapping speakers) So, please, a
14 question now.

15 MS STRUYVEN: [10:52:30] Yes, because the difficulty, of course, is I think it's
16 difficult for her to answer this without seeing the full document, but I don't know
17 whether I need to give her the time to actually.

18 PRESIDING JUDGE SCHMITT: [10:52:38] Please try it without, and otherwise we go
19 into a break and let her read the whole document. But I think we will make do
20 without it.

21 MS STRUYVEN: [10:52:47] Okay.

22 Q. [10:52:49] (Interpretation) Madam Witness, so at the end -- well, what I'm trying
23 to say is that on the one side the Anti-Balaka admit that crimes have been committed;
24 on the other hand they reproach or they express -- how to say this? They deplore the
25 comments -- what were the actions of MINUSCA. But what we have just seen, that

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1 there were weapons in their possession, so how do we explain that?

2 MR KNOOPS: [10:53:30] Mr President, it's about interpretation of the document,
3 which is not (Overlapping speakers)

4 PRESIDING JUDGE SCHMITT: [10:53:33] Actually, I agree.

5 MR KNOOPS: [10:53:35] It's a very compound question.

6 PRESIDING JUDGE SCHMITT: [10:53:38] Yeah. Madam Samba-Panza, I think
7 sometimes we should -- first of all, did you see -- Madam Samba-Panza --

8 THE WITNESS: [10:53:49](Interpretation) It's difficult.

9 PRESIDING JUDGE SCHMITT: [10:53:52] Madam Samba-Panza, today we're
10 making your life really difficult, I have to admit that.

11 First of all, did you ever see this document at the time, or is it new for you?

12 THE WITNESS: [10:54:11](Interpretation) No; I've already read it. I've read this
13 document. I read this document and it is the same theme that keeps coming up.

14 The Anti-Balaka are patriots and they deplore that there are groups that joined the
15 movement and who commit exactions; but for our part, the authorities of the
16 transition are not open to our proposals, they're not open to dialogue for our peace
17 proposals.

18 What response do you want me to give? This is their position. They're in their role.

19 The Anti-Balaka are in their role, so it's normal that they make this type of declaration
20 and they make proposals. It's also good that they make proposals as they did.

21 PRESIDING JUDGE SCHMITT: [10:55:14] I think that is enough on interpretation of
22 that document. Please move on.

23 I think we can have a break now, yeah. Break until 11:30.

24 Thank you, Madam Samba-Panza.

25 THE COURT USHER: [10:55:25] All rise.

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1 (Recess taken at 10.55 a.m.)

2 (Upon resuming in open session at 11.34 a.m.)

3 THE COURT USHER: [11:34:58] All rise.

4 Please be seated.

5 PRESIDING JUDGE SCHMITT: [11:35:17] Before we continue, first of all, I would

6 like to make a compliment to CMS. I think the connection is much better than

7 yesterday, so everybody profits from that.

8 Ms Struyven, you know, you don't have to hurry up, but we have until 12:30, because

9 for a certain reason, and it will mean we will continue at 2 o'clock, yeah.

10 MS STRUYVEN: [11:35:39] Exactly, Mr President, because I do think I may have -- I

11 will need (Overlapping speakers)

12 PRESIDING JUDGE SCHMITT: [11:35:41] It's fine. Please continue. No problem.

13 MS STRUYVEN: [11:35:44](Interpretation)

14 Q. [11:35:41] Once again, hello. I want to show you another document. I'm

15 continuing in time on 2 April 2014.

16 It is tab 7 of the Chamber and it's CAR-OTP-2087-9105.

17 And if you look at the top of the page, "The head of the Anti-Balaka calls upon the

18 government to dialogue" -- that's the title. If you can go a little bit up.

19 Yes.

20 And if we could move to the second page.

21 I'm going to ask you to read out this second and then the third. From where it says,

22 "Part of the Anti-Balaka".

23 So the question to Ngaïssona: "Part of the Anti-Balaka are represented in the

24 government. It is the wing of Mr Joachim Kokaté, a wing which you don't recognise.

25 According to you, do you think that people of your coordination should also be

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1 involved in the government?"

2 The answer is: "I'm not paying attention to what Joachim Kokaté is saying who is
3 always changing. He changes according to whims and needs. The Anti-Balaka
4 haven't got two entities. The Anti-Balaka that are coordinators are one single sole
5 movement, which is distributed throughout our country. When I give an order to
6 my children, I think it is immediately effected. So if we want peace to return
7 permanently to our country, you have to negotiate with the coordination, our staff, so
8 that we can finally have peace in the CAR."

9 And then my first question relating to this: Ngaïssona has said that he is
10 coordinating a single sole movement and he gives orders to his children and they're
11 immediately followed through by action.

12 He also says that the organisation is spread throughout the country.

13 Does that correspond to what you noted at that time?

14 THE INTERPRETER: [11:38:25] There's no sound coming through.

15 PRESIDING JUDGE SCHMITT: [11:38:27] So, Madam Samba-Panza, may I interrupt
16 you shortly.

17 Madam, so I just alerted everyone that the connection is so good today, but

18 I -- I -- rarely has the Presiding Judge proven so quickly to be wrong. So I apologise
19 for that.

20 You have obviously understood the question, could you please repeat your answer?

21 Thank you so much.

22 Only if we have the connection back, of course.

23 Well, that would be a piece of information that would be good, then I can ask the
24 witness to repeat.

25 MS DIMITRI: [11:39:18] Mr President, while we are on the technical problems, the

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1 English transcript is frozen on the English channel.

2 PRESIDING JUDGE SCHMITT: [11:39:25] Well, you know these are different
3 construction sites. As long as we understand each other here and continue in French,
4 and the English will come back in time.

5 Court Officer, have we re-established the connection? No?

6 (Pause in proceedings)

7 PRESIDING JUDGE SCHMITT: [11:40:10] Well, I take it for the moment that it was
8 not my remark that triggered the problems.

9 So, Madam Samba-Panza, do you understand me?

10 THE INTERPRETER: [11:40:40] Sorry, there's still no sound coming through.

11 PRESIDING JUDGE SCHMITT: [11:40:43] Just so that you know,
12 Madam Samba-Panza, that you understand what's going on. You understand me,
13 but your sound is not going through here, so we are trying to fix that. Just
14 information for you. I ask you for your patience.

15 THE WITNESS: [11:41:01](Interpretation) Ah, the sound is there. I've sorted out
16 the problem. I put my microphone off. It's my fault. Sorry.

17 PRESIDING JUDGE SCHMITT: [11:41:08] So this was not -- this was, let's say, only a
18 semi-technical problem, so to speak. But thank you very much,
19 Madam Samba-Panza.

20 As I said, these things can happen and could you, please -- you were asked by
21 Madam Prosecutor what you make out of this -- this portion here, if it was also your
22 perception at the time what is written down here or what you -- would be your
23 experience on that. So perhaps you can repeat that.

24 THE WITNESS: [11:41:46](Interpretation) Your Honour, I was asked for my opinion
25 on the statement of Mr Ngaïssona on two points. The first point related to the

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1 elements of the Anti-Balaka movement who were sent into the government and were
2 regarded of elements that belonged to Kokaté. And the second point he said that
3 there was the Anti-Balaka throughout the territory and when he gave orders, the
4 orders were automatically followed by action, which simply showed the ascendancy
5 of Mr Ngaïssona on the elegance of the Anti-Balaka movements.

6 He said that he could give orders and that they were immediately followed through.
7 I have no comment on that.

8 He also said that the Anti-Balaka are one single indivisible movement and I don't
9 have any particular comments on that.

10 I don't have anything to say on that particular statement.

11 PRESIDING JUDGE SCHMITT: [11:43:05] Thank you.

12 Ms Struyven, I think you can move on.

13 MS STRUYVEN: [11:43:12] Yes, Mr President, am I still allowed to ask one question
14 on the border?

15 PRESIDING JUDGE SCHMITT: [11:43:17] Of course. Yeah, yeah, of course, of
16 course.

17 MS STRUYVEN: [11:43:20] Okay.

18 PRESIDING JUDGE SCHMITT: [11:43:25] You know, sometimes these are attempts.
19 Sometimes these are gently reminders and demands, but this was simply an attempt,
20 but please continue.

21 MS STRUYVEN: [11:43:36](Interpretation)

22 Q. [11:43:37] Madam President, it's another question which is in the following
23 paragraph.

24 In the next question -- ask Ngaïssona if he has the key of peace and reconciliation in
25 his hands, and he says, "It is in the hands of the government, of the Anti-Balaka, of the

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1 ex-Seleka" et cetera. But he stresses that there must be a dialogue that takes place.

2 Perhaps I didn't understand you correctly, but didn't you have a dialogue with the

3 Anti-Balaka, including this time frame?

4 A. [11:44:16] I had a lot of exchanges with the Anti-Balaka. I had a lot of dialogue

5 with the Anti-Balaka. It is not a formal dialogue of a large stage that was organised

6 as we normally do in this type of situation, but I had a lot of contact, a lot of contact.

7 I was never closed to any form of exchange with the Anti-Balaka.

8 When they came, they expressed their views and I explained to them what I could do

9 as head of the state and what I could not do, because we were in a process, in a global

10 procedure which involved other partners as well. And all the parties that were there,

11 be they called Anti-Balaka or others, ex-Seleka, everyone had to come together, and

12 together we had to look at the problems of CAR and what possible problems there

13 might be to get out of the crisis.

14 But with the Anti-Balaka, I always had time for exchanges.

15 Q. [11:45:26] And if I could ask you to read on the same page, you talk about Boda,

16 because we talked about Boda yesterday.

17 If we scroll down on the same page, the journalist asks -- let's go a bit further down,

18 just a little more.

