

Trial Hearing
WITNESS: CAR-OTP-P-0291

(Open Session)

ICC-01/14-01/21

1 International Criminal Court
2 Trial Chamber VI
3 Situation: Central African Republic II
4 In the case of The Prosecutor v. Mahamat Said Abdel Kani - ICC-01/14-01/21
5 Presiding Judge Miatta Maria Samba, Judge María del Socorro Flores Liera and
6 Judge Sergio Gerardo Ugalde Godínez
7 Trial Hearing - Courtroom 2
8 Friday, 22 March 2024
9 (The hearing starts in open session at 9.32 a.m.)
10 THE COURT USHER: [9:32:19] All rise.
11 The International Criminal Court is now in session.
12 Please be seated.
13 PRESIDING JUDGE SAMBA: [9:32:45] Good morning, everyone.
14 Madam Court Officer, can you please mention the case for us, please.
15 THE COURT OFFICER: [9:32:52] Good morning, Madam President, your Honours.
16 This is the situation in the Central African Republic II, in the case of The Prosecutor
17 versus Mahamat Said Abdel Kani, case reference ICC-01/14-01/21.
18 And for the record, we are in open session.
19 PRESIDING JUDGE SAMBA: [9:33:08] Thank you very much.
20 Can I ask for representation, please.
21 MS MAKWAIA: [9:33:12] Good morning, Madam President, your Honours. For
22 the Prosecution this morning, Kamran Choudhry, Marie-Jeanne Sardachti,
23 Alessia Vitiello, Mamadou Fofana and myself, Holo Makwaia. Thank you.
24 PRESIDING JUDGE SAMBA: [9:33:29] Thank you very much, Ms Makwaia.
25 Ms Pellet for the victims, please.

Trial Hearing
WITNESS: CAR-OTP-P-0291

(Open Session)

ICC-01/14-01/21

1 MS PELLET: [9:33:36](Interpretation) Thank you very much, your Honour. The
2 victims are represented by Tars Van Litsenborgh and by myself, Sarah Pellet, counsel
3 at the Office of Public Counsel for Victims.

4 PRESIDING JUDGE SAMBA: [9:33:50] Thank you very much, Ms Pellet.
5 Ms Naouri for the Defence, please.

6 MS NAOURI: [9:33:55](Interpretation) Thank you very much, your Honour. Good
7 morning. Next door to me, as yesterday, on my right we have Léa Allix, and on my
8 left, Dov Jacobs, and behind, Elina Legat. And I am Jennifer Naouri, lead counsel for
9 Mr Said.

10 PRESIDING JUDGE SAMBA: [9:34:17] Thank you very much, Ms Naouri.
11 For the record, I note that Mr Said is in court with us.

12 A very good morning to you, Mr Said, I hope I see you well.

13 MR SAID: [9:34:30](Interpretation) Yes. Good morning, your Honour.

14 PRESIDING JUDGE SAMBA: [9:34:33] Thank you very much.

15 A very good morning to you, Mr Witness. I hope you rested well.

16 WITNESS: CAR-OTP-P-0291 (On former oath)

17 (The witness speaks French)

18 THE WITNESS: [9:34:44](Interpretation) Good morning, your Honour. Yes, I have
19 had a good rest. Thank you.

20 PRESIDING JUDGE SAMBA: [9:34:49] Yes. We are going to continue with your
21 testimony this morning and I wish to remind you that you are still on oath. I'm
22 going to ask counsel for Mr Said to continue with her cross-examination. And
23 hopefully after cross-examination by counsel, if at all the Prosecution has any
24 questions to put to you in re-examination, we'll do that. We also have some
25 questions for you from the Bench.

Trial Hearing
WITNESS: CAR-OTP-P-0291

(Open Session)

ICC-01/14-01/21

1 So I'm going to invite Ms Naouri to continue with her line of cross-examination and
2 again encourage you, Ms Naouri, to be mindful of the time so that we have a little bit
3 of time left for us to put our questions to this witness. It's just an encouragement.
4 Thank you.

5 MS NAOURI: [9:35:42](Interpretation) I've taken due note, your Honour. And I'll
6 do my utmost, obviously.

7 QUESTIONED BY MS NAOURI: (Continuing) (Interpretation)

8 Q. [9:35:52] Good morning, Witness.

9 A. [9:35:56] Good morning.

10 Q. [9:35:58] Now, perhaps we can pick up on where we left off yesterday. We
11 talked about the establishment of the CNS on 13 April 2013.

12 Now, on 18 April 2013, a few days later, you gave a televised interview on Afrique 24.
13 Do you remember that?

14 A. [9:36:16] I no longer remember.

15 Q. [9:36:18] Very well. All right. Let me show you an item of evidence.

16 This is tab 61 in my list of materials. The French transcription is located at 62 and the
17 English translation at 63. This is a public document which will be played by the
18 Defence. If we could have control, court officer. And for the record, this is
19 CAR-OTP-2012-0443. And the transcription, the French transcription, bears the ERN
20 CAR-D33-0014-0157.

21 All right. Let me clarify. This is an interview that in all lasts 11 minutes and 42
22 seconds and, obviously, for judicial economy, I'm going to be showing you two
23 extracts. The first will be time -- will be the following time code, 1:08 all the way
24 through to 1:32.

25 All right, now, I can see that the transcript is on evidence 1, so perhaps we can start

Trial Hearing
WITNESS: CAR-OTP-P-0291

(Open Session)

ICC-01/14-01/21

1 now.

2 (Viewing of the video excerpt)

3 THE INTERPRETER: [9:37:59](Interpretation of the video excerpt)

4 "... the city of Bangui in particular.

5 * We need to establish a certain responsibility. Who is pillaging, precisely?

6 Lots of people. Former undisciplined rebels are pillaging. There are also thugs,
7 people who have taken weapons and who are pillaging, and pretending they are
8 Seleka elements."

9 MS NAOURI: [9:38:28](Interpretation)

10 Q. [9:38:29] All right. So my first question going to that excerpt: When you
11 answer to the journalist about these people who are looting, are you basing yourself
12 on information that you had at your avail as prime minister?

13 A. [9:38:44] Yes, that's right. It was on the basis of information that I had
14 knowledge of.

15 Q. [9:38:54] Very well. Now, I'm going to be playing to you the second extract
16 which will be from the third minute, so 3:07, all the way through to 3:28. Perhaps we
17 can start now.

18 (Viewing of the video excerpt)

19 THE INTERPRETER: [9:39:24](Interpretation of the video excerpt)

20 "So we can be a candidate ..."

21 The interpreter cannot locate this material, says the interpreter.

22 (Interpretation of the video excerpt)

23 "Occupy the key positions and then have a majority in the Council that is constituted
24 because if they have a majority, it will be easier for them to appoint what they want at
25 the head of the Central African state.

Trial Hearing
WITNESS: CAR-OTP-P-0291

(Open Session)

ICC-01/14-01/21

1 The High Transitional Council has 97 members, so one entity does not represent the
2 majority of the council, so we cannot say that the Seleka coalition alone can decide the
3 fate of this High Transitional Council."

4 MS NAOURI: [9:40:12](Interpretation)

5 Q. [9:40:13] Right, my question on the back of that extract is this: Now, you say
6 that there are 97 members making up the national or the high transitional council.
7 Do you recall, among those 97 members, how many of them were Seleka? What was
8 the number of Seleka among those 97?

9 A. [9:40:37] I'd like to answer your question by shedding additional light. When
10 the Seleka had taken over power on 24 March 2013, President Djotodia signed a
11 constitutional act, one or two, in fact, I can't quite recall. And it was on the basis of
12 that constitutional act that the high transitional council was established.

13 Now this council, this high transitional council was challenged. Consequently, this
14 matter had to be remedied at the -- at the summit of heads of state of the ECCAS in
15 Ndjamena on 13 April 2013, and there was the instruction given to establish -- or to
16 replace the high transitional council by the national transitional council and to
17 increase the representatives of these various entities within the council, the CNT,
18 therefore, so that figures went up from 97 to a hundred -- I can't quite remember.
19 Anyway, more than a hundred or so, 120, 140, I can't quite recall. But this is the
20 clarification I wanted to offer. And in this new make-up of the CNT, the Seleka
21 elements did not hold a majority.

22 Q. [9:42:37] Thank you for those clarifications.

23 I'll just hark back to my question in a moment, but these additional people going
24 beyond the 97-person threshold, do you remember when that was exactly, at what
25 particular time were these additional people added, can you remember?

Trial Hearing
WITNESS: CAR-OTP-P-0291

(Open Session)

ICC-01/14-01/21

1 A. [9:42:57] Can't remember really, but it was immediately in the wake of the
2 Ndjamena summit. In all likelihood sometime during April.

3 Q. [9:43:09] Perfect. Thanks very much for that clarification.

4 All right then. So, looking at these -- the numbers of these members, do you
5 remember how many Seleka were part of that number, approximately?

6 A. [9:43:19] Could be 15 or so.

7 Q. [9:43:23] All right. Let me show you another item.

8 This is tab 72 in our list of materials, page 1834.

9 Now, this is CAR-OTP-2100-1832, and the page 1834 is of interest to me. And if we
10 zoom in a little bit -- just a second.

11 Now, we've already shown this. This is the decree bearing upon the creation and
12 make-up of the CNT, 13 April 2013.

13 On this page what do we see?

14 Well, first, can you see the document on your screen, Mr Witness?

15 A. [9:44:21] Yes, I can see the political parties.

16 Q. [9:44:25] All right. So we're going to scroll down below that rubric, the
17 political party rubric, and then we'll see the word "Seleka" in theory.

18 Perfect. Thanks. Stop there. Thank you.

19 So we see "Seleka coalition (15)", so 15 or so. So you are confirming therefore that
20 what we see here in this decree tallies with your memory?

21 A. [9:44:53] Yes, that's exactly so.

22 Q. [9:44:57] Thank you, Mr Witness.

23 So we've finished with that document. Thanks very much.

24 All right then. So let's stay with the month of April. A meeting was organised by
25 Djotodia and all the mayors and all the Bangui neighbourhood chiefs were invited to

Trial Hearing
WITNESS: CAR-OTP-P-0291

(Open Session)

ICC-01/14-01/21

1 attend that meeting at the *Palais de la Renaissance* for presenting, unveiling the new
2 government, and you were present at that meeting; is that right?

3 A. [9:45:28] It's possible.

4 Q. [9:45:34] All right. I'm going to read out an extract of evidence offered by
5 another individual.

6 This should not been shown to the witness, nor should it be displayed to the general
7 public.

8 This is tab 109 -- sorry, 108 in the English -- sorry, in the French version, and 109
9 in the English version, CAR-OTP-2068-0318-R02, and I want 0320, paragraphs 14
10 through 16.

11 And I'm going to read out this testimony without identifying who is giving this
12 evidence.

13 * "Shortly after the arrival of the Seleka into Bangui, President Djotodia invited all the
14 mayors and the neighbourhood chiefs in Bangui to the *Palais de la Renaissance* for a
15 meeting, to be presented to the new government.

16 Everybody was searched before they went inside into the place where the meeting
17 was to be held. President Djotodia was there with his bodyguards and he explained
18 that he had taken over power because of the bad management under Bozize's regime
19 and because part of the country, such as Ndele and Birao, those two cities, had been
20 abandoned and not taken into consideration for such a long time by the previous
21 government.

22 There were members of Djotodia's cabinet office also in attendance, but the ministers
23 weren't introduced and they didn't take the floor. I believe that Nouradine Adam
24 was among them as well as the prime minister, Tiangaye. There wasn't any dialogue
25 between the president and the neighbourhood chiefs. It was a calm meeting. And

Trial Hearing
WITNESS: CAR-OTP-P-0291

(Open Session)

ICC-01/14-01/21

1 the meeting lasted less than an hour."

2 So my question, Mr Witness: This narrative, this account, does it correspond to a
3 meeting that you may have attended at the *Palais de la Renaissance*?

4 A. [9:47:46] I can't remember such a meeting, but it's possible that such a meeting
5 may have happened.

6 Q. [9:47:53] All right. Do you remember whether there were one or several
7 meetings?

8 A. [9:47:58] There were several, there were several meetings where I attended.

9 Q. [9:48:06] Perfect. Thanks very much, Mr Witness. That was what I was
10 seeking to understand.

11 Now, May, May 2013, in that month you attended a meeting of the international
12 group -- contact group on CAR. Now, tell us, if you can, what is the GIC-CAR?

13 A. [9:48:44] The International Contact Group of -- on the CAR is made up of people
14 emanating from the international community that were supposed to support the
15 Central African transition. There were meetings on a periodic basis that were held
16 either in Bangui or I think once in Addis Ababa to look at the security situation, the
17 political and economic and social circumstances of the country.

18 Q. [9:49:26] Very well. And tell us, the GIC-CAR, when was it established to the
19 best of your knowledge?

20 A. [9:49:35] I don't know the date.

21 Q. [9:49:37] Very well. Now, I'm going to show you a document, this is tab 64 in
22 our list of materials, this is a public document, bears the ERN CAR-D33-0014-0086.

23 If we could just zoom in on the first -- on the title page, 0086, that's the page number.
24 There we are.

25 So we can see that there was an initial meeting that took place on 3 May 2013. And if

Trial Hearing
WITNESS: CAR-OTP-P-0291

(Open Session)

ICC-01/14-01/21

1 we just scroll down ever so slightly, we see that the title is: Speech made by
2 Ambassador Ramtane Lamamra, Commissioner for Peace and Security of the AU at
3 the inaugural meeting of the contact group CAR.

4 Does this jog your memory, this first meeting of the GIC, and the inaugural meeting
5 therefore was held on 3 May 2013?

6 A. [9:50:53] Yes.

7 Q. [9:50:56] And you were in attendance at that meeting; is that right?

8 A. [9:51:02] I was. I attended all the meetings.

9 Q. [9:51:06] Thank you. Right, so we see on this document that this meeting took
10 place at Brazzaville. Now, what identity document did you travel with to attend
11 that particular conference, Witness?

12 A. [9:51:27] I used my passport.

13 Q. [9:51:30] Which passport, Mr Witness?

14 A. [9:51:34] I had a diplomatic passport.

15 Q. [9:51:40] Thank you. Now, I put this question to you because we have a copy
16 of your passport -- or your non-diplomatic passport where there was no stamp.
17 Do you still have a copy of that diplomatic passport, Mr Witness?

18 A. [9:51:58] No, I've got a new diplomatic passport because the ordinary
19 diplomatic passport lasts five years. The former passport had expired and so I have
20 a fresh passport, but I don't think I have a copy of the previous one.

21 Q. [9:52:16] Very well. Thank you, Mr Witness.

22 Now, can we move to 0089 within the same document - it's a bit further on,
23 however - because I'd like to read out an excerpt. So it starts just after the bold script,
24 so if we could scroll up ever so slightly. That's perfect. Thanks very much.

25 All right

Trial Hearing
WITNESS: CAR-OTP-P-0291

(Open Session)

ICC-01/14-01/21

1 "The heads of state of the ECCAS, during their 4th Extraordinary Summit at
2 Ndjamena, held on 18 April last, offered a road map through the elements -- through
3 the elements to constitute a road map on the transition to undertake. * It's important
4 to bind to it our approaches and proposals in order to help political figures and
5 Central African civil society to equip themselves with the necessary tools to restore
6 the constitutional order and open fresh prospects for the country in terms of security,
7 unity and national reconciliation."