19 Yes, here.

20 Yesterday, you described in detail what happened in Boda, and the journalist asked

21 you the question: The Anti-Balaka in Boda don't let the Muslims move around freely,

22 whereas they're not armed.

23 A. [11:46:26] Are you expecting me to answer? It's part of the document you read

24 out.

25 PRESIDING JUDGE SCHMITT: [11:46:32] Well, yes, yes. It's not a statement by

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1 Madam Samba-Panza. It's, I think, an interview with Mr Ngaïssona, and it makes
2 reference, Madam Samba-Panza, to what happened in Boda, and perhaps simply we
3 let the witness read this. She's a quick reader, as we have recognised yesterday, and
4 if you want -- if you would want to comment on that, what you're reading here, that
5 would be, let's say, your answer to that piece.

6 THE WITNESS: [11:47:05](Interpretation) I have read the document. I've read the
7 paragraph, which is highlighted in yellow, where Mr Ngaïssona says that we sent to
8 Boda people who could not be heard by the Anti-Balaka over there, and if we had
9 sent men who were part of the Anti-Balaka coordination, the results would have been
10 different.

11 For myself, I had a paper signed by Mr Ngaïssona, who sent a team to Boda as well.
12 So these actions that were taken by other parties, Mr Ngaïssona signed a mission
13 order with five or six Anti-Balaka members and also with the government. They
14 were sent on this mission to Boda, but when we arrived there, we met other
15 Anti-Balaka who lived in that locality of Boda. And, as I said, together we tried to
16 find a way out of the crisis.

17 And I must tell you that Boda -- it took a time, but Boda is an example of social
18 cohesion, so it was a success.

19 MS STRUYVEN: [11:48:40](Interpretation)

20 Q. [11:48:41] And a final question: Here it says -- it seems to say, in any case -- if
21 we don't give him the opportunity to discuss with the government or if he hasn't got
22 what he wants, then it will remain difficult in Boda, so crimes will continue in Boda.
23 Does that correspond to what you heard being said at that time?

24 A. [11:49:13] It was said all the time by Mr Ngaïssona. He said the transitional
25 authorities were not open, that the transitional government are ungrateful.

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1 What can I say? I did everything I could to receive the Anti-Balaka during the
2 meetings where we talked about a rebirth, and also in my residence we spoke about it.
3 That is a sign of me being open.

4 Q. [11:49:45] Thank you, Madam President. I'm now going to move on to another
5 topic. It's just a question of clarification based on what you said yesterday.

6 Yesterday, you explained -- I'm going to start -- continue in the time frame -- you said
7 that on 17 April 2014 you found yourself with Ngaïssona in your office, whereas
8 MISCA wanted to arrest him. You describe that event in great detail.

9 I have a question about this.

10 Yesterday you also explained that he was not arrested, he was liberated, released
11 under the conditions, so-called conditions that he would remain in the country, that
12 he would present himself -- there were some conditions attached to it.

13 According to you, was mister-- did Mr Ngaïssona respect those conditions in the
14 following days, months that followed that event?

15 A. [11:51:01] Yes, your Honour. He did respect them. And within the
16 framework of his sports activities, he was called to go to international events, and I
17 had to agree with that so that he could leave. So he did come forward and ask, and
18 he did respect the conditions.

19 Q. [11:51:32] Thank you, I would like to show you another document, because you
20 also spoke about it yesterday to a certain extent. It is a letter of 30 April 2014 of
21 Ngaïssona.

22 This is tab 58 of the Chamber. And it is CAR-OTP-2092-1735 and it's on page 1735.
23 If you could scroll down.

24 Yes. That's good.

25 He's going to ask for money for the billeting; and, yesterday, you explained, if I

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1 understand you correctly, that you tried to come forward with solutions for the
2 Anti-Balaka in Bangui. You spoke about kits from the international organisations
3 and you also explained that the Anti-Balaka preferred to have money.

4 So my first question: Was it through this type of letter that you realised that they
5 preferred to have some money or was it in a different context?

6 A. [11:53:33] It was in a different context. It's when we met and discussed and
7 when we exchanged views. That's the context I was acting under when we had
8 these exchanges with the Anti-Balaka.

9 Q. [11:53:50] I have another question on this particular document, so this is a letter
10 that's addressed to you. And here, as I said, on 30 April 2014 -- if you can go up a bit,
11 we can see the date of the document.

12 Yes.

13 It is Ngaïssona who also signed the document.

14 Now, if you can go down a bit, in the first sentence: "Since the first meeting in which
15 you granted to the Anti-Balaka delegation we were convinced of your willingness to
16 open up in favour of a rapid return of peace and tranquility within the Central
17 African population."

18 Was there ever a question that you did not want -- be open to peace?

19 A. [11:54:55] I remember this statement and also previous statements of
20 Mr Ngaïssona when he said that the government did not want -- seize the
21 opportunity to work towards peace with the Anti-Balaka. But you have a letter there
22 which recognises that I am in favour and willing to work towards peace. He, at least,
23 recognises that.

24 Q. [11:55:23] But my question was slightly different. It seems to say that on
25 30 April, it's the first time that they are convinced -- it is now that they are convinced

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1 of your intention to work towards peace.

2 MS PROULX: [11:55:42] I'm sorry, Mr President --

3 THE WITNESS: [11:55:43] (Overlapping speakers)

4 PRESIDING JUDGE SCHMITT: [11:55:44] Before you answer -- before you answer,

5 Madam Samba-Panza (Overlapping speakers)

6 I think she has already -- yeah, yeah.

7 Ms Proulx, I understand.

8 MS PROULX: [11:55:50] It's very speculative.

9 PRESIDING JUDGE SCHMITT: [11:55:52] Yes, so on a case-by-case basis, I think,

10 yes.

11 Also if I read what -- the gestures of Madam Samba-Panza, I think we move on. Yes.

12 And again, let -- I had during -- I will say that in all transparency, during the break I

13 had time to think about the principle question that was raised by -- yeah, well -- well,

14 we -- even older Presiding Judges are able to try to learn.

15 So, you all, I think have been aware and recognised yesterday that the judges put

16 questions, neutral questions, open questions, deliberately to the question because

17 that's their role.

18 The role of the parties is different. However, since it is also unusual that the judges

19 put so many questions to the witness, I maintain that we decide these questions on a

20 case-by-case basis.

21 So I think I have made myself understood and like that, Ms Proulx had a point here.

22 So we do this continuously.

23 And the Defence, also for fairness of proceedings, has in my opinion - that's my

24 opinion - more leeway, yeah.

25 So -- and this is not natural science, yeah. You understand my point.

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1 Excuse me for lecturing here, but -- well, it's in your situation, I think it has never
2 been done, and we all to try to get along with it, but I think it's something where we
3 can also find some -- well, let's say, rules, but some modes of procedure that are fair to
4 everyone here in the courtroom.

5 Please continue.

6 MS STRUYVEN: [11:57:45](Interpretation)

7 Q. [11:57:48] Madam Witness, I'm going to show you a video. I am going to
8 continue in the time frame.

9 It's a video of 8 June 2014. It is tab 22 of the OTP. It is CAR-OTP-2023-2114, and the
10 transcript is tab 54 of the OTP and has the number CAR-OTP-2107-1508.

11 We're going to play the video from 00:02:06 until the end. It's only a few minutes
12 long.

13 So, Madam Witness, I would like you to look at the video.

14 (Viewing of the video excerpt)

15 THE INTERPRETER: [11:58:50] (Interpretation of the video excerpt)

16 "However, it is in the 4th arrondissement in the mayor of the *la mairie* at the time, as
17 the minister said, who accompanied the members of the government, realised that the
18 dignitaries or the heads of the -- the heads were not there. They were all soldiers
19 and all the FACA elements. The atmosphere was electrical because the prime
20 minister wondered why the FACA was present there. 'Their place was in the
21 barracks,' he said. And you asked the minister of the defence and the other members.
22 The prime minister, for better or worse, tried to explain the situation, the critical
23 situation in the country, and asked them to bring the military objects and the weapons
24 that they were carrying.

25 This is the message of the prime minister who was questioned by the press.

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1 If you look at the nature of the conflict, it is not a conventional conflict with a front,
2 with two clearly identified parties who are fighting each other. We are in a
3 community conflict and everyone owns weapons and so no-one knows who's who in
4 this case. Who is armed, who is not, what sort of weapon, and that really creates
5 problems. If you walk in the street and all of a sudden somebody throws themselves
6 upon you and you don't know why, it might be because of what you're wearing,
7 where you come from. So it's really a community conflict, and it is not against a
8 given government and it is not against the state. It is a conflict between people,
9 between communities.

10 And, therefore, it's extremely difficult to disarm if we don't know who belongs to
11 whom in the population. There needs to be a certain willingness of the population to
12 become involved in the process of stopping the conflict. We can have the process
13 which is called DDR for this. The DDR is involved in the groups that are clearly
14 identified. Amongst them, the national army with FACA. For example, some of
15 the FACA, because of their age, because of illness or some other elements, have
16 probably left the army. So it must be that we have a process which bears that in
17 mind, and others have to be reintegrated. This could be through a procedure which
18 we're going to carry out and which is a procedure where they will also be disarmed.
19 We have ex-Seleka, which are billeted today, and also others which aren't which have
20 to be identified and disarmed within the framework of the DDR. But the others, the
21 population, the youth of 15, 18, 12 -- even 12 years old -- who own arms. Their
22 uncles, their aunts, all those who bear weapons -- under the bed, a little bit
23 everywhere. What are we going to do with them? How are we going to get that?
24 We need to have the willingness of the population. Disarmament must be done
25 willingly. We must make people aware. The people must be prepared to disarm

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1 otherwise, today, we -- we'll have to send the police to disarm a neighbourhood and
2 the population will be against us. That will create problems. We need to have the
3 population understand so that they can contribute to this important process."