8 Now, here's by question, Mr Witness. I want to know what tangibly did the GIC
9 offer to the CAR, financial benefits or logistical?

10 A. [9:53:44] It was more political and institutional to restore constitutional order.
11 And the GIC also played a significant role in setting up the draft project for the
12 constitution and offered a fresh prospect for dialogue among the various stakeholders
13 in the Central African Republic.

14 Q. [9:54:18] Very well. Thank you very much, Mr Witness.

15 All right, on 12 June 2013, there was the appointment of what was called the
16 Tiangaye 3 government. That's right, isn't it?

17 A. [9:54:38] I can't remember any more.

18 Q. [9:54:42] That's not a problem, Mr Witness.

19 Now I'm going to put a document to you. This is tab 71 in our list of materials,
20 CAR-OTP-2005-0343, and this can be displayed to the public and to the witness.

21 And on page 0343, here we have it on the screen, we can zoom in somewhat, and we
22 see that this is a decree 13.160, bearing upon the appointment or the confirmation of
23 the members of the national union government. And in terms of the 34 positions
24 maintained - it's not here in the document, but we did the calculations anyway - 11
25 positions are subject to change and perhaps we can look at these people. So let's

Trial Hearing
WITNESS: CAR-OTP-P-0291

(Open Session)

ICC-01/14-01/21

1 look at 0344, so this is the next page. We'll look at number 7, please.

2 So we have the minister for rural development, Marie Noëlle Koyara. All right.

3 Tell us, Mr Witness, if you can, which position did Mrs Koyara hold before joining the
4 government in June 2013?

5 A. [9:56:26] Unless I'm mistaken, Mrs Koyara, who was an agronomist and
6 engineer, she held a position in an international organisation, I believe. I think it
7 must have been -- well, if memory serves, the FAO in a Western African country.

8 Q. [9:56:56] All right. And in 2013, after the arrival of the Seleka groups, do you
9 remember if she was part of the national transition council?

10 A. [9:57:11] I can't quite remember. I'd have to have a look at the list.

11 Q. [9:57:25] Thank you very much, Mr Witness. We will look at the list.

12 Now do you remember whether Mrs Koyara remained a member of the government
13 in 2014 under Samba-Panza's administration?

14 A. [9:57:37] I think so. I'm pretty sure.

15 Q. [9:57:42] All right. Let me show you another document.

16 So for the time being we can take this particular document down.

17 And I'm interested in tab 73, a public document because this is a press article,

18 CAR-D33-0014-0135. Here we are.

19 So, as you can see, this is an article from a newspaper, the Financial Africa,

20 30 December 2021. We can't see anything -- oh, there we go. Fine.

21 So 30 December 2021 entitled, "Portrait of Marie-Noëlle Koyara, Defence Minister in
22 the Central African Republic."

23 On the next page, 0136, I'm going to read out an extract. So we have to zoom in

24 somewhat. It's the end of the page at the bottom. There we are. So we see here:

25 "Following the takeover of power in Bangui by Michel Djotodia's Seleka,

Trial Hearing
WITNESS: CAR-OTP-P-0291

(Open Session)

ICC-01/14-01/21

1 Marie-Noëlle Koyara is invited to come back to the country to take up in June 2013
2 the position of minister responsible for rural development, within Nicolas Tiangaye's
3 government."

4 And then, and we go on to the next page, please, 0137:

5 "State minister responsible for rural development in André Nzapayeké's
6 government." End of quote.

7 Now, the information that we have here in this article, does that information jog your
8 memory somewhat about this minister in 2014 and following years?

9 A. [9:59:35] Yes, I confirm that she was indeed appointed in these various
10 ministerial departments.

11 Q. [9:59:49] Thank you very much, Mr Witness.

12 We are done with this document.

13 I will come back to the decree of 2013, tab 71, page 0344. It is CAR-OTP-2005-0343.

14 So it is page 0344.

15 Point number 9, please, minister of foreign affairs, African Integration, Francophone
16 and Central Africans in -- abroad, Madam Banga-Bothy née Mbazoa Léonie.

17 As far as you know, what did Madam Banga-Bothy do after 2014 -- 2013-2014, which
18 post did she occupy?

19 A. [10:01:01] I do not know. What I can tell you is that today I think she is
20 working in the cabinet of the president of the republic.

21 Q. [10:01:11] Very well. No problem.

22 Now let's go to point 16 on this document, please.

23 Thank you. 0345. So point 16. We see Rainaldy Sioke, minister of higher
24 education and scientific research. Mr Sioke is a *carrière* teacher or lecturer; is that
25 correct?

Trial Hearing
WITNESS: CAR-OTP-P-0291

(Open Session)

ICC-01/14-01/21

1 A. [10:01:53] Yes.

2 Q. [10:01:53] And he was also the vice-president of the RDC, which was a party of
3 the democratic opposition in 2014; is that correct?

4 A. [10:02:07] Yes.

5 Q. [10:02:17] Very well. Now let's move on to point number 21. We scroll down
6 a little bit. Very well.

7 Minister for the advancement of small and medium size enterprises, Mr Guy Simplicie
8 Adoum-Issa. As far as you know, what was his position before this post?

9 A. [10:02:48] I do not know.

10 I would like to cross-check something. Did I countersign this decree? Is my
11 signature appended thereto?

12 Q. [10:03:01] We can look at the last date -- the last page of the decree. I think it is 0346.

13 Thank you very much. Thank you very much, court officer.

14 We can see that this decree is signed by President Djotodia on 12 June 2013.

15 * A. [10:03:31] It is important to point that out, because after the adoption of the
16 constitutional charter for the transition, the Prime minister's counter-signature would
17 appear. But before that, it was President Djotodia who appointed the individuals, of
18 course sometimes following proposals from the prime minister. But this decree, I did
19 not countersign it, so there are some individuals in it I don't know of.

20 Q. [10:03:59] This is 12 June 2013, so that was before the transitional -- the
21 constitutional charter which was signed on 16 July.

22 Thank you, Mr Witness. We would like to go back on this decree to point 26,
23 specifically I think it is page 0345.

24 PRESIDING JUDGE SAMBA: [10:04:32] Ms Naouri, and the witness, may I remind
25 you about the five-second rule so as to help the interpreters. Thank you.

Trial Hearing
WITNESS: CAR-OTP-P-0291

(Open Session)

ICC-01/14-01/21

1 MS NAOURI: [10:04:45](Interpretation) Thank you, Madam President. Of course.

2 Q. [10:04:53] Point 26, we have Lieutenant Colonel Zephirin Mamadou. Do you
3 know what he did afterwards, that is after the government?

4 A. [10:05:13] After this government, he was appointed chief of staff. He's actually
5 the current chief of staff of the Central African armed forces.

6 Q. [10:05:27] Thank you.

7 Now, page 0346, number 27, Gaston Mackouzangba, do you know which position he
8 occupied thereafter, that is after 2013?

9 A. [10:05:54] I no longer remember.

10 Q. [10:06:02] Very well. If I put it to you that he was the minister of labour and
11 social security under Touadera, does that ring a bell?

12 A. [10:06:12] That is possible.

13 Q. [10:06:14] Very well. Just after that, immediately after that, Mr Mathieu
14 Ngoubou, he was a member of which party, or was he from the civil society?

15 A. [10:06:29] I do not know him specifically.

16 Q. [10:06:36] Very well. Now immediately after, number 29, there is Maître
17 Blay-Eureka Lucile Mazangue. Do you know which group or party she was from?

18 A. [10:06:54] I think she should be a member of the civil society.

19 Q. [10:06:59] Very well. We have two names left.

20 Number 30, Bruno Yapande. Which party did he belong to?

21 * A. [10:07:13] I do not know. It is possible that he was a member of Bozize's party, but
22 today he is a member of the presidential party, the MCU.

23 Q. [10:07:34] Ok, so he is in the presidential party. Do you know he is the minister for
24 territorial administration, decentralization and territorial development today?

25 A. [10:07:46] Yes, that's it.

Trial Hearing
WITNESS: CAR-OTP-P-0291

(Open Session)

ICC-01/14-01/21

1 Q. [10:07:49] Very well. And the last name, Paul Doko, minister of the
2 environment. Do you know his political party?

3 A. [10:08:04] No.

4 Q. [10:08:05] Very well.

5 Thank you for those clarifications, Mr Witness.

6 I will go briefly back to the creation of the national security council. Do you know
7 the specific date on which the national security council was created?

8 A. [10:08:33] I no longer remember the date.

9 Q. [10:08:37] Now, let's look at tab 77 of our list,
10 CAR-OTP -- CAR-OTP-07 -- 2005-0380, and so we look at the first page, page 0380.

11 THE COURT OFFICER: [10:09:10] Would counsel like to have the document
12 displayed to the public?

13 MS NAOURI: [10:09:12](Interpretation) Yes, absolutely. All the decrees, yes.

14 Q. [10:09:17] As you can see, it is decree number 13.185 to create the national
15 security council.

16 So page 0382, we can go down to that page where there are -- there is the signature.

17 We can see that it is a decree signed on 25 June 2013, signed by Mr Djotodia. Does
18 that refresh your memory?

19 A. [10:09:56] Yes.

20 Q. [10:09:58] And you were the chairperson of the CNS; is that correct? I think
21 vice-president, vice-president, not president.

22 A. [10:10:13] That is correct.

23 Q. [10:10:27] In the transcript of 20 March 2024, you told us that there were
24 meetings of the CNS, weekly meetings taking place once a week. So I'm going to
25 show you a document.

Trial Hearing
WITNESS: CAR-OTP-P-0291

(Open Session)

ICC-01/14-01/21

1 It's tab 78, which is CAR-OTP-2075-0999, which can be shown to the public. And it
2 is a draft agenda of the CNS of 18 September 2013.

3 Have you already seen this type of document, Mr Witness?

4 A. [10:11:28] Yes.

5 Q. [10:11:30] Now, who decided on the agenda of these meetings?

6 A. [10:11:36] The agenda was proposed by the permanent secretary and it would be
7 adopted during the meeting.

8 Q. [10:11:54] Let me move on to the next page of the document, please.

9 Now, you can see, Mr Witness, there are two small additions, handwritten
10 proposition -- proposals of the minister of security. Now, could the members of the
11 CNS propose items to be included in the agenda, particularly in handwriting?

12 A. [10:12:43] Yes, the draft agenda could be amended and new proposals made.

13 Q. [10:13:01] Very well. I will show you another document.

14 And that is 79, 79, which is CAR-OTP-2075-1166. It is a list of attendance of the CNS
15 meeting dated 09 October 2013.

16 So we can go to the first name.

17 MS SARDACHTI: [10:13:36](Interpretation) We are talking about the CNS, a
18 meeting of 9 October. I don't think it should be shown to the public because there
19 are telephone numbers there.

20 MS NAOURI: [10:13:53](Interpretation) Thank you very much. I think I missed
21 that. Thank you, I think we should keep this document confidential.

22 PRESIDING JUDGE SAMBA: [10:14:05] Thank you, Madam Prosecutor. Thank
23 you.

24 MS NAOURI: [10:14:15](Interpretation) I don't know whether from the court officer
25 it is good to proceed. Thank you.

Trial Hearing
WITNESS: CAR-OTP-P-0291

(Open Session)

ICC-01/14-01/21

1 Q. [10:14:24] Now, number 1 is your name. Do you confirm that it is your
2 signature on that list of attendance?

3 A. [10:14:35] Yes, it is indeed my signature.

4 Q. [10:14:38] Now, let us go to point 11, if we scroll down a little bit. Dolle Waya,
5 special adviser. Can you tell us which position he occupied after March 2013?

6 A. [10:15:03] He is an army general. I think he occupied the position of inspector
7 general of the armed forces.

8 Q. [10:15:24] And on 17 April 2013, he became chief of staff of the armed forces; is
9 that correct?

10 A. [10:15:35] That is possible.

11 Q. [10:15:41] And under the presidency of Samba-Panza, he remained -- he was a
12 special adviser at the presidency; is that correct?

13 A. [10:15:58] That is possible.

14 Q. [10:16:02] And what does he do today?

15 A. [10:16:09] At one point, he was the special chief of staff of the current president.

16 Q. [10:16:16] Now, let us go back to April 2013. Mr Dolle Waya made many
17 appeals over the radio to ask the staff members to return to their positions; is that
18 correct?

19 A. [10:16:34] I do not know.

20 Q. [10:16:36] I will show you a document.

21 And it is tab 83 of our list. It can be shown to the witness and the public. It is
22 CAR-OTP-2070-0181. It is a press release: "The Chief of staff calls on all the defence
23 and security forces, (Soldiers, Gendarmes, Police, People, Water and Forest Wardens)
24 to resume work today".

25 Now, if you can scroll down a little bit, right to the bottom of the box. Very well.

Trial Hearing
WITNESS: CAR-OTP-P-0291

(Open Session)

ICC-01/14-01/21

1 Bottom right.

2 "Done in Bangui, on 25 May 2013.

3 Chief of staff of the armed forces,

4 Jean-Pierre Dolewaya".

5 Now, my question, Mr Witness, as prime minister you had to follow this type of
6 appeal asking FACA, police and gendarmes to resume their duties; is that correct?

7 A. [10:18:14] That is obvious.

8 Q. [10:18:18] Thank you. There were several appeals, similar appeals over the
9 radio during that period; is that correct?

10 A. [10:18:30] Yes.

11 Q. [10:18:32] And thanks to these various appeals, people returned to their
12 workplaces; is that correct?

13 A. [10:18:45] Not everyone. I would like to point out.

14 Q. [10:18:56] Yes, please proceed.

15 A. [10:18:58] The soldiers, foot soldiers or officers who were close to the
16 overthrown President Bozize, some of them did not resume their positions because
17 they were afraid for their own safety.

18 Q. [10:19:22] Thank you for that clarification.

19 You submitted a report on the security situation in July 2013; Do you remember?

20 A. [10:19:40] I do not remember, but if that report is shown to me, I can confirm or
21 deny it.

22 Q. [10:19:47] Very well. I will show you a document, tab 112 on our list,
23 CAR-OTP-01 --

24 THE INTERPRETER: [10:20:06] We'll get that very soon.

25 MS NAOURI: [10:20:08] (Interpretation) It can be shown to the public.

Trial Hearing
WITNESS: CAR-OTP-P-0291

(Open Session)

ICC-01/14-01/21

1 THE INTERPRETER: [10:20:12] It is CAR-OTP-2101-2134.

2 MS NAOURI: [10:20:17] (Interpretation)

3 Q. [10:20:17] We can show you the first page, 2134. I will allow you to read it at
4 the top:

5 "The Prime Minister

6 Head of Government [...]"

7 The title is "Report on the security situation".

8 Now let's go to page 2136, please. At the very bottom, your signature is there,

9 Mr Witness. Can you confirm that to us?

10 A. [10:20:58] Yes, it is mine.

11 Q. [10:21:02] Very well. Now I would like to read out an excerpt to you.

12 Page 2135 this time around, please, if you can scroll up.

13 What is of interest to me is - and it is further down - "Return of conventional security
14 and defence forces".

15 Can you see that subtitle, Mr Witness?

16 "All the police stations have been liberated and 744 police officers have already
17 resumed their duties in Bangui;

18 2,600 gendarmes have resumed service and are taking part in the protection and
19 provision of security for the institutions of the Republic, banks and hydrocarbon sites;
20 4,458 members of the Central African Armed Forces have resumed their duties."