4 MS STRUYVEN: [12:02:53](Interpretation)

5 Q. [12:02:54] My first question, Madam Witness: This is a visit of Nzapayeke to
6 the 4th arrondissement on 8 June 2014. Were you aware of this particular visit or
7 was he -- or that he was carrying out visits of this type?

8 A. [12:03:15] This was a governmental operation. It was decided at the
9 government level, and each person who was responsible in the transition had to
10 become involved in the actions undertaken by the transitional government.
11 So it was up to him. He had the responsibility to create awareness and a sense of a
12 realisation of giving up arms willingly. He didn't have any problems with this, but
13 the results were not very satisfactory. The people weren't really prepared to disarm
14 and so that was not enough from what would we have expected from this operation.

15 Q. [12:04:13] Thank you. So just a first point by way of clarification. He's going
16 to visit the 4th arrondissement, and that's the excerpt that we've just seen, and I think
17 that we saw it at 02:42 and we saw Maxime Mokom, Yagouzou, Orofei. Do you
18 recognise them in the part that I showed you?

19 A. [12:04:40] I saw some of them, but I didn't look at their faces in particular but
20 they were there.

21 Q. [12:04:50] And when -- so this -- he says he's going to visit the
22 4th arrondissement. Just for the record, the 4th arrondissement in Bangui is the
23 neighbourhood where there's Boy-Rabe, Gobongo and where Ngaïssona
24 resides -- Maxime Mokom, et cetera; is that correct?

25 A. [12:05:08] Where most of the Anti-Balaka live.

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1 Q. [12:05:15] And we hear in the video, we hear it said that instead of seeing the
2 notables, the neighbourhood chiefs, everybody in the room, so in the
3 4th arrondissement were soldiers, and there was an electric atmosphere. Do you
4 remember that at the time?

5 A. [12:05:38] Yes. An invitation was sent out to all the stakeholders from the
6 4th arrondissement, but the feedback that we got was not at the level of our
7 expectations.

8 Q. [12:05:55] And at that time -- so it was explained that the atmosphere was
9 electric. Do you know why -- well, it said contrary to the other arrondissement that
10 he was going to visit, it is said that at the 4th arrondissement the atmosphere was
11 electric. Do you know why or have you heard people speak about why that was the
12 case?

13 A. [12:06:22] Well, you said a moment ago the composition of the population of the
14 4th arrondissement, Gobongo, Boy-Rabe, et cetera, essentially it's -- these are very
15 sensitive neighbourhoods in the Central African crisis, with ex-Seleka, with
16 Anti-Balaka. And you'll remember that the ex-Seleka already went to the
17 4th arrondissement and it went badly. So it's people's protection. They asked them
18 to give up their weapons and so that they wouldn't be left -- and that left them at the
19 mercy of attacks, and people were more reticent.

20 Q. [12:07:14] So if I understand correctly, they wouldn't disarm voluntarily; is that
21 case?

22 A. [12:07:24] That's what I said to you. What we had by way of feedback wasn't at
23 the level of our expectations. Very few weapons were handed in and even when
24 they were handed in, it was because people had two or three of them. They would
25 just hand in one and they would keep one or two of them.

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1 Q. [12:07:53] Perhaps a last question about that. Now, you explained that they
2 wanted to keep their weapons because they had this memory of the Seleka who had
3 attacked Boy-Rabe at that time now -- in 2013. The Seleka was no longer present to
4 attack Boy-Rabe in 2014, was it?

5 A. [12:08:20] Yes, but the tensions existed still. There were still tensions, so people
6 would protect themselves. The Central African crisis lasted to the end of 2015.
7 Nobody was sheltered from attacks, from exactions. People preferred to have their
8 weapons in order to protect themselves.

9 Q. [12:08:46] And even if you were, as the president or MINUSCA, the
10 international forces asked for disarmament in order to go towards lasting peace.

11 A. [12:09:00] Well, the peace is a long process. You don't decree it. It's step by
12 step. You have to raise awareness. You have to have dialogue. You have to have
13 exchanges. That's the way you come to peace. But you can decree it by the state or
14 at an international level. That is not enough. There were a lot of actions that were
15 needed to come to peace, and we spent two years of our mandate exactly on that, on
16 raising awareness, on calling for peace constantly -- constantly, constantly.

17 Q. [12:09:37] I'm now going to the following document.

18 So this is at tab 37 of the Office of the Prosecutor, CAR-OTP-2087-9290.

19 I'm going to let you read the document in the first instance.

20 Is it correct that this is a new list of requests on behalf -- or demands on the behalf of
21 the Anti-Balaka which was made after the appointment of Mahamat Kamoun as the
22 first minister in August 2014?

23 MS PROULX: [12:10:33] Mr President.

24 PRESIDING JUDGE SCHMITT: [12:10:34] Yeah, Ms Proulx.

25 MS PROULX: [12:10:37] This is leading in the sense that the list itself is not noted.

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1 It would have been anything preferable (Overlapping speakers)

2 PRESIDING JUDGE SCHMITT: [12:10:42] Yeah, I think I agree here too.

3 Can we just go to the top of -- this is the top, I think, already.

4 So, first, ask the witness if she knows, if she ever seen -- if she has ever seen this.

5 And then if she knows when this was, if it ever was submitted to her and then when.

6 I would prefer it also to do it this way. Or shall I quickly?

7 MS STRUYVEN: [12:11:10] It's okay.

8 PRESIDING JUDGE SCHMITT: [12:11:12] Please.

9 MS STRUYVEN: [12:11:14] I think -- it's part of the documents that were shown to
10 her, I think, during the interview. I think that that's why it has a number also.

11 PRESIDING JUDGE SCHMITT: [12:11:24] Yeah, yeah, but this is not the problem.
12 The problem is that we now --

13 MS STRUYVEN: [12:11:29] If she (Overlapping speakers)

14 PRESIDING JUDGE SCHMITT: [12:11:29] -- to elicit her live testimony, so that is the
15 difference obviously.

16 MS STRUYVEN: [12:11:36] (Interpretation)

17 Q. [12:11:37] Madam Witness, have you seen the document that is before you?

18 A. [12:11:47] Could I have the first page of the document or the title of the
19 document, because I have a lot of documents with profiles and everything like that?
20 Is that everything there is? I see it is everything there is.

21 Certainly these are proposals for posts because you have the wishes -- we had to do a
22 summary, because it takes up the names that appear. It's a summary of proposals
23 for appointments of members of the Anti-Balaka.

24 PRESIDING JUDGE SCHMITT: [12:12:25] If you want (Overlapping speakers)

25 THE WITNESS: [12:12:28](Interpretation) So --

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1 PRESIDING JUDGE SCHMITT: [12:12:31] Ms Struyven, if I recall it correctly, every
2 document that has been provided by the witness during the investigation phase, this
3 was discussed where it was from you. You can put this to her, perhaps, to jog her
4 memory, and then we are all on the same page. I'm sure you have the reference
5 here.

6 MS STRUYVEN: [12:12:54] Exactly.

7 PRESIDING JUDGE SCHMITT: [12:12:55] Or Mr Vanderpuye has it.

8 MS STRUYVEN: [12:12:59] No, I have it, if I can still read it. No -- it's

9 CAR-OTP-2107-1070 at 1087 and 1088, lines 567 to 605, if I'm not mistaken. But I'll
10 confirm if it's wrong. That's the reference I have and my colleague will check that.

11 Q. [12:13:28](Interpretation) So, Madam President, in your statement with the
12 Office of the Prosecutor, I think that you explained that it was after the appointment
13 of Mr Mahamat Kamoun as first minister in August 2014, and you also explained that
14 Ngaïssona asked once again to have this post as director, general director of SOCAPS.
15 Do you remember that?

16 A. [12:14:06] Yes, but that comes from the same principle of the will to involve the
17 Anti-Balaka in the governance. There was a change of first minister, so necessarily
18 there were new persons who had to enter into the government or have posts at a
19 certain level. And, as such, with Mahamat Kamoun, we did the same thing. We
20 consulted the Anti-Balaka. We consulted the UN forces. Everybody was sent a list
21 with proposals and, as you can see, Ngaïssona was insisting on the post that had
22 already been asked for once again.

23 Q. [12:15:01] And how did he react?

24 PRESIDING JUDGE SCHMITT: [12:15:02] Just a moment. It starts at 1086, what
25 you mean, yeah? Because here we are talking about "*Généralement, ça passe par*

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1 *Ngaïssona*". And this refers to this document, yes, please -- just for the parties so that
2 we are on the first page.

3 MS STRUYVEN: [12:15:24] Thank you Mr President.

4 Q. [12:15:26] (Interpretation) Madam Witness, can you explain to us, or explain to
5 the judges how Ngaïssona reacted when he didn't receive this post that he personally
6 wanted to have.

7 A. [12:15:44] He wasn't happy, and that must be what he meant by the ingratitude
8 of Madam Samba-Panza. That's all I can say. You have to imagine it.

9 Q. [12:16:02] Thank you very much, I'm now going to show you another document,
10 and this is at tab 9 of the Office of the Prosecutor, CAR-OTP-2001-5285.

11 PRESIDING JUDGE SCHMITT: [12:16:37] It's on the screen.

12 MS STRUYVEN: [12:16:40] (Interpretation)

13 Q. And if I could ask you to look at the first paragraph. I think that we can see the
14 first part, in fact. So -- so it's 19 September 2014, and Emotion Namsio and other
15 members of the Anti-Balaka, in particular Gustave Yandjoukou and Olivier Feizona
16 are arrested and transferred to the Ngaragba prison.