21 Now, on the basis of the figures that you made in your report, it appears that people
22 such as Dolle Waya made an effort to have the return of these conventional forces to
23 their positions; is that correct?

24 A. [10:22:45] Yes.

25 Q. [10:22:46] Thank you, Mr Witness.

Trial Hearing
WITNESS: CAR-OTP-P-0291

(Open Session)

ICC-01/14-01/21

1 I will show you another document which is linked to another theme that we talked
2 about, the CNS. It is tab 86 of our list. It is CAR-OTP-2101-3672, page 3672.

3 I think, in my opinion, it can be shown to the public.

4 If you can scroll down a little bit, "Deliberations of the 11th meeting of the National
5 Security Council". And we can read:

6 "On Wednesday, 6 November 2013, under the Presidency of His Excellency the Prime
7 Minister, Head of Government, Vice-President of the National Security Council" on
8 11 -- "the 11th meeting of the council took place".

9 Can you confirm that?

10 A. [10:24:08] If my name appears on the list of attendance, it is obvious that I took
11 part in that meeting. There is always a list of attendance and one has to look at that
12 list of attendance with the corresponding signatures.

13 Q. [10:24:28] Very well, Mr Witness.

14 I can see a hand up.

15 PRESIDING JUDGE SAMBA: [10:24:32] Yes, Mr Witness. Can I hear you?

16 THE WITNESS: [10:24:44](Interpretation) Can I have a brief two-minute break,
17 please?

18 PRESIDING JUDGE SAMBA: [10:24:50] Certainly. We'll wait for you. Thank
19 you.

20 THE WITNESS: [10:24:54](Interpretation) Thank you.

21 (The witness exits the courtroom)

22 (Pause in proceedings)

23 (The witness enters the courtroom)

24 THE WITNESS: [10:27:10](Interpretation) Thank you, Madam President.

25 PRESIDING JUDGE SAMBA: [10:27:13] Pleasure.

Trial Hearing
WITNESS: CAR-OTP-P-0291

(Open Session)

ICC-01/14-01/21

1 Ms Naouri, you can continue with your cross-examination, please.

2 MS NAOURI: [10:27:19](Interpretation) Thank you, Madam President.

3 Q. [10:27:23] Mr Witness, I was talking about the second meeting of the CNT which
4 took place in Addis Ababa on 8 July 2013; is that correct?

5 THE INTERPRETER: [10:27:46] Actually, a meeting of the GIC-RCA.

6 THE WITNESS: [10:27:53] (Interpretation) Yes, I was at a meeting of the
7 International Contact Group in Addis Ababa.

8 MS NAOURI: [10:28:02] (Interpretation)

9 Q. [10:28:02] I will show you tab 65. And it is public. It is CAR-D33-0014-0095.

10 And on the cover page we can see:

11 "2nd meeting of the International Contact Group on the Central African Republic
12 Addis Ababa, 8 July 2013."

13 And what is of interest to me is on page 0096, paragraph 3. Thank you.

14 At the beginning of the paragraph, we can read:

15 "The meeting examined the situation of the Central African Republic in light of the
16 Brazzaville Appeal of 3 May 2013 as well as other relevant decisions of ECCAS of the
17 African Union and other international organisations as well as on the basis of the
18 communications made by the Prime Minister of the Government of National
19 Transition, Maître Nicolas Tiangaye, amongst others, on the political, security,
20 socioeconomic and humanitarian aspects."

21 Now, my question is: Do you remember the type of communications that you made
22 at the GIC-RCA in preparation for that meeting?

23 A. [10:29:59] I no longer remember, but it is possible that I made a written
24 communication -- communiqué, but I no longer remember the substance.

25 Q. [10:30:16] Let's move to paragraph 4 now, please, it's a little further down, but

Trial Hearing
WITNESS: CAR-OTP-P-0291

(Open Session)

ICC-01/14-01/21

1 staying on the same page. Thank you.

2 So we see here, and let me read out the last sentence in this paragraph. I read:

3 "The GIC was additionally informed of the particularly significant amount of needs
4 and urgent needs in terms of budgetary support for paying civil servants' salaries and
5 public sector workers and economic support for the significant recovery of the
6 country's economic activities."

7 So, Mr Witness, can you tell me what type of aid did the country receive from GIC to
8 pay its public servants?

9 A. [10:31:07] You need to remember that at that particular meeting at Addis Ababa,
10 I think it's important to point out Mr Michel's attendance emanating from the EU.
11 But there was also support, significant support offered by the Congo, where I in fact
12 went, which assisted the Central African Republic for a loan of 25 billion French CFA.
13 Now, this loan helped pay the public servants' pay, the retirement pay for retirees and
14 student monies -- student grants.

15 THE INTERPRETER: [10:32:02] Corrects the interpreter.

16 MS NAOURI: [10:32:04](Interpretation)

17 Q. [10:32:05] Thank you, Mr Witness. So if I'm following your evidence, you're
18 saying that in addition to the Brazzaville loan, there was an additional aid from
19 Addis Ababa to pay the public servants?

20 A. [10:32:20] No, not from Addis Ababa, no. Within the framework of the GIC
21 contribution, but it wasn't at Addis Ababa, no. It was at Brazzaville that I went to
22 receive the loan from the Congo, but I can't quite remember the date.

23 THE INTERPRETER: [10:32:42] Correction of the interpreter: "I can't remember the
24 date."

25 MS NAOURI: [10:32:46](Interpretation)

Trial Hearing
WITNESS: CAR-OTP-P-0291

(Open Session)

ICC-01/14-01/21

1 Q. [10:32:46] Very well. Now, let's move to the next page, 0097, the same page in
2 the same report -- the following page in the same report. Paragraph 8, please.

3 Thank you very much.

4 So in paragraph 8, let me read:

5 "The GIC lauded the efforts undertaken by ECCAS for drafting up and adopting a
6 mandate, an operations concept and a budget for MICOPAX 2, equipped with
7 numbers contemplated at 2,000 men as well as efforts undertaken in order to receive
8 financing within the region as well as from the European Union in order to meet
9 MICOPAX's need. The GIC was very proud of the decision taken by the heads of
10 state of government, of ECCAS to provide a 25 billion CFA francs financial
11 contribution at their extraordinary summit held at Libreville on 14 June 2013. The
12 GIC paid tribute to the 25 billion franc CFA loan made by the Congo republic made to
13 CAR to make it possible to mop up the back pay of public servants and civil servants
14 within the CAR."

15 My question: Now, in addition to the Congo financial assistance, other measures
16 were taken during that Addis Ababa meeting, were they?

17 A. [10:34:45] No, there was no other assistance beyond that of the Congo republic.

18 Q. [10:35:07] All right, thanks.

19 So let me show you some -- another item. This is tab 66, it's a public document, tab
20 66 in my list of materials and which bears the ERN CAR-D33-0014-0181.

21 This is a press article emanating from RFI. It's 9 July 2013 entitled "Central African
22 Republic: discussions at Addis Ababa to exit the country from crisis".

23 And can you see the article, Mr Witness?

24 A. [10:35:38] Yes, I can.

25 Q. [10:35:40] Perhaps we can scroll down a little bit in the article and I'd like to

Trial Hearing
WITNESS: CAR-OTP-P-0291

(Open Session)

ICC-01/14-01/21

1 home in on -- this is you we can see on the photo; is that right, Mr Witness?

2 A. [10:35:49] I believe so.

3 Q. [10:35:51] Very well. I'm trying not to overlap with the interpreters.

4 Let's move on to the next page, 0182, please. Now, perhaps we can move up ever so
5 slightly because it's the third paragraph that I want to look at. It's almost perfect.

6 Let me read this.

7 "In the meantime, a trust fund will be established to enable the administration to
8 operate and to pay public servants. The prime minister also launched an appeal to
9 grapple with the humanitarian disaster and showed itself to be divided in respect to
10 the security situation: 'Efforts have been made. Now we need to disarm
11 uncontrolled elements within the Seleka, which made it possible to bring back peace
12 in Bangui. The situation remains concerning for the rest of the country'."

13 My question: Was it able to -- was it able to set up a trust fund to pay for the civil
14 servants? Was this established at Addis Ababa?

15 A. [10:37:26] This was what was sought after, but the trust fund never actually
16 materialised.

17 Q. [10:37:38] Now you've understood that there were resources for paying two
18 months back pay for public servants, but were they indeed paid in June, July,
19 August 2013?

20 * A. [10:37:47] It was more than two months because 25 billion meant that we could
21 pay for a number of months' worth of salaries, grants and pensions.

22 Q. [10:38:00] Very well. So you're saying that the public servants were indeed
23 paid during that period?

24 A. [10:38:05] Yes, that's right.

25 Q. [10:38:08] So, let me move back to paragraph 88 in your written statement.

Trial Hearing
WITNESS: CAR-OTP-P-0291

(Open Session)

ICC-01/14-01/21

1 Tab 1, tab 2 for the respective languages, CAR-OTP-2024-0036, page 0050. This is
2 something that can be shown to the witness but not to the general public. 88,
3 paragraph 88 that I want to look at, please.

4 Thank you very much.

5 So we read here -- sorry, I do apologise. So we read here:

6 "The army and police didn't function any more. All of the soldiers and police
7 officers had deserted. The Seleka was in charge of security. The judiciary and civil
8 administration had stopped functioning. Central African institutions collapsed."

9 A. [10:39:17] On what date is this, please?

10 Q. [10:39:21] Well, this is a broad statement in your written statement. Perhaps
11 we can zoom out of this section -- oh, sorry, I can see the Prosecution representative
12 on her feet.

13 MS SARDACHTI: [10:39:36] (Interpretation) With your leave, for questions going to
14 the statement, I think it would be worthwhile the witness having a written statement.
15 As we saw yesterday, a question was put to him to understand whether things were
16 done under Bozize or Djotodia. But by reading this statement, we can see that the
17 answer was actually in the preceding paragraph.

18 So to frame the context, I think it would be worthwhile that the witness has his
19 statement before him so he can see what he said before the paragraph referred to and
20 after. We have a written version, the Defence has one as well. So if we can ask the
21 usher to bring a written copy to the witness, I think, in fairness to the witness, it
22 would be worthwhile to proceed on this basis.

23 MS NAOURI: [10:40:18](Interpretation) Let me answer because we are being fair
24 and we were zooming out so he can indeed see the framing paragraphs either side.
25 Now, if we gave his written statement to the witness before answering, he could look

Trial Hearing
WITNESS: CAR-OTP-P-0291

(Open Session)

ICC-01/14-01/21

1 at his statement, use it, jog his memory, and that really would completely annihilate
2 the whole point of the cross-examination process. There has been an
3 examination-in-chief which is on the back of a written statement, hundreds of the
4 pages of transcript. If the witness was here in viva voce, then he wouldn't have
5 access to the transcript verbatim of what he's actually saying. We can read out to
6 him excerpts from the transcript and we can do that, but here we are confronting him
7 with his written statement and we're de-zooming, zooming out to give him the ability
8 to look at the paragraphs either side of the paragraph we're interested in.
9 We've always been fair with the witness. He's always able to ask for clarification
10 and he can say he doesn't remember. But eliciting evidence is different to simply
11 leaving him with the written statement. This is not the point of a cross-examination.
12 We're revisiting what he said. We are adding with our questions. When there are
13 statements that seem to offer an antagonistic approach, we give then the opportunity
14 to the witness to offer an explanation. This is the whole point of this confrontation.
15 The witness is he himself a lawyer. He knows and he can express himself and
16 articulate his thought clearly and tell us what he thinks about the various sources of
17 information that are placed before him.
18 So we are at -- at -- even before the Prosecution stood up, we are able to offer sight to
19 the witness of the framing paragraphs. We're not going to give him his written
20 statement. Otherwise we'll give him a binder with the transcripts of his evidence in
21 the Yekatom, Ngaïssona case and ask him to check and then I won't be able to finish
22 quite materially in the time allocated to me.
23 That was the clarification I wish to bring, your Honour.
24 PRESIDING JUDGE SAMBA: [10:42:35] Ms Naouri, whatever the time is, we know
25 that at some point you will finish.

Trial Hearing
WITNESS: CAR-OTP-P-0291

(Open Session)

ICC-01/14-01/21

1 But really, to be fair with the witness, that was an open-ended question because if you
2 had -- you know, give him a context of the time you are talking about.

3 Looking at the statement, maybe if you look at paragraph 84, that gives an idea of
4 time. Maybe 84 read together with paragraph 88, you know, would bring his
5 memory back. Then he would be in a very good position to answer your question.

6 That is why the witness asked you as to what time are you talking about. 84,
7 paragraph 84 and 88 should do it.

8 Thank you very much.

9 MS NAOURI: [10:43:17](Interpretation) Thank you very much, your Honour. I
10 agree with you entirely.

11 Q. [10:43:23] Now, as I was saying, we have zoomed out, Mr Witness. Now, and
12 as stated by the Presiding Judge, not only do you have paragraph 88, you also have 84,
13 85, 86, 87, which, as I say, brings us to paragraph 88 which is of interest to me.

14 And you say at 84, you say "In early 2013", I read, all right? And you can see you say
15 that "the economic situation in the country was very difficult. I was forced to go to
16 Brazzaville to borrow 25 billion CFA francs on behalf of the state in order to pay the
17 civil servants' salaries."

18 And then you say in the next paragraph -- no --

19 THE INTERPRETER: Corrects the interpreter

20 MS NAOURI: [10:44:02] (Interpretation) -- in paragraph 88 that the army and the
21 police didn't function any more, et cetera, et cetera, basically the excerpt that I read
22 out a moment ago.

23 Q. [10:44:15] So here's my question. Do you want a bit of time to read over that
24 material or can I put my question to you? Just tell me.

25 A. [10:44:21] I want to know when this document -- what date this document was

Trial Hearing
WITNESS: CAR-OTP-P-0291

(Open Session)

ICC-01/14-01/21

1 drawn up.

2 Q. [10:44:26] Well, it's your written statement, Mr Witness, the written statement
3 that you gave to the Office of the Prosecutor, and you accepted that it would go into
4 evidence as being your testimony and you signed. I'll give you the date, on the --

5 THE INTERPRETER: [10:44:44] Witness coughed when the interpreter was to work.

6 MS NAOURI: [10:44:49](Interpretation)

7 Q. [10:44:50] So this identifies you, this was something that you identified yourself
8 within the examination-in-chief and it is construed as your evidence before this Court.

9 A. [10:45:13] Very well.

10 Q. [10:45:21] All right. So my question on paragraph 88 is this: I want to
11 know -- sorry, sorry, I'm stuttering a bit, but I want to know whether the soldiers, to
12 the best of your knowledge, and the police officials had been remunerated in June,
13 July, August 2013?

14 A. [10:45:45] I think it's a historical, contextual problem. As it's stated here, it
15 looks like after the 25 billion loan, that the police officers, the military personnel
16 weren't paid. And the problems that we were grappling with where there were
17 desertions, soldiers and police deserting, that was at the beginning when the Seleka
18 had taken power in March, March, April. There were huge amounts of desertions,
19 cases of desertion. And then little by little, the soldiers, the police and the
20 gendarmes then took up their duties again. And when the Congo made that
21 25 billion CFA franc loan to us, all the public servants, all the civil servants, including
22 the soldiers and the police, were paid. They received their salary on a regular basis,
23 just like everybody else.

24 Q. [10:46:51] Thank you very much, Mr Witness. That's very clear and that gives
25 us the clarifications we were seeking.

Trial Hearing
WITNESS: CAR-OTP-P-0291

(Open Session)

ICC-01/14-01/21

1 All right, 18 July 2013 there is the adoption of the constitutional charter that you made
2 reference to. So, Mr Witness, who was the author of the constitutional charter for the
3 transition?

4 A. [10:47:24] The constitutional charter for the transition didn't have one single
5 author. I would say there are a number of authors. First of all, there was -- there
6 was a prior draft document that was drawn up by legal officers, by legal experts,
7 Central African legal experts. There was also support given by foreign experts and
8 more specifically experts that were sent by the international organisation for the
9 French speaking world, Joel Aivo, for example, from Benin.

10 So the text was readied by those legal experts for a prior draft text and then this was
11 validated politically in a workshop. This workshop saw the attendance of all entities
12 involved and we can say that this constitutional charter for the transition was the
13 expression of the will of all the entities that made up -- well, that was involved in the
14 transition process. And then once it was ultimately adopted, this particular charter
15 made it possible to manage the transition period.

16 Q. [10:48:55] Thank you, Mr Witness.

17 Now, let me show you another document.

18 75, tab 75 in our list of materials. This can be shown to the public because -- it can be.

19 So CAR-OTP-2004-0794, first page, please, so that's 0794. And we see that this is
20 special edition of the Official Journal, official bulletin entitled "Law Bearing Upon the
21 Constitutional Charter for the Transition".

22 The document seems to have disappeared. Oh, it's only on my screen it seems to
23 have vanished. I don't know why.

24 Thanks very much.

25 All right. So 18 July 2018, you can see that at the bottom. Can you see that,

Trial Hearing
WITNESS: CAR-OTP-P-0291

(Open Session)

ICC-01/14-01/21

1 Mr Witness?

2 A. [10:49:55] Yes, if you might zoom in a little bit. Thank you.

3 Q. [10:49:58] Very well. So I'd like to move to 0797, that particular place, please.

4 All right, perfect. We see here law number 13.001, bearing upon the constitutional

5 charter for the transition. * And we see the national transitional council has

6 deliberated and adopts ... sorry... The Head of the State for the transition enacts the

7 law whose contents are as follows.

8 So in applying this procedure, it's absolutely normal that the president would sign the

9 decree; is that right?

10 A. [10:50:52] The first version, yes.

11 THE INTERPRETER: [10:50:58] Correction from the interpreter: "The

12 promulgation decree, yes."

13 MS NAOURI: [10:51:03](Interpretation)

14 Q. [10:51:04] Very well. Now, there was a third meeting of the GIC-CAR that was

15 held at Bangui this time. Do you remember that?

16 A. [10:51:11] Yes, I attended all the meetings. Some meetings -- sorry, I didn't

17 observe the five-second rule.

18 Anyway, I attended all the GIC meetings. Some were also held in Bangui.

19 Q. [10:51:22] Let me show you another document. This is tab 76 of our list of

20 materials -- 67.

21 THE INTERPRETER: [10:51:38] Corrects the interpreter.

22 MS NAOURI: [10:51:40](Interpretation) CAR-D33-0014-0170.

23 Q. [10:51:59] All right. So by zooming in, we'll see that it is the statement made

24 subsequent to the 3rd meeting of the international contact group on the Central

25 African Republic, Bangui, 8 November 2013.

Trial Hearing
WITNESS: CAR-OTP-P-0291

(Open Session)

ICC-01/14-01/21

1 Can we move to next page, 0171, please. Bullet point 2. Thank you very much.

2 So we see here: "The meeting saw the attendance of the CAR whose delegation was
3 led by the prime minister, head of government of the national transition -- union
4 transition, Mr Nicolas Tiangaye, and also involved other members of the government
5 such as the ministers and senior officials of countries in the region."

6 So my question to you is: Who were the other members present within the Central
7 African delegation as we see here in the report?

8 A. [10:53:00] I no longer remember.

9 Q. [10:53:04] Very well.

10 Now, Michel Djotodia was there, right?

11 A. [10:53:12] I don't think so, no. He never attended the GIC meetings.

12 Q. [10:53:22] All right. Perhaps we can move to bullet point 1, so it's on the same
13 page, if you wouldn't mind scrolling up. Thank you very much.

14 So we see here with bullet point 1, we read here:

15 "The international contact group for the CAR (GIC-CAR for short) held its 3rd
16 meeting in Bangui on 8 November 2013. The opening ceremony of the meeting was
17 marked -- was observed by speeches made by President Denis Sassou Nguesso of the
18 Congo republic, chairman of the steering committee of the Economic Community of
19 Central African Countries (ECCAS) bearing upon the circumstances of CAR, and a
20 speech made by Mr Michel Djotodia, head of state for the transition in CAR, as well as
21 Mr Moussa Mahamat Faki, foreign minister for African integration of the Chad
22 republic."

23 I'll stop there. We don't need to go over all the names. But does this jog your
24 memory?

25 A. [10:54:41] Yes, but this is just a protocol -- protocol language. This is the official

Trial Hearing
WITNESS: CAR-OTP-P-0291

(Open Session)

ICC-01/14-01/21

1 ceremony. Doesn't mean that Mr Djotodia attended the work per se. He was there
2 for protocol reasons since the president of the Congo and other foreign dignitaries
3 were there.

4 Q. [10:55:01] Very clear. Thank you very much.

5 30 December 2013 saw the creation of the coordination -- technical coordination
6 committee. Do you remember having -- being involved in establishing this
7 committee, Mr Witness?

8 A. [10:55:23] I can't remember.

9 Q. [10:55:26] Let me show you a document, therefore, Mr Witness. This will be
10 the last before the break, I think.

11 So this is tab 85, CAR-OTP-2100-0635. This can be displayed to the general public.
12 As you can see, this is a decree, number 031, bearing upon the establishment of a
13 technical coordination committee with the MISCAs and the Sangaris forces in the
14 Central African Republic.

15 And I'd like to move, please, to the following page, 0637. Thank you very much.

16 This is the last page in this document. And a little further down at the -- at the point where
17 we see the signature, we see therefore your signature; isn't that right, Mr Witness?

18 A. [10:56:43] Yes, that's my signature, but the date?

19 Q. [10:56:47] Well, to find the date, you're absolutely right, we can move
20 backwards a little bit. It's the first page, 0635. Sorry, I should have guided you.

21 You can see right at the top, you can see there's a stamp: Bangui, 30 December 2013.
22 Do you see that, Mr Witness?

23 A. [10:57:09] Yes, I do.

24 Q. [10:57:13] All right. Now, going to this matter of this committee, it was you
25 who established this committee; isn't that right?

Trial Hearing
WITNESS: CAR-OTP-P-0291

(Open Session)

ICC-01/14-01/21

1 A. [10:57:27] Yes, that's right.

2 Q. [10:57:28] And what was the purpose of that committee?

3 A. [10:57:32] Well, it was stated in the text.

4 Q. [10:57:35] Yes, I know full well, Mr Witness, but perhaps if you -- if you read out
5 a line and you comment on it, then it has more probative value for us, Mr Witness.

6 * A. [10:57:52] Well, as the name suggests, it was a technical committee. Because
7 there were foreign powers on the Central African territory and there was the MISCA,
8 namely the International Support Mission to the Central African Republic and the
9 French force Sangaris. A coordination body had to be established among the Central
10 African authorities and the international forces based in the Central African territory.
11 And I clarify that this decree was signed on 30 December 2013, I point that out, and
12 ten days later I had left office.

13 Q. [10:58:29] Well, in fact, you're leaping ahead of me, Mr Witness, on that
14 particular point.

15 MS NAOURI: [10:58:35] (Interpretation) I can see the time and I'm going to move on
16 to another area, so I think it's probably the right time, your Honour, to move to our
17 break.

18 PRESIDING JUDGE SAMBA: [10:58:48] Yes, I'll rise the Court for 30 minutes and
19 ask that we come back in 30 minutes. Thank you.

20 THE COURT USHER: [10:58:55] All rise.

21 (Recess taken at 10.58 a.m.)

22 (Upon Resuming in open session at 11.31 a.m.)

23 THE COURT USHER: [11:31:51] All rise.

24 Please be seated.

25 PRESIDING JUDGE SAMBA: [11:32:13] Good morning again, everyone.

Trial Hearing
WITNESS: CAR-OTP-P-0291

(Open Session)

ICC-01/14-01/21

1 Mr Witness, we are going to continue hearing your testimony.

2 Ms Naouri, please continue your cross-examination. Thank you.

3 MS NAOURI: [11:32:38](Interpretation) Thank you, Madam President.

4 Q. [11:32:43] Mr Witness, I would like to come back to your practice as a lawyer.

5 And during your career, you have held briefs for political decision-makers. In 2019,
6 you represented President François Bozizé; is that correct?

7 A. [11:33:22] Yes.

8 Q. [11:33:23] [11:33:27] It was in order to facilitate his return to the CAR. Why
9 was it not possible for him to return to the CAR at that time?

10 A. [11:33:38] He was in exile in Uganda, and during that period, the Minister of
11 Transport, Mr Theodore Jousso, had published a circular pursuant to which all
12 airlines serving Bangui airport -- in fact, prohibiting those airlines from taking
13 François Bozizé as a passenger.

14 Q. [11:34:39] Very well, I think there is a document there and it was in 2013.

15 A. [11:34:47] It is not mentioned in the circular. It was not based on any legal
16 provisions, and it was not based on any facts.

17 Q. [11:35:04] Thank you, Mr Witness. You also represented
18 Jean-Jacques Demafouth in 2001; is that correct?

19 A. [11:35:18] Correct.

20 Q. [11:35:20] Jean-Jacques Demafouth had been minister of Defence in the past; is
21 that correct?

22 A. [11:35:26] Yes, that is correct.

23 Q. [11:35:29] Did he occupy any other official positions prior to that date?

24 A. [11:35:38] Yes. He was Patassé's legal adviser before being appointed Minister
25 of Defence.

Trial Hearing
WITNESS: CAR-OTP-P-0291

(Open Session)

ICC-01/14-01/21

1 Q. [11:35:53] Very well. Now, during your testimony in the Ngaïssona and
2 Yekatom case, when you were answering questions from the Defence, you talked
3 about the role of Demafouth in 2013.

4 And that is tab 15 in our list, tab 16 for the English version. It is CAR-OTP-00001092,
5 page 000026, line 9, article 28. I will read as from line 9.

6 A. [11:36:55] It is not on the screen.

7 Q. [11:36:59] Yes. It is there now. We will scroll down a little bit to line 9.

8 A. [11:37:11] My screen has gone blank.

9 Q. [11:37:15] Your screen has gone blank. We will ask the court officer, or court
10 usher to look into that.

11 A. [11:37:35] Thank you.

12 Q. [11:37:36] Can you see that now, Mr Witness?

13 A. [11:37:39] Yes.

14 Q. [11:37:42] I will read it out:

15 "When you were prime minister, Mr Demafouth was for a certain period of time a
16 member of the Djotodia government, is that correct?

17 A. No, no, no. When I was prime minister, he was not at all in the government, not
18 at all. He did not play any role.

19 Q. He did not occupy any position in the Djotodia government? A. Oh, no, I'm
20 talking about -- I'm talking about my government. He was not a member of my
21 government or the various governments that I led. He was not a member of those.
22 He may have been appointed as the presidency of the republic to the rank of legal
23 adviser, minister adviser to the presidency of the republic, but not in the
24 government."

25 A. [11:38:47] If you can scroll up a little bit.

Trial Hearing
WITNESS: CAR-OTP-P-0291

(Open Session)

ICC-01/14-01/21

1 Q. [11:38:50] Yes, if you can scroll up, please, up to line 28, please. I'm going to go
2 from lines 20 to 28.

3 Let me repeat:

4 "That is what I'm referring to, Maître Tiangaye. He was minister adviser of the
5 presidency under Djotodia?

6 A. That is possible.

7 Q. Do you remember that?

8 A. You know, Djotodia appointed several people. These people are not my friends,
9 and I don't always remember them or their appointments in the presidency of the
10 republic. There were so many of them and I cannot remember all of them. But
11 what I know is that Madam Samba-Panza -- he was a minister councillor who was
12 very close to Madam Samba-Panza."

13 THE INTERPRETER: [11:39:58] No break at all from counsel.

14 MS NAOURI: [11:40:00] (No interpretation)

15 PRESIDING JUDGE SAMBA: [11:40:08] Ms Naouri, can you go slowly please so that
16 the interpreters can get what you are saying, or what you are reading out.

17 MS NAOURI: [11:40:15] No problem, your Honour. I think that item will be
18 displayed, tab 72, CAR-OTP-2100-1832.

19 Q. [11:40:15] I would like to show the next item. It is tab 72 on our list of materials.
20 It is CAR-OTP-2100-1832, and it is page 1832 which is of interest to me.
21 If you can scroll down a little bit.

22 It is an order summoning the National Transitional Council to an extraordinary
23 session on 13 April 2013.

24 Can we go down to the bottom of the page, please.

25 That is, indeed, your signature, Mr Witness?

Trial Hearing
WITNESS: CAR-OTP-P-0291

(Open Session)

ICC-01/14-01/21

1 A. [11:41:37] Yes.

2 Q. [11:41:39] Very well. Let us go to the next page, 1833. You can see that it is an
3 order setting out the creation and composition of the National Transitional Council
4 and it is on the letterhead of the Office of the Prime Minister. Is that correct?

5 A. [11:42:18] Yes.

6 Q. [11:42:20] Next page, 1834. You can see here article 4:

7 "The National Transitional Council shall be made up of the members designated by
8 the following entities and it shall be composed as follows."

9 If you can scroll down, the last but one name under the column "Political Parties",
10 right-hand side column, you can see Demafouth, Jean-Jacques.

11 So this confirms that he was a member of the National Transitional Council, Mr
12 Witness?

13 A. [11:43:24] I can confirm that, because his name is there on the list.

14 Q. [11:43:29] I would like to go to page 1837, please, to the very bottom. The
15 signature is yours, Mr Witness?

16 A. [11:43:46] Yes, it is mine.

17 Q. [11:43:49] Very well. To your knowledge, did Jean-Jacques Demafouth occupy
18 any other position under Djotodia's government?

19 A. [11:44:04] I do not know.

20 Q. [11:44:13] I will show you a document, that is tab 114 on our list of materials. It
21 is CAR-OTP-2004-1305, page 1005. Well, we will look at the cover page before going
22 to page 1315.

23 That is the cover page, but the page that is of interest to me is page 1315, so we can go
24 directly to that. Perfect.

25 We can see here decree number 13.066 appointing national coordinator of the

Trial Hearing
WITNESS: CAR-OTP-P-0291

(Open Session)

ICC-01/14-01/21

1 programs for disarmament, demobilisation and reintegration, DDR, as well as the
2 reform of the security sector, RSS.

3 Now, if we go down a little bit, article 1 states: "Mr Jean-Jacques Demafouth is hereby
4 appointed national coordinator of the disarmament, demobilisation and reintegration
5 programs, DDR, and the reform of the security sector RSS."