17 And so if we go a bit further down, we will see the paragraph which starts with "The
18 Prosecutor of the Republic explained that the four persons were transferred to the
19 prison in accordance with the normal procedure".

20 And it's also explained in that they were transferred because they had weapons in
21 their vehicles.

22 Do you remember this event?

23 A. [12:17:54] Indeed, I remember. I remember it perfectly. I was interviewed by
24 the Anti-Balaka for that, for the -- about these arrests.

25 The document is quite explicit. They are reproached for having weapons on them,

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1 and so they were arrested in a vehicle with weapons, and so they were arrested
2 because it was assumed that they didn't have the right to have -- it was considered
3 that they didn't have the right to have these weapons with them, so the document is a
4 sound account of what happened.

5 Q. [12:18:36] At the time, was it indeed the case that they didn't have permission to
6 go around with weapons, so the question is with regards to their address -- their
7 arrest at the time. Was it legal?

8 A. [12:18:53] It was a legal arrest. They don't have -- they didn't have the right to
9 go around with weapons, so this was a legal arrest. There was a control that was
10 carried out. It was seen that they had weapons on them and they were not
11 authorised and so they were arrested.

12 Q. [12:19:10] I'm now going to send you -- show you another document.

13 And this is at tab 13 of the Office of the Prosecution binder. And this is
14 CAR-OTP-2001-5647, and this is at tab 13 of the Office of the Prosecutor binder and it
15 can't be shown to the public.

16 And if you could have a look at page 5648, the second page at the top of the page,
17 I will let you read it.

18 So this is a report, an intelligence report, some days after this arrest.

19 A. [12:20:21] Yes.

20 Q. [12:20:23] So, in the intelligence report it says that demonstrations orchestrated
21 by the Anti-Balaka were in position in Bangui, particularly in reaction to the arrest of
22 three of their members, including the spokesperson on 17 September, and the
23 difference of treatment between them and the ex-Seleka, which is made -- which is
24 carried out by the international forces.

25 Now, do you remember this information and this intelligence that you had at the

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1 time?

2 A. [12:21:00] Yes, that's part of my confidential documentation that I receive as a
3 head of state that the intelligence services send to me, and I remember this period and
4 what happened afterwards, the demonstrations that took place following these arrests.
5 I remember that well.

6 Q. [12:21:18] Indeed. I was going to ask you about the arrests themselves. The
7 arrests were legal, but with regards to the demonstrations by the Anti-Balaka which
8 followed, were these demonstrations peaceful?

9 A. [12:21:35] Well, generally there was a lot of disturbances of public order when
10 such demonstrations took place. There were roadblocks. There were tyres that
11 were burnt. There was -- that was the nature of political demonstrations, so, no, this
12 was a moment of difficulty, a moment of troubles.

13 Q. [12:22:03] So I will just ask you to read two press articles about this, which
14 I think explain to a certain degree the seriousness of the demonstrations.
15 The first is at tab 10 of the Office of the Prosecution binder, and this is
16 CAR-OTP-2001-5342.

17 PRESIDING JUDGE SCHMITT: [12:22:39] And I think the best would be we let
18 Madam Samba-Panza read it and then you can ask her if this comports with -- if this
19 comports with her recollection of what happened at the time. I think that's the best
20 way to do it.

21 MS STRUYVEN: [12:22:59](Interpretation)

22 Q. [12:22:59] So, Madam President, this is an article in English, but I don't think it is
23 a problem necessarily if you could indeed just read -- well, it's not very long. If you
24 could just read the first page and then it continues to the second and the third page, if
25 I'm not mistaken.

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1 A. [12:23:23] If I could have the translation, that would be useful for me.

2 Q. [12:23:26] Indeed, then I will perhaps read it.

3 So -- this is -- I'm going to start reading it from page 5342 and then it (Overlapping
4 speakers)

5 (Speaks English) "Central African Republic's transitional president opened talks on
6 Saturday with leaders of a Christian militia who have called for her government to
7 resign, a spokeswoman said, trying to put a stop to days of heavy violence that killed
8 one U.N. peacekeeper and injured more than a dozen others.

9 'The initiative aims to defuse the crisis that has paralyzed the capital since Tuesday,'
10 Antoinette Montaigne said after Catherine Samba-Panza met with representatives of
11 the militia in the presidential palace."

12 PRESIDING JUDGE SCHMITT: [12:24:21] I think that's enough for the moment.
13 Perhaps if we ask her first and then you might continue.

14 MS STRUYVEN: [12:24:34] (Interpretation)

15 Q. [12:24:35] So the article mentions that you met the leaders of the Christian
16 militia who called upon your government to resign. And I think that afterwards
17 they explained the seriousness of these events.

18 I'll perhaps read it to you. It's lower down where it is stated --

19 PRESIDING JUDGE SCHMITT: [12:24:53] "In recent days".

20 MS STRUYVEN: [12:24:53] (Interpretation) And I'll read it in English:

21 (Speaks English) "In recent days, the capital has been the scene of the heaviest fighting
22 since a U.N. peacekeeping force took over in September.

23 One peacekeeper was killed and eight others wounded Thursday in an ambush on
24 the outskirts of Bangui. On Friday, six U.N. police officers were wounded when an
25 armed group fired on their patrol as they monitored a protest at the airport.

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1 The airport demonstrators were calling for Samba-Panza's resignation. Flights in
2 and out of Bangui were suspended Friday and the airport remained closed Saturday.
3 At Saturday's meeting, the anti-Balaka militia group submitted five demands
4 including the release of arrested members and the inclusion of others in a transition
5 council. They also asked for Anti-Balaka members dismissed from civil service posts
6 to be reinstated, and for the transitional government to agree not to arrest and
7 prosecute militia members."

8 (Interpretation) The next page.

9 (Speaks English) "A fifth demand, for the government formed in August by Prime
10 Minister Mahamat Kamoun to resign, was dismissed outright, said Alfred Legrand
11 Ngaya, an adviser for the anti-Balaka delegation.

12 'The president of the transition does not want points concerning government
13 institutions to be addressed in this phase of the crisis,' Ngaya said."

14 PRESIDING JUDGE SCHMITT: [12:26:23] I think we finish here. Thank you.

15 MS STRUYVEN: [12:26:35] (Interpretation)

16 Q. [12:26:36] So, as I said, there was an armed group which shot at a UN patrol,
17 killing a Blue Helmet and injuring -- wounding eight others.

18 Now, the UN patrol was watching a demonstration. Do you remember or could you
19 explain in your own words what actually happened without going into too many
20 details but just such that the Chamber can understand what happened?

21 A. [12:27:06] Your Honour, there's a problem with the technology. The sound
22 isn't coming through very well. Now I can see you again, but I didn't hear what you
23 said, but I guessed what you wanted to know.

24 I think that the document which you read, which was translated, states well what
25 happened. It was a very difficult time, particularly difficult following the arrest of

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1 these Anti-Balaka elements.

2 Indeed, it was -- a fire had been lit in Bangui and it set Bangui alight and there was a
3 lot of mediation and negotiations that were needed in order to get calm to come back.

4 There were demands that were presented and, as you read them, they were
5 effectively made, these demands. We couldn't satisfy all the demands. At a
6 political level you can never satisfy every recommendation.

7 I tried to respond to some of them to make the atmosphere more relaxed, and
8 afterwards calm did indeed return. And we regretted the death of a peacekeeping
9 soldier. That's something which we regretted, and also the situation that happened
10 to several other peacekeeping soldiers as well.

11 Q. [12:28:43] And at that time, did you discuss -- well, you spoke about
12 negotiations, et cetera. But Ngaïssona, was he one -- was he a party to these
13 negotiations?

14 A. [12:28:58] Yes, certainly at that level. Ngaïssona had to be a member of that.
15 Now, at a formal level -- I can't remember the date of the meeting with them, but
16 there were constant exchanges with them -- constantly.

17 PRESIDING JUDGE SCHMITT: [12:29:13] Yeah, I think I also have the impression
18 that this would be a good time to break now.

19 Madam Samba-Panza, we have the lunch break until 2 o'clock and then we continue
20 and finish with the examination of the Prosecution; and, if any, questions by the
21 victims.

22 THE COURT USHER: [12:29:33] All rise.

23 (Recess taken at 12.29 p.m.)

24 (Upon resuming in open session at 2.01 p.m.)

25 THE COURT USHER: [14:01:21] All rise.

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1 Please be seated.

2 PRESIDING JUDGE SCHMITT: [14:01:44] Good afternoon, everyone.

3 Good afternoon, Madam Samba-Panza.

4 Ms Struyven, you still have the floor.

5 MS STRUYVEN: [14:01:51] Thank you, Mr President.

6 Q. [14:01:55] (Interpretation) Good day, once again, Madam President.

7 I'd like to show you another document. Now, we had just finished off before lunch

8 with this request -- this demand, rather, for you to resign after a number of

9 Anti-Balaka elements were arrested in September and October 2014.

10 I'd like to now show you tab 46, CAR-OTP-2092-1740. And that will be coming up

11 on the screen in a few moments. And I would like to ask you to read this letter.

12 I'll show you the second page now. This is a very short passage, page 2.

13 So my first question to you is this: Do you recognise this document? Do you

14 remember it?

15 A. [14:04:39] Yes, I remember it perfectly well. I did receive this letter.

16 Q. [14:04:46] So in this letter, in a few lines it is explained that Ngaya had joined the

17 movement to provide advice to the Anti-Balaka leaders with a view to ensuring a

18 return to peace, a return to normal life. He also said that he had always been

19 subjected to unfounded attacks, and constantly he was criticised, people said that he

20 was in the pocket of the French and that he also said that some barbaric acts had been

21 committed.