6 Do you remember that decree, Mr Witness?

7 A. [11:46:11] Can I see the signature, please?

8 Q. [11:46:16] Of course. At the very bottom of the page, please. You can see that
9 it is signed by Djotodia on 6 May 2013.

10 A. [11:46:35] Now I do remember, because he also attended meetings of the
11 National Security Council.

12 Q. [11:46:43] Very well. Thank you, Mr Witness. Now, to your knowledge,
13 Jean-Jacques Demafouth was occupying two civilian positions; is that correct?

14 A. [11:47:02] I do not know whether he could hold those positions cumulatively,
15 because he could not have been a member of the CNT and at the same time be the
16 coordinator of the security sector.

17 Q. [11:47:19] Very well. I have one last document on this matter.

18 It is tab 115. It is CAR-OTP-2100-1842, page 1842. That can be shown publicly.

19 You can see on the title it is order number 007 amending and completing the
20 provisions of order number 005 of 13 April 2013, creating and setting up the
21 membership of the national transitional council. Mr Witness, you confirm that this
22 document bears the letterhead of the office of the prime minister?

23 A. [11:48:17] Yes, I confirm.

24 Q. [11:48:21] Now, let us go to the bottom of the page, please.

25 A. [11:48:25] Yes.

Trial Hearing
WITNESS: CAR-OTP-P-0291

(Open Session)

ICC-01/14-01/21

1 Q. [11:48:28] Thank you very much. Those are your initials that we can see there?

2 A. [11:48:34] Yes, indeed.

3 Q. [11:48:38] Let us go now to page 1845.

4 A. [11:48:48] Thank you.

5 Q. [11:48:50] There the fourth point, fourth bullet, Demafouth Jean-Jacques. So
6 you confirm that he was a member of the National Transitional Council, Mr Witness?

7 A. [11:49:12] Yes, I can confirm that. Can I see to which entity he belongs?

8 Q. [11:49:19] Of course. It is the page before that. I think it is 1844. Yes, it
9 comes under "Political parties". Let us move on to page 1848, unless you have an
10 observation to make on this, Mr Witness?

11 A. [11:49:52] No, it is okay. I want to clarify something.

12 Q. [11:50:04] Okay, proceed.

13 A. [11:50:07] It was during the summit of the heads of state of the Economic
14 Community of Central African states. The technical committee took place on
15 18 January in N'Djamena and then the decision was taken to include -- to increase the
16 number of members of the CNT, and so this number moved from 97 to over 100.

17 Q. [11:50:40] Thank you, Mr Witness, it is very clear.

18 So now I would like to move on to page 1848, and there you can see a signature. Do
19 you confirm that it is your signature, Mr Witness?

20 A. [11:51:04] I so do confirm.

21 Q. [11:51:07] Thank you very much. We are now done with this document.

22 * Now, if I understand correctly, you were still leader of the CRPS in 2020, that is your
23 political party. Which were the other opposition parties when the COD-2020 - the
24 Coalition of the democratic opposition - was created?

25 A. [11:51:44] There were several parties. I think about 10. I cannot remember all

Trial Hearing
WITNESS: CAR-OTP-P-0291

(Open Session)

ICC-01/14-01/21

1 the names. * There was the URCA of Anicet-Georges Dologuélé; there was the KNK of
2 Bozizé; the BTK of Kamoun; the MDI of Adouma Raymond; the PNCN of Gonda Cyriaque
3 and Kelemba of Zingas; the RPR of Ferdinand Alexandre Nguendet, and many others that I
4 no longer remember.

5 Q. [11:53:02] Thank you, Mr Witness. I will show you a document. It is at tab 107 of our list of
6 materials, which is CAR-D30-0007-0679 and it can be shown publicly. Thank you very much.

7 * As you can see, this is a newspaper article from RFI dated 25 November 2020. Entitled "CAR:
8 COD-2020 and François Bozizé were able to hold a rally in Bangui ". And I would like to go
9 on to page 0680. Mr Witness, that's not the original -- it's not well printed, but I'll read out
10 what we were able to detect:

11 "Several opposition leaders took the floor and talked about issues related to the youth,
12 education and the security of elections. In the opinion of Nicolas Tiangaye, spokesperson of
13 the platform, the idea was to organise the political life in the Central African Republic,
14 pending the elections. The idea was to sensitise the population of the CAR on this text of the
15 electoral process and also to assess the performance of President Touadera. So the objective
16 of this rally was to draw the attention of the Central African people to the situation prevailing
17 in the country, and we felt that President Touadera had failed and that the people had to
18 freely choose the leaders that have to lead the country tomorrow. Even though most of the
19 political parties of the opposition were represented, François Bozizé today is at the head of
20 COD-2020 and he seems to want to impose himself as the leader of the opposition."

21 * President Touadéra is expected this Wednesday in Bossangoa, place of origin of Bozize, in
22 order to commemorate World Food Day". End of quote.

23 Now, can you explain to us how you collaborate with François Bozizé, you as a spokesperson
24 of the COD and he, at that time, as President?

25 MS MAKWAIA: [11:56:49] With your leave, Madam President, we waited patiently to see

Trial Hearing
WITNESS: CAR-OTP-P-0291

(Open Session)

ICC-01/14-01/21

1 where this question was going, but now it's an appropriate moment to enter the objection.

2 The article cited, the issue being discussed, is well outside the temporal scope of the charges

3 against Mr Said. This is a matter that has been discussed in 2020, the DCC concerns the year

4 2013. If my learned friends could refer to that.

5 PRESIDING JUDGE SAMBA: [11:57:15] Ms Naouri.

6 MS NAOURI: [11:57:17](Interpretation) Yes. Madam President, it is that COD-2020 is dealt

7 with in the prior statement of the witness. * And I can see here CAR-OTP-00001094, page --

8 lines 12 to 14, this issue is dealt with here. It is a theme that was raised in his prior recorded

9 testimony, so we have the right to revisit it, firstly. Secondly, it is only -- it's not just a matter

10 of scope; there is also the credibility and motivation of the witness as well as the relationship

11 of the witness with influential people who are involved in the narrative.

12 * Now, the witness is, among things, here because he was a representative of the opposition.

13 He became prime minister of the opposition. His relations today with François Bozizé -

14 which, according to the testimony we have heard - is one of the reasons the Seleka was

15 created-- is important. It's an issue of credibility and motivation. These are normal questions,

16 they are investigative questions. Once again, we asked to meet with the witness during the

17 investigation, in accordance with existing protocols, and the witness chose not to meet us,

18 which is his right. But we have the right to ask questions that shed light on his relations - still

19 today - with François Bozizé. These are essential credibility questions, and, once again,

20 addressed in his prior recorded testimony. So we have the right to ask a few follow-up

21 questions. Also, it is not the core part of our cross-examination.

22 PRESIDING JUDGE SAMBA: [11:59:17] Did you say, Ms Naouri, that this document is

23 referred to, or at least the contents or parts thereof of this document is referred to by this

24 witness in his prior recorded statement? If so, can you give us a reference point, please.

25 MS NAOURI: [11:59:43](Interpretation) Yes. Madam President, the reference was

Trial Hearing
WITNESS: CAR-OTP-P-0291

(Open Session)

ICC-01/14-01/21

1 CAR-OTP-0001094, page 27, lines 12 to 15, tabs 17 and 18. For the English version,
2 tab 18. And the lines quoted were not submitted and it's not up to us to do so, but
3 we can ask questions of clarification. I will repeat, because it was not clear in the
4 interpretation. Yes, it is an extract of his prior testimony in the Ngaïssona, Yekatom
5 trial, CAR-OTP-00001094, page 27, lines 12 to 15. And the exact reference is at
6 page 28, lines 3 to 5, that article is mentioned. It had not been -- that article had not
7 been submitted, so we are submitting it, and we are asking questions - not many, but
8 just a few questions - to be sure that this element goes in, because it is an element that
9 was discussed during the questioning in the Yekatom, Ngaïssona case.

10 PRESIDING JUDGE SAMBA: [12:01:42] Thank you very much.

11 I'm afraid, Madam Prosecutor, I see that in the transcript of the case of Ngaïssona, and
12 by Chamber V, that the COD-2020, this document, the coalition, the document that is
13 now on the screen, which is an exhibit, was discussed. Have you seen that?

14 MS MAKWAIA: [12:02:12] I haven indeed seen the transcript in the Ngaïssona,
15 Yekatom case, Madam President. Perhaps the questions could then be directed to
16 his evidence there.

17 PRESIDING JUDGE SAMBA: [12:02:21] Well, you are not going to direct how the
18 questions are going to be asked by counsel.

19 Ms Naouri, can you continue with your cross-examination, please, so that we round
20 off here.

21 MS NAOURI: [12:02:33](Interpretation) Thank you very much, your Honour.

22 Q. [12:02:35] All right. So I put my question to you on the document, because the
23 document has to be brought before the Bench, it's very important.

24 So, Mr President -- sorry, Mr Witness, so I will put my question again. (Overlapping
25 speakers)

Trial Hearing
WITNESS: CAR-OTP-P-0291

(Open Session)

ICC-01/14-01/21

1 PRESIDING JUDGE SAMBA: [12:02:53] You want a bit of time, Mr Witness?

2 Mr Witness, you want a bit of a timeout? I saw you raising your hand.

3 THE WITNESS: [12:03:05](Interpretation) No, it was because Counsel Naouri was
4 speaking at the same time as the Presiding Judge, and so I was only listening to the
5 Presiding Judge and not Counsel Naouri.

6 PRESIDING JUDGE SAMBA: [12:03:20] She did not respect the five-second rule.

7 I'm going to remind her. Thank you very much, Mr Witness.

8 Ms Naouri, please.

9 MS NAOURI: [12:03:27](Interpretation) No, I won't answer until I count to five.

10 Q. [12:03:41] We are almost there, Mr Witness. And I called you "Mr President"

11 by mistake. You didn't hear it, but let me say, Mr Witness, I have a final question

12 before this Court on this document, because this is a document we want to go in.

13 So this collaboration, therefore, with François Bozizé, how did that go in conjunction
14 with the COD-2020?

15 A. [12:04:05] You put a question to me. You were seeking to know how

16 collaboration went between Bozizé and myself.

17 Let me give you an insight into the structure of the COD-2020, which is the coalition

18 of the democratic opposition. The political parties of the democratic opposition, that

19 is.

20 Now, these are entities, these are political parties, that were members of that coalition

21 and not the individuals themselves. It wasn't about personal relationships

22 connecting Bozizé and myself. These are political parties that are members of this

23 coalition and the presidency of that coalition was on a rotating basis, meaning that a

24 political party would assume the presidency for a certain period of time, subsequent

25 to which another political party would take over the presidency.

Trial Hearing
WITNESS: CAR-OTP-P-0291

(Open Session)

ICC-01/14-01/21

1 So the first presidency was performed by the URCA. Dologuele was the president of
2 that party. After that it was the KNK party, Bozizé's party, that took over the
3 presidency. And I was the spokesperson on a permanent basis. So it wasn't about
4 a personal relationship between myself and him; it was a relationship from one party
5 to another party.

6 Q. [12:05:51] Very well. Thank you for that clarification about the contents of this
7 article, Mr Witness. All right.

8 Let me now broach a final topic with you, Mr Witness. This goes to how your
9 cabinet operated and your relationship with Dibert-Bekoy. He is your associate; isn't
10 that right?

11 A. [12:06:31] My employee.

12 Q. [12:06:33] Okay, yes, your employee. And your employee, and as such, he was
13 contacted to represent the victims participating in this process before the ICC; is that
14 right?

15 A. [12:06:49] I'm not aware of that.

16 Q. [12:06:53] All right.

17 Now I'm going to show you an item of evidence, Mr Witness.

18 This is tab 129 in our list of materials, CAR-D33-0014-0043, and then there will be
19 another item shown afterwards. They're photographs and I want to have them next
20 door to each other. Perhaps you can zoom in on them. Or, in fact, one after the
21 other, each photo after the other.

22 Anyway, we can see this billboard, this publicity billboard. It's written in Sango, so
23 I can't decipher it.

24 But let me now show you the next photo, it's the tab 130 in our list of materials,
25 CAR-D33-0014-0045.

Trial Hearing
WITNESS: CAR-OTP-P-0291

(Open Session)

ICC-01/14-01/21

1 Now, if you wouldn't mind just homing in on that, please, a little bit.

2 So, as you can see, Mr Witness, this is a billboard, an advertising billboard, appealing
3 to victims. Let me just read what's on the billboard: The trial is set to begin, the
4 Kani affair, the Kani case. The case will be starting --

5 PRESIDING JUDGE SAMBA: [12:08:41] Yes, Counsel. Can I hear you?

6 MS SARDACHTI: [12:08:44](Interpretation) Yes, the Prosecution is interested in the
7 basis of this question, because my learned colleague started with a question which
8 went to the witness's employee and the answer is "I'm not aware of that." And then
9 we have this photo. So I don't really see the foundation here to put the photo and
10 then the follow-up questions.

11 PRESIDING JUDGE SAMBA: [12:09:04] I haven't heard any follow-up question
12 from counsel. She hasn't put any question. I'm also waiting. We are also waiting
13 to know what she wants to do with that exhibit.

14 MS SARDACHTI: [12:09:17](Interpretation) It was really the basis. I'm guided,
15 your Honour.

16 PRESIDING JUDGE SAMBA: [12:09:20] Ms Naouri, please.

17 MS NAOURI: [12:09:22](Interpretation) Thank you, your Honour.

18 Q. [12:09:28] All right. So let me continue reading what we see on this billboard:

19 So, alleged crimes. And then we see the date, 12 April through to 30 August 2013.

20 Location: Bangui, OCRB Central. Do you think you are a victim? Contact the court
21 and total confidentiality.

22 Here's my question: You, sir, or your legal practice, was contacted to the effect,

23 "We've seen this billboard, we would like to be a participating victim. Can you help

24 us?" Your legal practice was contacted subsequent to the posting of this type of

25 information in Bangui on the billboard?

Trial Hearing
WITNESS: CAR-OTP-P-0291

(Open Session)

ICC-01/14-01/21

1 A. [12:10:14] No, I'm talking about myself, I'm not talking about other colleagues
2 within my legal consultancy. I wasn't contacted personally, no, and I don't know
3 whether my colleagues that you're referring to were contacted. I really don't know.
4 It's now that I'm learning about all this.

5 Q. [12:10:35] All right. And how does it go in your legal practice, from a financial
6 perspective?

7 A. [12:10:51] I don't understand the relevance.

8 MS SARDACHTI: [12:10:53](Interpretation) Yes, I object on the basis of relevance.

9 MS NAOURI: [12:10:57](Interpretation) Well, the relevance is abundantly clear.

10 We have here Dibert-Bekoy, who is an employee of the witness and who is a
11 representative of victims in this case, paid, no doubt, by the International Criminal
12 Court. So it's quite right and proper to put questions going to the matter of
13 credibility, to establish how it is that this goes. And the witness can simply answer
14 and then we'll be clear in our minds. And we have an abundance of victims - let me
15 finish my answer, please, counsel from the other - we have an abundance of victims
16 who have come to tell us that they met Mr Bekoy in Mr Tiangaye's legal premises.
17 These latter is a place of work which is almost like a second office of the ICC. The
18 Defence people go there, we have field office people from the ICC go there, Defence
19 teams, and participating victims go to that is office.

20 So, as Defence counsel, it's quite right and proper to understand what is actually
21 going on in that legal practice, a legal practice emanating from the witness. And
22 there's the link. At the witness's legal practice, we have victims coming. We have
23 Defence people working there. This is public knowledge. We have the articles, we
24 are going to refer to that later on. The son of the witness is working within the
25 Defence team. They work in that office. So this office, victims, on the one

Trial Hearing
WITNESS: CAR-OTP-P-0291

(Open Session)

ICC-01/14-01/21

1 hand -- in our Said proceedings, on the one hand, we have potential victims. For

2 Defence, Ngaïssona, Yekatom, also find themselves in this legal practice.

3 So we are putting simple questions to understand these relationships. This goes to

4 credibility and potential influences, and this is our role as Defence counsel, your

5 Honour.

6 PRESIDING JUDGE SAMBA: [12:12:43] Okay. I will allow you to address us on

7 that, but this witness has already answered. He has told the Court that even if

8 victims were going to his office, he doesn't know. And you are not saying - and I'm

9 sure the witness has not said it - he was the person responsible for paying Mr Bekoy

10 on behalf of the International Criminal Court.

11 So, Ms Naouri, I'm going to ask that you put other questions apart from, you know,

12 the last question you asked in respect of his law practice to this witness. It's got

13 nothing to do with that. He has told the Court, he said he doesn't know. We take

14 his testimony as is. You address us on that later, if you think it is on his credibility.

15 Let us know when you do your final brief. Please move on. Thank you.

16 MS NAOURI: [12:13:32](Interpretation) Thank you, your Honour.

17 Q. [12:13:35] All right, well, I will continue about how your legal practice operates,

18 not addressing myself to the participating victims specifically.

19 How does your legal office operate; in other words, the work conducted by your

20 employees?

21 A. [12:13:51] I'm not going to answer that question.

22 PRESIDING JUDGE SAMBA: [12:13:54] So what's the relevance of that question

23 really, and what's the relevance?

24 MS NAOURI: [12:13:56](Interpretation) I don't want to influence the witness, but

25 I'm trying to understand whether confidentiality can be abided by. For example, in

Trial Hearing
WITNESS: CAR-OTP-P-0291

(Open Session)

ICC-01/14-01/21

1 France, when you are an employee of somebody, you have what's called a fee, a fee
2 goes back to the legal practice.

3 So if Mr Bekoy is an employee, he will receive these fees that will go into the legal
4 practice. So he's sharing a meeting room. All these matters are of great interest to
5 us on the point of credibility.

6 Is it a shared meeting room? Are there -- how can I put it? Is there a calendar to
7 say, "Look, I'm booking this meeting for a confidential meeting", et cetera, et cetera. I
8 think it's -- I think we need to know whether confidentiality is abided by within
9 Maître Tiangaye's legal practice.

10 And I insist, when he meets people from the UVT everybody's aware because we see
11 that person in this gentleman's legal practice. But, you know, this is a case. We're
12 protecting witnesses and we can ask, after all, what's really going on at his legal
13 premises.

14 MS MAKWAIA: [12:14:56] I'm sorry to interrupt and object, Madam President.

15 Counsel is now testifying before the Court.

16 I will object to that.

17 PRESIDING JUDGE SAMBA: [12:15:03] I was just going to say that. I mean, I'm
18 done with that question, actually, Ms Naouri. You should know that I'm not going
19 to allow that question into his practice. We are not going to allow it. We have to be
20 fair with the witness, also. He has answered your question, as far as we know it.
21 Please move on, thank you.

22 MS NAOURI: [12:15:20](Interpretation) All right.

23 Q. [12:15:23] So, Mr Witness, your son Regis works for a defence team; isn't that
24 right?

25 PRESIDING JUDGE SAMBA: [12:15:44] Was that a question for the witness?

Trial Hearing
WITNESS: CAR-OTP-P-0291

(Open Session)

ICC-01/14-01/21

1 MS NAOURI: [12:15:47](Interpretation) Yes, of course.

2 PRESIDING JUDGE SAMBA: [12:15:52] Did you get the question, Mr Witness?

3 THE WITNESS: [12:16:03] *Oui*.

4 MS NAOURI: [12:16:04](Interpretation)

5 Q. [12:16:04] I can repeat it.

6 A. [12:16:06] Would you mind repeating the question?

7 Q. [12:16:10] I was asking you, Mr Witness, simply this: Your son Regis, does he
8 work within a defence team appearing before the International Criminal Court?

9 A. [12:16:17] Before answering that question, I would like to say that you're raising
10 a problem of deontology, an ethical point. This has no link whatsoever about the
11 charges here. You have nothing to do with slipping into the internal workings of my
12 legal practice, and I want to be abundantly clear on that point. I don't get involved
13 in cases before the ICC for which --

14 PRESIDING JUDGE SAMBA: [12:16:40] Mr Witness --

15 THE WITNESS: [12:16:41](Interpretation) -- my son is working -- on which my son
16 is working, and Mr Dibert-Bekoy. I'm here as a witness. If you think that my
17 evidence is not credible, well, then you need to draw the relative deductions from that.
18 But I cannot accept suspicions bearing upon my credibility as a witness appearing
19 before the ICC. I cannot accept that and I would like to point that out very clearly.

20 PRESIDING JUDGE SAMBA: [12:17:19] Thank you very much, Mr Witness. I think
21 we have dealt with your practice. The question as to whether or not your son works
22 for the defence or for any defence team before the ICC is a question put by counsel,
23 and we'll appreciate an answer, whether it's a yes or no, and let's see where that leads
24 us. Then maybe we can look into your concerns that you are trying to raise now.
25 Can you kindly answer that question: Does your son Regis work for any -- with any

Trial Hearing
WITNESS: CAR-OTP-P-0291

(Open Session)

ICC-01/14-01/21

1 defence team before the Court? Thank you.

2 THE WITNESS: [12:17:53](Interpretation) Yes. Yes, I do confirm that, but we've
3 never talked about that case together.

4 PRESIDING JUDGE SAMBA: [12:18:05] Thank you very much.

5 THE WITNESS: [12:18:07] There are times when I even refuse to say hello to his
6 fellow workers who come to my legal practice. We avoid each other.

7 PRESIDING JUDGE SAMBA: [12:18:27] Thank you very much, Mr Witness.
8 You've answered the question.

9 Ms Naouri, please.

10 MS NAOURI: [12:18:31](Interpretation) My thanks, your Honour.

11 Q. [12:18:34] Right, well, you've answered my question.

12 Now I'd like to show you tab 70 in our list of materials, which bears the ERN

13 CAR-OTP-0003-6109, page 00002. This is an investigating report of the OTP.

14 This can be shown to the witness but not to the general public, and at the end of the
15 page, please, and it's written in English, so I will offer an unofficial translation.

16 What's of interest is 18 March -- here it is, yes, the last paragraph, thank you very
17 much.

18 So we see here that it is written:

19 "On 18/Mar/2021 an investigator called P-0291" -- that's your witness

20 pseudonym -- "to check on his welfare and to discuss logistics surrounding his

21 upcoming testimony. P-0291 advised that his son was a member of Yekatom's
22 Defence team."

23 Now, is this the first time that you speak to the OTP investigators to say that your son
24 is a member of a Defence team, and in particular Mr Yekatom's Defence team?

25 A. [12:20:27] Can you show me the French version, please?

Trial Hearing
WITNESS: CAR-OTP-P-0291

(Open Session)

ICC-01/14-01/21

1 Q. [12:20:32] There is no French version. These are the OTP staff that drafted this
2 document. I've told you what it says in French.

3 A. [12:20:40] Can you repeat the question?

4 Q. [12:20:42] Yes. On 18 March 2021, is it the first time, on that date, that you state
5 to the OPT that your son Regis works for a Defence team in the Yekatom
6 proceedings?

7 A. [12:20:56] I don't know whether that was the first time or the second, I can't
8 really know.

9 Q. [12:21:09] Have you published appeals for witnesses to come forward or
10 appealing for other interventions on behalf of the Yekatom Defence team over your
11 own social media?

12 A. [12:21:21] No, not at all.

13 Q. [12:21:23] Well, I'm going to show you some evidence. This is tab 92 in our list
14 of materials. This is CAR-D33-0014-0074.

15 Let me zoom in, please. This is a post emanating from your Twitter account. This
16 is 14 December 2019, and it's a link. And we can see the name in the link is a link to
17 an article entitled "The Defence of Yekatom appeal for witnesses to come forward".
18 This is indeed an extract from your Twitter account, Mr Witness; right?

19 A. [12:22:24] I can't see anything there.

20 Q. [12:22:29] Well, it's a screenshot of your Twitter account, sir, where we see that
21 the link has been posted, an internet link, and then you can click on it and this would
22 then lead you to an article. And if we look carefully at that link that leads to an
23 article, you'll see that it's leading to an article which says -- this is the penultimate line,
24 can you see -- "Yekatom Rombhot Defence calls for witnesses to come forward"?

25 A. [12:23:02] I've never asked witnesses to come forward in the Yekatom

Trial Hearing
WITNESS: CAR-OTP-P-0291

(Open Session)

ICC-01/14-01/21

1 proceedings, never.

2 Q. [12:23:13] Well, did you post that article on your Twitter account?

3 A. [12:23:16] Not at all, and I don't know why I would ever do such a thing. I'm
4 not Yekatom's Defence lawyer, nor that of Rombhot's. Why on earth would I ask
5 witnesses to come forward.

6 Q. [12:23:37] Very well. So this screenshot from your Twitter account doesn't
7 reflect reality, is that what I should understand?

8 A. [12:23:44] No, not at all.

9 Q. [12:23:56] All right. So, to be abundantly clear, I'll put to you 93 in our list of
10 materials, it's a public document, CAR-D33-0014-0146. It's a public document. This
11 is an article Radio Ndeke Luka, called Yekatom's Defence -- "Rombhot Defence calls
12 for witnesses to come forward", 13 December 2019.

13 I think we have zoomed in rather too much. There we are, you can see that it's Radio
14 Ndeke Luka.

15 Next page, please, 0145 is the next page.

16 All right, you can see the article here, the article that has the same title as that that we
17 saw on the Twitter account.

18 Does this jog your memory, Mr Witness? Have you already seen this article?

19 A. [12:25:07] Well, look, you can see this is Counsel Mylène Dimitri, lead counsel of
20 Alfred Yekatom Rombhot on 18 December. In what way am I involved in all this?

21 Q. [12:25:29] I'm not saying you are involved in this, Mr Witness. All I'm saying is
22 the title of this article tallies with the title of the article that we saw in your Twitter
23 account.

24 So I'm asking you: Have you already seen this article?

25 A. [12:25:38] I've never spoken about this on my Twitter account. Never.

Trial Hearing
WITNESS: CAR-OTP-P-0291

(Open Session)

ICC-01/14-01/21

1 Q. [12:25:44] Very well. Thank you, Mr Witness. This concludes my
2 cross-examination.

3 PRESIDING JUDGE SAMBA: [12:25:55] Thank you very much, Ms Naouri. Thank
4 you.

5 Now, can I turn to the Prosecution and ask whether you have questions, or any
6 question, in re-examination, please.

7 MS SARDACHTI: [12:26:12](Interpretation) We will have two brief questions, your
8 Honour.

9 PRESIDING JUDGE SAMBA: [12:26:15] Let us hear them please. Thank you.

10 QUESTIONED BY MS SARDACHTI: (Interpretation)

11 Q. [12:26:40] So, Mr Witness, yesterday the Defence showed you a number of
12 decrees asking you questions about the functions that were fulfilled by former
13 ministers. So I'm referring to CAR-OTP-2004-1597. That's for the record, I'll be
14 referring to that decree, and more specifically page 1605.

15 You've already seen this document on a number of occasions. And bullet 3, please,
16 of 1605, that particular page:

17 "State minister responsible for security, immigration, emigration and public order" --

18 A. [12:27:25] Please, this doesn't feature on my screen as yet.

19 COURT OFFICER: [12:27:29] (Overlapping speakers) Could counsel please give us a
20 tab number?

21 MS SARDACHTI: [12:27:31] Sorry, it is just to save time. This document is in the
22 Defence list of materials.

23 MS NAOURI: [12:27:55](Interpretation) Do forgive me, your Honour. We have a
24 question about relevance on our side because the redirect, to the best of our
25 knowledge, should go to matters raised in cross. But we haven't talked about

Trial Hearing
WITNESS: CAR-OTP-P-0291

(Open Session)

ICC-01/14-01/21

1 Nouradine Adam in our cross-examination, so I don't know why we would be raking
2 over Nouradine Adam when it wasn't mentioned at all in our cross.

3 PRESIDING JUDGE SAMBA: [12:28:07] But why don't you wait? Let's wait. You
4 haven't heard the question, Ms Naouri. Only reference is being made, so let's wait.
5 Are you helpful in respect of which tab number that you used yesterday?

6 MS NAOURI: [12:28:25](Interpretation) 58, if that can help. It's tab 58, if that
7 assists.

8 PRESIDING JUDGE SAMBA: [12:28:30] Thank you very much.

9 MS SARDACHTI: [12:28:39](Interpretation) So, Mr Witness, I'm referring to
10 page 1605 of this particular document that was shown to you yesterday on a number
11 of occasions, CAR-OTP-2004-1597. And here I read, bullet point 3 -- do you have it
12 before you, Mr Witness?

13 A. [12:28:57] Yes, I do.

14 Q. [12:28:59] "State minister responsible for security, immigration, emigration and
15 public order, Nouradine Adam".

16 So, to the best of your knowledge, Nouradine Adam, did he serve other governments
17 after holding this particular position?

18 A. [12:29:25] I don't think so.

19 Q. [12:29:26] And what about Mr Djotodia, did he serve in other governments after
20 his presidential mandate?

21 A. [12:29:36] I don't think so. He came to Bangui to campaign for the 2020
22 elections, but I don't think he held any official mission -- no, I think he was peace
23 ambassador or something like that, but I don't have the text.

24 Q. [12:30:09] Thank you, Mr Witness. Those were the two questions that we had.

25 MS NAOURI: [12:30:11] Madam President.

Trial Hearing
WITNESS: CAR-OTP-P-0291

(Open Session)

ICC-01/14-01/21

1 PRESIDING JUDGE SAMBA: [12:30:12] Okay. Thank you very much, Madam
2 Prosecutor.

3 Now, Mr Witness, we are almost there. We are almost at the end --

4 MS NAOURI: [12:30:20](Interpretation) Madam President, pardon.

5 PRESIDING JUDGE SAMBA: [12:30:22] Sorry.

6 MS NAOURI: [12:30:29] We have a small question following the redirect of the
7 Prosecutor.

8 PRESIDING JUDGE SAMBA: [12:30:46] All right, Ms Naouri, let's hear you.

9 MS NAOURI: [12:30:50] Thank you, Madam President.

10 QUESTIONED BY MS NAOURI: (Interpretation)

11 Q. [12:30:51] Mr Witness, after the Djotodia government and Bozizé, when you
12 were prime minister, you were never, ever a minister in another government; is that
13 correct?

14 A. [12:31:09] No.

15 PRESIDING JUDGE SAMBA: [12:31:14] Thank you very much. Thank you,
16 Ms Naouri, and thank you, Mr Witness. We are almost at the tail end of your
17 testimony.