22 And in the last paragraph he said: "The agreement for the end of the hostilities

23 signed in Brazzaville on 23 July 2014 was violated, without dialogue being exhausted.

24 The extent of the violence that we've seen these recent days is in no way justified."

25 So he has made mention these barbaric acts and he decided that he would leave the

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1 movement.

2 Did you have an opportunity to discuss this matter with him at the time?

3 A. [14:06:19] No, not at all. On the day that -- well, the attempted arrest of
4 Mr Ngaïssona at the presidency, it was with Ngaya I spoke. I tried to convince him
5 not to leave the Anti-Balaka. And so, you see, he was the person that I was dealing
6 with at that time.

7 In the interest of Mr Ngaïssona, he always was rather moderate. Not at first. At
8 first he was quite hardline, but then later on he realised the meaning, the sense of
9 actions that could be taken or not, and he became more moderate. But I wasn't in
10 contact with Mr Ngaïssona. When there were meetings with all the Anti-Balaka, he
11 was criticised about the French army. I can't tell you more than that, but it is true
12 that I did receive this letter in which he announced that he would withdraw from the
13 Anti-Balaka movement.

14 Q. [14:07:38] Thank you very much.

15 I'd like to move on to something else now and show you another document.

16 This is tab 14 in the OTP binder, CAR-OTP-2001-5684. And this is an intelligence
17 report, so it should not be shown to the general public.

18 Page 5648, I'd like to show you that page from this intelligence report -- no, no, no,
19 I've made a mistake. I'd like to -- the first page, rather, first page, 5684.

20 So this is a document dated 17 November 2014, but it makes mention of an event that
21 occurred on 29 October 2014. And I will give you a few moments to read this
22 document.

23 So this is an intelligence report that mentions an attack upon the Congolese
24 contingent at PK9. And according to this report, the Anti-Balaka were heading
25 towards a rebellion against the central government in the town of Bangui and the

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1 surrounding area, focussing more and more on symbols of the state. And this new
2 remobilisation of the Anti-Balaka came after the failure of their attempt to demand
3 the resignation of the transitional leaders, the executive branch of the transitional
4 government.

5 Do you remember that?

6 A. [14:10:39] Yes, your Honour. During that entire period of time there were
7 many attempts to destabilise the transitional government. Obviously there were
8 political objectives behind that because these demands for the rights of the
9 Anti-Balaka were -- would not give rise to a lot of movements within the city and the
10 outskirts. There were attacks upon the institutions of the state, upon symbols of the
11 state. So it was a very -- particularly difficult time. And the Anti-Balaka were
12 really at the forefront when it came to trying to destabilise the transitional
13 government.

14 Q. [14:11:41] Thank you.

15 At that time did you receive information about exactly who attacked the Congolese
16 contingent at PK9?

17 A. [14:11:53] I no longer recall. I'm sorry about that. I no longer recall.

18 Q. [14:11:59] That's not a problem at all. After all, these events occurred nearly
19 nine years ago.

20 I would like to show you another document, and this is at tab 12 of the OTP binder,
21 CAR-OTP-2001-5642.

22 And once again, this is an intelligence report. It can't be shown to the public.

23 I'll show you the second page, 5643, and we're going back in time in order to glean
24 information about PK9. So this is dated Tuesday, 24 June 2014. I'll let you read this
25 passage.

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1 Tuesday, 24 June 2014, Bangui, if we could scroll down, please.

2 The passage begins with mention of calm -- a precarious kind of calm within the
3 capital and then mention is made of PK9. If you could just read that passage for us.

4 So my question to you is the same: Do you remember this, June 2014?

5 A. [14:13:55] Yes, your Honour, I remember full well what the situation was.

6 During the entire transitional period, the Anti-Balaka continued to conduct activities
7 with a view to destabilising the situation. They wanted to gain control of the access
8 to PK9 and thus access to the city. So there were some very difficult moments with
9 the gendarmes and also with the international forces.

10 Q. [14:14:42] Just to -- this road, PK9, this is quite important because I believe that
11 there is a road there that goes by way of Cameroon and all kinds of goods are
12 transported that way?

13 A. [14:15:02] It's an important exit from the city. We have the northern exit, PK10,
14 11, 12, and then we have the southern exit which heads towards the southern and
15 western part of the Central African Republic. There's quite a bit of business activity,
16 quite a bit of business goes on there with -- if you block that access point, you truly
17 block access to the capital.

18 Q. [14:15:40] And the person called "Rambo" referred to in this report, is that
19 Yekatom? Isn't that so?

20 A. [14:15:55] Yes, I discovered that it was Yekatom well later on with all of the files
21 of the ICC, but I knew him as Rombhot, yes.

22 Q. [14:16:11] And he was the one who was occupying that place, PK9, including the
23 Lobaye prefecture and further on towards (Overlapping speakers)

24 PRESIDING JUDGE SCHMITT: [14:16:26] Well, Ms Dimitri, what's --

25 MS DIMITRI: [14:16:27] Again, first, it's extremely leading. Second, it's not very

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1 difficult to ask the witness: Do you know which area he was occupying? Rather
2 than slipping --

3 PRESIDING JUDGE SCHMITT: Yes, yes, no --

4 MS DIMITRI: [14:16:40] -- in the question Boda.

5 PRESIDING JUDGE SCHMITT: [14:16:46] This is something -- you know, I
6 explained that this morning, and really in all openness and transparency, this is
7 something you can -- I said you have some leeway with your mode of question, but
8 simply you can do it this way. And I understood from the last answer of
9 Madam Samba-Panza that she only later came to know who -- the real name and so
10 on. So perhaps you can really -- you can pick up what Ms Dimitri said. And you
11 get -- you get probably the same information out of the witness.

12 So it is sustained, so to speak, the objection.

13 MS STRUYVEN: [14:17:25] (Interpretation)

14 Q. [14:17:28] So, Madam President, did you know which area that Rombhot or
15 Yekatom, same person, had control over in 2014?

16 A. [14:17:44] Well, the information that I had was that he had the control of the area
17 from southern Bangui, the south of Bangui with this exit point south towards Lobaye,
18 Ombella-M'Poko, and all those various prefectures.

19 Q. [14:18:12] Thank you.

20 Did you hear any mention made of crimes created by Yekatom or Rombhot, as you
21 referred to him?

22 A. [14:18:28] Yes, I did receive reports, both written reports and verbal accounts of
23 what had happened in the south and various activities and actions by Rombhot.

24 Independently of all that, like everyone else, I saw video footage in which he featured
25 prominently and he's made mention of various actions he had led. So that is how

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1 I was informed of those matters.

2 Q. [14:19:06] I'd like to conclude the chronology with one last document, tab 34 of
3 the OTP, CAR-OTP-2087-9110, tab 34.

4 This is a rather long document, but if you could have a look at the third page, point
5 9112 -- page 9112.

6 MS STRUYVEN: [14:21:07] (Interpretation) If we could please scroll down so the
7 witness can hear -- can read, rather, the rest of the page and the following page.

8 If we could move on to the next page, please, and if we could focus on the middle of
9 the page. Well, no, rather, the beginning, right at the top of the page and then if we
10 could in a few moments scroll down to the middle of the page.

11 THE WITNESS: [14:22:43] (Interpretation) I've read --

12 THE INTERPRETER: [14:22:45] Overlapping.

13 PRESIDING JUDGE SCHMITT: [14:22:47] That's really a lot of information to absorb
14 for the witness. Please, your question now.

15 MS STRUYVEN: [14:22:54] (Interpretation)

16 Q. [14:22:55] Now, just to begin at the beginning, if we look at the title on the first
17 page, this is a speech given by Mr Ngaïssona, the coordinator, during the

18 announcement of the transformation of the movement into a political organisation.

19 Do you remember that late in November 2014 Ngaïssona transformed the Anti-Balaka
20 movement into a political movement called the Central African party for
21 development?

22 A. [14:23:34] Yes, I remember that perfectly well and I also remember the content of
23 his speech, which is nothing new. It reiterates the same sort of terminology, the
24 same bitterness that Mr Ngaïssona -- against the transitional authorities. For
25 example, I do note "*acharnement bestial*" in French and always the same sort of thing.

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1 We were talking, we were trying to determine how we could manage the difficult
2 period, but the same words come back, non-recognition, lack of gratitude. The
3 discourse is no different to many other speeches made at that time and it truly bears
4 witness to the bitterness of Mr Ngaïssona.

5 Q. [14:24:44] Thank you very much. That's a very complete answer.

6 Just one question: Would it be correct to say that at the time, Ngaïssona was going
7 to turn the Anti-Balaka into a political party because he was planning to run in the
8 presidential election?

9 A. [14:25:05] Well, listen, if you turn an organisation into a political movement,
10 everyone knows that the purpose of a political party is to gain power, to take power.
11 Otherwise, one wouldn't be in politics; one remains an NGO or something like that.
12 But once you decide to have a political organisation, it's with a view to gaining
13 power.

14 Q. [14:25:37] Thank you. And as you explained, we see the same reproaches in
15 this speech. Would it be correct to say that at that time, November 2014, the crimes,
16 for example, in the various enclaves were still going on, even in November 2014,
17 crimes by the Anti-Balaka against the Muslims?

18 A. [14:26:08] I think if we were to survey these various crimes and the retaliation,
19 maybe not in Bangui, but in the interior, we would still find that actions were being
20 taken by the Anti-Balaka.

21 Q. [14:26:28] Thank you very much.

22 I'd like to conclude my questioning by asking you a few questions about the crimes.
23 You already explained -- you've already provided quite a bit of details about the
24 crimes.