18 We are going to put a few questions to you from the bench, so I'm going to ask my
19 colleague on my left, Judge Ugalde, to put a fee questions to you. Thank you.

20 JUDGE UGALDE: [12:31:39] Thank you, Madam President. Mr Witness, I am now
21 going to ask you some questions about Seleka.

22 In your interview with the United Nations Commission of Inquiry,

23 CAR-OTP-2045-0696, you said that Djotodia and Nouradine had only one objective, to
24 keep power, and in your testimony in the Yekatom and Ngaïssona case you indicated
25 that the Seleka were not willing to give/leave power in a context in which transition

Trial Hearing
WITNESS: CAR-OTP-P-0291

(Open Session)

ICC-01/14-01/21

1 was being considered.

2 For the record, the reference is to T-053, page 8.

3 THE WITNESS: [12:32:34](Interpretation) I cannot see it on the screen.

4 JUDGE UGALDE: [12:32:41] I'm not sure we can bring it up. I'm just reading to
5 you what we have. So, if you want, I can read it again. Let me read it again so you
6 can follow, and I will go slow.

7 So, once again, in your interview with the United Nations Commission of Inquiry,
8 CAR-OTP-2045-0696, you said that Djotodia and Nouradine had only one objective, to
9 keep power, and in your testimony in the Yekatom and Ngaïssona case, you indicated
10 that the Seleka were not willing to give/leave power in a context in which transition
11 was being considered.

12 So, for the record, the reference is to T-053, page 8.

13 So I'm just explaining to you what we understand you said.

14 So here is the question: How did the Seleka try to maintain power in CAR in 2013?
15 How did they try to hold on power? What were their actions? What were their
16 methods?

17 THE WITNESS: [12:34:17](Interpretation) When the Seleka took over power, there
18 was a lot of going back and forth relating to the duration of the transition. There
19 was no specific time limits for the transitional period, so it was necessary for the
20 international community to exercise pressure so as to limit the duration of the
21 transition to two years. So the end of the president's mandate would correspond to
22 the limit set in Brazzaville on 13 January 2011.

23 But, in practice - in practice, no decision was taken by Seleka on the organisation of
24 elections, and in the speeches made by Djotodia and his supporters, with religious
25 connotations, they were saying that Christians had been ruling the CAR since

Trial Hearing
WITNESS: CAR-OTP-P-0291

(Open Session)

ICC-01/14-01/21

1 independence up to 2013; they would need to have power for 50 years. So that was
2 in the public domain.

3 * There was no sign that would allow people to think that the Seleka would be
4 present for a limited amount of time. It did not stay for a long time, and left for
5 people to be democratically elected.

6 JUDGE UGALDE: [12:36:30] Thank you, Mr Witness.

7 Also in your testimony in the Yekatom and Ngaïssona case, you confirmed that the number
8 of Seleka combatants might have doubled or tripled between March 2013 and
9 November 2013.

10 For the record, this is at T-051, page 72. Here is the question, Mr Witness: Can you
11 explain why the numbers of Seleka would have increased to such an extent after they
12 have achieved their goal of removing Bozizé from power?

13 THE WITNESS: [12:37:27](Interpretation) To begin with, the numbers increased
14 even before their arrival in power. Initially, after the creation of the Seleka coalition,
15 they started to launch their offensive from the north, but as they descended upon
16 Bangui, the numbers increased. So there were all sorts of fighters who joined along
17 the way to fight alongside the Seleka, whose initial numbers had increased by the
18 time they reached Bangui.

19 Now, upon their arrival in Bangui, there were other people who claimed to be Seleka,
20 and Djotodia and his generals had no way of controlling or determining whether
21 these were their fighters or not. This is a fact that was recognised by Djotodia, and
22 he made public statements in which he acknowledged that it was difficult to provide
23 a precise number of people belonging to the Seleka coalition.

24 JUDGE UGALDE: [12:39:02] Thank you, Mr Witness. I'm going to ask you now
25 about Nouradine Adam. You testified in the Yekatom and Ngaïssona case that, and

Trial Hearing
WITNESS: CAR-OTP-P-0291

(Open Session)

ICC-01/14-01/21

1 I quote:

2 "[...] at one point Djotodia did not control the entire Seleka [...] at one point Nouradine
3 Adam was the most formidable leader of the Seleka."

4 End quote.

5 For the record, this is a reference to transcript 52, from the Yekatom and Ngaïssona
6 case, page 8.

7 So here are the questions: Could you tell us at what pointed in time Nouradine
8 Adam exercised more control than Djotodia over the Seleka?

9 THE WITNESS: [12:40:12](Interpretation) It was during the period when they
10 arrived in Bangui right up to their departure in January 2014.

11 JUDGE UGALDE: [12:40:27] Thank you, Mr Witness.

12 To your knowledge, where were the Seleka under Nouradine Adam's control based?

13 So where -- fundamentally Adam would have control over the Seleka, where were
14 they quartered or based? Do you recall this?

15 THE WITNESS: [12:41:02](Interpretation) I had already told you that within the
16 Seleka there were several factions, armed factions. Nouradine Adam was in control
17 of the largest group in terms of numbers, and also the most important fighting group.
18 So I can say that he had -- Djotodia had political influence, whereas Nouradine had
19 military influence over the troops; so he was even feared by Djotodia, if I can put it
20 that way.

21 JUDGE UGALDE: [12:42:01] Thank you, Mr Witness.

22 You testified that the Seleka committed crimes against the civilian population
23 wherever they went. This is reference to transcript 52 from the Yekatom and
24 Ngaïssona case at page 50.

25 Do you have information about crimes committed by Seleka elements under the

Trial Hearing
WITNESS: CAR-OTP-P-0291

(Open Session)

ICC-01/14-01/21

1 control of Nouradine? And what I mean to say is do you know what were the
2 crimes and how do you get to know how those crimes were committed?

3 THE WITNESS: [12:42:46](Interpretation) The crimes were perpetrated ever since
4 the beginning of the military confrontation between the Seleka and the Central
5 African armed forces, not only in Bangui, but in the provinces. Right up to the time
6 they took power, exactions were happening everywhere and they were public.
7 Now, regarding his individual personal liability, I cannot tell you on which day
8 which element, which leader, was responsible, but as leaders they are, or should be,
9 liable for crimes or offences perpetrated by their subordinates.

10 JUDGE UGALDE: [12:43:52] Thank you, Mr Witness. Perhaps I did not explain
11 myself correctly.

12 The question is: Do you know what sort of crimes were reported to have been
13 committed by the Seleka? What were these crimes, and how do you get to know -- I
14 mean, who reported to you that these crimes were being committed?

15 THE WITNESS: [12:44:21](Interpretation) With regard to the nature of crimes, you
16 had cases of murder and pillaging, basically, and then there was the case of villages
17 that were set on fire. I'm not in a position to tell you that it was such and such a
18 person who gave me that information. These are facts that are known by everyone
19 in the public domain and given that there were victims who complained to me, either
20 by phone or by other means -- because people called me by telephone saying that
21 crimes had been committed in such and such a neighbourhood and that those crimes
22 had been committed by Seleka fighters.

23 JUDGE UGALDE: [12:45:34] Thank you, Mr Witness.

24 Now, when these crimes were reported to you, I believe you said earlier that you
25 had - or in your statement, actually - you said that you had brought up the

Trial Hearing
WITNESS: CAR-OTP-P-0291

(Open Session)

ICC-01/14-01/21

1 commission of these crimes to Djotodia. Do you also bring about the commission of
2 these crimes to Mr Adam? So at any point of time did you have a conversation with
3 Mr Adam where you bring about the fact that there were these reports about the
4 commission of these crimes?

5 THE WITNESS: [12:46:19](Interpretation) I did not discuss it with Nouradine Adam,
6 because having access to him was quite difficult. He took a position according to
7 which he reported only to Djotodia. He had his elements with him and he felt that
8 he was all powerful, so my authority was not respected by him in any way. So I
9 discussed with Djotodia, but not with Adam, and Djotodia himself, according to what
10 he himself said, was overwhelmed by the events.

11 JUDGE UGALDE: [12:47:20] Thank you, Mr Witness.

12 Now, there is evidence before the Chamber to the effect that Nouradine Adam was
13 appointed minister of public security in early 2013 - actually, this is the very last piece
14 of evidence that we just heard - but he was replaced later in August 2013 by a
15 gentleman called -- surname Binoua. Can you confirm this is the case, that Mr Adam
16 was indeed replaced by Binoua in August 2013?

17 THE WITNESS: [12:48:11](Interpretation) That is correct, he was replaced by
18 Mr Binoua, but it seems to me that at the same time, he was appointed to a post of
19 responsibility. I believe that he was the officer in charge of CEDAD.

20 JUDGE UGALDE: [12:48:33] Thank you, Mr Witness.

21 Who took the decision to replace Nouradine Adam as minister of public security?

22 THE WITNESS: [12:48:49](Interpretation) It was a decision that came from Djotodia,
23 because the procedure for appointments in the government followed a certain
24 number of criteria. Each entity proposed names of personalities to be included in the
25 government. For example, as the head of the opposition, I would propose names of

Trial Hearing
WITNESS: CAR-OTP-P-0291

(Open Session)

ICC-01/14-01/21

1 personalities belonging to the opposition. Seleka did the same thing, so when it
2 came to dismissals and appointments by the Seleka, it was the exclusive domain of
3 Djotodia.

4 JUDGE UGALDE: [12:49:43] Thank you, Mr Witness.

5 Do you know why Djotodia decided to replace Nouradine Adam, to remove him
6 from the post of minister of public security? Do you know the reason?

7 THE WITNESS: [12:50:00](Interpretation) I do not know the reasons why.

8 JUDGE UGALDE: [12:50:11] Thank you.

9 What would you know was the impact, if there is any impact, the replacement of
10 Nouradine Adam had on his status with the Seleka? So, what I mean to say is when
11 he was replaced - and now you testified that he was given another post - the question
12 is did this affect his position within the Seleka?

13 THE WITNESS: [12:50:53](Interpretation) I do not think so. I do not think that it
14 undermined his powers within the Seleka. As a military chief, he remains someone
15 who was pivotal in the organisation of the Seleka.

16 JUDGE UGALDE: [12:51:26] Thank you, Mr Witness.

17 Madam President, I have no further questions.

18 PRESIDING JUDGE SAMBA: [12:51:30] Thank you very much, Judge Ugalde.

19 Judge Socorro Flores.

20 JUDGE UGALDE: [12:51:43] Sorry.

21 PRESIDING JUDGE SAMBA: [12:51:43] Yes, Mr Witness.

22 THE WITNESS: [12:51:45](Interpretation) I'm sorry, Madam President, to disturb
23 you once again. I would like to take a short break of two minutes.

24 PRESIDING JUDGE SAMBA: [12:51:53] Yes, certainly, please do. We'll wait for
25 you, thank you.

Trial Hearing
WITNESS: CAR-OTP-P-0291

(Open Session)

ICC-01/14-01/21

1 THE WITNESS: [12:51:57] Thank you.

2 (The witness exits the courtroom)

3 (Pause in proceedings)

4 (The witness enters the courtroom)

5 THE WITNESS: [12:54:14](Interpretation) Thank you.

6 PRESIDING JUDGE SAMBA: [12:54:15] My pleasure. I'm going to ask Judge

7 Socorro Flores to put questions to you.

8 Judge Flores, please.

9 JUDGE FLORES LIERA: [12:54:25] Thank you. Thank you very much,

10 Madam President.

11 Mr Witness, I'm going to pose some questions to you regarding the Anti-Balaka.

12 You testified in the Yekatom and Ngaïssona trial, and I'm referring to transcript

13 number 51, that the Anti-Balaka were a group of persons opposed to the Seleka

14 because of the acts of violence that were committed against non-Muslims.

15 So, my question is: To your knowledge, when did this group start to form?

16 THE WITNESS: [12:54:59](Interpretation) I do not have a precise date for when they

17 were created, but the first incident that made it possible to realise their existence was

18 the attack against Seleka on 5 December 2013, but I believe that they were created

19 well before December 2013.

20 THE INTERPRETER: [12:55:50] Microphone.

21 JUDGE FLORES LIERA: [12:55:52] Do you know who was behind the organisation

22 of these groups?

23 THE WITNESS: [12:55:58](Interpretation) No, I do not know the main instigators or

24 creators of that group, but there were people who claimed to belong to these groups.

25 JUDGE FLORES LIERA: [12:56:05] Thank you, Mr Witness.

Trial Hearing
WITNESS: CAR-OTP-P-0291

(Open Session)

ICC-01/14-01/21

1 Do you know if Bozizé was involved with the Anti-Balaka?

2 THE WITNESS: [12:56:20] There was an audio message that he had sent to
3 encourage the Anti-Balaka, and that audio message was circulated widely. I believe
4 even at the Court, or in the OTP, that video is certainly available -- that audio is
5 available.

6 JUDGE FLORES LIERA: [12:57:12] Thank you, Mr Witness.

7 Also in your testimony in the Yekatom and Ngaïssona, and also here yesterday, you
8 mentioned that you participated in security meetings on a weekly basis, and that the
9 situation -- and that the security situation of the Anti-Balaka was mentioned. I'm
10 referring in particular to the Yekatom and Ngaïssona trial, transcript number 51.

11 Do you know when in these meetings the situation of the Anti-Balaka was presented?
12 In these meetings, was it discussed?

13 THE WITNESS: [12:57:52](Interpretation) I do not recall precisely when the
14 Anti-Balaka issues were discussed in the course of those meetings.

15 JUDGE FLORES LIERA: [12:58:13] Thank you. Thank you very much, witness.
16 So now I'm going to ask you one question about the OCRB. What do you know
17 about the OCRB between April and August 2013? Can you share with us any
18 information you may have?

19 THE WITNESS: [12:58:38](Interpretation) Between the months of August -- I did not
20 quite get you.

21 JUDGE FLORES LIERA: [12:58:44] Between April and August 2013.

22 THE WITNESS: [12:58:51](Interpretation) Between April and August 2013, I do not
23 have any precise knowledge relating to the OCRB.

24 JUDGE FLORES LIERA: [12:59:06] Thank you, very much, Mr Witness. I have no
25 more questions.

Trial Hearing
WITNESS: CAR-OTP-P-0291

(Open Session)

ICC-01/14-01/21

1 THE WITNESS: [12:59:14](Interpretation) Thank you.

2 PRESIDING JUDGE SAMBA: [12:59:14] So, thank you very much, Judge Flores.

3 Mr Witness, I want to ask you questions regarding the FOMAC that you referred to in
4 your prior recorded testimony and their role, particularly so in 2013.

5 In your prior recorded testimony, you mentioned the FOMAC and their role when the
6 Seleka crossed the Damara line. I want to know how the FOMAC came to be in the
7 Central African Republic in early 2013, if you could help us, as you said in your
8 statement.

9 THE WITNESS: [13:00:17](Interpretation) FOMAC was set up -- I cannot recall the
10 precise date of their arrival in the CAR, but it was a military force made up of soldiers
11 from Central African countries from Gabon, Cameroon, Congo and Chad. However,
12 they did not have sufficient operational capacity to ensure stability in the country,
13 and after the arrival of Seleka, they set up another structure called MISAB.

14 PRESIDING JUDGE SAMBA: [13:01:16] Okay, thank you very much.

15 Do you know whether they stayed in the CAR till the end of 2013, though? The
16 FOMAC, did they stay in the CAR until the end of 2013, do you know?

17 THE WITNESS: [13:01:32](Interpretation) The FOMAC was absorbed by the MISAB.
18 So the elements that stayed integrated the new entity called MISAB in 2013.

19 Therefore, the MISAB forces were present in the Central African Republic until the
20 arrival of the Sangaris in December 2013. And it was when the MINUSCA arrived
21 that MISAB left.

22 PRESIDING JUDGE SAMBA: [13:02:18] Okay. What were the activities of FOMAC,
23 though, during their -- before it was transformed into MISAB? What were their
24 activities in 2013 in the Central African Republic -- maybe between March and
25 September 2013, what were their activities?

Trial Hearing
WITNESS: CAR-OTP-P-0291

(Open Session)

ICC-01/14-01/21

1 THE WITNESS: [13:02:45](Interpretation) As I said, their activities consisted in an
2 interposition, if you will, between the Seleka on one side and the government troops
3 on the other, to provide the country with stability, but I think that structure wasn't
4 man enough for the task that had been entrusted to it because of the inadequacy of
5 military, financial and logistical resources.

6 PRESIDING JUDGE SAMBA: [13:03:22] Thank you very much, Mr Witness.

7 Judge Flores has one more question for you, thank you.

8 JUDGE FLORES LIERA: [13:03:28] Yes. Thank you, Mr Witness, I am sorry, I have
9 not the transcript in front of me, so I didn't follow up on a question on the basis of
10 your response.

11 So, when I ask you about discussions in security meetings of the situation of the
12 Anti-Balaka, of course I'm not asking you for a specific date, but I would like to know
13 in general what kind of information was discussed -- was presented to those meetings
14 regarding the Anti-Balaka? So, do you recall any information being brought in
15 general to your recollection?

16 THE WITNESS: [13:04:19](Interpretation) Well, you'll appreciate it's a while ago
17 now, more than 10 years, so I really don't have a really accurate memory of this. The
18 only memory that really made an impression on me is that from 5 December we
19 learned that there was infiltration of Anti-Balaka in Bangui and were going to attack
20 the Seleka. This matter was discussed in a meeting in the National Security Council.
21 And what I could add is that we have a national festival that occurs every
22 1 December - 1 December is the proclamation of the independence of the Central
23 African Republic - and in that festival there is political parties and military and
24 associations, they march. The information that reached us was such that the
25 Anti-Balaka elements were readying themselves to attack on that day, the day of that

Trial Hearing
WITNESS: CAR-OTP-P-0291

(Open Session)

ICC-01/14-01/21

1 national festival. The information was -- this information was confirmed, in actual
2 fact, by the head of state of Central African Republic, and it was asked of us to cancel
3 the festivities. So on 1 December we didn't actually mark or celebrate, if you will, we
4 didn't commemorate the independence of the Central African Republic being
5 proclaimed and it was only a few days after, on 5 December, that they ultimately
6 attacked the Seleka positions.

7 JUDGE FLORES LIERA: [13:06:04] (Microphone not activated).

8 THE INTERPRETER: [13:06:08] Microphone, please.

9 JUDGE FLORES LIERA: [13:06:10] Sorry. I forget the microphone.

10 You have mentioned now the attack on 5 December, and I want to ask you, are you
11 aware of any armed confrontations between the Anti-Balaka and the Seleka between
12 March and September 2013?

13 THE WITNESS: [13:06:38](Interpretation) No, I wasn't informed of that.

14 JUDGE FLORES LIERA: [13:06:40](Microphone not activated).

15 THE WITNESS: [13:06:45](Interpretation) Do forgive me.

16 In the provinces, the Anti-Balaka had organised themselves and, as the response,
17 attacked the Muslims. So there were reprisals in the provinces which prompted me
18 to go to Bossangoa to offer assistance to the Muslims who had been attacked and who
19 had found themselves in the archbishopric with the Bossangoa's priests. So how can
20 I put it? It was an organised attack, or several organised attacks in a number of
21 towns across the CAR where the Anti-Balaka in their turn attacked the Muslims. So,
22 at a given point in time we found ourselves in a set of circumstances under which
23 certain cities, like Bouca, where there was no Muslims at all because they'd had to flee
24 to seek shelter and refuge elsewhere.

25 So, do forgive me, but I think that was an important that had slipped my mind. So

Trial Hearing
WITNESS: CAR-OTP-P-0291

(Open Session)

ICC-01/14-01/21

1 well before 5 December there were indeed attacks directed against Muslims in a
2 number of CAR towns.

3 JUDGE FLORES LIERA: [13:08:10] Thank you very much for these important
4 additions. Do you have an idea on the timing, when these attacks happened, if you
5 recall? Not specifically the date, but the time.

6 THE WITNESS: [13:08:32](Interpretation) I think it was -- it was from August, the
7 month of August. August, September.

8 JUDGE FLORES LIERA: [13:08:45](Interpretation) Thank you very much,
9 Mr Witness. I have no further questions.

10 THE WITNESS: [13:08:55](Interpretation) Thank you.

11 PRESIDING JUDGE SAMBA: [13:09:00] Thank you very much, Judge Ugalde and
12 Judge Flores.

13 Ms Naouri, do you have any questions for this witness?

14 MS NAOURI: [13:09:07](Interpretation) I have no questions in re-examination, your
15 Honour. Thanks very much.

16 PRESIDING JUDGE SAMBA: [13:09:17] Thank you very much.

17 Now, Mr Witness, we are very, very grateful for your time and for helping us in our
18 search for the truth as to what happened in the CAR during the period covered by the
19 document containing the charges.

20 On behalf of the Chamber, I wish you well in your future endeavours. We do wish
21 you safe travel and good luck in all that you do.

22 Thank you very much.

23 THE WITNESS: [13:09:52](Interpretation) Thank you. I thank you very much in
24 turn. I'm delighted to have been able to offer my modest contribution to make sure
25 that the truth comes to light and I remain at the Court's avail should you need me

Trial Hearing
WITNESS: CAR-OTP-P-0291

(Open Session)

ICC-01/14-01/21

1 further.

2 I'd like to thank you for the serenity of our exchanges. I have also learned a number
3 of things by being part of these proceedings.

4 I'd like to thank the Chamber, the Office of the Prosecutor, the Defence, and I'd also
5 like to thank the Victims -- is that right? Yes. So, yes, I would like to thank you as
6 well.

7 Thank you very much.

8 (The witness is excused)

9 PRESIDING JUDGE SAMBA: [13:10:34] Thank you.

10 Just for us to be guided by the Prosecution, I think we meet again on Monday so that
11 we continue with these trials.

12 Am I correct, Ms Makwaia?

13 MS MAKWAIA: [13:10:43] That's correct, Madam President, we will present P-2504
14 on Monday.

15 PRESIDING JUDGE SAMBA: [13:10:51] Thank you so much.

16 I'm going to rise the Court and ask that you come again here on Monday at 9.30, and I
17 wish all of you a happy weekend.

18 THE COURT USHER: [13:10:58] All rise.

19 (The hearing ends in open session at 1.10 p.m.)

20 CORRECTIONS REPORT

21 The following interpretation corrections, marked with an asterisk *, are brought into
22 the transcript.

23 Page 4 line 6-8:

24 "We need to have a certain responsibility. Which country?

25 Lots of people. And former rebellious individuals undisciplined. There can also be

Trial Hearing
WITNESS: CAR-OTP-P-0291

(Open Session)

ICC-01/14-01/21

1 malfeasance, people who have taken weapons and that are pillaging, and that are
2 going -- bypassing Seleka elements.""

3 is corrected to:

4 "We need to establish a certain responsibility. Who is pillaging, precisely?

5 Lots of people. Former undisciplined rebels are pillaging. There are also thugs,
6 people who have taken weapons and who are pillaging, and pretending they are
7 Seleka elements.""

8 Page 7 line 13-15:

9 "Shortly after the arrival of the Seleka into Bangui, President Djotodia invited all the
10 mayors and the neighbourhood chiefs in Bangui to the Palais de la Renaissance for a
11 meeting to unveil who featured in the new government."

12 is corrected to:

13 "Shortly after the arrival of the Seleka into Bangui, President Djotodia invited all the
14 mayors and the neighbourhood chiefs in Bangui to the Palais de la Renaissance for a
15 meeting, to be presented to the new government."

16 Page 10 line 3-7:

17 "it's important to lay down the approaches and proposals in order to help political
18 figures and Central African civil society to equip themselves properly to restore the
19 constitutional order and open fresh avenues -- fresh prospects for the country in
20 terms of security, unity and national reconciliation"

21 is corrected to:

22 "It's important to bind to it our approaches and proposals in order to help political
23 figures and Central African civil society to equip themselves with the necessary tools
24 to restore the constitutional order and open fresh prospects for the country in terms of
25 security, unity and national reconciliation"

Trial Hearing
WITNESS: CAR-OTP-P-0291

(Open Session)

ICC-01/14-01/21

1 Page 13 line 17-19:

2 " A. [10:03:31] It is important to point out, after the adoption of the
3 transitional council, before that, it was President Djotodia who appointed after
4 proposals from the prime minister. But this decree, I did not sign."
5 is corrected to:

6 " A. [10:03:31] It is important to point that out, because after the adoption of the
7 constitutional charter for the transition, the Prime minister's counter-signature would
8 appear. But before that, it was President Djotodia who appointed the individuals, of
9 course sometimes following proposals from the prime minister. But this decree, I did
10 not countersign it, so there are some individuals in it I don't know of."

11 Page 14 line 21-24:

12 "A. [10:07:13] I do not know. It is possible that he was a member of Bozize's party,
13 but today he is a member of the presidential party.

14 Q. [10:07:34] The presidential party.

15 Do you know who is the minister of decentralisation and territorial development
16 today?"

17 is corrected to:

18 "A. [10:07:13] I do not know. It is possible that he was a member of Bozize's party, but
19 today he is a member of the presidential party, the MCU.

20 Q. [10:07:34] Ok, so he is in the presidential party. Do you know he is the minister for
21 territorial administration, decentralization and territorial development today?"

22 Page 24 line 20-21:

23 " A. [10:37:47] It was only two months because 25 billion meant that we could pay
24 for a number of months for salaries and pensions"

25 is corrected to:

Trial Hearing
WITNESS: CAR-OTP-P-0291

(Open Session)

ICC-01/14-01/21

" A. [10:37:47] It was more than two months because 25 billion meant that we could pay for a number of months' worth of salaries, grants and pensions"

Page 30 line 6-7:

"and we see the national transitional council has deliberated and adopts the head of state for the transition, promulgates the law whose tenor follows"

is corrected to:

"And we see the national transitional council has deliberated and adopts ... sorry...

The Head of the State for the transition enacts the law whose contents are as follows"

Page 33 line 7-12:

" A. [10:57:52] Well, as the name suggests, it was a technical committee. Because there were foreign powers on the Central African territory and there was also the MISCA, a coordination body had to be established among the Central African entities and the international forces based in Central African territory."

is corrected to:

" A. [10:57:52] Well, as the name suggests, it was a technical committee. Because there were foreign powers on the Central African territory and there was the MISCA, namely the International Support Mission to the Central African Republic and the French force Sangaris. A coordination body had to be established among the Central African authorities and the international forces based in the Central African territory."

Page 39 line 22-24:

"Now, if I understand correctly, you were still a leader of the CRPS in 2020, that is your political party. Who were the other members of the coalition -- that is, at the time of the creation of the democratic opposition?"

is corrected to:

"Now, if I understand correctly, you were still leader of the CRPS in 2020, that is your

Trial Hearing
WITNESS: CAR-OTP-P-0291

(Open Session)

ICC-01/14-01/21

1 political party. Which were the other opposition parties when the COD-2020 - the
2 Coalition of the democratic opposition - was created?"

3 Page 40 line 1-4:

4 "There was the RCA of Anicet-Georges; there was the KNK of Bozizé; the BTK of
5 Kamoun; the ND of Adouma Raymond; the PNCN of Gonda Cyriaque; Kelemba of
6 Zingas; the RPR of Ferdinande Alexandre Nguendet, and many others that I no
7 longer remember."

8 is corrected to:

9 "There was the URCA of Anicet-Georges Dologuélé; there was the KNK of Bozizé; the
10 BTK of Kamoun; the MDI of Adouma Raymond; the PNCN of Gonda Cyriaque and
11 Kelemba of Zingas; the RPR of Ferdinand Alexandre Nguendet, and many others that
12 I no longer remember."

13 Page 40 line 8-9:

14 "As you can see, this is a newspaper article. Entitled "CAR: COD-2020 and François
15 Bozizé were able to hold a rally in Bangui"."

16 is corrected to:

17 "As you can see, this is a newspaper article from RFI dated 25 November 2020.
18 Entitled "CAR: COD-2020 and François Bozizé were able to hold a rally in Bangui"."

19 Page 40 line 24:

20 "Now, can you explain to us why François Bozizé, as a spokesperson of --"

21 is corrected to:

22 "President Touadéra is expected this Wednesday in Bossangoa, place of origin of
23 Bozize, in order to commemorate World Food Day". End of quote.

24 Now, can you explain to us how you collaborate with François Bozizé, you as a
25 spokesperson of the COD and he, at that time, as President?"

Trial Hearing
WITNESS: CAR-OTP-P-0291

(Open Session)

ICC-01/14-01/21

1 Page 41 line 8-9:

2 "And I can see here CAR-OTP-00001094, page -- lines 12 to 14, this issue is dealt with
3 here."

4 is corrected to:

5 "And I can see here CAR-OTP-00001094, page -- lines 12 to 14, this issue is dealt with
6 here. It is a theme that was raised in his prior recorded testimony, so we have the
7 right to revisit it, firstly."

8 Page 41 line 13-20:

9 "Now, the witness is -- yes, he was a representative of the opposition and he was the
10 prime minister of the opposition. This document with François Bozizé is part of the
11 reason for the creation of the Seleka, so it is important.

12 It's an issue of credibility. Once again, we asked to meet with the witness during the
13 investigation and the witness refused to meet us, and it is his right to do so, so we
14 have the right to ask questions about his collaboration with François Bozizé today in
15 the courtroom, relating to his collaboration, and it does not necessarily have to have
16 been raised during the questioning in chief."

17 is corrected to:

18 "Now, the witness is, among things, here because he was a representative of the
19 opposition. He became prime minister of the opposition. His relations today with
20 François Bozizé - which, according to the testimony we have heard - is one of the
21 reasons the Seleka was created-- is important. It's an issue of credibility and
22 motivation. These are normal questions, they are investigative questions. Once again,
23 we asked to meet with the witness during the investigation, in accordance with
24 existing protocols, and the witness chose not to meet us, which is his right. But we
25 have the right to ask questions that shed light on his relations - still today - with

Trial Hearing
WITNESS: CAR-OTP-P-0291

(Open Session)

ICC-01/14-01/21

1 François Bozizé. These are essential credibility questions, and, once again, addressed
2 in his prior recorded testimony. So we have the right to ask a few follow-up questions.
3 Also, it is not the core part of our cross-examination."
4 Page 57 line 3-4:
5 "There was no written commitment by Seleka to limit its duration of the transition to
6 any particular period before the elections"
7 is corrected to:
8 "There was no sign that would allow people to think that the Seleka would be present
9 for a limited amount of time. It did not stay for a long time, and left for people to be
10 democratically elected."