25 Now, one question about child soldiers and this is really rather a restricted question.

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1 When you were in Bangui in 2014, did you yourself see any child soldiers amongst
2 the Anti-Balaka?

3 A. [14:27:20] The phenomenon of child soldiers was used by all the parties, all the
4 armed groups during the conflict, the Seleka and the Anti-Balaka. I did see one child
5 soldier during a demonstration by the former Seleka. I saw -- I did see that. But as
6 for Anti-Balaka child soldiers, I can't say that I saw any with my own eyes.

7 Q. [14:27:48] No problem.

8 My last topic has to do with the various enclaves. Yesterday you explained that, on
9 the one hand, the Muslim population of Mbaiki had fled Mbaiki and then, on the
10 other hand, you explained that the Muslim civilians in Boda were caught in an
11 enclave and that there was a red line that could not be crossed. And you described
12 the situation in Boda and you -- I believe you said that it was like an open-air prison,
13 an open-air prison.

14 A. [14:28:31] An open-air prison.

15 Q. [14:28:38] I think you also mentioned a number of enclaves at PK5 and in
16 Berberati. I believe you mentioned that yesterday. Would it be correct to say that
17 throughout all of 2014, throughout that entire year, there were a number of enclaves
18 that continued to exist in a number of villages in the provinces, for example, Boda,
19 PK5, for instance, Yaloke, Bossembele, Carnot, Berberati and so on and so forth. So
20 those enclaves still did exist throughout all of 2014?

21 A. [14:29:24] Throughout all of 2014.

22 I'll just give you the example of the enclave at PK5 in Bangui. If it had not been for
23 the arrival of the Pope, that enclave would still be there. But when the Pope visited
24 Bangui and visited the PK5 enclave, when he went to the large stadium where the
25 gathering was organised, there he was able to meet a group of Muslims and that

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1 allowed for their release. But in Bangui that enclave did exist.

2 Q. [14:30:18] Now, generally speaking, you mentioned open-air prisons. Could
3 you describe how these enclaves worked?

4 A. [14:30:39] These enclaves were really not fit for humane -- human life. It was
5 absolutely not even imaginable. The people who were held in these enclaves had no
6 right to leave. The delivery of food was also prohibited. Merchants couldn't sell
7 their goods for the people in the enclaves to eat. They were also denied access and
8 contact with humanitarian organisations for any kind of support. They were denied
9 access to drinking water. The children within these enclaves were denied from
10 going to school. People who were -- people who were deceased and who were
11 buried elsewhere could -- their remains could not be brought inside. There was
12 much promiscuity inside the enclaves that there was the spread of disease and it was
13 absolutely unimaginable.

14 Q. [14:32:00] So irrespective of the enclaves -- now some of the Muslims in these
15 enclaves were evacuated, some of them, right, including the ones outside the country?

16 A. [14:32:19] There were negotiations that were held. The enclaves were actually
17 under the auspices of the Catholic church or Catholic schools, so the priests who were
18 in charge of the enclaves would negotiate with the international forces to free certain
19 people who were held in the enclaves so that they could either go to the northwest or
20 Cameroon or Chad. But during the transfer of these people, they were attacked.
21 The -- the transport vehicles were attacked, and they were killed. And people were
22 asked to get off the vehicles and executed in front of the others. The international
23 forces had to intervene. And there was a lot of attacks.

24 Q. [14:33:32] When you say "attacks," you're talking about the Anti-Balaka
25 attacking the people?

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1 A. [14:33:40] Yes, it is the Anti-Balaka.

2 Q. [14:33:42] Now, the Muslims in the enclaves, were they citizens of the Central
3 African Republic?

4 A. [14:33:50] Yes -- some, yes; others, no. You see, we have a country where we
5 have a mixed population. We have Muslims who are Central African Republicans.

6 These are Muslims who originate from the north and the east and they are Muslims

7 but they are Central African citizens. The attack of the Anti-Balakas targeted the

8 Muslims, whether they were of Central African origin or Muslims who have come to

9 live in the Central African Republic.

10 So it was also violence that was targeted against the Peuhl ethnic group. Peuhls

11 were also targeted by the Anti-Balaka because the Anti-Balaka considered that the

12 civilian population -- the Muslim civilian population have welcomed the Anti-Balaka

13 and they helped them and they were also accomplices in some of the exactions. So

14 basically this was a kind of revenge on the population.

15 Now, in their demands they said that there should be more Muslims in the Central

16 African Republic, all Muslims of the Central African Republic must leave. There

17 were people where Muslim -- there were places where Muslims were set up for quite

18 some time, they were the sons of the soils and they did not want to leave, but

19 they -- they did not leave and they ended up being killed.

20 Q. [14:35:34] Now, according to you -- now, in your opinion, was it opportune to evacuate

21 these Muslims who were in these enclaves, who were caught in these enclaves?

22 A. [14:35:52] It is -- it was very difficult. It was a very delicate situation and this really put

23 me in a quandary when -- when I had to take a decision. We tried to evacuate all Muslims

24 from the Central African Republic, well, it means that -- this was tantamount to religious

25 cleansing, so to speak, or even ethnic cleansing if we were to do that. If we accepted that all

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1 Muslims migrated to the north or to Chad or to Cameroon, it was tantamount to this
2 cleansing. We would -- if we let them leave, we would be exposing them to attacks, and
3 keeping them in that enclaved area was inhuman, inhumane and it was clearly a violation of
4 humanitarian law. And it was a very difficult situation, a very difficult decision to take. And
5 depending on the enclaves, I would try and negotiate. I had a lot of problems with
6 international organisations who would -- that would come -- the UN would come and would
7 put people in trucks and leave them, but I told them that this should be done in agreement
8 with the authorities. These are populations, you see, that are part of a country. You are
9 international organisations and you cannot put -- you can't fill trucks with people like cattle.
10 You have to agree with certain things. At Kilometre 5, for instance, I really insisted that these
11 populations remain in place and we try to protect them and give them the necessary
12 assistance so that they can have a dignified life. In Kilometre 5, for instance, I talked with
13 the imams, with the merchants and the population that were supposed to leave the Central
14 African Republic in 30 vehicles. I visit -- I -- the imams who came to visit me, 10 of them, and I
15 told them that, * "Please stay. We will -- we will protect you. You are the last bastions of
16 the Muslim population in Kilometre 5 in Bangui, and you see, if you leave, it will be
17 considered as an anti-Muslim country and we will see Boko Haram descend and the jihadists
18 descend, and because there are no more Muslims, the whole Central African population can
19 be butchered." I told them that. They told me that they've been making expenditures, that
20 they've been buying tires, that they've been stockpiling... et cetera, and that they would be
21 making a loss. I told them, "I'll reimburse you for that, but please stay." I reimbursed them
22 and they stayed. So this population remained and this really helped us in our national
23 reconciliation and for social cohesion.

24 Q. [14:39:04] A last question: You described the circumstances which were
25 extremely tricky and difficult in the enclaves and you also talked about PK5. Now,

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1 the existence of enclaves, these evacuations, the attacks, now was it in public domain?

2 So did people in Bangui -- were people in Bangui aware that there were -- these

3 enclaves existed, these enclaves existed and especially in PK5?

4 A. [14:39:45] Yes, it was public knowledge. Everyone knew this. And people

5 were waiting for the transport trucks to pass so that they could attack them. Many

6 people in the Central African Republic were actually glad to see these people in the

7 enclaves. I was really surprised to know that purely out of chance, a day running

8 water was available in the PK5 enclave and people organised to give orders to the

9 water company to cut off water supply. And when I learned that, I was shocked and

10 I said this is inhuman. And then I tried to restore water supply to that place and

11 other, other areas. This was all in public knowledge.

12 Q. [14:40:46] So if I understand, the Anti-Balaka heads were also aware that these

13 enclaves continued to exist in 2014 and subsequently later on?

14 MS DIMITRI: Mr President.

15 PRESIDING JUDGE SCHMITT: [14:41:01] Ms Dimitri.

16 MS DIMITRI: [14:41:03] I understand the Prosecution has a case to present, but

17 there's a time for pleading, there is a time to ask questions to a witness. You know,

18 generalised question on did the -- did the Anti-Balaka chiefs know which one -- she

19 can answer questions on her awareness of the enclaves, of what's happening, the

20 horrible events in the enclave, and then you can -- the Prosecution can argue their

21 case, rather than trying to --

22 PRESIDING JUDGE SCHMITT: [14:41:32] We can do it -- we can do it a little bit

23 differently.

24 Madam Samba-Panza, did you discuss with the Anti-Balaka leaders the situation of

25 the enclaves during 2014?

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1 THE WITNESS: [14:41:47](Interpretation) Now, during my meetings with the
2 Anti-Balaka, I did raise the subject. We spoke about it. In fact, I read a document
3 shortly before where Mr Ngaïssona were -- declared, stated that if we had brought the
4 Anti-Balaka in in the management of the enclaves, the results would have been
5 different. And he sent a mission to Boda where things transpired differently.
6 So the Anti-Balaka were aware and we did talk about it and this was a reason for
7 concern.

8 MS STRUYVEN: [14:42:37] (Interpretation) Thank you so much.
9 I've finished.

10 (Speaks English) Thank you, Mr President.

11 PRESIDING JUDGE SCHMITT: [14:42:42] Thank you, Ms Struyven.

12 Ms Massidda, are there -- I don't think there are a lot of questions because it --

13 MS MASSIDDA: [14:42:46] Yes, your Honour.

14 PRESIDING JUDGE SCHMITT: [14:42:47] -- seems that it has been covered a lot.

15 MS MASSIDDA: [14:42:50] I think that my colleague, Ms Rabesandratana, has a few
16 questions for this witness. Thank you.

17 PRESIDING JUDGE SCHMITT: [14:42:55] Yes, then, please, Ms Rabesandratana has
18 the word.

19 MS MASSIDDA: [14:43:00] Ten minutes, 15 minutes maximum.

20 PRESIDING JUDGE SCHMITT: [14:43:01] Yes, yes.
21 You have the word.

22 MS RABESANDRATANA: [14:43:04] (Interpretation) Thank you, your Honour.

23 QUESTIONED BY MS RABESANDRATANA: (Interpretation)

24 Q. [14:43:14] Good day, Madam President. My name is Elisabeth Rabesandratana.
25 I am counsel and the legal representative of victims of other crimes. So this is

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1 another team. We are not in charge of child soldiers. We represent all victims,
2 except child soldiers. So this is what the expression "other victims" means.

3 Now, you spoke about enclaves and the conditions in which this -- the civilian
4 Muslim population was living. Now, this morning I observed that you also
5 talk -- talked about Boda and we said that this was an example of social cohesion that
6 was successful.

7 Now, can you explain in detail what you mean by this -- by this example of Boda
8 being a successful example of social cohesion?

9 A. [14:44:21] Thank you so much for the question. Yesterday I dwelt longly on the
10 subject of Boda and the efforts that were deployed by the transition authorities and
11 the humanitarian associations and the NGOs and the UN organisations by
12 international forces to find a solution to the situation in Boda. And we tried to
13 explore together what would be the best way to bring social cohesion back to this
14 region.

15 Now, first of all, we had to accept the existence of different, diverse populations.

16 And it was important, given that the Muslims in the Boda enclave committed
17 exactions in support of the Seleka. So there was this sentiment of vengeance in the
18 local population towards the Muslims in the enclaves.

19 Now, it is really important to work on yourself, to work on them so that they can
20 accept the presence of this population in the enclave and also make an effort to live
21 together in a social way.

22 There were so many missions sent. There were religious missions, there were local
23 missions sent. The -- we had authorities who -- who were from Boda who were
24 involved in this. We had deputies, elected representatives who were involved and
25 who actually carried out several missions in the region. So it was not just the

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1 transitional government making efforts, but all the people from Boda. The local
2 people and all the local stakeholders were involved. And gradually we tried to get
3 these people to live together peacefully. And we started with an activity that was
4 funded by the UN programme setting up businesses, markets. So there
5 were -- markets were destroyed and we set up these markets again. In the beginning
6 it was difficult, and then we basically got the permission for Muslims to go and sell
7 their produce, to buy goods. So there was some kind of exchange set up in the
8 communities, and gradually, as time went by, there was some cohesion that was
9 brought back into the region. It wasn't perfect, but there -- but there was some
10 cohesion to start off with.

11 Q. [14:47:21] Thank you so much.

12 Now, concretely, were the -- were families able to get back their homes?

13 A. [14:47:35] I cannot answer that, whether it happened in Boda. I can't answer
14 that. But, as you know, we did develop a reconciliation strategy at the national level
15 around November 2014, and this is -- this programme makes a lot of place for
16 transitional justice, and within the framework of this transitional justice programme,
17 the government committed to protect the population, to protect the property and the
18 goods of the population, to try and return what was taken away from them. So there
19 was this entire transitional justice dimension. We had the truth and justice and
20 reparation and reconciliation commission that was set up as well.

21 And as part of the strategy we recommended that the -- the -- there was a special
22 court set up to basically rule on certain issues that the ICC wouldn't.

23 Now, the government also took certain commitments for the victims and it was all
24 about doing it slowly and steadily.

25 So that's what I can say.

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1 Q. [14:48:56] Thank you so much, Madam President.

2 Just one last question on Boda. To the best of your knowledge, were -- was there
3 reconstruction or reparation, repair of mosques in the region?

4 A. [14:49:15] I'm not in a position to answer this because I don't remember, but
5 I think there were -- there was some kind of action that was carried out.

6 Q. [14:49:25] Thank you so much.

7 Now I'm going to move on to another theme which is related to the people who fled,
8 who fled to Cameroon or Chad or Congo.

9 Now, to the best of your knowledge, were there specific measures taken for these
10 people who fled abroad? In your informal or even formal discussions, did you talk
11 about the fate of this population so as to what would happen to them? Would they
12 be given the right to return? Was this part of your political agenda, reparations for
13 this population who had fled abroad?

14 A. [14:50:32] Yes. Our concern was also for the people in the country and outside
15 the country. Now, within the framework of this transitional justice programme and
16 within the framework of national reconciliation, there was a several-stage process set
17 in place. Now, this started with the Brazzaville meeting. After this, we started the
18 reconciliation process that was supposed to start with public consultation where
19 teams would go to all the country and outside the country to basically gather the
20 expectations of the population and also possible solutions that they envisaged for the
21 solution to be found. We sent missions to Chad, Congo, Cameroon, France and the
22 Democratic Republic of Congo where teams met this population and discussions were
23 held in order to gather their expectations, and this was factored into the programmes
24 that were developed.

25 And during the elections, the objective of the transition was to return to constitutional

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1 order through the organisation of free and democratic and transparent elections. We
2 did everything so that the population that was outside the country, the refugees,
3 would be on the electoral lists and they could also vote, because we really had to
4 recognise their rights as citizens. And this is also something that we factored in with
5 the assistance of the HCR, the UNHCR, that really helped us to reach out to this
6 population.

7 So these are the two examples I can give you to prove that the refugee populations
8 who were outside the country were not forgotten.

9 Q. [14:52:44] Now, within this framework, what were the wishes of the civil
10 associations, the community leaders of the Muslim population, to the best of your
11 knowledge?

12 A. [14:53:03] Your Honour, you would be surprised. All these people, the
13 refugees, wanted just to come back to the country, and many started coming back
14 through other means. We had countries like Mali, Niger, Senegal that sent planes to
15 gather people who were born in the Central African Republic, and after a few months,
16 they were all -- they all returned.

17 Now, the ones in Cameroon couldn't return because they actually lost everything. It
18 was very difficult for them to reconstitute. And that was the case for the Chad as
19 well. But victims who were Chad and Cameroon, for instance, were considered as
20 foreigners. We would put them in refugee camps and they had absolutely no link
21 with the country even though they came. And they felt as foreigners. But all the
22 refugees wanted to come back.

23 Q. [14:54:21] This is my last question: With respect to this attempt to create social
24 cohesion, now -- which was spearheaded in your mandate by you and all this hope to
25 basically bring about peace in the region, now, do you think that these efforts bore

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1 fruit for the civilian Muslim population?

2 A. [14:54:57] I would like to first of all point out one thing. The social effort
3 cohesion -- the social cohesion efforts were done with certain Anti-Balaka. They
4 were involved in the social cohesion initiatives. I have an example. An Anti-Balaka
5 called Wenezoui was heavily involved in social cohesion efforts. I told you that in
6 the Muslim enclaves we were burying Muslims in the -- in the graves. There was a
7 Muslim cemetery which was not very far from the enclave. It was with -- it was with
8 the support of the Anti-Balaka that we could basically carve out a way to access the
9 Muslim cemetery to allow the burial of people who died in the enclaves. Now, in
10 certain districts there was a lot of effort of social cohesion, including with some
11 Anti-Balaka.

12 Now, currently we've got a very strong population in Kilometre 5 and they have
13 started coming back in certain regions. You see, the Kilometre 5 is the economic
14 lifeline of Bangui of the Central African Republic. You have all Muslims who are
15 there who are living alongside Central African Republicans. There was a lot of effort
16 done in this region, and slowly and steadily the wounds are starting to heal and there
17 are -- the people are accepting each other to live together peacefully once again.

18 MS RABESANDRATANA: [14:56:56] (Interpretation) I've finished, your Honour.

19 PRESIDING JUDGE SCHMITT: [14:57:00] Thank you very much,

20 Ms Rabesandratana.

21 And a special thank you, Madam Witness, Madam Samba-Panza, this is it for you
22 today, but as you know, we reconvene tomorrow.

23 Mr Suprun, do you have questions?

24 MR SUPRUN: [14:57:17] Yes, Mr President. In fact, I'm hesitating a bit because the
25 witness mentioned that child soldiers were present in both groups, the Seleka and

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1 Anti-Balaka (Overlapping speakers)

2 PRESIDING JUDGE SCHMITT: [14:57:24] But she -- but she --

3 MR SUPRUN: [14:57:25] My intention --

4 PRESIDING JUDGE SCHMITT: [14:57:27] No, I have read, really -- with
5 regard -- I think the answer with regard to the Anti-Balaka was clear that she does not
6 have -- that she does not -- cannot say something with regard to a specific person.

7 MR SUPRUN: [14:57:42] I'm sorry, just if I may, Mr President, I just have a look
8 again what the witness stated. She said that the child soldiers were present in both
9 groups, Seleka and Anti-Balaka, but she personally did not see any child soldiers.

10 PRESIDING JUDGE SCHMITT: [14:57:57] You can only ask her about this sort of
11 information I think.

12 MR SUPRUN: [14:57:59] Yes, I (Overlapping speakers)

13 PRESIDING JUDGE SCHMITT: [14:58:01] Of course I would -- I always allow that.
14 We will have -- I don't think that the witness will have immediate information, but
15 you can ask her, of course. She said that and you can refer to that, and this question
16 I allow, so you can put it to her.

17 MR SUPRUN: [14:58:20] Thank you, Mr President.

18 QUESTIONED BY MR SUPRUN: (Interpretation)

19 Q. [14:58:32] Good afternoon, Madam Samba-Panza.

20 A. [14:58:36] Good afternoon.

21 Q. [14:58:37] My name is Dmytro Suprun and I represent the former child soldiers
22 of the Anti-Balaka movement.

23 A few moments ago you said that the phenomenon of child soldiers was to be found
24 amongst armed groups at the time, both Anti-Balaka and Seleka. You said that you
25 did not see any Anti-Balaka -- correction -- any child soldiers within the Anti-Balaka

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1 movement, just within the Seleka.

2 My question to you is this: Do you have any knowledge, or during your discussions
3 with UNICEF or others, did you have any knowledge of the presence of child soldiers
4 amongst the Anti-Balaka groups?

5 PRESIDING JUDGE SCHMITT: [14:59:29] Ms Dimitri.

6 MS DIMITRI: [14:59:30] Respectfully, I object to the question. My understanding of
7 the role of the Legal Representative of Victims is to present views and concerns, the
8 suffering, the harm. Now we're --

9 PRESIDING JUDGE SCHMITT: [14:59:43] And I have --

10 MS DIMITRI: [14:59:44] -- adding -- if I may finish, Mr President.

11 PRESIDING JUDGE SCHMITT: [14:59:46] Yes. I know what you want to say.

12 MS DIMITRI: [14:59:49] We're adding - it's again the role - a second prosecution by
13 adding evidence, prejudicial perhaps, and in light of the conduct of the proceedings, I
14 object to the question.

15 PRESIDING JUDGE SCHMITT: [15:00:03] Well, we don't have -- we don't discuss
16 that further.

17 Mr Suprun, I have already given you the floor to ask a question and you modified a
18 little bit. So, you know, the thing that we can do in such situations is always that the
19 Presiding Judge is putting a question to Madam Samba-Panza.
20 It's now the Presiding Judge taking over.

21 You have said that there were, according to your knowledge, child soldiers in both
22 groups. What was your source of information there?

23 This is a question I think that nobody would complain on.

24 THE WITNESS: [15:00:45](Interpretation) Your Honour, the question that was put to
25 me a few moments ago was whether I had seen child soldiers in the armed groups,

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1 whether I had seen them, and I said I had seen them amongst the ex-Seleka, but not
2 amongst the Anti-Balaka. But I was aware of the use of child soldiers by the armed
3 groups. I worked with UNICEF. We organised the signature of agreements for
4 disengagement of armed groups as part of the agreements that we had at the
5 domestic level. A number of child soldiers were taken away by UNICEF and passed
6 on to humanitarian organisations so that they might take care of these child soldiers.
7 It was a different question put to me, but I can tell you that the child soldiers did exist.
8 We even organised, as a prelude to the reconciliation forum in Bangui, a forum just
9 for the children and for children's issues, the whole issue of child soldiers was
10 examined.

11 The question was whether I had seen any and now I'm being asked was I aware of the
12 presence of child soldiers. Yes, I was, and actions were taken, agreements were
13 entered into, the armed groups did sign agreements for the withdrawal of, the
14 removal of child soldiers from these groups, and I think the LRV is aware of that.

15 PRESIDING JUDGE SCHMITT: [15:02:37] Mr Suprun, that is -- more information we
16 don't get from this witness. And it's true that Ms Dimitri will have, I think, not
17 many questions with regard to the involvement -- the direct involvement of the
18 witness, but this is -- and I've also read, as I said, the former statement of the witness
19 during the investigation phase; there is not more in it with regard to child soldiers.

20 MR SUPRUN: [15:03:03] Mr President, if I may, I have just one, two questions in
21 relation to the role of the state in the rehabilitation and reinsertion of the
22 (Overlapping speakers)

23 PRESIDING JUDGE SCHMITT: [15:03:13] That is something different that you can
24 always ask, yes.

25 MR SUPRUN: [15:03:16] Thank you.

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1 Q. [15:03:18] (Interpretation) Ma'am, I have another question for you. At the time
2 when you were the transitional president, did the government of the Central African
3 Republic play any role in the process of social rehabilitation of child soldiers and their
4 return to society?

5 A. [15:03:41] Yes. The government did play a role in partnership with
6 humanitarian organisations from the United Nations. They provided support to us
7 and assisted us. We were part of all the decisions, all the measures that were taken
8 to assist child soldiers.

9 Q. [15:04:16] Thank you. One final question: On the basis of your experience
10 working at a very high level within the Central African Republic and as a human
11 rights activist and in terms of your own personal opinion, what is the best way to help
12 bring about reconciliation of child soldiers with their former communities?

13 A. [15:04:40] That's a difficult question to answer. In general terms, it's difficult to
14 respond. We set up an entire strategy at all levels, but I can't give you an answer just
15 like that. It is important for child soldiers to be returned to their families, their
16 family units. * Often these are children that are cut off from their original
17 environment, from their families. It's important to ensure reconciliation with their
18 families and also to ensure that they get a basic -- basic primary education. They
19 need help. It was the community that managed the children before the family, but
20 now the children have been abandoned by both the family and the community. So
21 I think it's important to have another look at the values that underlie community life.

22 Q. [15:05:54] Thank you very much.

23 MS STRUYVEN: [15:05:53] (Interpretation) And I have concluded, your Honour.

24 PRESIDING JUDGE SCHMITT: [15:05:58] Thank you, Mr Suprun.

25 So this also concludes the questioning for today and the hearing.

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1 I have two things to mention. For Friday, for internal reasons, we can only start at
2 10:30 and have two, two-hour sessions from 10:30 till 12:30 and from 14:00 until 16:00.
3 We of course reconvene tomorrow at 9:30.

4 If there is any problem with finishing on Friday, we would be inclined to shorten
5 lunch breaks and perhaps extend tomorrow because on Friday, as you have
6 heard -- we could also extend on Friday, but what I want to express by that is that the
7 Defence will have the time it needs for the questioning, both Defence teams, if you
8 want to question.

9 On another issue, the last witness that we could not hear, for the technical reasons,
10 from the victims, it's not foreseeable when we can do that, but it's clear that we can't
11 do it next week. So just as an information for everyone. So we have to -- I think I
12 talked with one or the other of the parties already. We have to fit it in, and we do it
13 like always, we talk -- we talk with each other and say when we can do it. It's
14 for -- at the moment it's not possible.

15 Ms Massidda, do you have other information?

16 MS MASSIDDA: [15:07:21] These are -- I can inform the Chamber of what I have
17 been informed of. I suppose the Chamber is already informed, but just to be all on
18 the same page. I had a discussion with the Court Management Section last week. It
19 is my understanding that the full establishment of the internet connection will be by
20 1 November. Meanwhile, we have also verified with the Victims and Witnesses Unit
21 if there was any other option to bring the witness somewhere or -- any option that
22 they could suggest, and apparently they have none. So the only option at the
23 moment remain to have the witness testifying from that original location where
24 witness should have been testified.

25 That said, on our side, we will be willing to reconvene at any time in November

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1 which is convenient for the parties and the Chamber of course.

2 PRESIDING JUDGE SCHMITT: [15:08:23] Yes, but there is -- there are also
3 issues -- there are also issues in November. We can discuss that then. So, but if for
4 whatever reason a small wonder occurs and we could have the witness next week, it
5 would be of course good, we would appreciate that, but it's not only up to us.

6 MS PROULX: [15:08:44] Just a small precision on this. For us, November is a little
7 tricky due to missions and --

8 PRESIDING JUDGE SCHMITT: [15:08:51] Yes, yes, yes.

9 MS PROULX: You're aware of this.

10 PRESIDING JUDGE SCHMITT: Okay, I understand. As I said, we will do that in
11 mutual understanding.

12 Madam Samba-Panza, this does not -- Madam Samba-Panza, there is obviously a
13 misunderstanding. This does not concern you. Madam Samba-Panza,
14 your -- Madam Samba-Panza --

15 THE WITNESS: [15:09:08](Interpretation) Agreed.

16 PRESIDING JUDGE SCHMITT: [15:09:09] You know, I want to make you happy, so
17 it's not concerning you, no. We are talking about another witness. Just, you know,
18 just before we finish, we were just taking on this issue.

19 So I would like to thank you on behalf of the Chamber that you have testified today.
20 We conclude the hearing for today, reconvene tomorrow, 9:30.

21 THE COURT USHER: [15:09:35] All rise.

22 (The hearing ends in open session at 3.09 p.m.)

23 CORRECTIONS REPORT

24 The following interpretation corrections, marked with an asterisk *, are brought into
25 the transcript.

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1 Page 30 line 17

2 "A. [10:44:04] Well, this is what I would call the effect of announcements"

3 Is corrected to

4 "A. [10:44:04] Well, this is what I would call a political spin"

5 Page 67 lines 18-22

6 ""Please stay. We will we will protect you. You are the bastions of the Muslim
7 population in Kilometre 5, and you see, if you leave, it will be considered as an anti
8 Muslim country and we really will have problems with with Boko Haram and
9 other groups." And I told them that we they should stay. And I did reimburse
10 certain of their necessities."

11 Is corrected to

12 ""Please stay. We will -- we will protect you. You are the last bastions of the
13 Muslim population in Kilometre 5 in Bangui, and you see, if you leave, it will be
14 considered as an anti-Muslim country and we will see Boko Haram descend and the
15 jihadists descend, and because there are no more Muslims, the whole Central African
16 population can be butchered." I told them that. They told me that they've been
17 making expenditures, that they've been buying tires, that they've been stockpiling... et
18 cetera, and that they would be making a loss. I told them, "I'll reimburse you for that,
19 but please stay." I reimbursed them and they stayed."

20 Page 78 lines 16-17

21 "Often these children have been separated from their families, taken away from their
22 places of origin."

23 Is corrected to

24 "Often these are children that are cut off from their original environment, from their
25 families".